

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

December 13-14, 2001

The Idaho Transportation Board met at 8:35 AM, on Thursday, December 13, at the Idaho Transportation Department in Boise. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater – Deputy Attorney General

November 15-16, 2001 Board Minutes. Member McHugh made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on November 15-16, 2001 as submitted. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

January 16-17, 2002 – Boise

February 20-21, 2002 – Boise

March 13-14, 2002 - Boise

Consent Calendar. Member Miller made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the supplemental agreement, SH-55, Round Valley Rest Area,

TB01-67 District 3; and has received and reviewed the contract award information; the new and supplemental professional agreements report; the quarterly report on legal actions; and the October financial statement analysis.

1) Supplemental Agreement, SH-55, Round Valley Rest Area, Key #6978, District 3. This rest area project is currently programmed for \$3,085,000 in Preliminary Development. The District has a consultant agreement with Earth Tech for \$255,200. The original term agreement included a concept level study of the wastewater treatment system; however, the scope did not include the actual design of the system. The concept report is approved and the consultant has submitted the preliminary design for review. The next step is the design of the wastewater treatment system. Because Earth Tech performed the original concept study, staff believes it would be more efficient and cost effective to retain them to complete the design, estimated at \$195,000, which is about 6% of the construction budget. Preliminary engineering is programmed in FY02 in the Statewide Transportation Improvement Program (STIP) and funding is also available from previous obligations.

2) Contract Award Information. Key #7195 – Intersection Northside Boulevard and Karcher Road, Nampa, District 3. Low bidder: Power Plus, Inc. - \$241,182.

Key #7032 – US-30, Thomas Fork Creek Bridge, District 5. Low bidder: Ralph L. Wadsworth Construction Company, Inc. - \$166,511.

Key #7662 - SH-55, Roadside Park – Boise River Pathway, Middleton, District 3. Low bidder: Idaho Sand & Gravel Company - \$50,997.

Key #7236 – Ada County Highway District Overlay, District 3. Low bidder: Idaho Sand & Gravel Company - \$988,694.

Key #8426 – US-95, Weiser River Bridget to Tamarack, District 3. Low bidder: Snake River Construction, Inc. - \$129,836.

Key #8216 – US-95, Lewiston Hill Southbound Port of Entry, District 2. Low bidder: A & R Construction, Inc. - \$123,814.

Key #5141 – I-15B, Riviera Intersection, Idaho Falls, District 6. Low bidder: H K Contractors, Inc. - \$1,785,253.

Key #7704 - SH-22, Junction SH-33 to Milepost 47, District 6. Low bidder: H K Contractors, Inc. - \$2,841,095.

Key #7655 - SH-3, Potlatch River Trail, Kendrick to Juliaetta, District 2. Low bidder: Poe Asphalt Paving, Inc. - \$315,422.

3) New and Supplemental Professional Agreements Report. From October 27 to November 26, the Consultant Administration Unit processed \$5,217,690 in new and supplemental agreements.

4) Quarterly Report on Legal Actions. A summary of legal cases disposed of by the Legal Section between September 1 and December 1 and a status of current legal cases were presented.

5) October Financial Statement. Revenue received in the Highway Distribution Account for October is \$600,000 less than the revised August forecast for October. Revenue in the State Aeronautics Fund was 12.1%, or \$74,558, above projections. The revenue in the Aircraft Operations Fund was 13.5 %, or \$12,118, below projections year to date,

however, no billings for aircraft operations were processed in October. Overall expenditures, including contract construction, are above forecast due to contract construction payments being paid out sooner than was anticipated.

Wildlife Canyon and Ponderosa Pine Scenic Byways Corridor Management Plans, District 3. Sage Community Resources produced corridor management plans for the Wildlife Canyon Scenic Byway along the Banks to Lowman highway, and for a 3.9-mile section of SH-21, Ponderosa Pine Scenic Byway in Boise County. The planning process included local representation from communities along the byway. District 3 was also involved in the development of the plans and supports them. The Scenic Byways Advisory Committee reviewed the corridor management plans and recommends Board approval.

Vice Chairman Combo expressed concern with language in the plans, particularly that a priority project is to transfer ownership of the Banks to Lowman highway to the state and that the Enhancement Program may be a source of funding. He would like more information on these issues, and also a clarification of the expectations if the Board approves the plans. Member McHugh asked if the Board would be agreeing to projects listed in the corridor management plans, such as rest areas and signalization, if it approves the documents.

Member McClure made a motion to table the Wildlife Canyon and Ponderosa Pine Scenic Byways Corridor Management Plans until next month. Vice Chairman Combo seconded the motion and it passed unopposed.

Outdoor Advertising Sign Status Report. As of September 30, 70 illegal and 136 non-conforming signs remain throughout the state. This compares with 52 and 114 signs, respectively, in September 2000. Member McHugh asked if ITD has authority on signs on reservations. CE Ross responded that the Department does not have authority on reservations. Staff informs the tribal officials of signing issues. Some tribes are interested in and proactively addressing the non-conforming and illegal sign situation.

Member McHugh made a motion to accept the outdoor advertising sign status report. Member Miller seconded the motion and it passed unopposed.

Board Items. Members McClure and Sweeney attended the recent American Association of State Highway and Transportation Officials (AASHTO) meeting in Fort Worth, Texas. Member McClure said he attended an informative presentation on innovative financing and suggested inviting the speaker, Tom Bradshaw, to ITD. He also commented that reauthorization of the federal transportation act and environmental streamlining were discussed extensively. Member Sweeney reported on an aviation session he attended. There is an interest to reduce overall travel time. The main approach appears to be better utilization of smaller airports and single engine aircraft. He believes this is an important issue for Idaho.

Chairman Winder attended a Regional Transportation Summit sponsored by Community Planning of Southwest Idaho. He said that planning and the need to work cooperatively were the main points of the Summit.

Member Sweeney stated that a number of letters have been received regarding the US-95, Moscow to Genesee project. He is in the process of contacting each writer and discussing the project with the interested parties.

Member McClure reported on a fatal accident last week on I-84 in the Treasure Valley. He said that Idaho State Police and the Boise City Police Department closed I-84 and I-184, respectively, due to accidents that morning. He questioned the need for law enforcement to keep highways closed for an extensive time while it investigates and clears accident sites. He commented that ITD's maintenance crews and the Incidence Response unit were not allowed to travel on the closed interstate. He added that District Engineer Pamela Lowe met with law enforcement officials earlier this week to discuss the road closure issue, but he did not know the outcome of that meeting. Member McClure stated that some states have legislation that requires law enforcement to clean up accident sites and re-open highways expeditiously, although he did not have detailed information on the statutes. DAG Bywater said he briefly reviewed some states' legislation on this issue, and it appears the legislation is in effect if there are no fatalities or serious injuries.

Chairman Winder and Member McClure also received calls regarding an accident on SH-16 and the extended road closure due to that accident. Chairman Winder asked staff to review all of the projects on SH-16 in the current Highway Development Program and to consider advancing projects that would improve the safety of that route.

Director's Items. Director Bower provided information on the recently-approved federal appropriations bill, although to his knowledge, President Bush has not signed the bill. Overall, ITD will receive an increase in federal aid, however, the amount of formula funds has decreased and the earmarked projects have increased. Staff will continue to review the appropriations bill and its impacts to the STIP.

Director Bower met with Federal Highway Administrator Mary Peters at AASHTO. Some topics of discussion included Idaho's high priority projects and environmental streamlining. He reported that the five-state coalition also met twice at AASHTO. The main focus of those meetings was re-authorization of the federal transportation bill.

Director Bower reported that discussions are continuing on the Goodman Oil case, but no decisions have been reached.

Congressman Butch Otter held a town meeting in Meridian recently to discuss transportation issues. Director Bower said that a number of comments were directed at Direct Federal and concerns that contractors have with hub zones.

Briefing of ITD Presentations to the 2002 Legislature. Budget, Policy, and Intergovernmental Relations Manager Mary Detmar (BPIRM) outlined the various presentations the Department is scheduled to make to the 2002 Legislature. The main focus of the presentations will be ITD's revenue, security, and the continued growth in the state.

Gasohol Tax in Idaho. Economics and Research Manager Doug Benzon briefed the Board on gasohol. In Idaho, when blended at a 10% ethanol and 90% gasoline mix, the 25-cent state gasoline tax is paid on the gasoline only, or 22.5 cents per gallon. There are currently two ethanol plants in Idaho, although discussions are underway to construct more plants.

Member McClure asked what the production costs are of ethanol. Mr. Benzon did not have current data, but said that it cost about 20 to 25% more to produce ethanol than gasoline several years ago. In response to Member McHugh's question on why there is a subsidy for gasohol, Mr. Benzon replied that he believes it was a political decision. He

said that some believe gasohol helps the agricultural industry and also the state's economy. Director Bower added that there are air quality implications, too. Member Blick stated that an increase in the use of gasohol would decrease the country's dependency on foreign oil.

Public Transportation Advisory Council (PTAC) Annual Report. PTAC Chairman General James Brooks reported on the Council's activities for the past year, including the undertaking of the pilot coordination project in District 5, the continued success of the Vehicle Investment Program, and a reorganization of the grant application process due to the elimination of the Regional Public Transportation Advisory Committees in 2000. In 2002, the Council, through the Interagency Working Group (IWG), is planning to propose legislation that would include public transportation policy and housekeeping issues. In closing, he commended Public Transportation Administrator (PTA) Larry Falkner and his staff for the support and assistance they provide to the Council, the IWG, and the citizens of Idaho.

Chairman Winder thanked General Brooks for the informative presentation and for his service on the PTAC. He asked General Brooks to work with BPIRM Detmar on the proposed legislation.

Vice Chairman Combo made a motion to support the proposed public transportation legislation, upon review and approval of ITD staff. Member Miller seconded the motion and it passed unopposed.

Update on Blaine County Commissioner Sara Michael's Request for Transit Funding. PTA Falkner reported that staff is in the process of reviewing Blaine County's request for \$50,000 for public transit. The grant review process is underway, and the County's request will be considered during this review. He will keep the Board informed of this issue.

Chairman Winder thanked PTA Falkner for following up on the County's request and informing the Board of the status.

Construction Issue Resolution Team (CIRT). DAG Bywater elaborated on CIRT's efforts to develop a process for construction issue resolution to be used by contract administrators. The team's goals were focused on developing this process to promote and allow for issue/conflict resolution at the lowest appropriate level. The Team's recommendation is to establish three separate methods to aid in issue resolution. The Technical Analysis Support specification will be available on all contracts. The Dispute Review Boards, both formal and informal, are contract specific and would be established prior to contract bid. And, the standing Claim Review Board would be established to review claims on a statewide basis at the Chief Engineer level of the administrative appeals process.

Member Sweeney asked if most of the issues could be resolved with change orders. DAG Bywater responded that construction projects are on a tight time schedule. A change order may be approved to keep the project on schedule, but the issue may not be resolved at that time. Additionally, the change order may result in a time delay, so some issues need to be revisited after the project is completed.

DAG Bywater informed the Board that the proposed changes were presented to the Associated General Contractors of Idaho last week and received favorable comments. Next week the team will review the feedback it has received, and next month, it hopes to appear before the Board for final approval of the recommended procedures followed by implementation.

General consensus of the Board was to support the recommendations. Director Bower thanked CE Ross and the CIRT for their efforts to improve the process to resolve construction claims. CE Ross also thanked the Team, particularly the contractors who dedicated their time to this important endeavor. He added his support for the recommendations and believes the new procedures will improve the claims process.

The Board also thanked the Team and will send letters of appreciation to the members.

Fuel Tax on Diesel Used by Railroads. DAG Bywater reported that Idaho does not tax the diesel fuel used by railroads. This fuel is classified as a special fuel. He does not believe the state could tax this fuel because federal law prohibits the imposition of any tax "that discriminates against a rail carrier subject to the jurisdiction of the (Surface Transportation) Board". He also stated that he does not believe any states tax the diesel



fuel used by railroads, although he added that he has not had an opportunity to thoroughly review the fuel tax statutes of all fifty states.

Draft Letter to the Idaho Congressional Delegation Regarding the Railroad Track Modernization Act of 2001. At last month's Board meeting, some discussion was held on contacting Idaho's Congressional Delegation to express support for the provision of funding for short lines and to help prevent future rail abandonments in Idaho. The Railroad Track Modernization Act of 2001 would provide federal funding for smaller railroads to upgrade their track to handle the newer and heavier 286,000-pound cars.

Vice Chairman Combo made a motion to authorize Chairman Winder to send a letter, as shown as Exhibit 250, which is made a part hereof with like effect, to Idaho's Congressional Delegation in support of the Railroad Track Modernization Act of 2001. Member McHugh seconded the motion and it passed unanimously.

Correction to the Surface Transportation Program (STP) Enhancement Program. Intermodal Planning Manager Patricia Raino reported that funding is available in the FY02 Enhancement Program due to the removal of the Riggins Pathway project. The project was removed at the request of the sponsor at the end of last fiscal year, however, the funds for this project were incorrectly shown as a preliminary engineering (PE) and right-of-way offset in the Highway Development Program. The next Highway Program Supplement will remove this set-aside of \$282,000.

Ms. Raino stated that three projects in FY04 have PE programmed in FY02 and FY03. The PE was split for these projects to balance the Enhancement Program in FY02. With the removal of the Riggins project, the PE could be moved to FY02 for ease of consultant contracting for the following projects: key #8713, Pennsylvania Avenue, Southwest 4<sup>th</sup> Street, Fruitland, \$42,000; key #8715, Four Corners Beautification, McCall, \$45,000; and key #8717, Capital Boulevard Streetscape, Boise, \$45,000. Advancing the PE from FY03 to FY02 will more fully utilize the available funding in the FY02 Enhancement Program and also leave a balance of \$150,000.

Member Sweeney informed the Board that the City of Deary has a bicycle pathway project that is designed and ready to construct. The project was advertised earlier, but because the low bid was more than ten percent over the engineer's estimate, the bids were rejected because the City of Deary did not have the additional funds required. The

project was programmed under the old policy that required a higher match. That requirement has been changed, so the city would have sufficient match now. He recommended funding the Deary project instead of advancing the PE on the other projects.

Member McHugh asked if the list of Enhancement projects was reviewed and the next highest priority project funded with the available money. Ms. Raino replied that because of the type of projects in the Enhancement Program, it is difficult to advance these projects. She added that the list of projects can be reviewed to determine the next priority and if it could be made ready to advance in FY02.

Member Sweeney made a motion to table this item until next month. Member McClure seconded the motion and it passed unanimously.

Request to Increase the Federal-aid Maximum and Match Rate for SH-8, City Park to Downtown Pathway, Troy, Key #7650, District 2. Ms. Raino said this bicycle facility project was obligated in FY01 for \$210,500, with a federal aid limit of \$168,000. The final design estimate on this project is \$279,000 due to the need to reroute a portion of the project because an anticipated easement was not granted. The City of Troy is requesting supplementary Enhancement funding, and is willing to contribute an additional \$15,000 as match. If the request were granted, the City's total contribution, including consultant fees to design the project, would be \$101,000, or 29%.

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

RES. NO. WHEREAS, the Idaho Transportation Board has recognized the need for the City Park to Downtown Pathway, Troy, key #7650 project; and

TB01-68

WHEREAS, the City Park to Downtown Pathway, Troy, key #7650 bicycle facility will function as an alternative transportation system for the community of Troy and its surrounding area; and

WHEREAS, the final design estimate on this project has increased by \$94,000 due to the need to reroute a portion of the project when an anticipated easement was not granted; and

WHEREAS, the sponsor has requested assistance in paying for the increase and has pledged an additional \$15,000 in match towards the \$94,000 increase; and

WHEREAS, the total contribution to this project by the sponsor is close to 30% of its costs; and

WHEREAS, due to the removal of key #7653, Riggins Pathway, there is funding available in the FY02 Enhancement Program to fund this request.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes a cost increase of up to \$94,000 to construct key #7650, City Park to Downtown Pathway, Troy, to come from available funds in the FY02 Enhancement Program and increases the maximum federal aid on this project from \$168,000 to \$247,000.

City of Hailey's Request for Funds to Construct SH-75, Southbound Lane from Airport Way to Fox Acre Road, Key #8681, District 4. At the November Board meeting, the Blaine County School District and City of Hailey informed the Board of the need to relocate the school bus facility. This relocation will impact the traffic on SH-75 and either Airport Way or Fox Acre Road. Highway Programming Manager (HPM) Dave Amick said staff reviewed the traffic patterns and related traffic information based on this proposal and supports constructing an additional southbound lane on SH-75 in this vicinity at this time based on safety concerns.

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

RES. NO. WHEREAS, the City of Hailey has requested funding for the additional southbound lane for the Fox Acre to Airport Way project; and

TB01-69

WHEREAS, staff's review of the project has determined that the improvement is a safety improvement; and

WHEREAS, staff's review of the project has determined that the improvement will not jeopardize or prejudice the environmental study; and

and WHEREAS, the City of Hailey will provide \$18,000 to match ITD funds;

WHEREAS, there are sufficient State Board Unallocated funds available.

*NOW THEREFORE BE IT RESOLVED*, that \$173,000 FY02 State Board Unallocated funds be added to the SH-75, Fox Acre to Airport Way project, Key #8681, to construct the second southbound lane.

Bannock Planning Organization (BPO) Modifications to the STP-Local Urban Program, Keys #5967 and #8127. HPM Amick reported that the STP-Local Urban Committee reviewed the development status of projects currently scheduled in the STIP last month. BPO has encountered several environmental issues on its Pocatello Creek Road project, key #5967, that would make it difficult to have the project ready for construction in FY02. BPO is requesting delaying Pocatello Creek Road, programmed for \$300,000, from FY02 to FY03. This project would be funded in FY03 by delaying the Intersection Alameda Road and Hawthorne Road project, key #8127 to Preliminary Development, as it is a complex project and not anticipated to be ready in FY03.

HPM Amick said BPO would like to add a pavement rehabilitation project on Poleline Road in Pocatello to FY02, funded with the funds available by the delay of the Pocatello Creek Road project. ITD staff believes the pavement overlay project could be ready for construction in FY02. He added that the STP-Urban Committee endorses these changes.

Member Miller made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and fiscally

TB01-70 constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the STP-Local Urban Committee, and the Transportation Department concur with the requested change; and

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

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the delay of Pocatello Creek Road from FY02 to FY03 and increase in cost from \$1.266 to \$1.516 million; the delay of Intersection Alameda Road and Hawthorne Road from FY03 to Preliminary Development; and the addition of Poleline Road in Pocatello from Alameda Road to Quinn Road for \$966,000 in FY02; and

*BE IT FURTHER RESOLVED*, that staff is authorized to modify the FY02-04 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

STP-Rural Pooled Exchange Proposal for Federal-aid Match or Private Contracts on Federal-Aid Highways. HPM Amick reported that he has been working with Local Highway Technical Assistance Council (LHTAC) Administrator Joe Haynes on options for the Exchange Program. One proposal is to continue the Program at an exchange rate of 61.67%, but the state funds would be placed in an account for LHTAC to utilize in developing and constructing projects and for use as match in the STP-Rural Program. LHTAC would report to the Board annually on the projects funded in this program.

Mr. Haynes summarized the criteria for funding projects. Projects over \$25,000 must follow current state bidding laws. The project will be on a federal-aid route as designated on the functional classification map. The local highway jurisdiction must be assessing a property tax for roads and bridges or using a substitute property tax such as forest funds, sales tax, payment-in-lieu of taxes, etc. The local highway jurisdiction should show a 70%-30% split on its user/non-user funding of the road budget as recommended in the Idaho Highway Needs Assessment Study Update of 1995. The modification to the Exchange Program would begin in federal fiscal year 2004, giving nearly two years for the LHTAC and local highway jurisdictions to prepare for this change.

Chairman Winder thanked Messers. Amick and Haynes for their work on this Program. He expressed concern that this proposal allows for local public agencies to participate in the Program even if they do not assess a property tax for road and bridge improvements.

Valley County Commissioner Tom Kerr reminded the Board that a number of counties have a high percentage of land in federal and state ownership. This makes it difficult to assess property taxes to cover road and bridge expenses. Commissioner Kerr said the 3% cap on increasing property taxes annually can result in insufficient funds for the county's growing expenses, let alone pay for additional costs of road and bridge projects. He said that the road and bridge expenses in Valley County are funded with fuel tax revenue and Forest Service funds. He added that the Forest Service funds are earmarked for roads and bridges, education, and special enhancements such as search and rescue efforts.

Member McClure also believes that the local public entities should tax the property owners to pay for roads and bridges. He asked if the locals would be willing to pursue legislative action to remove the 3% cap on property taxes if the revenue is applied to road and bridge improvements. Commissioner Kerr responded that some local officials have discussed that approach. Chairman Winder reiterated his thoughts that the local entities

should be willing to help themselves by taxing property owners for road and bridge improvements. If the locals are not willing to help themselves, he questioned the philosophy of others providing assistance.

Member Miller acknowledged that many counties have a low tax base and it is difficult for those counties to fund all of their needs, including road and bridge projects. He asked if the Board would be willing to meet with the local public agencies during the District tours in 2002. He would like to find an acceptable non-property tax solution to this issue with the local officials.

Vice Chairman Combo commented that TEA-21 expires in 2003 and it is unknown how the reauthorization of the bill will impact this issue. Member Sweeney reminded the Board that ITD's revenue is down, and staff is making holdbacks in the budget, but the local officials have the option of increasing property taxes by 3%.

Director Bower acknowledged Messers. Amick's and Haynes' efforts on this Program, and believes they have developed a good concept. He recommended proceeding with policy changes to address the modifications. Chairman Winder requested clarification on property tax information on counties that have highway districts. (See later minute entry.)

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Delegation – Representative Ken Roberts and Representative Dick Harwood. Port of Entry Size and Weight Specialist Regina Phipps provided an overview of off-tracking, which is the turning capacity of vehicles. She stated that various criteria are reviewed when determining off-tracking, including the road curvature, site distance, lane width, and average daily traffic count.

Representative Harwood thanked the Board for its time. He stated that 48-foot trailers are allowed on SH-3, but not 53-foot trailers. He said this restriction is an economic hardship to businesses in St. Maries. Although he understands the Department's need to address safety on the highways, he asked the Board to consider the economic impacts of restricting 53-foot trailers on some routes and requested allowing the longer trailers. He suggested installing flashing lights at some locations to address the safety concerns and slow traffic down.

Member Sweeney asked about liability if an accident occurred with a longer combination vehicle on a curve. DAG Bywater responded that if ITD allows more off-tracking than the rule or statute allows, the Department may be liable if an accident occurred. CE Ross informed the Board that he traveled SH-5 and SH-3 recently to review the off-tracking issue. He said that costly improvements are needed to bring the routes up to acceptable standards for longer combination vehicles. He also acknowledged that some 51- and 53-foot trailers off-track better than 48-footers. CE Ross expressed concern with liability issues because his main responsibility is for safety of the traveling public.

Member Blick said that the speed of the vehicle impacts off-tracking. Representative Harwood concurred and stated that truckers have indicated they would be willing to slow down if 53-foot trailers are allowed.

Representative Roberts asked if this issue is addressed in an administrative rule. DAG Bywater replied that it is. He added that changes to Idaho Code would override the rule. Director Bower said that 48-foot trailers are currently legal, and permits must be acquired from ITD for any trailers longer than 48 feet. The longer combination vehicles are restricted due to safety concerns. He said that legislation could replace the permit requirement for 53-foot trailers.

Member Sweeney asked if federal regulations or grandfather provisions would prohibit 53-foot trailers. If federal regulations don't prohibit this change, Member McClure suggested Representatives Harwood and Roberts pursue the change legislatively. Director Bower said that he would like to review the axle placement on longer combination vehicles and address safety concerns. Representative Roberts said the industry is moving to 53-foot trailers and it is more difficult to find 48-foot trailers.

Representative Roberts expressed his support for the SH-55, Smiths Ferry to Round Valley project. He encouraged the Board to advance this project, partly to address the restriction on longer combination vehicles. District 3 Engineer Pamela Lowe responded that the project is in the environmental process, which can be a time-consuming step. She also reported that it may be difficult to advance the right-of-way process once the alignment has been determined. Goose Creek north of McCall would still be a restriction for longer combination vehicles, according to DE Lowe. CE Ross reiterated the lengthy environmental process and the challenges of working with various resource agencies. He told Representative Roberts that staff will continue focusing on this project and if at all possible, will consider advancing this FY05 project.



Representative Roberts believes Goose Creek is very hazardous and urged the Board to advance the McCall Alternate Route project. Chairman Winder reported that the environmental process is still underway. Right-of-way funds have been allocated, but funding the entire project is a concern. He added that there are numerous demands throughout the state that must be addressed, and it is difficult to prioritize the various needs. Member McClure also expressed concern with the increasing costs to construct the McCall Alternate Route.

Representative Roberts asked if the Board would be supportive of legislation to allow 53-foot trailers. The consensus of the Board was for staff to review the federal regulations and grandfather provisions. The Board also encouraged the legislators to work closely with staff on any legislative proposal they may consider. Chairman Winder thanked Representatives Roberts and Harwood for meeting with the Board. (See later minute entry.)

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member Blick made a motion to meet in executive session at 4:30 PM to discuss personnel and legal matters. Member Miller seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussion on the personnel matter was an update on a discrimination complaint. The general tenor of the discussion on legal matters included an update on a case in litigation.

The Board came out of executive session at 4:50 PM. No decisions were made.

WHEREUPON the meeting recessed at 4:50 PM.

December 14, 2001

The Board met at 8:30 AM on Friday, December 14 at the Transportation Department in Boise. All members were present.

Update on Implementation of Access Management Policy. Transportation Staff Engineer Assistant Steve Holland continued his report from last month on the changes to the access management policy. He elaborated on the fee schedule, which is based on traffic volumes and the type of access, the appraisal process, and appeal process. He stated that access control is based on the functional classification, which the Board approves annually. Member McHugh asked if it is considered a taking when the access type increases. Mr. Holland replied that the legal staff is reviewing that issue. DAG Bywater added that the Department may be able to utilize its police powers to control access.

Mr. Holland also mentioned that another type of access is being considered for principal arterial routes or expressways. The major characteristics of an expressway would be routes designated as major commuter routes or routes where major growth is expected, one mile spacing between traffic signals would be required, and access would only be allowed on frontage roads.

Vice Chairman Combo commended Mr. Holland for his presentation and efforts to improve the access management issues. He asked if the Districts and others have been involved in the review and update process. Mr. Holland replied that he worked with the Districts and kept them informed of the changes. He added that he will be giving presentations to each District on the changes and will provide assistance with implementing the new policy. Vice Chairman Combo believes the changes are an improvement and may be of interest to other states. Mr. Holland responded that FHWA has provided a positive response to this effort and has sent this policy to other states.

Member McClure asked if the fees cover ITD's expenses. Mr. Holland said no, the fees do not cover the processing costs. Member McClure said he believes all of the Department's fees should pay for the processing costs.

Chairman Winder thanked Mr. Holland for his efforts on this important issue and for the informative presentation.

53-Foot Trailers, Revisited. Port of Entry Manager (POEM) Alan Frew reported that he reviewed federal regulations and the Board is authorized to allow 53-foot trailers on the

non-national routes. The highways discussed yesterday, SH-3 and SH-55, are included in this category, so the Board has the power to change the trailer length restrictions.

Chairman Winder thanked POEM Frew for reviewing this issue.

Rural STP Exchange Program, Revisited. HPM Amick distributed property tax information on counties and highway districts within those counties. Mr. Haynes commented that he has had some discussions with local officials on a threshold for applying the property tax requirement, such as counties with 10% or less of its property in private ownership would be exempt from this criterion.

Member Blick expressed a desire to assist counties with a large percentage of federal and state land. Although these counties receive federal assistance, those funds are earmarked. He would support developing a formula where counties with a large percentage of land in public ownership would be exempt from using property taxes to fund road and bridge projects.

Vice Chairman Combo expressed support for the modifications to the Exchange Program as outlined by Mr. Haynes yesterday. Member Miller suggested approaching the legislature with local officials to request removing the 3% cap on property taxes if the funds are used for road and bridge improvements. Member McClure recommended exploring the legislative option in conjunction with approving the Program modifications. Member Sweeney reminded the Board that the criteria states that local entities should show a 70%-30% split on user vs. non-user funds. This is not a requirement, but a guideline. Mr. Haynes concurred and stated that the Council will take the funding sources into account when prioritizing projects for funding.

In summary, Chairman Winder said the consensus of the Board appears to be to proceed with the Program modifications. He suggested contacting the Idaho Associations of Cities, Counties, and Highway Districts to inform them of the Board's concern with the property tax issue and determine if they would be willing to approach the legislature to remove the 3% property tax cap for road and bridge improvements. Mr. Haynes reported that the three associations will be meeting with ITD staff next week. He will put this item on the meeting agenda. Staff will revise the policies to reflect the changes.

Chairman Winder thanked Messers. Amick and Haynes for their continued efforts on this Program.

Speed Zone Changes by City Ordinances – Supplemental Report. During the earlier report to the Board on speed limit changes by city ordinances, information on accidents in those locations was requested. Traffic Engineer Lance Johnson provided the accident data. There were no significant changes in fatalities, but due to the limited collision information, no definite conclusions can be drawn. Preliminary observations indicate the collision rates in speed zones established by city action and in adjacent areas tend to be decreasing; however, these zones are very short, making them susceptible to significant change. Mr. Johnson observed that conformance to speed limits technically is better in speed zones established by engineering studies.

Chairman Winder thanked Mr. Johnson for the report.

Consultant Utilization. Nestor Fernandez, Consultant Administration Unit Supervisor, provided information on the current engineering consultant utilization by type of agreement and by discipline. Following the passage of TEA-21 and the increase in federal funds ITD received, the use of engineering consultants increased. He also provided information on projects designed in-house versus by a consultant and consultant use by District.

Financial Services Manager Dave Tolman provided an overview of the entire Department's consultant usage. The majority of consultant agreements are for engineering, followed by local government agreements, project design and development agreements, and other professional services such as data processing, personnel, planning, and research.

Member Sweeney asked if a cost comparison of projects designed in-house versus by a consultant has been performed. Mr. Fernandez responded that ITD has not completed a study, but other studies indicate it is equally efficient to design projects in-house versus by consultants. Director Bower added that there are a number of variables in comparing the two, including identifying the overhead costs for in-house design. Member Sweeney questioned how overhead rates are determined.

Due to time constraints, Chairman Winder asked staff to present information on overhead costs next month.

Claim on A & R Construction, Inc., East Main Street, Lewiston, Key #5419, District 2.  
DAG Steve Parry summarized the construction contract claim from A & R Construction on the East Main Street project. The contractor is seeking \$337,810, and CE Ross found entitlement on some issues. Staff has requested the contractor price out the claim on an issue-by-issue basis, but the contractor has refused to do so. Without this information, an offer to the contractor on those issues that entitlement has been found cannot be made.

The city hired a consultant to design the project. If there is liability on some of the issues, then that liability may flow back to the design engineer, according to DAG Parry. He added that the City of Lewiston and ITD have established a defense team and are reviewing the possibility of using federal aid to pay for the costs of the claim and its defense.

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

RES. NO. WHEREAS, A & R Construction, Inc. has filed a contract claim with the Idaho Transportation Department over the reconstruction of

TB01-71 East Main Street in Lewiston, known as project #STP-7124(100), key #5419; and

WHEREAS, A & R Construction has declined to provide the Chief Engineer's staff with additional cost information in which to make an evaluation on the issues for which A & R Construction may have some entitlement; and

WHEREAS, there is potential for third party liability on this claim.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board waives its review of this contract claim and the contractor may pursue its claim as provided by law.

Contract Awards. Vice Chairman Combo made a motion, seconded by Member McClure, and passed unanimously, to approve the following contract awards:

DHP-IM-STP-184-1(019)0, Key #5919 – Wye Interchange, Boise, Stage 2, Ada County, District 3. Low bidder: Central Paving Company, Inc. & Concrete Placing Company, Inc., AJV, Boise, Idaho - \$35,864,656.66.

IM-STP-15-2(063)94, Key #7117 – I-15, Snake River Bridges, Northbound, Bingham County, District 5. Low bidder: Ralph L. Wadsworth Construction Company, Inc., Draper, Utah - \$4,392,544.10.

NH-3110(128), Key #8095 – US-95, Mesa North to Council, Adams County, District 3. Low bidder: Valley Paving & Asphalt, Inc., Cottonwood, Idaho - \$790,931.27. The low bid was more than ten percent over the engineer's estimate, requiring justification. The main variation in the low bid and engineer's estimate was plant mix paving class I and mobilization. All three bids received were within \$10,000 of each other on the two items, therefore, the potential for receiving more favorable bids later is not likely. Staff recommended awarding the project.

ST-7181(600), Key #6927 – US-30, Garrett to Yellowstone, Bannock County, District 5. Low bidder: Beco Construction Company, Inc., Idaho Falls, Idaho - \$247,023.96. The low bid was more than ten percent over the engineer's estimate, requiring justification. The majority of the difference between the low bid and the engineer's estimate is in plantmix pavement and video detection. In reviewing the bids, staff believes the engineer's estimate was low on both items. Because the two bids received were competitive and it is doubtful that it would be advantageous to re-bid the projects, staff recommended awarding the contract.

STP-2800(109), Key #6523 – Brunner Road BNSF Crossing, Kootenai County, District 1. Low bidder: Krick Equipment, Sagle, Idaho - \$214,409.46. The low bid was more than ten percent over the engineer's estimate, requiring justification. The main difference between the low bid and the engineer's estimate was for the impact attenuator. The

engineer's estimate was based on a fairly old quote for a similar installation. Staff does not recommend changing the project scope and re-advertising the project, as there does not appear to be a potential for savings.

New Business. Director Bower distributed a draft white paper on metropolitan planning in the Boise urbanized area. He asked the Board to review the document and provide comments before staff finalizes the paper.

Member McHugh reported that Senator John Goedde is proposing legislation related to light-weight studded tires, and Senator Goedde has requested Board support for this legislation. BPIRM Detmar provided a copy of the legislative proposal.

Member McHugh made a motion to support legislation requiring light-weight studded tires. Member Sweeney seconded the motion and it passed unopposed.

Delegation - Motor Carrier Advisory Committee (MCAC). MCAC Chairman Clay Handy thanked the Board for its time. He believes the joint meetings are beneficial.

Maintenance Engineer Dave Jones discussed anti-icing materials. He acknowledged that there are some concerns with magnesium chloride, but stated that it is an effective and efficient solution that has environmental benefits, prevents accidents, and is cost-effective. He emphasized that magnesium chloride is another tool ITD is using in its maintenance efforts, along with other measures like snow plowing and sanding.

ITD Chemist Supervisor Ron Wright elaborated on the corrosive concerns associated with magnesium chloride and the various studies underway on this material. He said the Department will continue to review this issue and work with various parties, such as manufacturers, FHWA, and truckers. Vendors also provided information on the material and answered questions.

Because of the concerns with magnesium chloride's corrosive tendencies, Mr. Jones emphasized the importance of washing vehicles on a regular basis. He concluded by

stating the Department will continue its review of this material and will provide outreach to local officials, the trucking industry, and etc. on the effects of magnesium chloride and anti-icing materials.

MCAC Chairman Handy looked into the dyed fuel issue. He reported that there are two Internal Revenue Services (IRS) auditors responsible for policing the use of dyed fuel in Idaho. Some concern has been expressed on the illegal use of dyed fuel. Chairman Handy said the Idaho Motor Transport Association is planning legislation to place the enforcement of dyed fuel usage with the Tax Commission. POEM Frew informed the group that ITD works with the IRS and allows them to perform random checks at port of entry sites, including roving sites.

Member Sweeney informed MCAC of yesterday's discussions with Representatives Harwood and Roberts on 53-foot trailers. Chairman Winder added that staff will review the safety and liability issues and consider changes to the length requirements. MCAC Member Jack Buell stated that it is the truck driver's responsibility to stay within the travel lane. Member Blick said that speed is a factor with off-tracking. He asked if the trucking industry would oppose a speed reduction on some routes as a compromise to allow longer combination vehicles. MCAC Member Buell believes the truckers would be receptive to that.

Member Sweeney mentioned the Board's concern with the abandonment of short line railroads, and that it would like to provide more assistance in this area. He asked for the trucking industry's thoughts on the decrease of operational short lines and resultant potential for increased truck traffic. MCAC Member Buell believes that short line railroads are important and should be salvaged when feasible. MCAC Chairman Handy concurred. He stated that he often uses railroad services and believes there is too much truck traffic already. He questioned the Governor's Economic Development Council's role and suggested it should be involved in this arena, as it is an economic concern.

Member Sweeney reported that the Board will send Idaho's Congressional Delegation a letter in support of the Railroad Track Modernization Act of 2001, which would provide assistance to short line railroads. MCAC Chairman Handy believes the MCAC would be willing to support this Act and requested a copy of the Board's letter.



Consultant Randy Allameier provided an update on the Commercial Vehicle Information Systems Network (CVISN) project. He summarized the accomplishments from the past year and the goals for 2002. He believes funding is secure for the 2002 goals, but the funding source is uncertain for future projects. He mentioned some funding sources, including earmarked Intelligent Transportation Systems funds. Chairman Winder asked if earmarks have been requested for CVISN. Director Bower responded that ITD has not sought funding for CVISN. Chairman Winder encouraged staff to pursue that funding option.

Chairman Winder thanked the MCAC members for their efforts. He believes they provide a valuable service to the Department, the trucking industry, and the state of Idaho.

WHEREUPON, the regular monthly Board meeting officially adjourned at 1:20 PM.

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CHARLES L. WINDER, Chairman  
Idaho Transportation Board

Read and Approved

January 16, 2002

Boise, Idaho

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REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

November 15-16, 2001

The Idaho Transportation Board met at 8:25 AM, on Thursday, November 15, at the Idaho Transportation Department in Boise for a pre-meeting review of the agenda. The meeting officially began at 8:30 AM. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater – Deputy Attorney General

October 11-12, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on October 11-12, 2001 as corrected. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

December 13-14, 2001 – Boise

January 16-17, 2002 – Boise

February 20-21, 2002 - Boise

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the correction to the September 2001 Board meeting minutes;

TB01-63      the certification of revenue and disbursements; revisions to Board Policy B-01-08, Political Activities; revisions to Board Policy B-12-07, State Highway Speed Limits within City Jurisdictions; speed minute entry changes, SH-69, District 3; speed minute entry changes, SH-78, District 3; and removal of the Locust Road turn bay and project additions, District 3; and has received and reviewed the contract award information; the new and supplemental professional agreements report; the quarterly returned check report; and the September financial statement analysis.

1) Correction to September 2001 Board Meeting Minutes. Last month the September Board meeting minutes were revised to reflect that the Transportation Department is not a voting member on any of the state's metropolitan planning organizations (MPOs). Following the October meeting, it was learned that District 6 Engineer Tom Cole is a member of the Bonneville Metropolitan Planning Organization's policy board.

2) Certification of Revenue and Disbursements. The Certification of Revenue and Disbursements, as shown as Exhibit 248, which is made a part hereof with like effect, was submitted for Board approval in conformance with the requirements of Section 40-708, Idaho Code.

3) Revisions to Board Policy B-01-08, Political Activities. Minor editorial changes and personnel title updates were made to this Board and Administrative policy.

4) Revisions to Board Policy B-12-07, State Highway Speed Limits within City Jurisdictions. Board and Administrative Policies B- and A-12-07 were revised to coincide with the newly approved policies on State Highway Access Control.

5) Speed Minute Entry Changes, SH-69, District 3. Due to the reconstruction of SH-69, staff reviewed the existing speed limit on this highway and proposed modifications to the speed minute entries. A speed limit of 35 miles per hour (MPH) is recommended from milepost 1.442 to 1.813, a 45 MPH limit from milepost 1.813 to 2.532, a 55 MPH limit from milepost 2.532 to 9, and a 45 MPH limit from milepost 9 to 9.218.

6) Speed Minute Entry Changes, SH-78, District 3. Based on the desires of the local residents and a review by the District staff, a revision to the speed limit on SH-78 is recommended. The speed limit would be 45 MPH from milepost 59.536 to 60.815, 55 MPH from milepost 60.815 to 67.887, and 65 MPH from milepost 67.887 to 76.004.

7) Removal of SH-45, Locust Road Turn Bay, Key #7920, and Project Additions, District 3. The Locust Road Turn Bay project on SH-45 was a State-Funded project scheduled for construction in FY02 for \$275,000. The project was needed to accommodate existing and future traffic volumes and to correct the limited safety due to the lack of turn bays at the intersection. Construction on another project, Deer Flat Road to Junction I-84B, was recently completed on SH-45 in this vicinity. The intersection of Locust Road and SH-45 was within the project limits and there was sufficient width on SH-45 to include the Locust Road turn bay. Therefore, the turn bay was included with no additional funds. The District requests the Locust Road Turn Bay project be removed from the Highway Program since it has been completed.

The District is requesting the addition of two projects in the FY02 State Program to replace the turn bay project. The SH-55, Eagle and Franklin Road Intersection project would consist of an agreement with Ada County Highway District (ACHD) to share 50% of the cost for additional right-of-way at this intersection for a future urban interchange. The land is available for acquisition now, and the District is requesting \$150,000 in FY02 State funds to purchase the right-of-way to preserve it for future use. Additionally, staff recommends programming \$125,000 of State Funds for the US-95, Elk Lake Turn Bay project. This project is needed to improve safety at the intersection and reduce the potential for accidents. It is timely to accomplish this project at the same time as the emergency relief improvements on Elk Lake Road, which are to be done next year.

8) Contract Award Information. Key #7196 - SH-16, Junction SH-44 to Emmett, Stage I, District 3. Low bidder: MarCon Inc. - \$147,092.

Key #8023 and #8022 – Broadway Avenue Intelligent Transportation System (ITS) Installation, and Treasure Valley ITS Installation, District 3. Low bidder: Circle H Construction, Inc. - \$206,084.

Key #88 - SH-55, Marsing to Sunnyslope Curve (demolition), District 3. Low bidder: Magnum Contractors LLC - \$42,900.

Key #8510 – Freeman Creek Road, District 2. Low bidder: Seubert Excavators, Inc. - \$1,391,206.

Key #7656 – SH-13, Harpster Historical Signs, District 2. Low bidder: Highland Enterprises, Inc. - \$54,977.

Key #6985 – I-84, Notus to Centennial, Caldwell, District 3. Low bidder: Idaho Sand & Gravel Company - \$429,450.

Key #8128 – US-93, Forest Service Turn Lane, Salmon, District 6. Low bidder: H K Contractors, Inc. - \$296,195.

Key #7757 – US-91, Intersection 2<sup>nd</sup> Street South, Preston, District 5. Low bidder: Wheeler Electric Inc. - \$218,952.

Key #7674 – 11<sup>th</sup> Avenue Underpass, Nampa, District 3. Low bidder: Harcon Incorporated - \$16,047,219. The Board ratified its earlier decision to award this contract.

9) New and Supplemental Professional Agreements Report. From September 29 to October 26, the Consultant Administration Unit processed \$1,288,970 in new and supplemental agreements.

10) Quarterly Returned Check Report. During the first quarter of FY02, \$12,274,622 in checks were received, while \$22,790, or 0.19% were returned. Collections on returned checks equaled \$11,353 for an annualized collection rate of 71.23%.

11) September Financial Statement. Revenue in the Highway Distribution Account is \$1.5 million less than the April projections; however, revenues in the State Aeronautics

Fund and Aircraft Operations Fund are 6.3%, or \$29,640, and 15.4%, or \$10,382, above projections, respectively. Overall expenditures are above forecast, except in the State Aeronautics Fund.

Board Items. Last month Member Miller requested information on the feasibility of removing gravel bars, particularly in the Snake River near Blackfoot, if the material will cause flooding. CE Ross reported that the Department can apply for permits to remove gravel from rivers. He indicated it can be a time-consuming and difficult process to acquire the needed permits. Because of the Blackfoot area's concern of flooding and because the Department has a levee in the area to protect I-15, CE Ross recommended the local public agencies obtain the permits. ITD will work cooperatively with and provide assistance to the agencies.

Vice Chairman Combo attended a Rural Idaho conference last week. Chairman Winder also attended a portion of the conference. Vice Chairman Combo reported that education, health care, and the infrastructure are all crucial elements for rural areas and need to be addressed. It is imperative that the rural communities work together and focus on the region. Chairman Winder added that regional planning is crucial, and also that technology is an important factor. He said that by definition, all of Idaho is rural.

Member McHugh stated that he is an ex-officio member of the Spokane Regional Transportation Council, which is the area's MPO. He represents Idaho on this council and wanted to ensure that the Board was aware of his involvement on this organization. He also reported that a recent newspaper article stated that the cost of the Spokane area light rail system is now estimated at \$600 million.

Director's Items. Director Bower heard the construction claim appeal by KRC, the subcontractor on the US-95, Kootenai Cut-off project, as requested by the Board. He submitted his decision to KRC, but has not received word on whether the subcontractor will accept it.

An executive order by Governor Dirk Kempthorne requested that state agencies submit disaster preparedness plans. ITD has submitted its plan, which includes all Divisions. Director Bower elaborated on some of the security measures being implemented. The Department also participated on a task force established to address security for general aviation. Recommendations have been provided to the Governor's Office.

At the upcoming American Association of State Highway and Transportation Officials (AASHTO) meeting in Texas, Director Bower will be meeting with Federal Highway Administrator Mary Peters. He invited Members McClure and Sweeney to attend that meeting.

Last month Director Bower and staff attended a five-state coalition meeting in Montana. The focus of the meeting was reauthorization of the transportation bill. The coalition will write a bill, but will seek sponsors and also solicit other states to join this effort. The group plans to meet at AASHTO.

Director Bower was in Washington, DC recently for a Research and Transportation Coordinators meeting and a Standing Committee on Research meeting. He also had the opportunity to meet with the five-state coalition consultant John DeVerno, Ms. Peters, and some of the Congressional Delegation members and their staffs. Discussions focused on the environmental streamlining process and the economic stimulus bill.

Director Bower reported that Governor Kempthorne recently announced an additional 1% holdback, for a total of 3% in FY02.

In conclusion, Director Bower informed the Board that the local media is working on a story on the I-184, Wye Interchange project. The story will likely be released next week.

Chief Engineer's Items. CE Ross reported that ITD was asked to install jersey rail around the state Capitol in response to enhancing security for state government. District 3 worked with ACHD on this project. Chairman Winder requested a breakdown of costs for this effort.

CE Ross addressed earlier concerns with traffic control at SH-55 and old highway 17, the Banks to Lowman Highway, during holiday weekends. Flaggers give priority to traffic on the state highway. He does not believe a traffic signal would be as efficient as the flagging operation. He believes this past Labor Day the highway was very close to capacity, plus some construction in the vicinity may have hindered the traffic flow and the 25 MPH speed limit in Horseshoe Bend may have impacted traffic, as motorists were basically backed up from Horseshoe Bend to Banks. CE Ross does not recommend any changes for traffic control at SH-55 and old highway 17 during holiday weekends. He added that passing lanes are programmed in the area and should improve traffic flow.

CE Ross has been asked to review some restricted truck routes to allow trailers longer than 48 feet. Some communities believe the longer truck restrictions are detrimental to their economy. SH-5 would need some improvements to allow longer combination vehicles, although some 51-foot and 53-foot trailers off-track better than the 48-foot trailers. He will continue to explore the feasibility of longer combination vehicles on routes like SH-3, SH-5, and SH-11. Chairman Winder added that there have been concerns that longer trailers are not allowed on SH-55.

Information Strategy Plan (ISP) and Enterprise Data Model (EDM). Public Transportation Administrator (PTA) Larry Falkner, representing the Information Management Access Team, thanked the EDM Team for its efforts on the project, which was an extensive and time-consuming endeavor. He believes the ISP will provide the foundation for the

Department to move forward in technology, as it will provide an overall strategy plan to accomplish ITD's objectives in the information management arena.

Consultant Dave Fletcher summarized the purpose and content of the ISP and EDM. He stated that ITD will invest over \$150 million in information management activities and technologies over the next 10 years. The vision is to have a single, seamless data foundation for the entire Department. EDM will improve the quality of the data, improve access to the data, and reduce, or eliminate, redundancies in the information. This will result in greater efficiencies, allow ITD to be better stewards of the public's money, and enhance the service to all of its customers. Mr. Fletcher believes the EDM Team was very successful in its efforts.

Member McHugh questioned the Information Financial Management System's relationship to EDM. Mr. Fletcher responded that EDM was built on that Oracle system. The Oracle project was strictly financial, whereas EDM expands into all areas of the Department. Member McHugh asked if EDM is a one-time effort, or will go on indefinitely. Mr. Fletcher replied that it is ongoing. The Department will have to replace and upgrade components continually, but now will have a plan to determine the technology priorities and ensure all systems within the Department are compatible.

Director Bower stated that a number of other states are watching ITD's project and hope to follow and expand on ITD's efforts.

Member Miller expressed concern with the cost and asked what the Department's expenditures in the technology arena were for the past several years. Director Bower reported that Internal Review completed a review and found that the Department has been spending between \$11 and \$13 million annually the past three years for technology. This includes items such as manpower, communication, software, and hardware for the entire Department.

Member Sweeney believes the ISP/EDM is a good project, as it will provide coordination and improve communication and efficiency. Chairman Winder thanked the gentlemen for the report and for their efforts on this project.

FY02 Budget Holdbacks and FY03 Budget Request Adjustments. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar introduced the Department's new budget analyst, Eric Milstead. Mr. Milstead is assuming Ray Houston's ITD responsibilities at the Legislative Services Office.

BPIRM Detmar reminded the Board that the FY03 budget was held until November due to the uncertainty of the revenue. Staff has reviewed the revenue from the first quarter, and the August forecast was validated. The FY02 budget was adjusted down 3.7% and the requested budget for FY03 was reduced 4.1%. She provided an overview of the revenue forecast, summarized the holdbacks identified for FY02, and reviewed the proposed FY03 budget.

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



RES. NO. WHEREAS, the FY03 Idaho Transportation Department budget request has been prepared in accordance with instructions in the Division

TB01-64 of Financial Management's Budget Development Manual; and

WHEREAS, the Board was previously presented with the estimated revenue and expenditures for FY02 and FY03.

*NOW THEREFORE BE IT RESOLVED*, that the Transportation Board agrees with the proposed holdbacks to the FY02 budget and the adjustments to the FY03 budget as reflected in the Department Summary and Certification, submitted for approval November 15, 2001, as shown in Exhibit 249, which is made a part hereof with like effect, and approves the budget request as submitted to the Division of Financial Management.

Member McHugh asked if diesel fuel for train engines is taxed, and if not, if it could be taxed. BPIRM Detmar said that the state does not currently tax diesel fuel for trains, but she will find out if it could be taxed.

Contract Claim by Steelman-Duff on the Bryden Canyon Road Project in Lewiston, Key #5310, District 2. DAG Steve Parry provided background information on the local Bryden Canyon project funded with demonstration funds. All of the expenses have been paid except for the claim, which amounts to approximately \$800,000. The claim consists of 16 issues, with nearly half of the claim involving extended home office overhead and construction staking errors. Upon review of the claim, CE Ross found partial entitlement on four items. The contractor, Steelman-Duff, is appealing the Chief Engineer's decision and is requesting binding arbitration. Staff concurs with entering into binding arbitration to resolve the case. DAG Parry added that staff is reviewing possible federal funding sources for the defense and potential monetary award.

Member McClure made a motion, seconded by Member Blick, to approve the following resolution:

RES. NO. WHEREAS, Steelman-Duff, Inc. has filed an appeal of the Chief Engineer's decision on contract #6031, key #5310; and

TB01-65

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Steelman-Duff, Inc. on the claim; and

WHEREAS, staff, the City of Lewiston, and the contractor recommend that the dispute be resolved by binding arbitration using the American Arbitration Construction Rules, and the contractor has agreed to such a procedure.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer to enter into a binding arbitration agreement to resolve this matter.

Member Sweeney expressed concern with binding arbitration. He believes the contractor was at fault, and that binding arbitration often results in the contractor receiving half of the claimed damage amount. DAG Parry reported that the last four arbitration agreements resulted in two verdicts for the defense and two for the contractor. He believes an arbitrator who is knowledgeable in highway construction and engineering is preferable to a jury. DAG Bywater also expressed his support to proceed with binding arbitration.

Vice Chairman Combo questioned the possibility of federal funds being available for this claim. DAG Parry believes the claims are eligible for federal reimbursement, however, finding available funds is uncertain, particularly because this was a demonstration project.

The motion passed unanimously.

Contract Awards. Vice Chairman Combo made a motion to award the bid on project DPI-NH-PL-0191(104) and ST-1530(614), keys #5388 and #7731 – East of Narrows to Bishoff Canyon and Bishoff Canyon to Geneva, Bear Lake County, District 5, to the low bidder: M.A. DeAtley Construction, Inc., Clarkston, Washington - \$14,932,448.65. Member Sweeney seconded the motion. Some concern was expressed on the low bid, which was 68% of the engineer's estimate. CE Ross acknowledged the potential for change orders and claims, but believes the low bid is a good, responsive bid. The motion passed unopposed.

Member Sweeney made a motion to award the bid on project STP-7553(101) and STP-3280(105), keys #5703 and #7661 – Federal Way, Overland to Broadway and Federal Way Pedestrian Bridge at Broadway, Ada County, District 3, to the low bidder: Masco Inc., Boise, Idaho - \$6,512,046.50. Member Miller seconded the motion and it passed unanimously.

