

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
Thursday, May 28, 2020, at 9:00 a.m. CDT
Conference Call Meeting

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Mike Vehle, Chairman
Larry Nelson, Vice Chairman
Bruce Cull
Rod Foberg
Jaf Karim
Don Roby
Ron Rosenboom
Benj Stoick
Kathy Zander

DOT STAFF PRESENT: Kari Kroll and Joel Gengler

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VIA CONFERENCE CALL: Darin Bergquist, Joel Jundt, Mike Behm, Kellie Beck, Craig Smith, Karla Engle, Bonnie Olson, Sam Weisgram, Christina Bennett, Steve Johnson, Mark Leiferman, Tony Ondricek, Doug Kinniburgh, and Tammy Williams.

OTHERS PRESENT:

VIA CONFERENCE CALL: Toby Crow – Association of General Contractors and Jason Reeves – Concrete Pavement Association

Chairman Mike Vehle called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:01 a.m.

Roll call was taken, and a quorum was determined.

Vehle opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapter 3 – 23.

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

Karla Engle, Office of Legal Counsel, presented for Commission consideration the proposed amendments to ARSD 70:01:02:00 (interstate highway speed zone rule) and 70:01:02:49 (Meade County speed zone rule). Engle explained the purpose and effect of the proposed rules and the rule adoption process that had been followed to date. Engle and Christina Bennett, Operations Traffic Engineer for the South Dakota Department of Transportation (“the Department”), responded to questions from the Commission.

Engle drew the Commission's attention to the only written comment received by the Department. The comment was from the attorney for the city of Sturgis, Greg Barnier, of 1040 Harley Davidson Way, Sturgis, South Dakota, 57785. The comment indicated that city of Sturgis officials had no objections to the proposed rule changes.

No other members of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Stoick and seconded by Roby to approve the proposed changes to ARSD 70:01:02:00 and ARSD 70:01:02:49. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 5.1 was adopted.

Engle requested the Commission set an administrative hearing date for June 25, 2020, to consider amendments to amend ARSD 70:01:02:37 – Hutchinson County speed zone rule and adoption of ARSD 70:01:02:68 – speed limits in school zones.

A MOTION WAS MADE by Rosenboom and seconded by Fouberg to set the administrative hearing date for June 25, 2020. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 5.2 was adopted.

Secretary Bergquist presented the Secretary's Report. Bergquist provided the Commission with an update on the effect COVID-19 has had so far on the State Highway Funds revenue. Bergquist reported the last two weeks of March showed a 25% decrease in traffic, the month of April showed a 36% decrease in miles driven, but the month of May so far has shown only a 22% decrease in miles driven indicating that traffic numbers are on the rise. Compared to April 2019, fuel tax collected was down 16% but the excise tax collected on new vehicle purchases was up 9%. Bergquist stated that he believes we have not seen the worst impacts yet.

Bergquist shared with the Commission the current happenings in Congress. Congress is working on two situations regarding transportation funding. One option is an urgent short-term solution that could remove the match requirements on construction projects, or another option Congress is looking at is providing \$50 billion for states to use on their match requirements. No decisions have been made, only in discussion. Congress is also working separately on a new program for long-term funding on federal transportation projects to replace the FAST Act, which will expire in September 2020.

Bergquist provided an update to the Commission on the back to normal plan for the Department of Transportation (the "Department"). The Department is in the process of transitioning back to the new "normal" bringing everyone back into the offices by June 15, 2020. At this point, the state buildings including Becker-Hansen will remain closed to the public. Once the first part of the transition is completed with staff, the Department will look to bring in the public on an appointment basis only, eventually working back to a walk-in basis. The dates of opening to the public have not been decided. The upcoming June 11 and June 25, 2020, Commission meetings will be held by teleconference.

Craig Smith, Director of the Division of Operations, presented the following Construction Change Orders (CCOs) to the Commission.

Construction change orders completed in March contain an increase of approximately \$853.037.

Over the past 12 months, the overall contract increase is 2.46%.

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

ABERDEEN REGION

- I. Project: NH 0212(168)376, Codington County, PCN 027Q
Location: US 212 from SD 20 to US 81 in Watertown
Contractor: Reede Construction, Inc.
Type of Work: Grading, Storm Sewer, PCC Surfacing, Structure, Curb & Gutter, Sidewalk, and Traffic Signals

Original Contract Amount:	\$	9,174,913.03
Change on CCO No. 4:	\$	124,235.51
Net Change to Date:	\$	210,910.15

Explanation of Change on CCO No. 4: This increase is the result of the Department compensating the Contractor for extra work performed to complete the contract. Due to much higher than normal rainfall during the summer of 2019, the Contractor was delayed in completing the work. This delay resulted in the need for cold weather concrete construction practices including thawing the ground, heating the concrete, and protecting the fresh concrete from freezing. Additionally, the Contractor also placed temporary concrete to maintain traffic through the winter.

