

REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

December 9, 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
Gary Osborn, Member – District 2
Julie DeLorenzo, Vice Chair – District 3
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

Member Dwight Horsch, District 5, was absent.

Safety Share. District 4 Engineer Jesse Barrus, chair of the department's Strategic Safety Team, presented the team's focus goals for 2022 and how they tie into the department's Strategic Plan. The emphasis is on building a positive culture framework that promotes good behavioral habits.

Chairman Moad thanked DE4 Barrus for the important message.

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

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

January 13, 2022 – Boise, HQ	February 17, 2022 – Boise, HQ
March 23 & 24, 2022 – Shoshone	April 20 & 21, 2022 – Pocatello
May 18 & 19, 2022 – Idaho Falls	June 15 & 16, 2022 – Boise, District 3
July 20 & 21, 2022 – Lewiston	August 17 & 18, 2022 – Coeur d'Alene

Consent Items. Vice Chair 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-
ITB21-75 explanatory items that can be approved in one motion; and

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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 delay of the Kidd Creek Stream environmental monitoring project from FY21 to FY22 in the approved FY21-27 ITIP and contracts for award.

1) Delay the Kidd Creek Stream Environmental Monitoring Project. Staff requests approval to delay the Kidd Creek Stream mitigation environmental monitoring project from FY21 to FY22 in the approved FY21 - 27 Idaho Transportation Investment Program (ITIP). The total project cost is \$50,000. There was a delay with the State and Local Agreement preventing the project to be obligated in FY21. Therefore, the Local Highway Technical Assistance Council (LHTAC) and the project sponsors request the project be delayed to FY22 in the program.

2) Contracts for Award. The low bids on the following projects were more than ten percent over the engineer's estimate, requiring justification. On key #20623, SH-46, Big Wood River Bridge, District 4, the differences between the low bid and engineer's estimate were mainly in mobilization, survey and superpave. On key #20491, I-90, FY22, bridge repair, District 1, the differences between the low bid and engineer's estimate were mainly in painting structural steel, bridge wrap bent piles, and epoxy overlay. On key #19960, US-93, Blue Lakes Blvd, Poleline Road to Perrine Bridge, District 4, the differences between the low bid and engineer's estimate were mainly in traffic signal installation, superpave, and mobilization. On Key#s 20109, 20483 and 21997, 6th Street pedestrian improvements, LHTAC (2), the differences between the low bid and engineer's estimate were mainly in illumination and mobilization. The engineer's estimate were developed using the average bid costs of previous projects in the area and assumed price increases. The District and LHTAC do not believe re-advertising the projects would result in lower bids, and recommends awarding the contracts. Low bidder, for key #20623: Cannon Builders Inc. - \$2,530,799.50; key #20491: CL Hellman Company Inc. - \$2,187,656.20; key #19960: Staker & Parson Companies - \$2,866,374; and key #s20109, 20483, and 21997: Motley-Motley Inc. - \$1,439,145.90.

Informational Items.

1) Contract Awards and Advertisements. Key #20676, SH-200, Pack River to Trestle Creek, District 1. Low bidder: Poe Asphalt Paving Inc. - \$1,084,937.00.

Key #20446, US-95, Cocolalla Loop Road to Westmond Road, District 1. Low bidder: Poe Asphalt Paving Inc. - \$1,359,481.97.

Key #21991, Prairie Avenue & Idaho Road, Post Falls, LHTAC (1). Low bidder: LaRiviere Inc. - \$915,463.33.

Key #9294, US-95, Thorn Creek Road to Moscow, PH 1, District 2. Low bidder: M.A. DeAtley Construction Inc. - \$57,633,453.85.

Key #23350, I-90, Mullan to Montana State Line, District 1, fixed price variable quantity project. High bid: Railco LLC. - 6462.50 FT.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From October 26 through November 12, 2021, 14 new professional services agreements and work tasks were processed, totaling \$9,887,290. One supplemental agreement to existing professional services agreement was processed during this period in the amount of \$45,160.

