

Montana Transportation Commission

May 26, 2016 Meeting
Helena, Montana

IN ATTENDANCE

Rick Griffith, Transportation Commissioner, Chairman
Barb Skelton, Transportation Commissioner
Carol Lambert, Transportation Commissioner
John Cobb, Transportation Commissioner
Dan Belcourt, Transportation Commissioner (by phone)
Mike Tooley, Director MDT
Paul Johnson, Deputy Director MDT
Dwane Kailey, MDT Engineering
Lori Ryan, Commission Secretary
Dave Ohler, MDT
Carol Grell-Morris, MDT Legal
Lynn Zanto, MDT
Paul Johnson, MDT
Dustin Rouse, MDT
Rob Stapley, MDT
Gregg Pizzini MDT
Pat Hurley, MDT
Kelly Johnson, MDT
Kevin McLaury, FHWA
Lloyd Rue, FHWA
Rob Creel, Bridges for the Fallen
Zack Gumball, Representative Zinke
Ed Buttrey, Montana Senate
Cary Hegreberg, MCA
Klaus Von Stutterheim, Seeley Lake Community Council
Duane Schlabach, Seeley Lake Community Council
Chris Stout, Seeley Lake Community Council
Stacy Rye, Missoula County Commissioner
Sue Malek, State of Montana Senate

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OPENING – Commissioner Rick Griffith

Commissioner Griffith called the meeting to order with the Pledge of Allegiance. After the Pledge of Allegiance Commissioner Griffith offered the invocation.

Outdoor Advertising – Proposed Rule

Commissioner Griffith said many comments have been received that addressed specifically the proposed rule for Outdoor Advertising. Most of the comments we received, outside of the rule-making process, dealt with “we don’t want any advertising; we don’t want any billboards, period.” I asked the Commissioner’s attorney to address whether we have that authority. MCA grants the Commission the authority to adopt rules regarding outdoor advertising: “The Commission may adopt rules to control the erection and maintenance of outdoor advertising on the Interstate and Primary Highway Systems in conformance with terms of this part and in conformity as amended.” While the Legislature gave authority to local governments to further be restrictive, it never gave those same roles to the Commission. So we’re allowed to manage the program as they gave us the right to. That’s one of the things I wanted to get off the Agenda. At this time it is time for the Commission to review the public comments and proposed amendments to the Outdoor Advertising and Control Administrative Rules.

The process that has taken place already:

On February 22, 2016, the Commission and the Montana Department of Transportation filed a Notice of Proposed Rulemaking with the Montana Secretary of State concerning Outdoor Advertising Control.

On March 4, 2016, the Notice was published by the Secretary of State and was posted on the Secretary of State's website and on MDT's website. The notice was sent via email and U.S. mail to approximately 2,000 individuals and businesses who had expressed in interest in proposed rules.

As part of the process on April 2, 2016, a public hearing was conducted in the Commission room to allow members of the public to offer oral comments and personal written comments. Verbal comment was received from 23 persons at the hearing.

Written comments were accepted between March 4, 2016, and April 1, 2016. Written comments received were 386 individuals and businesses. Pursuant to the Montana Administrative Procedures Act the time for public comment and proposed Outdoor Advertising Control ended on April 1st. Consequently the Commission will not accept additional public comments on the proposed rules at this time.

At this point in the rulemaking process, it is the Commission's responsibility to review the comments that were received from the public and respond to the comments. The Commission's response to the comments will be published by the Secretary of State and called a "Notice of Amendment."

The Notice of Amendment officially amends the Outdoor Advertising Control rules. All of the written comments that were received have been summarized by the Department of Transportation and provided to the Commission. If the Commission wishes to review any of the actual comments, the department has brought them to the meeting and they are available for the Commission's review.

In addition, to summarizing the written comments, the department has also prepared suggested responses to each of the comments to assist the Commission. These suggested responses are just that, suggestions and the Commission may accept them, reject them, or modify them. The comments and suggested responses have been arranged to correspond to the new or existing rule in the Notice of Proposed Rulemaking. For example, all the comments and responses pertaining to New Rule One regarding electronic billboards are located at the beginning of the summary. Following that are comments and responses to the existing Rule 18.6.202, and so forth. While it's the Commission's opportunity to act on this, we will not accept public comments at this time.

The only other thing I asked legal staff to prepare for the Commission is how the Commission can act on this. Their reply:

"Commissioner Griffith asked that I send a message of clarification on the Commission's voting process for the OAC Proposed Rules to be discussed at the May 26th meeting in Helena. Please be advised a vote from the Commission will be needed to move forward on finalizing the rules. For example, the vote may be to accept the comments and responses as recommended and to adopt the rules as proposed, or accepted and adopt with change as agreed to during Commission discussion. The Commission may also vote to adopt only certain proposed rule amendments or portions of rule amendments by expressly stating a certain rule or portion of rule amendment will not be included in the adoption. Please let me know if you have any other questions regarding the voting process."

With that I'm going to turn this over to Carol Grell-Morris who conducted the public process for the Commission.

Carol Grell-Morris, MDT Staff Attorney

I'm Carol Grell-Morris and I am the rule reviewer for MDT and have been shepherding the Outdoor Advertising Control Rules through the process. We have provided for your consideration today a summary of the comments received. The Chairman just explained that we received comments both through the written process and a public hearing and those have been summarized in the material sent to you. As the Chairman mentioned, each of the comments as summarized have a suggested response which you can certainly discuss, make changes to or accept as proposed by the department.

I want to talk a little bit about the rulemaking process. It is controlled by statute; all state agencies must follow the Administrative Procedures Act. Today the Commission is voting whether or not to take the final step in that process. We've come through most of the steps and now we're at the final step. Today the Commission needs to vote whether or not you want to adopt certain rules. You can adopt them as they were proposed, you can adopt them with certain changes you might want to discuss and make today and you must vote whether or not these responses are the ones you want published. Based on your vote, there will be an Adoption Notice filed with the Secretary of State and that's the final step. That Adoption Notice will include all of the comments and responses that you vote on today. All of that is made public in the Adoption Notice that you're voting to proceed with. That's the final step and once that is filed with the Secretary of State, however you decide it should look, that's what finalizes the rules. The rules are effective after they are published by the Secretary of State. For example, your vote today, what you would like that Adoption Notice to look like can be filed with the Secretary of State on June 6, 2016. The rules will then be effective 10 days later around June 16th or 17th. The Adoption Notice is what we're heading for and you have to decide today how that should look. As the Chairman mentioned, the actual comments in a printed form are here if you want to refer to them for any reason. They are available here today for us to look at.

The two documents you need to have in front of you are the Proposed Rule Notice itself which shows the changes proposed by the Commission and the reasons. This document will show you what was proposed. The other document you need is the Comment Summary. This is the document you need to work from. Let us know the changes you want and how that should look when you are done with your discussion and vote. I want to bring your attention to the final page of that summary. The department went through all the comments and discussed them. The department agreed with several of the comments which have suggested changes and the final sheet shows the changes the department agreed with. This is the amount the department thinks should be changed between the proposal and what we're adopting. Naturally you can make additional changes because that is within your authority to do that. With that I'll turn it over for discussion.

Commissioner Griffith asked if the Commission had any questions regarding the process. The Commission agreed the process was fine. The Commission wanted to go down the list of proposed rules one by one. Commissioner Cobb asked if they could approve all the rules with the responses with the exception of New Rule 18 – electronic billboards and bus shelters. Carol Grell-Morris said that would certainly speed up your discussion. Commissioner Griffith asked about intersections – how do we determine what an intersection is because every city has different configurations. Commissioner Lambert asked if it was an intersection like a street intersection or a city block intersection. What's the definition of intersection? Carol Grell-Morris said "intersection" is defined in the rules. So current rules at 18.6.202

defines intersection and the current rule amendments, which are changing the proximity of signs to intersections, is an attempt to do exactly as you're suggesting; we don't want a driveway to be considered an intersection or other types of intersecting roads to be considered an intersection. Intersection is defined at sub 27. This was one of the definitions being proposed for change and it now is proposed to read: "intersection" is defined at 75.15.103, MCA, and has the additional meaning of "a system of two or more interconnecting roadways, without a grade separation, providing for the exchange of traffic. Only a road, street or highway which enters directly into the controlled route is regarded as intersecting." So the definition that's proposed for change is deleting previous language which talked about alleys, undeveloped right-of-ways, private roads, and driveways being deleted for clarification that an intersection means two or more interconnecting roadways without a grade separation. Only a road, street or highway that enters onto the controlled route.

Commissioner Griffith asked if we were restricting sign placement at intersections. Carol Grell- Morris said the idea is that under the proposed changes, you cannot be within a certain number of feet of intersections which has been redefined, unless you have a certain height above ground level. That's for clarity of vision for drivers. If you're eight feet above ground level with your sign, then drivers can easily see approaching traffic on the intersecting roadway. So the combination of redefining intersection, the proximity to those intersections, and the height above ground level is going to make signs available but also safe. Commissioner Griffith asked how that changes what's existing. Carol Grell-Morris said currently the language says that driveways and other types of right-of-way, undeveloped roads, private roads, also count as an intersection and thus we're having difficulty with signs that were put up in proximity to those driveways and are now being put into the non-conforming category even though that's not an intersection. We have a statutory definition of intersection as well as this clarification on it. Commissioner Griffith asked if the clarification was more restrictive or less restrictive. Carol Grell-Morris said it's being less restrictive on location but more restrictive on safety because previously the height above ground level was something we didn't have placed in the rules properly or placed in the same area.

Commissioner Cobb said Missoula had that 18.6.238 community welcoming signs and they wrote us a letter regarding that. Does this solve some of their problems or are they still going to have problems? Carol Grell-Morris said the letter that I reviewed from Missoula was addressing a welcome to sign which is actually a separate rule. That rule was proposed for very minor changes in this Proposed Rule Notice. That rule was created about two years ago to address problems around the state where communities were erecting "welcome to" signs which were usually large and made of objects or made of wood and stone and they were not necessarily keeping them out of the right-of-way or even out of the clear zone. They were a real danger. MDT put a group together – maintenance, engineering, OAC and district people, and came up with a change which allows "welcome to" signs under restrictions. They can't be in the right-of-way if the community can find an off-the-right-of-way location. If they are going to be in the right-of-way, they have to meet clear zone restrictions and safety restriction. You can't put a big stone monument in the right-of-way and not have safety or break-away devices. The rule was put in place in 2014 and we've been operating under it since then. Communities have been able to participate in it until Missoula wanted to erect more "welcome to" signs and they are restricted by two current restrictions in the rule: (1) they are not allowed on Interstates and Missoula has Interstate approaches, and (2) they had some other question about placement of "welcome to" signs. That particular rule, the requirements they were opposing are not proposed for change here today. In other words, they are outside the scope of the current rule. Commissioner Cobb said we can't do anything today even if we wanted to. Carol Grell-Morris said that was correct.

Commissioner Griffith addressed the digital billboard issue. Commissioner Cobb said he wasn't going to vote for it and preferred that it be segregated. Commissioner Griffith asked if there was anything on the question of digital. Commissioner Lambert said she wished people who use outdoor advertising would comment on these things instead of all the well-organized groups. Commissioner Griffith said the outdoor sign people did submit comments in the rulemaking process.

Commissioner Belcourt asked if they could vote on all the rules at once or on each rule separately. Commissioner Griffith suggested a thumbs up or thumbs down on the department's suggestion for digital billboards unless we have some other amendment or motion to address that. Commissioner Belcourt said he received a lot of emails and letters during the comment period. The majority of the emails received were from folks concerned about digital billboards and the whole distraction duty of Montana which he agreed with. He asked for a rundown of some of the rule changes or specific rule change that would address the "beauty of Montana" because some folks seemed to think that billboards will go up in National Parks or other areas like that.

Carol Grell-Morris directed the Commission's attention to the Comment Summary. The bulk of this discussion was summarized in Comment No. 1 and No. 2. Comment No. 1 summarized the comments in support of electronic billboards. That was one point of discussion earlier – did the users of advertisers on signs weigh in and the answer to that is yes. Under Comment No. 1 there were numerous comments in support of electronic billboards. It allows businesses with limited advertising budgets to get their message out; it creates awareness; instant results; cleaner in appearance; more appealing to the eye; effective tool for local police and the FBI in issuing Amber Alerts; and the environmental concern that outdated vinyl is a physical landfill item whereas digital is not. Those are quotes from the comments we received. There were numerous comments in support. The response is simply, of course, that we appreciate their participation because they are not suggesting any changes.

Comment No. 2 is the opposite. These are the comments opposed to electronic billboards. This is what Commissioner Belcourt is recalling. This summary of the comments generally states that some commenters said it would negatively affect tourism in Montana; tourists did not want to look at flashing billboards; they were distractions; they would create a safety risk; and there would be light pollution. Those are quotes from the public comments we received in opposition. The suggested response from MDT goes through what I term the "compromised" position that was reached in proposing this rule, recognizing that opponents did not want electronic billboards out in rural-type or agricultural-type areas or scenic-type areas. The rule is written to restrict the location of those electronic billboards. So the proposed language clearly states they are restricted to city limits or urban areas rather than rural or scenic areas. So they will only be in cities or urban areas. They will be in areas zoned commercial so we would not have them in residential areas. There are light monitors that adjust the lighting to address the light pollution issue which is required in the rule. The brightness of the board must adjust to the ambient light conditions. So the rule was written with the idea towards compromise. The billboards could be allowed in attractive areas for the sign industry because more people will see the board in an urban populated area but still allow them and at the same time not detract from scenery and rural areas that people were concerned about. Those restrictions were written into the rule and the comments either failed to notice them or didn't really understand how that would work. The department has suggested that the response to the opponents is what you see drafted that the compromise was reached and the controls were written in. The department wants to balance the opponents and the proponents and allow them under restrictions.

Commissioner Griffith said one thing I've heard is people don't want any more signs. So the digital billboard rule, as proposed, will actually replace three structures. So one

structure will replace three structures in lineal footage. The other thing is that it's affected by zoning, so it has to be in an area that is protected by zoning. Is that correct? Carol Grell-Morris said that is correct. I failed to mention the spacing and you summarized that nicely. The spacing requirement was increased so that you can't have the same spacing between digital billboards as non-digital billboards. The result, and what the department is attempting to accomplish, is if you remove some of the static billboards in between then you can have digital. So the idea is a decrease in billboards because you can put multiple messages on one billboard. The spacing has been increased to try to accomplish some removal of the static billboards. They are also required to be in areas zoned commercial. Those are two attempts to restrict the locations but still allow the presence of billboards.

