

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, April 24, 2025 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Mike Vehle
Larry Nelson
Ron Rosenboom

**COMMISSIONER PRESENT
VIA CONERENCE CALL** Don Roby, Chairman
Austin Simons, Vice-Chairman
Chris Frick

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Craig Smith, Mike Behm, Mark Leiferman, Sam Weisgram, Christina Bennett, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Mark Peterson

OTHERS PRESENT: Secretary Kevin Roblin – Department of Game, Fish & Parks (GFP); Adam Kulesa – GFP; and Jeff Van Meeteren – GFP

VIA CONFERENCE CALL: Audrey Ricketts – Department of Veteran Affairs (DVA) and Gerrit Juffer

Commissioner Mike Vehle called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CT. A roll call was taken and a quorum was present.

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) chapters 3 – 23.

No members of the Commission disclosed a conflict or requested a waiver.

Vehle asked for a motion to approve the April 10, 2025 Commission meeting minutes.

A MOTION WAS MADE by Nelson and seconded by Roby to approve the April 10, 2025 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, requested the Commission set a hearing date of May 29, 2025 to consider amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:36 - Hughes County speed zone rule, ARSD 70:01:02:58, Stanley County speed zone rule, and ARSD 70:03:01:65 Longer combination vehicle -- approved routes and access restrictions.

A MOTION WAS MADE by Frick and seconded by Roby to set the administrative hearing date for May 29, 2025. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2025 – 4.1 was adopted.

Vehle opened the floor to public input.

No members of the public addressed the Commission or offered any input.

Secretary Joel Jundt presented the following items to the Commission in his Secretary's Report:

- **Federal:** In the Greenhouse Gas (GHG) rule litigation, the appeal by the Federal Government (made by the Biden Administration) of the district court decision in Kentucky has now been dismissed after the Trump Administration Justice Department moved to dismiss the appeal.

This leaves in place the Kentucky Federal district court decision that not only said there was no authority for a GHG rule but, more importantly, no authority for Federal Highway Administration (FHWA) to put parameters on how states set performance targets, especially on topics such as this. The appeal in the Texas GHG litigation has not yet ended, but we anticipate it will likely see the same fate shortly. FHWA should be also filing a notice in the Federal Register to repeal the rule.

- **Pre-STIP Meeting:** Next week, the Department of Transportation (the "Department") will be meeting to formulate the tentative Statewide Transportation Improvement Program (STIP) for 2026-2029. This activity includes putting together a forecast of how much funding we anticipate receiving over the course of those four years and then review current projects in the pipeline based on need and project readiness. For this STIP, we anticipate receiving fewer competitive discretionary grants as well grappling with the unknown of how much federal funding formula funds will be available during this time period as the current surface transportation bill will expire in September 2026. For now, we will be assuming our formula funding would remain constant. In the end, we anticipate deferring projects due to the anticipation of fewer federal discretionary grant funds available to South Dakota.
- **Hall of Honor:** Nomination forms are available to nominate individuals to the Transportation Hall of Honor. Candidates would be those individuals who have made a lasting or valuable contribution to the state's highway, public transit, air or rail transportation. Deadline for applications is Friday May 23. To date, there have been 99 individuals inducted.
- **Fall *On the Road* Commission Meeting:** Tentatively scheduling either Pierre or Sioux Falls. Construction schedules will determine the best location to host.

- **Battle of the Blades:** Yesterday, the Department Secretary and Director of Operations went to Winner, South Dakota to celebrate with the Winner Elementary School first grade class, which submitted in the winner Snowplow name for this year's contest. We were fortunate to have Governor Rhoden attend and participate in the event. Thaw Patrol not only beat all the South Dakota entries but also plowed over the North Dakota top entry.
- **Reappointment of Commissioners:** Congratulations to Commissioner Roby and Commissioner Jensen on their reappointments.

Secretary Jundt introduced Secretary Kevin Robling from the South Dakota Department of Game, Fish, & Parks (GFP). Jundt shared the Commission has provided state highway funds GFP to help maintain collector roads. In state fiscal year (FY) 2021, the Commission increased the funding from \$500,000 to \$2.8 million. As part of a Memorandum of Understanding (MOU) between the agencies, GFP is to come before the Commission and provide justification for the funding, which includes some description of where GFP intends to expend the state highway funds for the fiscal year.

