

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, August 25, 2022, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Bruce Cull, Chairman
Jaf Karim
Larry Nelson
Mike Vehle (joined at 9:02 a.m. CDT)
Don Roby
Lynn Jensen
Kathy Zander

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Ron Rosenboom

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Kellie Beck, Mike Behm, Mark Leiferman, Joel Gengler, Joanne Hight, Christina Bennett, Jack Dokken, Ryan Johnson, Sam Weisgram, Becky Hoffman, Jon Suomala, June Hansen, Kyle Weinman, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Doug Sherman

OTHERS PRESENT: Kirk Fredrichs – Federal Highway Administration (FHWA) and Mark Hoines – FHWA

**OTHERS PRESENT
VIA CONFERENCE CALL:** Carol Galbraith – Todd County School District Superintendent

Chairman Bruce Cull called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CDT. A roll call was taken and a quorum was determined.

Cull 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 members of the commission disclosed a conflict of interest or requested a waiver.

Cull asked for a motion to re-approve the June 23, 2022 Commission meeting minutes with an amendment to state Commissioner Jaf Karim was present at the meeting.

A MOTION WAS MADE by Nelson and seconded by Jensen to re-approve the June 23, 2022 Commission minutes with an amendment to state Commissioner Jaf Karim was present at the meeting. All present voted aye by roll call vote. The motion carried.

Commissioner Mike Vehle joined the meeting at 9:02 a.m. CDT.

Cull asked for a motion to approve the July 28, 2022 Commission meeting minutes.

A MOTION WAS MADE by Nelson and seconded by Zander to approve the July 28, 2022 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented to for the Commission's consideration amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:20 – Corson County speed zone rule, 70:01:02:24 – Dewey County speed zone rule, 70:01:02:63 – Walworth County speed zone rule, and 70:01:02:67 – Todd County speed zone rule.

Engle explained the rule adoption process that had been followed to date for each of the amendments to the rules. She discussed the purpose and effect of the rule changes. Engle reported that one written comment was received from Todd County School District Superintendent, Carol Galbraith, who was in favor of the amendment to ARSD 70:01:02:67. This written comment was included in Attachment #3 of the Commission's meeting packet. Engle reported that no other written comments were timely received.

Cull asked for public testimony on the proposed rule amendments. Carol Galbraith, Todd County School District Superintendent, addressed the Commission. She stated she was in favor of the amendment to ARSD 70:01:02:67. No other members of the public offered testimony.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the proposed changes to ARSD 70:01:02:20 – Corson County Speed Zone Rule, 70:01:02:24 – Dewey County Speed Zone Rule, 70:01:02:63 – Walworth County Speed Zone Rule, and 70:01:02:67 – Todd County Speed Zone Rule. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 8.1 was adopted.

Engle requested the Commission set at hearing date of September 29, 2022 to consider amendments to ARSD 70:01:02:02 – Pennington County speed zone rule, 70:01:02:57 – Spink County speed zone rule, and Article 70:01 – Highway Construction Contracts.

A MOTION WAS MADE by Vehicle and seconded by Zander to set the hearing date for September 29, 2022, for consideration of the proposed amendments to ARSD 70:01:02:02 – Pennington County speed zone rule, 70:01:02:57 – Spink County speed zone rule, and Article 70:01 – Highway Construction Contracts.. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 8.2 was adopted.

Secretary Joel Jundt presented the following items for the Secretary’s Report:

- On July 29, the Department of Transportation (the “Department”) met with the Cheyenne River Sioux Tribe to discuss Forest City Bridge. Jundt expressed the Department’s appreciation to June Hansen (SDDOT) and Mark Hoines (FHWA) for the great relationship they have cultivated with the tribes.
- On August 29, the Department will hold a public meeting to take comment about Highway 22 from US81 to Hazel.
- On August 18, the Department attended a meeting of the Wagner City Council regarding Highway 46.
- On August 24, Director Mike Behm, Director Kellie Beck, and Jundt met with the State Joint Commission on Appropriations to discuss three new federal grant programs made possible through Bipartisan Infrastructure Law. Behm gave more detail about these programs.
- The Department is anticipating an additional \$54 million in Federal obligation limitation which will be provided through the federal August Redistribution process.
- Discussion of September and October meeting dates to verify enough commissioners will be in attendance for a quorum.
- Discussion of moving the public input item to earlier in the Commission agenda.