Commissioner Cobb said schools were not zoned into commercial or industrial and asked why they can put digital billboards up. Carol Grell-Morris said the school sign issue is not part of this discussion. They are handled separately. Commissioner Skelton asked if the digital sign at the school in Stanford was safe and not restricted by this rule change. Carol Grell-Morris said the school sign you're referring to is an on premise sign. MDT does not regulate those and therefore is not part of this discussion.

Commissioner Griffith commented on the intensity of digital billboards. We all see the signs that are just bright and in your face but this rule does not allow those type of signs. It allows the department to regulate that. Commissioner Cobb said Carol Grell-Morris had done a very professional job putting the rules together; the department did a really good job trying to restrict this.

Commissioner Lambert commented on the commercial sign at the courthouse in her city. It sits practically on a walkway around the courthouse. Would that be considered an on premise sign? Carol Grell-Morris said she did not know the specifics on that sign but if it's on property owned by that business then it would be considered an on premise sign. It's possible it is not on an MDT controlled route and therefore the community allowed it. Therefore it would still be allowed. Commissioner Lambert asked if it came down to who owns the signs or who decided to put it up. Carol Grell-Morris said it depends on the property it is located on – if it's the same property, the same owner, the same business then that is an on premise sign. Commissioner Griffith said if you own the property and want to put up a sign there is nothing in this rule to restrict that. Commissioner Lambert said she wouldn't vote for something that would take that sign away. Carol Grell-Morris said from your description it is either in the category of an official sign that is owned by a government and if the activities on the sign are county-type activities it would not be affected by this rule.

Commissioner Belcourt commended the department for balancing interests. If an area is zoned commercial or industrial within the city limits, then local governments have that opportunity to restrict it too. Commissioner Griffith said the Legislature created a law that allowed local governments to be more restrictive. Carol Grell-Morris had some research done on sign ordinances in larger cities if the Commission was interested. Briefly, I had people look at the seven largest cities and some of them actually address LED billboards and some of them do not. Most allow them and a few prohibit them. So the local governments certainly have to weigh in on this. They are able to pass their own local ordinance. If their local citizens do not want to allow the digital billboards, they can certainly create a local ordinance which would be more restrictive than our rule. That is written into our rule as well as local governments must approve any digital sign. Right now several of the larger cities allow these – Butte, Great Falls, Billings, Missoula in commercial areas, Helena and Kalispell. They are not allowed under local ordinances in Missoula residential areas, Bozeman and Whitefish. Just as a reminder, your rules right now as proposed require local approval and they can be more restrictive if their local citizens want to restrict them.

Commissioner Lambert moved to approve the comments and draft responses for New Rule No. 1 as proposed by the Department. Commissioner Belcourt seconded the motion. Commissioner Griffith, Commissioner Belcourt, Commissioner Skelton and Commissioner Lambert voted aye. Commissioner Cobb voted no.

The motion passed.

Bus Shelters – Proposed New Rule

Commissioner Cobb said a lady from Great Falls contacted me about this rule. I would like to propose some language written by someone who owns one of the bus shelter companies. They proposed that they could have outdoor signing on the bus stops. They can erect within the right-of-way in controlled routes with the department approving an encroachment permit to display, maintain commercial advertisements with the following requirements; commercial advertisements must only be placed on the interior and exterior of only one wall furthest from the direction of the approaching bus traffic. Commercial advertisements must not exceed 21 square feet of each shelter.

I was thinking we could pass this amendment but also add another amendment for the existing bus stops already doing it, this would be the new rule. Any new bus stops would come under the one you just proposed. The department has to send these rules to FHWA and they may say no. I'm getting different messages from the Department and FHWA. People have sent me information saying the federal government allows this under certain guidelines having to do with safety. I'm just concerned that the Legislature is going to put a whole bunch of bills in next session and the same fight is going to happen all over again. I'm suggesting that we make the existing ones legal for now because if we do nothing, then they can't advertise. To allow advertising in the existing bus shelters you'd have to change this today somehow to allow the existing ones to keep doing it but any new ones would come under the new rule. FHWA would then have to address their own national rules. I'm getting all these mixed messages so I'm suggesting that we pass something like this for all the existing ones and anything new will be under the rules you have already recommended.

Commissioner Griffith said a lot of states have had grief with this rule not just Montana. Commissioner Griffith asked Kevin McLaury if any other states had requested an exemption. Kevin McLaury said some states say no advertising in the right-of-way period; that's the cleanest, easiest, and easiest to enforce. Some states allow it. We have some leeway that allows states to do some very limited advertising in bus shelters. Brian Hasselbeck is my expert on this issue and has been working closely with the department. I would be real hesitant for you to pass something without having some review and discussion. If you were to pass something and then have us come back and say you can't do it. Commissioner Cobb said that's why I'm doing it that way. We allow benches to have advertising even though they are near the right-of-way. I'm trying to pass something that says we're going to allow these people to be legal for now. That allows FHWA time to review something the Commission passes and give the Commission and the department a formal written answer so everybody has the same written letter from you and we can conform to that. I know you haven't reviewed this but this will start the process. Everybody seems to have different interpretations on this, so something formal to the Commission and the department regarding what you will allow would be helpful to move forward.

Commissioner Griffith asked if any states had been allowed an exemption. Kevin McLaury said there are flexibilities allowed in the rules because it's a state's right issue. Some states have taken that flexibility and other states have not. It comes

down to where the state wants to be on this issue. Obviously there are some restrictions for advertising in the right-of-way; there is very limited opportunity. For me to say there is absolutely none is not a fact. There are some very limited opportunities but for the most part there are not. Some states take the view there is no advertising in the right-of-way period but other states take that flexibility and allow some very restrictive advertising. Commissioner Griffith asked if FHWA has any states that have taken that approach. Kevin McLaury said there are a number of states that have. Brian Hasselbeck said 23 CFR 1.2(3)(c) allows the Division to make decisions in terms of non-highway use of the right-of-way but that's not specific to advertising in bus shelters; it is for any use of the right-of-way for non-highway use. That would be the vehicle this decision would be made under. Some states have created processes that make an argument that in order to approve, the Division would have to verify that it is for the public good and it doesn't create a safety and operational issue for the highway system. That argument, in a limited capacity, has been made. That is effectively what would have to be done here. It's not a waiver per se.

Commissioner Skelton asked who had the burden of proving it's for the public good. Brian Hasselbeck said it would be proposed by the state DOT and submitted to the Division office for approval. Commissioner Skelton said if somebody wanted to put a sign on the bus shelter, they'd have to come to MDT for permission? Brian Hasselbeck said yes because it would have to go through the encroachment process. It's all going back to existing processes and MDT is the keeper of that process and would be responsible for reviewing and approving those permits. Ultimately another entity could make the argument but it would have to be vetted and approved by MDT before being submitted to FHWA. Commissioner Skelton asked if MDT approved it then is that permission for FHWA also. Kevin McLaury said how I see this moving forward is FHWA working with MDT to develop a process that would be acceptable to both parties so that when a request came into the department, provided the request met all the pieces of that process, then typically that is how we operate – we ensure the processes MDT operates under meets federal law. If they meet federal law then we're happy with it.

Commissioner Griffith said he liked Commissioner Cobb's suggestion but my concern is that if it comes back and it's acceptable then why not go back to the original rule. Commissioner Cobb said I'm just worried some entrepreneur might get out there and start building something. If FHWA says you can't build any of them then we go back to the original rule. I'm suggesting that we simply pass this language. Can we do something like this? Carol Grell-Morris said you described the exact process we're going through today. As I mentioned earlier, in the Comment Summary we agreed with some comments and in your Adoption Notice you can make some changes to the new language we proposed. Commissioner Griffith asked if there was a more simple way to do it. Can we grandfather in existing bus shelters at this date. Carol Grell-Morris said you can certainly put effective dates on the rules. It would be the effective date of the rules which is June 17, 2016.

Commissioner Lambert felt people don't understand the signs are inside the bus shelters. Those bus stops are very necessary for disabled and elderly people. We worked hard to get people who would put those shelters up. It is not a big money-making deal; it's really hard to get companies to come in and maintain them. It is not costing the state anything. Commissioner Griffith said some of the advertisements are on the outside. Carol Grell-Morris said some of the shelters have advertisements on the exterior panels and this proposed rule will eliminate only the exterior panels; the interior panels would be allowed to remain under this proposed rule.

Commissioner Lambert asked if we could put on a caveat to the rule that says we want to leave it the way it is. Carol Grell-Morris said the situation we find ourselves in is there is a general restriction on advertising in the right-of-way so the current signs are not legal. If we do nothing then they have to remove all the existing ones. So your choices come down to regulate and allow it in the interior and get FHWA to

review it or remove all the existing and not allow any. That is the default position. That's where we find ourselves – we have to do something today or we will default to them all being illegal. Director Tooley said what you're suggesting will require the department to have to apply for an exception to FHWA. Understanding Commissioner Cobb's desires, I would be happy to put it through that process. So if that's the pleasure of the Commission, we will work with FHWA through that process. In order to keep to the agenda schedule, it was decided to continue the discussion later in the meeting.

Fallen Heroes Roadway Memorials

Senator Ed Buttrey

I appreciate you giving us this time to address the issue of memorials for fallen heroes. Many of you know me from some legislation I've sponsored dealing with highway memorials for fallen peace officers and law enforcement. That is something I've enjoyed doing. It is one of the powers we have in the Legislature and it allows people traveling our roads and family members and folks to understand the sacrifices that have been given by our peace officers. I'm here today to encourage the Commission and the Department of Transportation to go forward with any sort of plans we have to further memorialize our fallen warriors. Folks who have fallen in the service of our country, specifically in this case folks that have been in Operation Enduring and Iraqi Freedom. I think we have a tremendous opportunity here; we have thousands and thousands of miles that cross our state. I've heard there has been some discussions perhaps within the Commission and within the Department of Transportation on memorials to these fallen warriors; the people who have given all.

I think there are lots of ways it can be done. You'll hear from a gentleman today that will talk about bridge sign memorials and I understand we have some issues with federal rules on those. I also understand there has been discussions on rest area memorials and scenic area memorials. I think this presents an incredible opportunity pretty cheaply; it's just replacing a sign. I think there is also an opportunity for a private-public partnership where we could erect signs in a rest area or a scenic area and we could partner with the private sector to erect memorials within those rest areas that would talk about the warrior or service person, their family, their deeds, or anything that private party might want to erect. I just think it's a tremendous opportunity. We have people who have volunteered to serve our country and have given everything and I encourage you and am asking the Department and Commission to take a little bit of sacrifice, a little bit of money, and a little bit of labor and to move forward without legislative action and place memorials and recognize these folks. Thank you.

Rob Creel, Bridges for the Fallen

This is my second time before the Commission on this issue. This is a great opportunity to memorialize bridges. Bridges for the Fallen is a national organization of unpaid volunteers to further this initiative. Our primary focus is to get bridges named rather than rest areas for the simple reason that more local people don't use rest areas and all local people use the bridges. Most local people don't use rest areas but everybody uses a bridge. We also have the backing of two national organizations, the VFW and the American Legion, they are behind our effort 110%. Thank you.

Zack Gumball, Representative Zinke's Office

I work with Congressman Ryan Zinke as his Director of Veteran Affairs, Military Liaison. I'm here to support all initiatives that honor our fallen soldiers, sailors, marines and airmen. The ones who have sacrificed, that gave all. We as a nation owe

our gratitude to them and I want to say I support any initiative. This is an opportunity to recognize the ones in the State of Montana that have given their all. On behalf of the Congressman Zinke, I thank you.

Commissioner Griffith said it was my idea regarding the rest areas and I still think, whether we do the bridges which I'm in favor of, we ought to do the rest areas also. When you drive by and see the name on the bridge, it may memorialize the person and the family but for the rest of us, an explanation of why we're doing that ought to be someplace whether it's a rest area. I'd like to know more about that soldier. The only caveat I have is that I think we need to vet these through the American Legion. Somebody needs to vet these for us so if we don't have clear information, we could go to the veteran's organization and get their recommendation as to what needs to be done. It would be nice to have a process where we could have them establish this. I agree with your proposal. The idea of the rest areas is because we need to explain why that person was important enough to name a structure after. Maybe we could direct the department to put together some rules of how we could go about this for our next meeting. Director Tooley said the department would be happy to do that. Anything we do will have to conform with MUTCD, for example, the picture in here does not. What form this takes in the end will have to conform with that. We will set aside some portion of our state facilities specifically rest areas for memorials. There is already a process and you have used it to designate the MIPOW Memorial Highway where you can have this vetted through a national organization such as the VFW, the American Legion or a local government.

Bus Shelters – Proposed New Rule (Discussion Continued)

Commissioner Lambert said she thought Commissioner Cobb's idea was good because we have to do something. Commissioner Cobb said this may only buy time because FHWA may still say no. It gives us time to write something better. I'm going to propose we use the language to grandfather in the existing bus shelters and that we then agree on the new rules with amendments you make and the comments and responses for all the new bus shelters that come after the effective date. Carol Grell-Morris said that captures the essence of it but I wonder if the department would be allowed to work with the language you have here because your draft didn't follow strict rulemaking format and some shifting and underlining might be necessary. Commissioner Cobb said that would be fine if the Chairman could review it once that's done. Basically we're passing the language on technical changes and grandfathering in all the existing bus shelters and anything new has to use the new rules. Carol Grell-Morris said FHWA will review that before we file it and we're hoping for a June 6th filing date.

Commissioner Lambert asked if this is passed and FHWA doesn't accept it, do we have to do all the rules over again. It was determined this particular rule might have to be revisited but not all of the rules. Commissioner Griffith asked if it would be a continuation of this process or would we have to initiate a whole new process. It was determined a new rulemaking process would have to be initiated for that one particular rule.

Commissioner Cobb moved to amend the language of the Department's response to Rule ARM 18.6.205 that would grandfather in all existing bus shelters under the old rules and any new shelters erected after the new rules come into effect would be under the new rules. Commissioner Lambert seconded the motion.

The motion passed unanimously.

