

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, January 26, 2023, at 9:00 a.m. CT

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

COMMISSIONER PRESENT: Bruce Cull, Chairman
Jaf Karim, Vice-chairman
Lynn Jensen
Ron Rosenboom
Don Roby
Kathy Zander
Larry Nelson

DOT STAFF PRESENT: Secretary Joel Jundt, Mike Behm, Mark Leiferman, Joanne Height, Christina Bennett, Thad Bauer, Sam Weisgram, Becky Hoffman, Ryan Johnson, Katlyn Wieme, Karla Engle and Kari Kroll

OTHERS PRESENT: Kirk Fredrichs – Federal Highway Administration (FHWA); Mark Hoines – FHWA; Representative Marty Overweg – District 21; and Representative Rocky Blare – District 21

OTHERS PRESENT

VIA CONFERNECE CALL: Toby Crow – Associated General Contractors (AGC); Gerrit Juffer; Leo Soukup; and Frank Kloucek

Chairman Bruce Cull 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.

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 approve the December 21, 2022, Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Zander to approve the December 21, 2022, Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Cull opened the floor to public input.

Gerrit Juffer addressed the Commission in support of keeping the highway through the City of Wagner as a 4-lane and not changing it to a 3-lane. He noted that there will be a cracker barrel meeting at the Wagner Theater on Saturday, January 28, 2023, at 2 p.m.

Karla Engle, Office of Legal Counsel, requested the Commission set a hearing date of February 23, 2023, to consider amendments to 70:03:01:20 – Escort Vehicles and 70:03:01:65 - Longer Combination Vehicles – Approved Routes and Access Restrictions.

A MOTION WAS MADE by Rosenboom and seconded by Karim to set the administrative hearing date for February 23, 2023. All present voted aye by voice vote. The motion carried.

RESOLUTION #2023 – 1.1 was adopted.

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

- Federal Appropriations Bill was passed on December 29, 2022.
- State Legislative session began on January 10, 2023, with the Governor's State of the State address. Since then, Secretary Jundt and the directors have given their briefing to the House and Senate Transportation Committees, and they were given accolades to the department and staff. Each year the Department of Transportation (the "Department") is required to present performance measures as part of the briefing. Jundt shared a handout with the Commission showing the projected condition of the state's pavement and bridge systems. It was also shared that the Department will give their budget briefing to the Joint Committee on Appropriations the following week. At this time, the Department will request an increase of \$449 million in construction funding for FY2023 an addition \$483 million for FY2024. The Department will also ask for a \$231,000 increase in transit funding.
- Director Mike Behm shared the FY2023 State Transportation Improvement Plan (STIP) public meeting dates.
- Jundt read a letter from the City of Wagner regarding the planned construction change from a 4-lane highway to a 3-lane highway.
- Jundt reported three additional bridge hits since the last meeting and discussed the Department's plan to repair the bridges via emergency contracts and using construction funds.
- Director Craig Smith discussed the winter maintenance issues the Department has faced so far this winter.
- Jundt reported that the Department has introduced one agency bill (Senate Bill 16) for the FY2023 Legislative session. Senate Bill 16 would appropriate \$6.25 million dollars of general fund to the Sisseton Milbank Railroad for rehabilitation of the line. He noted this appropriation of funds would be contingent on the Department being awarded a discretionary grant from the federal government. Jundt also mentioned that House Bill 1120 deals with autonomous vehicles and would grant rule making authority to the Commission.

The floor was opened to the election of Commission officers. Cull nominated Commissioner Jaf Karim for Chairman and Commissioner Lynn Jensen for Vice-chairman. No other nominations were offered.

A MOTION WAS MADE by Roby and seconded by Zander to elect Jaf Karim as the Chairman and Lynn Jensen as Vice-chairman of the Transportation Commission. All present voted aye by voice vote. The motion carried.

Craig Smith, Director of Operations, presented the following Construction Change Orders (CCO) to the Commission for the Commission's information.

CCOs completed in December contain an increase of \$1,339,078.64. Over the past 12 months, the overall contract increase is 1.96%.

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

ABERDEEN REGION

1. Project: P PH B 0015(82)167, Grant County, PCN 05D9
Location: SD 15 from the north junction of SD 20 north to Milbank
Contractor: Midland Contracting, Inc.
Type of Work: Grading, interim surfacing, and structures

Original Contract Amount:	\$	10,815,862.65
Change on CCO No. 3:	\$	63,534.17
Net Change to Date:	\$	112,194.43

Explanation of Change on CCO No. 3: This increase is the result of SDDOT adjusting the contract quantity of base course. The amount of state furnished base course available for the contractor's use was less than estimated in the plans causing the contractor to provide additional base course.

