

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, January 27, 2022, at 9:00 a.m. CST

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

COMMISSIONERS PRESENT: Larry Nelson, Chairman (left at 9:05 a.m.)
Bruce Cull, Vice-chairman
Lynn Jensen
Don Roby
Ron Rosenboom
Ben Stoick (left at 9:58 a.m.)
Mike Vehle
Kathy Zander (left at 10 a.m.)
Jaf Karim

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Craig Smith, Kellie Beck, Mark Leiferman, Joanne Hight, Joel Gengler, Thad Bauer, Sam Weisgram, Becky Hoffman, Kyle Weinman, and Kari Kroll

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

OTHERS PRESENT: Mark Clausen – Federal Highway Administration (FHWA)

Chairman Larry Nelson called the meeting of the South Dakota Transportation Commission (the "Commission") to order at 9:00 a.m. CST. A roll call was taken and a quorum was determined.

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

Nelson asked for a motion to approve the December 16, 2021 Commission meeting minutes.

A MOTION WAS MADE by Vehle and seconded by Roby to approve the December 16, 2021 Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Nelson opened the floor for the election of Commission officers.

A MOTION WAS MADE by Stoick and seconded by Rosenboom to appoint Bruce Cull as the Chairman of the Transportation Commission. There were no further nominations. All present voted aye by voice vote, except for Cull who abstained. The motion carried.

A MOTION WAS MADE by Stoick and seconded by Zander to appoint Jafar Karim as Vice Chairman of the Transportation Commission. There were no further nominations. All present voted aye by voice vote except for Karim who abstained. The motion carried.

The Commission thanked Nelson for his service as Chair and Nelson left the meeting at 9:05 a.m. Chairman Cull presided over the remainder of the meeting.

Secretary Joel Jundt presented the Secretary's Report. Jundt explained that the Department presented its annual briefing to the House Transportation Committee on January 13 and the Senate Transportation Committee on January 14. Jundt also reported on various legislative matters relating to transportation as follows.

SB29 – Authorizes highway maintenance vehicles to operate at less than the posted minimum speed on interstate highways. This is SDDOT'S only agency bill. This bill was passed by both the House and Senate.

SB50 – Authorizes an appropriation for water, wastewater and storm water projects throughout state government and to declare an emergency. The Department is interested in this bill because it would allow use of COVID Relief funds to replace water/ sewer lines into DOT owned facilities.

SB60 – Revises the General Appropriations Act for fiscal year 2022. This bill would provide the Department with budgetary authority to expend funds for Airport Improvement Programs projects, since many of these are carryover projects.

SB66 – Authorizes use of electric all-terrain and off-road vehicles on public highways. The Department is watching this bill. This bill is similar to HB1078.

SB87 – Updates the South Dakota Coordinate System to conform to national standards. With the change in the national survey standards, this bill will allow surveyors in South Dakota to transition to a new and more reliable coordinate and referencing system. This bill passed in the Senate.

SB91 – Revise provisions regarding the use of certain lights by county highway department authorized vehicles. This bill would authorize blue lights on county vehicles.

SB115 – Makes an appropriation for quiet zone railway crossings and to declare an emergency. This bill would create quiet zones in the city of Sioux Falls. General funds of \$5.4M would be appropriated and the Department would be responsible to administer the funds.

HB1070 – Clarifies certain provisions of the rural access infrastructure improvements grant program. This is the township culvert program that the Department helped develop.

HB1078 – Authorizes use of electric all-terrain and off-road vehicles on public highways. This bill is similar to SB66 but it excludes golf carts. This bill was amended to also exclude toy or youth off-road vehicles. This bill passed in the House.

Jundt then shared the rules and authorizations for any new federal discretionary programs in the bi-partisan infrastructure bill have not been established. In addition, the full year federal funding appropriation bill has still not been passed. The current resolution is in effect until February 18, 2022. Until an appropriation bill is passed, the Department will continue to be capped at the FFY2021 federal funding amounts.

Commissioner Stoick left the meeting from 9:06 a.m. to 9:07 a.m.

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

Construction Change Orders (CCO) approved in December contained an increase of \$817,080.35.

Over the past 12 months, the overall contract increase is 2.5%.

