

REGULAR MEETING
IDAHO TRANSPORTATION BOARD

July 19, 2023

The Idaho Transportation Board met at 8:00 AM on Wednesday, July 19, 2023, in Boise, Idaho. The following principals were present:

William (Bill) H. Moad, Chairman
Jim Thompson - District 1
Gary Osborn - District 2
Julie DeLorenzo, Vice Chair – District 3
Jim Kempton – District 4
John Bulger, Member – District 5
Bob Hoff, Member – District 6
Scott Stokes, Director
Dan McElhinney, Chief Deputy/Chief Operations Officer
Lorraine Dennis, Executive Assistant to the Board

Board Tour. The board toured Chinden Campus, Building 3, that is under renovation for ITD's permanent headquarters location.

Safety Share. Business & Support Manager Michelle Doane reported on security and central postal operations provided at the Chinden Campus such as 24/7 onsite security, parking lot patrol, after hours escort to vehicles, and postal screenings and detection.

Chairman Moad thanked BSM Doane for the informative message.

Board Minutes. Member Bulger made a motion to approve the minutes of June 14 -15, 2023, seconded by Member Hoff, and the motion passed unanimously.

Board Meeting Dates. The next meeting is August 16 - 17, 2023 in Coeur d'Alene.

Consent Items. In respect to the Trucking Advisory Council and Freight Advisory Committee appointments, Chairman Moad asked if the respective district board members had any concerns. None were expressed.

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

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB23-74 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 Trucking Advisory Council District 2 and 5 appointments, Freight Advisory Committee District 2 appointment, LHTAC local program additions, contracts award, contracts to reject, and to modify the Rail-Highway Crossing Program.

1) Trucking Advisory Council District 2 appointment. Per Board Policy 4042, DMV Administrator recommends the reappointment of incumbent TAC Member Tim Christopherson, to the term January 1, 2023 to December 31, 2025.

2) Trucking Advisory Council District 5 appointment. Per Board Policy 4042, DMV Administrator recommends the reappointment of incumbent TAC Member Dave McNabb, to the term of January 1, 2023 to December 31, 2025.

3) Freight Advisory Committee District 2 appointment. ITD's Planning and Development staff recommend the appointment of Scott Corbitt to fill the vacant District 2 FAC seat due to the previous incumbent's retirement. The term is July 20, 2023 to December 31, 2026.

4) Local Highway Technical Assistance Council local program additions. LHTAC is seeking approval to add sixteen projects that have completed the application and scoring process to the Local Bridge, Local Highway Safety Improvement, Rural, and Off-System Bridge programs. The LHTAC Council approved the project additions.

5) Contract Award. The low bid on the following project is more than ten percent over the engineer's estimate, requiring justification. On key #22408, 3000 E & Foothill Road curve, Twin Falls HD, LHTAC(4), main difference between the low bid and engineer's estimate is excavation, pulverize existing surface and mobilization. The Districts does not believe re-advertising the projects would result in lower bids, and recommends awarding the contract. Low bidder: Summit Construction - \$1,356,920.36. On key #20487, I-90 bridge repair, District 1, main difference is painting structural steel girders and cross frames and mobilization. Recommends awarding the contract. Low bidder: Coldwater Group - \$2,262,983.33.

6) Contracts to Reject. In accordance with Board Policy 4001, staff requests approval to reject the more than 10% over the engineer's estimate for key #20592/20482 SH-3, SH-97 & I-90, Harrison Bridge to Whistle Road, District 1. Contractor - Poe Asphalt Paving, \$2,540,805.13, and key #23791SIA, I-90 striping, D1. Contractor - Road Products, \$677,452.96.

7) Modify the Rail-Highway Crossing Program. Request to add emergency repair project US-20/145 N. RRX, S. of Rigby in Jefferson County, to the Rail-Highway Crossing Program. Costs to replace the concrete surface will be split 50:50 between ITD and the Eastern Idaho Railroad. ITD's portion is estimated at \$150,000 of the total \$250,000 cost.

Informational Items. Regarding the non-construction professional service contract for the Disadvantage Business Enterprise (DBE) project goal setting tool and training, Member Kempton noted it was for the Civil Rights Unit and inquired about the type of training. CD/COO

McElhinney stated ITD sets a DBE project goal for federally funded projects so the tool will assist with tracking accomplished goals per project. The training is in support of the DBE program.