MITCHELL REGION

2. Project: IM 0291(127)0, Lincoln, Minnehaha, Moody, and Union County, PCN 04NL
Location: I-29 Mitchell region
Contractor: Asphalt Surfacing Co.
Type of Work: Crossroad Improvements

Original Contract Amount:	\$	3,015,669.67
Change on CCO No. 3:	\$	196,766.63
Net Change to Date:	\$	325,709.60

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for additional work performed to place extra base course and asphalt concrete. The existing asphalt depth at most locations was thicker than in the plans. Locations with significant thickness deviations were corrected with base course prior to paving while locations with minor deviations were corrected with asphalt concrete during the paving process.

3. Project: IM 0293(106)76, Minnehaha County, PCN 03RA
Location: I-29 Exit 77 (41st Street) in Sioux Falls
Contractor: D & G Concrete Construction, Inc.
Type of Work: Grading, structures, MSE walls, curb & gutter, storm sewer, and PCC pavement

Original Contract Amount:	\$	35,568,714.00
Change on CCO No. 4:	\$	115,617.92
Net Change to Date:	\$	21,656.25

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work to reconstruct a junction box. The plans called for a new junction box but omitted removing the existing junction box. The plans were re-designed to keep the existing junction box and to place the new box inside the existing box.

4. Project: NH 2042(29), Minnehaha County, PCN 06YQ
Location: Arrowhead Parkway from .5 miles west of Six Mile Rd to Six Mile Rd in Sioux Falls
Contractor: T & R Contracting, Inc.
Type of Work: Grading, storm sewer, curb & gutter, PCC surfacing, ROW, signals, and lighting

Original Contract Amount:	\$	20,025,525.25
Change on CCO No. 3:	\$	549,834.84
Net Change to Date:	\$	46,208.20

Explanation of Change on CCO No. 3: This increase is the result SDDOT compensating the contractor for additional select subgrade topping material. A plan error in the quantity of select subgrade topping created an increase of about 33,568 cubic yards. SDDOT paid for the overrun in material at the contract unit price.

5. Project: P 1358(05), Minnehaha County, PCN 05JE
Location: 26th St from Cleveland Ave to west of Southeastern Ave in Sioux Falls
Contractor: D & G Contracting, Inc.
Type of Work: Grading, storm sewer, curb & gutter, PCC & asphalt concrete surfacing, signals, lighting, permanent signing, and sidewalk

Original Contract Amount: \$ 23,990,635.29
Change on CCO No. 14: \$ 550,000.00
Net Change to Date: \$ 1,037,272.80

Explanation of Change on CCO No. 14: This increase is the result of SDDOT settling a claim through a mediation agreement.

6. Project: IM P 0022(85), Miner & Minnehaha County, PCN 089K
Location: Various routes in the Sioux Falls area
Contractor: Interstate Improvement, Inc.
Type of Work: Pavement restoration

Original Contract Amount: \$ 3,953,697.43
Change on CCO No. 3: \$ (156,659.86)
Net Change to Date: \$ (150,447.26)

Explanation of Change on CCO No. 3: This decrease is the result of SDDOT adjusting the contract quantities of the asphalt repair mastic. The original estimated contract quantity was significantly higher than the actual quantity required to complete the work.

PIERRE REGION

7. Project: NH P 0033(15), Lyman, Mellette, Todd, and Tripp County, PCN 041V
Location: Various locations in the Winner area
Contractor: Schweigert Construction, Inc.
Type of Work: Culvert repair

Original Contract Amount: \$ 2,283,827.41
Change on CCO No. 4: \$ 52,592.50
Net Change to Date: \$ 84,516.00

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work performed to remove and reset two sets of twin pipe culverts. During inventory of pipe culverts along the route, SDDOT discovered these pipes were owned by SDDOT, in poor condition, and in need of replacement.

8. Project: NH PS 0012(187)106, Corson County, PCN 04FL
Location: US 12 structure 7.9 miles east of the Perkins Co. line and structure .2 miles west of SD 635 over the BNSF Railroad
Contractor: Foothills Contracting, Inc.
Type of Work: Replace structures and approach grading

Original Contract Amount:	\$	13,899,350.16
Change on CCO No. 7:	\$	204,015.02
Net Change to Date:	\$	400,437.32

Explanation of Change on CCO No. 7: This increase is the result of SDDOT compensating the contractor for extra work to redesign, furnish, and install steel casings sufficient to withstand railroad loading. This change was necessary to meet BNSF's temporary shoring guidelines.

