

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, January 25, 2024 at 9:00 a.m. CDT

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

COMMISSIONER PRESENT: Jaf Karim, Chairman
Lynn Jensen, Vice-chairman
Ron Rosenboom
Don Roby
Kathy Zander
Chris Frick
Mike Vehle

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Austin Simons

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Craig Smith, Kellie Beck, John Keyes, Mark
Leiferman, Sam Weisgram, Joanie Blair, Katlyn Wieme, Karla Engle and
Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Christina Bennett

**OTHERS PRESENT
VIA CONFERENCE CALL:** Jason Reaves – South Dakota Concrete Pavement Association and Toby
Crow – South Dakota Association of General Contractors

Chairman Karim 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 present.

Karim 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.

Secretary Joel Jundt explained that the next commissioners next in line for the vice-chair position would be Commissioners Simons and Frick. Due to their recent appointments to the Commission, they each indicated their desire to delay their service as vice-chair. Jundt recommended that Don Roby, who would be the next in line to serve as vice-chair, be nominated to the position in order to give Commissioners Simons and Frick more experience on the Commission before taking the position.

A MOTION WAS MADE by Zander and seconded by Vehle to elect Lynn Jensen as the Chair effective at the conclusion of the meeting of the Commission. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Jensen and seconded by Rosenboom to elect Don Roby as the Vice-chair effective at the conclusion of the meeting of the Commission. All present voted aye by roll call vote. The motion carried.

Karim asked for a motion to approve the December 21, 2023 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Zander to approve the December 21, 2023 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karim opened the floor to public input.

No members of the public addressed the Commission nor offered input.

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

- The Federal appropriations bill has still not been signed. Another continuing resolution was signed and is set to expire on March 1, 2024.
- The Department of Transportation (the "Department") was awarded a federal INFRA (Infrastructure for Rebuilding America) Discretionary Grant for \$16.8 million for the project on SD73 from Kadoka south, including the SD248 Service Road.
- The Department has joined 20 other states in a lawsuit against the United States Department of Transportation, the Federal Highway Administration (FHWA) and various federal officials relating to a new rule requiring state DOTs and Metropolitan Planning Organizations (MPOs) to set declining greenhouse gas (specifically tailpipe CO2) emission targets in connection with transportation planning. Karla Engle, Office of Legal Counsel, provided information about the legal filings and procedural status of the case.
- The Secretary and Department directors made a presentation to the Transportation Committees for both the South Dakota House of Representative and South Dakota Senate. The presentation focused on the current status of the state's bridges and pavements.
- An educational presentation was offered to the legislators on automated vehicles (AV) by the Connected and AV Advisory Group. HB1095 was introduced this session and has passed the House Commerce and Energy Committee with a 10-3 vote and will be heard on the House floor on the day of the Commission meeting. In the bill, the Commission would be given authority to promulgate administrative rules.
- There was a bridge hit on I-90 at mile marker 380.93 which is just west of Sioux Falls. There was girder damage. The Department will let the project as an emergency and use construction funds to fund the repairs.

- With the bridge hits, there have been questions regarding how much of the claims are being reimbursed. Jundt shared that in projects over \$100,000, 98.7% of the project costs are being recovered via invoices to the insurance companies.

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

CCOs completed in December contain an increase of \$844,397.92. Over the past 12 months, the overall contract increase is 2.52%.

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

ABERDEEN REGION

1. Project: NH 0212(174)377, Codington County, PCN 027D
Location: US 212 from US 81 to 19th St in Watertown
Contractor: J&J Earthworks, Inc.
Type of Work: Urban grading, PCC surfacing, curb & gutter, sidewalk, lighting, signals

Original Contract Amount:	\$	11,925,649.21
Change on CCO No. 6:	\$	185,000.00
Net Change to Date:	\$	(267,818.37)

Explanation of Change on CCO No. 6: This increase is the result of SDDOT making an incentive payment for block rental days in accordance with the contract.

2. Project: P 000S(00)275, Aberdeen Region, PCN 07DM
Location: Various locations in the Aberdeen Region
Contractor: Vogel Traffic Services Inc.
Type of Work: Pavement markings

Original Contract Amount:	\$	903,270.83
Change on CCO No. 1:	\$	85,383.35
Net Change to Date:	\$	85,383.35

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for normal variations in the county pavement marking job.

3. Project: P 0045(62)112, Hand County, PCN 07YU
Location: SD 45 from Miller to US 212
Contractor: Asphalt Paving & Materials Company
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing

Original Contract Amount:	\$	8,682,678.22
Change on CCO No. 2:	\$	66,504.68
Net Change to Date:	\$	73,713.93

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations and for incentive/disincentives including IRI smoothness.

