

**TRANSPORTATION COMMISSION CONFERENCE CALL MEETING MINUTES
DECEMBER 21, 2017 – 9:00 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SD**

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:**

Ron Rosenboom, Chairman
Kyle White, Vice Chairman
Kathy Zander, Member
Mike Vehle, Member
Kim Vanneman, Member
Don Roby, Member
Larry A. Nelson, Member
Rod Fouberg, Member

DOT STAFF PRESENT:

Darin Bergquist, Karla Engle, Mike Behm, Greg Fuller,
Bonnie Olson, Mark Leiferman, Joel Gengler, Julie
Bolding, Ryan Johnson, Sam Weisgram, Jason Humphrey,
Kristi Sandal, Andy Vandell, Dustin Witt, and Patricia
Saukel

OTHERS PRESENT:

Kirk Fredrichs and Mark Clausen – FHWA

**OTHERS PRESENT
VIA CONFERENCE CALL:**

Becky Hedman – AGC

Chairman Rosenboom called the meeting of the Transportation Commission (the “Commission”) to order at 9:04 a.m. Roll call was taken and a quorum was determined.

Chairman Rosenboom asked for a motion to approve the minutes of November 21, 2017.

A MOTION WAS MADE by White and seconded by Roby to approve. All present voted aye by roll call vote. The motion carried.

Chairman Rosenboom opened the floor to Commission members to disclose potential conflicts of interest and to present requests for waivers pursuant to South Dakota Codified Law (SDCL) chapter 3-23.

No conflicts of interest were disclosed and no waivers were requested.

Karla Engle of the Office of Legal Counsel requested that the Transportation Commission consider approval of amendments to the following speed zone rules:

- 70:01:02:13 – Brule County speed zone

- 70:01:02:17 – Charles Mix County speed zone
- 70:01:02:33 – Hand County speed zone

Engle explained the Department of Transportation (the “Department”) received one written comment in favor of the Hand County speed zone rule change from Sheriff Doug DeBoer of the Hand County Sheriff’s Office. The written comment was included in the meeting packet provided to the Commission members prior to the public hearing on the rule changes. Engle read Sheriff DeBoer’s comments relating to the rule into the record. No members of the public appeared to offer testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Vanneman and seconded by Fouberg to amend the rules as requested. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2017-12.01 was adopted.

Secretary Darin Bergquist presented the Secretary’s Report. Bergquist noted that due to the telephonic nature of this meeting, brief presentations would be given regarding a Rest Area Revitalization Update and Highway Safety Projects, but the Department would be willing to provide more detailed information at a subsequent meeting.

Bergquist informed the Commission that the State Board of Internal Control is drafting a model code of conduct for the various state boards and commissions. The work is ongoing and Bergquist is not sure when it will be available for the Commission. Bergquist suggested if Commission members were interested, they could participate in the public meetings of the State Board of Internal Control.

Bergquist stated that the court in Minnehaha County has issued a decision upholding the Commission’s denial of a bridge improvement grant to Minnehaha County. Minnehaha County has the option to appeal to the Supreme Court within thirty (30) days. If Minnehaha County does not appeal before the 30-day limit, the Commission’s decision will stand.

Greg Fuller, Director of the Division of Operations, presented the following information regarding Construction Change Orders to the Transportation Commission.

Construction change orders approved in November contain an increase of approximately \$2,039,222.

Over the past 12 months, the overall contract increase is 2.24%.

The following projects have a Construction Change Order (CCO) amounting to a contract change in excess of \$50,000.

ABERDEEN REGION

- I. Project: IM 0299(76)231, Roberts County, PCN 05AT
Location: I-29 Exits, 232, 242, and 246 near Sisseton
Contractor: Midland Contracting, Inc.

Type of Work: Ramp Detours

Original Contract Amount:	\$	941,314.95
Change on CCO No. 4:	\$	93,205.28
Net Change to Date:	\$	78,375.54

Explanation of Change on CCO No. 4: This increase was the result of additional material needed for the construction of the ramp detours resulting from normal variances in the profile of the median and a plan error in the estimate of quantities. The quantity of pit run granular material increased by about 25%.

- II. Project: IM-P 0012(195), Brookings County, PCN 055C
 Location: Various routes in the Watertown Area
 Contractor: Bituminous Paving, Inc.
 Type of Work: Asphalt Concrete Surface Treatment

Original Contract Amount:	\$	1,407,354.66
Change on CCO No. 3:	\$	(70,747.69)
Net Change to Date:	\$	(13,714.19)

Explanation of Change on CCO No. 3: This decrease was the result of an underrun in the contract quantities of asphalt for surface treatment, cover aggregate, asphalt for fog seal, flagging, and pilot car hours. The underruns are normal variations for the type of work.