9. Project: NH EM 0014(194)227, Hughes and Stanley County, PCN 03WN
Location: US 14 – Missouri River bridge in Pierre
Contractor: Jensen Construction Co.
Type of Work: Replace structure, grading, PCC pavement, curb & gutter, storm sewer, lighting, and signals

Original Contract Amount:	\$	49,990,247.46
Change on CCO No. 5:	\$	(58,815.57)
Net Change to Date:	\$	(255,995.59)

Explanation of Change on CCO No. 5: This decrease is the result of SDDOT revising plan sheets in response to several requests for information submitted by the contractor which identified plan errors.

10. Project: NH P 0031(51), Haakon, Jackson, Mellette, Potter, and Stanley County, PCN 07KQ
Location: Various routes in the Pierre and Winner area
Contractor: ASTECH Corp.
Type of Work: Asphalt surface treatment

Original Contract Amount:	\$	1,776,911.97
Change on CCO No. 1:	\$	(166,166.25)
Net Change to Date:	\$	(166,166.25)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting contract quantities to match the final quantities used to complete the work. Larger decreases were made for asphalt for prime and asphalt for surface treatment due to normal project variations.

11. Project: P 0053(09)10, Tripp County, PCN 069V
Location: SD 53 from US 18 south 16 miles
Contractor: Asphalt Paving & Materials Company
Type of Work: Cold milling, asphalt concrete resurfacing, erosion repair, pipework, and guardrail replacement

Original Contract Amount: \$ 4,988,094.37
Change on CCO No. 5: \$ (63,899.50)
Net Change to Date: \$ 82,914.80

Explanation of Change on CCO No. 5: This decrease is the result of SDDOT adjusting contract quantities to match the final quantities used to complete the work. Larger decreases were made for chemical grout void fill and asphalt binder due to normal project variations. Additionally, SDDOT applied a pavement smoothness disincentive in accordance with the contract.

RAPID CITY REGION

12. Project: NH 0085(00)0, Lawrence County, PCN 06VP
Location: US85 from the Wyoming state line to Cheyenne Crossing
Contractor: Elite Enterprises LLC
Type of Work: Fence replacement

Original Contract Amount: \$ 600,000.55
Change on CCO No. 1: \$ (92,209.55)
Net Change to Date: \$ (92,209.55)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting the contract quantities to match the quantities used during construction. Larger decreases were made for fence, labor, and flagging all due to normal project variations.

Karla Engle , Legal Office, addressed the Commission to explain the requirements of South Dakota Executive Order (SDEO) 2023 – 02 and its impact on the contract awards to be considered by the Commission.

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

January 5, 2023

Traffic Control for RR Crossing Repair in Belle Fourche

08V3 PS 0085(118)55
Dakota Barricade
US Hwy 85 in Belle Fourche

Butte County
\$74,540.90

A MOTION WAS MADE by Jensen and seconded by Rosenboom to approve bid #1 conditioned on receipt of the contractor certification required by SDEO 2023-02. All present voted aye by voice vote. The motion carried.

January 11, 2023

Structure (2-10x10 Precast RCBC & 2-8'x7' Precast RCBC) & Approach Grading

2 084L, 085V BRF-B 6410(10), BRO-B 8053(24) Butte, Perkins County
Midwest Contracting, LLC \$844,589.50
Structure 13.5 E & 0.8 N of Newell on Old Hwy 212 over Mud Elm Creek, 11.8 W & 2.5 S of Bison
on Moreau River Road over Mud Creek

Structure's ((2) 12'x4' Precast RCBC) & Approach Grading, Pipe Work

3 0881 NH 0081(124)159 Codington County
B & B Contracting, Inc. \$506,617.58
US81 - Fm 2.5 to 2.1 W of I29

Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

6 07YU, 07YV P 0045(62)112, P 0026(07)252 Hand County
Asphalt Paving & Materials Company \$8,682,678.22
SD45 - Fm Miller to US212

Asphalt Concrete Surfacing of Shoulders, Asphalt Concrete Resurfacing of Bike Path

7 08XT NH 0014(254)302 Beadle, Hand County
Asphalt Paving & Materials Company \$2,572,502.84
US14 - Fm Miller to Wessington

Asphalt Surface Treatment & Flush Seal

8 08RE IM-NH-P 0012(305) Brookings, Codington, Deuel, Hamlin County
Bituminous Paving, Inc. \$1,185,437.75
Various Locations in the Watertown Area

Rout & Seal

9 08R1 NH-P 0012(304) Deuel, Grant, Hamlin, Roberts County
Lot Pros, LLC \$96,030.72
Various Locations in the Watertown Area

A MOTION WAS MADE by Karim and seconded by Roby to approve bids #2, 3, 6, 7, 8, and 9 conditioned on receipt of the contractor certification required by SDEO 2023-02. All present voted aye by voice vote. The motion carried.

