

REGULAR MEETING
IDAHO TRANSPORTATION BOARD

February 23, 2023

The Idaho Transportation Board met at 8:30 AM on Thursday, February 23, 2023, in Boise, Idaho. The following principals were present:

James R. Thompson – District 1
Gary Osborn - District 2
Julie DeLorenzo, Presiding Chair – District 3
Jim Kempton, Member – District 4
John Bulger, Member – District 5
Bob Hoff, Member – District 6
Scott Stokes, Director Stokes
Dan McElhinney, Chief Deputy/Chief Operations Officer
Tim Thomas, Lead Deputy Attorney General
Lorraine Dennis, Executive Assistant to the Board

Vice Chair DeLorenzo presided over the meeting in Chairman Moad’s absence.

Call Meeting to Order. Madame Chair introduced John Bulger the new District 5 Board Member and invited him to say a few words. Member Bulger introduced himself and expressed his appreciation to serve.

Security Share. Construction/Materials Engineer Chad Clawson reported on the importance of performing regular check-ups and testing for safety equipment. He highlighted the eyewash station in the Materials lab as an example of equipment requiring regular checks.

Madame Chair thanked CME Clawson for the important message.

Board Minutes. Member Kempton made a motion to approve the minutes of the January 12, 2023, as corrected, seconded by Member Hoff, and the motion passed unanimously.

Board Meeting Dates. The next meeting is March 23, 2023, in Boise. Director Stokes stated the spring workshop on workload based resource planning will be held in April instead of next month.

Consent Items. Member Kempton made a motion to remove the Request for Consultant Agreements from the consent items and place it on the agenda for discussion with the Request to Exceed Board Policy 4001 Threshold for Right-of-Way Professional Service Agreements agenda item on pages 151 and 152. Madame Chair acknowledged the amended motion, whereby Member Thompson seconded it. The motion to approve the following amended resolution, as depicted in bold and strikethrough, passed unopposed:

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB23-07 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 removal of Middle Fork Road safety improvements in the Local Highway Safety Improvement Program of the FY23-29 ITIP, **and** contract awards **and consultant agreements**.

1) Removal of Middle Fork Road safety improvements in the Local Highway Safety Improvement Program of the FY23-29 Idaho Transportation Investment Program (ITIP). Adams County requests the Middle Fork Road Safety Improvements in Adams County, be removed from the LHSIP program. The Local Highway Technical Assistant Council (LHTAC) proposes to reallocate those funds, totaling \$115,000 in FY2023 and \$494,000 in FY2025, to FY2023 LHSIP project funds. The \$33,000 can immediately be allocated to the City of Rexburg project, KN 23887, INT 2nd W & 5th S RFFB for advancement from FY2024 to FY2023, leaving a remaining balance of \$82,000 for allocation to LHSIP projects. The FY2024-25 funds will be rebalanced in the FY2024-2030 ITIP update.

2) Contract awards. The low bids on the following project is more than ten percent over the engineer's estimate, requiring justification. On key #23041, US-95, Spokane River Bridge repairs, District 1, some differences between the low bid and engineer's estimate are in patch and repair of concrete surface and traffic control; key #20513, US-12, Clearwater River Memorial Bridge, District 2, main difference between the low bid and engineer's estimate is in bridge steel; key #23044, US-93 Perrine Bridge repairs, District 4, some differences between the low bid and engineer's estimate are in painting, structural steel, and traffic control; and key #20420, I-15B, asphalt intersections, Idaho Falls, District 6, main difference between the low bid and engineer's estimate is for mobilization.

The engineer's estimate was developed using the average bid costs of previous projects in the area and assumed price increases. The Districts does not believe re-advertising the projects would result in lower bids, and recommends awarding the contract. Low bidder, for key #23041: McMillen Inc. - \$4,180,800.00, key #20513: Wadsworth Brothers Construction Co. - \$38,321,515.07; key #23044: Abhe & Svoboda Inc. - \$3,972,645.00; and key #20420: Sunroc Corp. - \$3,738,277.55.

Informational Items.

1) Contract awards and advertisements.

Key #22734, US-12 Saddle Camp to Warm Springs, District 2. Low bidder: Knife River Corp. - \$6,997,928.95.

Key #23047/23046, US-89, Bear Lake Outlet Canal Bridge, District 5. Low bidder: Coldwater Group - \$1,359,443.94.

Key #23090, US-95, AHT'WY IC and Plaza, District 2. Low bidder: Knife River Corp. - \$24,770,000.00.

Key #21967, I-84, W. Bridge repair, District 3. Low bidder: Concrete Placing Co. - \$1,798,748.33.

Key #20437SIA, US-30, wildlife fence, District 5. Low bidder: Northwest Landscape – 18,010FT (FPVQ).

Key #20658, US-2, Moyie Springs Turn Bays, District 1. Low bidder: Interstate Concrete & Asphalt - \$1,219,504.71.

