

REGULAR MEETING AND DISTRICT SIX TOUR AND OUTREACH WORKSHOP  
OF THE IDAHO TRANSPORTATION BOARD

May 18 - 19, 2022

The Idaho Transportation Board met at 10:30 AM on Wednesday, May 18, 2022, at the Snake River Convention Center in Idaho Falls, Idaho. The following principals were present:

Bill Moad, Chairman  
James R. Thompson, Member – District 1  
Gary Osborn, Member – District 2  
Julie DeLorenzo, Member – District 3  
Jim Kempton, Member – District 4  
Dwight Horsch, Vice Chairman - District 5  
Bob Hoff, Member – District 6  
Brian Ness, Director  
Scott Stokes, Chief Deputy  
Dan McElhinney, Chief Operations Officer  
Lorraine Dennis, Executive Assistant to the Board

District 6 Tour and Outreach Workshop. The Board toured the Idaho National Laboratory (INL). Following the tour, the Board convened at the Snake River Convention Center for the Idaho Transportation Investment Program Outreach Workshop. Chairman Moad and Member Hoff gave opening remarks and introductions, along with Chief Deputy Stokes. District 6 Engineer Jason Minzghor talked about District 6 partnering successes and major District 6 priority projects, and COO Dan McElhinney presented an update on new funding from the Governor's Leading Idaho Initiative and the Federal IJA for local and state infrastructure. Participants had time to review several project displays arranged around the room and interact with ITD staff and the Board. The Workshop concluded with comments from local transportation officials.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting recessed at 3:20 PM.

May 19, 2022

The Idaho Transportation Board convened at 8:30 AM on Thursday, May 19, 2022 in Rigby, Idaho. All members were present. Lead Deputy Attorney General Tim Thomas was in attendance.

Safety Share. Operations Engineer Young presented safety information regarding the importance of preparing for high wind gusts and the impacts such as poor visibility for drivers.

Chairman Moad thanked OE Young for the important message.

May 18 – 19, 2022

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on April 20-21, 2022, as submitted. Vice Chairman Horsch seconded the motion and it passed unanimously.

Board Meeting Dates. The following meeting dates are scheduled:

June 15 - 16, Boise      August 17 - 18, Coeur d'Alene

July 20-21, Lewiston      September 21-22, Boise

Consent Items. Member Hoff made a motion and seconded by Member DeLorenzo 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-  
ITB22-35      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 contract award and contract rejection.

1) Contracts for Award. The low bids on the following project is more than ten percent over the engineer's estimate, requiring justification. On key # 20405, I-84 bridge repair, Ada, Canyon, Elmore and Payette Counties, District 3, the difference between the low bid and engineer's estimate is mainly in epoxy overlay, bridge place overlay and concrete removal.

The engineer's estimate was developed using the average bid costs of previous projects in the area and assumed price increases. The District does not believe re-advertising the project would result in lower bids, and recommends awarding the contract. Low bidder, for key # 20405: American Civil Constructors West Coast LLC - \$3,367,000.00.

2) Contract for Rejection. In accordance with Board Policy 4001, staff requests approval to reject the more than 10% over the engineer's estimate for key #20420 – I-15B, concrete intersections, Idaho Falls, District 6. Contractor – Sunroc Corporation- \$5,998,337.70.

Informational Items.

1) Contract Awards and Advertisements.

Key #22647, SH-55, Round Valley to Clear Creek, District 3. Low bidder: Western Construction, Inc. - \$5,948,978.60

Key #23230, SH-41, mill and inlay, District 1. Low bidder: Interstate Concrete and Asphalt. – 12,189 SY.

Key #23099, I-84 Exit 25 improvement, District 3. Low bidder: Staker & Parson Companies – \$1,460,185.00.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From March 31, 2022 to April 25, 2022, 26 new professional services agreements and work tasks were processed, totaling \$8,245,853. Five supplemental agreements to existing professional services agreements were processed during this period in the amount of \$208,175.

3) FY23-26 Strategic Plan for Division of Financial Management. Idaho Code 67-1903 – 67-1904 requires all state agencies to annually submit a Strategic Plan covering a minimum of four years, forward to DFM by July 1. The format, structure and required elements for the Strategic Plan are set by DFM inclusive of a vision and/or mission statement, goals and objectives, performance measures and benchmarks, and key external factors.