Secretary Robling and Adama Kulesa presented to the Commission the projects that expended FY 2025 funds as well as a list of the priority projects for the FY 2026 funds should the Commission approve GFP's funding request of \$2.8 million for collector road improvements.

A MOTION WAS MADE by Rosenboom and seconded by Nelson to approve the funding to GFP in the amount of \$2.8 million. All present voted aye by roll call vote. The motion carried.

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

CCOs completed in March contain an increase of \$1,905,871.22. Over the past 12 months, the overall contract increase is 1.80%.

The following projects have a CCO amounting to a contract change more than \$50,000:

ABERDEEN REGION

No CCOs to report for this period

MITCHELL REGION

1. Project: IM 0291(132)27, Union County, PCN 06DL

Location: I-29 from Exit 26 north 10 miles

Contractor: Central Specialties, Inc

Type of Work: Asphalt concrete resurfacing, PCC pavement repair, box culvert extension, pipe work

Original Contract Amount: \$ 18,238,025.80

Change on CCO No. 4: \$ 62,298.22

Net Change to Date: \$ 671,276.83

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work to stabilize a dig out that was found to be unstable. The increase also includes an incentive for lane rental and an incentive payment for asphalt pavement smoothness. Both incentive payments were made in accordance with the contract.

2. Project: IM 2292(95)0, Lincoln & Minnehaha County, PCN 03RD

Location: I-229 corridor

Contractor: Action Systems Inc. dba Action Electric

Type of Work: Median lighting, innerduct installation

Original Contract Amount: \$ 2,496,494.40

Change on CCO No. 6: \$ 108,985.90

Net Change to Date: \$ 184,218.62

Explanation of Change on CCO No. 6: This increase is the result of SDDOT compensating the contractor for extra work to remove existing luminaires on the project that were found to be in poor condition and replace them with the LED luminaires.

3. Project: IM-NH-P 0022(71), Lincoln, Minnehaha, & Moody County, PCN 06EQ

Location: Various locations in the Sioux Falls area

Contractor: Hulstein Excavating, Inc.

Type of Work: Pipe work, culvert & ditch cleanout

Original Contract Amount: \$ 258,445.10

Change on CCO No. 1: \$ 54,185.00

Net Change to Date: \$ 54,185.00

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for emergency flood relief work performed at the I-29 Russel Street exit. The new work was added on a new PCN for accounting purposes.

4. Project: P-B 0013(38)108, Moody County, PCN 04VD
Location: SD13 - .3 miles north of Flandreau over the Big Sioux River
Contractor: Journey Group Companies
Type of Work: LSDC overlay, joints, modify girder, bearing repair, zone painting

Original Contract Amount:	\$	924,515.10
Change on CCO No. 4:	\$	118,394.98
Net Change to Date:	\$	121,150.59

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for removing additional concrete that exceeded plan quantities. The removal was necessary for a smooth transition to the structure.

5. Project: P-PH 0046(61)366, Union County, PCN 04JF
Location: SD46 from Beresford east 15 miles
Contractor: Foothills Contracting, Inc.
Type of Work: Grading, interim surfacing, replace structure

Original Contract Amount:	\$	24,893,720.55
Change on CCO No. 6:	\$	93,843.37
Net Change to Date:	\$	331,063.58

Explanation of Change on CCO No. 6: This increase is the result of SDDOT adjusting the contract quantities for flagging hours to match the as built quantities, and extra granular material needed for pipe culvert undercut that was missed in the plans.

6. Project: PT 0011(153)57, Lincoln County, PCN 0823
Location: SD11 - structure 2.5 miles north of US18 junction
 - structure 6 miles south of Minnehaha County line
Contractor: Nolz Dragline and Construction Company, Inc.
Type of Work: Scour protection, berm repair

Original Contract Amount:	\$	285,987.80
Change on CCO No. 2:	\$	679,542.50
Net Change to Date:	\$	718,271.56

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work to repair damage caused by flooding rains in June 2024 on the project. The new work was added on a new PCN for accounting purposes.