Key #19377, Lochsa Ranger Station to Holly CR turnout, District 2. Low bidder: ASCORP Inc. - \$14,014,014.01.

The list of projects currently being advertised was provided.

2) Professional services agreements and term agreement work tasks report. From December 19, 2022 to January 30, 2023, 19 new professional services agreements and work tasks were processed, totaling \$1,817,352. Three supplemental agreements to existing professional services agreements were processed during this period for \$314,124.

3) Semi-annual report on administrative settlements right-of-way acquisitions. During the semi-annual period of July 1, 2022 through December 31, 2022, the Right of Way Section processed 40 parcels with a value of \$10.3 million. Of the 40 parcels, 15 parcels had an administrative settlement.

4) Biennial report on inventory of surplus property. During the biennial period of January 1, 2021 through December 31, 2022, staff disposed of 21 surplus properties, totaling 130.73 acres with sales proceeds totaling \$671,664.13. There are 44 properties in inventory. A portion of these properties are currently being leased. The department does not appraise, or have appraised, surplus property until it has known interest from an outside party.

5) Non-construction professional service contracts. Per Board Policy 4001, staff is required to report all non-construction professional service agreements. The department did not execute any professional service agreements for the previous month.

6) Monthly report of federal formula program funding through February 1. Idaho received full-year FY23 obligation authority of \$394.2 million through September 30, 2023, via the consolidated appropriations act passed on December 29. OA includes \$9.3 million of Highway Infrastructure General Funds carried over from FY20 and FY21 and \$45 million of Infrastructure Investment and Jobs Act (IIJA) Bridge Formula funds. The IIJA was signed on November 15, 2021. Additional apportionments were allocated via the Appropriations Act. Idaho will receive apportionments of \$441.4 million. FY23 obligation authority through December 16 is 29.2% of apportionments. Allotted program funding is \$426,504 million with \$374,799 million remaining.

Board's Subcommittee on Audits Update. Controller Justin Collins provided the update on Madame Chair's behalf. Controller Collins reported ITD had one finding as a result of the Legislative Services Office annual audit. The finding was based on the way the department was

reporting roadway capital assets. LSO recommended using the in-service date for the beginning balance. There was no discrepancy with the ending balance. Staff made the correction and implemented a corrective action plan.

Board's Subcommittee on Policies Update. Policies Subcommittee Chairman Bob Hoff reported the subcommittee met prior to the board meeting to review two policies. Policy 5068, Division of Motor Vehicles/County Automated Systems is being updated to align with current practices, and Policy 5561, On-Call is a new policy. Both were unanimously supported by the subcommittee to bring forward to the full Board for approval.

Director's Monthly Report. Director Stokes reported on one of the department's five strategic focus areas - Invest with Purpose, which was a major theme of the department's budget presented to the legislature. The factors that define it are deliberate investment, on-time and quality delivery of projects, active budget management that includes contingency planning, ready-early delivery of infrastructure projects, effective communication to provide transparency, and timely results. In comparison to previous years, investments in the following have increased substantially to: \$210M in safety and capacity – also referred to as modernization, \$150M in pavements, \$100M in bridges and \$15M towards other roadside highway assets (guardrail, signs, striping, etc.).

Director Stokes provided a summary of the number of projects and total dollars for FY21, FY22 and FY23 that included the GARVEE and Transportation Expansion & Congestion Mitigation (TECM) programs. Some highlights included, for FY23, there are 56 projects programmed totaling \$821 million, of which five are TECM funded (\$372M). There are 23 State Transportation Improvement Program (STIP) projects ready early totaling \$139M. From 2022 to 2025, there are 25 planned TECM construction projects representing a total investment of \$2B. In 2022, there were five TECM projects (\$400M) advertised for construction and seven projects (\$450 - \$500M) ready for advertisement in 2023. And for 2024 – 2025, there is an \$800M to \$1B investment for another nine TECM projects.

Madame Chair thanked Director Stokes for his report.

Legislative Update. Government Affairs Manager Colby Cameron reported the department presented its budget to the Joint Finance Appropriation Committee on Feb. 2, which was well received, and budget setting will be on March 7. The department's three legislative bills passed the house and senate and were forwarded to the Governor for signature. The department's rules were approved by the Senate Transportation Committee with the House Transportation Committee review expected early March. Staff does not anticipate any issues. Currently, staff is tracking 46 legislative proposals that may impact the department. GAM Cameron highlighted a few bills the department is tracking such as H185, sponsored by Idaho Trucking Association, for electric vehicle fees on trucks. The tax is based on kilowatt per hour. And H132, Strategic Initiative Grant Program, \$100M – that anticipates \$36M for the Ada County Highway District. The STC is expected to vote on Member Bulger's confirmation this afternoon.

In response to Madame Chair's question regarding H132 if the \$100M grant proposal includes \$36M or will it be added, GAM Cameron confirmed it would be a total of \$136M.