Ryan Johnson, Division of Operations, presented the following Construction Change Orders (CCOs) for the Commission’s information.

Construction Change Orders (CCOs) approved in July contain an increase of \$1,573,601.02. Over the past 12 months, the overall contract increase is 0.36%.

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

ABERDEEN REGION

1. Project: NH PH 0012(229)264, Brown & Edmunds County, PCN 06C7
Location: US 12 from Ipswich to the divided highway west of Aberdeen
Contractor: Bituminous Paving, Inc.
Type of Work: Modify intersection, passing lanes, lighting, approach slab, approach pavement, guardrail

Original Contract Amount: \$ 13,177,735.50
Change on CCO No. 3: \$ 139,701.40
Net Change to Date: \$ 162,521.65

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantities of asphalt concrete. The additional material was used to provide a pavement surface at the proper height for guardrail performance during construction of the project.

2. Project: PH 0028(37)329, Hamlin County, PCN 04JY
Location: SD 28 from 7 miles west of Lake Norden to US 81
Contractor: Riley Bros Construction, Inc.
Type of Work: Shoulder widening, spot grading, culvert extensions, pipe work

Original Contract Amount: \$ 10,776,200.93
Change on CCO No. 6: \$ 690,674.64
Net Change to Date: \$ 938,752.44

Explanation of Change on CCO No. 6: This increase is the result of the Department adjusting the contract quantities of excavation, base course, asphalt binder, and asphalt concrete to match the quantities used during construction. The increase excavation is due to soft subgrade conditions encountered during construction. The additional base course is due to filling in cross pipe locations during construction for the safety of the traveling public. The additional asphalt binder and asphalt concrete is due to normal project variations and plan errors where locations were not included in the plan quantities.

3. Project: PH 8058(19), Spink County, PCN 02UF
Location: Various County, City, & Township Roads in Spink County
Contractor: Hamm Contracting LLC
Type of Work: Signing and delineation

Original Contract Amount: \$ 1,078,522.88
Change on CCO No. 1F: \$ 115,298.81
Net Change to Date: \$ 115,298.81

Explanation of Change on CCO No. 1F: This increase is the result of the Department adjusting the contract quantities of various sign and post materials. These variations are common for this type of work due to the long delay between the initial survey of the in place signing and the need for the completed work to meet the newest design and traffic control standards.

4. Project: PH 8058(21), Spink County, PCN 05LT
Location: Various County, City, & Township Roads in Spink County
Contractor: Hamm Contracting LLC
Type of Work: Signing and delineation

Original Contract Amount:	\$	842,270.22
Change on CCO No. 2F:	\$	113,071.53
Net Change to Date:	\$	123,631.53

Explanation of Change on CCO No. 2F: This increase is the result of the Department adjusting the contract quantities of various sign and post materials. These variations are common for this type of work due to the long delay between the initial survey of the in place signing and the need for the completed work to meet the newest design and traffic control standards.

MITCHELL REGION

5. Project: BRF 6102(00)19-1, Turner County, PCN 0768
Location: Structure 2.9 miles east of Viborg on 291st St over a creek
Contractor: Graves Construction Company, Inc.
Type of Work: Structure, approach grading

Original Contract Amount:	\$	1,728,038.55
Change on CCO No. 2:	\$	155,196.00
Net Change to Date:	\$	158,139.77

Explanation of Change on CCO No. 2: This increase is the result of the Department adjusting the contract quantity of unclassified excavation. The Department issued an addendum to the plans during the bidding period. The quantity of unclassified excavation was not modified by the addendum. This increase accounts for the difference.