3) Outdoor Advertising Annual Report. The ITD Outdoor Advertising Program is charged with monitoring, controlling, or causing to be controlled, advertising signs in areas adjacent to the Interstate System, Primary Highways, and the NHS (National Highway System) roads within the State of Idaho. The controlling of these signs consists of the following primary functions: 1) Maintaining an inventory of all outdoor advertising signs along the highway systems, including the State's NHS routes; 2) Issuing permits and identification tags for signs erected prior to the effective date of the state's outdoor advertising control agreement and for signs legally erected; and 3) Removing, or causing to be removed, any signs not legally erected or maintained. There were 12 new outdoor advertising sign applications processed in 2021, of which, 11 were approved and one denied for a total of 1,197 signs statewide.

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

5) State FY22 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 13.4% as of October 31. Receipts from the Highway Distribution Account were \$12.1 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 43%, or \$426,000. The Department's expenditures were within planned budgets. Personnel costs had savings of \$1.7 million or 3.9% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$174.4 million for July through October.

The balance of the long-term investments was \$112.7 million at the end of October. These funds are obligated against construction projects and encumbrances. The cash balance was \$154.7 million. Expenditures in the Strategic Initiatives Program Fund through the end of October were \$0.9 million. Additional receipts include interest earned of \$69,000 based on the cash balance. Deposits into the Transportation Expansion and Congestion Mitigation Fund of \$9.1 million is the fourth month of the new 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund were \$7.3 million year to date. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$865,000 year to date.

6) Monthly Reporting of Federal Formula Program Funding through November. 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. Another extension to the FAST Act through December 3, 2021 was passed on October 28, 2021, and a new 5-year transportation act called the Infrastructure Investment and Jobs Act was signed into law on November 15, 2021. No new apportionments or obligation authority have been received. As of October 31, 2021, \$70.0 million was allocated with \$22.8 million remaining program funding as of November 24, 2021.

Director's Annual Report. Director Ness began his annual report by sharing a video summarizing the department's budget, strategic plan, culture changes, performance measures, workforce efficiencies. He also presented his 2021 highlights, which included the updated strategic plan, 2021 legislative session, summer construction, DMV modernization, his retirement announcement, and national awards received by ITD.

To highlight, Director Ness reported the department's strategic plan has a new focus on employees to enhance their employee experience. During the legislative session, the legislature passed a \$126 million one-time investment in transportation - \$4 million for community airports; \$2 million for rail safety; \$2 million to child pedestrian safety, \$118 million balance split (60/40) between ITD and local agencies; and ITD received \$71 million. The passage of HB362 increased the percentage of sales tax from 1% to 4.5% and guarantees \$80 million annually to ITD with an option to bond up to \$1.6 billion. Three summer construction projects on US-95 - Granite Hill, Long Bridge, and Culdesac Canyon were highlighted. Along with the SH-44/Eagle Road, I-84 - Twin Falls to Jerome, US-91 - Shelley to York, and I-15 and US-20 ramp modification projects.

Director Ness reported ITD saved \$15.5 million in the latest GARVEE refinancing. As a result of the DMV modernization that began in 2015, ITD has fully automated online transactions and better customer service. He was pleased to share the national awards received by department staff from the American Association of Motor Vehicle Administrators (AAMVA) for DMV's Skip the Trip online portal; 2021 Western Snow & Ice National Title; and three American Association of State Highway and Transportation Officials (AASHTO) President's Awards. 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 – Building Wildlife Sanctuaries, US-20; District 3 for Highway Traffic Safety – I-84; and District 1 for Highways – Pennsylvania Avenue, I-90.

Director Ness thanked employees for the great work achieved during his tenure. He believes CD Stokes will continue the legacies built and keep goals moving forward. CD Stokes added, during the Associated General Contractor's event the previous evening, Director Ness received AGC's most prestigious honor – the Skill, Integrity and Responsibility (SIR) award.

Chairman Moad thanked Director Ness for his service and report.

FY23 Revision #1A Appropriation Request. Financial Manager Chris Bray presented an overview of the department's FY23 budget request that includes spending authority for the estimated federal funding increase in the Infrastructure Investment and Jobs Act (IIJA). It includes \$128.5 million in Line items: \$124.9 million for contract construction and right-of-way;

\$3.3 million for public transportation; and \$300,000 for administration. The revised FY23 total program funding is \$907,170.200. He also reported pending actions that need to occur by congress; such as, raising the debt ceiling, appropriations, and continuing resolutions.