Madame Chair thanked GAM Cameron for his update.

State Fiscal Year 2023 Statements, Mid-Year Report. Controller Justin Collins provided a mid-year report (July 2022 to December 2022) on the department's FY23 financial statements. His report included revenue trends, in comparison to previous year actuals, in the State Highway Fund, Highway Distribution Account (HDA), State Aeronautics Fund, and TECM Fund with expenditure trends for each. Some highlights included revenue to the State Highway Fund and HDA are ahead of forecast. Staff meets weekly to discuss expenditure trends in the State Highway Fund – in particular increases in operating costs of \$52.2M in comparison to \$49.2M last year. Revenue in the Aeronautics Fund is higher than forecasted with actuals of \$1.9M in comparison to \$1.3M forecasted for aviation fuel. Expenditures in the Aeronautics Fund are substantially greater than last year in trustee & benefits due to an increase of revenue received from the Governor's Leading Idaho initiative. The TECM fund balance is \$61.3M with expenditures of \$13.1M in debt service and \$37.6M in expenses.

Controller Collins reported the Strategic Initiatives Program Fund balance as of December 31, 2022, is \$162.9M, and year-to-date, GARVEE expenses total \$57.8M and TECM expenses at \$57.2M, which both are on track to expend bond proceeds within required timeframes. The Cares Act Funding for Public Transit has expended \$2.8M for FY23. In conclusion, Controller Collins stated the department plans to release \$25M in set aside reserve funding to mitigate lower than forecasted fuel revenue.

Madame Chair thanked Controller Collins for the update.

Inflation and Rising Construction Cost Trends Update. Chief Deputy/Chief Operations Officer Dan McElhinney provided an update on the department's ongoing efforts to monitor inflation and cost trends. He reviewed current practices taking place on a continual basis such as monthly contractors meetings, Associate General Contractors (AGC)/company manager meetings, and an 18-month look ahead on projects. Staff is monitoring price indices weekly and tracking bid unit prices to update estimates and budgets prior to bids. Since summer of 2021, construction cost inflation has been at 20 – 30%, but staff is seeing a leveling and downward trend on unit prices during the last quarter of 2022 as fuel prices have decreased and bids are leveling on asphalt, rebar and cement overall. CD/COO McElhinney reported on the regional cost trends for No. 2 diesel fuel and asphalt, national cost indicators for asphalt pavement, iron and steel, concrete and cement, and Idaho bid unit cost indicators. Other highlights included showing the cost index change over the past year with Idaho's 31% in comparison to Colorado 68%, Arizona 46%, and Oregon and Texas at 30%. He also provided perspective on the projects bid from October 2022 to Feb. 13, 2023 in comparison to the engineers estimate. Of the 24 projects awarded with bids amounts of \$107.1M, the total was 19% under the engineer's estimates for these projects.

Madame Chair thanked CD/COO McElhinney for his presentation.

Utilization of FY23 Reserve Funds and FY23 State Holdback Funds. Project Management Office Manager Randy Gill stated in September 2022, the department established a

\$39M reserve for FY23 to cover project cost increases due to inflation and fluctuation on major items. Consequently, \$25M of state funds were held back unprogrammed to assess revenue as FY23 progressed. As presented earlier, the department plans to make \$10M available in February and \$15M available in May. In addition to the reserve funds, staff continually makes cost adjustments to the projects within the program throughout the year.

Project Manager Brad Wolfinger reviewed a summary table outlining the various adjustments made to the reserve balance along with the supporting project information. Some highlights included starting with a reserve of \$39M, bid adjustment increases and decreases of \$10.5M and \$21.6M respectively, and statewide balancing increases and decreases of \$47M and \$13.9M respectively that leaves a remaining reserve balance of \$17.1M. Based on \$16.3M in pending cost increases, and including holdback releases in February and May totaling \$25M, the new remaining reserve balance would total \$25.8M or 15%. The I-15, Rose Interchange to N. Lava Rocks for \$8.8M is one of the projects listed under “pending cost increases” that would be covered by the holdback funds. State infrastructure projects still left to bid in FY23 total \$167.8M.

PMO Gill presented the resolution for the Board’s consideration to utilize State holdback funds.

Member Kempton commended staff, but questioned if the reserve funding should be increased to cover the scope and length of these large projects. Director Stokes stated we are in a culture change. A year ago, there was talk about a recession. The department is going from a historical \$300M construction program to receiving additional state, federal and bonding funds that is now \$800M. The reserve was setup to hedge against inflation. Adjustments are being made to the program, not just project bids, so they want to do more during the STIP process to address these adjustments. They will continue to set aside reserve and adjust for market conditions and the changing environment.

