

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

December 12-13, 2002

The Idaho Transportation Board met at 8:30 AM, on Thursday, December 12, 2002, at the Idaho Transportation Department, in Boise, Idaho. 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, Board Secretary

Dwight Bower, Director

Steve Bywater, Deputy Attorney General

Chairman Winder congratulated Director Bower on his upcoming retirement. He also commented on the nice retirement party staff coordinated last night.

November 21-22, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member McHugh, to approve the minutes of the Board meeting held on November 21-22, 2002 as submitted. The motion passed unanimously.

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

January 15-16, 2003 – Boise

February 19-20, 2003 – Boise

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

TB02-84 the revisions to Board Policy B-09-02, Functional Classification of State and Local Highway and Street Systems; Board Policy B-27-02, Coordination with Aeronautics Advisory Board; Board Policy B-27-06, State Aircraft Operation; Board Policy B-27-07, Aeronautical Activities; Board Policy B-27-08, Acquisition and Closure of State Airports; and US-30, Maple to Elm Street, Buhl and delay SH-24, Intersection F Street, Rupert, District 4, and has received and reviewed the contract award information, the new and supplemental professional agreements report, the annual report of outdoor advertising sign status, and issues associated with BASE/bungee jumping from state highway bridges.

- 1) Revisions to Board Policy B-09-02, Functional Classification of State and Local Highway and Street Systems. This policy was revised to update title and organization changes and to clarify some wording.
- 2) Board Policy B-27-02, Coordination with Aeronautics Advisory Board. Because this policy had not been updated since 1992, it was reviewed to verify that its language is still relevant and accurate. There was no content change.
- 3) Board Policy B-27-06, State Aircraft Operation. Because this policy had not been updated since 1993, it was reviewed to verify that its language is still relevant and accurate. There was no content change.
- 4) Board Policy B-27-07, Aeronautical Activities. Because this policy had not been updated since 1993, it was reviewed to verify that its language is still relevant and accurate. There was no content change.

5) Board Policy B-27-08, Acquisition and Closure of State Airports. Because this policy had not been updated since 1995, it was reviewed to verify that its language is still relevant and accurate. There was no content change.

6) US-30, Maple to Elm Street, Buhl and Delay of SH-24, Intersection F Street, Rupert, District 4. The City of Buhl has been working with the Department of Commerce and ITD to develop and fund a downtown improvement project. Preliminary estimates identified approximately \$800,000 of the work was to be done on Broadway Avenue (US-30), and the District programmed that amount in FY03. A State/Local Agreement outlining the responsibilities of both parties and the payment of these funds to the City was completed. The project was advertised in spring, but the low bid was rejected because it was significantly over the engineer's estimate. Staff reviewed the project with the City and made changes to lower the costs. Although the costs have been reduced significantly, it remains \$375,000 over budget.

The City of Buhl has increased its in-kind work to reduce the costs by \$100,000. The Department of Commerce has been approached to provide an additional \$25,000 to \$50,000. Approximately \$100,000 in additional costs are associated with the state's portion of the project. District 4 is requesting delaying the signal project in Rupert, key #7725, to fund the additional costs of the US-30 project in Buhl. The City of Rupert indicated delaying the intersection project to FY04 would fit its funding efforts better.

7) Contract Award Information. Key #8560 – US-95, Intersection Boekel Road near Hayden, District 1. Low bidder: Krick Equipment, Inc. - \$243,901.

Key #8777 – Poleline Road, Garrett Road to Quinn, Pocatello, District 5. Low bidder: Bannock Paving Company - \$774,477.

Key #7180 – I-84B, Intersection Nampa/Caldwell Boulevard and Orchard, Nampa, District 3. Low bidder: Power Plus, Inc. - \$154,263.

Key #8041 – US-20, West Broadway/Old Butte Highway Path, Idaho Falls, District 6.
Low bidder: H-K Contractors, Inc. - \$131,690.

Key #8483 – McGuire Road, Fisher to Prairie Avenue, Post Falls, District 1. Low bidder: Aapex Construction, Inc. - \$326,748.

Key #7660 – Vista Avenue Landscape, Canal to Targee, District 3. Low bidder: Hillside Nursery - \$66,747.

Key #8823 – US-30, Soda Springs to Sulpher Canyon, District 5. Low bidder: H-K Contractors, Inc. - \$1,026,662.

The following bids were more than ten percent over the engineer's estimate and were rejected by staff: Keys #8218 and #7904 – US-95, Rock Fall Stabilization projects, District 2.

Key #8129 – US-93B, Challis Spur, District 6.

8) New and Supplemental Professional Agreements Report. From November 2 to November 25, the Consultant Administration Unit processed \$1,434,670 in professional and term agreements.

9) Outdoor Advertising Sign Status Report. As of September 30, 88 illegal and 135 non-conforming signs remain throughout the state. This compares with 70 and 136, respectively, from September 30, 2001.

10) Issues Associated with Buildings, Antennas, Structures, and Earth (BASE) Jumping and Bungee Jumping from State Highway Bridges. It is recommended that the Department take no additional measures at this time to regulate, permit, or provide signage concerning BASE and bungee jumping from state highway bridges. However, this issue should be reconsidered in the event of legislative changes that provide statutory authority to local law enforcement officials to issue citations for such conduct.

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. Member McHugh asked why the Goodman Oil decision was appealed to the 9th Circuit. DAG Bywater responded that ITD did not have a choice, as the State Tax Commission is providing primary defense on the case. It is a major case with serious implications.

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

October Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$2.8 million, or 4.9%. Expenditures for personnel and operating are less than budgeted for the month. Capital equipment shows a negative variance of 35%, with the majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a timing difference. In contract construction, the federal program is less than spending projections by 1.3% and the state program is 31.7% less than projected.

Aviation Fuel Tax revenue received through the end of October is .8%, or \$4,900, greater than projected, while miscellaneous revenue is 45% above last year's revenue. Overall expenditures are ahead of the same time period last year. Revenue in the Aircraft Operations Fund is ahead of estimates by \$34,400, and operating expenditures are more than the same time period as last year.

Member McHugh noted expenses for maintenance and repairs to the King Air in the report. He asked if money had been set aside for these items. Aeronautics Administrator Bob Martin replied that set aside funds were used for the "hot section" repairs.

Member McHugh made a motion to accept the October financial statement analysis. Member Sweeney seconded the motion and it passed unopposed.

Continuation of Appeal Hearing – Denial of Right-of-Way Access Permit, SH-44, District 3. In January 2001, the City of Eagle appeared before the Board, appealing staff's denial of a signalized intersection on SH-44 between Edgewood Road and Eagle Road (SH-55). The Board requested additional information from the City of Eagle and ITD staff and in the interim, encouraged the two parties to negotiate an acceptable agreement. No agreement was reached, so the City of Eagle requested a continuation of the hearing. Chairman Winder outlined the process for this continuation.

Former Eagle Mayor and newly-elected Ada County Commissioner Rick Yzaguirre thanked the Board for its time and for the transportation improvements that have been made in the Eagle area. He emphasized the need for the requested signalized intersection to accommodate the explosive growth that has occurred in the area, promote economic development, and improve the response time from police and fire personnel. He added that numerous agencies support this requested intersection and that there would be no cost to the Transportation Department for the project, as developers would pay for it.

Erv Olen, Deputy Director of Community Planning of Southwest Idaho (COMPASS), stated that the signalized intersection is consistent with the Destination 2025 plan and with the City's comprehensive plan. Providing access at half-mile intervals is also consistent with ITD's policy, according to Mr. Olen.

In response to Member Sweeney's question on when the comprehensive plan was established, Mr. Olen replied that he believes it was developed in 1977 with updates made every five to six years. Member Sweeney asked when the proposed intersection was included in the plan. Mr. Olen said that he believes it was added in 1999.

Ada County Highway District (ACHD) Commissioner Dave Bivens expressed ACHD's support for this proposed project. He said the county needs more north-south connections, and that the SH-44 and SH-55 intersection is becoming a bottleneck. He believes the City of Eagle needs this intersection to accommodate growth. The proposed intersection, which, he emphasized, is in the comprehensive plan and would not be funded by ITD or ACHD, would connect the City, improve response time from emergency services, provide access to businesses, and improve traffic flow.

Karl Tueller, Deputy Director of the Department of Commerce, believes this project is very important to promote economic development in Eagle. He said there is strong

community support for it and that the public/private partnership is also an important factor. He concluded by expressing the Department of Commerce's support for this intersection and thanking the Board for its time.

Senator Hal Bunderson thanked the Board for the opportunity to speak in support of the City's request. He said this area is the fastest-growing area of the state, and he believes it will continue to experience extensive growth. Additionally, the strength of Idaho's economy is in the Treasure Valley, and he believes economic development opportunities need to be promoted. Senator Bunderson understands the Department's position and its policies on this matter, but he believes the Board needs to be flexible, consider the tremendous growth in the area, and be responsive to the specific needs of a community.

Dan Thompson, consultant with Earth Tech, said a traffic analysis was started in 1997. The City of Eagle expressed concern with the north-south traffic flow on Eagle Road. The route is currently operating at capacity, and the City and ACHD are looking at alternatives, such as frontage roads. He does not believe there is enough room for a grade separation to be viable at the proposed intersection location, plus it would be costly. If the project is approved, ACHD would inter-connect the other signals in the vicinity, which would be beneficial to moving traffic. Additionally, three approaches on the south side of SH-44 would be consolidated into one. Mr. Thompson said the signalized intersection would reduce delays by diverting local traffic from the state system onto the local streets, and would improve safety, as a pedestrian crosswalk would be included in the project and other accident mitigation would be considered.

Due to high growth in the area, Member Miller suggested looking at the entire area, not just the proposed intersection, and plan for the expected growth. He believes an overpass at the proposed intersection location should be considered, as it is imperative to keep traffic flowing efficiently. Mr. Thompson replied that the City of Eagle does not want an overpass.

Chairman Winder asked for information on turning movements versus through traffic at Eagle Road. Mr. Thompson did not have that data readily available.

Attorney Barry Marcus, representing Eagle Gravel Company, reiterated the transportation plans that have been developed for planning purposes and guidance, and that ITD participates on COMPASS. The proposed signalized intersection supports economic

development and would increase safety, according to Mr. Marcus. He said local plans have to be followed, the process is binding upon the state, ITD cannot re-write or change the plan, and the intersection meets distance requirements. He also emphasized that as part of this project, two approaches would be closed. He does not believe FHWA should testify at the hearing. No state or federal money is involved with this proposal, and he believes it is premature for FHWA to get involved and would be inappropriate for it to testify.

Eagle Mayor Nancy Merrill thanked the Board for its time and stressed the importance of this proposed access to Eagle. An additional north-south route is needed to connect the City, and the community supports this proposal. She said the City does not want to lose this opportunity for economic development, and that this intersection would provide better access, reduce accidents, and improve response time for law enforcement and emergency services. She believes allowing this signalized intersection is the right thing for the Board to do, and she urged it to approve the request, which would be at no cost to the state.

Chairman Winder thanked the City of Eagle for its testimony.

District 3 Engineer (DE) Pamela Lowe summarized the increased traffic in the Eagle area, and stated that it is difficult to keep up with the growth. There are currently three main east-west routes in the Treasure Valley, I-84, US-20/26, and SH-44, and she said there are no plans to add an additional east-west corridor. She said the needs of the traveling public have to be considered, and a safe, efficient transportation system must be provided. DE Lowe said that when a road is built, development follows, leading to congestion, and eventually the need for a new road. It is a vicious cycle that is hard to break. She concluded by stating that ITD worked closely with the City of Eagle when the alternate route was planned, designed, and constructed. The route was designed for access at one-mile intervals.

Regarding safety of the proposed intersection, Assistant District 3 Engineer (ADE) Eric Shannon said there is no accident history because there is no approach at the site. He believes the intersection would result in accidents, which often causes congestion. Another concern is the safety of pedestrians and bicyclists crossing the proposed intersection. He recommends extending Riverside Drive as a frontage road eastward, connecting to the signalized intersection with SH-55.

ADE Shannon addressed the necessity of this project for public welfare. He said that more traffic signals mean more delays for through traffic. He disagrees with the traffic study regarding turn movement assumptions. The proposal would improve the flow of local traffic at the expense of through traffic. He believes an overpass at the proposed location would be feasible and a better solution. The alternate route was built to remove through traffic from Eagle and from local roads; ADE Shannon does not believe this proposal fits with that purpose. He is also concerned that the proposed intersection would create noise and air pollution.

Lastly, he addressed access of adjacent landowners. Riverside Drive has been constructed and the extension of Plaza Drive has been approved, providing sufficient access. Due to the location of the fire station, personnel would have to backtrack to use the proposed intersection for east-bound access, according to ADE Shannon. He said that the proposed medical facility would have sufficient access via local streets, as would the city park. He added that the park should be accessed from local streets because it is a local park, not a state park. In summary, ADE Shannon said that safety would be compromised if the signalized intersection is allowed, the project is not necessary for public welfare, and landowners currently have good access.

Member McHugh asked if there is historical data on bicycle/pedestrian accidents at the intersection of SH-44 and Edgewood Road. ADE Shannon was not sure, but does not believe there have been any accidents at that location since 1996 when the alternate route was opened.

Member Blick asked when ACHD plans to extend Plaza Drive. Mark Butler, representing a land owner along Plaza Drive, said the agency has begun purchasing right-of-way for the extension, but he does not believe a construction date has been established.

CE Ross said when the land use plan was adopted in 1999 and included this proposed project, ITD opposed the project; however, the Department was not an official member of COMPASS at that time. He concurred with earlier statements that additional north-south routes are needed in the area. He said traffic volumes are higher than anticipated on the alternate route, and a new north-south route would draw traffic off of the alternate route. ITD's mission is to move traffic safely and efficiently, and as traffic increases, it is more important to have limited access to provide a safe and free-flowing transportation system. The alternate route was designed and constructed with limited access. CE Ross said since the alternate route was built, commercial development has been approved by the City of Eagle. He believes an overpass is the best solution to connect the City, while

leaving the integrity of the alternate route intact. An overpass would provide quicker access to the south side for emergency services and provide a safer connection for bicyclists and pedestrians. He concurred that ITD needs to work with the Eagle community to address its transportation needs, but he also emphasized the need to preserve ITD's infrastructure and to provide a safe transportation system.

Member McClure thought the parties were close to an agreement for a right-in/right-out approach after the initial hearing in 2001. He asked why that did not materialize. CE Ross responded that he does not believe Eagle or ACHD were willing to accept that solution.

FHWA Division Administrator Steve Moreno said his presentation will focus on the stewardship of ITD assets: roadway features, right-of-way, and access; not on the specific proposal. He acknowledged the tremendous growth in the Eagle area in the past 10 years and that the demand to address that growth has outstripped the available resources. He stated that the National Highway System (NHS) is to provide a high degree of mobility and the local streets should provide access. Access management makes highway facilities last longer, and a proactive stand is needed to control the vicious cycle mentioned earlier: a road is built, which leads to development, which results in congestion, which necessitates a new road. Accesses increase the opportunity for crashes and decrease the capacity of the facility. In summary, Mr. Moreno stated the benefits of access control: maintains roadway functions, limits accident opportunities, reduces delay and congestion, reduces pollution, expedites commercial traffic, breaks the land-use cycle, delays the need for capital expansion, preserves the existing public investment, and stretches available funding.

Chairman Winder asked Mr. Moreno if his view would be different if federal or state dollars would be involved in this proposed project. Mr. Moreno replied that the funding source is not relevant and does not change the facts regarding access control. He added that projects have to be in the long-range plan, but because a project is included in the plan does not mean it has to be built.

Member Blick questioned the City of Eagle's comment that ITD did not purchase access as part of the alternate route project. Mr. Moreno responded that there was no access prior to the alternate route being constructed. If there is no road, there is no access. If a new road is constructed, access control is purchased. Chairman Winder was under the impression that some of the land in question was exchanged for other ITD land when the alternate route was constructed. Mr. Moreno did not have information on that.

In response to Member McClure's question on whether SH-55 or SH-44 is on the NHS, Mr. Moreno said both routes are on the system.

In rebuttal, City of Eagle attorney Susan Buxton emphasized the importance of this proposal for the City and for developers. She objected to FHWA's presentation, as she does not believe the testimony was pertinent to this hearing. She urged the Board to look at the whole picture: other major routes in the area do not have access limited to one-mile intervals; there have been no bicycle/pedestrian accidents at other intersections, such as Edgewood and Floating Feather; and that the delay to commuters would be minimal. The benefits of this proposal are numerous and the City would like to take advantage of this economic development opportunity. Ms. Buxton expressed concern with the timeframe and believes this process has been drawn out too long. She said Eagle has prepared numerous documents at the request of ITD and has followed the Department's policies and manuals. She stated that more development will be proposed and will need to be addressed, and she believes it is important to take advantage of this proposal that the developer will pay for. In conclusion, she emphasized that the community supports this proposed signalized intersection and numerous people were in attendance in show of that support.

Member Blick asked why the fire station was located at its present site, without approval of the proposed intersection. Eagle Fire Chief Dan Friend responded that when a site was being considered, the need for a location to address the growth in the area was considered. A lot of research was conducted on the best location. Major factors in the decision were that enough land was available at the current site and local plans showed a future intersection near this site.

Member Sweeney asked why the City of Eagle agreed to no access on the alternate route when that project was being planned. Ms. Buxton responded that the City requested access to the alternate route during the planning stage, but ITD did not grant that request. City Councilman, and former Eagle Mayor, Steve Guerber concurred, and stated that the City argued consistently for this access point, but the final decision was ITD's. Chairman Winder asked what the population of Eagle was when the alternate route was being planned. Councilman Guerber replied that it was around 2,000 in 1986 when discussions started on the alternate route and the population is now approximately 13,000.

Member Blick asked for clarification that the City of Eagle wanted the alternate route. Councilman Guerber said the City hoped to benefit with the bypass by removing through traffic to preserve downtown. Eagle thought constructing the alternate route was the right thing to do.

In response to an earlier question by Chairman Winder, Mr. Thompson said that the percentage of turning movements westbound on Eagle Road is 30. He again emphasized that the proposal includes eliminating two “T” intersections for one four-way intersection.

Mr. Marcus said Eagle Gravel Company property was acquired from the state for the alternate route through a warranty deed and that the state did not purchase access rights. Regarding discussions with ITD on a right-in/right-out approach, he said an agreement was almost reached, but CE Ross said that although he would take it to the Board, he would not recommend it, resulting in the break-down of the negotiation. He disagrees with Mr. Moreno’s comment that the main purpose of highways is mobility, as access is an essential element too. Additionally, economic development is very important. He also stated that Jim Pline’s review of the Traffic Impact Study, performed at ITD’s request, recommends the intersection and coordination of traffic signals. Pline’s report also states that ITD and the community must work together on an acceptable solution. In conclusion, he stated that the Idaho Transportation Board’s access policy allows access at half-mile spacings. That policy should not be ignored.

Chairman Winder closed the testimony at this time. Vice Chairman Combo outlined several options for the Board, including taking the matter under advisement, remanding it to the parties, remanding the issue to a mediator, affirming ITD’s denial, approving the City of Eagle’s requested signalized intersection, or discussing the issues of law in executive session.

Although Member Blick would like a discussion with legal counsel, he would like the Board to make a decision soon. Chairman Winder clarified that legal discussions can be held in executive session, but deliberations will be conducted in an open session. The consensus of the Board was to take the matter under advisement and discuss the legal issues in executive session.

Chairman Winder thanked both parties for the informative presentations and their courtesy. He added that the Board will try to expedite its decision and will plan on continuing deliberations at the January Board meeting.

Board Items. Member McHugh said he attended a recent meeting with Internal Review Manager Carri Rosti, Controller Dave Tolman, and legislative auditors. This year the audit concentrated on the Department's infrastructure. Previously, the highway system has not been considered an asset. He said the meeting was quite informative and he appreciated staff's time.

Vice Chairman Combo attended the Andrus Center for Public Policy conference titled "Dateline....The West" last week. The conference focused on the eastern media's coverage and perception of western issues. It appears the east does not understand major issues facing the west, and it is important that the west provide information and educate the east on these unique issues.

Member McClure reported that Member Sweeney was honored at a luncheon today. Member Sweeney received the prestigious Buchanan Award for his public service from the Sigma Chi Fraternity. The Board congratulated Member Sweeney on this award.

Director's Items. Director Bower said the Governor's Blue Ribbon Task Force Subcommittee on Public Safety, Transportation, and Natural Resources has requested another presentation and additional information on funding and on ITD's current efficiency measure efforts. Information on some non-revenue legislation that is being considered will be provided to this subcommittee. Those concepts include Garvee bonds, corridor preservation, and design-build. The Board had no objection to presenting information on or pursuing those ideas.

There has been little activity impacting ITD at the Congressional level, according to Director Bower. The Department is still operating under a continuing resolution for federal appropriations. He commented that the Associated General Contractors of America does an excellent job of monitoring activities at the congressional level and keeping its members informed of those activities.

January 3 will be Director Bower's last day at ITD. He thanked the Board for its support during his tenure as director. The Board thanked Director Bower for his service and wished him well in his retirement.

FY04 Legislative Presentations. Economic and Research Manager Doug Benzon outlined the Department's upcoming legislative presentations. He distributed a legislative district map and key legislative committee memberships.

FY03 Budget Holdbacks. Mr. Benzon said revenue in the Highway Distribution Account was down 6.8% in November. Revenue from fuel taxes, truck registration, and miscellaneous items was down, while revenue from car registrations was up 10%. Chairman Winder asked if this revenue was up due to more owners registering their car for two years. Mr. Benzon does not believe that is the reason for the increased revenue, but staff is monitoring that possibility.

Revenue in the State Aeronautics Fund is down 6%, according to Mr. Benzon. However, he added that revenue from the aircraft pool is above forecast, so the total revenue to the Division of Aeronautics is only down about \$500 year to date. Chairman Winder questioned the insurance payment from the Navajo. Senior Budget Analyst Joel Drake replied that those funds are included as receipts to appropriations. The money is to be used for a replacement aircraft. Chairman Winder asked if those funds can be carried over into the next fiscal year. Controller Tolman believes the money will stay in the account, however, spending authority will be required from the legislature. Chairman Winder encouraged staff to follow up on the insurance payment and to ensure the money is kept in the aeronautics account.

Mr. Drake said the Department's Budget Council has thoroughly reviewed the budget and identified holdbacks in the amount of \$12.4 million in FY03 in various categories. He stated that the Budget Council will meet next week to review the Department's revenue and determine at that time if the holdbacks will be implemented.

Idaho Transportation Resource Task Force Update. Dick Gardner, facilitator, reported on the recent workshops held throughout the state to discuss transportation. Some of the concerns expressed at the workshops were frustration with the time-consuming and costly environmental process and difficulty separating the federal and state agencies' role. It is hard for the public to differentiate the two agencies' responsibilities. The important link

between transportation and economic development was stressed. The various stakeholders appreciated the workshops and the opportunity to participant in them. Mr. Gardner said the Task Force plans to compile its report by February and present it to the legislature in March.

Chairman Winder thanked Mr. Gardner for the update and the Task Force for its efforts. Although this process has been time-consuming, he believes it is beneficial.

Member McHugh asked if light-weight studded tire legislation should be considered in 2003. Budget, Policy, and Intergovernmental Manager Mary Detmar said the Task Force will discuss that concept.

Member Sweeney left the meeting at this time due to a family emergency.

Designation of Recipient for Federal Transit Administration (FTA) Large Urbanized Area Funding. The recent designation of the Boise Urbanized Area as a Transportation Management Area changes the distribution of public transportation funds, according to Public Transportation Administrator (PTA) Larry Falkner. The governor, responsible local officials, and publicly owned operators of transit services jointly designate a recipient to apply for, receive, and dispense funds for transportation management areas. ITD is the designated recipient of funds for small urbanized areas. FTA also requires an appropriately certified resolution of the metropolitan planning organization concurring in the designation and an opinion of counsel from the recipient certifying the entity's legal capacity to perform the functions of a designated recipient. Elected officials in the Boise Urbanized Area have recognized ValleyRide, the regional public transportation authority, as the designated recipient for the funds.

Member Blick asked if this designation would take funds away from another entity. PTA Falkner clarified that this request only impacts the Boise Urbanized Area's funds. No other area would be affected by this request.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed 5-0 to approve the following resolution:

RES. NO. WHEREAS, as a result of the 2000 Census, an Urbanized Area has been
TB02-85 recognized by the United States Census Bureau as the Boise Urbanized Area including the cities of Boise, Garden City, Meridian, and Eagle and areas of Ada County; and

WHEREAS, this Urbanized Area exceeds 200,000 in population and has been designated a Transportation Management Area by the Secretary of the Department of Transportation under 49 U.S.C. 5305(a); and

WHEREAS, the chief executive officer of the state, responsible local officials, and publicly owned operators of mass transit in the Transportation Management Area are required under 49 U.S.C. 5307 to identify a “designated recipient” to receive and apportion Federal Transit Administration (FTA) funds available to the area under 49 U.S.C. 5336; and

WHEREAS, the elected officials of each community have passed resolutions requesting ValleyRide (the regional public transportation authority) be recognized as the “designated recipient” for the FTA funds; and

WHEREAS, ValleyRide is a regional public transportation authority created under Title 40 Section 21 Idaho State Code; and

WHEREAS, ValleyRide has agreed to the designation and has submitted the Opinion of Counsel and Resolution of the Metropolitan Planning Organization as required by FTA Circular 9030.1C Section II 1(d).

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board concurs with the selection of ValleyRide to be the designated recipient for the Transportation Management Area in Ada County; and

BE IT FURTHER RESOLVED, that the Board directs staff to work with the Office of the Governor to formalize the recognition of ValleyRide as the designated recipient with the FTA.

PTA Falkner said a similar situation has occurred in the Nampa area, as it is now recognized as a small urbanized area and will receive FTA funds. The elected officials in the Nampa Urbanized Area have requested designated recipient status for ValleyRide for the funds available to the area. This action will also require a designation by the governor and an opinion of counsel.

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

RES. NO. WHEREAS, as a result of the 2000 Census, an Urbanized Area has been
TB02-86 recognized by the United States Census Bureau as the Nampa Urbanized Area including the cities of Nampa, Caldwell, Middleton, and areas of Canyon County; and

WHEREAS, the Federal Transit Administration (FTA) makes funds available to the Governor for urbanized areas with population under 200,000 under 49 U.S.C. 5336; and

WHEREAS, under FTA Circular 9030.1C Section II 1(d) the Governor or his designee may elect to relinquish control of these funds and approve another agency to be the designated recipient; and

WHEREAS, the elected officials of each community have passed resolutions requesting ValleyRide (the regional public transportation authority) be recognized as the “designated recipient” for the FTA funds; and

WHEREAS, ValleyRide is a regional public transportation authority created under title 40 Section 21 Idaho State Code; and

WHEREAS, ValleyRide has agreed to the designation and has submitted the Opinion of Counsel as required by FTA Circular 9030.1C Section II 1(d).

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board concurs with the selection of ValleyRide to be the designated recipient for the small urbanized area in Canyon County; and

BE IT FURTHER RESOLVED, that the Board directs staff to work with the Office of the Governor to formalize the recognition of ValleyRide as the designated recipient with the FTA.

Member Miller asked about the services, specifically if on-demand service would be provided. PTA Falkner said Treasure Valley Transit will discontinue service to the area. Staff is working with Treasure Valley Transit and ValleyRide to address the public transportation needs in the area and identify the services that will be provided. Some re-organization may also occur.

The motion passed 5-0.

New Business. Administrative Services Division Administrator Sue Simmons introduced Misti Lockie to the Board. Ms. Lockie is the recently-hired Policies and Procedures Coordinator, and comes to the Department well-qualified. The Board welcomed Ms. Lockie to ITD.

Member McClure asked staff to consider proposing light-weight studded tire legislation for the upcoming legislative session.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Vice Chairman Combo made a motion to meet in executive session at 3:20 PM to discuss legal matters. Member Miller seconded the motion and it passed 5-0 by individual roll call vote.

The general tenor of the meeting was to consider and advise the Board's legal counsel on an appeal pending before the Board.

The Board came out of executive session at 5:10 PM. No decisions were made.

WHEREUPON the meeting recessed at 5:10 PM.

December 13, 2002

The Board met at 8:30 AM on Friday, December 13 at the Idaho Transportation Department, Boise. All members were present except Member Sweeney.

SH-21 Avalanche Forecasting, District 3. Damon Allen, District 3 Region 2 Engineer, provided an update on the Department's avalanche forecasting efforts on SH-21. He stated that the average daily traffic count on this avalanche-prone section of highway is between 85 and 100 in winter, which is an increase from previous years, but not as high as the summer count of approximately 1,500. He said that winter recreation is becoming more popular in the Stanley area. Avalanches are forecasted based on weather, snow pack, and testing, and this is a continuous process during winter, according to Mr. Allen. The accuracy of forecasting is difficult due to the uncertainty with the weather, spatial ability, and snow dynamics. He mentioned several options to address avalanches that staff has considered, including forecasting by a consultant, forecasting by ITD personnel, explosive testing with forecasting, avalauncher with forecasting, and helicopter bombing with forecasting.

Plans for the 2002-2003 winter are to continue the current level of maintenance, data collection and observation by contract forecasting, develop organized communication and a chain of command between the forecaster and the maintenance foreman, utilize new variable message signs to relay information to the traveling public, and review and update data. Mr. Allen believes forecasting is the foundation for the program.

Stanley Mayor Bob Downey emphasized the need for safety when addressing avalanches, but also stressed the importance of keeping SH-21 open. The highway is critical to

Stanley's economy, and also important for the area citizens to travel to Boise for medical trips and other needs. He also mentioned the growing popularity of winter recreation in the Stanley area. He desires to be involved in this issue as mayor and would like to be kept informed of the Department's activities.

Chairman Winder thanked Mayor Downey for his comments and for his willingness to be a communication link. He urged staff to work closely with Mayor Downey on this issue.

Concerned citizen Norm Brown believes the snow should be knocked down and removed as it accumulates, as this would help with the winter maintenance. He also reported that Stanley is becoming a popular tourist place, particularly for snowmobilers, but also mentioned that it is important to keep the highway open for schools that need to travel to various activities. He concluded by thanking the Board members for their time.

Member McClure understands that it is the maintenance foreman who has the assignment of monitoring avalanches and making the decision to open and close the highway. He believes this responsibility can be quite stressful and reiterated the Board's support for the current avalanche measures and policies. He wants to ensure the safety of ITD personnel and the traveling public.

Chairman Winder thanked Mr. Allen for the informative presentation and the other gentlemen for their remarks.

Addition of Eagle Road Traffic Study to FY03 of the State-Funded Program, District 3. Highway Programming Manager (HPM) Dave Amick proposed a new project to the FY03 State-Funded Program in the amount of \$25,000. The Eagle Road Traffic Study would be used to study the impact of additional traffic signals on the average travel time, speed, accidents, and vehicle delays along the 6.5 mile corridor of SH-55 between SH-44 and I-84.

According to HPM Amick, a consultant would be hired to collect information on intersection turning movements at major intersections, roadway and intersection lane geometry, signal timing and offsets at existing signalized intersections, and speed limits on Eagle Road and side streets. A traffic simulation model of the existing conditions will

be created, and nine additional signals will be added to the model and then analyzed. Traffic volume projections for the year 2012 will also be included. The study is needed because there are several existing and proposed developments with highway accesses that do not conform to the minimum half-mile spacing requirements. HPM Amick added that the project will be funded with cost savings on the FY03 Fort Hall Hill, Adams County project.

Member McClure believes other mitigation efforts should be studied, particularly raised medians. DE Lowe said the cost estimate to include that additional work in the study is \$25,000.

Member McClure made a motion to approve the following resolution. Vice Chairman Combo seconded the motion.

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

TB02-87 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 appropriated highway funding; and

WHEREAS, the Transportation Equity Act for the 21st 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 Board is committed to maintaining a safe and efficient highway system; and

WHEREAS, the Board has made a commitment to support corridor planning as a means of facilitating long-range transportation planning in the State of Idaho; and

WHEREAS, the Board seeks to design and maintain the states' roadway systems in the best interests of the citizens of the State of Idaho; and

WHEREAS, the congestion on SH-55 (Eagle Road) has increased significantly; and

WHEREAS, there is interest from numerous developers along SH-55 (Eagle Road) in signalizing these intersections; and

WHEREAS, the impacts on accidents, vehicle delay, and travel time of signalizing these intersections must be evaluated; and

WHEREAS, other mitigation options should be explored, particularly raised medians; and

WHEREAS, the District will hire consultant Six Mile Engineering to analyze vehicular delays on SH-55.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of Eagle Road Traffic Study to FY03 of the State-Funded Highway Development Program for \$50,000. The offset for these funds will be transferred from savings on Fort Hall Hill, Adams County (key #7923, project #ST-3110(630)); and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Member McHugh asked if grade separations were considered on this route. DE Lowe said that a separate study completed by ACHD focused on grade separations, and it was determined that grade separations are a very long-term option. Chairman Winder added that the problem with grade separations on this highway is that the intersections are all developed to the road. The needed right-of-way is high-value commercial property.

Member Miller commented on a new freeway in Bend, Oregon that was not designed to interstate standards, but is very effective at moving traffic. He encouraged staff to consider all options to move traffic efficiently.

The motion passed 5-0.

Addition of Caldwell Signal Detection Repair to FY03 of the State-Funded Program, District 3. HPM Amick requested a new project in the FY03 State-Funded Highway Development Program in the amount of \$20,000. The Caldwell Signal Detection repair project would repair the traffic signal detection system on the I-84 Business Route in Caldwell. The City of Caldwell hired a consultant to study its traffic system and to develop a software program to optimize signal progression and level of service. The District reviewed and concurs with the results of the analysis. However, the analysis cannot be implemented because the signal detector loops at the specific locations have worn through the pavement and no longer work. Staff and the City of Caldwell recommend replacing the existing loops with a new camera detection system, which will allow implementation of the new signal programming system. HPM Amick added that the project can be funded with cost savings on the FY03 State project, Fort Hall Hill, Adams County.

Member Miller commented that District 5 has completed this type of project and the result has been an improved, reliable system.

Member Miller made a motion, seconded by Member McClure, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

TB02-88 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 appropriated highway funding; and

WHEREAS, the Transportation Equity Act for the 21st 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 Board is committed to maintaining a safe and efficient highway system; and

WHEREAS, congestion and safety can be greatly improved at the intersections of I-84B (Blaine Street) and 10th Avenue, I-84B (Cleveland Boulevard) and Kimball Avenue, I-84B (Blaine Street) and Kimball Avenue and I-84B (Cleveland Boulevard) and 7th Avenue by repairing the traffic signal loop detection; and

WHEREAS, the City of Caldwell hired consultant Six Mile Engineering to improve off peak actuated/coordination programming for I-84 Business Route; and

WHEREAS, the consultant, Six Mile Engineering, submitted a study to the City of Caldwell to help improve traffic progression along I-84 Business Route; and

WHEREAS, the City of Caldwell asked ITD to help implement Six Mile Engineering's study for traffic progression improvements along I-84 Business Route.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of Caldwell Signal Detection Repair to FY03 of the State-Funded Highway Development Program for \$20,000. The offset for these funds will be transferred from savings on Fort Hall Hill, Adams County (key #7923, project #ST-3110(630)); and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Advance of Northside Road, Nampa Rail-Highway Crossing from FY04 to FY03, Key #5712, District 3. The Northside Road project, currently in the FY04 STP-State Rail Safety Program for \$630,000, was delayed from FY03 due to FY02 end-of-year rail project delays, according to HPM Amick. Because the plans, specifications, and engineering packet has been completed, and there is sufficient funds in the State Railroad Protection Account to fund this project, staff is requesting transferring the project from the federal program into the State Rail-Highway Safety Program and advancing the project to FY03.

Member McHugh asked for clarification on the funding source for the State Railroad Protection Account. Director Bower replied that the annual \$250,000 transfer from the State Highway Account into the Railroad Protection Account is by statute. He added that the match requirement for the federal rail program changed, resulting in more money available in the state program.

Member Blick made a motion, seconded by Member McHugh, and passed 5-0 to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-89 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, 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; and

WHEREAS, the State Railroad Protection Account may be utilized either for funding state rail-highway crossing projects or match for federal rail-highway crossing projects and has a sufficient balance; and

WHEREAS, the plans, specifications, and engineering package is complete for Northside Road, Nampa; and

WHEREAS, the Surface Transportation Program - State Rail Safety Program contains insufficient funds to advance Northside Road, Nampa.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the advance of Northside Road, Nampa (key #5712, project #STP-RRP-8253(100)) from FY04 of the Federal Safety-Rail Program to FY03 of the State Rail-Highway Safety Program.

Member McHugh asked for an update on the Bridging the Valley Study. Director Bower said that ITD has not contributed to the project financially to date and that he has not had an opportunity to discuss this project with his counterpart in the State of Washington.

FY03 COMPASS Transportation Planning Increase in the STP-Local Urban Program, Key #8137, District 3. HPM Amick requested an increase to the COMPASS Transportation Planning project through the delay of the Notus Canal Bridge to Franklin Road, Caldwell project from FY03 to FY06 of the STP-Local Urban Program. The additional \$343,000 for the FY02 COMPASS project will be used to cover prior year increases, initiate a geographical information systems mapping system for the City of Caldwell, and for ozone attainment analysis within the metropolitan area. HPM Amick said the Urban Committee supports this request.

Member Miller commented that Bingham County has completed mapping the entire county. He asked if the City of Caldwell is completing its own map or if the city's map will be in conjunction with a county-wide map. COMPASS Deputy Director Olen responded that Canyon County does not have a county-wide map yet. The Cities of Caldwell and Nampa are proceeding with mapping their whole cities for long-term purposes and the mapping process will be compatible with future efforts by the county.

Member McClure made a motion, seconded by member Blick, and passed 5-0 to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department

TB02-90 to 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 appropriated highway funding; and

WHEREAS, the Transportation Equity Act for the 21st 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 Urban Committee approved the increase of FY03 COMPASS Transportation Planning at its November 4, 2002 meeting; and

WHEREAS, the Urban Committee approved the delay of Notus Canal Bridge to Franklin Road, Caldwell at its November 4, 2002 meeting.

NOW THEREFORE BE IT RESOLVED, that the Board approves the \$343,000 funding increase of FY03 COMPASS Planning (key #8137, project #STP-0003(138)) made possible by the delay of Notus Canal Bridge to Franklin Road, Caldwell (key #8076, project #STP-7933(100)) from FY03 to FY06 in the Surface Transportation Program-Local Urban Program; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Addition of Cherry Lane Bridge, Nez Perce County, to the Bridge-Off System Program, District 2. HPM Amick welcomed Nez Perce County Commission Chairman JR Van Tassel to the meeting. He also acknowledged Member Sweeney's efforts on this partnership project. HPM Amick said staff is proposing adding the Cherry Lane Bridge project to the FY03-07 and Preliminary Development Highway Development Program to replace the current one-lane structure. A new bridge is proposed upstream from the existing structure and will consist of two 12-foot vehicular lanes and a 5-foot pedestrian lane. Bridge approach work is proposed on either side of the structure with turn lanes proposed for the connection with US-12.

The project is being proposed with the support and partnership of Nez Perce County, the Nez Perce Tribe, the Bureau of Indian Affairs (BIA), the Local Highway Technical Assistance Council, and ITD, according to HPM Amick. He provided a copy of the draft agreement between the entities. The estimated cost of the project is \$8.5 million. Bridge-Off System Program funds in the amount of \$900,000 for preliminary engineering and \$100,000 for right-of-way are being requested from the state. The remaining \$7.5 million for project construction will be requested from the Indian Reservation Roads Bridge funding as provided by the BIA as soon as the project is ready for construction. Funding for ITD's portion would be programmed in FY03 and FY05 of the Bridge-Off System Program. Current year funds consist of \$170,000 of savings on the Middleton Road Bridge, Boise project.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed 5-0 to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department

TB02-91 to 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 appropriated highway funding; and

WHEREAS, the Transportation Equity Act for the 21st 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, Nez Perce County, the Nez Perce Tribe, the Bureau of Indian Affairs, and the Local Highway Technical Assistance Council support joint funding of this project.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of Cherry Lane Bridge, Nez Perce County to the FY03-07 and Preliminary Development Highway Development Program utilizing \$250,000 of FY03 and \$750,000 of FY05 Bridge Off-System funds; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Addition of District-wide Anti-skid to FY03 of the State-Funded Program, District 5. CE Ross said District 5 is in need of additional anti-skid products to stockpile for this winter. Due to funding constraints in the FY03 operating budget, staff is requesting a new project called District-wide Anti-skid be added to FY03 of the State-Funded Highway Development Program in the amount of \$214,000 to purchase the anti-skid product. The District is requesting funding this project through the removal of Pioneer Historic Byway Signs, key #8587, and Portneuf Interchange Lighting, key #7939. The byway signs project was intended as the first phase of a proposed enhancement project that was not approved for funding. Based on a review of project priorities, the District wishes to remove the Portneuf Interchange Lighting project at this time, but will re-evaluate its priority for future programming.

Member Miller made a motion, seconded by Vice Chairman Combo, and passed 5-0 to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-92 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 21st 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, 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 Board authorizes the addition of a new project in District 5 costing \$214,000 to FY03 of the State-Funded Highway Development Program called District-wide Anti-skid. The funds for this addition will be made available through the removal of Pioneer Historic Byway Signs (key #8587, project #ST-00059(621)) and Portneuf Interchange Lighting (key #7939, project #ST-15-1(533)63); and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Contract Awards. CE Ross said the low bid on project #STP-0003(124), key #7763 - FY03 ACHD Overlay, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The main items that varied from the engineer's estimate include Plant Mix Paving, Class II; Plant Mix Paving, Class III; Rent Construction Sign, Class B; Paving Overlay Geotextile; Repair of Failed Areas; and Mobilization. ACHD believes the Plant Mix Pavement Class II and Class III items were

estimated too low, and that the potential for receiving more favorable bids is unlikely. ACHD will be responsible for the cost overrun, and staff recommends awarding the bid.

Member McClure made a motion to award the contract on key #7763 - FY03 ACHD Overlay to the low bidder: Central Paving Company, Inc., Boise, Idaho - \$866,910.03. Member Blick seconded the motion and it passed 5-0.

The low bid on project #STP-0200(100), key #8035 – Pacific Idaho Northern Railroad Depot Restoration, Adams County, District 3, was more than ten percent over the engineer's estimate, requiring justification, according to CE Ross. Costs for historic building renovation projects have more unknown factors than typical highway construction projects and are harder to estimate. The estimate was prepared assuming a summer/fall construction period, but delays have pushed the project into winter/spring/summer, which may have resulted in higher bids. The City of New Meadows, the project sponsor, will cover the cost overruns and recommends awarding the bid.

Member McHugh made a motion to award the contract on key #8035 - Pacific Idaho Northern Railroad Depot Restoration, to the low bidder: Brice Construction, Meridian, Idaho - \$198,700. Vice Chairman Combo seconded the motion and it passed 5-0.

Chief Engineer's Items. CE Ross was pleased to announce the promotions of Jeff Miles to the Materials Engineer position and Elaine Davis to the Assistant District 3 Engineer position.

Chairman Winder left the meeting at this time.

Tour of Boise Airport Terminal. Bill Slaybaugh led the Board on a tour of the new airport terminal, under construction. Airport Manager John Anderson joined the Board on part of the tour. The new facility is expected to be completed in April. Mr. Slaybaugh said the second phase is scheduled to begin in the summer of 2004 and consists of razing the old terminal and constructing a connection to the concourses.

Vice Chairman Combo thanked Messrs. Slaybaugh and Anderson for their time and for the interesting tour.

Luncheon Meeting with the Motor Carrier Advisory Committee (MCAC). Former MCAC Chair Clay Handy reported that Jack Buell was elected MCAC Chair and he is the vice chairman. He also stated that the Committee is planning to be proactive in the legislature. There was no formal agenda for the meeting, so the two groups visited informally.

WHEREUPON, the regular monthly Board meeting officially adjourned at 1:05 PM.

CHARLES L. WINDER, Chairman
Idaho Transportation Board

Read and Approved

January 15, 2003

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

November 21-22, 2002

The Idaho Transportation Board met at 8:30 AM, on Thursday, November 21, 2002, at the Idaho Transportation Department, District 3 Office, in Boise, Idaho. 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, Board Secretary

Golden Thread Workshop. The Board members, along with ITD's executive management staff, the Vision Management Team, and some outside stakeholders, participated in the workshop, which is part of the process the Department is undertaking to develop an integrated transportation vision for the state. Jean Brittingham, consultant with CH2M Hill, reviewed the process and where the group is in the overall efforts. Group exercises were conducted to brainstorm the transportation system's principles, needs, and attributes.