6. Project: IM EM 0908(97)362, McCook County, PCN 05HQ
Location: I-90 WBL from 2 miles west of Salem interchange to 2 miles west of Humboldt
Contractor: Michels Road & Stone, Inc.
Type of Work: Remove and replace PCC pavement, pipe work, replace structures & approach grading, deck overlay, approach slabs, polymer chip seal

Original Contract Amount:	\$	37,555,832.50
Change on CCO No. 3:	\$	192,601.35
Net Change to Date:	\$	39,582.40

Explanation of Change on CCO No. 3: This increase is the result the Department adding contract items for pavement repair at the rest area to the contract. The plans contained requirements for

the Contractor to perform the work; but due to a plan error, the quantities we not included in the contract.

7. Project: NH P 0015(58)67, Lincoln County, PCN 04ET
Location: SD115 from US 18 to Harrisburg
Contractor: Duininck, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	2,054,691.28
Change on CCO No. 1:	\$	(137,057.52)
Net Change to Date:	\$	(137,057.52)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantities of asphalt binder, asphalt for tack, asphalt for flush seal, and sand for flush seal to match the quantities used during construction. The Department reviewed asphalt concrete mix design contained a target binder content lower than estimated in the plans. The quantity of tack varied due to normal project variations. The Department eliminated the flush seal from the work due to the section being scheduled to receive a chip seal in the 2022 construction season.

PIERRE REGION

8. Project: NH PS 0012(187)106, Corson County, PCN 04FL
Location: US 12 stretch 7.9 miles east of the Perkins Co Line
US 12 stretch 0.2 miles west of SD 65S over the BNSF RR
Contractor: Foothills Contracting, Inc.
Type of Work: Replace structure, approach grading

Original Contract Amount:	\$	13,899,350.16
Change on CCO No. 3:	\$	78,045.50
Net Change to Date:	\$	142,415.50

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantities for surveying, silt fence, and flagging. The additional surveying was ordered by the Department to measure berm and mechanically stabilized earth (MSE) wall construction quantities. Silt fence was added for a temporary erosion control measure. The flagging hours were increased to safely accommodate traffic through the work zone.

9. Project: PH 00SW(52), Pierre & Rapid City Regionwide, PCN 05M6
Location: Various paved county, tribal, and city roads in the Pierre and Rapid City regions
Contractor: Hamm Contracting, LLC
Type of Work: Signing and delineation

Original Contract Amount:	\$	4,999,168.10
Change on CCO No. 1:	\$	261,446.50
Net Change to Date:	\$	261,446.50

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of various sign and post materials. These variations are common for this type of work due to the long delay between the initial survey of the in place signing and the need for the completed work to meet the newest design and traffic control standards.

RAPID CITY REGION

10. Project: IM P 0901(193)7, Lawrence & Meade Counties, PCN 04W4
Location: various locations along I-90 in Lawrence & Meade counties
Contractor: Pacific Painting Co, Inc.
Type of Work: Zone painting, diaphragm weld repair, cover plate

Original Contract Amount:	\$	1,712,124.00
Change on CCO No. 1:	\$	93,933.70
Net Change to Date:	\$	93,933.70

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the contract for extra work performed to repair a bridge girder damaged by an over height bridge hit.

11. Project: NH 0014(226)113, Jackson & Pennington County, PCN 05U1
Location: US 14 from east of Wall to Cottonwood
US 14, 3.8 miles west of the Jackson County line over Cottonwood Creek
Contractor: Border States Paving, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, structure, approach grading

Original Contract Amount:	\$	6,214,184.11
Change on CCO No. 6:	\$	(299,148.61)
Net Change to Date:	\$	(306,692.92)

Explanation of Change on CCO No. 6: This decrease is the result of the Department adjusting the contract quantities of several contract items. The adjustments were made to match the quantities used during construction. Larger decreases were made for surveying, topsoil, base course, shoulder repair, asphalt concrete, and asphalt for prime. The adjustments are all due to normal project variations.