7. Project: IM 0291(138)1, Union County, PCN 08XY
Location: I-29 from Exit 2 to North Sioux City
Contractor: Knife River Midwest LLC
Type of Work: Cold milling, asphalt concrete resurfacing of shoulders, modify NB off ramp, lighting

Original Contract Amount:	\$	3,180,471.68
Change on CCO No. 6:	\$	(128,432.61)
Net Change to Date:	\$	(1,342.80)

Explanation of Change on CCO No. 6: This decrease is the result of SDDOT adjusting contract quantities to match as built quantities, removing unnecessary items from the contract, and small quality adjustments in accordance with the contract.

8. Project: NH 0018(234)387, Hutchinson County, PCN 07Y7
Location: US18 from SD25 to US81
Contractor: Spencer Quarries Inc
Type of Work: Cold milling, asphalt concrete surfacing

Original Contract Amount:	\$	5,020,708.81
Change on CCO No. 4:	\$	(225,012.12)
Net Change to Date:	\$	(181,565.90)

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT adjusting contract quantities to match as built quantities. The largest was a change to the asphalt binder quantity. The contractor furnished a department reviewed job mix formula contained a lower target binder content than estimated in the plans.

9. Project: P TAPU(27), Davison County, PCN 07RF
Location: Norway Avenue and Rowley Street in Mitchell
Contractor: Top Grade Concrete, LLC
Type of Work: PCC shared use path & asphalt concrete surfacing

Original Contract Amount:	\$	633,269.80
Change on CCO No. 1:	\$	(123,405.44)
Net Change to Date:	\$	(123,405.44)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting contract quantities to match as built quantities and eliminating work the City of Mitchell chose to perform internally.

PIERRE REGION

10. Project: NH 0300(31), Corson County, PCN 06FX

Location: Various locations throughout the Pierre region

Contractor: Anderson Contractors, Inc.

Type of Work: Approach slab repair, polymer chip seal

Original Contract Amount: \$ 1,123,522.92

Change on CCO No. 3: \$ 348,074.76

Net Change to Date: \$ 382,191.27

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to remove and replace the west bound approach slabs. After reconstruction, the elevations identified in the plans did not produce a satisfactory ride and needed to be adjusted.

11. Project: NH-B 0212(184)143, Dewey County, PCN 04XG

Location: US212 – 1.8 miles east of the Ziebach County line over Little Bear Creek

Contractor: Midwest Contracting, LLC

Type of Work: Replace structure, approach grading, asphalt resurfacing

Original Contract Amount: \$ 8,391,242.65

Change on CCO No. 2: \$ 482,346.25

Net Change to Date: \$ 527,953.65

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting the contract quantities to as built quantities. 600 additional tons of base course was used on intersecting roads to match the 12 inch thick base course on the mainline.

12. Project: IM-NH-P 0033(44), Bennett, Jackson, Jones, & Lyman County, PCN 0976

Location: Various locations in the Winner area

Contractor: Bituminous Paving, Inc.

Type of Work: Asphalt surface treatment

Original Contract Amount: \$ 3,533,799.56

Change on CCO No. 5: \$ (57,555.82)

Net Change to Date: \$ 173,899.68

Explanation of Change on CCO No. 5: This decrease is the result of SDDOT adjusting the contract quantities to match as built quantities normal for a surface treatment job.

RAPID CITY REGION

13. Project: NH-PH 0385(50)96, Pennington County, PCN 03VD

Location: US385 from 1.5 miles north of US16 east to Pactola Dam & structure over Horse Creek

Contractor: Oftedal Construction, Inc.

Type of Work: Grading, interim surfacing, replace structure

Original Contract Amount: \$ 49,081,403.60

Change on CCO No. 2: \$ 114,734.25

Net Change to Date: \$ 187,865.28

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work included scaling beyond the work limits for safety and installing gabions not accounted for in the plans.