Commissioner Skelton moved that the Commission approve the comments and responses prepared by MDT for Rule Notice 18-158 for all rules except New Rule No. 1, ARM 18.6.205. Commissioner Cobb seconded the motion.

The motion passed unanimously.

Elected Officials/Public Comment

Cary Hagreberg, Montana Contractors Association

I am here on behalf of the Montana Contractors Association (MCA). We represent the companies that do the vast majority of your contracting. I'd like to start off by thanking the Commission and the Department for your tremendous support of the Highway Construction and Maintenance Program in the State of Montana. I'm here to keep you apprised of some of our efforts concerning infrastructure funding in Montana. You're hearing a lot about it in the news media and I wanted to give you a little update on where some of the things stand. The Contractors Association is working with the Montana Chamber of Commerce in forming the Montana Infrastructure Coalition. It's a group of 30 plus organizations and entities throughout the state that have a shared interest in trying to secure a different outcome from the 2017 Legislature and future Legislatures than what we've seen in the recent past. We have hired a gentleman named Darryl James to be the Executive Director and Coordinator of the Infrastructure Coalition and we're moving forward with our strategies.

The Board members of the Coalition are Web Brown, President of the Montana Chamber of Commerce; John Metropolis representing the oil, gas, and coal counties; Jason Riddle who now works for Fallon County; Tim Burton who represents the Montana League of Cities and Towns; Chris Colossus with the Montana AFLCIO; Jay Skoog with the American Council of Engineering Companies; and myself representing the Contractors Association.

We've entered into our discussions on this Infrastructure Coalition with no conceived outcomes in mind other than securing a different outcome in future legislative sessions. We're trying to find the common denominators that our various interests can agree upon and ones we think will be palatable to the 2017 Legislature.

The significant accomplishment that we've already made was defining infrastructure which seems to be a huge debate in this state. We largely lifted a definition from the Organization of Economic Development Entities in Montana. That definition is: "local and state capital improvement and development that drives continued economic growth including roads, bridges, highways, water, sewer, and essential community needs." You might have noticed a few things in that definition that fall under your purview as the Transportation Commission. We don't have any formal or official recommendations to present at this point but there is growing recognition and I think agreement among the participants in the Coalition that transportation funding will likely be a high priority. Local governments, engineers, contractors, truckers, legislators and the traveling public are increasingly aware that our fuel tax collections in Montana are not keeping up with the programs that they are expected to fund including the need to match federal funds in the future. There are a variety of options the Legislature can consider in addressing this shortcoming of funding and our Coalition will undoubtedly be attempting to assess all those options and make recommendations to the Legislature and to the Governor.

Separate and aside from the Infrastructure Coalition, the Montana Contractors Association is working with Director Tooley and with MDT leadership to discuss some other priorities in the upcoming Session one of which you've heard about before to authorize construction manager, general contractor authority – CMGC

contracting authority. We supported that initiative in 2015 along with the department and the engineering community, however, the Legislature had different ideas for us. We think we've got a better case to make in this coming Session and the Contractors Association has committed to Director Tooley that we will again support the department in that effort.

We are also working jointly on legislation to address problems with enforcing speed limits in construction zones and trying to make it clear to motorists and to law enforcement how to enforce those fines that allegedly double in construction zones. We've had trouble in the past defining where that zone is and where officers can actually ticket motorists for exceeding speed limits. So we're working very closely with MDT personnel in that effort as well.

Our member companies have also begun pushing us to address a widespread perspective within our industry that MDT occasionally implements changes to construction specifications that impose excessive costs to projects, that expose contractors and material suppliers to excessive risk, and to reduce overall competition for projects at the same time offering minimal or marginal benefits to those projects. In economic terms we think that MDT at times goes beyond the point of diminishing returns where the cost starts to escalate dramatically but the return is negligible. In an era of scarce funding it would seem especially important for a cost/benefit analysis to be done in advance of ratcheting down specifications that dramatically increase the cost of projects. We've heard from numerous concrete producers around the state that they are either: (a) no longer quoting concrete for MDT projects due to the excessive risk, or (b) having raised their quotes significantly to accommodate for that increased risk. On a project this Commission just awarded Tuesday on a phone call on which a single bidder was more than 10% over the Engineer's Estimate, the concrete supplier told me because I inquired based on some inquiries that he indeed raised his bid by roughly 25% over what he historically would have quoted concrete for as a result of these new specs. He's been in the business for a long time and in his professional opinion any benefit in terms of project life or durability would be negligible at best.

Several of you have been elected officials in the past. Imagine that you're deliberating a bill in the Legislature that would significantly increase funding for MDT. The owner of your local ready mix concrete company tells you that MDT has cranked down the specs on concrete to the point where he doesn't even quote general contractors for supplying concrete on those projects anymore because he can't take the risk. He could lose more money than he stands to gain and he's just not about to take that kind of risk. There stands in front of you as an elected official the lobbyist for the Montana Contractors Association pleading in front of your committee for more funding for highways and bridges. My case as a lobbyist for the construction industry is certainly going to be a lot stronger if the local businesses throughout the state are standing strongly behind us to increase funding for the agency because they realize that they are going to be able to potentially secure some business as a result of their actions. I bring this scenario to your attention because the contracts that our members sign are between you the Commission and them as Contractors so the specifications in those contracts are, in essence, yours.

We'll share some common goals in the upcoming Legislative Session and I'm here sharing some perspective on how the Contractors Association may likely be approaching some of those issues. Finally I'd be remiss in not acknowledging that in general we have an open constructive tremendous working relationship with MDT. Kevin Christensen and his staff meet frequently with our members, both in large groups and in specific task forces, to address specific issues and in many cases we are able to come to agreement and constructive dialogue results in a win-win mutually agreeable situation. Director Tooley and Mr. Kailey are both extremely accessible and very helpful and they've both agreed to attend our Board of Director's meeting on June 7th and address some of the things I'm bringing to you today. None of it is a

surprise; we've had these discussions. I just wanted you, as Commissioners, to be aware of our efforts to secure funding for MDT to move forward and some of the concerns we have about how to be as cost effective as possible.

Commissioner Griffith said he appreciated the effort. I also heard stuff from ready mix contractors specifically in the eastern part of my District that were allowed to participate but chose not to. They've always done it; they've always been able to meet the ready mix spec. What have we done that caused that? Dwane Kailey said he could not get into the weeds and the details you want but I can get those to you. I will tell you that we have met with the MCA. We have met with all of these suppliers out there. We did have an error on our end. We went with the MCA affiliated concrete suppliers but unfortunately that precluded most of the eastern concrete suppliers. We've rectified that and we've gone out and met with all of them. At a very high level essentially we brought the spec up to current standards. Yes it was a challenge for some of the older plants but once we explained it to them, it is my understanding they are now bidding again. I will go back and address one of the comments – not that long ago we made a switch from what we call Grade D mix to a Grade S mix. We heard very much the same thing that all the prices were going to go up and it was going to be cost prohibitive but if you look at prices now contractors understand how to bid it and those prices did not escalate very long and we have a much superior product than what we had in the past. Yes I understand and I totally respect there is risk when you come out with a new project. There is risk and the contractors have to bear that. We do believe this is a much better product in the end. Again if you want the details on what the changes were, I'm more than happy to get those for you.

Commissioner Griffith said the two things I've heard from contractors is the concrete is a problem and more so for bigger communities. They'll do it; they'll make the change reflective of the price but we've lost the small ready mix plants that are in smaller towns so we've sort of drawn a battle line. I guess I'm trying to say there are two things I'd like to look at. I'd like to look at the concrete specs. We'd just changed these when we did the update of the Big Book; that's what causing this. Duane Kailey said yes that was incorporated in that update. So the concrete thing that affects the small ready mix plants. The other thing I've heard is on the 3/8 inch mix – what's the test that is causing them grief. Duane Kailey said the test is the Hamburg test. Commissioner Griffith asked if he could do a cost/benefit of that. Essentially if all your tests pass – your gravel, asphalt, mix design and you go out and build the road, all the tests that passed may fail and you have to pull it all up and that's been a problem. I think we need to somehow look at that as a whole unit because I've heard from far different contractors about that procedure. All four of them have either taken penalty or threatened to take penalty on it. It just seems like there is a better way to break in that specification. Duane Kailey said Kevin Christensen will be here later on and he is way more knowledgeable on this. If you would be willing to table this discussion until he is here. Commissioner Griffith said he would rather put together some comments for the next meeting on where the problems are and who we're getting comments from and do they have a valid concern and is there a cost/benefit. As we saw on Tuesday's letting we had to go back and dig into why the costs were so high. If the contractors are doing it and just upping the price, that's not good for the Commission. We've seen pretty stable costs for the last couple of years and I don't want that to be our nemesis; we have enough trouble making our money to go far enough now.

Duane Kailey said for clarity you'd like to have the information and the discussion at the July meeting on both the concrete change we made as well as the 3/8 inch mix that we made. One thing I will also add we are working with the MCA right now to bring about a cost/benefit analysis for these specifications but not all specs lend themselves to that but we will strive to meet that goal. Commissioner Griffith said I'm extremely sensitive to the concrete plant that's a mom and pop shop and whether they are going to be able to do business with us. I don't know whether we're not

doing a good job of explaining what the changes are or whether truly they can't meet it and they're just pumping up the price to figure out a way. I understand doing it the first time if you have to buy some additional equipment but I don't want to do that on every project and I don't want to eliminate them from competition with the money in our program. Duane Kailey said they'd address that in the July meeting.

Commissioner Lambert said on Tuesday she was extremely concerned. If we're only getting one firm bidding on a contract, there's a problem. I agree. I'm not a contractor but I read the things you send out and it still doesn't make me feel real easy. I have a question for Cary. We've notice as the bidding flows that DBE's aren't taking part like they used to. Have you talked about that? Is there a reason? Cary Hagreberg said that is a very involved question that I can only touch the surface on in terms of my own understanding of it. There have been several construction companies in the state that were formerly DBE certified but no longer are. That's had a pretty big impact on the percentage of DBE participation and contracts. That's been a pretty big driver of the percentages that several firms that historically did quite a bit of work in traffic control etc., are no longer DBE certified. It's a low bid environment. This Commission awards contracts on the basis of low bid.

Commissioner Lambert asked why they lost their certification. Cary Hagreberg said they didn't pursue it in most cases; they didn't seek to be recertified as a DBE firm. They weren't decertified by either the department or the feds, they simply chose not to stay in the program. The fundamental issue is contracts are awarded to the responsible low bidder and if you're out as a general contractor putting your bid together, you're going to select the low quote from subcontractors to ensure that you are the low bidder when those bids are opened. It's that simple. Commissioner Griffith said except that we remember the days when you didn't do that, you had the lowest responsible bidder and I don't think any of us want to get back to that point that we have to define what "responsible" is. The point is that in the last week or so we've been apprised that our DBE Program is almost half of what it was last year at this time which gives us concern because in the end we have many things including signing and everything else that we have to meet to protect our funding and DBE is also part of that. Last year was an extraordinary year, the contractors and everybody did a great job with goal attainment with what they thought was going to happen in the Disparity Study. I guess my point is like your program with the Chamber and everybody to improve infrastructure, we ought to add this back in as one of the things we could work together on to try and find a solution.

Cary Hagreberg said he appreciated that. At the regular meeting with our Highway Technical Committee we typically have representatives from the Civil Rights Bureau who discuss with our members the status of the DBE Program and the goal attainment. First I want to make clear that I do not believe in any way, shape, or form that any of our general contractor members are excluding DBE firms from giving them bids. If a general contractor gave preference to the DBE subcontractor whose bid was higher than another competing subcontractor and that general contractor was read second low under this current environment even if its two dollars, the department would award that contract to the low bidder. That's the reality. Once the department reaches a point in negotiations with FHWA that it's necessary to impose project specific DBE goals, at that point the general contractors are on alert that they have to meet that goal and in some cases that means rejecting a low subcontractor bidder in preference for a DBE certified firm. To you and me and FHWA, everybody knows that in some cases the cost of those projects are going up accordingly. If under the current environment, even if that bid was one dollar difference, the department would recommend award and you would award to the low bidder. That's the climate we're in. Commissioner Griffith agreed with that; that's exactly right but what we had last year was both exciting and good for the Commission and good for the contractors. I'd like to get to the point again where we're able to do that without project specific goals. None of us want that but we're heading toward that. We need to find some working ground to do a better job of getting back to where we were last year. That may be on our part too.

Commissioner Cobb asked when the contractors subcontract are they just using the regular contractors because they know each other and not letting outside competition come in even though they might be the lower bidder. You keep saying they give to the lowest bid but I would think you'd use the same subcontractors you've used for years and not necessarily allow some outsider to come in who might be a DBE. Is there no competition out there? We use the same companies on our ranch because we're used to them even though somebody else might be lower. Is it hard for new businesses to get in? Cary Hagreberg said I can't speak for every general contractor who bids work for the department but it's a highly competitive environment. Again contracts are awarded to the lower responsible bidder. I believe the general contractors cast a very wide net in trying to secure subcontractor bids. Keep in mind that often times the subcontractors are soliciting bids from second and third tier subcontractors. This is a very complicated process. When you go on a highway job, there will be five or six different companies operating on that site at any given time that they are basically reporting to the general contractor. We see general contractors from other states come in here, you award the contracts, and FHWA mandates that there can be no restraint of trade, no state preferences. For contracts our members understand that and they aggressively bid in other states. We have general contractors here in Montana that have a very big presence in our adjoining states and it's a highly competitive environment. I can't imagine the good old boy network in the subcontracting world because you would simply lose your competitive edge if you did that.

Speed Zone – Montana 83, Seeley Lake

Duane Kailey presented the Speed Zone for MT 83, Seeley Lake to the Commission. This is a speed study in the Seeley Lake area on MT 83. We were asked by the community to look at a single consistent speed limit in place of the present step-down configuration. We have performed that study. In conjunction with that the community embarked on their effort and sought public input on what they would like to see out there.

We have a recommendation that does extend some of the slower speeds out of town a little bit but it does not conform in accordance with what the Community Council came up with. With your approval I have a couple of maps set up for you. This is a side-by-side comparison; the one on the left is MDT's recommendation and the one on the right is the recommendation by the Community Council. This is the existing 45 mph limit going into town and 50 mph going out of town. This is the existing 30 mph through the transition into 30 mph in town and then the transition to 40 mph and the transition to 50 mph. Our proposal moves the 40 mph out to here (referring to map) and it moves the 30 mph from here to here so it's a slight adjustment and then it moves the 40 mph out a little bit and the 50 mph out a little bit as well and 70 mph stays where it is. That's MDT's proposal.

