

**TRANSPORTATION COMMISSION MEETING MINUTES
OCTOBER 27, 2016 – 9:30 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SD**

COMMISSIONERS PRESENT:

Tim Dougherty, Chairman
Rod Fouberg, Member
Ralph Marquardt, Member
Don Roby, Member
Ron Rosenboom, Member
Kyle White, Member
Kathy Zander, Member

COMMISSIONERS PRESENT VIA CONFERENCE CALL:

Larry Thompson, Vice Chairman

DOT STAFF PRESENT:

Darin Bergquist, Karla Engle, Mike Behm, Joel Gengler, Laurie Schultz, Kristi Sandal, Julie Bolding, Ryan Johnson, Jason Humphrey, Christina Bennett, Becky Janssen, Sam Weisgram, Greg Fuller, Bonnie Olson, Mark Leiferman, Tom Lehmkuhl, Dustin DeBoer, Leah Demers, Jennie Fuerst, and Kellie Beck

OTHERS PRESENT:

Representative Mary Duvall, Marion Barber – FHWA, Mark Clausen – FHWA, Greg Dean – SD Telecommunications Association, Dick Howard – South Dakota Association of Towns & Townships, Bob Mercer - Press, Doug Atkins – FHWA, Bill VanCamp – AT&T, Benjamin J. Aron – CTIA, Jeff Carmon – Century Link

OTHERS PRESENT VIA CONFERENCE CALL:

Bridget Sheehan - Mobilitie

The meeting was called to order at 9:31 a.m. by Chairman Tim Dougherty. Roll call was taken and a quorum was determined.

Chairman Dougherty asked for a motion to approve the minutes of September 26, 2016.

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

Chairman Dougherty asked for a motion to approve the minutes of October 13, 2016.

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

Chairman Dougherty 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.

Fouberg disclosed a potential conflict in the award of a contract for project number 1 of the October 19th bid letting item identified on the agenda in Attachment #9. Fouberg requested project number 1 be voted on separately from the remainder of the bid letting items once the Commission reaches that portion of the meeting. Fouberg previously provided a written letter of disclosure, dated August 8, 2016, to the Commission requesting a waiver. At the Commission's regular meeting held on August 24, 2016, the Commission determined the matter underlying the conflict was fair, reasonable, and not contrary to the public interest, but required that Fouberg disclose the details of any specific contracts or other conflicts of which he becomes aware for the Commission's particular consideration. Fouberg explained that his previously disclosed business interests involve extending credit to contractors that have submitted bids for project number 1 on the bid-letting agenda. Fouberg will abstain from the discussion and vote on project number 1.

A MOTION WAS MADE by Marquardt and seconded by Rosenboom that the essential terms of the contract or transaction is fair, reasonable, and not contrary to the public interest. All voted aye by roll call vote, except Fouberg, who abstained from the Commission discussion and vote. The motion carried.

A public hearing was conducted to consider adopting amendments to administrative rules 70:04:05:01; 70:04:05:02.01; 70:04:05:01:01; and 70:04:05:01:02 concerning wireless infrastructure. Secretary Bergquist explained that as we embarked on the

change to the administrative rule we realized the definition was not clearly defined. Bergquist requested the Commission reject the proposed rules, but still hear testimony from those present wishing to speak on the topic. Bergquist explained the Department intends to put together a workgroup with staff and industry partners to develop rules that are suitable to both parties. Several written comments were received and handed out to the Commission by Karla Engle.

Benjamin J. Aron representing CTIA, Bill VanCamp representing AT&T, and Jeff Carmon representing Century Link all spoke in support of rejecting the proposed amendments to the administrative rules concerning wireless infrastructure and working together with the Department to develop a workable solution for all.

A MOTION WAS MADE by Marquardt to reject adopting the amendments to administrative rules 70:04:05:01; 70:04:05:02.01; 70:04:05.01:01; and 70:04:05.01:02 concerning wireless infrastructure. The motion was seconded by Roby. All voted aye by roll call vote and motion carried.