Lot A in Lot H2 was acquired as a snow-fence but restricts access to adjacent Lower Brule Sioux Tribe property. DOT Pierre Area advises the above property is no longer needed for highway purposes and abandonment is recommended.

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve the abandonment in Stanley County. All present voted aye by voice vote . The motion carried.

RESOLUTION #2023 1.2 was adopted.

2. Request Transportation Commission approval to vacate by resolution the following plat:

Lot PE1 in Lot 13 of Outlot 5 in the S1/2 SW1/4 of Section 32, Township 39 North, Range 28 West of the 6th P.M. to Mission, Todd County, South Dakota, as recorded on November 10, 2016, in Book of Plats 3 on Page 165 in Todd County, South Dakota.

The Lot PE1 plat was created for Todd County Project NH 0018(176)206, PCN 039G drainage, but was later included within plat Lot H1 of Lot 13. The Winner Area DOT advises the plat is no longer necessary for future project construction and requests the plat be vacated.

A MOTION WAS MADE by Jensen and seconded by Zander to approve vacation of the plat in Todd County. All present voted aye by voice vote. The motion carried.

RESOLUTION #2023 – 1.3 was adopted

3. Abandonment – Butte County

Request Transportation Commission approval to abandon by resolution the temporary easements on Butte County DOT Project NH-P 0042(74), PCN 06FF.

4. Abandonment – Hand County

Request Transportation Commission approval to abandon by resolution the temporary easements on Hand County DOT Project P 0026(03)250, PCN 04FK.

5. Abandonment – Lawrence County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lawrence County DOT Project IM 0901(192)0, PCN 05MQ.

6. Abandonment – Meade County

Request Transportation Commission approval to abandon by resolution the temporary easements on Meade County DOT Project NH 0034(189)35, PCN 05TQ.

7. Abandonment – Union County

Request Transportation Commission approval to abandon by resolution the temporary easement on Union County DOT Project P 2029(02)6, PCN 00D1.

A MOTION WAS MADE by Rosenboom and seconded by Karim to approve the abandonment of temporary easements in Butte, Hand, Lawrence, Meade, and Union Counties. All present voted aye by voice vote. The motion carried.

RESOLUTIONS #2023 – 1.4, 2023 – 1.5, 2023 – 1.6, 2023 – 1.7, and 2023 – 1.8 were adopted.

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

FOR COMMISSION APPROVAL

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

- | | |
|------------|--|
| REV 23-026 | This revision will add a FY2024 Intersection Modification and Lighting project at the junction of SD37 & SD46 in the Yankton Area.

FY 2024 Plus \$159,000 |
| REV 23-027 | This revision will add a FY2023 Rumble Stripes and High-Grade Polymer Pavement Markings project on various locations on the local system in the Aberdeen Region.

FY 2023 Plus \$520,000 |
| REV 23-028 | This revision will add a FY2024 AC Surfacing of Shoulders; Mill, AC Resurfacing of Shoulders project on US14 from 2.4 miles west of Lake Preston to 3.6 miles east of Lake Preston and from E Ash St in Arlington south 0.5 miles in the Aberdeen Region.

FY 2024 Plus \$1,710,000 |
| REV 23-029 | This revision will add a FY2023 Median Crossovers project and a Bridge Repair project on I90 EBL at Exit 90 (SD38) in Minnehaha County in the Mitchell Region.

FY 2023 Plus \$1,561,000 |
| REV 23-030 | This revision will add a FY2023 Pennington County funded Pavement Restoration project on Liberty Blvd – Fm Tower Rd to Reagan Ave on the local system in the Rapid City Region and tie it to an existing State Pavement Restoration project. (Sequence #700, Page 155 in the 2023-2026 STIP Book).

FY 2023 Plus \$1,500,000 |

REV 23-031 This revision will add a FY2023 Railroad Crossing Signal project on 274th St in Harrisburg in Lincoln County in the Mitchell Region.

FY 2023 Plus \$350,000

A MOTION WAS MADE by Roby and seconded by Zander to approve STIP revisions #s 23-026, 23-027, 23-028, 23-029, 23-030, and 23-031. All present voted aye by voice vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

REV 23-024 This revision advanced a FY2024 Modify Ramp, LSDC Overlay, Approach Slabs, Approach Pavement, Replace Steel Pedestrian Rail project on I229 Exit 2 (Western Ave) in Sioux Falls to FY2023 in the Mitchell Region. (Sequence #645, Page 147 in the 2023-2026 STIP Book).