Member Kempton offered comments about the monthly financial statements. He finds them very effective as a tool to help provide explanation and for legislators. He recognized the value of in person presentations as well.

1) FY23 Division of Financial Management Performance Report. Idaho Code 67-1903 & 67-1904 requires all state agencies to submit an annual performance report to the Division of Financial Management by September 1. The required elements include an overview, core functions, revenue and expenditures, key services and performance measures. The FY23 Performance Report is submitted for board input. Staff is seeking approval next month.

2) Contract awards and advertisements. There were two ITD and no Local contracts awarded that did not require Board approval from June 1 to June 30, 2023. From October 1, 2022 to June 30, 2023, 71 ITD and 14 Local contracts were bid.

The list of projects currently under advertisement was provided.

3) Professional services agreements and term agreement work tasks report. From May 22, 2023 to June 25, 2023, 57 new professional services agreements and work tasks were processed, totaling \$19,911,912. Eleven supplemental agreements to existing professional services agreements were processed during this period for \$1,076,955.

4) Annual report of activities to the Board of Examiners. There were no requests submitted to the Board of Examiners for FY23.

5) Non-Construction professional service contracts. Board Policy 4001 states, 'Each month the Chief Administrative Officer shall report to the Board all non-construction professional service agreements entered into by the Department during the previous month.' Two agreements were executed: Browne, Bortz & Coddington for a DBE project tool - \$45,000 and Horrocks Engineering for the highway safety plan - \$15,000.

6) Monthly report of federal formula program funding through June 29. Idaho received full-year FY23 obligation authority (OA) of \$395.7 million through September 30, 2023, via the consolidated appropriations act passed on December 29. OA includes \$10.8 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. Additional apportionments were allocated via the Appropriations Act. Idaho received apportionments of \$446.2 million. FY23 OA through September 30, 2023 is 88.7% of apportionments. Allotted program funding is \$426.5 million with \$113.6 million remaining.

7) FY23 financial statements. Revenues to the State Highway Account from all state sources as of May 31 is slightly below forecast by 1.8% and revenues in the HDA are down by 1.7%. State revenues to the State Aeronautics Fund were ahead of forecast by 45.1%, or \$927K. The Department's expenditures were within planned budgets. Personnel costs savings of \$6.9M is due to vacancies and timing. Contract construction cash expenditures in the SHA are \$386.2M for July – May, and total construction expenditures from the five different funds sources total \$660.7M.

The balance of the long-term investments was \$177.7M as of the end of May. These funds are obligated against construction projects and encumbrances. The cash balance is \$127.5M. Expenditures in the Strategic Initiatives Program Fund is \$53.7M. Deposits into the Transportation Expansion and Congestion Mitigation Fund hit the \$80M cap. Additional funds will go into the Local Distribution Account. Currently, ITD received \$4.4M from the Cigarette Tax revenue. The Federal CARES Act provided \$27.3M for public transportation. FY23 expenditures are \$4.0M. Expenditures for the TECM bond program during this period is \$103.2M and \$71.7M for GARVEE.

Board Report. Vice Chair DeLorenzo reported on the Western Association of State Highway and Transportation Officials (WASHTO) Annual Conference she attended in June. Some highlights included Hawaii Department of Transportation Director Ed Shiffen hosted the “Building Our Resilient Future Today” themed conference. She attended a meeting and met with USDOT FHWA Administrator Shailen Bhatt. Some topics discussed were federal funding redistribution and the state's ability to spend those funds, and available funding for the new National Electric Vehicle Infrastructure program. She reported on the underground Skyline Light Metro and Pali Highway tours, and common issues faced amongst WASHTO members. VC DeLorenzo supports the conference and value of the board's continued attendance.

Director's Monthly Report. Director Stokes reported a review of FY23 and progress on his five focus areas – invest with purpose, external engagement, ideal workplace, innovation, and safety. ITD's expenditure payout for FY23 totaled \$1.063 billion resulting in the delivery of high-quality complex projects. Highlights on Director Stokes' five focus areas included:

1. Invest with Purpose – a 5-year history of state system infrastructure costs increased in FY23 by \$143M from FY22 (\$483M) to FY23 (\$626M). ITD is also committed to a \$216M bond package last year and nearly \$400M this year. Deliberate investments have been made in four program areas such as safety capacity and bridges. Cooperative teamwork is key to timely project delivery that resulted in 100% delivery for FY23. In FY24, 70% of projects are ready to bid early - prior to October 2023.