- III. Project: P 0028(32)319, Clark County, PCN 02QK
 Location: SD 29 from Bryant to the SD 25 Junction
 Contractor: Asphalt Paving and Materials Co.
 Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, ADA Upgrades, and Drainage Improvements

Original Contract Amount:	\$	2,564,044.62
Change on CCO No. 8:	\$	55,440.72
Net Change to Date:	\$	288,947.32

Explanation of Change on CCO No. 8: This increase was the result of an incentive earned by the Contractor for asphalt concrete mix quality and asphalt concrete pavement smoothness. The incentives were paid in accordance with the contract.

MITCHELL REGION

- IV. Project: IM 0293(108)78, Minnehaha County, PCN 05NQ
 Location: I-29 from Sioux Falls to Crooks
 Contractor: Diamond Surface, Inc.
 Type of Work: Pavement Restoration

Original Contract Amount:	\$	3,172,241.50
Change on CCO No. 1:	\$	432,278.49
Net Change to Date:	\$	432,278.49

Explanation of Change on CCO No. 1: This increase was the result of additional PCC pavement repair, steel reinforcing, and PCC grinding performed by the Contractor. The quantities increased due additional areas in need of repair as identified by the Department. This type of work routinely results in fluctuations in contract quantities as the extent of the repair areas are difficult to estimate and are frequently adjusted once traffic is removed during construction and a more thorough inspection can be made. Additionally, other repair areas develop between the time the plans are prepared and construction occurs.

- V. Project: P-PH 0011(74)74, Minnehaha County, PCN 03B0
 Location: SD 11 near Brandon
 Contractor: Loiseau Construction, Inc.
 Type of Work: Shoulder Widening, Asphalt Concrete Surfacing, Epoxy Chip Seal

Original Contract Amount:	\$	2,508,976.91
Change on CCO No. 4F:	\$	(54,167.06)
Net Change to Date:	\$	(67,639.66)

Explanation of Change on CCO No. 4F: This decrease was the result of adjustments to the contract quantities of water for embankment, water for granular material, and Contractor furnished borrow. The quantity needed for construction was less than estimated in the plans.

- VI. Project: PH 8040(17), Lake County, PCN 02MW
 Location: Various County, City and Township Roads in Lake County
 Contractor: Hamm Contracting LLC
 Type of Work: Signing & Delineation

Original Contract Amount:	\$	561,669.78
Change on CCO No. 1:	\$	484,615.91
Net Change to Date:	\$	484,615.91

Explanation of Change on CCO No. 1: This increase was the result of additional quantities of sign posts, delineators, signs, object markers, and mobilization. Several errors in the plans were identified at the preconstruction meeting resulting in a large revision to the plans and plan quantities. Additionally, this type of work frequently results in large fluctuations to the contract quantities due to changes in sign standards and additional replacement needs.

PIERRE REGION

- VII. Project: MN 0018(176)206, Todd County, PCN 039G
 Location: US 18 in Mission
 Contractor: Anderson Contractors, Inc.
 Type of Work: Urban Grading, PCC Surfacing, Storm Sewer, Curb & Gutter, ADA Upgrades, Sidewalk, Traffic Signals, Roadway Lighting, & Weigh

Original Contract Amount:	\$	12,288,692.68
Change on CCO No. 6:	\$	81,538.01
Net Change to Date:	\$	624,088.91

Explanation of Change on CCO No. 6: This increase was the result of additional temporary asphalt needed for construction and maintaining traffic on the project and additional sweeping and dewatering estimated to be needed for the remainder of the contract.

- VIII.** Project: P 1806(17)364, Corson County, PCN 05M3
 Location: SD 1806 north of US 12
 Contractor: Midwest Contractors, LLC
 Type of Work: Slide & Erosion Repair

Original Contract Amount:	\$	704,150.45
Change on CCO No. 2:	\$	189,357.50
Net Change to Date:	\$	321,559.00

Explanation of Change on CCO No. 2: This increase was the result of additional excavation, subgrade topping, and riprap needed to repair the slide area and protect the slope from future erosion.

RAPID CITY REGION

- IX.** Project: IM 0901(162)14, Lawrence County, PCN 020U
 Location: 1-90 in Spearfish
 Contractor: Heavy Constructors, Inc.
 Type of Work: Interchange Reconstruction - PCC Paving, Structure, Lighting, and Signals

Original Contract Amount:	\$	27,668,106.00
Change on CCO No. 9:	\$	173,008.99
Net Change to Date:	\$	435,334.20

Explanation of Change on CCO No. 9: This increase was the result of numerous minor adjustments made to various contract quantities. Larger increases were made for pavement marking, traffic signals, fiber mulching, fertilizing, and crushed aggregate for slope protection. The adjustments were made to match the actual quantities used during construction and are considered normal variations.