Elements of Domestic Preparedness and ITD Business Resumption Plans. Susan Simmons, Administrative Services Administrator, stated that Americans' approach to business and life has changed since the September 11 terrorist attacks in the United States. By executive order, Governor Kempthorne has ordered state agencies to review and revise, as necessary, their Emergency Response and Business Resumption Plans to address identified governmental safety and security issues. Policies and Procedures Coordinator Susan Bale summarized the measures some other states are taking. She elaborated on some of ITD's actions, including restricting public parking at Headquarters, restricting access to buildings, relocating the mail room, revising the mail handling procedures and providing training to address a biological threat, and reviewing and revising the Headquarters' complex emergency response and security procedures and the Department's Emergency Response/Business Resumption Plans.

Bryan Smith, Department Emergency Management Coordinator Assistant, reported on the Department's emergency management procedures, which are usually implemented for natural disasters like floods. He reviewed the numerous plans in place to address emergencies and/or disasters. Since the September attack on the nation, ITD has evaluated and updated its emergency plans, implemented new procedures for the Adopt-A-Highway groups, and is performing routine bridge inspections.

Chairman Winder thanked staff for the informative presentation and its efforts on this important issue.

Member McHugh made a motion, seconded by Member Blick, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides,

TB01-66 drought, explosions, riot, hostile military actions, terrorism and the potential use of Weapons of Mass Destruction (WMD), or other catastrophe is an ever present possibility in the State; and

WHEREAS, the Governor of the State of Idaho signed Executive Order No. 2000-04, on April 20, 2000 assigning to the Idaho Transportation Department and other state agencies certain emergency mitigation, preparedness, response, and recovery functions, and

WHEREAS, on September 11, 2001, the United States was struck by acts of international and domestic terrorism; and

WHEREAS, the State of Idaho has existing legal infrastructure, plans and policies in effect, including the State Disaster Preparedness Act and the Executive Order referred to above, which serve as the basis for the State's initiatives to protect and defend against terrorist acts and the use of WMD; and

WHEREAS, the events of September 11, 2001, have necessitated a heightened state of awareness and focus on terrorist activity and the State's commitment of resources to protect Idaho's citizens, property, infrastructure, commerce, and continuity of state government; and

WHEREAS, the Governor of the State of Idaho signed Executive Order No. 2001-13, on September 27, 2001 ordering each State department and agency to review and assess their disaster preparedness obligations, and report to the Office of the Adjutant General the results of their assessment and review; and

WHEREAS, it is essential that in order to carry out its assigned mitigation, preparedness, response, and recovery functions and obligations in the event of an emergency or disaster ITD must be prepared to act immediately; and

WHEREAS, the Idaho Transportation Board as established by Idaho Code §40-301 is vested with the authority, control, supervision and administration of the Idaho Transportation Department; and

WHEREAS, the Board is composed of seven members that reside in the various Transportation Districts located throughout the State of Idaho, which generally meet only on a monthly basis; and

WHEREAS, in an emergency or disaster situation it may become impossible or impractical for the Board to meet immediately to exercise its powers in matters necessary to meet the mitigation, preparedness, response, and recovery functions and obligations of the Department.

*NOW THEREFORE BE IT RESOLVED*, that in the event of an emergency, disaster, or any circumstance wherein it is impossible or impractical for a quorum of the Idaho Transportation Board to convene, the Director of the Idaho Transportation Department is hereby authorized to exercise all powers of the Board, unless otherwise prohibited by law, necessary for the proper supervision, control and administration of the Department in meeting its functions and obligations for the mitigation, preparedness, response, and recovery of and for such emergency or disaster.

Rail Freight Service Preservation Issues. Senior Transportation Planner Ron Kerr provided a historical overview of rail freight service and assistance in Idaho. He also elaborated on House Bill 269, which was established so the state could take a proactive role in preserving local rail freight services, primarily on short line railroads, and presumably with state general funds. Because no funding was provided with the legislation, ITD is planning to submit a supplemental appropriation request for \$100,000 in general funds in FY02 to prepare the rail plan/needs assessment. Mr. Kerr also reported that House Concurrent Resolution 17 urges state government to assess the economic importance of rail transportation on the economic future of Idaho, particularly in rural areas.

At the national level, Mr. Kerr stated that Congress is considering a number of rail-related bills. One of the bills would authorize funding for three years for railroads to upgrade their trackage to handle 286,000-pound rail cars, the new industry standard.

Member Sweeney asked if other states tax diesel fuel purchased for rail use. Mr. Kerr is not aware of any such state tax. He said that a 2.5-cent tax at the national level goes into the General Fund for deficit reduction purposes. There has been some discussion at the national level to rescind that tax. Member Sweeney suggested contacting Idaho's Congressional Delegation to express support to provide funding for short lines and to prevent future rail abandonments.

SH-75, Fox Acre and Airport Way Intersections, Key #3077, District 4. Last month the Board approved intersection improvements at SH-75 and Fox Acre and SH-75 and Airport Way in Hailey. Another phase, to install sidewalks and an additional southbound lane, was also discussed. Upon Board request, staff reviewed phase II and determined that the sidewalks could be included in next summer's intersection improvement project. The additional southbound lane, however, is not recommended for funding at this time because of the National Environmental Policy Act (NEPA) process currently underway. CE Ross supports the intersection improvements at this time to address safety concerns, but he does not recommend a project to address capacity until the environmental study in this area is completed.

Blaine County School District Superintendent Dr. Jim Lewis thanked the Board for funding the intersection improvements and sidewalk for construction next summer. He informed the Board that the original site for the school's bus facility did not materialize. Two other locations are now being explored. These two sites would impact traffic on either Fox Acre or Airport Way. Because of this new information, he encouraged the Board to fund the additional southbound lane on SH-75 at this time. Hailey City Engineer Tom Hellen and consultant Bill Russell provided additional information on traffic patterns and safety concerns.

In response to Member Blick's question on the schedule of the environmental document, District 4 Engineer Devin Rigby responded that the NEPA process will be completed in one or two years. CE Ross stated that he might support funding the additional southbound lane at this time based on safety concerns related to the relocation of the bus facility. He requested time to review the project based on this new information.

Because of the NEPA process underway and the Department's desire to work cooperatively with the area citizens on its transportation desires, Director Bower asked if the delegation is aware of any opposition to the southbound lane project. Mr. Hellen and Dr. Lewis both reported that to date, they have not received negative comments on this proposal. Dr. Lewis added that this project, within the city limits, would complete the four-lane highway through Hailey. Although the Department has committed to the NEPA study and to not make major improvements to SH-75 until that process is completed, Director Bower expressed support to fund the additional southbound lane at this time for safety reasons.

The consensus of the Board was to have staff review the proposed project to construct an additional southbound lane on SH-75 in Hailey based on the new information received regarding the relocation of the bus facility. Staff is to report back to the Board next month.

Delegation – Blaine County: Public Transportation Feasibility Study, District 4. Blaine County Commissioner Sarah Michael thanked the Board for supporting the county's feasibility study. The findings indicate that a public transit

system is long overdue in the Wood River Valley, and recommended ways to enhance current KART services and to continue support for the rideshare program. Additionally, a regularly scheduled peak-hour bus service on the SH-75 corridor between Bellevue and Ketchum/Sun Valley was also recommended, along with a weekend activity bus for the youth and others who have limited mobility. Commissioner Michael said the County needs to plan for park and ride lots and high occupancy vehicle lanes.

Regarding funding transit services, local government funds are being used for the rideshare program. Commissioner Michael said the County is seeking federal public transportation grants and is working with area legislators on legislation for a local option tax. She also requested \$50,000 from the Board to enable a commuter peak hour bus service to begin next summer.

PTA Falkner stated that staff is reviewing the grant applications for 5311 funds and will have a recommendation to the Board in February or March. In response to Chairman Winder's question on the funding source for the \$50,000 request, PTA Falkner replied that he is not certain of the funding source. He stated that the Department's Vehicle Investment Program has been strictly used to fund capital projects and he expressed concern with providing operating funds from that program.

Director Bower asked if some expenses would be recovered through fares. According to Commissioner Michael, approximately 20% of costs would be recovered from fares. She said that the teenagers in the area have been active in the public transportation arena and have established a bus service. Angenie McCleary, Gretchen Heath, and Adriana Maniere elaborated on the Friday night bus service that transports teenagers to Ketchum from Bellevue and Hailey. There is a desire to establish bus service on Saturday mornings in winter to take teenagers to the ski resort.

Chairman Winder thanked the delegation for the information and its efforts in the public transportation arena. The Board took the presentation under advisement.

Delegation – Community Planning Association of Southwest Idaho (COMPASS): I-84 Corridor Study, District 3. Erv Olen, Associate Director of COMPASS, reported that the COMPASS Board adopted the I-84 corridor study and directed that the study be incorporated into the respective Transportation Plans for Ada and Canyon Counties. The final study includes a Transportation Demand Management element designed to meet the 25% goal for alternative transportation in the corridor; a roadway needs assessment that identifies rehabilitation and capacity expansion projects for 2010, 2015, and 2020; and a financial component that looks at total costs for implementing the needed improvements, as well as projected revenues over the next 20 years.

Mr. Olen elaborated on the Transportation Demand Management element and consultant Dave Butzier summarized the roadway needs and financial element. The study identified total needs in the amount of \$605 million through 2020. The Transportation Demand Management element is estimated at \$151 million with roadway needs of \$454 million, including projects in the current Program funded at \$64 million. Available funds from federal, state, local, and private sources are estimated at \$305 million, leaving \$300 million in unidentified funding sources.

Member Blick made a motion to accept the I-84 Corridor Study and to use it as a guide for making decisions on future improvements to the corridor. Member McClure seconded the motion and it passed unopposed.

Chairman Winder thanked Messers. Olen and Butzier for the presentation and their efforts on this important study.

Goodman Oil Case. DAG Bywater reported that some Idaho tribes are handling the fuel tax by a joint interest-bearing escrow trust account with its distributor, the passage of a tribal fuel tax ordinance whereby distributors and retailers have to obtain a license from the tribe to distribute fuel on the reservation, and a fund for money collected in lieu of the tax. The monies will most likely be used for various tribal purposes. If the final decision in the Goodman Oil case remains unchanged, the tribes will be entitled to retain the funds, and the use of the money would be unrestricted. He added that legislation is being drafted at the state level to address the issue of fuel tax on reservations.

DAG Bywater outlined some solutions that other states have adopted to address this situation. He also stated that on the federal side, there is a legislative proposal that would require the Secretary of the Interior, upon receipt of a petition from a governor of a state wherein tribal enterprises are taking place, to direct the tribal retail enterprise to collect and remit to the Secretary (to be passed on to the state) all state tobacco or fuel taxes on purchases by non-tribal members from tribal enterprises. DAG Bywater said staff will communicate with Idaho's Congressional Delegation on this proposal and will monitor its status.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b)(d) and (f), Idaho Code. Member Blick made a motion to meet in executive session at 4 PM to discuss personnel and legal matters. Vice Chairman Combo seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussion on the personnel matter was an update on a discrimination complaint. The general tenor of the discussion on legal matters included an update on a case in litigation and records requested by the state's Congressional Delegation.

The Board came out of executive session at 4:25 PM. No decisions were made.

WHEREUPON the meeting recessed at 4:25 PM.

November 16, 2001

The Board met at 8:30 AM on Friday, November 16 at the Transportation Department in Boise. All members were present except Chairman Winder. Vice Chairman Combo presided.

Work Zone Safety. Office of Highway Safety Grants Officer Mark Strait provided a history of and trends in national work zone fatalities. In Idaho, approximately 1% of vehicle crashes occur in work zones, which is below the national average. Highway Safety focuses on driver behaviors such as speeding, aggressive driving, seatbelt usage, and impaired driving. Accidents due to construction zones do not appear to be a serious problem in Idaho.

Assistant District 3 Engineer Jeff Miles reported on safety improvements the Department has made at construction sites. Some of these actions include separation of the work zone, reduced speed limits, and law enforcement efforts. Directed patrols were a successful effort during the I-84 Wye Interchange project, along with other measures. He emphasized that safety is ITD's top priority.

Public Affairs Officer Jeff Stratten summarized the public information efforts the Department has undertaken to increase awareness of work zone safety, including press releases and public service announcements.

Member Blick believes the concerted effort to increase safety for the Wye Interchange project was successful, but he expressed concern with the smaller projects, particularly in the rural areas. He also expressed frustration with signed construction zones when no work is occurring.

Weed Control and Vegetation Management. Roadside Program Administrator Cathy Ford summarized ITD's integrated vegetation management program. A successful integrated vegetation management program requires planning, implementation, control, and coordination of activities for items such as seeding, erosion control, mulching, fertilizing, spraying herbicides, mowing, and brush removal and control. ITD must also



create specific guidelines and comply with federal, state, and local noxious weed laws to effectively eliminate, control, and manage the noxious weed problem. Ms. Ford stressed the importance of working cooperatively with local public agencies and private landowners on the noxious weed problem.

Member Miller expressed appreciation to Ms. Ford for the thorough and informative report.

Update on Implementation of Access Management Policy. Transportation Staff Engineer Assistant Steve Holland provided a history of access management and outlined the major changes implemented with the new policy. Some of these changes include an increased fee, upgrading access control to match the current functional classification, and requiring a new deed for all access changes.

In response to Member McClure's question on the difference between Type III and IV access control, Mr. Holland replied that spacing requirements of approaches and traffic signals determines if access control is Type III or IV. Member McClure asked if the type could be changed based on what it should be versus what it is currently designated. For example, if there is a project in the Program to improve a stretch of highway and following that construction, the highway should be Type IV, could it be designated Type III before construction? Mr. Holland said if there is a pending project, the access control could be based on the completed project, otherwise the Department would have to purchase the access. He said that issue is a concern because the Department does not have adequate funds to advance purchase right-of-way and cannot keep up with the development in a number of areas.

Member McClure asked if ITD could develop agreements with local entities, such as planning and zoning commissions, on access control before the Department can purchase it? Mr. Holland said local agencies have been encouraged to work closer with ITD on access and development issues. Staff is in the process of educating local public officials on the new access management policy and is encouraging better communication.

Due to time constraints, Vice Chairman Combo asked that the presentation be continued at the December Board meeting. He commended staff for its efforts to improve the access management policy and process.

Variable Speed Limits. Traffic Engineer Lance Johnson stated the objectives of variable speed limit systems are to increase compliance of the speed limit, increase safety, and increase the efficiency of the transportation system. He reported on other countries' and states' experience with variable speed limits, and also on some concerns of the system. He believes a thorough review of Idaho Code would be required to determine if any changes are necessary to implement a variable speed limit system in the state. Additionally, any system implemented in Idaho must include monitoring and recording technologies to document when speed limits are changed and the reason for the change. This is necessary, at a minimum, for law enforcement purposes.

Vice Chairman Combo thanked Mr. Johnson for the report.

Proposed Legislation on Highway Construction Zones and Speed Limits. The Board reviewed and supported the revised legislation regarding doubling the penalty for speeding in construction work zones.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:15 AM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

December 13, 2001

Boise, Idaho

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REGULAR MEETING AND DISTRICT 3 TOUR  
OF THE IDAHO TRANSPORTATION BOARD

October 11-12, 2001

The Idaho Transportation Board met at 8:10 AM, on Thursday, October 11, at the District Three Office in Boise. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Pamela Lowe, District 3 Engineer

Eric Shannon, Assistant District 3 Engineer (Engineering)

Jeff Miles, Assistant District 3 Engineer (Operations)

Representative Darrell Bolz and Valley County Commissioner Thomas Kerr were also present.

The Board departed Boise north on SH-55. After a brief stop in Smith's Ferry, where Project Manager Lisa Applebee provided an overview of the SH-55, Smith's Ferry to Round Valley project, the tour continued north to McCall. Several City of McCall and Adams and Valley County officials joined the Board for Project Manager Daris Bruce's briefings on the McCall Alternate Route and East-West Loop projects. McCall Mayor Allan Muller expressed concern with the wetland requirements and environmental costs on the East-West Loop, or Deinhard to Boydston, project. He added that the project should include bicycle lanes and snowmobile access. Commissioner Kerr said emergency response time is a big concern to the area, and he believes this new connection will help address this issue.

The tour continued north on SH-55 and south on US-95 to Council. Local officials were present at one of the proposed sites of the Council Alternate Route project as Ms. Applebee elaborated on the Alternate Route project scheduled in Preliminary Development.

The Board traveled south on US-95, then north on Bane Road to Mill Road near Cambridge. Washington County Commissioners met the Board at the Mill Road Bridge where Project Manager Bruce Macewan reported that the off-system bridge was destroyed in the 1997 flood event. Due to environmental issues, the bridge has not been re-constructed. Commissioner Stirm relayed the community's need to have the structure rebuilt, and its frustrations with the environmental delays.

The Board traveled south on US-95 and east on US-30 to the New Plymouth Maintenance Shed. After a brief visit with maintenance staff, the tour continued east on US-30, I-84, and US-20/26 to the District Office.

WHEREUPON the meeting recessed at 5:25 PM.

October 12, 2001

The Board met at 8:30 AM on Friday, October 12 at the District Three Office in Boise for a pre-meeting review of the agenda. All members were present except Chairman Winder. Vice Chairman Combo officially called the meeting to order at 8:35 AM.

September 19-20, 2001 Board Minutes. Member McHugh made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on September 19-20, 2001 as corrected. The motion passed unopposed.

Introduction of Financial Services Controller. Administrative Services Division Administrator Sue Simmons introduced Dave Tolman to the Board. Mr. Tolman has been named the Department's Controller. Vice Chairman Combo welcomed Mr. Tolman to ITD.

Board Meeting Dates. The following meeting dates and locations were scheduled:

November 15-16, 2001 – Boise

December 13-14, 2001 – Boise

January 16-17, 2002 – Boise

Consent Calendar. Member Blick made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board has received and reviewed the quarterly administrative

TB01-61 settlements and the new and supplemental professional agreements report.

1) Quarterly Administrative Settlements. During the quarterly period from July 1 through September 30, 19 parcels were processed. Of those, five parcels had administrative settlements, or 26%.

2) New and Supplemental Professional Agreements Report. From September 6 to 28, the Consultant Administration Unit processed \$2,199,000 in new and supplemental agreements.

Director's Items. Director Bower reported on the Congressional Economic Stimulus Package being considered. The American Association of Highway and Transportation Officials, the Associated General Contractors, and the American Road and Transportation Builders Association have a joint effort underway to promote additional funding for highway construction, and also to determine if the industry and states are prepared to meet the challenges if additional funding is provided. Upon request, ITD submitted a list of projects that could be constructed with the additional money. Additionally, Director Bower said he signed a letter, along with a number of other states, supporting using the Transportation Equity Act for the 21<sup>st</sup> Century funding formula for the distribution of additional funds from the Economic Stimulus Package.

Chairman Winder joined the meeting at this time.

Director Bower informed the Board that the agreement with Syringa has been finalized. CE Ross added that the permits to use the I-84 right-of-way between Bliss and the Oregon border to lay fiber optic have been completed. Director Bower believes this project will provide economic development opportunities for Idaho's communities. The agreement for Touch America to install fiber optic in the I-90 right-of-way is progressing well. He added that FHWA has been involved in this project and has been a good partner.

Former Arizona Department of Transportation Director Mary Peters has been confirmed by the Senate as the new Federal Highway Administrator, according to Director Bower. He said he will be in Washington, D.C. later this month and plans a brief visit with Ms. Peters.

Director Bower reported that Governor Dirk Kempthorne has requested a security plan for non-commercial airports in Idaho. Staff is working on that plan, plus a statewide plan for security and recovery for strategic items at ITD.

Earlier this month CE Ross, Budget, Policy, and Intergovernmental Relations Manager Mary Detmar, and Director Bower met with Representative JoAn Wood to discuss the Department's proposed legislation for 2002 and other transportation issues. Director Bower said they had a similar meeting with Senator Evan Frasure, and then Senator Frasure joined them at a meeting with Shoshone-Bannock Tribal Officials. The Shoshone-Bannock Officials expressed an interest in meeting with the Board at a future meeting. Overall, Director Bower believes the meetings were beneficial.

Director Bower met with the Tax Commission and Governor's Office recently to discuss the Goodman Oil fuel tax case. The Tax Commission is preparing legislation for the 2002 session.

Representative Butch Otter's Office informed the Department that the Rapid River Bridge has been removed from the earmarks in the appropriations bill because it is not eligible for Bridge Discretionary funding. Director Bower said staff will consider including the project in the Corridor to Border program. Congress has not established the conference committee for the transportation appropriations bill yet. He reported that the continuing resolution is to expire on October 16. Because it is doubtful the appropriations bill would be approved by then, he believes another continuing resolution will be forthcoming.

Last month heavy rain caused slides and road closures on SH-55 near Banks and also on the Banks to Lowman highway, old highway 17. Director Bower said that staff has requested emergency relief funding to assist Boise County with this event. Staff has been working closely with the County and providing assistance with the slides.

Staff reviewed ITD's revenue for the first quarter. Because the revenue is below earlier estimates, Director Bower said staff will review the FY03 budget, revise it based on lower revenue projections, and submit it to the Board for approval. Staff will identify holdbacks for the FY02 budget.

Board Items. Because of last month's terrorist attacks on the nation, Chairman Winder asked the Board members to think about security at ITD and specific issues that should be addressed. Member Miller requested a future discussion on the interaction of various agencies, such as Idaho State Police, during emergencies. He emphasized the need for good coordination for emergencies and disasters. Vice Chairman Combo suggested looking at single failure analysis and double containment. Director Bower responded that those items are on the Department's list. CE Ross added that the Department has a number of emergency plans that were compiled a while ago. Staff is reviewing those plans and updating them accordingly.

Recognition of the Adopt-A-Highway Group of the Year. Member McClure thanked the Boise Mothers of Twins for participating in the Adopt-A-Highway Program and presented them with a plaque for their efforts. He also recognized staff's work on this valuable program.

Board Items, Continued. Vice Chairman Combo reported on efforts underway at the Washington Department of Transportation to improve communication with the public.

Vice Chairman Combo said Chairman Winder and he participated in the dedication ceremony for the John O. Sessions scenic overlook earlier this month. The overlook is on Forest Highway 76 east of Driggs. He said the Sessions' family was very touched by this dedication and appreciated the recognition of the late Representative Sessions. Vice Chairman Combo also praised ITD staff for its efforts in organizing the dedication ceremony.

Member McHugh asked if the McCall East-West loop project could be designated SH-55 and the original McCall Alternate Route project abandoned. He believes the two projects are similar, as both provide an additional river crossing and remove traffic from



downtown McCall. Due to the projects' close proximity, environmental concerns, and escalating costs, he questioned eliminating the McCall Alternate Route project.

Chairman Winder responded that he believes the city does not want the East-West loop as a truck route. DE Lowe concurred and stressed the community's opposition to designating the East-West loop as a state highway. She added that the East-West loop is being designed as a local street, not as a state highway.

Chief Engineer's Items. CE Ross elaborated on the assistance staff is providing to Boise County in response to the recent slide on old highway 17. Excavation in the river is occurring to eliminate potential flooding and erosion of the highway. Member Miller said gravel bars in the Snake River may impact I-15 and lead to flooding in the Blackfoot and Rose areas if no action is taken. He asked for a discussion next month on remedies for this situation.

Director Bower was pleased to announce that the bid opening for the US-89, East of Narrows to Bishoff Canyon and Bishoff Canyon to Geneva project is scheduled for next week.

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Funding the SH-75 and Fox Acres Drive Intersection Project, District 4. During the May 2000 and June 2001 Board tours of District 4, Blaine County School District #61 met with the Board and requested improvements to the SH-75 and Fox Acres Drive intersection in Hailey. Staff reviewed funding options and recommended programming intersection improvements to SH-75 and Fox Acres Drive and SH-75 and Airport Way in the FY03 State Funded Program for \$380,000. The City of Hailey will provide \$190,000. The District also recommends delaying keys #6983, Intersection 7<sup>th</sup> Street, Heyburn; #8247, Intersection Blue Lakes Boulevard and Poleline Road, Twin Falls; and #8248, Gooding to Shoshone Seal Coat, to FY05 to fund the SH-75 intersection projects.

Member McHugh noted the recommendation does not include sidewalk improvements, although a future project, Alternate 2, which adds a southbound lane on SH-75 from Airport Way to Fox Acres Road, includes sidewalk improvements. For safety reasons, he believes the sidewalk should be included at this time. CE Ross will look into that issue.

Vice Chairman Combo recommended approving Alternate 2 with Board Unallocated funds, if the City of Hailey is supportive and has matching funds. Member Blick said he met with Superintendent Jim Lewis last week. Although Superintendent Lewis expressed appreciation for staff's recommendation, he would like to see Alternate 2 included at this time. Chairman Winder asked staff to consider that option and present a recommendation next month.

Member McClure made a motion to approve a traffic signal installation and intersection improvements at SH-75 and Fox Acres Road and a signal upgrade and intersection improvements at SH-75 and Airport Way in Hailey for \$380,000, with the City of Hailey to contribute \$190,000. Additionally, staff is to consider including sidewalk improvements as part of this project; review the feasibility of funding Alternate 2, an additional southbound lane on SH-75 from Airport Way to Fox Acres Road, utilizing Board Unallocated funds and discuss this option with the City of Hailey; and delay keys #6983, #8247, and #8248 to FY05. Member McHugh seconded the motion, and it passed unopposed.

August Financial Analysis. In August, revenue from the Highway Distribution Account was below projections by \$1.2 million. Revenues were above projections by \$87,792 from Aviation Fuel Tax, \$7,905 from miscellaneous aviation sources, and \$11,121 from Aircraft Operations. Overall, expenditures were above forecast for the month except in the State Aeronautics Fund.

Member McHugh asked if fuel tax revenue from the state's reservations is being withheld now and if that is reflected in the financial statement. ASDA Simmons did not know the status of that tax. Vice Chairman Combo suggested an update on this issue next month.

Member McHugh questioned the negative figures in the Construction Obligation Progress by Program chart. Staff will look into those numbers. In response to Chairman Winder's question, Director Bower reported that all of the Department's FY01 federal aid was obligated last month.

Member McHugh made a motion to accept the August financial analysis. Member Miller seconded the motion and it passed unanimously.

Payette River Scenic Byway Corridor Management Plan, District 3. Senior Transportation Planner Garry Young introduced Pat Engel with Sage Community Resources, formerly IDA-ORE Planning & Development Association. Mr. Engel thanked the Board for its time and expressed appreciation for ITD staff's assistance and support in developing the corridor management plan for the Payette River Scenic Byway. He elaborated on the efforts to develop the plan and reported that the Scenic Byway Committee approved the plan last month.

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

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996, to provide

TB01-62 advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, corridor management plans (CMPs) are 1) important for the protection and orderly development of scenic byways, 2) required for National Scenic Byway designation, and 3) key to gaining priority for National Scenic Byway funding; and

WHEREAS, Ada, Boise, Valley, and Adams Counties have completed a CMP for the Payette River Scenic Byway on SH-55; and

WHEREAS, all CMPs are to be submitted to the SBAC for review and consideration before Board action; and

WHEREAS, the SBAC has reviewed the CMP concurring with District 3 that the plan adequately addresses the issues of the byway and recommends Board approval.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the corridor management plan for the Payette River Scenic Byway.

Chairman Winder thanked Mr. Engle for the presentation and his efforts on this plan.

Role of Geographic Information Systems (GIS) at ITD. GIS/Cartography Manager Liza Fox said that GIS is a database of information at locations, including who has jurisdiction, the condition of the road, and accident information. Some of the uses for GIS include designing highways, and managing a smooth and safe flow of traffic. Staff produces numerous maps with GIS information, not only for internal use, but also for external customers.

Some new projects either underway currently, or planned in the future, include document access and data standards, database migration, local road inventory information, a piloted web mapping system, and an image scanning project. Ms. Fox reported that some challenges in the GIS arena include making the data more accessible, providing direction on standards, and land ownership.

Member Sweeney believes a lot of redundancy occurs in the environmental arena. He asked if the GIS could be used to eliminate some of this repetition. Ms. Fox believes the tools are available to address that concern and said staff is working on better communication of data.

Member McClure asked if GIS is only a surface tool, or if it can be utilized for buried utilities. Ms. Fox responded that GIS can be used for underground utilities, but staff has not been profiling that data. She plans to work closely with the Division of Highways on its needs, such as buried utilities, and expand GIS's role in the identified areas.

Transportation Planning Administrator Charlie Rountree said the intent is to have GIS be a desktop tool for all ITD employees. There is so much potential and demand for GIS that the staff of eight is challenged to meet the existing needs and expand the services it provides.

Chairman Winder thanked Ms. Fox for the informative presentation.

Delegation – City of Nampa. Nampa Mayor Maxine Horn thanked the Board for the projects underway or included in the Statewide Transportation Improvement Program (STIP) in Nampa and the surrounding area. She praised the excellent working relationship that the City has established with the District and is proud of the partnership with ITD. She reported that the area is continuing to grow and traffic is a big concern. She asked the Board to consider improvements to the Franklin Overpass and to widen Garrity Boulevard. City Engineer Paul Raymond expressed appreciation for the recent Cement Recycled Asphalt Base project on SH-45, which he believes was an excellent partnership project, and also the 11<sup>th</sup> Avenue Underpass project, which is ready for construction.

Chairman Winder thanked Mayor Horn and Mr. Raymond for their comments and also expressed appreciation for the City's assistance on transportation projects and issues.

Delegation – City of Payette. Payette City Engineer Paul Stevens expressed appreciation to DE Lowe and her staff for the assistance they have provided to the City. He requested a traffic signal at US-95 and Iowa Street, improvements to 7<sup>th</sup> Avenue North, and realigning SH-52 to 10<sup>th</sup> Street and connecting SH-52 to US-95. Mr. Stevens said the County supports the realignment of SH-52. He said that Iowa Street needs to be widened, and needs turn lanes and bicycle lanes, but the city does not have enough money for these improvements. He requested the Board's assistance to upgrade this street. He also stated that there is a corridor study underway that the County and City of Fruitland are also involved with.

Chairman Winder encouraged Mr. Stevens to work with the Local Highway Technical Assistance Council on the city's transportation concerns, particularly funding improvements to Iowa Street. DE Lowe added that the STIP includes a project to realign SH-52.

City Council Member Becky Thompson also emphasized the need for a traffic signal at US-95 and Iowa Street. In response to Chairman Winder's question on a traffic study, DE Lowe replied that a traffic study was completed several years ago, but the District

would perform another study. Chief of Police Les Cochran also supported the traffic signal. He mentioned that traffic has been increasing in the area, creating safety concerns.

Chairman Winder thanked the officials for their remarks and encouraged them to continue working with DE Lowe on their transportation projects and concerns.

Member Blick left the meeting at this time.

Speed Zone Changes by City Ordinances. Traffic Engineer Lance Johnson reported on the speed limit changes by 14 cities that have gone against the recommendations of the Department. On average, he said drivers travel two miles per hour (MPH) faster than the state-posted limits, and seven to eight MPH faster than the city-established limits. Drivers travel at speeds they consider reasonable, prudent, and safe. He added that the impact of law enforcement was not investigated.

Member Miller asked if the speed limit information and accident data could be correlated. Mr. Johnson believes that can be done and will pursue that.

Chairman Winder thanked Mr. Johnson for the report.

Contract Awards. Member McClure made a motion to approve the bid on IM-86-2(019)36, key #7121, I-86, Rockland Interchange to Igo Interchange, Power County, District 5, to the low bidder: H-K Contractors, Inc., Idaho Falls, Idaho - \$4,948,501.84. Member Miller seconded the motion and it passed unanimously.

The low bid on project SBID-2001(3), key 8514, Northwest Passage Scenic Byway, Kooskia Main Street, Idaho County, District 2, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was based on the Average Unit Bid Price Report and historical data from previous similar projects within the District. The bid prices for the Item for Illumination Type 2 reflects the majority of the difference. The District bid this project in part two years ago, and the bid results

received were high and the bids rejected. A portion of the project requires the contractor to complete a project left unfinished by the city that may have caused some uncertainty, thus resulting in the higher bid results. The utility company has already received approval to proceed with the required utility adjustments for this project. Award of this contract will coordinate with the removal of the existing streetlights and the completion of the installation of the new system in a timely manner. Staff does not believe that readvertisement would result in a lower price and recommends awarding the contract.

Vice Chairman Combo made a motion to approve the contract for SBID-2001(3), key #8514, Northwest Passage Scenic Byway, Kooskia Main Street to the low bidder: Arnzen Building Construction, Inc., Cottonwood, Idaho - \$69,915.77. Member McHugh seconded the motion and it passed unopposed.

New Business. Chairman Winder informed the Board that he received a copy of a letter from James Hall, Director of Boise Parks and Recreation, to FHWA commending FHWA staff for the assistance it provided with the Oregon Trail Historic Reserve Park.

Chairman Winder mentioned a conference next month in Caldwell on the challenges rural Idaho is facing. He plans to attend one day, but has a conflict the second day. He suggested someone from ITD attend, as well as other Board members if they are interested.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:45 AM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

November 15, 2001

Boise, Idaho

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SPECIAL VISIONING SESSION AND

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

September 19-20, 2001

The Idaho Transportation Board met at 8:30 AM, on Wednesday, September 19, at the Idaho Transportation Department, Boise. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Steve Moreno, Division Administrator – Federal Highway Administration

Chairman Winder asked the Board to observe a moment of silence in remembrance of those who lost their lives in the September 11 terrorist attacks in the eastern United States. He thanked the Board members for attending the visioning session and said the



focus of the session is on the future needs of and vision for the transportation system. Chairman Winder also thanked Marsha Bracke for facilitating the work session.

Metropolitan Planning Organizations (MPOs). Transportation Planning Administrator (TPA) Charlie Rountree provided a history on the establishment and evolution of MPOs. He said some qualities of well-functioning MPOs are an active policy board, an established role within the community, involvement from the state transportation department, transportation plans that are implemented, and public involvement. Idaho currently has three MPOs, however, TPA Rountree believes the new census figures will establish three or four new MPOs. Vice Chairman Combo questioned the membership of the Bonneville Metropolitan Planning Organization (BMPO). He believes public transportation and aeronautics should be represented on the policy board and asked staff to review BMPO's bylaws and membership.

Transportation Management Areas (TMAs) are urban areas with a minimum population of 200,000. TPA Rountree believes Boise will be designated a TMA. He said the state is a prescribed member of a TMA. That member could be a District Engineer or a Board member. He also briefed the Board on funding and stated that if new MPOs are created, the state would not receive additional funding for the MPOs. Director Bower added that the Board established the funding distribution for the STP-Urban Program, of which the MPOs participate, and suggested it may be timely to revisit that policy.

In response to an earlier question on ITD's involvement on MPO policy boards, CE Ross stated that the Department is not a voting member on any of the MPO policy boards. Because a TMA would require that the Department be a voting member, he recommends that all District Engineers be voting members on MPOs. The Board requested a future discussion on the Board's role with and involvement in MPOs and TMAs.

Long-Range Transportation Plan. Intermodal Planning Manager Patti Raino elaborated on the process staff has undertaken to update the Long-Range Transportation Plan. The document's content would include the vision, ITD principles and why they are valuable to the state, challenges, integration and context of all plans, and a general description of what the future holds and how ITD will work to address it. It was suggested to keep the stakeholders, particularly the local public agencies, involved and informed of these efforts. (See later minute entry.)

Reaches Concept. CE Ross reported that staff has been working on the “Reaches” concept. He said a Reach is a high priority segment of highway significant for moving people and goods. Improvements have been made to a Reach, so additional projects are planned to provide continuity to the system and complete improvements to that area. A map identifying the 44 Reaches, with projects totaling \$2.5 billion, was distributed. In response to Chairman Winder’s question on funding, CE Ross acknowledged the funding constraints. Chairman Winder suggested the Reaches may be justification to approach the Legislature for additional funding, but emphasized that the Department needs to ensure it is operating efficiently before it seeks additional revenue.

Vice Chairman Combo questioned the Department’s response to the diverging curve of needs versus funding. He suggested informing the Legislature now of the transportation needs in the state, but to request additional funding in the future. CE Ross emphasized that the Department will continue to maintain and preserve the current highway system, but questioned what needs will be unmet if additional revenue is not obtained. If the Reaches concept is approved by the Board, TPA Rountree believes the Reaches should be presented to the public for input and support.

Chairman Winder commended staff for the Reaches concept and document. He believes it will be a valuable planning tool. He suggested developing a coalition to secure additional funding and also recommended asking the local public agencies for input on the Reaches, as this concept also impacts and is important to the local system. Director Bower informed the Board that an internal team is reviewing and researching funding sources, but will not have a recommendation to the Board for some time. He would like to develop a package with the Department’s various needs and funding constraints to take to the Legislature in the future. Mr. Moreno suggested that this package focus on commerce. The economic importance of each Reach should be identified, such as an important tourist corridor or a farm to market road.

The consensus of the Board was to have staff start prioritizing the projects identified in the Reaches and to start educating the Legislature, local public officials, and public on the Department’s needs and funding constraints. (See later minute entry.)

Pavement Conditions. Planning Services Manager Gary Sanderson provided an overview of the pavement conditions by District from 1994 through 2000. The current pavement deficiency level is 18%, however, the number of lane miles being improved is decreasing while the deficient pavement conditions are increasing because the buying power of the

\$31 million committed to pavement rehabilitation in 1994 has decreased over time. Member McClure suggested indexing the \$31 million to reflect inflation costs.

Mr. Sanderson also reported that it would cost \$88 million to achieve a deficiency level of 15% in one year. In addition to the annual \$31 million committed to pavements, it would cost \$23 million more to maintain a 15% deficiency level. To reach a 10% deficiency level would cost \$212 million and would require an additional \$47 million annually to maintain that level.

Vice Chairman Combo questioned programming more expensive projects that may have a longer life, such as the cement recycled asphalt base projects. Member McClure asked if staff has reviewed the average daily traffic (ADT) on the roadways to determine if the highways with poor or very poor pavement conditions are low-volume roads. Staff has not looked into that issue, but will review the ADT. Assistant Chief Engineer – Operations (ACE-O) Greg Laragan reminded the Board that the state's gravel roads are included in the very poor pavement category. Although there are only about 20 miles of unpaved roads on the state system, the majority of those roads are in District 2 and those miles impact the pavement statistics for that District.

The consensus of the Board was that a pavement deficiency level between 15 and 20% is realistic and should be the Department's goal.

Bridges. CE Ross summarized ITD's emphasis on bridges. Staff is focusing on structural deficiencies, which include restrictions due to load capacity, width, or height; deck conditions; and deck repairs. Funding for these three categories is approximately \$15.5 million annually. He believes this program is sufficient to preserve and maintain the state's structures.

Alternate Routes/Bypasses. Because Member Sweeney believes the Board's charge is to provide for commerce and to move traffic efficiently and safely, he supports alternate routes around cities. He questioned ITD's signing policy. He mentioned that Washington provides numerous signs, including logo signs, along its two-lane highways and suggested more signs in Idaho would be beneficial, particularly along alternate routes. Staff will provide information to the Board on signing.

Member Sweeney questioned the Department's criteria for bypassing communities. ACE-Development Steve Hutchinson reported that the extensive public involvement process often determines whether alternate routes are constructed. The decision is usually based on a community's desire. CE Ross mentioned that a number of alternate routes were constructed in District 2 in the mid 1970s because the District Engineer at that time was a strong advocate for alternate routes, the Department did not have an extensive public involvement process at that time, and ITD did not need a local jurisdictions' concurrence to relinquish state highways.

Member McClure asked if an effort should be made to inform communities of the benefits of alternate routes, such as safety and eliminating through traffic from town. He added that signing and access are important aspects of alternate routes. Chairman Winder suggested looking at the volume and destination of the traffic. As part of that process, Member Miller recommended broadening the public involvement process to include through traffic and truckers from outlying communities.

Member McHugh supports a policy that alternate routes are to be considered when new construction projects are programmed and designed. Member McClure concurred, but added that assistance, such as signing or access, needs to be provided to the community. He also asked if ITD or other states have identified criteria for designating alternate routes. Director Bower suggested that alternate routes be based on the facilities' goal. If the facility is a controlled access highway designed to move traffic efficiently and expeditiously, then alternate routes should be pursued. Chairman Winder asked staff to identify major economic routes where the main function is to move people and goods, such as US-95 and US-30, and to consider constructing alternate routes on those highways, whenever feasible.

Corridor Preservation and Funding. Member Miller expressed support to preserve corridors for future projects and to develop a funding source for that effort. He referenced an earlier report to the Board on Utah's corridor preservation revolving loan fund. The Utah Legislature appropriated \$15 million from the General Fund to establish this fund. Member Miller suggested proposing legislation next year for corridor preservation and money from the General Fund as a revenue source. Because the Governor's Office has already approved ITD's legislative package for 2002, corridor preservation is part of the Reaches concept, and staff is reviewing various funding mechanisms, Director Bower proposed compiling a comprehensive package with these various issues and presenting it to the Legislature at a future time. The Board expressed general support to pursue corridor preservation and to start informing the Legislature of this concept, along with the other needs and issues the Department is facing.

Innovative Financing - Grant Anticipation Revenue Vehicles (GARVEE). DAG Bywater researched the framework required to issue GARVEE bonds in Idaho. These bonds allow states to use federal highway grants to pay the principal, the interest, the cost of bond insurance, and other costs incidental to the sale of an eligible debt financing instrument. He outlined four possible options to enable the issuance of GARVEE bonds in Idaho. The Board was receptive to exploring legislation authorizing the Board to issue GARVEE bonds in anticipation of future federal highway grants. This legislation would likely require judicial review prior to receiving the approval of bond counsel.

Because the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) will expire in 2003, Director Bower suggested presenting the Legislature with a funding package in 2004, after passage of the transportation reauthorization bill.

Update on Aviation. Aeronautics Administrator (AA) Bob Martin was asked to give the Board an update on aviation issues. Last week's terrorist attacks had a big impact on aviation and the economy, although the economy was already weakening. The commercial airlines were out of service for several days due to security issues, and current plans are to reduce the commercial air service nationally. These events have impacted and may continue to impact the sale of aviation fuel in the state, which in turn affects the Division's revenue. AA Martin said that business in the cargo freight and corporate aviation arena has increased, partly because of the changing economic conditions.

Director Bower reported that the Division of Aeronautics had to cut 2% from the General Fund monies it received, due to holdbacks that Governor Kempthorne directed in response to the lower than projected revenue to the state. He added that the Governor did not mandate a 2% cut for dedicated funds, however, ITD's revenue is also below projections, so staff is looking at internal holdbacks.

Chairman Winder thanked AA Martin for the timely report.

WHEREUPON the meeting recessed at 4:10 PM.

September 20, 2001

The Board met at 8:30 AM at the Transportation Department in Boise for a pre-meeting review of the agenda. All members were present. Chairman Winder officially called the meeting to order at 8:35 AM.

August 15-16, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member McHugh, to approve the minutes of the Board meeting held on August 15-16, 2001 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

October 11-12, 2001 – District 3

November 15-16, 2001 – Boise

December 13-14, 2001 – Boise

Consent Calendar. Member Blick made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves relinquishment of a former portion of SH-25 in Rupert,

TB01-56 District 4; deletion of Board Policy B-05-33, Prohibited Signs and Other Right-of-Way Encroachments on State Highways; speed minute entry changes, SH-27, District 4; and speed minute entry changes, SH-75, District 4; and has received and reviewed the contract award information; the new and supplemental professional agreements report; and the July financial statement analysis.

1) Relinquishment of a Former Portion of SH-25 in Rupert, District 4. A Road Closure and Maintenance Agreement between the City of Rupert and the Transportation Department dated June 6, 2000 removes a portion of SH-25 from milepost 50.857 to 51.067 from the state highway system upon completion of the Cameron's Corner project. The new facility was opened to traffic in July. The official minute relinquishing ITD jurisdiction of the former highway section to the City of Rupert, Canal Company, and Eastern Idaho Railroad is shown as Exhibit 247, which is made a part hereof with like effect.

2) Deletion of Board Policy B-05-33, Prohibited Signs and Other Right-of-Way Encroachments on State Highways. Last month the Board approved combining all access control and encroachment information into Board and Administrative policies B- and A-12-01, State Highway Access Control. At that time, the Board also approved deleting some policies that were no longer needed. B-05-33 was inadvertently missed and should also have been presented for deletion at that time.

3) Speed Minute Entry Change, SH-27, District 4. The District conducted an engineering and traffic investigation on SH-27 from milepost 17.3 to 19.8 south of Burley. This segment of highway has 2-foot shoulders, numerous approaches, and no turn lanes. For safety reasons, staff recommends decreasing the speed limit in this area. The existing 45 mile per hour (mph) zone will be lengthened 1.15 miles, from mileposts 18.7 to 20.242, and the existing 55 mph zone will include mileposts 17.276 to 18.7.

4) Speed Minute Entry Change, SH-75, District 4. Staff conducted an engineering and traffic investigation on SH-75 between mileposts 187.5 and 190.6. The road is curvy

with sight restrictions and motorists are leaving and entering the highway at low speeds. For safety reasons, the District recommends decreasing the speed limit from mileposts 187.465 to 189.199 from 65 mph to 55 mph south of the Stanley city limits.

5) Contract Award Information. Key #8416, Notus West City Limit to Junction I-84, US-20/26, District 3. Low bidder: Snake River Construction, Inc. - \$93,165.

Keys #7930 and #8245, SH-25, Rupert Streets, and SH-27, Burley to Junction SH-25, Paul, District 4. Low bidder: Emery, Inc. - \$212,045.

Key #8154, US-95, Granite Hill, District 1. Low bidder: Poe Asphalt Paving, Inc. - \$1,972,378.

Key #8114, SH-36, Bear River Bridge, West of Preston, District 5. Low bidder: Cannon Builders, Inc. - \$288,680.

Key #6312, US-91, Redrock Overpass to Downata, District 5. Low bidder: Western Construction, Inc. - \$1,881,954.

Keys #8301 and #6963, 5<sup>th</sup> Avenue, Sandpoint, District 1. Low bidder: Interstate Concrete and Asphalt Company - \$3,580,602. Because of the urgency to award this contract, Board approval was received on September 4.

6) New and Supplemental Professional Agreements Report. From August 1 to September 5, the Consultant Administration Unit processed \$4,985,825 in new and supplemental agreements.

7) July Financial Analysis. Revenue from the Highway Distribution Account was below projections, however, Federal Aid revenue, and revenue in the State Aeronautics and



Aircraft Operations Funds were above projections. Expenditures were below forecast in all areas except capital equipment and aircraft operations.

Surface Transportation Program (STP) Urban Committee Memorandum of Understanding (MOU). A Board policy was developed in 1999 to establish an equal partnership between ITD and local agencies in the selection, funding, and delivering of projects in the Highway Development Program. The policy states that the local entities will share increases and decreases in federal apportionments. It also clarifies fiscal constraints associated with the use of federal funds, pools STP-Urban funds, and authorizes the MPOs and the Local Highway Technical Assistance Council (LHTAC) to identify and recommend projects for final selection by the Board.

Under this new partnership, the MPOs have established an STP Urban Committee to address the distribution of STP-Urban funds. An MOU has been composed to set forth a model for interagency cooperation in full support of Board Policy B-11-04, Allocation of Surface Transportation Program Apportionments to Local Public Agencies. The MOU is a direct result of the Committee participants' successful cooperation over the last two years to ensure that STP Urban funding is effectively utilized for worthwhile local agency projects. The MOU supports the final authority of the Transportation Board to select projects, and has been signed by the Community Planning Association of Southwest Idaho (COMPASS), the Bannock Planning Organization, and the Bonneville Metropolitan Planning Organization.

Member McHugh asked for clarification on the Committees' role and LHTAC's involvement. LHTAC Administrator Joe Haynes said the Committee was a result of the 1997 Planning Task Force that recommended LHTAC represent all of the cities in Idaho that are not part of an MPO. The four groups on this Committee review the STP-Urban Program and provide recommendations to the Board for funding projects. He believes it is a positive method and is working well.

Vice Chairman Combo made a motion to authorize Chairman Winder and Director Bower to sign the Memorandum of Understanding with the Surface Transportation Program Urban Committee regarding the interagency cooperation for the STP-Urban Program. Member McClure seconded the motion and it passed unanimously.

Quarterly Report on Legal Actions. A summary of legal cases disposed of by the Legal Section between July 1 and September 1 and a status of current legal cases were presented. The Board asked for additional information on some cases.

Member McHugh made a motion to accept the quarterly report on legal actions. Member Blick seconded the motion and it passed unopposed.

Board Items. Chairman Winder shared concerns he received regarding traffic control at the intersection of SH-55 and old highway 17, the Banks to Lowman highway, during the Labor Day weekend. District 3 has been providing traffic control at that location during major holidays due to the high volume of traffic. Chairman Winder said some motorists have expressed their appreciation for the traffic control, however, they have requested that preference be given to traffic on SH-55, and less time should be provided to traffic entering SH-55 from old highway 17. He asked staff to look at alternatives and determine if changes should be made.

Member Blick relayed a constituent's concern. A trucker was traveling on a local road, approaching a state highway, when the traffic signal changed to a red light so fast that the driver barely had time to stop the truck at the intersection. Director Bower reported that the timing on the amber light could be lengthened. Member Blick will inform staff of the location of the intersection of concern.

Member McHugh reported that the Spokane light rail project is progressing well. Most of the right-of-way has been acquired, and Washington has secured funding for preliminary engineering. The light rail system is scheduled to be operational by 2008. Plans are to extend the system to Coeur d'Alene in the future, and Spokane has offered assistance to Idaho to study the proposed extension. The estimated cost of the study is \$350,000.

Director's Items. Director Bower reported that the Department held a memorial service at Headquarters last week in remembrance of the tragic terrorist attacks on our nation. He relayed the employees' concern for the victims and the outpouring of assistance and care, and mentioned that a record number of employees gave blood in response to this tragedy.

The Department has submitted a plan to Governor Kempthorne regarding the 2% budget reduction for General Fund money. Although Director Bower mentioned yesterday that the Department's revenue is also below projections, he reiterated that budget reductions for the dedicated funds are also being identified.

Director Bower informed the Board that Mary Peters, former Director of the Arizona Department of Transportation, has been nominated as the Federal Highway Administrator. Her Senate hearing has been postponed indefinitely because of the recent terrorist attacks. Director Bower is on an American Association of State Highway and Transportation Officials team that will provide Ms. Peters with high priority issues that should be a focus of her administration.

Director Bower was pleased to announce the appointment of Dave Tolman to the ITD Controller position. He also reported that Kathy Chase has been selected as the Purchasing and Materials Manager.

Director Bower reported on the recent ribbon-cutting ceremony for the US-95, Moscow South Couplet and Sweet Avenue projects. He thanked Chairman Winder, and Members McClure and Sweeney for attending the ceremony, and added that Governor Kempthorne and Lieutenant Governor Riggs were also present. He thanked the Public Affairs staff for its planning and coordination efforts for the ceremony.

On October 1, Director Bower, CE Ross, and Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar will meet with Representative JoAn Wood and Senator Evan Frasure to discuss various issues and challenges the Department is facing. A meeting has also been scheduled with the Shoshone-Bannock Tribes on the 1<sup>st</sup> in an effort to improve relationships.

Director Bower also reported that the Requests for Proposal to install fiber optics along I-84 and I-90 have been reviewed. The review panel has selected Syringa for the I-84 corridor and Touch America for I-90. Negotiations are underway with Syringa, but that process has not started for Touch America yet.

Chief Engineer's Items. CE Ross informed the Board of a claim for damages to a pickup truck in the Preston vicinity. It is believed that material placed on the state highway damaged the vehicle. The use of this new core slag material has been suspended.

CE Ross provided a brief history on magnesium chloride, which ITD has been utilizing for approximately 12 years. Some concerns have been expressed to the Department on the use of magnesium chloride. ITD will continue to apply this material, but will not expand its use until the ramifications and effects are reviewed and calculated. Staff will also seek additional information from other states on the benefits and trade offs of magnesium chloride.

Vice Chairman Combo told the Board that District 6 staff and he met with Representative Wood and Idaho Falls businessmen recently to discuss the use of magnesium chloride and to hear their concerns on this material.

CE Ross was sorry to inform the Board of a fatal accident at the I-15, Utah State Line to Deep Creek, construction site. Two contractor's employees were killed. Although it was the contractor's equipment and employees involved in the incident, the District safety representative is investigating the accident, along with the State Police and Occupational Safety and Health Administration.

Next week, the bids on the 11<sup>th</sup> Avenue Underpass project in Nampa are scheduled to open. Because of the urgency to award the project and commence construction, CE Ross stated that it is staff's intent to poll the Board for approval to award the bid.

Employee Service Awards. The Board participated in the Employee Service Awards, with Member Blick providing comments on behalf of the Board.

Draft Legislation for 2002. BPIRM Detmar reported that the Division of Financial Management has reviewed the Department's legislative proposals for 2002 and approved proceeding with the development of draft legislation. The draft legislation is to be submitted to the Governor's Office on October 1. She reviewed the legislation related to commercial drivers license compliance, construction danger zone, and right-of-way appraisal waiver.

Member McHugh made a motion to pursue changing the fine for speeding in construction zones from an enhanced penalty to an increased fine. Member McClure seconded the motion.

Member McClure expressed concern for the ITD employees and contractors who work along the highways in construction zones. He believes this is a safety issue and supports an increased fine.

Member Blick asked what it would cost to change the signs to reflect this proposal. ACE-O Laran believes the costs would be minimal because the change could be completed with an overlay rather than manufacturing and erecting new signs.