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

RES. NO. WHEREAS, the FY23 Department Budget Request is prepared in
ITB21-76 accordance with instructions in the Division of Financial Management's Budget Development Manual; and

WHEREAS, the original budget submission was reviewed and approved by the Board on August 18, 2021; and

WHEREAS, additional updates have been made to the budget request and are reflected in the Revision #1 submission on October 22, 2021; and

WHEREAS, the federal Infrastructure Investment and Jobs Act was signed by President Biden on November 15, 2021, after the October 22, 2021, Revision #1 budget request was submitted; and

WHEREAS, an update to the Revision #1 submission, now entitled Revision 1A, is required to allow for the use of federal funds in the coming year as they may become available; and

WHEREAS, the Board has reviewed the Proposed FY23 Budget Request Revision 1A Summary.

NOW, THEREFORE BE IT RESOLVED, that the Idaho Transportation Board ratifies the budget request changes reflected in the Department Infrastructure Investment & Jobs Act federal spending authority request and authorizes the estimates and guidance provided, to serve as the basis for the FY23 budget request submitted to the Division of Financial Management and Legislative Services Office on November 19, 2021.

Utility Accommodation Rulemaking. Program Manager Ramon Hobdey-Sanchez reviewed the department's efforts to address utility accommodation within the State's right-of-way. ITD is advancing administrative rule changes and policy updates as it related to Small Wireless Facilities (SWF) for presentation during the 2022 legislative session. The pending rule will be published in January 2022. It includes new chapter language and Utility Accommodation Policy (UAP) Draft #3. He clarified it only covers SWF, not Broadband, and the IDAPA 39.03.43 is changing from a non-fee rule to a fee rule.

Program Manager Robert Beachler reviewed the minor changes between Draft #2 and Draft #3 of the final draft rule and UAP and provided an overview of the fee structure and permitting process. PM Beachler reported changes were incorporated into the utility encroachment permits that include language indemnifying ITD.

Member Kempton questioned in the UAP, Section 2.9, Performance Bond, where new language is added to cover costs to “remove, repair, replace” potential damage, as to who does ‘removing.” PM Beachler responded the responsibility to remove belongs to the permittee, and in response to Member Kempton’s follow-up question, he agreed there should be reference to a coordinated process.

In response to Vice Chair DeLorenzo’s question of issuing an approval or denial letter regarding the appeal process, PM Beachler stated, the district engineer has 30 working days to review the appeal. The process also aligns with other encroachment permit appeals.

Vice Chair DeLorenzo also offered other non-substantive edits.

Chairman Moad moved this item to the end of the agenda before considering the resolution so staff can further research Board member’s questions and concerns. See later minute entry.

2021 ITD/AGC Excellence in Construction Partnering Awards. For the Board member’s review, Chief Operations Officer Dan McElhinney shared one of the plaques received for the 2021 Snow & Ice National Title Award. He also shared AGC’s video presenting the SIR Award to Director Ness. COO McElhinney reported this is the second annual award ceremony. Projects were evaluated by a judging panel and based on six criterion. He reported on average there were 325 construction projects averaging a \$380 million payout per year. He also provided an update on the draft Section 150, Formal Partnering, Partnering for Construction Project Success Formal Partnering guide.