Chairman Winder thanked the participants for their time and effort on this important process.

WHEREUPON the meeting recessed at 3:10 PM.

November 22, 2002

The Board met at 8:30 AM on Friday, November 22 at the Idaho Transportation Department, Boise. All members were present, plus Director Dwight Bower and Deputy Attorney General Steve Bywater.

Chairman Winder welcomed Senator Cecil Ingram to the meeting and thanked him for his service to the state and for his support of the Department.

Board Meeting Minutes. Member Miller made a motion to approve the minutes of the regular Board meeting held on October 17-18, 2002, the minutes of the special Board meeting held on November 1, 2002, and the minutes of the special Board meeting held on November 11, 2002 as submitted. Member Blick seconded the motion and it passed unanimously.

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

December 5-6, 2002 – Boise (special Board meeting)

December 12-13, 2002 – Boise

January 15-16, 2003 – Boise

February 19-20, 2003 – 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 approves

TB02-78 the certification of revenue and disbursements; revisions to Board Policy B-09-03, Numbering of State Highways; revisions to Board Policy B-05-15, State Institution Road Improvement; and revisions to Board Policy B-19-07, Highway Safety Funds; and has received and reviewed the contract award information, the new and supplemental professional agreements report, and the speed minute entry changes for October.

1) Certification of Revenue and Disbursements. The certification of receipts and disbursements cash basis, as shown as Exhibit #266, 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. The Department's net resources available on June 30, 2002 were \$4,744,361.

- 2) Revisions to Board Policy B-09-03, Numbering of State Highways. This policy was revised to clarify some wording and update title and organization changes.
- 3) Revisions to Board Policy B-05-15, State Institution Road Improvement. This policy was revised to reflect title changes, make grammatical corrections, and update references.
- 4) Revisions to Board Policy B-19-07, Highway Safety Funds. This policy was revised to update title and organization changes and to clarify wording. Information on Rail Highway Crossings and fund dispersal was also changed to reflect recent legislative changes.
- 5) Contract Award Information. Key #6316 – Indiana Street, Linden to Blaine, Caldwell, District 3. Low bidder: Idaho Sand & Gravel Company - \$485,309.

Key #8275 – SH-28, Mudlake, North, District 6. Low bidder: H-K Contractors, Inc. - \$1,944,591.

Key #7201 – Gas Plant/Rainbow Road, District 5. Low bidder: Accelerated Paving - \$45,096.

Key #8380 – I-84B, Caldwell Centennial Way Beautification, District 3. Low bidder: Masco, Inc. - \$483,843.

Key #8410 – SH-21, Closure Gate to Mores Creek Summit, District 3. Low bidder: Snake River Construction, Inc. - \$248,680.

Key #8482 – Scarcello/Ramsey Roads, District 1. Low bidder: Interstate Concrete & Asphalt - \$529,054.

Key #6023 – Middleton Road Bridge, Boise River, District 3. Low bidder: Adams & Smith - \$2,565,595.

The following bid was more than ten percent over the engineer's estimate and was rejected: key #8525 – SH-55, Gold Fork Canal Bridge, District 3.

- 6) New and Supplemental Professional Agreements Report. From October 1 to November 1, the Consultant Administration Unit processed \$5,190,406 in professional, supplemental, and term agreements.
- 7) Speed Minute Entry Changes for October. The following speed limit changes were made based on speed studies completed by the districts. In District 1, the speed limit on US-95 from milepost (MP) 382.2 to 383 was increased from 35 miles per hour (MPH) to 45. In District 4, the speed limit on US-30 from MP 219.677 to 219.87 was decreased from 45 MPH to 35 and from MP 219.87 to 220.23 was decreased from 60 MPH to 45.

September Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$2 million or 4.8%. Expenditures for personnel and operating are less than budgeted for the month. Capital equipment shows a negative variance of 11%, with the majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a timing difference. In contract construction, the federal program is less than spending projections by 2.5% and the state program is 30.1% less than projected. As a result of lower revenues than expected in FY02 and as a cautionary measure in FY03, \$2.9 million of internal holdbacks in Personnel was implemented for FY03.

Aviation Fuel Tax revenue received through the end of September is 2.5%, or \$12,000, lower than projected, while miscellaneous revenue is 23% above last year's revenue. Overall expenditures are ahead of the same time period last year. Revenue in the Aircraft Operations Fund is ahead of estimates by \$28,800, and operating expenditures are less than last year.

Member McHugh questioned the federal construction readiness graph, as the federal obligations at the end of September were below the targeted level. CE Ross explained

that the graphs represent projects that have been bid. Not all of the FY02 projects were bid in the fiscal year; however, all of the FY02 funds were obligated, and those projects will be bid in FY03. He added that the Department can carry over funds into the next fiscal year and the amount of carryover funds in FY02 was less than the amount carried over in FY01.

Member McHugh made a motion to accept the September financial statement. Member Miller seconded the motion and it passed unopposed.

Board Items. Member Sweeney commented that Chairman Winder, the featured speaker at the recent North Idaho Chamber of Commerce Legislative Tour, provided an excellent overview of the Department. He also focused on recent improvements to and scheduled projects on US-95. Member McHugh commended Department staff for its assistance in coordinating the meeting. He thought the meeting went well and Chairman Winder's remarks were well received.

Member McHugh believes the establishment of a Board Audit Committee has merit and suggested revisiting this proposal. Staff was asked to provide more information on a charter for and implementation of a committee.

Member Blick reported that he met with the City of Jerome recently. There were some concerns with the City's requirement to reimburse ITD for funds expended on a project initiated in the 1980s, but never constructed. The City has agreed to reimburse those federal funds. CE Ross reported that the City of Jerome called this morning to cancel its appointment with the Board later in the day. Apparently the City was able to resolve its concerns on this issue and a recently completed project with the District staff.

Director's Items. Director Bower mentioned that a continuing resolution through January 11 for federal appropriations has been passed. He stated that discretionary funds are to be obligated in the fiscal year they are received. It may be difficult to obligate discretionary funds if the projects aren't identified and approved in the near future. Staff will monitor Congressional activities and ensure projects that may receive discretionary funds will be ready.

Director Bower reported on a recent presidential executive order on environmental streamlining. The Department submitted a project, SH-55, Smiths Ferry to Round Valley, for consideration. The Community Planning Association of Southwest Idaho (COMPASS) also submitted a project, the Three Cities River Crossing Study.

Director Bower said Emergency Relief funds will be received for the Mud Creek Bridge project. There may be a match required for the ER funds.

Last month Director Bower, several Board members, and other area officials met with U.S. Department of Transportation Secretary Norman Mineta. At the meeting, Director Bower focused on maximizing and/or increasing federal aid funding, environmental streamlining, the border to corridor program, and the designation of three additional metropolitan planning organizations (MPOs) in Idaho. He said that Secretary Mineta indicated there may be funding available for the MPOs. Secretary Mineta also discussed JAR funds, which are available to assist transit agencies with commuting to work funds. Chairman Winder thought the JAR funds may be advantageous and encouraged staff to pursue that funding source.

Director Bower gave a presentation to the Governor's Blue Ribbon Task Force Subcommittee on Public Safety, Transportation, and Natural Resources. He focused on the Department's efficiency measures. The Subcommittee requested additional information on the budget.

In conclusion, Director Bower reported that ITD's revenues are below projections. Staff is reviewing the budget and may submit proposed holdbacks at the December Board meeting.

Chief Engineer's Items. CE Ross said staff is working with Nez Perce County on the replacement of the Cherry Lane Bridge. The Bureau of Indian Affairs has funds to construct a new bridge, contingent on the County funding the design of the bridge. Staff will work with the County on possible ways to fund the development of the bridge.

CE Ross also mentioned that the Department is working with FHWA on purchasing right-of-way on the US-95, Copeland to Canadian border and US-12 passing lanes

projects, prior to completing the environmental document. The funds used to purchase the property now can be credited as match for the project later.

Information Technology Control Assessment. Principal Auditor LaVonna Smith summarized staff's efforts to assess internal controls in ITD's information technology arena. The purpose of this review was to measure adequacy of the information technology controls, ensure that resources are used wisely, and provide a control self-assessment tool. Some of the recommendations include update, establish, document, and enforce information technology policies, procedures, and standards; clarify Information Services and user roles and responsibilities; complete, approve, and communicate the Information Technology Security Plan; and develop and implement record retention schedules for essential systems and applications. Ms. Smith believes this was a valuable exercise, as it advised management of high risk practices, recommended process-specific measures to strengthen controls, developed a control self assessment tool, benchmarked information technology controls for periodic evaluation, and provided an information technology risk assessment for future audit and testing.

The overall results indicate under 50% of the control assessments are acceptable. Member McHugh asked if this is satisfactory. Internal Review Manager Carri Rostie replied that yes, it is an acceptable level, as it sets a benchmark for future evaluations.

Director Bower emphasized the importance of this assessment, as it set up process documentation and established guidelines for information technology.

Chairman Winder thanked Ms. Smith for the informative presentation.

Transportation Equity Act for the 21st Century Funded Positions in Resource Agencies. Environmental Section Manager Dennis Clark stated that ITD has been funding a position in the US Fish and Wildlife Service (FWS), the US Army Corps of Engineers (COE), and NOAA Fisheries. These positions work exclusively on ITD projects and work on permit and document review and concurrence. They provide early coordination and consultation on project concepts, design, site reviews, and construction compliance reviews. He reported that FHWA reviewed these resource agency positions and concluded that each resource agency staff person worked exclusively on transportation projects; a high priority was assigned to processing transportation projects; coordination with ITD was increased, resulting in greater participation in project meetings and site

visits; and a significant reduction in processing time was realized. The report also recommended improvements in reporting agency accomplishments, financial activities, and defining expectations related to processing times.

Nicolle Braspennickx, COE, believes this endeavor has produced a good partnership. Her employment by ITD has been beneficial to the Department and helped streamline the process. Scott Leonard, NOAA Fisheries, said the Endangered Species Act has been challenging. Some of the advantages of his position include the close working relationship he has with ITD personnel and early involvement in the process. He emphasized that he works for ITD and only on its transportation projects. Janice Engle, FWS, also said the early involvement in transportation projects has been beneficial to address issues. Some of her responsibilities include reviewing projects, helping complete biological assessments, and providing technical guidance and training.

In response to Chairman Winder's question on the effectiveness of this arrangement, Robert Ruesink, Supervisor with FWS, responded that he believes it has been effective and resulted in expediting transportation projects. Member McClure asked if the Department is receiving value for the money spent on these positions. Mr. Clark believes so, as a higher number of projects are being processed in a timely manner.

Chairman Winder thanked the employees for their time and for the information on this process.

Member Blick left the meeting at this time.

Reducing Congestion Associated with Minor Traffic Accidents. Assistant Chief Engineer – Operations (ACE-O) Greg Laragan said Nevada has designated areas for motorists involved in minor traffic incidents to proceed to in order to clear the highway in a timely manner and provide a safer haven for law enforcement to conduct its investigation. In researching the three Accident Investigation Sites (AIS) along the US-95 corridor in Las Vegas, ACE-O Laragan found that motorists generally stay at the accident site until police can observe the scene and take notes, then when directed, they proceed to the AIS. Investigating officers like being able to do the paperwork and investigation from the AIS, away from the highway traffic, and traffic gets back up to speed much quicker. A potential problem with AIS is the driver at fault may instruct the other motorist to go to the AIS, but then does not proceed to the site.

ACE-O Laragan reported that Minnesota also has AIS that have been used since the early 1990s. Minnesota's experience has been similar to that of Nevada; that the majority of drivers do not proceed to the AIS until after police arrive at the scene and instruct the drivers to move to the site. Washington state has attempted to reduce congestion associated with minor traffic accidents without the use of AIS. Signs have been erected in some areas instructing motorists involved in minor fender benders to drive the damaged vehicles to the shoulder. ACE-O Laragan said that Idaho State Police (ISP) is receptive to installing similar signs in Idaho and suggested using I-84 in the Boise area as a test site. Staff is in the process of organizing a workshop with ISP management to explore the most feasible and mutually acceptable options for reducing congestion created by traffic incidents.

Vice Chairman Combo asked if leaving the scene of an accident to proceed to the AIS would be a concern. DAG Bywater reviewed Idaho statute and believes it would be acceptable for motorists to proceed to an AIS.

The Board thanked ACE-O Laragan for the report.

Pavement Smoothness. Jeff Miles, Materials Engineer, elaborated on ITD's emphasis to decrease deficient pavement to no more than 15%. Pavement smoothness is one of the key measures of pavement condition and is a high priority. Some projects include incentives in the contract for smooth pavement. He summarized the Department's efforts to provide smooth pavements and the standard specification requirements for both hot mix asphalt and concrete pavement.

US-95, Setters Road to Bellgrove, Key #8070, District 1, Supplemental Agreement.

District Engineer (DE) Scott Stokes said this project is currently programmed for construction in FY06 and FY07. Project development was accelerated in anticipation of additional funding, as \$25 million in FY03 Discretionary funding was requested. However, it appears that supplemental funding will likely be considerably less and it will be necessary to split the Setters Road to Bellgrove project into two separate construction projects. He said that during the project development, additional work elements were identified by the District that were not included in the original scope of work, including additional geotechnical investigation and analysis of potential on-site rock sources, well testing services, and design of a maintenance and stockpile site. Additionally, design

services to split the construction document for the project into two stages for construction are desired. DE Stokes requested a \$300,000 supplemental agreement, with funding from within the Setters Road to Bellgrove project and the Wyoming Avenue to Ohio Match project.

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

RES. NO. WHEREAS, the US-95, Setters Road to Bellgrove project, key #8070, is in the

TB02-79 current project development program and is of regional importance; and

WHEREAS, the Idaho Transportation Department (ITD) strives to provide the best passage through construction projects and has been seeking new methods to improve the transportation network in Kootenai County; and

WHEREAS, the growth in Kootenai County has established the need for a rapid approach to solve transportation problems; and

WHEREAS, the District is experiencing a workload that impairs its ability to properly design this project; and

WHEREAS, the use of consulting engineers is the most viable practice for developing this transportation improvement as well as to meet the traveling public's need to complete this work; and

WHEREAS, special circumstances surrounding the Setters Road to Bellgrove project requires additional funding to address work for Plans, Specifications, and Estimates due to the desire to expedite this project.

NOW THEREFORE BE IT RESOLVED, that ITD staff is authorized to proceed with this supplemental agreement to perform the work as requested by District One for \$300,000.

Member Sweeney asked if the contracts are audited for cost effectiveness. DE Stokes responded yes. The motion passed 5-0.

US-95, Sandpoint, North and South Project, Key #1729, District 1, Supplemental Agreement. DE Stokes said the current agreement with Washington Infrastructure for engineering services, including preliminary design and environmental work, is for \$4.2 million. He requested approval for a supplemental agreement in the amount of \$4.1 million to complete final design and plans, specifications, and estimates submittal. The work would entail railroad coordination, public involvement, surveys and right-of-way, roadway, structural designs, geotechnical analysis and design, landscape and pathway design, environmental re-evaluation, and project management.

DE Stokes said consultant services for final design have been included in the Highway Development Program for \$3 million in FY03 and FY04. The District identified \$350,000 in consultant services and construction costs that can be applied to this supplemental agreement and additional adjustments within the construction budget can be used to offset the remaining \$850,000. He added that the project is anticipated to bid in early 2004.

CE Ross commented that the public involvement portion is expensive, however, it is a beneficial piece and the community involvement facilitated support of the project. Chairman Winder commented that Susan Kiebert has been a valuable asset to this project in the public relations arena. He said that she was also instrumental in coordinating the successful North Idaho Chamber of Commerce Legislative Tour. Director Bower added that the Sandpoint community needed an on-site office for the citizens to deal with this sensitive project. He said it has been beneficial and the Department has established a similar office in Ketchum to address the transportation projects and concerns in that area.

Member McClure made a motion, seconded by Member McHugh, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, the US-95, Sandpoint, North and South project, key #1729, is in the

TB02-80 current project development program and is of regional and state importance; and

WHEREAS, ITD strives to provide the best passage through construction projects and has been seeking new methods to improve the transportation network in Bonner County; and

WHEREAS, the growth in Bonner County has established the need for a rapid approach to solve transportation problems; and

WHEREAS, the District is experiencing a workload that impairs its ability to properly design this project; and

WHEREAS, the use of consulting engineers is the most viable practice to meet the traveling public's need by continuing with the final design and Plans, Specifications, and Estimates (PS&E).

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes District One to proceed with the supplemental agreement in the amount of \$4,100,000 to complete the final design and PS&E work.

Request to Increase the Federal-aid Limit for SH-8, City Park to Downtown, Troy, Project, Key #7650, District 2. CE Ross reported that this bicycle/pedestrian facility project was originally obligated in the FY01 Enhancement Program at an initial cost of \$210,500, with a federal-aid limit of \$168,000. At final design, the construction cost estimate increased due to the unexpected need to reroute a portion of the project when an anticipated easement was not granted. The Board approved a \$94,000 increase in funding for the project in December 2001, with the City contributing \$15,000. The initial bid opening for the project was in May 2002, with the low bid more than ten percent over the engineer's estimate. The City of Troy elected to reject the bids and re-advertise the project. Bids for the revised project were opened on October 8 and again the low bid was

more than ten percent over the engineer's estimate. The low bid exceeds the available funds by approximately \$100,000, and the City of Troy has requested that the Board authorize additional Enhancement funds, up to \$100,000, to award the project. Staff believes the increased costs could be offset from FY03 savings, or deobligations, that have occurred in the Enhancement Program.

CE Ross also said that staff reviewed the low bid and does not anticipate that significant savings will be obtained by re-advertising the project a third time. The main difference between the engineer's estimate and the low bid were in the granular borrow, plant mix pavement including asphalt and additives, combination curb and gutter, and segmental block retaining wall.

City of Troy Mayor John Blom thanked the Board members for their time and for their willingness to consider providing additional funds for this important project. He said the City has invested \$80,000 in this bicycle project and the community supports it. He commended DE Carpenter and his staff for the assistance they have provided.

Member Sweeney questioned the estimating process, but acknowledged that bicycle path projects are more difficult to estimate

Member McHugh made a motion, seconded by Member Miller, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board has recognized the need for
TB02-81 completing the SH-8, City Park to Downtown, Troy, key #7650, pathway
project; and

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

WHEREAS, this project has increased by \$100,000; and

WHEREAS, the sponsor has requested assistance in paying for the increase and has pledged an additional \$20,000 in match towards the \$100,000 increase; and

WHEREAS, the bids have been reviewed and staff concurs with the recommendation of the District and the City of Troy to award the contract to the low bidder: A & R Construction, Inc., Lewiston, Idaho - \$348,080.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes award of the contract and an additional increase of \$100,000 to construct the City Park to Downtown, Troy pathway project to come from available funds in the Enhancement Program. This action increases the federal-aid limit on this project from \$247,000 to \$327,800 and decreases the federal-aid ratio from 81.15% to 80.94%.

Mayor Blom thanked the Board for approving the additional funds and awarding the contract. He expressed appreciation on behalf of the City for the Board's service to the state and for the District Office's assistance.

Addition of ITD Membership Dues to Five MPOs to the STP-State Program. CE Ross said the 2000 Census resulted in the addition of three MPOs within Idaho beginning this fiscal year. The three new MPOs include the Coeur d'Alene, Lewiston/Clarkston, and Nampa/ Caldwell areas and are in addition to three existing MPOs, COMPASS, Bannock Planning Organization, and Bonneville MPO. Currently, ITD is a member of the existing MPO boards. It is anticipated that the Nampa/Caldwell MPO will be part of COMPASS rather than becoming a separate agency, so staff anticipates being members of five MPOs with membership dues totaling approximately \$18,000 annually. CE Ross requested adding a project to the STP-State Program to fund these membership dues, rather than requiring the Districts to pay the dues from their respective operating budgets.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-82 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 21st 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, 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; and

WHEREAS, it is in the Department's interest to accept membership in the state's Metropolitan Planning Organizations (MPOs); and

WHEREAS, each MPO may require annual membership dues.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of a new project at \$18,000 called ITD Membership Dues to Five MPOs in each year of the approved FY03-07 and Preliminary Development Highway Development Program; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Contract Award. Member Miller made a motion, seconded by Member Sweeney, and passed 5-0, to approve the bid on project IM-84-4(031)229 and IM-84-4(064)228, keys #8898 and #7797 – I-84, Cotterell to Idahome Westbound and Idahome to Sublett Westbound, Cassia County, District 4. Low bidder: HK Contractors, Inc., Idaho Falls, Idaho - \$3,923,831.02.

The low bid on project STP-4117(100), key #8030 – North Lewiston Gateway, Nez Perce County, District 2, was more than ten percent over the engineer's estimate, requiring justification. CE Ross said the main difference between the engineer's estimate and the low bid are in the mulch, seed bed preparation, and underground sprinkler system items. The City of Lewiston and ITD staff do not anticipate that significant savings will be obtained by re-advertising the project. The project is a high priority for the City. It has sufficient resources to award the contract with no additional federal aid from the Enhancement Program, and requests Board approval of the contract.

Member Sweeney made a motion to award the bid on STP-4117(100), key #8030 to the low bidder: ML Albright, Lewiston, Idaho - \$401,549.27. Vice Chairman Combo seconded the motion and it passed 5-0.

Designation of New “Kootenai MPO”. The combined urbanized population for Coeur d'Alene, Post Falls, and Hayden in the 2000 census is 74,800, requiring the designation of an MPO, according to Intermodal Planning Manager Pat Raino. She said District 1 has been working closely with the communities to establish the MPO. Local officials in the area are requesting that the Kootenai County Area Transportation Team, established seven years ago to address county-wide transportation planning, be designated Kootenai Metropolitan Planning Organization (KMPO). KMPO membership would include the Cities of Coeur d'Alene, Post Falls, Hayden, and Rathdrum, Lakes Highway District, East Side Highway District, Worley Highway District, Post Falls Highway District, Kootenai County, and ITD District 1. The entities are in the process of finalizing a cooperative agreement and request the Board's support and submittal of KMPO to the Governor's Office as the official MPO for the area.

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

RES. NO. WHEREAS, 23 USC 134, 23 CFR, Part 450.30 requires that a Metropolitan

TB02-83 Planning Organization (MPO) be designated for each urbanized area (50,000 or greater population) so that a transportation planning process that is continuing, cooperative, and comprehensive is instituted; and

WHEREAS, the 2000 census designated Coeur d'Alene as an urbanized area; and

WHEREAS, the local governments within the Coeur d'Alene urbanized area met and determined that the planning boundary for the organization should be all of Kootenai County; and

WHEREAS, the name of this organization will be Kootenai Metropolitan Planning Organization (KMPO); and

WHEREAS, KMPO is entering into a cooperative organizational agreement among each of the members of its policy board, which include: City of Coeur d'Alene, City of Post Falls, City of Hayden, City of Rathdrum, Lakes Highway District, East Side Highway District, Worley Highway District, Post Falls Highway District, Idaho Transportation Department (District 1), and Kootenai County; and

WHEREAS, the designation of a MPO shall be by agreement between the Governor and units of general purpose government representing 75% of the affected metropolitan population (including Coeur d'Alene the central city designated by the 2000 census); and

WHEREAS, KMPO meets the requirements for designation by the Governor as the MPO for the urbanized area; and

WHEREAS, KMPO has requested that the Idaho Transportation Board recommend to the Governor of Idaho that KMPO be designated as the MPO for the Coeur d'Alene urbanized area.

NOW THEREFORE BE IT RESOLVED, that upon execution of the cooperative agreement, the Board will transmit its recommendation to the Governor of Idaho, Dirk Kempthorne, that KMPO be designated the MPO for the Coeur d'Alene urbanized area.

Vice Chairman Combo questioned the exclusion of the Coeur d'Alene Tribe as a member of KMPO. He suggested if the Tribe is not a member, the reservation boundaries should be excluded from the MPO designation. Chairman Winder expressed concern that if the reservation boundary would be omitted, that would exclude Worley Highway District from the MPO. Member McHugh added that the Tribe was invited to attend and participate in the meetings to establish the MPO. He believes there may be some concern with the required MPO dues. Chairman Winder suggested language in the transmittal letter to the Governor recognizing the Tribe.

The motion passed 4-1 with Vice Chairman Combo dissenting and Member Blick absent.

Dispute Review Board's (DRB) Findings and Recommendations on the Kloepfer, Inc. Appeal to the Board, SH-25/SH-24, Cameron's Corner, Rupert, Key #5406, District 4.
DAG Bywater summarized the claim dispute regarding rejected plant mix pavement and said the amount of the claim is approximately \$97,000. In April 2002 the Board passed a resolution referring the appeal to a one-member DRB. Mr. C.W. "Smilie" Anderson was selected as the DRB member. He has submitted his written findings and recommendations, which state that the claimant is not entitled to compensation for ITD's rejection of plant mix placed on the project that did not meet specifications. Both ITD staff and the claimant have accepted the DRB decision and recommend acceptance by the Board.

Member Sweeney made a motion to adopt the DRB's decision on the Kloepfer, Inc. claim on the rejected plant mix pavement on the SH-25/SH-24 Cameron's Corner project. Member McHugh seconded the motion and it passed 5-0. The final decision is shown as Exhibit #267, which is made a part hereof with like effect.

Senator Ingram left the meeting at this time.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 12:10 PM to discuss personnel and pending litigation matters. Member McClure seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussions on litigation issues included procedures for an appeal before the Board, probable litigation arising from allegations of an outside firm providing false reports to the Department, and a pending litigation case.

The general tenor of the personnel item included consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 1:30 PM. No decisions were made.

Member McClure left the meeting at this time.

Appeal Procedure – Signalized Crossing on SH-44. Member Sweeney made a motion to require ITD staff to submit documentary evidence in response to the City of Eagle's documentation regarding the appeal on the denial of a signalized intersection on SH-44 by December 3; one week earlier than initially requested. After that date, no further documentation will be accepted from ITD staff. The City of Eagle will then be allowed until December 10 to submit final response documentation. Member McHugh seconded the motion and it passed 4-0.

Public Transportation Advisory Council (PTAC) Annual Report. Chairman Winder welcomed PTAC Chairman General James Brooks to the meeting. General Brooks reported that the 2000 census will likely result in changes in the public transportation arena, with the designation of three new MPOs. Funding will be a concern and the

policies related to funding will be reviewed. He said the University of Idaho has been active in the public transportation arena and is upgrading service in the Pullman – Moscow area. The scope of the demonstration project in District 5 has changed slightly. The consultant is analyzing local providers and determining if the needs of the users are being met. An administrative review is also being completed. Although the project is taking longer than anticipated, he believes it will be beneficial and valuable to the state.

General Brooks believes a grass roots effort, led by ValleyRide in Ada County, will recommend that the 2003 legislature establish a study committee to review public transportation statewide. He stated that the PTAC would like to have another work session with the Board this summer. In conclusion, he emphasized the importance of the Vehicle Investment Program, and said that it is well received and very popular.

Chairman Winder thanked General Brooks, and the other members of the PTAC, for their service to the state and commitment to public transportation. Director Bower added that General Brooks has done an excellent job overseeing the demonstration project in Pocatello.

Video Presentations. Public Affairs Specialist Mel Coulter showed recent news clippings from the Boise area focusing on allegations of falsified pavement lab test results.

New Business. SB Higgins informed the Board that a joint meeting will be held with the Motor Carrier Advisory Committee next month. Board members are to inform her if they have agenda items for that meeting.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:20 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

December 12, 2002

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

October 17-18, 2002

The Idaho Transportation Board met at 3:30 PM, on Thursday, October 17, 2002, at the Idaho Transportation Department in Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

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, Board Secretary

Dwight M. Bower, Director

Steve Bywater, Deputy Attorney General

Executive Session on Personnel Issues, Section 67-2345(1)(a), Idaho Code. Member McClure made a motion to meet in executive session at 3:30 PM to discuss personnel matters. Member McHugh seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussion was consideration of hiring a public officer to fill a non-elective office.

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

WHEREUPON the meeting recessed at 4:50 PM.

October 18, 2002

The Board met at 7:10 AM on Friday, October 18 at the Statehouse Inn in Boise. All members were present, including Vice Chairman John X. Combo.

Executive Session on Personnel Issues, Section 67-2345(1)(a), Idaho Code. Member Blick made a motion to meet in executive session at 7:10 AM to discuss personnel matters. Member Sweeney seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussion included further consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 7:50 AM. No decisions were made.

The meeting resumed at 8:30 AM at the Idaho Transportation Department.

September 26-27, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on September 26-27, 2002 as corrected. The motion passed unanimously.

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

November 21-22, 2002 – Boise

December 12-13, 2002 – Boise

January 15-16, 2003 – Boise

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

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

TB02-75 approves the FY02 Statewide Transportation Improvement Program amendment; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the quarterly returned check report, and the August financial statement analysis.

1) FY02 Statewide Transportation Improvement Program (STIP) Amendment. Targhee Regional Public Transportation Authority in Idaho Falls and Valley Ride, an Ada County Regional Public Transportation Authority, have agreed to exchange funds in the Federal Transit Administration Section 5307 Urbanized Program. The respective metropolitan planning organizations (MPOs), Bonneville Metropolitan Planning Organization and Community Planning Association of Southwest Idaho (COMPASS), have amended their Transportation Improvement Programs to move \$506,000 from Idaho Falls to Boise. The MPOs are requesting Board approval to amend the FY02-06 STIP to reflect this transaction.

2) Contract Award Information. Key #7703 – I-15B, Intersection Bergener and Parkway, Blackfoot, District 5. Low bidder: Mountain West Electric, Inc. - \$223,404.

Keys #7755, #7070, and #7071 – I-84, Westbound Off Ramp/Franklin Road, Intersection Exit 29 Westbound Off Ramp, and Intersection Exit 29 Eastbound Off Ramp, District 3. Low bidder: Idaho Sand & Gravel Company - \$428,336.

Key #7807 – US-30, Intersection Washington Street, Montpelier, District 5. Low bidder: Wheeler Electric, Inc. \$246,241.

Key #8964 – SH-34, Soda Springs Railroad Bridge Overpass, District 5. Low bidder: Donald B. Murphy Contractors, Inc. - \$2,455,955.

Key #8420 – SH-78, Murphy to Envirosafe, District 3. Low bidder: Snake River Construction, Inc. - \$214,858.

- 3) New and Supplemental Professional Agreements Report. From September 7 to September 30, the Consultant Administration Unit processed \$2,395,888 in professional, supplemental, and term agreements.
- 4) Quarterly Returned Check Report. In the first quarter of FY03, \$11,303,154 in checks were received, while \$36,102, or 0.32%, were returned. Collections of returned checks amounted to \$40,935 for an annualized collection rate of 99.36%.
- 5) August Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$2.8 million or 9.5%. Expenditures for personnel and operating are less than budgeted for the month. Capital equipment shows a negative variance of 21.5%, with the majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a timing difference. In contract construction, the federal program is ahead of spending projections by 5.8% and the state program is 31.5% less than projected.

Aviation Fuel Tax revenue received through the end of August is 17.9%, or \$45,300, higher than projected. Miscellaneous revenue is about 19% above estimates while overall expenditures are below the same time period last year. Revenue in the Aircraft Operations Fund is ahead of estimates by \$10,900, and operating expenditures are less than last year.

Board Items. Chairman Winder reported that a settlement has almost been finalized with the American Trucking Association (ATA) on the distribution of remaining funds in the ATA Settlement Account. Both parties are awaiting the judge's acceptance of the agreement.

Vice Chairman Combo commended staff on the Employee Service Awards brochure. He believes the new brochure was well done.

Director's Items. Director Bower reported on the recent American Association of State Highway and Transportation Officials (AASHTO) meeting he and several other ITD employees attended. During the conference he had an opportunity to meet with the FHWA deputy administrator. Some of the discussion topics included environmental streamlining; US-95 and the Corridor Border Program; the 3E Program (engineering, education, and enforcement) and safety; and the importance of partnerships, including efforts for the upcoming Lewis and Clark Bicentennial celebration. He commented that the recent death of author and historian Stephen Ambrose is a loss to Idaho and the nation. Mr. Ambrose authored *Undaunted Courage*, which narrated the Lewis and Clark Expedition.

Director Bower reported on the continuing resolution for federal appropriations and provided a brief overview of the proposed Senate and House transportation appropriations bills, including earmarked projects.

U.S. Department of Transportation Secretary Norman Mineta is planning to visit Boise on October 30. Tentative plans are to tour the Boise Airport and I-184, Wye Stage II projects, according to Director Bower. Secretary Mineta would also like to visit with Board members and other officials.

Governor Kempthorne has established a Blue Ribbon Task Force to review all aspects of state government, including assessing the immediate and long-term needs of the state and analyzing the organization and structure of state government. A subcommittee of this task force has requested a presentation from ITD; however a date has not been confirmed, according to Director Bower. He also said that state employees received a letter from Governor Kempthorne encouraging them to submit comments to the task force.

Chairman Winder, co-chairman of the task force, emphasized that the group would like input from state employees.

Director Bower summarized a recent AASHTO Bottom Line report that focuses on the nation's transportation infrastructure: the investment that has been made in highways and transit, the costs to maintain the existing system, and the improvements that are needed.

Lastly, Director Bower reported that he will be out of the office on leave from November 4 through 21. CE Ross will be acting Director during that time.

Board Audit Committee. Administrative Services Division Administrator Susan Simmons provided information on the establishment of a Board Audit Committee, which would focus on financial management and internal controls. Options on membership, functions, and responsibilities were provided. DAG Bywater summarized the legal ramifications, including the open meeting law requirements.

The consensus of the Board was to not establish a formal Board Audit Committee at this time; however, Chairman Winder appointed Member McHugh as the Board's liaison on financial matters and related issues, such as audits. The Board thanked staff for its research and for the information regarding establishing an audit committee.

Employee Service Awards. The Board participated in the Employee Service Awards, with Chairman Winder providing remarks on behalf of the Board. He acknowledged Director Bower's upcoming retirement and thanked him for his years of service to ITD. Chairman Winder encouraged employees to submit comments to the Governor's Blue Ribbon Task Force. Director Bower thanked the employees for their service and dedication to the state. He appreciates the extra work being done to keep the Department streamlined and efficient.

Idaho Transportation Resource Task Force. This task force was established a year ago to review transportation systems in the state and the resources to pay for them, according to Mary Detmar, Budget, Policy, and Intergovernmental Relations Manager (BPIRM). Representatives from the Association of Idaho Cities, Idaho Association of Counties, Idaho Association of Highway Districts, Local Highway Technical Assistance Council,

and ITD identified the challenges facing Idaho in the areas of highways, rail, public transit, and aviation. The feasibility and benefits of new funding strategies, administrative efficiencies, and organizational improvements that can save money were analyzed, and various methods of producing revenue were evaluated. Presentations have been made or are scheduled to the Governor's staff and the Associations listed above.

BPIRM Detmar said seven Transportation Finance Stakeholder Workshops will be conducted throughout the state in November and December. Representatives from the individual associations, MPOs, and commerce and industry will be invited to participate. Various proposals will be presented to the Governor and Legislature for consideration.

Chairman Winder thanked BPIRM Detmar for the update and the task force members for their efforts in this important endeavor.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 11:35 AM to discuss personnel and litigation matters. Member Blick seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussion on the personnel item included further consideration of hiring a public officer to fill a non-elective office.

The general tenor of the discussions on litigation issues included procedures for an appeal before the Board, and updates on probable litigation on alleged environmental protection violations on a construction project, a pending litigation case, and probable litigation arising from allegations of an outside firm providing false reports to the Department.

The Board came out of executive session at 1:15 PM. No decisions were made.

Delegation – City of Bonners Ferry, Boundary County, and Kootenai Tribe of Idaho. Bonners Ferry Mayor Darrell Kerby thanked the Board for its time. He stated that the three entities established a partnership to promote economic development in the Bonners

Ferry area. The group has worked with ITD on some projects, including a US-95 pedestrian underpass, capacity and intersection improvements on US-95, and improvements to the Boundary County Airport. He expressed appreciation for the Department's support and assistance.

Gary Aitken, Kootenai Tribe of Idaho Chairman, summarized the joint powers agreement between the three entities and elaborated on the partnership's accomplishments and plans. Boundary County Commissioner Murreleen Skeen thanked the Department for the various improvements made to the transportation infrastructure recently and for projects included in the Statewide Transportation Improvement Program. She emphasized the County's desire to partner with other agencies to improve the economic situation and transportation system in the area.

Mayor Kerby asked the Board to consider partnering with the three entities on two projects. The group would like to develop a multi-use visitor center, or gateway rest area, along US-95 in downtown Bonners Ferry. Additionally, because the City of Bonners Ferry intends to incorporate the Main Street/Kootenai Street business loop, which is US-95 Business, in the first phase of its downtown revitalization efforts, the City is interested in assuming jurisdiction of this route. He asked the Board to consider relinquishing this .25 mile of highway to the City of Bonners Ferry, along with improving the route prior to relinquishment, or providing funds to the City to upgrade the streets.

Member McHugh expressed support for the proposals. He believes the gateway rest area is innovative and would be beneficial to all parties. He also suggested the delegation consider applying for Enhancement projects for landscaping, sidewalks, or other eligible activities in conjunction with its downtown revitalization efforts.

Chairman Winder thanked the delegation for its presentation. He commended the group for its proactive approach and efforts to address economic development. He asked District Engineer Scott Stokes to work with the delegation on the two proposals.

Proposed 4-Lane Highway, US-95, Top of Lewiston Hill to Moscow, Keys #7769 and #7505. DE 2 Jim Carpenter summarized the efforts to realign and widen US-95 between Lewiston and Moscow, including extensive public involvement starting in 1999 with a focus group comprised of local officials and residents to gather information and explore possible alternates. Environmental concerns have been addressed through ITD's

submittal to FHWA requesting approval of a Finding of No Significant Impact on the Environmental Assessment.

Vice Chairman Combo commented on the substantial number of testimony the Department received during the public hearing process. Based on the public comments and the voluminous Environmental Assessment that states there are no adverse impacts to alternative 10A, Vice Chairman Combo believes 10A is the best alternative.

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

RES. NO. WHEREAS, the project named US-95, Top of Lewiston Hill to Genesee, TB02-76 NH-4110(133), key #7769 is of statewide significance, and the project named US-95, Genesee to Moscow, DHP-NH-1566(001), key #7505, is designated as High Priority in the Transportation Efficiency Act of the 21st Century; and

WHEREAS, these projects have been approved by the Idaho Transportation Board, the Federal Highway Administration, and the Federal Transit Administration for inclusion in the Statewide Transportation Improvement Program; and

WHEREAS, US-95 is a high priority corridor and the Department's intent is to improve safety and mobility for the traveling public along this corridor; and

WHEREAS, a comprehensive public involvement process was conducted; and

WHEREAS, public hearings for these projects were held on June 26 and 27, 2002, at Genesee and Moscow in accordance with all laws and rules; and

WHEREAS, the Department has gathered all the information required for the environmental document, which was presented at the public hearing in accordance with federal law and rule; and

WHEREAS, two roadway alternatives, denoted as alternative No. 10A and alternative No. 6, were presented at the public hearings; and

WHEREAS, the public supports alternative 10A based on analysis of oral and written testimony; and

WHEREAS, the preferred alternative in the Environmental Assessment includes alternative 10A.

NOW THEREFORE BE IT RESOLVED, that the Board approves the preferred alternate as described in the approved Environmental Assessment; and

BE IT FURTHER RESOLVED, that design approval is granted and ITD staff is directed to proceed with final design of these projects.

Speed Zone Changes by City Ordinances. Assistant Traffic Engineer Carl Main reported that 16 cities have imposed speed limit changes that were not in accordance with ITD's recommendations. He reviewed those changes and summarized collision information for those areas. Most drivers continue to travel at speeds they consider reasonable, prudent, and safe. Mr. Main stated that staff will continue to monitor these speed limit changes and will forward the report to the respective municipalities.

Approval of Railroad Grade Crossing Protection Public Education and Safety Project. The 2002 Legislature amended Section 62-304A, Idaho Code, to expand the use of the Railroad Grade Crossing Protection Account to support public education and safety

programs in the amount of \$25,000 annually, according to Highway Safety Manager (HSM) Jo Ann Moore. The funding is intended for education programs that are typically presented at schools, drivers education courses, and county fairs to increase the driving public's awareness of the dangers that exist at railroad crossings. Based on the request for proposal process, HSM Moore recommends providing FY03 funding to Idaho Operation Lifesaver. She also asked that this grant program be included in the Office of Highway Safety's annual request for proposal process for future grant applications and awards.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed 5-0 as Member Miller was absent at this time, to approve the following resolution:

RES. NO. WHEREAS, Section 62-304A, Idaho Code, provides for a Railroad Grade TB02-77 Crossing Protection Fund, for the purpose of installing, reconstructing, maintaining, or improving automatic or other safety appliances, signals, or devices at railroad crossings of public streets, roads, or highways over the tracks of railroad companies; and

WHEREAS, House Bill 516 was passed by the 2002 Legislature to expand the use of this fund for the purposes of public education and safety programs that promote awareness of public safety at railroad grade crossings of public streets, roads, or highways, in the annual amount of \$25,000; and

WHEREAS, applications for funding of public education and safety programs are to be made to the Idaho Transportation Department and approved by the Idaho Transportation Board; and

WHEREAS, Idaho Operation Lifesaver applied for FY03 funding, in the amount of \$25,000, to purchase educational materials and supplies, provide training, and fund appearances at public events; and

WHEREAS, the materials will be used in all six Transportation Districts at fairs, special events, and in presentations to groups ranging from pre-school to senior citizens, including civic organizations, and trucking firms.

NOW THEREFORE BE IT RESOLVED, that the Board approves the application of the Idaho Operation Lifesaver organization, for FY03, in the amount of \$25,000; and

BE IT FURTHER RESOLVED, that the Railroad Grade Crossing Protection Public Education and Safety Project be included in the Office of Highway Safety's Request for Proposal process for future grant applications and awards.

Contract Awards. CE Ross said the low bid on project IM-84-1(046)45, key #8089 – I-84, Meridian to Wye Interchange, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was based on the Average Unit Price Report and bid prices from a dowel bar retrofit project awarded last year in District 5. The District 5 project is the only bid history the state has on dowel bar retrofit projects. The lack of bid history was a major reason for the difference between the engineer's estimate and the low bid, as the greatest variance is in the Placing and Finishing Pavement and Dowel Bar Retrofit items. The dowel bars and slabs on the Interstate will be replaced at night and on weekends, increasing the costs. Based on the review of the bids, staff recommends awarding the project.

Member Blick made a motion to award the bid on project IM-84-1(046)45, key #8089 to the low bidder: Penhall Company, Anaheim, California - \$2,405,785.25. Vice Chairman Combo seconded the motion and it passed unopposed.

The low bid on project NH-3110(124), key #7055 – US-95, Midvale to Cambridge South, Washington County, District 3, was more than ten percent over the engineer's estimate, requiring justification, according to CE Ross. The engineer's estimate was based on the Average Unit Price Report. The main difference in the engineer's estimate and the low bid was in the mobilization item. Mobilization for this remote project contains a provision for an offsite truck washing facility to prevent haul trucks from carrying loose gravel and soil back onto the highway. Staff does not believe re-bidding this project will result in lower bid prices and recommends awarding the project.

Member McHugh made a motion to award the bid on project NH-3110(124), key #7055 to the low bidder: Valley Paving & Asphalt, Inc., Cottonwood, Idaho - \$887,451.90. Member Miller seconded the motion and it passed unanimously.

Dispute Review Board's (DRB) Findings and Recommendations on the Inland Crane/Harcon, Inc. Appeal to the Board, US-95, Goff Bridge, Key #2636. DAG Bywater summarized the Board's action in March 2002 to refer the Inland Crane/Harcon appeal on the denial of their claim on the removal of geotextile walls on the US-95, Goff Bridge project to a one-member DRB. The DRB completed its findings and recommendations, including a recommendation that the claimants are entitled to compensation for removal of the material in the vicinity of the bridge abutments and for removal of the remaining approach fill. Staff recommends the acceptance of the DRB's decision, with the payments to be calculated by the parties. It is estimated that the amount of the payments would be \$18,000 to \$20,000; however, the final figure will require a survey to determine that amount of excavation that took place in the areas in dispute.