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

ABERDEEN REGION

1. Project: IM 0299(78)215, Roberts County, PCN 0652
Location: I-29 Structures: 1.6 miles SW of SD15 over 458 Ave, SD 15 interchange over I-29, 1.9 miles NE of SD15 over 460 Ave
Contractor: Louis Company, LLC
Type of Work: Bridge deck polymer seal

Original Contract Amount:	\$	383,837.25
Change on CCO No. 1:	\$	190,885.48
Net Change to Date:	\$	190,885.48

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of bridge deck removal and patching material. The quantities used during construction were more than estimated in the plans and unknown until all unsound concrete is removed during construction. This variation is considered normal for this type of work.

2. Project: NH P 0013(46), Beadle and Kingsbury County, PCN 05YF
Location: Various Routes in the Huron Area
Contractor: BX Civil & Construction, Inc.
Type of Work: Pavement restoration

Original Contract Amount:	\$	1,801,000.00
Change on CCO No. 3:	\$	141,371.21
Net Change to Date:	\$	176,514.17

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantity of base course. In order to stabilize the shoulder and underlying grade, the Department determined additional base course was needed during construction.

3. Project: NH 0212(201)377, Codington County, PCN 07P8
Location: US 212 from US 81 to 19th St SE in Watertown
Contractor: Halme, Inc.
Type of Work: Storm sewer outfalls

Original Contract Amount:	\$	1,539,445.70
Change on CCO No. 2:	\$	(67,209.61)
Net Change to Date:	\$	(63,209.61)

Explanation of Change on CCO No. 2: This decrease is the result of the Department eliminating a portion of the work. During construction, the Department determined the PCC ditch liner was not necessary.

MITCHELL REGION

4. Project: P 0042(58)311, Hanson County, PCN 03AN
Location: SD 42- 7.2 miles E of Davison County line over James River
Contractor: Perrett Construction, Ltd.
Type of Work: Structures, approach grading, asphalt surfacing

Original Contract Amount:	\$	7,258,435.18
Change on CCO No. 8:	\$	1,069,874.02
Net Change to Date:	\$	1,107,625.75

Explanation of Change on CCO No. 8: This increase is the result of extra work performed by the Contractor to reconstruct a portion of the project due to a differing site condition. The differing site condition caused a cofferdam collapse and damaged work previously completed. The Contractor designed and constructed a new cofferdam to resist soil pressure of in-field conditions and repaired damaged work. The Department made the adjustment for extra work in accordance with the requirements for differing site conditions in the contract, covered by Section 4.2 of the SD DOT spec book.

5. Project: IM-FP 2292(06)5, Minnehaha County, PCN 4778
Location: I-229 Exit 5 in Sioux Falls
Contractor: D & G Concrete Construction, Inc.
Type of Work: Grading, storm sewer, curb & gutter, PCC surfacing, signals, lighting, structures, high friction

Original Contract Amount:	\$	12,467,527.57
Change on CCO No. 6:	\$	(221,183.83)
Net Change to Date:	\$	23,568.03

Explanation of Change on CCO No. 6: This decrease is the result of the Department adjusting the contract quantity of option borrow excavation. After the work was completed, the borrow site was surveyed to determine the final quantity.

6. Project: NH 0018(216)420, Lincoln and Turner County, PCN 06Q6
Location: US 18 from SD 19 to I-29
Contractor: Spencer Quarries, Inc.
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, guardrail

Original Contract Amount:	\$	3,475,185.15
Change on CCO No. 2F:	\$	(135,306.87)
Net Change to Date:	\$	(135,306.87)

Explanation of Change on CCO No. 2F: This decrease is the result of the Department adjusting the contract quantities of asphalt binder and asphalt for tack to match the quantities used during construction. The variations are due to normal project variations and are considered minor for the work involved.

PIERRE REGION

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

RAPID CITY REGION

7. Project: P 000S(00)225, Regionwide, PCN 04M3
Location: Various locations in the Rapid City region
Contractor: Specialized Pavement Marking, Inc
Type of Work: County pavement markings

Original Contract Amount:	\$	799,943.75
Change on CCO No. 1:	\$	195,182.50
Net Change to Date:	\$	195,182.50

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of pavement marking to match the quantities used during construction. A plan error and normal variations resulted in additional material being used to complete the work.

8. Project: P 0044(200)65, Pennington County, PCN 05J8
Location: SD 44 from 1.2 miles W of Baseline Rd to Rapid Creek
Contractor: Simon Contractors of South Dakota, Inc.
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, structure end blocks, culvert repair

Original Contract Amount:	\$	2,724,050.50
Change on CCO No. 4:	\$	(518,159.96)
Net Change to Date:	\$	(209,896.79)

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting the contract quantities of asphalt binder and asphalt concrete for surfacing of the roadway shoulders. On a previous CCO, the Department added base course to the shoulders to reduce the future quantity of asphalt concrete needed to level the shoulders with the completed mainline pavement resulting in an overall savings to the Department.