Essentially Community Council's proposal is moving the 45 mph to here (referring to map) – this is the Double Arrow Ranch and this is MDT's maintenance house south of Seeley Lake. A lot of this is very rural, there are a fair number of approaches out here but this is an extremely rural area. They also recommend a 35 mph at the grocery store on the south end of town. Then establishing a 25 mph speed through town as well as some reductions out here as well. The big comment I have is without enforcement the public is going to drive what they are going to drive. We've talked about this numerous times.

The other thing I would offer up is there was a request by the Missoula County Commission to consider a seasonal speed zone. I remind you that in September 2014 the Commission addressed a seasonal speed zone in the West Glacier area. That was established based on a recommendation from the Flathead County Commission. In

2014 because of complaints and lack of compliance with that seasonal speed zone, they asked us to review that and the Commission approved removal of that seasonal zone in that area. We have two other seasonal zones in the state – one is by West Yellowstone and the other is by Gardner. Those are based solely on Buffalo activity, trying to reduce speeds due to Buffalo that love to lay down in the middle of our road and happen to be black and very hard to see at night. Aside from that I'm not aware of any other seasonal zones in the state.

Commissioner Lambert asked why they wanted to slow the traffic down that much further out. Commissioner Griffith said they would be making a presentation today. First of all before the presentation, I can't find any speed study tickets. Duane said they issued 45 traffic stops resulting in 67 citations and eight of those involved speed limit violations.

Klaus Von Stutterheim, Seeley Lake Community Council

We appreciate the opportunity to tell the community side of the story. I'll start with a brief history of how we got to this point. We will offer testimony from one of the County Commissioners. In 2013 community members began to talk about something needing to be done about the speed limits in town and also at pedestrian crossings. We based this on comments from community members at council meetings. We asked and got a speed study in 2014 and the results in 2015. We, in the community, were really quite disappointed that those changes were really just a minimum and we realized that we needed two things: (1) to make sure that what we were asking for really reflected the desires of the community and not just a few on the Community Council and whoever happened to show up at the meetings; and (2) to demonstrate to the powers that be that there is very wide-spread support for what we're asking.

We designed three proposals. Proposal one is in front of you for extensive changes in speed limits; proposal two was limited speed limit changes; and proposal three was for no change to the speed limits. We had about 15 volunteers working on it and we collected a total of 330 signatures. The overwhelming support was for proposal one. I don't have it in front of me but it was something like 70% support. We have hundreds of people supporting this in a community that has about 2,000 residents. We then submitted what you have in front of you to the County Commissioners and indirectly to MDT and hoped for a positive response. Unfortunately MDT did not agree with what the community desired. Then Greg Robertson, the County Works Director, came up with a compromise solution on a seasonal basis. Although we, as representing the community, would like to see this year-round, we would be happy to take a half step forward if that is the only way we can reduce speed limits. That is the history.

Duane Schlabbach, Seeley Lake Community Council

Thank you for taking the time to listen to us. I was Chair of this specific traffic project. What you're looking at I largely compiled with the help of Community Council and many of the community members. What am I specifically here for? I want to be very clear. First of all I appreciate you listening. It's not an engineer study. This started when we were in Bozeman and went with a few of the Missoula County Commissioners to a seminar on alternative transportation. Director Tooley spoke there and said when a community has a specific idea on what they want then have input, make sure the community is behind it and is willing to work at it. I personally thank Director Tooley for that; I think you've exemplified that promise to us here in giving us an ear and I appreciate it.

First of all the rationale for the speed proposal and I'll bring the map up. Why have we extended it? When you look at the south end of town, we have extended it up much further into the southern area. Why? The rationale for this was obviously

community support. I'm trying to represent the voices of the community and 330 signatures with 71% being in favor of this proposal. They specifically mentioned the Double Arrow entrance and, as you're well aware, recently in the last half of the year they put up the new flashing light on the Double Arrow turn off. We have the gravel pit there with loaded trucks hitting the road at the same time. They are entering a road with a 70 mph speed limit coming from a dead stop out of the gravel pit. Those are the two large rational for why we're doing it.

You will also hear from Chris Stout and he will speak to the vision of why we're doing this. I ask you to consider what we're talking about here. Don't forget the vision of why we're trying to do this and the direction we're heading. We're a small town community that is transitioning. Logging is still a part of who we are but at the same time we're transitioning from a logging town and trying to diversify our economy. The challenge is no different from any western small town community in Montana. So I ask you to consider that vision.

Then you get into the downtown area; we've tried to slow that traffic down. As you get in the southern part, if you're familiar with Seeley traffic comes into that Wagon Wheel Way which is the old Double Arrow turn off and turns into Whitetail Drive. If you look specifically at Whitetail Drive, the grocery store is there and there is a lot of traffic coming in and out of Whitetail Drive. Many of our petitions for signature gathering for proposals one, two and three were done at Cory's Valley Market which is the grocery store. It was really interesting to sit there and watch because there were quite a few instances where cars would make quick turns. Currently it is 50 mph through there so many people in the community have a strong desire to see the speed reduced.

From there you go into the Lazy Pine Mall and the bank and that part of town. While we were doing this study keep in mind that we did have a fatality at the Lazy Pine Mall when an older gentleman pulled out in front of a rig that was driving out of Seeley at the 50 mph spot. The truck that hit him was a loaded truck full of gravel. Nobody was cited for it because he was driving the speed limit. I think that exemplified to many in the community the need for what we were doing.

Then you get into the downtown area. The downtown area shows you those reduced speeds. We have the reduced speeds and as you see there is also proposed crosswalks in there. A couple of weeks ago I had a meeting locally about the crosswalks and I think we're well on the way at putting in those temporary crosswalks and doing a new study with the crosswalk numbers. If you look at the downtown area which is our vision in trying to develop the downtown part of Seeley. I think we have a bright future in front of us and part of that includes the infrastructure including the speed limits that go along with this.

Then you leave downtown at the north end of town. Why has the Council specifically addressed a continuing decrease in speed limits for that specific section? It is base camp. If you are familiar with Seeley, it's past Big Large Campground as you're going north up into the Swan. There is a lot of traffic at Big Large Campground; it's a very popular site for tourists to access the lake and campground. With the building and the vision of where we're going in Seeley, you have a bike trail that crosses the road right there as well. So just for that bike crossing and the safety of that has increased a lot of public awareness. We did have a fatality there quite a few years ago where a local kid was hit and killed on a bike specifically at that location.

I fully recognize that you have specific engineering standards you have to meet; I understand that. I'm not overriding that, I'm simply requesting you respect what we have in the community, the voice of the community and what they desire and why they desire it. If you have any specific questions pertaining to what you're looking at I will do the best I can to answer them.

Chris Stout, Seeley Lake Community Council

Thank you for having us. My name is Chris Stout. I'm the school superintendent in Seeley Lake and I also chair the Community Council. My interest in looking at this and doing some sort of a study whether through the state or the county or whomever started about nine years ago. I was working for the Forest Service at Big Large Campground when a nine year old boy was hit by a car. He was on a little motor bike and there was a trail crossing right there with a dirt bike trail across the road that we were trying to improve into a pedestrian and bike path. The speed limit as you get out of Seeley to the north is 70 mph and people don't waste any time to get there. If you've ever been in Seeley Lake, which I'm assuming most of you have at one point in time, you know that June, July, August and the middle of September are pretty crowded and heavy with traffic with people pulling campers and so on. At that time I started thinking the speed limit north of town being 70 mph before you hit Big Large Campground, one of the most popular areas in the region, is definitely too high.

Then I got on the Community Council and we started hearing the same thing about concerns as the Seeley community started to grow, develop, and change from a place where people just wanted to get through as fast as they could to get to wherever they were going to a place where people are coming more as a destination point. We started discussing extending those zones, not just the Big Large but further south. It was pointed out that area is fairly rural and by city description or nationwide statistics it probably is, but I'd bet 80% of our population in Seeley Lake is accessing their homes via Double Arrow, Whitetail, or on the other side of the highway. Those three outlets/inlets have quite a bit of traffic. I live on Double Arrow Ranch and when you pull out it's not heavy traffic but you have people coming into town at 75 mph.

I know you have done an Engineering Study and I applaud your efforts and the attention you've given to Seeley; it's been quite impressive. This is kind of the safety aspect of it. Two years ago I was at the same conference where Mike Tooley was the keynote speaker and it was all about how a highway can't necessarily make your town but it can also sort of kill your town. Looking back at the engineering specs and when the road was created, I'm assuming a major priority at the time was to get cargo, whether it be lumber or gravel, from one point to the next and Hwy 83 does a really nice job of that but in the last 10-15 years Seeley has really come to the realization that some of those industries either no longer exist or won't exist in the future. So we're trying really hard working with all the agencies from the county to the state to local non-profits to improve the infrastructure and the aesthetic appeal of Seeley Lake. You talk about the speed limit south of town and throw out all the safety concerns, well we're trying to host a huge cross-country meet that will bring in teams from around the country. Seeley Lake is an unincorporated city so we can't necessarily say no Jake brakes, none of this, none of that, so you have people hitting that golf course where this is going to be hosted going 70 mph and you have all the noise. So if we could bring that further to the south to where people are slowing down where there isn't anything going on – no residences and so forth. I know that doesn't over-ride an engineering study that says you have noise pollution but for us it is very important.

Also we want people to slow down in town. This study and the conference we went to clearly illustrated that you need people to slow down and look at what's going on in town both for safety and just for the commercial value of what you have to offer. I don't know that Arlee has been any great success but basically they rerouted an entire highway and I remember driving through Arlee and getting to where I was going and thinking did I even go through Arlee and now it's an obvious hobbyist's side trip. Again I don't have any idea if that's been successful or not.

I think this is a huge building block and kind of what we're trying to do in the overall big picture. I heard enforcement is an issue and I believe that to a certain extent. I'm in Missoula quite a bit and there is a lot of places where there's not much enforcement but people seem to stop at crosswalks and slow down at the Good Food Store. The Milwaukee Bike Trail crosses right there and I ride my bike and run there often and people stop and I've never seen a police officer parked there. So I think over time we will see people abiding by the rules. I get that argument on one hand but on the other I think you can set expectations and try and live with those. Along those lines, however, we have worked with US Forest Service, State, County and every agency we can to try and increase enforcement in the Seeley area and we've had quite a bit of cooperation. We will have a deputy located in Seeley that will actually have traffic obligations or duties not just bigger picture things. So some of that enforcement is well on its way.

I look at the big picture at Seeley. I've been there for 12 years and I love it and I'm raising my family there. I'm in charge of the elementary school district and we're encouraging people to live healthy life styles. We're plowing the bike path in the winter time now so people can ride year-around and walk and do things. We're having ski races that are taking place in town. We're doing all sorts of things to try to really keep the economy growing and thriving and make it a good place to live. Like all rural communities we're facing declining enrollment and on and on and on so we think anything we can do including speed limits and the aesthetic value of being in downtown Seeley will help the entire community. Thank you for taking the time to listen to us and whatever happens we appreciate the support you've given us so far.

Stacy Rye, Missoula County Commissioner

My name is Stacy Rye and I'm a Missoula County Commissioner. One of the things you learn about being a County Commissioner of a county that is 2,600 miles and is larger than the State of Delaware is that the communities that exist in outlying areas of Missoula proper have their own unique characteristics, personalities, and traits. Part of our job is to respect this unique characteristics and help enhance the unique characteristics of those particular places. I can tell you that in Seeley Lake people are insanely plugged into their community. I was on the Missoula City Council for eight years and you can guess that Missoulians are insanely plugged into their City Council as you can possibly imagine. Seeley Lake is a microcosm of that and they're insanely plugged into their community and very, very involved. There are no open seats on their Community Council. Chris Stout has done an amazing job.

I should give you some history of some of these people first. Chris Stout is the Superintendent of the K-8 school district which is an amazing school district. Chris has done things like institute pre-K for four-year olds. We haven't found a way to do that in the larger school districts, we haven't found a way to do that in the State of Montana, but Chris Stout has found a way to do it in Seeley Lake. Duane Schlabach is middle school English teacher. He teaches 7th and 8th grades at the middle school level. Klaus Von Stutterheim is retired but spends countless hours at the Community Council working on behalf of the community when it comes to efforts like this. So I first want to say they have done an amazing job but in spite of that, I just want to echo and support their efforts as the spokesperson for the County Commission in applauding their efforts and hopefully having some compromise with the proposal that is before you today.

I want to talk a little bit about the transition that Seeley Lake is going through. First of all Seeley Lake runs north/south. It doesn't really run east/west. It is a long and thin kind of community. So the reason they would like to extend those speed limits is fairly obvious that while it is a fairly rural area, they use every inch of the north/south corridor because they can't go east/west. So when they want to have community events, when they have this no joke half marathon, when they want to have a cross country meet, they use miles that go north and south rather than east

and west. Like many communities that sit on highways in western Montana, the highway bifurcates and bisects their community. I can think of a couple of communities that also look like that and highways that get much more use have been very sensitive to the communities such as Hwy 93 both north and south of Missoula which has variable speeds that go through the communities and have changed remarkably over the last ten years. If you think of Polson to Missoula and Missoula down through the Bitterroot Valley, that road was completely redone when that highway was taken to four lanes along that corridor. Highway 83 is a much smaller highway and the community is undergoing a similar transition, so I'm hoping we can come to a compromise that our Public Works Director, Greg Robinson and Duane Kailey have talked about. It doesn't get as much traffic as Hwy 93 and yet Hwy 93 has managed to kind of change the landscape in those communities to better reflect the communities they're in. So I'm hopeful that can be reflected on Hwy 83 as well.

I want to talk about a few things from a county perspective of what Seeley Lake is kind of transitioning to. One of the things they have done recently is a fully operational public water system. We adopted a growth policy for Seeley Lake and an upcoming sewer project so that the water quality gets remarkably better over the next couple of years. We're working with \$15 million in USDA grants and loans to do that sewer project in Seeley Lake. That's a remarkable thing and it's been 20 years in the making. These are all necessary, critical pieces of infrastructure for this community to grow in a positive and progressive manner.