Member McHugh made a motion to adopt the DRB's decision on the Inland Crane/Harcon, Inc. claim for the removal of geotextile walls on the US-95, Goff Bridge project. Member Miller seconded the motion and it passed unopposed. The final decision is shown as Exhibit #265, which is made a part hereof with like effect.

Internship Program to Hire Engineering Majors. Human Resource Manager (HRM) Mary Harker briefed the Board on the Internship Program that helps supply ITD with a pool of up to 26 highly skilled employees. In response to an earlier question on this Program, HRM Harker said the interns are not considered hourly employees. The funding for the Program comes from operating funds rather than salary and wages. ITD contracts with the universities, who then pay the intern salaries through their payroll. Currently, ITD has contracts with Idaho State University and Boise State University. The University of Idaho (U of I) recently finalized a contract for state agencies to use in hiring interns. If positions become vacant or additional positions are authorized for the Program, U of I interns could be hired.

Vice Chairman Combo expressed concern that the majority of interns work at Headquarters and District 3. CE Ross stated that positions are re-evaluated as vacancies occur, and the recently-approved contract with the U of I should open up and expand opportunities in other districts for the hiring of interns.

Chairman Winder thanked HRM Harker for the information.

Annual Report on Human Resources. HRM Harker reported on the activities in the Human Resource Section and stated that employee recruitment and retention continues to be a challenge. Some ways to address that concern are aggressive marketing, flexible pay, and providing more training. She also provided information on the workforce demographics and the Department's five-year retirement projection.

Marcia Aitken, Training and Development Manager, emphasized the importance of providing training opportunities to staff and outlined the various training sessions offered for ITD employees in FY02. Training classes were re-designed to address organizational challenges and needs, giving managers and employees opportunities to work through real situations. She also elaborated on the need to provide a good work environment and to make employees feel valued.

Chairman Winder thanked staff for the informative report.

Video Presentations. HSM Moore showed several public service announcements focusing on the importance of using seat belts and booster seats and the dangers of aggressive driving. Member McHugh asked if reader boards are an effective tool to promote safety messages. CE Ross replied that they do not seem as effective.

Discussion on Continuation of the City of Eagle's Hearing. Member McClure made a motion to keep the record on the City of Eagle's appeal on ITD's denial of a signalized intersection on SH-44 between Edgewood Drive and Eagle Road open for additional submittals. Further documentary evidence from the City of Eagle, Mr. Marcus, or others in support of the City's position will be accepted until November 12. The City's submittal is to include the written position of COMPASS and Ada County Highway District. ITD staff will be allowed until December 10 to submit any documentary evidence it has in response to the documents presented by the City. Additionally, staff is to obtain and submit the written position of FHWA on the Traffic Study and NEPA documentation that the City has submitted. The Board will reopen the hearing for additional testimony on December 12, 2002, allowing time for the City of Eagle and ITD staff to present oral testimony. Member Blick seconded the motion and it passed unopposed.

WHEREUPON, the regular monthly Board meeting officially adjourned at 4:20 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

November 22, 2002

Boise, Idaho

REGULAR MEETING AND DISTRICT THREE TOUR

OF THE IDAHO TRANSPORTATION BOARD

September 26-27, 2002

The Idaho Transportation Board met at 8:30 AM, on Thursday, September 26, 2002, at the District Three Office in Boise, Idaho. 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

Dwight M. Bower, Director

Jimmy Ross, Chief Engineer

Mary Detmar, Budget, Policy, and Intergovernmental Relations Manager

Steve Bywater, Deputy Attorney General

Senator Brad Little; Representative Darrell Bolz; Community Planning of Southwest Idaho (COMPASS) Chairman Rick Yzaguirre, Mayor of Eagle; and COMPASS Members Robert Corrie, Mayor of Meridian; Grant Kingsford, Ada County Commissioner; Dave Bivens, Ada County Highway District (ACHD) Commissioner; and Judy Peavey-Derr, ACHD Commissioner, were also in attendance.

The Board departed west on US-20/26 to the junction of Cloverdale/Joplin. ITD staff summarized improvements planned to US-20/26 in the vicinity. Katey Levihn, ACHD Coordinator, also provided information on the proposed Three Cities River Crossing corridor study. The intent of this project is to identify an alignment for a transportation corridor that will connect SH-44/55 on the north with US-20/26 on the south. Alignments would border or pass through the Cities of Boise, Eagle, and Garden City. Senator Little departed at this time.

The tour continued on US-20/26, then north on SH-55 to the Banks Maintenance Yard where the group visited with maintenance employees. Officials from Boise County joined the tour, including Commissioner Roger Jackson, Road Superintendent Dan Nyberg, and Garden Valley Leadman Bill Jones. As the group traveled east on the Banks to Lowman Highway, staff reviewed various issues with the highway and discussions that have been held with Boise County Commissioners on the feasibility of the state assuming jurisdiction of this route.

The Board visited maintenance employees at the Lowman Maintenance Shed. The Board traveled south on SH-21. During an informal luncheon, Idaho City Mayor Phil Canody and Boise County Clerk Rora Canody welcomed the Board to Idaho City. Boise County officials departed the tour at this time.

The Board traveled south on SH-21 and east on I-84 to the Isaacs Canyon to Mayfield project under construction. After a briefing on the progress of that project, the Board traveled

west on I-84 to the Division of Aeronautics. Staff provided an overview of the proposed I-84, Orchard to Gowan Study. Ada County Commissioner Kingsford left the tour at this time.

The tour continued west on I-84 to the I-184, Wye Stage 2 project where the Board viewed the project on-site and was briefed on the status of that construction project before returning to the District Office.

WHEREUPON the meeting recessed at 4:30 PM.

September 27, 2002

The Board met at 8:10 AM on Friday, September 27 at the District 3 Office in Boise. All members were present. Chairman Winder thanked District Engineer Pamela Lowe and her staff for yesterday's tour. He believes it was an informative day and the District did a commendable job on the arrangements.

August 15-16, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on August 15-16, 2002 as corrected. The motion passed unanimously.

Member Miller referred to the August minutes on outdoor advertising and asked about the control of lighting on overhead signs. The Assistant Chief Engineer for Operations will discuss the existing law on this subject with Member Miller.

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

October 18, 2002 – Boise

November 21-22, 2002 – Boise

December 12-13, 2002 – Boise

January 15-16, 2003 – Boise

Consent Calendar. Member Blick 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

TB02-63 the request for consultant services, SH-97, District 1; and has received and reviewed the speed minute entry changes for July and August, the contract award information, the new and supplemental professional agreements report, the quarterly report on legal actions, and the July financial statement analysis.

1) Consultant Services, SH-97, District 1. The SH-97, Harrison Bridge replacement project is scheduled for construction in FY05 at an estimated cost of \$6,600,000 with \$500,000 programmed for preliminary engineering. The District initially planned for a consultant to design the project; however, it has now been decided to have ITD's Bridge Section do the structural design. The bridge has a sufficiency rating of 4, as it is both height and width restricted and the deck is in poor condition. Staff selected Keller Associates to complete project development services, including roadway design, coordinating the environmental process, and overall project management. Initially, these services were estimated to be under \$250,000. However, after completing negotiations, the cost for project development services is now estimated at \$400,000, of which \$268,000 are for Keller Associates' work. This amount exceeds the \$250,000 limit set forth in Board Policy, and staff is requesting approval to proceed with consultant services for the SH-97, Harrison Bridge project with Keller Associates.

Member Blick suggested that time-certain requirements were needed on consultant contracts to prevent increased project costs. A Board agenda item scheduled for later this year will address that issue. Member McClure also asked that the presentation include a discussion on consultant selection.

2) Speed Minute Entry Changes for July and August. Staff conducted a speed study on SH-41 in District 1 and changed the speed limit from 60 miles per hour (MPH) to 45 from milepost (MP) 25.8 to 26.12 and from 45 MPH to 60 from MP 26.95 to 27.328. In District 3, a speed study resulted in the reduction of speed from 45 MPH to 35 on US-20 from MP 52.569 to 52.812. On SH-75 in District 4, Hailey changed the speed limit from MP 115.501 to 117.241 from 45 to 25 MPH via city ordinance, and based on a speed study, staff changed the speed limit from MP 117.241 to 117.475 from 55 to 45 MPH. In District 5, the speed limit on SH-39 from MP 1.72 to 1.796 was changed from 60 MPH to 55 due to a speed study. The City of American Falls changed the speed limit on I-86 Business from MP 2.1 to 2.754 from 35 MPH to 25 when the school zone warning lights are flashing and from MP 2.1 to 2.952 from 35 to 30 MPH by a city ordinance. Changes in District 6 included a decrease from 55 MPH to 45 on I-15 Business from MP 3.69 to 4.02, and increases on US-26 from 55 MPH to 65 from MP 368.07 to 368.52 and from MP 402 to 402.5 based on speed studies. Additionally, the City of Moore approved a city ordinance reducing the speed limit on US-93 from MP 90 to 90.566 from 65 to 45 MPH.

3) Contract Award Information. Key #7367 – SH-97, Carlin Creek Bridge, District 1. Low bidder: S & L Underground, Inc. - \$287,645.

Key #7101 – St. Joe River Road, District 1. Low bidder: Westway Construction, Inc. - \$716,381.

Key #8147 – Airport Interchange to Junction US-30, District 5. Low bidder: Bannock Paving Company - \$659,956.

Key #8538 – SH-24, Shoshone High School Turn Bay, District 4. Low bidder: Idaho Sand & Gravel Company - \$548,662.

Key #7924 – SH-51, Snake River to Beet Dump Road, District 3. Low bidder: Central Paving Company, Inc. - \$1,324,094.

Key #8402 – SH-52, 12th Street to Payette River Bridge, Emmett, District 3. Low bidder: Idaho Sand & Gravel Company - \$465,599.

Key #8589 – SH-44, Park Lane to New Alignment, Eagle, District 3. Low bidder: Central Paving Company, Inc. - \$200,000.

Key #8228 – SH-19, Oregon State Line to Homedale, District 3. Low bidder: Idaho Sand & Gravel Company - \$449,788.

Key #6975 – SH-11, Timberline High School to Top of Pierce Pass, District 2. Low bidder: Ascorp, Inc. dba Debco - \$1,373,108.

The low bid on key #8572, FY03 Region 2 Seal Coats, District 3, was more than ten percent over the engineer's estimate; and staff rejected the lone bid.

- 4) New and Supplemental Professional Agreements Report. From July 27 to September 6, the Consultant Administration Unit processed \$7,431,054 in professional, supplemental, and term agreements.
- 5) Quarterly Report on Legal Actions. The cases resolved by the Legal Section since June 1 and the current status of legal cases were reviewed.
- 6) July Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$831,000 or 5.9% for the month. As this is the first month in the new fiscal year, it is too early to determine if there is a trend or if this is just an anomaly, but staff will monitor this closely. Expenditures for personnel and operating are less than budgeted for the month. Capital equipment shows a negative variance of 87%, with the majority of this due to encumbrances from the issuance of purchase orders and is strictly a timing difference. Starting with this report, the contract construction portion has been broken into two categories: federal projects and match, and state projects. Based on this break-out, the federal program is ahead of spending projections by 28.5% and the state program is 17.7% less than projected.

Aviation Fuel Tax revenue received through the end of July is 45.9%, or \$51,400, higher than projected. Miscellaneous revenue is about 3% above estimates while overall

expenditures are below the July 2001 actual expenses. Revenue in the Aircraft Operations Fund is ahead of estimates by \$9,700 for the month, and operating expenditures are less than last year.

Board Items. Due to recent reports on the unsafe condition of 15-passenger vans, Member McHugh suggested that the Department remove the rear seats in its 15-passenger vans. CE Ross reported that the Department has no 15-passenger vans; the largest size van can accommodate 12 passengers. Member McHugh asked staff to look into the accident statistics for 12-passenger vans.

Member McHugh also commented that he is interested in establishing a Board Audit Committee. He has had some discussions with staff on the feasibility of this committee. The consensus of the Board was to have staff provide information on a Board Audit Committee, including its charter and legal ramifications.

At the next meeting Director Bower suggested that a clarification be discussed regarding if the Audit Committee would be dealing with financial and/or performance audits.

Member Blick reported that the City of Twin Falls has expressed interest in assuming jurisdiction of 2nd Avenue, which is US-30 in Twin Falls. If this is something the Board is receptive to, he would encourage the Board Subcommittee on Adjustments to the State Highway System to discuss the feasibility of transferring this segment at an upcoming meeting and provide guidance to the District staff.

Member Blick asked for the status and rationale on the timing of the paving segments on the City of Rocks project. The District 4 Engineer and the consultant will provide that explanation to Member Blick.

Director's Items. Director Bower acknowledged the assistance of Mary Detmar and the rest of the Executive Management staff in helping Secretary of the Board, Sue Higgins, with Board work during her recent medical leave.

The U.S. House of Representatives are still working on the FY03 appropriations bill. It is currently drafted at \$4.1 billion, less than the Senate bill. The Director will keep the Board advised as the bills go to a conference committee for final deliberation, and discuss changes to the highway development program as a result of the approved appropriation.

Redistribution of unobligated budget authority amounted to an additional \$3 million for Idaho, which is twice as much as previous years. Several congressional bills have been introduced regarding reauthorization of TEA-21. It is anticipated that within the next two or three weeks several additional bills will be introduced.

Risk Management has awarded an insurance check of \$168,500 for the loss of the Navajo. The plane's parts have been recovered and are stored in the Division of Aeronautics' maintenance yard. The National Transportation Safety Board will inspect the wreckage before issuing its final report on the cause of the crash. Chairman Winder indicated that the subcommittee looking into a potential replacement of the Navajo recommended that the subject be deferred this year and charter aircraft service be used instead. The Board members verbally concurred.

Director Bower reported that a recent Presidential Executive Order on environmental streamlining was good for Idaho in an effort to accelerate projects. The Director believes a grass roots effort should identify the impacts on local projects and determine what the local environmental agencies can do to help.

The joint venture of Nelson-McAlvain has dropped out of the disputes resolution board and has proceeded to litigation.

Director Bower indicated he attended his last AASHTO Standing Committee on Research meeting; a committee he has chaired for the last five years.

With his impending retirement, the Director reminded the Board that since he is the designated Idaho representative on the CANAMEX initiative, the Governor will need to name a replacement to continue Idaho's participation.

Chairman Winder expressed the Board's appreciation for the Director's service on and attendance at national committees and meetings. The Chairman commended him for that effort and acknowledged the benefits to Idaho from that involvement.

Chief Engineer's Items. CE Ross informed the Board that he has been visiting with the Districts recently to check on the status of projects, their readiness for winter activities, and discussing the importance of paying close attention to the financial management of programs and projects.

He distributed pictures taken recently at the construction of the Lolo Pass Visitor's Center on US-12.

CE Ross provided an update on the US-95, Mica to Belgrave construction project. Weekly meetings are held on site. The Department of Environmental Quality (DEQ) has appointed a representative to work with the Department on the implementation of the Consent Order. Measures have been put in place to address the issues, and the project will be secured and shut down for winter by the end of October. Compliance with the DEQ consent orders is on schedule. Core samples of Mica Bay have been completed and the process of analysis is underway. Director Bower reported that staff will coordinate with DEQ to arrange for meetings with property owners once all the information is available for release.

Recognition of ITD Staff. Steve Moreno, Division Administrator, Federal Highway Administration presented District 3 employees Dan Bryant and Jack Gant with the national Operation Wildflower award. Mr. Bryant, a maintenance foreman from Banks, was honored for his photograph of Idaho's native flower Syringa growing along Idaho 55. His photograph was entered in the Restoration and Management category of the annual competition and won first place. Mr. Grant, the District 3 vegetation foreman, received first place for his photograph of Palmer's Penstemon, a long-stemmed plant with pink flowers that can grow to three feet or higher. The photograph was judged best in the Planted Native Wildflowers and Grasses category.

Presentation of District 3 Adopt-A-Highway Group. Member McClure thanked the Gem State Kiwanis group for their continued participation in the Adopt-A-Highway Program. In recognition of its outstanding efforts in the Program since 1990, the Gem State Kiwanis was recognized as the District 3 Adopt-A-Highway Group of the year. Mr. Don

Heavrin accepted the award on behalf of the group. ITD staff also recognized Sherie Sweeney for her excellent management of statewide volunteer activities.

Integrated Transportation Vision Update. Intermodal Planning Manager (IPM) Pat Raino reported that CH2M Hill was the consultant selected to assist in developing the integrated transportation vision for Idaho. She provided an abbreviated work summary based on the consultant's scope of work and an outline of the 18-month time frame to accomplish the long range vision document for 25 years and beyond.

IPM Raino asked the Board to consider a date in the near future to participate in a "Golden Thread" workshop to identify the Board's guiding principles, core values and mission for this long-range vision, and for staff and the consultant to provide an overview of the communication and education tools that will be used through the vision development process. The workshop will also be a forum to discuss the engagement of stakeholders and clarify the various roles in this process. The Board determined that the first day of the November meeting – November 21 – would be devoted to this one-day workshop.

Recommended FY03-07 and Preliminary Development Highway Development Program. Highway Programming Manager (HPM) Dave Amick reviewed changes made to the draft Program since the June workshop, including various project advances and delays approved last month, plus additional changes based on project deliverability. A request from the Idaho Tax Commission to continue its fuel tax evasion project in the amount of \$50,000 in FY03 was also added to the Program. Member McHugh believed that locals should share in the cost of the Fuel Tax Evasion project.

A total of \$317.6 million is estimated to be available in FY03 for all Federal-aid, including match, and State Funded Highway Programs, with \$214 million in federal formula funds. The Highway Funding Plan assumes that obligation authority is equal to the estimated apportionments throughout the life of the Transportation Equity Act for the 21st Century (TEA-21) of 1998; however, it does not include any projected Revenue Aligned Budget Authority (RABA) adjustments. Funding assumptions for FY04 and later are based upon the assumption that the next transportation act will contain funding levels and programs similar to those of TEA-21. HPM Amick added that when ITD is notified of the FY03 federal apportionments, allocations, obligation authority, and possible RABA adjustments, modifications will be made to the Program as necessary to maintain fiscal constraint. He distributed the FY03 federal obligation authority estimates for information.

Mori Byington, Bannock Metropolitan Planning Organization, discussed the local-urban program changes and additions.

Board Member McHugh asked staff to look into the FY05 STP-Enhancement project, Mac Arthur Lake Wildlife, Key #NHS-11 and determine its status. Vice Chairman Combo made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-64 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 21st 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 FY03-07 and Preliminary Development of the federal portion of the Highway Development Program; and

WHEREAS, the final recommended FY03-07 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 FY03-07 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 Board approves both the recommended FY03-07 and Preliminary Development Highway Funding Plan and Highway Development Program, which are on file in the Office of Highway Programming. The latter includes the FY03 federal program update and also the latest revision of the FY03-06 State Funded Program; and

BE IT FURTHER RESOLVED, that staff is authorized to include approved projects in the FY03-05 STIP in accordance with the provisions of TEA-21.

A letter of appreciation for HPM Amick and his staff, Keith Holmes and Nathan Hesterman, for the “valuable contributions to the Surface Transportation Program – Local Urban Committee...in helping provide the communities with the best transportation system possible” was presented by the Local Highway Technical Assistance Council (LHTAC).

Chairman Winder left the meeting at this time and Vice Chairman Combo presided.

FY03-07 Statewide Transportation Improvement Program (STIP). IPM Raino outlined the requirements of United States Code requiring the development of the STIP and extensive public involvement process. She emphasized that ITD’s STIP was developed in accordance with all applicable requirements and that staff worked cooperatively with the MPOs on their Transportation Improvement Programs.

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,

TB02-65 23 CFR, Part 450 and 49 CFR, Part 613 to develop a Statewide Transportation Improvement Program (STIP); 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 Department's *Idaho Transportation Plan*; and

WHEREAS, the STIP, in non-attainment 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 FY03-07 STIP for all modes (aeronautics, bicycle/pedestrian, highways, public transportation, and rail) as well as Highway Safety, and the Metropolitan Planning Organizations' Metropolitan Improvement Programs as mirrored in the STIP; additionally, statewide projects and changes approved at the September 26-27, 2002 Board meeting will be included in the recommended STIP; and

BE IT FURTHER RESOLVED, that the Board approves the transmittal of the recommended FY03-07 STIP to the FHWA and FTA for their review and approval.

Addition of Signal at Intersection SH-55 and Island Wood Drive to the State-Funded Program, District 3. ACHD is applying for a permit to install a signal at the intersection of SH-55 and Island Wood Drive at the request of the City of Eagle and the Two Rivers and Island Woods homeowners associations, according to HPM Amick. The signal is needed because the intersection has become a safety hazard due to insufficient gaps for left turning movements from Island Wood Drive. Coincidental to this project, one

existing approach onto SH-55 will be closed, and a second existing approach is restricted to right-in, right-out and left-in movements only. This project would also interconnect the new signal with existing signals at SH-55 and Two Rivers Drive and SH-55 and SH-44. The signal will meet future warrants upon the eventual completion of proposed subdivisions in the area.

HPM Amick outlined the funding sources. ACHD, two homeowners associations, and a developer will provide funding in the amount of \$134,000. ITD's portion, \$100,000, will be funded by anticipated cost savings from the Fort Hall Hill, Adams County construction project.

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

TB02-66 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 Board is committed to maintaining a safe and efficient highway system; and

WHEREAS, the safety can be greatly improved at the intersection of SH-55 (Eagle Road) and Island Wood Drive by the installation of a traffic signal, and interconnection with other signals on Eagle Road; and

WHEREAS, several local groups have pledged funds for construction, leaving a shortfall of only \$100,000 to be able to fully fund construction of said signal; and

WHEREAS, the Ada County Highway District is applying for a permit to build said signal, provided funding is available; 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 Board approves the addition of Intersection SH-55 (Eagle Road) and Island Wood Drive to FY03 of the approved FY03-06 State-Funded Program for \$100,000 as financial participation in this Ada County Highway District signal project.

In Lieu Fee Agreement for Wetland Mitigation. Environmental Section Manager Dennis Clark reported that ITD, the US Army Corps of Engineers (COE), and The Nature Conservancy (TNC) have been working on a cooperative agreement to resolve some difficult wetland mitigation issues. The proposed In Lieu Fee memorandum of understanding (MOU) is a tool ITD can use for identifying appropriate compensatory mitigation for permittable wetland and stream impacts. Once ITD has met 404 permitting requirements and the COE believes that In Lieu Fee is an appropriate method of compensatory mitigation, ITD would pay to a fund administered by TNC an amount of money that TNC would use to investigate, acquire, create, and manage approved mitigation sites.

Mr. Clark believes the advantages of this MOU would be that the Department would not have to find and construct wetlands, project development time would be less likely delayed due to a search for a wetland mitigation site, the permitting process would be shortened, and ITD would not be responsible for maintaining these sites perpetually. A benefit to the natural environment is that this process would provide for larger, more effective, wetlands rather than small isolated roadside sites.

Board members asked several questions and received answers regarding the process and the funding from Nicholle Braspennickx of the COE and Will Wheland of TNC. Ms.

Braspennickx indicated that the process can be used on non-jurisdictional mitigation as well.

Director Bower reported that this process has been under development for two years, and encouraged the group to go back to Boundary County to address issues that had been identified, then report back on their findings.

Adoption of 2000 Manual on Uniform Traffic Control Devices (MUTCD) and Revisions to IDAPA 39.03.41. Traffic Engineer Lance Johnson said FHWA publishes the MUTCD, which contains all national design, application, and placement standards for traffic control devices. The purpose is to promote highway safety, efficiency, and uniformity so that traffic can move efficiently on the nation's highways. The 2000 MUTCD Revision #1 dated December 28, 2001 was endorsed by FHWA. The Manual has been reviewed by ITD and LHTAC. Staff recommends its adoption with some exceptions that would bring the MUTCD in line with Idaho Code, correct errors, and accommodate the operations of the Department and local transportation agencies.

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

RES. NO. WHEREAS, Idaho Code Sections 40-313, 49-201(3), and 67-5203A give the

TB02-67 Idaho Transportation Board authority to establish guidelines for the design, construction, and implementation of traffic control devices; and

WHEREAS, the Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations, Part 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads open to public travel; and

WHEREAS, the Federal Highway Administration has adopted the 2000 MUTCD Revision #1 dated December 28, 2001, and required adoption by January 17, 2003; and

WHEREAS, the Idaho Transportation Department and the Local Highway Technical Assistance Council have reviewed the 2000 MUTCD Revision #1 dated December 28, and recommend numerous exceptions to bring the manual in line with Idaho Code, correct errors, and accommodate the operations of the Department and local transportation agencies.

NOW THEREFORE BE IT RESOLVED, that the Board approves the IDAPA 39.03.41, September 2002, and authorizes the Department to proceed with rule-making.

Rules Governing Traffic Accident Memorials, IDAPA 39.03.63. Transportation Staff Engineer Assistant Steve Holland outlined IDAPA 39.03.63, which establishes the standards and procedures for traffic accident memorials on the state highway system. Due to amendments to Idaho Code 49-1316 during the 2002 legislative session, staff is proposing modifications to the Rules Governing Traffic Accident Memorials that would remove gold star as the only allowable traffic accident memorial; set new guidelines for fabrication and placement of traffic accident memorials; provide for removal of non-conforming memorials; require notification of adjacent property owners before placement; and provide guidelines for safety of the participants when on the state highway system.

Member Miller expressed concern with the requirements to notify all property owners near the memorial site if a memorial is erected. He believes this could create a burden on those wishing to install a memorial, and his dissenting vote was meant to reflect this opposition

Member McHugh made a motion, seconded by Member McClure, and passed 4-1 with Member Miller opposed and Member Sweeney absent during the vote, to approve the following resolution:

RES. NO. WHEREAS, Idaho Code Sections 40-310(9), 40-311(1), 40-312, 40-313(2),

TB02-68 40-321, 40-2319, 49-202(19), (20), (23), and (28), 49-221 and 49-1316 give the authority to control use of state highway system rights-of-way; and

WHEREAS, the Idaho Transportation Department “Rules Governing Traffic Accident Memorials”, September 1992, is used exclusively to manage traffic accident memorials within the right-of-way on the state highway system and the Idaho Transportation Board has been given authority to control access to the state highway system under the aforementioned sections of Idaho Code; and

WHEREAS, the Idaho Legislature changed Idaho Code 49-1316: Erection of Memorials to Persons Killed in Traffic Accidents effective March, 2002; and

WHEREAS, the major changes of the “Rules Governing Traffic Accident Memorials” have been incorporated into the IDAPA 39.03.63.

NOW THEREFORE BE IT RESOLVED, that the Board approves IDAPA 39.03.63, September 2002 and authorizes the Department to proceed with rule-making.

Contract Awards. Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to award the low bid on all of the following: project STP-CM-3220(107), key #8047 – I-84 Business Loop, Garrity Boulevard, Nampa City Limits to Garrity Interchange, Canyon County, District 3 to the low bidder: Idaho Sand & Gravel Company, Nampa, Idaho - \$3,574,988.82.

The low bid on project NH-5110(139) and ER-5110(114), keys #8397 and #6563 – US-95, Mica Creek to Cougar Creek and North Mica Hill Repair, Kootenai County, District 1, was more than ten percent over the engineer’s estimate, requiring justification. The major differences between the engineer’s estimate and the low bidder’s estimate were in the emergency relief (ER) portion of the combined projects. Certain items of the ER project that are to be completed this year include access road excavation and embankment, rock armoring, riprap, horizontal drains, inlets and culverts, and re-vegetation. These items should have been calculated at an accelerated price due to the urgency of completion, but were estimated using average unit pricing. Adjusting the ER bid items to reflect the accelerated construction requirement would bring the low bid within 10% of the engineer’s estimate. The District would like construction on the projects to begin this fall and does not believe re-bidding the project would result in any

savings; therefore staff recommends awarding the bid. Low bidder: Interstate Concrete & Asphalt, Coeur d'Alene, Idaho - \$3,615,735.49.

The low bid on project STP-6470(119), key #7667 – US-20, Fremont Avenue Pathway/Interchange Landscaping, Idaho Falls, Bonneville County, District 6, was more than ten percent over the engineer's estimate, requiring justification. The major difference was in clearing and grubbing, 19mm aggregate base, concrete slope paving, and mobilization. The small quantities of material associated with this project enhance the difficulty in estimating the cost. The City's consultant recognizes that the estimate should have been increased to account for smaller quantities on this project. The sponsor, the City of Idaho Falls, recommends awarding the project. Low bidder: H-K Contractors, Inc., Idaho Falls, Idaho - \$129,418.20.

The low bid on projects IM-84-2(052)83, STP-3440(107), and STP-3340(105), keys #7130, #8407, and #8413 – I-84, US-20, and SH-51, Jackrabbit Overpass to Sebree Interchange, Junction I-84 to Milepost 112, and Duck Valley Reservation to Tindall Road, Elmore and Owyhee Counties, District 3, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was developed using the Average Unit Price Report. The greatest difference was in the cover coat material class 4. The stockpiles for this type of material have been depleted throughout the District. The high unit bid price includes the additional crushing and hauling expenses due to the shortage of class 4 chips. Staff does not believe a savings would result if the project is re-advertised and recommends awarding the project. Low bidder: Kloepfer Inc., Paul, Idaho - \$1,292,582.24.

The low bid on project ER-5778(100), key #7088 – SH-57, Six Sites North of Priest River, Bonner County, District 1, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was developed using the Average Unit Bid Price Report combined with recent abstract of bid from a similar project in the same geographic area. A few specialty items, however, like horizontal drains, were not available in the Bid Price Report and were estimated based on materials, equipment, and labor costs. The major difference between the engineer's estimate and all bidders was the horizontal drain item. The District believes that due to the close nature of the bids there would be no cost savings in re-advertising the project and recommends awarding the bid. Low bidder: Goodfellow Brothers, Inc., Wenatchee, Washington - \$574,968.40.

The low bid on project ER-5783(100), key 7093, Peninsula Road, Bonner County, District 1, was more than ten percent over the engineer's estimate, requiring justification.

The engineer's estimate was developed using the Average Unit Bid Price Report combined with recent Abstract of Bid from a similar project in the same geographical area. Additionally, the engineer's estimate was increased on some items to compensate for what was predicated to be increased costs associated with the remote location of the project, five miles east of SH-57. The major differences between the engineer's estimate and the low bidder are in the excavation, granular sub-base, plant mix pavement, and shot rock items. Staff has reviewed the bid abstract and due to the close nature of the bids, believes there would be no cost savings in re-advertising the project. The project, on a local road, is of importance to the highway district, and staff recommends awarding the project. Low bidder: Westway Construction, Inc., Airway Heights, Washington - \$799,777.38.

The low bid on project IM-184-1(024)2, key #8608 – I-184, Emerald to Curtis, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. This is the second advertisement for this project and included a later completion date to add more time than the original advertisement. Staff anticipated that re-advertisement with a longer lead time for contractors to schedule work would attract a wider field of bidders and yield lower bid prices. However, only two bids were received again and staff does not believe there is any potential cost savings if the project is re-advertised a third time. The District believes the high bid prices reflect a lack of competition and lack of contractor interest in the project. There are few local contractors capable of large highway concrete paving work, although the project was too small for larger out of area contractors. Staff did not find many specific items that accounted for the cost increase, but an increase in items overall, with 13 of the items primarily accounting for the estimate overrun. The District believes there is urgency to awarding this project due to maintenance issues, and recommends awarding the contract. Low bidder: Central Paving and Concrete Placing Joint Venture, Boise, Idaho - \$6,592,628.73.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), (b), and (f), Idaho Code. Member McClure made a motion to meet in executive session at 11:55 AM to discuss personnel and legal matters. Member Sweeney seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussions on legal issues included updates on a pending litigation case and on a probable litigation matter.

The general tenor of the discussion on personnel items included a discussion of an employee disciplinary matter and consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 1:10 PM. No decisions were made.

ITD's Research Program. Bob Smith, Research and Assistant Materials Engineer, elaborated on the Department's research program, which is funded primarily by State Planning and Research Funds. Annual appropriations have averaged between \$950,000 and \$1,060,000 and are used for both in-house and contract research. Additionally, funds are occasionally pooled with other states to research mutual problems. The research program at ITD also includes maintaining a library, Experimental Features Program, and new product reviews.

Mr. Smith summarized the process to determine which research projects are funded. Although first stage problem statements are solicited from ITD staff and University faculty, consultants may also develop first stage problem statements. He added that University proposals are usually developed in consultation with ITD staff. He also explained how the research program is administered, and elaborated on the process to review, disseminate, and implement the research results.

Member Miller and Vice Chairman Combo requested that Mr. Smith provide additional information on the benefits, deliverables, payoff, and defensible results of the program's activities.

Construction Claim, I-84, Isaac's Canyon Interchange, District 3. DAG Bywater said Steelman-Duff, Inc. appealed the Chief Engineer's decision on the claim on the above-referenced project to the Board. The claim arises from a claimed increase in costs due to an alleged defective specification and delay on the project. The contractor has claimed entitlement to additional compensation in the amount of \$188,968.96, and has agreed that the claim should be submitted to binding arbitration for resolution.

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

RES. NO. WHEREAS, Steelman-Duff, Inc. has filed an appeal of the Chief Engineer's

TB02-69 decision on contract #5826, key #6178; and

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

WHEREAS, staff recommends 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.

Construction Claim, US-95, Goff Bridge, District 2. DAG Bywater reported that Harcon, Inc. has filed a variety of claims on the Goff Bridge project. Entitlement has been denied at all levels of review and the contractor is appealing to the Board. DAG Bywater added that a lawsuit was filed by the contractor in June 2001. The claims involve the general contractor, subcontractors, and several suppliers to both the general and the subcontractors. The amount in dispute is \$628,444 for the bolt corrosion and delay claim and \$890,341 for the claim on steel erection and delay. Staff engaged an outside consultant to provide recommendations on the claim at the Chief Engineer level of review, which were incorporated into the decision. Harcon, Inc. has been offered the opportunity for a dispute review board, a contract review board, or a hearing officer to review the claims, but has requested that further administrative review be terminated and that the matter proceed to litigation.

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

RES. NO. WHEREAS, Harcon, Inc. has filed a contract claim with the Idaho Transportation

TB02-70 Department over the construction of the US-95, Goff Bridge, north of Riggins, known as project #BRF-4113(078), key #2836; and

WHEREAS, Harcon, Inc. has had a lawsuit pending since June of 2001 and has declined an invitation to pursue alternative dispute resolution; and

WHEREAS, Harcon, Inc. has requested that the Idaho Transportation Board allow the claim to proceed to litigation.

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

Chairman Winder returned to the meeting at this time.

Delegation – Idaho Technology Transfer (T2) Center and Idaho Association of Highway Districts (IAHD). Doug Moore, Director of the Idaho T2 Center, presented the status of the program and the number of training classes offered to both state and local highway jurisdictions. Vice Chairman Combo asked if there were any parts of the state that were difficult to provide training. Mr. Moore responded that some employees in rural Idaho found it hard to get time off work to attend the sessions. Stuart Davis, Executive Director of the IAHD, admitted that he has been the Center's harshest critic in recent years, but that with the hiring of Mr. Moore last year, the program has turned around and he's now one of the Center's best supporters.

Delegation – City of Meridian. Mayor Robert Corrie thanked the Board members for their time. He emphasized the growth that the Meridian area has been experiencing and the need to address growth-related issues. Mayor Corrie provided a history of the proposed I-84 Locust Grove overpass project and its current status as the City's number one priority. He said the City has committed \$1.8 million for right-of-way acquisition. In response to Chairman Winder, the Mayor indicated that ACHD would be conducting the environmental study, and that \$2.05 million has been programmed for STP Urban funds and \$2.7 million from Interstate Maintenance funds. The Mayor asked the Board

to move the project from FY08 to FY06 if funds become available through other projects not being delivered on time.

Bridging the Valley Study. Member McHugh reported that the Spokane Regional Transportation Council has requested proposals for preliminary engineering for the Bridging the Valley Study. Washington is proceeding on this important project, and he believes it is imperative for ITD to pursue this project. The consensus of the Board was to have Director Bower work with the Washington Department of Transportation on funding.

Executive Session on Personnel Issues, Section 67-2345(1)(a), Idaho Code. Member McClure made a motion to meet in executive session at 2:35 PM to discuss personnel matters. Member Sweeney seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussion on the personnel item included further consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 3:10 PM. No decisions were made.

Member Blick left the meeting at this time.

Report on Uncollectible Accounts. Revenue Operations Manager George Walter elaborated on the Department's procedures for accepting checks for services and allowing some of the revenue generating transactions to be placed on account. When checks are rejected for non-sufficient funds or commercial carriers or businesses do not pay the amounts owed on their accounts, ITD has a collection process it follows before accounts are turned over to a collection agency or to the ITD Legal Section for collection. Mr. Walter reported that 0.1% of the total amount assessed is determined to be uncollectible. Chairman Winder remarked that the amount is minuscule.

Draft Legislation for 2003. Legislation and Policy Specialist Tim Greeley reviewed the three legislative proposals approved by the Board in July. Staff has drafted proposed legislation relating to proof of financial responsibility, commercial driver's license (CDL) hazardous material endorsements, and abandoned motor vehicles. Member McClure recommended the Board not approve the proposed legislation dealing with the CDL hazardous materials endorsement because the federal rule-making has not yet been issued. If the Board approves the drafts, the approved proposals will be submitted to the Division of Financial Management and to the Governor's Office at the end of this month for review and approval.

Member McClure made a motion, seconded by Member Miller, and passed 4-1, with Member Sweeney opposing, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies
TB02-71 submit proposed 2003 legislation to the Division of Financial Management for review and approval; and

WHEREAS, the Idaho Transportation Board at the July 19, 2002 meeting approved the 2003 "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 Board approves submittal of the "Legislative Proposal Forms" containing the proposed draft legislation regarding proof of financial responsibility and abandoned motor vehicles to the Division of Financial Management.

Permits for Extra-Length Combinations in Excess of 105 Feet. Motor Vehicle Administrator (MVA) Moe Detmar said the overall length limits in federal regulations are not based on an overall length measurement, but rather are governed by trailer length limits. Any additional requirements that the states impose upon longer combination vehicles, such as off-tracking requirements, are listed in the Code of Federal Regulations 23 658 Appendix C. He stated that Idaho Code specifies that a vehicle combination may be operated by permit to a maximum overall length of 105 feet, and permits the Board to authorize the movement on highways of vehicles, motor vehicles, trailers and/or semi-trailers or combinations thereof, of a size or weight in excess of the limits prescribed in Sections 49-1001 and 49-1010 (legal weight and size), but within the limits necessary to

qualify for federal-aid highway funds. IDAPA Rule 39.03.22, Extra Length Vehicle Combinations, sets a maximum overall length of 105 feet and must meet maximum off-tracking requirements.

MVA Detmar reported that many trucking companies are exchanging their cabover tractors for conventional tractors with longer wheelbases, making it difficult to operate within the 105-feet overall length measurement in Idaho. Although the overall length is increased, the trailer lengths are not. Wal-Mart Transportation has a request pending before the Board to extend the overall length measurement on I-84 from the Utah border to Boise. The Idaho Motor Transport Association has requested the Board adopt 110-feet length limitation for triples on all routes approved for their operation. Additionally, Clay Handy, Chair of the Governor's Motor Carrier Advisory Committee, indicated the Committee will prepare and support legislation in the upcoming session to extend maximum legal length from 105 feet to 115 feet. Staff supports allowing a maximum permitted overall length of 115 feet to operate on Idaho interstates and other state highways that currently allow permitted longer vehicle combinations to operate at 105 feet. Additionally, staff believes the current off-track requirements should be retained so that safety of the traveling public is not compromised.

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

RES. NO. WHEREAS, the Idaho Transportation Board has authority to adopt administrative

TB02-72 rules or issue permits for the movement of overlegal vehicle and/or loads pursuant to Section 49-1011, Idaho Code; and

WHEREAS, the Board has the authority to issue overlegal permits and establish permit conditions for the operation of such vehicles pursuant to Section 49-1004, Idaho Code; and

WHEREAS, the Board recognizes and supports the need for a timely, safe, cost effective system of issuing overlegal permits and the need to respond to customer requests by adapting permittee conditions to accommodate equipment changes in the trucking industry.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes and directs staff to issue overlegal permits to longer combination vehicles exceeding 105 feet overall length but not to exceed 115 feet effective October 1, 2002; and

BE IT FURTHER RESOLVED, that staff is directed to ensure that any permit issued will not violate provisions of the longer combination freeze as restricted by the Intermodal Surface Transportation Efficiency Act of 1991 and outlined in 23 CFR, Section 658.23 and Appendix C, in that the cargo carrying units not exceed 95 feet in length.

The motion passed 3 to 2 with Vice Chairman Combo and Member McHugh dissenting and Member Blick absent.

Annual Report of the Dealer Advisory Board (DAB). DAB Secretary Grant Peterson, Jr. summarized the recent activities of the DAB. To improve the vehicle dealer license requirements, the DAB implemented the creation of a three-person board that can recommend that ITD bypass oral warnings, written warnings, and other steps, such as citations, and implement immediate suspension as allowed by Idaho Code after there has been a finding that the public could be harmed if the offending dealer was allowed to remain in business. Although this process has not been used to date, it is available in the event it is needed. Legislative efforts were undertaken in 2002 to require a minimum of four hours of dealer-related training before issuance of an initial license and upon annual renewal. Several states have implemented this requirement. The proposal passed the Idaho Senate, but failed in the House Transportation Committee. Other activities included revision of the Report of Sale and Publication for Certificate of Title form, endorsement of a notice to Idaho dealers regarding titling of Canadian vehicles in Idaho, and continuing progress on the Electronic Lien program.

Secretary Peterson said in FY03 the DAB will revisit educational requirements for new independent vehicle/vessel dealers and used all-terrain vehicle, off-road vehicle, and snow machine dealers; guidelines for the number of dealer license plates that dealers may have in relation to annual sales and salesmen; two-year staggered renewals of vehicle dealer licenses and dealer license plates; principle place of business requirements; and making 30-day temporary registration books available for dealers at the county assessors auto licensing offices.

Chairman Winder thanked Secretary Peterson and the other DAB members for their service to the state and the assistance they provide to the Transportation Department.

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

RES. NO. WHEREAS, due to sudden and unforeseen circumstances, our long time (since

TB02-73 1994) Board Secretary, Sue Higgins is not able to be in the office full time as is her standard and efficient practice; and

WHEREAS, this situation has also given rise to (1) our Director and Board Chairman, designating former Board Secretary (prior to 1994), Mary Detmar, (BPIRM) as the ad hoc Board Secretary at our District 3 Board tour and meeting Thursday and Friday, September 26th and 27th 2002 in Boise, and (2) other assistance being provided by ITD staff including District 3 to assist Sue Higgins in arranging paper flow and arrangements, which assistance is whole hearted and efficient support, for said meeting; and

WHEREAS, Sue Higgins' hand in said arrangements is evident as is the seamless efforts and accomplishments by staff and Mary Detmar.

NOW THEREFORE BE IT RESOLVED that it is the sense of the Board that it too is in Sue Higgins' corner as she deals with these new challenges in her life, and further that it is the sense of the Board that contrary to Sue Higgins' thought, she has "not" missed the Board's September 26th and 27th District 3 tour and meeting; and

BE IT FURTHER RESOLVED, that it is the sense of the Board that the role of Mary Detmar and the ITD staff members in facilitating a remarkable Board tour and meeting is fully recognized as part of a "team approach" to opportunities and challenges arising from time-to-time within the ITD ambit.

State Institution Road Improvement Funds Annual Allocation. As allowed under Board Policy B-05-15, up to \$30,000 may be dispersed annually for road improvement in, through, and around the grounds of institutions. The Division of Public Works has presented a request for an FY03 allocation of \$30,000 for the grounds of the Lava Hot Springs Foundation. The Governor has endorsed this project for consideration.

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

RES. NO. WHEREAS, Idaho Code Section 40-310(14) establishes a program for the
TB02-74 construction, alteration, repair and maintenance of roadways in, through, and around the grounds of state institutions; and

WHEREAS, the Idaho Transportation 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 Lava Hot Springs Foundation (LHSF) for a FY03 road maintenance and improvement project in the amount of \$30,000; and

WHEREAS, the project is to make pavement repairs and restriping to the parking area adjacent to the Lava Hot Springs' Main Street and surrounding the LHSF Pavilion picnic area south of the Hot Baths; 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 August 19, 2002 to the Board.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Maintenance Engineer to transfer the 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 project including all phases of project development, construction, and final cost accounting.