9. Project: P 6480(04), Pennington County, PCN 5777
Location: Sheridan Lake Rd from the junction of US 385 to Alberta Rd
Contractor: Oftedahl Construction, Inc.
Type of Work: Grading, asphalt concrete surfacing, curb & gutter, structures, storm sewer

Original Contract Amount:	\$	22,871,427.33
Change on CCO No. 7:	\$	(91,948.48)
Net Change to Date:	\$	40,792.25

Explanation of Change on CCO No. 7: This decrease is the result of the Department reducing the steepness and length of the backslope on a portion of the project. This adjustment resulted in a reduction of Unclassified/ Rock Excavation.

10. Project: PH 0040(231), Butte, Meade, and Pennington County, PCN 04KH
 Location: Various locations on the state system in the Rapid City region
 Contractor: Traffic Services Company, LLC
 Type of Work: Cold plastics durable pavement markings

Original Contract Amount: \$ 337,698.21
 Change on CCO No. 1: \$ (80,672.47)
 Net Change to Date: \$ (80,672.47)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantity of pavement markings due to a plan error in the estimate of quantities. The quantity now represents the quantity used during construction.

Commissioner Stoick left the meeting from 9:22 a.m. to 9:25 a.m.

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

January 19, 2022

Cold Milling, Asphalt Concrete Resurfacing, Pipe Work

4	04X5 P 0026(04)230 Anderson Western, Inc. SD26 - Fm SD47 to SD45	Hand, Hyde County \$5,016,884.25
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Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing & Culvert Repairs

5	069F P 0047(119)157 Anderson Western, Inc. SD47 - Fm N of SD26 to the US212 E Jct	Faulk, Hyde County \$4,153,979.12
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Structure (245' Prestressed Girder) & Approach Grading

7	076A BRF 6337(00)19-1 Robert R. Schroeder Construction Inc. Structure 9 N of Egan on 478th Ave over the Big Sioux River SN 51-120-044	Moody County \$2,406,846.03
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Cold Milling, Asphalt Concrete Resurfacing, Pipe Work, Guardrail Upgrades

8	068V NH 0212(190)39 Anderson Western, Inc. US 212 - Newell to Maurine	Butte, Meade County \$15,300,573.23
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Cold Milling, Rubilize existing PCC, Edge Drains, Asphalt Concrete Surfacing, Pipe Work

9	06PD NH 0037(159)105 Bituminous Paving, Inc. SD37 - NBL & SBL, Fm the W Jct of SD34 to S of SD224	Sanborn County \$12,314,959.15
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Bank Stabilization

10	060L NH 0016(89)41 Mainline Contracting Inc US16 - 0.1 E of US16/US16B Intersection on Spring Creek	Pennington County \$73,707.90
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A MOTION WAS MADE by Roby and seconded by Karim to approve bids #4, 5, 7, 8, 9, and 10. All present voted aye by voice vote. The motion carried.

ADA Curb Ramps, Sidewalk, Signals & Intersection Improvement

1	04PD NH 0044(220)46 TI-Zack Concrete, Inc. SD44 - Fm LaCrosse St to Covington St in Rapid City	Pennington County \$5,674,360.56
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Shared Use Path

2	04UA P TAPU(09) TI-Zack Concrete, Inc. Rapid City - On the east side of Cambell St. from the end of the side path south of Rocker Dr., N to E. Omaha St./Hwy. 44.	Pennington County \$444,230.92
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Replace Water and Sewer Mains

3	X05G CIP 51212() TI-Zack Concrete, Inc. SD44 - Omaha/LaCrosse St. Intersection	Pennington County \$781,073.42
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A MOTION WAS MADE by Jensen and seconded by Zander to approve bids #1, 2, and 3. All present voted aye by voice vote. The motion carried.

Structure Removal

6	08AD BRO 8051(17) Robert R. Schroeder Construction Inc. Structure on Crescent St in Flandreau over the Big Sioux River (City Owned) SN 51-147-097	Moody County \$375,747.00
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A MOTION WAS MADE by Zander and seconded by Roby to approve bid #6. All present voted aye by voice vote. The motion carried.