Member Miller also expressed support to increase the fines, as it may help improve the safety area for construction personnel. Vice Chairman Combo reminded the Board that it expressed support to double the fine earlier this year.

Member Blick made a substitute motion to pursue legislation to double the fines for speeding in construction zones. Member McClure seconded the motion.

Member McHugh stated his support to double the fines. He added that both Montana and Washington have double fines, so this legislation would be consistent with those states.

The motion passed unopposed.

Member McClure made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Governor's Office has requested that State agencies submit proposed 2002 legislation to the Division of Financial

TB01-57 Management for review and approval; and

WHEREAS, the Idaho Transportation Board at the July 12, 2001 meeting approved the 2002 “Legislative IDEA Submittal Forms” as to concept and authorized ITD staff to develop draft legislation for review and approval, prior to submission to the Division of Financial Management.

*NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves submittal of the “Legislative Proposal Forms” containing the proposed draft legislation to the Division of Financial Management.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (d), Idaho Code. Member Sweeney made a motion to meet in executive session at 1 PM to discuss a personnel matter and consider exempt records. Member Blick seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussion on the personnel matter was an update on a discrimination complaint. The general tenor of the discussion on records that are exempt from public inspection regarded the quarterly report on legal activities. The Board came out of executive session at 1:30 PM. No decisions were made.

Delegation – Idaho Tax Commission. Commissioner Duwayne Hammond reported that the fuel tax evasion efforts have exceeded the performance goals. Through August 31, 2001, the Commission has spent \$110,178 and recovered \$650,337 in previously unreported fuels taxes. This is a recovery rate of 5.9 to 1. Additionally, the Commission has \$329,351 in uncollected fuels tax assessments, which will be reflected in next year’s recovery statistics.

Commissioner Hammond requested \$77,000 in FY02 from the STP Program to continue the efforts to reduce fuels tax evasion and revenue losses to the Highway Trust Fund. He also briefed the Board on the Goodman Oil case. The Tax Commission will appeal the case to the U.S. Supreme Court. Other states have expressed an interest in joining the case.

Chairman Winder thanked Commissioner Hammond for the informative report and thanked the Tax Commission for its continued efforts in the fuel tax evasion arena.

Recommended FY02-06 and Preliminary Development Highway Development Program. Highway Programming Manager (HPM) Amick reviewed the Highway Funding Plan and Available Funding with Match versus Programmed Projects report. He informed the Board of the estimated Congressional appropriations for FY02 and reported that ITD will receive \$1.46 million in FY01 redistribution authority. Although the Board received the proposed FY02-06 program sheets earlier, HPM Amick distributed a revised Program with updated project information.

HPM Amick also emphasized that staff worked closely with the MPOs and LHTAC in developing the balanced Program. He commended the players, including his staff, for their hard work and efforts on the Program.

Director Bower said the draft Program includes two landscaping projects for I-184, Wye Interchange, keys #H303 and #H304. COMPASS has not approved those two projects in its Metropolitan Transportation Improvement Program (MTIP), and Director Bower reminded the Board that the MTIP must mirror the Statewide Transportation Improvement Program (STIP).

COMPASS Executive Director Clair Bowman stated that the Policy Board has requested additional information on the landscaping projects. He clarified that these two projects are scheduled for construction in FY06 and Preliminary Development and FHWA requires that the first three years of the MTIP and STIP be consistent. Because the COMPASS Policy Board would like additional information and time to consider the projects, Mr. Bowman encouraged the Board to include the two landscaping projects in the STIP.

HPM Amick mentioned that funding for consultant design is included in FY02, FY03, and FY04 for the two landscaping projects.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and

TB01-58 fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Division of Highways has recommended new projects and updated the costs and schedules for projects in the FY02-06 and Preliminary Development of the federal portion of the Highway Development Program; and

WHEREAS, the final recommended FY02-06 and Preliminary Development Highway Development Program was developed in accordance with all applicable federal requirements including adequate opportunity for public involvement and comment; and

WHEREAS, the final recommended FY02-06 and Preliminary Development Highway Development Program incorporated public involvement and comment whenever possible while maintaining a fiscally constrained Program; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of



future federal and state highway funding in comparison to the scope and costs of needed highway improvements.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the Recommended FY02-06 and Preliminary Development Highway Development Program, which is on file in the Office of Highway Programming, with the contingency that no funds are to be expended on the I-184 landscaping projects in District 3, keys #H303 and #H304 until the Community Planning Association of Southwest Idaho approves the projects and includes the projects in its Metropolitan Transportation Improvement Program; and

*BE IT FURTHER RESOLVED*, that staff is authorized to include the projects in the approved FY02-06 and Preliminary Development Highway Development Program in the FY02-04 STIP in accordance with the provisions of TEA-21.

Chairman Winder thanked HPM Amick and his staff for their expertise and efforts on the complex Highway Development Program.

FY02-06 STIP Approval. Ms. Raino recognized the three MPOs, all of which had representatives at the meeting, and thanked them for their continued efforts and coordination in updating the STIP. She mentioned the public involvement efforts for the STIP process and stated that the Board members received all of the comments submitted on the draft STIP earlier. She also stated that FHWA is aware of COMPASS's concerns with the I-184 landscaping projects and that the MTIP and STIP are not consistent at this time. She added that FHWA is willing to help resolve this issue.

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

RES. NO.        WHEREAS, the Idaho Transportation Department is required by 23 U.S.C. 134, 23 CFR, Part 450 and 49 CFR, Part 613 to develop a

TB01-59        Statewide Transportation Improvement Program (TIP); and

WHEREAS, the program contains a list of priority transportation projects to be carried out for the first three years of the STIP and is in conformance with the first three years of each Metropolitan Planning Organization's Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, the STIP is consistent with the Transportation Department's *Idaho Transportation Plan*; and

WHEREAS, the STIP, in nonattainment and maintenance areas, contains only transportation projects found to conform, or from programs that conform, to the requirements contained in 40 CFR Parts 51 and 93; and

WHEREAS, the STIP is financially constrained by year and includes sufficient financial information to demonstrate which projects are to be implemented using current revenues and which projects are to be implemented using proposed revenue sources while the transportation system as a whole is being adequately operated and maintained; and

WHEREAS, the STIP contains all capital and non-capital transportation projects proposed for funding under the Federal Transit Act; and

WHEREAS, the STIP contains all regionally significant projects requiring an action by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA); and

WHEREAS, the STIP contains sufficient descriptive material to identify the project or phase, estimated costs, amount of federal funds proposed to be obligated during each program year, proposed category of federal funds and source(s) of nonfederal funds for the first year and likely categories and sources for the second and third years, and identification of the agencies responsible for carrying out the projects; and

WHEREAS, the STIP, in the first year, includes only those projects that have been selected in accordance with federal project selection requirements for non-metropolitan areas; and

WHEREAS, the STIP was developed in accordance with all applicable federal requirements including adequate opportunity for public involvement and comment.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the FY02-06 STIP for all modes (aeronautics, bicycle/pedestrian, highways, public transportation, and rail) as well as Highway Safety, the Metropolitan Planning Organizations' Metropolitan Improvement Programs as mirrored in the STIP, and Statewide Projects. Any changes approved at the September 19-20, 2001 Idaho Transportation Board meeting will be included in the recommended STIP; and

*BE IT FURTHER RESOLVED*, that the Board approves the transmittal of the recommended FY02-06 STIP to the FHWA and FTA for their review and approval.

Chairman Winder thanked the MPO representatives and other interested parties for attending the meeting.

New Business. Member Sweeney made a motion to approve the Reaches concept and have staff move forward with the development of the Reaches. Vice Chairman Combo seconded the motion, and it passed unanimously.

Without objection, the Board supported the concept for and the outlined process to revise the Long-Range Transportation Plan.

Vice Chairman Combo requested a discussion at a future meeting on the district targets and the current three-pronged approach for funding.

Director Bower mentioned that he will be out of the office tomorrow and all next week. CE Ross will be the acting director in his absence.

Impacts of a US-95, Worley Alternate Route, District 1. District Engineer Scott Stokes provided an overview of the US-95, Mica to Worley project, focusing on the alignment alternatives in and around Worley. He outlined the four Worley options and reported that the current plans are to improve US-95 through Worley at an estimated cost of \$5 million. He added that if other alignments were chosen, the project would still include improvements to US-95 in Worley. He informed the Board that there is an existing school along US-95, however, the City is planning to relocate the school, but at this time, that location has not been determined.

Some discussion was held on the feasibility of changing the alignment of US-95 to skirt the city. Member Sweeney would like US-95 from Coeur d'Alene to Lewiston to have limited access and be a major thoroughfare for moving people and goods. However, he added that an alternate route should not be identified for Worley until the location of the new school has been determined. Chairman Winder suggested improving US-95 in Worley now as an interim measure, and programming an alternate route in the future. Member Miller questioned the feasibility of ending the current project north of Worley and developing a project from north of Worley to south of Plummer. Member Blick expressed concern with improving the highway through Worley now because he believes it would be more difficult to justify expenditures for an alternate route in the future if the highway is improved through Worley now.

CE Ross reminded the Board of the 44 Reaches that staff has identified as important needs. With the limited funds available, he does not believe a Worley to Plummer project would be funded in the near future because of higher priorities in the state. Director Bower added that a portion of US-95 from Worley to Plummer has been improved. He discouraged ending the US-95 improvements north of Worley at this time because that would leave a segment, approximately 1½ miles in length, of unimproved highway while improvements to the portion of US-95 in Worley are being contemplated.

The consensus of the Board was to improve US-95 through Worley with staff to consider tapering the highway approximately ½ mile north of Worley to accommodate a future alternate route. Chairman Winder thanked DE Stokes for the informative presentation.

Member McHugh left the meeting at this time.

Report on Speed and Collision Rates. Traffic Engineer Lance Johnson provided a history of speed limits and reported on the 2000 speed and collision rates. Some of the findings include non-interstate routes have the highest collision rates; non-interstate routes have the highest fatality rates; urban interstates have the greatest ADT; and non-interstate routes have the greatest vehicle miles traveled. He also reported that collision rates are higher in areas posted with lower speed limits and the greatest percentage of speeding occurs on non-interstate routes.

Mr. Johnson stated that no widespread changes in speed limits are recommended. In the future, he would like to change the report to include district reports with trends, pace data, four years of data, and commercial vehicle information. The Board had no objections.

Chairman Winder thanked Mr. Johnson for the report.

Administrative Rulemaking – Temporary Permits. The 2001 legislature passed two bills affecting the issuance of temporary permits, according to Port of Entry Manager Alan Frew. Earlier, the Board approved changes to IDAPA 39.03.81, however, additional changes are needed to this rule to define the terms “Single Vehicle” and “Combination of Vehicles”, and clarify permit requirements.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Legislature acted to provide increased fees and extend the duration of temporary permits; and

TB01-60

WHEREAS, the Idaho Transportation Department is authorized to issue temporary permits to qualifying vehicles; and

WHEREAS, the Idaho Transportation Board is authorized to promulgate rules governing the issuance of such temporary permits.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves additional changes made to Administrative Rule IDAPA 39.03.81 and directs staff to forward these modifications to the Department of Administration for timely publication.

Annual Report of the Dealer Advisory Board (DAB). DAB Chairman Ron Findley provided background information on the DAB and summarized some of the issues it is addressing. These include transitional ownership documents, in-dealership vehicle titling/ registration systems, legislation specifying when a lien must be paid on vehicles purchased or acquired as a trade-in by dealers, and salvage buyers license.

Mr. Findley thanked the Board for the opportunity to serve on the DAB and the good working relationship it has with ITD. He believes the DAB plays a valuable role.

Chairman Winder thanked Mr. Findley for the report and also for his service on the DAB.

New Business, Continued. Director Bower provided an update on Congressional activities. To provide assistance in the aviation industry, Senator Crapo is considering a sliding scale match ratio for airports. Congress is also looking at an economic stimulus package that would include more money for highway construction, probably through increased obligation authority. Director Bower also mentioned that Congress has approved a continuing resolution through October 16, and hopes to have an appropriations bill at that time.

WHEREUPON, the regular monthly Board meeting officially adjourned at 4:45 PM.

(original signed by)

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

October 12, 2001

Boise, Idaho

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REGULAR MEETING AND DISTRICT 5 TOUR

OF THE IDAHO TRANSPORTATION BOARD

August 15-16, 2001

The Idaho Transportation Board met at 10 AM, on Wednesday, August 15, at the American Falls Airport. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Ed Bala, District Engineer

Blake Rindlisbacher, Assistant District Engineer

Steve Moreno, Division Administrator – Federal Highway Administration

David Hahn, Budget Analyst – Division of Financial Management

Recognition of Power County Inmate Labor Group. Member Miller thanked the Power County Inmate Labor Group for its efforts in the Adopt-A-Highway Program. He commended Inmate Labor Deputy Milt Davidson for coordinating the cleanup of three different sections of highway in Power County, and presented him with an award for the group's outstanding service.

Delegation – Various Officials in Power County. American Falls Mayor Deborah Rudeen welcomed the Board to American Falls. She requested the relinquishment of the SH-39 Business Route to the City and Power County Highway District. The proposal includes installation of curb, gutter, and sidewalks by ITD before relinquishing the route. DE Bala reported that he has held discussions with American Falls officials on this proposal and added that the project, approximately 3/8 mile, would cost about \$600,000.

Power County Commissioner Jan Chapman thanked the Board for visiting the area. The County would like the guardrail replaced on I-86 in the American Falls area. DE Bala responded that the pavement rehabilitation project scheduled on I-86 from the Rockland Interchange to Igo will include new guardrail.

Steve Lusk, Power County Highway District Road Foreman, expressed appreciation for the Board's decision in June to allow the Highway District and other area local jurisdictions to participate in the Exchange Program and keep their currently-scheduled projects in the Statewide Transportation Improvement Program (STIP).

American Falls Airport Manager Gilbert Vasquez reported on plans to extend the turnaround area at the airport. He asked DE Bala if the Department might have extra fill available for the airport's project. He also asked to be notified when ITD has surplus equipment for disposal. DE Bala will work with Mr. Vasquez on the fill material and will add his name to the list to be contacted regarding surplus equipment. Mr. Vasquez



expressed concern with the lack of funding for the airport, particularly because it does not qualify for federal funds. He thanked the Board for the Airport Courtesy Car Program and emphasized the economic importance of the airport.

Chairman Winder thanked the officials for their remarks and said the Board will take the comments under advisement.

The Board departed American Falls via SH-39 north. DE Bala mentioned that the route is an important farm to market road. Due to the increased traffic, a corridor study is planned in the near future.

Delegation – City of Aberdeen. Aberdeen Mayor Morgan Anderson thanked the Board for visiting Aberdeen. He mentioned the increased truck traffic in the City and the resulting problems due to inadequate turning radiuses. He also expressed concern that the city streets are deteriorating because they were not built to handle the heavier truck traffic, and the City has insufficient funds to address this infrastructure concern. He questioned available funding sources.

DE Bala reported that he is working on a project to improve the SH-39 and Bingham Street intersection. The project, which will improve the turning radius for trucks, is tentatively scheduled for next summer. Director Bower suggested Mayor Anderson work with the Local Highway Technical Assistance Council (LHTAC) on possible funding options.

The Board members thanked Mayor Anderson for his comments and said staff will ask Joe Haynes, LHTAC Administrator, to contact him.

The tour continued north on SH-39. Near Blackfoot, several Bingham County representatives joined the Board as it viewed several area intersections. Dave Babbitt, Bingham County Public Works Director, elaborated on the concerns of the US-26 and Groveland Road intersection. A plant near that intersection produces water vapor, which, particularly in winter, creates fog. This fog reduces visibility, and along with the curve on US-26 near this intersection and the high volume of traffic, creates a safety concern. Mr. Babbitt requested a traffic signal at the US-26 and Groveland Road intersection.

Member McHugh asked if the factory could raise its stacks to eliminate or reduce the fog. DE Bala responded that he is working with them on this issue. The plant believes it could take some measures to alleviate part of this problem. In response to Member McClure's question on erecting warning signs such as "low visibility", DE Bala said the District has not explored that option yet, but will consider installing signs.

Delegation – Bingham County and City of Blackfoot. Mr. Babbitt reiterated the safety concerns at the US-26 and Groveland Road intersection caused by the fog, curve on US-26, and high volume of traffic. He also mentioned that the volume of traffic at the US-26 and SH-39 intersection is also creating safety concerns for traffic turning at that location or trying to cross US-26.

Member McHugh asked if the factory is liable for collisions at the US-26 and Groveland Road intersection when fog is the major factor. Mr. Babbitt replied that US-26 used to be on the south side of the plant. The highway was realigned to the north side. Since that realignment, the fog has been a problem. The fog did not interfere with traffic when the highway was on the south side of the plant. Mr. Moreno asked if all accidents are attributed to the fog problem. Mr. Babbitt responded no. Commissioner DeVaughn Shipley believes that the limited site distance is the major factor. Director Bower asked if removing the trees at that intersection would help. Commissioner Shipley does not believe so, as he thinks the curve is the problem.

Commissioner Wayne Brower believes the I-15 interchanges in Blackfoot are overloaded. When the Snake River flooded in 1997, damaging the infrastructure, an effort was made to construct an interchange north of Blackfoot, as part of the Rose Road overpass project. He believes an additional interchange north of the City would improve the area's east-west traffic. An interchange project would also relieve Blackfoot's downtown traffic.

Member Miller said the City cannot grow to the south because the city limits currently abut the reservation. Development has to occur at the north end. Commissioner Brower added that an I-15 interchange north of the City would also be beneficial if a regional airport is considered in the area. He asked the Board to consider this request in its planning efforts. Sandi Thomas, Executive Director of the Blackfoot Urban Renewal Agency, asked if the Rose Road overpass was constructed to accommodate a future interchange. DE Bala responded yes.

Mr. Babbitt concluded his remarks by thanking the Board for its decision in June to allow the County and other local entities to participate in the Exchange Program until their current projects in the STIP are obligated.

Ms. Thomas thanked the Board for recent projects in the Blackfoot area, and particularly for the greenbelt project. She elaborated on the City's downtown revitalization project, which will make the area more pedestrian friendly. Blackfoot Mayor Scott Reese thanked the Board for the Federal Aid Incentive Program, its assistance, and projects in the area. He reported that traffic backs up at the I-15 interchange on Bergener, or US-26. He requested a right-turn-only ingress and egress along Bergener east of the I-15 interchange. These approaches are requested on both the north and south side of the divided highway for easier access to and from the shopping centers in the area and also to alleviate the traffic at the Bergener and Parkway intersection. He added that DE Bala and his staff have been so good to work with and he appreciates the good working relationship the two entities have established.

Chairman Winder questioned the access along Bergener. DE Bala replied that he has not reviewed the access control issue along this portion of US-26. Mr. Moreno expressed concern that providing these accesses may degrade the traffic on this major highway and impede the safe, efficient flow of the traffic.

Chairman Winder thanked the County and City officials for their comments and for their efforts in the transportation arena.

The Board traveled north on US-91.

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Delegation – City of Shelley. Public Works Superintendent Rick Anderson relayed Mayor Hansen’s regrets for missing the meeting. Due to a family medical emergency, he was unable to meet with the Board. Mr. Anderson reported on the recently-completed New Sweden Road that connects to US-91. The City was disappointed that the Department had to delay its project to widen US-91. DE Bala explained that drainage concerns were identified late in the design of the project, resulting in the project’s delay. ITD asked the City for assistance with a turn lane project at the US-91 and New Sweden Road intersection. Mr. Anderson said the City is glad it can help the Department. DE Bala added that the project should begin next week and told the Board the District has an excellent partnership with Shelley. Mr. Anderson also expressed frustration with railroad issues and working with railroad officials. He mentioned a crossing that is very rough and needs to be improved, but the City has had difficulties scheduling a project. Director Bower told Mr. Anderson to work with DE Bala, as the District staff should coordinate railroad projects.

Chairman Winder thanked Mr. Anderson for his remarks, and for filling in for Mayor Hansen on such short notice.

The tour continued on the New Sweden Road, north on US-91, west on US-26, and south on I-15 to Pocatello.

WHEREUPON the meeting recessed at 4:25 PM.

August 16, 2001

The Board met at 8:25 AM at the District Five Office in Pocatello for a pre-meeting review of the agenda. All members were present except Member Bruce Sweeney. Member Miller mentioned a recent article he read in “Better Roads” regarding vegetation management. He believes good ground cover is being killed, resulting in the proliferation and growth of noxious weeds. He requested a future presentation on ITD’s vegetation management practices. The meeting officially convened at 8:30 AM.

July 11-12, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on July 11-12, 2001 as corrected. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

September 19-21, 2001 – Boise

October 11-12, 2001 – District 3

November 15-16, 2001 - Boise

Consent Calendar. Member Blick made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the revisions to Board Policies B-12-01, Right-of-Way

TB01-47 Use Permits, and B-12-15, Highway Access Control; the 2001-2002 winter maintenance standards; the new representatives to the Technology Transfer Center Advisory Board; the request for a supplemental agreement, District 2; and the request for a supplemental agreement, District 3; and has received and reviewed the contract award information; the new and supplemental professional agreements report; ITD Internship Program; the Motor Carrier Audit Unit annual report; Digital Driver License System Costs; the summary of FY01 out-of-state travel; the quarterly returned check report; and the FY01 year end financial analysis.

1) Revisions to Board Policies B-12-01, Right of Way Use Permits, B-12-15, Highway Access Control. The approval of the Access Management: Standards and Procedures for Right-of-Way Use and the associated governing rule, resulted in the need to revise the Department's policies regarding access control. The language in B- and A-12-01 and A-05-33, Prohibited Signs and Other Right-of-Way Encroachments on State Highways, is included in the new access management standards and procedures, so these policies are recommended for deletion. B- and A-12-15 were revised to coincide with the approved administrative rule and to provide a better reference to the new access control policy. These proposed changes consolidate the access management policies into one cohesive policy that is governed by the Administrative Rule IDAPA 39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way, and the new Access Management: Standards and Procedures for Highway Right-of-Way Encroachments.

2) 2001-2002 Winter Maintenance Standards. The Districts annually review the levels of winter maintenance. The reviews may include the determination of benefits versus costs of changing winter maintenance standards for each

section of highway, providing for continuity, and resource availability. There were no recommended changes from the 2000-2001 standards.

3) New Representatives to the Technology Transfer (T2) Center Advisory Board. Terry Bailey from Bannock County and James Saurbier from the US Forest Service have retired recently and vacated their positions on the T2 Center Advisory Board. Additionally, Richard Rolland, Director of the Northwest Tribal Technical Assistance Program has asked to be replaced on the Advisory Board. The T2 Center has notified ITD that the respective agencies request the following appointments to the T2 Center Advisory Board: Bonneville County Engineer Bill Manwill, US Forest Service Region Four Highway Engineer Robert Harmon, and Nez Perce Tribe Transportation Planner Ethel LeCornu.

4) Request for Supplemental Agreement, US-95, Genesee to Moscow, Stage 1, Key #7505, District 2. This High Priority project is scheduled for construction in FY02 for \$18,000,000. The alignment in the northern four miles of the project was revised and now requires more drill holes at deeper depths. This additional geotechnical work was not included in the original scope of work. The original agreement was for \$877,390 and one supplemental agreement has been issued for \$60,000. Staff is requesting a second supplemental in the amount of \$112,000 for this geotechnical work. This supplemental would bring the total agreement amount to \$1,049,390. Funds to cover this work are currently available within the programmed project.

5) Request for Supplemental Agreement, I-84, I-184 Wye Interchange, Stage 2, Key #5919, District 3. The estimated construction cost for this FY01 High Priority project is \$47,800,000. The current agreement amount, with supplements, is \$2,711,000. This is a complex project that must be compatible with the completed Stage 1 project. Review of Stage 1 resulted in design changes for Stage 2. The ramp alignments were reviewed to eliminate potentially unsafe weave movements, options for adding a lane at the westbound I-84 Cole-Overland exit were analyzed, and the vertical alignment was adjusted because the preliminary vertical alignment was not compatible with Stage 1.

Additional changes were made to the project during the environmental re-evaluation process. Air quality and noise studies had to be re-analyzed along with the designed lane configurations to ensure the designed capacity was adequate to meet the revised traffic projections. Extra work includes design of additional noise walls and related work, obtaining temporary easements for construction, and extensive public involvement with the property owners. Changes related to the drainage system, plus additions for landscape, intelligent transportation systems, an emergency services identification plan, options for staging the Wye project based on funding limitations, and support services for a constructability review were also necessary. Staff is requesting supplemental agreement number 4 in the amount of \$989,000 to complete this additional work.

6) Contract Award Information. Key #6545, Meridian Park and Ride Lot, District 3. Low bidder: Roberson Construction, Inc. - \$351,137.

Key #6631, US-95, Palouse River Bridge, Moscow, District 2. Low bidder: A & R Construction, Inc. - \$1,590,556.

Key #7356, SH-55, Horseshoe Bend South City Limits to Payette River Bridge, District 3. Low bidder: Idaho Sand and Gravel Company - \$682,048.

Key #7376, US-26, East Street to Lincoln Road, Idaho Falls, District 6. Low bidder: HK Contractors - \$778,068.

Key #7921, SH-55, Silver Bridge to Boise National Forest, District 3. Low bidder: Idaho Sand and Gravel Company - \$2,087,153.

Key #7938, Districtwide Bridge Repair, District 5. Low bidder: Cannon Builders, Inc. - \$528,685.

Key #8108, I-84, District Bridge Repair, District 4. Low bidder: Concrete Placing Company, Inc. - \$496,122.

Key #8457, US-20, SH-33 Interchange North, Rexburg, District 6. Low bidder: Penhall Company - \$239,681.

Key #7669, US-95 Bonner County Line to Naples, District 1. Low bidder: Interstate Concrete and Asphalt Company - \$1,403,792.

Key #7057, SH-25, K Canal to Milepost 18, District 4. Low bidder: Western Construction, Inc. - \$888,889.

Key #7717, SH-97, Arrow Point to I-90 Interchange, District 1. Low bidder: Interstate Concrete and Asphalt Company - \$839,441.

Keys #8517 and #8518, SH-97, Harrison to Milepost 86 and SH-54, Athol City Limits to Bayview, District 1. Low bidder: Idaho Sand and Gravel Company - \$452,174.

Key #7936 - SH-46, North Gooding to Johnson Hill, District 4. Low bidder: Idaho Sand & Gravel Company - \$301,651.

The low bid on keys #8301 and #6963, 5<sup>th</sup> Avenue, Sandpoint, District 1 was more than ten percent over the engineer's estimate. Staff rejected this bid.

The low bid on key #8216, US-95, Lewiston Hill Southbound Port of Entry, was more than ten percent over the engineer's estimate. Staff rejected this bid.

7) New and Supplemental Professional Agreements Report. From June 27 to July 31, the Consultant Administration Unit processed \$8,241,557 in new and supplemental agreements.

8) ITD Internship Program. The Internship Program continues to be beneficial to the Department by attaining high quality candidates for mission-critical areas in engineering, construction management, computer science, mathematics, and accounting/auditing. Current contracts exist with Idaho State University and Boise State University for the 26 positions. The University of Idaho (U of I) is finalizing a contract for state agencies to use in hiring interns. The projected costs for the FY02 agreements are \$515,047.50.

9) Motor Carrier Audit Unit Annual Report. FY01 has been a transition year from the auditing of use fee accounts throughout the United States and Canada to auditing Idaho International Registration Plan (IRP) and registration fee accounts. The first half of the fiscal year was devoted to auditing out-of-state carriers for use fee compliance. Over the nineteen years the use fee audit system was in place, 14,151 accounts were audited, with 69% being assessed additional taxes, penalties, and interest; 4% receiving refunds; and 27% given no change. The net amount assessed was \$19,540,801 at a net cost of \$6,437,299. The ratio of assessment to expenses is 3 to 1.

The second half of FY01 focused on the new registration fee audits, with 177 audits performed, resulting in assessments of \$48,608. Educating carriers has been an integral part of the audit program. Staff will continue to fine tune the registration fee audit program, fulfill ITD's obligation to other IRP members by conducting fair and impartial audits for all jurisdictions, and look for new ways to provide educational services to the carriers.

10) Digital Driver License System Costs. Cost analysis studies completed for FY99 and 00 indicate that driver-licensing programs have generally been self-supporting. However, a legislative change redirects revenue from the Highway Distribution Account to the Emergency Medical Services (EMS) Fund III for one-year, three-year, and eight-year licenses, effective July 1. Additionally, new cost considerations will be introduced with the implementation of the digital driver license system to be installed statewide between October and December 2001. A driver license cost/revenue projection has been prepared for FY02 incorporating growth factors, the redirected revenue to the EMS Fund III, and the higher digital driver license costs. It is projected that the cost per license will be \$6.99 with the projected revenue per license at \$6.47.

11) Out-of-State Travel. During FY01, 364 out-of-state trips were taken at a cost of \$246,006. This data does not include the direct reimbursement trips. The budgeted amount for out-of-state travel in FY01 was \$447,446.

12) Quarterly Returned Check Report. During the 4<sup>th</sup> quarter of FY01, \$23,099,084 in checks were received, while \$10,644, or 0.05%, were returned. Collections of returned checks equaled \$19,741 for an annualized collection rate of 82.16%.

13) Year End Financial Analysis. Overall, revenue in the State Highway Fund in FY01 increased 8% over FY00. The majority of the increase is attributed to revenue generated from weight distance tax, commercial registration fees, and non-commercial registration fees. This is believed to be a one-time revenue increase due to the transition from the weight distance tax system to the registration system. In the State Aeronautics Fund, the revenue increased 8% from the previous fiscal year, and although the aircraft pool revenue was behind the budget amount by 6.1%, revenue increased 25% from last year. All expenditures were within projected amounts.



Annual Account Write Off. ITD policy requires that all uncollectible accounts exceeding \$1,000 be reviewed and approved for write off by the Board. The Director or his designee reviews and approves for write off all accounts less than \$1,000. This year 172 accounts totaling \$54,574.03 have been determined to be uncollectible. The outstanding receivables are more than three years' delinquent and are the result of unpaid weight distance taxes, commercial carrier registration fees, Department assessed reinstatement fees and other miscellaneous fees. The Division of Administrative Services Administrator has approved the write off of 163 accounts totaling \$20,982.64. Staff is requesting Board approval to write off 9 uncollectible accounts receivable totaling \$33,591.39.

Member Blick questioned the statute of limitations. He also asked if all delinquent accounts are processed the same way, regardless of the dollar amount. Member Miller mentioned the Department's policy stating that customers are not allowed to do business with ITD until their deficiencies are paid. He noticed that one of the businesses with an account less than \$1,000 that Division Administrator Susan Simmons approved to write off is still operating in Idaho. Staff will look into these issues and report back to the Board.

Member Blick made a motion to approve the write off of the 9 uncollectible accounts in the amount of \$33,591.39, as shown as Exhibit 244, which is made a part hereof with like effect. Member Miller seconded the motion and it passed unopposed.

Board Items. Members McHugh and Miller reported on the recent Western Association of State Highway and Transportation Officials (WASHTO) meeting they attended. Member McHugh focused on an innovative finance session. He asked staff for a briefing on innovative financing, particularly on Garvee bonds, at next month's visioning session. Director Bower informed the Board a team is researching revenue sources. Member Miller elaborated on some of the various issues other states are facing, particularly in the financial arena. Overall, they thought the meeting went well and the sessions were informative.

As a follow-up to last month's discussion on the Board's Subcommittees, Member McClure believes three Board members on the Subcommittee on State Highway System Adjustments would be beneficial. Member McHugh suggested that when a road comes up for discussion in a non-Subcommittee members' District, that member attend the meeting as an ex-officio member. Chairman Winder said he will consider the future appointment of another member to this Subcommittee.

Chairman Winder summarized the Department's efforts to fund positions in resource agencies to help expedite ITD's projects. Although the Board does not fully agree with this method, it approved continued funding for this effort in June. Following that decision, one member communicated his frustration with this issue to the state's Congressional Delegation. Although Chairman Winder does not want to stymie the Board's expression or communication, he would like the Board to be united on this position and the course of action, if any additional action is taken.

Member McClure questioned pursuing this issue with Idaho's Congressional Delegation. He expressed concern with congressional efforts to utilize Highway Trust Fund revenue in areas that should be funded with General Fund money. If this issue is pursued, Vice Chairman Combo does not believe Idaho should be alone. A partnership should be considered with the American Association of State Highway and Transportation Officials or WASHTO. Member Blick concurred with Member McClure and also expressed frustration with various efforts to take money from the Trust Fund. Because of the importance to get the projects constructed, he suggested continued funding of positions in these resource agencies, but in the interim, to attempt to change the situation.

Member Miller reminded the Board that streamlining the environmental process was a component of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). He believes that issue is more important and should be explored further. Mr. Moreno added that his office intends to review the three resource agencies ITD is funding to determine the effects of the situation and whether the permits are being issued easier and quicker. He would like to measure the impacts of funding these positions.

For next month's visioning session, Chairman Winder asked the Board members to consider the "reaches" concept and develop a vision for the transportation system in their respective Districts. He also asked the members to be prepared to discuss the issue of alternate routes.

Chairman Winder welcomed Representative Kent Kunz to the meeting.

Director's Items. Director Bower provided an update on the federal appropriations bill, and emphasized the good relationship the Department has with Idaho's Congressional Delegation on this important issue. He believes the conference committee will convene after the recess. At this time, it appears that the obligation limitation on the formula funds will be approximately at the level that staff estimated.

The Department submitted a request for additional obligation authority to FHWA, along with a list of projects to be obligated if the additional funds were received.

Director Bower also attended the WASHTO conference last month and reported on some of the meetings he attended and participated in. He elaborated on discussions regarding other states funding positions in resource agencies and emphasized that the focus appears to be on the TEA-21 requirement to streamline the environmental process. He added that the aviation industry is experiencing similar problems with obtaining environmental clearances, which may result in a stronger effort to improve the process. Director Bower believes the meeting with the FHWA executive director went well. The focus of that meeting was the projects ITD would fund if additional obligation authority is received.

Director Bower said he will be out of the office early next week attending an executive committee meeting of AASHTO/American General Contractors (AGC)/American Road and Transportation Builders Association in Coeur d'Alene. Additionally, he will be in northern Idaho in early September for a Research Advisory Committee meeting.

Progress on the installation of the security system at Headquarters is progressing, according to Director Bower, although some problems have been encountered.

Director Bower informed the Board that the State Controller's office will be eliminating the paper pay stubs employees receive. If employees have direct deposit, they will now access the pay information electronically; however, if employees do not have access to a computer, they will continue to receive a hard copy of their pay stub.

Director Bower thanked Vice Chairman Combo for attending and participating in the recent groundbreaking ceremony for the Lolo Pass Visitor Center on US-12. He also expressed appreciation to Member McClure and Governor Kempthorne for attending the ceremony. He reported that the ceremony was very well done. Vice Chairman Combo commended the Public Affairs staff for developing and implementing an excellent program and the District 2 staff, particularly the area maintenance crews, for the assistance they provided to ensure the ceremony's success.

Director Bower provided an update on the status of installing fiber optic along the interstate right-of-way. The Request for Proposals are being reviewed, then will be presented to him for consideration.

Chief Engineer's Items. CE Ross informed the Board of ADE 2 Doug Moore's resignation. He will be assuming the position of Director of the T2 Center in Moscow.

Chairman Winder welcomed Senator Lin Whitworth to the meeting.

Delegation – Representative Kent Kunz. Representative Kunz thanked the Board for its time and efforts in the transportation arena. He provided a history of House Bill 269, Rail Service Preservation Program, which was approved this past year. The Department is responsible for developing or updating the State Rail Plan and prioritizing rail projects. Although funding for this program has not been identified, Representative Kunz will be the lead spokesman to fund this important program.

Chairman Winder asked Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar to elaborate on the Department's funding proposal. BPIRM Detmar summarized the FY02 budget supplement, requesting \$100,000 from the General Fund to start the process for this rail program. One of the first tasks will be to update the State Rail Plan and assess the rail needs statewide. A consultant may be needed to provide assistance with this. Representative Kunz said he will support ITD's supplemental request. He added that there has been some discussion on establishing a task force to provide guidance to the Board on this issue.

Chairman Winder thanked Representative Kunz for the presentation. He also expressed appreciation to both Representative Kunz and Senator Whitworth for their continued interest in and support for transportation.

FY03 Proposed Budget Request. BPIRM Detmar summarized changes to the FY03 budget request since the June workshop. Spending authority in the amount of \$350,000 from the General Fund will be requested for the Aeronautics program. These funds would be used as match for airport improvement projects. She provided an update on the Goodman Oil case. The Idaho Supreme Court has denied the petition for a re-hearing from the Idaho Tax Commission. The Commission intends to appeal to the US Supreme Court. Staff estimates ITD's current budget will be impacted by about \$750,000 in lost revenue, with an annual impact of approximately \$1 million. The Board suggested the Department work closely with the Tax Commission and be proactive in seeking solutions to this issue.

BPIRM Detmar emphasized that the biggest revenue source is fuel taxes, and stated that it is difficult to predict the estimated revenue with the revenue forecast model. She would like to wait until the first quarter of FY02 is over, then review that quarterly information, visit with other economists, and talk to the Tax Commission about the collection process, before establishing ITD's estimated revenue. Staff does not believe the trends are in sync with the collections, and does not want to base the budget on figures it is not comfortable with. Director Bower concurred and stated that the budget estimates will be presented to the Board in November.

At the June workshop, a breakdown of registration revenue by cars and trucks was requested. BPIRM Detmar reported that revenue from car and truck registrations is approximately \$25 million and \$28 million, respectively. Initially, ITD's FY03 budget request included 11 new full time equivalent (FTE) positions. However, the Governor's Office has since provided direction to keep FTEs to a minimum. The Department's current budget proposal includes three new FTEs; two for the Information Services technical support program, and a full-time pilot position. Chairman Winder asked staff to provide a history of the Department's FTEs since 1995 when the Interim Committee recommended the elimination of a number of positions. Along with that data, Member McClure asked for information on filled positions, as there are always a number of vacancies in the Department.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the FY03 Idaho Transportation Department Budget Request will be prepared in accordance with instructions in the Division

TB01-48 of Financial Management's Budget Development Manual; and

WHEREAS, the Transportation Board has reviewed the FY03 Budget Request Summary.

*NOW THEREFORE BE IT RESOLVED*, that the Transportation Board agrees with the budget request estimates as presented in the Department Summary and Certification, submitted for approval August 16, 2001, as shown in Exhibit 245, which is made a part hereof with like effect, and authorizes the estimates to serve as the basis for the budget request to be submitted to the Division of Financial Management and Legislative Services Office on or before August 31, 2001.

FY02 Office of Highway Safety Spending Plan. The Highway Safety Plan is performance driven and has measurable objectives, according to Highway Safety Manager (HSM) Jo Ann Moore. She emphasized that all of the recommended grants fall under the identified focus areas. The funding level of \$4.4 million is an increase from last year's Plan.

Member Miller said one of the WASHTO sessions addressed increased problems with traffic control in work zones. Nationally, there were more fatalities in construction zones. He said that Arizona funds off-duty state patrol officers to monitor construction sites and enforce the traffic laws. HSM Moore said that ITD has funded public information campaigns and stated that the Idaho State Police works closely with the Department on large construction projects. She added that the Highway Safety Office works with the Department's Employee Safety/Risk Management Office on educational efforts, including distributing information to schools. Chairman Winder asked staff to review the feasibility and value of funding officers at construction sites. Director Bower stated that District 3 funded law enforcement officers to assist with the I-84 Wye Interchange project in Boise. Member McClure said that there is a national effort to increase awareness of work zone safety. He suggested contacting other states and agencies such as

the AGC to determine what activities are working elsewhere and to take a more proactive approach to increase safety at construction sites. In conjunction with that effort, Member McClure would like the Department to be more cognizant of construction signs that are in place when no construction activity is occurring.

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

RES. NO. WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century provides that each state shall have a highway safety program designed to

TB01-49 reduce traffic collisions and deaths, injuries and property damage; and

WHEREAS, the Idaho Transportation Department's Office of Highway Safety is the state's highway safety agency in accordance with 12 USC Title 1, Section 402(b)(1)(A); and

WHEREAS, a Highway Safety Plan (HSP) was prepared in accordance with guidelines promulgated under 23 CFR Section 1204.4, Supplement B; and

WHEREAS, the Idaho Traffic Safety Commission recommended a three-year HSP, for FFY01-03, on June 15, 2000, and the Transportation Board approved the recommended plan on August 25, 2000; and

WHEREAS, a spending plan for FFY02 has been developed that conforms to the administrative and programmatic requirements of 23 USC 402, 410, 411, 157, 163, and 2003-B; and

WHEREAS, the Idaho Traffic Safety Commission recommended approval of the proposed FFY02 spending plan on June 28, 2001.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board directs staff to submit the plan to the National Highway Traffic Safety Administration and the Federal Highway Administration for approval to implement projects beginning on October 1, 2001; and

*BE IT FURTHER RESOLVED*, that the Transportation Board directs staff to implement Idaho's Highway Safety Grant Program for FFY02 once federal approval has been received.

Executive Session on Litigation, Section 67-2345(1)(f), Idaho Code. Vice Chairman Combo made a motion to meet in executive session at 1 PM to discuss litigation. Member McClure seconded the motion and it passed unanimously by individual vote.

The general tenor of the meeting focused on settlement negotiations on a pending case in litigation. The Board came out of executive session at 1:15 PM. No decisions were made.

Litigation with U.S. West, I-84, Cole-Overland Interchange Project, District 3. Member McClure made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department under the Board's direction commenced litigation against U.S. West as a result of

TB01-50 additional costs incurred by the Department because of utility delays in the construction of the Cole-Overland Interchange project at I-84 in 1994-1996; and

WHEREAS, that litigation is still pending in the District Court of the Fourth Judicial District of the State of Idaho, in Ada County, as case No. CVOC97006612; and

WHEREAS, a mediation session was held on August 15, 2001 between the parties to the case in an attempt to reach a settlement of the case, at which the Department was represented by the Chief Engineer, Jimmy Ross, and Department legal counsel; and

WHEREAS, an agreement was reached at the mediation whereby U.S. West agreed to pay the Department the sum of \$233,500.00 and the Department agreed, subject to Board approval, to accept said sum in full satisfaction of the Department's claims against U.S. West in said case; and

WHEREAS, the Board, being fully advised in the matter, is of the opinion that the settlement agreement reached is in the best interests of the Department and the State of Idaho.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the settlement agreement reached in the mediation process and authorizes the Chief Engineer to execute all documents necessary to finalize the settlement of the litigation pursuant to the terms of the settlement agreement reached in the mediation session.

Maintenance Quality Assurance (MQA) Program Study. Len Baxter, Staff Engineer, provided background information on the MQA. He introduced consultant Michael Markow who elaborated on the Program, established to develop measurable performance standards for maintenance activities. Some of the benefits of a MQA Program for the state highway system are a commitment to a more effective long-term stewardship of the infrastructure assets through more efficient and effective maintenance and preventative maintenance; accountability for program expenditures in terms of

level of service delivered; justification for recommended budget levels for maintenance and preventative maintenance; promotion of a more uniform or consistent maintenance level of service statewide; and the potential for improved, more cost-effective services.

Mr. Markow stated that typically a MQA Program is undertaken in two stages: the design and development stage, followed by the implementation stage. The first stage generally includes rationalizing existing maintenance management elements, developing and documenting QA components and procedures, and obtaining approval for critical assumptions and parameters. The implementation stage normally consists of conducting condition surveys based upon statistical sample, analyzing level of service scenarios across activities and districts, and recommending program budget and level of service values. He provided specific recommendations for a MQA approach for ITD.

CE Ross expressed his support for the MQA Program, and asked the Board for its endorsement. Staff would then review the concept, implementation strategy, and funding options. He believes this approach will provide ITD with a better tool for management of the state's transportation system and identify emphasis areas.

The consensus of the Board was that it supports the MQA Program and encouraged staff to determine the funding source for this Program.

French Mountain Road to North City Limits, Pierce, Key #8031 – Request to Increase Project Federal-aid Maximum, District 2. Highway Programming Manager (HPM) Dave Amick reported that the Mayor of Pierce has requested an additional \$20,000 in FY01 for the bicycle facility project. The cost of the project was initially \$404,000 with a federal-aid limit of \$354,000, scheduled for FY02 in the Enhancement Program. The Preliminary Engineering (PE) amount was \$25,000, with the remainder programmed for construction.

The City of Pierce did not fully realize the extent of engineering work involved in the project. HPM Amick noted that the cost of PE to develop an enhancement project has been a concern. The design, environmental issues, and extent of plan documents required to complete a federal-aid project can be quite extensive, even for what might be viewed by the sponsor as a simple bicycle facility project. To address this concern, in the FY04 Enhancement application process, the sponsors are being asked to estimate engineering costs at 20% of the construction costs.

Enhancement funds are available to fund this additional request in FY01 because the City of Riggins has requested the removal of its FY02 Enhancement project, which included \$45,000 for right-of-way acquisition in FY01. The District supports the City of Pierce's request.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board has recognized the need for the French Mountain Road to North City Limits, Pierce project; and

TB01-51

WHEREAS, the French Mountain Road to North City Limits bicycle facility will function as an alternative transportation system for the community of Pierce; and

WHEREAS, the sponsor has underestimated the cost to design the project by \$20,000 and requested that the project be increased by this amount; and

WHEREAS, the sponsor has agreed to pay match for these funds at the already established match ratio on this project of Federal Aid .8762/Local .1238; and

WHEREAS, due to the requested removal of key #7653, Riggins Pathway there is funding available in the FY01 Enhancement Program to fund this request.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes an increase of \$20,000, including match, to key #8031, French Mountain Road to North City Limits, Pierce for scheduled preliminary engineering in the FY01 Enhancement Program, which increases the maximum federal-aid on this project to \$371,524.

Request to Add Pine Road Gabion Wall Repair Project to the STP-Local Rural Program in FY01, District 3. The section of Pine Road between mileposts 10.66 and 13.38 was reconstructed in FY92 at a cost of \$3,245,000 under keys #3974 and #4488. Both Forest Highways and Secondary funds were used for this project in Elmore County. Additional reconstruction of Pine Road at other locations occurred after the second 1997 Emergency Relief Event. HPM Amick said Glens Ferry Highway District is requesting a project be added to the STP-Local Rural Program in FY01 to repair gabion walls that have failed since these earlier federal-aid projects were completed. The request includes \$70,000 for design in FY01 and \$400,000 for construction in Preliminary Development. The project would be advanced out of Preliminary Development after a concept report is approved. HPM Amick reported that a public notice has been submitted to local newspapers to fulfill the requirement for public comment prior to adding a project to the FY01 STIP. He added that the STP-Local Rural Program is under-programmed by approximately \$1,669,000 in FY01, which would allow the funding of this project with no discernable impacts.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and fiscally

TB01-52 constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and



WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, this project was identified and recommended by the Local Highway Technical Assistance Council as prescribed in Board Policy B-11-04.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the request to add the Pine Road Gabion Wall Repair project to the FY01 Highway Development Program; \$70,000 to be scheduled in FY01 for design and \$400,000 to be scheduled for construction in Preliminary Development; and

*BE IT FURTHER RESOLVED*, that staff is authorized to make the appropriate modifications to the FY01-03 STIP in accordance with the provisions of TEA-21.

FY01 Adjustments to the Formula Federal Highway Program Based on Available Funding. HPM Amick reported that staff has reviewed all FY01 projects not currently obligated to determine those projects that due to readiness, will not be ready to obligate by the end of the fiscal year. Additionally, cost increases or decreases were identified and projects that could advance to FY01 were identified and prioritized for advancement should funding be available. With this information, ITD was able to apply to FHWA for redistribution of unused obligation authority from other states. HPM Amick reviewed the specific projects and costs with the Board.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to accomplish a current, realistic, and fiscally constrained

TB01-53 Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available Highway Funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, as of July 26, 2001, there is a Highway Program funding balance of \$21.24 million; and

WHEREAS, projects have been identified that will delay in FY01 totaling \$9.8 million; and

WHEREAS, federal projects have been identified that will require cost increases or provide cost decreases for a net total of \$28.91 million; and

WHEREAS, a list of prioritized projects has been identified that can advance to FY01 of the current STIP; and

WHEREAS, the result of these proposed delays, cost increases and decreases, and advances will fully utilize the estimated FY01 Federal Highway formula funding obligation authority of \$161.3 million and the Minimum Guarantee obligation authority of \$27.2 million; and

WHEREAS, the Department has requested \$12.72 million in additional federal formula FY01 obligation authority from other states.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes staff to advance projects from the list entitled "FY01 Federal Highway Program Prioritized Project Advances and Redistribution Requests as of July 26, 2001", as shown as Exhibit 246, which is made a part hereof with like effect, in priority order as funding becomes available and projects are made ready for obligation; and

*BE IT FURTHER RESOLVED*, that staff is authorized to make the appropriate changes to the FY01-03 STIP in accordance with the provisions of the TEA-21.

Funding Options for the Moscow Signal System, Item D2S2 of the Idaho Intelligent Transportation System (ITS) Strategic Plan, District 2. Dr. Michael Kyte, Director of the National Institute for Advanced Transportation Technology with the U of I, thanked the Board members for their time and ITD staff for the assistance it has provided on this and other projects. He elaborated on the Moscow Signal System project, which is part of ITD's statewide ITS plan. The project involves a signal interconnect system for enhanced vehicle efficiency in Moscow. Most of the ITD controllers in Moscow will have to be upgraded, as 13 of the 15 signals involved are on the state highway system. The total cost of the project is estimated at \$1,559,460, but Dr. Kyte has obtained \$694,413 in FY01 ITS Deployment Program funds. Match and additional funding in the amount of \$865,047 is needed; however, \$135,000 in equipment is being donated by vendors, the U of I is contributing \$189,347 in cash, and \$245,866 is in-kind match of U of I personnel, leaving \$294,834 requested from ITD.

The District believes some of the benefits of this project are improved traffic flow efficiency on US-95, upgraded state of the art signal hardware and software, training for ITD staff on utilizing interconnect signal systems, and access to data on the use of this type of system. CE Ross expressed support for the Moscow Signal System project, and believes

it will be beneficial to the entire state, not just the Moscow area. He added that some funding options are being explored.

The consensus of the Board was to support this project and have staff identify a funding source.

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Claim on Snake River Avenue Slide, Phase II, Key #7994, District 2. CE Ross summarized the contract claim being appealed to the Board by Steelman-Duff, Inc. on the Snake River Avenue Slide project. The claim is related to paving issues. CE Ross added that the contractor is receptive to resolving the issue through binding arbitration.

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

RES. NO. WHEREAS, Steelman-Duff, Inc. has filed an appeal of the Chief Engineer's decision on contract #6230, key #7994; and

TB01-54

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Steelman-Duff, Inc. on the claim; and

WHEREAS, staff and the contractor recommend the dispute be resolved by binding arbitration using the American Arbitration Construction Rules, and the contractor has agreed to such a procedure.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer to enter into a binding arbitration agreement to resolve this matter.

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Construction Claim Appealed to the Board, US-95, Kootenai Cutoff thru Colburn, Key #4458, District 1. On behalf of its subcontractor, KRC Corporation, DeAtley Corporation filed an appeal to the Board on the Chief Engineer's decision on the construction claim on the US-95, Kootenai Cutoff thru Colburn project. CE Ross said he found partial entitlement of \$41,186.69, although the original claim amount was \$268,191.40. The claim was filed for differing site conditions related to drainage items. Because the claim has been denied three times by CE Ross, and based on a thorough analysis by ITD staff and an extensive audit of KRC's records by an outside firm, staff recommends that the Board affirms CE Ross's decision and denies the appeal.

Member McHugh made a motion, seconded by Member Blick, to approve the following resolution:

WHEREAS, DeAtley Corporation, on behalf of its subcontractor KRC Corporation, has filed an appeal of the Chief Engineer's decision on contract #5417, key #4458; and

WHEREAS, Idaho Transportation Department Standard Specifications authorize that the dispute can be appealed to the Idaho Transportation Board; and

WHEREAS, the Chief Engineer has denied the claim based on a thorough analysis by staff and an extensive audit of KRC's records.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board affirms the decision of the Chief Engineer and denies the appeal of DeAtley Corporation.

DAG Bywater reminded the Board that the contractor has not been heard before the Board, and the Department's specifications state that is an option. The contractor has not requested that alternative, but has indicated a desire to meet with ITD and negotiate an agreement. DAG Bywater informed the Board of its options: deny the appeal, allowing the contractor to proceed through the legal system; appoint a hearing officer to hear the case; or authorize Director Bower to hear the case on the Board's behalf and negotiate a settlement.

Vice Chairman Combo expressed concern that correspondence from the Department states that DeAtley could be heard before the Board. Member Blick suggested if DeAtley is willing to negotiate, that avenue should be pursued. Member McClure concurred and stated that the contractor should be allowed the full due process.

Vice Chairman Combo made a substitute motion to designate Director Bower to hear the claim as the Board's hearing officer and to authorize Director Bower to negotiate a decision on behalf of the Board. Member McHugh seconded the motion and it passed unanimously.

Contract Awards. The low bid on ST-6350(644), US-93, Shoup Turn Lane near Salmon, Lemhi County, District 6, was more than ten percent over the engineer's estimate, requiring justification. The difference between the engineer's estimate and the low bid was in the survey and mobilization work. The District failed to adjust the prices for the remote and rural location of this small paving project. Staff believes the bid is reasonable and recommends awarding the contract.