WHEREUPON, the regular monthly Board meeting officially adjourned at 4:20 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

October 18, 2002

Boise, Idaho

REGULAR MEETING AND DISTRICT FOUR TOUR

OF THE IDAHO TRANSPORTATION BOARD

August 15-16, 2002

The Idaho Transportation Board met at 8:30 AM, on Thursday, August 15, 2002, at the College of Southern Idaho in Twin Falls, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

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 M. Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

July 18-19, 2002 Board Minutes. Member Sweeney made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on July 18-19, 2002 as submitted. The motion passed unanimously.

July 22-23, 2002 Special Board Minutes. Member Sweeney made a motion to approve the minutes of the special State of Idaho and Tribal Government Transportation Summit held on July 22-23 as submitted. Member McClure seconded the motion and it passed unopposed.

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

September 26-27, 2002 – District 3

October 18, 2002 – Boise

November 21-22, 2002 – Boise

December 12-13, 2002 – Boise

FY03 Highway Safety Plan. Highway Safety Manager (HSM) Jo Ann Moore welcomed the Regional Director of the National Highway Traffic Safety Administration, Curt Winston, to the meeting. Mr. Winston is in Idaho for a conference. She provided an overview of the FY03 Highway Safety Plan, totaling \$3,305,230. The Plan, approved by the Idaho Traffic Safety Commission, includes a focus on areas such as safety-restraint usage, impaired drivers, risky driver behavior, and youthful drivers, and has a strong emphasis on public education.

Chairman Winder commented that the seatbelt usage in the state has increased. HSM Moore elaborated that usage is up 8% since the Office of Highway Safety started receiving extra funding for that focus area. Member Blick believes it is vital to educate young kids on the importance of using seatbelts, as it becomes a habit when children buckle up. Chairman Winder encouraged HSM Moore to continue focusing on curbing aggressive driving.

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

RES. NO. WHEREAS, the Transportation Equity Act for the 21st Century provides that each

TB02-54 state shall have a highway safety program designed to reduce traffic crashes 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 23 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, FY01-03 HSP on June 15, 2000, and the Transportation Board approved the recommended plan on August 25, 2000; and

WHEREAS, a spending plan for FY03 has been developed that conforms to the administrative and programmatic requirements of 23 USC 402, 410, 411, 157, 163, and 2003B; and

WHEREAS, the Idaho Traffic Safety Commission recommended approval of the proposed FY03 spending plan on June 20, 2002.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board directs staff to submit the plan to the Federal Highway Administration and the National Highway Traffic Safety Administration for approval to implement projects beginning on October 1, 2002; and

BE IT FURTHER RESOLVED, that the Board directs staff to implement Idaho's Highway Safety Grant Program for FY03, once federal approval has been received.

Director Bower thanked Mr. Winston for attending the Board meeting and stated that he has provided excellent guidance and assistance to ITD. Mr. Winston said that he is pleased with the progress HSM Moore and her staff are making in the highway safety arena. He thanked the Department for its efforts and for the good relationship that has been established with his office.

Consent Calendar. Member Sweeney 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

TB02-55 the annual account write off; speed minute entry changes for US-26, District 6; and the 2002-2003 winter maintenance standards; and has

received and reviewed the report on training available for local agencies in the area of planning and zoning, the annual report on the railroad grade crossing protection account, the contract award information, the new and supplemental professional agreements report, the out-of-state travel report, the quarterly returned check report, and the summary of FY02 items submitted to the Board of Examiners.

- 1) Annual Account Write Off. This year 163 accounts totaling \$48,014.71 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 Administrator of the Division of Administrative Services has approved the write off of 152 accounts totaling \$27,014.81. Staff requests Board approval to write off 11 uncollectible accounts receivable totaling \$20,999.90, as shown as Exhibit 262, which is made a part hereof with like effect.
- 2) Speed Minute Entry Changes for US-26, District 6. Staff conducted an engineering and traffic investigation on US-26 from milepost (MP) 368.07 to 372.26 and from MP 400.15 to 402.50. The 85th percentile speed for both segments is higher than 65 miles per hour (MPH) and the accident rates of both are below the base rate. The study indicates that 65 MPH is a safe and reasonable speed for these two segments, and staff recommends increasing the speed limit to 65 MPH on US-26 from MP 368.07 to 372.26 and from MP 400.15 to 402.50.
- 3) 2002-2003 Winter Maintenance Standards. District staff reviewed the levels of winter maintenance in their respective districts. No changes were recommended from the 2001-2002 standards.
- 4) Training Available for Local Agencies in Area of Planning and Zoning. Staff reported that some training is available for local public agencies, particularly to planning and zoning officials, to address growth issues. One of Idaho Counties Risk Management Program's courses is oriented toward compliance with the "Local Land Use Planning Act" and focuses on legal and procedural issues. The Association of Idaho Cities provides a variety of training to city officials, with most of the courses covering planning and zoning issues in varying degrees. Both of these entities have indicated a willingness to partner with ITD to include transportation- specific topics in their workshops and conferences. In the past, staff from ITD's Planning Division and district planners have been included, but it may be appropriate for Traffic Section personnel and others to

partner on this training. There are also some training opportunities available from outside Idaho.

5) Annual Report on Railroad Grade Crossing Protection Account. At the end of FY02, the Railroad Grade Crossing Protection Fund had a balance of \$817,613.28. After funding the four projects scheduled in FY03, the balance is expected to be \$2,135,160.71. Inventory data of active crossings and a summary of rail-highway collisions from 1997 through 2001 were also provided.

6) Contract Award Information. Key #6027 – Benton Street Bridge, Pocatello, District 5. Low bidder: Granite Construction Company - \$1,571,571.

Key #8427 – US-95, New Meadows to Smokey Boulder Road, District 3. Low bidder: Poe Asphalt Paving, Inc. - \$525,570.

Key #8123 – North Beach Road, US-89 to Milepost 2, District 5. Low bidder: LeGrand Johnson Construction Company - \$415,579.

Key #8596 – US-91, District 5 Striping and Signing. Low bidder: Specialized Pavement Marking, Inc., - \$222,871.

Key #7917 – US-95, New Meadows Turn Bay, District 3. Low bidder: MASCO, Inc. - \$176,088.

Key #8221 – US-95, Lewiston Hill Northbound Lanes, District 2. Low bidder: Interstate Concrete & Asphalt - \$1,374,015.

Key #8588 – US-95, Round Prairie, District 1. Low bidder: Snake River Construction, Inc. - \$1,041,144.

Key #7701 – US-20, Boise River to Rossi Street, Boise, District 3. Low bidder: Idaho Sand & Gravel Company - \$288,882.

Key #7652 – 8th Street to Snake River Avenue, District 2. Low bidder: Atlas Sand & Rock Inc. - \$493,435.

Key #8036 – I-84, South Jerome Gateway, District 4. Low bidder: Kelley Garden Center - \$124,363.

One contract was rejected. The low bid on key #7650, SH-8, City Park to Downtown Troy, District 2, was more than 10 percent over the engineer's estimate.

7) New and Supplemental Professional Agreements Report. From June 29 to July 26, the Consultant Administration Unit processed \$1,210,727 in professional, supplemental, and term agreements.

8) Out of State Travel. In FY02, approximately 333 out-of-state trips were taken at an estimated cost of \$252,059, excluding the direct reimbursement trips. The amount budgeted for out-of-state travel was \$426,053.

9) Quarterly Returned Check Report. During the fourth quarter of FY02, \$16,067,681 in checks were received, while \$34,892, or .22%, were returned. Collections of returned checks equaled \$24,633 for an annualized collection rate of 90.89%.

10) Summary of FY02 Items Submitted to the Board of Examiners. ITD submitted a change in the State Moving Policy to add another option to pay for real estate expenses when employees are moved at the benefit of the agency. This change will allow all state agencies the option of paying the employee a flat 15% of the average of two appraisals on the home. The Board of Examiners approved this change in April. A request was also submitted to consider granting death benefits under Idaho Code 67-2028 to the family of

pilot Jay Morris who was killed in March in a plane accident. The Board of Examiners is scheduled to make a decision on this request later this month.

Regarding the annual report on accounts written off, Member Sweeney questioned the numerous accounts that were written off because the statute of limitations had expired. DAG Bywater was not familiar with each case, but gave a brief overview of the process to collect these accounts. Member Sweeney expressed concern with the procedures. Chairman Winder asked staff to review the licensing process because of the concern that businesses that have accounts written off could change names and continue operating in Idaho.

Permits for Extra-Length Combinations in Excess of 105 Feet. Wal-Mart Transportation requested a permit to operate turnpike doubles (twin trailers 40-45 feet in length) on I-84 in excess of 105 feet, but not to exceed 115 feet. New, longer conventional tractors are replacing older cabover tractors, which, when combined with turnpike doubles, creates vehicle combinations in excess of 105 feet. Staff met with the chairman of the Motor Carrier Advisory Committee (MCAC) to discuss this issue. The Committee is planning to prepare legislation for the 2003 session to extend maximum legal length from 105 feet to 115 feet to accommodate the conventional tractors. The Board was asked to authorize staff to evaluate and approve these extra length operation requests, including the one from Wal-Mart Transportation, and to delay pursuing promulgation of administrative rules as requested at the June meeting until the outcome of MCAC's legislative proposal is known.

Member McClure expressed concern with authorizing staff to approve these permit requests. Vice Chairman Combo suggested deferring this item one month so staff can be present to discuss the issue and answer questions. Member Blick suggested rejecting all requests until the Legislature acts on this issue. Because these extra-length combinations are not against the law and Member Sweeney believes they are safer with the cabover tractors, he supports these combinations.

Vice Chairman Combo made a motion to defer the item on extra-length combinations in excess of 105 feet one month. Member Miller seconded the motion and it passed unopposed.

Board Items. Member Sweeney reported that a public hearing was held recently on the US-95, Moscow to Genessee project. Numerous comments were received as part of the hearing process. Staff is reviewing and following-up on the comments and is planning to present the project to the Board next month for design approval.

Member McClure said the Board Subcommittee on Adjustments to the State Highway System met last month with Boise County Commissioners to discuss the feasibility of the state assuming jurisdiction of the Banks to Lowman Highway. Staff was asked to review rock fall mitigation projects and develop a proposed schedule for the transfer of ownership of this route in segments. He added that the District 3 tour next month includes traveling on this road. Vice Chairman Combo said staff will also look at the agreement with Direct Federal and any responsibilities it may have regarding the highway. He also stated that the Subcommittee did not address the desire to relinquish mileage when miles are added to the state's system.

Because ITD has to ensure a highway meets certain standards before it can be relinquished, Member Sweeney believes that requirement should be applicable when the state assumes jurisdiction of a road. Due to the increase in population and traffic in the state, Member Miller believes ITD has to be more receptive to adding miles to its system to respond to growth.

Chairman Winder informed the Board of some public dissatisfaction with the Ada County Highway District and a petition to dissolve that agency. A public hearing is scheduled later this month to address this issue. He asked the Board if it wanted to support the existing county-wide highway district.

Member McClure would like to testify in support of the existing agency.

Member Blick made a motion for the Board to submit a letter to Ada County in support of Ada County Highway District. Member Sweeney seconded the motion.

Member Miller questioned the Board's involvement on this issue. Chairman Winder stated that when he was on the ACHD commission, a committee was formed to look at the organization, and the results indicated that the county-wide entity was beneficial and

a good structure to address the area's transportation system. ITD has developed a good working relationship with ACHD that Chairman Winder would like to see continued. Additionally, it is easier for ITD to work with one agency instead of several smaller ones, and the Board is on record as supporting consolidation of small highway districts. Member Blick added that ACHD has provided continuity to the area, which is advantageous, particularly when considering the growth that has occurred in the Treasure Valley.

The motion passed unopposed.

Chairman Winder thanked the Board members for participating in the recent State and Tribal Government Transportation Summit. He believes it was a good effort to bring the Department and Tribes together and will help develop or enhance established relationships. Some concern was expressed with the lack of Tribal officials in attendance. Director Bower believes a different format should be used in the future. There are a number of issues that should be addressed at the staff level.

Director's Items. Director Bower reported that the FY03 Senate Appropriations Committee bill would fully fund the Department's draft Highway Development Program. Staff is continuing to work closely with the Congressional Delegation on this important bill. Director Bower does not believe the final bill will be approved before October 1, so a continuing resolution is likely. He added that the Senate bill included earmarks for Idaho that ITD was not involved with, which is unusual.

Member Blick said the Greater Twin Falls Area Transportation Committee submitted an earmark request, and he reminded the group recently that it needs to coordinate its efforts with ITD. Joe Haynes, Administrator, Local Highway Technical Assistance Council, added that he emphasizes to the local entities the importance of working closely with the Transportation Department and coordinating projects and requests.

Director Bower said the five-state coalition is continuing work on mini-bills that will be important components of the reauthorization of the Transportation Equity Act for the 21st Century. Some of the topics of these bills are environmental streamlining and rural areas.

Director Bower will be attending a CANAMEX meeting later this month in Montana. The meeting will focus on issues for reauthorization, such as smart corridors and intelligent transportation systems. Next month he will attend a Standing Committee on Research meeting in California.

Director Bower said the recommendations and actions that resulted from the Executive Team's retreat over a year ago are being compiled into a summary. He is planning to brief the Board on that report next month.

FY02 Financial Statement Analysis. Administrative Services Division Administrator (ASDA) Susan Simmons provided an overview of the FY02 financial statement, including trends, holdbacks, and the long-term investment. Overall revenues decreased 3.2% from FY01 in the State Highway Fund while expenditures, including contract construction, were ahead of FY01 by 6.5%.

Aviation fuel tax revenue was below the original projections by .5% through the end of June, but the miscellaneous revenue was above projections by \$32,322. The overall expenditures in this category were below the forecast by 47%, but a majority of that is due to trustee and benefit payments not yet paid. With those payments removed, expenditures will be below forecast by 9.5%. The aircraft pool revenue was 14.7% below projections at the end of the month and expenditures were above estimates due to the maintenance inspections and new equipment installation.

Chairman Winder thanked ASDA Simmons for the informative presentation.

FY04 Proposed Budget Request. Mary Detmar, Budget, Policy, and Intergovernmental Relations Manager (BPIRM), summarized the FY04 budget request. Highlights include a total of 5% change in employee compensation, with 4% reserved in contract construction; an increase of 2.4% for operating costs; three additional full-time equivalent positions; and a contract construction budget of \$251 million, which is about 59% of the Department's expenditures. BPIRM Detmar stated that information on the internal, non-standards adjustments has not been received yet, but will have to be included in the budget.

Director Bower stressed that the budget is balanced, however, it is anticipated that less revenue will be available for the State Program than in previous years. He expressed concern that this trend will continue unless more revenue is available because inflation and personnel costs are expected to increase. He commended BPIRM Detmar and her staff on the thorough, comprehensive budget.

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

RES. NO. WHEREAS, the FY04 Idaho Transportation Department budget request will be

TB02-56 prepared in accordance with instructions in the Division of Financial Management's Budget Development Manual; and

WHEREAS, the Idaho Transportation Board has reviewed the FY04 budget request summary.

NOW THEREFORE BE IT RESOLVED, that the Board agrees with the budget request estimates as presented in the Department Summary and Certification, submitted for approval August 15, 2002, as shown in Exhibit 263, 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 September 3, 2002.

Chairman Winder thanked BPIRM Detmar for the presentation and for the good process that has been established to develop the budget.

Delegation – Greater Twin Falls Area Transportation Committee (GTFATC). David Maestas, GTFATC Chairman, welcomed the Board to Twin Falls. The Senate Appropriations Committee included \$1 million for an environmental impact statement for an additional Snake River crossing in the Twin Falls area in its FY03 bill. The Committee has not identified the match source, according to Mr. Maestas. He asked for the Board's assistance with this project and requested time at the October Board meeting to provide an update on this project.

GTFATC Member Dale Riedesel thanked the Board for its support and the various projects completed or planned in the area. He added that District Engineer Devin Rigby and his staff are very good to work with. He asked the Board to consider extending a programmed project on US-30, Kimberly Road, a half-mile east. This project consists of adding a turn lane, curb, and gutter.

Chairman Winder thanked the gentlemen for their comments and expressed appreciation to the GTFATC for its work and efforts. The Board believes area transportation committees play a valuable role in identifying and addressing transportation needs, and their efforts in prioritizing projects are very helpful to the Department.

FY02 Adjustments to the Formula Federal Highway Program Based on Readiness and Available Funding. Staff reviewed the FY02 projects to determine which ones will not be ready to obligate by the end of this fiscal year and to identify cost increases or decreases, according to Highway Programming Manager (HPM) Dave Amick. Additionally, the FY03 and later projects were reviewed to determine which ones would be ready for advancement if funding is available. HPM Amick said the Department used this information to apply to the Federal Highway Administration for redistribution of unused obligation authority from other states.

The FY02 project removals and delays total \$28.58 million. The anticipated project increases and decreases net a total of \$19.22 million. With these changes plus the available balance in the formula Federal Highway Program, \$31.1 million is available to advance projects into the FY02 Program. HPM Amick reviewed the list of prioritized projects to fund in FY02 with available funds and the list of projects to be advanced if redistribution of federal formula obligation authority is received.

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

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

TB02-57 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 highway funding; and

WHEREAS, the Transportation Equity Act for the 21st 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 19, 2002, there is a Highway Program funding balance in FY02 of \$21.74 million; and

WHEREAS, projects have been identified that will delay in FY02 totaling \$28.58 million; and

WHEREAS, federal projects have been identified that will require cost increases or provide cost decreases for a net total of \$19.22 million; and

WHEREAS, a list of prioritized projects has been identified that can advance to FY02 of the current STIP; and

WHEREAS, the result of these proposed delays, cost increases and decreases, and advances will fully utilize the estimated FY02 federal highway formula funding obligation authority of \$171.51 million and the Minimum Guarantee funding of \$25.89 million (including Exempt Minimum Guarantee); and

WHEREAS, the Department has requested \$17.07 million in additional federal formula FY02 obligation authority from other states.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes staff to advance projects from the list entitled, “FY02 Federal Highway Program Prioritized Project Advances, and Projects Requested for August 9, 2002 Redistribution of Federal Formula Obligation Authority”, in priority order, as shown as Exhibit 264, which is made a part hereof with like effect, 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 FY02-06 STIP in accordance with the provisions of TEA-21.

Chairman Winder thanked HPM Amick for the report and also for his work and expertise on the Highway Development Program.

SH-55, McCall Storm Water Filter Project, District 3. HPM Amick said the City of McCall is planning to replace an existing storm water filtration system located in the Art Roberts Park. The filtration system currently handles runoff from part of the downtown area and from SH-55. ITD proposes to enter into an agreement with McCall to share half the actual cost of a new system or not to exceed \$25,000. Funds are available in FY03 from the Fort Hall Hill project.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-58 to 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 21st 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, it is beneficial to the environment to filter storm water runoff; and

WHEREAS, the state's liability will be reduced by filtering storm water runoff from state right-of-way; and

WHEREAS, the City of McCall will be installing a filtration system.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the request to add the Art Roberts Park Storm Water Filter, McCall project for the amount of \$25,000 to FY03 of the State-Funded Highway Development Program; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate modifications to the FY02-06 STIP in accordance with the provisions of TEA-21.

SH-75, Big Wood River Bridge at North Fork, Blaine County, District 4. The Big Wood River Bridge at North Fork is a pre-stressed box girder structure 115 feet in length constructed in 1992, according to DE Rigby. During routine inspection last month, staff discovered that three of the ten girders have only .5 inch of concrete depth along the bottom chord. Further inspection revealed that the rebar and pre-stressed girder strands along the bottom of the girders are exposed rather than being encased in concrete as designed.

Originally, staff proposed immediate in-place repair of the girders at an estimated cost of \$225,000; however, DE Rigby reported that further investigation revealed that the

damage is more extensive than initially thought. Load restrictions have been placed on the bridge, and staff would like to continue its review of the bridge, explore options, and request a project next month to repair this bridge in spring. He added that staff anticipates investigating the causes of this incident and pursuing the responsible parties if deemed appropriate.

Chairman Winder questioned the load restriction impacts. DE Rigby does not believe the restrictions will have a significant impact to the trucking industry or the area. The majority of trucks on that route have three axles; very few big trucks use that bridge. He acknowledged that there will be some inconvenience, but the impacts should be minimal.

Relinquishment of Old Oregon Trail Right-of-Way, District 4. DE Rigby said the Burley Highway District has requested relinquishment of the old Oregon Trail Right-of-Way, which is 50-feet wide parallel to the existing SH-81. The railroad right-of-way lies between the old right-of-way and SH-81, which eliminates any possibility of using it for future widening of SH-81. This property is only an easement. He added that the local jurisdiction currently maintains this section of roadway.

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 controls the 50-foot easement

TB02-59 for the old Oregon Trail right-of-way known as Hillcrest Drive East of Burley; and

WHEREAS, the property is adjacent to SH-81 but separated from SH-81 by the railroad; and

WHEREAS, the property cannot be used to widen, realign, or improve SH-81; and

WHEREAS, the Burley Highway District currently maintains Hillcrest Drive as part of its system; and

WHEREAS, the Burley Highway District has requested relinquishment of the easement to it; and

WHEREAS, the Burley Highway District intends to maintain Hillcrest Drive for public use as a transportation corridor.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves relinquishment of the easement known as Hillcrest Drive to the Burley Highway District.

Legal Dates for Studded Tires in Idaho. CE Ross said that Idaho Code gives the Board authority to approve the use of studded tires when needed because of road conditions. Administrative Rule 39.03.46, Rules Governing Studded Tires, prohibits the use of studs on Idaho's public highways between the dates of April 16 and September 30, annually. Staff was asked to look at the dates to determine if different dates would better accommodate Idaho's winter season and also more closely align Idaho's dates with those of neighboring states.

The surrounding states have a variety of dates where studded tires are legal, including one state that has no date restrictions. From examining winter maintenance data, it appears that the October 1 date for allowing studded tires in Idaho coincides well with the onset of winter maintenance activities for the past five years. However, it appears Idaho travelers could benefit from having the spring date extended by two weeks.

Vice Chairman Combo thanked staff for its extensive research on this issue.

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

RES. NO. WHEREAS, the Idaho Transportation Board has authority under Section 49-948,

TB02-60 Idaho Code, to approve the use of studded tires when needed because of road conditions; and

WHEREAS, the Board has authority under Section 49-201, Idaho Code, to adopt rules to regulate the use of studded tires; and

WHEREAS, Idaho Administrative Rule IDAPA 39.03.46 establishes the dates that studded tires are prohibited on Idaho's public highways; and

WHEREAS, Idaho Transportation Department staff has determined, by virtue of studying winter maintenance storm patterns, that extending the spring date of prohibition from April 16 to May 1 would provide a safety benefit to travelers in Idaho without adversely affecting pavement wear.

NOW THEREFORE BE IT RESOLVED, that the Board directs staff to enter into rulemaking to amend Section 100 of IDAPA 39.03.46 to read as follows:

100. PROHIBITIONS.

Motor vehicles equipped with tires having built-in lugs of tungsten carbide or of other metallic material are prohibited on Idaho's public highways between the dates of May 1 and September 30, annually, both dates inclusive.

Administrative Rule Change: Outdoor Advertising. Right-of-Way Manager Leonard Hill stated that technology offers the outdoor advertising industry the option of employing electronic devices such as multiple message signs and moveable message signs. Idaho has no rules to regulate their use other than prohibitions on illumination from signs that distract and present a safety hazard to the traveling public. Consequently, such signs have been either disallowed or issued temporary permits until appropriate guidelines were developed.

Mr. Hill said another sign issue is that the definition of commercial or industrial activity has not been well formulated. This has caused subjective determinations by sign owners and ITD of what is allowed. He recommended revising Rule 39.03.60, Rules Governing Outdoor Advertising to address both of these issues.

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

RES. NO. WHEREAS, IDAPA 39.03.60 was enacted to provide rules governing outdoor

TB02-61 advertising as set out in Title 40, Chapter 19 of Idaho Code; and

WHEREAS, the Idaho Transportation Board has authority under Idaho Code Section 40-312 (4) to prescribe and enforce regulations for the erection and maintenance of advertising structures to protect the safety of highway users; and

WHEREAS, technology now affords the outdoor advertising industry the option of employing electronic devices such as multiple message signs and moveable message signs for which there are no standards to protect the safety of highway users; and

WHEREAS, commercial and industrial activity is not thoroughly defined in existing rules which results in misunderstandings between the Transportation Department and the outdoor advertising industry causing confusion and excessive hearings regarding this item; and

WHEREAS, other revisions to IDAPA 39.03.60 are needed to refine current rules and requirements regarding outdoor advertising;

NOW THEREFORE BE IT RESOLVED, that the Board approves a temporary and regular rulemaking proposal amending IDAPA 39.03.60 to provide for multiple message signs and to regulate them, to clarify what is meant by a commercial or industrial activity, and to otherwise refine existing rules.

SH-34, Soda Springs Railroad Overpass. CE Ross reported that District 5 is proceeding with a project to repair the US-30, Soda Springs overpass. Side panels began sliding away from the overpass fill early last month. CE Ross said that reinforcing straps that held the panels in place corroded prematurely, allowing the panels to detach. The structure itself is not damaged, but lane restrictions are in place. Staff estimates a project to repair this structure will cost \$3 million. Due to the urgency of this matter, CE Ross asked for approval to add a project to the STIP at this time. Staff would like to advertise the project in approximately one month.

Without objection, the Board concurred with CE Ross's request to add a project to the STIP to repair the SH-34 Soda Springs railroad overpass.

Proposed Revision of IDAPA 39.02.73, Rules Governing Accident Prevention Course. Ed Pemble, Driver Services Manager, said recent legislation conflicts with the rule regarding accident prevention course, as it removed the prohibition on self instructed courses and the requirement that accident prevention courses be comprised of classroom or field driving instruction. With the advance of various technologies, online training is available and IDAPA 39.02.73, Rules Governing Accident Prevention Course, should be updated to incorporate current standards and requirements.

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

RES. NO. WHEREAS, IDAPA 39.02.73 was established to provide standards for the
TB02-62 accident prevention course provided in Section 41-2515, Idaho Code; and

WHEREAS, Section 41-2515, Idaho Code was modified by the enactment of Senate Bill 1444, effective July 1, 2002, which eliminated the stipulation that accident prevention courses be classroom or field driving

instruction and also eliminated the prohibition on self instructed courses; and

WHEREAS, the underlying intent of Senate Bill 1444 was to allow for the development of an online alternative for accident prevention course delivery; and

WHEREAS, other revisions to IDAPA 39.02.73 are needed to clarify current standards and requirements;

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the rulemaking proposal to revise IDAPA 39.02.73 to make provisions for on-line instruction of the accident prevention course and to clarify current standards and requirements.

Motor Carrier Audits. Motor Carrier Services Manager Herb Kinney reported on the Motor Carrier Audit Unit, which is making the transition from auditing weight distance tax in the United States and Canada and International Registration Plan (IRP) fee compliance within Idaho to auditing within Idaho for full fee and IRP compliance. Because of the new one of a kind registration fee system for trucks registered for 60,000 pounds and more, the only improvement from overseeing the weight distance tax method is that the auditors no longer travel out of state.

Mr. Kinney said the goals of the Audit Unit are to audit 80% of Idaho-based full fee motor carriers once every four years; comply with the auditing requirements of the IRP agreement, which requires Idaho to audit Idaho-based interstate motor carriers for Idaho and the other 58 IRP jurisdictions; and to ensure compliance with Idaho's one of a kind registration system by educating Idaho based carriers on the appropriate method of record keeping for their operations. Revenue recovery is secondary to these goals, and the rate of recovery is directly linked to the effort of ITD to educate for compliance.

In FY02, the Audit Unit completed 666 audits of registration applications of full fee carriers, assessing \$118,102. During this time period, 493 audits of IRP applications were completed with assessments of \$51,088 in Idaho fees and \$39,946 in fees for other

jurisdictions. After the Department has sufficient historical information with the new registration fee system to estimate the level of compliance by motor carriers, an assessment of the auditing needs should be undertaken and the appropriate adjustments to staff should be made at that time, based on that assessment. However, Mr. Kinney added that there has been one vacant position in the Audit Unit since November and he believes that position could be eliminated.

Chairman Winder thanked Mr. Kinney for the report.

Issues Associated with BASE (Bridges, Antennas, Spans, and Earth) Jumping and Bungee Jumping from State Highway Bridges. DAG Bywater researched the liability issues associated with BASE and bungee jumping from state structures. Three potential sources of liability exist: participants, which is the least likely source; people under the bridge, such as those on boats; and the public injured by a distracted motorist, which is the most likely basis. There have been very few liability cases in the country on this issue. DAG Bywater added that ITD would not be covered for these claims.

Member McClure asked if the Department is covered on other sporting events, such as bicycle races. DAG Bywater responded that if a permit is issued for an activity, the Department is covered. Chairman Winder asked if the Department would be covered for liability if it issued permits for BASE and bungee jumping. DAG Bywater believes ITD would be covered then, however, he expressed concern that a permit system would result in more risks and liability issues. He suggested further research on this matter.

Another subject DAG Bywater reviewed was the prohibition or control of recreational activities on bridges. Although the Board has statutory authority on the state's bridges, DAG Bywater believes legislation would be required to make the activity either a misdemeanor or an infraction. He believes that without legislative action specifically prohibiting bridge jumping or enhancing the Board's authority to regulate unauthorized activities on the right-of-way, the Department's efforts to control bridge jumping will likely meet with limited success.

Member Miller mentioned a bridge in California that was popular for BASE and bungee jumping several years ago. He asked if California was contacted to determine if it still allows these sports. DAG Bywater believes his assistant contacted all of the surrounding

states, but he could not confirm whether California was included in that investigation. He will look into that.

The consensus of the Board was to have staff conduct additional research on BASE and bungee jumping from state bridges and revisit this issue at a future meeting.

Recognition of the District 4 Adopt-A-Highway Group. Member Blick emphasized the important role that the Adopt-A-Highway groups play in Idaho. Their assistance in helping ITD maintain the highways and keep the state litter free is greatly appreciated and saves the state money. He thanked the employees of Atkinson's Market, Inc. from the Sun Valley area for their participation in the program and presented Cris Kimball with an award for their efforts.

Ms. Kimball said the company encourages its employees to participate in the program by offering incentives. The group tries to have fun while providing a service to the community.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member McClure made a motion to meet in executive session at 2:55 PM to discuss personnel and legal matters. Member Sweeney seconded the motion and it passed unanimously by individual roll call vote.

The general tenor of the discussions on the personnel items included a report on an investigation into possible misconduct and on the status of a disciplinary case.

The general tenor of the discussions on legal issues included updates on a pending litigation case and on a probable litigation matter.

The Board came out of executive session at 3:40 PM. No decisions were made.

New Business. Member Miller informed the Board of concerns in Bingham County regarding maintenance of a local road. The Shoshone-Bannock Tribe does not want motorists traveling on the Lincoln Creek Road, and local officials are concerned that the Tribe may close that road.

The Board reviewed the draft announcement and selection criteria for the director's position. The Office of Human Resources will facilitate with the hiring process.

WHEREUPON the meeting recessed at 4:10 PM.

August 16, 2002

The Board met at 8:30 AM on Friday, August 16 in Twin Falls. All members were present except Member McHugh.

The Board traveled east on US-30 to view the Kimberly Road project in eastern Twin Falls, then SH-50, I-84, and SH-25 to Rupert. The group boarded an Eastern Idaho Railroad (EIRR) passenger car and returned to Twin Falls via rail. Ed McKechnie provided an overview of EIRR's operations in the Magic Valley. The company is the largest shortline railroad in Idaho with 269 miles. EIRR is one of the leading shortlines in the industry due to its growth in traffic, diversification of commodities, and steady expansion into new markets. Mr. McKechnie thanked Director Bower for his assistance on rail issues.

Several stops were made along the route, including to view a rail/highway crossing and hear about the coordination on those projects, and to visit two businesses that ship products via rail.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:10 PM.

CHARLES L. WINDER, Chairman
Idaho Transportation Board

Read and Approved

September 27, 2002

Boise, Idaho

REGULAR MEETING AND DISTRICT ONE TOUR
OF THE IDAHO TRANSPORTATION BOARD

July 18-19, 2002

The Idaho Transportation Board met at 8:10 AM, on Thursday, July 18, 2002, in Coeur d'Alene, Idaho. 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 M. Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Steve Moreno, Division Administrator, Federal Highway Administration was also present. Coeur d'Alene Mayor Sandi Bloem and Dick Suchocki joined the Board as it traveled Northwest Boulevard. Mr. Suchocki elaborated on the recently-completed reconstruction of Northwest Boulevard and the landscaping project, and thanked the Board for its assistance on these important projects. Mayor Bloem and Mr. Suchocki departed the tour in Coeur d'Alene.

The Board traveled south on US-95 to view the US-95, Bellgrove to Mica project under construction.

The tour continued north on US-95 and west on Seltice Way to Post Falls. Representative Hilde Kellogg and officials from the City of Post Falls and Post Falls Highway District joined the group as it traveled local streets. The officials reported on the growth in the area and the need for interstate improvements to accommodate the area's transportation needs. The local officials departed the tour in Post Falls.

At the Huetter Rest Area, Jonathan Coe with the Coeur d'Alene Chamber of Commerce briefed the Board on changes occurring at the visitor's center. Due to budget constraints, the Department of Parks and Recreation is no longer operating the visitor center at this gateway rest area. Mr. Coe was pleased that the local chamber of commerce would be able to operate the center on a trial basis, with funding assistance from the Departments of Commerce and Transportation. He also thanked the Board for the emphasis on improving the transportation infrastructure in northern Idaho.

The Board tour continued north on US-95. Staff reported on the US-95 Coeur d'Alene corridor study and the Bridging the Valley Study.

Presentation on the Sand Creek Byway Project. In Sandpoint, Transportation Staff Engineer Sean Hoisington gave an update on the Sand Creek Byway project. He said the project is progressing well. With the recent inclusion of the off-ramp at the south end of the project in the draft Statewide Transportation Improvement Program (STIP), work is now progressing on the environmental assessment for that phase. He is pleased with the community involvement on the project and emphasized that the Department is attempting to listen to and address all of the concerns expressed on the project.

Delegation – City of Sandpoint. Chairman Winder thanked the local officials and various representatives from the area for meeting with the Board. He expressed appreciation to the community for its involvement and interest in transportation, particularly the Sand Creek Byway project. He also thanked Senator Shawn Keough, Representative George Eskridge, and Representative John Campbell for attending the meeting, and for their continued interest in and support of transportation.

Mayor Paul Graves welcomed the Board members to Sandpoint and thanked them for their time. Councilmember Francis Ogilvie expressed appreciation for including the Sand Creek Byway off-ramp in the draft STIP and expressed the community's support for that project. Other representatives thanked the Board for the process used to develop the Sand Creek Byway project, as it involved the community and resulted in greater support for the project.

Chairman Winder thanked the delegation and the community for its support and efforts on the Byway project. He believes their input and participation were instrumental in making the process successful.

Delegation – City of Dover. City Councilmember Jim Janish thanked the Board for visiting northern Idaho. The City is establishing a good working relationship with ITD, as the two agencies worked cooperatively on a wetlands project, which is now part of the city's park system. The City of Dover only has one access, and that is from US-2. When this access is closed, there is no other way to get into or out of town. The railroad is planning to increase the number of trains through town, which may increase the potential for accidents, and a resort is being planned in the area, which could increase the area's population, resulting in greater concerns with the single access. Mr. Janish asked the Board to consider another access from US-2 on the west end of Dover.

DE Stokes responded that he is aware of the City's concerns and has been working with officials as the Department proceeds with the Dover Bridge and US-2 realignment project. Constructing another access from US-2 will be complicated because of the parallel railroad tracks, but the District will continue working with the City on this issue. Chairman Winder thanked Councilmember Janish for his remarks.

Delegation – City of Moyie Springs. Mayor Joseph Mesenbrink reported that the City of Moyie Springs has one paved road in town, former US-2, which the state relinquished to the city. The road is deteriorating and has drainage problems that need to be corrected, but the City does not have funds available to improve this road. The county is planning a project on its portion of this road and Mayor Mesenbrink would like the City to be able to combine its project with the county's. He added that the local sawmill is willing to contribute funds to improve this road.

Chairman Winder thanked Mayor Mesenbrink for his presentation and asked him to continue working with DE Stokes and Joe Haynes with the Local Highway Technical Assistance Council (LHTAC) on funding options.

Delegation – Boundary County. Commission Chair Murlleen Skeen thanked the Board for its time and for planned projects in the area. Road Supervisor Jeff Gutshall expressed support for the City of Moyie Springs' road improvement project and would also like to see the two local public agencies complete their projects simultaneously. Mr. Gotchall also stated that a county road access to US-95 in Naples is a concern. The county road is at the bottom of a hill and there are no turn lanes on US-95, resulting in safety concerns for turning traffic, and there is no turning radius. The location is complicated further by the close proximity of the two bridges, one on the state's system and the other on the county road, and the nearby railroad tracks. He asked for assistance to address this safety concern.

DE Stokes replied that a turnbay project has been included in the draft STIP, which should resolve the concerns at this location.

Chairman Winder thanked the Boundary County officials for meeting with the Board and asked them to continue working with DE Stokes on their transportation issues.

Delegation – City of Ponderay. Mayor Jessie DeMers expressed appreciation for the Board members' time and for their visit to the area. Kootenai Cut-off Road is a minor arterial connecting US-95 and SH-200. There are a number of safety concerns on that route due to the high volume of truck traffic, the lack of a bicycle/pedestrian path, and the lack of center turn lanes. The City has a project in FY02 to address these concerns and improve the base of the road. Because of delays to the project that have been outside the City's control, the project is in danger of being delayed until FY06 if the project funds are not obligated soon. Mayor DeMers stressed the importance of this project to the community and asked that the project be funded this fiscal year. She also expressed support to address the access concerns to the commercial triangle.

Director Bower said he is aware of the concerns with the Kootenai Cut-off Road project and has asked staff and LHTAC to provide assistance and help the City obligate the project this year. He emphasized that it is critical for the Department to obligate all FY02 federal aid by the end of September. Chairman Winder added that the Board is aware of the access issue at the triangle and encouraged the City to continue working with DE Stokes to resolve that problem.

Delegation – Steve Klatt. Mr. Klatt thanked the Board for its support in northern Idaho and the numerous transportation improvements that have been made. He also thanked the Board for its support to the Scenic Byway Program and was pleased to announce that the Pend Oreille Scenic Byway recently received national scenic byway designation. Mr. Klatt expressed concern with the earmarking of scenic byway funds. He believes the Scenic Byway Program has been very beneficial to local communities, as it instills pride and a sense of ownership to the area. He is concerned that locals will not receive money for their byways if the funds are earmarked, which may negate the concept of public involvement and diminish local support for the Program. He concluded by thanking DE Stokes and his staff for all of their assistance and the good working relationship the Department has established in the area.

Chairman Winder thanked Mr. Klatt for his remarks. He concurred that the earmarking of funds is a difficult issue. The Board is in a quandary because it does not fully support the earmarking process, however, if funds are going to be earmarked, ITD needs to apply for those funds. Director Bower congratulated Mr. Klatt for his efforts in the Scenic Byway Program, particularly for the national designation of the Pend Oreille Scenic Byway.

Delegation – Ponderay Community Development Council (PCDC). Dale Jeffries expanded on the commercial triangle in Ponderay that the community would like to have another access to because the railroad closed the Diamond Crossing. PCDC is proposing a new road through that area that would connect US-95 to SH-200. The current access to US-95 at Tibbets Lane will become right-in/right-out after the programmed project to widen US-95 is completed. He also thanked the Board for its support to northern Idaho and for the inclusion of the Sand Creek Byway off-ramp in the draft STIP.

Chairman Winder thanked Mr. Jeffries for the presentation and encouraged him to continue working closely with DE Stokes to resolve the area's transportation issues.

Delegation – Bonner County Area Transportation Team (BCATT). Bonner County Commission Chair Brian Orr thanked the Board for its time and for visiting the area. He also thanked the Board for the numerous projects that have been completed or are planned to improve transportation in northern Idaho. He believes the 5th Street project in Sandpoint is progressing well, in spite of the difficulties of the project due to the high volume of traffic and numerous businesses and accesses on that stretch. The traffic management has been effective and the weekly meetings with businesses and interested parties have been appreciated. Mr. Orr also thanked the Department for its process on the Sand Creek Byway project, which has united the community, and for including the off-ramp project in the draft STIP.

Mr. Orr acknowledged Director Bower's efforts in the transportation arena. He stated that Mr. Bower has been a good friend to the area and the community is proud of Director Bower's accomplishments in and improvements to northern Idaho. Mr. Orr presented Director Bower with a plaque in recognition of his leadership and efforts and wished him well in his upcoming retirement.

Chairman Winder thanked Mr. Orr for his kind remarks, and especially for the recognition given to Director Bower. He also thanked BCATT for its work, as its communication and coordination with ITD are invaluable.

The Board returned to Coeur d'Alene via US-95.

WHEREUPON the meeting recessed at 4:10 PM.

July 19, 2002

The Board met at 8:30 AM on Friday, July 19 at the District One Office in Coeur d'Alene. All members were present, including Member Bruce Sweeney. Chairman Winder thanked DE Stokes for arranging the tour yesterday and expressed appreciation to the numerous delegations that met with the Board.

June 19-21, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on June 19-21, 2002 as submitted. The motion passed unanimously.

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

August 15-16, 2002 – District 4

September 25-27, 2002 – District 3

October 18, 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 Idaho Transportation Board has

TB02-51 received and reviewed the contract award information, the new and supplemental professional agreements report, the administrative settlements of right-of-way acquisitions, and the May financial statement analysis.

1) Contract Award Information. Key #8217 – US-12, Milepost 70 to Suttler Creek, District 2. Low bidder: Poe Asphalt Paving, Inc. - \$1,946,884.

Key #7901 - SH-60, Washington State Line to Junction US-95, District 1. Low bidder: Interstate Concrete & Asphalt - \$374,721.

Key #8797 – District 2 Seal Coats. Low bidder: Conmat - \$741,551.

Key #8117 – I-15, Virginia Interchange to McCammon Interchange, District 5. Low bidder: Bannock Paving Company - \$2,545,545.

Key #7157 – SH-55, Lake Fork Canal, South of McCall, District 3. Low bidder: Central Paving Company, Inc. - \$498,304.

Key #7045 – I-84B, Glenns Ferry Business Loop, District 3. Low bidder: Idaho Sand & Gravel Company - \$504,142.

Keys #8409 and #8523 - SH-21, Junction I-84 to Lucky Peak Reservoir Bridge and Ada County Line to Robie Creek Road, District 3. Low bidder: Snake River Construction, Inc. - \$358,993.

Keys #8252 and #8548 - SH-75, Sun Valley Spur and Main Street Hailey, District 4.
Low bidder: Lakeside Ind dba Valley Paving - \$1,046,697.

Key #7620 - SH-8, Line to Division Street pathway, Deary, District 2. Low bidder: M L Albright & Sons, Inc. - \$319,669.

Keys #7317 and #7316 – Snake River Bridge and Ferry Butte Road West of Shelley – District 5. Low bidder: Cannon Builders Inc. - \$408,800.

Key #7940 – I-15B, Yellowstone Avenue to Interchange 71, Pocatello, District 5. Low bidder: Bannock Paving - \$497,794.

Keys #7942, #8269, #8270, and #8264 – Dayton to Preston; 5600 West Road to D-1 Highway North, Dayton; Liberty to Junction US-89; and 7400 North Road to Treasureton Road, District 5. Low bidder: H K Contractors, Inc. - \$994,436.

2) New and Supplemental Professional Agreements Report. From May 31 to June 28, the Consultant Administration Unit processed \$3,159,250 in professional, supplemental, and term agreements.

3) Administrative Settlements of Right-of-Way Acquisitions. During the first half of calendar year 2002, the Right-of-Way Section processed 30 parcels. Of those, 6 parcels, or 20%, had administrative settlements.

4) May Financial Statement Analysis. Revenue in the Highway Distribution Account through May was \$3.8 million less than forecasted year to date. Aviation Fuel Tax revenue received through May was below projections by \$99,800, while the Aircraft pool revenue was \$37,192 below projections year to date. Analysis is being developed to determine the effects on revenue and expenditures for this fund as a result of the loss of the Navajo aircraft. Expenditures are below forecast in both the State Highway Fund and

State Aeronautics Fund, but above estimated amounts in the Aircraft Operations Fund due to maintenance inspections and new equipment installation.