2. External Engagement – ITD has focused on connecting with communities, building partnerships, conducting outreach, and engaging advisory boards.

3. Ideal Workplace – they seek out ways to foster a rewarding employee experience by listening and showing appreciation such as conducting employee visits. Employees have demonstrated resiliency in relocations, increased workloads and modernizations.

4. Innovation – reflects an opportunity to respond to changing work demands as in

DMV's Skip the Trip that resulted in \$5 million savings per year. For FY23, innovation resulted in a \$12 million savings and 20,000 hours of staff time saved.

5. Safety – at ITD, safety is first and always. They continue to prioritize and explore new pathways for employee-driven safety. He shared an ITD produced video for SHIFT Idaho that promotes safe driving in Idaho.

Chairman Moad thanked Director Stokes for his report.

Agreement Authority Exceed \$1M for I-84, Karcher IC, by Horrocks. State Design Engineer Monica Crider presented the request to exceed professional services agreement authority for I-84 Karcher Interchange, Karcher to Middleton Road project by Horrocks. The project is to improve safety and mobility at I-84 Karcher IC (Exit 36). Improvements will add capacity to meet 2045 traffic forecasts. Horrocks was selected to provide construction engineering and inspection services for the 1-year construction project. Currently, there is \$1,300,000 scheduled in FY24. Agreement authority is up to \$1,600,000.

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

RES. NO. WHEREAS, Board Policy 4001 requires the Transportation Board to approve
ITB23-75 professional services agreements that exceed \$1 million; and

WHEREAS, District 3 will administer this project; and

WHEREAS, the agreement will not be written until the funding has been scheduled and obligated.

NOW THEREFORE BE IT RESOLVED, that the Board approves Project No. 23336, I-84, Karcher Interchange, Karcher to Middleton Road, Canyon County, to exceed the \$1 million agreement authorization for consultant services up to \$1,600,000.

Term Agreement Authority to Exceed \$1.5M for US-95, Thorn Creek Road to Moscow, Phase 1 by Jacobs. State Design Engineer Crider presented the request to exceed the \$1,500,000 2-year term agreement authority for the US-95, Thorn Creek Road to Moscow, Phase 1 project by Jacobs. Jacobs was selected to provide wetland delineation and expert testimony services. Estimated remaining services exceed the limit by \$56,041. Future services by Jacobs are anticipated on this project. The term agreement authority is up to \$1,800,000.

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

RES.NO. WHEREAS, Board Policy 4001 requires the Transportation Board to approve
ITB23-76 term agreements that exceed \$1,500,000; and

WHEREAS, District 2 will administer this project; and

WHEREAS, funding has been obligated for this agreement.

WHEREAS, it is anticipated that future services beyond this agreement will be required of Jacobs.

NOW THEREFORE BE IT RESOLVED, that the Board approves Jacobs to exceed their term agreement limit on Project No. 9294, US-95, Thorn Creek Road to Moscow, up to \$1,800,000.

Board Unallocated Funding for improvements along SH-54, Farragut State Park. District 1 Engineer Allen outlined ITD's partnership with Idaho Department of Parks and Recreation (IDPR) to improve the SH-54 and Brig Road intersection that will become the new main entrance to Farragut State Park. IDPR is developing a new group campground and new visitor's center. ITD's project share costs are estimated at \$1,800,000. ITD and IDPR, Farragut State Park would enter into an agreement to complete the improvement project. Construction will start in 2024.

Member Thompson expressed support for the project.

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

RES. NO. WHEREAS, the Idaho Transportation Board is authorized to expend funds
ITB23-77 appropriated for construction, maintenance, and improvement of state
 highways; and

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

WHEREAS, that ITD will enter into a state/local agreement to share project costs with Idaho Department of Parks and Recreation, Farragut State Park for intersection improvements and roadwork portion of the project.