- X.** Project: NH-P 0042(61), Butte County, PCN 055E
 Location: Various routes in the Belle Fourche Area
 Contractor: Simon Contractors of SD dba Hills Materials Co.
 Type of Work: Asphalt Concrete Surface Treatment, Asphalt Concrete Crack Leveling, and Asphalt Concrete Crack Sealing

Original Contract Amount:	\$	3,833,011.74
Change on CCO No. 2:	\$	80,890.66
Net Change to Date:	\$	162,884.26

Explanation of Change on CCO No. 2: This increase was the result of an overrun in the contract quantity of asphalt repair mastic. A plan error did not account for the quantity necessary for the repair of the centerline crack.

Jason Humphrey of the Division of Operations presented to the Commission as an informational item an update on the Governor's Rest Area and Revitalization Plan. Humphrey stated that there has been significant progress on the plan since he last presented to the Commission a little over a year ago.

Humphrey reported that in November 2016, the Department closed the Tilford and Hidewood rest areas, but left the truck parking open at the Tilford area. Demolition was completed in the Spring of 2017. Last summer, the Americans with Disabilities Act (ADA) compliance upgrades were completed at the White Lake and Ward rest areas. The Wasta rest areas are currently under construction. Work consists of removing the information center and replacing that area with ADA-compliant restrooms

Humphrey informed the Commission the Department is nearing completion on the security camera project for the rest areas. The Department is finalizing the contract to install new cameras at all of our rest areas that will then tie into the Highway Patrol system, Capital Security system, and other law enforcement agency systems around the state.

The two newest milestones include the Homestead and Wilmont Rest Areas and Welcome Centers. Plans are nearly complete and the Department should receive final plans on those areas during the first week in January. The Federal Highway Administration ("FHWA") will need to approve the plans before they will be presented to the Commission sometime in early to mid-March.

Joel Gengler of the Right of Way office provided the following items for Commission consideration:

1. Condemnation – NH 0018(179)402, PCN 036L, Turner County

Request Transportation Commission approval to condemn for DOT right of way ownership by resolution within the following property:

Parcel 21 – Sandra Bonham

The DOT has been unable to acquire the right of way property through normal negotiations for the project NH 0018(179)402, PCN 036L, Turner County - US18 from US81 to SD19.

A MOTION WAS MADE by White and seconded by Zander to approve item #1 to condemn parcel 21. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2017-12-02 was adopted.

2. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project IM 29-3(68)80, PCN 1177

A MOTION WAS MADE by Vehle and seconded by Fouberg to abandon the temporary easements. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2017-12-03 was adopted.

Sam Weisgram of Project Development presented the following bid letting results:

December 6, 2017 letting

Intersection Grading (Roundabout), PCC Pavement, Asphalt Surface Treatment, & Roadway Lighting

1	04YQ NH 0081(105)155 BX Civil & Construction, Inc. Intersection of US81 & 20th Ave SE (South Connector) in Watertown	Codington County \$1,883,568.05
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Sanitary Sewer Replacement

2	X04K CP 1805() BX Civil & Construction, Inc. Intersection of US81 & 20th Avenue SE in Watertown	Codington County \$101,278.60
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ADA Curb Ramp Upgrades

3	04P7 NH 0212(00)327 T&R Contracting, Inc. US212 through Doland and Clark	Clark, Spink County \$318,239.65
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Bridge Deck Polymer Chip Seal

4	04FP NH 0081(101)01 BX CIVIL & CONSTRUCTION, INC. US81 over Marne Creek in Yankton	Yankton County \$94,684.95
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Bridge Deck Polymer Chip Seal

5	04V1, 05FJ NH 0012(269)269, P 0037(148)175 RAM Construction Services of Michigan, Inc. US12 structures 6.7 miles east of Ipswich and 0.7 miles west of US 281S; SD37 structures 6.4 miles and 7.7 miles north of US212 and 2.9 miles north of Verdon	Brown, Edmunds, Spink County \$243,556.98
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Substructure Work

6	02A6, 02A8, 02A7 NH 0012(152)187, NH 0212(149)208, P 1806(06)365 Corr Construction Services, Inc. US12 - Missouri River Bridge at Mobridge; SD1806 - Grand River Bridge at Mobridge; and US212 Missouri River Bridge at Forest City	Corson, Potter, Walworth County \$334,425.60
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Culvert Repair

7	041E P 0021(150) Midwest Contracting, LLC Various Locations in the Mitchell Area	Buffalo, Charles Mix, Sanborn County \$611,273.86
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Roadway Lighting

8	05MG, 06J0 NH 018B(01)38, PP 018P(04)12 Muth Electric, Inc.	Fall River County \$390,992.00
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US18B in Hot Springs, & 018P in Edgemont

Intersection Collision Warning System

9	04JC PH 0281(105)173 Ringgenberg Electric, Inc. Intersection of US281 & SD20	Spink County \$166,161.46
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A MOTION WAS MADE by Roby and seconded by Vehle to approve bid #'s 1, 2, 4, 5, 6, 7, 8, and 9. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Vehle and seconded by Fouberg to approve bid #3. All present voted aye by roll call vote. The motion carried.