- II. Project: P 0013(42)115, Brookings County, PCN 04EV
Location: SD 13 from 7 miles north of Flandreau north 6 miles
Contractor: Bowes Construction, Inc.
Type of Work: Cold Milling Asphalt Concrete and Asphalt Concrete Resurfacing

Original Contract Amount:	\$	3,274,673.00
Change on CCO No. 4:	\$	(130,708.65)
Net Change to Date:	\$	(233,457.39)

Explanation of Change on CCO No. 4: This decrease is the result the Department adjusting the contract quantity of asphalt binder. The Department approved mix design contained a target asphalt binder content lower than estimated in the plans.

MITCHELL REGION

- III. Project: IM 0293(10985, Minnehaha County, PCN 05EG
Location: I29 NBL & SBL from south of Exit 86 (Crooks) to north of Exit 109 (SD 34)
Contractor: Central Specialties, Inc
Type of Work: AC Surfacing and Edge Drains

Original Contract Amount:	\$	22,565,024.88
Change on CCO No. 3:	\$	411,205.72
Net Change to Date:	\$	530,299.32

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantities of several contract items. Larger variations were made for asphalt binder, asphalt concrete, asphalt for tack, asphalt for flush seal, and concrete repair. The variations are normal for the size and type of project. Additionally, the Department made incentive payments for asphalt concrete mix quality and pavement smoothness. The incentive payments were made in accordance with the contract.

- IV. Project: PH 0037(147)067, Davison County, PCN 05K4
Location: Junction of SD 37 with 256th street, 258 street, 259th street, and 260th street
Contractor: BX Civil & Construction, Inc
Type of Work: PCC Pavement Repair, PCC Grinding, and Intersection Improvements

Original Contract Amount:	\$	6,822,000.00
Change on CCO No. 3:	\$	118,066.53
Net Change to Date:	\$	103,589.93

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantities of concrete repair. The variations are common for this type of construction as Department staff can make a more thorough examination of potential repair work once traffic is controlled.

- V. Project: NH 0018(209)373, Hutchinson County, PCN 04E5
Location: US 18 from SD 37 to SD 25
Contractor: Spencer Quarries, Inc
Type of Work: Culvert Repair, Cold Milling Asphalt Concrete, and Asphalt Concrete Resurfacing

Original Contract Amount:	\$	4,139,632.94
Change on CCO No. 3:	\$	(87,148.01)
Net Change to Date:	\$	(472,877.10)

Explanation of Change on CCO No. 3: This decrease is the result of the Department adjusting the contract quantities of granular material and asphalt for tack due to normal project variations.

PIERRE REGION

- VI.** Project: IM 0904(62)210, Lyman County, PCN 067N
Location: I-90 EBL & WBL from west of Exit 212 to east of Exit 226
Contractor: Border States Paving, Inc
Type of Work: Asphalt Concrete Resurfacing, Approach Slab Replacement, Polymer Chip Seal, Deck Overlay, and CRC Pavement Repair

Original Contract Amount: \$ 22,939,718.99
Change on CCO No. 8: \$ 94,343.77
Net Change to Date: \$ 136,935.61

Explanation of Change on CCO No. 8: This increase is the result of the Department adjusting the contract quantities of cold milling asphalt concrete, concrete pavement, concrete repair, and flagging. The variations are due to normal project variations and the addition of cold milling asphalt concrete at the interchange ramps to correct the profile and improve the ride. Flagging hours were added to match the quantity used during construction to maintain traffic.

- VII.** Project: P 0183(24)51, Lyman County, PCN 03U0
Location: US 183 structure at the Tripp/Lyman county line over the White River and structure 10 miles south of the Tripp/Lyman county line
Contractor: Heavy Constructors, Inc
Type of Work: Replace Structures, Approach Grading, and RCBC Outlet Repair

Original Contract Amount: \$ 6,200,484.00
Change on CCO No. 9: \$ 70,741.91
Net Change to Date: \$ 364,184.25

Explanation of Change on CCO No. 9: This increase is the result of the Department adjusting the contract quantities of various erosion control items. The adjustments were made to match the quantities used during construction through normal project variations.