Karla Engle of the Office of Legal Counsel asked the Commission to set a public hearing for December 20, 2016, to consider adopting proposed revisions to the following rule: 70:01:02:60 – Tripp County speed zone rule.

A MOTION WAS MADE by Fouberg to set the public hearing date of December 20, 2016, and seconded by Roby. All voted aye by roll call vote and motion carried.

RESOLUTION # 2016-10.01 was adopted.

Secretary Bergquist recognized Doug Atkins as the newly appointed FHWA Division Administrator for South Dakota.

Bergquist requested the Commissioners update their biographies and contact information on the Commission webpage.

The Department had previously presented a summary of the rest area revitalization plan developed by a joint workgroup representing the Departments of Transportation and Tourism. As part of that process, solicitation was made for written comments from the public regarding the proposed plan. A fair number of written comments were received in opposition to the closures, more regarding Hidewood than Tilford. Most of those comments were in the nature of being opposed to any closure of the rest areas. Once the comment period closed, the comments were reviewed by the workgroup and Department staff as well as staff from Tourism and the Governor's office. Following the

review of these comments, it was the consensus of the group to continue with the original plan, which represents the best value for use of available resources.

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

Construction change orders approved in September contain an increase of approximately \$748,037.

Over the past 12 months, the overall contract increase is 1.26%.

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

ABERDEEN REGION

- I. Project: NH 0012(151)389, Grant County, PCN 028T
Location: US 12 from Grant St to Milbank Ave
Contractor: BX Civil and Construction Inc.
Type of Work: Urban Grading, C&G, PCCP Surfacing, Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Lighting & Signals

Original Contract Amount: \$ 3,780,299.21
Change on CCO No. 5: \$ (58,795.80)
Net Change to Date: \$ 258,727.94

Explanation of Change on CCO No. 5: This decrease was the result of correcting an error discovered during the project finals review process. During the review, the Department identified 1 foot of mainline pavement and 2 junction boxes that were inadvertently paid for twice. This change corrects the error.

MITCHELL REGION

- II. Project: IM-NH-P 0022(55), Lake County, PCN 056J
Location: Various Routes in the Sioux Falls Area
Contractor: Highway Improvement, Inc.
Type of Work: Asphalt Concrete Crack Sealing

Original Contract Amount: \$ 526,610.47

Change on CCO No. 1: \$ (185,439.11)
Net Change to Date: \$ (185,439.11)

Explanation of Change on CCO No. 1: This decrease was the result of eliminating 2 routes from the project. The Department intends to move the overlay planned for these 2 routes up from 2023 to 2017 making the crack seal work covered by this contract no longer necessary.

- III.** Project: IM-P 0022(56), Lincoln County, PCN 052K
Location: Various Routes in the Sioux Falls Area
Contractor: Interstate Improvement, Inc.
Type of Work: Joint and Spall Repair

Original Contract Amount: \$ 3,808,331.77
Change on CCO No. 2: \$ 786,000.00
Net Change to Date: \$ 829,142.00

Explanation of Change on CCO No. 2: This increase was the result of an incentive payment earned by the Contractor for completing the lane rental work in less lane mile days than bid at the time of letting.

- IV.** Project: P 0019(36)73, Lake County, PCN 026D
Location: SD 19 from Humboldt to Madison
Contractor: McLaughlin & Schulz, Inc.
Type of Work: Mill & AC Surfacing & Resurfacing

Original Contract Amount: \$ 6,587,979.03
Change on CCO No. 5F: \$ (64,411.54)
Net Change to Date: \$ 627,436.73

Explanation of Change on CCO No. 5F: This decrease was the result of adjusting the final quantities to match the as constructed quantities and for a fuel cost adjustment made in accordance with the contract.

- V.** Project: P 0038(43)321, McCook County, PCN 03T6
Location: SD 38 from Spencer to Salem.
Contractor: Spencer Quarries, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, & Pipe Repair

Original Contract Amount: \$ 2,969,983.20
Change on CCO No. 3: \$ (118,300.59)
Net Change to Date: \$ (64,010.59)

Explanation of Change on CCO No. 3: This decrease was the result of numerous minor adjustments made to various contract quantities. Larger decreases were made for asphalt binder and base course. The adjustments were made to match the actual quantities used during construction and are considered normal variations.