Seeley Lake, as you know, has an economy based on tourism. They have both winter and summer tourism but the summer tourism just dwarfs that of the winter tourism. Seeley Lake leaders are aware of this fact and have an ongoing conversation about how to make the community safer and easier to navigate. Every Community Council meeting I've attended over the past three years talks about the speed in Seeley Lake. This is the most important issue to this community. Two years ago the Community Council sent out a request to the Board the County Commissioners requesting that we intervene in the dialogue and ask MDT to conduct a speed study and provide those recommendations including additional crosswalks that cross the highway and bisects their town. The department responded with a study including recommendations that weren't satisfactory to the Seeley Lake leaders and citizens. So the Community Council authored its own response and undertook this study that you have in front of you that included extensive community outreach. While their conclusions may not be scientific, they do represent the community's needs and desires for a safe and welcoming town for its citizens and visitors. I would argue that that should have as much weight as the engineer's report. MDT rejected the report but what followed was a very positive conversation between us and MDT staff and its leadership on a mutually agreeable course of action that represents real compromise. We wish to thank Duane Kailey, Danielle Boland, and Shane Stack who worked with the County and the Community Council to reach a satisfactory, we hope, conclusion.

The key provisions that we worked on and are now seeking your approval to implement are:

To institute a seasonal speed study, speed reductions, along with revised limits as recommended by the Seeley Lake Community Council Report. I hope I outlined why it's important to take it out to the length that it is because of the north/south orientation of the community.

Those seasonal reductions could be between Memorial Day and Labor Day. Outside of that time period speed limits could revert back to MDT's recommendations

The crosswalks are agreed upon. The two crosswalks would be removed in the downtown area and replaced with appropriate signage. I believe that is happening right now.

We really appreciate the willingness of MDT staff at all levels to listen to the Seeley Lake Community. I have really found it enlightening to be able to work with Shane and Ed and Duane to be able to come to a compromise on this. We do have an example in western Montana of where the seasonal speed limit didn't work but I would just really emphasize that this town is in transition to a different economy. It's probably growing with the infrastructure that we're putting in and it's going with the tourism that is there. The town is oriented north/south so they really do want to increase that so they can fully use all of the land available to them for community activities without necessarily having people going 70 mph right next to them. I think that's a reasonable thing to do when you look at other similar communities like Lolo, Hamilton, and Arlee. Greg couldn't be here today so I'm here for him. I hope that the changing character of the community can also change the character of the roadway that is there for the better for the future. Thank you so much for your consideration.

Commissioner Griffith asked if the growth policy means you're looking at following that up with some kind of zoning. Stacy Rye said we have two similar efforts that are ongoing. There is citizen initiated zoning which we would prefer all communities, if they want zoning, to come to us with their ideas and recommendations. That being said as one of the people making decisions on growth I'm not necessarily receptive if the zoning is reflective of wanting everything to stay out. I believe the Seeley Lake Community Council has initiated another conversation about the potential for zoning in Seeley Lake. I think if they can undertake a study about speeds they can also undertake a study about zoning. So I anticipate getting something like that over the next year or two. Commissioner Griffith said it just seems like what you're asking the Commission to do is act like a zoning commission because we're potentially going to have growth out in these areas that want to reduce the speed limit but yet the school enrollment is coming down. Stacy Rye said the infrastructure would drive growth not the speed limits. Commissioner Griffith said we're the ones in advance of the infrastructure. Stacy Rye said I would disagree with that and say that in my experience in working with local government since 2004, it's not the speed limits that would help direct or drive growth it's the economy and critical, critical pieces of infrastructure. You have to have access to water, you have to have access to sewer if you are going to grow in any way, shape or form and I think they are moving in that direction. All rural communities have experienced declines and, depending on the direction theirs goes, is probably going to actually start growing. If we are successful with these pieces of infrastructure, the water is already there and sewer, then I would expect it would grow but I would not ever think that a speed limit would necessarily drive where growth could be or should be desired. Location, location, location. Real estate and growth happens where people on the ground think it makes sense and I don't think that's necessarily on the highway. Commissioner Griffith said we're extending the speed limit in anticipation of growth. Stacy Rye said no, no. Commissioner Griffith said we're in rural areas that even by the number of entrances ... Stacy Rye said I think we're asking you to lower the speed limit to reflect how the community has changed thus far and how they use the land in the community in a different way than they did 20 years ago because it's already transitioned remarkably and we want the highway to reflect what it's become today.

Commissioner Cobb said it looks like the chicken before the egg. It looks like you're asking us to lower the speed limits even though the speed study says not to. They're making changes to encourage growth in those areas by slowing the traffic down. That's what's coming across. The study says we're fixing things plus some other things we're doing but we're doing it way ahead of schedule. Stacy Rye said no. I really want to emphasize that we're asking for compromise that includes seasonal speed limits due to the fact that the community has already transitioned; that it's

changed from the timber industry that it had been to a different type of economy and hopefully more than a tourist economy but certainly that is its focus. So they are asking for and what the County Commissioner's support is to have a road that includes a speed limit, at least in the summer time, to see how it works reflective of a community that's already changed.

Senator Sue Malek, Montana Senate

Seeley Lake and this whole area is part of my District and I would say the most beautiful District in the State of Montana although Senator Cobb might argue with me about that. What an amazing area. Seeley Lake has a Community Foundation as well as their Community Council. They are working with Missoula Community Foundation to plan the McLain Trail. The McLain brothers used to hike from the Rattlesnake to Seeley Lake every weekend and go fishing and enjoy that in the summer. So we're planning that. The Community Foundation replaced wood stoves for low income people in that area because of the air quality. They are planning and have started a new Sporting Goods Store that is run by the schools. So they have references to services for the kids. Troubled kids are put to work in this store and taught about economic development. So there is a lot of energy in the community and there's a lot going on.

I would argue that transportation does have to do with economic development. When we saw speed limits changed and transportation changed in Arlee and Pablo and East Glacier and Trout Creek all as a result of community concern about what they wanted to happen in their community. I would hope the Commission on the State level would respond to what citizens are trying to accomplish for their community. As a State Legislator I want to be putting my money into economic development in an area that has the energy to do the work that needs to be done to make their community viable. I would hope you would think about the transient population that the school is looking at. The school won a National Green School's Award because they have their students out doing water quality monitoring, growing gardens, and all sorts of things that are hands on. I went to a Blackfoot Challenge meeting a few years ago and the people were talking about how to get the kids to stay in these communities. We have people graduating from the University of Montana in Environmental Studies and coming here to work. Why can't it be my children who are doing that? So they are starting early on. They are doing wrap-around services that are just amazing for the transient population that comes into that community and making a difference in the lives of kids and families.

Again, I would say this is a community who has a vision for itself, who wants to move forward, who can be a community that makes a difference for this whole state and our economy. I would ask you to look at page 104 of the report which has a very good map of where they are asking for the speed limits. It starts at Double Arrow, it has a large population and a very active population and it goes through the gravel pit area with big trucks pulling out. We are saying if you don't slow people down soon enough, they are speeding through the middle of town where we're going to have cross-country ski races going on and all kinds of other stuff going on. We have a vision for this area and I hope you'll join us in that vision and support this community.

Chris Stout, Seeley Lake Community Council

I want to answer the earlier question. I personally think and I think also the feeling of the community is that we're not necessarily asking the highway department to necessarily shape the future of Seeley in the sense of "if you build it they will come" type of thing. I think we're looking at what already exists. There are upwards of 400 residences in Double Arrow Ranch and basically there is one outlet or conduit, depending if you count Whitetail, to get out onto Hwy 83 and that is south of the golf course area.

Commissioner Griffith asked him to point it out on the map. Chris Stout showed him the gravel pit and the road. Double Arrow sits right here. All of this is considered Double Arrow Subdivision. One hundred percent of all these cars have two roads to access Hwy 83. One is by the grocery store so it's not as concerning because people naturally slow down when they see buildings, but the other is in the middle of nowhere except there is a ton of houses once you get off the road. The beauty and curse of Seeley Lake is we have so many trees. So if you drive by Double Arrow Ranch you might guess there isn't a single house up there. I'm sure the traffic study looked at that. There are hundreds and hundreds of residences in that area that all funnel down not to mention the resort traffic that is going up to Double Arrow Ranch. It doesn't take an engineer or a genius to take their family camping at Big Large Campground during the summer and pulling a camper or driving a pickup truck or letting their kids ride their bikes to realize that 70 mph past that campground is too fast. We talked about lack of enforcement, okay we have a lack of enforcement with the speed limit at 70 mph and maybe people are going 80 mph. If the speed limit is 50 mph with lack of enforcement maybe people are going 60 mph. I don't know, to me that one just seems so obvious with or without a study, you just have to be there for five minutes in the middle of July.

As recent as two weeks ago there was a new business that just opened up just south of Cory's Valley Market and they're huge concern about putting their greenhouse there was that the speed limits are too high for people to pull in and out of their place of business and it's the honest to God's truth. I'm friends of the people who opened the business, I was just there yesterday and it's fairly scary to pull out of there. They have landscaping trucks, nursery deliveries, so on and so forth, so this isn't something that's pie in the sky, big dream that we're hoping for, this is a current business.

On a side note and maybe superficial but in that same location we're planning the Bob Marshall Music Festival where we hope to bring thousands of people to Seeley Lake. There is an area of that land we would love to use but we can't have thousands of people coming to a spot where the speed limits are too high for the turnoff without doing some kind of weekend traffic control and I don't even know if that's possible.

I think there is nothing wrong with the highway department being part of the growth and planning for Seeley Lake. In ten years the speeds limits and the road design have really helped the community and economics and I hope you'd be happy about that. I don't think we're asking you to take that step right now, I think we're saying the current conditions that exist and the current community climate and opinions on what's going on are reflective of what we're asking for.

Commissioner Griffith said he understands the community's assessment of the speed limit. MDT will be a partner of your growth, no matter how it happens we'll be there when you need it but I'm not sure now. There have been 10 accidents over a three-year period. We're not very comfortable with lack of enforcement and that would be my first thing. It was the first thing when we changed the speed limit on Hwy 201 by the Interstate. Why isn't there more enforcement, six traffic violations over a three-year period if I read this right? We'll be there when you need us but I'm not sure it is now. I think the department's recommendation is reasonable for now and if we have to change it a year from now because of growth in that period of time, we'll be there. If you have an event that causes you grief, we're going to be there for your event. We have portable speed limit signs and we'll help you with that. I'm just not sure it's right now. If it were compressed and easier to manage but I'll let the Commission speak to that.

Stacy Rye said I think what we're asking for is a compromise. I think at the local level with Shane Stack and Ed Toavs who were fairly receptive to us asking for this. I think they were hopeful that you would agree with the potential for a compromise

which was let's try it on a seasonal basis and see how it goes – Memorial Day through Labor Day. Let's see how that goes. I want to emphasize that it's not growth driven, it's that the community has changed. They would like for the road to reflect that change. It's not just people driving through getting logs or timber from one place to the other. The road is more than that. It's about people and it's about this community. It's not will they have an additional 5,000 people next year, it's already changed and it's frightening for people who live on that road who interact with that road that doesn't have anything to do with the previous economy. It's already changed. It's not necessarily that it's one event or another, it's that you have a business that says I will know that I can locate here because of the way this road is characterized right now. To compromise for a seasonal solution to see how that works I think would be really interesting for MDT to take a look at. I would disagree with the enforcement aspect of this. I have been in local government long enough to know that it's not just about enforcement. Maybe if you asked us, maybe the county can pony up and put up a speed light. If you drive through East Missoula, Milltown and Bonner along Hwy 200, you have to slow down and speed up and slow down and speed up and those communities look a lot like Seeley Lake. In Bonner the speed limit is 30 mph for a long period of time on a very wide road that no one feels like they necessarily should be doing but they do it, in part, not because of enforcement but because there is a sign there that tells you your speed and it's been super effective. That's what we've heard from our local people on the ground is that things like that are very effective. If the county needs to pay for one of those to be on Hwy 83 to assist with enforcement, we would be willing to do that. It isn't just the Highway Patrol or the county patrolling up there. You can set the speed limit at 60 mph and people will go 65 mph and if you set it at 47 mph they might go 52 mph. That is human behavior but it's not all enforcement driven. Part of it is signage, part of it is responding to the environment you're in. We're asking for this environment to reflect what's on the ground at least seasonally so we can look at it.

Klaus Von Stutterheim said regarding the enforcement issue, we're getting an additional deputy so there will be much more enforcement than we've had. There will be another resident deputy. I also want to dispel the notion that we're asking for something that would be necessary at some point in the future, that's not what we're talking about. We're talking about conditions on the ground as they exist now. We're asking for these changes because of the conditions that we've outlined, not something that may happen in a year. Then finally the community and the people who live in Seeley Lake, an overwhelming majority with very wide participation, are asking for these reductions. I don't know how the Commission thinks but I wonder whether the desire of such a large part of the people who actually live there and are asking for slower speed limits is something that should be taken into really serious consideration. Thank you.

Duane Schlabach said I want to speak to the specific crosswalk discussion we had a couple of weeks ago. Temporary crosswalks are in place and with this temporary crosswalk at Boy Scout Road and Riverview Drive which is right in the downtown part of Seeley. With those new specific crosswalks there is a need also for a reduced speed because you have people driving through there. If I can just very briefly make a point. If you can go to page 83 in your pack, in that proposal we are looking at 71% of the 330 signatures gathered are in favor of proposal one. Commissioner Griffith said the Commission's responsibility, while we're sensitive to community needs, is the national system of highways. So it's just not the community's concern we try to weigh, it's the state's concern of getting people to and from areas. Every community we go to would like a slower speed limit in almost all of the areas and we have to weigh that against the state's need to move traffic. It is a national system. You couldn't afford to own that highway without the department's help and we want to be a partner to your community but we also want to do it as the need arises rather than ahead of the need.

Duane Schlabach said I respect that. I totally respect that you have your responsibilities. The only last point I want to make is proposal number two on page 104, nothing in the downtown area changes there, they are talking about the outlying areas. The downtown area has 11% of the community support, so you're looking at 89% of the community support that wants the downtown area. I respect your position and I don't want to put you between a rock and hard place but obviously we have enough community support, 89% are talking about the existing conditions on the ground. I would ask you to take that into consideration in conjunction with the responsibilities you have for the national system which I totally respect.