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

RES. NO. WHEREAS, it is in the public's interest for the Department to publish and
ITB23-08 accomplish a current, realistic, and fiscally constrained Idaho Transportation
Investment Program (ITIP); and

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

WHEREAS, it is understood that continued development and construction of improvements are entirely dependent upon the availability of future federal and state capital investment funding in comparison to the scope and costs of needed improvements.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the cost increase on key number 20688, Rose IC to N Lava Rocks as shown on Attachment No. 5 of this Board Item.

NOW THEREFORE BE IT FURTHER RESOLVED that the Idaho Transportation Board approves utilizing the remainder of the State holdback funds for anticipated future increases in FY2023.

Signal Spacing Exception Request, SH-55 and Dry Creek Road. District 3 Engineer Caleb Lakey reported on the background, populations and land use, traffic analysis and recommendations for the SH-55 and Dry Creek Road signal spacing exception request. The proposed signal at Dry Creek Road and SH-55 is less than the required Idaho Administrative Code minimum access spacing from the signal at Brookside Lane and SH-55. Dry Creek Road is a local road and not managed by ITD. Some highlights presented included there are 3,475 approved homes (approx. 6,000 residents today) in the Dry Creek, Hidden Springs and Cartwright Ranch communities with only one signalized intersection to access SH-55. Additional developments are anticipated in northeast Eagle and Avimor communities. Two signal lights were recommended in the original 2016 Traffic Impact Study. In 2022, an updated Intersection Analysis also demonstrated warrants for signals at both intersections. Dry Creek Ranch planned community allows for 10-acres and 85,000 square feet of commercial space making a signalized intersection more desirable for easy enter and exit access. Homeowner Associations for Dry Creek Ranch and Hidden Springs support the signal; however, DE-3 Lakey reported they have received some opposition from residents and the City of Eagle.

DE-3 Lakey stated his recommendation is to design a Green-T Intersection, which would allow for southbound through as free movement with signalized left-ins and left-outs access. The intersection had been agreed to be restricted to a right-in, right-out configuration in the current development agreement, so the current request is being treated as an appeal of that agreement.

Madame Chair expressed her support and the efforts taken by the district in identifying a workable solution. DE-3 Lakey added the developer would fully fund the design and installation.

In response to Member Bulger's question regarding specific concerns expressed by the City of Eagle, DE-3 Lakey stated the concern was mainly with sight distance and safe operations because the highway has a slight bend in this location. He also stated the City has been a good planning partnering and feels we are not honoring the previous land use and transportation planning; however, Ada County is the official land use agency. ITD and ACHD wrote a joint letter to the Ada County Commissioners in support of the signal, contingent upon the exception for spacing being approved by the Board and with additional stipulations for design and construction of the signal.

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

RES. NO. WHEREAS, the Idaho Transportation Board is charged with considering the
ITB23-09 safety and convenience of the highway users; and

WHEREAS, per IDAPA 39.03.42.400.03.h the Board has appeal authority on access spacing; and

WHEREAS; Boise Hunter Homes has requested reconsideration of the decision to restrict the intersection of Dry Creek Road and SH-55 to a right-in, right-out configuration; and

WHEREAS; Boise Hunter Homes has agreed to pay, in full, for the design and installation of a signal; and

WHEREAS; the ITD District 3 Engineer is supportive of the additional traffic analysis for signalization with the stipulation that the intersection signalization be designed and installed to function as a “Green-T” intersection, as presented.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the exception for access spacing for signalization at the Dry Creek Road and SH-55 intersection, and for staff to work with Boise Hunter Homes on a signalized “Green-T” intersection design and installation.

Board Unallocated Funds for Remediation and Containment of Product Leak at the Bottom of Lake Coeur D’Alene. District 1 Engineer Damon Allen presented a request for Board Unallocated Funds to provide remediation and containment of product from a relic dozer left on the bottom of Coeur d’Alene Lake. DE-1 Allen provided a background from the initial incident in 1990 when the bulldozer submerged in the Lake following a slope failure. The dozer started leaking petroleum in 2000, and then again in 2010 and December 2022. Various corrective methods were taken at the onset of the initial leak; however, the membrane cover and collection buckets are not effectively preventing the release of petroleum. A contractor is needed to expedite a remedial action plan that includes all materials and labor needed to deploy a containment system. Planning is being done in collaboration with Dept. of Environmental Quality, Dept. of Lands and stakeholders.

In response to Member Bulger’s question about the collection mechanism removing fuels overtime, DE-1 Allen stated the mechanism would be a stainless steel “hood” structure with a collection receptacle. Product collecting from the hood would be syphoned off. Divers will monitor activity weekly and have the option to deploy drones.

Member Thompson 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
ITB23-10 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, Board Policy 4001 requires the Transportation Board to approve professional services agreements that exceed \$1 million.

NOW THEREFORE BE IT RESOLVED, that the Board approves increasing the total authorization for construction consultant services on the I-86/I-15 System Interchange (Key Number 20589) to \$8 million.