Report on Speed and Collision Rates. Generally, total collision rates and fatality collision rates were highest for non-interstate routes followed by rural and urban interstates, respectively. Total collision rates are generally higher on routes with lower speed limits. Staff does not recommend widespread changes in speed limits; however, each District should continue to review highways to determine if there are specific locations that justify a speed limit revision.

Because the Board is tentatively planning to meet with the Idaho Traffic Safety Commission at the October meeting, Vice Chairman Combo asked staff to provide a verbal report on the Idaho Traffic Collisions 2001 report at that time.

Vice Chairman Combo made a motion to accept the report on speed and collision rates. Member Blick seconded the motion and it passed unopposed.

Board Items. Chairman Winder attended the recent Western Association of State Highway and Transportation Officials (WASHTO) conference, including some sessions for boards and commissions. He reported on an initiative Texas is pursuing to construct traffic and commerce corridors. The corridors would include toll roads, railroads tracks, fiber optics, natural gas, and a number of other elements. It is believed that these corridors will tie the state together and provide an economic stimulus. Chairman Winder also stated that reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) was a major topic. Additionally, Director Bower received a lot of recognition in light of his upcoming retirement. Director Bower has been involved in WASHTO for many years. He has been a good leader in the transportation arena and has established many friends throughout the country.

Director Bower elaborated on the WASHTO conference. He moderated a session on transit issues on public lands, including in national parks. Some of the issues that need to be addressed in those parks are similar to what urban areas are experiencing, such as congestion and lack of parking. Reauthorization of TEA-21 was a main focus and discussions included the need to increase the available revenue nationwide, although there is not strong support to increase the fuel tax or index the fuel tax. Overall, Director

Bower believes the WASHTO meetings were beneficial and the conference was successful.

Member McHugh informed the Board that the Coeur d'Alene Good Sams were chosen as the District 1 Adopt-A-Highway group of the year. The group adopted a section of SH-54 in 1998 and has been diligent in keeping that stretch of highway litter free. Because the group could not attend the meeting today, Member McHugh and District staff will recognize the group for its outstanding efforts another time.

Member McHugh said he mentioned to the Kootenai County Area Transportation Team the Board's action last month to allow a longer combination vehicle on a portion of I-90 via a permit. Because it does not appear allowing longer combination vehicles due to conventional cabs is a safety concern (the overall length of the trailers will not change), staff was asked to consider allowing this combination on additional routes. Member McHugh was asked which additional routes would be considered. He learned from staff that in addition to interstate routes, a number of National Highway System routes would also be included in the review. He also heard that the Motor Carrier Advisory Committee may pursue legislation to allow these longer combination vehicles, nullifying the need for ITD to propose a rule change.

Regarding the issue of determining if ITD should replace the Navajo aircraft, Member Miller asked that consideration be given to the issue of the state competing with private industry. He said that charter airplanes are available. He also stressed that the Department's costs need to be recoverable, and that a replacement aircraft should be able to access the majority of Idaho's airports, although not the small, backcountry strips. Chairman Winder emphasized that no decision has been made on the replacement of the Navajo and that a task force will explore the need to acquire another aircraft.

Director's Items. Director Bower believes his presentation to the Joint Finance and Appropriations Committee last month went well. Some of the issues he reported on were growth trends, the Department's revenue, and re-authorization.

The Department is continuing dual testing of pavement samples due to the allegations that test results were falsified. This may result in the delay of some construction projects, which is a concern to contractors. Director Bower said ITD and the Associated General Contractors of Idaho have been meeting on a quarterly basis, which has established a

good partnership between the two entities. That communication and relationship has been helpful as the Department deals with the allegations and current testing procedures.

Director Bower reported that the National Transportation Safety Board (NTSB) visited the crash site of the Navajo earlier this month. The NTSB has requested that the aircraft be removed from the wilderness so that its investigation can resume. Staff will continue exploring options to recover the aircraft. Director Bower added that time is of the essence, as winter weather will be approaching that elevation soon.

The House Resources and Environmental Committee will be conducting a hearing on July 27 in the Boise area on backcountry airstrips. Director Bower was asked to testify. A hearing on transportation on federal lands and impacts in rural America has been discussed, but nothing has been finalized on that. Director Bower reported that work is continuing on the federal transportation appropriations bill. Because of the upcoming congressional recess, he believes a continuing resolution will be issued before an appropriations bill is finalized.

Director Bower will be attending a CANAMEX meeting next month in Montana.

Chief Engineer's Items. CE Ross reported that staff has been exploring funding options for a project at the East Chausse Railroad Crossing on Pegram Road in Bear Lake County. The crossing's index rating does not qualify the crossing for funding. The site has good visibility except when there is fog. CE Ross said Idaho Code states that the crossing funds are to be expended based on the priority rating. He said that state funds cannot be used because the route is not on the state's system. There is a possibility that STP funds could be used, but he needs to research that more. He added that Bear Lake County has submitted a letter of support for the project and stated that it would contribute \$21,000 for a project. It is estimated that a gate and signal project would cost between \$250,000 and \$300,000.

Mr. Haynes reported on a new device that could be installed in a bus to warn the driver of oncoming trains. He will explore that option further, as it would be less costly than gates and signals.

Member McClure asked if weather is a factor used in prioritizing railroad-crossing projects. Transportation Staff Engineer Assistant Lee Wilson responded that weather is not part of the criteria. Some of the factors are train volumes, car volumes, truck volumes, number of railroad tracks, and train speeds. Member McClure asked if weather should be included in the rating criteria, especially in winter. CE Ross said that staff is reviewing that issue.

Member Blick asked staff to continue exploring funding options for the East Chausse Railroad Crossing, as he is concerned with the safety of the school children. Member Miller thanked Mr. Wilson and staff for their efforts to resolve this issue. Chairman Winder asked if .08 safety funds could be used to fund a project at this crossing. Director Bower replied that those safety funds could be used. Staff was asked to consider that funding source.

Delegation – Representative Don Pischner. Representative Pischner thanked the Board for its efforts in the transportation arena and service to the state. He also thanked the Board for the recent improvements to SH-97. Representative Pischner has an extensive background in and experience with asphalt. He believes the process used in the placement of asphalt is very important and determines the smoothness of the road. For example, if there are depressions in the roadway, those areas need to be filled in before asphalt is placed, otherwise those dips will remain and decrease the smoothness of the highway. He encouraged the Board to emphasize smooth pavement for safety, to reduce maintenance costs to vehicles, and for pride. He concluded by thanking the members for their time.

Chairman Winder thanked Representative Pischner for his comments and also for his service in the legislature. He expressed appreciation to Representative Pischner for his support to the Transportation Department and his friendship. He also asked staff for a future presentation on pavement design and smoothness specifications.

2003 Legislative Idea Concept Review. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar summarized the legislative process and timeframes. Staff initially had four legislative concepts, but would like to possibly pursue three during the 2003 legislative session.

Motor Vehicle Administrator Morris Detmar said that based on an inquiry from a legislator, staff is exploring the repeal of Section 49-1210(2), Idaho Code, regarding proof of financial responsibility. It is hoped that revising the SR-22 form, proof of financial responsibility, will address the concerns. Secondly, due to the requirements of Section 1012 of the U.S. Patriot Act prohibiting states from issuing or renewing a license to operate a motor vehicle transporting hazardous materials unless it is determined that the applicant does not pose a security risk, Sections 49-303 and 49-313, Idaho Code, may need to be revised. Staff is awaiting the US Department of Transportation's rule implementing Section 1012, which will determine how Idaho Code is revised. Lastly, staff is exploring revisions to Chapter 18, Title 49, Idaho Code, to develop a new process for removal and disposal of abandoned motor vehicles and will continue to work with law enforcement and towing companies on an acceptable remedy.

Additionally, Assistant Chief Engineer – Operations Greg Laragan reported that staff initiated discussions with the Department of Law Enforcement (DLE) on amending Section 49-1301, Idaho Code, to require motorists to move their vehicles quickly from the highway after involvement in minor traffic accidents. Because no acceptable solution has been reached with DLE, staff will not pursue such legislation at this time. Member McClure concurred that it is imperative to have DLE's support on legislation impacting that agency. Chairman Winder stated that Nevada has designated areas that motorists involved in minor incidents are to proceed to. This is to clear the highway in a timely manner and provide a safer haven for law enforcement to conduct its investigation. He asked staff to review Nevada's concept and determine its applicability in Idaho.

BPIRM Detmar emphasized that the three Motor Vehicle proposals are contingent on outside factors or coordination and may be pulled from ITD's package.

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

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies submit

TB02-54 proposed 2003 legislation to the Division of Financial Management for review and approval; and

WHEREAS, the Idaho Transportation Department Executive Team has approved the "Legislative IDEA Submittal Forms", as shown as Exhibit

261, which is made a part hereof with like effect, 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 Transportation Board approves submittal of the “Legislative IDEA Submittal Forms” 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 2003 legislative package, dependent upon subsequent review and approval by the Board and the Division of Financial Management.

Contract Awards. The low bid on ST-5110(663), ST-5100(601), ST-5760(602), ST-7235(606), and ST-5726(608), keys #8787, #8788, #8789, #8790, and #8791 – US-95, US-2, SH-4, SH-97; Ohio Match Road to Cocolalla Creek Bridge; County Road #61B to Montana State Line; Junction I-90 to Burke; Potlatch Hill Road to South End, near Coeur d’Alene; and Echo Bay to Wolf Lodge Creek Bridge; Kootenai, Bonner, Boundary, and Shoshone Counties, District 1, was more than ten percent over the engineer’s estimate, requiring justification. The engineer’s estimate was developed using the Average Unit Bid Price Report combined with abstract of bids from past seal coat projects and other similar projects. The major differences between the engineer’s estimate and the low bid were in emulsified asphalt for seal coat and cover coat material class 2. It appears staff’s estimate for cover coat was low, as it overlooked the average haul length, and fuel and asphalt prices have increased. Based on this information, staff does not believe any savings would be realized if the project is re-advertised.

Member McHugh made a motion to award the bid on ST-5110(663), ST-5100(601), ST-5760(602), ST-7235(606), and ST-5726(608), to the low bidder: Poe Asphalt Paving Inc., Post Falls, Idaho - \$1,260,876.06. Member Blick seconded the motion and it passed unopposed.

Member Blick made a motion to accept the low bid on IM-84-3(053)173, Key #6256 – Junction I-84 and US-93 Interchange, Stage 1, Jerome County, District 4; low bidder: Western Construction, Inc., Boise, Idaho - \$7,269,451.12. Member Sweeney seconded the motion and it passed unanimously.

The low bid on STP-0700(100), Key #7666 – Old Dollar Road Bike Path, Sun Valley, Blaine County, District 4, was more than ten percent over the engineer’s estimate, requiring justification. The sources for the Engineer’s Estimate were the Average Unit Price Report, recent bid abstract information, and input from ITD staff. The price differences were primarily in the granular borrow, 19mm aggregate for base, combination curb and gutter, and the wood/steel rail. From past experience, the prices in Sun Valley tend to be higher than average, and the engineer’s estimate did not include this factor. Based on that, and also because the two bidders’ prices were consistent, staff does not believe there is a potential for a large savings if the project is re-advertised and recommends awarding the bid. Additionally, the sponsor, the City of Sun Valley, would like the project constructed this summer and has agreed to cover the additional costs.

Member McHugh made a motion to award the bid on STP-0700(100) to the low bidder: Idaho Sand & Gravel Company, Nampa, Idaho - \$158,690. Vice Chairman Combo seconded the motion and it passed unopposed.

Delegation – John Robideaux. Coeur d’Alene businessman John Robideaux thanked the Board members for visiting northern Idaho and for their time. He expressed concern with the Department’s process on the US-95 Coeur d’Alene corridor study. He was not informed of any meetings and was not aware of the study until recently when a city councilmember informed him. It is Mr. Robideaux’s understanding that the study’s recommendation is to pursue the Expressway Plan. This plan would depress the highway along this major business corridor so the businesses’ products would not be visible to motorists. He believes the majority of businesses, local officials, and community members do not support the Expressway Plan. He asked the Board to reconsider the alternatives and to obtain the community’s support in the final decision.

Chairman Winder thanked Mr. Robideaux for his comments and asked DE Stokes to expand on the study and its status. DE Stokes said the study was undertaken to explore the long-term needs of the area, focusing on mobility and access needs. No option has been selected. The Department will work with the community on its desires and the best alternative for the area. He emphasized that this process was an exploratory study and extensive public involvement will be conducted when this project continues, including an environmental document that will include social and economic issues. No additional funding has been programmed at this time for further work on a corridor project.

Member McClure added that the area has been identified as a metropolitan planning organization (MPO) and is in the process of establishing the organization. The MPO will be heavily involved in the process and a final decision.

Chairman Winder welcomed Representative Kellogg to the meeting and thanked her for her continued interest in transportation issues.

Delegation – City of Post Falls. Mayor Clay Larkin thanked the Board for its tour of the Post Falls area yesterday and the additional time it provided to the City of Post Falls today. He emphasized the growth that the Post Falls area is experiencing and stated that projections are for the City's population to double in size in ten years. The city is struggling to address growth issues, especially in the transportation arena. He emphasized the need for an I-90 Greensferry Overpass and a full I-90 interchange at 4th Avenue/Seltice Way. Mayor Larkin asked the Board for assistance on these projects. He thanked DE Stokes and his staff for the guidance and assistance they have provided to the City. The two entities have established an excellent working relationship.

City Engineer Bill Melvin elaborated on the requested I-90 projects. The city is hoping to provide \$5 million for the I-90 Greensferry Overpass project, which is approximately half of the estimated total costs.

Consultant Christine Fuston with The Transpo Group provided an overview on the SH-41 Corridor Master Plan. This study, to address land use and transportation on the SH-41 corridor, was a collaborative effort with six agencies, locals, state, and federal. As the area continues to grow, access and mobility need to be considered and incorporated into planning efforts. The plan calls for mixed land use along the corridor and also identified needed roadway improvements. The study is being presented to the local public agencies for adoption and incorporation into their plans or ordinances. The next step will be to identify funding options.

Member McHugh added that the key element with this plan is for the local public agencies to adopt it and incorporate it into their plans and ordinances. He expressed appreciation to the various entities involved in this undertaking, as it was a great cooperative effort. Chairman Winder thanked the delegation for the informative presentation.

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 11:50 AM to discuss legal and personnel matters. Member Miller seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussions on legal issues included updates on a pending litigation case and a report on probable litigation involving allegations of an outside firm providing false reports to ITD.

The general tenor of the discussions on the personnel items included a report on an investigation into possible misconduct and hiring actions.

The Board came out of executive session at 12:45 PM. No decisions were made.

WHEREUPON, the regular monthly Board meeting officially adjourned at 12:45 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

August 15, 2002

Twin Falls, Idaho

REGULAR MEETING AND DISTRICT SIX TOUR

OF THE IDAHO TRANSPORTATION BOARD

May 15-16, 2002

The Idaho Transportation Board met at 9:15 AM, on Wednesday, May 15, 2002, at the Dell, Montana 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 M. Bower, Director

Jimmy Ross, Chief Engineer

David Hahn, Division of Financial Management; Eric Milstead, Legislative Services Office; Elissa Brant, US Representative Mike Simpson's Office, Idaho Falls; and Leslie Huddleston, US Senator Mike Crapo's Office, Idaho Falls were also present. The Board traveled south on I-15 to the Port of Entry (POE) station at Lima, MT. POE personnel from Montana Department of Transportation and ITD District 6 provided an overview of the port operations.

The tour continued south on I-15 to the US Department of Agriculture Sheep Experiment Station. Greg Lewis, Research Leader, gave an informative presentation on the activities

of the facility, including land management and research on sheep genetics and reproduction.

Delegation – City of Dubois and Clark County. The Board had an informal meeting with Mayor Keith Tweedie and Commissioners Greg Shenton and Bill Frederiksen at the Dubois Rest Area. The officials expressed appreciation to District Engineer Tom Cole and his staff for the assistance they have provided in the transportation arena.

The Board traveled west on SH-22 and SH-33 to the Test Area North facility, Idaho National Engineering and Environmental Laboratory. Harlin Summers provided a brief history of the facility and an overview of the activities at the site.

The tour continued east on SH-33 to Rexburg.

Delegation – City of Rexburg. Mayor Bruce Sutherland thanked the Board for visiting Rexburg and also for its service to the state. He reported on parking concerns in downtown Rexburg and that an effort is underway with ITD staff to change the existing diagonal parking to parallel parking on Main Street, SH-33. This change should improve safety and enhance the flow of traffic. He extended the City's gratitude to DE Cole and his staff for assistance with the parking and other transportation issues. Mayor Sutherland also informed the Board of the growth in the area due to Brigham Young University – Idaho's expansion to a four-year facility.

Chairman Winder thanked Mayor Sutherland for his support and also praised the excellent relationship that the City has developed with ITD.

The Board traveled US-20 south to Idaho Falls.

WHEREUPON the meeting recessed at 5:50 PM.

May 16, 2002

The Board met at 8:30 AM on Thursday, May 16 at the City Electric Building in Idaho Falls. All members were present. Deputy Attorney General Pat Fanning was also present.

April 17-18, 2002 Board Minutes. Member McClure made a motion, seconded by Member Sweeney, to approve the minutes of the Board meeting held on April 17-18, 2002 as submitted. The motion passed unanimously.

April 26, 2002 Special Board Minutes. Member Blick made a motion, seconded by Member Miller, to approve the minutes of the special Board meeting held on April 26, 2002 as submitted. The motion passed unopposed.

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

June 19-21, 2002 – District 5

July 18-19, 2002 – District 1

August 15-16, 2002 – District 4

Consent Calendar. Member Blick 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

TB02-34 the Harassment in the Workplace policy revision, Board Policy B-18-10; the FY03 out of state travel; and the request for additional consultant services on SH-16, Freezeout Hill, District 3; and has received and reviewed the contract award information, the new and supplemental professional agreements report, and the March financial statement analysis.

- 1) Harassment in the Workplace Policy Revision. Due to changes in operating philosophy, and review of case laws and legal interpretations, Board and Administrative Policies B- and A-18-10, Harassment in the Workplace, have been revised for clarification and updating.
- 2) FY03 Out-of-State Travel. The FY03 out-of-state travel requests were initially approved by the Board in August 2001. Staff reviewed its earlier requests and modified the list. The out-of-state travel request has been decreased slightly, to a total of \$425,052.
- 3) Request for Additional Consultant Services, SH-16, Freezeout Hill, Key #8082, Gem County, District 3. This project, scheduled in Preliminary Development, consists of passing lanes in both directions on SH-16 and replacing the structure at Black Canyon Canal at an estimated construction cost of \$10 million. A term agreement with URS was developed in November 2000 in the amount of \$251,400 for the environmental document, approved concept report, and preliminary engineering. Staff is requesting Board approval to increase the term agreement work task amount to \$351,400 for additional design services to extend the project limits and to assess new access control requirements using a frontage road system. The cost increase will be funded by converting Preliminary Engineering by State Forces to Preliminary Engineering by consultant on the project. No additional funding is required.

4) Contract Award Information. Key #7279 – Grangemont Road Realignment event 96-2, District 2. Low bidder: Debco - \$572,549.

Keys #7129 and #7138 – I-84 and I-86, District 3 Pavement Marking and District 4 Pavement Marking. Low bidder: Promark, Inc. - \$217,446.

Key #8419 – SH-52, Emmett North City Limits to Junction SH-55, District 3. Low bidder: Snake River Construction, Inc. - \$279,606.

Key #8540 – US-30, Junction US-30/Washington Street, Twin Falls, District 4. Low bidder: Idaho Sand & Gravel Company - \$76,049.

Key #7085 – US-95, Rock Creek Slide, District 1. Low bidder: Wood's Crushing & Hauling, Inc. - \$1,606,985.

Keys #7743, #7742, #7739, #7740, and #7744 – Rigby to Ririe; Saturn Avenue to Lewisville Interchange, Idaho Falls; Rigby Business Loop; Rexburg to Sugar City; and Bridge Street, St. Anthony; District 6. Low bidder: HK Contractors, Inc. - \$489,865.

Key #7925 - SH-51, Missile Site Road to Milepost 60, District 3. Low bidder: Idaho Sand & Gravel Company - \$871,778.

Key #7789 – Black Canyon Interchange to US-20/26 Interchange, District 3. Low bidder: Cannon Builders Inc. - \$464,541.

Key #8524 - SH-55, Junction US-95 to Midway Avenue, District 3. Low bidder: Snake River Construction, Inc. - \$186,552.

5) New and Supplemental Professional Agreements Report. From March 30 to April 30, the Consultant Administration Unit processed \$947,723 in professional, supplemental, and term agreements.

6) March Financial Statement Analysis. Revenue in the Highway Distribution Account through March was \$0.6 million more than forecasted year to date. Aviation Fuel Tax revenue received through March was below projections by \$5,789, while the Aircraft pool revenue was \$11,041 below projections year to date. Analysis is being developed to determine the effects on revenue and expenditures for this fund as a result of the loss of the Navajo aircraft. Expenditures are below forecast in both the State Highway Fund and State Aeronautics Fund, but above estimated amounts in the Aircraft Operations Fund.

Board Items. Member Blick attended a local public agency (LPA) meeting in Burley recently. The local officials were concerned with the changes to the STP-Rural Exchange Program approved by the Board last month. Member Blick believes the meeting was beneficial, as the LPAs have a better understanding of the Board's position and are more accepting of the changes. Because of LPAs' concerns that additional entities will be able to participate in the Program, but the dollar amount has not increased, a formula may be developed for the distribution of funds.

Joe Haynes, Administrator, Local Highway Technical Assistance Council (LHTAC) concurred with Member Blick's comments. He also thanked Member Blick for attending the meeting and providing background information on the Program and explaining the Board's views and concerns.

Member Sweeney participated in a recent Aeronautics Advisory Board (AAB) meeting. He said the AAB is proceeding with developing its mission and goals, and he believes it is making commendable progress with this endeavor.

Member Sweeney reported that a businessman in Riggins is working with District staff on an access on US-95 for a car wash. There has been some concern with the \$3,500 fee required as part of the access control policy, as it appears excessive in this situation. Member Sweeney expressed concern with the existing policy when a major highway, such as US-95, is a community's main street, and also when the anticipated traffic that a new access will generate is minimal. He suggested providing flexibility in the policy based on the circumstances.

CE Ross reported that the fee schedule could be reviewed, as it is established in policy. Chairman Winder also asked that the appraisal process and language be reviewed.

Member McClure said District 3 has to address noise concerns on a number of its construction projects, however ITD has no guidelines or policies in place for this issue. He asked if a policy could be developed to provide staff with assistance on noise mitigation, as this matter can be time-consuming and costly. CE Ross reported that the noise policy is outdated. The policy is being revised and is currently being reviewed by FHWA.

Vice Chairman Combo stated that the City of Idaho Falls is having problems with two FY01 Enhancement projects. The John's Hole Bridge project is currently under construction but the Fremont Avenue project is not. He asked staff for a report next month on the problems the City is experiencing and suggested resolutions to those issues.

Director's Items. Director Bower reported that an employee appreciation day was held at Headquarters earlier this month. The event included refreshments served by the executive management staff and a fun run or walk, and appeared to be well received. He thanked Chairman Winder and Member McClure for assisting with serving refreshments. Several Board members also shared the activities that their respective Districts organized for employee appreciation day.

Director Bower, CE Ross, and Department of Environmental Quality (DEQ) Director Steve Allred were in Coeur d'Alene last week to announce the signing of a consent agreement to address the environmental concerns on the US-95, Mica to Belgrove project. The main points of the agreement include stopping the erosion, developing a plan to continue improving the situation, analyzing the impacts of the erosion and run-off into Mica Creek and Mica Bay, and an action plan to mitigate the problems. Director Bower believes measures have been implemented to prevent additional environmental problems in the area. He also mentioned that the Environmental Protection Agency (EPA) has put ITD on notice, but he believes the consent agreement with DEQ will address EPA's concerns. He added that a \$23 million tort claim has been filed by property owners in the area. The state has 60 days to respond to the claim.

Chairman Winder thanked Director Bower and staff for their efforts on the consent agreement. He believes the environmental concerns are being addressed in a positive manner and he commended staff for its actions.

Director Bower provided a list of Congressional earmarked projects Idaho received in FY02. The Department has not been notified of projects for FY03. He and Transportation Planning Administrator Charles Rountree will be meeting with Idaho's Congressional Delegation in Washington, DC next month. The meeting will focus on discretionary projects and the reauthorization of the 1998 Transportation Equity Act for the 21st Century. He also reported that a field hearing on reauthorization is being planned in Coeur d'Alene in July and he has been asked to testify at that hearing.

The Joint Finance and Appropriations Committee will be touring southeastern Idaho in June. Director Bower has been asked to give a presentation in Montpelier.

Director Bower reported that the Land Board approved a land agreement for WestRock's proposed development near Cascade. He did not have information on the impacts to ITD or agreements regarding transportation infrastructure improvements at this time.

Recognition of the District 6 Adopt-A-Highway Group. Vice Chairman Combo thanked the Valhalla Lodge, Sons of Norway for its efforts in the Adopt-A-Highway Program. DE Cole also expressed appreciation to the group for the valuable public service they are providing, and the District Adopt-A-Highway Coordinator Jeff Call presented the group with a plaque and battery-operated hubcap clock.

Don Combs accepted the awards on behalf of the group. He praised the Adopt-A-Highway program and is proud to participate in it.

Special Interest License Plates for Recreational Vehicles. Chairman Winder was asked to allow special interest license plates on recreational vehicles. Staff determined that it would cost approximately \$18,000 in programming and labor costs to implement this change. In 2001, there were over 57,000 camp/travel trailers registered in Idaho that would be eligible. The consensus of the Board was to permit special interest license plates for recreational vehicles, effective January 1, 2003, however, it asked for

clarification on the types of vehicles/trailers that would be eligible to participate in this program.

FY04 Budget Policy Direction. Director Bower reviewed the assumptions staff used in developing the budget policy direction for FY04. Revenue related to the Goodman Oil case was not included in the preliminary figures. FY04 funding is estimated at \$402 million, not including Congressional earmarks or discretionary awards. Staff will continue refining the budget for the Board workshop in June.

Chairman Winder thanked Director Bower for the report and commended staff for the excellent budget process it has developed.

Highway Development Program Supplement 02-2. Highway Programming Manager (HPM) Dave Amick reported that the objectives of the Supplement were to report the status of FY02 federal apportionments and obligation authority; modify and rebalance the Highway Development Program to include project changes, advances, delays, and removals since the approval of the Highway Development Program Supplement in February; and update the cost of FY02 federal projects to current costs. He provided a current status of the Board's State-Funded Un-Allocated Account; an updated comparison of available funding compared to Board approved and programmed projects; and Highway Development Program sheets annotated to reflect changes to the Program.

HPM Amick reported that a special Rail-Highway Safety Program has been added to utilize the \$250,000 apportioned annually to the State's Railroad Protection account. In the past, these funds were used as match for federal funds on projects in the Federal Safety-Rail Program. Because the federal aid ratio has been increased to 100%, the state funds are available for use in the new State Rail-Highway Safety Program. Director Bower added that a portion of those funds can be used for educational purposes.

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

TB02-35 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 21st 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 Department has received an overall obligation authority of \$217.5 million, which represents 91.4% of all FY02 apportionments including \$25.7 million in Revenue Aligned Budget Authority; and

WHEREAS, the changes included in Supplement 02-2 have occurred between January 18 and April 17, 2002.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the funding and project changes to the FY02-06 Highway Development Program itemized and explained in Highway Development Program Supplement 02-2, which is on file in the Office of Highway Programming, and authorizes staff to make the appropriate changes to the FY02-04 STIP in accordance with the provisions of TEA-21.

End-of-Year Changes of Projects to FY02 State-Funded Construction Program. HPM Amick reported that projects can be advanced into the FY02 State-Funded Highway Development Program as a result of restoring \$3.5 million in holdbacks and cost changes of approximately \$2.1 million. If more appropriations are available before the end of the fiscal year, staff proposes funding additional construction 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

TB02-36 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 21st 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 restored \$3.5 million in revenue holdbacks in FY02 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 FY02 of the State-Funded Highway Development Program to utilize the above additional funding.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Chief Engineer to add or advance projects into FY02 of the State-Funded Highway Development Program as projects are made ready and funding becomes available in the current fiscal year for the list of changes proposed in the "Proposed Advances/New Projects" list, as shown as Exhibit 259, which is made a part hereof with like effect; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate changes to the FY02-04 STIP in accordance with the provisions of TEA-21.

Recommended FY03-06 State-Funded Highway Development Program. HPM Amick outlined the proposed State-Funded Highway Development Program for FY03-06. He requested Board approval of approximately \$20 million above the total projected funding levels over the four-year Program, about \$5 million per fiscal year. This is to encourage acceleration of projects to ensure that projects are ready for obligation earlier in each fiscal year to take advantage of budget savings routinely available at the end of each fiscal year. The Program is funded at \$32 million, plus \$2 million for the Board Unallocated Program annually, however, as more budget information is received, staff will review project priorities and deliverability to retain a fiscally constrained Program. HPM Amick also stressed that the FY03 Program emphasizes the Department's commitment to pavement rehabilitation, bridges, congestion, and safety.

Director Bower said that staff needs to be flexible in developing and implementing the Program due to numerous funding uncertainties at both the state and federal level. Although the US House of Representatives passed the FY03 transportation appropriations bill, the Senate has not approved it yet. Staff may not have the federal funding information by next month's work session, so several options are being explored. He commended HPM Amick and his staff for their excellent work on the Program.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-37 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 21st 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 FY03-06 of the State-Funded Highway Development Program.

NOW THEREFORE BE IT RESOLVED, that the Transportation Board approves the Recommended FY03-06 State-Funded Highway Development Program, which is on file in the Office of Highway Programming; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate modifications to the FY03-05 STIP in accordance with the provisions of TEA-21.

Chairman Winder thanked HPM Amick for his efforts in the programming arena.

Delay of US-20, Hitt Road Interchange, Key #6495, District 6. DE Cole said the Hitt Road project is currently scheduled for construction in FY02 for \$2.7 million of High Priority funds and \$4.9 million of Surface Transportation Program-State funds. After reviewing progress on the design of this project and its companion, St. Leon Interchange, staff recommends delaying the Hitt Road Interchange project to FY03. Also, as a result of this review, the consultant contract for final design was terminated and the work was assigned to in-house teams.

Vice Chairman Combo 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

TB02-38 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 21st 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, 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 US-20, Hitt Road Interchange, Key #6495, Project #DHP-NH-STP-6470(107)) from FY02 to FY03 of the approved FY02-06 and Preliminary Development Highway Development Program; 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.

Chairman Winder asked if terminating the consultant's efforts on the project would be a problem. DE Cole reported that having in-house staff complete the design would not be a concern. The project is at a logical step to change design teams and the consultant understands the Department's position and reasoning.

FY02 LHTAC End-of-Year Changes to STP-Local Urban and Rural Programs. Recent meetings were held with LHTAC, representatives from the three metropolitan planning organizations, and ITD staff to reevaluate the cost and deliverability of projects in the current year. Mr. Haynes elaborated on the two projects identified to delay from FY02 and the proposal to utilize the funding from those projects for cost increases and pavement overlay projects.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-39 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 21st 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, under Board and Administrative Policies B- and A-11-04 the Local Highway Technical Assistance Council is empowered by the Board to recommend local rural and urban projects; 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 Transportation Board approves the delay of Intersection 6th Avenue and SH-52, Payette (Key #6319, Project #STP-8713(100)) and Airport Road Stage 1, Twin Falls (Key #7679, Project #STP-2735(100)) from FY02 to FY03; the advance of Pavement Overlays, Clearwater County (Key #8486, Project #STP-4781(101)) and Madison County Transportation Plan (Key #8696, Project #STP-3300(103)) from FY04 to FY02; and the advance of South Latah Highway District Transportation Plan (Key #8679, Project #STP-2900(106)) and Nez Perce County Transportation Plan (Key #8680,

Project #STP-3500(110)) from FY03 to FY02 of the approved FY02-06 and Preliminary Development Highway Development Program; 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.

Construction Claim – I-84, Regina to Cleft, Key #6254 – Plant Mix Pavement, District 3.
CE Ross reported that Nelson Construction Company has appealed his decision on the claim for removal and replacement of asphalt concrete pavement on the above-referenced project. Both parties are desirous of presenting the matter to a Claims Review Board for review and a recommendation.

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

RES. NO. WHEREAS, Nelson Construction Company has filed an appeal of the Chief

TB02-40 Engineer's decision on Contract #6269; Key #6254; and

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

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

WHEREAS, the Department, the Contractor, and the Board are desirous of having the Claims Review Board (CRB), which has been recently established, hear the dispute pursuant to the recently adopted specifications and prepare and submit to the Board its findings and recommendations in the matter.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Department and Nelson Construction Company to present their respective positions to the CRB, which will hear this matter, prepare factual findings based upon the evidence submitted by the parties and submit the findings and a recommended decision to the Board for its review and a final order.

FY04-05 Congestion Mitigation/Air Quality (CMAQ) Recommendations by the Technical Review Committee (TRC). Intermodal Planning Manger (IPM) Pat Raino reviewed the list of projects the TRC recommended for funding in FY04 and FY05. The projects will be included in the draft STIP. The Board asked to revisit the CMAQ Program next month because the amount available for programming and the recommended level of funding was not clear.

Chairman Winder asked if more consideration was given to projects in non-attainment areas such as Ada and Bannock Counties. He would like to ensure that the CMAQ funds are being used as intended. IPM Raino could not confirm that projects in non-attainment areas are given higher priority, but she said the TRC would like to review that issue.

The TRC suggested that no projects be solicited for FY06, according to IPM Raino. The request is based on several factors, including the difficulty of determining transportation-related air quality issues in the future; uncertainty regarding additional air quality non-attainment area designations; the need to better understand the merits and shortcomings of the CMAQ Program while balancing federal requirements that may change due to TEA-21 reauthorization; and to review the issue of funding more projects in non-attainment areas. The TRC recommends conducting an internal review and management audit on the CMAQ Program for FY99 to FY05. This process would review whether procedural, fiscal, and scheduling issues warrant changes, as well as evaluate the Program's process from conception to implementation.

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

RES. NO. WHEREAS, the Congestion Mitigation and Air Quality Improvement Program

TB02-41 (CMAQ) Technical Review Committee met on April 16, 2002; and

WHEREAS, the CMAQ Technical Review Committee has recommended an evaluation of the CMAQ Program for the fiscal years 1999 through 2005; and

WHEREAS, this evaluation will improve program effectiveness, applicability, and ability to address forthcoming transportation-related air quality issues in Idaho.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board concurs with the recommendation that no applications be taken for the FY06 CMAQ Program until 2004.

Request to Increase Federal Aid on the FY02 City Landscape Program, Key #8721. IPM Raino summarized the City Lands Enhancement Project Program, whereby the Department of Lands is provided \$100,000 annually in federal-aid enhancement funding to award small landscaping projects to cities for landscaping or beautification along roadway corridors. The City of Ashton had applied for a \$10,000 project in FY02, but the Program funds were already committed. Ashton's project would have been the next priority for funding. The Enhancement Advisory Committee met last month and the Department of Lands asked if additional funds could be made available for the Ashton project. Staff reviewed the available funding in the FY02 Enhancement Program and determined that there is a balance of \$255,000, which would be sufficient to fund an increase of \$10,000 for the addition of the Ashton project.

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

RES. NO. WHEREAS, the City Landscape Program is an important means of increasing

TB02-42 participation in the Enhancement Program through small landscape projects; and

WHEREAS, the Enhancement Advisory Committee (EAC) strongly supports adding \$10,000 in federal aid to the FY02 City Landscape

Program, Key #8721 in order to add a project in Ashton to the list of projects already awarded in FY02; and

WHEREAS, there are available funds in the FY02 Enhancement Program to fund this increase to Key #8721.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the increase of \$10,000 in federal aid to the FY02 City Landscape Program, Key #8721 for a maximum federal aid limit of \$110,000 in order to fund the project submitted by the City of Ashton in the Department of Lands call for FY02 applications.

Enhancement Advisory Committee (EAC) Prioritized List of Enhancement Projects.

IPM Raino provided a list of recommended projects to be added to the FY04 and 05 Enhancement Program. The EAC met last month to prioritize the solicited applications. The recommendations will be included in the draft STIP.

Update on Visioning Process. IPM Raino provided a status on the Department's efforts to update its long-range plan. A team that includes Chairman Winder is in the process of finalizing the consultant for this undertaking. Once the consultant is selected, the scope of work and a timeframe will be negotiated. Chairman Winder added that the consultant will help determine the Board's involvement in the process.

Presentation on Metropolitan Planning Organizations (MPOs). An overview of MPOs, including responsibilities, attributes of a successful MPO, and funding information, was provided by IPM Raino. According to data from the US Census Bureau, Idaho will have three new MPOs, Nampa and surrounding areas; Lewiston combined with Clarkston, Washington; and Coeur d' Alene and surrounding areas. She added that the Spokane, Washington area, including Stateline, Idaho, will be designated a Transportation Management Area (TMA), and the Boise TMA designation includes a portion of Canyon County. Department staff has contacted the new MPOs and will work closely with them in their establishment. She also reported that the existing MPOs were contacted regarding ITD's membership on their policy boards. All three entities are receptive to ITD representatives as members.

Chairman Winder thanked IPM Raino for the informative presentation.

Vice Chairman Combo asked IPM Raino to extend the Board's appreciation to the CMAQ and Enhancement TRCs for their service to the Department.

Delegation – Targhee Regional Public Transportation Authority (TRPTA).

Administrator Lynn Seymour summarized TRPTA's activities and challenges. The agency is struggling to obtain match money to construct an intermodal facility. She indicated one landowner might donate some of the needed property, which could be used as match. TRPTA is in the process of determining the public transportation needs in the Idaho Falls area, particularly for low-income people, and is desirous of expanding service to that group. She praised Public Transportation Administrator Larry Falkner's efforts and his staff's assistance in addressing public transportation issues.

In response to Chairman Winder's question on TRPTA's area of service, Ms. Seymour responded that it mainly provides service in the Idaho Falls city limits. She added that TRPTA currently has five buses and is trying to acquire another bus.

TRPTA Chairman Rance Bare elaborated on the efforts to determine the needs of the area's citizens and to address those public transportation needs. Some options are to provide longer hours of service and weekend service.

Chairman Winder thanked the delegation for the information on TRPTA.

Chairman Winder also acknowledged Idaho Falls Mayor Linda Milam and thanked her for attending part of the Board's meeting. He also thanked her for the use of the City Electric Building for the Board's meeting.

Mayor Milam thanked the Board for visiting Idaho Falls and the surrounding area.

New Business. Member Miller expressed concern with arterials on the local system becoming residential streets due to growth in urban areas. This results in decreased speed limits and the potential for noise mitigation. He questioned the need for and availability of training for public and zoning officials to better prepare them to deal with growth issues.

Director Bower responded that Member Miller's concerns are a national problem, and are not unique to Idaho. He believes the Department's District Planners are an excellent resource for local officials, as well as LHTAC. He added that the creation of three new MPOs will be another avenue for addressing planning and land use issues.

Chairman Winder asked staff to investigate the training or assistance that is available to local officials on these issues.

WHEREUPON, the regular monthly Board meeting officially adjourned at 3 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

June 21, 2002

Pocatello, Idaho

REGULAR MEETING AND DISTRICT TWO TOUR

OF THE IDAHO TRANSPORTATION BOARD

April 17-18, 2002

The Idaho Transportation Board met at 8:30 AM, on Wednesday, April 17, 2002, at the District 2 Office in Lewiston. 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 M. Bower, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

March 13-14, 2002 Board Minutes. Member McClure made a motion, seconded by Vice Chairman Combo, to approve the minutes of the Board meeting held on March 13-14, 2002 as submitted. The motion passed unopposed.

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

May 15-16, 2002 – District 6

June 19-21, 2002 – District 5

July 18-19, 2002 – District 1

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 has

TB02-26 received and reviewed the contract award information, the new and supplemental professional agreements report, the final amount versus contract bid amount, the quarterly report on legal actions, the quarterly returned check report, and the February financial statement analysis.

1) Contract Award Information. Key #8414 – US-95, Oregon State Line to Junction SH-55, District 3. Low bidder: Conmat - \$452,016.

Key #6227 – I-86, Chubbuck Interchange Bridge Deck, District 5. Low bidder: Cannon Builders, Inc. - \$474,998.

Key #7805 – I-15, Chubbuck Road North, Bannock County, District 5. Low bidder: Bannock Paving Company - \$1,982,813.

Key #7125 – I-90, District 1 Pavement Striping. Low bidder: Apply-A-Line, Inc. - \$139,292.

Keys #7119 and #7141 – I-86 and I-15, District 5 Pavement Striping and District 6 Pavement Striping. Low bidder: United Rentals Highway Technologies, Inc. - \$170,228.

Key #5663 – US-93, Carmen Creek Road to Tower Creek Road North of Salmon, District 6. Low bidder: HK Contractors, Inc. - \$1,230,470.

Key #8412 – US-30, Junction US-95 to Junction I-84, District 3. Low bidder: Masco, Inc. - \$239,256.

2) New and Supplemental Professional Agreements Report. From February 26 to March 29, the Consultant Administration Unit processed \$3,485,893 in professional, supplemental, and term agreements.

3) 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 1998 through 2001 was reviewed. Individual projects for FY01 were included, along with a summary of the adjusted final amount versus the contract bid amount. In FY01, the contract bid amounted to \$84,180,303.07 while the contract final amount totaled \$92,167,733.77, or 109%.

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

5) Quarterly Returned Check Report. In the third quarter of FY02, \$19,004,113 in checks were received, while \$69,580 or .37% were returned. Collections equaled \$66,982 for an annualized collection rate of 101%.

6) February Financial Statement Analysis. Revenue in the Highway Distribution Account through February was \$1.6 million less than forecasted year to date. Aviation Fuel Tax revenue received through February was below projections by \$74,700, while the Aircraft pool revenue was \$23,499 below projections year to date, however, not all of the billings had been completed. Expenditures are below forecast in both the State Highway Fund and State Aeronautics Fund, but above estimated amounts in the Aircraft Operations Fund.

Board Items. Vice Chairman Combo stated that he and Member Miller provided remarks at the recent Engineers-In-Training conference in Idaho Falls. He thought the conference was well done and the presentations he heard were very good.

Vice Chairman Combo commented that on April 15, the required date to remove studded tires from vehicles, it snowed six to eight inches in Idaho Falls. He suggested that staff, as it reviews the issue of and options for studded tires, give some consideration to the

effective dates. One surrounding state does not specify dates that studded tires may be used.

Chairman Winder said he was asked about allowing veterans license plates on towed recreational vehicles, such as camp trailers and 5th wheels. He received information from the Department indicating that this allowance could be handled internally. It would not require legislation. He asked the Board members to give this issue some thought and let him know if they would be supportive of allowing this. In response to Director Bower's question on whether this would apply to all special plates, Chairman Winder did not know and asked for additional information from staff.

Chairman Winder stated that he received a letter and petition from Ed Wylde opposing the passing lane projects on US-12. Member Sweeney said he contacted Mr. Wylde and the District staff has also met with him. Public meetings were held on this project, and he believes the project has been handled properly and staff has looked into Mr. Wylde's concerns.

Member McHugh asked for an update on the traffic situation at the intersection of SH-55 and SH-44 in Eagle. CE Ross replied that a left turn would be allowed from SH-55 into the Chevron gas station, if the business owner desires, but no left turns will be allowed out of the business onto SH-55.

Director's Items. Director Bower and CE Ross toured the US-95, Mica to Belgrove project earlier this week to learn more about the alleged Clean Water Act violations. The Department is working on addressing the issue and resolving the sediment problems, and is working closely with the Department of Environmental Quality on this project.

Director Bower was pleased to announce that the Department's revenues have improved and staff is proposing to restore some of the earlier identified holdbacks. Approximately \$7.5 million will be restored, including \$3,530,000 in contract construction. The Board had no objections to the proposed restorations.

Earlier, ITD submitted a number of projects for FY03 discretionary funding in the transportation appropriations bill to Idaho's Congressional Delegation. Director Bower

said it has requested ITD's prioritization of those projects. He provided the prioritized list to the Board and added that it may be a couple of months before the funded projects are announced.