Commissioner Lambert said I thought this was going to be so easy but I'm having a real hard time with this. Duane would you please point out the difference between what the department is proposing and what the community wants. Duane Kailey said the biggest issue for the most part, there are varying differences between the 30's, 40's, and 45's, but really the biggest difference is the southern end and the northern end on the 40 mph. The southern end goes further into that rural area and to be honest I'm very concerned with that because you don't have those visual cues the average driver is looking for that tells them there is a hazard or an issue and they need to slow down. What we've seen historically and several of you have been on the Commission while we went through this, but many of you will remember we studied Hwy 191 through the canyon. We studied it under safe and prudent, we studied it under 55 mph speed limit, we studied it under a 60 mph speed limit and you know enforcement in that corridor is incredibly difficult so it doesn't happen a whole lot. We've historically found that the traveling public is very consistent at picking their own speed. We found it's between 55 mph and 60 mph irrespective of what signs are posted. That's what we're looking for – what the driver can really feel safe driving at. If we've got other indicators such as accidents, congestion, businesses very close to the road, that's when we'll take those into consideration and recommend a little bit lower speed. In this situation, it's extremely rural and there aren't those indicators and we don't have the accident history, we just don't have anything that really says this speed needs to be slowed down.

Stacy Rye asked if they could compromise and move that boundary up a little bit and still take some of the community's recommendations at least seasonally. Could you move that southern boundary up and still take the northern boundary and still do it seasonally and see how it goes? Duane Kailey said from the engineering side no. We are really looking at what the traveling public feels most comfortable driving up there. Many of you are driving that road and that's who we registered, that's who we picked up. They are actually doing a speed study in my development right now and they are measuring the residents. We have only ourselves to blame depending on what speed limit they post out there. That's what we picked up. What we're finding is everybody is comfortable driving these speeds. Stacy Rye said, once you get out of the rural area and you're into Seeley Lake proper at least to Double Arrow, could the southern boundary be brought up to meet your concern of the lack of visual cues so that some of the community's desire for the lower speeds would at least be expanded a little bit beyond what MDT's recommendation was? Maybe a little bit to the south so we could find a happy medium in there and certainly a little bit to the north on a seasonal basis. Duane Kailey said again I will tell you that Danielle Boland is one of my staff members and she and her staff worked on this and they have pushed very hard to get the limits that are actually in there. It's been based on working with the county, Greg Robertson, as well as the Missoula District. As far as the engineering side is concerned I don't think we can make those adjustments; we can't make those recommendations. Senator Sue Malek said engineering standards are what it comes down to. Duane Kailey said the statute is very clear, we have to do an engineering study. The engineering study and the practice for that is very well outlined in the Manual of Uniform Traffic Control Devices (MUTCD). That's what we have to follow from an engineering standard. Even the MUTCD clearly says that those signs must be placed in accordance with the MUTCD. That's where the MUTCD and state law get a little goofy because our state law says that the Commission can adopt a

speed limit. Stacy Rye said I think one thing Greg has had an epiphany about, who is also an engineer, is recently he has been taking into consideration when it comes to things like this and kind of what drove this and excitement to find a potential compromise was the thinking that some of those engineering standards were in fact outdated and not based on good data in the first place. For instance, the 85th percentile and that sort of thing. So I think that's come into question a little bit at the federal level. Not only that but there is a path that carries kids, people, goods and services right next to the road that serves as the community sidewalk from north to south that has several crosswalks on it and is heavily, heavily, used by people who aren't necessarily in vehicles and driving through as fast as they can go. I think part of what's missing, with all due respect, is there is another aspect to this road that isn't just about perhaps outdated engineering standards. It's about how all people get to use this road and it not be a sacrifice zone for people who aren't necessarily in a car.

Commissioner Griffith said in fairness to MDT and the Commission, I think if the question were "do you want to lower the speed limit where the crosswalks are", I think this Commission would probably step up the plate and say yes. But that isn't the question in front of us, it's to expand the zone way beyond what the department recommends. I'm sympathetic to the issue of the pedestrian and crosswalk issue but to extend the zone by a mile I'm not sympathetic to.

Commissioner Cobb said I understand the north and south is too far out there but you said in between that you'd be willing to look at what they offered. Is that correct? Duane Kailey said no, our engineering is our engineering and I will again reiterate that I think Danielle has attempted to be fairly conservative in this analysis. Commissioner Cobb said where the crosswalks are, what is the speed limit you're asking for and what are they asking for? Duane Kailey said we are currently at 30 mph and recommending 30 mph and they are asking for 25 mph. Commissioner Cobb asked what the standard was for crosswalks across the state. Duane Kailey said we don't have a speed limit for crosswalks, typically they are in urbanized areas and they are anywhere from 25-35 mph. Commissioner Cobb said in two years you'll be doing another study because if they develop and new businesses go in, I can just see this going on for a long time. Duane Kailey said we do look for changes but we don't typically go out every two years unless something has changed within the community. If a new larger business were to come in, we'd be back out there. Chris Stout said currently where the new crosswalks are the speed limit is still 50 mph. I don't have the map in front of me but I believe it is still 50 mph.

Commissioner Lambert asked when the study was done because I understand now there is a new business. Chris Stout said yes, Nature Scape Landscaping, the greenhouse and entryway right off Hwy 83 just south of Cory's Valley Market. Duane Kailey said at Boy Scout and Riverview according to our proposal Riverview would be at 50 mph and Boy Scout would be in the 40 mph. Commissioner Cobb said the other ones across the state are at 25-35 mph, do you want to think about that because that's kind of high. Duane Kailey said typically that's where they are at but I will tell you we've got ones out on Lincoln Road that are 45-55 mph. The speed is based on the road not the fact that there's a crosswalk there. Commissioner Cobb said when you put the crosswalk in you have more people crossing. Commissioner Griffith said we have crosswalks on Hwy 93 at higher speeds too. Commissioner Cobb asked if they would lower the speeds for the big events. Duane Kailey said we can; we have an exemption for special circumstances.

Commissioner Belcourt said I commend everybody for their hard work. This is not a simple issue. Stacy had mentioned a compromise and it sounds like they've been working with Ed Toavs. I would urge the Commission to think about the compromise and if we can support that. There is an opportunity here to work with the community. Commissioner Cobb said I think we should take the department's recommendation and maybe look at it again at the next Commission meeting when we're all together. That way we can get something done right now and

Commissioner Belcourt could make a motion at the next meeting if he wants to do so. At least we could get some speed limits lowered right now. Commissioner Griffith asked if they wanted to postpone the discussion until the next meeting when Commissioner Belcourt could be present since it was his District. Duane Kailey said his recommendation was to table it rather than have Maintenance go out and put signs in the ground only to remove, adjust or change it.

Commissioner Lambert moved to table the Speed Zone on MT 83, Seeley Lake until the next meeting. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Approval of Minutes

The minutes for the Commission Meetings of March 24, 2016, April 5, 2016, April 19, 2016, and May 3, 2016 were presented for approval.

Commissioner Skelton moved to approve the minutes for the Commission Meetings of March 24, 2016, April 4, 2016, April 19, 2016, and May 3, 2016. Commissioner Cobb seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: 2016-2020 Statewide Transportation Improvement Program

Lynn Zanto presented the 2016-2020 Statewide Transportation Improvement Program to the Commission. In order to spend funds on federally supported surface transportation projects, federal law requires Montana to submit a Statewide Transportation Improvement Program (STIP) to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for approval. The STIP includes projects that MDT plans to program for preliminary engineering in the current federal fiscal year as well as other phases necessary to move projects forward during the next five federal fiscal years. The following is a list of most of the federal funding programs included in the STIP:

- Federal-aid highway programs such as the National Highway Performance Program (NHPP), Surface Transportation Block Grant Program (STP), Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), National Highway Freight Program (NHFP), and the Transportation Alternatives Program (TAP).
- Federal Lands Transportation Program
- Federal Lands Access Program
- Tribal Transportation Program
- Federal Transit Programs
- Discretionary Programs
- Aeronautics Program
- Earmark Projects

The STIP provides an opportunity for the public to comment on new projects. It also demonstrates that funding is reasonably expected to be available for the various project phases that will move forward in the next five federal fiscal years. If a project has already entered a phase and funds have been obligated, that project phase will not be shown again in the STIP.

FHWA and FTA approval is based on their finding that the STIP was developed through a process consistent with federal statute. Montana's STIP has been developed according to federal planning requirements. The STIP meets the policy goals and objectives of MDT's 20-year policy plan, TranPlan 21; the Performance Programming Process (P3); and the metropolitan transportation plans developed in Billings, Missoula, and Great Falls.

Prior to submitting the STIP to the Commission for approval, the state is required to conduct a formal public involvement process. This process began on March 25th, 2016, when the draft project list was posted on MDT's Web page and the public was notified that it was available for viewing and comment. On March 25th, 2016, MDT distributed the STIP edition of the *Newsline* newsletter (construction projects only) and invited public comment. The public involvement process ran through April 24th and was carried out according to all pertinent federal laws including the following:

- 23 CFR 450, Subpart B
- 23 CFR 450.218
- 49 CFR 613.200
- Title VI of the Civil Rights Act of 1964
- Title VI assurance executed under 23 USC 324 & 29 USC 79
- Americans with Disabilities Act of 1990
- 49 CFR 20—restriction on influencing federal activities
- 40 CFR Subpart A of CAAA

MDT mailed the 2016-2020 draft STIP to the Transportation Commission on May 10th, 2016. Any comments it receives during the public involvement period will be addressed at the May 26, 2016, Commission meeting.

The STIP includes proposed highway projects for each of the five financial districts as well as statewide programs. The proposed highway projects include nominated projects that will enter the preliminary engineering phase of project development upon Commission approval. This project list is attached to this agenda item.

Once the Commission approves the 2016–2020 STIP, MDT will submit it to FHWA and FTA for their review and joint finding that the STIP is based on a statewide planning process that meets the requirements of federal law (23 USC 134 and 135, 49 USC 5304 and 5305). Following the federal finding, MDT will program new projects entering the preliminary engineering phase using FFY 2016 funds.

Summary: MDT is presenting the federally required 2016-2020 STIP to the Transportation Commission for approval. MDT staff recommends that the Commission approve the 2016–2020 STIP and that it add the projects listed in the 2016–2020 STIP that will be entering the preliminary engineering phase during federal fiscal year 2016 to the program. Following approval, these projects will be submitted for programming.

Commissioner Cobb said I looked at a lot of these projects and it looks like there are just a few great big projects in 2020, like Frenchtown or Ronan. There isn't a couple of million here or there, there are just great big projects. Is that normal? Lynn Zanto asked what he was looking at. Commissioner Cobb said I'm looking at the construction phase. I just see huge projects and no small projects like in 2016-2018. Do those big projects get pushed out; are they really there or are they place holders? Lynn Zanto said that is consistent with the schedule of the projects. We see the

bigger projects more in the out years but we're committed to putting together a project schedule and working through the design process once it enters our program. If you think about the recent projects like here in Helena, we have some pretty big ones. Commissioner Cobb said we only have so much money and you have smaller one to four million dollar projects but in 2020 there are only a few huge projects. Paul Johnson said in general the lower dollar value projects are pavement preservation dollars, they are typically two-to-three years out, so when you get to 2019-2020 you won't see those because they've not been nominated yet. Also safety project are also not in there.

Commissioner Cobb said in Tribal Transportation there is hardly any projects in 2020. Paul Johnson said there are certain projects that don't take that long to develop so we typically don't just place them on the self. Commissioner Cobb asked if those projects would be in there later on. Paul Johnson said that's correct. The Commission will have the chance to approve all the additional projects as they come along, so nominations with regard to MUT projects were preservation and safety, typically we don't go any farther than three years out. Commissioner Cobb said the preservation projects will go down in amounts. Paul Johnson said not necessarily. We reserve dollar amounts in the TCP so we take nominations to match those dollar amounts and actually the dollar amounts for preservation projects have gone up over time, we just haven't nominated the project yet because it only takes two to three years to develop them. Commissioner Cobb said this is a partial document we're approving and the other projects will be added later. Paul Johnson said it works in conjunction with TCP, it is not a stand-alone document; there are other documents that must be considered in conjunction with this.

Commissioner Griffith asked if this was a compilation of the Red Book. Paul Johnson said it's developed from the framework that the TCP represents. So specific projects are listed that have been identified as specific projects. We discuss the financials of what we anticipate to spend but some projects have not yet been specifically identified with the UPN with a name, those will come later. So you don't see projects where we don't have the specific UPN, the specific project, shorter term development projects specifically in 2019-2020. Commissioner Griffith said so for years two, three, four and five we just nominate an amount of money to use as maintenance and then in year three we nominate a specific project? Commissioner Cobb said then these are just recommendations? One of the projects in my District just keeps getting moved off year after year is the bridge between Simms and Augusta on page 52. I understand it's hard to build bridges. The Toston Bridge is 2019. So we vote on this and what does it do? Paul Johnson said it goes directly back to the TCP schedule we developed last fall, those recommendations for dates, the vast majority of them have not changed. So the delivery dates have remained relatively unchanged unless there is a specific document or specific program manager that realizes they have dollars available. Commissioner Cobb said once we start the Frenchtown I-90 in 2020 we will try to get that done. Paul Johnson said yes. In recent years it's been our policy to try and stick to the dates as much as possible and not have them go backwards, so once you see these dates, unless we have a specific limitation with our funding, they will hold firm. With regard to the bridge project specifically, Kent Barns is the manager of that program, so he assesses his overall funding versus all of the projects that are available. Commissioner Cobb said some of these great big projects you're going to get done if they are on the list now. Paul Johnson said yes if they are on the list now.

Lynn Zanto said to help clarify your question, if you turn to page 16 in the document, one of the major things is fiscal constraint. If you look at the bottom at Level of Maintenance of Effort, that bolded line is our total fiscal balance, \$31.2 million. As you go out each year you'll see that is growing for the exact reasons Paul said, smaller projects like pavement preservation are the right treatment at the right time. So we don't want to be nominating and starting those now and then constructing later. Commissioner Cobb asked where is showed the \$40 million working capital balance.

Lynn Zanto said that relates to state funds and is not in here, that’s the working capital balance for cash flow purchases.