US-95, MP 283.03 Railroad Overpass Project. District 2 Engineer Doral Hoff reported he has been working with the railroad for about seven years to address clearance issues for oversized truckloads on US-95 in the Culdesac Canyon. The existing railroad overpass is posted at a vertical clearance height of 14' 11". These oversized loads must take the Ruebens – Gifford county road, which is about a 26-mile detour. DE-2 Hoff stated this future request would entail two phases. The first is removal of the existing steel girders and the eastern side bridge pier and the second, to design and construct a new steel structure and pier to support a maximum weight of 320,000 pounds with a 17' 6" clearance. He shared the railroad owner wants to use the rail to accommodate a dinner train. The anticipated cost is between \$3.5M to \$4M.

In response to Madame Chair's question if the rail is in operation, DE-2 Hoff stated it is not. The owner is currently storing cars. He added there is no rail line from south of Craigmont.

In response to Member Kempton's inquiry about the rail cars being used for storage, DE-2 Hoff responded some cars had oil, but no activity is currently taking place. Member Kempton commented about the owner's responsibility for paying taxes on those rail cars.

Madame Chair thanked DE2 Hoff for his presentation.

Lakes Highway District Functional Classification Change Request. Program Manager Robert Beachler provided background information on the role of the Functional Classification system, the various types, and how change requests are processed. Federal legislation continues to use FC in determining eligibility for funding under federal-aid. Some highlights included defining major and minor collectors FC types - which gather traffic from local roads and funnel them to the arterial network. Changes can be requested by ITD or local agencies and require Board and FHWA approval. The Lakes HD evaluated future connectivity to US-95 while planning to replace a 94-year old bridge over Old US-95 Railroad Bridge. The proposal is to change FC to realign Old US-95 onto Parks Road as a rural major collector. A public meeting was held and the change was approved by the Kootenai County Metropolitan Planning Organization Board. The request is in-line with the 2010 US-95 Garwood Sagle study calling for a future interchange at Parks Road & US-95, which is in early development.

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

RES. NO. WHEREAS, Department staff has reviewed the Functional Classification Change
ITB23-12 Request from Lakes Highway District to have Parks Road placed on the Federal
Functional Classification System as a Rural Major Collector; and

WHEREAS, the Lakes Highway District held a public meeting on June 8, 2022, to discuss Old US Highway 95 Union Pacific Bridge Replacement and road realignment to identify future alternative connections to US-95; and

WHEREAS, on November 10, 2022, the Kootenai County Metropolitan Planning Organization (KMPO) Board approved Lakes Highway District's request to have Parks Road placed on the Federal Functional Classification System as Rural Major Collector to provide future connectivity to the US-95 and Parks Road Interchange; and

WHEREAS, the Idaho Transportation Board has reviewed the request to change the Federal Aid Classification of Parks Road under the Lakes Highway District jurisdiction.

NOW, THEREFORE BE IT RESOLVED that the Idaho Transportation Board approves Lakes Highway District's request to change the Federal Aid Functional Classification of Parks Road to Rural Major Collector within the Lakes Highway District jurisdiction.

Madame Chair thanked PM Beachler for his presentation.

Revised Policy 5523 Alcohol and Drug Free Workplace Update. Employee Safety Manager Randy Danner presented changes to Administrative Policy 5523, Alcohol and Drug Free Workplace that required a five-year review. The changes remove outdated reporting, added requirements for reasonable suspicion training for supervisors of Commercial Drivers License (CDL) holders or safety sensitive positions, and formatting for the Federal Transit Authority requirements.

In response to Madame Chair's question regarding employee reporting requirements for convictions occurring in the workplace, ESM Danner stated it is required to report any felony convictions for employees with a CDL. He stated per Idaho Administrative Code (IDAPA), an employee is only required if it is within the workplace.

Member Kempton questioned why an employee was required to notify their supervisor if only charged, and expressed concerns for the employee's reputation should the charges be dismissed and the ability to maintain confidentiality. ESM Danner stated the reporting is intended for CDL holders and other safety sensitive position that could pose a risk to the department or danger to the public. DAG Thomas clarified employees with a CDL are asked to self-report if they are charged; however, the department does not take action unless they are convicted. He also reported personnel files are confidential and not subject to public records requests.

In response to Member Bulger's question about an employee's personnel record being updated to reflect final charging outcomes, ESM Danner responded the record would be expunged from the file and is done in accordance with HR administrative rules.

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

RES. NO. WHEREAS, the Idaho Transportation Board is charged with setting policies for
ITB23-13 the Idaho Transportation Department; and

WHEREAS, Administrative Policy 5523 Alcohol and Drug Free Workplace required a 5-year review; and

WHEREAS, Administrative Policy 5523 Alcohol and Drug Free Workplace was updated to reflect current State and Federal requirements.