December 13, 2017 letting

Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Pipe Work, & Inslope Work

1	04X1 P 0037(142)208 Bituminous Paving Inc. SD37 from US12 at Groton, north to SD10	Brown County \$5,353,358.01
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Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

2	03VH P 0044(202)312 Spencer Quarries Incorporated SD44 from the east junction with SD50 to the west junction with US281	Douglas County \$3,554,030.58
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PCC Pavement Repair

3	05LK NH 0033(26) J.V. Bailey Company, Inc. Various locations in the Winner Area, east and west of Mission	Bennett, Todd County \$1,528,381.84
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Rumble Stripes and Pavement Markings

4	05W2 PH 0020(188) Diamond Surface, Inc. Various County Roads in the Sioux Falls and Mitchell Areas	Charles Mix, Minnehaha, Moody, Turner County \$490,031.40
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A MOTION WAS MADE by Vanneman and seconded by Zander to approve bid #'s 1, 2, 3, and 4. All present voted aye by roll call vote. The motion carried.

Mike Behm, Director of Planning and Engineering, presented the following State Transportation Improvement Program (STIP) revisions for commission approval:

REV 18-019	This revision will add a 2018 structure repair and painting project on I90 over 384 th Avenue in Brule County.
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FY 2018 Plus \$810,000

REV 18-020	This revision will defer a number of 2018 culvert maintenance projects in Bon Homme, Brown, Charles Mix, Davison, Day, Hutchinson, McCook,
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Lake, Lyman, Marshall, Mellette, Minnehaha, Moody, Todd, Tripp, and Yankton Counties (Sequences #1, 2, 85, 123, 188, 264, 277, 427, 490, 551, 569, 580, 621, 650, 686, 997, 1007, & 1055, Pages 39, 49, 53, 64, 76, 79, 108, 119, 131, 143, 147, & 193 in the 2018-2021 STIP Book) to 2019.

FY 2018 Minus \$6,654,000
FY 2019 Plus \$6,788,000

REV 18-022 This revision will delete an unneeded 2018 pavement preservation project for various routes in the Aberdeen Area. (Sequence #124 & 278, Pages 53 & 79 in the 2018-2021 STIP Book).

FY 2018 Minus \$136,000

A MOTION WAS MADE by Vehle and seconded by Fouberg to approve the above-listed STIP revisions. All present voted aye by roll call vote. The motion carried.

Behm presented to the Commission the following informational revisions:

REV 18-021 This revision revised the cost of two structure projects on SD47 in Lyman County. (Sequence #548, Page 128 in the 2018-2021 STIP Book).

FY 2018 Plus \$1,900,000

REV 18-SC-009 This revision added an additional structure to a 2019 structure maintenance project on SD79 in Custer County and modified the work on a 2019 structure maintenance project on SD40 in Custer County (Sequence # 252, Page 74 in the 2018-2021 STIP Book) and adjusted the cost estimate.

FY 2019 Plus \$38,000

REV 18-SC-010 This revision moved the starting location of the 2019 "SD37 – From US14 to 15th St N" reconstruction project one block south to the 3rd St N Intersection (Sequence # 76, Page 47 in the 2018-2021 STIP Book).

FY 2019 No Change

Behm inquired if the Commission would like to make a change in the STIP approval process. The change would involve reporting the movement of projects from one federal fiscal year to another federal fiscal year as an informational item; no approval would be required from the Commission. This change would align with processes followed with FHWA.

A MOTION WAS MADE by White and seconded by Roby to allow the Department to report as informational items the movement of projects in the STIP from one federal fiscal year to another. All present voted aye by roll call vote. The motion carried.

Behm presented to the Commission the Highway Safety Project PowerPoint on the subject of crashes in the State of South Dakota compared to national standards and what the Department is doing to reduce crashes and fatalities.

After the presentation, Kirk Fredrichs of the Federal Highway Administration (FHWA) complimented the Department on South Dakota's injury and crash prevention efforts and offered to facilitate a presentation at the Commission's next meeting in February. Chairman Rosenboom agreed that it would be welcomed.

With no other business to come before the Commission, the meeting was declared adjourned at 10:52 a.m.

DRAFT