Commissioner Lambert moved to approve the 2016-2020 Statewide Transportation Improvement Program. Commissioner Cobb seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item No. 2: Local Construction Projects on State Highway System – Contract Labor
 City of Billings – Grand Avenue
 City of Bozeman – North 19th Ave & Baxter Lane**

Lynn Zanto presented the Local Construction Projects on State Highway System – Contract Labor, City of Billings – Grand Avenue and City of Bozeman – North 19th Avenue & Baxter Lane to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments to solicit local projects on state systems to ensure compliance with this statute.

Summary: The City of Billings and the City of Bozeman are planning to design and build transportation improvement projects on the state highway system. The projects will be funded locally and will utilize contract labor. The projects will be designed with input and concurrence from MDT staff to the extent practicable.

On behalf of the local governments, as required by MCA 60-2-111, staff requests that the Transportation Commission delegate authority to the City of Billings and the City of Bozeman to let and award contracts for the projects listed below.

Location	Type of Work	Cost (estimate)	Fiscal Year	Type of Labor
Grand Ave (U-1004), from Shiloh Road to 32 nd Street West, in Billings	Reconstruction	\$5,000,000	2016	Contract
Grand Ave (U-1004), from 24 th Street West to 17 th Street West, in Billings	Overlay	\$400,000	2016	Contract
Intersection of North 19 th Avenue & Baxter Lane, in Bozeman	ADA Work, Signal Upgrades	\$215,000	2016	Contract

Staff recommends that the Commission approve these modifications to the state highway system and delegate its authority to let, award, and administer the contracts for these projects to the City of Billings and the City of Bozeman, pending concurrence of MDT’s Chief Engineer.

Commissioner Skelton moved to approve the Local Construction Projects on State Highway System – Contract Labor, City of Billings – Grand Avenue, City of Bozeman – North 19th Avenue & Baxter Lane. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Construction Project on State Highway System Pedestrian Skywalk – Kalispell

Lynn Zanto presented the Construction Project on State Highway System, Pedestrian Skywalk – Kalispell to the Commission. Flathead County is proposing to install a pedestrian skywalk on 11th Street West, between Main Street (US-93) and 1st Avenue West, in Kalispell. The enclosed skywalk will connect the newly constructed Flathead County Building (South Campus) to the existing Flathead County Health Department (on the north side of 11th Street West).

The minimum height for the skywalk will be 15.5 feet (at all points over the road). Thus, the skywalk will only affect loads that significantly exceed the statutory height maximum of 14 feet.

The City of Kalispell has given approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

Flathead County will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

Summary: Flathead County is proposing modifications to the state highway system in order to accommodate a pedestrian skywalk in Kalispell. Specifically, Flathead County is requesting Commission approval to build a pedestrian skywalk on 11th Street West (U-6718), between Main Street (US-93) and 1st Avenue West.

Staff recommends that the Commission approve this modification to the state highway system and delegate its authority to let, award, and administer the contract for this project to Flathead County, pending concurrence of MDT's Chief Engineer.

Commissioner Cobb asked if there are still other ways to get through Kalispell for large loads. Lynn Zanto said this is parallel to Hwy 93 and Kalispell is laid out in a grid system so there are lots of options to get through Kalispell.

Commissioner Cobb moved to approve the Construction Project on State Highway System, Pedestrian Skywalk – Kalispell. Commissioner Lambert seconded the motion.

The motion passed unanimously.

Item No. 4: Construction Project on State Highway System Missoula South Avenue Improvements

Lynn Zanto presented the Construction Project on State Highway System, Missoula South Avenue Improvements to the Commission. The City of Missoula is proposing modifications to South Avenue (U-8120) to improve operations and traffic flow near Fort Missoula Regional Park. Proposed improvements would include reconstruction work at the intersection of South Avenue and 36th Avenue (with curb, gutter and a westbound left-turn lane). Additionally, the City of Missoula plans to install a roundabout at the intersection of South Avenue and 33rd Avenue.

MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

The City of Missoula will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

Summary: The City of Missoula is proposing modifications to the Urban Highway System to improve operations and traffic flow near Fort Missoula Regional Park. Specifically, the City of Missoula is requesting to reconstruct the intersection of South Avenue and 36th Avenue and install a roundabout at the intersection of South Avenue and 33rd Avenue.

Staff recommends that the Commission approve these modifications to the state highway system and delegate its authority to let, award, and administer the contract for this project to the City of Missoula, pending concurrence of MDT's Chief Engineer.

Commissioner Griffith asked about the wording "100% of project funding will be done by the owner." Lynn Zanto said it is local funds, not urban.

Commissioner Lambert moved to approve the Construction Project on State Highway System, Missoula South Avenue Improvements. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 5: Construction Project on State Highway System Missoula – Southgate Mall

Lynn Zanto presented the Construction Project on State Highway System, Missoula – Southgate Mall to the Commission. The Missoula Redevelopment Agency (MRA) is proposing modifications to Brooks Street (N-7) to address traffic generated by expansion of the Southgate Mall facility in Missoula. MRA is proposing closure of the existing Southgate Mall access (on Brooks Street) with removal of the associated signal. Additionally, MRA plans to construct a signalized approach (at Brooks Street and Agnes Avenue) in addition to an unsignalized approach (approximately 180 feet north of the existing approach on Brooks Street).

The City of Missoula has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements.

MRA will provide 100 percent of project funding and will be required to complete MDT's design review and approval process (to ensure that all work complies with MDT design standards).

Summary: The Missoula Redevelopment Agency (MRA) is proposing modifications to the National Highway System to address traffic generated by the expansion of the Southgate Mall facility in Missoula. Specifically, MRA is requesting Commission approval to close the existing Southgate Mall access to Brooks Street (and remove the associated signal). Additionally, MRA is proposing to construct a signalized approach (at Brooks Street and Agnes Avenue) and an unsignalized approach (approximately 180 feet north of the existing approach on Brooks Street).

Staff recommends that the Commission approve these modifications to the state highway system and delegate its authority to let, award, and administer the contract for this project to the Missoula Redevelopment Agency/City of Missoula, pending concurrence of MDT's Chief Engineer.

Commissioner Lambert moved to approve the Construction Project on State Highway System, Missoula – Southgate Mall. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 6: Construction Project on State Highway System Copper Fox Estates - Butte

Lynn Zanto presented the Construction Project on State Highway System, Copper Fox Estates – Butte to the Commission. The Copper Fox subdivision is a development near the intersection of Western Boulevard (U-1818) and Electric Street (also U-1818) in Butte. The developer for Copper Fox Estates is proposing improvements to both routes to address traffic generated by the new development. Improvements would include wider travel lanes, parking lanes, sidewalks, curb and gutter.

The City of Butte has given preliminary approval for improvements at this location. Additionally, MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements.

The Developer will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process (to ensure that all work complies with MDT design standards).

Summary: The developer for Copper Fox Estates is proposing modifications to the Urban Highway System to address traffic generated by their new subdivision. Specifically, the developer is proposing wider lanes, parking lanes, new sidewalks, curb and gutter on Western Boulevard (U-1818) and Electric Street (also U-1818) near the Copper Fox subdivision in Butte.

MDT staff recommends that the Commission approve the developer’s proposed improvements to the Urban Highway System, pending concurrence of MDT’s Chief Engineer.

Commissioner Skelton moves to approve the Construction Projects on State Highway System, Copper Fox Estates - Butte. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 7: Speed Limit Recommendation Hutton Ranch Road (X15996) Kalispell

Duane Kailey presented the Speed Limit Recommendation, Hutton Ranch Road (X15996) Kalispell to the Commission. This is a speed study on Hutton Ranch Road which was built and approved as part of the Kalispell Bypass. We initially established an interim speed zone. We’ve now gone back and studied that speed zone and at this time we’re recommending:

A 35 mph speed limit on Hutton Ranch Road (X-15996) beginning at the intersection with US 93 and continuing to the intersection with West Reserve Drive, an approximate distance of 0.8-miles.

That was the interim we established. We have sent this to the Kalispell officials and they are in agreement with the speed recommendation.

Commissioner Lambert moved to the Speed Limit Recommendation, Hutton Ranch Road (X15996) Kalispell. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 8: Speed Limit Recommendation Interstate 15 & 90 – Butte Urban Area

Duane Kailey presented the Speed Limit Recommendation, Interstate 15 & 90 – Butte Urban Area to the Commission. This is a speed study on Interstate 15 & 90 in the Butte area. You are very familiar with this study. We established an interim 65 mph speed limit out there. We have now studied that interim and based on our review we are recommending:

A 65 mph speed limit beginning at I-15/I-90 coincident milepost 121.9 west of the Rocker Interchange and continuing east to the East Butte Interchange at milepost 129.455; From the East Butte Interchange the 65 mph speed zone will split and continue north along I-15 to milepost 130.1, and also south along I-90 to milepost 228.0 as posted.

We have submitted that to Butte Silver Bow officials and their concurrence is attached. Commissioner Griffith said that the Commission instituted this prior to a speed study and I'm glad the speed study confirmed what the Commission did. The accidents have fallen in half just by the 10 mph reduction and the number of deaths have been reduced. Prior to this it was one of the highest crash corridors in the state. Now it's not even on the radar so thank you.

Commissioner Cobb said on the last page it says “once this has passed, we encourage the district office to consider a project similar to that one carried out in Helena.” What is that about? Duane Kailey said that is about upgrading the signage. We added some additional signage in the Helena area and we included it here including recommending that the through traffic actually move over into the inside lane because of all the transitions for the interchanges. I believe they are referring to increasing the signage in there for better compliance.

Commissioner Skelton moved to approve the Speed Limit Recommendation for Interstate 15 & 90 – Butte Urban Area. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 9: Speed Limit Recommendation MT 2 – Pipestone Road

Duane Kailey presented the Speed Limit Recommendation, MT 2 – Pipestone Road to the Commission. We were requested to conduct a speed study from Jefferson County and Butte Silver Bow. We have conducted that study and based on our review we are recommending a reduction in speed:

A 60 mph speed limit (as previously approved) beginning at milepost 83.4 (intersection with Harrison Avenue) and continuing south and east to milepost 65.7 (intersection with MT 41), an approximate distance of 17.37 miles.

We have presented that to both Silver Bow and Jefferson County officials and their concurrence is attached.

Commissioner Skelton moved to approve the Speed Limit Recommendation for MT 2 – Pipestone Road. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 10: Speed Limit Recommendation US 287 and MT 2

Duane Kailey presented the Speed Limit Recommendation for US 287 & MT 2 to the Commission. This is a speed study on US 287 & MT 2 west of Three Forks. This was requested by Broadwater County Commissioners looking primarily at milepost 90 to milepost 94. We have conducted that review and looked at accidents and roadway culture and based on our review we are recommending:

US 287 & MT 2

A 60 mph speed limit beginning at straight-line station 979+00 (P-13, MP 89.95) and continuing north to straight-line station 71+00 (Primary 8, MP 108.1), an approximate distance of 4.42-miles.

MT 2 East

A 60 mph speed limit beginning at straight-line station 0+00 (intersection of US 287 & MT 2) and continuing east to station 123+00, an approximate distance of 2.32-miles.

We have presented this to Broadwater County officials and there “sort of” concurrence is attached. When I say “sort of” concurrence – they do concur, however, they ask that we look at the resident’s recommendation for a 55 mph or even 50 mph speed limit. They do concur with the 60 mph if that’s the direction we chose to go.

Commissioner Lambert asked if this is one that could change next month. Duane Kailey said he did not believe so. We did advise the officials that if they wanted to attend this meeting and present their side, they could. They did not chose to attend so I think they are more than happy with what the Commission adopts.

Commissioner Lambert moved to approve the Speed Limit Recommendation for US 287 & MT 2. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 11: Speed Limit Recommendation Urban Route 603 – Dry Creek Road

Duane Kailey presented the Speed Limit Recommendation, Urban Route 603 – Dry Creek Road to the Commission. This is an interim speed limit recommendation for Urban Route 603, Dry Creek Road. This was requested by Gallatin County and the City of Belgrade. For an interim speed, by statute, all we need to do is a windshield review with a representative of the local government. The documentation of that is attached. We have reviewed the corridor and at this point in time we are recommending an interim speed limit. We will bring it back to you once we conduct the speed study for a permanent speed. At this time we are recommending an interim speed of:

A 45 mph speed limit beginning at the intersection with Cameron Avenue and continuing north to MP 1.5 (present location of the 60 mph Truck Speed limit sign), an approximate distance of 0.4-mile.

A 55 mph speed limit beginning at milepost 1.5 and continuing north to milepost 3.0 (1/4-mile north of the intersection with Penwell Bridge Road, an approximate distance of 1.5-miles.

This has been presented to the City of Belgrade and Gallatin County and their review and comments are attached as well as their approval.

Commissioner Lambert moved to approve the Speed Limit Recommendation, Urban Route 603 – Dry Creek Road. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 12: Speed Limit Recommendation US 212 - Alzada

Dwane Kailey presented the Speed Limit Recommendation, US 212 - Alzada to the Commission. This is a speed study on US 212 in the community of Alzada. We were requested by Carter County to look at the speed in there with a preference towards a 45 mph speed limit for Alzada. We have conducted that speed study and right now we're recommending:

A 50 mph speed limit beginning at metric station 455+60, project NH 23-3(10) (1,100' west of the intersection with Secondary 323) and continuing east to metric station 467+60 (1,200' east of the intersection with Secondary 326), an approximate distance of 3,900 feet.

Originally our recommendation was no reduction, however, in meeting and discussing it with Carter County they requested an extension of the 50 mph speed zone. That is what is incorporated in here and attached is the local's comments as well as their concurrence.

Commissioner Lambert moved to approve the Speed Limit Recommendation, US 212 - Alzada. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 13: Certificates of Completion February & March, 2016

Dwane Kailey presented the Certificates of Completion for February & March, 2016, to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask.

Commissioner Lambert moved to approve the Certificates of Completion for February & March, 2016. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 14: Project Change Orders February & March, 2016

Dwane Kailey presented the Project Change Orders for February & March, 2016, to the Commission. They are presented for your review and approval. If you have any questions, please feel free to ask. Commissioner Skelton asked about the Trainee Program for Lewistown. Duane Kailey said in certain contracts we add in a Trainee to those contracts. Typically they are a laborer or an operator. We're trying to increase the skilled laborers out there so we have a trainee program that we can add into some of these contracts. Typically it would have been bid with the contract but

in this one we added it after the fact. Commissioner Skelton asked how the trainees are picked. Do they apply to MDT? Duane Kailey said it is up to the contractor. They usually go through the Union Hall and get someone that's trying to become an apprentice or someone with little or no experience. They get paid at a reduced rate and we kick some in and they track their hours. The goal is to become an apprentice.