Senior Public Information Officer Aubrie Spence announced the award winners. For highway projects, Silver Awards went to Knife River and District 1 for Kidd Island Road, and C&S Excavation and District 3 for Grimes City Pathway. Gold Awards went to Concrete Placing Company and District 3 for Gowen Road Bridge, and S. Cemetery Road; SH-44 to Willow Creek. For projects less than \$1 million, the Silver Award went to Interstate Concrete & Asphalt and District 1 for US-95 Byway Bridge Approaches. For Projects \$1-5 million, honorable mention went to Braun-Jensen and District 3 for Little Salmon River Bridge, and Bronze Award to Coldwater Group and District 5 for I-15 Bridge Rehabilitation. Silver Awards went to Coldwater Group and District 4 for N Canal Bridge, and Knife River Corp and District 2 for SH-11 Grangemont Road to Headquarters. The Gold Award went to Knife River Corp and District 2 for SH-62 Zenner Road to Nezperce. For projects \$5-10 million, the Silver Award went to H-K Contractors and District 5 for US-91 Shelley to York Road, and Gold to McMillen Jacobs Associates and District 1 for US-95 Sandpoint Long Bridge over Pend Oreille. Top Gold Award went to Apollo and District 1 for US-95 N. Corridor Access Improvements. For project over \$10 million, the Bronze Award went to Braun-Jensen and District 3 for SH-55 Payette River Bridge. Silver Award to Apollo and District 1 for Garwood Road Grade Separator & Frontage Roads. Gold Awards went to Western Construction, Concrete Placing Company and District 3 for I-84 Franklin Road Interchange to Karcher Interchange, and Scarsella Brothers and District 1 for SH-41 Prairie Avenue to Boekel Road.

Chairman Moad commended staff for a job well done.

I-84 Meridian Road Interchange to Eagle Road Interchange, Design. District 3 Engineer Caleb Lakey presented the request to use Board Unallocated funds to evaluate adding an auxiliary lane on I-84 between Exit No. 44 and Exit No. 46. It includes an additional lane and shoulder on the eastbound on-ramp at Exit No. 44 and the eastbound off-ramp at Exit No. 46. The proposed work includes all studies and design work as necessary, to provide for the improvements as well as looking at traffic patterns from Exit 44 to the WYE Interchange. The study is an estimated cost of \$1,325,000 for public involvement, environmental clearances, traffic study, interchange modification report, and design. Construction is unfunded and not included. The focus of the study is to mitigate traffic flow due to increased congestion.

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

RES. NO. WHEREAS, it is in the public's interest for the Department to publish and
ITB21-77 accomplish a current, realistic, and fiscally constrained seven-year Idaho
Transportation Investment Program (ITIP); and

WHEREAS, the Idaho Transportation Board is charged with considering the safety and convenience of the highway users; and

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

WHEREAS, ITD is prepared to incorporate this project into the approved ITIP; and

WHEREAS, ITD will coordinate with the COMPASS staff to amend the regional Transportation Improvement Plan.

NOW THEREFORE BE IT RESOLVED, that project I 84, Exit 44 (Meridian Rd) to Exit 46 (Eagle Rd) Ramp Improvements and Auxiliary Lane be added to the ITIP at a cost of approximately \$1,325,000 using FY22 Idaho Transportation Board Unallocated Funds.

BE IT FURTHER RESOLVED, that the Idaho Transportation Board approves the staff request to adjust the program and amend the approved FY21-27 ITIP accordingly.

Chairman Moad thanked DE3 Lakey for the presentation.

I-84 Robinson Road and Orchard Street Underpasses. District 3 Engineer Lakey presented the request to fund repair projects for the Robinson Road underpass at mile marker 39 on I-84 just east of the City of Nampa and the Orchard Street underpass at mile marker 3 on I-184 in the city of Boise. Both were struck by a commercial vehicle hauling a piece of equipment

and need girder repairs. The estimate to repair the Robinson Road underpass is \$200,000 and \$100,000 for the Orchard Street underpass. Staff requests funding come from Statewide Balancing funds for both repair projects. DE3 Lakey also stated police reports were filed and the department is pursuing insurance claims reimbursement.

In response to Member Kempton's question regarding recovering costs, Highway Construction & Operations Administrator Kuisti responded it varies. The department uses a third party company, CMR, to help with the administrative process to recoup costs for damages.

In response to Member Hoff's question regarding the use of technology to help detect oversized vehicles, CD Stokes replied there is existing technology available; however, the challenge is determining which bridges and how many of them. He stated the department would consider reviewing critical corridors instead of specific bridges.

CD Stokes stated the resolution, as written, reflected an erroneous highway designation for the Orchard Street underpass.