Vice Chairman Combo made a motion to award the bid on ST-6350(644) to the low bidder: HK Contractors, Inc., Idaho Falls, Idaho - \$248,136.42. Member McClure seconded the motion and it passed unopposed.

The low bid on project ST-5110(646), key #7038, US-95, Tensed to Moctileme Creek, Benewah County, District 1, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was prepared in July 2000, but the project was shelved for a year for funding reasons. The estimate was not updated to current market conditions. The engineer's estimate should have been updated to reflect recent national and regional increases in oil, plant mix, and base costs. Additionally, the excavation, survey, and mobilization work were higher in the bids than the engineer's estimate. In reviewing the bids, staff believes these items were estimated low, as the full extent of the work was not taken into account. Based on the review of the bids, staff recommends awarding the contract.

Member Miller made a motion to award the bid on ST-5110(646) to the low bidder: Interstate Concrete and Asphalt Company, Coeur d'Alene, Idaho - \$2,566,056.31. Vice Chairman Combo seconded the motion and it passed unopposed.

The low bid on ST-4110(653), key #6999, 31<sup>st</sup> Street, Lewiston, District 2, was more than ten percent over the engineer's estimate, requiring justification. The main differences between the engineer's estimate and the low bid are 19mm Aggregate for Base, Plant Mix Pavement Including Asphalt and Additives Class I, Concrete Guard Rail, and Mobilization. In reviewing the bids, staff did not discover any obvious errors in the engineer's estimate and believes that no significant savings would be obtained by re-advertising the project. Additionally, staff does not want to delay this project, so recommends awarding the contract.

Member McHugh made a motion to award the bid on ST-4110(653) to the low bidder: Poe Asphalt Paving, Inc., Clarkston, Washington - \$471,537.84. Member McClure seconded the motion and it passed unanimously.

The low bid on STP-8132(100), key #7587, Tiger Drive, SH-25 to 20<sup>th</sup> Avenue North, Jerome County, District 4, was more than ten percent over the engineer's estimate, requiring justification. No single item dominates the overage of the bids from the engineer's estimate, although the project has an abundance of small quantities. In reviewing the bids and comparing them to other bike path projects, the District believes that the project being small in size and labor intensive, and somewhat complicated for coordinating the work led to the difference in the bids and the engineer's estimate. The District does not believe a lower bid will be achieved by re-advertising the project. The Jerome Recreation District concurs and is willing to provide the necessary funding to complete the project. Therefore, staff recommends awarding the project.

Vice Chairman Combo made a motion to award the bid on STP-8132(100) to the low bidder: Idaho Sand and Gravel Company, Jerome, Idaho - \$153,710.68. Member McClure seconded the motion and it passed unopposed.

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Oregon Trail-Bear Lake Scenic Byway Corridor Management Plan, District 5. District 5 Planner Judy Harmon introduced Tony Varilone from Soda Springs. She stated Mr. Varilone was instrumental in the completion of the corridor management plan and thanked him for his efforts. Mr. Varilone thanked ITD staff for its assistance with the Plan. He emphasized the importance of this Plan to the area, as it should benefit the tourist efforts and improve the economic opportunities in southeast Idaho. He expressed the Scenic Byway Steering Committee's commitment to the Plan and stated that some work is already underway to implement some of the items identified in the corridor management plan. He added that efforts are in progress to extend the byway from Soda Springs to McCammon. He asked the Board to approve the Oregon Trail-Bear Lake Scenic Byway Corridor Management Plan.

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

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996, to provide

TB01-55 advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, corridor management plans (CMP) are 1) important for the protection and orderly development of scenic byways, 2) required for National Scenic Byway designation, and 3) key to gaining priority for National Scenic Byway funding; and

WHEREAS, Caribou and Bear Lake Counties have completed a CMP for the Oregon Trail-Bear Lake Scenic Byway on US-89/US-30; and

WHEREAS, all CMP's are to be submitted to the SBAC for review and consideration before Board action; and

WHEREAS, the SBAC has reviewed the CMP concurring with District 5 that the plan adequately addresses the issues of the byway and recommends Board approval.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the corridor management plan for the Oregon Trail-Bear Lake Scenic Byway; and

*BE IT FURTHER RESOLVED*, that the Oregon Trail-Bear Lake Scenic Byway management committee is encouraged to make arrangements for the maintenance of the facilities, such as the byway portal signs and orientation kiosks, an integral part of the development plans, as the ITD District Office is unable to assume this responsibility.

Member Miller expressed appreciation to the members of the byway steering committee for their work and support. He stated that a number of local officials and representatives united on this effort. Chairman Winder thanked Mr. Varilone for his presentation.

Recognition of the Mink Creek Ward Young Men and Young Women. Member Miller thanked the group of approximately 20 young men and women from Preston for their efforts in the Adopt-A-Highway Program. He was pleased to report that the group has adopted a 10-mile stretch of SH-36 and is dedicated to keeping it litter free. He presented the group's leader, Paul McKay, with an award and congratulated the group for being recognized as the outstanding Adopt-A-Highway group of the year for southeast Idaho.

New Business. Vice Chairman Combo informed the Board of a letter he received from the Bonneville Metropolitan Planning Organization (BMPO) regarding the potential phasing of the I-15, Sunnyside Interchange project. BMPO requested it be kept better informed of ITD's plans on projects impacting the Organization. This was in reference to earlier communication the Department had with the City of Idaho Falls on the possibility of phasing this project. Vice Chairman Combo questioned the Board's response to the letter. Chairman Winder suggested an acknowledgement of the receipt of the letter and possibly asking the Idaho Falls Mayor to follow-up with the BMPO on this project.

Director Bower informed the Board of a recent request to allow filming BASE-jumping off the Perrine Bridge on US-93. District 4 denied the request based on safety to the motoring public. The potential to close the bridge to all traffic was also a concern, particularly the impacts a bridge closure would have on emergency vehicles.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:45 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

September 20, 2001

Boise, Idaho

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REGULAR MEETING AND DISTRICT 1 TOUR

OF THE IDAHO TRANSPORTATION BOARD

July 11-12, 2001

The Idaho Transportation Board met at 8 AM, on Wednesday, July 11, in Coeur d'Alene. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Scott Stokes, District Engineer

Andrea Storjohann, Assistant District Engineer

Steve Moreno, Division Administrator – Federal Highway Administration

Representatives George Eskridge and Hilde Kellogg and commissioners from the Post Falls Highway District and Lakes Highway District joined the Board as it departed Coeur d'Alene on various local roads to SH-53. Glenn Miles, Spokane Regional Transportation Committee, provided a history and the proposed benefits of the Bridging the Valley Study.

Delegation – City of Rathdrum. Rathdrum Mayor Tawnda Bromley informed the Board of the growth the City is experiencing. She explained the downtown revitalization project underway and other planned infrastructure improvements. Public Works Director Robert Lloyd elaborated on the plans to close one railroad at-grade crossing and the improvements to make other crossings safer. He thanked the Department for its cooperation and assistance with Rathdrum's transportation needs.



Member McHugh expressed appreciation to the City for its participation in the Kootenai County Area Transportation Team (KCATT).

The group traveled to the Avista Rathdrum Turbine Generation Plant where Plant Manager Tim Carlberg provided an overview of the plant's history and operations. The Board thanked Mr. Carlberg for the informative tour.

The Board traveled north on SH-41, east on SH-54, and south on US-95. Senior Transportation Planner Carole Richardson briefed the Board on various projects along the tour route. The highway district commissioners departed the tour in Coeur d'Alene. The gentlemen thanked the Board members for visiting Kootenai County and for the opportunity to tour the area with them. They also expressed appreciation to the District staff for the good working relationship that has been established.

ADE Andrea Storjohann elaborated on the I-90, Northwest Boulevard Interchange project and the extensive public relations efforts. Jack Beebe with Coldwell Banker joined the Board at a development site along Northwest Boulevard. He thanked the Board for the improvements made, or underway, in the Coeur d'Alene area, particularly the projects on US-95 that will improve safety. He also expressed appreciation for the Northwest Boulevard project, as he believes the project will provide great economic benefits to the area.

The tour continued south on US-95 to Worley. ADE Storjohann provided details on the Belgrove to Worley project.

Delegation – Coeur d'Alene Tribe. Tribal Chairman Ernest Stensgar welcomed the Board to the reservation. He summarized the economic developments that have occurred on the reservation and the planned developments. The Tribe will continue working closely with the District Office on the impacts these developments will have on US-95, such as access issues. He emphasized the economic importance of US-95 and encouraged the Board to continue improving the major north-south corridor. Chairman Stensgar also expressed concern with the possibility of delaying the US-95, Belgrove to Worley projects due to increased costs.

Chairman Winder thanked Chairman Stensgar and the other tribal officials for the meeting and for the comments provided. He also expressed appreciation to the tribal officials for the assistance they have provided the Department on the US-95, Belgrove to Worley projects.

Delegation – City of Worley. Worley Mayor Charlene Waddell reported on the developments occurring in Worley and stated the City's desire to have US-95 traverse through town rather than bypassing it. She believes it would be detrimental to the downtown businesses to have an alternate route.

Due to the growth in the community, Member Blick believes it would be advantageous for the City to have an alternate route; removing through traffic from downtown. He suggested visiting with communities that have an alternate route to learn about the advantages and positive impacts of an alternate route. Member McHugh added that the public in general prefers alternate routes, as they provide a more efficient transportation system. Chairman Winder thanked the delegation for the meeting.

The Board traveled north on US-95.

Delegation – Worley Highway District. Commission Chairman Tom St. John reported on the growth in Kootenai County and elaborated on the four highway districts that are responsible for the County's highways and bridges. The highway districts use the same manuals so the standards are consistent throughout the county. The entities work well together and trade equipment and manpower. Commissioner St. John said they have a long-range plan with projects about 10 years out. Some of their challenges include air and water quality, the numerous regulatory agencies they must work with, and the lack of involvement when developments are planned and constructed. KCATT and the Kootenai County Geographic Information System Consortium have been beneficial to the highway districts. An extensive geographic information system project is underway and Commissioner St. John thanked ITD staff for the assistance with

this effort. In conclusion, he expressed appreciation to the Board for its time and to the District staff for the support it provides.

Chairman Winder thanked the delegation for the informative presentation.

Delegation – East Side Highway District. Commissioner Dick Edinger thanked the Board for the meeting. He knows the Board is willing to consider cooperative agreements with local public agencies, and suggested the East Side Highway District may be interested in such an agreement in the future. District Supervisor Kenneth Renner focused on the SH-97 corridor. Although winter maintenance is not a high priority for ITD on SH-97, the Highway District has primary roads off of SH-97 that are a high priority for the agency. Staff must travel SH-97 to access these local roads. In the future, the highway district may be interested in providing winter maintenance service to SH-97. Commissioner Edinger emphasized that this concept is preliminary, but that the highway district may be interested in exploring this proposal. In closing, the gentlemen stated appreciation to the District for the good working relationship that has been developed and also to Member McHugh and DE Stokes for their participation on and involvement with KCATT.

Chairman Winder thanked Messers. Edinger and Renner for the comments.

WHEREUPON the meeting recessed at 4:15 PM.

July 12, 2001

The Board met at 8:10 AM at the District One Office in Coeur d'Alene. All members were present except Member Sweeney. Representative Eskridge was also in attendance.

Delegation – Representative Don Pischner. Representative Pischner thanked the Board members for their time and expressed appreciation to the District staff and Member McHugh for the assistance they have provided on transportation issues. He complimented the Board and Department for the recent projects completed on SH-97, but encouraged the Board to fund additional projects. He requested consideration to replace a bridge and realign a portion of the highway, which would eliminate a curve and improve sight distance.

Chairman Winder thanked Representative Pischner for his comments. The Board took his request under advisement and asked staff to review the proposed improvements to SH-97.

Delegation – City of Bonners Ferry. City Engineer Mike Woodward reported that the City recently completed an economic revitalization study. Consultant Larry Comer requested support for the U-95 corridor study proposed in the draft Statewide Transportation Improvement Program (STIP). He emphasized the critical role of transportation to the economy, particularly the rural areas. The City supports the corridor study south of Bonners Ferry to outline the safety and capacity concerns of US-95. In closing, he thanked the Board for including the pedestrian underpass project in the draft STIP and encouraged the Board to fund that safety project.

The Board members took the City's request under advisement, and thanked the gentlemen for their comments.

Presentation – I-84 Corridor Study, Stage 1 Findings, District 3. Washington Infrastructure Services consultant Dave Butzier informed the Board of the findings of the first stage of the I-84 Corridor Study in the Treasure Valley. The study was undertaken to determine the improvements needed along this 32-mile corridor and the anticipated costs, and to establish regional priorities. The findings include improvements to existing interchanges as well as construction of new interchanges and a transportation demand management plan that includes rail corridor preservation. The second stage of the corridor study, which is underway, will identify a financially constrained list of priorities and phasing of improvements along the corridor from Gowan Interchange east of Boise to the SH-44 exit west of Caldwell.

Member Miller asked if private partners are willing to provide funding for new interchanges. Director Bower responded that he is not aware of interest from the private sector to partner on interchanges at Robinson, McDermott, or Black Cat, which were identified as priorities in the study; however, some interest has been expressed to partner on an interchange at Ten Mile. Director Bower asked what the study used as the level of service. Mr. Butzier said the study, identifying needs 20 years into the future, used a level of service E. He stated that the study should be ready for Community Planning Association of Southwest Idaho and Board approval by October. He concluded by thanking the Board members for their time.

Chairman Winder thanked Mr. Butzier for the informative report.

US-95, Sandpoint North and South Project Update, Keys #1729 and #4461 District 1. Transportation Staff Engineer Sean Hoisington provided an update on the US-95, Sandpoint North and South project. The traffic information has been updated and some drilling has been completed. The public involvement process is continuing through various means, including a local office in Sandpoint. Several task forces comprised of local officials and citizens have also been established to address a number of subjects, including non-transportation issues such as proposed and potential developments. Mr. Hoisington believes a valuable partnership has been established with the community on the development of this project.

Sandpoint Council member Michael Boge thanked the Department for the opportunity to participate on the Master Plan Task Force. He has been impressed with the public involvement process undertaken on this project and the willingness of ITD to partner with the community. Mr. Hoisington concluded by stating that the master plan is in place and staff will proceed with the design.

Chairman Winder thanked Mr. Hoisington for the update and Council member Boge for the kind remarks on behalf of ITD and the project and also for his efforts on the task force.

Delegation – City of Ponderay. City Council member Dale Daugharty requested the advancement of the Kootenai Cut-off Road project, currently scheduled in FY04. The City is growing and he stressed the importance of this project to the area's economy. Consultant Richard Kinder explained the project, which will widen the local road that

connects US-95 and SH-200. Almost all of the right-of-way has been acquired and the environmental process is being completed. He believes the design work will be completed by the end of this year and that the project will be ready to advertise next year. He also stressed the economic importance of this project. Council member Daugharty added his appreciation to ITD for the US-95, Sandpoint North and South project and the public involvement efforts.

Chairman Winder asked the District to review the request to advance the Kootenai Cut-off Road project, and he thanked the gentlemen for their comments.

Local Highway Technical Assistance Council Administrator Joe Haynes added that he is aware of the City's desire to advance this project and will continue working with them.

Delegation – Ponderay Community Development Corporation (PCDC). PCDC representative Dale Jeffres reported on the Corporation's efforts to secure funding for a proposed road in Ponderay that would connect US-95 and SH-200. In working with the District Office, the access on US-95 would be right-in right-out only for the Connector Road. This project is not recommended for funding in the draft STIP, but Mr. Jeffres urged the Board to fund it because of the economic benefits it would provide to the area. He also expressed support to advance the Kootenai Cut-off Road project.

Member McHugh questioned the Department's desire to limit access to major thoroughfares such as US-95. Because DE Stokes realizes the importance of this proposed road to the community and economy, he believes a right-in right-out access would be acceptable. Due to the upcoming closing of the Diamond Road crossing, he supports the proposed Connector Road project. Mr. Jeffres added that the right-of-way has been secured for this project and the PCDC is working cooperatively with the railroad on this issue.

Chairman Winder thanked Mr. Jeffres for the presentation and asked DE Stokes to review the request for the Connector Road project.

Delegation – Bonner County Area Transportation Team (BCATT). BCATT Chairman Brian Orr extended the Team's appreciation for the partnership with ITD. He especially

thanked Member McHugh, DE Stokes, and area legislators for their participation and involvement in BCATT. Chairman Orr expressed praise for the US-2, Wrenco to Dover project under construction. He believes the contractor is doing an excellent job and the project is progressing well. He thanked Director Bower for his efforts with the congressional delegation on applying for discretionary funds for the Clark Fork Bridge. BCATT supports advancing the Kootenai Cut-off Road and programming the Connector Road projects in Ponderay. He relayed the City of Sandpoint's support for the US-95, Sandpoint North and South project and its appreciation for the partnership in developing the project. In conclusion, he thanked the Board for its time and the efforts to improve the transportation system in northern Idaho.

Chairman Winder thanked Mr. Orr for his presentation and also expressed the Board's appreciation to BCATT for its coordination efforts and the assistance it is providing to ITD. The Board is very supportive of these local transportation teams, which help prioritize area projects and enhance communication with the Department.

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June 20-22, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on June 20-22, 2001 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

August 15-16, 2001 – District 5

September 19-21, 2001 – District 3

October 11-12, 2001 - Boise

Delegation – City of Coeur d'Alene. Mayor Steve Judy thanked the Board for the Northwest Boulevard project and also for the I-90, Northwest Boulevard Interchange project. He believes both projects will be very beneficial to the City. City Engineer Gordon Dobler provided an update on the Northwest Boulevard project. The project includes landscaping at the I-90 interchange in partnership with ITD. Mr. Dobler also relayed KCATT's continued support for improvements to US-95.

Vice Chairman Combo commented that ITD and the City of Coeur d'Alene have a history of partnering on highway projects. He stated that the Board is especially supportive of partnership projects when Local Improvement Districts and other local funding mechanisms are used. He commended the City for its efforts to improve the infrastructure and particularly for the local funding sources. Chairman Winder concurred and thanked the gentlemen for their remarks.

Representative Eskridge thanked the Board members for the opportunity to tour with them yesterday and expressed appreciation for the transportation improvements in northern Idaho. Chairman Winder thanked Representative Eskridge for participating in the tour and attending part of the Board meeting. Representative Eskridge left the meeting.

Consent Calendar. Member McHugh made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the speed minute entry changes on US-95; and has

TB01-43 received and reviewed the contract award information; the new and supplemental professional agreements report; the quarterly report on administrative settlements; and the summary of FY01 items submitted to Board of Examiners.

1) Speed Minute Entry Changes for US-95, District 3. Staff conducted a review of the speed zone on US-95 between mileposts (MPs) 26 and 35.16, including a speed study and safety evaluation. This section of roadway is deteriorating and has a significant history of accidents. Based on the review, and with the support and concurrence of the Owyhee County Sheriff, the Idaho State Police, and the City of Homedale, staff is requesting a revision to the speed limit on US-95 from 65 miles per hour (mph) to 55 mph from MPs 26 to 33.834. Additionally, the speed limit will be decreased from 55 mph to 45 mph in a transition zone from the south city limits of Homedale to the existing 35 mph zone in Homedale, MPs 33.834 to 34.089.

2) Contract Award Information. Key #7589 – Old Town Bike Lanes, Pocatello, District 5. Low bidder: Specialized Pavement Marking Inc. - \$117,722.



Key #7368 – SH-45, Deer Flats Road to Junction I-84B, Nampa, District 3. Low bidder: Central Paving Company, Inc. - \$1,501,395.

Key #6971 – SH-8, Main Street, Troy, District 2. Low bidder: Poe Asphalt Paving, Inc. - \$762,235.

3) New and Supplemental Professional Agreements Report. From June 7 to June 26, the Consultant Administration Unit processed \$5,166,810 in new and supplemental agreements.

4) Quarterly Report on Administrative Settlements. During the quarterly period from April 1 through June 30, 14 parcels were processed, with nine parcels having administrative settlements, or 64%.

5) Summary of FY01 Items Submitted to the Board of Examiners. In FY01, ITD requested the pay off of compensatory time to 20 employees. The Board of Examiners approved the pay off to employees with an excess of 25 hours. There were a total of 16 employees. ITD requested that the moving policy be amended to eliminate the 90-day requirement and to include manufactured homes when they are the primary residence of an employee. This request will be considered with the next State Moving Policy Modifications. Additionally, a request was submitted and approved for moving expenses up to \$5,000 for a staff engineering position.

Annual Report on Railroad Grade Crossing Protection Accounts. Currently, there is \$695,860 in the Railroad Grade Crossing Protection Account, with five projects completed in FY01. Inventory data of active crossings and a summary of rail-highway collisions from 1996 through 2000 were also provided.

Member McHugh questioned the amount that has accumulated in this account. CE Ross elaborated on the new procedures being developed to expedite these railroad projects. The majority of these projects are off-system. The Department will be providing more assistance to the local entities by assuming the engineering responsibilities and working with the railroad companies on the agreements. Director Bower added that this is a state-funded account. Previously, this fund was used as match for the federal railroad

program; however, a match is no longer required for federal projects. He added that the projects are based on a statewide need through a three-way effort between the local public agencies, the railroad companies, and ITD. In response to Member McHugh's question on whether funds in this Account could be used for the Bridging the Valley project, Director Bower responded that he believes these funds could be used for that effort.

Motor Carrier Auditors. At last month's budget briefing, the need for the motor carrier audit staff was questioned due to the replacement of the weight distance tax with a registration fee system. The new registration fee schedule is mileage based, similar to the former weight distance tax. The need to audit will continue to be an important part of this system, particularly starting on October 1 when the mileage brackets will increase from three to five brackets. Additionally, the Department is part of the International Registration Plan (IRP), whereby ITD is responsible for processing the applications, issuing the identification, and collecting the fees for Idaho based carriers for all of the 57 other jurisdictions where an Idaho carrier may operate. The IRP agreement requires each of the 58 members to audit the carriers based within its jurisdiction on a regular cycle. The number of auditors is now sufficient, but not excessive if the Department desires to maintain proper oversight of a difficult and unique registration fee system.

Member McHugh commented that it appears the Department is looking for additional work for the auditors. Because they are not traveling out of state as much, work was found in state to keep the auditors employed versus cutting back on staff. The Board asked Director Bower to review the need for the motor carrier auditors and provide a recommendation.

Director Bower elaborated on the transition period underway to change from a weight distance tax to a registration fee system and also the Department's responsibilities under the IRP. He asked for a 12 to 18 month review period that would include the return on the investment.

May Financial Analysis. Revenue in the State Highway Fund was higher than projected due to the weight distance tax and commercial and non-commercial registration fees. It is believed this is a one-time windfall and will not continue after complete implementation of the elimination of the weight distance tax. Revenue from the aviation fuel tax is close to the forecast, while the aircraft pool revenue is below the estimates by approximately 11%. Overall, expenditures are below or within the estimated amounts.

Member McHugh expressed some concern with the federal aid obligations being under projections. He also asked for a breakdown of the FY98 encumbrances.

Board Items. Chairman Winder reported that he spoke to the Meridian Chamber of Commerce recently. He was asked to relay the City of Meridian's support for the I-84, Locust Grove overpass project. He asked staff for the schedule of the I-84/SH-69 signalization project. Member McClure asked for a breakdown of the various parties' responsibilities on the Locust Grove project, as he believes Meridian's earlier commitment of right-of-way was being questioned. Staff will provide the requested information.

Due to some uncertainty as to the membership on the Board Subcommittees, Member McClure did some research. Vice Chairman Combo is on all three of the existing subcommittees, on State Highway System Adjustments, the Enhancement Program, and the Congestion Mitigation/Air Quality (CMAQ) Program, and Member McClure is on two of the three. He suggested rotating the membership or changing the composition of the subcommittees to involve more Board members.

Chairman Winder believes the Subcommittee on State Highway System Adjustments is the only official subcommittee, as the other two were established to provide guidelines and develop policies on those two specific programs. Because those policies and procedures are in place, he does not believe those two subcommittees are necessary. Vice Chairman Combo and Member McClure expressed support to disband the Enhancement and CMAQ Subcommittees now and to re-establish them in the future if needed.

Because the Board Subcommittee on the Enhancement Program and the Board Subcommittee on the CMAQ Program have fulfilled their assigned duties, Chairman Winder dissolved those two subcommittees. He thanked the Board members for serving on those subcommittees and stated that a task force will be established in the future as needed to address specific issues such as the Enhancement or CMAQ Programs, and that he will make appointments to those task forces as necessary.

After some discussion on the membership of the Subcommittee on Adjustments to the State Highway System, such as rotating members and appointing a third Board member to the subcommittee, the consensus of the Board was to revisit this issue next month.

Director's Items. Director Bower briefed the Board on the status of the federal appropriations bill. The full House has passed a bill that includes additional Revenue Aligned Budget Authority funding and a number of earmarks for Idaho. The Senate Committee's bill is expected to be presented to the full Senate next week, followed by a conference committee. Staff will continue working closely with Idaho's congressional delegation on the appropriations bill. Vice Chairman Combo complimented Director Bower for his efforts in this arena and for the excellent partnership that has been created between ITD and the congressional delegation.

Next week Director Bower will be attending the Western Association of State Highway and Transportation Officials meeting. A meeting has been arranged with Federal Highway Administration officials and he encouraged Members McHugh and Miller to attend this meeting.

At the national level, there is a legislative proposal to move the 2.5-cent ethanol tax now directed to the general fund to the Highway Trust Fund, according to Director Bower.

In conclusion, Director Bower reported that the developers of the proposed WestRock resort near Cascade have scaled down the development proposal and resubmitted information. Based on the reduced plans, the developer does not believe WestRock will be responsible for highway improvements because the transportation system will not be impacted. Director Bower stated that staff does not agree with that assessment; however, the transportation impacts on SH-55 will be reduced. ITD will send information to the Land Board on this latest proposal.

Exchange Program Request from June Board Meeting. Last month the Board authorized several local public agencies in District 5 to participate in the Exchange Program until their existing projects in the STIP have been obligated. At that time, the entities would have to elect to participate in either the Exchange Program or the Federal Aid Incentive Program. CE Ross reported that the funding source for these agencies' participation in the Exchange Program in FY01 will be savings from recent projects, totaling \$335,346. Additionally, \$94,571 will be utilized from the operation budget for the \$429,917 due to

the local entities. This figure is lower than the total discussed at last month's meeting because the amounts are based on the exchange rate of 61.67% and one county had received funds from the Exchange Program because it is not participating in the federal aid program. CE Ross said that the local public agencies will receive the checks for their participation in the Exchange Program once the Department receives the signed state/local agreement.

Member McHugh is supportive of local public agencies levying an ad valorem tax for road improvements. He asked staff and Mr. Haynes to explore an option whereby local public agencies would be allowed to participate in the Exchange Program up to a maximum amount limited to the agencies' ad valorem tax.

2002 Legislative Idea Concept Review. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar summarized the legislative process and timeframes. She reviewed some issues that the Department will probably be involved in but not sponsor, such as seat belts and public transportation. ITD has three concepts it would like to pursue at the next legislative session. Legislation is being requested to amend Idaho Code to bring the commercial drivers license into compliance with the FHWA motor carrier regulations. Replacing the term "construction danger zone" with "work zone" in Code is being requested to keep the signing process in conformity with the Manual for Uniform Traffic Control Devices and ITD standards. Additionally, staff would like to pursue legislation to allow ITD to make value estimates on right-of-way property whose estimated value is no more than \$10,000.

BPIRM Detmar added that she is seeking a legislative sponsor for the construction danger zone piece. Some discussion followed on revisiting the language regarding "enhanced" penalties for speeding in construction zones. Staff was encouraged to pursue this issue.

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

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies submit proposed 2002 legislation to the Division of Financial

TB01-44 Management for review and approval; and

WHEREAS, the Transportation Department Executive Team has approved the “Legislative IDEA Submittal Forms” as to concept and has submitted them to the Idaho Transportation Board for concept review approval prior to submission to the Division of Financial Management.

*NOW THEREFORE BE IT RESOLVED*, that the Board approves submittal of the “Legislative IDEA submittal Forms”, as shown as Exhibit 243, which is made a part hereof with like effect, to the Division of Financial Management, and, upon approval, the development by ITD staff of draft legislation to be included as part of the Governor’s 2002 legislative package, dependent upon subsequent review and approval by the Board and the Division of Financial Management.

Recognition of the District One Adopt-A-Highway Group of the Year. Member McHugh commended the employees of SVL Analytical for participating in the Adopt-A-Highway Program since 1992. He expressed the Department’s appreciation for the assistance they have provided in keeping the area clean and litter free. He presented SVL Analytical Chairman Lee Haynes with the Adopt-A-Highway group of the year award for the company’s efforts.

Member McHugh also recognized Supply Operations Supervisor Scotty Fellom for his outstanding efforts in the Adopt-A-Highway Program. Mr. Fellom is an excellent ambassador for the program, providing assistance to the volunteer groups. Member McHugh thanked Mr. Fellom for his service and presented him with an award.

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Recognition of District Two Employees. Office of Highway Safety Manager (HSM) Jo Ann Moore summarized the “First There, First Care” award, a national program that encourages motorists to provide assistance at crash sites. In May, a truck carrying beehives crashed on US-12. District Two employees Ron Frame and Rod Parsells removed the driver from the cab, getting stung by bees in the process. HSM Moore presented the gentlemen with the “First There, First Care” award and commended them for their actions. The Board members praised Messers. Frame and Parsells for their heroic efforts and congratulated them for receiving the award.

District Headquarters Feasibility Studies and Americans with Disabilities Act (ADA) Compliance. Facilities Manager Dave Brown reported that studies are underway or

planned in all Districts except 6. Not all areas meet ADA compliance in the District offices; however, the Code requires that reasonable accommodations need to be provided. In addition to the ADA requirements, the feasibility studies must also determine the projected space needs for the Districts five years in the future as well as the efficiency of space use. Mr. Brown stated that Idaho State Police's plans to vacate space in Twin Falls, Coeur d'Alene, Idaho Falls, and Pocatello in the next four years will free up office space in those Districts and should be taken into account in the Feasibility Studies. The five District studies should be completed by this fall.

The Board thanked Mr. Brown for the informative presentation.

Contract Award. The low bid on project ST-0005(617), key 7758, FY01 District 5 Guardrail Repair, Franklin County, District 5, was more than ten percent over the engineer's estimate, requiring justification. The majority of the price variations are associated with the energy absorbing guardrail end treatments, shoulder work, traffic control and paving items, and mobilization. Staff believes the work price was underestimated with respect to the type of work and location. The bid reflects the project's more remote location and distance from nearby traffic control providers and paving item suppliers, along with the project's small quantity. Because of the lateness of the construction season, and the need to complete this safety project, staff recommends awarding the bid.

Member McClure made a motion to award the contract for project ST-0005(617), key 7758 to the low bidder: Coral Construction Company, Wilsonville, Oregon - \$391,391. Member Miller seconded the motion and it passed unopposed.

Central Paving Claim for Anti-Skid Material, Key #6835, District 3. Central Paving, Inc. is appealing the Chief Engineer's decision on a contract claim to the Board. The claim arises from a claimed increase in costs due to increased fuel prices. The contractor has asserted entitlement to additional compensation in the amount of \$14,175.02. The contractor has agreed that the claim should be submitted to binding arbitration for resolution.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, Central Paving, Inc. has filed an appeal of the Chief Engineer's decision on Contract #0094M00022, Key #6835; and

TB01-45

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Central Paving, Inc. on the claim; and

WHEREAS, ITD Standard Specifications authorize that the dispute be resolved by binding arbitration using the American Arbitration Construction Rules, and the contractor has agreed to such a procedure.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer to enter into a binding arbitration agreement to resolve this matter.

Claim on Rose Road Underpass, Key #7079, District 6. Idaho Construction Company is appealing the Chief Engineer's decision on a contract claim regarding a time extension. The contractor has expressed a desire to present the matter to the Board for review; however, previously, the Board has stated its preference to have the matter referred to a hearing officer for hearing and preparation of an administrative record and recommended order.

Member Blick made a motion, seconded by Member McClure, to approve the following resolution:

RES. NO. WHEREAS, Idaho Construction Company has filed an appeal of the Chief Engineer's decision on Contract #6188, Key #7079; and

TB01-46

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Idaho Construction Company on the claim; and

WHEREAS, ITD Standard Specifications authorize that the dispute can be appealed to the Idaho Transportation Board; and



WHEREAS, the Board is desirous of having a hearing officer appointed to hear the dispute pursuant to the Idaho Rules of Administrative Procedure of the Attorney General and prepare and submit to the Board an administrative record of the evidence in the case as well as a recommended order.

*NOW THEREFORE BE IT RESOLVED*, that the Board authorizes the Director to appoint a neutral hearing officer to hear this matter, prepare an administrative record of the evidence submitted by the parties and submit the record and a recommended order to the Board for its review and a final order.

Vice Chairman Combo asked if Idaho Construction Company is receptive to the appointment of a hearing officer. DAG Bywater responded that the hearing officer process is acceptable to the contractor. Member McClure questioned the criteria used to determine the method to settle contract claim disputes. DAG Bywater said that the Department's preference is to go to binding arbitration. In this case, Idaho Construction Company did not want to proceed with arbitration or mediation, but was agreeable to the hearing officer process.

The motion passed unanimously.

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Old/New Business. As a follow-up to last month's request for a future discussion on the Board's involvement on rail preservation and the recent Rail Service Preservation Program legislation, Vice Chairman Combo asked for specifics of the legislation. He would like a presentation on the responsibilities outlined in the legislation later this year.

In response to legislation expanding the Aeronautics Advisory Board, Vice Chairman Combo requested a future discussion on the legislation's declaration of purpose regarding the need to improve and expand air service capabilities.

Vice Chairman Combo also requested a future presentation on the increased use of consultants throughout the Department.

Member McHugh questioned the feasibility of a Worley alternate route. He believes the Board should explore this option and make a decision soon, so staff can proceed with the design as the Board determines. CE Ross added that alternate routes are a statewide issue and the “reaches” concept should identify where alternate routes should be constructed. Member Blick believes alternate routes are perceived negatively when that is not always the case. Good access to business districts is the crucial element. Vice Chairman Combo suggested using other alternate routes in the state as examples, i.e. Rexburg. He said that US-20 bypassed Rexburg a number of years ago and now it is a thriving community. Chairman Winder suggested a discussion at the September meeting on the impacts of a Worley alternate route and also on a policy or guidelines for bypassing cities throughout the state.

Member Miller distributed an article regarding a loophole in the federal commercial driver licensing system. Federal law does not require that drivers of commercial vehicles be disqualified from driving if convicted of certain offenses while driving any vehicle. A notice of proposed rulemaking has been published in the Federal Register and comments will be accepted until August 2. Member Miller believes the Department should support this proposal, and would like staff to review this issue and consider submitting comments.

Director Bower reported that Driver Services Manager Jane Caviness has retired. She was employed at the Department almost 40 years and her expertise and knowledge will be missed. Ed Pemble, the former Vehicle Services Manager, has been appointed the Driver Services Manager, and Amy Smith has been promoted to the Vehicle Services Manager position.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:45 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

August 16, 2001

Pocatello, Idaho

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REGULAR MEETING AND DISTRICT 4 TOUR  
OF THE IDAHO TRANSPORTATION BOARD

June 20-22, 2001

The Idaho Transportation Board met at 9 AM, on Wednesday, June 20, at the College of Southern Idaho, Twin Falls. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Devin Rigby, District Engineer

Scott Malone, Assistant District Engineer

Representative Sharon Block was also present. Chairman Winder introduced David Hahn, the Department's new Division of Financial Management (DFM) analyst and welcomed him to the meeting.

Workshop on FY03 Budget. Budget, Policy, and Intergovernmental Relations Manager Mary Detmar summarized the FY03 budget request. The federal and state revenue is estimated at \$219.9 million and \$205.1 million, respectively. A 1% change in employee compensation (CEC) is included in the draft budget with a 4% reserve factored into the budget in expectation that the final CEC approved by the Legislature will be greater than the 1% included in the DFM guidelines. Other budget highlights include a 1.7% increase for operating expenses, contract construction in the amount of \$189.2 million. The revised FY02 and proposed FY03 out-of-state travel requests were presented and the program enhancements reviewed.

BPIRM Detmar reported that a FY02 budget supplement is being proposed to request \$100,000 of General Fund money for the Rail Service Preservation Program authorized by the 2001 legislature and to obtain spending authority in Public Transportation for \$240,000 of Federal Transit Authority funds destined for local entities and transit providers. She reported that earlier this month the Idaho Supreme Court ruled that there is no federal authorization for the State of Idaho to impose the tax on fuel sold on Indian reservation lands (Goodman Oil vs. Idaho Tax Commission). The ruling also stated that the incidence of the tax is upon the retailer rather than the distributor as argued by the State or the consumer as advocated by the plaintiff. There is a possibility that three to five years of refunds may be repaid from future fuel tax collections. The potential financial impact and its associated timeframe on the State are being determined, and staff will keep the Board apprised of this situation. In conclusion, BPIRM Detmar stated that staff will continue to refine the draft budget for Board approval in August.

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STP-Rural Exchange Program. Highway Programming Manager (HPM) Dave Amick and Local Highway Technical Assistance Council (LHTAC) Administrator Joe Haynes developed several options for the Exchange Program. HPM Amick reminded the Board that the 1997 Transportation Planning Task Force recommended phasing out the Exchange Program. He summarized the options: 1) continue the current Exchange Program; 2) eliminate the Exchange Program; 3) establish a no return policy that does not

allow entities to re-enter the Exchange Program once they participate in the Federal-Aid Incentive Program; and 4) establish an LHTAC Federal-aid Match Pool, allowing for entities to utilize that funding as match for federal projects. Some local public agencies (LPAs) would not be eligible to participate in option 4 because they do not have roads on the federal-aid system. Member McClure asked why LPAs not eligible for federal funding because they do not have roads on the federal-aid system should be allowed to participate in the Exchange Program.

Vice Chairman Combo commented that LPAs have the authority to levy for roads. He asked if utilizing that funding source should be a factor. Mr. Haynes believes LHTAC would take that into consideration if option 4 were pursued. HPM Amick added that the details to implement number 4 and the transition to that option have not been determined.

Chairman Winder asked the Board members if they would be more supportive of the Exchange Program if the LPAs provided more accountability of the funds. Member McClure believes the Exchange Program is beneficial for smaller entities and that option 4 should be explored further, as it provides a mechanism to help the smaller entities. Member Blick expressed support for option 3 because some LPAs would stop participating in the Exchange Program by choice, rather than Board directive by the elimination of it. Member McHugh suggested that the Board should implement option 3 while pursuing number 2 or 4. The consensus of the Board was for HPM Amick and Mr. Haynes to pursue option 4, replacing the Exchange Program with a match program. (See later minute entry.)

Mr. Haynes also expressed support for option 4 and stated that the Council will be meeting soon and he will discuss this option with the members.

Workshop on draft Statewide Transportation Improvement Program (STIP). Senior Transportation Planner Mark McNeese reviewed the STIP development process and schedule. The draft STIP will be available for public review and comment from July 5 through August 3. Chairman Winder complimented Mr. McNeese on the user-friendly format of the STIP and thanked him for his efforts with this important document.

Discussion on the I-84/I-184, Wye Interchange, Stage 2 Project, District 3. DE3 Pamela Lowe reported that several factors have increased the cost of the Wye Interchange, Stage 2 project from the \$23 million received in the High Priority Program to \$41 million. The

District has determined the funding source for some of those additional costs, but is still \$14 million short. Because the District would like to advertise this project later this summer, staff is looking at either fully funding the second stage and delaying other projects in the District, or phasing the Wye project.

Elaine Davis, Project Development Engineer, elaborated on the changes and additions to the original scope of work on the project that resulted in increased costs. Some of those items include noise walls, landscaping, a portion of the Wye Interchange Stage 1 project being delayed to Stage 2, and an Intelligent Transportation System feature. Project Manager Sue Sullivan explained the possible scenarios for phasing the project. DE Lowe identified the projects that would be delayed if Stage 2 were fully funded. She believes it is important to minimize construction impacts, delays, and inconveniences to the traveling public.

Member McHugh reported that Montana recently approved bonds with future federal funds to complete a US-93 project. He asked if bonding is a feasible option for ITD. Director Bower replied that bonding would require legislative action. He added that an ITD team is looking at innovative financing, including bonding.

Member McClure expressed concern that the Wye Interchange area has been under construction for over two years. He would prefer completing Stage 2 as soon as possible instead of phasing the project for numerous years, even if that means delaying other projects. He added that Nampa Mayor Maxine Horn expressed opposition to the possible delay of the Garrity Interchange project. Member McClure believes there are a number of projects statewide that may have funding problems because of escalating construction costs. He asked FHWA Division Administrator Steve Moreno if he has an opinion on the Wye Interchange Stage 2 project. Mr. Moreno replied that safety and the operation of the interchange are his main concerns. He recommends minimizing the impacts and inconveniences to the traveling public. Although he has not seen the details on the phasing options and how the interchange would operate under the various phases, at this time he would support fully funding Stage 2 and completing the project in a timely manner.

Vice Chairman Combo expressed concern with the costs of Stage 1, as the project has not been closed out and there are a number of claims pending. Member Sweeney stated his support to complete Stage 2 now and delay other projects. Director Bower suggested that the Board take this matter under advisement. HPM Amick's presentation on the Highway Development Program will include funding issues and there may be more obligation authority available.

Chairman Winder thanked DE Lowe and the District 3 staff for informing the Board of this issue.

Estimating Construction Costs in the Highway Development Program. Roadway Design Area Engineer Gary Moles explained the process for preparing construction estimates for projects included in the Program. When a project is conceived, a cursory review is performed and a gross estimate (per mile cost) is prepared. Because no engineering funds are allocated until a project is in the Program, staff does not devote a lot of time to initial concepts. When projects are placed in Preliminary Development, staff reviews the environmental and right-of-way issues and a formal concept report and cost estimate are prepared. All components of a project, including cost estimates, are refined as the project advances in the Program. Mr. Moles added that changes to a project scope can occur throughout the development process, including shortly before the final design is approved, and these changes often impact the cost. Overall, he believes the Department has a good process to estimate construction costs for projects in the Program. The greater challenge is containing “scope creep”.

CE Ross elaborated on the “Reaches” concept, whereby a segment of highway is identified for improvements and an environmental document prepared for that “Reach”. He believes better project estimates will be developed with this process.

Chairman Winder thanked Mr. Moles for the informative presentation.

Work Session on the Draft FY02-06 and Preliminary Development Highway Development Program. HPM Amick provided an overview of the Program, including the funding assumptions, the available funding versus the programmed projects, and the performance measures. The various Federal Aid Programs were also reviewed. Member McHugh recommended changes to the NHS Program. Mr. Haynes and Erv Olen, Deputy Director of Community Planning Organization of Southwest Idaho, summarized the STP-Local Rural and Urban Programs, respectively. Both gentlemen expressed appreciation for the opportunity to participate in the Program update and thanked staff for the assistance and cooperative efforts in the process.

The Board thanked Messers. Amick, Haynes, and Olen for the presentation and for their efforts in updating the Program. Chairman Winder also acknowledged HPM Amick's knowledge of the complex Federal Aid Program and for the improvements staff has made to the Program over the years.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b), and (f), Idaho Code. Vice Chairman Combo made a motion to meet in executive session at 7 AM on June 21 at the Twin Falls Shilo Inn to discuss personnel and legal issues. Member Miller seconded the motion. The motion passed 5-1 with Member McClure dissenting.

Delegation – Blaine County School District. Superintendent Jim Lewis thanked the Board for its time and the District staff for the assistance and cooperation on addressing transportation concerns. The Hailey area, including the school system, is continuing to grow. Plans are to construct a new high school this fall and expand the educational opportunities in the area. Superintendent Lewis reported that these expansion plans would impact traffic on SH-75 and Fox Acre. To address public safety concerns, he requested a traffic signal at that intersection. The School District would also like SH-75 expanded to four or five lanes from Fox Acre to Airport Way. He believes the city has the right-of-way to widen the highway, and said that the School District is keeping the public informed of the infrastructure needs and proposals to address those concerns. He asked ITD to work with them on these improvements.

School District Planner John Gaeddert stated that the District Traffic Engineer, Bruce Christensen, completed a traffic study. Hailey City Engineer Tom Helen reported that a consultant has done a preliminary cost estimate for the project and a request for proposal is going out for the design of the project. The City will be responsible for the preliminary engineering and the design. Superintendent Lewis emphasized the good cooperative effort between the School District, the City of Hailey, and ITD. Because the School District cannot expend funds



on non-education items, nor on roadways that are not adjacent to the school, Superintendent Lewis asked the Board to fund the improvements to SH-75, estimated at \$1.2 million.

Member Blick asked if obstacles on this proposal have been encountered, such as environmental concerns. Superintendent Lewis stated that they have been keeping the public apprised of the proposed improvements and there has been no opposition to date. He reiterated that the city has the right-of-way for the widening of SH-75. DE Rigby reported that federal funds could not be used on the project until the NEPA process, currently underway, is completed.

Member McHugh asked for clarification on the Department's policy that when a traffic signal is installed, the entities with jurisdiction on the legs must participate accordingly. DE Rigby replied that Member McHugh was correct. The City of Hailey would be responsible for the costs for one of the three legs at the SH-75/Fox Acre intersection.

Because the project is not in the current Highway Development Program, Chairman Winder asked DE Rigby to review the School District's request for improvements to SH-75 in Hailey and to provide the Board with a recommendation on this request in August. Member Sweeney thanked the School District for its foresight to address transportation issues before the new school is constructed. Most school districts come to the Board with traffic concerns after facilities have been expanded or constructed. Chairman Winder thanked the delegation for the presentation.

WHEREUPON the meeting recessed at 5:30 PM.

June 21, 2001

The Board met in executive session at 7:10 AM on Thursday, June 21, at the Twin Falls Shilo Inn. All members were present.

The general tenor of the discussion on personnel matters related to a report on the status of a complaint filed by an employee of the department against a supervisor.

The general tenor of the discussion on pending and probable litigation matters included discussions of: a delayed project on I-15; the contract award for the Mountain Home Railroad Underpass project; potential litigation involving a recent Idaho Supreme Court ruling on fuel taxation and funding issues; a contractor with unfinished ITD projects; claims from a contractor against the Department; and, potential litigation over a subdivision plat that has been filed that might impact a proposed highway project.

The Board came out of executive session at 8:05 AM. No decisions were made.

The regular session of the Transportation Board continued at the College of Southern Idaho at 8:20 AM.

Board Items. Earlier this month, Member Sweeney and DE2 Jim Carpenter met with the newly appointed Secretary of the Washington Department of Transportation, Doug MacDonald. He reported that the meeting went well and Secretary MacDonald expressed a sincere desire to work cooperatively with ITD on issues of mutual concern.

Member McHugh reminded the Board that the bid for Key 7617, Baldy Mountain Road to Ebbett Way, was awarded last month. This was the second time the project was advertised. Both times the low bid was more than 10% over the engineer's estimate; however, the initial bid received was lower than the amount awarded last month.

Member Miller informed the Board that a delegation of local officials from District 5 would appear before the Board tomorrow to discuss the Exchange Program. In 1999 LPAs were allowed to participate in the Exchange Program and also to apply for projects in the Federal Aid Program. The following year the Board established a policy eliminating LPAs' participation in both Programs. The District 5 officials will be seeking an exception to this policy since they entered the Federal Aid Program in 1999 when

participation in both Programs was allowed. Member Miller asked the Board members to consider the facts during this discussion.

Director's Items. As a follow-up to yesterday's discussion on the Goodman Oil case, Director Bower said that DAG Bywater has a packet of information on this matter if the Board would like copies. Staff will continue to monitor action on this issue and the impacts to the Department's budget.

Director Bower mentioned a letter he received from Idaho Falls Mayor Linda Milam earlier this week. The City requested that the Department phase the I-15, Sunnyside Interchange project if funding constraints prevent full funding. He supports the City's recommendation and will have staff pursue that proposal.

Director Bower reported that he has had some communication with the City of McCall regarding the proposed alternate route. A developer is proposing subdividing the property along the southern portion of the corridor. The Department has asked the City to preserve the corridor for the proposed alternate route project.

At the recent American Association of State Highway and Transportation Officials meeting, Director Bower gave a number of presentations and participated on a panel. He also informed the Board that he will need to leave the Board meeting early today and will be out of the office until July 2. CE Ross will be the acting director in his absence.

Last week Director Bower and several other staff members participated in the annual Association of Idaho Cities' conference, including Aeronautics Administrator (AA) Bob Martin who gave a presentation on aviation. He believes the conference went well and that it was a good opportunity for staff and him to discuss various issues with municipal leaders.

At the Western Association of State Highway and Transportation Officials meeting next month, Director Bower is planning a meeting with FHWA officials. He encouraged Members McHugh and Miller to attend the meeting and will inform them of the time and location.

Chief Engineer's Items. CE Ross provided an update on the City of Eagle's request for a signalized intersection on SH-44. Staff has been working with the City and FHWA on an acceptable agreement. An agreement will be presented to the Board in a couple of months for approval.

Director Bower introduced Pam Cooksey and welcomed her to the meeting. Ms. Cooksey is the FHWA Division Assistant Administrator, attending the Board meeting because Mr. Moreno had a prior commitment.

Highway Development Program Supplement 01-2. HPM Amick outlined the objectives of the supplement: to report the status of FY01 federal apportionments and obligation authority; to report the status of funding for the State Funded Highway Construction Program; to report the status of Emergency Relief funding; to modify and rebalance the Highway Development Program to include project changes, advances, and delays since the approval of Supplement 01-1 in February; to update the cost of FY01 federal and FY02 State projects to current costs; and to include recent modifications to the Federal Indian Reservation Road Program in the STIP.

HPM Amick reported that the FY02 State Program is under programmed by approximately \$1 million due to advances into FY01. He asked for Board approval to advance the US-95, Bonners County Line to Naples project for \$1.2 million into FY02.

Member Blick made a motion to approve the following resolution. Member McClure seconded the motion.

Vice Chairman Combo made a motion to amend the resolution to include the advancement of Key #7669, US-95, Bonners County Line to Naples project for \$1.2 million, into the FY02 State Funded Program. Member Miller seconded the motion and it passed unopposed.

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and

TB01-28 fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available Federal and State highway funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program; and

WHEREAS, the Transportation Department has received an overall obligation authority of \$209.1 million, which represents 88.6% of all FY01 apportionments including \$23.2 million in Revenue Aligned Budget Authority; and

WHEREAS, the changes in Supplement 01-2 to the FY01-05 Highway Development Program will fully utilize the estimated FY01 Federal Highway formula funding obligation authority of \$161.3 million and the Minimum Guarantee obligation authority of \$27.3 million.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the funding and project changes to the FY01-05 Highway Development Program, including Key #7669, US-95, Bonners County Line to Naples for \$1.2 million, into the FY02 State Funded Program, itemized and explained in Highway Development Program Supplement 01-2, which is on file in the Office of Highway Programming, and authorizes staff to make the appropriate changes to the FY01-03 Statewide Transportation Improvement Program in accordance with the provisions of the TEA-21.

Additional Funding for Bryden Canyon Road, District 2. DE Jim Carpenter provided a history of the Bryden Canyon project in Lewiston, funded as a Demonstration Project in the Intermodal Surface Transportation Efficiency Act of 1991. Including the City's matching funds, the total project budget was estimated at \$11.5 million while the current project costs are \$12.9 million. The City is requesting additional federal funds to cover the cost of an arbitration award on the right-of-way for \$505,341 and unforeseen change orders. Mr. Haynes has informed DE Carpenter that \$850,000 in STP-Urban funds would be available for Lewiston to use for the increased costs of the Bryden Canyon project, due to the delay of other urban projects because they will not be ready in FY01.

Member McClure made a motion, seconded by Member Sweeney, to approve the following resolution:

RES. NO. WHEREAS, the City of Lewiston is the sponsor for Federal-aid Project No. DPI- STP-0060(001), Bryden Canyon Road; and

TB01-29

WHEREAS, the City of Lewiston has expended all Federal Demonstration funds allocated to this project under the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, the City of Lewiston has contributed money in local matching funds and currently has a deficit of \$850,000; and

WHEREAS, the Idaho Transportation Department has verified that a minimum of \$850,000 in cost overruns for this project met the requirements for reimbursement through the Federal Highway Administration; and

WHEREAS, the Local Highway Technical Assistance Council has determined that \$850,000 in Federal funds including match designated for the STP-Urban Program in FY01 are available from the delay of other projects.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the addition of \$850,000 in FY01 of the STP-Urban Program including \$787,610 Federal funds and \$62,390 in match from the City of Lewiston to the Bryden Canyon Project to cover the above cost increases.

Vice Chairman Combo provided additional background on the ISTEA Demonstration projects. Local entities worked directly with Idaho's Congressional Delegation for approval of Demonstration projects, whereas ITD was heavily involved in the reauthorization efforts in 1998. He stated ISTEA did not include special funding for urban areas, but that the Board opted to provide funding to the LPAs. ITD administers

local projects because it is ultimately responsible to FHWA for the federal expenditures. Member Sweeney said the time it takes to complete projects complicates the process because the funding that was approved in 1991 was probably sufficient for the Bryden Canyon project; however, the costs of the project escalated by the time the project was constructed.