Director Bower reported that the Congressional Delegation has announced FY02 earmarks for Idaho, including \$2.5 million for the Clark Fork Bridge, \$8.1 million for US-95 in the Corridor Border Program, and \$2 million for the City of Rocks project.

The National Transportation Safety Board has released a preliminary report on the crash of the state-owned Navajo, according to Director Bower. He added that it will take at least a year for the crash to be fully investigated and a final report released.

Director Bower met with the Directors of the Departments of Parks and Recreation and Commerce recently to discuss the visitor centers at Idaho's gateway rest areas. Parks and Recreation will discontinue manning the visitor centers in July because of budget cuts. The Department of Commerce may assume responsibility for this service. The three agencies each have been contributing \$25,000 annually to fund this service, and Director Bower would like to continue that assistance.

The City of Eagle and the District 3 staff have not been able to negotiate an acceptable agreement for the City's requested access on SH-44 between Edgewood Drive and SH-55. The City has requested that the Board continue its hearing from January 2001 on this issue. The Board concurred to review additional information, but not allow additional testimony.

A Dispute Review Board (DRB) has been selected to review the claims on the I-84, Wye Interchange Stage I project, District 3. Director Bower said the DRB would only determine entitlement, not monetary awards.

The Department has received inquiries as to the conversion from weight distance tax to registration. Director Bower said that information is still preliminary, but current figures indicate revenue from registration fees is approximately \$4 million below the weight distance tax revenues from 1998. Staff will continue to monitor that information and plans to report to the legislature next session.

Legislation was passed to address the Goodman Oil lawsuit. The Tax Commission sent notification to those impacted that the tax will be the responsibility of the distributor, not retailer. The legislation is retroactive to 1996.

Director Bower met with the Mini-Cassia Transportation Committee recently. The group expressed an interest in national and statewide issues.

Director Bower, CE Ross, and Transportation Planning Administrator (TPA) Charlie Rountree will be attending an American Association of State Highway and Transportation Officials (AASHTO) meeting later this week in Pennsylvania. Reauthorization will be the main focus of the meetings and TPA Rountree will be ITD's main contact on this issue.

Director Bower provided a brief overview on the recent European scanning tour he participated on. The focus of the tour was safety. A number of European countries have .05 blood alcohol levels and the seatbelt usage rate is 85% or greater. He added that the countries are trying to focus on speeding and are using cameras more to reduce speed limit violations and enforce the speed limit.

Recognition of the District 2 Adopt-A-Highway Group. Member Sweeney commended the Lapwai Presbyterian Church for its efforts in the Adopt-A-Highway Program. He stated that the Adopt-A-Highway program provides a valuable service to ITD and to the State of Idaho.

Chief Engineer's Items. CE Ross was pleased to announce the promotion of Pat Lightfield to the Assistant District 2 Engineer position. Chairman Winder congratulated Mr. Lightfield and believes his experience as Maintenance Engineer, and other positions in the Department, will be valuable in his new position.

511 Travel Information. Bob Koeberlein, Intelligent Transportation Systems Coordinator, said the Federal Communications Commission has designated 511 as the national travel information number. This allows individual states to begin using a

common phone number to provide travel information. The overall goal is to provide seamless, nationwide, easy access to travel information, leading to more efficient use of the nation's highways. FHWA has developed standards for the system, and is offering \$100,000 grants for planning and/or implementing 511 systems in each state. The required state match is \$25,000.

Mr. Koeberlein requested approval to apply for an FHWA grant to study the feasibility of utilizing this system in Idaho because the current road system cannot handle the peak call times, the information would be available to a larger segment of population, it is becoming the national standard, and it would allow ITD to provide additional services, such as estimated travel times, and weather forecasts.

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

RES. NO. WHEREAS, the Idaho Transportation Department, Division of Highways, has

TB02-27 commenced a study of the 511 Travel Information Program, being promoted by FHWA, AASHTO, APTA, and ITS America, and has consulted with representatives of the PUC, Qwest and Verizon; and

WHEREAS, FHWA is offering a \$100,000 federal aid grant for 511 planning and/or deployment requiring a \$25,000 state match.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes staff to prepare and submit a grant application for 511 planning and/or deployment; and

BE IT FURTHER RESOLVED, that if the grant application is approved by FHWA, that the Department will study the feasibility of implementing a 511 system in Idaho; and

BE IT FURTHER RESOLVED, that if the Department study recommends proceeding with the deployment of a 511 system, this finding will be presented to the Board for further consideration.

FY02-07 Forest Highway Program. Highway Programming Manager (HPM) Dave Amick reported on the recent Tri-Agency Group meeting. This group, comprised of the U.S. Forest Service, the Western Federal Lands Highways Division of FHWA, and ITD, updated the Forest Highway Program based on FY02 funding in the amount of \$19,794,477. HPM Amick outlined proposed changes to the program.

Member McClure 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

TB02-28 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 21st 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 Chief Engineer has represented the Department's interests 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 \$19,794,477 in obligation authority in FY02.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board concurs with the funding and project changes to the FY02-07 Forest Highway Program as adopted by the Tri-Agency Group on February 5, 2002, as shown as Exhibit 258, which is made a part hereof with like effect, and authorizes staff to make the appropriate changes to the FY02-04 STIP in accordance with the provisions of TEA-21.

Delay of Bliss Rest Area, Key #3711, and Advance of I-84, Idahome to Sublett, Westbound, Key #7797 District 4. HPM Amick reported that the Bliss Rest Area is programmed in FY02 to improve the facilities and add additional right-of-way for \$4 million in construction. The District is having difficulty obtaining water rights for the rest area, and requested delaying the construction of the rest area to Preliminary Development to allow time to negotiate the water rights. Staff requested advancing the I-84, Idahome to Sublett, Westbound project from FY04 to FY02 to utilize the funds freed by delaying the rest area project.

Member Sweeney 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

TB02-29 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 21st 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, 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 Bliss Rest Area, Gooding County (key #3711, project #IM-84-3(032)133) from FY02 to Preliminary Development and the advance of I-84, Idahome to Sublett, Westbound (key #7797, project #IM-84-4(030)237) from FY04 to FY02 of the FY02-06 and Preliminary Development Highway Development Program; 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.

Director Bower commented that there are a couple of big rest area projects in the Highway Development Program that have been delayed to Preliminary Development. He asked if funding rest areas is a high priority for the Department and suggested the Board discuss its commitment to rest areas at the June workshop on the draft STIP.

Delay of US-93, Twin Falls Alternate Route, Stage 1, Key #5137, District 4. The Twin Falls Alternate Route project is a High Priority project scheduled for construction in FY02. Stage 2 is programmed in FY03. HPM Amick said that recent appraisals on Stage 1 have caused a significant increase in estimated right-of-way costs. On both stages, the incorporation of value engineering recommendations, updated typical sections per materials reports, updated bridge and structure costs, and the cost of environmental reevaluations have resulted in the increased cost estimates. In order to fund these costs, the District proposes the delay of Stage 1 from FY02 to FY03. The \$6.14 million of FY02 construction costs in the National Highway System Program would be used to fund additional preliminary engineering and right-of-way costs for both stages. In order to delay and increase the cost of construction of Stage 1 to FY03, staff is requesting delaying Stage 2 from FY03 to FY07.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-30 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 21st 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, 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 Twin Falls Alternate Route, Stage 1 (Key #5137, Project #DHP-NH-F-2390(104)) from FY02 to FY03 of the FY02-06 and Preliminary Development Highway Development Program and the delay of Twin Falls Alternate Route, Stage 2 (Key #5404, Project #DHP-NH-2390(108)) from FY03 to FY07 in the FY03 Program Update; 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.

Delay of SH-200, Trestle Creek Bridge, Key #6607, District 1. This bridge replacement project is currently scheduled for construction in FY02 at \$1 million, according to HPM Amick. Some recent delays due to unforeseen environmental difficulties have been experienced. These environmental challenges involve historic properties and concerns regarding the endangered bull trout. These issues have affected the project schedule as well as the purchase of some right-of-way, resulting in the need to delay this project.

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

TB02-31 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 21st 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, 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 Trestle Creek Bridge, Bonner County (Key #6607, Project #BR-5120(107)) from FY02 to FY04 of the FY02-06 and Preliminary Development Highway Development Program; 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.

Overview of Highway Safety Funds. Highway Safety Manager, Jo Ann Moore, provided a summary of the federal highway safety funds available to ITD and the types of projects eligible for funding. In response to an earlier question on the feasibility of funding reader boards for Idaho State Police to use at accident sites, she reported that is an option. The Department has purchased reader boards in the past with Section 163 funds.

The consensus of the Board was to encourage District Engineers to apply for funds to purchase reader boards through the Engineering, Education, and Enforcement (3E) Program if they believe reader boards are a high priority for their area.

In response to Director Bower's earlier report on the European countries' efforts to reduce fatal and serious injury accidents, Chairman Winder suggested developing a comprehensive plan for ITD's goals in this area.

Delegation – Idaho Traffic Safety Commission (TSC). Chairman Winder welcomed Commission Chairman Larry Vincent to the meeting and thanked him for the time and service he has dedicated to the Commission. Commission Chairman Vincent reported on some of the activities of the TSC, including its main focus to prevent fatal crashes and decrease serious injuries. He believes the 3E Program has been very beneficial and encouraged the Board to continue funding that Program. The recent project to install rumble strips along the interstates has resulted in a reduction of the number of single vehicles running off the roadway.

The national buckle-up campaign will be in May, according to Commission Chairman Vincent. Idaho's slogan to increase seatbelt usage will be "Click It". Efforts are underway with law enforcement and the media on this campaign, and plans are to conduct a follow-up survey to determine the effectiveness of the campaign. He encouraged the Board to continue supporting legislation to make seatbelt violations a primary offense. Chairman Winder commented that the Board is very supportive of increased seatbelt usage and will continue its efforts in this area.

Chairman Winder thanked Commission Chairman Vincent for the report. He added that the TSC provides a valuable service and their efforts are making a difference in Idaho.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member McHugh made a motion to meet in executive session at 11:30 AM to discuss personnel and legal matters. Member Miller seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussions on the personnel items included complaints of misconduct and possible disciplinary actions against three employees.

The general tenor of the discussions on legal issues included probable litigation due to a notice of environmental protection violations on a construction project and the procedures for an appeal before the Board.

The Board came out of executive session at 1:05 PM. No decisions were made.

Appeal on Public Transportation Funding for FY02. The Council on Aging and Human Services (COAST) appealed staff's decision denying its request for Section 5311 funding in FY02. The Board received the record on this matter earlier for its review. Member Sweeney informed the Board that he has reviewed the record and has been involved in the issue. He does not believe COAST provided justification to reverse staff's funding decision. He added that COAST would be eligible to apply for funding next year. Vice Chairman Combo stated that he reviewed the record and concurs with Member Sweeney that COAST did not provide sufficient rebuttal, so he supports staff's decision.

Member Blick made a motion to affirm the Division of Public Transportation's and the Public Transportation Advisory Council's FY02 funding decisions. Member McHugh seconded the motion and it passed unopposed. Chairman Winder stressed that COAST is eligible to apply for funding in FY03.

Chairman Winder welcomed former State Senator and Board Member Mike Mitchell to the meeting.

Claim on SH-25 and SH-24, Cameron's Corner Project, Key #5406, District 4. CE Ross reported that Kloepfer, Inc. has appealed his decision on a contract claim for adjustments on this project. The contractor is desirous of having a one member DRB review the matter and provide a recommendation to the Board.

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

RES. NO. WHEREAS, Kloepfer, Inc. has filed an appeal to the Idaho Transportation Board

TB02-32 of the Chief Engineer's decision on Kloepfer Inc.'s claim under Contract #6334, Key #5406; and

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

WHEREAS, ITD Standard Specifications authorize the dispute to be appealed to the Board; and

WHEREAS, the Department, the Contractor, and the Board are desirous of having a one person Dispute Review Board (DRB) selected to hear the dispute pursuant to the recently adopted DRB specifications and prepare and submit to the Board its findings and recommendations in the matter.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Department and Kloepfer, Inc. to select a one-person DRB to hear this matter, prepare factual findings based upon the evidence submitted by the parties, and submit the findings and a recommended decision to the Board for its review and a final order.

Contract Awards. CE Ross said the low bidder on project #PLH-5788(100), Key #7613 – Clark Fork River Bridge, Bonner County, District 1, has requested it be relieved of the bid due to an error. DAG Bywater added that a mathematical error in the amount of \$300,000 was made. Staff has requested additional information from the contractor and is working on resolving the issue. He asked the Board to approve the award to either the low bidder or the second low bidder, based on the information staff receives and its review of the records.

Member McClure expressed concern with awarding the project on a contingency basis. He asked if it is critical to award the project today, or if the Board could be polled once staff determines the low responsive bidder. CE Ross believes there is urgency to awarding the contract. There is a fish window that the contractor needs to work in, but he said the Board could be polled later. The consensus of the Board was to wait with awarding the contract on Key #7613 until staff reviews the additional information on the low bid and can provide a recommendation on awarding the contract.

Member McClure made a motion, seconded by Member McHugh, and passed unanimously, to accept staff's recommendations on the following contract awards:

The low bid on project #ER-3888(100), Key #6877 – Weiser River Bridge on Mill Road, East of Cambridge, Washington County, District 3, was more than ten percent over the engineer's estimate. Higher mobilization bids were a result of all four bidders coming over 200 miles from the project site. No local contractors bid the work. High bid prices were received in aggregate products because only commercially approved sources are allowed for emergency relief work. Commercially approved sources are outside of the immediate area and have the added cost for haul to the work site. Staff does not believe re-bidding the project would result in lower bids. The local sponsor, Washington County, and staff recommend awarding the bid. Low bidder: Gilbert Western Corporation, West Jordan, Utah - \$1,521,000.

The low bid on project #NH-1480(112), Key #7160 – US-30, Soda Springs to Montpelier, Bear Lake and Caribou Counties, District 5, was more than ten percent over the engineer's estimate, requiring justification. The bid opening had been delayed to allow the contractors an opportunity to adjust their bids due to the unavailability of the anticipated source. Approximately 6% of the difference between the engineer's estimate and low bid is attributed to aggregate products. Staff does not foresee benefits from re-advertising the project and recommends awarding the contract. Low bidder: H-K Contractors, Inc., Idaho Falls, Idaho - \$5,645,020.47.

The low bid on project #NH-STP-4200(122) and #NH-STP-4200(123), Keys #7162 and #7163 – US-12, First and Second Lolo Passing Lanes, Idaho County, District 2, was more than ten percent over the engineer’s estimate, requiring justification. The main difference between the engineer’s estimate and the low bid were in excavation, plant mix, and mobilization. In reviewing the bids, staff did not discover any obvious errors and recommends awarding the project. Low bidder: Westway Construction, Inc., Airway Heights, Washington - \$3,026,952.72.

The low bid on project #IM-184-1(024)2, Key #8608, I-184, Emerald to Curtis, Ada County, District 3 was more than ten percent over the engineer’s estimate. The District is concerned with the narrow field of bids, resulting in decreased competition and higher bid prices. Staff believes re-advertising the project would attract a wider field of potential bidders and yield lower bid prices, and recommends rejecting the bids.

IM-84-2(057)60 and ST-84-2(529)67, Keys #8086 and 8296 – I-84, Isaac Canyon to Mayfield and East Boise Port of Entry Weight In Motion/Y2K Upgrade, Ada County, District 3. Low bidder: Western Construction, Inc. - \$6,450,182.86.

Proposed Changes to Board and Administrative Policies to Implement the Local Rural Highway Investment Program to Replace the Surface Transportation Program – Rural Exchange Program. HPM Amick summarized the proposed changes to the Exchange Program. The modifications include: projects over \$25,000 must follow current state bidding laws; projects will be on federal-aid routes outside urban areas with 5,000 population or greater; local highway jurisdictions 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., on roads or bridges; and the local highway jurisdiction should show a 70%-30% split on their user/nonuser (property tax, sales tax, payment-in-lieu of taxes, forest funds, etc.) funding of their road budget as shown in the cost responsibility requirement in Chapter 6 of the Idaho Highway Needs Assessment Study Update, 1995. He stated that the effective date would be October 1, 2003. Some of the benefits of the modified program include that cities with populations under 5,000 will now be eligible to participate in the program, and the money can be used for matching federal aid and transportation planning purposes.

Joe Haynes, Administrator, Local Highway Technical Assistance Council (LHTAC), reported that the Council supports these modifications to the Exchange Program. He

believes this program will provide more flexibility and allow more local public agencies (LPAs) to participate in the program. LHTAC will administer the program and report to the Board annually on the projects funded. The intent is to develop a three-year program to facilitate the planning process and help entities construct large projects over a two- or three-year period, as funding is limited to \$100,000 per LPA per year.

In response to Member McClure's question on the administrative costs, Mr. Haynes stated that he anticipates the administration of the program, including tracking the projects, to cost approximately \$40,000 to \$50,000 annually. Those costs will be funded through the program.

Vice Chairman Combo provided a brief history of the program and said he believes the proposed modifications are consistent with LHTAC's responsibilities and the recommendations of the 1997 Planning Task Force. He also expressed support for the revised program because of LHTAC's support, as the Council is comprised of representatives from the Associations of Idaho Cities, Counties, and Highway Districts.

Minidoka County Highway District Superintendent Jesse Miller thanked the Board for the opportunity to comment on the proposed modifications to the Exchange Program. He emphasized the Highway District's support for the existing program. The majority of its Exchange Program funds are used for bridges. Mr. Miller stressed that bridges can be replaced more economically under this program than through the federal aid program. He stated that if accountability in the current program is a concern, the Highway District would be willing to submit forms and report on its projects. He voiced concern that the modifications limit projects to the federal aid system, as the Highway District has numerous needs off that system that need to be addressed.

Member Sweeney asked if Minidoka County Highway District has other sources of revenue for its transportation system. Mr. Miller replied that it does; however, it has been utilizing the Exchange Program funds for bridge projects. He added that by allowing additional LPAs in the program, there will be less money overall for the entities that participate in the revised program.

Member Blick expressed concern with limiting the funds for projects on the federal aid system because entities have to maintain all of their roadways and need assistance for their entire infrastructure.

Mr. Haynes reminded the Board that there is a special federal aid program for off-system bridges. The Exchange Program modifications apply to the federal aid system because the money originates from the federal Surface Transportation Program. He believes there are five LPAs that have no major collectors. HPM Amick reiterated that the funds in the revised program could be used as match, including for projects in the Bridge Program.

Mr. Miller said Minidoka County Highway District recently applied for a project in the Bridge Program, however, it was time-consuming and costly to submit an application, and the application was denied. He concluded by thanking the Board for its time.

Jerry Black, Nez Perce County Road Director, defended the existing Exchange Program and asked the Board to leave the current program in effect. Nez Perce County also utilizes the majority of its Exchange Program funds to address bridge needs. Mr. Black voiced concern with the federal regulations that must be followed if federal funds are used on projects.

Power County Highway District Road Foreman Steve Lusk expressed support for the current Exchange Program and commented on the time-consuming and extensive process it takes to complete a federal bridge project. Although the Highway District does not receive a large amount of money from the Exchange Program, it utilizes a majority of those funds for seal coat projects and the program is very beneficial for the local entity. Mr. Lusk especially favors the current program because it is constant. The Highway District can plan on receiving that amount on an annual basis and include those funds when developing its budget.

David Babbit, Public Works Director for Bingham County, said he was representing several other local public agencies from eastern Idaho who all favor the current Exchange Program. He said some small jurisdictions have trouble maintaining bridges and rely on this program to assist with those needs and to maintain their transportation infrastructure. Although Bingham County collects taxes for its transportation needs, it needs additional money and the Exchange Program has been very beneficial for the County in addressing those needs. He believes the Exchange Program should be continued and enhanced. Mr. Babbit stated that each LPA knows its transportation needs and how best to address those needs, so the Exchange Program is very helpful.

Member Sweeney asked about accountability with the existing program. Mr. Babbit reiterated that each entity is capable of overseeing its transportation system, as it knows its needs and is best suited to address those needs. Member Sweeney stated that the modifications to the Exchange Program allow LPAs to apply for bridge projects and the local entity would have oversight of its project. Mr. Babbit expressed concern that local entities are not guaranteed their application will be approved. LPAs in the current program are ensured of their participation in the program and can plan on receiving those funds.

Member McClure stated his support for the modifications, as it would allow additional LPAs to participate in the program. Additionally, some LPAs get a minimal amount of funds in the Exchange Program and would now be eligible to apply for projects up to \$100,000, or use the funds as match, which would make LPAs eligible for more expensive construction projects. He expressed support to approve the proposed modifications with a revision to allow projects on all public highways outside urban areas with populations of 5,000 or greater, not limit the program to the federal aid system.

Member Miller voiced concern with the \$100,000 project limit, as entities such as Bingham County that has numerous bridges and receives close to \$200,000 annually would be penalized. Mr. Haynes reiterated that LHTAC supports the changes and added that only three LPAs currently receive more than \$100,000 in the Exchange Program. Member Blick is concerned that the \$100,000 cap discourages consolidation of LPAs.

Chairman Winder asked the Board to consider tabling this item to ensure the issues have been addressed and provide staff an opportunity to re-write the proposed policy based on the discussion.

Vice Chairman Combo expressed support to make a decision today, bringing closure to this issue. However, he added that the policy could be revisited and revised in the future. He believes the proposed modifications are in support of Governor Kempthorne's initiative to provide assistance to rural Idaho. The changes allow numerous cities to participate in the program. He also expressed concern that the Board only heard from a couple of county and highway district representatives, but not from any city officials.

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

- RES. NO. WHEREAS, the December 1997 Idaho Transportation Planning Task Force
- TB02-33 Report recommended phasing out the Surface Transportation Program Rural Exchange and establishing a Federal-aid Incentive Program to more effectively use federal funds on local federal-aid roadways; and
- WHEREAS, the federal funds for the Surface Transportation Local Rural Program were increased from approximately \$6 million to \$10 million annually under the Transportation Equity Act for the 21st Century; and
- WHEREAS, since November 1998, the State Highway Account funds available for the Surface Transportation Program Rural Exchange have been limited to a maximum of \$2.8 million; and
- WHEREAS, the pooled Federal-aid Incentive Program under the Surface Transportation Local Rural Program was established in December 1999 under Board Policy B-11-04; and
- WHEREAS, the creation of the Local Highway Technical Assistance Council by the Idaho Legislature has greatly increased local highway jurisdiction participation in and influence over federal project funding recommendations to the Idaho Transportation Board; and
- WHEREAS, Idaho Transportation Department staff, the Idaho Transportation Board, and the Local Highway Technical Assistance Council have conducted numerous meetings with local highway jurisdictions in various public settings to discuss the merits of continuing the Surface Transportation Program Rural Exchange; and
- WHEREAS, the Board has determined that there is merit to continuing to provide a non-federal source of funding to supplement and leverage other investments by local highway jurisdictions in their public highways; and

WHEREAS, the continuation of the exchange of State Highway Account funds for Surface Transportation Program Rural apportionments is a workable method for providing local highway jurisdictions with non-federal funds.

NOW THEREFORE BE IT RESOLVED, that the proposed Board Policy B-11-06, Surface Transportation Program Rural (STPR) Exchange and the Local Rural Highway Investment Program, continuing and modifying the STPR Exchange, is approved by the Transportation Board; and

BE IT FURTHER RESOLVED, that the above approved Board Policy B-11-06 shall become effective October 1, 2003, the first year of the next federal-aid highway act, and beginning on that date, the new policy shall supercede all previous Board and Administrative policies regarding the operation and administration of the Surface Transportation Program Rural Exchange.

Member Sweeney spoke in favor of the motion because the modifications will allow more LPAs to participate and will provide more accountability. He believes it will provide for a good, competitive process.

Member Miller encouraged the Board to table this item for one month to ensure all of the issues are addressed. He complimented Bingham County for its re-organization efforts that resulted in greater efficiency and for its progressive plans to address its transportation needs. He believes the proposed modifications would penalize Bingham County, particularly with the

annual \$100,000 cap per entity. Member McClure reiterated that LHTAC established the project limit. Vice Chairman Combo added that the revisions would not be in effect until October 2003 and that the Board could revisit the program and make changes prior to that effective date.

The motion passed 4-2, with Members Blick and Miller dissenting.

WHEREUPON the meeting recessed at 3:10 PM.

April 18, 2002

The Board met at 8:30 AM on Thursday, April 18 at the District 2 Office in Lewiston. All members were present, however, Director Bower and CE Ross were absent to participate in the annual AASHTO spring meeting.

The group departed Lewiston north on US-95. Staff provided an update on the project to replace the scales at the Lewiston Port of Entry, and on various highway projects en route.

Delegation – City of Troy. The Board met with Mayor John Blom in Troy. Mayor Blom thanked the Board for visiting the City of Troy and for the projects it has funded in the community. He thanked DE Carpenter and his staff for the assistance they have provided the City, and said the two entities have established an excellent working relationship. He believes turn lanes in Troy will be necessary on SH-8 in the future.

Mayor Blom joined the group and reported on projects underway and planned in Troy, as the tour continued east on SH-8

Delegation – City of Deary. Mayor Russell Foster welcomed the Board to Deary. He expressed appreciation to the District staff for its assistance with various projects.

Chairman Winder thanked Mayor Blom and Mayor Foster for the briefings and for their hospitality.

The Board traveled north on SH-9, west on SH-6, and south on US-95 to Moscow.

Luncheon Meeting with Area Officials. The Board visited informally with representatives from the City of Moscow, Nez Perce County, the University of Idaho, and the Moscow Transportation Committee during lunch.

Moscow Mayor Marshall Comstock thanked the Board for visiting Moscow. He expressed appreciation for the valuable partnership that has been established with ITD. Public Works Director Mark Cook summarized Moscow's comprehensive plan. The City is looking at long-range planning and identifying its major corridors and trying to balance land use with transportation needs. These efforts are partly in preparation for a future bypass of the City. Mr. Cook said some of the City's needs include continued assistance with rural intelligent transportation system projects, technical assistance with traffic planning in the city, a bypass planning feasibility analysis, and funding and technical assistance. He expressed appreciation for the assistance ITD has provided in the past.

Chairman Winder emphasized the importance of meeting with local officials to discuss transportation issues and concerns. He praised the partnership that ITD has developed with the local entities and commended the group for its efforts in the transportation arena. He also emphasized the importance of public transportation and encouraged the group to continue its focus on that mode. In conclusion, Chairman Winder expressed the Board's continued support to improve US-95. The Board is committed to improving this major north-south highway and making it safer.

Mayor Comstock thanked Chairman Winder for his remarks and for the Board's efforts.

Presentation at the National Institute for Advanced Transportation Technology (NIATT), at the University of Idaho. Dr. Michael Kyte and several of his colleagues welcomed the Board to NIATT and praised the cooperative research efforts between ITD and NIATT. Approximately 25 projects are currently underway.

NIATT faculty and students presented information on some current research projects, including a video-based system to classify axle configurations, pavement design and research, vegetation for erosion control, and rock fall hazards. Dr. Kyte emphasized that the various projects are tailored to ITD's needs, and ITD staff works closely with NIATT on the projects. He thanked the Board for its continued support of the program.

The Board thanked the delegation for the informative presentations and for its assistance with transportation issues.

WHEREUPON, the regular monthly Board meeting officially adjourned at 3:15 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

May 16, 2002

Idaho Falls, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

March 13-14, 2002

The Idaho Transportation Board met at 8:30 AM, on Wednesday, March 13, 2002, 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

Jimmy Ross, Chief Engineer

Steve Bywater – Deputy Attorney General

Aeronautics Administrator (AA) Bob Martin informed the Board that one of the state-owned airplanes apparently crashed yesterday afternoon in the Sawtooth Mountains. The Navajo Piper went down en route from Idaho Falls to Boise with one pilot and two passengers on board. Weather has prohibited other aircraft from searching for the missing airplane, although a signal from the plane's transponder has been picked up. AA Martin said the search for the airplane will resume when the weather permits.

February 20-21, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the Board meeting held on February 20-21, 2002 as corrected. The motion passed unopposed.

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

April 17-18, 2002 – District 2

May 15-16, 2002 – District 6

June 19-21, 2002 – District 5

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

TB02-17 the relinquishment of a former portion of US-95 to Moscow, District 2; speed minute entry changes for SH-75, District 6; and the selection of Holladay Engineers for the US-95 Council alternate project, District 3; and has received and reviewed the contract award information and the new and supplemental professional agreements report.

1) Relinquishment of a Former Portion of US-95 to the City of Moscow, District 2. The City of Moscow has requested that a former portion of US-95 right-of-way be transferred to its jurisdiction. The old highway was obliterated during final construction of the Moscow Couplet, South Connection. The official minute is shown as Exhibit 254, which is made a part hereof with like effect.

2) Speed Minute Entry Changes for SH-75, District 6. Staff conducted an engineering and traffic investigation from milepost (MP) 217.1 to 244.33 on SH-75. Based on those findings, plus a safety evaluation, and no objection from law enforcement, the speed limit on SH-75 will be changed to the following: 65 miles per hour (MPH) from MP 217.82 to 222.466; 45 MPH from MP 222.46 to 222.616; 45 MPH from MP 222.785 to 223.175; and 65 MPH from MP 223.175 to 244.325.

3) Selection of Holladay Engineers for US-95, Council Alternate Project, Key #8432, District 3. The US-95, Council Alternate project, is currently scheduled in the Statewide Transportation Improvement Program (STIP) in Preliminary Development for \$3.8 million in construction costs. The City of Council has spent over four years holding meetings to develop a community plan for the future. Because the City has utilized Holladay Engineers over the years to assist in its efforts, it has requested that ITD utilize Holladay Engineers for project development and the environmental process to develop the preferred or recommended routes. Staff requested approval to execute an agreement with Holladay Engineers in the approximate amount of \$260,000, which is scheduled in

the current program, for the preliminary engineering for the US-95, Council Alternate project.

4) Contract Award Information. Keys #6029 and #5166 – North Extension Canal Bridge and Chesterfield Canal Bridge, District 5. Low bidder: Idaho Construction Company, Inc. - \$330,733.

Key #7663 – SH-75, Ketchum Streetscape, Phase 4, District 4. Low bidder: Crea Construction, Inc. - \$308,306.

Key #7624 – US-20, John's Hole Bridge Pathway, Idaho Falls, District 6. Low bidder: Idaho Construction Company, Inc. - \$207,254.

Key #7675 – I-84, Cotterell to Idahome, District 4. Low bidder: Western Construction, Inc. - \$2,329,449.

Keys #8476, #8452, #8594, and #8595 – I-84 and I-86, Districtwide Interstate Rumble Strips, District 5. Low bidder: Surface Preparation Tech., Inc. - \$566,035.

Key #7569 – I-15, Levee Raise US-26 to Golf Course, District 5. Low bidder: M A DeAtley Construction Inc., - \$1,330,763.

Key #7654 – Blaine Street to Moscow East City Limits Pathway, District 2. Low bidder: M L Albright and Sons, Inc. - \$81,463.

Key #8411 – US-30, End Snake River Bridge to Junction US-95, Fruitland, District 3. Low bidder: Masco, Inc. - \$95,843.

Key #8406 - SH-55, Culvert to Junction SH-44, Eagle, District 3. Low bidder: Intermountain Slurry Seal, Inc. - \$199,991.

Key #7899 – SH-3, Metropolitan Bridge to Santa, District 1. Low bidder: Poe Asphalt Paving, Inc. - \$1,834,110.

Keys #8278 and #7745 - SH-28, Leadore North and Gilmore to Leadore, District 6. Low bidder: H-K Contractors - \$2,079,770.

Key #7052 - SH-55, Clear Creek to Payette River Bridge, District 3. Low bidder: Valley Paving and Asphalt, Inc. - \$1,481,132.

5) New and Supplemental Professional Agreements Report. From February 5 to February 25, the Consultant Administration Unit processed \$303,000 in professional, supplemental, and term agreements.

Board Items. Member Sweeney reported on the recent Idaho Aviation Festival that the Division of Aeronautics sponsored. Overall, he believes the conference was successful. He attended Aeronautics Advisory Board and airport managers meetings. Member Sweeney was disappointed with the participation from the airport managers. He plans to contact some managers to encourage participation on this group, as he believes it is beneficial for managers, especially those representing smaller airports, to get more involved in aviation issues.

Chairman Winder relayed concerns that a gas station owner has in Eagle. The business is located near the intersections of SH-55 and SH-44. A traffic signal was recently installed on SH-55, but is not operational yet. Now a median has been installed on the highway, prohibiting northbound traffic from entering and exiting the business. Chairman Winder asked staff to provide him information so he can respond to the business owner.

Member Sweeney informed the Board that some residents along US-12 are concerned with the passing lane projects currently scheduled, although no opposition was voiced during the planning process, which included public meetings.

Chief Engineer's Items. CE Ross attended a Western Association of State Highway and Transportation Officials Chief Administrators Office meeting earlier this week for Director Bower, who is participating in an FHWA scanning tour. A resolution that supports restoring the anticipated lost revenue from the Revenue Aligned Budget Authority was approved. States were encouraged to work together on the re-authorization of the Transportation Equity Act for the 21st Century (TEA-21), particularly to restore or increase the funding level. It is more important to be unified on funding than to concentrate on issues such as donor versus donee states.

No decision has been made on the proposed WestRock resort development near Donnelly. CE Ross said staff met with the Governor's Office and WestRock representatives recently to discuss transportation issues.

January Financial Statement Analysis. Controller David Tolman highlighted activities in the financial arena. Revenue in the Highway Distribution Account through January was \$2.8 million less than forecasted year to date. Aviation Fuel Tax revenue received through January was below projections by \$27,600, while the Aircraft pool revenue was \$15,978 below projections year to date, however, not all of the billings had been completed. Expenditures are below forecast in both the State Highway Fund and State Aeronautics Fund, but above estimated amounts in the Aircraft Operations Fund.

Annual Report on the Information Services (IS) Section. Information Services Manager (ISM) Mark Richardson provided an overview of IS, including its mission and budget. Some of the accomplishments from 2001 included the addition of support and resources for the Department's Internet and Intranet; a firewall was implemented; and the disaster recovery plan was updated. Projects underway and anticipated in the future include reviewing and updating the IS strategic plan; reviewing efficiencies; reviewing the information technology technical infrastructure; and re-writing policies. Resources continue to be a challenge, as existing staff is being asked to provide more services and perform more tasks.

Steve Steiner, Information Technology Senior Network Analyst, reviewed the activities related to the installation of fiber optic along the I-84 and I-90 rights-of-way. It is anticipated that the conduit will be in place and operational by June 1. Chairman Winder believes this project will be very beneficial for the State of Idaho. He commended staff for its efforts in this arena. Member McClure asked if the Department's equipment will need to be upgraded as a result of this project. Mr. Steiner reported that yes, upgrades will be needed; however, the leases expired this year, so it was timely to review ITD's needs and upgrade equipment accordingly.

IS Development Manager Carol Barton summarized the accomplishments in the Development Unit, including implementing the digital driver's license system statewide, installing new billing processes for commercial vehicles, enhancing intransit permits for trucks, and modifying counties' motor vehicle systems to handle new license plates.

ISM Richardson concluded by thanking the Board and management for its support in the information technology arena.

Chairman Winder thanked staff for the informative report. Vice Chairman Combo commented that the activities completed and underway in IS are indicative of the dedicated and professional staff who are staying current with the rapidly-changing information technology systems.

Annual Report on Human Resources. Due to an illness, this annual report was pulled from the agenda.

Annual Report on the Safety Program. Employee Safety/Risk Manager Cheryl Rost elaborated on the activities in the Safety Program. Efforts are directed toward preventing employee injuries and equipment damage by educating employees in safe work practices; ensuring the provision of adequate protective gear and communicating regulatory compliance information; comprehensive investigation of tort claims and reducing the number of claims; identifying hazardous work sites and practices through a scheduled inspection program; informing management of losses and potential losses resulting from hazards and exposures to assist in planning and decision-making; and providing supervisors with consultative services to evaluate their areas of responsibilities and provide the necessary assistance to attain the safest work environment possible. Ms. Rost

also reported that ITD received \$57,993 in dividends from the State Insurance Fund, representing a 5% savings on the premium paid in calendar year 2000.

Chairman Winder thanked Ms. Rost for the annual report.

Annual Report on the Wellness Program. Wellness Council Chair Pauline Davis said the Council's goals are to improve employees' health through preventive health care clinics, exercise opportunities, health education presentations, and motivation to take better care of themselves. She summarized the activities provided through the Wellness Program during the past year and the accomplishments of each District and Headquarters. She also expressed appreciation for the Boards' and management's support for this valuable program.

Vice Chairman Combo commended Ms. Davis and the Council members for their efforts with this important program. He believes the program's growth and success over the years is especially impressive because the Council members are volunteers.

Federal Fiscal Year 2002 Public Transportation Grant Funding. Public Transportation Administrator (PTA) Larry Falkner reported that staff and the Public Transportation Advisory Council have reviewed the grant applications for FFY02. Section 5310 funds, Elderly and Disabled Transportation, are distributed to each District based on the number of elderly citizens and persons with disabilities living in the District. Section 5311 Rural Transportation funds are distributed to each District based on the rural population living in the District. PTA Falkner emphasized that public involvement was an important step in the grant funding process.

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

RES. NO. WHEREAS, the Division of Public Transportation has completed the review of

TB02-18 all applications for funding, held meetings in each District for public input and made project recommendations for the federal FY02 Federal Transit Administration and state programs as follows:

- Section 5310 Elderly and Persons with Disabilities Transportation -\$388,785,
- Section 5311 Rural and Intercity Transportation - \$1,521,901, and
- Vehicle Investment Program - \$312,000; and

WHEREAS, the Public Transportation Advisory Council participated in the District public meetings, has worked with staff in evaluating applications, and has concurred with the funding recommendations as presented.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the funding recommendations for federal FY02, as shown as Exhibit 255, which is made a part hereof with like effect, contingent on legislative approval for funding the Vehicle Investment Program.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member McClure made a motion to meet in executive session at 11:35 AM to discuss pending and probable litigation matters. Member Sweeney seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussions on the pending litigation issues was a construction contract bid dispute, an appeal on a construction claim, and probable litigation over allegations regarding environmental protections on a construction project.

The Board came out of executive session at 12:45 PM. No decisions were made.

Delegation – Gem County. Gem County Commissioner Kathy Skippen thanked the Board members for their time. Because of the importance of planning, the County applied for, and received, federal funding to complete a transportation plan in 2000. This resulted in Gem County not being eligible to participate in the Exchange Program, although, historically it has participated in the Exchange Program. When it applied for a project in the Federal Aid Incentive Program, the Department's policy was that local public agencies (LPAs) could re-enter the Exchange Program when its federal project was obligated. Commissioner Skippen stated that the County's intention was to re-enter the Exchange Program in FY02, and planned its budget in anticipation of receiving those funds. In December, the County was notified that the Board changed its policy in June 2001, prohibiting LPAs to re-enter the Exchange Program. She asked that Gem County be allowed to re-enter the Exchange Program because it was not notified of the Board's June decision until December.

Member McClure concurred that notification to the LPAs of the Board's June decision should have occurred in a timelier fashion. He emphasized that the Board has discussed

phasing out the Exchange Program, and stated that modifications to the Program are being contemplated. Commissioner Skippen stated that as long as Gem County is informed of changes to the Exchange Program in a timely manner, it can accept and deal with any adjustments.

Chairman Winder asked staff if funding is available to allow Gem County to re-enter the Exchange Program. Highway Programming Manager (HPM) Dave Amick replied that the money required to fund the Exchange Program has already been committed, and there are no other funds available. The funding would have to come from the construction program, which would result in the delay or reduction in scope of an existing project, or from the Board's Unallocated Account. In response to Chairman Winder's question on the amount of money Gem County would receive in the Exchange Program, HPM Amick said approximately \$50,000. Chairman Winder also asked if there are other LPAs in the same situation as Gem County. HPM Amick believes Payette County is the only other LPA that is in the same situation, and they would be eligible to receive approximately \$25,000 in the current Exchange Program.

Member Miller expressed concern with the proposal staff is reviewing that requires counties to levy property tax for transportation purposes. He is not convinced the state should require counties to levy taxes for transportation improvements in order to be eligible to participate in the Exchange Program.

Member Miller made a motion to allow Gem County and Payette County to re-enter the Exchange Program at an estimated allocation of \$50,000 and \$25,000, respectively, with the actual amount to be determined based on the improved road mileage in each jurisdiction. Member McHugh seconded the motion.

Vice Chairman Combo suggested funding Gem and Payette Counties' participation in the Exchange Program in FY02 from the Board Unallocated Account. He emphasized that modifications to the Exchange Program are being explored, and there are no guarantees the Program will be in existence in several years. Member McClure asked staff for the status of the proposed changes to the Program. Joe Haynes, Administrator, Local Highway Technical Assistance Council, replied that the Council has not reviewed the proposal. The Council is meeting later this week and he plans to review the modifications with it at that time. The proposal is scheduled to be presented to the Board next month.

The motion passed five to one with Member Sweeney dissenting.

Commissioner Skippen thanked the Board for allowing Gem County to re-enter the Exchange Program.

Delegation – Idaho Department of Lands (IDL). Craig Foss, Private Forestry Bureau Chief, summarized the City Lands Enhancement Project, which is a partnership between ITD and IDL. Enhancement Program funds in the amount of \$100,000 are provided to enhance community transportation corridors through landscaping projects. Mr. Foss provided information on the projects that were completed in FY01 and outlined those approved for FY02. Communities are being encouraged to consider completing beautification projects in conjunction with road improvement or construction projects, as it is more economical and less disruptive to do the projects simultaneously.

Mr. Foss reported that the City of Ashton received a Department of Commerce grant to plant trees. Because the wrong kind of trees for the area were planted and the city was not aware of the maintenance and care required for the trees, almost half of the trees have died. The city is requesting \$10,000 to replace the trees. He also informed the Board of the Tree City USA program that ensures communities have the infrastructure in place to take care of trees. He suggested requiring cities to be a Tree City to be eligible for the City Lands Enhancement Project. Because FHWA has requirements for the Enhancement Program that must be adhered to and IDL administers the City Lands Project, the consensus of the Board was to allow IDL flexibility with the Project. It can determine other criteria, such as Tree City status, for the City Lands Enhancement Project.

Mr. Foss concluded by stating that the City Lands Project has been very successful and well received. The Project is currently scheduled to end in FY03, at the conclusion of TEA-21, but he encouraged the Board to continue funding this important Project.

Chairman Winder thanked Mr. Foss for the informative report.

Expedient Clearing of Accident Sites. Assistant Chief Engineer-Operations (ACE-O) Greg Laragan reported that more than half of all freeway congestion in the country is

caused by incidents. Although the percentage of this congestion caused specifically by crash incidents is not quantified, it is significant; therefore, the removal of vehicles or cargo from the roadway following a crash can have a considerable impact on reducing congestion. In reviewing other states' statutes, only five were found to have quick clearance statutes that require vehicles involved in crashes where there are no serious injuries or deaths to be immediately removed from the roadway. Two states allow the state department of transportation to assist in the removal of incapacitated vehicles and debris as long as the incapacitated vehicle and debris did not result from a crash involving serious injuries or fatalities. He emphasized that additional time and thorough investigations are needed at sites where there are fatalities or serious injuries.

ACE-O Laragan also stated that without a quick clearance statute, the best way to minimize crash-related congestion is through efficient incident response requiring effective interagency coordination and cooperation. Regular communication with law enforcement, and particularly informing law enforcement of ITD's mission and the need to clear accident sites expeditiously, is also very helpful.

Member McClure asked for an update on District 3's efforts with the local law enforcement agencies to address this issue. District 3 Engineer (DE) Pamela Lowe responded that staff is still working with law enforcement, and several ways to expedite clearing sites without serious injuries or fatalities are being explored. Member Miller concurred that a good relationship with the law enforcement agencies is important and helpful to address this issue. He commented that District 5 often provides reader boards to Idaho State Police (ISP) at accident sites to inform motorists of hazards, accident sites, detours, and etc. Because the District often utilizes all of its reader boards at construction sites in summer, Member Miller asked if highway safety funds could be used to purchase reader boards for ISP. Staff will explore that option.

Chairman Winder thanked ACE-O Laragan for the informative report and encouraged staff to continue to look at ways to address this issue.

Idaho Airport Aid Program – FY03-05. Airport Planning and Development Manager Bill Statham summarized the FY03 budget for the Idaho Airport Aid Program and outlined the revenue sources for the program. It is anticipated that \$1,159,000 will be available for airport improvement grants. He added that the budget is based on estimated revenue and if the revenue received is less than the estimated amount, cuts will need to be made.