Vice Chair DeLorenzo made a motion to amend the resolution to include an edit for the Orchard Street highway designation from I-84 to I-184. The motion was seconded by Member Thompson, and passed unopposed, to approve the following resolution:

RES. NO. ITB21-78 WHEREAS, it is in the public's interest for the Department to publish and accomplish a current, realistic, and fiscally constrained seven-year Idaho Transportation Investment Program (ITIP); and

WHEREAS, the Idaho Transportation Board is charged with considering the safety and convenience of the highway users; and

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

WHEREAS, ITD staff has inspected the bridges at Robinson Road and Orchard Street and they are in need of significant girder repair; and

WHEREAS, ITD is prepared to incorporate this project into the approved ITIP.

NOW THEREFORE BE IT RESOLVED, that project I-84, Robinson Road underpass repair be added to the ITIP at a cost of approximately \$200,000 using Statewide Balancing funds; and

BE IT FURTHER RESOLVED, that project I-184, Orchard Street underpass repair be added to the ITIP at a cost of approximately \$100,000 using Statewide Balancing funds; and

BE IT FURTHER RESOLVED, that the Idaho Transportation Board approves staff's request to adjust the program and amend the approved FY21-24 Statewide Transportation Improvement Program (STIP) accordingly.

Chairman Moad thanked DE3 Lakey for the presentation.

Linder Village (Orchard Park) Sales Tax Anticipated Revenue Agreement. District 3 Engineer Lakey introduced High Desert Development President and Owner Joe Huarte who reported on the history of the project. HDD Developer Partner Michael Slavin also addressed the Board and reported Phase 1 of the Linder Village STAR agreement was successfully completed on August 27, 2021, with Phase 2 ready to be bid for construction in 2022. DE3 Lakey presented the potential risks as they enter into Phase 2: property acquisition costs, timing of funding and reimbursement (which the STAR agreement does not have a descriptive process), and overall cost. DE3 Lakey requested due to supply chain and property values increasing, the developer and District 3 would like to proceed with proposing an amendment to the current STAR agreement, which would then be submitted for the Board's review and approval.

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

RES. NO. WHEREAS, it is in the public's interest for the Department to publish and
ITB21-79 accomplish a current, realistic, and fiscally constrained seven-year Idaho
 Transportation Investment Program (ITIP); and

WHEREAS, the Idaho Transportation Board is charged with considering the safety and convenience of the highway users; and

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

WHEREAS, the Idaho Transportation Board entered into a Sales Tax Anticipated Revenue (STAR) agreement with High Desert Development (HDD) in January 2019; and

WHEREAS, the Board desires to keep the agreement within the statutory limits of the STAR legislation; and

WHEREAS, property and supply chain pricing have increased dramatically since 2019.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board gives authority to the District 3 Engineer to draft an amendment to the current agreement, working with High Desert Development.

SH-55 Avimor Proposed Proportionate Share Agreement. District 3 Engineer Lakey and Avimor Developer Dan Richter presented a draft proportionate share agreement as an alternative to funding future SH-55 improvements for the Avimor community development project. DE3 Lakey reported SH-55 is one of two north-south highways in District 3 and there is heavy recreational traffic on the constrained corridor. Avimor Developer Richter provided an overview of the Avimor project. He stated Avimor is a mixed-use planned community, it includes approximately 20,000 acres of Avimor lands, they expect to build 9,700 single-family homes, and SH-55 bisects the planned community. The Proportionate share agreement sets a fixed mitigation fee of \$5,000 per residential unit, specifies the road improvements Avimor and ITD will construct and timing, provides a clear long-term path for the corridor, provides funding for ITD, and reduces agency time reviewing future studies and plans. The agreement outlines approximately 35-years of planning for an estimated \$45 million in mitigation fees. Avimor's projects include building grade separated interchanges at SH-55 and McLeod Grand and SH-55 and Avimor Grade. ITD's projects are to widen SH-55 from north of Brookside Lane to Avimor Drive, and intersection improvements at SH-44 and SH-55. ITD must use mitigation fees on future projects within the defined project area.

In response to Member Kempton's question regarding real time value of money and the constant value of the estimated \$45 million in mitigation fees, AD Richter responded they are willing to consider different options.

In response to Vice Chair DeLorenzo's question regarding the difference between the ability to use impact fees versus mitigation fees, AD Richter stated ACHD would collect those separately through tax, which they have been paying. He offered their support and welcome the fair and reasonable collection of fees. AD Richter also responded, in response to Vice Chair DeLorenzo's follow-up question, that the project encompasses three counties: Ada, Boise, and Gem. Currently Gem and Boise do not collect impact fees.