NOW THEREFORE BE IT RESOLVED, that the Board approves the revisions to Administrative Policy 5523 Alcohol and Drug Free Workplace.

Madame Chair thanked ESM Danner for his presentation.

5311 and 5311 (f) American Rescue Plan Act Funding Recommendations. Public Transportation Manager Ron Duran reported on the availability of funding for the 5311, Relief for Rural Areas and 5311(f) for Intercity Bus Providers ARPA grant programs. The total allocation for both is \$2.8 million that needs to be obligated by September 2024 and used by September 2029. Providers submit grant applications outlining unmet and unanticipated needs for administrative and operating expenses such as payroll and fuel costs. One provider for each grant submitted applications. Treasure Valley Transit applied for \$475,136 of 5311 ARPA funds and Salt Lake Express for 5311(f) funds of \$1,454,717. Staff proposes to fund each request leaving a remaining balance of \$915,403 in the 5311(f) ARPA fund.

In response to Member Hoff's inquiry about Salt Lake Express' request and the eligibility for services provided outside of Idaho, PTM Duran responded SLE's initially requested \$3 million, but staff worked with them to refine their request to only include services provided in Idaho. Member Hoff commented on the competition of subsidies with aviation services and the potential negative impact to the aviation community.

Member Osborn made a motion, seconded by Member Kempton, and the motion passed by majority vote to approve the following resolution. Member Hoff abstained from the vote.

RES. NO. WHEREAS, the Public Transportation Office is charged with soliciting,
ITB23-14 reviewing, and programming public transportation projects in the rural areas of
Idaho; and

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

WHEREAS, the funding sources include two Federal Transit Administration grants, the 5311 ARPA and 5311(f) ARPA grants; and
WHEREAS, the Public Transportation Office has solicited, reviewed, provided for public comment, presented and received unanimous concurrence with

comment from the Public Transportation Advisory Council on the Funding Recommendations.

NOW THEREFORE BE IT RESOLVED, that the Board approves the ARPA 5311 and 5311(f) grants Funding Recommendations in the amount of \$1,929,853 for submittal to the Federal Transit Administration for final approval.

BE IT FURTHER RESOLVED, that these Funding Recommendations are submitted for inclusion in the FY23 – 29 Statewide Transportation Investment Program and programmed in FY23.

Madame Chair thanked PTM Duran for his presentation.

Local Rural Highway Investment Program Annual Report. State Design Engineer Monica Crider introduced LHTAC Construction Engineering Manager Megan Kautz who presented the LRHIP annual report. She reported LHTAC provides technical assistance, training and project oversight for 287 local entities. The LRHIP program is authorized through Board Policy 4030 and allows for the exchange of surface transportation-rural funds for state highway funds at a rate of 80-cent state for every \$1 of federal. The maximum exchange rate is \$5 million. In FY22, \$4.85 million of federal was exchanged for \$3.88 million in state. LHTAC CEM Kautz reported on the rules, scoring criteria, application process, and eligibility of funds. Some highlights included of the 88 applications submitted, 50 were granted totaling \$3.4 million. Construction projects in City of Bonners Ferry, Garden Lane (\$130,000) and City of Clifton, 100 W. Road (\$135,000) were completed. The City of Tetonia upgraded signs and a new transportation plan for the City of Potlatch were funded. Applications for emergency projects are received year around. Three projects totaling \$240,000 of emergency funding were completed.

Madame Chair thanked LHTAC and staff for their annual report.

Executive Session on Legal and Personnel Issues. Member Osborn made a motion to meet in executive session at 11:51 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 executive session discussion on legal matters related to highway and department operations and personnel matters.

The Board ended executive session at 1:12 PM.

Request to Exceed Board Policy 4001 Threshold for Right-of-Way Professional Service Agreements. Right of Way Manager Justin Pond reported there are four project agreements that require Board approval for full-service right-of-way firms to conduct acquisition and relocation activities. Two of the projects are TECM funded corridors – US-20/26 and SH-55 with agreements currently in negotiations. Two additional projects, SH-75 TECM corridor and US-20 between Chester and Ashton, are included in the request. The cost for each project agreement is not to exceed \$2M for a total of \$8M. Agreements that exceed \$1M require Board approval.

There is no request for additional funding because it is already budgeted within each of the projects.

In response to Member Hoff's question regarding full service right-of-way delivery, RWM Pond stated it includes all related services that the ROW office would provide such as agreement preparation, project management, appraisal work and reports, negotiations, relocation services, etc.

CD/COO McElhinney reported on a recent Right-of-Way Workshop where service delivery issues was among the topics. Due to increased construction projects, there are over 1,000 new parcels that need to be processed. The decision was made to add ROW staff at each of the district offices to help balance the workload. Staff also met with consultant firms and appraisers.

Member Kempton referenced page 151, background information, for the US-20 Chester to Ashton project noting there are two key numbers for the project (KN22163 & KN20053), but the resolution on page 152 did not have both key numbers – only KN22163.