Chairman Winder questioned the tenor of the April 30 letter the Board received from the City of Lewiston on this project. DE Carpenter responded that there were two main issues regarding the Bryden Canyon project. The first concern was that the City of Lewiston was told that due to the low bid on the project, there were additional funds available for unplanned enhancements. DE Carpenter stated that in 1999 it appeared the City would have approximately \$1 million for additional projects. It was later discovered that there were discrepancies in the right-of-way billings and that the extra money would not be available for use at the City's discretion. DE Carpenter believes it was an honest mistake. The other item related to change orders. The City believed that the delayed change order processing resulted in the City not being aware of the exact costs of change orders. However, the City did know about all change orders in accordance with the state/local agreement and knew the magnitude of the cost and the scope of the change orders within a close timeframe of the work being done.

DE Carpenter summarized some recommended changes to improve LPAs' awareness of project costs, including sending copies of all pay estimates to the LPA at the time they are sent to the contractor and including the provisions for local right-of-way reimbursement in the Right-of-Way Procedure Manual in the LPA Guidelines Manual. He stated that some changes have already been implemented to prevent similar problems with future LPA projects. Financial Services now sends semi-annual financial statements to LPAs. District 2 revamped the change order tracking in November 1999 to ensure quick and timely turnarounds on these documents. The LPA Guidelines were revised in July 2000 and now require that the Department receive the local match in advance of any change order for all instances where the match exceeds \$1,000.

Member Sweeney asked if the financial statements could be sent on a monthly basis and to the Districts as well as the LPAs. CE Ross said he would look into that suggestion. Member Sweeney added that he believes monthly statements would have been helpful to the City of Lewiston in this situation.

The motion passed unopposed.

In response to Chairman Winder's question on whether the City of Lewiston's concerns have been addressed, City Attorney Don Roberts said he was unsure of the status of the right-of-way costs, but will look into that issue. He expressed appreciation to the Board and staff for the assistance on the project. The Board also extended appreciation to Mr. Haynes for his involvement and efforts on this issue.

Camas Prairie Railnet, Inc. Abandonment Between Craigmont and Grangeville, District 2. In response to the Surface Transportation Board's approval of the abandonment of the Craigmont to Grangeville section of the Camas Prairie Railnet line, staff reviewed the potential use for the railroad right-of-way for highway development, trails, and rail line operation. DE Carpenter said the rail line parallels US-95 for a total of 8.5 miles. The current highway configuration is a two-lane highway with five-foot shoulders and intermittent passing lanes. Based on current AASHTO standards, the existing geometrics and roadway typical should be sufficient until the average daily traffic (ADT) count approaches 6,000. Predictions are that the ADT in ten years will only be 3,070. Although there does not appear to be a pressing need to acquire this right-of-way, DE Carpenter believes if the right-of-way could be acquired at a reasonable price, the Department should pursue that option.

Chairman Winder thanked DE Carpenter for the information and asked him to keep the Board apprised of this issue. Member Sweeney questioned the Board's involvement in railroad abandonment issues and keeping rail lines operational, particularly if the abandonment will increase truck traffic on the state's highways. He realizes the Rail Service Preservation Program, approved by the Legislature this past session, will provide guidance on the Department's involvement. He suggested a discussion at a future Board meeting on this issue.

Three-Year Airport Improvement Program. Aeronautics Administrator Bob Martin reported that the Division of Aeronautics' FY02 budget includes \$300,000 for commercial service airports, \$461,593 for general aviation airports, and \$238,407 for state/local projects. Airport Planning and Development Engineer Wayne Pickerill reported on the proposed match ratios: federal-aid match - 90% federal, 5% state, and 5% local; communities less than 1,000 population - 90% state and 10% local; communities between 1,000 and 5,000 population - 75% state and 25% local; and communities over 5,000 population - 50% state and 50% local. AA Martin added that the Aeronautics Advisory Board has approved the recommended Three-Year Airport Improvement Program and that the criteria used for funding projects includes safety as the number one priority followed by preservation of the facility.



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

RES. NO. WHEREAS, the Division of Aeronautics has solicited, received, and reviewed applications from municipal airport owners for financial

TB01-30 assistance; and

WHEREAS, the Division staff has evaluated these applications and prepared the Aeronautics 3-Year Program; and

WHEREAS, the Aeronautics Advisory Board has concurred with these recommendations.

*NOW THEREFORE BE IT RESOLVED*, that the Aeronautics 3-Year Program, as shown as Exhibit 241, which is made apart hereof with like effect, be approved; and

*BE IT FURTHER RESOLVED*, that the Division shall issue grant offers as listed for the FY02 year; and

*BE IT FURTHER RESOLVED*, that the Idaho Transportation Department adopts the proposed airport funding formulas.

FY02 Federal Scenic Byway Discretionary Projects. Senior Transportation Planner Garry Young summarized the list of projects to submit to FHWA for FY02 Federal Scenic Byway Discretionary funding. The Scenic Byways Advisory Committee reviewed and prioritized the projects, and recommends submitting the projects for discretionary funding. He emphasized that it is a competitive Program and it is unlikely all projects will be funded.

Although Member Blick is supportive of the Program, he expressed concern with designating more routes as Scenic Byways because of future restrictions that may be placed on these Byways. He understands there are no specific restrictions on Byways now when improvements are made, but he realizes that there are no guarantees that regulations won't be implemented in the future. He does not want ITD to lose control on the types of improvements that can be made in the future on these roads.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996; and

TB01-31

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, all state and local Scenic Byway grant applications are to be submitted by the Idaho Transportation Department to the Federal Highway Administration for Federal Scenic Byway Discretionary Funding; and

WHEREAS, FY02 Scenic Byway Grant Applications have been received, reviewed, and prioritized by the SBAC with recommendations to the Board.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the application for the following FY02 projects in priority order for Federal Scenic Byway Discretionary funding totaling \$1,455,512 and inclusion in the Draft FY02 Statewide Transportation Improvement Program (STIP) for purposes of public involvement and, if awarded by FHWA, inclusion in the final FY02 STIP.

- 1) Byway Brochure Reprint/Statewide Signing for \$140,000;
- 2) Pioneer Historic Byway Sign Implementation for \$237,000;

- 3) Sawtooth Scenic Byway Interpretive/Viewshed Enhancements for \$36,540;
- 4) Ponderosa Pine Corridor Management Plan for \$150,000;
- 5) Thousand Springs Scenic Byway Pilot Projects for \$145,180;
- 6) Payette River Scenic Byway Interpretive Center for \$233,292;
- 7) White Pine Scenic Byway Corridor Management Plan for \$170,000;
- 8) Lake Coeur d'Alene Scenic Byway Corridor Management Plan for \$170,000;
- 9) Panhandle Historic Rivers CMP and right-of-way acquisition for \$173,500.

Chairman Winder was pleased to announce that Mr. Young received first place in the Idaho Press Club Award for the "Taking the Scenic Route" brochure. He congratulated Mr. Young, presented him with a plaque, and thanked him for his efforts in the Scenic Byway Program.

Sawtooth Scenic Byway Corridor Management Plan, District 4. Mr. Young reported on the corridor management plan developed on the Sawtooth Scenic Byway along SH-75 in Lincoln, Blaine, and Custer Counties. The planning process was a 16-month effort involving strong local representation. The commissioners of the respective counties have officially approved the plan, which covers the enhancement of the byway's intrinsic qualities, highway safety issues, and marketing aspects. District staff was also heavily involved in the development of the plan and has approved it.

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

RES. No.        WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996, to provide

TB01-32        advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, corridor management plans (CMP) are 1) important for the protection and orderly development of scenic byways, 2) required for National Scenic Byway designation, and 3) key to gaining priority for National Scenic Byway funding; and

WHEREAS, the Sawtooth National Recreation Area with the support of the counties of Lincoln, Blaine, and Custer has produced a CMP for SH-75, known as the Sawtooth Scenic Byway; and

WHEREAS, all CMPs are to be submitted to the SBAC for review and consideration before Board action; and

WHEREAS, the SBAC has reviewed the CMP, concurring with District 4 that the plan adequately addresses the issues of the byway, and recommends Board approval.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the corridor management plan for the Sawtooth Scenic Byway.

Payette River Scenic Byway Extension, District 3. The Payette River Scenic Byway Advisory Council requests Board approval for the designation of US-95 from the junction of SH-55 westerly to the Northern Pacific Train Depot and northerly to the New Meadows City Limits as part of the Payette River Scenic Byway, according to Mr. Young. This extension is being requested to provide an acceptable location for the New Meadows Gateway Interpretive Site, at the train depot. The Eagle Scenic Byway Gateway Interpretive Site has been funded and is currently under construction at the southerly portion of the Scenic Byway. Mr. Young reported that the District staff supports the requested extension.

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

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996; and

TB01-33

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byways Program to the Board; and

WHEREAS, all local requests for Scenic Byway designation are to be submitted to the SBAC for review and consideration; and

WHEREAS, the Payette River Scenic Byway Advisory Council has submitted a proposal to extend the Payette River Scenic Byway designation from the intersection of SH-55/US-95 west to the Northern Pacific Train Depot, and north to the New Meadows city limits; and

WHEREAS, the SBAC has found the request for this designation to alleviate logistical problems for placing Payette River Scenic Byway Gateway signs; and

WHEREAS, this designation will make it possible for these Gateway signs to receive National Scenic Byway funding, SBAC recommends Board approval.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the designation of US-95 westerly from the junction of SH-55 to the Northern Pacific Train Depot and northerly to the New Meadows city limits as part of the Payette River Scenic Byway.

Western Heritage Scenic Byway Designation, District 3. The City of Kuna, Kuna Futures, and the Birds of Prey National Conservation Area Gateway Committee are requesting Board approval for the designation of SH-69 and Swan Falls Road as the “Western Heritage Historic Byway”. Mr. Young reported that the SBAC has reviewed the request and has determined that the application meets the guidelines for designation. Letters of support, including from the District, were provided.

He introduced the Project Coordinator for Kuna Futures Inc., Jory Hall, and asked her to elaborate on the history of the area. She said that a booklet on the history of the area has been prepared. She believes the area’s history, although unique and varied, is representative of the state. She also reported that the Birds of Prey National Conservation Area is seeing an increase in visitors, and she believes the designation of this Historic Byway will be very beneficial for the area, as well as the traveling public. Ms. Hall thanked the Board for the SH-69, Amity to Kuna project under construction, which should enhance safety.

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

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways Advisory Committee (SBAC) on June 21, 1996; and

TB01-34

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byways Program to the Board; and

WHEREAS, all local requests for Scenic Byway designation are to be submitted to the SBAC for review and consideration; and

WHEREAS, the City of Kuna, Kuna Futures, and the Birds of Prey National Conservation Area Gateway Committee have submitted a request to designate a route including SH-69 and Swan Falls Road to Swan Falls Dam as the “Western Heritage Historic Byway”; and

WHEREAS, the SBAC has found the request for this designation to comply with its established criteria, recommending Board approval.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the designation of the route including SH-69 and Swan Falls Road to the Swan Falls Dam as the “Western Heritage Historic Byway”; and

*BE IT FURTHER RESOLVED*, that the “Western Heritage Historic Byway” shall be so signed and designated on the Idaho Official State Highway Map.

Workshop with the Public Transportation Advisory Council (PTAC). Public Transportation Administration (PTA) Larry Falkner thanked the Board for the opportunity to conduct a work session with the PTAC on various public transit issues. He informed the Board that Bob Scott’s appointment to PTAC will expire this month. He asked the Board to consider re-appointing Mr. Scott to another three-year term to represent District 6 on the PTAC.

Vice Chairman Combo made a motion to re-appoint Bob Scott to the PTAC, representing District 6, for a term to expire in June 2004. Member Miller seconded the motion and it passed unanimously. Chairman Winder thanked Mr. Scott for concurring to serve another term.

PTAC Chairman General James Brooks believes that public transportation is a valuable service to the state. He thanked the Board for its time and support of public transportation. Currently, there are two established Regional Transit Authorities (RTAs) in Idaho. He said other areas have expressed an interest in establishing RTAs. PTAC supports RTAs and believes they play an important role in the state. Lynn Hughes, PTAC member from District 4, believes RTAs provide efficiencies and coordination, but funding is a critical issue for their success.

In response to Member McHugh’s question on the funding source for RTAs, Mr. Scott replied that the Targhee/Bonneville County RTA strictly relies on local funds. PTA

Falkner reported that VIATrans is undertaking significant efforts for funding RTAs through legislation in 2002. He will keep the Board apprised of those efforts.

District 2 PTAC member Robert Bushfield elaborated on the funding sources Lewiston is exploring for public transportation, including both federal and state sources. Chairman Brooks added that there will be federal funding changes in the Treasure Valley due to census figures. Staff will provide additional information to the Board on that issue. Chairman Brooks expressed concern that the state and locals may not be able to come up with the match for federal transit funds and end up losing federal dollars.

Chairman Brooks believes amendments are needed to Idaho Code. Some of the concerns that PTAC would like to address are the decision-making authority because their role is to be advisory, and the reporting requirements. The Interagency Working Group will work with affected parties, including ITD staff, on proposed changes and hopes to have a legislator sponsor the legislation.

The Board thanked the PTAC members for their service to the State and for the discussion on the various public transportation issues.

May 16-17, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Sweeney, to approve the minutes of the Board meeting held on May 16-17, 2001 as corrected. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

July 11-12, 2001 – District 1

August 16-17, 2001 – District 5

September 19-21, 2001 – District 3

Consent Calendar. Member Blick made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:



RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the FY02 out-of-state travel; revisions to Board Policy

TB01-35 B-18-07, Code of Fair Practices; the Strategic Plan summary; the 2010 Statewide Rural Functional Classification update; and changes to the speed and collision report; and has received and reviewed the speed minute entry changes, contract award information, the new and supplemental professional agreements report, the quarterly report on legal activities, and the April financial analysis.

1) FY02 Out-of-State Travel. The revised FY02 out-of-state travel requests were reviewed at the June 20 work session. The travel request has been revised to \$426,053, a decrease of \$38,010.

2) Revisions to Board and Administrative Policies B- and A-18-07, Code of Fair Practices. These policies have been revised to more closely reflect current federal regulations for employment and discrimination. Other information and Department titles were also updated.

3) Strategic Plan Summary. Idaho Code requires state agencies to submit to the Division of Financial Management a strategic plan for program activities by July 1 of each year. A summary, including new major functions, goals, and performance measures for the Division of Aeronautics, was presented. The complete FY02 Strategic Plan will be available for internal distribution in December.

4) 2010 Statewide Rural Functional Classification Update. In accordance with Board Policy, the Rural Functional Classification Map has been updated for Board approval. Each District reviewed its highways to determine if functional classification changes were necessary. District 3 recommends upgrading SH-44 from the Caldwell east urban boundary to the Boise west urban boundary and SH-69 from the Boise urban boundary to its terminus in Kuna to Rural Principal Arterials. Currently, both routes are classified as Rural Minor Arterials.

5) Recommended Speed and Collision Report Changes. In 1995, Congress enacted the National Highway System Designation Act that, among other provisions, repealed the national maximum speed limit. In 1996 the Idaho Legislature authorized a maximum

speed limit of 75 miles per hour (mph) on interstate highways and 65 mph on state highways, with the Transportation Board responsible for establishing speed limits on the state highway system based on engineering and traffic studies. Since then, staff has been reporting to the Board the impacts of the increased speed limits on collision rates.

Because there are numerous variables to draw conclusions regarding the correlation between increased speed limits and collision rates and because the control and study corridors have changed considerably since 1996, staff is proposing modifications to the annual report. Some of those changes would consist of eliminating the reference to study and control corridors and focus on speed and collision history and trends for the entire state highway system; speed information that includes the average travel speed, the 85<sup>th</sup> percentile speed, and the percent of vehicles that exceeded the posted speed limit; and collision information on the total injury, total collision, and fatal collision rates.

6) Speed Minute Entry Changes for April and May. In District 1, the 45-mph zone on SH-200 was lengthened from milepost (MP) 29.74 to 45.581 to agree with the new city boundary in Kootenai. The 35 mph zone on US-2 was lengthened in Sandpoint, MPs 25.8 to 28.29 to coincide with the new city boundary. In accordance with the speed and engineering study conducted by District 1 staff, a 35 mph transition zone between the 25 mph and 55 mph zone on SH-3, MPs 84.683 to 87.06, was implemented.

In District 3, a speed and engineering study indicated that a 45 mph transition zone was needed between the 55 mph zone on SH-55 and the 35 mph zone on Eagle Road north of the intersection. The change covered mileposts 16.06 to 18.004. Per resolution of the City of Idaho City, the 35 and 45 mph zones were changed on SH-21. The 35 mph zone was lengthened to agree with the new city boundary and the 45 mph transition zone was moved, covering MPs 33.53 to 49.27.

As required by a resolution of the City of Jerome, the 35 mph zone was lengthened to agree with the new city boundary on SH-79, MPs 0.0 to 2.16. The City of Burley passed a resolution lengthening the 35 mph zone to agree with the new city boundary and the 45 mph zone was also moved on I-84B. The changes covered MPs 21.99 to 24.106. By resolution of the City of Paul, the 35 mph zone on SH-25 was lengthened to agree with the new city boundary, including MPs 45.63 to 48.87. The City of Albion approved a resolution reducing the speed limit to 25 mph with 35 mph transition zones on each end, covering MPs 0.3 to 23.19. The 35 mph zone on SH-21 was lengthened to agree with the new city boundary of Stanley, in accordance with the city's resolution, MPs 105.517 to 130.869. The last change in District 4 was in response to the speed and engineering study conducted by staff on US-93. The speed zone was lowered to 45 MPH with a transition zone of 55 mph on the north end of the zone, MPs 50.0 to 72.77.

7) Contract Award Information. Key #6474 – District 1 Pavement Striping. Low bidder: Specialized Pavement Marking Inc. - \$117,600.

Key #7895 – SH-4, Wallace to Burke, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$497,080.

Key #7900 – US-2, Sand Hill to Moyie Springs, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$836,446.

Key #7680 – I-15, Utah State Line to Deep Creek, District 5. Low bidder: Multiple Concrete Enterprises - \$5,796,891.

Key #7145 – US-12, Lochsa River South to Bald Mountain, District 2. Low bidder: Valley Paving & Asphalt Inc. - \$1,947,094.

Keys #8424 and 8464 – US-12, Greer to Kamiah, and District 2 Seal Coats. Low bidder: Conmat - \$36,923.

Keys #8554, 8550, 8552, 8478, 8551, and 8553 – Spirit Creek to Old Town, Etc., District 1. Low bidder: Poe Asphalt Paving, Inc. - \$733,466.

Key #6633 – SH-21, Thorn Creek Bridge, District 3. Low bidder: Concrete Placing Company Inc. - \$760,545.

Key #8185 – US-95, Tamarack to New Meadows, District 3. Low bidder: Emery, Inc. - \$91,043.

Key #5988 – Portneuf River Greenway, Stage 2, District 5. Low bidder: Bannock Paving Company - \$736,294.

8) New and Supplemental Professional Agreements Report. From May 1 to June 6, the Consultant Administration Unit processed \$3,697,036 in new and supplemental agreements.

9) Quarterly Report on Legal Actions. A summary of legal cases disposed of by the Legal Section between March 1 and June 1 and a status of current legal cases was presented.

10) April Financial Analysis. Revenue in the State Highway Fund continues to be ahead of forecast by 3.3%. Staff believes the increase in revenue is due to trucking companies paying the last of the weight distance taxes while paying the higher registration fees up front. This increase in revenue should cease after October. Federal aid revenue fell further behind projections in April. Total Aeronautics revenue continues to be behind expectations year to date. Expenditures in all categories are either within or below projected amounts.

ITD Representative to the Technology Transfer (T2) Center Advisory Board. The T2 Center bylaws specify two representatives from the Transportation Department on the T2 Center Advisory Board. With the resignation of Bruce Drewes in April, Greg Fredericksen is recommended to represent ITD on this Advisory Board. Mr. Fredericksen transferred from District 6 to replace Mr. Drewes in the Division of Highways' Training Unit.

Member McHugh informed staff of the incorrect spelling of a current T2 Advisory Board member. He said the representative from Worley Highway District is Tom Nigh.

Member McHugh made a motion to approve the appointment of Greg Fredericksen to the T2 Center Advisory Board. Vice Chairman Combo seconded the motion and it passed unopposed.

Environmental Clearances – Funding Positions in the National Marine Fisheries Service, the U.S. Fish and Wildlife Services, and the U.S. Army Corps of Engineers. The Board authorized funding positions in the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (FWS) and the U.S. Army Corps of Engineers (COE) in 1999. CE Ross said these positions have been filled and the Department is seeing the benefits of having this assistance. Because the requirements for environmental clearance for federally-funded projects have not changed and these federal agencies have not received additional funds in their budgets, CE Ross requested including projects in the Draft FY02 Highway Development Program to continue funding these positions through FY03. The annual cost for these agreements are \$125,000 for the NMFS, \$100,000 for the FWS, and \$130,000 for the COE. He believes ITD is receiving good service from these positions and supports continuing funding the positions.

Member McClure made a motion, seconded by Member Miller, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to accomplish a current, realistic and fiscally constrained

TB01-36 Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available Federal and State Appropriated Highway Funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program; and

WHEREAS, TEA-21 authorized providing funding to other agencies in order to meet expedited environmental review time for transportation projects; and

WHEREAS, project delays in FY00 and FY01 have been minimized through better coordination from dedicated staffing in the National Marine

Fisheries Services, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the inclusion of three projects each in years FY02 and FY03 of the Draft FY02 Highway Development Program; a National Marine Fisheries Service, a United States Fish and Wildlife Services, and a United States Army Corps of Engineers Reimbursable Agreements, for \$125,000, \$100,000, and \$130,000, respectively.

Although District 1 has indicated its support for funding these positions, Member McHugh believes it is extortion and opposes funding the positions. Member Miller asked if the Department is paying for an employee that is strictly working for ITD. CE Ross responded that the agreements are for positions devoted to Idaho, but he believes the employees may be working on non-ITD projects. He said the employees have been attending numerous reviews and meetings, which is helping expedite projects. This also facilitates needed communication between the agencies. In response to Member Blick's question on what other states are doing, CE Ross responded that both Washington and Oregon are funding positions. Member Blick expressed opposition to funding these positions, but will support the motion because of the necessity to get projects completed in a timely manner.

The motion passed five to one with Member McHugh dissenting.

Biological and Environmental Services – Idaho Department of Fish and Game. The Board has authorized funding of biological studies and data management of site-specific, rare species information by the Conservation Data Center section of the Idaho Department of Fish and Game since FY99. A five-year proposal was submitted in FY99 and was approved through FY01. CE Ross requested projects in the Draft FY02 Highway Development Program to continue funding this agreement during 2003 at an annual cost of \$21,000. This approach is beneficial by providing current and historical species and habitat information to consultants and ITD personnel for use in environmental project development. This information is particularly important in meeting the requirements of the Endangered Species Act. Having this data provides the ability to respond to species issues at the proper time in project development and to avoid surprises later, which frequently cause project delays.

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

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to accomplish a current, realistic, and fiscally constrained

TB01-37 Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available Federal and State Appropriated Highway Funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program; and

WHEREAS, TEA-21 authorized providing funding to other agencies in order to meet expedited environmental review time for transportation projects; and

WHEREAS, project delays are minimized by accurate, comprehensive, and timely species information at the earliest possible stage of project development.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the inclusion of Biological and Environmental Services projects in years FY02 and FY03 of the Draft FY02 Highway Development Program of \$21,000 each year.

Claim on Banks Stockpile, District 3. Summit Stone, Inc. has appealed the Chief Engineer's decision on a contract claim. The claim arises from an alleged delay in delivery of a salt additive on the Banks Stockpile project. The contractor has claimed entitlement to additional compensation in the amount of \$149,580.

Member Blick made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, Summit Stone, Inc. has filed an appeal of the Chief Engineer's decision on Contract No. 6340, Key 7419; and

TB01-38

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Summit Stone, Inc. on the claim; and

WHEREAS, ITD Standard Specification authorizes that the dispute be resolved by binding arbitration using the American Arbitration Construction Rules.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer to enter into a binding arbitration agreement to resolve this matter.

Contract Awards. The low bid on Project ST-1739(602), Key 7062 – SH-36, Preston West City Limits to Junction US-91, Franklin County, District 5, was more than ten percent over the engineer's estimate, requiring justification. Staff believes the bid items reflect the project's small quantities and its location. The major price variations are associated with plantmix pavement and mobilization. Due to the lack of interest from other contractors, as only two bids were received, and the need to complete this project, staff does not believe re-advertising the project would be beneficial, so it recommends awarding this contract.

Member McClure made a motion to award the low bid on Project ST-1739(602), Key 7062 to the low bidder: Bannock Paving Company, Pocatello, Idaho - \$379,721. Member McHugh seconded the motion and it passed unopposed.

The low bid on project ST-2779(609), Key 7726 – Intersection Idaho Street and Main Street, Wendell, Gooding County, District 4, was more than ten percent over the



engineer's estimate, requiring justification. The source for bid items was past bids of similar projects. The difference in the low bid and the engineer's estimate appears to be primarily due to two items, traffic signal installation and video detection system. The District learned that the contractors believe there may be rock in the area, which resulted in higher prices. Staff does not believe a lower bid would be received if the project were re-advertised, so it recommends awarding the project.

Vice Chairman Combo made a motion to award the low bid on Project ST-2779(609), Key 7726 to the low bidder: Wheeler Electric Inc., Idaho Falls, Idaho - \$152,563.71. Member McHugh seconded the motion. Member Blick asked if the Department could include a clause in the bid proposal that specifies ITD would be responsible for excessive costs if rock were found. Member McClure replied that the Department could include a rock excavation price to address that unknown factor. The motion passed unanimously.

Recognition of the District 4 Adopt-A-Highway Group of the Year. Member Blick was pleased to honor the Redeemer Lutheran Youth Fellowship of Hansen for its efforts in the Adopt-A-Highway program. The group adopted the two-mile stretch of SH-50 in 1996. Member Blick thanked the members of the Youth Fellowship for their efforts and stated that they provide a valuable service to ITD as well as the State of Idaho.

Jerome County's Request for Donated Right-of-Way, District 4. Earlier, Jerome County and the Jerome County Airport Board requested that they be allowed to acquire property from ITD at the east end of the Airport for expansion plans. Possession of this property would define control of the property by the airport as required by the Federal Aviation Administration. Upon review of the property, DE Rigby said it was determined that ITD could relinquish approximately four acres, but would retain the remainder of the property for future highway improvements at the intersection of US-93 and SH-25. It was also learned that the property was secured by ITD from Jerome County in 1948 by a Highway Right-of-Way Deed. Should ITD relinquish interest in the property, it would revert back to the County.

In response to Member Blick's question on whether this relinquishment would accommodate the Airport's needs, DE Rigby replied that he believes it would. The approximately four acres would be under the County's control and it could use the property for match for federal aviation funds in the development and expansion of the airport. Consultant Dale Riedesel confirmed that ITD's relinquishment of this property would work for the County. He stated that the Airport modified its runway design to coincide with the proposal before the Board.

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

RES. NO. WHEREAS, Jerome County requested that the Idaho Transportation Department allow it to re-acquire certain property rights from ITD

TB01-39 east of the Jerome County airport; and

WHEREAS, staff's review of the property indicates that a portion of the property, approximately 4.5 acres, is not necessary for future highway improvements; and

WHEREAS, ITD currently holds an easement for public highway purposes granted by a highway right-of-way deed from Jerome County on this property; and

WHEREAS, upon release of the easement on the property it will revert to the owner of the underlying interest in the property by action of law; and

WHEREAS, Jerome County is the owner of the underlying fee interest in the property.

*NOW THEREFORE BE IT RESOLVED*, that staff pursue release of the easement for a public highway held by ITD on approximately 4.5 acres of the requested property that is not necessary for future highway improvements.

Wendell to Buhl Corridor, Extension of SH-46, District 4. In 1998 the Board approved \$300,000 in State Un-allocated funds for a corridor study of the proposed Wendell to Buhl highway. The City of Buhl was the designated agency to administer the funds for the study, which has been completed. DE Rigby said that the District and local entities would like to proceed into the environmental analysis phase of the project, and LHTAC

has proposed programming \$800,000 in Federal Aid for FY01 toward this effort. Because not all of the original \$300,000 in State Un-allocated funds has been expended, the local sponsors are requesting approval to use the remaining funds, estimated at \$41,000, as part of the required match for the STP-Rural money identified by LHTAC.

Member McHugh made a motion, seconded by Member Blick, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board, using the Exchange Program, provided \$300,000 in State Un-Allocated funds for use by the City

TB01-40 of Buhl, Buhl Highway District, and Wendell Highway District in the development of the Buhl to Wendell Corridor Study; and

WHEREAS, there are funds remaining after completion of the corridor study; and

WHEREAS, the sponsors have been advised to move forward with the development of an environmental document; and

WHEREAS, the Local Highway Technical Assistance Council has proposed programming \$800,000 in Federal Aid for FY01 for this purpose.

*NOW THEREFORE BE IT RESOLVED*, that the remaining State-Unallocated money, estimated at \$41,000, be made available for the local entities to use as part of the Federal Aid match requirement; and

*BE IT FURTHER RESOLVED*, that the City of Buhl, Buhl Highway District, and Wendell Highway District will be responsible for providing any additional required matching funds.

Member Sweeney asked if the final alignment has been identified and if it goes through the City of Buhl. DE Rigby responded that the preferred route has not been established, but that will be part of the environmental process. Member Sweeney reiterated his support to bypass communities and provide for a safe and efficient flow of traffic.

The motion passed unanimously.

Update on Snake River Crossing Funding Analysis, District 4. Bob Humphrey, District 4 Senior Transportation Planner, provided background information on the Snake River Crossing Plan, completed in May 2000, and the ensuing regional funding plan undertaken to gauge the region's desire and capability to pay for such a large project. He elaborated on the conclusions of the funding plan. Area residents are familiar with and concerned about traffic problems on Blue Lakes Boulevard in Twin Falls and US-93. A majority of residents would like to see Pole Line Road widened and a new Snake River bridge constructed. A majority of residents indicated they would be willing to pay a \$0.50 toll to help build the new bridge, estimated at \$115 million. However, of those residents who travel the Perrine Bridge at least once a week, a significant portion stated that they would avoid a toll by using another route or reducing the number of trips across the Snake River. Thus, it is estimated that a toll would generate 40% of the cost for a new bridge and corridor improvements. Some of the conclusions of the plan include continuing work on funding a crossing, considering preserving the corridor, completing the short- and long-term improvements, and continuing the coordination efforts of all parties.

Chairman Winder questioned the legality of tolling. Member Blick does not believe the local officials are supportive of this proposal, but he is unsure of their concerns. Although the project could not be completed for some time, he believes efforts for another Snake River crossing should continue, including the acquisition of right-of-way.

Chairman Winder thanked Mr. Humphrey for the update and asked him to keep the Board informed of efforts on this project.

Delegation – Twin Falls Highway District. Gerald Martens, consultant with EHM Engineers, provided a history of the Salmon Falls Creek Bridge, built in 1917, on the Jarbridge Road. There is a narrow road over the dam that the Twin Falls Highway District would like to replace. The road over the dam is in poor condition and the approaches are dangerous. Because the project would not qualify for bridge funds, it is

difficult for the highway district to obtain federal funding for the project, which is estimated at \$5.5 to \$6.5 million. The local officials have submitted an application to Idaho's Congressional Delegation for discretionary funding. Mr. Martens said that the road mainly accesses Bureau of Land Management and Forest Service lands. He wanted to inform the Board of this project and the request for discretionary funding, and asked the Board for its support.

In response to Member Sweeney's question on the average daily traffic count, Mr. Martens responded that it is approximately 300. Member Sweeney asked if the BLM or Forest Service have been approached for funding assistance. Mr. Martens responded that BLM was contacted when the application for discretionary funds was completed. BLM stated that it did not have funds available for the project. Mr. Martens added that BLM provided money several years ago for safety improvements to the road. He stated that the locals worked with DE Rigby on classifying the project as a bridge and also on funding options. Vice Chairman Combo asked if BLM owns the dam. Mr. Martens replied that the dam is locally owned by an Irrigation District. A lawsuit several years ago resulted in the mortgage of the dam, so the Irrigation District does not have funds available for the project. Mr. Haynes stated that the project would be eligible for federal funding, however, because of the cost of the project, it is unlikely that the entire project could be funded through the STP-Rural Program.

Chairman Winder thanked Mr. Martens for the presentation. The Board took the request to support the Salmon Falls Creek Bridge project under advisement and asked DE Rigby to provide a recommendation on the request to support the project.

Old/New Business. In response to the Mayor of Idaho Falls' letter regarding phasing the I-15, Sunnyside Interchange project, Vice Chairman Combo made a motion authorizing Director Bower to respond affirmatively to Mayor Milam's request for programming the project in the Highway Development Program, including phasing the project if necessary. Additionally, staff is to prepare a resolution stating the Board's support for the I-15 Sunnyside project. Member Blick seconded the motion and it passed unopposed. (See later minute entry.)

Member McHugh requested time during tomorrow's tour to revisit the Exchange Program. Member McHugh made a motion to amend the June 22 agenda to include Old and New Business. Member Miller seconded the motion and it passed unopposed.

WHEREUPON the meeting recessed at 4 PM.

June 22, 2001

The Board met at 8:30 AM at the Twin Falls Shilo Inn on Friday, June 22, to depart for the tour of District 4. All members were present.

The Board traveled I-84 east to Heyburn. DE Rigby distributed a letter from the Greater Twin Falls Area Transportation Committee. The letter thanked the Board for visiting the Twin Falls area, for the construction projects on US-93 south and US-30 east of Twin Falls, and for proceeding with the SH-74 study.

Delegation – Mini-Cassia Transportation Committee. Dwinelle Allred welcomed the Board members to Heyburn and thanked them for their time. He reported on the proclamation expanding the Craters of the Moon National Monument boundaries and the additional traffic that will bring to the area. He stressed the importance of improving the Minidoka to Arco road. He realizes ITD's funds are limited and stated that the Committee is considering approaching the state's Congressional Delegation for funding.

Nick Allen provided additional information on the approximately 68-mile road. He stated that the BLM has installed road counters and the counts indicate that traffic has already increased since the proclamation. He added that a comprehensive plan is being developed. Mr. Allred emphasized that there is strong support, not only from the local entities, but also from the Association of Idaho Cities, for an improved Minidoka to Arco road, as it would be beneficial to the entire state.

Vice Chairman Combo told the Committee that the Board heard about the expansion plans from Craters of the Moon Superintendent Jim Lewis last month. He told the group that DE Tom Cole will be the main contact on transportation issues related to the Monument, but that DE Rigby will be kept apprised of issues and consulted in matters relating to the area.

In closing, Mr. Allred provided a list of prioritized projects from the Committee. The top three include improvements to SH-27, from Overland Bridge to I-84; SH-77, Almo to Conner Creek; and realignment of SH-77 over the Albion grade, which should be advertised this fall. He expressed appreciation to the District staff for the assistance and support it is providing.

The Board thanked the Committee members for the update on transportation issues in the area.

The tour continued east on I-84, south on SH-81 to Malta, north on SH-77 to Declo, west on US-30 to Burley, north on SH-27 to Paul, and east on SH-25 to the Rupert Maintenance Shed. District personnel briefed the Board on various projects and issues along the tour route. The employees of District 4 hosted the Board for lunch. Rupert Maintenance Foreman Rod Draper informed the Board of the maintenance responsibilities of the Rupert crew and extended staff's appreciation for the Board's visit. The Board thanked staff for lunch and for its service to the State of Idaho.

Delegation – Local Public Agencies from District 5. Bingham County Public Works Director David Babbitt, representing various District 5 county and highway district officials, provided a history of the agencies' participation in the Exchange Program. In 1999 LPAs were allowed to participate in the Exchange Program and to apply for projects in the Federal-Aid Program. A number of District 5 LPAs applied for projects in the Federal-aid Program, and were approved for funding, and also participated in the Exchange Program. The following year, the Board established a policy prohibiting agencies to participate in both the Exchange Program and what became the Federal-aid Incentive Program. When pursuing why the District 5 LPAs did not receive the Exchange Program applications this past spring, they were informed that because they have projects in the current STIP, they were not eligible to participate in the Exchange Program. Mr. Babbitt requested Board approval for the District 5 LPAs to participate in both programs, as they were told they could do in 1999. Bingham County Commissioner Wayne Brower added that the local entities understand now that if they apply for new projects through the Federal-Aid Incentive Program, they would not be able to participate in the Exchange Program.

Member Blick asked for clarification that the entities want to complete their projects in the current STIP and also receive funding through the Exchange Program. Commissioner

Brower reiterated that in 1999 LPAs were allowed to participate in both Programs. Bingham County has projects in the STIP that it would like to complete, while also participating in the Exchange Program.

In response to Member Sweeney's question on whether LPAs are automatically included in the Exchange Program annually, or if they have to re-apply, Member Miller responded that the entities have to re-apply every year. Commissioner Brower explained that although they were told they could participate in both Programs in 1999, if they would have known they would have to choose either the Exchange Program or the STIP after their projects were approved in the STIP, they would have elected to stay in the Exchange Program. Member McClure asked why Bingham County would opt for the approximate \$200,000 from the Exchange Program versus the projects in the STIP, estimated at \$1 million. Bingham County prefers the Exchange Program because the Federal-Aid Incentive Program is a competitive program and there are no guarantees that their projects will be funded, according to Commissioner Brower. He added that the federal-aid projects have strict regulations that must be followed, so more can be done with the money from the Exchange Program than the Federal-Aid Program. Commissioner Brower also stated that Bingham County has budgeted for the Exchange Program dollars and if they do not receive those funds, it will greatly impact their budget.

Member McClure does not believe the Board's intent in 1999 was to allow LPAs to participate in both Programs during the transition to the Incentive Program. Additionally, the Board was holding discussions on the possibility of phasing out the Exchange Program at that time. He does not support the current Exchange Program because there is no accountability. There is no mechanism to track how the funds are being expended. He also stated his opposition to force account work by LPAs, as public works projects are to be designed and constructed by consultants and contractors. He recommended taking the District 5 LPAs' request under advisement.

Caribou County Commissioner Bruce Dredge stated that the smaller local entities have part-time staff and do not have funds to hire full-time public works directors. It is also difficult for the LPAs to understand the complex federal funding program and various requirements. He emphasized that the District 5 LPAs relied on information from ITD staff in 1999 when the entities were allowed to participate in both Programs. He admitted that the agencies could do a better job accounting for the Exchange Program funds. He encouraged the Board to consider the needs and positions of the LPAs and to allow them to participate in both Programs. Commissioner Dredge also said training on federal funds and issues would be appreciated.



Member McHugh concurred with Member McClure's statement that the Board's intent was not for LPAs to participate in both Programs; however, he believes ITD made a mistake in 1999 and the LPAs should not pay for that error. Vice Chairman Combo expressed concern with the source of funds if these LPAs were allowed to participate in the Exchange Program for FY01. CE Ross believes the amount, approximately \$570,000, would have to come out of the State Program.

Member Miller made a motion to allow the District 5 LPAs to complete their projects in the current STIP and to participate in the Exchange Program, under the existing formula, until their STIP projects are obligated. At that time the LPAs would have to choose to participate in either the Exchange Program or the Federal-Aid Incentive Program. Member Blick seconded the motion.

Member McClure concurred that this situation was caused by the Department's mistake in 1999, but he expressed concern with the funding source if these entities participate in the FY01 Exchange Program.

Vice Chairman Combo made a substitute motion to take the matter under advisement and have staff determine the source of funds for the FY01 Exchange Program. Member McClure seconded the motion.

Member McHugh believes the Board would have to waive the deadline for LPAs' participation in the FY01 Exchange Program, as it is very late in the state fiscal year. CE Ross believes that the deadline has already passed. Member Miller also expressed concern with delaying action on the LPAs' request because of the timing issue, and the entities need to know their status in the Exchange Program for budget purposes.

The substitute motion failed 3-4. Vice Chairman Combo and Members McClure and Sweeney voted in favor of the motion. Members Blick, McHugh, and Miller opposed the motion. In breaking the tie, Chairman Winder voted no.

The original motion to allow the District 5 LPAs to participate in the STIP and Exchange Program passed 4-2. Vice Chairman Combo and Member McClure dissented.

Chairman Winder asked staff to review the funding source for the Exchange Program and report to the Board next month.

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

RES. NO. WHEREAS, the Idaho Transportation Board established the STP-Rural Exchange Program in 1988, allowing local public agencies to exchange

TB01-41 local federal funds for state funds at a rate of 61.67 cents; and

WHEREAS, the 1997 Transportation Planning Task Force recommended eliminating the Exchange Program; and

WHEREAS, the Local Highway Technical Assistance Council, working with ITD staff, has established a Federal-Aid Incentive Program, adopted by the Board in December 1999; and

WHEREAS, the Board is supportive of and encourages local public agencies' participation in the Federal-Aid Incentive Program instead of the Exchange Program, and local agencies are not eligible to participate in both Programs simultaneously, except when allowed by the Transportation Board under extenuating circumstances; and

WHEREAS, the Exchange Program has been beneficial to the participating local public agencies and ITD; and

WHEREAS, the Board has held numerous discussions on the continuation of or possible changes to the Exchange Program.

*NOW THEREFORE BE IT RESOLVED*, that the Transportation Board has determined that local entities that participate in the Federal-Aid Incentive

Program will not be allowed to re-enter into the Exchange Program, effective June 22, 2001.

Member McClure told Commissioner Dredge that LHTAC is an excellent resource for transportation issues and training. Mr. Haynes is very knowledgeable on the federal aid funding and local entities should contact him for assistance.

Member Blick informed the group that the Board is exploring options for the Exchange Program, including changing it to a pool for match funds. He asked if the officials would be supportive of a pooled match program. Mr. Babbitt expressed concern with the strict regulations that need to be followed on federal projects and believes those federal projects are more costly to construct.

Chairman Winder thanked the delegation for traveling to Rupert for the meeting and stated that he hopes the LPAs' issue has been satisfactorily resolved.

I-15, Sunnyside Interchange, District 6, Revisited. Vice Chairman Combo made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department's FY01-05 Highway Development Program, as approved by the Transportation Board,

TB01-42 provides for a new interchange on I-15 between milepost 113 and 116 in District 6, connecting eastward to U.S. Highway 91, which project is identified as Key Number 7771 with construction scheduled for federal FY03 and preliminary engineering authorized in FY01 and 02; and

WHEREAS, at the Board's regular meeting on June 21, 2001, the Department Director Dwight Bower informed the Board that he had received a letter dated June 18, 2001 from the Mayor of the City of Idaho Falls, Linda Milam, which provides in pertinent part "As we understand the situation, ITD currently lacks sufficient funding to proceed with construction of the entire project. During earlier conversations, we understood current funding levels allow ITD to proceed with design and environmental assessment of the entire project and construct the I-15

Interchange. Then, as future funding is available, the balance of the project, which includes the Snake River Bridge, and that portion of Sunnyside Road connecting the interchange to Yellowstone Highway would be constructed”; and

WHEREAS, a copy of said letter is shown as Exhibit 242, which is made a part hereof with like effect.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Director, or, in his absence, the Acting Director, to respond affirmatively to the Mayor’s request as the project is programmed and as outlined in the above portion of the Mayor’s letter, with any modifications in the Highway Development Program required to provide for phased construction if dictated by funding constraints or additional funding.

WHEREUPON, the regular monthly Board meeting officially adjourned at 3:20 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

July 12, 2001

Coeur d’Alene, Idaho

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REGULAR MEETING AND DISTRICT 6 TOUR

OF THE IDAHO TRANSPORTATION BOARD

May 16-17, 2001

The Idaho Transportation Board met at 9:15 AM, on Wednesday, May 16, at the Arco Airport, then proceeded to the Arco City Hall. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Tom Cole, District Engineer

Brent Jennings, Assistant District Engineer

Steve Moreno, Division Administrator – Federal Highway Administration

Delegation – City of Arco and of Craters of the Moon. Mayor Jacques Marcotte welcomed the Board to Arco. Jim Morris, Superintendent of Craters of the Moon, elaborated on the expansion plans at the national monument. He indicated some improvements may be needed on US-93 and US-20/26, and there may be some access issues to address. He will work with ITD on planning for the expansion of Craters of the Moon and impacts to the highway system. Vice Chairman Combo commented that DE Cole should be Mr. Morris's contact. He realizes District 4 and DE Devin Rigby may be involved in some issues, but believes Mr. Morris should work directly with DE Cole on transportation matters.

The City of Arco has a transportation plan scheduled in FY01, according to Mayor Marcotte. Because the city is having difficulty funding the match, approximately \$11,000, it is expanding the scope of the project to be a regional study. The City has contacted area stakeholders, such as the Craters of the Moon, the Idaho National Engineering and Environmental Laboratory, and Butte County, to solicit involvement and participation.

Arco would like to partner with ITD on a rest area. Mayor Marcotte thanked the Board for the recent partnership on phase one of the City's downtown revitalization project, and he hopes to partner with the Department on future projects.

Chairman Winder expressed the Board's support for regional planning and stated the Department's desire to partner with Arco on future projects. He thanked the gentlemen for the briefing on the area's transportation issues.

The Board traveled north on US-93.

Delegation – City of Mackay and Custer County. Mayor Oscar Wornek, Jr. thanked the Board for its time and for visiting Mackay. County Commissioner Lin Hintze reported that the truck traffic on US-93, through downtown Mackay, has increased. He relayed comments that the highway is in poor condition and he questioned heavy trucks' impact on the pavement condition. DE Cole commented that traffic, including truck traffic, has increased considerably throughout the state. Mayor Wornek asked if the trucks are using US-93 to avoid the ports of entry (POE). Although staff does not believe that is the case, it encouraged Mayor Wornek to contact the POE Supervisor if he believes that is occurring. A roving POE could be set up. Mayor Wornek asked about Trail Creek Road. Vice Chairman Combo believes the road is under local jurisdiction. Last year he received a letter from a citizen requesting that the road be paved. The information staff provided was that the Lost River Highway District in Custer County is responsible for the eastern portion and Blaine County has jurisdiction on the west end; however, Blaine County is not interested in improving the road. Mayor Wornek concluded by stating the city has established a good working relationship with the District.

The tour continued north on US-93, with a brief stop at the Mt. Borah earthquake site.

Delegation – City of Challis. City Councilman Warren Jensen thanked the Board for its time and visit to Challis. The City received a grant to improve streets, and Councilman Jensen said they will coordinate their project with ITD's project. City Administrator Milton Slavin clarified that the City project is to install sidewalks, gutter, and possibly lighting. If an additional grant is received from the Department of Commerce, a project to improve the crown will be completed.

Councilman Jensen said the City is exploring the feasibility of assuming jurisdiction of the US-93 Spur. Chairman Winder encouraged him to send the Department a letter for the Board Subcommittee on State Highway Adjustments to review the proposal and negotiate a fair and equitable agreement. Councilman Jensen requested "no parking" signs along US-93. He said trucks are often parked along the highway near the restaurant and motel, creating visibility problems for motorists accessing the highway from side streets. Mr. Slavin also requested a sign for the museum at the Yankee Fork Interpretive Center.

Chairman Winder thanked the gentlemen for the meeting and reported that staff will look into the identified issues.

The Board visited the Yankee Fork Interpretive Center, then traveled north on US-93.

Delegation – City of Salmon. Salmon Mayor Stan Davis expressed concern with the striping on US-93. He said that ITD used to stripe the highway two times a year, but lately, it has only been striped once a year. He requested resuming the schedule of two times per year. The surface of the US-93 bridge is in poor condition, according to Mayor Davis, and he asked that the deck be improved. The City anticipates increased traffic in commemoration of the upcoming Lewis and Clark Bicentennial. He asked the Department to partner with the City on a rest area project to help address the needs of the traveling public. Additionally, a sign designating the area as Sacajawea's birthplace was requested. In conclusion, he discussed the concerns at the Y intersection. The City has asked for a traffic signal, although ITD is concerned with the city's leg because it is on an incline, which may result in more accidents in the winter.

The District has proposed a three-way stop sign, however, Mayor Davis expressed opposition for that alternative. He asked if a roundabout could be considered. Staff

reminded the group that US-93 is a designated route for over-length vehicles. A lot of right-of-way would be needed for a roundabout to handle the truck traffic.

Chairman Winder thanked Mayor Davis for his comments. Staff will explore the various concerns expressed. He also thanked Mayor Davis for the use of the City's facilities, not only for the meeting with the Mayor, but also for the Board's meeting on May 17.

WHEREUPON the meeting recessed at 5:45 PM.

May 17, 2001

The Board met at 8:10 AM at the Forest Service Office in Salmon. Chairman Winder, Vice Chairman Combo, and Members Blick, McHugh, and Miller were present.

Delegation – Forest Service and Bureau of Land Management (BLM) Representatives. Scott Forsell informed the Board of the road system under BLM's jurisdiction in the area. The agency has cooperative agreements with other entities, mainly counties, for maintenance of the roads because of funding constraints. He stated that the BLM has noticed an increase in traffic due to the upcoming Lewis and Clark Bicentennial. He expressed concern with the increased maintenance that will be needed on their roads due to the additional traffic anticipated.

George Matejko and Jim Warner with the Forest Service elaborated on the approximately 4,000 miles on their road system. They also commented on the additional traffic in commemoration of Lewis and Clark, and reported on some of the projects planned on their system.

Vice Chairman Combo asked if Trail Creek Road is under the Forest Service's jurisdiction. Mr. Warner responded that the road is located within the Forest Service's



boundaries; however, it does not maintain the route. He did not know if the road is a designated forest highway.

Chairman Winder thanked the gentlemen for the informative meeting.

The Board traveled to the Salmon City Hall for the remainder of its meeting. Member Bruce Sweeney, District 2, was present.

April 18-19, 2001 Board Minutes. Member Blick made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on April 18-19, 2001 as corrected. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

June 20-22, 2001 – District 4

July 11-12, 2001 – District 1

August 16-17, 2001 – District 5

Consent Calendar. Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO.      *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves

TB01-22      the appointment of a Public Transportation Advisory Council member from District 1; the request for a supplemental agreement, US-95, Worley to Belgrove, District 1; and the request for ITD to host the Pacific Northwest Snowfighters 2002 conference in Boise; and has received and reviewed the contract award information, the new and supplemental professional agreements report, and the March financial analysis.

1) Appointment of Public Transportation Advisory Council (PTAC) Member, District 1. In accordance with Idaho Code, staff advertised the vacancy of the PTAC position in District 1, and notified local elected officials and members of the Interagency Working Group (IWG). Based on a review of the applications and the candidates' qualifications, staff recommends approving Ralph Nelson as the new PTAC member representing District 1. Mr. Nelson will serve the remainder of the term vacated by Debra Gordon, through June 2003.

2) Request for Supplemental Agreement, District 1. CH2M Hill has been working closely with District 1 on the development of the environmental assessment and preliminary design of the US-95, Belgrove to Mica Creek project. Through a supplemental agreement in 1999, the consultant was hired to perform the Environmental Assessment for the entire Worley to Mica Creek corridor, covering three projects. Because of CH2M Hill's knowledge of the project and the good working relationship it has established with the Coeur d'Alene Indian Tribe and merger agencies, staff is requesting approval to retain and contract with CH2M Hill to complete the final design of the US-95, Worley to Belgrove section. This consists of two projects from milepost 401.5 to 415.2. The estimated cost to complete the final design on the remaining two phases is \$5.5 million, and the construction costs are estimated at \$54 million. The current Program has \$2.2 million scheduled for preliminary engineering between FY01-04 and an additional \$3.3 million has been scheduled in the draft Program.

3) Request for ITD to Host the Pacific Northwest Snowfighters 2002 Conference in Boise. Transportation agencies within the states of Washington, Oregon, Montana, and Idaho and the province of British Columbia formed a committee several years ago to develop specifications for chemicals related to snow and ice control. This committee, the Pacific Northwest Snowfighters (PNS) Association, is comprised of technical experts in the fields of chemistry, environment, maintenance operations and management, insurance law and claims, public affairs, and purchasing. Its mission is to provide specifications for the highest quality products balancing quality of environment with providing the safest possible transportation system and maximum mobility for the traveling public during snow and ice conditions, within reasonable budgetary, product performance, and environmental constraints.

A conference is held annually to showcase the latest equipment, technology, and research and to hold informative workshops, presentation sessions, and peer forums. The PNS members have agreed to rotate the responsibility of hosting the annual conference, with ITD scheduled to host the event in June 2002 in Boise. Staff is requesting to contract with Eventful Consulting Group in the amount of \$100,000 for services to manage and operate the PNS Snow Conference in 2002 because a conference of this complexity is

beyond the scope of ITD staff. Funding for this contract will be derived from the Professional Services category of the existing Headquarters' Maintenance Section Operating budget.

4) Contract Award Information. Key #7097 - Highland Flats Road, District 1. Low bidder: Noble Excavating Inc. - \$483,515.

Key #6476 and 6477 – I-84 and I-86, District 3 and 4 Pavement Striping. Low bidder: Promark, Inc. - \$166,975.

Key #7911 – US-20/26, Foxtail Turnbay, District 3. Low bidder: Idaho Sand & Gravel Company - \$80,000.

Key #7414 – District 3 (A) Mowing. Low bidder: Castello, Inc. - \$49,143.

Key #8555 – District 3 (B) Mowing. Low bidder: Castello, Inc. - \$54,922.

Key #8556 – District 3 (C) Mowing. Low bidder: Castello, Inc. - \$36,923.

Key #6478 and 6479 – District 5 and 6 Pavement Marking. Low bidder: Promark, Inc. - \$203,346.