NOW THEREFORE BE IT RESOLVED, that the Board approves \$1.8 million funding for the ITD portion of the project from the FY24 Board Unallocated Fund, and to add a project to FY24 of the FY23-29 ITIP to fund the project.

BE IT FURTHER RESOLVED, that the Board authorizes staff to enter into an agreement with the Idaho Department of Parks and Recreation, Farragut State Park for the completion of the SH-54 and Brig Road intersection improvements project.

Transportation Expansion & Congestion Mitigation bond drawdown summary. TECM Program Manager Amy Schroeder summarized the two bond drawdowns for the TECM 2022A Series and 2023A Series. In order to maintain a tax exempt status, the IRS requires each bond

sale to meet 5% drawdown within the first six months and 85% drawdown within 36 months. The 2022A Bond Series, closed on April 12, 2022 totaling \$216 million and the 2023A Bond Series closed April 27, 2023 for a total of \$398.6 million. TECM PM Schroeder reviewed the TECM drawdown report by corridor highlighting, the TECM 2022A Series achieved 20% drawdown (\$42.7 million) in the first six month. As of June 30, the TECM 2023A Series drawdown is 8% (\$33.1 million) exceeding the requirements that are attributed to ITD's cash management strategies.

Annual traffic volumes update. Roadway Data Manager Margaret Pridmore provided a 2022 traffic data update. Some highlights included annual vehicle miles traveled was 19.16 billion – down from 2021's 19.30 billion. Some contributing factors were increased gas prices, inflation and the ending pandemic. In 2020, there was -4% in growth overall due to pandemic shutdowns. In 2021, there was more RV travel and rural traffic set records resulting in 11% growth. As people returned to the office, along with inflation, rural traffic dropped, and overall growth was -1%. According to urban county growth from 2013 – 2022, Canyon County ranked highest with 40% traffic and 26% population growth, followed by Bonneville and Kootenai Counties. Data from the automatic traffic recorders show average daily traffic is back on track with slight increases beginning in April 2023.

Department of Motor Vehicles' (DMV) operations update. DMV Administrator Lisa McClellan reported reducing foot traffic to the DMV office is a priority goal. Since the new portal launch in October, they accomplished a 50% reduction in just three months. Customers can opt-in for e-notifications through the new portal system. She reviewed a timeline of various activities achieved. Some highlights included the elimination of online convenience fees, online CDL renewals as of July 2023, and anticipation of online driver's license reinstatement by next month. Other activities included the launch of Idaho's new driver's license, moving network servers from State Street office to Chinden Campus, and implementing the Drive Insured vendor solution. DMV Administrator reported on various stakeholder engagements from partnering with the Idaho Trucking Association on a CDL online renewal video to trucking outreach at East Boise Port of Entry. Dual wheel load scales at the POE have helped to prevent accidents by detecting low tire pressure. Lastly, DMV is committed to increasing employee satisfaction by 70% as part of its strategic plan goals for 2023-2025.

2024 ITD draft agency legislation. Government Affairs Manager Colby Cameron presented ITD's draft 2024 legislation. Some of the factors staff considers as guiding principles when drafting legislation include, will changes reduce barriers on industry or promote economic opportunity, or will they have a benefit or cost savings to Idaho residents. He reported the following annual cost savings to citizens or industry for each draft legislation.

1. Remove requirement to replace license plates every 10 years. Savings of approximately \$1.1 million.
2. Extend CDL credentials to 8 years; Drug and Alcohol Clearinghouse check for CDL licenses; online \$5 renewal fee reduction. By FY27, savings of approximately \$900,000.
3. Authorization for preclearance of commercial vehicles at ports of entry. Savings of approximately \$11.3 million.

In response to Member Kempton's question regarding license plates replacement and who makes the determination on legibility, GAM Cameron referenced current statute gives law enforcement and ITD that ability. Deputy Attorney General Tim Thomas confirmed the subject of standard is addressed in Idaho Code, 49-428(2). Member Kempton commented although it is a good idea for savings, someone has to make the determination and that increases the responsibility of law enforcement, which underscores a gap in the legislation.

Member Bulger asserted if there is no longer a 10-year renewal requirement, many plates will deteriorate creating an opportunity for law enforcement to pull citizens over potentially resulting in other offenses. He offered it may be beyond ITD's purview and more for the legislature's consideration.