4. Project: NH-P 0010(228), Aberdeen Region, PCN 06EH
Location: Various locations in the Aberdeen Region
Contractor: Subsurface, Inc.
Type of Work: Culvert lining, joint sealing

Original Contract Amount:	\$	896,432.20
Change on CCO No. 2:	\$	(66,859.57)
Net Change to Date:	\$	25,650.43

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

MITCHELL REGION

5. Project: IM 0906(75)263, Mitchell Region, PCN 04NK
Location: I-90 Mitchell Region
Contractor: BX Civil & Construction, Inc.
Type of Work: Interstate crossroad improvements, curb & gutter, sidewalk, gravity retaining wall

Original Contract Amount:	\$	4,115,000.00
Change on CCO No. 4:	\$	200,995.45
Net Change to Date:	\$	235,480.45

Explanation of Change on CCO No. 4: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

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

Original Contract Amount:	\$	20,025,525.25
Change on CCO No. 6:	\$	108,174.22
Net Change to Date:	\$	577,079.62

Explanation of Change on CCO No. 6: This increase is the result of SDDOT compensating the contractor for additional work to correct drainage issues due to plan error. The change order includes additional lengths of pipe culverts and two new drop inlets.

7. Project: NH-P 0046(74)90, Bon Homme & Charles Mix County, PCN 06J7
Location: SD 46 from Wagner to SD 37
Contractor: Border States Paving, Inc.
Type of Work: Cold milling, full depth reclamation, asphalt concrete surfacing, pipe work, modify intersection, guardrail

Original Contract Amount:	\$	20,211,556.41
Change on CCO No. 5:	\$	71,788.08
Net Change to Date:	\$	142,235.58

Explanation of Change on CCO No. 5: This increase is the result of SDDOT compensating the contractor for extra work to complete the full depth reclamation for a field verified thickness of existing asphalt concrete greater than in the plans table.

8. Project: IM B 2291(01)10, Minnehaha County, PCN 01QA
Location: I-229 60th St North Exit
Contractor: Grangaard Construction, Inc.
Type of Work: Structure, gravity large concrete block wall, approach grading, curb & gutter, asphalt concrete surfacing

Original Contract Amount:	\$	6,500,005.66
Change on CCO No. 3:	\$	(210,291.56)
Net Change to Date:	\$	(148,867.55)

Explanation of Change on CCO No. 3: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

PIERRE REGION

9. Project: P 1806(15)176, Stanley County, PCN 045K
Location: SD 1806 from 3 miles south of the US 83 junction to south of Ft. Pierre
Contractor: Midwest Contracting, LLC
Type of Work: Drainage improvement and erosion repair

Original Contract Amount:	\$	4,816,089.85
Change on CCO No. 10F:	\$	295,075.65
Net Change to Date:	\$	859,273.37

Explanation of Change on CCO No. 10F: This increase is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

RAPID CITY REGION

10. Project: IM FP PP B 0901(195)35, Meade County, PCN 021G
Location: I-90 EBL from west of Exit 37 to Exit 40
Contractor: Complete Contracting, Inc.
Type of Work: Grading, PCC surfacing, replace structures

Original Contract Amount:	\$	35,209,247.06
Change on CCO No. 6:	\$	(104,577.92)
Net Change to Date:	\$	266,391.17

Explanation of Change on CCO No. 6: This decrease is the result of SDDOT adjusting contract quantities of the bridge deck concrete due to an error in the plan quantity.

11. Project: IM FP PP B 0901(195)35, Meade County, PCN 021G
Location: I-90 EBL from west of Exit 37 to Exit 40
Contractor: Complete Contracting, Inc.
Type of Work: Grading, PCC surfacing, replace structures

Original Contract Amount:	\$	35,209,247.06
Change on CCO No. 8:	\$	106,410.37
Net Change to Date:	\$	275,109.76

Explanation of Change on CCO No. 8: This increase is the result of SDDOT adjusting contract quantities of traffic control items through normal project variations as well as quality adjustments.

12. Project: IM FP PP B 0901(195)35, Meade County, PCN 021G
Location: I-90 EBL from west of Exit 37 to Exit 40
Contractor: Complete Contracting, Inc.
Type of Work: Grading, PCC surfacing, replace structures

Original Contract Amount: \$ 35,209,247.06
Change on CCO No. 10: \$ 263,949.62
Net Change to Date: \$ 536,530.38

Explanation of Change on CCO No. 10: This increase is the result of SDDOT adjusting contract quantities of erosion control items and pavement marking items to as built quantities.

