

REGULAR MEETING
IDAHO TRANSPORTATION BOARD

October 20, 2022

The Idaho Transportation Board met at 8:30 AM on Thursday, October 20, 2022, in Boise, Idaho. The following principals were present:

William (Bill) H. Moad, Chairman
James R. Thompson – District 1
Gary Osborn - District 2
Julie DeLorenzo, Member – District 3
Jim Kempton, Member – District 4
Dwight Horsch, Vice Chairman - District 5
Scott Stokes, Director Stokes
Tim Thomas, Lead Deputy Attorney General
Lorraine Dennis, Executive Assistant to the Board

Bob Hoff, Member – District 6 and Dan McElhinney, Chief Deputy/Chief Operations Officer participated remotely.

Security Share. Acting ETS Manager Bill Finke presented security information in keeping with Cybersecurity Awareness month. The message was on inappropriate use of social media and threats. He recommended to always question suspicious content before engaging.

Chairman Moad thanked Acting ETS Manager Finke for the important message.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the September 22, 2022, seconded by Vice Chair Horsch, and the motion passed unanimously by roll call vote.

Board Meeting Dates. The following meeting dates are scheduled:
November 17 - Boise and December 15 – Boise.

The following 2023 meeting dates in Boise are scheduled for January 12, February 23 and March 23. Dates for the 2023 district board tour are coming soon.

Consent Items. In response to Member Kempton’s clarification on the addition of COMPASS’ Transit-Replacement Vehicles request, Director Stokes stated it is required that these projects are added to the state’s Idaho Transportation Investment Program (ITIP). It demonstrates everyone is in agreement.

Member Kempton made a motion and seconded by Member DeLorenzo to approve the consent calendar resolution and it passed unanimously by roll call vote.

The motion to approve the following resolution passed unopposed:
RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB22-64 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 2022-2023 ITD Zero Based Regulation pending administrative rulemakings, addition of COMPASS Transit Replacement Vehicles project to the FY23 – FY29 ITIP, amend the COMPASS State Street Premium Corridor transit project in the FY23-FY29 ITIP, modify the Rail-Highway Crossing Program in the FY23-FY29 ITIP, consultant agreements, contract award, and contracts to reject.

1) 2022-2023 ITD Zero Based Regulation pending administrative rulemakings. Staff requests approval of ITD's 2nd year of reviewing administrative rules under Governor Little's Zero Based Regulation and the 5-year review schedule as pending rules with publication in the December Idaho Administrative Bulletin. The proposed rules were republished in August for public comment with no comments received.

2) Addition of COMPASS Transit Replacement Vehicles project to the FY23 – FY29 ITIP. Staff requests approval to add the Transit Replacement Vehicles project to the approved FY23 – FY29 ITIP at a project cost of \$20 million. The federal portion of \$17 million is from a FTA LowNo Grant and the local match of \$3 million will be paid by Valley Regional Transit.

3) Amend the COMPASS State Street Premium Corridor transit project in the FY23 – FY29 ITIP. Staff requests approval to amend COMPASS State Street Premium Corridor, Part 2, transit project in the approved FY23 – FY29 ITIP at a project cost of \$10,571,000. The federal portion of \$8,457,000 is from the FTA FY22 Raise Grant and the local match of \$2,114,000 will be paid by Valley Regional Transit.

4) Modify the Rail-Highway Crossing Program in the FY23 – FY29 ITIP. Staff requests approval to remove three projects totaling \$477,000 and add one new project for \$477,000 to the Rail-Highway Crossing Program. Unexpended funds on these projects will be re-allocated to a new project in FY2023, S. Cole Rd UPRR DOT#819327P to install safety features and improve the southerly roadway approach.

5) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #20674 – FY24, roadway and ADA improvements, Boise, ACHD District 3, for design services of approximately \$1,233,000; key #23342 – SH-75, Timmerman to Timber Way, Blaine County, District 4, for design service of approx. \$4.5 million; and key #20083 – I-15, Fort Hall IC #80, Bannock Co, District 5, for construction engineering and inspection services of approx. \$2.5 million.

6) Contract for Award. The low bids on the following project is more than ten percent over the engineer's estimate, requiring justification. On key #21994/21996, Off SYS guardrail upgrade, near Bonners Ferry, LHTAC (1), there are several difference between the low bid and engineer's estimate includes survey and SP grading for guardrail.