DMV Policy Manager Brian Goeke acknowledged Member Kempton's remarks about a gap in the legislation, and affirmed it currently exists. He stated the vendor 3M only warrants the plates for 5 years. He indicated some plates in northern Idaho do not last five years and many citizens seek new plates within that time frame. ITD's focus is on the cost savings reduction.

Vice Chair DeLorenzo made a motion, seconded by Member Osborn.

In response to Member Bulger's question regarding the drug and alcohol clearinghouse determination for CDL licenses, DMV PM Goeke stated it is a federal mandate. Currently, there is no mechanism to recover costs of implementation from the federal government; however, the costs should be minimal.

The following resolution passed unopposed:

RES. NO. WHEREAS, the Idaho Governor's Office has directed that state agencies submit
ITB23-78 proposed 2024 legislation to the Division of Financial Management (DFM) for
 review and approval; and

WHEREAS, Idaho Transportation Department (ITD) staff presented three (3) draft legislative proposals at the July 2023 Board meeting for consideration during the 2024 legislative session; and

WHEREAS, DFM will review the following legislative ideas, also authorizing the development of draft legislation to be submitted for its review and approval:

1. Remove requirement to replace license plates every 10 years
2. Extend Commercial Drivers License (CDL) credentials to 8 years; Drug and Alcohol Clearinghouse check for CDL licenses; \$5 renewal fee reduction for online renewals
3. Authorization for preclearance of commercial vehicles at ports of entry

NOW THEREFORE, BE IT RESOLVED, that the Idaho Transportation Board approves submittal of proposed draft legislation for corresponding DFM/Governor's Office approved legislative ideas, for further consideration.

Office of Highway Safety's FFY24 Annual Grant Application. Highway Safety Manager Josephine Middleton presented information on the National Highway Traffic Safety Administration (NHTSA) Final Rule change issued in February 2023. She provide a recap of the FFY24-26 Triennial Highway Safety Plan that was presented last month. Some highlights of the FFY24 Annual Grant Application includes there are two new project categories for emergency medical services and teen traffic safety. Amongst the 80 projects/grants, 50% are for law enforcement and 50% for community traffic safety. The Section 405 Incentive Grants are for preventing roadside deaths and distracted driving projects. The FFY24 total project budget is \$9.7 million (NHTSA - \$7.9 million, HSIP - \$1 million, and state - \$750,000).

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

RES. NO. WHEREAS, Idaho experienced 27,661 reportable traffic crashes, 215 traffic
ITB23-79 deaths, and 1,336 people seriously injured in 2022; and

WHEREAS, the economic cost of traffic crashes in Idaho for 2022 was more than \$4.7 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 \$8 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 has developed the Annual Grant Application for Federal Fiscal Year 2024 to work toward the elimination of Idaho traffic deaths, serious injuries, and economic losses; and

WHEREAS, the Annual Grant Application is required by NHTSA in order to receive funding for behavioral traffic safety projects.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the Annual Grant Application for Federal Fiscal Year 2024.

Idaho Traffic Safety Commission's annual report. Highway Safety Manager Middleton presented the ITSC annual report giving an overview of its membership and responsibilities per Idaho Code. Two new members joined one from Bannock County Sheriffs Office and Bonners Ferry Police Department. The Commission meets bi-annually to review traffic trends, safety

plans and projects, set target goals, and receive program updates. The next meeting is scheduled for October 12, 2023 in Boise.

ITSC Member Sunshine Beer, who represents motorcycle education and training, reported motorcycle fatalities are up. She advocates for self-assessment to help improve, and development of counter measures, to drive down fatalities.

Mother's Against Drunk Driving court monitoring project. Highway Safety's Grant Officer Lisa Losness stated the OHS provides a grant to Mothers Against Drunk Driving (MADD) to monitor courts in Canyon County on misdemeanor DUI cases until adjudicated. MADD Program Manager Muren Aburusa shared they are part of the NW Region. Idaho is their first court monitoring project. They anticipate expanding to Washington.

MADD Court Monitoring Specialist Sara Upson provided an overview on how the program works. The focus is on offenders at the misdemeanor level to hopefully deter escalation. Boise State University Interns participate in the program. Case information is collected on each person (using Court Monitoring ID Quick Sheet) and tracked via MADD's data base. If a case is dismissed, they follow up to ascertain reasoning behind those decisions. She cited a few examples of the type of follow up work they perform.