14. Project: NH-PH 0385(50)96, Pennington County, PCN 03VD

Location: US385 from 1.5 miles north of US16 east to Pactola Dam & structure over Horse Creek

Contractor: Oftedal Construction, Inc.

Type of Work: Grading, interim surfacing, replace structure

Original Contract Amount: \$ 49,081,403.60

Change on CCO No. 3: \$ 671,157.42

Net Change to Date: \$ 859,022.70

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to reduce slopes in sections of the project that were unstable at 1/2:1 slope. The price for additional clearing is high due to steep terrain and heavy vegetation.

15. Project: NH-PH 0385(50)96, Pennington County, PCN 03BD

Location: US385 from north of Pactola Dam to 4 miles north of the SD44 junction

Contractor: Zandstra Construction, Inc.

Type of Work: Grading, structures, interim surfacing, pipe work

Original Contract Amount: \$ 23,492,147.29

Change on CCO No. 9: \$ 106,200.28

Net Change to Date: \$ 1,946,454.78

Explanation of Change on CCO No. 9: This increase is the result of SDDOT adjusting contract quantities to match as built quantities with the largest increase being additional base course used to match elevations on approaches, intersecting roads, temporary transition, and as temporary surfacing to maintain traffic through the project.

16. Project: P 6403(10), Pennington County, PCN 08P3

Location: South Rochford Road from Rochford southwest to Deerfield

Contractor: Loiseau Construction, Inc.

Type of Work: Grading, drainage, base course, asphalt concrete surfacing

Original Contract Amount: \$ 23,381,920.13

Change on CCO No. 10: \$ 218,815.00

Net Change to Date: \$ (50,140.47)

Explanation of Change on CCO No. 10: This increase is the result of SDDOT adjusting contract quantities to match as built quantities for items such as water for granular material to meet moisture requirements, water for dust control that was insufficient, flagging hours for safety, and erosion control.

17. Project: NH-P 0041(169), Meade & Pennington County, PCN 06UR

Location: Various locations in the Rapid City area

Contractor: Simon Contractors of South Dakota, Inc.

Type of Work: Pipe replacement, CIPP lining and pipe joint repair

Original Contract Amount: \$ 4,075,868.69

Change on CCO No. 4: \$ (712,904.24)

Net Change to Date: \$ (615,916.91)

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT adjusting contract quantities to match as built quantities, removing unnecessary items from the contract, and adjusting surfacing removal limits to reduce the amount of disturbance at all locations.

Smith shared with the Commission that this week is *National Work Zone Awareness Week*. It is a week to bring awareness to the importance of personal responsibility behind the wheel particularly in the area of construction zones. On Friday, April 25, 2025, the Department will co-host a press conference in Sioux Falls with the Association of General Contractors (AGC), South Dakota Highway Patrol, and area contractors to talk about the importance of safe driving behaviors during the busy summer construction season.

Smith presented for Commission consideration the Fallen Hero Bridge dedication recommendations. He noted that the recommendation by the Department of Veteran Affairs includes 19 veterans being honored at 14 ceremonies. Six of the veterans will be honored across the state on Veteran's Day.

The Department has identified the proposed honorees for the Commission's approval, but the bridges that will be dedicated will be determined by the Department with input from the families of the honorees.

A MOTION WAS MADE by Rosenboom and seconded by Nelson to approve the Fallen Hero Bridge dedications for the honorees as presented by the Department and allow the Department to determine the bridge dedication location with input from the families of the honorees. All present voted aye by roll call vote. The motion carried.