4) State FY22 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 0.4% as of March 31. Receipts from the Highway Distribution Account were \$5.5 million more than forecast. State revenues to the State Aeronautics Fund were ahead of projections by 43%, or \$891,000. The Department's expenditures were within planned budgets. Personnel costs had savings of \$5.5 million or 6.0% due to less vacancies and pay increases appropriated by the Legislature. Contract construction cash expenditures were \$298.4 million for July through March.

The balance of the long-term investments was \$173.4 million at the end of March. These funds are obligated against construction projects and encumbrances. The cash balance was \$125.7 million. Expenditures in the Strategic Initiatives Program Fund through the end of March were \$0.9 million. Deposits into the Transportation Expansion and Congestion Mitigation Fund of \$7.7 million is the ninth month of revenues exceeding forecast. Funds are from the 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund were \$20.3 million year-to-date. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$3.4 million year-to-date.

5) Monthly Reporting of Federal Formula Program Funding through May 3. Idaho received obligation authority of \$391.2 million through September 30, 2022 via an Appropriations Act signed on March 15, 2022. It includes \$2.0 million of Highway Infrastructure General Funds carried over from last year in the local urban and off-system bridge programs, \$45 million of Infrastructure Investment and Jobs Act (IIJA) Bridge Formula funds, and \$39 million COVID Relief funds carried over from last year in the Transportation Management Area, Local Urban and SHS Programs. The IIJA was signed on November 15, 2021. Additional apportionments were allocated via the Appropriations Act. Idaho will receive apportionments of \$426.5 million. Currently, obligation authority is 92.5% of apportionments. As of May 3, 2022, \$464,534 million was allocated with \$254,103 million remaining program funding.

CD Stokes commented they anticipate a change to the FY23-26 Strategic Plan report that will update DMV's performance measure goal to include all DMV transactions processed online.

Member Kempton suggested information be added to address facility needs with moving Headquarters to the Chinden Campus, District 3 and District 4.

Board Subcommittee on Policies Update. Member Hoff reported on the May 11 subcommittee meeting. Staff presented two administrative policies for deletion. Administrative Policy A-06-17, Reporting Losses to Headquarters and Administrative Policy A-20-04, Public Hearing Officers. Processes and procedures for both are currently covered in other existing policies and are outdated. The subcommittee supported staff's recommendations to delete them. He also reported the subcommittee will continue discussions on Policy 4028, Allocation of Federal Formula Highway Apportionments to Local Public Agencies. They anticipate meeting in June to receive more information and guidance from staff.

Monthly Report on Activities. With Director Ness retiring at the end of the month, he gave his final remarks to the Board. He recapped his three-part series report from the previous months leading to the question employees ask often about the Department's vision statement, "are we the best transportation department in the country?"

When Director Ness was appointed in 2009, the vision statement he created was not intended to be arrogant, but rather a focus of how we can be the best. He challenged staff to be the best in their craft and questioned what can ITD do differently and build it to be even better. Being the best is when others look to ITD on how we do it. Since 2010, ITD has won 20 AASHTO Presidents awards, and saved the department about \$40 million through innovative ideas since 2014.

Director Ness reported the answer to 'are we the best transportation department in the country' is maybe. The vision is not a destination but rather a journey – one that never ends. One can be the best in their craft, but there is always someone looking to do it better. Incoming Director Stokes will set the vision for the next phase of the journey but will continue to grow and build. He concluded, with his retirement, so too will his tag line (the vision statement). He is proud of what he has done in the last 13 years and thanked the Board for their trust.

In response to Vice Chairman Horsch's question of what was your most memorable, best and worst day, Director Ness responded the worst was losing employees in the line of duty, the best was spending time with employees, and the memorable was touring the Whitehouse.

Members DeLorenzo, Kempton, Hoff, Thompson, Osborn, and Chairman Moad all thanked Director Ness for his service, integrity and leadership.

Chief Deputy Stokes reported the department is nearing a milestone of 50 years since it became ITD in 1974, and acknowledged Director Ness led ITD just under 30% of the time. He stated Director Ness's leadership is characterized by "people." He thanked him for listening, creating a culture centered around people and his outstanding leadership.

Chairman Moad thanked Director Ness for his report and everything he has done.

Adopt-A-Highway Presentation. Program Specialist Erika Tucker presented the award to C&B Operations, John Deere Equipment, who adopted US-20 from milepost 331 to 333 in the Rexburg area. Jay Hymas accepted the award and thanked the Board. Member Hoff also applauded their efforts and thanked them for their time and service to the community.