13. Project: NH 0044(167)44, Pennington County, PCN 027K
Location: SD 44 from Mountain View Road to the start of the divided lanes near 12th St
Contractor: Heavy Constructors, Inc.
Type of Work: Grading, structure widening, storm sewer, curb & gutter, sidewalk, traffic signals, PCC surfacing, lighting

Original Contract Amount: \$ 13,685,950.00
Change on CCO No. 12: \$ (491,136.07)
Net Change to Date: \$ (167,554.19)

Explanation of Change on CCO No. 12: This decrease is the result of SDDOT adjusting contract quantities of numerous items to as built quantities including a major reduction in flagging hours.

14. Project: NH 0212(190)39, Butte & Meade County, PCN 068V
Location: US 212 from SD 79 in Newell to the Maurine/Bixby Road
Contractor: Anderson Western, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, guardrail updates

Original Contract Amount: \$ 15,300,573.23
Change on CCO No. 11: \$ (106,900.52)
Net Change to Date: \$ 1,182,056.44

Explanation of Change on CCO No. 11: This decrease is the result of SDDOT adjusting contract quantities of numerous items to as built quantities including a major reduction in the asphalt and sand for flush seal.

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

January 17, 2024

Structures (3-12x11 CIP; 3-10x7 CIP) & Approach Grading

1	084R, 085J BRO-B 8049(22), BRO-B 8049(23) Lehtola Builders, Inc.	Miner County \$1,484,471.84
Structure in Carthage on Main St over Redstone Creek (City Owned) SN 49-062-018; Structure 5 N & 0.1 E of Howard on 228th St over the West Fork of the Vermillion River SN 49-161-080		

Structure (244' Prestressed Girder Bridge) & Approach Grading

3	05TJ IM-B 0291(134)44 Journey Group Companies	Union County \$6,629,863.08
I29 - Str 3 S of Beresford Over I29 at 300th St		

Bridge Deck Polymer Chip Seal

6	08HG, 08HH P 0071(11)3, NH 0018(241)45 Pacific Painting Co., Inc.	Fall River County \$773,262.50
SD71 - 15 S of Hot Springs, 4 S of SD471 over Hat Ck		

Bridge Deck Polymer Chip Seal

7	0910, 09CH NH 0079(93)48, P 0036(13)43 Pacific Painting Co., Inc.	Custer County \$213,219.70
SD79 N & S - 11.5 S of SD36 over French Ck, SD36 - 1.8 W of SD79 over Grace Coolidge Ck		

A MOTION WAS MADE by Jensen and seconded by Roby to approve bids #1, 3, 6, and 7. All present voted aye by roll call vote. The motion carried.

Structure (180' Continuous Concrete & 104' Continuous Concrete) & Approach Grading

2	086K, 086L BRO-B 8058(29), BRO-B 8058(30) Journey Group Companies	Spink County \$5,588,076.00
Structure 1.8 S & 0.9 E of Ashton on 167th St over the James River SN 58-117-190; Structure 3.3 N & 1.6 E of Ashton on 162nd St over the James River SN 58-124-140		

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

Deck Replacement, Approach Slab Replacement, Rehab Abutments, Zone Painting

4	04DP, 04DQ IM-B 0908(92)357, IM-B 0908(93)368 Journey Group Companies	McCook County \$6,780,595.25
I90 - Str Exit 357 (Bridgewater) & Str Exit 368 (Canistota)		

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

Scour Protection, Berm Repair

5 0824, 0827 PT 0042(90)305, PT 0034(209)366
 A-G-E Corporation
 SD42 - Str 1.7 E of Davison Co Line

Hanson, Miner County
\$319,403.00

A MOTION WAS MADE by Zander and seconded by Rosenboom to approve bid #5. All present voted aye by roll call vote. The motion carried.

John Keyes, Office of Right of Way (ROW), presented for Commission consideration the following items.

1. Request Commission approval to disclaim any interest in the following cut-off property:

That portion of the E1/2 SE1/4 lying south and east of Lot H1 in Section 22, Township 113 North, Range 49 West of the 5th P.M., Deuel County, South Dakota, except Highway right of way.

Specifically, the South Dakota Department of Transportation hereby disclaims any interest in the real property described above and as shown in the Warranty Deed filed for record with the Office of Register of Deeds, Deuel County, South Dakota on March 3, 1941, and recorded in Book 51 of Deeds, on Page 477 therein, and as shown by a Plat made by E. W. Meeker, Registered Land Surveyor, under date of October 29, 1940, which plat is now on file with the Office of the Register of Deeds, Deuel County, South Dakota.