PIERRE REGION

There are no CCOs amounting to a change of \$50,000 to report this period.

RAPID CITY REGION

- VI.** Project: IM 0901(186)0, Lawrence County, PCN 04DA
Location: I-90 from Wyoming to Exit 10
Contractor: Bituminous Paving, Inc.
Type of Work: Crack Seat, Asphalt Concrete Overlay, & Pipe Repair

Original Contract Amount: \$ 11,146,318.23
Change on CCO No. 4: \$ 64,970.91
Net Change to Date: \$ 323,322.21

Explanation of Change on CCO No. 4: This increase was the result of additional cold milling, asphalt concrete, and asphalt binder required to shape and repair deficiencies in the existing surface and additional quantity needed to construct the overlay to the typical section planned.

- VII.** Project: P 6167(09), Perkins County, PCN 04VT
Location: Bixby Road 5 miles west of Bison, south to the County line
Contractor: Anderson Western, Inc.
Type of Work: Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

Original Contract Amount: \$ 2,964,783.37
Change on CCO No. 1: \$ 1,243,976.75
Net Change to Date: \$ 1,243,976.75

Explanation of Change on CCO No. 1: This increase was the result of additional work requested by the county to pave an additional 8 miles at the expense of the county.

- VIII.** Project: NH-P 0042(56), Meade County, PCN 048F
Location: Various Routes in the Belle Fourche Area
Contractor: Highway Improvement, Inc.

Type of Work: Asphalt Concrete Crack Sealing

Original Contract Amount: \$ 267,112.30
Change on CCO No. 1F: \$ (116,707.03)
Net Change to Date: \$ (116,707.03)

Explanation of Change on CCO No. 1F: This decrease was the result of adjustments made to various contract quantities. The adjustments were made to match the actual quantities used during construction and are considered normal variations.

IX. Project: IM 0901(175)62, Pennington County, PCN 035J
Location: I 90 near Box Elder
Contractor: Corr Construction Services, Inc.
Type of Work: Fatigue Retrofit, Bridge Repainting, and Bridge Deck Polymer Chip Seals

Original Contract Amount: \$ 490,240.40
Change on CCO No. 1: \$ 85,736.00
Net Change to Date: \$ 85,736.00

Explanation of Change on CCO No. 1: This increase was the result of an adjustment made to the contract quantity of concrete patching material. The plans estimated quantity was an error. The adjusted quantity now represents the quantity used during construction.

Construction and Maintenance Engineer Jason Humphrey presented the 2016/2017 Winter Operations Maintenance Plan.

A MOTION WAS MADE by Roby to approve the 2016/2017 Winter Operations Maintenance Plan as presented and seconded by Zander. All voted aye by roll call vote and motion carried.

Mike Behm, Director of Planning & Engineering, presented the following State Transportation Improvement Plan (STIP) revisions:

FOR COMMISSION APPROVAL

- 17-001** This revision will delete a 2017 curve delineation project at various location statewide project (Sequence #887, Page 173 in the 2017-2020 STIP Book) since the improvement will be completed informally by maintenance forces.
- FY 2017 Minus \$102,000
- 17-003** This revision will defer the 2019 Mill & AC Resurfacing projects on SD22 from SD15 to the Minnesota State Line and on SD101 from SD22 north to Gary (Sequence # 255, Page 77 in the 2017-2020 STIP Book) to 2020 and adjusted the cost estimate. Pipe work was added to the project and additional time will be required for environmental approval and ROW purchase.
- FY 2019 Minus \$4,472,000
FY 2020 Plus \$4,951,000
- 17-004** This revision will add a 2018 rest area expansion project at the Wilmot facility. A recent study identified this need.
- FY 2018 Plus \$3,121,000
- 17-005** This revision will add a 2017 project to replace the existing signal detection system on the signalized crossing located along the Rapid City Pierre & Eastern Railroad line between Blunt and Brookings. This is newly identified need.
- FY 2017 Plus \$280,000
- 17-006** This revision will advance a 2018 pipe work project at the intersection of US12 & 136th Street in Day County (Sequence #239, Page 74 in the 2017-2020 STIP Book) to 2017.
- FY 2017 Plus \$81,000
FY 2018 Minus \$82,000
- 17-008** This revision will add a 2017 Slide Repair Project on Radar Hill South of Box Elder that was in the 2016 STIP but was not let. This project will be split funded with 80% state funds and local match of 20%.
- FY2017 Plus \$2,000,000
- 17-013** This revision will add a Statewide 2017 RSI project for the installation of snow fencing and snow drift preventative measures.
- FY 2017 Plus \$102,000