Member Kempton then referenced page 33, Request to Approve Consultant Agreements that was removed from the consent calendar, under the recommendations section, the first project listed KN20053, US-20, Chester to Ashton (\$2.08M request) for clarification on the total amount being requested. He also commented if previous discussions regarding the use of reserve funding was enough to cover variances of these projects listed on page 33.

In response to Member Kempton's initial question, RWM Pond stated the second key number (KN20053) was inadvertently left out; however, it does not impact the requested amount. It is a two phase project that is expected to be under \$2M.

Director Stokes clarified the consent item consultant agreement for KN20053 is for design services. The KN represents the project not the activity. The request presented by RWM Pond is for right-of-way services. He further explained, a project budget is first established, preliminary work is done, and then staff seeks permission to enter into a contract. In response to Member Kempton's question, about why this particular request is presented and not the consent item, Director Stokes stated, if preferred, staff can present all requests.

In response to Member Kempton's inquiry about the consultant agreements Request for Proposal criteria, Director Stokes responded if services are over \$500,000, then we use a RFP where all companies can compete. If services are less than \$500,000, we use on-call services (term agreements) that are preselected for minor items.

Madame Chair questioned if the 1,000 parcels cited earlier is for pending ROW acquisition for over the next three years. RWM Pond stated that is correct. Each TECM project can require over a 100 parcels – in addition to other construction projects.

Member Kempton made a motion to approve the amended resolution that adds references to "right-of-way" and the omitted KN20053, seconded by Member Osborn. The following

amended resolution, as depicted in bold and underscore, passed unopposed (Member Bulger was not present for the vote):

RES. NO. WHEREAS, the Idaho Transportation Board approved the FY23-29 Idaho
ITB23-15 Transportation Investment Program (ITIP) including multiple high priority TECM projects; and

WHEREAS, the Idaho Transportation Department has developed a procurement process for full-service right-of-way acquisition and intends to use it on high priority projects with accelerated schedules; and

WHEREAS, utilizing consultant and third-party services is strategic to balance department resources and is intended to accelerate the right-of-way acquisition process; and

WHEREAS, a Request for Proposals (RFP) was issued in November and two separate firms have been selected for the US-20/26 and SH-55 TECM corridors, with agreements currently being negotiated; and

WHEREAS, two additional projects have been identified to use this same procurement method and full suite of right-of-way services for the SH-75 TECM corridor and the US-20 project between Chester and Ashton (not TECM-funded); and

WHEREAS, Board Policy 4001 requires Board approval to exceed \$1 million for **right-of-way** professional services agreements, and these agreements are estimated not to exceed \$2 million each.

NOW THEREFORE BE IT RESOLVED, that the Board approves exceeding the \$1 million threshold in Board Policy 4001 up to \$2 million each for the following four **right-of-way** projects:

- US-20/26, Middleton Road to Star Road (KN 23337)
- SH-55, Farmway to Middleton Road (KN 22715)
- SH-75, Bellevue to Ketchum (KN 23342)
- US-20, Chester to Ashton (KN 22163)(**KN 20053**)

Request to Approve Consultant Agreements (Consent Item, Page 33). In continuation of discussions, noted in the previous item, regarding consultant agreements, State Design Engineer Monica Crider confirmed KN20053 - US-20, Chester to Ashton is one of the projects staff is seeking Board approval for completion of design services.

Member Kempton made a motion that the Request to Approve Consultant Agreements for the Board's consideration has been reviewed and approves the request as written in the recommendations on page 33. Member Osborn seconded the motion and it passed unopposed to approve the following request for consultant agreements:

RES. NO.
ITB23-16

- KN 20053 US-20, Chester to Ashton (District 6) – an approval for \$2.08M increase for completion of design services agreement for total agreement amount of approximately \$2.61M.
- KN 19948 KN 20244 I-90 Elizabeth Park OPass and I-90 Division St IC Opass (District 1) – an approval for \$1.03M increase for construction engineering and inspection services (CEI) agreement for total agreement amount of approx. \$2M.
- KN 23607 I-90, SH-41 to US-95 (District 1) – an approval for \$617,000 increase for completion of design services agreement for total agreement amount of \$17.6M.
- KN 22687 US-30, Yellowstone to Garrett Corridor (District 5) – an approval for design services agreement of approx. \$1.4M.
- KN 19916 US-95, Labrosse Hill Street to Alderson Lane (District 1) – an approval for \$1.1M increase for construction engineering & inspection services (CEI) and engineer of record services agreement for total agreement amount of approx. \$3M.
- KN 23408 SH-16, Ustick to US20/26 (District 3) – an approval for \$1.03M increase for construction engineering and inspection services (CEI) agreement for total agreement amount of approx. \$2.5M.
- KN 23410 SH-16, I-84 to Franklin (District 3) - an approval for \$1.6M increase for construction engineering and inspection services (CEI) agreement for total agreement amount of approx. \$2.5M.