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

RES. NO. WHEREAS, the Division of Aeronautics has solicited, received, and reviewed

TB02-19 applications from municipal airport owners for financial assistance; and

WHEREAS, the Division staff has evaluated these applications and prepared the Idaho Airport Aid Program – FY03-05; and

WHEREAS, the Aeronautics Advisory Board has concurred with these recommendations.

NOW THEREFORE BE IT RESOLVED, that the Idaho Airport Aid Program – FY03-05, as shown as Exhibit 256, which is made a part hereof with like effect, be approved; and

BE IT FURTHER RESOLVED, that the Division of Aeronautics shall issue grant offers as listed for the FY03 year; and

BE IT FURTHER RESOLVED, that the Idaho Transportation Department adopts the proposed airport funding formulas.

Rail-Highway Safety Program. Transportation Staff Engineer Assistant Lee Wilson recommended changes to the Rail-Highway Safety Program, as the Federal Rail-Highway Safety Program no longer requires state matching funds. Idaho receives approximately \$1.4 million annually in the federal Program. Each year there is \$250,000 available in the State Program. Because all rail-highway crossing projects will now use 100% federal aid, the Railroad Grade Crossing Protection Account balance will reach approximately \$1 million by July 1. Staff has identified several projects to be added to the construction program for this fiscal year to utilize these funds. The projects were selected from the existing priority index based on the percent of design completion.

Mr. Wilson also informed the Board of pending legislation that impacts the State Railroad Safety Program, including allowance of up to \$25,000 for educational purposes. Staff will continue working on the proposed changes.

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

RES. NO. WHEREAS, by virtue of Section 62-304B, Idaho Code, the Idaho Transportation

TB02-20 Department is charged with the sole and exclusive administration of the railroad grade crossing account; and

WHEREAS, one hundred percent (100%) federal aid funds can now be used to fund safety improvements at railroad grade crossings; and

WHEREAS, the grade crossing protection account is no longer required to fund a ten percent (10%) match of federal aid funds; and

WHEREAS, the following projects are proposed to use railroad grade crossing protection account funds:

Estimated <u>Cost</u>	Crossing	Priority	
	<u>Number</u>	<u>Location Description</u>	<u>Ranking</u>
\$45,000	818935F	Berrymore Crossing near Twin Falls	4 th
\$400,000	662552S	Kootenai Cut-off Rd. near Sandpoint	5 th
\$45,000	819197V	Curry Crossing near Twin Falls	14 th

Based on

Priority Statewide – Upgrade 159 active crossings
\$318,000

and;

WHEREAS, the changes in the Federal Rail-Highway Safety Program and the State Rail-Highway Safety Program will document the procedures.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the revisions to the Federal Railroad Safety Program and the State Railroad Safety Program and the addition of the above projects to be funded with railroad grade crossing protection account funds.

Delegation – Greater Twin Falls Area Transportation Committee (GTFATC). Chairman Winder welcomed former Board Member, Representative Leon Smith, to the meeting. David Maestas reported that the GTFATC passed a resolution yesterday elevating the status of the proposed Snake River crossing project in the Twin Falls area. The group is exploring the feasibility of applying for federal discretionary funds for the environmental impact statement. With the growth and development occurring in the area, the local officials believe it is prudent to move forward with this project and pursue corridor preservation. Mr. Maestas asked the Board for its support on the congressional appropriations application and also for assistance with the required match if the project is approved.

Member Blick expressed support for this proposal and stated that the issue came up very recently. The application needs to be submitted by March 15. Chairman Winder asked if the Committee has identified all or a portion of the required match. Mr. Maestas replied that no match has been identified, although the issue has not been explored extensively due to the last-minute decision to pursue applying for the Congressional funds. CE Ross emphasized that it would be difficult for the Department to provide match, because state funds cannot be used on non-state routes, and federal funds cannot be used to match federal funds.

The consensus of the Board was to support GTFATC's application request for discretionary funds to complete the environmental impact statement for the proposed Snake River crossing in the Twin Falls area, and to consider providing assistance with the match if the funding request is approved by Congress.

Chairman Winder thanked Representative Smith for attending the meeting and also for his assistance in the legislature.

Upgrade Access Control Designations, District 3. DE Lowe requested changing access control from Type 3 to Type 4 on SH-16 from SH-44 to SH-52; SH-44 from I-84 to US-20/26; and US-20/26 from I-84 to I-184. These highway sections were originally constructed as two-lane rural routes with relatively low traffic volumes and little adjacent development. Their use has radically changed and would be four-lane facilities if not for funding constraints. The metropolitan planning organization has SH-44 and US-20/26 modeled as multilane facilities for future needs analysis and there are several improvement projects currently programmed on all three routes. She said that based on their function, current traffic volumes, and future traffic projections, the three highways should be classified as Type 4.

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

RES. NO. WHEREAS, the Idaho Transportation Board has made a commitment to support

TB02-21 corridor planning as a means of facilitating long-range transportation planning in the State of Idaho; and

WHEREAS, the Board seeks to design and maintain the states' roadway systems in the best interests of the citizens of the State of Idaho; and

WHEREAS, the Idaho Transportation Department is given the responsibility to manage the state's roadways in a manner consistent with the State's Strategic Plan, Long-range Transportation Plan, and Access Management Policy; and

WHEREAS, Section 2.3 of the governing policy, known as “Access Management: Standards and Procedures for Highway Right-of-Way Encroachments,” states that the Idaho Transportation Board has the “right to modify access control...for necessary modification or closure of approaches and points of access;” and

WHEREAS, portions of the below listed highway sections are currently classified as Type 3 access control, but current and future projected traffic volumes and needs warrant Type 4 access control.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board designates Type 4 access control for the following highway sections:

SH-16: from SH-44 (between Star and Eagle) to SH-52 (Emmett)

SH-44: from I-84 (west of Middleton) to US-20/26 (Boise)

US-20/26: from I-84 (Caldwell) to I-184 (Boise)

Member Miller asked if this action would result in takings. CE Ross responded that the Department would buy access and there would be no takings without compensation.

The motion passed unanimously.

Delay of SH-55, Wetland Mitigation Banking, Key #8615, from FY02 to FY03, District 3. The Wetland Mitigation Banking project consists of developing wetland mitigation sites to offset wetland impacts on six projects on SH-55, according to DE Lowe. A mitigation site has been selected and the wetland mitigation plan is being prepared; however, the environmental clearance and purchase of right-of-way still needs to be completed. Because of the anticipated time requirements to complete these steps, staff may not be able to obligate the construction funds this fiscal year. DE Lowe requested delaying this project to FY03 and utilizing the FY02 funds for cost overruns on the I-184, Emerald to Curtis project, key #8608.

Vice Chairman Combo 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

TB02-22 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 21st 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, 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 Wetland Mitigation Banking (key #8615, project #NH-3270(156)) from FY02 to FY03 of the FY02–06 and Preliminary Development Highway Development Program, with released FY02 funds available to District 3 for cost overruns. The Board understands that these funds will be offset in FY03 during the FY03 Program Update; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY02-FY04 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Addition of 7th Avenue North, Key #H322, City of Payette to the STP-Local Program, District 3. The City of Payette had two requested projects that were erroneously placed in the STP-Local Rural Program and approved in the FY02-06 Highway Development Program, according to Mr. Haynes. Because the city has a population greater than 5,000, it is not eligible to receive funds in the Local Rural Program. The City was approached and concurred to place its higher-priority project in the STP-Local Urban Program and drop the other project from the Program. Mr. Haynes stated that the Urban Committee discussed and agreed to this proposal.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-23 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 21st 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 Local Highway Technical Assistance Council, the City of Payette, the 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 addition of 7th Avenue North, City of Payette to Preliminary Development of the STP-Local Urban Program with funds of \$250,000 programmed in FY02 for preliminary engineering and \$1.53 million in Preliminary Development for construction; 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.

Remove Westside Highway, Utah State Line to Weston, Key #8125, from the STP-Local Rural Program, District 5. The Franklin County Commissioners requested that this pavement resurfacing project be removed from the FY02 STP-Local Rural Program, according to Mr. Haynes. The project was programmed in the amount of \$407,000.

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

TB02-24 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 21st 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 Local Highway Technical Assistance Council, Franklin County, and the Transportation Department concur with the requested removal.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the removal of Westside Highway, Utah State Line to Weston (key #8125, project #STP-1731(100)) from FY02 of the approved FY02-06 and Preliminary Development Highway Development Program; 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.

US-93, Bridgeview Signal, Twin Falls, District 4. DE Devin Rigby reported that a traffic signal is warranted at US-93 and Bridgeview Boulevard in Twin Falls. He requested \$216,000 in Board Unallocated funds for the construction of the signal in FY03. This amount is 60% of the signal cost. The city is responsible for the remaining costs.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

TB02-25 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 21st Century (TEA-21) requires that a priority list of projects covering a three-year

period be provided in a Statewide Transportation Improvement Program (STIP).

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the addition of Bridgeview Signal, Twin Falls in FY03 to the State Board Unallocated Program of the approved FY02-06 State Highway Development Program at a cost of \$216,000; 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.

Hearing Officer's Recommended Decision on Idaho Construction Claim Appeal to the Board, District 6. Last year, Idaho Construction Company appealed the denial of its claim on the Rose Road Underpass project to the Board. The Board referred the appeal to a neutral hearing officer to hear the appeal of the claim, prepare an administrative record of the documentary evidence submitted by the parties, and submit the record and a recommended order to the Board for its review and a final order. DAG Bywater reported that a hearing was held in January and Mr. P. Craig Stori prepared a record of the documentary exhibits submitted and issued a recommendatory decision.

Vice Chairman Combo stated that he has reviewed the records of the hearing officer and concurs with the findings. Member McClure also expressed his support for the findings of no entitlement on the expansion joint or time extension, and that the disincentive penalties should be waived. Based on the Board's comments, Chairman Winder asked DAG Bywater to prepare a final decision. (See later minute entry.)

Appeal from the Transportation Program of the Council on Aging and Human Services (COAST). The Department has received an appeal on the Division of Public Transportation's recommendations for FY02 funding from Karl Johanson, Executive Director of COAST. The consensus of the Board was to have a record prepared for the Board's review and action at the April Board meeting.

WHEREUPON the meeting recessed at 4:30 PM.

March 14, 2002

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

Video Presentation. The Board viewed the video, "Hazmat for Anyone", produced by the Idaho Department of Law Enforcement, State Police Division.

Presentation on I-84/I-184 Wye, Stage 2 Project, District 3. Public Affairs Officer Jeff Stratten stated that extensive public information efforts were successful prior to and during the construction of the Wye, Stage 1 project. It was determined that those efforts would be continued during the second stage of the project. Assistant District 3 Engineer Jeff Miles elaborated on the project under construction, which is progressing well and on schedule.

Chairman Winder thanked staff for the informative presentation.

Presentation on Highway Construction. Assistant Chief Engineer-Development (ACE-D) Steve Hutchinson gave a presentation on The Road to a Completed Project. This outline

on the process of a project from inception to construction was prepared for the legislative session.

Chairman Winder commended ACE-D Hutchinson for the presentations he made to the legislators. He believes it was an effective and educational tool.

Hearing Officer's Recommended Decision on Idaho Construction Claim Appeal to the Board, District 6, Continued. Vice Chairman Combo made a motion to adopt the final decision on the claim of Idaho Construction Company versus the Transportation Department on the Rose Road Underpass, Rose Road Milepost 2, and Rose-Firth Road Projects, ER-15-2(060)96, ER-7711(101), and ER-1837(100), and to authorize Chairman Winder to sign the decision, as shown as Exhibit 257, which is made a part hereof with like effect. Member Miller seconded the motion and it passed unopposed.

The Board thanked DAG Bywater for his assistance on this issue.

Construction Claim Appeal, District 2. Harcon Incorporated has appealed the Chief Engineer's decision denying entitlement on a claim on the US-95 Goff Bridge Project to the Transportation Board.

Member McClure made a motion to establish a Claim Review Board for Harcon Incorporated's appeal on the Goff Bridge project. Member Blick seconded the motion and it passed unopposed.

Employee Service Awards. The Board participated in the employee service awards, with Member Miller providing remarks on behalf of the Board.

CE Ross recognized Lynn Beckstrom from District 1 as the safety person of the year and Rod Draper from District 4 as the maintenance person of the year.

Legislative Report. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar provided an update on legislative activities. The Governor has signed the right-of-way appraisal waiver and both chambers have passed the commercial drivers license compliance legislation. She expressed appreciation to staff for its assistance with monitoring legislation, providing information, and making presentations to legislative committees.

Member Miller voiced concern that the Department of Parks and Recreation was discontinuing manning visitor information centers at gateway rest areas. BPIRM Detmar concurred that due to budget constraints, Parks and Recreation was exploring options to reduce its budget. She believes Parks and Recreation is planning to continue providing brochures and information, but that it no longer will provide personnel to man the information centers.

The Board members commended BPIRM Detmar and staff for establishing a good relationship with the Legislature and for its work during the legislative session.

Old Business. Vice Chairman Combo distributed information regarding membership of metropolitan planning organizations' (MPOs) policy boards. He stated that membership should include appropriate state officials, such as the Department of Environmental Quality. He also believes that Idaho Code prohibits board members from serving on MPO policy boards. He requested staff's review of these issues.

Chairman Winder left the meeting at this time.

Tour of Correctional Industries. The Board and several staff members toured the Correctional Industries facilities where furniture, license plates, and signs are made.

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

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

April 17, 2002

Lewiston, Idaho

SPECIAL WORK SESSION AND

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

February 20-21, 2002

The Idaho Transportation Board met at 8:30 AM, on Wednesday, February 20, 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

Chairman Winder clarified that the session would be an informal work session to discuss a number of different topics. He would like the Board to participate in staff's planning process for the development of a vision for Idaho. He thanked facilitator Marsha Bracke for her assistance at the day's session.

Report from Money Team. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar reported on the activities of the Money Team. The team is comprised of ITD staff, representatives from the Local Highway Technical Assistance Council (LHTAC), the Associations of Idaho Cities, Counties, and Highway Districts, and a facilitator. Its charge is to explore revenue sources to address existing and future transportation needs. A number of revenue options are being researched, and the list will be refined to those that are the most feasible. Efficiency measures, such as outsourcing, partnering, and corridor management, are also being explored. BPIRM Detmar also stated that the Team is looking at ways to market its findings.

Member Miller emphasized the need for corridor preservation and the need to explore funding mechanisms.

Reaches Concept. CE Ross stated that his responsibility is to preserve and maintain the existing state transportation infrastructure, followed by rehabilitating it. Major improvements and expansions to the system are the final element, and Reaches are included in that component. Historically, ITD has approximately \$50 million annually to spend on major improvements, while the Districts have identified approximately \$2.5 billion in needed projects. Transportation Planning Administrator (TPA) Charles Rountree added that the Reaches projects will be used when requesting federal earmarks and discretionary funds, and also when staff updates the Highway Development Program.

Chairman Winder believes the Reaches will be beneficial as new and additional revenue sources are explored, as this is part of the process undertaken to document the need for more funding and indicates the Department has a plan for additional revenue, if any is received. He believes the Reaches are important to the overall plan and long-range strategy, and commended staff for its work on this important concept.

The Board emphasized that the Reaches are a planning tool and are a work in progress. The identified projects are to be used in the planning process, as funding has not been

secured for all of the projects. The Board recommended including a disclaimer to that effect on the document.

Improving Safety on Rural Highways. Highway Safety Senior Analyst Mike Elmer provided crash statistics on non-interstate rural highways. These rural roadways comprise 95% of the state highway system, but represent only 57% of crashes; however, 91% of the fatal crashes on the state highway system occur on rural roads. The most harmful crashes at rural intersections are angle or angel turning followed by rear-end or rear-end turning. The most harmful events of vehicles involved in non-intersection crashes at rural locations are overturns, rear-ends, and collisions with wild animals. Mr. Elmer also reported on the High Accident Location program. Crash and roadway information are used to identify potential problem areas, and the most appropriate measure is identified to address the safety concern. This may be a maintenance issue rather than a physical improvement to the infrastructure.

Assistant Traffic Engineer Carl Main summarized various improvements that are used to address safety concerns on rural highways, including re-striping for wider shoulders, signing, and turn lanes. He also reported on the cost benefit ratio used to help determine the type of project to implement.

Member McHugh expressed concern with the striping requirements. He commented that it is difficult to see the striping on roadways in the Coeur d'Alene area, creating safety concerns. Assistant Chief Engineer (Operations) Greg Laragan acknowledged the concern with striping and said that staff is working on this issue.

Guidelines for Considering Alternate Routes. Assistant Chief Engineer (Development) Steve Hutchinson suggested considering alternate routes on the Board-approved intrastate priority corridors and rural principal arterials. He outlined the recommended factors to use when evaluating alternate route proposals: environmental feasibility, cost effectiveness, access control, traffic volume and destination, the population of the community, the local community's desire for an alternate route, existing facility capacity, the proposed alternate route's distance from town, safety/accident rates, and signing. He recommends incorporating these guidelines in the Corridor Planning Guidebook, the Design Manual, and the Traffic Manual.

The consensus of the Board was to use the identified factors to consider alternate routes on the Board-approved priority corridors and rural principal arterials and to include that language in the three identified documents.

Transportation Staff Assistant Engineer Steve Holland summarized the signing options for alternate routes. He emphasized the Department's efforts to work with city officials and businesses to address their issues and concerns when alternate routes are being designed.

Pavement Deficiencies. Roadway Design Engineer Loren Thomas provided historical data on the Circle M Program, or surface maintenance projects, and stated that the cost per lane mile of these projects has increased from \$63,000 in FY95 to a projected amount of \$120,000 in FY04. The Department has improved an average of 536 lane miles annually through the Circle M Program since FY95, which exceeds the original goal.

Gary Sanderson, Planning Services Manager, provided information on pavement deficiencies versus average daily traffic counts. Of all lane miles that have pavement deficiencies, 34.2% are low volume roads.

Metropolitan Planning Organizations (MPOs). CE Ross stated that the Department is a voting member on the Bonneville Metropolitan Planning Organization policy board, but not on the other two MPOs in the state. Member Sweeney supported having ITD represented as a voting member on the MPO policy boards. Vice Chairman Combo expressed concern that it may create a conflict of interest. He supports having the District Engineer as an ex-officio member of the MPO boards. He also questioned the policy on allowing substitute members, as he knows the District Engineers often have conflicts and cannot attend all of the MPO policy board meetings.

Chairman Winder believes ITD's participation on the MPO policy boards should be consistent. He asked staff to contact Bannock Planning Organization (BPO) and Community Planning Association of Southwest Idaho (COMPASS) to determine if the MPOs would welcome ITD as a voting member.

COMPASS Executive Director Clair Bowman believes ITD will be required to be a voting member on the Transportation Management Area (TMA), which COMPASS is expected to become once the 2000 census is finalized. He stated that COMPASS intends to invite DE Lowe to become a voting member.

Director Bower encouraged the Board members to be the voting member for the state, as they can represent all modes better than the district engineers can. Executive Director Bowman stated that COMPASS occasionally invites Member McClure to its meetings, and believes it would be beneficial to have a Board member on the MPO or TMA policy board.

Although there was one objection, it was agreed that upon concurrence from BPO and COMPASS, ITD would be a voting member on the MPOs. It will be the Board members' decision whether he will be the voting member on the policy board or it will be the district engineer. This would also apply to new MPOs that may be designated as a result of the last census. Additionally, staff is to review the MPOs' bylaws regarding substitute members.

TPA Rountree reported that approximately \$1 million in metropolitan planning funds is available for MPOs in Idaho. Other funds, such as transit, are also available. Currently, the planning funds are distributed based on population. Some options have been considered to change the funding distribution when new MPOs are added. One option is to determine the base amount an MPO needs to operate on an annual basis, distribute that pre-determined amount to each MPO, then distribute the remaining funds based on population. The Board was supportive of that approach, but asked staff to work with the MPOs on an acceptable distribution formula.

Vision for Public Transportation. Public Transportation Administrator Larry Falkner believes an efficient public transportation system is dependent on a good highway system. He said the Division is a partner with the other modes of transportation. One of the biggest challenges the state faces in the public transportation arena is a permanent funding source. He stated that local planning and zoning committees are instrumental in addressing transit needs, including corridor preservation. He believes the demonstration project underway in the Pocatello area, if successful, will be valuable to facilitate public transportation coordination efforts throughout the state. He said the Division will continue working and partnering with locals on public transportation issues.

Transit Corridor Preservation. Senior Transportation Planner Ron Kerr provided an update on the status of the Boise Cut-off rail line between Boise and Nampa. The regional transportation authority, Valley InterArea Transportation (VIATrans), has secured funding to evaluate the overall public transit needs in the Treasure Valley, including a possible commuter rail system. The study will also include an inventory and analysis of the Boise Cut-off and other adjacent rail corridors in the area. The intent of the project is to provide local elected officials the needed technical information to evaluate the rail corridor for future public transportation services, but is not intended to be a feasibility study of the potential for commuter rail.

Chairman Winder appreciated the update and requested that the Board be kept informed on the status of this issue.

Member McHugh commented that the right-of-way has been acquired for the Spokane-area light rail system. District 1 would like to secure funds to study the feasibility of expanding the light rail system to Coeur d'Alene, but Member McHugh expressed concern with funding, as Spokane's project is estimated at \$600 million.

Relationship with Departmental Boards and Committees. The consensus of the Board was that it is beneficial to meet with various boards and committees throughout the year at informal luncheon meetings. Chairman Winder and SB Higgins are to review the list of various boards and committees and to schedule meetings with the groups as deemed appropriate.

Presentation on Revenue Aligned Budget Authority (RABA). Federal Highway Administration Division Administrator Steve Moreno summarized the various funding sources for the Highway Trust Fund and how those monies are distributed. After the apportionments and discretionary funds have been identified, the remaining revenue is distributed through RABA, which was created in the Transportation Equity Act for the 21st Century (TEA-21) as a mechanism to distribute the available funds not included in the apportionments or as discretionary projects. Because of the recent recession and decrease in economic activity

nationwide, the money available for RABA in FY03 is expected to be approximately negative \$29.6 billion. He indicated that there are congressional proposals to restore some of that funding.

The Board thanked Mr. Moreno for the informative presentation.

Evaluation. The Board members provided feedback on the day's session. Overall, the members believe the work sessions are beneficial and would like to conduct more.

WHEREUPON the meeting recessed at 3:45 PM.

February 21, 2002

The Board met at 8:30 AM on Thursday, February 21 at the Transportation Department in Boise. All members were present.

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.

January 16-17, 2002 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the Board meeting held on January 16-17, 2002 as corrected. The motion passed unopposed.

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

March 13-14, 2002 – Boise

April 17-18, 2002 – District 2

May 15-16, 2002 – District 6

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

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the

TB02-11 Transportation Board approves the revisions to Board Policy B-01-03, Annual Report; Board Policy B-03-03, Appraisal of Access; US-89 speed zone changes, District 5; consultant services request, District 6; and addition of the Snake River Bridge, Idaho-Washington border project to the FY02 State Program, District 2; and has received and reviewed the summary of out-of-state travel for the first-half of FY02; the quarterly returned check report; and the December financial statement analysis.

1) Board and Administrative Policies B- and A-01-03, Annual Report. These policies have been revised to match the current processes that are being used. The policies were also re-numbered to match the Department organization and place the policies next to B- and A-01-02, Budget Preparation, which are closely related to the development of the Annual Report.

2) Board and Administrative Policies B- and A-03-03, Appraisal of Access. These policies were developed in conjunction with the new Access Control policies. The Board policy reiterates the Department's right to acquire property along the state highway system to preserve the safety and operation of the highway and assigns the Director responsibility to establish property appraisal requirements when access is requested. The Administrative policy establishes District responsibilities, land value requirements, and fee schedules.

3) US-89 Speed Zone Changes, District 5. Residents in Bear Lake County have questioned the process to establish speed limits and expressed a desire to increase the existing 55-mile per hour (MPH) speed limit to 65 in the vicinity of Fish Haven and Montpelier on US-89. Staff conducted an in-depth speed study and speed limit review. Based on these findings and support from the public and law enforcement, staff recommends increasing the speed limit to 65 MPH on US-89 from milepost (MP) 3.09 to 7.69; MP 8.942 to 12.828; MP 14.01 to 15.5; MP 16.27 to 19.9; and MP 20.39 to 24.8.

The existing speed limits within the small towns between MPs 0 and 24.8 will remain the same.

- 4) Consultant Services Request, District 6. The SH-31, Pine Creek Road to MP 7 project, key #7377, is scheduled in FY03 in the State Program. SERG, Inc. was the consultant selected to lead the design on the widening and reconstruction project at a negotiated agreement of \$247,000. As the work progressed, significant delays occurred in discussions with the State Historical Preservation Office on documentation and mitigation of cultural resources, causing the Environmental Assessment (EA) to be delayed. Also, several changes in the work scope and Forest Service standards caused the need for additional biological studies and analysis in a revised EA. Staff requested authorization to contract with SERG, Inc. to complete the design of the project at an estimated cost of \$70,000. Funding in the amount of \$75,000 has been scheduled for preliminary engineering.
- 5) Addition of Snake River Bridge, US-12, Idaho-Washington Border to FY02 State Program, District 2. The Washington Department of Transportation (WSDOT) is planning a project to paint the Interstate Bridge between Lewiston, Idaho and Clarkston, Washington. WSDOT would like to do this in the coming construction season in advance of the Lewis and Clark Bicentennial Celebration. The current agreement requests WSDOT to develop and administer all projects and maintenance for the bridge and for the two states to split the cost equally. The estimated cost to paint the bridge is \$1,000,636.80. The District is requesting the addition of this project, in the amount of \$501,000, in FY02 of the State Funded Program. To offset the cost of this project, the SH-11, Timberline High School to Top of Pierce Pass project, key #6974, would be staged in FY02 and FY03.
- 6) Out of State Travel Summary. During the first half of FY02, \$119,605 was expended on out-of-state travel. The budgeted amount is \$426,053 for an estimated 181 trips.
- 7) Quarterly Returned Check Report. In the second quarter of FY02, \$19,480,638 in checks were received, with \$65,999, or .34% returned. Collections amounted to \$72,691 for an annualized collection rate of 97.56%.
- 8) December Financial Statement. Revenue received in the Highway Distribution Account through December is \$2.2 million less than was forecasted year to date.

Revenue in the State Aeronautics Fund was \$20,700 below original projections while the revenue in the Aircraft Operations Fund was \$3,981, above projections year to date. Overall expenditures are below forecast in all areas except Aircraft Operations.

New and Supplemental Professional Agreements Report. From December 28 to February 4, the Consultant Administration Unit processed \$3,951,634 in professional, supplemental, and term agreements.

Member Blick made a motion, seconded by Member McClure, to accept the new and supplemental professional agreements report. Member McHugh stated that he has a conflict of interest. The motion passed 5-0, with Member McHugh abstaining.

Board Items. Member Blick expressed concern with the delay of a project in District 4 being designed by a consultant. He suggested establishing penalties if consultants do not meet the agreed timelines. Member McHugh concurred and stated District 1 was having a similar problem with a consultant meeting a schedule. He supported a method to make consultants more accountable.

District 4 Engineer (DE) Devin Rigby elaborated on the project in District 4, which has also been delayed due to environmental issues. He explained some things that staff can do to ensure the consultant stays on schedule, such as reviewing reports on a timely basis.

The Board asked staff to review the current procedures and determine if improvements could be made in this area.

Member McHugh mentioned that he was in another state recently and noticed a paid newspaper advertisement for an upcoming transportation commission meeting. He requested a briefing on ITD's process to notify the media and public of the Board's meetings.

SB Higgins provided an overview of the extensive process the Public Affairs Office and her office take to notify the media and public of upcoming Board meetings. She stated that the procedures exceed the open meeting law requirements in Idaho Code.

Director's Items. Director Bower reported that the Department's budget presentation to the Joint Finance and Appropriations Committee went well. He commended staff for the hard work and extra effort it put into the various legislative presentations. The \$350,000 request from the General Fund to be used as match for local airports was not approved, however, Director Bower informed the Board that the money was appropriated from the state highway fund.

The Supreme Court denied the request for a review of the Goodman Oil case, according to Director Bower. The state has exhausted its appeals process. Discussions are underway on the state's next actions, including addressing this issue in the future and the refunds. He added that there would be approximately \$1.6 million less revenue available in the Highway Distribution Account due to this decision.

Director Bower reported on House Joint Resolution (HJR) 3 relating to the right of eminent domain. The Department testified in opposition of this resolution. He encouraged the Board to take a position on this issue, as it appears to have significant negative impacts to ITD as well as the local entities. (See later minute entry.)

Director Bower said the five-state coalition is working on proposals to address the projected decline in federal revenue. Idaho's Congressional Delegation has also been contacted on this issue. Staff is monitoring the funding issue and congressional activity and will recommend changes to the Highway Development Program, accordingly.

Director Bower stated that the revenue in the State Highway Account is slowly increasing. If the revenue trend continues, ITD may have a budget shortfall of \$10 million instead of the earlier-estimated \$13 million. Staff will continue to monitor the revenue and bring a proposal to the Board as appropriate. He added that the revenue in the State Aeronautics Account is below projections and the Division may have to identify holdbacks for FY02.

The Oregon Court ruled in favor of the State of Oregon in the American Trucking Association's (ATA) lawsuit on the state's weight-distance tax, according to Director Bower. He has requested Legal's review on the case and a comparison to Idaho's case.

Next month Director Bower will be leading an FHWA scanning tour in Europe. CE Ross will be the acting director in his absence.

Legislative Report. BPIRM Detmar provided an update on legislative activities. ITD's proposal on right-of-way appraisal waiver has passed both chambers and was submitted to the Governor for signature. The Commercial Drivers License compliance bill passed the Senate and is in the House Transportation Committee. The proposal on construction danger zones was returned to the sponsor for further evaluation.

BPIRM Detmar elaborated on HJR 3 and believes the legislators are reviewing ITD's concerns and taking those into consideration. DAG Bywater stated that the Department's police powers may be in jeopardy and that the proposal could have vast, unlimited impacts on ITD and the local entities. The consensus of the Board was to take a position in opposition of HJR 3. (See later minute entry.)

Member McHugh suggested the Board take a position advocating the use of safety restraints. Chairman Winder requested information on the Board's earlier action on this issue and suggested the Board revisit this item. (See later minute entry.)

Transfer of Funds from Wetlands Mitigation to SH-55, McCall Alternate Route, Key #688, District 3. Assistant District 3 Engineer Eric Shannon responded to several questions raised last month when the request to transfer funds to purchase right-of-way for the McCall Alternate Route was initially presented. ITD has the option to buy and utilizes it occasionally. Staff's proposal is to acquire 73 acres in the corridor at this time. He stated that the "highest and best use" for the property in the corridor will be used to determine the purchase price. He asked McCall Mayor Ralph Colton to respond to the city's ability to preserve the ITD corridor for the proposed highway.

Mayor Colton thanked the Board for the opportunity to address it on this project. He emphasized the city's support for the Alternate Route project and its desire to eliminate

truck traffic through town. He believes Idaho Code was followed in the city's decision to approve the requested subdivision through the proposed corridor. Part of the city's concern is that the exact alignment has not been identified and the corridor has changed several times over the years. Additionally, he indicated that the city could not preserve the corridor because it is the state's corridor, not the city's.

Member Sweeney asked if the city has accident information on SH-55 in downtown McCall. Mayor Colton did not have that information, but stated that the city has taken some measures to improve safety, such as disallowing some left turns at the 90-degree turn.

Member McClure believes the truck traffic should be removed from downtown McCall, but expressed concern with the cost of the Alternate Route project for the projected low traffic volume. He also expressed frustration with the environmental process and escalating costs of the project, including as a result of the approved subdivision.

Mayor Colton emphasized the city's desire to annex that property so that it would have input on the proposed development and also because of the property's proximity to the airport. He believes if the city had not annexed the property, the county would have approved the subdivision. Member McClure asked if the city discussed the Alternate Route project in its deliberations on the subdivision. City Planner Lindley Kirkpatrick responded that the Alternate Route was discussed at a majority of the meetings and was part of the deliberations.

Member Miller expressed concern with the right-of-way costs. He stated that those costs appear to increase annually due to inflation, and now the approved subdivision will also increase the right-of-way costs for the McCall Alternate Route project. He believes there are higher transportation priorities throughout the state that should be addressed first. Member McClure believes the subdivision will be developed at the north end first, while the state's corridor is on the south end. He suggested deferring the purchase of the right-of-way until the alignment is confirmed. DE3 Pamela Lowe believes that may occur in approximately three years.

Chairman Winder stated that a lot of money has been spent on the McCall Alternate Route project, and the Board has acknowledged that it may take more than ten years to

acquire the right-of-way. The Board has an opportunity to acquire some of that right-of-way now.

Member McHugh suggested that the project be removed from the Program. Member Sweeney referenced yesterday's discussion on alternate routes. Although he is a strong supporter of alternate routes, he stated that the current and projected traffic counts need to be considered. SH-55 is a scenic route, and he does not believe it will ever be a major route. He also expressed concern with the cost of the Alternate Route project for the projected traffic count.

Member McClure made a motion to deny staff's request to transfer funds from the wetlands mitigation project to the SH-55, McCall Alternate Route project. Member Blick seconded the motion and it passed unanimously.

Member McClure made a motion authorizing staff to continue working on the McCall Alternate Route project, and also to monitor the development of the River Ranch Subdivision and to be prepared to purchase the right-of-way needed for the McCall Alternate Route before the property in the corridor is developed. Vice Chairman Combo seconded the motion and it passed four to two with Members McHugh and Miller dissenting.

Chairman Winder told Mayor Colton that the Department wants to continue working closely with the City of McCall and be kept informed of the developments in the area.

Director Bower referenced Mayor Colton's earlier comment that the City was unable to protect the McCall Alternate Route corridor because it was not the City's corridor. He suggested looking at mechanisms that would allow entities to work cooperatively on corridor preservation in situations like this.

Mayor Colton emphasized the City's desire to work with ITD and the property owners on the McCall Alternate Route project. He thanked the Board for the opportunity to attend the meeting and provide remarks.

Review of Programmed Projects for SH-16, District 3. DE Lowe stated that SH-16 is a commuter route into Boise. The two-lane highway's functional classification was changed last month to rural principal arterial. Project Development Engineer Elaine Davis elaborated on the various projects included in the Highway Development Program to preserve the infrastructure and improve safety on this highway. The main project is an environmental evaluation of the entire 14-mile corridor. The route needs to be evaluated in its entirety because this project will determine the SH-16 corridor template to maintain consistency for all projects. Federal funds for the other scheduled projects are contingent on the completion of the environmental project. Ms. Davis also reported that the accident rate is below the state average for this type of highway.

The Board thanked staff for the report and expressed support to improve this important corridor.

Variable Speed Limit Systems. In response to an earlier question on the feasibility of allowing variable speed limits on the I-184 Connector, Intelligent Transportation Systems Coordinator Bob Koeberlein reported that the system would be allowed upon adoption of the Manual on Uniform Traffic Control Devices, Millennium Edition. Discussions were also held with law enforcement personnel in the area and they indicated that enforcement of a variable speed limit would be feasible. The cost to implement the system is approximately \$600,000, which includes hardware and software to integrate the system into Ada County Highway District's system. Mr. Koeberlein added that staff does not recommend changing the speed limit on I-184 at this time, but recommends reviewing the speed limit after the Wye Stage 2 project is completed.

The Board thanked Mr. Koeberlein for the informative report.

Road Equipment Color. Equipment Superintendent Steve Spoor informed the Board of the current Administrative Policy requiring vehicles one-ton and larger to be painted yellow. The color is a special order, resulting in additional costs to ITD. He recommended changing the color scheme because the yellow color is not the same among manufacturers, the color is not unique to ITD, and it results in extra costs. The proposal is for white vehicles, except for sedans, personnel transport vans, and port of entry vehicles, with reflective yellow striping on all vehicle cabs. This will differentiate ITD vehicles from other similar vehicles and provide additional visibility of vehicles that are utilized at night. This proposal would save the Department in excess of \$40,000 annually. He also reviewed the ITD logos that would be placed on the vehicles.

Member Sweeney made a motion to concur with the proposal to change the color of ITD's vehicles, with the exception of those noted above, to white with reflective yellow striping. Member Blick seconded the motion and it passed unanimously.

The Board thanked Mr. Spoor for his initiative on this proposal to save money.

Advance US-30, Intersection 7th Street, Heyburn project, Key #6983, from FY05 to FY02, District 4. This project was delayed earlier to fund the SH-75, Intersection Fox Acre Road project in Hailey, according to CE Ross. The delay was partly due to concerns with left-turn storage by a bridge near the intersection. Staff has developed an alternate striping plan that would eliminate this concern by removing one of the through-lanes coming off the bridge. Because the City of Heyburn has already funded their portion of this project and made commitments to local interests that this signal would be constructed in FY03, it has requested that ITD advance this intersection improvement project to FY02. CE Ross reported that a portion of the SH-25, Kasota Road to 950 West, key #7933, project cannot be finalized until some hydraulics issues are addressed. Staff is recommending delaying the SH-25 project and reducing its scope, advancing the US-30, Intersection 7th Street project to utilize those funds, and to remove the SH-21, Vader Creek to Stanley project from the State Program.

Member Blick 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
TB02-12 Transportation Department 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 21st 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, 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 advance of US-30, Intersection 7th Street, Heyburn from FY05 to FY02 of the State Program; that SH-25, Kasota to 950 West be reduced in scope by \$200,000; that this remaining work be delayed to FY05 of the State Program; and that SH-21, Vader Creek to Stanley be removed from the State Program; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY02-FY04 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Contract Award. Member McClure made a motion to award the bid on the US-20, Ashton Bridge project, DHP-NH-6470(103), key #6296, Fremont County, District 6, to the low bidder: Idaho Construction Company, Inc., Kimberly, Idaho - \$4,801,410.88. Member Blick seconded the motion and it passed unanimously.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member Blick made a motion to meet in executive session at 12:25 PM to discuss pending litigation matters. Member Miller seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussions on the pending litigation issues was a proposed settlement on a condemnation case and a report on a contract bid dispute case.

The Board came out of executive session at 1:15 PM. No decisions were made.

Highway Development Program Supplement 02-1. Senior Financial Specialist Keith Holmes summarized the objectives of Supplement 02-1: to report the status of FY02 federal apportionments and obligation authority under the Department of Transportation Appropriations Bill; report the status of funding for the State Funded Highway Construction Program; modify and rebalance the Highway Development Program to include project changes, advances, delays, and removals since the approval of the Highway Development Program in September; and update the cost of FY02 federal and state projects to current costs. The Board reviewed the State-Funded Unallocated Account; an updated Highway Funding Plan; updated available funding compared to Board approved and programmed projects; and Highway Development Program sheets annotated to reflect changes to the Highway Program.

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

RES. NO. WHEREAS, it is in the public's interest for the Idaho TB02-13 Transportation Department 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 21st 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 Department has received an overall obligation authority of \$217.5 million, which represents 91.4% of all FY02 apportionments including \$25.7 million in Revenue Aligned Budget Authority; and

WHEREAS, the changes in Supplement 02-1 to the FY02-06 Highway Development Program will fully utilize the estimated FY02 Federal Highway formula funding obligation authority of \$171.5 million and the Minimum Guarantee obligation authority of \$25.9 million.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the funding and project changes to the FY02-06 Highway Development Program itemized and explained in Highway Development Program Supplement 02-1, which is on file in the Office of Highway Programming, and authorizes staff to make the appropriate changes to the FY02-04 STIP in accordance with the provisions of the TEA-21.

Request to Increase the Federal-aid Maximum and Change the Match Rate for SH-8, Line to Division Street Pathway, Deary, Key #7620, District 2. This project was originally approved for funding in FY00 of the Enhancement Program for a total cost of \$200,000 with a cash match of \$60,000, according to Intermodal Planning Manager Pat Raino. The project was to provide pedestrian sidewalks along SH-8 through downtown Deary. At the end of the downtown sidewalk portion, a bicycle/pedestrian pathway from Wyoming to Division Street was to be completed. The project was bid for construction in September 2000 with an engineer's estimate of \$189,453. The low bid was \$309,355. No contract was awarded, and attempts to reduce the scope of the project would not have completed the most important section of the project, the sidewalk along SH-8.

Ms. Raino said the Mayor of Deary has requested additional federal aid so the project can be built in FY02. Based on the previous low bid, plus inflation and an environmental re-evaluation, the total cost of this project is now estimated at \$350,000. This would require additional federal-aid from FY02 in the amount of \$158,595. Ms. Raino said there is sufficient available funding in the Enhancement Program for this project. She emphasized that the City's commitment to the project is substantial and exceeds the required match amount.

Member Sweeney expressed support for this project. He believes it is beneficial to help small communities with these types of projects.

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

RES. NO. WHEREAS, the Idaho Transportation Board has

TB02-14 recognized the need for the key #7620, Line to Division Street Pathway, Deary project; and

WHEREAS, the project will provide safe and accessible pedestrian walkways along SH-8 through downtown Deary; and

WHEREAS, when bid for construction in September of 2000, the lowest bid was \$120,000 more than anticipated; and

WHEREAS, the City of Deary has spent their own funds to design the project, plus the substantial cash they will commit to the project's administration and construction and does not have the resources to increase this amount above that already pledged; and

WHEREAS, the Mayor of Deary, Russell Foster, has requested additional federal aid in order to build the project this summer; and

WHEREAS, there is funding available in the FY02 Enhancement Program to fund the Mayor's request.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes a cost increase of federal aid funds up to \$158,595 to construct key #7620, Line to Division Street Pathway, Deary, and increases the maximum federal aid on this project from \$140,000 to \$291,212 and approves a local match of 16.8%.

Enhancement Program Advance and Delay, Districts 4 and 5. Ms. Raino reported that the I-15B, 5th Avenue Barton Road to Humbolt project, key #8038, is an FY02 Enhancement project sponsored by the City of Pocatello for \$351,000. It is located within the project limits of a District 5 pavement rehabilitation project to be constructed this summer. Due to design and coordination issues between the two projects, the City of Pocatello, Bannock Planning Organization, and the District requested the Enhancement project be delayed to FY03. This would allow the projects to be built in the proper sequence. In reviewing the Enhancement Program, only one project was identified to advance into FY02 to offset the proposed delay. The SH-75, East Fork Scenic Easement

project, key #8381, is programmed in FY03 for \$318,000 in District 4 and the sponsor is willing to advance the project to FY02.

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

RES. NO. WHEREAS, the Idaho Transportation Board
TB02-15 recognizes the need to schedule projects in an effective manner; and

WHEREAS, 5th Avenue Barton Road to Humbolt, Pocatello, a pathway project, currently programmed in FY02 of the STP-Enhancement Program is better coordinated with 5th Avenue; Couplet to Humbolt, Pocatello if delayed to FY03; and

WHEREAS, Bannock Planning Organization approves this change to their Transportation Improvement Program; and

WHEREAS, East Fork Scenic Easement, currently programmed in FY03 of the STP-Enhancement Program for \$318,000 in federal aid can be advanced and the property purchased in FY02.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes the delay of key #8038, 5th Avenue Barton Road to Humbolt, Pocatello from FY02 to FY03 and the advance of key #8381, East Fork Scenic Easement from FY03 to FY02 of the approved FY02-06 Statewide Transportation Improvement Program.

Video Clippings. Public Affairs Officer Jeff Stratten presented recent video news excerpts on the I-84/I-184 Wye Interchange Stage 2 project and also a video the City of Boise produced regarding landscaping the Wye Interchange.

Annual Report on Audits. Internal Review Manager Carri Rosti summarized the Section's internal and external audits performed in 2001 and the work planned for 2002. Staff conducted audits on the Integrated Financial Management System, performed a construction follow-up review, is in the process of reviewing information technology controls, and completed several special reviews. Some of the external activities included reviews of consultant agreements prior to award, overhead rate reports, and public transit providers. The Status of Audit Resolution of audits on ITD operations was also provided.

Director Bower added that he requested a review of the Department's policies and procedures to ensure its fiduciary responsibilities were being met. He was pleased to report that the proper procedures and controls are in place to address the fiduciary requirements.

Vice Chairman Combo suggested that Ms. Rosti confer with Chairman Winder when planning the activities for the upcoming year, as the Board may have some special reviews it would like performed. Ms. Rosti confirmed that she works with Director Bower and management on their needs, and she will always entertain requests from the Board.