A MOTION WAS MADE by Fouberg to approve the above listed revisions and seconded by Rosenboom. All voted aye by roll call vote and motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

- 16-071** This revision changed the type of improvement of a 2016 project for the pre purchase of signal light poles (Sequence # 75, Page 48 of the 2016-2019 STIP Book) to the pre purchase of a signal controller and adjusted the cost.
- FY 2016 Minus \$31,000
- 17-002** This revision increased the cost estimate of a 2017 bridge replacement/scour protection project located on SD47 5.5 miles north of the Gregory County Line over Waterhole Creek & 7.3 miles south of I90 over the White River (Sequence #540, Page 125 in the 2017-2020 STIP Book).
- FY2017 Plus \$1,209,000
- 17-009** This revision added "Edge Drains" to the improvement description and adjusted the cost estimate of the 2017 I29 NBL & SBL from south of the Crooks Exit to south of the SD34 exit AC Surfacing & Pipe Work project (Sequence #637 & 672, Pages 139 & 144 in the 2017-2020 STIP Book).
- FY2017 Plus \$5,182,000
- 17-SC-001** This revision changed the location description of the 2017 Crossbuck Replacement Project (Sequence #s 10, 102, 224, & 546, Pages 40, 53, 72, & 125 in the 2017-2020 STIP Book) from Mitchell to Vivian to "Mitchell to Kadoka". FRA mandated all signing be updated, even if the tracks are inactive (From US83 to Kadoka).
- FY2017 No Change
- 17-SC-002** This revision changed the Improvement Description of the 2017 Centerline Rumble Stripes project in the Mitchell Region (Sequence #s 482, 519, 571, 641, & 1031 Page #s 118, 122, 129, 140, & 191 in the 2017-2020 STIP Book) to "Rumble Stripe/Strip".
- FY 2107 No Change

17-SC-003 This revision adjusted the timing of three 2017 and 2018 pavement preservation projects for a segment of SD47 south of Highmore (Sequence #s 426, 428 & 430, Page 108 in the 2017-2020 STIP Book).

FY 2017 Minus \$688,000
FY 2018 Plus \$973,000

17-SC-004 This revision adjusted the federal/state cost break down of a 2017 Virtual Weight/Inspection Station Electronic Screening installation project at the US14/US83 junction (Sequence #401, Page 103 in the 2017/2020 STIP Book).

FY 2017 No Change

17-SC-005 This revision decreased RSI funding and added Major Arterial funding to the 2018 US18 Grading and Interim Surfacing project from east of Vetal to the Bennett/Todd County line (Sequence #42, Page 44 in the 2017-2020 STIP Book).

FY 2018 No Change

17-SC-006 This revision adjusted the cost estimate for the 2017 intersection improvement projects located on US281 at 142nd St (Warner) and located at 130th St (Sequence #82, Page 50 in the 2017-2020 STIP Book).

FY 2017 Plus \$385,000

17-SC-007 This revision deleted the epoxy chip seal maintenance scheduled for a bridge located on US12 0.1 miles east of the Edmunds/Brown County line located over Snake Creek (Sequence #89, Page #51 in the 2017-2020 STIP Book) due to the accelerated planned replacement of the structure.

FY 2018 Minus \$84,000

17-SC-008 This revision changed the 2017 reconstruction project on US18 and US83 through Mission (Sequence # 972, Page 183 in the 2017-2020 STIP Book) to 100% federal funding.