Administrative Settlement over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 10005, Project No. A010(005) SH-53, Pleasant View Interchange, Kootenai County.

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

RES. NO. WHEREAS, the Idaho Transportation Department is acquiring right-
ITB23-17 of-way for the SH-53 Pleasant View Interchange, 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 \$542,543.00.

Administrative Settlement over \$200,000. Right of Way Manager Justin Pond presented an administrative settlement for KN 20788, Project No. A020(788) SH-16, I-84 to US 20/26 & SH-44 Interchange, Ada and Canyon Counties.

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

RES. NO. WHEREAS, the Idaho Transportation Department is acquiring right-
ITB23-18 of-way for the 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 approves an Administrative Settlement up to the amount of \$1,520,462.80.

Madame Chair thanked RWM Pond for his presentations.

New Headquarters Idaho Chinden Campus, Building 3 Update. Chief Administrative Officer Dave Tolman provided an update on the Chinden Campus Building 3 renovation, plans for an operations building at Chinden Campus and the status of the State Street Campus sale. Some highlights included the asbestos abatement for Building 3 will be complete by the end of the month and the new roof is underway. The design team, which includes staff from Division of Public Works and the architectural firm CSHQA, created a block design layout for the first and second floors. Guiding principles were created to develop the layout such as leveraging natural light to design workspaces. CAO Tolman reviewed the layout details per floor. A draft site plan for a new building for maintenance operations, that includes the materials lab and motor pool, at the Chinden Campus is under review by the Dept. of Administration. If approved, it would require legislative approval. TOK Commercial is the brokerage firm selected to sell the State Street Campus. They anticipate the building being listed by April with a goal of selling it by the end of the year. The department would need to lease back space for the central lab functions until a new building is built. CAO Tolman added an internal website was created to keep employees informed on progress as well.

Madame Chair thanked CAO Tolman for the update.

Transportation Expansion & Congestion Mitigation (TECM) bond drawdown summary. TECM Program Manager Amy Schroeder provided an overview on the TECM program beginning when the board authorized TECM funds for specific projects in May 2021 and subsequently approved the 13 TECM corridors in July 2021. By fall 2021, consultants were selected and agreements negotiated. The first \$216 million bond sale was in spring 2022 with another \$400 million bond sale planned this spring. PM Schroeder reviewed the TECM

drawdown summary referencing a new report created to show the projects by corridor, phase, bond type and amounts, drawdown amounts, along with bond percentage used and balance. She also stated staff will present the report at least twice per year, and within six months of a bond sale to show the progress toward the drawdown requirement in the first six months.

CAO Tolman reported on the TECM 2023A bond sale timeline. Since the Board authorized a bond sale last month, staff is preparing documents to present to the rating agencies, Moody's & Fitch, this month. Pricing will take place the last week of March with the closing in April. The market volatility is similar to last year's fluctuations. The department expects the same bond rating as the 2022A series with a debt service of \$38 million. It will be a fixed rate with a 25-year maturity term.

Madame Chair thanked staff for the report.

Evaluation of Traffic Signal Operations and Maintenance Practices, Phase 1. CD/COO Dan McElhinney stated the increase in traffic in urban areas has created many challenges. ITD transfers traffic signals to the respective local entities while paying for the maintenance costs. The department has been in contact with ACHD Director Wong regarding signal operations. The Signal Coordinated Adaptive Traffic System (SCATS) when deployed can be very good, but does present its share of challenges.

State Traffic Engineer Kevin Sablan reported they are seeking consultant help to define what the local's objectives are and learn how the signal operations are currently being monitored and timed. They will also look at identifying recommendations to improve cooperation and management of signal operations to improve traffic flow and minimize network delays. The initial phase of the evaluation will be in Ada County with additional study work planned in Twin Falls, Pocatello/Chubbuck and Idaho Falls.

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

RES. NO. WHEREAS, it is in the public's interest for the Department to evaluate traffic
ITB23-19 signal operations and maintenance and how signal timing coordination works
 within local traffic control systems on state highways; 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 Metropolitan Planning Organization/Transportation Management Area staff to amend the regional

Transportation Improvement Plan.

NOW THEREFORE BE IT RESOLVED, that the Board approve \$500,000 of FY23 Board Unallocated Funds for the Evaluation of Traffic Signal Operations and Maintenance Practices – Phase 1.

BE IT FURTHER RESOLVED, that the Board authorize staff to add the project to FY23 of the approved FY 2023 – 2029 ITIP accordingly.

Madame Chair thanked staff for their presentation.

WHEREUPON, the Idaho Transportation Board adjourned its regular monthly meeting at 2:52 p.m.

Signed

JULIE DELORENZO, Presiding Chair
Idaho Transportation Board

Read and Approved
March 23, 2023
Boise, Idaho