Chairman Moad thanked Mr. Hymas for serving their community.

District Engineer Report. District 6 Engineer Jason Minzghor gave his annual report focusing on operations, design construction and planning. He reported on the SH-33, Canyon Creek Bridge and the efforts taken to mitigate a pond near Rexburg Interchange by removing 5,000 yards of dirt over a 4-week period, and the Island Park tree removal. In FY22, District 6 delivered 13 projects totaling \$55.9 million, and had 11 projects totaling \$57.6 million ready early to advance. The I-15, US-20 System Interchange alternatives are entering the NEPA process. There have been four public meetings with participation totaling 1,067 with 310 comments, two neighborhood meetings and six Community Working Group meetings. He also reported on the US-20 Ashton to SH-87 Junction project and collaboration efforts with Idaho Fish and Game that included building a wildlife fence on SH-28.

Fish & Game representative Frank Eldeman spoke about the partnerships they have, not only with District 6 staff, but each district statewide and highlighted some of the collaborative projects. He cited the wildlife fence on SH-28 as an example of how F&G's mission aligns with ITD's in terms of wildlife safety.

DE-6 Minzghor concluded with highlighting his experience tagging mule deer with F&G and introducing his family via a photo.

Chairman Moad thanked DE-6 Minzghor for his annual report.

Idaho Airport Aid Program Leading Idaho Initiative. Program Manager Jennifer Schildgen reported the Leading Idaho Initiative provides grant funding to Idaho airports. The Initiative's funding recommendation level is \$4.9 million for 25 airport projects. All recommended projects come through grant applications from the Aeronautics Capital Improvement Program that are ready to proceed and have high priority based upon the prioritization and allocation. All projects are 100% state funded. The selected projects are ones that have not been funded due to inadequate past funding. Aeronautics' staff prioritized and recommended projects and the Aeronautics Advisory Board accepted the program on April 27, 2022.

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

RES. NO.        WHEREAS, at the Idaho Transportation Board has the authority to design,  
ITB22-36        construct, reconstruct, alter, extend, repair and maintain state aeronautical  
                         Facilities; and

WHEREAS, the Idaho Transportation Board has the authority to expend funds for the construction, maintenance and improvement of public owned aeronautical

facilities; and

WHEREAS, the Idaho State Legislature approved \$6.4M for airport improvements through the Governor's Leading Idaho Initiative; and

WHEREAS, \$4.9M is designated for Idaho public use community airports using Idaho Airport Aid Program criteria; and

WHEREAS, the Idaho Aeronautics Advisory Board recommended approval of the proposed funding plan at their regular meeting on April 27, 2022.

NOW THEREFORE BE IT RESOLVED, that the Leading Idaho Initiative program for state fiscal year 2022 be approved; and

BE IT FURTHER RESOLVED, the Idaho Transportation Board directs the Division of Aeronautics to issue grant offers for SFY 2022 and SFY 2023.

Proposed 2023 Legislative Ideas. Governmental Affairs Manager Colby Cameron presented the department's 2023 Legislative Ideas. The ideas will be submitted to the Division of Financial Management next month, and draft legislation presented to the Board next month.

Three ideas include:

1. Expand online Driver's License and ID capabilities, to include online CDL renewals
2. Modify statute to make a human trafficking conviction grounds for disqualification of a CDL
3. Remove the requirement for commercial vehicles to post temporary registration permits in the window/windshield.

In response to Chairman Moad's question about why stakeholders are not taking the lead for idea #2, GAM Cameron stated they are interested, but because of the importance, ITD wanted to start the process. They envision stakeholders taking the lead. Member DeLorenzo also posed a similar question regarding Idaho State Police. GAM Cameron responded ISP had no initial concerns but wants to see the draft legislation.

In response to Vice Chairman Horsch's question about posting permits in the window and waving dead-hauler trucks through for idea #3, GAM Cameron stated it would not be a requirement but they can continue to post it. Program Manager Brian Goeke further clarified that most of the self-issuing permits are electronic so truckers have to stop and find a place to print them. Vice Chairman Horsch expressed some concerns for the smaller single load truckers. PM Goeke stated trucks under 26,000 pounds are not required to stop at the ports.

In response to Member Thompson's question about why ITD needs to go beyond what the courts are doing for idea #2, PM Goeke responded it currently is a federal requirement.

Chairman Moad thanked GAM Cameron for his presentation.