FY 2017 No Change

17-SC-009 This revision advanced the SD20P portion of a 2019 pavement preservation project in Codrington County (Sequence #192, Page 66 in the 2017-2020 STIP Book) by adding it to a 2017 chip seal project (Sequence #179, Page 65 in the 2017-2020 STIP Book).

FY 2017 Plus \$16,000

FY2018 Minus \$17,000

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

1. Condemnation - P 0037(129)207, PCN 039K: SD37 - From Aspen Ave to US12 in Groton; NH 0012(198)308, PCN 05AV, Brown County - US12 – From Divided Highway to 1st Street. Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, AC Surfacing, Signal.

A2 – James Feist and Peggy Feist

A MOTION WAS MADE by Roby to approve Item #1 and seconded by Zander. All voted aye by roll call vote and motion carried.

RESOLUTION # 2016-10.02 was adopted.

2. Condemnation - P 0115(51)104 and IM 0293(102)98 Minnehaha Co, SD115 from I 29 to Quarry Road/Zero Street in Dell Rapids. Grading and PCC Surfacing, Lighting, Replace Structure (Bridge), Structure widening & PCC Resurfacing: PCN 03RT and 04A8.

A12 - Daniel J. and Corale M. Dorn Living Trust. – disregard as this parcel has been settled.

A13 - Russell L. Nelsen and Michelle R. Nelsen.

E1 - Daniel and Megan Witte Living Trust

A MOTION WAS MADE by Rosenboom to approve Item #2 and seconded by Fouberg. All voted aye by roll call vote and motion carried.

RESOLUTION #s 2016-10.03 (Parcel A13) and 2016-10.04 (Parcel E1) were adopted.

Sam Weisgram, Engineering Supervisor in Project Development, presented the following bid letting results:

October 14, 2016
Furnish Traffic Signal Controllers for Temporary Signals

05GQ P-PH 0014(177)421
Muth Electric
US14 in Brookings

Brookings County
\$71,111.00

A MOTION WAS MADE by Zander to approve bid #1 and seconded by Roby. All voted aye by roll call vote and motion carried.

October 19, 2016

Grading, PCC Surfacing, Structures (7 RCBC Extensions & 6 Continuous Concrete Bridges), Lighting, Signing, and Pavement Marking

1 5580 IM 0901(38)40 Meade County
Heavy Constructors Inc \$28,751,784.00
I90 between Exits 40 (Tilford) and 44 (Piedmont) & Reconstruct Exit 44
(Piedmont) Interchange

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

2 03T8 P 0253(04)182 Edmunds County
Asphalt Paving & Materials Co \$1,813,742.77
SD253 from Hosmer to SD47

Ramp Detours

3 05AT IM 0299(76)231 Roberts County
Midland Contracting Inc \$941,314.95
I29 SB at Exit 232 (SD10), Sisseton Port of Entry, Exit 242 (New Effington), Exit
246 (Victor)

Roadway Lighting

4 02Q9 NH 0014(199)363 Beadle, Kingsbury County
Engelstad Electric Co \$72,316.85
US14 through the City of Iroquois

Sign & Delineation

5 044F PH 8042(44) Lincoln County
Hamm Contracting, LLC \$1,738,272.04
Various County, City, & Township Roads in Lincoln County

Fouberg requested bid #1 to be presented separately from the remaining bid items.

Fouberg recused himself from the discussion and vote of bid #1 for the Meade County project.

A MOTION WAS MADE by Roby to approve bid #1 and seconded by Rosenboom. All voted aye by roll call vote, except Fouberg who abstained from the discussion and vote. The motion carried.

Fouberg returned to the meeting.

Weisgram requested to group bids #2, #3, #4, and #5 as one recommendation.

A MOTION WAS MADE by Marquardt to approve bids #2, #3, #4, and #5 and seconded by Fouberg. All voted aye by roll call vote and motion carried.

Mike Behm, Director of Planning and Engineering, provided a presentation about wetlands on highway projects.

With no other business to come before the Commission, the meeting was declared adjourned at 11:45 a.m.

Submitted by:

Approved by:

Kellie J. Beck
Recording Secretary

Darin P. Bergquist
Secretary of Transportation