- VIII.** Project: P 0183(26)39, Tripp County, PCN 05ED
Location: US 183 from US 18 to the White River
Contractor: Border States Paving, Inc
Type of Work: Full Depth Reclamation, Asphalt Concrete Resurfacing, and Contractor Furnish & Placed Asphalt Mix

Original Contract Amount: \$ 13,467,743.85
Change on CCO No. 1: \$ (76,072.54)
Net Change to Date: \$ (76,072.54)

Explanation of Change on CCO No. 1: This decrease is the result of the Department eliminating the Contractor staking items from the contract. During construction, the Department determined the staking work would be performed by the Department.

RAPID CITY REGION

- IX.** Project: NH 0012(184)80, Corson County, PCN 04DV
Location: US 12 from the ND State Line east to the Perkins/Corson County Line
Contractor: Anderson Western, Inc
Type of Work: Cold Milling Asphalt Concrete, Full Depth Reclamation, and Asphalt Concrete Resurfacing

Original Contract Amount: \$ 9,961,396.75
Change on CCO No. 1: \$ 66,726.13
Net Change to Date: \$ 66,726.13

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of asphalt binder, asphalt concrete, and blotting sand for prime. The Adjustment were made to match the quantities used during construction through normal project variations.

- X.** Project: NH 0012(184)80, Corson County, PCN 04DV
Location: US 12 from the ND State Line E to the Perkins/Corson County Line
Contractor: Anderson Western, Inc
Type of Work: Cold Milling Asphalt Concrete, Full Depth Reclamation, & Asphalt Concrete Resurfacing

Original Contract Amount: \$ 9,961,396.75
Change on CCO No. 2: \$ 91,960.86
Net Change to Date: \$ 157,960.86

Explanation of Change on CCO No. 2: This increase is the result of the Department adjusting the contract quantities of water for granular material and correcting a plan error in the quantity of grooving for pavement marking.

Sam Weisgram, Office of Project Development, presented the following bid results:

May 20, 2020 Letting

Structure (3-14'x8' RCBC) & Approach Grading

1	043K BRO 8002(00)	Aurora County
	Nolz Dragline & Construction Company, Inc	\$529,731.78
	391 Ave, 5 miles E & 2.6 miles N of Plankinton over a creek	

Sidewalk Modification

3	05CC P TAPU(15)	Pennington County
	Journey Group Companies	\$149,135.29
	Rapid City along I190 and SD44 / Omaha St, from approximately 850' N of the Rapid Creek	
	Bridge along I190 to N Mount Rushmore Rd	

Gengler presented the following items for Commission consideration:

1. Disposal - Brookings County:

Request Transportation Commission approval to dispose of the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

A Tract of land in the SW1/4 of Section 1 beginning at a point 400 feet south of the NW corner of the SW1/4 of said Section 1; thence east 1461 feet; thence south a distance of 1040 feet, more or less, to the north line of the abandoned 100-foot-wide right-of-way of the Chicago, Rock Island and Pacific Railroad Company; thence northwesterly along the north line of said right-of-way a distance of 1750 feet, more or less, to the west line of the SW1/4 of said Section 1 a distance of 75 feet, more or less, to the point of beginning; and Lot B in the SW1/4; all in Section 1, Township 109 North, Range 48 West, Brookings County, South Dakota.

Appraised Value: \$66,000.00

The above property contains 22.72 acres, more or less, located approximately 3 miles northwest of Elkton on the east side of 483rd Avenue. The triangular shaped property contains 5.6 acres of farmable land with the remainder being low grade pastureland and a former gravel pit. No utilities are located on the property and zoning is agricultural.

The above disposal request contains a change of acres and value from the disposal approved at the November 26, 2019 Transportation Commission meeting.

Watertown Area DOT advises the property is not needed for future department use.

A MOTION WAS MADE by Fouberg and seconded by Roby to approve the disposal of property in Brookings County. All present voted aye by roll call vote. The motion carried.

2. Request for land trade – Hutchinson County:

Request Transportation Commission approval to trade the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Relocate a Department of Transportation stockpile site from Olivet to Menno.

Trade of DOT property:

Lot A in the SW1/4 SW1/4 of Section 2, Township 97 North, Range 58 West of the 5th P.M., in the town of Olivet, Hutchinson County, South Dakota. (Exhibit)

The proposed land trade is an exchange of the above property to Hutchinson County for the following property:

Lot T, Block 1, Rigo's Addition in the NE1/4 of Section 9, Township 97 North, Range 58 West of the 5th P.M., Hutchinson County, South Dakota.

DOT will leave the existing stockpiles and materials located on Lot A. Hutchinson County will provide 1300 tons of gravel in addition to providing and installing a barb wire fence for Lot T.

In addition, DOT will transfer the following County Road right-of-way by Resolution and Quit Claim Deed to Hutchinson County:

Lot H1 in the Southwest Quarter in Section 2, Township 97 North, Range 58 West of the 5th P.M., Hutchinson County, South Dakota.

Yankton Area DOT advises the property is not needed for future department use and recommends the trade.

A MOTION WAS MADE by Cull and seconded by Fouberg to trade Lot A as specified for Lot T in Hutchinson County as well as transfer Lot H1 to Hutchinson County. All present voted aye by roll call vote. The motion carried.

RESOLUTION # 2020 – 5.3 was adopted.

3. Request for land trade – City of Pierre:

Request Transportation Commission approval to trade the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Project: NH-EM 0014(194)227, PCN 03WN – remove and replace John C. Waldron Memorial Bridge over the Missouri River connecting the cities of Pierre and Fort Pierre.

Trade of DOT property:

Lot A and Lot B, being a portion of highway and street right of way within Outlot F in Government Lot 3 of Section 32, Township 111 North, Range 79 West of the 5th P.M., (as recorded in a perpetual easement agreement dated 11 January 1961 in Book 260, Page 405) and Lot A and Lot B in a portion of Lot H2 in Outlot F in Government Lot 3 of Section 32, Township 111 North, Range 79 West of the 5th P.M. All in the City of Pierre, Hughes County, South Dakota. (Exhibit A)

The City of Pierre will set aside said Lot B within Outlot F and said Lot B of Lot H2 in Outlot F for recreational use in accordance with the requirements of the environmental assessment for the project: NH-EM 0014(194)227, PCN 03WN.

The proposed land trade is an exchange of the above property to the city of Pierre for the following property:

Lot H3 of Outlot F, Lot H1 of Lot AB, Lot H2 of Lot AB and Lot H3 of Lot AB, in all of that part of Outlot F that lies southeasterly of a line drawn parallel with and distant 100 feet southerly from the center line of the Railroad of the Chicago and North Western Railway Company to Pierre, less Government take; and in Lot AB in said Outlot F to Pierre; all located in Government Lot 3 of Section 32, Township 111 North, Range 79 West of the 5th P.M., Pierre, Hughes County, South Dakota. (Exhibit B)

The city of Pierre will also grant any additional permanent and temporary work easements needed for completion of the project for the following property:

Permanent Easement - Lot PE 1 in Lot AB in Outlot F to Pierre in Government Lot 3 of Section 32, Township 111 North, Range 79 West of the 5th P.M., Pierre, Hughes County, South Dakota. (Exhibit F)

Temporary Easements - Parcel A3 and Parcel A4) on, over, under, and across the real property legally described as follows:

All of that part of Outlot F that lies southeasterly of a line drawn parallel with and distant 100 feet southerly from the center line of the Railroad of Chicago and North Western Railway Company to Pierre, less Government take, including Lot AB in said Outlot F to Pierre, all located in Government Lot 3 of Section 32, Township 111 North, Range 79 West of the 5th P.M., Pierre, Hughes County, South Dakota.(Exhibit E)

The State will continue to exercise possession, jurisdiction, maintenance, and control over any portion of U.S. Highway 14 located on the transfer segment, including any portion of the Missouri River Bridge, until completion of construction of the project. The parties acknowledge and agree that the State will complete all construction work on the transfer segment in accordance with the project plans. Upon completion of project construction, the City will exercise complete possession, jurisdiction, maintenance and control over the transfer segment.

Project Development, Road Design, Pierre Area and Region DOT advises the property is not needed for future department use and recommends the trade.

A MOTION WAS MADE by Zander and seconded by Karim to approve the property trade with the city of Pierre. All present voted aye by roll call vote. The motion carried.

4. Abandonment - Hughes County:

Request Transportation Commission approval to abandon by resolution the following property acquired for highway right-of-way:

Lot AB-1, a subdivision of Lot H-1, in the NE1/4 NE1/4 of Section 33, Township 110 North, Range 76 West of the 5th P.M., Hughes County, South Dakota, containing 3.58 acres.

The above property is no longer needed for highway purposes and abandonment is recommended by DOT Pierre Area.

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve the abandonment of property in Hughes County. All present voted aye by roll call vote. The motion carried.

RESOLUTION # 2020 – 5.4 was adopted.

5. Abandonment – Butte County

This resolution will abandon the temporary easements on Butte County Project

NH-P 0042(52), PCN 042E.

6. Abandonment – Harding County
This resolution will abandon the temporary easements on Harding County Project NH-P 0042(52), PCN 042E.
7. Abandonment – Meade County
This resolution will abandon the temporary easements on Meade County Project NH-P 0042(52), PCN 042E.
8. Abandonment – Minnehaha County
This resolution will abandon the temporary easements on Minnehaha County Project IM 0909(80)397, PCN 4437.
9. Abandonment – Minnehaha County
This resolution will abandon the temporary easements on Minnehaha County Project P 2115(39), PCN 6668.