2022-23 ITD Administrative Rulemakings. Project Manager Ramon Hobdey-Sanchez presented this year's administrative rules under review, which are:

- 39.02.02: Rules Governing Vehicle & Vessel Dealer License Requirements - Motor Vehicles
- 39.02.22: Rules Governing Registration and Permit Fee Administration (*fee rule*)
- 39.02.26: Rules Governing Temporary Vehicle Clearance for Carriers (*fee rule*)
- 39.02.70: Rules Governing Restricted Driving Permits
- 39.02.71: Rules Governing Driver's License Violation Point System
- 39.02.72: Rules Governing Administrative License Suspensions
- 39.02.73: Rules Governing Accident Prevention Course
- 39.03.44: Rules Governing Highway Relocation Assistance for Persons Displaced by Public Programs

The department is currently in the informal rulemaking process. Staff has worked with the Division of Financial Management on potential changes and held an open, public negotiated rulemaking meeting on May 12<sup>th</sup>. There is also an open comment period running through May 27<sup>th</sup>. The department will also be initiating a standalone rulemaking for Rules Governing Utilities on State Highway Right-of-Way and will continue to work on broadband installation and connectivity.

Chairman Moad thanked PM Hobdey-Sanchez for his report.

Approach to Programming Construction Funds on TECM Projects. Transportation Program Manager Amy Schroeder presented the concept to use the Early Development Program and begin programming construction of projects in Transportation Expansion and Congestion Mitigation (TECM) corridors. Benefits to taking this approach include coordination with the Metropolitan Planning Organizations for air conformity modeling and stakeholder comment period as they prepare their Transportation Improvement Plans, and time saved for construction advertisement. This approach provides for project readiness and delivery, flexibility to add projects later and ability to include projects during the ITIP update cycle. It also allows flexibility on funding sources, such as, TECM pay-as-you go, bonding, Governor's Leading Idaho Initiative, or federal-aid.

In response to Member Hoff's question regarding how estimates are determined, TPM Schroeder stated they are based on various studies like value engineering and other information available at the time. A contingency is also included in the estimates.

Deputy Program Manager Crystal Craig reviewed the draft TECM early development project list. It includes 14 projects programmed from 2023 to 2026 totaling \$1.7 billion, which has also been shared with the MPOs.

Vice Chairman Horsch expressed concerns about the I-15, Pocatello to Idaho Falls project, and questioned why it did not include Chubbuck Road to Northgate. TPM Schroeder explained the current 86/15 interchange project addresses aging infrastructure and does not add capacity, however, the design allows for forward compatibility. A study is being initiated between 5<sup>th</sup> Ave interchange and Northgate interchange to evaluate future needs within those

project limits; this will allow ITD to prioritize the improvements in Pocatello and north of Fort Hall.

Deputy PM Craig presented additional considerations for adding the design and right-of-way preservation for SH-55, Pear to Farmway, new and additional right-of-way for the major corridors - I-90, US-20/26, SH-55, and SH-75, and for utilities in the draft program next month.

In response to Chairman Moad's question regarding right-of-way for Farmway to Middleton Road, TPM Schroeder stated they have a partial amount for the east half corridor, but recommend adding more to acquire that right-of-way plus additional to preserve the right-of-way for the rest of the corridor, from Pear to Farmway.

Chairman Moad thanked staff for their presentation.

US-20 Ashton to SH-87 Junction update Engineering Manager Karen Hiatt gave the Board an update about the project, discussed collaboration between agencies and described some of the innovative tools being used to develop multiple alternatives.

Since February 2021, when the Board approved funding for the US-20 Ashton to SH-87 Junction Planning and Environmental Linkage (PEL) to move forward, significant progress has been made. Staff held public involvement meetings in October 2021 and December 2021 from which 56 alternatives were identified. Meetings are also planned for May 25<sup>th</sup> and 26<sup>th</sup>. Several comments were garnered from the public meetings including an interest to coordinate with county commissioners and resource agencies. The PEL looked at the entire 40-mile corridor. Traffic data shows increasing congestion is contributing to traffic crashes in the area, especially in the summer. Data was also presented by crash type. F&G Representative Edelman provided information on the Sand Creek Mule Deer migration modeling and how it coincides with accidents.

EM Hiatt reviewed next steps for the 56 alternatives identified along with the three levels of refinement and evaluation. Once completed, they will recommend an alternative for NEPA. A representative from Horrocks presented how the GIS platform tool is used to develop and display alternatives to scale to help visualize what an alternative would look like on the landscape. EM Hiatt concluded with a review of the PEL schedule to be completed this fall.