Director Bower emphasized the importance of the information technology control assessment currently underway, as he believes it will be a beneficial report of the strengths, weaknesses, and benchmarks in the information technology arena. The findings will be presented to the Board.

The Board thanked Ms. Rosti for the informative report.

Member McHugh left the meeting at this time.

Annual report on Civil Rights. Civil Rights Manager Karen Sparkman was pleased to report that the annual Civil Rights Conference set an attendance record in January 2002. As part of the conference, three special recognition awards are given. This year one of those awards was presented to Director Bower in appreciation of his support for the Department's Civil Rights Program. Ms. Sparkman emphasized the importance of management's support in this arena.

Ms. Sparkman outlined the past year's activities in the internal programs, including respectful workplace training, establishing policies, and outreach efforts. The employment statistics, complaints, and Americans with Disabilities Act accommodations were also reviewed. Ms. Sparkman summarized the activities in the external program, including training and outreach, contract compliance, and work with Disadvantaged Business Enterprises.

Chairman Winder thanked Ms. Sparkman for the report and for her efforts and accomplishments in this important area.

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

RES. NO. WHEREAS, the staff of the Idaho Transportation

TB02-16 Department has received an offer to settle the case of State vs. Lee Ranch Limited Partnership for \$210,000 plus interest, costs, and attorney fees of \$32,089.42; and

WHEREAS, this total settlement in the amount of \$242,089.42 is just compensation for the property taken for right-of-way acquisition in the I-90, Northwest Boulevard Project in Kootenai County, District 1.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board hereby approves a settlement in the amount of \$242,089.42 as just compensation for acquisition of the real property taken and/or damaged in the case of State vs. Lee Ranch Limited Partnership.

SB Higgins informed the Board that it passed a motion in February 2000 to support the increased usage of seatbelts. By unanimous consent, the Board re-affirmed its support for the use of safety restraints and efforts to increase seatbelt usage.

Member Sweeney believes it would be beneficial for the Department to consider acquiring a portion of the railroad right-of-way being abandoned by Camas Prairie Railnet in the Grangeville area. He will discuss this issue with DE2 Jim Carpenter.

Member Sweeney made a motion to send the House of Representatives a letter opposing HJR 3. Member Miller seconded the motion and it passed unopposed. The letter is shown as Exhibit 253, which is made a part hereof with like effect.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:55 PM.

CHARLES L. WINDER, Chairman
Idaho Transportation Board

Read and Approved

March 13, 2002

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

January 16-17, 2002

The Idaho Transportation Board met at 8:30 AM, on Wednesday, January 16, 2002, 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

Neil Miller, Member – District 5

Sue S. Higgins, Secretary to the Board

Dwight Bower, Director

Jimmy Ross, Chief Engineer

Karl Vogt – Deputy Attorney General

December 13-14, 2001 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Sweeney, to approve the minutes of the Board meeting held on December 13-14, 2001 as corrected. The motion passed unopposed.

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

February 20-21, 2002 – Boise

March 13-14, 2002 – Boise

April 17-18, 2002 – District 2

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 has received and reviewed the contract award information; the new and

TB02-01 supplemental professional agreements report; the report on administrative settlements of right-of-way acquisitions; the annual report on the Administrative License Suspension program; the annual report on state-owned buildings; and the November financial statement analysis.

1) Contract Award Information. Key #5676 – Mink Creek Road, Phase 1, District 5. Low bidder: Bannock Paving Company - \$2,049,832.

Key #6331 – US-30, McCammon to Topaz Passing Lanes, District 5. Low bidder: Western Construction, Inc. - \$1,658,300.

Key #7186 – SH-33, Intersection SH-33 and Forest Highway 76, Driggs, District 6. Low bidder: Beco Construction Company, Inc. - \$207,254.

Key #8334 and #8335 – State Street Intelligent Transportation System (ITS) Deployment and Eagle Road ITS Deployment, District 3. Low bidder: Quality Communications, Inc. - \$177,659.

Key #5162 – Snake River Bridge, Firth, District 5. Low bidder: Cannon Builders, Inc. - \$2,327,711.

Key #6630 – SH-162, Lawyers Creek Bridge, District 2. Low bidder: N A Degerstrom, Inc. - \$850,499.

Key #6634 – SH-21, New York Gulch Bridge #1 and #2, District 3. Low bidder: Idaho Sand & Gravel Company - \$1,328,781.

2) New and Supplemental Professional Agreements Report. From November 27 to December 27, the Consultant Administration Unit processed \$2,774,296 in professional, supplemental, and term agreements.

3) Administrative Settlements of Right-of-Way Acquisitions. During the quarterly period between October 1 and December 31, 2001, 12 parcels were processed. Of those,

three parcels, or 25%, had administrative settlements. Due to the nature of the report, staff will provide this information on a semi-annual basis instead of quarterly.

- 4) Annual Report on the Administrative License Suspension (ALS) Program. Through November 2001, 1,449 ALS hearings were completed for the calendar year. The hearings resulted in 1,127 suspensions sustained. Administrative license suspensions are only vacated if the hearing officer determines that the technical and legal requirements in issuing the ALS have not been met. The current average cost to administer an ALS is \$73.78. Idaho Code sets a reinstatement fee of \$115.
- 5) 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.
- 6) November Financial Statement. Revenue received in the Highway Distribution Account for November was \$1.5 million less than the revised August forecast for the month, and \$3.3 million less than forecasted year to date. Revenue in the State Aeronautics Fund from aviation fuel tax was \$3,421 below projections, but miscellaneous revenue was \$14,917 above the estimate. Revenue in the Aircraft Operations Fund was \$2,957 above the year to date forecast. Overall expenditures in the State Highway Fund and Aircraft Operations Fund are above forecast due to contract construction payments being paid out sooner than anticipated and more flights were conducted than expected, respectively. Overall expenditures in the State Aeronautics Fund, however, are below forecast.

Board Items. Chairman Winder expressed concern with safety on the westbound I-184 Connector in Boise. He has witnessed unnecessary weaving near the Franklin Road on ramp due to motorists' confusion as to the travel lane they need to be in to travel west on I-84. He asked if a raised median could be erected or signing changed to address this issue.

Assistant District 3 Engineer (ADE) Jeff Miles reported that staff is aware of this concern and will address this issue as part of the Wye Interchange Stage II project. He said the signs will be changed and a designated lane for westbound I-84 traffic from Franklin Road will be added. He also reported that there is concern with congestion near the Maple Grove Road underpass where traffic from three areas converge, I-84 westbound, I-

184 westbound, and Franklin Road. Additional distance for merging will also be provided in the Wye Stage II project.

Chairman Winder reported that he was in north Idaho recently and discussed the US-95 project near Eastport with Bonners Ferry Mayor Darrell Kerby. The mayor had some concerns with the progress of this project. Chairman Winder discussed the project with Director Bower and believes the issues have been resolved.

Earlier, the Board had a discussion on the membership of the Subcommittee on Adjustments to the State Highway System. Chairman Winder asked for Board consensus to make it a three-member subcommittee, plus the existing staff. The current members, Combo and McClure, will continue to serve on this subcommittee, plus the member impacted by the proposed adjustment to the state highway system will attend the meeting when that particular route is on the agenda. If the routes on the subcommittee's agenda are routes in the existing subcommittee members' district(s), then a member will be appointed at large to attend that specific subcommittee meeting. If there are several routes on the agenda that impact more members than the two permanent subcommittee members, the appropriate Board member will attend the portion of the subcommittee meeting dealing with the route in his respective District.

The Board supported this change to the make-up of the subcommittee.

Chairman Winder reviewed the draft agenda for next month's visioning session.

Vice Chairman Combo reported that he has traveled in a number of surrounding states since November and used their winter road reports. He believes Idaho's winter road report is exceptional and he commended staff for their efforts to develop this high-quality service.

As a follow-up to last month's discussion on the Rural STP Exchange Program, Vice Chairman Combo provided additional information on the Secure Rural Schools and Community Self-Determination Act. This Act provides payments from the federal general treasury to counties based on an average of their timber payments from 1986 to 1999. These funds are to be used for schools and road maintenance. Based on the results

and intent of this Act, Vice Chairman Combo believes Highway Programming Manager (HPM) Dave Amick and Local Highway Administrator Joe Haynes did a good job on the proposed modifications to the Exchange Program.

Director's Items. Director Bower reviewed the status of the Department's revenue, which at year's end is estimated to be \$13 million, or 6.5%, below projections for FY02. Staff will recommend additional holdbacks for the FY02 budget tomorrow, and will also review the Governor's FY03 budget recommendation. Staff is monitoring the revenue closely, and if the revenue shortfall is overestimated, the holdbacks could be released. He gave a presentation to the legislative Economic Oversight and Revenue Assessment Committee earlier this month on the Department's current and projected revenue.

Director Bower reported that the break room in the Headquarters building has been relocated. He believes it was a positive change and provides a better facility for the employees.

Federal funding for highways in FY03 could drop by \$7 billion, according to Director Bower. Preliminary reports indicate that the Highway Trust Fund revenues have declined sharply, which could drastically impact the Department's Highway Development Program.

Staff prepared information on projected impacts to SH-55 if the proposed WestRock development is approved in Valley County. Director Bower provided information on current projects and projects that would be needed in that area to address the expected increase in traffic as a result of the proposed resort. On February 7, ITD will report to the Land Board on the anticipated transportation impacts to SH-55 if WestRock is constructed.

Director Bower announced that Governor Kempthorne has appointed Kathy Miller from McCall and Rodger Sorensen from Soda Springs to the Aeronautics Advisory Board (AAB), although they still need Senate confirmation. He reminded the Board that it would be meeting with the AAB later in the day.

Director Bower said that upon request, District 3 helped remove barriers from the Statehouse. The barriers were erected last fall to enhance security in the area. Because the barriers are no longer needed, they were returned to the District.

ITD and Touch America are close to finalizing the agreement for fiber optic in the I-90 right-of-way, according to Director Bower. In addition to service for ITD and the State of Idaho, the agreement includes conduit for the Department's use. He believes the agreement and placement of fiber optic in the right-of-way will result in a positive impact for Idaho. Chairman Winder concurred and believes the state, as well as ITD, will benefit. He added that he believes this project will enhance development in rural communities.

Due to a conflict of interest, Vice Chairman Combo did not participate in the discussion on the agreement, as his cousin is providing counsel to Touch America.

Director Bower was pleased to report that bids for the US-20, Ashton Bridge project will be opened next month. He believes the new bridge and intersection improvements will greatly enhance safety in that area.

Consultant Overhead Rates. Internal Review Principle Auditor Bob Medley provided background on the federal requirements for overhead rates, how the overhead rates are determined, and the components for determining the rates. Overhead rates are used to reimburse consultants for all allowable indirect costs, which includes fringe benefits and general administrative expenses.

Member Sweeney expressed concern with some of the allowable costs. He questioned using the bid process for consultant services. Member McClure asked how costs are factored in the selection process. Consultant Administration Unit Supervisor Nestor Fernandez stated that consultants are selected based on qualification and experience. ITD is allowed to negotiate with the preferred consultant on the cost. If the two parties cannot agree on the cost, another consultant is selected.

Member Sweeney commented that construction contracts are determined on a low bid basis, but consultant services are not selected on a competitive basis. Vice Chairman

Combo clarified that roads are built to specifications, whereas designing projects is a professional service and the best consultant is needed for that work. Member Miller stated that the construction bids appear to be more competitive since TEA-21 provided additional money, but that the consultant costs appear to be increasing.

Member Sweeney asked what ITD's overhead rates are. Director Bower responded that the Department does not calculate overhead the way Mr. Medley outlined consultant overhead rates. He said that administrative costs are 3.1% to 3.5% of the total budget. Member Sweeney realizes that ITD cannot staff to its highest workload needs, but questioned utilizing more in-house design services versus consultants. Chairman Winder reminded the Board that the 1995 Legislative Interim Committee resulted in a thorough review of ITD efficiencies and it was determined that designing projects in-house is comparable in cost to hiring consultants to design projects. CE Ross concurred and reported on some studies conducted on this subject with similar results. Director Bower added that it is not practical to staff for peak workloads and that utilizing consultants provides a good balance for the Department.

Member McClure also expressed concern with the rising cost of consultants and the need for competition in this industry. Because it is a difficult arena, he believes the Board has to rely on ITD staff to follow the federal regulations and negotiate the best cost for both the state and consultant. Director Bower added that ITD's process is very similar to other states.

Chairman Winder thanked staff for the informative presentation.

Construction Issue Resolution Team. DAG Vogt reported that following last month's Board meeting, staff received positive comments on and suggestions for minor changes to the proposed process for construction issue resolution. The Team also conferred with representatives from the California and Florida Departments of Transportation regarding the Dispute Review Board and Claim Review Board. DAG Vogt outlined the minor modifications made to the proposal since it was presented to the Board last month.

Vice Chairman Combo commended the Department for establishing the team with diverse backgrounds, including the Districts and industry. He believes an excellent proposal has been developed. Member McClure echoed Vice Chairman Combo's

comments on the establishment of the team. He also believes this process will be beneficial to ITD and contractors and is a big improvement to the process.

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

RES. NO. WHEREAS, in the early months of 2001, the Idaho Transportation Department(ITD) organized an action team known as the Construction

TB02-02 Issue Resolution Team (CIRT) which was made up of representatives from ITD Headquarters, various ITD Districts, and highway contractors; and

WHEREAS, the CIRT was charged with developing improvements to the process for construction issue resolution to be used by ITD contract administrators allowing for issue/conflict resolution at the lowest appropriate level; and

WHEREAS, the CIRT has consulted with construction representatives, construction attorneys and highway engineers, examined various publications addressing issue and dispute resolution, and reviewed several other state's procedures for resolution of construction issues in transportation and public works departments; and

WHEREAS, as a result of the team's research and examination of these issues, the CIRT has developed an approach designed to produce fair and equitable issue resolution, and substantially reduce construction claims. This approach proposes three separate new Special Specification Provisions to aid in dispute resolution: 1) the Technical Analysis Support Specification, which would be available on all contracts; 2) the Dispute Review Board Specification (both informal and formal use), which would be contract specific and would be established prior to contract bid; and 3) the standing Claim Review Board Specification, which would be adopted to establish a method to review claims on a statewide basis at the Chief Engineer level of the administrative appeals process; and

WHEREAS, the CIRT has presented this information and the proposed specifications to the ITD Continuous Quality Management Team, and to the relevant committees of the Associated General Contractors of Idaho for review, has received positive comments and suggestions from those groups, and has incorporated those suggestions into the final proposal; and

WHEREAS, the Board has reviewed the changes to the construction issue resolution process proposed by the CIRT, and finds them to be appropriate for implementation.

NOW THEREFORE BE IT RESOLVED, that the Board approves the concepts underlying the proposal of the CIRT for modifications to the Department's construction issue resolution process and encourages the Department staff to pursue implementation of the proposed specifications.

Delegation – Idaho Transit Coalition. Pat Nelson informed the Board of Idaho Transit Coalition's application for Section 5309 Earmarks. She outlined the various funding requests throughout the state. Ms. Nelson requested Board support for the application.

Chairman Winder thanked Ms. Nelson for the previous work on securing 5309 funds, as he believes those projects have been beneficial to the state. Vice Chairman Combo asked if the Division of Public Transportation has been involved in this application and supports the request. Public Transportation Administrator Larry Falkner replied that his staff has provided assistance on this application and supports the Coalition's request for funding.

Vice Chairman Combo made a motion to submit letters of support for the Idaho Transit Coalition's request for Section 5309 Earmarks to Idaho's Congressional Delegation, with a copy to the Federal Transit Administration. Member Sweeney seconded the motion and it passed unanimously.

Annual Report on the Division of Aeronautics' Activities. Chairman Winder welcomed the AAB and Aeronautics staff to the meeting. He thanked the AAB members for their

willingness to serve on the Board. AAB Chairman Bill Parish thanked the Board for the opportunity to meet with them and introduced the AAB members.

Aeronautics Administrator (AA) Bob Martin provided opening remarks and introduced the Division of Aeronautics staff. Wayne Pickerill reviewed the airport planning and development activities, including the grant program, system planning, and pavement condition. Mark Young reported on the maintenance activities at the 30 state airports and other activities such as the courtesy car program and airport adoption program. Frank Lester summarized the activities in the safety and education program, including safe pilot seminars, flight instructor refresher clinics, and search and rescue. Debbie Daniels reported on the aircraft pool program.

Chairman Winder thanked staff for the informative report.

Luncheon Meeting with the AAB. The Board and AAB held a luncheon meeting at the DoubleTree Riverside in Boise. Chairman Winder informed the AAB that the Board has been conducting visioning sessions to address the future of transportation in the state. He challenged the AAB to also look at the Division of Aeronautics' vision for the future and how its goals can be accomplished. He added that those discussions may include regional airports and their role in the state. He believes the AAB plays an important role for the Department and the state. Chairman Winder stated that the Board relies on the AAB for guidance and recommendations when addressing aviation needs and concerns, and that its service is valuable.

AAB Member Bob Hoff praised the excellent relationship the two Boards have established and expressed appreciation for the support of the Board and Department.

AA Martin informed the group that there have been recent discussions on establishing a regional airport in eastern Idaho. Some efforts are underway to complete a feasibility study for this proposal. AA Martin said that staff has been in contact with the involved parties and is available to provide assistance.

Member Sweeney reported on the aviation session he attended at the recent American Association of State Highway and Transportation Officials conference. A study is

underway to utilize smaller airports and reduce the overall travel time of flying commercially. AA Martin said that he has been in touch with NASA on this study and is exploring the feasibility of joining an established consortium of Midwest states or establishing a western states coalition to take a proactive stance on this issue.

Chairman Winder relayed concerns that the Boise Airport does not have a category two landing system. The National Guard has a building that is prohibiting this system. He informed the group that there may be a request for assistance. AA Martin reported that part of this system has been installed. He has discussed this issue with the Boise Airport manager and there is a possibility that the Federal Aviation Administration may grant a waiver to allow the full system.

Over the years, some Board members have had the opportunity to tour some of the state's backcountry airports. Chairman Winder asked if both groups would be interested in scheduling another tour this year. Enough interest was expressed, so AA Martin will coordinate a tour.

Director Bower welcomed AAB Members Miller and Sorensen. He emphasized the important role of aviation to the state and said that if he can be of assistance in any way, to let him know. AAB Chairman Parish thanked Director Bower for his support and expressed satisfaction with the direction the Aeronautics Division and Department have taken.

Chairman Winder concluded by thanking the AAB for its service. He encouraged the AAB members to stay in contact with Director Bower or Member Sweeney, the Board's liaison to the AAB, or with any of the Board members.

History of the McCall East-West Loop Project, Key #5030, District 3. ADE Eric Shannon provided a history of the McCall East-West loop project (formerly the Deinhard Lane Alternative). He emphasized that the area citizens expressed opposition to relocating SH-55 on Deinhard Lane and Boydston Lane, mainly due to routing a major highway through a residential area. The project is being designed as a local road and is currently programmed in FY02.

Transfer Funds from Wetlands Mitigation, Key #8615, to McCall Alternate, Key #688, District 3. The City of McCall and Planning and Zoning Commission approved a proposal for development of the River Ranch Subdivision last year, according to ADE Shannon. The proposed subdivision is located in the Board-approved corridor for the SH-55, McCall Alternate Route. Staff would like to preserve the potential corridor for this project and begin purchasing right-of-way. ADE Shannon added that FHWA has approved using federal funds for protective buying.

Because no right-of-way funds are programmed in FY02 for the McCall Alternate Route project, ADE Shannon proposed delaying the Wetlands Mitigation Banking project as an offset. This \$1,380,000 project consists of developing wetland mitigation sites to offset wetland impacts of six projects on SH-55. A mitigation site has been selected and the wetland mitigation plan is being prepared, however, the environmental clearance and purchase of right-of-way still needs to be completed before the project can be advertised for construction. To fund the Wetlands Mitigation Banking project in FY03, preliminary engineering funds from the McCall Alternate Route and Goose Creek Grade projects would be used.

Member Sweeney asked how much the right-of-way costs have increased because of the approved subdivision. ADE Shannon did not have that information. Member McHugh asked how much right-of-way, percentage wise, the requested \$1.3 million would purchase in the corridor. Project Manager Daris Bruce did not have that figure, but stated the \$1.3 million would only be used to acquire right-of-way in the proposed subdivision. The Department can only purchase property in imminent development. Director Bower believes approximately 1/8th of the needed right-of-way would be acquired with this proposal.

In response to Member McHugh's question on when the project will be constructed, ADE Shannon replied that the environmental process should be completed in a couple of years and design will take one to two years. When the McCall Alternate Route project was programmed, Chairman Winder believes the Board's intent was to acquire the right-of-way over several years. He added that it is hard to justify the cost of this project for the low traffic volume expected to use the route. Some discussion was held on the City of McCall's commitment to this project and whether it had any authority to assist the Department with corridor preservation.

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

WHEREAS, the SH-55, McCall Alternate Route project, key #688, is of regional and statewide importance; and

WHEREAS, the public and local public officials support the McCall Alternate project; and

WHEREAS, public hearings and informational meetings have been held to facilitate selection of a preferred alternate route; and

WHEREAS, the Idaho Transportation Department has utilized public comment to select the proposed corridor; and

WHEREAS, the proposed corridor minimizes environmental impacts; and

WHEREAS, a portion of the proposed corridor has been approved for development of the River Ranch Subdivision; and

WHEREAS, there is a need to preserve the compatibility of all future land use adjacent to, and within, the proposed corridor; and

WHEREAS, the most efficient means of assuring compatibility of all future land uses associated with the McCall Alternate Route is by preservation of such lands as are necessary to construct that route; and

WHEREAS, the Federal Highway Administration has approved protective buying of the proposed corridor where imminent development is to take place; and

WHEREAS, the proposed corridor for the alternate route should be preserved.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves protective buying of right-of-way across the River Ranch Subdivision within the Board-approved corridor of the McCall Alternate Route; and

BE IT FURTHER RESOLVED, that the Department is authorized to proceed with protective buying of right-of-way to preserve the McCall Alternate Route corridor with the funding made available from the delay of key #8615, Wetlands Mitigation Banking from FY02 to FY03 in the Federal Highway Program and other federal project budget adjustments to key #688, McCall Alternate Route and key #8617, Goose Creek Grade Bypass Study; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate changes to the FY02-04 Statewide Transportation Improvement Program in accordance with the provisions of the Transportation Equity Act for the 21st Century.

Chairman Winder reminded the Board of past discussions on the need for corridor preservation. The Board has an opportunity to purchase needed right-of-way now for the McCall Alternate Route project, although the construction year is questionable. Member Miller favors preserving corridors and believes the legislature, local public officials, and public need to be aware of the Department's concerns and need to preserve corridors. He expressed opposition to the resolution. Although Vice Chairman Combo concurred with the need for corridor preservation, he expressed concern with legislation if it would require ITD to purchase right-of-way every time development is proposed, as funding would be a concern. He added that inverse condemnation may be an issue.

Member McClure stated that he has followed the City of McCall's and Planning and Zoning's discussions on the proposed development in the local paper, but he does not recall references to the project corridor. He believes all of the local officials in the area know the location of the McCall Alternate Route corridor, and he expressed frustration that the City did not take the project into consideration in its deliberations. Director

Bower stated that the City contacted the Department when this proposal was initiated, and staff submitted comments.

Member Sweeney requested additional information on the corridor and issue in general.

Member Sweeney made a substitute motion to table the request to transfer funds from the Wetlands Mitigation project to purchase right-of-way for the SH-55, McCall Alternate Route project, for one month. Member McHugh seconded the motion and it passed four to one with Member Miller dissenting.

SH-16 Functional Classification, District 3. Because of the continued growth in the Treasure Valley, District 3 is taking a proactive approach to coordination of transportation and land-use planning, according to ADE Shannon. SH-16 is currently classified as a rural minor arterial. The route is a two-lane highway from the termini of Freeze Out Hill near Emmett on the north to SH-44 on the south. Traffic data shows that the current average daily traffic of 6,900 will increase approximately 40% in the year 2025.

ADE Shannon said a corridor preservation project is programmed in FY02 to address the transportation-related issues of access management and right-of-way preservation. Between the study period and implementation process, staff must coordinate transportation and land-use consistent with the long-range goals for SH-16. To achieve those goals, the District is requesting a functional classification change on SH-16 from minor arterial to rural principal arterial.

Chairman Winder expressed concern with safety on this corridor. He mentioned a program identifying special safety corridors where law enforcement provides a higher presence, traffic fines are higher, and there is a special public awareness effort focusing on safety issues. He questioned a similar program on SH-16, placing a special emphasis on safety. Director Bower believes the only program the Department has is the 3E (Education, Enforcement, and Engineering) Program that works with law enforcement on special safety concerns.

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

RES. NO. WHEREAS, the Idaho Transportation Board has made a commitment to support corridor planning as a means of facilitating long-range

TB02-03 transportation planning in the State of Idaho; and

WHEREAS, the Idaho Transportation Department is given the responsibility to manage the state's roadways in a manner consistent with the state's Strategic Plan, Long Range Transportation Plan, and Access Management Policy; and

WHEREAS, the Board recognizes a need to correlate the functional classification of SH-16 with its operational characteristics; and

WHEREAS, it is recognized that SH-16 is becoming a main arterial feed into Boise from Emmett.

NOW THEREFORE BE IT RESOLVED, that the Board updates the roadway functional classification of SH-16 to that of a rural principal arterial.

Annual Safety Rest Area Status Report and Updated Planning Map. Roadside Program Administrator Cathy Ford summarized the status of the Department's rest areas and associated costs. She said that staff continuously evaluates the costs of rest areas and ways to improve operating efficiency. Staff works closely with the Department of Commerce, Department of Parks and Recreation, and regional and local agencies in matters relating to the tourist industry and operation of the rest areas. Ms. Ford also presented the updated rest area planning map for approval.

Member McClure questioned the type of service outside vendors provide. Some examples include testing water samples and pumping sewer systems, according to Ms. Ford. Member McClure asked about the use of state forces versus contractors. CE Ross replied that each District determines how much rest area maintenance work to perform

in-house and how much to contract out. District 4, which has a fairly even split of state forces and contractors, performs work such as mowing, snowplowing, and minor repairs.

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

RES. NO. WHEREAS, Idaho Transportation Board Policy B-05-14, Safety Rest Areas, requires the Chief Engineer to prepare and submit annually an

TB02-04 updated rest area 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 2002, as shown as Exhibit 251, which is made a part hereof with like effect, 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 that will complement motorist services, conveniences, and safety.

Memorandum of Understanding (MOU) with Utah Department of Transportation (UDOT) regarding Snowplows for the Olympic Games. CE Ross reported that UDOT has requested assistance during the Olympic winter games in Utah from February 8 through 24, 2002. UDOT anticipates heavy demand for expedited snow removal during that time.

DAG Tim Thomas summarized the proposed MOU whereby ITD would agree to supply two trucks equipped with snowplows and four qualified snowplow operators to be assigned to remove snow from Utah state highways in the northern areas of the state in counties that are adjacent to the southern boundary of Idaho. The precise locations for the deployment of the ITD manpower and equipment will be agreed upon between CE Ross and UDOT Chief Engineer Carlos Braceras, or their designees. ITD's assistance will free up UDOT staff and equipment for snow removal at the Olympic theater areas within Utah. Utah would agree to indemnify ITD and the State of Idaho for any claims that may arise as a result of the performance of the agreement.

Member McClure asked if ITD can spare equipment and manpower to provide assistance to UDOT. CE Ross responded that the Department recently acquired new, replacement equipment, so has older snowplows that are available. He also reported that the Department has not determined where the manpower will come from, but that the employees that help UDOT may not be from southern Idaho.

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

RES. NO. WHEREAS, the Utah Department of Transportation (UDOT) has requested the assistance of the Idaho Transportation Department in meeting

TB02-05 the anticipated need for expedited snow removal from the Olympic theater areas in Utah during the 2002 Winter Olympic Games to be held in Utah between February 8 and 24, 2002; and

WHEREAS, the Chief Engineer has recommended to the Board that a contract be entered into whereby ITD would agree to supply to UDOT from February 7th to 25th, 2002, two trucks equipped with snowplows and four qualified snowplow operators to be assigned to remove snow from state highways in the northern areas of the State of Utah in counties that are adjacent to the southern boundary of the State of Idaho. The precise locations for the deployment of the ITD manpower and equipment would be agreed upon between Jim Ross, ITD Chief Engineer, and Carlos Braceras, UDOT Chief Engineer, or their designees. The intent of this assignment of manpower and equipment is to free up the equipment and manpower of UDOT or other highway agencies within the State of Utah to supply additional snow removal services for the Olympic theater areas within the State of Utah; and

WHEREAS, UDOT has agreed to pay the lodging and meal expenses of the ITD employees assigned under the terms of the agreement and to indemnify ITD and the State of Idaho from all claims arising from the performance of the agreement; and

WHEREAS, the Board has reviewed and approved the proposed agreement with the State of Utah Department of Transportation.

NOW THEREFORE BE IT RESOLVED, that the Board approves the proposal of ITD to enter into an interstate agreement with UDOT under the terms described above and authorizes the Chief Engineer to execute such agreement on behalf of the Department.

Use of and Methodology for Creating District Funding Targets. HPM Amick summarized the funding methodology used during the past seven years to develop the Highway Development Program. In summary, equal weight has been given to the Districts' lane miles, deficient lane miles, and vehicle miles of travel (VMT). HPM Amick believes this method has been working well, as it provides a fair mechanism that also allows for flexibility.

Vice Chairman Combo asked if truck traffic is taken into consideration as part of the VMT. HPM Amick replied that commercial traffic is counted with passenger vehicles, but is not separated. Director Bower added that there are a number of categories that could be considered in the formula, such as geography, climate, and congestion, but overall, the outcome would not change much. He emphasized that this method is used strictly as targets for funding.

Chairman Winder thanked staff for the presentation.

Routes Designated for Extra-Length Combinations. Federal law allows 48-foot trailers to travel all federal aid routes, which include all state and interstate highways. In Idaho, a trailer in excess of 48 feet requires a special permit and is restricted to the routes shown on the "Routes Designated for Extra-Length Combinations" map. CE Ross reported that staff reviewed numerous state routes and issues related to allowing extra-length combinations on those highways, such as restrictions to commerce and safety aspects. He believes a number of routes could be added to the map, allowing extra-length combinations. He emphasized that drivers would still need permits to travel on these routes.

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

RES. NO. WHEREAS, the Idaho Transportation Department Chief Engineer and Port of Entry Manager have reviewed IDAPA 39.03.22 in regard

TB02-06 to Idaho route designation for extra-length combinations; and

WHEREAS, federal law allows 48-foot trailers to travel all state and interstate highways and off-tracks 5.5 feet or more; and

WHEREAS, several routes throughout Idaho were reviewed for curvature and pavement width to determine if over length units posed a safety concern.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves upgrading the following routes to a blue designation, as shown on the *Routes Designated for Extra-Length Combinations* map, as shown as Exhibit 252, which is made a part hereof with like effect, with vehicle combinations not to exceed 90 feet in overall length and a maximum off-tracking not to exceed 5.5 feet:

- SH-3, I-90 to St. Maries (Milepost (MP) 84.54 to 117.68)
- SH-5, Jct. US-95 to St. Maries (MP 0.0 to 19.14)
- SH-6, Washington line to Junction US-95 (MP 100.0 to 104.42)
- SH-11, Junction US-12 to Headquarters (MP 0.0 to 42.54)
- SH-55, Horseshoe Bend to McCall (MP 64.65 to 149.59)

- SH-52, Junction Emmett to SH-55 (MP 30.42 to 54.12)
- SH-75, Ketchum to Clayton (MP 130.15 to 215.64)
- SH-77, Declo to Malta (MP 0.0 to 26.97)
- SH-43, Junction US-26 to Ucon (MP 0.0 to 3.86)
- US-93, Challis to Salmon (MP 244.32 to 304.67)

Chairman Winder questioned the prohibition of longer combination vehicles on SH-55 north of McCall. Port of Entry Size and Weight Specialist Regina Phipps said that the off-tracking requirements would forbid 53-foot trailers. Because staff reported earlier that there are 53-foot trailers that meet the off-tracking requirements, Chairman Winder questioned the feasibility of allowing longer combination vehicles north of McCall. He believes it would be advantageous to connect SH-55 as a longer combination vehicle route to US-95. CE Ross said that staff could review that stretch of SH-55, although he expressed concern with the sharp curves and steep grade in the Goose Creek area. Director Bower concurred with CE Ross's safety concerns and stated that there have been several truck accidents in that area. There has been some public concern with truck traffic on that stretch of SH-55, and even a suggestion to ban trucks in that area.

Representative Ken Roberts encouraged the Board to allow longer combination vehicles on this stretch of SH-55 north of McCall. He said that it is a long detour on US-95 if trucks cannot travel on SH-55. He questioned the possibility of securing emergency funds to address the engineering concerns in the Goose Creek area.

The consensus of the Board was to have staff review the stretch of SH-55 north of McCall in the Goose Creek area to determine if extra length combinations could travel that route with a permit.

The motion passed unanimously.

WHEREUPON the meeting recessed at 4:30 PM.

January 17, 2002

The Board met at 8:30 AM on Thursday, January 17 at the Transportation Department in Boise. All members were present, including Member Gary Blick.

Video Clippings. Public Affairs Officer Jeff Stratten presented recent video news excerpts on winter driving, the 11th Avenue Underpass project in Nampa, and digital drivers licenses, and also some special video projects that staff is working on.

Board Tour Schedule. The Board set its District tour schedule for 2002.

FY02 Budget Holdbacks and FY03 Budget Overview. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar reported that the Department's FY02 state-funded revenue forecast, based on collections through November, represents a shortfall of \$13.2 million, or 6.5%. Staff believes gasoline receipts are lower than anticipated due to higher fuel prices, use of more fuel-efficient vehicles, and a lower increase of miles of travel. Diesel revenues are about even with the forecast, but vehicles registered at the counties and commercial trucks registered at the state are down slightly.

BPIRM Detmar outlined the proposed FY02 holdbacks, in the amount of \$13,236,000, in personnel, personnel – group costs, operating, the anti-icing/de-icing equipment enhancement, road equipment, other equipment, capital facilities, contract construction, and a reduction in the free-fund balance. She emphasized that staff will continue to closely monitor the revenue and if it increases more than anticipated, the holdbacks will be restored, starting with contract construction and the free-fund balance. She added that the Board will be kept apprised of the revenue and budget situation.

BPIRM Detmar also reviewed Governor Kempthorne's recommended FY03 budget. Some of the Governor's recommendations include no change in employee compensation,

although such changes may be made from salary savings, and no increase for inflation. The Governor disallowed the Department's FY02 supplemental request, although the \$250,000 request for federal spending authority in the Division of Public Transportation for trustee and benefit payments was included in the Governor's FY03 budget.

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

RES. NO. WHEREAS, the Idaho Transportation Board was previously presented with the estimated revenue and expenditures for FY02; and

TB02-07

WHEREAS, those estimates have been reviewed and amended by staff for consideration by the Board.

NOW THEREFORE BE IT RESOLVED, that the Board agrees with the proposed strategies to address reduced state highway revenues to the FY02 budget as presented.

Legislative Briefing. BPIRM Detmar reported on legislative activities and the status of the Department's legislative proposals and rule revisions.

Delegation – Shoshone Bannock Tribes. Fort Hall Business Council Treasurer Wesley Edmo thanked the Board for its time and reported that the Tribes have recently completed a comprehensive transportation plan. Delbert Farmer, Revenue Director for the Tribal Tax Department, provided history on American Indians and some issues that the Shoshone-Bannock Tribes are facing. He expressed appreciation for the meeting and believes steps are being made to establish a good relationship between the Tribes and ITD.

Sherwin Racehorse, Transportation Planner, summarized the transportation comprehensive plan and provided information on the Tribes' road system. He said the Tribes are taking a more active role in the transportation arena and want to be proactive in addressing its infrastructure needs and maintaining its system. This includes all modes of transportation, including aviation. Mr. Racehorse expressed funding concerns. He

said a coalition of Native Americans have established a national task force to address the re-authorization of the Transportation Equity Act for the 21st Century (TEA-21). Additionally, the Tribes are concerned with the state fuel tax situation on reservations and believe that tax should be returned to the reservations for transportation purposes. Mr. Farmer added that the Shoshone-Bannock Tribes' goal is to take care of its infrastructure, but funding is needed to accomplish this goal. Mr. Wesley emphasized that today's meeting is for introductory purposes, to educate the Board on the Shoshone-Bannock Tribes, and to establish a working relationship. He hopes that the two groups can continue meeting to coordinate on and address various transportation issues.

Mr. Racehorse also informed the Board that it is coordinating a state-tribal transportation summit, and he requested ITD's support and involvement in organizing this event. He suggested that re-authorization of TEA-21, taxation, maintenance of roads and bridges, and transit needs could be topics of discussion. Director Bower reported that staff is working with the Tribes on this summit. He also mentioned that he met with Tribal Officials in October, and appreciated their time and the opportunity to meet with them.

Chairman Winder thanked the Shoshone-Bannock Tribal Officials for traveling to Boise for the meeting. He thanked them for the informative presentation and commended the Tribes for completing its transportation comprehensive plan. He also expressed the Board's desire to work cooperatively on transportation issues, and to enhance the relationship with the Tribes.

Representative J. Steven Hadley was present for the Shoshone-Bannock Tribes meeting.

Delegation – Scenic Byways Advisory Committee (SBAC). Chairman Winder welcomed the Committee members to the meeting and thanked them for their service. SBAC Member Rick Collignon, Director of the Department of Parks and Recreation, expressed appreciation for the opportunity to serve on the SBAC. He stated that his Department and ITD have a number of activities that overlap and he believes it is beneficial to work together on issues such as Scenic Byways. He also said that there are numerous Scenic Byway corridors that provide for recreational opportunities, and that it is important to address the recreation needs during the planning process.

SBAC Member Ken Waugh with the Boise National Forest elaborated on the unity that Scenic Byways bring to communities. Local officials, business representatives, and

citizens unite to develop comprehensive management plans, and Scenic Byways instill pride in the area. SBAC Member Pat Engle, a representative of Sage Community Resources, emphasized the economic importance of Scenic Byways. The designation often increases tourism, plus it helps communities plan and enhance the area's intrinsic qualities.

SBAC Chairman Tim Hurst, Cassia County Administrator, expressed concern with funding for the Scenic Byway Program. This past year, \$8 million of the program's total \$25 million were earmarked for projects in 11 states, including passing lane projects on US-12 in Idaho. The Committee is concerned that its top scenic byway project priorities may not be funded. Mr. Hurst asked the Board to consider funding the highest priority, reprinting the Scenic Byway brochure and replacing Scenic Byway signs throughout the state, for \$140,000. He also asked the Board to consider providing direction to the SBAC, particularly if the funding level for the program decreases, and, because the entire state is scenic and historic, all routes could be considered for Scenic Byway status, but that may devalue the intent of the program.

Chairman Winder thanked the SBAC Members for their comments. He asked staff to review funding options for the Scenic Byways project. Director Bower suggested that the SBAC also review its role and provide input and a suggested direction to the Board. Chairman Winder concurred and stated that the SBAC is the Board's resource, as its members are knowledgeable in this arena, and the Board looks to it for guidance.

Fort Henry Historic Byway and Lost Gold Trails Loop Designation, District 6. Senior Transportation Planner Garry Young summarized the development of the Fort Henry Historic Byway and Lost Gold Trails Loop. Citizens from Fremont and Clark Counties have worked on this project and request Board approval of the designation. Both the SBAC and District 6 staff reviewed the request and support the requested designation.

Several community representatives spoke in support of the request and expounded on the historical features and scenic beauty of the area. Dubois Mayor Keith Tweedie added that this designation would be beneficial for the area's economy.

Chairman Winder thanked the delegation for appearing before the Board in support of this request.

Vice Chairman Combo 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 Advisory Committee (SBAC) on June 21, 1996; and

TB02-08

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, local interest committees from Fremont and Clark Counties have submitted a request to designate a route to be known as the Fort Henry Historic Byway, which would begin at the US-20/Parker exit and head north past the Fort Henry Monument, through the Sand Dunes west of St. Anthony and follow Red Road north to Kilgore, thence easterly through Shot Gun Valley to a connection with US-20 at Island Park; and the Lost Gold Trails Loop would connect with the Fort Henry Historic Byway near Cinder Butte and follow a route southwesterly to Dubois, thence northerly along Old Highway 91 to Spencer, thence easterly through Opal Mine country back to a connection with the Fort Henry Historic Byway; and

WHEREAS, the SBAC has found the request for these designations to comply with its established criteria, recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the Transportation Board approves the designation of the Fort Henry Historic Byway and the Lost Gold Trails Loop as described above; and

BE IT FURTHER RESOLVED, that the Fort Henry Historic Byway and Lost Gold Trails Loop shall be so signed and designated on the Idaho Official State Highway Map.

Wildlife Canyon and Ponderosa Pine Scenic Byways Corridor Management Plans (CMPs), District 3. Last month these corridor management plans were presented to the Board, but due to various concerns, including language indicating the ownership of the Banks to Lowman highway was still under discussion, rest rooms were to be provided, and that the Enhancement Program may be a funding source, the item was tabled for one month. Mr. Young reminded the Board that it approved a resolution in 1998 to consider a good faith effort to add a portion of or the entire Banks to Lowman highway to the state highway system. He emphasized that the acceptance of the CMPs does not preclude the required Board approval to add the Banks to Lowman highway to the state's system. Regarding the rest rooms, he stated that a caveat that the specific project scope would be determined by future engineering studies agreed to by District 3 is included. Lastly, Mr. Young said the CMPs outline several potential funding options, including the Enhancement Program, but stated that there is no guarantee that funds will be provided via any of those identified sources.

Ms. Engle elaborated that as part of the development of CMPs, all plans associated with the corridor need to be reviewed and considered. Boise County's comprehensive plan includes language regarding discussing the ownership of the Banks to Lowman highway with ITD, so that reference was included in the CMP. She added that the reference to the restrooms is part of a wish list of amenities, but that no projects have been finalized.

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 has received the Wildlife Canyon and Ponderosa Pine Scenic Byways Corridor Management

TB02-09 Plans; and

WHEREAS, the Scenic Byways Advisory Committee has reviewed the referenced corridor management plans and recommends Board approval of the plans.

NOW THEREFORE BE IT RESOLVED, that the Board accepts the Wildlife Canyon and Ponderosa Pine Scenic Byways Corridor Management Plans to be used as guidelines.

Applications for National Scenic Byway Designation. Mr. Young informed the Board that the Department has received three applications for state Scenic Byway routes to be designated as National Scenic Byways. If national designation were obtained, a byway would be eligible for \$25,000 in National Scenic Byway funds annually to pay for administrative costs for implementing corridor management plans. Other advantages of national designation are the possibility for more project funding and national and international recognition from the National Scenic Byway marketing available, which may help the state's rural economy through increased tourism. Currently, Idaho has no National Scenic Byways. Mr. Young added that if Board approval were received, the applications would be submitted to FHWA for consideration.

Vice Chairman Combo 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 Advisory Committee (SBAC) on June 21, 1996; and

TB02-10

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, all local requests for National Scenic Byway designation are to be submitted to the SBAC for review and consideration; and

WHEREAS, three state byways have submitted applications for National Scenic Byway designation from around the state, as follows:

- Payette River Scenic Byway on SH-55
- Pend Oreille Scenic Byway on SH-200
- Northwest Passage Scenic Byway on US-12; and

WHEREAS, the SBAC recommends that the Board approve the three applications.

NOW THEREFORE BE IT RESOLVED, that the Board approves the applications of the Payette River Scenic Byway, the Pend Oreille Scenic Byway, and the Northwest Passage Scenic Byway to be submitted to FHWA for consideration for National Scenic Byway designation.

The Board had an informal luncheon with the SBAC.

Member McHugh left the meeting at this time.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member Miller made a motion to meet in executive session at 1:40 PM to discuss personnel and legal matters. Member Sweeney seconded the motion and it passed unanimously by individual vote.

The general tenor of the discussion on the personnel matter was a review and status of allegations received by the Department. The general tenor of the discussion on legal matters was an update on a contract claim.

The Board came out of executive session at 2:10 PM. No decisions were made.

WHEREUPON, the regular monthly Board meeting officially adjourned at 2:10 PM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

February 21, 2002

Boise, Idaho