The engineer's estimate was developed using the average bid costs of previous projects in the area and assumed price increases. The District or LHTAC does not believe re-advertising the project would result in lower bids, and recommends awarding the contract. Low bidder, for key #21994/21996: Frank Gurney Inc. - \$835,164.90.

7) Contracts for Rejection. In accordance with Board Policy 4001, staff requests approval to reject the more than 10% over the engineer's estimate for key #21892 SIA, US-91, US-30, FY22 wetlands mitigation, District 5. Contractor – Snake River Reclamation LLC. - \$397,495.00; and key #22397, guardrail improvements, Lakes Highway District, LHTAC (1). Contractor – Knife River Corp-Mountain West - \$1,865,000.00.

Informational Items.

1) Contract Awards and Advertisements.

Key #23471, I-15, Devils Creek landslide mitigation, District 5. Low bidder: Ralph L. Wadsworth Construction Company LLC. - \$1,241,000.00.

Key #22489 SIA, I-15, FY23 fence improvements, District 5. Low bidder: All Rail Construction LLC. – 41,104FT.

Key #22399, Silver Valley road safety improvements, LHTAC (1). Low bidder: North Fork Enterprises – \$457,914.48.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From August 27, 2022 to September 25, 2022, 19 new professional services agreements and work tasks were processed, totaling \$6,932,233. Four supplemental agreements to existing professional services agreements were processed during this period for \$1,150,573.

3) 80 MPH Speed Zones (2022 Update). In July 2014, the Idaho Transportation Department raised the speed limit on rural sections of Interstate Highways 15, 84, and 86 from 75 MPH to 80 MPH. The following observations have been made since the speed limits were changed: the 85th percentile speeds indicate a flat to slightly increasing trend with operational speeds now average around 85 MPH for I-84 and I-15 and 84 MPH for I-86; before and after differential speeds between light and heavy vehicles has remained relatively unchanged with a 11 MPH average under 80 MPH conditions as opposed to 10 MPH with the speed limit at 75 MPH; fatal and serious injury crashes have remained relatively constant ranging between 1 and 6 per one hundred million vehicle-miles of travel; and compared to national rates, operations along these 80 MPH corridors are comparable if not slightly better. Staff recommends maintaining the designated 80 MPH speed zones.

4) FY23 Financial statements. Revenues to the State Highway Account from all state sources as of August 31 are behind forecast by 15.4% due to an error in the final posting in September instead of August. Receipts from the Highway Distribution Account were \$1.2 million ahead of forecast. State revenues to the State Aeronautics Fund were ahead of forecast by 73%, or \$383,000. The Department's expenditures were within planned budgets. Personnel costs

savings of \$1.2 million is due to vacancies and timing. Contract construction cash expenditures in the SHA were \$82.2 million for July – August, and total construction expenditures from five different funds total \$154 million.

The balance of the long-term investments was \$174.5 million as of the end of August. These funds are obligated against construction projects and encumbrances. The cash balance was \$137.9 million. Expenditures in the Strategic Initiatives Program Fund for first two months were \$17.4 million. Deposits into the Transportation Expansion and Congestion Mitigation Fund were \$20.9 million for the first two months of the sales tax. Funds are from the 4.5% of Sales Tax authorized during the last Legislative session. Expenditures in this fund for select projects were \$10.9 million. The federal CARES Act provided \$27 million for public transportation. Expenditures totaled \$580,000 for July and August. Expenditures for the TECM bond program during this period is \$26.1 million and \$18.4 million for GARVEE.

5) Monthly Reporting of Federal Formula Program Funding through September 30. Idaho received obligation authority of \$512.6 million, after receipt of \$79.5 million redistribution of obligation authority on August 29, 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 FY21 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 FY21 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 \$467 million. Final FY22 obligation authority is 109.4% of apportionments. As of September 30, 2022, \$552.1 million was allocated with zero remaining program funding.

Director's Report. Director Stokes reported on staff changes and accomplishments. Bill Finke is the Acting ETS Manager since Alberto Gonzales has taken a position with Information Technology Services as Administrator. He commended Acting ETS Manager Finke for his work on the DMV modernization projects. Justin Collins was promoted to Controller and Josephine Middleton to Highway Safety Manager. ITD's four-person district staff team took second place at the Western Snow and Ice Conference held in Colorado. It is a national competition. The Ada County Highway District placed first.