Key #6994 – SH-31, Pine Creek Summit to Junction SH-33, District 6. Low bidder: Beco Construction Company, Inc. - \$595,930.

Key #7628 – US-91, Simplot to Batiste Road, Near Pocatello, District 5 . Low bidder: Bannock Paving Company - \$1,447,009.

The low bid on key #6027 – Benton Street Bridge, Pocatello, District 5, was more than ten percent over the engineer's estimate, and staff rejected the bid.

5) New and Supplemental Professional Agreements Report. From April 4 to April 30, the Consultant Administration Unit processed \$2,350,800 in new and supplemental agreements.

6) March Financial Analysis. Revenue in the State Highway Fund continues to be ahead of forecast by 2.9%. It is estimated that year-end Highway Distribution Account revenue will be approximately \$2 million above forecast. Total Aeronautics revenue is 18.2% behind expectations year to date. Expenditures in all categories are either within or below projected amounts.

Board Items. Earlier, Member Miller suggested conducting the Board meetings on Wednesdays and Thursdays on a regular basis rather than a Thursday and Friday schedule. After discussing this proposal with others, he asked Board consideration of meeting on Wednesday and Thursday in January, March, and May. The consensus of the Board was to meet on the third Wednesday and Thursday of the month in January, March, and May, and on the third Thursday and Friday the other months. If conflicts arise, the members are willing to review their schedules to change the meeting dates to accommodate conflicts.

Chairman Winder reported that Lieutenant Governor Jack Riggs and Gem County Commissioners have recently expressed interest in pursuing the Indian Valley route. The Department is approached periodically on this proposal, and Chairman Winder wanted to ensure that the Board members were aware of the recent discussions to extend SH-16 north of Emmett. He added that the Indian Valley route would have big impacts, particularly to the cities in the area.

Member Sweeney clarified the City of Grangeville's drainage concerns that it shared with the Board last month. He said that the SH-13 project was built to specifications; that the crown was purposely not placed in the middle because of the differing curb heights on

the street. District staff will meet with city officials to discuss their concerns with SH-13. Chairman Winder thanked Member Sweeney for following up on that issue.

Member Blick said that one of his trucks was cited recently for bypassing a roving port of entry. The driver exited south on US-93 from I-84, then turned east on Addison Avenue in Twin Falls (US-30/93). Instead of traveling south of the Addison Avenue intersection where the port was set up, the driver took the shortest and most direct route to his destination. The driver was not overweight. Member Blick asked staff to inventory the port of entry sites and to consider establishing roving sites only between two major highways.

Director's Items. Director Bower reported that an agreement has been finalized with the property owner along Coeur d'Alene Lake Drive who had requested the Department release the ground where encroachments are located. A permanent easement will allow the property owner, Mrs. Smith, and her neighbor to maintain the encroachments at their present location within the right-of-way. The easement would prohibit any expansion of the encroachments, and contain appropriate indemnification and reacquisition language.

Director Bower distributed a white paper on the railroad consolidation proposal in northern Idaho, Bridging the Valley. Some of the items included in the summary are a description of the project, the impacts and benefits, public involvement efforts, costs, and programming issues for funding. Idaho's share of the project is estimated at \$15 million, or 6% of the total project cost. Director Bower believes that over time, that money would be saved by the elimination of the need for signalization projects on the corridor. Additionally, there is a safety component in consolidating the main line rail operations into a single corridor.

Director Bower said the executive team retreat was held last week. He believes it was an excellent opportunity to strengthen the team, and to synthesize and clarify a number of issues that were identified at last August's transportation symposium. Although a lot of work was accomplished, a number of items were identified to focus on and explore further.

Director Bower said he would be attending an American Association of State Highway and Transportation Officials meeting from May 18 to 22. He will be giving several

presentations, including one on the CANAMEX final report. He mentioned that the final report is available if the Board is interested in receiving a copy.

The Western Governor's Association drug conference will be held in Boise next month. Director Bower said he and Highway Safety Manager (HSM) Jo Ann Moore are involved in the event. His connection is through the Governor's Task Force on Substance Abuse.

Director Bower was pleased to report that the Public Affairs staff received several press awards recently. He will provide information on the specific accomplishments.

Congressman Otter is sponsoring legislation on backcountry airstrips in national forests and has asked the Department to testify, according to Director Bower. Aeronautics Administrator Bob Martin will submit testimony to Congress next month, as this issue is of great concern to ITD. Member Sweeney asked if there is a possibility that some Forest Service airstrips will be abandoned and, if so, if ITD should consider acquiring the airstrips. Director Bower responded that it could be a possibility, although there are pressures to close airstrips completely.

The U.S. Senate is planning a hearing on reducing or eliminating the 18-cent fuel tax. Director Bower said staff's intent is to resubmit Transportation Board Resolution 00-21, approved March 2000, stating the Board's opposition to this proposal, to Idaho's Congressional Delegation.

Member Miller made a motion to reaffirm the Board's support for resolution 00-21. Member Sweeney seconded the motion, and it passed unanimously.

Chief Engineer's Items. Last month staff reported a savings of \$3.1 million within the Department that the Board approved for advancing highway construction projects. CE Ross said that an additional \$3.8 million is available for construction projects. He distributed a list of projects, as shown as Exhibit 240, which is made a part hereof with like effect, that staff is proposing to advance into FY01 to utilize these savings.

Last month CE Ross also reported that staff was unable to identify funds to advance the SH-5, pavement rehabilitation project, in the City of St. Maries. CE Ross told the Board that he has since learned that the City did not secure a grant from the Department of Commerce. However, it looks favorable that St. Maries will receive the grant next year, which would coincide well with ITD's scheduled project.

Chairman Winder left the meeting for another commitment. Vice Chairman Combo chaired the meeting in Chairman Winder's absence.

Enhancement Advisory Committee (EAC) Prioritized List of Enhancement Projects.

Intermodal Planning Manager Pat Raino said that 49 Enhancement applications totaling \$17 million were received. One project, a request to restore an historic barn, was not eligible for enhancement funds, making a total of 48 applications that were reviewed by the EAC. The apportionment for the Enhancement funding in FY04 is estimated at \$4.5 million. Additionally, \$658,000 in FY03 is available as a result of a request to delay the SH-55, Rainbow Bridge Restoration project in Valley County to FY05 so that restoration begins after the Smith's Ferry to Round Valley project. The projects will be included in the draft STIP. Ms. Raino emphasized that the EAC devotes a lot of time and effort into reviewing and prioritizing the projects.

Member Miller asked if Enhancement funds should be used to install sidewalks and to enhance highways. Ms. Raino replied that bicycle and pedestrian traffic needs to be considered, and is often included when the Department has a reconstruction project. She added that Enhancement funds can be used specifically to install sidewalks. Member Blick asked if staff contacts the applicants that were not recommended for funding to discuss their application and provide guidance on how it can be improved. Ms. Raino responded that all applicants are notified of their projects' status and that she is available to answer questions and provide assistance. Vice Chairman Combo questioned the percentages recommended for the three categories: historic, scenic, and bicycle and pedestrian, and the EAC's comments on the guidelines. Ms. Raino said that the majority of applications are for bicycle and pedestrian facilities, which the current policy recommends funding between 40-70% of available funding. She believes the guidelines are appropriate and that the process is working well.

Vice Chairman Combo asked Ms. Raino to relay the Board's appreciation to the EAC members for the time and effort they have committed to the Enhancement Program.

Member McHugh made a motion, seconded by Member Sweeney, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, in February 2001, the Idaho Transportation Board requested that a formal recommendation for continuation of funding for the

TB01-23 Community Transportation Enhancement Program be brought to the Board in May when the prioritized Enhancement Program projects were presented; and

WHEREAS, the Enhancement Advisory Committee (EAC) strongly supports the recommendation of the Board; and

WHEREAS, the EAC has submitted a recommended list of projects that includes the Community Transportation Enhancement program.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the addition of the Community Transportation Enhancement program in FY02 and FY03 of the Enhancement Program in the Draft FY02-06 Highway Development Program.

Congestion Mitigation/Air Quality (CMAQ) Technical Review Committee (TRC) Recommendations: FY02-04. Senior Transportation Planner Matt Moore said the TRC met last month to review the 42 applications requesting funding for FY02-04. These project requests totaled more than the \$8.3 million available. Currently, \$1.3 million is programmed for FY02 and \$2.4 million is programmed for FY03. The TRC is recommending projects that have significant levels of air quality benefit and are cost-effective. Mr. Moore said that the Department of Environmental Quality (DEQ) is providing more coordination and assistance with the CMAQ Program. The projects will all be included in the draft STIP, either as recommended for funding, or as requested projects, but funding is not available. All applicants were recently notified of their projects' status. He concluded by expressing his appreciation to the TRC for its work and assistance.

Member McHugh asked if the draft Program addresses Bannock Planning Organization's (BPO) air quality issues. Mr. Moore replied that yes, the Portneuf Valley PM10 SIP



project is recommended for funding. In response to Member Sweeney's question on whether the legislature appropriated funds to DEQ to assist BPO with its air quality problem, Mr. Moore said that he was not aware of any legislative action funding the project.

Vice Chairman Combo requested the Board Subcommittee on the CMAQ Program revisit the existing policy and guidelines to determine if they are still appropriate, or if changes should be considered. He asked Mr. Moore to obtain the TRC's comments on the process and if it has recommendations to revise the policy. He thanked Mr. Moore for the presentation and the TRC for the time devoted to review and prioritize the CMAQ projects.

FY03 Budget Policy Direction. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar summarized the recent legislative changes that are expected to impact the Department's budget, both in the State Highway Account and the Aeronautics Account. Other elements expected to impact the FY03 revenue, such as the interest paid on the loan paybacks to the Petroleum Clean Water Trust Fund for the American Trucking Association lawsuit, the interest earned on the long-term investments, and projected increased fuel prices, were also reviewed. BPIRM Detmar estimates that \$439.1 million from all sources will be available in FY03, compared with \$431.9 in FY02.

For FY03, the base budget includes an estimated 4% employee salary increase and 2.5% inflation and other non-standard adjustments. These percentages may be adjusted when guidelines from the Governor's Division of Financial Management are released. Assuming the same level of program and project outputs as appropriated in FY02, approximately \$3.1 million may be available for program enhancements or new initiatives. BPIRM Detmar said the Budget Council would continue to refine the proposed budget for the June 20 work session. She added that staff is contemplating a FY02 supplement and it would be presented to the Board next month.

Member Sweeney asked how the recent legislation on Rail Preservation Fund would be funded. BPIRM Detmar replied that the legislation, effective July 1, did not identify a funding source. The sponsor indicated that General Fund money should be utilized. Staff is considering requesting General Funds through an FY02 supplement. In response to Member Sweeney's question on the dollar amount ITD anticipates needing for this legislation, BPIRM Detmar replied that approximately \$100,000 will be needed to

develop the initial study and update the existing rail plan. Washington and Oregon have similar programs that are funded between \$1.5 and \$3 million annually.

Vice Chairman Combo thanked BPIRM Detmar for the budget and revenue briefing.

Director Bower added that federal legislation is being proposed to fund Class II and III railroads. Approximately \$100 million may be available nationally. Staff will continue to monitor that legislation and determine if it is applicable for the Rail Preservation Fund.

Recommended FY02-05 State-Funded Highway Development Program. Highway Programming Manager (HPM) Dave Amick presented the updated FY02-05 State-Funded Highway Development Program. Board approval is being requested at this time so the Districts can proceed with FY02 projects for this year's construction season and because consultant design and right-of-way acquisition is needed to deliver future projects on time. The approved State-funded projects will be included in the Statewide Transportation Improvement Program and will be part of the public involvement process this July.

The proposed Program reflects project advances or delays since Supplement FY01-01 was approved, the previous cost of the project if the recommended cost has changed since Supplement FY01-01, new projects, and projects which contribute to ITD's strategic performance measures. HPM Amick said the Program is approximately \$16 million above the projected funding levels over the four-year period, or about \$4 million per fiscal year. This was done to facilitate having projects ready for obligation earlier in each fiscal year to take advantage of budget savings routinely available at the end of the fiscal year. He emphasized that projects in the FY02 Program contribute heavily toward the Division of Highway's emphasis on pavement rehabilitation, bridge, congestion, and safety projects. The Program's performance in these areas will be presented at the June Program Update Workshop.

Member Sweeney made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and

TB01-24 fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Division of Highways has recommended new projects and updated the costs and schedules for projects in FY02-05 of the State-Funded Highway Development Program.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the Recommended FY02-05 State-Funded Highway Development Program, which is on file in the Highway Programming Office; and

*BE IT FURTHER RESOLVED*, that staff is authorized to make the appropriate modifications to the FY02-04 STIP in accordance with the provisions of TEA-21.

Office of Highway Safety's Aggressive Driving Program. HSM Moore thanked the Board for the opportunity to present the activities underway to curb aggressive driving. She said aggressive driving includes failure to yield right of way, driving too fast for conditions, speeding, disregarding traffic signals, following too close, and passing a stop sign.

Grants Officer Mark Strait elaborated on the two-pronged approach to reduce aggressive driving: education and enforcement. He outlined the new public information campaign that has been developed, entitled "Curb Aggression...Drive Friendly." The campaign

focuses on reducing certain driving behaviors that contributed to 59% of all motor vehicle crashes in 1999. The Department received donated advertising space and also purchased advertising to inform the public of the dangers of aggressive driving. Lieutenant Governor Riggs volunteered to participate in the advertisements and also in the public service announcement. Printed materials are also being distributed on this subject. Mr. Strait said these activities are also being planned for next fiscal year.

In closing, Ms. Moore expressed appreciation to Lieutenant Governor Riggs for his assistance and to the Board for its interest in and support for this campaign. She added that Members McHugh and Sweeney attended the press conferences in Coeur d'Alene and Lewiston, respectively. After reviewing current law and considering legislation to increase fines associated with aggressive driving behaviors, staff does not recommend proposing legislation at this time, but rather focusing on education and enforcement to curb aggressive driving.

Vice Chairman Combo thanked Ms. Moore and Mr. Strait for the informative presentation. He added that Chairman Winder appreciates their efforts in this arena and was sorry he was not able to attend the presentation.

Chairman Winder returned to the meeting at this time.

Executive Session on Personnel and Probable Litigation Issues, Section 67-2345(1)(a) and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 12 noon to discuss a personnel and a probable litigation issue. Member McHugh seconded the motion and it passed unanimously.

The general tenor of the discussion on the personnel issue was the hiring of a staff member.

The general tenor of the meeting regarding probable litigation focused on discussion of a contract bid dispute.

The Board came out of executive session at 12:30 PM. No decisions were made.

Agencies Coordinating Transportation Together (ACTT) - A Demonstration Project.

Larry Falkner, Public Transportation Administrator (PTA), expressed his appreciation to the various parties, including personnel from the Division of Highways and Ron Binggeli with Pocatello Regional Transit, on the collaboration efforts of this project. The IWG and PTAC have worked cooperatively to develop ACTT and have selected General Brooks, PTAC Chairman, as the project's coordinator.

General Brooks summarized the proposed public transportation pilot project for coordinated services in the Pocatello area. The project, in conjunction with Pocatello Regional Transit, is to bring about greater efficiencies in providing public transportation services through greater coordination among all agencies involved, thus achieving a more effective use of public resources. He stressed that the project will be an evolving process. It will officially start on October 1, and will last at least one year, but possibly longer. Mr. Binggeli and he will report to the IWG periodically on the project and the project will be evaluated throughout its duration. In conclusion, General Brooks stated that the plans are to apply the successes of this project elsewhere in the state.

Member Blick made a motion, seconded by Member Miller, to approve the following resolution:

RES. NO. WHEREAS, Section 40-514, Idaho Code directs "the director of the Idaho transportation department together with the directors of the

TB01-25 affected state agencies shall establish an interagency working group to advise and assist the department in analyzing public transportation needs, identifying areas for coordination, and developing strategies for eliminating procedural and regulatory barriers to coordination at the state level;" and

WHEREAS, the Interagency Working Group has developed a mission and a vision; and

WHEREAS, the Interagency Working Group and the Public Transportation Advisory Council have worked together on a project plan

that outlines the framework for a demonstration project called ACTT – Agencies Coordinating Transportation Together; and

WHEREAS, the goal of the project is to bring about greater efficiencies in providing public transportation services through greater coordination among all agencies involved, achieving a more effective use of public resources; and

WHEREAS, the Pocatello City Council has tentatively agreed to give Pocatello Regional Transit 5307 and 5311 spending authority for capital and administration needs for the project based upon final approval of the City's FY02 budget; and

WHEREAS, all the state agencies in the Interagency Working Group have approved the project plan and have committed resources to the implementation of the project plan to support local efforts and provide their agencies the necessary resources and assistance to implement the project.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the demonstration project plan called ACTT – Agencies Coordinating Transportation Together.

Member McHugh asked why stakeholders such as the school district and BPO aren't included in ACTT. PTA Falkner replied that those entities plus the Indian Nations will be invited to participate. The initial plans were to focus on state agencies before bringing other players on board.

Director Bower reminded the Board that the IWG was legislated several years ago, however, it has been difficult coordinating and establishing a well-functioning group. He believes this pilot project will be instrumental in increasing the efficiency of the IWG and coordinating the various agencies involved in public transportation. Member Blick added that he believes this demonstration project is a step in the right direction and may be applicable throughout the state. Mr. Binggeli clarified that this demonstration project

will expand the coordination efforts that are already occurring. Pocatello Regional Transit is currently coordinating services, but this project will enhance and improve those efforts.

The motion passed unanimously.

Vice Chairman Combo asked PTA Falkner to elaborate on the public transportation services provided to the area the Board toured yesterday, from Arco to Salmon. PTA Falkner reported that CART serves the area three times each week. Additionally, services are coordinated out of Montana for the Salmon area. He said it appears to be a successful program and is working well.

Chairman Winder thanked PTA Falkner and General Brooks for the presentation.

Contract Award. Member Sweeney made a motion to award the contract for DHP-NH-CM-5110(119), Key 2815, US-95, Belgrove to Mica, Kootenai County, District 1, to the low bidder: Scarsella Brothers, Inc., Seattle, Washington - \$20,884,564.20. Member McHugh seconded the motion and it passed unopposed.

The low bid on STP-7705(100), Key 7617 – Baldy Mountain Road to Ebbett Way, Bonner County, District 1, was more than ten percent over the engineer's estimate, requiring justification. The majority of the cost differential was contained in the bid items for plant mix and surveying. This is the second time the project has been bid. The City of Sandpoint has agreed to pay the match of approximately \$12,000 for the increase in federal funds. ITD has revised the agreement with the railroad to include upgrading the signals contained within the limits of this project. The railroad has indicated that many plans have been made to meet this project schedule and they are prepared to install the signals on ITD's timeline. Staff recommends awarding this project.

Member Miller made a motion to award the bid on STP-7705(100), Key 7617 to the low bidder: Glen L. Waddell, Inc., Coeur d'Alene, Idaho - \$257,107.39. Vice Chairman Combo seconded the motion and it passed unopposed.

CE Ross reported that the bids for NH-F-3341(010), Key 3550, Mountain Home Railroad Underpass, Elmore County, District 3, were opened on May 1. DAG Bywater informed the Board that the second low bidder has filed a protest because it believes the apparent low bid is irregular and non-responsive and because the bid did not name a subcontractor for the plumbing work. DAG Bywater elaborated on the issues and believes the Department can defend its actions for awarding the contract to the low bidder. The contract amounts add up and plumbing work, by definition in Idaho Code, is not required on this project, although the low bidder has a plumbing license.

Vice Chairman Combo made a motion, seconded by Member Blick, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department opened bids on May 1, 2001 on the project known as Idaho Federal Aid Project No.

TB01-26 NH-F-3341(010), Mountain Home Railroad Underpass, Elmore County, Key No. 3580; and

WHEREAS, four bids were received on the project and the apparent low bidder was Morgen & Oswood Construction Company, Inc., whose bid was \$17,950,202.17, and the bid of Gilbert Western Corporation of \$18,246,473.40 was second lowest bid; and

WHEREAS, the bid of Morgen & Oswood was reviewed by staff and determined to be “apparently irregular” due to two unit prices being entered on item "SPBLS Special Provision Bridge SPB-1 Jet Grouting" found at page 9 of the Bid Proposal; and

WHEREAS, the second low bidder has filed a timely protest over the award of the contract; and

WHEREAS, further review of the bid of Morgen & Oswood established that Morgen & Oswood entered two quantities into the unit price and bid amount columns on the foregoing item, and placed certain initials next to the number on the top within the response boxes, however neither of the lower quantities is lined out or stricken. The further review of the bid



proposal also revealed that the total bid amount on page 17 of the proposal totals up exactly to the sum of the individual bid amount entries if the quantity used for jet grouting on page 9 is the higher figure of \$4,330,000.00, which has the initials located next to it; and

WHEREAS, further review of Morgen & Oswood's bid revealed that on the page of the bid response relating to the naming of subcontractors pursuant to the requirements of Idaho Code § 67-2310, Morgen & Oswood left Section A of the form which relates to the plumbing work blank. Section B was filled in with "Power Plus" and Section C and D were marked "N/A"; and

WHEREAS, review of this project has revealed that the project does not involve work that requires the services of a licensed public works plumbing contractor, and further, the requirement in the bid packet that a contractor insert the word "self" in the bid response form is not a statutory requirement, but comes from internal Department procedures only; and

WHEREAS, the Board finds that the apparent low bid of Morgen & Oswood is regular and responsive in all material respects, is not materially nor mathematically unbalanced, and is the lowest and best bid; and

WHEREAS, the bid of Morgen & Oswood, as well as all other bids received on this project are in excess of the Engineer's Estimate for the project; and

WHEREAS, upon review by the District personnel of the bid responses, the District determined that the major items of difference between the Engineer's Estimate and the lowest bid were in items SPB-1 Jet Grouting and SPB-2-A Dewatering and Temporary Excavation Support; and

WHEREAS, the District has had no prior experience in estimating this type of specialty work, and all bidders estimated this work in a similar manner, and the District believes that the bid amounts for this work

established by Morgen & Oswood are reasonable, and sees no advantage or money savings to be gained by re-advertising this project.

*NOW THEREFORE BE IT RESOLVED*, that the Transportation Board finds that the bid of the apparent low bidder, Morgen & Oswood Construction Co., Inc. of \$17,950,202.17 is regular and responsive in all material respects, and that the best interests of the Department and the State of Idaho are served by accepting the bid of Morgen & Oswood Construction Co., Inc., as the lowest and best bid; and

*BE IT FURTHER RESOLVED* that the contract on Project NH-F-3341(010), Key 3550 is awarded to Morgen & Oswood Construction Co., Inc.

Administrative Rulemaking – Temporary Permits. Vehicle Size and Weight Specialist Regina Phipps reviewed the proposed changes to IDAPA 39.03.81, Rules Governing Issuance of Intransit Permits. The revisions are a result of legislation passed in 2001 affecting the issuance of temporary permits. House Bill 270 modified the duration and fees charged for temporary permits. House Bill 369 added language to provide a new type of temporary permit to authorize temporary operation of vehicles in excess of their registered maximum gross weight. The legislative changes are effective July 1.

Chairman Winder questioned the language indicating that the maximum combined gross weight of a vehicle is not to exceed 106,000 pounds when truckers are only allowed to carry 105,500 pounds. Ms. Phipps responded that Idaho Code specifies 106,000 because vehicles must register in 2,000-pound increments. The rule states 106,000 pounds to be consistent with Code. Some discussion was held on proposing legislation to change the maximum combined gross weight of a vehicle to 105,500 in Idaho Code to be in compliance with federal regulations. The consensus of the Board was to change the rule to state that vehicles are not to exceed 105,500 pounds, but not to propose legislation to change Idaho Code at this time.

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

RES. NO. WHEREAS, the Idaho Legislature acted to provide increased fees and extend the duration of temporary permits; and

TB01-27

WHEREAS, the Idaho Legislature further acted to provide for temporary operation of vehicles in excess of their registered maximum gross weight; and

WHEREAS, the Idaho Transportation Department is authorized to issue temporary permits to qualifying vehicles; and

WHEREAS, the Idaho Transportation Board is authorized to promulgate rules governing the issuance of such temporary permits.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves changes made to Administrative Rule IDAPA 39.03.81 and directs staff to forward these modifications to the Department of Administration for timely publication.

Old Business. SB Higgins distributed a memo prepared by the Division of Planning on Utah's vehicle rental tax. The information was requested after the Board met with the Utah Commission last August. This money is part of a revolving loan fund for corridor preservation. Other sources of revenue for this loan fund include the state's General Fund, interest earnings on cash balances, monies collected from rents and sales of real property acquired with fund monies, and proceeds from revenue bonds or other obligations. The Utah Legislature appropriated \$15 million in General Fund money in 1997 to establish the corridor preservation program. Monies are paid back to the fund when construction takes place. Use of the fund is limited to projects with an approved environmental document. Staff estimated that Idaho might generate 20-30% of what Utah does with a vehicle rental tax, or \$200,000 to \$300,000 annually.

Chairman Winder asked the Board to review the information and be prepared to discuss it at a future meeting.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:05 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

June 21, 2001

Twin Falls, Idaho

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REGULAR MEETING AND DISTRICT 2 TOUR

OF THE IDAHO TRANSPORTATION BOARD

April 18-19, 2001

The Idaho Transportation Board met at 9:30 AM, on Wednesday, April 18, at the Grangeville Airport. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Jim Carpenter, District Engineer

Doug Moore, Assistant District Engineer

Representative Ken Roberts was also present. The Board visited with Herman and Alice Kingma. The Kingmas live at the Grangeville Airport, greet pilots, oversee the courtesy car program, and provide assistance and information to pilots as needed. The Board thanked Mr. and Mrs. Kingma for their voluntary service.

Delegation – City of Grangeville. Mayor Terry Vanderwall welcomed the Board to Grangeville and thanked the members for their time. He expressed appreciation for the Department's assistance with the Main Street project, SH-13, but added that the city has some concerns that need to be addressed. Public Works Foreman Michael Curtiss elaborated on the drainage problems on SH-13. ITD had an overlay project almost two years ago, while the City installed some curbs, gutters, and sidewalks. Since the overlay project, some portions of the roadway have no crown, according to Mr. Curtiss, and water accumulates on the road.

DE Carpenter reported that the District worked with the City on its revitalization projects, although some of the City's projects were done before the State's project, and some of the work was done after the overlay. Project Development Engineer Dave Kuisti stated that ITD's contract did not address drainage issues because the City was including drainage in its project.

In response to Chairman Winder's question on the City's recommendation to address the drainage problem, Mr. Curtiss responded that he believes another overlay is needed on some portions of SH-13. Chairman Winder asked if the overlay was built to the Department's specifications. DE Carpenter replied that cross-sections were never taken to determine that, but staff will consider surveying the road.



Mayor Vanderwall also requested assistance with Grangeville's main entrance. Mr. Curtiss elaborated on the intersection of US-95 and SH-13. He reported that traffic backs up at that location, especially if cars are parked nearby. He believes eliminating the left turn lane on SH-13 would alleviate the problem. He asked ITD staff to review that intersection and the need for the left turn lane.

DE Carpenter replied that the Department needs to allow for off-tracking at intersections. Additionally, the left turn bay was installed because of a recent development in the area. The Transportation Impact Study recommended the turn bay. Chairman Winder asked staff to perform additional traffic counts, monitor traffic movements, and determine if the highway could be re-stripped to eliminate the turn bay.

Chairman Winder thanked the delegation for its time and for informing the Board of the City's concerns.

The Board traveled Main Street to view the drainage problems mentioned and also looked at the US-95/SH-13 intersection. The tour continued south on US-95. Staff briefed the Board on various projects along the tour route. Several stops were made to view specific projects, such as the slide area at milepost 201.5, the recently-completed Goff Bridge and Riggins Main Street projects, and the Hazard Creek project under construction. The Board returned to Riggins via US-95 north.

WHEREUPON the meeting recessed at 4:30 PM.

April 19, 2001

The Board met at 8:20 AM at the Best Western Salmon Rapids Lodge, Riggins, to review the agenda. Chairman Winder called the meeting to order at 8:30. All members were present.

March 16, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on March 16, 2001 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

May 16-17, 2001 – District 6

June 20-22, 2001 – District 4

July 11-12, 2001 – District 1

Member Miller suggested conducting the Board meetings on Wednesdays and Thursdays on a regular basis rather than a Thursday and Friday schedule. Chairman Winder asked the Board members to give that proposal some consideration and to be prepared to discuss that schedule next month.

Consent Calendar. Member Sweeney made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO.      *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves

TB01-16      the speed minute entry change, US-2, District 1, and the delay of the U-93, Park Avenue to Artemesia Avenue, project, District 6; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the final amount versus contract bid amount report, the quarterly report on administrative settlements of right-of-way acquisitions, the quarterly returned check report, and the February financial analysis.

1) Speed Minute Entry Change, US-2, District 1. Staff conducted a speed study on US-2 between milepost 25.80 and 27.43. The study showed a steady increase in the number and severity of crashes along this section of highway. Many of the crashes were attributed to stopped or slowing traffic. Both the roadway and shoulders are narrow, plus a newly constructed bike/pedestrian path parallel to the highway is resulting in additional pedestrian traffic across US-2 to access the path. Based on the study, staff recommends



decreasing the speed limit on US-2 from milepost 25.8 to 27.433 from 55 miles per hour to 45.

2) Delay of US-93, Park Avenue to Artemesia Avenue, Mackay, District 6, to FY03. This FY01 project programmed at \$522,000, is to rehabilitate the surface of US-93 through the City of Mackay. After consulting with the City, staff is proposing to widen the road to provide a center turn lane, bicycle lanes, parallel parking, curb and gutter, and sidewalks. This change will increase the cost estimate to \$1,163,000 and the design time by two years. Therefore, the District is requesting to delay this project to FY03. The US-93, North Fork Bridge to Gibbonsville Road project would be delayed from FY03 to Preliminary Development to offset the additional costs. Additionally, staff is requesting to move the \$522,000 programmed in FY01 to the I-15, Riviera Intersection project to fund an increase in the preliminary cost estimate due to an increase in material costs as well as an increase in costs associated with traffic control on this project.

3) Contract Award Information. Key #6357, SH-11, Greer Grade, District 2. Low bidder: Crea Construction, Inc. - \$542,457.

Key #6417, Coeur d'Alene Lake Drive Slope Failure, District 1. Low bidder: Scarsella Brothers, Inc. - \$292,272.

Key #8169 – I-15, Sage Junction Port of Entry Sewage System, District 6. Low bidder: Beco Construction Company, Inc. - \$455,227.

Key #7738 – US-20, Bonneville County Line West, District 6. Low bidder: HK Contractors, Inc. - \$370,952.

Key #6306 – US-91, Intersection Wooton Way, Blackfoot, District 5. Low bidder: Bannock Paving Company - \$517,092.

Key #7932 - SH-21, Elk Meadows to Stanley, District 6. Low bidder: Central Paving Company, Inc. - \$1,058,615.

The low bid on key #7587 - SH-25, Tiger Drive SH-25 to 20<sup>th</sup> Avenue North, District 4, was more than ten percent over the engineer's estimate, and staff rejected the bid.

4) New and Supplemental Professional Agreements Report. From February 28 to April 3, the Consultant Administration Unit processed \$2,076,700 in new and supplemental agreements.

5) Final Amount Versus Contract Bid Amount. A report of the final amount versus the contract bid amount for construction contracts closed out during federal fiscal years 1997 through 2000 was reviewed. Individual projects for FY00 were included, along with a summary of the adjusted final amount versus the contract bid amount. In FY00, the contract bid amounted to \$70,910,595.20 while the contract final amount totaled \$79,377,354.51, or 112%.

6) Quarterly Report on Administrative Settlements. During the period from January 1 through March 30, the Right-of-Way Section processed 33 parcels. Of these, 17 were administrative settlements, or 52%.

7) Quarterly Returned Check Report. During the third quarter of FY01, \$20,591,084 in checks were received, while \$34,214, or .17% were returned. Collections of returned checks equaled \$26,599 for an annualized collection rate of 72.9%.

8) February Financial Analysis. Revenue in the State Highway Fund continues to be ahead of forecast by 3.3%. Revenues in both the State Aeronautics Fund and Aircraft Operations Fund continue to lag year to date projections by 5.6% and 14.8%, respectively. Expenditures in all categories are either within or below projected amounts.

Board Items. Member McClure reported that he received a copy of a letter that Steelman-Duff sent to Representative Charles Cuddy regarding changes to ITD's special provisions. Member McClure learned that District 2 has had problems getting work such as punch list items finished on projects, so it has implemented holding a 5% retainage on

all contracts in the District. The special provisions have not been changed; the Department has the authority to hold 5% retainage.

DE Carpenter elaborated that all Districts have the authority to do this. Some local officials have approached DE Carpenter about contractors not completely finishing projects. CE Ross reported that this is not a new practice, but that retainage has been applied in the past. He added that it is the intent for all Districts to operate this way to ensure uniformity statewide. The Department wants to make sure that the contractors perform all of the required work.

Member Sweeney said that a Department snowplow goes off the road statewide, including occasionally into the river along US-12 in District 2, almost annually. He asked DE Carpenter to elaborate on the mechanism the District would like to implement to prevent this from happening. DE Carpenter stated snow floors make it difficult for snowplow operators to tell where the roadway ends. Because the drivers do not want to stray off the pavement, they have a tendency to stay closer to the centerline, which results in a narrower roadway. The District would like to install a magnetic tape beneath the centerline pavement on US-12 as part of the Cement Recycled Asphalt Base project this summer. A sensory device would be mounted in the snowplow and would alert the driver when the snowplow travels too far from the centerline. DE Carpenter believes this would provide increased safety for the snowplow drivers, as well as to the motoring public because the highway lanes would be wider because the drivers could plow closer to the shoulder without fear of leaving the pavement. He believes the project would cost about \$135,000, and the funds would come from other savings in the District.

The Board was supportive of this project.

SB Higgins reminded the Board members of the annual Western Association of State Highway and Transportation Officials (WASHTO) meeting scheduled in Arizona in July. She asked which members are interested in attending that conference. Members McHugh and Miller indicated they would like to attend the meeting.

SB Higgins shared a letter from General James Brooks, Chairman of the Public Transportation Advisory Council (PTAC) with the Board. The PTAC and Board are planning a work session in June and Chairman Brooks asked for topics that the Board would like to discuss. To date, PTAC would like the following on the agenda: public

transportation policy, legislation, funding, the role of the PTAC under the new law, Regional Transit Authorities, and the coordination demonstration project. The Board did not have additional items for the agenda.

Member McClure reported that he attended a bus dedication ceremony for the City of Marsing earlier this week. The bus was purchased through the Vehicle Investment Program (VIP). He reported that the community was very pleased with its acquisition and appreciated the Department's assistance in securing the vehicle. He added that Representative Field was also at the dedication and expressed her support for the VIP.

Member Blick recently participated in the ribbon-cutting ceremony for the Overland Bridge project in Burley. He said the city coordinated an excellent program, including remarks by Governor Kempthorne.

Director's Items. Director Bower reported that an item on funding additional construction projects in the State Program with Department savings is on the agenda later. He provided background information on those savings, which are mainly from personnel vacancies. Because 20% of the PERSI gain share funds have to be used for training or safety activities, staff is developing projects such as installing video conferencing capabilities for statewide training. Director Bower said that approximately \$3.5 million will be available for construction projects.

At the recent WASHTO Chief Administrators Office meeting, Director Bower learned that several states will be converting back to English measures from the metric system. Because Idaho would be one of very few states using the metric system, ITD will also be converting back to the English system. He reported that an implementation plan is being developed for this conversion. CE Ross elaborated on the timetable and costs involved with this project.

By unanimous consent, the Board supported proceeding in this direction. Vice Chairman Combo commended Director Bower for his initiative to make this conversion.

Director Bower reported that Bob Martin started work this week as the Aeronautics Administrator. He believes Mr. Martin will be an excellent administrator because of his credentials and background.

Director Bower reminded the Board that he has been participating in a CANAMEX Task Force. The committee is reviewing the final plan and should finalize it soon. The plan focuses on the technological corridor and infrastructure improvements along the corridor. He believes the document will be a valuable tool, and he will provide the Board with the final plan.

Director Bower said the executive team retreat will be held May 9-11. Seventeen staff members will participate in this off-campus retreat to strengthen the team and focus on the future of ITD.

Congress has begun the budget process, according to Director Bower. He said the Administration's budget includes increased funding for the Revenue Aligned Budget Authority and more earmarking than has historically been included. Staff is monitoring the budget activities and working closely with Idaho's congressional delegation. He emphasized the good relationship that has been established between ITD and the congressional delegation.

Delegation – Technology Transfer (T2) Center. Dr. Michael Kyte, University of Idaho (U of I), thanked the Board for the opportunity to update it on the T2 Center's activities. T2 Center Director Gene Calvert reminded the Board that the Center is a partnership project with the National Institute for Advanced Transportation Technology (NIATT), the U of I, ITD, and FHWA to provide services to enhance local transportation agencies. He elaborated on the services the Center provides, including training, on-site technical assistance and demonstrations, a clearinghouse for information, and maintaining an extensive mailing list of transportation professionals. He also reported that results of a recent survey indicate that overall the local public agencies are satisfied with the operation and services of the T2 Center.

Mr. Calvert believes the Center's association with NIATT and the U of I is especially beneficial because it provides contacts with other Idaho colleges and universities throughout the state. He reported that due to increased funding this year, the T2 Center was able to hire an additional employee. Former ITD employee Bruce Drewes, who was

on the T2 Center Advisory Board and worked in the Division of Highways' training center, will coordinate the T2 Center's training activities from an office in Boise.

Chairman Winder thanked the gentlemen for the update on the T2 Center's activities.

Legislative Report. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar provided a final 2001 legislative summary. She reported that staff is working on some follow-up items as a result of the session, such as the Rail Preservation Fund. Additionally, staff is looking at issues for the 2002 session, including studded tires and aggressive driving. Staff will also continue to work closely with the coalition supporting seat belt legislation. At Director Bower's request, BPIRM Detmar briefed the Board on changes to the travel per diem. She emphasized that the Board of Examiners needs to ratify the changes, and then will provide guidelines. She believes those changes may have significant impacts on the Department's travel budgets.

Chairman Winder thanked BPIRM Detmar for the legislative update. He also thanked her for the excellent efforts on coordinating and overseeing the Department's legislative activities, and for the good working relationship she has established with the legislators.

End of Year Changes of Projects to FY01 of the State-Funded (ST) Construction Program. Staff has identified approximately \$3.5 million in additional funding available for the ST Program in FY01, according to Highway Programming Manager (HPM) Dave Amick. He also reported that the existing Program was reviewed to determine if the programmed costs are still accurate and if the projects will be ready for contract. After reviewing projects that will delay from FY01 and project cost changes to current-year projects, \$2.4 million is available to advance or add projects into FY01.

Member Blick made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO.      WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB01-17      to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Budget Council has identified estimated remaining FY01 apportionments to provide an additional \$3.5 million in FY01 of the State-Funded Highway Development Program under the Department's state contract construction budget; and

WHEREAS, the Division of Highways has identified projects which can be made ready for advertisement in FY01 of the State-Funded Highway Development Program to utilize the above additional funding.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer to add or advance projects into FY01 of the State-Funded Highway Development Program as projects are made ready and funding becomes available from the list of changes proposed in the document labeled "Proposed Additions and Advances as of 4/3/01", as shown as Exhibit 238, which is made a part hereof with like effect; and

*BE IT FURTHER RESOLVED*, that the staff is authorized to make the appropriate changes to the FY01-03 STIP in accordance with the provisions of TEA-21 of 1998.

FY01-06 Forest Highway Program. HPM Amick reported on the February Tri-Agency meeting. The group, consisting of the U.S. Forest Service, the Western Federal Lands Highways Division of FHWA, and ITD, has approximately \$14 million in FY01 funding for Forest Highway projects. No match is required for the Forest Highway Program.

Projected funding for FY02-06 is \$12.5 million annually. HPM Amick reported that no projects were delayed in the new program approved by the Tri-Agency Group. He summarized the Program and also provided minutes of the February meeting.

Member McHugh asked for clarification on the proposed funding for the Clark Fork River Bridge project. HPM Amick replied that currently the project is not eligible for funding because the route is not a designated forest highway. However, the Tri-Agency Group is willing to commit up to \$3 million for this bridge project if the route is designated a forest highway.

Member Sweeney asked if the intent of the Pierce to Kamiah project is to make it more accessible for the upcoming Lewis and Clark Bicentennial activities and anticipated tourists. HPM Amick said that route is a key access to those historical passes. If the project cannot be completely constructed in 2002, it will be delayed until 2006 so the construction will not interfere with the anticipated increased tourist traffic.

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

RES. NO.      WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB01-18      to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program; and

WHEREAS, the Chief Engineer has represented the Transportation Department's interest in funding projects under the Forest Highway



Program as a member of the Tri-Agency Group made up of the Idaho Transportation Department, the U.S. Forest Service, and the Western Federal Lands Highways Division of FHWA: and

WHEREAS, the Forest Highway Program has received \$13,981,817 in obligation authority in FY01.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board concurs with the funding and project changes to the FY01-06 Forest Highway Program as adopted by the Tri-Agency Group on February 13, 2001, as shown as Exhibit 239, which is made a part hereof with like effect, and authorizes staff to make the appropriate changes to the FY01-03 Statewide Transportation Improvement Program in accordance with the provisions of the 1998 Transportation Equity Act for the 21<sup>st</sup> Century.

Intermodal Surface Transportation Efficiency Act (ISTEA) Demonstration Project Summary. At an earlier meeting, Member Sweeney reported that the total costs for the Bryden Canyon project in Lewiston, funded in ISTEA, are higher than estimated. This is a result of a recent court decision awarding an amount greatly in excess of what had been projected for right-of-way. Staff reviewed all ISTEA demonstration projects to determine if funds may be available for the Bryden Canyon project. HPM Amick reported that all funds have been fully utilized and none remain eligible to transfer to this project.

Member Sweeney reported that he attended a recent Lewiston City Council meeting and informed the local officials that there are no ISTEA demonstration funds available for the additional costs on the Bryden Canyon project. He also told the City that ITD would look at other potential funding sources, but did not promise that the Department would secure funds.

Request to Fund the FY01 US-95, Belgrove to Mica Cost Increase via Advance Construction and the Delay of FY03 and FY05 National Highway System (NHS) Projects, District 1. CE Ross summarized the projects on US-95 from Mica to Worley. Three construction projects have been programmed for this stretch of highway, which is one of the Department's highest priorities for major improvements. The first stage, Belgrove to Mica, is programmed in FY01 for approximately \$17 million. The recently-

completed engineer's estimate to construct this stage exceeds available programmed funding by \$11 million. There were several reasons for the increased costs, according to CE Ross. The difficult geology of this area has caused a major revision to the original design of the retaining walls. The staging and tie-in at either end of the project has proven more costly than originally expected. Additionally, the project was expanded from a two-lane facility to a four-lane highway.

The other two projects on this portion of US-95 are Setters Road to Belgrove in FY03 and Worley North in FY05. Construction funds for these two projects are currently programmed at \$20.8 million and \$17.1 million, respectively. District 1 is proposing to advance construct the \$11 million in FY01 with State funds to be reimbursed with NHS funds in FY03. The construction of Setters Road to Belgrove would be delayed from FY03 to FY05 to accommodate the reimbursement. Furthermore, the construction of Worley North would then be delayed from FY05 to FY06 to accommodate the aforementioned delay.

Member Miller made a motion, seconded by Member Blick, to approve the following resolution:

RES. NO.        WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB01-19        to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the engineer's estimate of the costs to construct the US-95, Belgrove to Mica project exceed programmed funds by \$11,018,000.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board concurs with the advance construction of \$11,018,000 in FY01 with State funds to be reimbursed with federal funds in FY03 for funding of the construction cost increase to the Belgrove to Mica project; and

*BE IT FURTHER RESOLVED*, that staff is authorized to make the appropriate modifications to the FY01-03 STIP in accordance with the provisions of TEA-21.

Member McClure asked which project was removed from the Program to fund the additional costs of this project. At this time, no projects have been dropped from the Program, according to CE Ross, however, he said that staff will review the entire Program during the update process and compensate for this increase in cost in the outer years.

Member McClure believes that on a more frequent basis, construction projects are costing more than originally estimated in the Program, which results in the delay of other projects. He expressed concern with the published STIP because the Program identifies specific projects to be built in a certain year, and it reflects poorly on the Department when projects are then delayed or dropped from the Program. He encouraged staff to prepare better estimates for the cost of construction projects included in the Program. CE Ross concurred that better estimates are needed. Sometimes staff has insufficient information on environmental issues or the scope of the project to prepare more accurate estimates.

Vice Chairman Combo reminded the Board that the Highway Development Program, including the funding amount, is not set in stone and emphasized that the programmed costs are strictly estimates. He suggested an informal discussion on this topic at a future STIP workshop, including an overview of the estimating process.

Director Bower said that scoping documents should be developed for projects that are five or six years out in the Program. As the project is developed, the funding needs to be reviewed to determine if it is still consistent with the scope of the project. Although a scoping document would not be completely accurate, he believes it would provide a

better funding picture, particularly as the project moves forward in the Program. CE Ross added that staff reviews and re-balances the Program two or three times annually, but added that the Districts could do a better job of revising cost estimates. He also believes the “reaches” concept that was discussed at the February work session will also be a valuable tool to improve the STIP and the updating process.

Member Miller realizes that TEA-21 provided a significant increase in funding for the Department and that the contractors are busier. He suggested staff consider inflation costs and look at the historical information on construction estimates for the past several years, then use that information when preparing cost estimates for projects in the Program. CE Ross said inflationary costs are included in the Program and some history is used to prepare the estimates.

The motion passed unopposed.

Shared Resource Project. CE Ross provided an update on the viability of placing telecommunication utilities within the Interstate rights-of-way, as a follow-up to an earlier staff presentation. Provisions for the longitudinal placement of telecommunication utilities on the Interstate was included in the Access Management Rule, which was approved by the 2001 Legislature. The rule states that this use of rights-of-way requires a permit approved by the Department and FHWA.

The Shared Resource Program would involve issuing a request for proposal (RFP) through a nationwide competitive advertisement. A consultant is working with the Traffic Section on the RFP and permit development. An evaluation committee composed of ITD and other state stakeholders will determine company selection. The negotiation committee, also composed of ITD and other state stakeholders, will work with the company to determine the compensation the State of Idaho will receive in exchange for use of Interstate rights-of-way. The permit process will also be occurring concurrently with the negotiation process. Once negotiations are completed and all necessary permits are obtained, construction can begin. Construction will be under the inspection of district personnel.

The Right-of-Way Section is developing the valuation methodology for the Interstate rights-of-way. This is necessary to determine a fair compensation, but not necessarily cash, to the State for utility access. Additionally, a stakeholder group is being developed

to establish ITD needs and communication needs of other State agencies to establish the State's telecommunication needs as a basis to be used during the negotiations process.

Standards and Procedures for Utility Encroachments within the Highway Right-of-Way. In response to earlier concerns expressed by the Board regarding utilities in ITD's right-of-way, staff reviewed the existing Access Management document, rules, and policies. CE Ross reported that staff concluded the current standards and procedures, if correctly applied, are sufficient to address concerns regarding proper placement, inspection, and the ability to require movement or removal of utilities from the state highway right-of-way. Additionally, the Roadway Design Section, which is responsible for the Utility Policy, is currently conducting statewide meetings with utility companies and plans to use this input to update the Utility Policy in the near future.

Chief Engineer's Items. At an earlier Board meeting, the City of St. Maries requested the Board advance the SH-5 pavement rehabilitation project from FY03. Staff has reviewed the Program, and CE Ross reported that at this time, it is not feasible to advance that project.

CE Ross attended a meeting recently with local officials regarding the proposed extension of SH-46. The parties' expectations and the funding options were discussed. The responsibility to acquire right-of-way may need to be reviewed and re-defined, as the locals are concerned with those costs as well as the environmental costs. CE Ross reported that Joe Haynes, Local Highway Technical Assistance Council Administrator, may have local funds available, however, matching funds would be required. CE Ross emphasized that staff did not make any commitments. He believes it was a beneficial meeting and the local jurisdictions have a better understanding of the parties' roles and responsibilities for proceeding with this project.

Mr. Haynes also believes the meeting was productive and he confirmed the possibility of using STP-Local Rural funds for the Wendell to Buhl route.

Vice Chairman Combo questioned FHWA's position on this proposal. CE Ross stated that Division Administrator Steve Moreno has no objections or concerns with the proposed extension of SH-46. Vice Chairman Combo thanked CE Ross and Mr. Haynes for their efforts on this proposal, particularly for the meeting with the local officials. Chairman Winder asked if staff anticipates that the Wendell to Buhl route will be on the

Board's agenda at its June meeting. CE Ross said staff is planning on that at this time. Mr. Haynes added that the consultant has been asked to review the scope and costs of the project. Member Blick also expressed his thanks to Messrs. Ross and Haynes for meeting with the local officials and working to resolve the differences and concerns the state and locals have with this proposal. He added that the local officials expressed appreciation to him for the recent meeting.

Executive Session on Personnel Issues, Section 67-2345(1)(a)(b), Idaho Code. Member Sweeney made a motion to meet in executive session at 12 noon to discuss personnel matters. Member McClure seconded the motion and it passed unanimously.

The general tenor of the session was a discussion of current personnel issues including the hiring of staff members and a complaint brought against staff members.

The Board came out of executive session at 1:20 PM. No decisions were made.

Development of Public Involvement Guidebook. Public Affairs Coordinator (PAC) Jeff Stratten thanked Director Bower and CE Ross for their support in the development of the Public Involvement Guidebook. He also praised staff's efforts with this undertaking.

Stephanie Zabala, Public Involvement Coordinator, reported on the efforts of the department-wide team. This team was organized to review the public involvement practices in the development of highway projects; capture and refine the successful public involvement strategies; and provide a framework for public involvement statewide in the development of highway projects through a guidebook. Through this team's efforts, the "Guidebook to Public Involvement in the Development of Highway Projects" was written. The guidebook will assist project managers, project concept teams, planners, and public affairs staff to plan and implement public involvement in the development of highway projects.

Ken Helm, Transportation Staff Engineer, District 2, and team member, reported that the draft guidebook went through an extensive review, including by ITD management and FHWA. The consultant, Rosemary Curtin, said the main things that came out of the guidebook were early involvement on the project, including a good understanding of the

scope of the project; integration of the design process and public involvement; and documentation. She concluded by thanking the Board for its time.

Member Sweeney asked if the guidebook provides direction on dealing with difficult people. PAC Stratten replied that dealing with the public in specific ways is not addressed in the guidebook. The document is specific to the design process. He added that working with the public will be addressed in two ways: the first is tools and technique supplements, such as the types of meetings that can be held; and the second way will be through training, including how to interact with difficult people.

Member McHugh asked for clarification on FHWA's involvement in and review of the guidebook. PAC Stratten responded that working with FHWA was not a requirement, however, because the agency is a partner with ITD on projects and the development process, staff wanted to provide FHWA the opportunity to review the draft document.

Member Blick stressed the importance of good communication with the public. PAC Stratten concurred and reiterated that the guidebook focuses on early involvement with the public.

Vice Chairman Combo expressed support for the concept of the Public Involvement Guidebook. He believes ITD has greatly improved its public involvement process over the years, and he believes the Guidebook will continue to evolve and change. Chairman Winder thanked staff for the informative presentation and also expressed support for the direction it has taken with public involvement.

Video Clippings. PAC Stratten thanked Chairman Winder and Member McClure for participating in the recent press conference on Safety Awareness Week, focusing on safety in construction zones. The event was a joint effort with the Associated General Contractors, Idaho State Police, and ITD. He was pleased with the media coverage of the event and showed news clippings promoting the importance of driving slower and safer in construction areas.

Runaway Truck Escape Ramps. At the joint Board and Motor Carrier Advisory Committee meeting in December, some discussion was held on runaway truck ramps.

There was some concern that truckers were reluctant to use the ramps because they do not fully understand how the ramps work. It was suggested that a video of a truck using a ramp be developed to use as an educational tool for truckers. Staff obtained two videos from other transportation agencies that CE Ross showed to the Board. The first one focused on truck safety on steep downgrades and the other one showed a trucker using a runaway truck escape ramp.

CE Ross said educational efforts in Idaho to date have focused on distribution of printed materials at ports of entry. These include brochures and maps showing runaway truck ramp locations. Additionally, a press release was issued last December on the 15 runaway truck ramps on Idaho highways. Staff will also consider an informational video either for national distribution or for viewing at Idaho's ports of entry.

Contract Award. The low bid on STP-7786(102), Key 7707 – SH-33 and Second Street North Signal, Rexburg, Madison County, District 6, was more than ten percent over the engineer's estimate, requiring justification. The difference between the apparent low bid and the engineer's estimate was for the Traffic Signal Installation item. In analyzing the breakdown for this item, staff realized it failed to include the cost of needed signal components that in past projects had been supplied by ITD. The cost of these components represents the difference between this bid and prices for past jobs used in the estimate. Therefore, staff believes the bid is reasonable and recommends awarding it.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed unopposed, to award the bid on STP-7786(102), key 7707, to the low bidder: Wheeler Electric Inc., Idaho Falls, Idaho - \$183,607.45.

Pend Oreille Scenic Byway Corridor Management Plan, SH-200, District 1. Garry Young, Senior Transportation Planner, summarized the development of the corridor management plan (CMP) for the Pend Oreille Scenic Byway. He emphasized the strong local representation and public involvement in the development of the plan. The Bonner County commissioners have approved the CMP, which covers the enhancement of the byway's intrinsic qualities, highway safety issues, and marketing aspects. He added that District 1 was heavily involved in the development of the CMP and has also approved the plan.