Inflation and Rising Construction Cost Trends. Chief Operations Officer McElhinney presented information on inflation stating the department has received input from economists representing the Associated General Contractors, American Road Transportation Builders Association, and the American Associated State Highway Transportation Officials. Since June 2021, there were 31 state infrastructure projects bid totaling \$223 million award. Overall, the project bids were 7% under budget. In the next two quarters, staff is monitoring 31 project bids and unit prices of what is planned to be advertised totaling \$199 million. In cost comparison between the engineer's estimates and final bid amounts, 2019 – 2021 show each year under budget. The fuel index for No. 2 Diesel Fuel from January 2021 to November 2021 increased by \$1.49/gallon, asphalt pavement in 2021 is \$85.64/ton – up \$43.28 since 2005, the cost of metal increased by \$0.72 since 2005 – now at \$1.68/pound, and concrete up 45% now at \$788.89/cubic yard. COO McElhinney also reported on action staff is taking, some highlights are ITD/AGC contractor outreach and partnering, just-in-time estimate reviews by statewide estimators, analyzing national bid item trends, and annual program adjustments over the next two quarters.

Highway Construction & Operations Administrator Dave Kuisti presented next steps in teaming with industry. Highlights included contractor's responsibility in the low bid process and their ability to make their own material supply arrangements; allowances for fuel and asphalt

price adjustments; and contractual tools to help address material price fluctuations in department specifications, and allowance for additional time due to unavoidable material delivery days.

Chairman Moad thanked staff for the informative presentation.

Annual Freight Program Update. Freight Program Manager Scott Luekenga presented the annual program report. Currently, the Freight Advisory Committee (FAC) has pending applications for members in District's 1, 4 and 6, and vacancies in Districts 3 and 5. Board and Administrative policies were recently revised to reduce the FAC from 13 to 6 members – plus a chair. Governor Little was the keynote speaker at the August 10, 2021, Freight Summit. There were 72 participants. Some highlights were statewide freight stakeholder updates given by Port of Lewiston, Rail in Idaho and various industry groups. Roundtable discussions were held on multimodal investment, truck parking and private and public partnership. PM Luekenga also provided an update on the 129,000 Pound Truck Routes. Application processing time was reduced from 313 days to 66 days; 310 lane miles were added; and the subcommittee manual was updated. He also reported an update on the Magic Valley Rail Safety and Capacity Expansion. The grant agreement was signed on September 21, 2021, and the project is scheduled to begin May 2022 with completion in August 2022. The North/West Passage Corridor Coalition is soliciting information to identify interested parties to conduct a multi-state demonstration of truck platooning. Lastly, in July 2021, in District 5, SH-36 and SH-34 now accommodate 6' .5" off-tracking and limited up-to 115 feet lengths.

Chairman Moad thanked FPM Luekenga for the report.

Annual Public Transportation Advisory Council & Office Update. On behalf of the Public Transportation Public Advisory Council (PTAC), Public Transportation (PT) Manager Ron Duran presented the PTAC annual report. Some highlights include PTAC's goals focusing on funding, stabilization, and innovation within PT; increasing engagement with stakeholders and providing information; improving PTAC representation; offering solutions and ideas to reduce stakeholder barriers; and identifying alternative resources outside of ITD-PT funding. PTAC members plan to be more engaged with exchanging information with the Board. PT Manager Duran reported, with the anticipated federal funding increases for the rural and small urban programs, they have no concerns about handling the increased workload and maintaining service levels. Lastly, 43% of the funding provided by the CARES Act, which does not require local match, has been awarded to providers.

Chairman Moad thanked PT Manager Duran for the annual report.