12. Project: NH P 0043(32), Custer & Fall River County, PCN 07KM
Location: Various Routes in the Custer Area
Contractor: Asphalt Surface Technologies Corporation
Type of Work: Asphalt surface treatment

Original Contract Amount: \$ 1,734,727.99
Change on CCO No. 2: \$ (181,246.52)
Net Change to Date: \$ (181,246.52)

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting the contract quantities of several contract items. The adjustments were made to match the quantities used during construction. Larger decreases were made for asphalt for surface treatment, flagging hours, and pilot car hours. The adjustments are all due to normal project variations.

Jack Dokken, Program Manager for Office of Air, Rail, and Transit, presented for Commission consideration the scoring procedure for state funding match for rural public transit subrecipients for FFY23.

As per Administrative Rule 70:06:02:02, the Department will award state matching funds for rural public transit subrecipients “based on factors including number of passenger trips provided, vehicle miles driven, transit administration expenses, operating expenses, grant administration performance, and level of local funding. At least annually, the Department shall obtain commission approval of objective scoring procedures for determining grant awards pursuant to this subsection.”

Accordingly, the Department is recommending the following scoring procedures be used. The data used for scoring performance would be based on the previous federal fiscal year’s data.

For awards made in year FFY2023 funds will be distributed based on the following performance-based allocation:

Number of Rides provided:	25%
Number of Miles driven:	25%
Local Funds Expended for Overall program:	20%
Administrative Cost Expended per Ride:	5%
Operating Costs Expended per Ride:	5%
Local Funds Expended per Ride:	5%
Overall Grant Administration Performance:	15%

A MOTION WAS MADE by Jensen and seconded by Zander to approve the scoring procedure for state funding match for rural public transit subrecipients recommended by the Department. All present vote aye by roll call vote. The motion carried.

Sam Weisgram, Office of Project Development, presented the following bid letting results.
August 17, 2022

Signing & Delineation

1	04HR PH 8005(13) Hamm Contracting, LLC Various County, City, & Township Roads in Bon Homme County	Bon Homme County \$1,843,561.10
---	---	------------------------------------

Bank Stabilization, Erosion Control & RipRap

2	04XU NH 0034(176)123 Sharpe Enterprises Inc. SD34 - Near the Cheyenne River Bridge	Haakon, Ziebach County \$1,995,279.65
---	--	--

Pavement Restoration

4	089J IM-P 0021(180) Forby Contracting, Inc. Various Locations in the Mitchell Area	Brule, Charles Mix County \$775,231.80
---	--	---

A MOTION WAS MADE by Roby and seconded by Vehle to approve bids #1, 2, and 4. All present voted aye by roll call vote. The motion carried.

Scour Protection

3	03U6, 03U8 NH 0085(84)36, NH 0079(70)127 A-G-E Corporation US85 - Strs 2 N of Belle Fourche Over Crow Ck, 16 NE of US212 over Indian Ck, & 0.3 S of I90 Over Miller Ck & SD79 - Str 2 N of the Meade Co Line Over the Belle Fourche River	Butte, Lawrence County \$4,053,624.60
---	--	--

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

Joel Gengler, Program Manager for the Office of Right of Way (ROW), presented the following items for the Commission's consideration.

1. Disposal – Codington 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.

Lot A2 in the North 315 feet of the NE1/4 of Section 24, Township 117 North, Range 53 West of the 5th P.M., lying East of the ROW of the St. Paul Minneapolis and Manitoba Railway, Codington County, South Dakota.

Appraised Value: \$10,900

Lot A2 contains 1.0 acre located north of Watertown at 814 26th Avenue NW.

The property is zoned Agriculture and development is restricted by County regulations. Access is from 26th Avenue.

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

2. Disposal – Lake 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.

Tract 1 of Lagoon 2nd Addition in the SE1/4 of Section 16, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota.

Appraised Value: \$49,500

The unimproved irregular shaped property contains 10.14 acres located on the north side of Hwy 34 between Madison and Lake Madison. The east 250 feet of Tract 1 includes 3.77 acres of permanent drainageway easement.

Access is from 457th Avenue. Zoning is Agricultural District and utilities are not present.