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

RES. NO.        WHEREAS, the Idaho Transportation Board established the Scenic Byways

TB01-20        Advisory Committee (SBAC) on June 21, 1996; and

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byway Program to the Idaho Transportation Board; and

WHEREAS, corridor management planning is an essential aspect of the Scenic Byway Program; and

WHEREAS, the Pend Oreille Scenic Byway Corridor Management Plan (CMP) has been recently completed for State Highway 200; and

and                WHEREAS, Bonner County and District One have approved the CMP;

WHEREAS, the Scenic Byways Advisory Committee recommends Board approval of the CMP.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the Pend Oreille Scenic Byway Corridor Management Plan.

Name Change for the Bear Lake Caribou Scenic Byway, US-30, District 5. The corridor management plan for the Bear Lake-Caribou Scenic Byway identified the name of the byway as an issue. The Planning Team comprised of local officials, the US Forest Service and local business representatives, unanimously approved the new name as the

Oregon Trail–Bear Lake Scenic Byway. This Team believes the new name more appropriately reflects the intrinsic nature of the byway and that it will have more appeal to potential visitors. Mr. Young reported that the Planning Team is also requesting the elimination of the dual designation of the scenic byway between Soda Springs and Freedom, Wyoming. This section of the byway will only be designated as the Pioneer Historic Byway. The Bear Lake-Caribou designation would be dropped. District 5 and the Scenic Byways Advisory Committee support both of these changes.

Member Blick made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO.        WHEREAS, the Idaho Transportation Board established the Scenic Byways

TB01-21        Advisory Committee (SBAC) on June 21, 1996; and

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byway Program to the Idaho Transportation Board; and

WHEREAS, corridor management planning is an essential aspect of the Scenic Byway Program; and

WHEREAS, as a result of the development of the corridor management plan for the Bear Lake-Caribou Scenic Byway, a name change for the byway has been recommended; and

WHEREAS, Bear Lake and Caribou Counties, as well as various other community groups approved the name change of the byway to Oregon Trail-Bear Lake Scenic Byway; and

WHEREAS, the removal of the Bear Lake-Caribou Scenic Byway designation from Soda Springs to Freedom, Wyoming, on SH-34 also has the support of the byway community; and

WHEREAS, the Scenic Byways Advisory Committee recommends Board approval of the name change and removal of the Bear Lake-Caribou Scenic Byway name designation from Soda Springs to Freedom, Wyoming on SH-34.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the new name for the Bear Lake-Caribou Scenic Byway to be the Oregon Trail-Bear Lake Scenic Byway; and

*BE IT FURTHER RESOLVED*, that the Idaho Transportation Board approves the removal of the Bear Lake-Caribou Scenic Byway designation from Soda Springs to Freedom, Wyoming, on SH-34 and be designated only as the Pioneer Historic Byway.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:35 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

May 17, 2001

Salmon, Idaho

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REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

March 16, 2001

The Idaho Transportation Board met at 8:20 AM, on Friday, March 16, at the Idaho Transportation Department, Boise, for a pre-meeting review of the agenda. Chairman Winder reported that Bannock Planning Organization (BPO) submitted a letter withdrawing its support for funding an air quality plan in FY01 by delaying the purchase of a diesel bus in the Congestion Mitigation/Air Quality Program. Therefore, the agenda item prepared in response to last month's delegation from BPO was withdrawn. Chairman Winder called the meeting to order at 8:30 AM. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

February 15-16, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member McClure, to approve the minutes of the Board meeting held on February 15-16, 2001 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

April 18-19, 2001 – District 2

May 16-17, 2001 – District 6

June 20-22, 2001 – District 4

Consent Calendar. Member Sweeney made a motion, seconded by Member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the revisions to Board and Administrative Policies,

TB01-10 B- and A-11-01, Statewide Transportation Improvement Program; speed minute entry changes, SH-3, District 1; right-of-way permit #02-01-

087, District 2; and the request for a supplemental agreement, I-184, District 3; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the quarterly report on legal actions, and the January financial analysis.

1) Board Policy B-11-01, Statewide Transportation Improvement Program (STIP). The Board policy was revised to establish that the STIP document shall be in accordance with the current Transportation Equity Act for the 21<sup>st</sup> Century of 1998 regulations; assign overall responsibility to the Transportation Planning Administrator in cooperation with the Chief Engineer, Aeronautics Administrator, the Public Transportation Administrator, and each of the Metropolitan Planning Organizations; and reiterate approval requirements by the Transportation Board, Federal Highway Administration, and Federal Transit Administration. Similar changes were made to the corresponding Administrative Policy.

2) Speed Minute Entry Change. District 1 conducted a speed study on SH-3 between Milepost (MP) 84.68 and 87.06, which is part of a new alignment recently constructed. Based on the speed study and supporting comments from the Idaho State Police and Benewah County Sheriff, staff recommends increasing the speed limit from 45 miles per hour to 55 on SH-3, MP 84.68 to 87.06.

3) Right-of-Way Permit #02-01-087, District 2. Mr. Gordon Peterson is requesting one 20-foot single family/field approach at Station 753+15 RT. on SH-3 in a Type A partial control of access. He agrees to reimburse the State the difference in appraised values of the affected property for rights of access. District 2 recommends the request be approved based on a traffic investigation that showed the requested approach would have no

adverse effects on either the safety or operation of the highway at the proposed location. Additionally, the proposed access meets the current access policy for number of approaches per mile and spacing requirements.

4) Supplemental Agreement, I-184, District 3. The I-184, Wye Interchange, Stage 2 project is currently scheduled for construction in FY01 for \$24 million. The project is anticipated to cause significant impacts to over 100,000 motorists daily. The public involvement efforts for Stage 1 proved to be a successful tool to inform motorists of traffic impacts, as well as affected businesses in the state's biggest retail area. Staff believes continuation of these efforts in a seamless campaign is a critical effort the Department should extend to the public in Stage 2 as well. Additionally, it is believed the public will anticipate a continuation of these efforts.

The public outreach effort for Stage 1 was an aggressive, committed campaign. Staff plans a similar effort for the next Stage, plus a more targeted radio advertising campaign with Boise's traffic reporting service agency, an enhanced effort to increase law enforcement presence in areas of construction safety concerns, and increased educational efforts to employers to keep commuters informed. District 3 is requesting Board approval to negotiate and contract a supplemental agreement with Washington Infrastructure Services for professional services to provide public involvement for design and construction on Stage 2 of the I-184 Wye Interchange project. The estimated cost for this supplemental is \$320,000, with \$128,000 estimated for the pre-construction phase and \$192,000 anticipated for the construction phase. The offset of the pre-construction phase is being identified and will come from current year scheduled preliminary engineering and right-of-way prior to starting the work. The \$192,000 for the construction phase is included in the project cost estimate under construction engineering and will not be needed until after advertising when the construction engineering budget becomes available.

5) Contract Award Information. Key #7657, Indian Creek Pathway, Kuna, District 3. Low bidder: Tuffy Excavation, Inc. - \$156,949.

Key #6925, Intersection 7<sup>th</sup> Street, Burley, District 4. Low bidder: Wheeler Electric Inc. - \$101,391.

Key #7199, SH-33, Victor to Wyoming State Line, District 6. Low bidder: Marcon Inc. - \$180,081.

Key #7689, US-26, Hitt Road Signal, District 6. Low bidder: Wheeler Electric Inc. - \$261,016.

Key #7044, I-84B, Mountain Home Business Loop, District 3. Low bidder: Idaho Sand & Gravel Company - \$417,998.

Key #8288, I-15B, Snake River Bridge Expansion Joint Repair, District 6. Low bidder: Depatco Inc. - \$58,961.

Key #8415, US-30, Cedar Draw Pipe Replacement, District 4. Low bidder: Christiansen Construction Company - \$398,876.

6) New and Supplemental Professional Agreements Report. From January 31 to February 27, the Consultant Administration Unit processed \$1,823,800 in new and supplemental agreements.

7) Quarterly Report on Legal Actions. A summary of legal cases disposed of by the Legal Section between January 1 and March 1 and a status of current legal cases were presented.

8) January Financial Analysis. The State Highway Fund continues to be ahead of forecast by 5% in transfers from the Highway Distribution Account. This is the result of the Weight Distance Tax not falling off as quickly as anticipated. It is too early to determine if this is revenue above the forecast. Revenue from the State Aeronautics Fund continues to be approximately 7% below the forecast in fuel tax revenue. The Department's economist is researching this issue to determine why this is happening. The Aircraft Pool continues to lag 18% behind year to date projections. Expenditures are below expectations in the State Highway Fund and State Aeronautics Fund and are within the projected amounts for the Aircraft Operations Fund.

Board Items. Member Sweeney received a telephone call recently from a party interested in acquiring the Camas Prairie Railroad, although the party is not interested in the Craigmont to Grangville line. Member Sweeney questioned the Department's involvement in this issue and suggested exploring the feasibility of purchasing the right-of-way. Staff will look into this issue. Additionally, Director Bower will provide Member Sweeney with the comments ITD submitted to the Surface Transportation Board on the proposal to close the Camas Prairie railroad.

A constituent asked Member Blick if the Department has cameras installed on its overpasses, particularly along the Interstates, and if not, it was suggested that cameras be installed. This issue was raised in response to the recent incident where someone threw rocks from an I-84 overpass in the Treasure Valley, injuring a motorist. CE Ross replied that normally the Department does not install cameras on overpasses. A camera had been installed on the US-95 Lewiston Hill in response to a number of truck accidents, however, that camera was removed. Because of the numerous overpasses on the state's system, CE Ross said it is not economically feasible to install cameras on all structures. Director Bower added that intelligent transportation systems being installed on the I-84, Wye Interchange project, include cameras, however, the main purpose of those cameras will be to monitor traffic.

Occasionally the Board meeting dates are changed from a Thursday-Friday schedule to Wednesday-Thursday to accommodate members' conflicts. Member Miller suggested changing the meeting days to Wednesday and Thursday on a regular basis. He asked the Board members to consider this proposal for discussion at the April meeting.

In January, Chairman Winder shared an article on safe driving from the U.S. Automobile Association Magazine with the Board members and appropriate staff. Chairman Winder believes curbing aggressive driving should be a high priority of the Department. He asked staff to emphasize the dangers of driving aggressively and focus on reducing accidents attributed to aggressive driving behaviors. Some suggestions were legislation (stiffer penalties), an educational campaign, and working closely with Idaho State Police on this issue.

Member Sweeney attended the Annual Aviation Conference earlier this month in Boise, sponsored by the Division of Aeronautics. He said the conference was well attended and staff did an outstanding job coordinating this event. He thought it was a beneficial and



successful conference. The Board commended staff for its successful efforts. Director Bower added that Governor Kempthorne spoke at the luncheon. Chairman Winder also reported that Director Bower and he met with some of the Aeronautics Advisory Board (AAB) members prior to the conference. The AAB is in the process of revisiting its role and responsibilities. It reviewed the statutory requirements and plans to bring recommendations to the Transportation Board.

Director's Items. Director Bower reported that the Legislature is reviewing a number of truck registration bills. Some of the proposals include additional bands, increased fees for trucks over 50,000 miles and lower fees for under 30,000, revenue neutrality, and one proposal that would result in a loss of approximately \$5 to 6 million to the Highway Distribution Account. Director Bower thanked Chairman Winder for his participation and testimony at the legislative committee meetings.

In response to Congressional work on the transportation appropriations bill, ITD submitted a letter to the state's Congressional Delegation recommending projects for inclusion in the FY02 bill. Director Bower said a variety of projects from throughout the state were included. Member McHugh said the Bridging the Valley Study underway in District 1 in cooperation with the State of Washington is progressing well. This proposal would consolidate the Burlington Northern and Union Pacific railroad tracks in the area, eliminating approximately 50 at-grade crossings. Member McHugh said Washington is requesting \$150 million from Congress for this effort, and he suggested ITD may want to support that request. Director Bower added that he has a meeting scheduled on this subject next week. He believes this project would be very beneficial. Although funding is a major concern, he believes money could be saved over a period of time because the need to improve the existing at-grade crossings would be eliminated.

The Senate passed the Department's FY02 budget and is on the House of Representatives' agenda, according to Director Bower.

Director Bower informed the Board that the Department responded to a letter from Senator Skip Brandt requesting that ITD revisit the issue of recognizing Tribal Employment Rights Office requirements.

Director Bower reported that staff explored the feasibility of eliminating the State Highway Fund contribution for the King Air, and he discussed the issue with the

Governor's Office. Because none of the users supported increased fees and the allocation has been included in the FY02 budget, Director Bower recommended no change to the funding sources for the King Air at this time.

Director Bower announced that Robert Martin has been hired as the Division of Aeronautics Administrator. Mr. Martin will start on April 16. Director Bower stated he discussed this hiring with the AAB, and he believes Mr. Martin will be an excellent choice, based on his managerial skills and aviation background.

In conclusion, Director Bower reported that he will be attending the Western Association of State Highway and Transportation Officials' Chief Administrators Office meeting April 7-11.

Chairman Winder thanked Director Bower for his report and for his efforts on legislative issues.

Chief Engineer's Items. CE Ross requested guidance on the funding and priority of extending SH-46 from Wendell to Buhl. The Memorandums of Understanding (MOUs) with the local entities state the environmental documents and right-of-way acquisition are the locals' responsibilities, however the Department is to provide assistance with exploring funding sources. Constructing the route to state standards will cost approximately \$25 million, and CE Ross questioned the source of those funds.

Member Blick met with the Buhl Highway District commissioners recently. The local officials would like to proceed with the National Environmental Policy Act (NEPA) process soon. They made a commitment of funds for right-of-way acquisition, but cannot proceed with that step until the environmental process has been completed. Additionally, the Highway District would like to make improvements to one of the routes being considered for the SH-46 extension, however it is reluctant to improve the road if that portion is not part of the final route selection. Member Blick encouraged staff to look into this issue and suggested meeting with the local impacted officials at the June Board meeting.

Vice Chairman Combo said the Board Subcommittee on State Highway System Adjustments discussed the proposed extension of SH-46 at its January meeting. The consensus was for staff to proceed with the environmental process and obtain the preferred alignment, although the funding source was an issue. Once the project is at the design phase, the NEPA process should be completed. Member McClure added that the Subcommittee reviewed the MOUs and the various responsibilities outlined in those documents. Additional information was requested on the NEPA process, including a more definitive cost and time frame. Vice Chairman Combo believes the Department needs to move forward on this proposal. The alignment needs to be selected so the locals can proceed with right-of-way acquisition.

Joe Haynes, Administrator, Local Highway Technical Assistance Council, believes the Department is moving in the right direction. The local entities are anxious to proceed with the environmental process and have committed funds for this purpose.

Director Bower said staff will determine a funding source and work with the FHWA and locals on the environmental issues, but he questioned ITD's role once the locals acquire the right-of-way. He asked if improving the route to state standards will be strictly ITD's responsibility or a joint effort with the locals. Member Blick said Buhl Highway District insinuated it would be willing to improve the route, once the final alignment has been determined, even if the state doesn't assume jurisdiction of the road for 15 to 20 years.

Chairman Winder asked Director Bower to work with District 4 Engineer Devin Rigby and the local officials on the proposed extension of SH-46. He would like to revisit this issue at the June Board meeting in District 4. Member McClure added that the Board Subcommittee believes the route should be added to the state highway system, however, the timing of the acquisition has not been finalized. (See later minute entry.)

Employee Service Awards. The Board members participated in the employee service awards. Member McHugh spoke on behalf of the Board.

Legislative Report. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar provided an update on legislative activities. Staff is working on trailer bills for the Department's FY02 budget because the legislation on the Aeronautics Fund interest and aircraft registration is expected to pass and would impact the budget. She added that during discussion of the Department's budget on the Senate floor, some

concerns were expressed on appropriating unrestricted funds for public transportation and aeronautics activities. Staff will review that issue and obtain an opinion from the Attorney General's Office.

BPIRM Detmar relayed Senator Evan Frasure's request for the Board to support and testify in favor of legislation changing the make-up of the AAB. Member Sweeney believes the proposal to include an airport manager on the AAB would be beneficial, and he supported taking a position on the bill.

Member Sweeney made a motion to support Senate Bill 1193 as amended and to ask Chairman Winder and/or Director Bower to testify in support of changing the compilation of the AAB. Member Blick seconded the motion and it passed unopposed.

BPIRM Detmar summarized the various bills relating to truck registration. After the weight-distance tax was eliminated and registration fees increased last year, three main concerns were identified by the trucking industry and expressed to ITD personnel at various meetings held throughout the state. BPIRM Detmar said those issues, additional mileage bands, quarterly payments of registration, and permitting of pups (trailers), have been or are being addressed.

The Rail Preservation Fund bill has passed the House and will be on the Senate Transportation Committee's agenda next week, according to BPIRM Detmar. She believes some funding may be available from the Department of Commerce, and the Department may have to ask the Governor for a supplemental bill. Member Sweeney questioned the intent of this legislation. Director Bower said the state rail plan will need to be updated. If railroad improvements are identified, the Board will need to prioritize those projects for funding. The funding is intended to be either a loan or a grant. He said the Department has continuously emphasized the need to fund the Rail Preservation Fund with general fund revenues.

Chairman Winder thanked BPIRM Detmar for the report. He also said that Legislators have been very complimentary of BPIRM Detmar and various ITD staff members for their assistance. The staff has done an excellent job of testifying and providing information.

Continuation of the Discussion on the Proposed Extension of SH-46, Wendell to Buhl. Vice Chairman Combo reiterated that the MOUs with the local entities are not legally binding documents, but rather outline the intent of the parties. Member McClure added that although the intent is to add the Wendell to Buhl route to the state highway system, the timing of that transaction has not been determined.

Chairman Winder asked staff to work with the local officials on their plans to improve the route. He encouraged ITD guidance so the improvements meet state standards and will not have to be re-done when the route is under the state's jurisdiction. Member Miller emphasized the Board's support for this proposal and the need to partner with the locals, however, the timeframe will be limited by the availability of funding.

Director Bower said the federal construction standards would have to be followed if federal funds are used for the environmental document. Additionally, all work has to be consistent with the environmental document. Vice Chairman Combo suggested completing the environmental document through the selection of the alternate route, then after the alignment has been identified, address the NEPA issues or environmental impact statement (EIS). He added that staff should avoid the requirement of revisiting the EIS in several years.

The consensus of the Board was for staff to continue with the environmental process, revisit the MOUs, and meet with federal and local officials on the environmental issues and to determine the best way to proceed. Chairman Winder added that he would be reluctant to add the Wendell to Buhl route to the state highway system if it is not improved to state standards.

Executive Session on Personnel Issues, Section 67-2345(b), Idaho Code. Member McClure made a motion to meet in executive session at 12 noon to discuss a personnel matter. Member McHugh seconded the motion and it passed unanimously.

The general tenor of the meeting focused on a draft report on a personnel issue regarding a complaint filed by an employee concerning a promotion for which the employee was not selected. The Board came out of executive session at 1:10 PM. No decisions were made.

IDAPA Rule 39.03.42, Governing Use of State Right-of-Way. Assistant Chief Engineer – Operations (ACE-O) Greg Laragan outlined the changes made to Rule 39.03.42 based on comments from the utility industry and Legislature. The revisions make it easier for the public to read and comprehend the rule, which should result in better compliance of the rule’s requirements. Also, language was added to clarify the allowance of telecommunications facilities to be placed within the highway right-of-way as described in the Federal Telecommunications Act of 1996. This would allow for intelligent transportation systems connections to provide for safer roadways, faster emergency response, and the availability of high-speed communications systems in remote areas of the state. This would also comply with the Governor’s request for Internet access for education purposes to many remote towns and cities.

ACE-O Laragan also reported on changes regarding the published fee schedule for encroachments on state highway rights-of-way. This new fee structure is an increase from the Department’s current fees, however, it is lower than those proposed in the rule approved by the Board in July 2000.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO.            WHEREAS, Idaho Code Sections 40-310(9), 40-311(1), 40-312, 40-313(2), 40-321, 40-2319, 49-202(19), (20), (23) and (28), and 49-221

TB01-11            give the Idaho Transportation Board authority to control use of State Highway System rights-of-way; and

WHEREAS, the Idaho Transportation Department “Access Management: Standards and Procedures for Highway Right-of-Way Encroachments”, formerly titled “Right-of-Way Use Policy”, October 1982, and its associated IDAPA Rule 39.03.42 were approved by the Idaho Transportation Board in July, 2000; and

WHEREAS, the House and Senate Transportation Committees, 56<sup>th</sup> Idaho Legislature, First Regular Session, 2001 have reviewed IDAPA Rule 39.03.42 and recommended changes; and

WHEREAS, proposed changes recommended by the House and Senate Transportation Committees were reviewed and approved by the Board in February, 2001.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves and authorizes the changes recommended by the House and Senate Transportation Committees, 56<sup>th</sup> Idaho Legislature, First Regular Session, 2001, to IDAPA 39.03.42; and

*BE IT FURTHER RESOLVED*, that the Idaho Transportation Board authorizes Department staff to revise the Idaho Transportation Department “Access Management: Standards and Procedures for Highway Right-of-Way Encroachments”, July 2000, to conform with the recommendations of the House and Senate Transportation Committees, 56<sup>th</sup> Idaho Legislature, First Regular Session, 2001.

Right-of-Way Use Permit #4-01-070, District 4. CE Ross said the West End Fire Protection District recently purchased property along SH-27 in Paul and is proposing to construct a new fire station and city office. The property is in Type II partial Control of Access and has one deeded 20-foot farm/residential approach at highway station 229+32RT, milepost 26.016.

The original deed issued in 1962 designated the approach location and use and had restrictions that were to run with the land and forever bind the grantor(s), their heirs and assigns. The restriction of use was placed on the access by the original deed that would allow the ITD to permanently close the access if the landowner used the approach for any use other than residential/farm. The ITD could restore the landowner's access if the landowner paid a \$1,000 surety bond. The \$1,000 surety bond could be required by the Department for every occurrence of misuse of the access.

CE Ross said the West End Fire Protection District is requesting the existing deeded 20-foot farm/residential approach be retained and upgraded to one-way commercial and be used as an emergency exit only. Additionally, it is requesting a new 40-foot two-way commercial approach at highway station 227+21RT, milepost 25.976 to accommodate vehicles entering the fire station and governmental offices. This approach would align with the approach on the west side of the highway for West Minico Junior High School. The proposed use of the access would violate the terms of the warranty deed as issued in 1962.

The District determined that a Traffic Impact Study will not be required and there is no operational or safety issues involved in granting the change in access, so recommends approving the approach requests. Staff also recommends waiving the appraisal process, but requiring a \$1,000 fee per approach.

Member Sweeney made a motion, seconded by Member Blick, to approve the following resolution:

RES. NO.            WHEREAS, the West End Fire Protection District is the sole owner of a parcel of land on State Highway 27 between highway station

TB01-12            226+81.4 and 229+74.7, with restricted access as described in Warranty Deed No. 155103 dated February 12, 1962; and

WHEREAS, State Highway 27 is Type II Partial Control of Access between highway station 226+81.4 and 229+74.7; and

WHEREAS, the West End Fire District proposes to change the use of an existing

20-foot approach at Milepost 26.016, station 229+32RT; and

WHEREAS, the West End Fire District is requesting one (1) a new 40-foot Two-Way Commercial approach at Milepost 25.976, station 227+21RT, and two (2) changing the Residential/Farm approach at Station 229+32RT, Milepost 26.016 to a One-Way Commercial; and

WHEREAS, the District recommends approval of the request based on waiver of the formal appraisal process and the payment of two thousand dollars (\$2,000.00) to ITD by the landowner; and

WHEREAS, Headquarters' Traffic and Headquarters' Right-of-Way Sections have reviewed all documentation and concur with the District's recommendations.

*NOW THEREFORE BE IT RESOLVED*, that the existing 20-foot Residential/ Farm approach be changed in use to One-Way Commercial and a new 40-foot Two-Way Commercial approach be granted at the aforementioned highway station, if constructed in accordance with the State standards.

Member Miller expressed concern that the Department often pays higher costs to acquire access, but now is recommending selling an access for \$1,000. He doesn't agree with purchasing access, then selling it. CE Ross explained that SH-27 is only partial control of access, not full or limited access. The route is not an arterial and the Department does not have plans to control access on this highway. He added that ITD is supportive of economic development in some areas, and he believes providing accesses may enhance economic activity.

The motion passed 5-1 with Member Miller dissenting.

FFY01 Public Transportation Grant Funding. Public Transportation Administrator (PTA) Larry Falkner reported that the application review and public hearing process for the federal fiscal year 2001 Federal Transit Administration Grant Funds and the Vehicle Investment Program have been completed. The Public Transportation Advisory Council supports staff's recommendations. The specific project information was provided.



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

RES. NO. WHEREAS, the Division of Public Transportation has completed the review of all applications for funding, held meetings in each District

TB01-13 for public input and made project recommendations for the FFY01 Federal Transit Administration programs as follows:

- Section 5310 Elderly and Persons with Disabilities Transportation \$362,707;
- Section 5311 Rural and Intercity Transportation \$1,381,254; and

WHEREAS, the Public Transportation Advisory Council participated in the district public meetings, has worked with staff in evaluating applications with the Basic Services Policy, and has concurred with the funding recommendations as presented.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the funding recommendations for FFY01, contingent on legislative approval for funding the Vehicle Investment Program.

Chairman Winder thanked PTA Falkner for the presentation and also for keeping the Board members apprised of public transportation activities and issues in their respective Districts.

Status of Rest Areas, I-84, Massacre Rocks to Bliss, District 4. The need for a rest area along I-84 between the Massacre Rocks and Bliss Rest Areas was questioned at the joint Transportation Board and Motor Carrier Advisory Committee meeting in December. Gene Ross, Roadside Manager, said that the Board approved demolishing and closing the Junction US-93, Jerome Westbound rest area in 1994. Some of the reasons for that closure included access to nearby commercial facilities, the planned reconstruction of the rest areas east of the US-93 Twin Falls interchange, the Junction US-93 westbound rest area was exceeding its designed years of services and would require major reconstruction to keep it operational, and proposed commercial development at interchange 173. In conjunction with the closure of the Junction US-93 westbound rest area, a new rest area/interpretive center was proposed at Malad Gorge; however, that proposal never

materialized. A gateway rest area was also planned in the Declo-Burley area, but again, those plans met opposition and the facility was never constructed.

Member McClure asked if the Department has polled the motoring public on rest area issues, particularly if sufficient services are provided. Mr. Ross responded that no polling has occurred, however, the high utilization of the facilities indicate the rest areas are a needed and wanted service. He added that occasionally the Districts count traffic at rest areas. In District 4, the Bliss Rest Area is the most heavily used facility, followed by the Juniper and Cotterell Rest Areas.

Chairman Winder thanked Mr. Ross for the informative report. He added that the adequacy of truck parking continues to be a concern and he encouraged staff to continue focusing on that problem.

Board Policy B-05-15, State Institution Road Improvement Funds Annual Allocation. Per Board Policy, up to \$30,000 may be dispersed annually for road improvements in, through, and around the grounds of state institutions. CE Ross said an MOU with the Department of Administration, Division of Public Works (DPW), specifies that DPW will solicit projects and acquire the Governor's endorsement of projects prior to submitting the projects to the Board for consideration.

DPW has presented requests for FY01 and FY02 allocations of \$30,000 each for projects at Boise State University and the North Idaho Correctional Institution. If approved, DPW will receive the funds and administer or cause to be administered these roadway improvement projects. The Governor has submitted a letter in support of these two projects.

Member Miller made a motion, seconded by Member McClure, and passed unanimously, to approve the follow resolution:

RES. NO. WHEREAS, Idaho Code Section 40-310(14) establishes a program for the construction, alteration, repair, and maintenance of roadways in,

TB01-14 through, and around the grounds of state institutions; and

WHEREAS, the Board has authorized an amount up to \$30,000 annually for this program under Board Policy B-05-15; and

WHEREAS, the Department of Administration, Division of Public Works, has received a request from Boise State University (BSU) for a FY01 road maintenance project in the amount of \$30,000; and

WHEREAS, the project is to fix a deteriorated driveway and parking lot for the BSU Maintenance Shops and the parking area for the BSU Health Sciences-Riverside building; and

WHEREAS, the Division of Public Works has approved this request and forwarded it to the Governor's Office; and

WHEREAS, the Governor has approved this request in a letter dated February 26, 2001 to the Board.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Maintenance Engineer to transfer funding to the Division of Public Works for the proposed project; and

*BE IT FURTHER RESOLVED*, that the Division of Public Works will administer or cause to be administered the Board approved projects including all phases of project development, construction, and final cost accounting.

Member Miller made a motion, seconded by Member McClure, and passed unanimously, to approve the follow resolution:

RES. NO. WHEREAS, Idaho Code Section 40-310(14) establishes a program for the construction, alteration, repair, and maintenance of roadways in,

TB01-15 through, and around the grounds of state institutions; and

WHEREAS, the Board has authorized an amount up to \$30,000 annually for this program under Board Policy B-05-15; and

WHEREAS, the Department of Administration, Division of Public Works, has received a request from the Department of Corrections North Idaho Correctional Institution (NICI) for a FY02 road maintenance project in the amount of \$45,000; and

WHEREAS, the Department of Administration Division of Public Works will seek funding from the Department of Corrections North Idaho Correctional Institution for the balance of funding over and above the maximum allowable \$30,000; and

WHEREAS, the project is to replace a deteriorated portion of the parking lot, pave an area currently surfaced with gravel, and seal coat the whole parking lot and courtyard at NICI; and

WHEREAS, the Division of Public Works has approved this request and forwarded it to the Governor's Office; and

WHEREAS, the Governor has approved this request in a letter dated February 26, 2001 to the Board.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Maintenance Engineer to transfer funding to the Division of Public Works for the proposed project; and

*BE IT FURTHER RESOLVED*, that the Division of Public Works will administer or cause to be administered the Board approved projects including all phases of project development, construction, and final cost accounting.

Contract Awards. The low bid on project STP-2820(101), Key #7623 – SH-75 Spur, Ketchum Streetscape Phase III, Blaine County, District 4, was more than ten percent over the engineer's estimate, requiring justification. The major difference in bid and estimate prices can be attributed to mobilization. The project is in the middle of downtown Ketchum, which is a crowded area to work in and will require a great deal of effort to locate a mobilization site and to physically mobilize into this urban environment. Therefore, the higher mobilization costs are reasonable, and the District recommends awarding the project.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed unopposed, to award the bid on project STP-2820(101), key #7623 to the low bidder: Wheeler Electric, Inc., Idaho Falls, Idaho - \$290,863.77.

The low bid on project NH-5110(133), key #7668 – US-95, Intersection Honeysuckle Avenue, Hayden, Kootenai County, District 1, was more than ten percent over the engineer's estimate, requiring justification. A single bid item, Traffic Signal Installation, accounts for all of the difference between the engineer's estimate and the low bidder. The unit price for this item was based on Statewide Unit Bid averages and similar projects in the District. Headquarters' Traffic Section also provided current prices for many of the signal structure components. The District did not anticipate a large cost differential for the signal Z-structure, larger foundations, underground boring, and working near buried utilities. Additional monies may also have been included by the contractor to allow for increased labor costs. This is a federal aid project and the contractor is required to pay prevailing wages. This intersection continues to experience increased congestion and accidents due to nearby developments. Based on this information, staff recommends awarding the project.

Member Blick made a motion, seconded by Member McHugh, and passed unopposed, to award the bid on project NH-5110(133), key #7668 to the low bidder: Thorco, Inc., Coeur d'Alene, Idaho -\$526,419.60.

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Annual Report on Training and Development. Training and Development Manager Marcia Aitken summarized the training classes provided to ITD employees during the past fiscal year. Additionally, on-going consultation for the Department's Futuristic Seminar, the Executive Staff and Division of Highways' (DOH) Retreats, and other employee development opportunities were provided. Other activities included coordinating the Governor's mandate for employee training utilizing PERSI savings, developing the Supervisory Academy, assisting the DOH with developing skilled managers, and consulting with individual employees on various issues.

CE Ross thanked Ms. Aitken and the Human Resource Development Section for the assistance it has provided to the DOH. The assistance it provided, particularly in the managerial arena, was greatly appreciated. Chairman Winder also thanked Ms. Aitken for the report and the efforts in this important area.

Annual Report on the Safety Program. Some of the efforts of the Employee Safety and Risk Management Section include educating employees in safe work practices, ensuring the provision of adequate protective gear and communicating regulatory compliance information, comprehensive investigation of tort claims and the reduction of the number of claims, and identifying hazardous work sites and practices, according to Manager Cheryl Rost. She elaborated on specific program activities during 2000, employee accident statistics, and safety related training provided.

Ms. Rost reported that the Department of Administration discounted ITD's liability insurance premium by \$3,560 due to staff's participation in defensive driving programs. The Department received \$358,617 in dividends from the State Insurance Fund, representing a 35% savings on the premium paid in calendar year 1999.

Member McClure stated that the construction industry tracks accident data so companies could compare themselves to other companies in the industry. He asked if there is a uniform reporting method for all state departments of transportation (DOTs) for comparison purposes. Ms. Rost reported that all DOTs have a different way of tracking that data, so it is difficult to compare the incident information with other state DOTs. Member McClure suggested approaching the American Association of State Highway and Transportation Officials on standardizing that reporting information.

Chairman Winder thanked Ms. Rost for the informative presentation and her continued efforts to improve safety at ITD.

SB Higgins recognized five Board members for their service on the Board without a preventable accident. Chairman Winder, and Members McClure, McHugh, and Miller have served on the Board five years without an accident, while Vice Chairman Combo has been on the Board ten years and has not had a preventable accident. SB Higgins congratulated the members for this accomplishment. She provided certificates of commendation and said safety awards will be forthcoming.

Annual Report on the Wellness Program. Wellness Council Chair Pauline Davis elaborated on the activities provided through the Wellness Program, including an exercise challenge, fitness evaluations, nutritional education, blood testing, and on-site health screens and mammography services. She summarized the accomplishments of each District, and reported that a recent survey of the Wellness Program indicates that overall, employees believe the program is a success.

Vice Chairman Combo praised the Wellness Council for the continued enhancements to and growth of the Program, particularly since the Council is a voluntary effort. He believes the Wellness Program has evolved into a very successful and much larger endeavor than the Board envisioned when the concept was proposed almost ten years ago. He also commended the participants of the Program and Management for supporting this Program.

Annual Report on Civil Rights. Karen Sparkman, Chief of Civil Rights (CCR), summarized the Bureau's recent activities. The Internal Programs had a stronger emphasis on providing information. Technical assistance and training to managers was provided, plus a confidential employee hotline was established, monthly e-mail articles were

distributed to supervisors, and articles were published in the Transporter for all employees. ITD's hiring goal of 9 women and minorities was exceeded, with 43 of the 145 new hires being women and minorities. CCR Sparkman added that there is still an underutilization for women in technician and professional categories. She also reported on the Equal Employment Opportunity (EEO) complaints and American with Disabilities Act (ADA) accommodations.

CCR Sparkman elaborated on the External Programs. Some of the training and outreach efforts included new web pages for contractors and a Disadvantaged Business Enterprise (DBE) newsletter. Staff conducted 10 full EEO compliance reviews and certified 172 DBE firms. Eighteen students enrolled in the On the Job Training/Supportive Services Program, with nine graduating. Five of those graduates continue to be employed with local contractors. CCR Sparkman thanked the Board for its time and concluded by stating that management's support and the efforts of her staff were instrumental in these accomplishments.

Director Bower acknowledged the Bureau of Civil Rights' efforts and commitment to this important program. He praised the Return to Work Team and asked CCR Sparkman to elaborate on those efforts. When an employee has been off work for some time, the Department looks at adjustments that can be made to the work environment and work duties to enable the employee to return to work without further injury and in a smooth transition. The Civil Rights staff is particularly involved with the return to work efforts if there are permanent restrictions. The Bureau ensures that the ADA is not violated. CCR Sparkman added that it is a complicated area, so training is provided to supervisors on this issue.

Chairman Winder thanked CCR Sparkman for the informative report.

Appeal Hearing, Denial of Right-of-way Access Permit, District 3. At the City of Eagle's request, this item was continued to April 19, 2001.

Delegation – City of Star. SB Higgins distributed a letter from the City of Emmett in support of extending SH-16 south to I-84. Mayor Morgan was unable to attend today's meeting, but he wanted the Board to know of his support for this proposal.

City of Star Mayor Gussie O'Connor reported that other cities have expressed support for a SH-16 river crossing. Preliminary discussions have focused on the route connecting to I-84 with an interchange at Ten Mile Road. This proposal is included in the Community Planning of Southwest Idaho's (COMPASS) 2020 Transportation Plan. Mayor O'Connor stated that the City of Star was not incorporated when the Plan was developed. Now the City's area of impact is affected by this proposal, and the City is developing a master plan and working on addressing transportation and growth issues. She asked the Board to consider including a SH-16 corridor study in the Department's 5-year plan. Not only would this extension provide for economic growth and development in the area, but she also believes it would relieve traffic on the other main corridors in the area. In conclusion, she thanked the Board members for their time.

Chairman Winder thanked Mayor O'Connor for her presentation. He asked Charles Trainor with COMPASS what the planning organization's priority is for extending SH-16 south across the river. Mr. Trainor replied that the proposal was initially included in 1995. In the 1999 update, COMPASS realized the need to preserve the corridor and recognized the need for this project because of the tremendous growth the area was experiencing.

WHEREUPON, the regular monthly Board meeting officially adjourned at 3:45 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

April 19, 2001

Riggins, Idaho

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SPECIAL VISIONING SESSION AND REGULAR MEETING OF THE  
IDAHO TRANSPORTATION BOARD

February 15-16, 2001

The Idaho Transportation Board met at 8:30 AM, on Thursday, February 15, at the Idaho Transportation Department, Boise, for a special session to discuss the future of the transportation system. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2



Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Director Bower introduced Marsha Bracke, the facilitator for the work session. Chairman Winder emphasized that the intent of the meeting was to envision the future of transportation and the role of ITD, not to revise the Department's vision and mission statement.

Transportation Planning Administrator (TPA) Charles Rountree summarized the transportation symposium held last August. The Department's Executive Management team will conduct a retreat in May to evaluate the outcomes of the symposium. Key considerations for the future are planning and the strategic plan; technology; organization, management, and staff; outside involvement and information; attitude; and money.

Discussion followed on the role of ITD in the future. The Board perceives that partnerships will be more imperative. The cooperation and collaboration efforts will elevate with a number of entities. Local jurisdictions will likely have more control on transportation issues and it is believed that there will be a stronger emphasis on planning at that level. ITD will need to link the locals' plans into a complete, comprehensive product, and ensure a seamless transportation system throughout the state. ITD should work closer with other state agencies, particularly in the economic development arena. Although several options were mentioned, the consensus was to wait until Governor Kempthorne establishes his Rural Economic Development Team, as it appears that would be an excellent avenue for this collaboration and communication. Additionally, the importance of working with other states will increase, especially when the states' infrastructure plans and activities are near the border and may impact Idaho's system. The Board also suggested that ITD could learn from others, particularly cities that have experienced growth and metropolitan planning organizations (MPOs). Staff was encouraged to contact cities to determine what efforts were successful in addressing

growth and what activities did not work. The Board also suggested determining how a well-functioning MPO is comprised and its role with the state department of transportation. How ITD would interact with a transportation management area was also questioned.

Regarding funding, different and diverse funding mechanisms should be pursued, particularly with the emphasis on alternative fuels. Director Bower added that alternative fuel is a national issue, so Idaho will not be alone in addressing that matter. The philosophy has been that users pay for the transportation infrastructure, according to Member Sweeney. He indicated that it might be difficult to change that attitude and develop a different source of revenue. The general consensus of the Board was that the Department needs to develop a plan outlining its needs first. Once a plan has been established, then additional or new funding sources should be explored. Chairman Winder added that the legislature is often reluctant to approve additional revenues for ITD without public acceptance and support. He suggested a broad public information campaign to educate the public on the Transportation Department, including the various activities, operations, funding sources, and constraints or restrictions.

TPA Rountree provided current and projected traffic counts for 2010 and 2020 on the state highway system. He also elaborated on the factors to consider expanding a two-lane highway to four lanes, and emphasized that the projected counts are to be used for reference purposes only.

Planning Services Manager Gary Sanderson explained the process to collect pavement condition information. He summarized the major effort since 1994 to improve pavement conditions in Idaho. Currently, 18% of the pavement is deficient. The goal is to decrease that to 15%, however, he emphasized that it will be more difficult to obtain that goal and then to maintain it. He added that it is important to continue the emphasis on pavement conditions, to continue developing better pavements, and to find better ways to decrease traffic through traffic management. The Board asked staff to determine the commitment necessary to achieve and maintain deficient pavement conditions of both 15% and 10%.

Bridge Engineer Matt Farrar provided information on the states' bridges, including age, life expectancy, and factors that contribute to deficient structures. He explained the Department's three-pronged approach: bridge replacement, rehabilitation, and minor repair. He foresees more rehabilitation needed as the state's bridge decks age.

DAG Bywater reported that bonding, turnpike projects, and third party donations are funding options for new money. Advance construction does not provide new money, but it is an innovative technique to advance projects, and ITD has utilized that mechanism. Other funding options that would need legislative authorization include indexed fuel taxes, rental car surcharges, lottery fund receipts, increased registration fees, alternative fuel vehicle fees, shared resource projects, and sales taxes.

A brief discussion was held on adding mileage to the state highway system. Due to the continued growth the state is experiencing, Member Blick believes ITD needs to consider adding mileage to its system without the requirement of relinquishing equal mileage. Member Miller commented that some rural, sparsely populated counties are struggling financially and are having difficulty maintaining their systems. He referenced a former state highway that has deteriorated considerably on the county system because of insufficient resources. He added that other counties are experiencing a lot of growth, but not necessarily additional revenue.

Intermodal Planning Manager Pat Raino summarized the creation, intent, and status of corridor plans. Although very few plans have been completed to date, due to the 1½ to 2-year timeframe to develop, she believes corridor plans are a valuable tool.

Assistant Chief Engineer – Design (ACE-D) Steve Hutchinson provided a history of bypassing cities. The National Environmental Policy Act plays a big role in this determination. He said that there are many variables to consider, so each case should be looked at individually. He added that ITD's objective is to provide a safe and efficient transportation system. In conclusion, he discouraged establishing a policy on bypassing cities, and recommended increasing an emphasis to consider bypasses in the corridor plans and addressing this issue in procedural manuals. The Board gave unanimous consent to proceed in this direction.

ITD currently has a five-year Highway Development Program that also includes Preliminary Development, and a long-range plan extending 20 years, although that plan is not well defined, according to CE Ross. Because the Department lacks a plan for the interim period, staff developed "reaches" to link the two plans. CE Ross said a reach is a segment of highway with a higher priority and was identified because of its high traffic volumes, safety concerns, or importance to economic growth. The Division of Highways' objective is to preserve the current transportation system, rehabilitate the system as necessary, and then to improve the system. Director Bower elaborated on the reaches and stated that recently-completed or planned improvements were considered as

part of the overall process. The list of reaches staff identified was reviewed, although Director Bower emphasized that the list is preliminary and if the Board members support this concept, he would like their input to refine the list of reaches to pursue.

The consensus of the Board was to endorse the reaches concept. Staff was directed to involve the District Engineers in identifying the appropriate reaches to focus on at this time. The Board suggested that the list of reaches needs to be better defined before cost estimates are developed. The Board also asked staff to then incorporate the reaches into the visioning map it compiled last year on what the transportation system may look like in 20 years.

The Board thanked staff for the informative reports and presentations, and Ms. Bracke for her assistance. Chairman Winder expressed his belief that the session was beneficial and his desire to conduct more visioning sessions this year.

Appeals Process. During staff's legislative presentation of Rule IDAPA 39.03.42, Use of State Right-of-Way, several concerns were expressed, including that the Board has been removed from the appeals process. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar said staff will review the Rule in detail tomorrow, however, she informed the Board that the Senate Transportation Committee (STC) would like to hear from the Board on the appeals process. The consensus of the Board was to have Chairman Winder and DAG Bywater appear before the STC on this issue. (See later minute entry on IDAPA 39.03.42.)

WHEREUPON the meeting recessed at 3:30 PM.

February 16, 2001

The Transportation Board meeting reconvened at 8:25 AM on Friday, February 16 at the Transportation Department in Boise for a pre-meeting review of the agenda. All members were present except Chairman Winder, who had a prior commitment. Vice Chairman Combo presided.

January 18-19, 2001 Board Minutes. Member McHugh made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on January 18-19, 2001 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

March 15-16, 2001 – Boise

April 18-19, 2001 – District 2

May 16-17, 2001 – District 6

June 20-22, 2001 – District 4

Consent Calendar. Member McHugh made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO.     *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the revisions to Board Policies B-28-01, Public Transportation

TB01-04     Program, and B-28-02, Public Transportation Advisory Council; and the request for a supplemental agreement, SH-51, District 3; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the quarterly returned check report, and the out-of-state travel budget expenditures for the first half of FY01.

1) Board Policies B-28-01, Public Transportation Program, and B-28-02, Public Transportation Advisory Council. These policies have been modified to reflect the

deletion of the Regional Public Transportation Advisory Committees in accordance with Idaho Code, and to align the wording more closely with Idaho Code.

2) Request for Supplemental Agreement, SH-51, District 3. The Mountain Home Railroad Underpass project is scheduled for construction in 2001 at an estimated cost of \$17.5 million. The complexity of the project has required several design changes. This supplemental request is for a culvert and drainage work on two detour routes, including redesigning a pump station. The Union Pacific Railroad also had several changes to the bridge details, curb heights, and deck waterproofing, requiring adjustments to the plans. This supplemental in the amount of \$80,000 with W&H Pacific would bring the total agreement with supplements to \$1,555,346.

3) Contract Award Information. Key #7357 - Greenleaf West City Limit to Railroad Crossing, SH-19, District 3. Low bidder: Central Paving Company, Inc. - \$225,434.

The following bids were more than ten percent over the engineer's estimate and were rejected: Key #7620 – Line to Division Street, Pathway, Deary, SH-8, District 2.

Key #6631 – Palouse River Bridge, US-95, District 2.

4) New and Supplemental Professional Agreements Report. From January 3 to January 30, the Consultant Administration Unit processed \$1,291,000 in new and supplemental agreements.

5) Quarterly Returned Check Report. During the second quarter of FY01, \$24,636,716 in checks were received while \$39,595, or 0.16% were returned. Collections amounted to \$18,733 for an annualized collection rate of 78%.

6) Out-of-State Travel Summary. During the first half of FY01, \$126,598 was expended on out-of-state travel. The budgeted amount is \$447,446 for an estimated 209 trips.

Board and Administrative Policies B- and A-09-06, State Highway System Adjustments and B- and A-14-10, Highway System Adjustments. Along with a name change to B-09-06, the policy was updated to include information on the Board Subcommittee on State Highway System Adjustments (formerly the Subcommittee on Additions to and Deletions from the State Highway System), clarify Idaho Code requirements, clarify how state highway evaluations are determined, and incorporate information on finalizing state highway system actions. A-09-06 had similar revisions, along with establishing criteria for state highway system adjustments, assigning responsibilities, and detailing the state highway system adjustment process. With the revisions to these policies, staff recommends deleting B- and A-14-10, Highway System Adjustments.

Vice Chairman Combo said the policy still includes the criteria for rating rural routes. He added that the policies are in compliance with Idaho Code.

Member Blick made a motion to approve the revisions to Board Policy B-09-06, State Highway System Adjustments and the deletion of B-14-10, Highway System Adjustments. Member Miller seconded the motion and it passed unopposed.

Board Items. Member Miller expressed concern with the recent delay to award the contract on the US-20, Jefferson/Bonneville County Line Interchange project in District 6 because the low bidders' responsiveness was questioned. A similar incident occurred recently in District 5, where a subcontractor was not named, and he questioned means to alleviate this problem.

ACE-D Hutchinson reported that a legislative proposal is being considered that would exclude highway projects from the naming provision. Director Bower added that he discussed the Department's concerns on this issue with Senator Evan Frasure.

Director's Items. Director Bower reported that the Department's budget request was presented to the Joint Finance and Appropriations Committee (JFAC) on February 8. The joint germane committee chairs appeared before JFAC on February 11 to address ITD's budget. JFAC is expected to act on the budget next week.

A meeting on the CANAMEX draft document was held in Blackfoot earlier this month. Director Bower thanked Vice Chairman Combo and Member Miller for attending the

meeting. He said the comment period on the document will close on March 15. The main points in the document applicable to Idaho include approximately \$880 million in infrastructure improvements on the I-15 corridor from McCammon to north of Idaho Falls over the next 30 years, and the aggressive pursuit of smart trucking/smart tourism, which includes intelligent transportation systems.

Next week Director Bower will be meeting with Congressman Otter to discuss transportation issues. Chairman Winder and Member McClure have also been invited to attend.

Director Bower spoke at the recent Moscow Chamber of Commerce annual legislative meeting in Boise. He reported that the Chamber was quite complimentary of ITD for the projects recently completed and planned in the area, and also for the good partnership that has been established with the District Office.

Earlier this week, Director Bower met with Governor Kempthorne. The Governor is interested in providing a high-speed broadband network throughout the state. Some companies are interested in laying this fiber in the interstate right-of-way. Director Bower reminded the Board that a consultant is working on this issue, and he said he would keep the Board informed on activities occurring on the broadband network. Director Bower also discussed with Governor Kempthorne ITD's role in fostering economic development and the relationship with the Department of Commerce. Director Bower recently attended a meeting in Idaho Falls to discuss the possible location of a business to the area and a proposed interchange along I-15.

Chief Engineer's Items. At the December meeting, the City of Buhl asked the Board to advance the US-30 rehabilitation project in Buhl to FY03 to coincide with the city's planned improvements. CE Ross reported that at this time staff believes the project can be advanced, however, he suggested making that change during the program update rather than as a special item. Without objection, the Board approved that direction.

CE Ross provided a history of the Slate Creek Rest Area, which used to belong to ITD. The facility is hidden from the roadway, difficult to maintain, and experienced vandalism, so the Bureau of Land Management (BLM) assumed responsibility for it in 1986. Signage is posted for the facility, but not specifically as a rest area. BLM does not



want to relinquish the rest area, nor does it want the facility signed as a rest area. Although the public is welcome to use the facility, it is a fee-area campground.

Vice Chairman Combo thanked Mr. Ross for the report. He announced that next week is the 50<sup>th</sup> anniversary of Engineers' Week, and he thanked all of the engineers at the Department for their service to the state.

Financial Statement. Controller Susan Simmons explained the procedures to prepare and analyze the financial statement. She reported that revenues in the State Highway Fund continue to be ahead of the forecast. The State Aeronautics Fund revenue, however, is almost 9% behind projections in the fuel tax area. Last month the revenue was 5% above projections. Staff believes these fluctuations are a timing issue between the Tax Commission and the distributors and is researching the issue to determine why this is happening. The aircraft pool revenue is approximately 22% behind year-to-date projections. The King Air appears to be flying close to the anticipated usage, however, the other two planes have seen a decline in activity. The expenditures are at or below expectations in all major categories.

Legislative Update. BPIRM Detmar reported on various legislative proposals impacting ITD. To date, all of ITD's bills are progressing well with the exception of the Commercial Drivers License Compliance proposal, which was held in committee. She stated that the STC approved Patrick Scott's appointment to the Aeronautics Advisory Board.

BPIRM Detmar summarized the legislation on traffic accident memorials and said accompanying rules would need to be implemented. In response to Director Bower's question if the legislation only applies to state highways, BPIRM Detmar replied yes. She added that the interstate is currently excluded, however, Senator Frasure asked the Department to consider including the interstates. Vice Chairman Combo asked if federal restrictions prohibit traffic accident memorials along interstates. BPIRM Detmar replied no. She said encroachment is an issue and safety is a concern. Member Sweeney asked if the memorials create problems for mowing. CE Ross replied that memorials might cause problems occasionally, depending on the location. He does not believe mowing would be a concern along interstates, but the permitting process, along with safety and liability when the signs are erected because vehicles are not allowed to park along interstates are concerns.

BPIRM Detmar reported that the Legislature has received numerous comments on last year's action repealing the weight-distance tax and replacing it with higher registration fees. A subcommittee of the House Transportation and Defense Committee has been established to review this issue and the legislative proposals that have been developed. She also reported that there have been some discussions to extend the 129,000-pound pilot project and change some of the routes included in the project.

The Board thanked BPIRM Detmar for the legislative report.

Rule IDAPA 39.03.42, Use of State Right-of-Way. Assistant Chief Engineer – Operations (ACE-O) Greg Laragan provided a summary of the proposed rule revisions, which the Board approved in July 2000. The rule was initially presented to the joint germane committees, then additional presentations were made to address specific items of concern. The issues related to clear zone requirements, fees, the appeals process, prohibition of longitudinal placement of utilities in areas of full control of access, and requirements for casings and conduits for utility installations. Utility companies opposed the last two items.

The House Transportation and Defense Committee encouraged the Department to prepare a temporary rule addressing their concerns for submittal to the Governor following the legislative session. However, the fee schedule cannot be processed through a temporary rule. ACE-O Laragan said staff agreed to work with the utility companies to ensure mutually acceptable language. He said staff will present the rules to the Board after the legislative session.