Commissioner Skelton moved to approve the Project Change Orders for February & March, 2016. Commissioner Lambert seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 15: Liquidated Damages

Dwane Kailey presented the Liquidated Damages to the Commission. We have three contracts for your review. The first one is Knife River. They had three days overrun for a total value of \$4,188.00. They are not disputing those liquidated damages. The second contract is MA Deatley Construction. They have seven days of overrun for a total value of \$29,694.00. They are not disputing those liquidated damages. The third and final contract is LHC Inc. They had four days of overrun for a total value of \$11,024.00. They are not disputing those values. The Commission need do nothing and the LD stands as is.

Liquidated Damages STAND

Agenda Item No. 16: Letting Lists – May through October, 2016

Dwane Kailey presented the Letting Lists for the months of May through October, 2016, to the Commission. I believe Lori handed out an updated list to the Commission. This is presented for your review and approval. If you have any questions, please feel free to ask.

Commissioner Cobb asked if there were any major differences in the updated list. Duane Kailey said there are a few of them. We are beginning to underrun, meaning the bids have come in lower than what we estimated, so we are delivering all the projects we had planned in the TCP except those we may lose due to right-of-way purposes. We are starting to bring in additional projects because we have additional obligation authority. If you look at the October letting, for example, Exit 5 East and Nashua North, both are projects that are being added to the system. You have already approved those two through the TCP. We are working with the District Administrators and bringing those in as a priority for this year. Also we will have that all ironed out and done by the next Commission meeting and I will present a comprehensive list to you. Roughly speaking we need to bring in about \$30 million worth of work. That's how many bids have come in under what we had for estimates in the Red Book.

Commissioner Cobb asked how the priorities are set for that \$30 million. Duane Kailey said we strive very hard to be very consistent and equitable across all five districts. We work very closely with all five District Administrators to bring in already Commission approved projects. Commissioner Cobb said I'm asking what is the highest priority and best cost benefits. I like dividing it up between the five districts but on the other hand you have \$30 million and who is worst off. Sometimes you need to explain that we're giving this district more because this road is much worse and any other because the need is greater. Districts don't like that but I'm trying to figure out how you determine this. When you show us next time can you show us how you've changed the \$30 million? We voted on how it was supposed to be divided up but how did you decide who is more important or who is more needy? Duane Kailey said they don't look at whose most needy; we look at

conformity with P3 which is already keeping all five districts equitable from a roadway surface purpose. P3 has already established that. Commissioner Cobb said P3 also takes into consideration if you have all this money, my concern is P3 might not be as accurate as it should be. You have P3 but if you have less money that affects who gets it because you're cutting back on preservation. At one time last year we were going to do more preservation. When we do this next time can you lay out how the money was divided? I want to know how you decide to divide that up. You have P3 but you also have which ones where preservation was important last time but now we have less money, how is that being affected by P3. Lynn Zanto said we can do that. P3, for clarification, is looking at year five when we're bringing in new nominations. Given the complexities of project development it's not really evaluating the year of construction. Commissioner Cobb said how are you dividing up the \$30 million? I think you're fair but you just need to explain how you do it. Lynn said they would work on that for next time. It is based on needs, that's how it's driven. Commissioner Cobb said it's not that I don't trust you but the next Commission might not trust the next Department. So by doing it every time it just reinforces that you know what you're doing. I think it's important to keep on articulating that.

Commissioner Griffith said I like your comment because truly if the option on Toston may have been ready, it may have been worthwhile to throw \$30 million at it. Even though it's in my District, it may have been on a statement of need to get that bridge done. Commissioner Cobb said as long as they tell us that someone is most needy than the other one I think the Commission is much more willing to go along with it. Commissioner Griffith agreed. Commissioner Lambert asked if bridges were put on a need schedule, aren't they already classified as a priority. The ones that are in the worst shape, aren't they always the first ones to get fixed. Duane Kailey said we do look at that and basically we're assessing the structurally deficient bridges. We look at the deck area, ADT, detour routes. We look at certain criteria when we prioritize those bridges so that not necessarily the worst number-wise bridge gets selected because there may be another one not that far away that has higher ADT and also has an accident cluster or history associated with it. So there are a number of factors we take into consideration. We will set up something along with the list of projects as well as how we're selecting those projects. Commissioner Cobb said I want to institutionalize what you're doing so if someone in the future wants to change it they will know exactly what we're doing.

Commissioner Cobb moved to approve the Letting Lists. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 17: Design Build – Madison Street Bridge Rehab

Dwane Kailey presented the Design Build – Madison Street Bridge Rehab to the Commission. This project includes design and construction of rehabilitation work to preserve the useful life of the existing structure on US 12 (a.k.a. Madison Street) over the Clark Fork River at Milepost 95.05 in the city of Missoula.

The Request for Qualifications (RFQ) package was advertised on February 18, 2016. Statement of Qualification (SOQ) responses were received from four Firms. A Technical Review Committee consisting of seven MDT staff members from various project-related disciplines and one City of Missoula employee independently evaluated and scored the SOQ of the four Firms based on established Evaluation Criteria and Scoring Guide. The TRC produced a ranked short list of three Firms that were invited to submit Proposals. Request for Proposal packages were issued to the three short-listed Firms on March 22, 2016 with Technical Proposal responses due on April 28, 2016 and Bid Price Proposal responses due on May 19, 2016.

The following is a summary of the proposal evaluation process.

Three sealed Technical Proposals were received on April 28th and three sealed Bid Price Proposal packages were received and publicly opened at 11:00 AM on May 19th. Proposals were received from the following Firms:

Sletten Construction/HDR Engineering
Frontier West/Morrison Maierle Inc.
Dick Anderson Construction/KLJ Engineering/Poteet Construction

The TRC evaluated and scored the written Technical Proposals submitted by each Firm prior to opening the Bid Price Proposals. This score was based on evaluation criteria and scoring guidelines provided in the RFP package. All Technical Proposals were independently scored and tabulated before the Bid Price Proposals were opened.

With this particular project we've got the best of both worlds. The highest scoring Technical Proposal submitted for low bid. So the staff recommendation is to award the project to Frontier West/Morrison Maierle, Inc. for \$6,577,000. The second recommendation is that all three firms submitted responsive proposals and that all three firms receive the stipend which is \$60,000. Commissioner Griffith said the stipend is going up. Duane Kailey said this was a pretty big job so I'm sure the stipend didn't even cover the cost to develop the proposals. That's why this stipend is up there.

Commissioner Lambert moved to approve the Design Build – Madison Street Bridge Rehab and award the stipends. Commissioner Skelton seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 18: Directors Discussion & Follow-up

Director Tooley said I have a couple of things to share with you today.

Tran Plan Update

First of all thank you for coming up for the Tran/Plan update. Thank you for participating in that. That was the kick-off for the update process for our next 20-year transportation planning document, something that guides the department multimodally as we move forward so when we have decisions to make, we have a guide. Right now the public engagement survey is out on line at www.mt.gov/tranplan and I encourage you to take that survey as well. You, your friends, family, and anyone you think might have a stake in this can participate. It takes about five minutes. The next step is the upcoming Stakeholder Workshop on June 15th. People will be there from all sorts of different agencies, environmental groups, non-motorized transit, economic development and others. It's going to be a good meeting. I plan on sitting in on part or all of that. Exciting times for the department to update that plan. Last time we updated it was in 2007, so we're due. I'm pretty excited about that.

Federal Update Appropriation Process

The Federal Update Appropriation Process is moving right along. The Senate already passed their version of it but it had some rescissions that would affect our flexibility somewhat – about \$24 million worth of rescissions in the federal funding from the Senate side. The House side just passed theirs with no rescissions. So it will go to Conference and we're hoping for no rescissions in the end and it will restore our

flexibility to carry out the entire federal aid program. We'll keep you informed on that.

State Funding Update

On the state side, distributors filed their taxes yesterday so we'll see how our income is doing. Basically the reductions that we've made in the agency on state funds are starting to take hold – pretty stressful for some but Division Administrators know what they have to spend and they've been following that plan pretty closely. Working capital, last I heard, was just about \$30 million. We're looking for \$40 and that will be realized as the income comes in and we maintain our plan.

Commissioner Griffith asked once you hit that are you hoping to keep it there. Director Tooley said the actual target is anywhere between \$37 million and \$45 million. So we picked \$40 million because somewhere in that range keeps you from going negative cash longer than we should and having to take out General Fund monies. So we're going to get into that and we'll be able to maintain the status quo at that rate. We're expecting the Legislature to do something. If they don't then we'll let you know. Right now we have friends working to help us out and from what I'm seeing from their polling, people are interested in investing more into transportation.

The next step is RADIC on June 9th. They are expecting some recommendations from us and mine is pretty simple. I wanted to start with the constitutional expectation of the Highway State Special Revenue Fund which is highway construction and highway safety. So take a look at who is in there and maybe make some recommendations as to who is not in there. Right now I think when the drafters of the 1972 Constitution did their work, they intended for the Highway Patrol and MDT to continue to be in that fund. Once that's squared away, then the fixes that come later will actually be more effective. If they do business as usual, we'll be back within just a couple of years. I don't think anybody wants that. We're working towards that end.

Of course, we'll also bring our Department proposals for legislation for them to consider. CMCG will be on top of the list again. The rest of them are pretty much just clean up. We're not really interested in doing a lot of heavy lifting in the Session. We think we'll have plenty to react to and funding will be a big part of our agenda. Commissioner Griffith said I hope funding on the access to hire service fees for fuels. Director Tooley said there are a number of proposals out there which is why we want to keep our legislative agenda pretty light so we can react to those and guide those through the process and not let anything harmful happen. I think our job will be managing those various proposals where the Department does well and can function. Sometimes success isn't always a win so we have to watch those pretty carefully.

Commissioner Lambert said the funding wasn't what they expected, but did you say it's a constitutional amendment? Director Tooley said in 1972. Commissioner Lambert said if it changes wouldn't it have to be changed in the Constitution? Director Tooley said not necessarily. There is a provision in there for the Legislature by a vote of two thirds of each house to do whatever they want with State Special Revenue Gas Tax and Commissioner Cobb may have been there when that happened. When the General Fund was tanked and the other agencies had to go somewhere, they wound up in the Gas Tax Fund. Future Legislatures forgot about that and left it there. So now those chickens have come home to roost and we have to address it back the other way. That will have an impact on the General Fund so there will be other discussions on that side because the General Fund revenues aren't quite meeting projections so it's a rock and a hard place right now. That's going to be my only suggestion because I'm not going to advocate for any "t" word increases without at least addressing the expense side first.

Commissioner Lambert asked if somebody had courage enough to suggest that the Fuel Tax was raised, who gets the fuel tax? Do we get 100% of the fuel tax? Director Tooley said no we don't, there are legal provisions to share that with local governments, tribal governments, and of course they will have interest in whatever happens. Right now it is a set amount – \$16.667 million goes to the counties. There are 56 counties, so divvy that up and pretty soon it's gone pretty quickly. So they're going to have a huge interest. That's why I'm thinking that Dave and I will be quite busy managing those kinds of things. If the gas tax is raised and MDT gets \$.01 out of \$.10, well then we haven't won anything. So we really have to pay attention to that and that's where the bulk of our work will be done.

Vision Zero

We're at 65 fatalities now and that's far from zero. I had a great event down in Billings. Basically what St. Vincent's did was take us from the ambulance arriving with a crash victim, through the ER, and up to the ICU. They talked about what happens, how many resources are tied up in each stop, and how many fewer resources are used if you're actually wearing a seatbelt. The striking thing was when we got up to the ICU, they brought out the Charge Nurse for that area. There were six people in the ICU and five of them were unrestrained vehicle occupants at that time – five of the six and those will never be the same. Commissioner Griffith said I like the digital signs that say 70% of those in 2015 didn't wear seatbelts. Director Tooley said we're just trying to make people aware. Commissioner Griffith said it hits home for me and I hope it does for others. Director Tooley said the next meeting of the Leadership Team is July 12th and we'll be talking about those types of things.

We have not forgotten about your Op Eds. We had a big blast for Memorial Day but between Memorial Day and Labor Day there is the 4th of July and we're probably going to need your help then. Charity Watts has been working on that for you but she's also the one who has been working on Tran Plan. Now that that is starting to roll, I think she'll be able to focus back and we'll have something for you. I'm targeting for the 4th of July and I appreciate your willingness to help.

FHWA Federal Funding

Kevin McLaury said the funding that was passed from both sides of the House are in line with what the Fast Act had proposed. At least the funding dollars were not taking a big hit although the rescission piece would be nice to not show up.

The other thing, last Thursday the Secretary of Transportation, Anthony Fox, made a very quick stop in the State and went up on the CSKT Reservation and met with the Tribal Council. It was a good meeting, it was a listening meeting. I did talk with the Director and the Governor's Office was notified that it was a communication that the Secretary wanted to have with the Tribe. So they had an opportunity to visit with the Secretary for an about an hour and twenty minutes. It was well received, it was a good discussion. Obviously the concerns they have was to finish Hwy 93 – Post Creek Hill and Nine Pipes are the two big ones. They also commented a number of times about their Tiger Grant that they had applied for which is about 33.5 miles from the "Y" at I-90 up to St. Ignatius and talked extensively about their reasoning why they felt that was good project.

Other than that there was some interesting conversation about the Tribal Council and how things worked. It was a very good meeting. I wanted to let you know that the Secretary did stop since he had not been in Montana since his tenure and at some point will be rotating out of that Chair so he had a very strong desire to stop in the State and say that he's been here.

Next Commission Meeting

Commissioner Griffith said it was Commissioner Lambert's turn to host the next Commission meeting. Commissioner Lambert said there are some big projects in my District but nothing is in construction right now for you to see. Commissioner Griffith asked if she wanted to skip this year. Commissioner Lambert said she would have another conversation with Shane and let the Commission know. Commissioner Griffith said the next Commission meeting will either be held in your District or one of the other Districts.

The next Commission Conference Calls were scheduled for June 7, 2016, June 28, 2016, and July 26, 2016. The next Commission Meeting was scheduled for July 28, 2016.

Adjourned

Meeting Adjourned

Commissioner Griffith, Chairman
Montana Transportation Commission

Mike Tooley, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission