

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES
May 23, 2019 AT 9:00 A.M.
Becker-Hansen Building – 700 East Broadway, Pierre SD

COMMISSIONERS PRESENT: Kathy Zander, Chair
Mike Vehle, Vice Chair
Ron Rosenboom, Member
Ralph Marquardt, Member
Larry A. Nelson, Member
Don Roby, Member

DOT STAFF PRESENT: Becky Janssen, Greg Fuller, Mike Behm, Kevin Marton,
Steve Johnson, Tammy Williams, Scott Rabern, Julie
Bolding, Rick Gordon, Ryan Johnson, Sam Weisgram, Joel
Gengler, Mark Leiferman, and Kari Kroll

OTHERS PRESENT: Bob Mercer – Keloland/Associated Press

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow – Associated General Contractors and Jay Heinrich –
Complete Contracting, Inc.

Chair Zander called the meeting of the Transportation Commission (the “Commission”) to order at 9:00 a.m. A count of the Commissioners present determined a quorum.

Zander 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.

Zander asked for a motion to approve the minutes of the April 25, 2019, Commission meeting.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the April 25, 2019, Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Zander asked for a motion to approve the minutes of the May 8, 2019, Commission meeting.

A MOTION WAS MADE by Rosenboom and seconded by Roby to approve the May 8, 2019, Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Becky Janssen, Office of Legal Counsel, requested that the Commission set a hearing date for consideration of amendments to ARSD 70:01:02:00 (Interstate Highway speed zone rule); 70:01:02:21 (Custer County speed zone rule); and 70:01:02:02 (Pennington County speed zone rule).

A MOTION WAS MADE by Marquardt and seconded by Roby to set a hearing for June 27, 2019, to consider proposed amendments to ARSD 70:01:02:00 (Interstate Highway speed zone rule); 70:01:02:21 (Custer County speed zone rule); and 70:01:02:02 (Pennington County speed zone rule). All present voted aye by voice vote. The motion carried.

RESOLUTION #2019 – 5.1 was adopted.

Janssen presented for Commission consideration a proposed amendment to ARSD 70:14:01:01 (Definitions). The Commission discussed in length the ramifications of this change.

There were no formal written comments received.

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

A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve the proposed changes to ARSD 70:014:01:01. All present voted by roll call vote. Nelson, Roby, Rosenboom, and Vehle voted aye. Marquardt and Zander voted nay. The motion carried.

RESOLUTION #2019 – 5.2 was adopted.

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

May 15, 2019 Letting

Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

5 04EC P 0034(169)269 Buffalo Lyman County
WITHDRAWN FROM LETTING BY ADDENDA
SD34 from Ft Thompson to SD50, SD47 from Big Bend Dam to Ft Thompson, & SD249
from Ft Thompson to SD50

Weisgram explained that Item # 5 was withdrawn from the letting and moved to 2020.

Structure (2-13'x7' Box Culvert) & Approach Grading

3 03F4 BRO 8002(11) Aurora County
Midwest Contracting, LLC \$261,886.50
Structure on 391st Ave, 5 miles east & 4.1 miles north of Plankinton, over Firesteel Creek

Durable Pavement Marking

6 04HT PH 0010(106) Grant County
Traffic Solutions Inc \$212,606.00
SD Highway 15 in Milbank

A MOTION WAS MADE by Marquardt and seconded by Roby to approve items # 3 and 6. All present voted aye by roll call vote. The motion carried.

Bridge Deck Polymer Chip Seal, Bridge Deck Overlay, & Structure Repair

1 04W1, 05D5 IM-NH 0903(110)132, IM 0903(111)192 Jackson, Jones County
I90, Various Structures from 1.0 mile east of Cactus Flat to SD73 west of Kadoka, &
US83 over I90 at Murdo
REJECTED BY THE SDDOT COMMISSION

Bridge Deck Polymer Chip Seal & Joint Replacement

2 05FU P 0044(197)196 Mellette County
SD44 0.7 miles west of US83 over the Little White River
REJECTED BY THE SDDOT COMMISSION

A MOTION WAS MADE by Roby and seconded by Rosenboom to reject items # 1 and 2. All present voted aye by roll call vote. The motion carried.

Concrete Sidewalk

4 062L P TAPU(20) Meade County
Complete Concrete, Inc. DBA Complete Contracting \$311,242.73
In Piedmont on N 2nd St from City Hall to Piedmont Valley Elementary School & 3rd St from Chestnut St to Main St.

A MOTION WAS MADE by Vehle and seconded by Marquardt to approve item # 4. All present voted aye by roll call vote. The motion carried.

Durable Pavement Marking

7 04HU PH 0020(147) Union County
Dakota Traffic Services, LLC \$739,345.48
Interstate 29 from 4.75 miles north of the State Line north 28.2 miles

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve item # 7. All present voted aye by roll call vote. The motion carried.

Durable Pavement Marking

8	04HV PH 0030(23) Traffic Solutions Inc Various locations on the State System in the Pierre Region	Bennett, Gregory, Jackson, Todd, Tripp County \$399,519.30
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A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve item # 8. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Program Manager for the Office of Right of Way, presented the following items for Commission consideration:

1. Request for land trade – Pennington County

Request Transportation Commission approval to trade the following DOT property related to Project: NH 0044(167)44 Pennington County, PCN 027K – SD44 (Omaha St) from Mt. View Road to the start of the divided lanes Near 12th Street in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Trade of DOT property:

Lot A in Lot 1 of Block 18 of Gateway Addition to the City of Rapid City, Pennington County, South Dakota, containing 0.01 acre.

The proposed Lot A in Lot 1 of Block 18 of Gateway Addition to the City of Rapid City trade is part of the project negotiations with M Hill Business Plaza of Rapid City. The proposed property trade is subject to temporary easements for the construction of Project: NH 0044(167)44 Pennington County, PCN 027K.

2. Request for land trade – Pennington County

Request Transportation Commission approval to trade the following DOT property related to Project: P 00SW(04) Pennington County, PCN 04A2 – extension of E. Mall Drive from Elk Vale Road to 147th Street. in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Trade of DOT property:

Lot A in Lot 3 of Block 2 of Seger Crossing Subdivision, located in the S1/2 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota, containing 0.09 acre.

The proposed Lot A in Lot 3 of Block 2 of Seger Crossing Subdivision trade is part of the project negotiations with ISIS Hospitality, LLC. The proposed property trade is subject to temporary easements for the construction of Project: P 00SW(04) Pennington County, PCN 04A2.

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve requests for land trade in Pennington County on items # 1 and 2. All present voted aye by roll call vote. The motion carried.

3. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project P 0115(47)102, PCN 025C.

4. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project 011-271, PCN I0FT.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve abandonment of the temporary easements on Minnehaha County Projects items # 3 and 4. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2019 – 5.3 and 2019 – 5.4 were adopted.

5. Condemnation – Project NH 0050(100)411, PCN 023V, Clay County

Request Transportation Commission resolution determining that the taking and damaging of real property interests in and to the following property is necessary for a public purpose and authorizing condemnation:

- Parcel 12 – Richard V. and Barbara A. Sorensen Irrevocable Trust
- Parcel 13 – Richard V. Sorensen Trust
- Parcel 15 – Christopher M. Lynch

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH 0050(100)411, Clay County, PCN 023V, SD50 west bound lanes – From Vermillion to the end of the divided lanes west of I29; Grading & PCC Surfacing.

A MOTION WAS MADE by Nelson and seconded by Roby to authorize condemnation of parcels 12, 13, and 15 in Clay County in item # 5. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS # 2019 – 5.5, 2019 – 5.6, 2019 – 5.7 were adopted.

6. Condemnation – NH 0212(168)376, PCN 027Q, Codington County

Request Transportation Commission resolution determining that the taking and damaging of real property interests in and to the following property is necessary for a public purpose and authorizing condemnation:

Parcels 3, 4, 5, 5A, 5B, 6, and 7 – BNSF Leasing Corporation
Parcels 11, 11A, 12, and 12A – Ralph L. Endres Testamentary Trust, Janice V. Endres & Lawrence Endres, Trustees, Janice V. Endres, and Larry Endres and LeAllen Endres

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH 0212(168)376, PCN 027Q, Codington County, US212 – from SD20 to US81 in Watertown, Urban Grading, PCCP Surfacing, Replace Structure (Bridge), Curb & Gutter, Sidewalk, ADA, Roadway Lighting.

A MOTION WAS MADE by Nelson and seconded by Marquardt to authorize condemnation of the parcels listed in# 6 in Codington County. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS # 2019 – 5.8, 2019 – 5.9, 2019 – 5.10 were adopted.

Mark Leiferman, Program Manager of the Office of Project Development, presented the following information on the STIP Revisions for Commission consideration:

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 19-050	This revision deferred a Mill & AC Resurfacing project on US18 in Bennett County from FY2019 to FY2020. (Sequence #72, Page 52 in the 2019-2022 STIP Book).
	FY 2019 Minus \$4,454,000
	FY 2020 Plus \$4,543,000

REV 19-SC-025 This Revision increased the cost estimate on a Pavement Restoration project on Various Routes in the Huron Area. (Sequence #60, Page 49 in the 2019-2022 STIP Book).

FY 2019 Plus \$1,030,000

REV 19-SC-027 This Revision changed the Improvement Description to “Intersection Reconstruction” on an intersection project on Western and 41st St in City of Sioux Falls. (Sequence #623, Page 151 in the 2019-2022 STIP Book).

FY 2019 No Change

REV 19-SC-028 This Revision changed the Improvement Description to “Spot Grading, Shoulder Widening, Str’s, & Culvert Replacement Over Ash & Blind Creek, Left Turn Lanes; Replace Structure (Bridge) and Approach Grading at the Vermillion River, Interim Surfacing” on a highway improvement project on SD46 in Lincoln/Clay Counties. (Sequence #185, Page 72 in the 2019-2022 STIP Book).

FY 2019 Minus \$1,036,000

Steve Johnson, Chief Bridge Engineer for SDDOT, briefed the commission on a new Technical Briefing from Federal Highway Administration relating to new design considerations to protect structures from scour damage.

Doug Kinniburgh, Office of Planning & Engineering Administration for SDDOT, briefed the Commission on the progress made with the Bridge Improvement Grant (“BIG”) Program since the program began in 2016.

Kinniburgh continued by asking the Commission with to consider and approve the Bridge Improvement Grant Procedures for this year. He summarized the changes that were made to the procedures for the coming year.

A MOTION WAS MADE by Marquardt and seconded by Roby to approve the BIG procedures effective May 26, 2019. All present voted aye by voice vote. The motion carried.

Kinniburgh also presented the Commission with the *Five-Year County Highway and Bridge Improvement Plan Guide*. He summarized the changes that were made to the procedures for the coming year.

A MOTION WAS MADE by Marquardt and seconded by Vehle to approve the Bridge Five-Year County Highway and Bridge Improvement Plan Guide effective May 26, 2019. All present voted aye by voice vote. The motion carried.

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

Construction change orders approved in March contain an increase of approximately \$1,028,028.

Construction change orders approved in April contain a decrease of approximately \$914,862.

Over the past 12 months, the overall contract increase is 2.23%.

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

ABERDEEN REGION

I. Project: IM-FP 0299(71)239, Roberts County, PCN 04D6

Location: I-29 Southbound lanes from ND state line to Exit 242

Contractor: Reede Construction, Inc.

Type of Work: PCC Overlay, PCC Surfacing, Polymer Chip Seal, Approach Slabs, AC Resurfacing, & Permanent Signing

Original Contract Amount: \$ 16,655,264.10

Change on CCO No. 2: \$ (544,971.03)

Net Change to Date: \$ (587,409.41)

Explanation of Change on CCO No. 2: This decrease is the result of an underrun in the contract quantity of asphalt concrete composite. The Department eliminated the over width detour route resulting in approximately 7000 tons of asphalt not being used on the project.

II. Project: P 0012(270), Hamlin County, PCN 06E8

Location: Various locations in the Watertown area
Contractor: Subsurface, Inc.
Type of Work: Culvert Repair & Lining

Original Contract Amount: \$ 604,596.60
Change on CCO No. 3: \$ 141,838.00
Net Change to Date: \$ 188,580.00

Explanation of Change on CCO No. 3: This increase is the result of an overrun in the contract quantity of chemical grout void fill. The quantity of grout required to complete the work was much more than estimated in the plans. Due to the nature of this work, estimating the quantity is challenging and the final quantity is not known until the void filling process is complete.

MITCHELL REGION

III. Project: NH-P 0115(53)89, Minnehaha County, PCN 056T

Location: SD 115 from the end of the divided lanes near I-90 north 12 miles
Contractor: Bituminous Paving, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing of Shoulders, Resealing Pavement Joints, and Sawing & Sealing Shoulder Joint

Original Contract Amount: \$ 1,530,651.30
Change on CCO No. 1: \$ (69,369.51)
Net Change to Date: \$ (69,369.51)

Explanation of Change on CCO No. 1: This decrease is the result of an adjustment to the contract quantities of asphalt binder, asphalt concrete, asphalt for prime, and asphalt for tack. Less material was used to construct the roadway than estimated in the plans. The variations are considered normal variations for this type or work.

IV. Project: P 0044(202)312, Douglas County, PCN 03VH

Location: SD 44 from the east junction with SD 50 to the west junction with US 281
Contractor: Spencer Quarries Incorporated
Type of Work: Cold Milling Asphalt Concrete and Asphalt Concrete Resurfacing

Original Contract Amount: \$ 3,554,030.58
Change on CCO No. 3: \$ (58,615.09)
Net Change to Date: \$ (115,329.86)

Explanation of Change on CCO No. 3: This decrease is the result of an adjustment to the contract quantities of base course, asphalt binder, and asphalt for tack. Less material was used to construct the roadway than estimated in the plans. The variations are considered normal variations for this type or work.

V. Project: NH 0022(61), Lake County, PCN 05LN

Location: Various routes in the Sioux Falls Area
Contractor: Interstate Improvement, Inc.
Type of Work: PCC Pavement Repair

Original Contract Amount: \$ 1,374,973.71
Change on CCO No. 1: \$ 261,211.00
Net Change to Date: \$ 261,211.00

Explanation of Change on CCO No. 1: This increase is the result of an adjustment to the contract quantity of concrete repair. Additional repair areas resulted in an increase to the quantity. The variation is considered common for concrete repair work. Additionally, the Department made an incentive payment for the timely completion of the work. The incentive payment was made in accordance with the contract.

VI. Project: NH 0018(188)320, Charles Mix County, PCN 04EA

Location: US 18 from US 281 to Pickstown

Contractor: Spencer Quarries Incorporated

Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Guardrail, and Slide Repair

Original Contract Amount: \$ 5,526,553.77
Change on CCO No. 2: \$ (139,053.70)
Net Change to Date: \$ 135,605.24

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting various contract quantities to match the actual quantities used during construction. Larger decreases were made for water for embankment, asphalt binder, and asphalt for tack all due to normal project variations.

VII. Project: IM 0292(74)62, Lincoln County, PCN 035A

Location: I-29 Exit 62 (Canton)

Contractor: T&R Contracting, Inc.

Type of Work: Grading, Structure, and PCC Surfacing

Original Contract Amount: \$ 7,794,913.15
Change on CCO No. 4: \$ 342,401.43
Net Change to Date: \$ 405,012.86

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting various contract quantities to match the actual quantities used during construction. Larger increases were made for base course, gravel cushion, and asphalt concrete all due to normal project variations. In addition, the Department approved additional granular material and MSE fabric throughout the project due to the wetter than normal spring and summer conditions encountered during construction.

VIII. Project: IM 0292(74)62, Lincoln County, PCN 035A

Location: I-29 Exit 62 (Canton)

Contractor: T&R Contracting, Inc.

Type of Work: Grading, Structure, and PCC Surfacing

Original Contract Amount: \$ 7,794,913.15

Change on CCO No. 5: \$ 301,310.53

Net Change to Date: \$ 706,323.39

Explanation of Change on CCO No. 5: This increase is the result of the Department adjusting various contract quantities to match the actual quantities used during construction. Larger increases were made for excavation, asphalt concrete, and PCC pavement. The increase in excavation resulted from variations in excavation quantities throughout the project as measured by the final survey. The variation in asphalt concrete resulted from additional temporary asphalt pavement to accommodate traffic during construction. The variation in PCC pavement is the result of a plan error in the left turn fillets. This error was discovered once the roadway was open to traffic and an issue with trucks turning was identified. Additional pavement was placed to accommodate trucks turning. In addition, the Department made an incentive payment for pavement smoothness in accordance with the contract.

IX. Project: IM 0292(74)62, Lincoln County, PCN 035A

Location: I-29 Exit 62 (Canton)

Contractor: T&R Contracting, Inc.

Type of Work: Grading, Structure, and PCC Surfacing

Original Contract Amount: \$ 7,794,913.15

Change on CCO No. 6F: \$ (140,079.03)

Net Change to Date: \$ 566,244.36

Explanation of Change on CCO No. 6F: This decrease is the result of the Department addressing a quantity calculation error for excavation. The Department identified the error during the project quantity and payment final review process.

X. Project: PH 8063(16), Turner County, PCN 060G

Location: Various County, City, and Township Roads in Turner County

Contractor: Hamm Contracting, LLC

Type of Work: Signing and Delineation

Original Contract Amount: \$ 771,612.45

Change on CCO No. 1F: \$ (75,164.51)

Net Change to Date: \$ (75,164.51)

Explanation of Change on CCO No. 1F: This decrease is the result of the Department adjusting the contract quantities for signs, posts, and object markers to match the quantities installed. These variations are considered normal for this type of work.

PIERRE REGION

XI. Project: NH 0031(41), Haakon County, PCN 05LL

Location: Various routes in the Pierre area
Contractor: Martin Resource Management Corporation
Type of Work: Microsurfacing

Original Contract Amount: \$ 2,486,707.96
Change on CCO No. 2: \$ 300,016.96
Net Change to Date: \$ 314,851.96

Explanation of Change on CCO No. 2: This increase is the result of the Department adjusting the contract quantities for microsurfacing aggregate and emulsion. Additional rutting throughout the project resulted in the need for additional material to fill the rutting.

XII. Project: NH-EM 0083(74)55, Jones County, PCN 036E

Location: US 83 From north of the Mellette/Jones county line north to south of Murdo
Contractor: Zandstra Construction Incorporated
Type of Work: Grading, Structures, and Interim Surfacing

Original Contract Amount: \$ 18,638,962.86
Change on CCO No. 1: \$ 90,965.41
Net Change to Date: \$ 90,965.41

Explanation of Change on CCO No. 1: This increase is the result of the Department changing the type of Right-of-way fencing at one parcel of land in accordance with the landowner agreement with the Department. Additionally, the Department added the requirements and pay item for a Contractor furnished checker to the contract. This item was inadvertently missed in the plans.

XIII. Project: IM-FP 0903(104)153, Jackson County, PCN 03W6

Location: I-90 westbound lanes from Kadoka to Belvidere
Contractor: Reede Construction, Inc.
Type of Work: Remove & Replace PCC Surfacing, Edge Drains, Inslope Flattening, Asphalt Concrete Resurfacing, Pipe Work, and Extend Culvert

Original Contract Amount: \$ 18,706,382.34
Change on CCO No. 3: \$ 221,451.00
Net Change to Date: \$ 269,267.95

Explanation of Change on CCO No. 3: This increase is the result of the Department adding the contract item of salvage and stockpile asphalt mix material to the contract. In the fall of 2018, the Contractor, at the Contractor's expense, placed asphalt concrete on the shoulders to prepare the project for the winter and open the project to traffic. The Department agreed to purchase the salvaged asphalt from the Contractor to be stockpile for future use.

XIV. Project: IM 0904(62)210, Lyman County, PCN 067N

Location: I-90 eastbound and westbound lanes from Exit 212 (US 83) to Exit 226 (Presho)

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. 1: \$ (254,763.57)

Net Change to Date: \$ (254,763.57)

Explanation of Change on CCO No. 1: This decrease is the result of the Department approving a sequence change proposed by the Contractor. The Contractor is opting to complete the work with lane closures in lieu of closing lanes and maintaining 2-lane 2-way traffic in one set of lanes at a time. The Contractor preference for the sequence of operations resulted in several quantity and contract price adjustments resulting in an overall savings to the Department.

RAPID CITY REGION

XV. 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. 14: \$ 78,396.97

Net Change to Date: \$ 423,146.71

Explanation of Change on CCO No. 14: This increase is the result of additional work performed by the Contractor to remove and replace cracked PCC pavement that developed during construction.

Zander opened the floor for public input. No members of the public addressed the Commission or offered input.

With no other business to come before the Commission, the Chair declared the meeting adjourned at 11:25 a.m.