Director Stokes reported on partnering efforts and ITD's Leaders Conference. Chief Engineer Rindlisbacher arranged a meeting with Montana Department of Transportation and LHTAC to discuss the topic of how states share federal aid with local governments and how Idaho manages federal programs. Montana currently does not share its federal aid with Locals. Montana's DOT director participated. This year's Leaders' Conference theme was "This is Who We Are." The conference was held October 4 and 5. Prior to the conference, executive leadership traveled the state to meet with supervisors thanking them for their service and to learn more about what they do. He reported on some of the team efforts learned. About 190 leaders participated in the conference. A primary conference goal is to highlight the strategic teams and motivate leaders. There were three guest speakers, Colonel Wills - Idaho State Police, Dick Fosbury - Olympian (known for the Fosbury Flop), and Bryan Bandel - Idaho Power. They also

celebrated ITD's Best of the Best innovation awards. Director Stokes concluded with remarks on innovation noting it is one of ITD's five focus areas.

Chairman Moad thanked Director Stokes for his report.

Innovate ITD! ITD 2022 Best of the Best Recognition. Chief Innovation and Experience Officer Brenda Williams stated the innovation program started in 2014. When executive leadership was traveling statewide to meet staff they learned of a number of innovative accomplishments and reported employees are not afraid to try new things. Innovate ITD! is voted on by employees. It is the people's choice. A video was shown highlighting the program and this year's winners.

Chief Administrative Officer Dave Tolman announced the winners recognizing their innovative achievements for the categories in Cost Savings - traffic speed deflector for pavement evaluation, Economic Opportunity – improved truck routes, Ideal Workplace – milepost marker stencil, Mobility – temporary signal with bicyclist button, Safety – mobile eyewash station, Customer Service – registration of vehicles purchased from Idaho dealers, and Time Savings – DMV centralizes registration renewals. Several staff were present.

Chairman Moad congratulated staff and their contributions to innovation.

FY2024 Revision #1 Appropriation Request. Controller Justin Collins reviewed the FY24 budget submittal highlighting revisions made since last month. The FY23 supplemental for Highways Operations was reduced by \$500,000 due to removal of the iNET/ITS yearly maintenance cost. Changes for the FY24 budget request for Highways included a fund shift for Local Interest - \$490,000, inclusion of Economic Development Administration Tourism Grant - \$1.4 million, and removal of iNet Supplemental. Administration's budget was reduced by \$62,900 for the Statewide Cost Allocation Plan. Contract construction and right of way, state dedicated funds, was increased by \$19.5 million. The FY24 adjusted base is \$811.03 million. With Line items and GARVEE and TECM bond debt services, the total FY24 program funding is \$1.25 billion. Controller Collins reported \$136,600 will be added to the total appropriation request for the ITS Modernization.

In response to Chairman Moad's inquiry on the ITS Modernization full-time position impact, Controller Collins confirmed the department's 1648 total full-time positions will be reduced by 36.

Chairman Moad thanked Controller Collins for the update.

Idaho Transportation Department FY2022 Annual Report. Program Specialist Angie Heuring provided an update on the department's annual report. Some highlights include a report on the four major bonding funded projects in FY22 and Governor Little's Leading Idaho additional \$200 million a year to address backlog of highway projects. Delivering on ITD's mission by enhanced safety in construction zones by deploying variable speed limit signs and reducing three major restrictions on SH-34 and SH-36 trucking routes. Customer service and partnership efforts were highlighted with improving 2,200 landings on Malad City airport and

training 108 construction apprentice program trainees. Performance Measures were very close or exceeded goals such as, pavement in good/fair condition - 89%, time highways clear of snow/ice during winter storms – 82%, and 1.12 million DMV transactions processed online. Moving forward for 2023 to 2027 the department will focus on five focus areas and infrastructure and funding needs.

In response to Chairman Moad’s question if data is available by shed for the snow removal performance measure, District 3 Engineer Caleb Lakey, stated yes. The percentage shown is consolidated and averaged for location and duration. Staff will provided the data.

Member DeLorenzo commented that the director consider incorporating his Leaders Conference theme “This is Who we Are” into the annual report.

Chairman Moad thanked PS Heuring for her report.

Traffic Safety Public Opinion Survey. Grants Officer Bill Kotowski reported there are 178 fatalities year-to-date in comparison to last year’s 214. The object for the public opinion survey is to gauge current driving and highway safety practices and determine awareness of the Office of Highway Safety’s messaging. The last survey was conducted in 2017. The online 43-question survey targeted statewide higher-risk populations (male 25 – 34 years old). They had 523 respondents in the two month period. Some results highlighted include participant rate was highest in District 3 (49%), 16% were in the 25 – 34 years old age range, and overall 54% of respondents were female. Some key findings showed 83% are wearing seatbelts when driving or riding in vehicles. Most Idahoans drive sober – 49% reported they never drive within two-hours after drinking and 73% believe it is very important to enforce impaired driving laws. Distracted driving was observed by 65% and 43% reported having driven distracted. Majority strongly agreed their driving has a community impact and feel safe on Idaho roads.