Leading Idaho – Transportation Expansion & Congestion Mitigation (TECM) Program. Transportation Program Manager Amy Schroeder presented an update on the TECM program reviewing significant corridors, accomplishments since May, upcoming activities, and project readiness. Highlights include: the current Board approved, TECM allocation \$356 million, of which \$207 million or 58% is in construction; staff will return in January/February 2022 to begin preparation for the first TECM bond sale; numerous partnering meetings and stakeholder outreach has taken place; and all but two development contracts have been finalized. Eight primary engineering firms have been selected, which also represents over 30 firms on those

teams. Next steps include the program cash flow and bond forecasts, developing detailed schedules and a quarterly program report, finalize bid-ready construction documents, conduct value engineering/value analysis studies, and assess program-wide risk. The focus remains on project readiness and assigning funding resources based on timing and availability.

Chairman Moad thanked PM Schroeder for the update.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 12:26 PM to discuss issues as authorized in Idaho Code Section 74-206 (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 12:58 PM.

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.

Vice Chair DeLorenzo 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-
ITB21-80 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 \$566,009.10.

Administrative settlement over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 10005 – SH-53, Pleasant View IC, Kootenai County.

Vice Chair DeLorenzo 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-
ITB21-81 of-way along SH-53, Pleasant View IC, Kootenai County for Project No.
A010(005); 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 \$242,940.00.

Utility Accommodation Rulemaking (Continued).

PM Beachler addressed concerns expressed earlier from Vice Chair DeLorenzo and Member Kempton. A handout was provided addressing the specific concerns to the Utility Accommodation Policy - Section 2.4, Administrative Appeal and Section 2.9, Performance Bond, shown as in Exhibit 544, which is made a part hereof with like effect. A substitute resolution was also presented for the Board's consideration.

Vice Chair DeLorenzo made a motion to approve the substitute resolution, seconded by Member Kempton. It passed unopposed, to approve the following substitute resolution:

RES. NO. WHEREAS, the Idaho Transportation Board and Idaho Transportation
ITB21-82 Department recognize their role in managing utilities in the State's right-of-way;
and

WHEREAS, the Department accommodates private and public utilities in highway rights-of-way in accordance with local, state and federal laws; and

WHEREAS, the Department's Utility Accommodation Policy is *incorporated by reference* in IDAPA 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way; and

WHEREAS, pursuant to Section 67-5220, Idaho Code, the Department initiated the negotiated rulemaking process and staff held three negotiated meetings and one hearing; and

WHEREAS, the changes being proposed address Small Wireless Facilities and a new fee structure; and

WHEREAS, wireless internet and network connectivity is crucial to Governor Little's Leading Idaho Initiatives; and

WHEREAS, staff has addressed the Board's input, and questions and suggestions relating to the Utility Accommodation Policy; and

NOW, THEREFORE, BE IT RESOLVED, that the Idaho Transportation Board authorizes and directs Department staff to present IDAPA 39.03.43 as a pending administrative rule to the 2nd Regular Session of the 66th Idaho Legislature with publication in the January Edition of the 2022 Idaho Administrative Bulletin.

Chairman Moad thanked PM Beachler and PM Hobdey-Sanchez for the follow-up.

The board recessed at 1:15 PM and reconvened at 1:45 PM at the Riverside Hotel.

Joint Local Highway Technical Assistance Council (LHTAC) Meeting.

Chairman Moad welcomed the LHTAC members, announced the appointment of Vice Chair DeLorenzo and CD Stokes' as new director upon retirement of Director Ness in May 2022. He also introduced the new District 2 Board Member, Gary Osborn.

The Board and LHTAC members heard presentations and received updates on the Infrastructure Investment & Jobs Act and the Board's Subcommittee on Policies' Listening Workshop. In respect to the Listening Workshop, Chairman Moad said the Board is still listening to stakeholders and encouraged the Council members to send comments to the Board's Subcommittee on Policies members. Vice Chair DeLorenzo also commented, with the passage of IJA and anticipated increased federal funding, they would like to see its impacts and consider adjusting the Board's Policy on federal formula highway apportionments to the locals accordingly. The Board and Council members also received an update on the local bridge program and ITD/LHTAC teamwork efforts, the Transportation Expansion & Congestion Mitigation program, and a joint update on the 129,000 Pound Truck Routes. The Council expressed some concerns about the bridge permitting process and would like to explore how it could be expedited.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 2:45 PM.

Signed

BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
January 13, 2022
Boise, Idaho

December 9, 2021