A MOTION WAS MADE by Stoick and seconded by Cull to approve the abandonment of temporary easements in Butte County, Harding County, Meade County, and Minnehaha County. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS # 2020 – 5.5, 2020 – 5.6, 2020 – 5.7, 2020 – 5.8, and 2020 – 5.9 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following STIP revision for Commission Consideration:

REV 20-051 This revision will add a FY2020 Sewer Lagoon project at the Salem Rest Area along I90 West Bound Lanes in McCook County. The lagoon has a history of emergency pumping and modification is necessary.
FY 2020 Plus \$800,000

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve STIP revision REV 20-051. All present voted by roll call vote. The motion carried.

Leiferman presented the following informational STIP revisions and answered questions from the Commission:

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 20-050 This revision increased the cost of a FY2020 Mill, AC Resurfacing, Pipe Work project on US14A in Lawrence County in the Rapid City Region (Sequence #423, Page 116 in the 2020-2023 STIP Book).

FY 2020 Plus \$3,558,000

REV 20-SC-031 This revision added Federal Aid to an Interchange & Traffic Signal Upgrade project on I29 Exit 73 (Tea) in the Mitchell Region. (Sequence #446, Page 120 in the 2020-2023 STIP Book).

FY 2020 No Change

REV 20-SC-032 This revision increased the cost of a FY2020 Pavement Restoration project on Various Routes in the Yankton Area in the Mitchell Region. (Sequence #362, Page 102 in the 2020-2023 STIP Book).

FY 2020 Plus \$1,373,000

REV 20-SC-033 This revision increased the cost of a FY2020 Pavement Restoration project on Various Routes in the Huron Area in the Aberdeen Region. (Sequence #40, Page 45 in the 2020-2023 STIP Book).

FY 2020 Plus \$580,000

Mike Behm, Director of the Division of Planning & Engineering, presented information on a city-owned bridge located in Watertown, South Dakota. The Department had administered the design and construction on a project to rebuild the bridge. The bridge structure has ride issues on the bridge deck. The Department and the city of Watertown have taken corrective action to try to reduce the effect of the ride issues on the bridge deck and wish to enter into an agreement to pursue additional corrective action.

Commissioner Roby recused himself from the discussion and vote on this item due to a previously disclosed conflict of interest.

A MOTION WAS MADE by Fouberg and seconded by Stoick to authorize the Department to enter into an agreement with the city of Watertown for a future deck overlay on structure #15196190. All present voted aye by roll call vote, except Roby who abstained from the discussion and vote. The motion carried.

Doug Kinniburgh, Engineering Supervisor of the Office of Local Government, presented the 2021 Bridge Improvement Grant (BIG) procedures for the Commission's consideration. Kinniburgh indicated there were seven changes made to the 2020 procedures and updated in the proposed 2021 BIG procedures.

A MOTION WAS MADE by Cull and seconded by Zander to approve the changes to the 2021 BIG procedures. All present voted aye by roll call vote. The motion carried.

Commissioner Rosenboom left the meeting at 10:52 a.m.

Kinniburgh presented the Five-year County Highway and Bridge Improvement Plan for the Commission's consideration. Kinniburgh indicated the only update from the previous plan was to correct the dates to 2021 – 2025.

A MOTION WAS MADE by Roby and seconded by Fouberg to approve the Five-year County Highway and Bridge Improvement Plan. All present voted aye by roll call vote. The motion carried.

Tammy Williams, Program Manager for the Office of Administration, presented the following item for Commission consideration:

The following amendment to the BIG grant for additional design costs (due to the additional hydraulic and scour analysis based on new guidelines for scour countermeasures) is recommended for Commission consideration:

- Amendment to BRF 6312(00)18-1 Brookings County, PCN 06V06HY – \$49,100 (80% BIG Program/20% State Share)

A MOTION WAS MADE by Stoick and seconded by Zander to approve the amendment to the BIG grant agreement for Brookings County to account for the increase additional design cost due to the additional hydraulic and scour analysis based on the guidelines for scour countermeasures, with those costs being paid at 80% with BIG funds and 20% with state funds. All present voted aye by roll call vote. The motion carried.

Vehle opened the floor to public input. No members of the public addressed the Commission or offered input.

A MOTION WAS MADE by Stoick and seconded by Zander to adjourn the meeting at 11:10 a.m. All present voted aye by voice vote. The motion carried and the Chair declared the meeting adjourned.