Member Kempton expressed concerns about the type of data collected by MADD (using Court Monitoring ID Quick Sheet) should that information be released if someone was exonerated and the need to be cautious.

Member Bulger offered every chart of the iCourt system, along with the result of acquittal or dismissal, is already out for public view.

MADD CMS Upson stated the information collected is for her (MADD's) use only. The volunteers who assist do not have access to that data. Should follow up be needed on a case, she is the only one who makes contact to garner that additional information.

Inflation and rising construction cost trends update. CD/COO McElhinney provided some key points regarding inflation. ITD is seeing a leveling and downward trend on unit prices and bids during the first half of 2023 as fuel prices decreased along with leveling or declining costs for asphalt, rebar and cement. In respect to a 90 day look ahead report, staff is monitoring project estimates and unit prices for 15 projects planned to bid by October totaling approximately \$311 million.

CD/COO McElhinney provided an update on the US-95 Thorn Creek to Moscow project, SH-55 Smiths Ferry progress, and I-86/I-15 system interchange project. Some highlights included four of the six miles of US-95, Thorn Creek to Moscow project have started - totaling a \$23 million investment. Updated wetland permits are expected this month that may add scope and time. The project is planned to open by 2025. Slope repair finishing, erosion control mat and potential snow fencing is work is underway for the SH-55 Smiths Ferry project. The final

snow control system field review for Cut 8 was completed this week. Anticipated completion is by October and estimated at about \$62 million. The I-86/I-15 IC is 33% complete with \$31 million of the \$114 million contract invested. The project is on track for completion in 2025.

Highway Operations Administrator Dave Kuisti presented the regional and national cost indicators data for fuel and construction materials such as asphalt, iron, concrete, and gravel. He also provided historical data from 2016 – 2023 for Idaho's bid unit indicators for asphalt, metal, and concrete. In comparison to four other western states, Idaho's asphalt index remains high tying Utah at over \$600/ton. Other highlights included, for FFY2022, 69 projects (averaging three bidders) were 2% under the engineer's estimate. In FFY2023, 53 projects were awarded with total bids at \$399.3 million and were 12% under the engineer's estimate. There are six projects (\$193 million) planned for advertisement to start construction in 2023. ITD will continue to partner with AGC on contractor outreach, hold pre-bid outreach meetings on large projects, analyze bid numbers, and review estimates and budgets.

Big Creek Four Airstrips. Aeronautics Administrator Tom Mahoney reported the U.S. Forest Service was sued last month by four environmental groups. The lawsuit seeks to preclude the use of four backcountry airstrips along the Big Creek in central Idaho. The airstrips referred to as the Big Creek Four are Simonds, Vines, Mile Hi, and Dewey Moore. In 2017, the Board adopted a resolution in support of keeping the airstrips open.

Aeronautics Advisory Board Chairman Mark Sweeney provided a brief history on the four airstrips and spoke of the challenges in the past with groups who tried to undermine efforts to keep the airstrips open. He stated concerns about impacts to other access this effort can result in, if successful.

Member Hoff stated recreation involves many people and aviation is a way to access these wildness areas. There needs to be careful monitoring as to not lose those privileges and public access. Aviation is also a mode of travel that has less impact than roads.

In response to Member Bulger's question regarding expectations of intervening on the lawsuit, DAG Tim Thomas stated the attorney general's office would represent several agencies to protect the interests of the state of Idaho. In follow up to Member Bulger's inquiry on what other state agencies are involved, DAG Thomas replied Idaho Fish & Game, Department of Lands and potentially the University of Idaho.

Vice Chair DeLorenzo shared the board addressed this topic six years ago adding the Wilderness Act intended for these airstrips to be open for recreational use. There needs to be access to backcountry airstrips for fire mitigation and people who live in remote areas. The state does not receive tax dollars because these areas are for everyone. She strongly favors keeping the airstrips open.

Member Kempton referenced the former board resolution that was passed in 2017 citing a few paragraphs speaking to the continued availability of the Big Creek Four airstrips and intent of the Wilderness Act of 1980. He stated nothing has changed.