January 20, 2022

Pre-Purchase Structural Steel

	08CU IM 0901(J5)351 Egger Steel Company I-90 Exit 37 Ppleasant Valley Road	Meade County \$915,000.00
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A MOTION WAS MADE by Vehle and seconded by Karim to approve the bid. All present voted aye by voice vote. The motion carried.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following Statewide Transportation Improvement Plan (STIP) revisions for the Commission's consideration:

FOR COMMISSION APPROVAL

(to add or delete a project in the 4-year construction STIP)

- REV 22-015 This revision will add FY2022 Shared use path project connecting an existing shared use path along Broadway Avenue in Vermillion in the Mitchell Region.
- FY 2022 Plus \$333,000
- REV 22-016 This revision will add FY2023 Durable Pavement Markings project on various structures on the State System in the Rapid City Region.
- FY 2023 Plus \$424,000
- REV 22-017 This revision will add FY2025 Grading, Modify Intersection, Install Turn Lanes, Lighting project on US16 WBL & US16 EBL near Rockerville in the Rapid City Region.
- FY 2025 Plus \$2,512,000
- REV 22-018 This revision will add FY2022 Preliminary Engineering project for a segment of Veterans Parkway from Sycamore Ave to 57th St in Lincoln County in the Mitchell Region.
- FY 2022 Plus \$52,000
- REV 22-020 This revision will add FY2022 Railroad Crossing Surface, Approach Work, CE project on a SD44 Railroad Crossing in Parkston in the Mitchell Region.
- FY 2022 Plus \$50,000
- REV 22-022 This revision will add FY2023 AC Surfacing of Shoulders project on SD37 from 2 miles north of US18 to Parkston in the Mitchell Region.
- FY 2023 Plus \$1,620,000

A MOTION WAS MADE by Zander and seconded by Stoick to approve STIP revisions REV 22-015, REV 22-016, REV 22-017, REV 22-018, REV 22-020, and REV 22-022. All present voted aye by voice vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move FYs within the 4-year construction STIP)

- REV 22-019 This revision advanced a FY2024 Wetland Mitigation Bank Site project in Haakon County near Midland to FY2022 in the Pierre Region. (Sequence #321, Page 93 in the 2022-2025 STIP Book).
- FY 2022 Plus \$1,144,000
FY 2024 Minus \$1,191,000
- REV 22-021 This revision increased the cost of a FY2025 Modify Intersection project on US16 E & W from east of Rockerville to south of Reptile Gardens in the Rapid City Region. (Sequence #690, Page 149 in the 2022-2025 STIP Book).
- FY 2025 Plus 3,972,000

REV 22-SC-015 This revision increased the cost of a FY2022 Local Structure Replacement project on 478th Ave, 9 miles north of Egan over the Big Sioux River in Moody County in the Mitchell Region. (Sequence #635, Page 142 in the 2022-2025 STIP Book).

FY 2022 Plus \$1,100,000

REV 22-SC-016 This revision increased the cost of a FY2022 Bank Stabilization project on SD34 16.7 miles NE of the SD79N Jct in Meade County in the Rapid City Region. (Sequence #539, Page 128 in the 2022-2025 STIP Book).

FY 2022 Plus \$801,000

REV 22-SC-017 This revision decreased the cost of a FY2024 "Mill, AC Resurfacing, Full Depth Reclamation, Pipe Work" project and changed the work description to "Mill, AC Surfacing, Shoulder Shaping, Pipe Work" on SD1806 from US14 to the end of State Jurisdiction near Mission Ridge in the Pierre Region. (Sequence #827, Page 164 in the 2022-2025 STIP Book).

FY 2024 Minus \$7,260,000

Leiferman presented the Commission with the schedule for the 2022-2026 STIP development.

Cull opened the floor to public or Commission input. No members of the public offered input to the Commission. Karla Engle, Office of Legal Counsel, updated the Commission on the aftermath of the application for condemnation authority by the Rapid City, Pierre & Eastern Railroad (RCP&E). Engle reported that RCP&E and the landowner had participated in arbitration relating to the terms and conditions of the original agreement that gave RCP&E access to the landowner's property. Engle reported the outcome of arbitration, and the status of any eminent domain proceeding, was unknown. Engle also informed the Commission that Stanley County has reported part of a road segment on the landowner's property is maintained as a public road and part is not.

Commissioner Stoick left the meeting at 9:58 a.m. Commissioner Zander left the meeting at 10 a.m.

Secretary Jundt and Directors Beck, Behm, and Smith presented the Department's annual briefing that had been provided to the 2022 House and Senate Transportation Committees.

With no further business to come before the Commission, Cull adjourned the meeting at 11:16 a.m.