Sioux Falls Area DOT advises the property is part of the Madison DOT Maintenance Shop site and not needed for future department use.

3. Disposal – Meade 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.

Lots C and D in Lot B in Lot 1 in the NW1/4 NE1/4 and in the NE1/4 NE1/4 of Section 15, Township 3 North, Range 6 East of the B.H.M., Meade County, South Dakota.

Appraised Value: \$198,020

Lots C and D contain 4.76 acres located on the east side of I90 near Piedmont Exit 46.

The property location has no zoning and residential use is allowed. Access is from 219th Street.

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

A MOTION WAS MADE by Karim and seconded by Rosenboom to approve the disposal of properties in Codington, Lake and Meade Counties. All present voted aye by roll call vote. The motion carried.

4. Abandonment – Butte County

Request Transportation Commission approval to abandon by resolution the temporary easement on Butte County DOT Project P 0079(85)160, PCN 07JR.

5. Abandonment – Buffalo County

Request Transportation Commission approval to abandon by resolution the temporary easements on Buffalo County DOT Project P 0034(169)269, PCN 04EC.

6. Abandonment – Clay County

Request Transportation Commission approval to abandon by resolution the temporary easements on Clay County Project NH 0050(117)406, PCN 04YU.

A MOTION WAS MADE by Roby and seconded by Zander to approve the abandonment of temporary easements in Butte, Buffalo, and Clay Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2022 – 8.3, 2022 – 8.4, and 2022 – 8.5 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following Statewide Transportation Improvement Program (STIP) revision for the Commission’s information.

REV 22-037 This revision increased the cost of a FY2023 Modify Intersection, PCC Surfacing project on US14 fm W of N US83 Jct to E of N US83 Jct in the Pierre Region. (Sequence #375, Page 102 in the 2022-2025 STIP Book).

FY 2023 Plus 4,890,000

- Original = \$3,600,000; Updated = \$8,490,000

Leiferman presented for the Commission’s consideration the 2023 – 2026 STIP, Sioux Falls Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP), Sioux City MPO TIP, Rapid City MPO TIP, and Transit Improvement Program.

A MOTION WAS MADE by Karim and seconded by Zander to approve the 2023 – 2026 STIP, Sioux Falls Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP), Sioux City MPO TIP, Rapid City MPO TIP, and Transit Improvement Program. All present voted aye by roll call vote. The motion carried.

Joanne Hight, Program Manager for the Office of Administration, requested Commission consideration to approve the recommended 2022 Local Federal Rehabilitation/ Replacement and Removal Projects. The recommended projects included all six of the bridge removal applications and six (applications #1, 45, 66, 75, 83, and 84) of the bridge rehabilitation/replacement applications for a total of twelve bridges at a total cost of approximately \$6.4 million.

A MOTION WAS MADE by Nelson and seconded by Roby to approve all six 2022 Local Federal Bridge Removal applications, approve 2022 Local Federal Bridge Rehabilitation/Replacement applications #1, 45, 66, 75, 83, and 84 in Attachment #11 of the Commission packet, and add the twelve projects into the 2023-2026 STIP that was just approved. All present voted aye by roll call vote. The motion carried.

Hight presented for the Commission's consideration the 2023 Bridge Improvement Grant (BIG) Preliminary Engineering applications. The Department recommended approving all of the applications except application #18 for the City of Hill City as it was just approved as a 2022 Local Federal Bridge Rehabilitation/ Replacement project.

A MOTION WAS MADE by Jensen and seconded by Vehle to approve all BIG Preliminary Engineering Grants in Attachment #12 of the Commission packet, except #18 (Hill City) and that these projects be added to the current 2022-2025 STIP.

Cull opened the floor to public input.

Commissioner Mike Vehle shared a large newspaper ad for Aurora County public meeting to discuss a five-year transportation plan.

A MOTION WAS MADE by Nelson and seconded by Roby to adjourn the meeting. All present voted aye by roll call vote. The meeting was adjourned at 11:11 a.m. CDT.