AAB Chairman Sweeney commented, in the past, the forest service has attempted to close these airstrips so we need to be mindful of their position. He concluded by stating, on behalf of the AAB, they support joining the law lawsuit to vigorously defend any closures.

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

RES. NO. WHEREAS, the Central Idaho Wilderness Act of 1980 (1980 Act), as well as
ITB23-80 commitments, compromises, and values underlying its enactment, recognized
 the importance of maintaining the airstrips existing at the time of enactment to
 provide necessary access for public use and enjoyment, and for administration
 and management of the fish and wildlife, and other resources within the
 wilderness; and

WHEREAS, the 1980 Act specifically recognized the importance of airstrips as a means of providing such access, and directed that the federal government “shall not permanently close or render unserviceable any aircraft landing strip in regular use on national forest lands on the date of enactment of this Act for reasons other than extreme danger to aircraft, and in any case not without the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of backcountry airstrips”; and

WHEREAS, the U.S. Forest Service has been sued in federal court by four environmental groups, with said lawsuit being filed in the U.S. District Court for the District of Idaho on June 20, 2023; and

WHEREAS, said lawsuit seeks to preclude the use of four backcountry airstrips along or near Big Creek in the federally-designated Frank Church--River of No Return Wilderness (the specific airstrips are: Simonds, Vine, Mile Hi, and Dewey Moore—collectively known as the “Big Creek Four”); and

WHEREAS; before and after 1980, the Big Creek Four airstrips have been used by private aviators and state agencies; and

WHEREAS; in 2017, the ITD Board adopted Resolution ITB17-29 to reiterate that the Big Creek Four airstrips should not be closed;

WHEREAS; in accordance with Resolution ITB17-29, personnel from the ITD Division of Aeronautics communicated and coordinated with the U.S. Forest Service and the Idaho Department of Fish & Game regarding maintenance and use of the Big Creek Four airstrips; and

WHEREAS; in 2022 personnel from the ITD Division of Aeronautics and the U.S. Forest Service visited the Big Creek Four airstrips to discuss safety and maintenance; and

WHEREAS; by formally asking to intervene in the existing lawsuit against the U.S. Forest Service, the Idaho Transportation Department will be best positioned to assert the State of Idaho and ITD's interests in the use, safety, and maintenance of the Big Creek Four airstrips; and

WHEREAS, the Aeronautics Advisory Board (AAB), a board tasked with consulting with the Idaho aviation community and advising the Idaho Transportation Department as to matters concerning aeronautics, met on July 10, 2023 and asserted the importance of the Big Creek Four airstrips and their preference that the Idaho Transportation Department seek to intervene in the existing lawsuit.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board continues to withhold concurrence as to the closure of the Big Creek Four airstrips, and expressly finds that such airstrips should remain open to aircraft use; and

BE IT FURTHER RESOLVED, that the Board recommends the Office of Attorney General to pursue formal intervention by the Idaho Transportation Department in the existing lawsuit brought against the U.S. Forest Service in the U.S. Federal District Court for the District of Idaho; and

BE IT FURTHER RESOLVED, that the Board authorizes the Idaho Transportation Department to continue its coordinating efforts with the U.S. Forest Service, the Idaho Department of Fish & Game, other applicable state and federal agencies, and private aviation users so as to ensure the use and maintenance of the Big Creek Four airstrips.

Executive Session on Legal and Personnel Issues. Vice Chair DeLorenzo made a motion to meet in executive session at 12:35 PM to discuss issues as authorized in Idaho Code Section 74-206 (b) and in Idaho Code Section 74-206 (f). Member Osborn 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 1:47 PM.

Administrative Settlement. Right of Way Manager Justin Pond presented an administrative settlement for KN20788, Project No. A020(788) SH-16, I-84 to US-20/26 & SH-44 IC, Ada & Canyon Counties, parcels 60, 68 and 117.

Vice Chair DeLorenzo 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-of-way
ITB23-81 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 for parcels 60, 68, and 117.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves an administrative settlement over \$200,000.00.

WHEREUPON, the Idaho Transportation Board adjourned its regular monthly meeting at 1:53 p.m.

Signed

WILLIAM H. MOAD, CHAIRMAN
Idaho Transportation Board

Read and Approved
August 17, 2023
Coeur d'Alene, Idaho