Chairman Moad thanked EM Hiatt and presenters for their update.

District 6 Highway Safety Presentation. Grants Officer Tabitha Smith reported May is Motorcycle Awareness Month. There have been 33 fatalities, with one-third from vehicle collisions. The remainder involved single vehicle crashes/fatalities. This month's campaign will focus on rider training. Idaho State Police Sergeant Andrew Nakashima presented information about the second annual "Shiny Side UP" motorcycle safety training event that was held in partnership between ISP and Grand Teton Harley Davidson, in Idaho Falls, May 14<sup>th</sup>. He highlighted the importance of training and raising awareness.

In response to Member DeLorenzo's question of the 33 fatalities statewide how many were not wearing a helmet, Grants Officer Bill Kotowski stated 12. Staff later provided additional information stating helmets are 37% effective in preventing death for rider and 42% for passengers.

GO Kotowski presented information on the May statewide seatbelt campaign, 100 Deadly Days of Summer. To-date there have been 54 fatalities, in comparison to 83 last year. They are focusing on motorist behavior and looking for ways to get people to buckle up. They continue to advertise statewide messages and produce videos to encourage usage.

Member Hoff asked if anyone is tracking fatalities per mile in comparison to other states. Staff later provided, Idaho has the 19th lowest rate per 100 million miles traveled in the country; however, states with more rural roadways usually are higher.

Chairman Moad thanked ISP Sgt. Nakashima and staff for their presentation.

ITSC Annual Report. Acting Highway Safety Manager Josephine Middleton reported on the Idaho Traffic Safety Commission (ITSC) Annual Report. The ITSC is comprised of 10 members, two of which are new members. The ITSC usually meets twice a year to discuss behavioral safety issues, provide suggestions to the Highway Safety Plan, and come up with ideas to focus on with federal grant funds. Highlights from the November meeting include reviewing performance measure goals, the Transportation Economic Development Impact System, and the STAR Motorcycle Drivers Education Program. She reported there were 214 fatalities in 2020 in comparison to the 234 five-year average. The ITSC approved the FFY23 Highway Safety Plan at its May meeting in coordination with the Highway Safety Summit. The plan includes highway safety programs, performance measures and statewide projects.

Chairman Moad thanked Acting HSM Middleton for the report.

FFY 2023 Highway Safety Plan. Acting Highway Safety Manager Josephine Middleton presented the FFY 2023 Highway Safety Plan, which is required to be submitted each year to the National Highway Traffic Safety Administration (NHTSA) on July 1, 2022. She reviewed the program areas and highlighted the newest projects that are included in this plan.

In response to Chairman Moad's question about efforts taken to reduce cell phone usage while driving, Acting HSM Middleton stated messaging is being incorporated into the 2-week Distracted Driving campaign. They are partnering with local law enforcement to do social media so the community hears directly from them as well.

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

RES. NO.       WHEREAS, Idaho experienced 22,509 reportable traffic crashes, 215 traffic  
ITB22-37       deaths, and 1,101 people seriously injured in 2020; and

WHEREAS, the economic cost of traffic crashes in Idaho for 2020 was more than \$3.9 billion; and

WHEREAS, the Idaho Transportation Department's vision is to have zero traffic deaths; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) may allocate nearly \$4 million in funding behavior safety programs for Idaho to help eliminate traffic deaths and serious injuries; and

WHEREAS, the Office of Highway Safety and the Idaho Traffic Safety Commission have developed the Highway Safety Plan for Federal Fiscal Year 2023 to work toward the elimination of Idaho traffic deaths, serious injuries, and economic losses; and

WHEREAS, the Highway Safety Plan is required by NHTSA in order to receive funding from NHTSA.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board adopts the Highway Safety Plan for Federal Fiscal Year 2023, which is on file in the Office of Highway Safety.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 11:40 AM to discuss issues as authorized in Idaho Code Section 74-206 (b) and in Idaho Code Section 74-206 (f). Member Kempton seconded the motion and it passed unanimously by roll call vote.

The Chairman announced the general session has ended and the meeting will adjourn at the close of executive session.

The executive session discussion on legal matters related to highway and department operations and personnel matters.

The Board came out of executive session at 1:10 PM.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 1:10 PM.

Signed

WILLIAM H. MOAD, Chairman  
Idaho Transportation Board

Read and Approved  
June 16, 2022  
Garden City, Idaho