The general sense of the Board was for staff to continue in this manner. Vice Chairman Combo thanked ACE-O Laragan for the information and his efforts on this important issue.

Supplemental Consultant Construction Services, I-84, Wye Interchange, Key 2520, District 3. Assistant District 3 Engineer (ADE) Jeff Miles said the Department has an agreement with Parsons Brinkerhoff to provide construction inspection and management services to supplement the District personnel for the Wye interchange project. The current agreement plus one supplemental totals \$3,026,076. Due to the project running long, additional services from Parsons Brinkerhoff in the amount of \$1,110,000 are being

requested to see the project through completion, estimated in October 2001. ADE Miles identified the funding sources for this proposed additional supplemental agreement.

The Board requested a breakdown of the costs for the supplemental agreement. Staff will provide that information.

Member McClure made a motion, seconded by Member Blick, to approve the following resolution:

RES. NO. WHEREAS, the I-84, Wye Interchange Project, key #2520, is of regional and statewide importance; and

TB01-05

WHEREAS, current construction workload and the complexity of this project require additional construction inspection and management assistance; and

WHEREAS, the Idaho Transportation Department has been satisfied with the performance of Parsons Brinkerhoff with the construction services rendered to date; and

WHEREAS, additional funding is required to continue with construction inspection and management services for this project because it is behind schedule.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves and authorizes the allocation of \$1,110,000 for supplemental agreement number two for Parsons Brinkerhoff to continue to perform construction services for the above referenced project to ensure that the project is constructed per specification and in a timely manner.

Member Sweeney expressed concern with the cost of the consultant services for 15 personnel. ADE Miles responded that the amount includes resources other than staff,

such as a trailer and equipment. Member Sweeney questioned hiring additional employees and having the staff in-house for this type of work. Member McClure replied that the Wye Interchange is a big project. It is difficult to staff for a project this size because when the project is completed, it may be necessary to let some employees go. Member McClure added that he believes the contract is reimbursable, not a flat rate. ADE Miles concurred and stated that staff believes the additional \$1.1 million will cover all of the additional costs, but emphasized that the entire amount may not be used. Member Blick said that overruns are common. Because the construction cost is so high for this project, the supplemental for the construction engineering appears high.

The motion passed unanimously.

Director Bower added that ITD does not have a long history of utilizing consultant services for construction engineering. The Department hires a lot of consultants for preliminary engineering, but not construction engineering. He emphasized that the Department does not have the manpower to oversee this huge project.

Approval of FY00 Engineering, Education, and Enforcement (3E) Projects. Major Glen Schwartz, Idaho State Police (ISP), thanked the Department for the 3E program. He believes it is a very successful, positive program. He appreciates the good communication ISP has developed with ITD and for the exchange of ideas and brainstorming to address safety concerns on the highways. On behalf of ISP, he extended appreciation for the program and especially to the Office of Highway Safety staff for its help and assistance.

JoAnn Moore, Highway Safety Manager, said Headquarters staff worked with the Districts and ISP to develop applications to receive Section 163 (0.08 breath alcohol concentration) incentive grant funds for 3E projects. Each District submitted an application. A total of \$800,000 in FY00 funding is available for programming. A review team prioritized the applications and recommended funding the District 4 project at \$487,408. The remaining funds, \$312,595, plus surplus amounts from closed out FY98 and FY99 projects were recommended for the District 5 project.

Ms. Moore elaborated on the two projects. Collisions on I-84 from the King Hill Interchange to the Utah State Line and I-86, Salt Lake City Interchange to Raft River Interchange were mostly single vehicle crashes on dry roads, weather related, and

aggressive driving related. The project in District 4 would install rumble strips; increase enforcement by using dummy cars, variable message boards, and radar; and include a public information campaign.

In District 5, on I-15 from the Malad Interchange to the Downey Interchange; I-86, Rockland Interchange to the Junction with I-15; and US-91, Chubbuck to the Bonneville County Line, the majority of collisions were single vehicle. Rumble strips on the interstates and thermoplastic pavement markings and sign upgrades on US-91 will be installed. The project also consists of increased enforcement and an educational outreach.

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

RES. NO. WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) provides 23 USC Section 163 incentive grants to states that

TB01-06 have 0.08 Breath Alcohol Concentration (BAC) laws in effect; and

WHEREAS, the State of Idaho has a 0.08 BAC law and, therefore, receives annual Section 163 incentive grant funding; and

WHEREAS, the Idaho Transportation Department has committed those funds to safety projects, including an Engineering, Education, and Enforcement Safety (3E) Program; and

WHEREAS, the Office of Highway Safety, the Transportation Department District Offices and the Idaho State Police developed applications for District 3E projects; and

WHEREAS, a review team prioritized the applications for recommended funding conforming to program requirements.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board directs staff to fund and program the projects as prioritized.

STP-Local Rural Exchange Program FY01 Recommendation. CE Ross reviewed the options for the FY01 Exchange Program as presented last month. With the earlier direction to explore the feasibility of phasing out the Program, staff recommends using a fixed rate of 61.67% for the exchange rate plus a \$2.8 million floor reduced proportionately by the mileage transferred to the Federal Aid Incentive Program. CE Ross added that the discussion on phasing out the Exchange Program will be included as part of the June work session on the Highway Development Program update.

Member McHugh stated his preference would be to only reduce the \$2.8 million floor proportionately by the mileage transferred into the Incentive Program. This would result in an exchange rate of 70.67%. He supports phasing out the Exchange Program, however, he believes staff's proposed scenario moves too fast and is too much of a cut to the locals. Member McClure disagreed and stated staff's recommendation is only a slight decrease in funding from the previous two years. Member McHugh assumes some local entities establish their budget based on the previous year's budget, and that those budgets have already been set. He believes the proposed 61.67% rate is a reduction in revenue that the local officials did not anticipate. Member Blick concurred and also expressed concern with the timing of this reduction to the Exchange Program. Member Sweeney believes an exchange rate of 70.67% this year would result in a drastic reduction in revenue to the locals in a couple of years if the Program were phased out.

In response to Vice Chairman Combo's question on the Local Highway Technical Assistance Council's (LHTAC) position, Administrator Joe Haynes admitted he has concerns with the fixed rate of 61.67%. However, he added that staff's recommendation would provide additional funding for the Incentive Program, which he supports, and which may create a bigger incentive for locals to apply for the Incentive Program funding and drop out of the Exchange Program. He believes the entities in the Exchange Program are aware that the funding level will gradually decrease.

Member McHugh made a motion to approve the FY01 funding level for the STP-Local Rural Exchange Program at a 70.67% exchange rate with the \$2.8 million floor reduced proportionately by Federal Aid Incentive Program transfer mileage. Member Blick seconded the motion.

Member McClure said he couldn't support the motion. He does not believe an exchange rate of 61.67% would have a significant impact to the local entities' budgets and he favors phasing out the Exchange Program and encouraging entities to participate in the Federal Aid Incentive Program. Member Sweeney also expressed concern with the fact that a number of local road jurisdictions do not tax, which he believes is a viable funding mechanism.

Vice Chairman Combo called for a roll call vote. Members McHugh, Blick, and Miller voted in support of the motion. Vice Chairman Combo, and Members Sweeney and McClure opposed the motion. The motion failed.

Member McHugh made a motion, seconded by Member McClure, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board approved in November 2000 a state funds distribution formula for the STP-Local Rural Exchange

TB01-07 Program effective in FY02 which would institute an adjustment for obligation authority limitation on state funds and lock the exchange rate at 61.67%; and

WHEREAS, the current policy in FY01 would create a large swing in funding levels over the next few years which would create unrealistic funding expectations for those involved in the Exchange Program; and

WHEREAS, making the November 2000 Board decision effective in FY01 will stabilize the state funds distributions at realistic levels.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the Rural Exchange Funding Scenario 3 for FY01 – fixing the exchange rate at 61.67% and also applying obligation authority to that amount.

The motion passed five to one with Member Blick dissenting.

Delegation – Department of Lands. Craig Foss, Community Forestry Coordinator, explained the purpose of the Community Transportation Enhancement Grant Program. It provides federal transportation funds to Idaho cities to enhance transportation corridors through tree, shrub, and perennial plantings. All projects are on public land. The Board has funded the program the past two years at \$100,000 annually with the Department of Lands and the Idaho Community Forestry Advisory Council administering the program.

Mr. Foss summarized the project criteria and process. He elaborated on the projects completed in the first year, as well as those planned for this year. He emphasized the popularity and success of the program and encouraged the Board to continue funding this grant program on an ongoing basis.

Director Bower asked who provides the trees for the projects. Mr. Foss responded that it is the applicant's responsibility to secure the trees, however, he helps develop the specifications and determine what trees are appropriate for the area.

Member McHugh asked if Mr. Foss is requesting permanent funding of \$100,000 annually from the Enhancement Program. He replied that additional funding would be appreciated, but yes, the request is for \$100,000. He added that this Board action would eliminate the Enhancement Advisory Committee's review of the project every year. Ms. Raino added that this project is a little different than the other projects in the Enhancement Program. Because it was different and new, the Committee wanted to determine its success. She suggested Board approval of this project through the life of TEA-21, or FY03.

Member McHugh expressed support for the project with the existing criteria, particularly the \$15,000 limit per city rather than allowing the full amount to be applied to one project. Mr. Foss emphasized the objective is to provide funding to all cities to enhance transportation corridors through these plantings. He added that an annual report could be prepared for the Board's information. Ms. Raino stated that ITD has a Memorandum of Understanding with the Department of Lands on this project. The maximum funding allowance per city would remain at \$15,000. In response to Vice Chairman Combo's question on the Enhancement Committee's position on this proposal, Ms. Raino said the Committee supports it. The Committee would like the Board to continue funding this project.



The consensus of the Board was to have staff bring a formal recommendation for the continued funding of the Community Transportation Enhancement Grant Program through the life of TEA-21 to the Board in May when the prioritized Enhancement Program projects are presented. The Board members believe this program is beneficial and serves communities well.

Administrative License Suspension (ALS) Program. Driver Services Manager Jane Caviness provided a history and overview of the ALS Program, particularly the fee structure. When the ALS Program was re-instituted in January 1998, the Legislature required that the reinstatement fee be reevaluated no later than February 2000. During the 2000 legislative session, the Department reevaluated the reinstatement fee and presented its report to the Legislature. ITD reported that \$115 per reinstatement was received, but the cost to process the suspensions was \$96. The legislature did not require subsequent reevaluations of the reinstatement fee, which has remained at \$115. Staff believes the costs to process suspensions, along with the revenues generated, will continue to fluctuate from year to year, depending on the suspensions and reinstatements processed and associated costs. Staff would like to monitor the costs for another year. DAG Mary York provided a legal perspective of the ALS Program, and stated it appears to be a resounding success.

Vice Chairman Combo thanked staff for the briefing. He also wished DAG York well in her next endeavor, as she will be leaving ITD next month to practice law in the private sector.

Audits – Annual Report. Internal Review Manager Carri Rosti summarized the internal and external audits performed in 2000, including the financial management fiduciary audit that is still in progress, enterprise data model systems, contractor change orders and payments, and public transportation sub-grantees. She reviewed the current Status of Audit Resolution and the work planned for 2001. The Internal Review Section hopes to complete the financial management fiduciary audit, plus conduct reviews on additional public transportation providers; contractor payments; change orders, and claims processes; consultants; and contractors. Ms. Rosti added that her staff would continue to be involved in various teams and peer reviews.

Vice Chairman Combo thanked Ms. Rosti for the report and expressed appreciation for her continued efforts in this arena.

Highway Development Program Supplement 01-1. CE Ross summarized the objectives of Supplement 01-1, to report the status of FY01 federal funding obligation authority; report the status of Discretionary and Emergency Relief funding; modify and rebalance the Highway Development Program to include project changes, advances, and delays; and update the cost of FY01 federal and state projects to current costs. The current status of the Board State-Funded Unallocated Account, an updated comparison of available funding compared to Board approved projects, and the Highway Development Program sheets annotated to reflect changes to the Program were also provided.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department to publish and accomplish a current, realistic, and fiscally

TB01-08 constrained Highway Development Program; and

WHEREAS, it is the intent of the Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program; and

WHEREAS, the Transportation Department has received an overall obligation authority of \$209.5 million, which represents 88.8% of all FY01 apportionments including \$23.3 million in Revenue Aligned Budget Authority; and

WHEREAS, the changes in Supplement 01-1 to the FY01-05 Highway Development Program will fully utilize the estimated FY01 Federal Highway formula funding obligation authority of \$161.8 million and the Minimum Guarantee obligation authority of \$27.2 million.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the funding and project changes to the FY01-05 Federal Highway Development Program itemized and explained in Highway Development Program Supplement 01-1, which is on file in the Office of Highway Programming, and authorizes staff to make the appropriate changes to the FY01-03 Statewide Transportation Improvement Program in accordance with the provisions of the TEA-21.

Appeal Hearing, Denial of Right-of-way Access Permit, District 3. At the City of Eagle's request, this item was continued to March 16, 2001.

Election of Vice Chairman. Member Miller made a motion, seconded by Member McClure, and passed unopposed, to re-elect Vice Chairman Combo as vice chairman of the Board.

Delegation – Bannock Planning Organization (BPO). BPO recently discovered that it must submit a Congestion Mitigation/Air Quality (CMAQ) proposal for immediate funding of air quality planning efforts in the area, according to BPO Planning Director Mori Byington. These efforts are necessary to assure the submittal of an Environmental Protection Agency (EPA)-approvable PM10 Air Quality Improvement Plan by December 2002. To accomplish this task, Mr. Byington requested delaying the purchase of a diesel bus, currently programmed in FY01 of the CMAQ Program, to FY02. He said the public transit provider has agreed to this delay. The \$264,000 programmed for the bus in FY01 would be used for air quality planning. Although the estimate for the entire work effort is around \$700,000, BPO would follow the regular CMAQ application process for additional future funds, but he emphasized that BPO is on a tight time schedule. Mr. Byington added that the Idaho Department of Environmental Quality (IDEQ) has received \$100,000 in supplemental funding from EPA for the inventorying and analysis of wood smoke contribution to air quality in the area.

Member Sweeney asked if IDEQ has approached the Legislature for funding. Orville Green, Administrator of the State Air Program, IDEQ, responded that the Governor's budget recommendation did not include funding for this item, although additional full time equivalent positions and computer resources were requested. He added that Senator Frasure has been approached and expressed a willingness to provide assistance.

Member Blick asked if BPO has been aware of the air quality planning requirements, or if it learned of this issue recently. Mr. Byington replied that the agency became aware of the matter in August, after the budget had been established. However, following the IDEQ submittal of a revised PM10 air quality improvement plan for the newly created Portneuf Valley area in 1999, three exceedances of the daily PM10 standard were recorded in Pocatello in December. Mr. Green elaborated on the new particulate matter standards developed in 1998, which are currently being challenged.

If the bus purchase is delayed to provide funding for the air quality plan, Member Sweeney asked if the bus would automatically be included in the CMAQ Program for FY02. Because the bus is used to demonstrate conformity, Mr. Byington emphasized the importance of funding the bus next year as an offset.

Member Sweeney asked if the Governor is aware of the air quality concerns in the Portneuf Valley, and particularly of the need for this air quality planning proposal. He reiterated that IDEQ has a budget process, and he encouraged it to follow that process and approach the Governor and Legislature. Mr. Byington stated that Senator Frasure has been contacted and the delegation will continue working with him on this issue. He also stressed that other funding sources were explored, but none appeared viable.

Member Blick questioned the time frame for this project. Senior Transportation Planner Matthew Moore reported that a request for proposal is out. The bids are to be submitted in March and staff hopes to award a contract in April or May.

Vice Chairman Combo questioned the large commitment being requested of ITD when transportation is only part of the problem. Mr. Moore replied that transportation is a significant portion of the problem. He added that the source of the match has not been determined. Director Bower asked if local funds are available. Mr. Byington responded that BPO is using STP funds for its transportation model.

The general consensus of the Board was that it is supportive of finding a solution, but that the proper procedures should be followed. Staff was asked to review BPO's request and to prepare a recommendation for the March Board meeting. In the interim, BPO and IDEQ were strongly encouraged to approach the Governor's Office and the Legislature, not only to seek funds, but also to educate them on the air quality issues that need to be addressed in the Portneuf Valley.

Member McHugh left the meeting at this time.

Executive Session on Personnel, Exempt Records, and Pending Litigation, Section 67-2345(1)(a), (d), and (f), Idaho Code. Member McClure made a motion to meet in executive session at 3:20 PM to discuss personnel, exempt records, and pending litigation matters. Member Sweeney seconded the motion and it passed unanimously.

The general tenor of the meeting regarding pending litigation focused on discussion of a contract bid dispute that may proceed to court. The general tenor of the session regarding exempt records was to consider documents that are exempt from disclosure under Idaho Code 9-340D. The general tenor of the session on personnel issues included a discussion concerning the employment of a staff member and the proposed filling of another position. The Board came out of executive session at 3:55 PM. No decisions were made.

Contract Awards. The low bid on project CM-0100(114), key 5729 – Five Mile Creek, Meridian to Linder, Meridian, Ada County, District 3, was more than ten percent over the engineer’s estimate, requiring justification. The original estimate was based on unit prices from roadway bids, not from pathway projects. The City of Meridian believes this caused the major difference in the bids. Because of that difference and the fact that there were nine bids submitted, the City does not believe rebidding the project would result in a lower bid and recommends awarding the contract. Staff concurred with the City’s recommendation.

Member Sweeney made a motion, seconded by Member Blick, and passed unopposed, to approve the bid for project CM-0100(114), key 5729 to the low bidder: Central Paving Company, Inc., Boise, Idaho - \$247,578.16.

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

RES. NO. WHEREAS, the Idaho Transportation Department opened bids for the US-20, Sugar City Half Interchange and SH-33 Interchange projects,

TB01-09 NH-6470(116) and NH-6470(104), keys 6297 and 7637, in Madison County, District 6 on January 25, 2001; and

WHEREAS, Gilbert Western Corporation submitted the low bid of \$8,199,000; and

WHEREAS, the second low bidder, Western Construction, Inc. filed a protest over the award of the contract; and

WHEREAS, the Idaho Transportation Department's Chief Engineer has met with the second low bidder to hear its protest; and

WHEREAS, upon review, the Board has determined that the bid of the low bidder is the lowest and best bid; and

WHEREAS, the Board had determined that the low bidder's bid contains no irregularities; and

WHEREAS, the Board has determined that the low bidder's bid is neither materially nor mathematically unbalanced; and

WHEREAS, the Board has determined that the low bidder's bid is fully responsive to the Department's bid solicitation; and

WHEREAS, the Board has determined that the low bidder is a responsible bidder.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board awards the project, key numbers 6297 and 7637 to Gilbert Western Corporation and finds its bid to be the lowest and best bid.

WHEREUPON, the regular monthly Board meeting officially adjourned at 4:05 PM.

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CHARLES L. WINDER, Chairman  
Idaho Transportation Board

Read and Approved

March 16, 2001

Boise, Idaho

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REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

January 18-19, 2001

The Idaho Transportation Board met at 8:35 AM, on Thursday, January 18, at the Idaho Transportation Department, Boise, for a pre-meeting review of the agenda. Chairman Winder called the meeting to order at 8:45 AM. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

December 14-15, 2000 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on December 14-15, 2000 as submitted. The motion passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

February 15-16, 2001 – Boise

March 15-16, 2001 – Boise

April 18-19, 2001 – District 2

May 16-17, 2001 – District 6

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Transportation Board approves the revisions to Board Policy B-27-10, Assistance to

TB01-01 Idaho's Airports; the relinquishment of a former portion of US-95 to Washington County, District 3; Right-of-Way Permit #3-01-070; the request for a supplemental agreement, US-95, District 1; and the request for a supplemental agreement, I-84B, District 3; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the quarterly report on administrative



settlements of right-of-way acquisitions, the annual report on the status of state-owned dwellings, and the November financial analysis.

1) Board Policy B-27-10, Assistance to Idaho's Airports. This policy was revised to incorporate Director's Memorandum 27, Airport Development Program, and other minor changes. The Aeronautics Advisory Board reviewed and approved the suggested changes.

2) Relinquishment of a Former Portion of US-95 to Washington County, District 3. A Road Closure and Maintenance Agreement with Washington County dated December 2000 removes a portion of US-95 from milepost 82.758 to 82.966 from the state highway system upon completion of the Weiser Alternate Route project. The new facility opened to traffic in July 1999. The official minute relinquishing a portion of this former section of US-95 to Washington County is shown as Exhibit 237, which is made a part hereof with like effect.

3) Right-of-Way Permit #3-01-070, US-95, District 3. Richard A. Howard of Accounting Northwest is requesting a relocation of an existing 20-foot unrestricted approach in Type I Partial Control of Access along US-95. The approach was deeded to the original property owner by ITD in December 1978 at Station 165+02R. The applicant is requesting a relocation of the approach approximately 123 feet to the north, moving the access away from an area where his children play. To comply with requirements, the approach width must be increased from 20 feet to 25 feet. Although an approach width increase usually requires an appraisal, staff is waiving that requirement because of the safety issues associated with the play area.

4) Request for Supplemental Agreement, US-95, District 1. The US-95, Belgrove to Mica Creek project is scheduled for construction in FY01 at an estimated construction cost of \$16.7 million. The complexity of the project presents a challenge to complete on schedule due to the socio-economic and environmental issues. Additionally, new design changes need to be integrated. Staff is requesting a supplemental agreement for additional geo-technical investigation, complete digital terrain model surveying, foundation redesign of the structure over the South Fork Mica Creek, additional mapping for KT-1 materials source, and additional public information. The supplemental in the amount of \$425,000 would bring the final design obligation of this project to \$2,193,000.

5) Request for Supplemental Agreement, I-84 Business, District 3. The I-84B, Mountain Home Railroad Underpass project is scheduled for construction in 2001 at an estimated cost of \$17.5 million. The complexity of the project has required several design changes. The supplemental is due to a warrant for a signal at the intersection of West 5<sup>th</sup> and SH-51, a requirement for a retention pond with landscaping that the city has agreed to maintain, replacement of a 60" cross drain on the detour route, an additional public information meeting, design of a pedestrian detour route compliant with the Americans with Disabilities Act, and the revision of plans per Union Pacific Railroad's comments. The supplemental in the amount of \$110,144 with W&H Pacific would bring the total agreement with supplements to \$1,475,346.

6) Contract Award Information. Key #6651, US-20, Island Park Turn Lanes, District 6. Low bidder: Western Construction, Inc. - \$1,517,570.

Key #7031, 7034, and 7035 – Cedar to Alameda, Pocatello; Alameda to Chapel, Pocatello; and Burnside to Hiway, Chubbuck; District 5. Low bidder: Bannock Paving Company, etal - \$2,109,576.

Key #7197 and 7198 – US-95, Manns Creek Washington County, Stages 3 and 4, District 3. Low bidder: Marcon Inc. - \$232,228.

7) New and Supplemental Professional Agreements Report. From November 29 to January 2, the Consultant Administration Unit processed \$838,190 in new and supplemental agreements.

8) Administrative Settlements of Right-of-Way Acquisitions. During the quarterly period from October 1 through December 31, 2000, 25 parcels were processed. Of those, three, or 12%, were administrative settlements.

9) Annual Report on Status of State-Owned Buildings. The status of the Department-owned dwellings was presented, along with information on the monthly rental fee and the fair rental amount in 1999.

10) Financial Statement. Actual year-to-date revenues in the Highway Distribution Account and State Aeronautics Fund exceeded the forecasts by 4.1% and 5.2%, respectively. The latter increase is believed to be a timing issue and staff does not anticipate this as a trend for future months. Expenditures are below projections to date in all categories except personnel in the State Aeronautics' Fund.

Administrative License Suspension (ALS) Program Annual Report. In FY00, ITD received 18,063 alcohol-related suspensions and reinstated 11,500 licenses. These reinstatements generated \$1,322,500 while the cost of the program was \$991,316. Member McHugh asked staff to provide information on the costs of this program, including how the fees are established.

Member McHugh made a motion to refer the ALS Program to the Legal Section for a report on the costs and how those fees are determined, and to accept the annual ALS report. Vice Chairman Combo seconded the motion and it passed unopposed.

Board Items. Member Sweeney reported that the total costs for the Bryden Canyon project in Lewiston are now higher than estimated because a recent court decision awarded an exorbitant amount for right-of-way. This action was not anticipated and the City is now approximately \$1.2 million short. Because this project was included in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) as a demonstration project, Member Sweeney asked if funds are available from other ISTEA demonstration projects to transfer to this project. Director Bower responded that there are two demonstration projects that have not been completed, so at this time, it is not known if funds would be available. Staff will look into that matter. CE Ross added that there are also a number of outstanding claims on this project.

Member McHugh would like the Board to consider three legislative proposals. Although some discussion is being held at the Legislature on revising legislation regarding accident memorials along highways, or the Gold Star Policy, Member McHugh suggested repealing this legislation in 2002 if no action is taken this year. Member McHugh would also like to propose legislation on studded tires. Washington's Blue Ribbon Commission on Transportation recommended phasing out studded tires or establishing a surcharge. He suggested monitoring Washington's actions and developing a proposal for next year's session. Lastly, he believes the Board should be a stronger advocate on seat belts and propose such legislation. Although significant funds are provided through the Office of Highway Safety to promote the use of safety restraints, Member McHugh believes more could be done in this arena.

Several seat belt legislative proposals are being considered now. Staff will continue to monitor these proposals and keep the Board apprised of their status.

SB Higgins reported that a draft agenda has been prepared for the Board's visioning session next month. Chairman Winder, Director Bower, and she met with the facilitator, Marsha Bracke, earlier in the week to refine the agenda and discuss the planned session. A copy of the draft agenda, along with the session's objectives, was distributed. She added that there is not time to address all of the requested topics at this session, but plans are to conduct additional workshops in the near future.

Director's Items. Director Bower reported that the Economic Outlook and Revenue Assessment Council accepted the Department's report presented earlier this month.

The Joint Finance and Appropriations Committee (JFAC) approved ITD's FY01 supplemental request.

Director Bower said the time of the annual presentation to the joint germane committee this afternoon has been changed to 12:15. Additional presentations on the specifics of ITD's budget have been scheduled as part of the House and Senate Transportation Committee meetings during the next couple of weeks. JFAC will hear the budget request on February 8 and the joint germane committee chairs will have an opportunity to appear before JFAC on behalf of the Department's budget on February 9.

Last week Director Bower attended a CANAMEX meeting in Arizona. The draft plan for the five states is being finalized and a series of meetings will be held in each state regarding the infrastructure needs and plans along this corridor. Idaho's meeting will be held in Blackfoot in either February or March.

Staff met yesterday with officials to discuss the proposed WestRock development in Cascade. A new proposal has been developed. Staff will evaluate it and make recommendations to the Land Board on the impacts it will have on the transportation system and the improvements that should be made.

The Department's Annual Report is ready and will be available at today's legislative presentation, according to Director Bower.

Director Bower reported that over 70 applications were received for the Aeronautics Administrator position. Those applications have been reviewed and narrowed down to a short list, but the interview process has not started.

In closing, Director Bower said the Department's revenue forecast had been adjusted downward, however, it now appears that the revenue is closer to the original forecast. Staff set holdbacks in the budget in anticipation of the projected decrease in revenue, but may have to revisit those holdbacks if the revenue continues to be above the revised projections.

Washington's Blue Ribbon Commission on Transportation. Transportation Planning Administrator (TPA) Charles Rountree reported that Washington's Blue Ribbon Commission on Transportation has released its report and submitted it to the Governor and Legislature. The report, including findings and recommendations, was based on an extensive review of transportation issues in the state of Washington. TPA Rountree highlighted a few of the recommendations, although no action has been taken to date. He will continue to watch Washington's activities regarding these recommendations and keep the Board updated.

The Board thanked TPA Rountree for the briefing and for continuing to monitor the actions of Washington's Commission.

Member Blick joined the meeting at this time.

Competition between Private and Public Mass Transportation. At the October Board meeting, some District 6 public transportation providers expressed concerns regarding unfair competition. Staff was asked to review those issues, specifically regarding charter service and providers crossing state lines. Public Transportation Administrator (PTA) Larry Falkner summarized the various requirements providers have to meet, whether

through the Federal Transit Administration (FTA) or the Federal Motor Carrier Administration. He reported that staff met with the various providers in the area, and added that CART, Inc. is in compliance with all federal rules and regulations. He also stated that communication from ITD is vital to all transit providers, and staff will make a concerted effort to improve communication.

Member Sweeney asked staff to elaborate on the concern expressed in October that some higher education agencies were using their vehicles to pick up athletic teams from out of state and bringing these teams to their facilities in Idaho. Grants Officer Butch Ragsdale responded that those arrangements were done solely through the Department of Education. School buses are not under the jurisdiction of FTA or FHWA and ITD has no authority on that issue.

The Board thanked Messrs. Falkner and Ragsdale for the report and also for following up on those earlier allegations.

Annual Report on Information Services. Mark Richardson, Chief of Information Services, reported on the Bureau's accomplishments. Some of the highlights included stabilizing the integrated financial applications environment and redesigning and improving the Department's home page. Employee issues, particularly the recruitment and retention of employees and the pay schedule, continue to be the main challenge of the Bureau. Information Services Development Manager Carol Barton and Technical Services Manager Dean Barton also outlined some of the accomplishments and activities in their respective areas.

Chairman Winder thanked staff for the update and for their continued efforts in this field.

Annual Report on the Division of Aeronautics. Chairman Winder welcomed Aeronautics Advisory Board Chairman Bill Parish to the meeting. Chairman Parish thanked Director Bower and Acting Aeronautics Administrator (AAA) Keith Bumsted for the oversight and support they have provided to the Division of Aeronautics. He expressed optimism for the future of aviation, particularly because of the additional federal funds Idaho will receive.

AAA Bumsted provided opening remarks, including a briefing on the Division's budget, and introduced the Aeronautics' staff in attendance. Wayne Pickerill reviewed the airport planning and development activities, such as the inspection of 39 airports for FAA and 187 obstruction evaluations. Mark Young reported on the maintenance program, which concentrated on routine maintenance projects, and includes the popular courtesy car program with 25 cars at 18 locations. Frank Lester summarized the safety and education operation with activities such as the Aviation Career Education Academy and safe pilot seminars. Search and rescue efforts were conducted on 55 incidents, and the aircraft pool saw an increase in passengers.

The Board members thanked the Aeronautics' staff for the informative report.

Legislative Presentation to the Joint Germane Committee. The Board attended the legislative committee meeting at the State Capitol at 12:15 PM. Chairman Winder provided opening remarks and introductions. Director Bower provided a financial overview, then staff reported on its various activities, with an emphasis on the services ITD provides.

WHEREUPON the meeting recessed at 2 PM.

January 19, 2001

The Transportation Board meeting reconvened at 8:20 AM on Friday, January 19 at the Transportation Department in Boise. All members were present.

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Annual Safety Rest Area Status Report and Updated Planning Map. Roadside Manager (RM) Gene Ross summarized the changes to and status of the Department's rest areas. Work is progressing in District 2 to construct a new rest area near Cottonwood or Winchester. Numerous meetings have been held to solicit input as to the location for this rest area. Design work for the new rest area in Round Valley, along SH-55, is under way and construction is scheduled for FY05. RM Ross also provided information on rest area operations and associated costs. He added that staff continually evaluates the costs of rest areas and looks to improve operating efficiency, along with improving the level of service being provided to the traveling public. ITD also works closely with the Departments of Commerce and Parks and Recreation and regional or local agencies in matters relating to the tourist industry and operation of ITD rest areas.

Member McHugh said he often stops at the Slate Creek rest area along US-95. He believes that facility is owned by the federal government, but questioned why it is not signed and utilized as a rest area. CE Ross believes the Bureau of Land Management does not maintain the facility on a regular basis, so the rest area is not signed. Staff was asked to review the feasibility of utilizing Slate Creek as an ITD rest area instead of constructing a new facility in District 2.

Vice Chairman Combo expressed concern with the closure of rest areas in District 6 in winter. This eliminates truck parking spaces. RM Ross said snow removal and the sewage system at those rest areas create problems in winter.

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

RES. NO. WHEREAS, Board Policy B-05-14, Safety Rest Areas, requires the Chief Engineer to prepare and submit annually an updated rest area

TB01-02 planning map, along with a brief status report, to the Board for review and approval; and

WHEREAS, additional and more improved roadside rest areas are needed on the state highway system to provide motorists convenience and safety; and



WHEREAS, the cost of constructing and operating rest areas is significant while limited funding is available for new rest areas, considering the backlog of highway improvement and maintenance needs; and

WHEREAS, opportunities are arising for joint development and operation of rest areas with other agencies which could reduce the cost impact of new rest areas on highway funding; and

WHEREAS, tourist and traveler information is an integral function of ITD rest areas, in particular, those rest areas with staffed or unstaffed visitor information centers.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board approves the updated rest area planning map dated January 2001, and the rest area status report; and

*BE IT FURTHER RESOLVED*, that ITD staff should actively pursue partnering when opportunities allow with other agencies in the development and implementation of new rest areas identified on the rest area planning map with costs shared on an equitable, if not equal, basis between all partners and that such partnering projects shall be presented to the Board annually for consideration along with proposals for all other capital improvement projects; and

*BE IT FURTHER RESOLVED*, that ITD staff is directed to work with federal, state, and local tourist and economic development agencies to provide information in ITD rest areas which will complement motorist services, conveniences, and safety.

Study of Adequacy of Commercial Truck Parking Facilities in Idaho. ITD is participating with FHWA and a private consulting firm in the Study of Adequacy of Commercial Truck Driver Parking Facilities in Idaho, according to RM Ross. The study

provides information on current commercial truck parking availability and demand, as well as the projected demand for 2020. He elaborated on how the study was conducted, the requirements, possible solutions, and a summary of the findings.

The consensus of the Board was that the truck parking issue is of concern and needs to be a focus for the Department, particularly with the hours of service being reviewed at the federal level and the projected increase in truck traffic. Chairman Winder thanked RM Ross for the report and for his continued efforts on the Department's rest areas.

STP-Local Rural Exchange Program Comparison. Highway Programming Manager (HPM) Dave Amick outlined the potential effect of changing the Exchange Program policy to lock the exchange rate at 61.67%. If this change is effective in FY02, the local entities in the Program would see an increase in their exchanged state dollars of 48.7% in FY01, then see a reduction of 41.6% in FY02. This decrease would not only be due to the exchange rate of 61.67%, but also reducing the state funds available proportionately to the mileage for the number of entities still in the program. HPM Amick said a more stable FY01 scenario would be to drop the \$2.8 million floor for the purpose of removing state exchange funds for local agencies no longer in the Exchange Program, although he provided information on three different scenarios for FY01. He also provided a history of the county and highway district jurisdictions that have participated in the Exchange Program since 1999 and the amounts received.

Vice Chairman Combo suggested deferring this item for a future meeting when more time can be allotted to this Program, including a discussion on eliminating the Exchange Program in conjunction with the reauthorization of TEA-21. Chairman Winder recommended staff provide a recommendation for the FY01 Exchange Program next month.

In response to Member McClure's question on LHTAC's position on eliminating the Exchange Program, Mr. Haynes said the last vote was very close. Because the cities cannot participate in the Program, the mayors do not support it. Generally, he believes the Council would like to phase out the Program and suggested the reauthorization of TEA-21 may be the appropriate time. Mr. Haynes also stated that if the Exchange Program were eliminated, he would like to work with staff to develop a proposal.

The consensus of the Board was to have staff prepare a recommendation for the Exchange Program in FY01 and to develop a proposal to phase out the Program in conjunction with the next federal transportation authorization legislation. Chairman Winder thanked HPM Amick for his continued efforts on the Exchange Program.

Rumble Strips. CE Ross provided a history of rumble strip use, the effectiveness of rumble strips, and the cost. He also reported that rumble strips can impact bicyclists, but staff has re-designed the rumble strips to make them more user-friendly for bicyclists. At approximately \$500 per mile, CE Ross believes rumble strips are a cost effective safety measure. An addition to the Design Manual to address consideration of rumble strips on projects is being proposed, and he believes that is a better alternative than developing a policy specifically on the installation of rumble strips.

When Member Sweeney was in Europe, he noticed numerous bicyclists on narrow roads. He believes motorists here can learn to drive with bicyclists and encouraged staff not to eliminate rumble strips because of bicyclists. Member Blick agreed with Member Sweeney and emphasized that safety of the motoring public is the first priority. Member McHugh thanked staff for the informative report and efforts on this issue, and stated his support for rumble strips.

Chairman Winder questioned the installation of rumble strips on centerlines at high-accident locations. If there is a problem area where accidents are caused by vehicles crossing the centerline, he asked if consideration should be given to installing rumble strips at those sites. CE Ross responded that staff would consider that.

Contract Awards. The low bid on project BR-4800(100), Key 6503 – South Fork Palouse River Bridge, East of Moscow, SH-8, Latah County, District 2, was more than ten percent over the engineer's estimate, requiring justification. The Engineer's Estimate was based on the Average Unit Price Report, similar jobs within the District, and Headquarters Bridge Section's estimates reflecting prices for bridge items statewide. The main difference between the estimate and the low bid were Removal of Bridge, Prestressed Stringer W 1,240 mm X D 736 mm, and Diversion Road. Upon review of the bids, staff did not discover any obvious errors in the Engineer's Estimate. No significant savings are anticipated by re-advertising the project, and staff recommends awarding the contract.

Member Miller made a motion, seconded by Member McHugh, and passed unopposed, to award the bid on BR-4800(100), Key 6503 to the low bidder: Duarte Construction Inc., Bonners Ferry, Idaho - \$561,869.76.

CE Ross reported that there was an apparent irregularity at the bid opening for project NH-STP-6470(102), Key 5685 – Bonneville/Jefferson County Line Road Interchange, Bonneville and Jefferson Counties, District 6. After further review, staff determined the low bid to be acceptable. Member McClure asked if a lawsuit from the apparent second low bidder is pending. DAG Bywater responded that a lawsuit was filed yesterday.

By unanimous consent, the Board tabled the bid on NH-STP-6470(102) until it could discuss the issue in executive session. (See later minute entry.)

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Vice Chairman Combo made a motion to meet in executive session at 9:40 AM to consider and advise legal counsel on pending litigation matters. Member McHugh seconded the motion and it passed unanimously. The general tenor of the executive session was a discussion of the appropriate procedures to be followed for the appeal hearing scheduled later in the morning. The session was attended by only members of the Board, the Secretary to the Board, and legal counsel for the Board.

The Board came out of executive session at 9:55 AM. No decisions were made.

Chairman Winder welcomed Senator Hal Bunderson to the meeting.

Appeal Hearing – Denial of Right-of-Way Access Permit, SH-44, District 3. Chairman Winder outlined the procedures for the hearing and stated each party will have 30 minutes to make its presentation, followed by questions from the Board. He identified the exhibits submitted to date for the hearing. These exhibits are on file in the Secretary to the Board's Office.

Mayor Rick Yzaguirre, City of Eagle, submitted letters of support for the requested signalized intersection along the Eagle Alternate Route from the Community Planning Association of Southwest Idaho (COMPASS), the Ada County Sheriff's Office, and Representative Tim Ridinger, as additional exhibits. He thanked the Board for the opportunity to appeal the Chief Engineer's denial of the proposed intersection on SH-44 between Edgewood Lane and Eagle Road (SH-55). He elaborated on the growth in the area since the alternate route was constructed. The area used to be primarily residential, but now commercial development is occurring and he believes this intersection is critical to the area.

Dan Thompson, representing Earth Tech, elaborated on the development of the Traffic Impact Study (TIS). He stated the developers should pay for the requested traffic signal, which will provide an important north/south route for the city. He emphasized that businesses will not have access along the alternate route, so there will be no congestion due to commercial approaches. In closing, he reminded the Board that there are several signals along the route already and other signals proposed.

Senator Bunderson, whose legislative district includes the City of Eagle, emphasized the tremendous growth that has occurred in this area. He encouraged the Board to be flexible in addressing the needs of the growing area, and also stated the importance of local control. Although he cannot confirm that a traffic signal is the best solution, he does believe it has merit and supports it because the developer would provide the funds, not the taxpayers.

Ada County Highway District Commissioner Dave Bivens also stressed the growth in the Eagle vicinity. He participated in the ribbon-cutting ceremony on the Eagle Alternate Route and realized at that time that the route would create a barrier to the city. He emphasized his support for this intersection because of its necessity and because the development would pay for it.

COMPASS is responsible for long-range planning in the metropolitan planning area, including Eagle, according to Deputy Director Erv Olen. He believes the requested intersection would help the traffic circulation in Eagle, as well as at the intersection of SH-55 and SH-44. He added that COMPASS supports signalized intersections at half-mile intervals.

Eagle City Council Member Nancy Merrill stressed that the proposed intersection is critical to the City and citizens of the area, and it would connect the City. She also expressed support for local authority on land use issues.

Fire Chief Dan Friend emphasized the growth in the area and said there are plans to construct two more fire stations, including one at the proposed intersection. He stressed that minutes and seconds can be the difference between life and death and believes this access would be a tremendous public safety benefit.

Sergeant Patrick Calley, representing Ada County Sheriff's Eagle Station, also highlighted the public safety benefits of this intersection. He realizes the Board has a difficult decision to make, but he accentuated the need for the intersection for improved service and accessibility.

Barry Marcus, attorney, spoke as a representative for Eagle Gravel and Eagle River, landowners on both sides of the bypass near the proposed intersection. He requested that the memo and 2020 Destination Plan he submitted earlier be included as exhibits. He referenced the Board policy that states access should be provided in accordance with local officials and coordination. Eagle's comprehensive plan, which involved extensive coordination efforts, identifies an intersection in this vicinity.

On Behalf of ITD, District 3 Engineer (DE) Pamela Lowe provided an overview of the transportation system in the Eagle vicinity, including three major east-west corridors, I-84, US-20/26, and SH-44. The Eagle Alternate Route was constructed to reduce congestion in Eagle and to keep traffic moving safely and efficiently on SH-44. She provided a history of the Eagle Alternate Route project and stated that the City of Eagle supported the project and was aware of the controlled access. The right-of-way was more expensive than the construction on this project, partly because of the controlled access, according to DE Lowe. She concluded by stating that the environmental assessment on the project was strongly tied to controlled access, and FHWA indicated an environmental reassessment may be needed if the proposed intersection is approved.

Acting Traffic Engineer Lance Johnson said the Department's right-of-way use policy addresses development along state highways. He elaborated on the TIS process and said the study is needed to ensure safety and that the highway can handle the additional traffic. He does not believe the TIS Earth Tech completed was thorough because it did not look

at all of the impacts and options. The Eagle Alternate Route, SH-44, is a principal arterial and was designed to carry large volumes of traffic at higher speeds. He does not believe the TIS recognizes the importance of this principal arterial.

The proposed signal will create delays for motorists, according to Mr. Johnson, and will be used primarily for the developments instead of access to the city. Additionally, the study did not take into consideration improvements to the local roads and how the local system will accommodate the additional traffic, nor the impacts to approaches at the SH-55/44 intersection. He also emphasized the importance of access control in the environmental assessment and that access control is in the public's best interest. In closing, Mr. Johnson again stated that the TIS is incomplete. It does not consider other options, such as frontage roads, or improvements to the local system, nor does it address the delays the signal would create along a route that was constructed to move a large volume of traffic at higher speeds and the resulting decreased level of service on the route.

CE Ross summarized the Division of Highway's mission, which is to provide a high quality system for the safe and efficient movement of traffic. He concurred that the Boise valley has grown considerably, and the demands to the infrastructure caused by that growth need to be addressed through responsible planning. CE Ross attended the Eagle Council meeting last week and learned of new developments in the vicinity of the proposed intersection, but there was no discussion on access. He believes that development would result in more east-west traffic, so this proposed north-south intersection would not provide much benefit.

ITD staff commented on the City's comprehensive plan when it was developed, however, not as a voting member, according to CE Ross. He stressed that the City and Department must work together because of the anticipated continued growth and development and the need to address the resulting impacts. He concluded that FHWA also needs to be involved in the discussion of the proposed signal.

Steve Guerber, Eagle City Council Member, concluded the City of Eagle's presentation by stating that changes have occurred in the City since the alternate route was constructed. He believes the intersection will have a significant impact to the area and said the intersection had been requested in the past, but denied.

Member Sweeney understands that the area was experiencing extensive growth starting in the early 1990s. He asked why the City wasn't planning for this growth and considering the impacts of controlled access when the Eagle Alternate Route was being designed and constructed. Mayor Yzaguirre said the City did not forecast the amount of growth that has occurred, nor did it anticipate the big impact the alternate route would have.

Member Sweeney questioned the City's lack of planning and its change of plans after 1996. Mayor Yzaguirre said the City knew development would occur in the area, particularly residential and light commercial, but it did not predict the need for a signal. Council member Guerber added that in the early 1990s concern was expressed about this and an intersection was requested at that time, but denied.

Member Blick asked if there are plans to improve the local road system in the area. Mayor Yzaguirre responded that yes, a new street, Plaza Drive, is being proposed, along with the extension of Hill Road.

Member Blick asked for clarification on the impacts the proposed intersection would have on the Eagle Alternate Route, as Mr. Thompson indicated the speed and level of service would increase, but Mr. Johnson said the level of service would decrease. Mr. Thompson said each of the intersections in the area was studied and that was the conclusion reached. Mr. Johnson said his comment was a general statement that when a traffic signal is installed, it will create delays. He did not use the numbers that Mr. Thompson compiled.

Chairman Winder asked Mr. Thompson to explain his statement that the delays on the Eagle Alternate Route between Edgewood and Eagle Road would be delayed and that the traffic signal would improve the level of service. He believes the perception is that traffic signals create delays. Mr. Thompson stated that Mr. Johnson's general statement is true, that signals cause delays. However, his statement was based on the fact that traffic would be taken out of the system. The new intersection would reduce the traffic on the Eagle Alternate Route. Chairman Winder asked if Mr. Thompson knows what the potential delay would be time wise. Mr. Thompson did not have that information readily available, so Chairman Winder asked him to submit that data later.



Member Miller asked for clarification on a proposed road south of the Eagle Alternate Route west to SH-55. Mayor Yzaguirre responded it is a proposed route from planned development.

Member Miller asked what the cost of purchasing limited access was when the Eagle Alternate Route was constructed. He believes it was a substantial amount and questioned the fiscal responsibility of relinquishing access control at this time. Mr. Marcus replied that to the best of his knowledge, no access was acquired near the proposed intersection. DAG Steve Parry said that the dollar amount is hard to quantify for the purchase of access control. He elaborated on the requirements pertaining to a new alignment, and that severance damages are paid when right-of-way is acquired without access.

In response to Mr. Marcus's comment that there is no limitation on the access, Member Miller questioned the need for the hearing. Mr. Marcus said he believes the state's right to control access is an issue. The state did not buy exclusive access rights, according to Mr. Marcus, so he believes the regular permitting process should be followed. He also referenced the Board Policy on access that encourages extensive collaboration with local entities.

Chairman Winder stated that the land use for this area has been approved and development can occur. He asked what impacts the proposals would have on Eagle Road and Edgewood. Mr. Johnson replied that the TIS did not address those issues, but he questioned the adequacy of the local system to handle additional traffic. Chairman Winder believes there is a valid concern to the impacts on the state system, but the impacts to the local system also need to be addressed. Mr. Johnson concurred, and stated the TIS should have covered that. Member Blick insinuated that insufficient information has been presented to make an informed decision.

CE Ross concurred that the Department needs to know what is planned south of the Eagle Alternate Route, and a complete analysis of the proposed development and resulting impacts is needed. The hearing is based on one development proposal, but he believes all of the proposed development in the area needs to be included.

Member Sweeney asked for additional information on FHWA's role and impacts, including cost and procedure, if the intersection is approved. He expressed concern with the substantial right-of-way costs on the Eagle Alternate Route project, partly because of

access. He suggested taking the issue under advisement and getting more information from both parties.

FHWA Division Administrator Steve Moreno believes the issue is really between the state and local jurisdiction. However, he believes the purpose of the Eagle Alternate Route was to move traffic out of downtown and to provide a safer and more efficient thoroughfare. The environmental study needs to be reviewed to determine what, if any, promises were made and the specific intent of the route, such as to relieve traffic in downtown Eagle and to improve traffic flow on the state highway. If conditions change, Mr. Moreno said the environmental assessment would have to be reevaluated. Additionally, consequences of a traffic signal need to be determined, such as impacts to air quality and the environment.

Member Sweeney made a motion to take the matter under advisement and direct the parties to provide additional information, specifically, but not limited to, the proposed developments and related impacts to the area, including the local system, and the role of FHWA and associated effects. Member Miller seconded the motion. Chairman Winder clarified that only the parties involved in today's hearing will be allowed to submit additional information. Without objection, the Board agreed that DAG Bywater would be the contact point for additional information and that those packets need to be submitted by 5 PM on February 2 for the February 16 meeting. The local party concurred with that schedule.

Member Sweeney expressed concern with the planning process at the local level because staff is not an active party. ITD can only provide comments on local plans. Chairman Winder concurred and questioned the status of staff as an ex-officio member on COMPASS. He believes the on-going relationship of the two parties is a concern because of the need to work together, particularly as the area continues to develop and grow.

Director Bower believes the two parties should meet to discuss the proposed intersection and consider alternate plans that would be acceptable to both. He indicated a willingness to meet with the parties and determine if other solutions are viable. Mayor Yzaguirre said he would be willing to attend such a meeting. He added that the level of communication between the locals and ITD could be improved. Chairman Winder again brought up the issue of ITD staff as an ex-officio member because of the significant impacts to the transportation system that COMPASS addresses. Mayor Yzaguirre

indicated that consideration could be given to making DE Lowe a voting member. Chairman Winder asked staff to look into that matter.

The motion passed unanimously.

Mayor Yzaguirre thanked the Board members for their time. Chairman Winder thanked all of the participants and spectators for their attendance.

Delegation – Jerome County Airport. Airport Manager Bonnie Deitrick thanked the Board for its time and summarized the delegation's request in May for right-of-way for the airport's improvement and expansion plans. Consultant Dale Riedesel said the primary reason the airport is requesting the donation of land at the intersection of US-93 and SH-25 is for safety reasons. The FAA has approved a funding grant for the improvement project, and the airport would like to use the donated property as part of its match. The airport needs to protect the clearance zone at the east end of the airport. If the runway is lengthened in the future, consideration will be given to the west, however, the airport does not own that property and there are concerns with the irrigation pivots on the agricultural land. Mr. Riedesel does not believe ITD will need the requested right-of-way for future improvements to the highway system, but a study is being completed on that issue.

Director Bower asked if restrictions, such as a prohibition of buildings, would be imposed if the Department's right-of-way were relinquished. Mr. Riedesel responded that such requirements could be included as part of the agreement. He added that a taxiway or tie-downs could possibly be installed in that area.

Member McHugh expressed concern with the precedent donating the land would set. He believes if the property is surplus, it should be disposed of in accordance with policy. Because Jerome County needs the land for airport plans, Mr. Riedesel believes it would be willing to purchase the right-of-way.

In response to Member Sweeney's question on whether that right-of-way would be needed for future projects, particularly an interchange, DE Devin Rigby said that he believes the Department would still be able to construct an interchange at that location.

He will review the study once it's completed and determine what property would be needed for future projects.

Member McHugh asked if the Department has donated land in the past. DAG Bywater said there is no provision in state law to donate land that is owned in fee simple.

The Board took the presentation under advisement and asked staff to review the study and provide a report on its findings. Chairman Winder thanked the delegation for its presentation.

Presentation of New Retirement Plaques. Chief of Administration Dick Transtrum and the Human Resource Services Section presented the newly-developed retirement plaques. Staff thanked the Board for its participation at and support of the employee service awards programs.

Chairman Winder extended appreciation to staff for the opportunity to review the proposed plaque. He said the Board members value the service awards ceremonies and appreciate the opportunity to participate in them and recognize the employees.

Legislative Update. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar reported on various legislative proposals impacting ITD. Member McClure asked if the highway accident memorials have a specified time period they can be erected along the highway. BPIRM Detmar replied no, however, if the memorials are not maintained, the existing rule states the Department is to remove them. In response to Chairman Winder's question on whether a specified time period should be provided, Member McClure said that he would like a time frame considered. BPIRM Detmar also reviewed the Governor's budget recommendation.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a),(b), and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 2:25 PM to discuss personnel and pending litigation matters. Member McClure seconded the motion and it passed unanimously.

The general tenor of the meeting regarding pending litigation focused on discussion of a contract bid dispute which is now pending in court. The general tenor of the session on personnel issues included discussion of an appeal of a disciplinary action, a legislative auditor's findings, and the proposed filling of four positions. The Board came out of executive session at 2:55 PM. No decisions were made.

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Contract Award on NH-STP-6470(102), Revisited. Member McClure made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, a dispute exists as to whether the low bid was responsive on Project NH-STP-6470(102), Key # 5685, known as US-20,

TB01-03 Bonneville/Jefferson County Line Road Interchange, District 6; and

WHEREAS, the second low bidder has retained counsel and is in the process of seeking a judicial determination to determine whether the low bid was responsive under Idaho Law; and

WHEREAS, both the low bid and the second low bid are below the Engineer's Estimate.

*NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board authorizes the Chief Engineer or his designee to execute a contract after the District Court determines which Contractor submitted the lowest responsive bid, so long as the bidder agrees to perform the work at the prices stated in its bid.

WHEREUPON, the regular monthly Board meeting officially adjourned at 3 PM.

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CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

February 16, 2001

Boise, Idaho