In response to Member Kempton’s inquiry, due to an increase in single rollover crashes, is there a survey question for length of time to perform tasks within the car such as changing a radio station or mapping, GO Kotowski stated not at this time. However, they are looking at ways to add to their campaign messaging.

In response to Vice Chair Horsch’s question about safety messaging for the agricultural industry, GO Kotowski replied they will look at opportunities to include additional sources such as trade magazines and websites.

Chairman Moad inquired about how participation can be increased from the 523 who responded. GO Kotowski state they have been considering various ways from target demographics to timing and frequency. At the Chairman’s request, staff will provide cost to broaden the survey.

In response to Member DeLorenzo’s question if respondents self-identify their location, GO Kotowski responded the survey focused on young adults in rural areas.

In regard to accident fatalities, Chairman Moad inquired if the time of day is included. GO Kotowski stated it is not; however, specific data can be accessed from the Crash report dashboards.

Chairman Moad thanked GO Kotowski for the report.

5311 CARES Funding Agreement for City of Twin Falls. Public Transportation Manager Ron Duran reported on the \$3 million funding agreement request for the City of Twin Falls pilot project. It provides a solution due to Trans IV's closure in September. The program is similar to the one in Idaho Falls and for other rural agencies. They have a provider who is returning their CARES funding. The Public Transportation Advisory Council supports the project. It is for a minimum of 2 years and requires no match from the city for the first two, which gives them time to develop a sustainable method.

In response to Chairman Moad's question on how quickly it can be implemented, PTM Duran stated by the first of the year. The Request for Proposal is written and ready to go.

In response to Member Hoff's inquiry if services will go beyond the City of Twin Falls, PTM Duran replied, for now, it is within the city similar to what Trans IV provided.

Member Osborn asked if the funding includes capital funding. PTM Duran stated it is only for operating to cover contract costs.

Member Kempton commented, in respect to the amended resolution that added language for PTAC, he appreciates their support. The city has been struggling and this helps greatly.

Member Kempton made a motion, seconded by Vice Chair Horsch, and passed unopposed by roll call vote to approve the following amended resolution:

RES. NO. WHEREAS, the Public Transportation Office is charged with programming
ITB22-65 public transportation projects in the rural area of Twin Falls, Idaho; and

WHEREAS, the Idaho Transportation Board serves as the final approver of Federal Transit Administration (FTA) funded projects in Idaho; and

WHEREAS, the funding source for the proposed Twin Falls Transit Pilot Project is a FTA 5311 CARES grant; and

WHEREAS, the Public Transportation Office has reviewed and collaborated with the City of Twin Falls on the proposed project.

NOW THEREFORE BE IT RESOLVED, that the Board acknowledges the project proposed and approves the Public Transportation Office to enter into rural funding agreement in the amount of \$3,000,000.

BE IT FURTHER RESOLVED, that this project is submitted for inclusion in the FY23-29 Statewide Transportation Investment Program and programmed in FY23

Chairman Moad thanked PTM Duran for the presentation.

Executive Session on Legal and Personnel Issues. Member DeLorenzo made a motion to meet in executive session at 10:25 AM to discuss issues as authorized in Idaho Code Section 74-206 (b) and in Idaho Code Section 74-206 (f). Vice Chair Horsch seconded the motion and it passed unanimously by roll call vote.

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

The Board came out of executive session at 11:55 AM.

Administrative Settlement Over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 20788 – SH-16, I-84 to US 20/26 & SH-44 IC, Ada and County Counties.

Member DeLorenzo made a motion, seconded by Member Kempton, and passed unopposed by roll call vote, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department is acquiring right-
ITB22-66 of-way for SH-16, I-84 to US 20/26 & SH-44 IC, Ada & Canyon Counties, 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 approve an administrative settlement in the amount of \$393,237.00.

Chairman Moad thanked ROW Manager Pond for the presentation.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 12:01 PM.

Signed

WILLIAM H. MOAD, Chairman
Idaho Transportation Board

Read and Approved
November 17, 2022
Boise, Idaho