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

April 16, 2025

Deck Replacement, Approach Slabs, Rehab Abutments, Bridge Painting, Fatigue Retrofit

1	08DP IM 0909(94)383	Minnehaha County
	General Excavating, LLC	\$2,570,410.50
	I90 - 3.8 E of SD19 over I90 (459th Ave)	

Lighting

4	09PE, 09PF CR 0014(262)378, CR 0025(111)114	Kingsbury County
	Builders Electric	\$640,742.30
	US14 - Through De Smet; SD25 - Through De Smet	

NRC Pavement Repair, Spall Repairs, Sealing Random Cracks, Joint Resealing and Tie Bar Retrofit

5	09LD IM-NH-P 0022(100)	Lincoln, Minnehaha County
	Interstate Improvement, Inc.	\$1,530,327.41
	Various Routes in the Sioux Falls Area	

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

6	06PE, 08GN NH 0281(125)35, NH 0018(237)348	Charles Mix, Douglas County
	Spencer Quarries Incorporated	\$7,115,153.54
	US281 - Fm US18 to S of Corsica; US18 - Fm SD50 to US281	

Asphalt Surface Treatment

8	09KV NH-P 0011(317)	Brown, Day, Edmunds, Marshall, McPherson County
	Bituminous Paving, Inc.	\$5,193,497.05
	Various Locations in the Aberdeen Area	

Asphalt Surface Treatment

9	09L7 NH-P 0033(46)	Bennett, Lyman, Tripp County
	Bituminous Paving, Inc.	\$2,383,630.68
	Various Routes in the Winner Area	

Asphalt Surface Treatment

10 09LO, I7KR, I7KT, I7QT, I7QU, I7KU, I7KW, I7QR NH-P 0021(188), 0009-251, 0009-251, 0009-251, 0009-252, 0009-253, 0009-253, 0009-253 Aurora, Brule, Charles Mix, Douglas, Gregory, McCook, Minnehaha, Sanborn County

The Road Guy Construction Company Inc
Various Locations in the Mitchell Area

\$1,770,601.90

Rout & Seal

11 09KP NH-P 0031(60)

Faulk, Lyman, Potter, Stanley County

Roadway Services, Inc.

\$91,456.42

Various Routes in the Pierre Area

A MOTION WAS MADE by Roby and seconded by Frick to approve bids #1, 4, 5, 6, 8, 9, 10, and 11. All present voted aye by roll call vote. The motion carried.

LSDC Overlay

2 08H9, 08HC NH 0018(239)244, P 0049(10)42

Tripp County

INDUSTRIAL BUILDERS, INC

\$3,106,914.03

US18 - 0.5 E of US183N over Cottonwood Ck, 1.4 W of Winner over Dog Ear Ck, 5 SE of Winner over Ck, 3.9 E of US183N over Big Hollow Ck & 2 SE of Winner over Sand Ck; SD49 - 4.3 SW of Lyman Co Line over Moccasin Ck

A MOTION WAS MADE by Nelson and seconded by Rosenboom to approve bid #2. All present voted aye by roll call vote. The motion carried.

LSDC Overlay, Joints, Approach Slabs, Approach Surfacing, Guardrail, Polymer Chip Seal

3 091L IM 0902(186)101

Pennington County

Industrial Builders, Inc

\$1,699,019.08

I90 E & W - Jensen Rd 3.1 E of Wasta Interch over I90, 4.4 SE of US14 Interch over 195th Ave

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

Cold Milling, Asphalt Concrete Resurfacing of Shoulders

7 09QY NH 0281(134)194

Brown County

Lien Transportation Co

\$622,504.29

US281, US281 N & S - Fm 0.1 S of US12 to 5th Ave NW in Aberdeen

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

Mark Leiferman, Program Manager for the Office of Project Development presented the following Statewide STIP revision for the Commission's information:

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move Fiscal Year's within the 4-year construction STIP)

REV 25-SC-011 This revision split a FY2026 I90 east bound lane from Exit 32 (Sturgis) to Exit 37 (Pleasant Valley), grading and PCC paving project, including Exit 34 (Black Hills National Cemetery) Interchange Reconstruction, into two projects to provide for the Pre-Purchase of 96" and 108" reinforced concrete pipe in the Rapid City Region. (Sequence #549, Page 132 in the 2025-2028 STIP Book).

FY 2025 Plus \$277,000

FY 2026 No Change

Vehle asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Nelson and seconded by Rosenboom to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by roll call vote. The motion carried.

Executive session began at 9:56 a.m.

Executive session ended at 10:16 a.m.

With no further business to come before the Commission, Commissioner Vehle declared the meeting adjourned at 10:17 a.m. CT.