FY 2023 Plus \$2,577,000
FY 2024 Minus \$2,628,000

REV 23-025 This revision deferred a FY2023 Slide Repair, Erosion Control, Pipe Work project on US14 from 8 miles east to 11 miles east of Hayes in Stanley County to FY2024 in the Pierre Region. (Sequence # 867, Page 176 in the 2023-2026 STIP Book).

FY 2023 Minus \$1,061,000
FY 2024 Plus \$1,082,000

REV 23-SC-012 This revision changed the work of a FY2024 LSDC Overlay, Joints, Approach Slabs, Pavement, Rail project on I90 E & W - 0.2 E of SD37 S Interchange over BNSF RR in Mitchell in the Mitchell Region to "Approach Slabs, Joints, Berm Repair, Approach Pavement, Guardrail; Acceleration Lane" and changed the location description to "I90 E & W - 0.2 E of SD37 S Interchange over BNSF RR; I90 Fm E of Exit 332 (SD37 S) EB On-Ramp to 0.3 E". (Sequence # 223, Page # 79 in the 2023-2026 STIP Book).

FY 2024 Plus \$929,000
• Original = \$697,000; Updated = \$1,626,000

REV 23-SC-013 This revision increased the cost of a FY2023 Shoulder Widening, Mill AC Resurfacing project on SD52 from the west junction of SD50 to Summit St in Yankton in the Mitchell Region. (Sequence # 1061, Page 200 in the 2023-2026 STIP Book).

FY 2023 Plus \$2,621,000
• Original = \$12,579,000; Updated = \$15,200,000

REV 23-SC-014 This revision increased the cost of a FY2023 AC Resurfacing, Extend Str RCBC, Pipe Work project on I29 N & S from Exit 26 near Vermillion north 10 miles in the Mitchell Region. (Sequence # 1037, Page 196 in the 2023-2026 STIP Book).

FY 2023 Plus \$3,594,000

- Original = \$13,706,000; Updated = \$17,300,000

REV 23-SC-015 This revision increased the cost of a FY2023 Mill, Full Depth Reclamation, AC Surfacing, Pipe Work, Modify Intersection project on SD46 from Wagner to SD37 and a Mill, Full Depth Reclamation, AC Surfacing, Pipe Work project on SD50 from the east junction with SD46 south towards Avon in Bon Homme & Charles Mix Counties in the Mitchell Region. (Sequence # 54 & 138, Page 53 & 65 in the 2023-2026 STIP Book).

FY 2023 Plus \$5,420,000

- Original = \$17,110,000; Updated = \$22,530,000

REV 23-SC-016 This revision increased the length of a FY2024 Mill, AC Resurfacing of Shoulders project on US12, US12 E & W - Fm Groton E to Webster and changed the location description to "US12E – Fm E of Bath to W of Groton; US12, US12 E & W - Fm Groton E to Webster". (Sequence # 90 & 232, Page # 58 & 81 in the 2023-2026 STIP Book).

FY 2024 Plus \$2,035,000

Original = \$2,651,000; Updated = \$4,686,000

REV 23-SC-017 This revision added one structure to a FY2024 Polymer Chip Seal, Approach Slab project and tied another Polymer Chip Seal, Approach Slab project into the grouping of structures on US83 - Str In Fort Pierre over the Bad River; US14 - Str 3.8 SW of the Jackson/Haakon Co Line over Lone Tree Ck, Str 1.1 NE of the Haakon/Jackson Co Line over Ck, Str 1.9 S of the SD34 Jct over Plum Ck; SD34 - 7.3 E of US14/83 over Mush Ck; SD1806 - 6.4 NW of SD273, 6.7 NW of SD273 Over Straight Ck; SD47 - 5.3 S of SD49 over Bull Ck, 7.3 S of I90 over White River over Cedar Ck in Haakon, Hughes, Jackson, Lyman and Stanley Counties. (Sequence # 385, 423, 520, 521 & 869, Page 107, 114, 128, 129 & 176 in the 2023-2026 STIP Book).

FY 2024 Plus \$80,000

- Original = \$1,030,000; Updated = \$1,110,000

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

A MOTION WAS MADE by Karim 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 voice vote. The motion carried.

Executive session began at 10:15 a.m. CT.

Cull called the meeting back to order at 11:00 a.m. CT

With no further business to come before the Commission, Cull asked for a motion to adjourn the meeting.

A MOTION WAS MADE by Roby and seconded by Rosenboom. All presented voted aye by voice vote. The meeting was adjourned at 11:00 a.m. CT.