This Disclaimer of Interest does not affect or abandon any right-of-way the Department of Transportation possesses relative to the real property described or which abuts the real property described.

A MOTION WAS MADE by Frick and seconded by Roby to approve the disclaimer of interest in Deuel County. All present voted aye by roll call vote. The motion carried.

2. Request Transportation Commission approval to abandon by resolution the following property acquired for highway right-of-way:

Lot A in Lot H1 in the E1/2 SE1/4 of Section 22, Township 113 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Said Lot A contains 2.42 acres.

This property is no longer needed for highway purposes and abandonment is recommended by Department's Watertown Area.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve the abandonment of Lot A as described in Deuel County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 1.1 was adopted.

3. Request Transportation Commission approval to abandon by resolution the temporary easements on Bon Homme County DOT Project P 037P(04)12, PCN 06K0.
4. Request Transportation Commission approval to abandon by resolution the temporary easements on Bon Homme County DOT Project P-PH 0052(05)315, PCN 04HK.
5. Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County DOT Project P 0040(343)32, PCN 04PH.
6. Request Transportation Commission approval to abandon by resolution the temporary easements on Butte County DOT project NH 0085(84)36, PCN 03U6.
7. Request Transportation Commission approval to abandon by resolution the temporary easements on Brookings County DOT Project ER 0081(104)112, PCN 044G.
8. Request Transportation Commission approval to abandon by resolution the temporary easements on Grant County Project P-PH 0015(82)167, PCN 05D9.

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

RESOLUTION #2024 – 1.2, 2024 – 1.3, 2024 – 1.4, 2024 – 1.5, 2024 – 1.6, and 2024 – 1.7 were adopted.

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

FOR COMMISSION APPROVAL

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

REV 24-026 This revision will add a FY2024 Interstate Closure Gates project on I90, Exit 310 (US281), near Plankinton in the Mitchell Region.

FY 2024 Plus \$156,000

REV 24-027 This revision will delete a FY2024 Polymer Chip Seal project on SD34, 7.3 miles east of US14/83 over Mush Ck in the Pierre Region. (Sequence #'s 293, 360, 394, 494 & 817, Page's 96, 107, 113, 128 & 172 in the 2024-2027 STIP Book).

FY 2024 Minus \$127,000

REV 24-028 This revision will add two FY2024 Local Federal Bridge Replacement Program projects located 1 south & 2.8 west of Redfield on 175th St and 1.0 east & 1.5 north of Redfield on 172nd St over Turtle Creek in Spink County in the Aberdeen Region that were planned to be let in 2023.

FY 2024 Plus \$3,935,000

REV 24-029 This revision will add a FY2025 Bridge Improvement Grant project located 4.3 south & 2 east of Mt Vernon on 399th Ave over Enemy Creek in Davison County in the Mitchell Region. The project was originally planned in 2023 but requested to be moved by the county.

FY 2025 Plus \$1,026,000

REV 24-030 This revision will add a FY2024 Mill, AC Resurfacing of Shoulders project on SD46 from 0.2 miles west of US81 to 0.02 east of US81 in Yankton County in the Mitchell Region.

FY 2024 Plus \$91,000

REV 24-031 This revision will add a FY2025 Lighting project on US14 and SD25 through De Smet in the Aberdeen Region.

FY 2025 Plus \$236,000

A MOTION WAS MADE by Jensen and seconded by Frick to approve revisions 24 – 026, 24 – 027, 24 – 028, 24 – 029, 24 – 030, and 24 – 031. All present voted aye by roll call 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 24-SC-008 This revision increased the cost of a FY2024 Local Federal Bridge Replacement Program project on a structure 8.5 miles west & 5 miles north of Frederick on 102nd St over Elm Lake in Brown County in the Aberdeen Region. (Sequence #81, Page 58 in the 2024-2027 STIP Book).

FY 2024 Plus \$1,365,000

- Original = \$1,035,000; Updated = \$2,400,000

REV 24-SC-009 This revision increased the cost of a FY2024 Structure Preservation project on a I29 N & S structures 0.4 miles north of the US18 W interchange and on 294th St 3 miles north of SD46 interchange over I29 in Lincoln County in the Mitchell Region. (Sequence #468, Page 124 in the 2024-2027 STIP Book).

FY 2024 Plus \$1,762,000

- Original = \$738,000; Updated = \$2,500,000

Secretary Jundt noted that REV 24 – 026 will create an interstate closure gate in Plankinton and this will be very helpful when the interstate needs to be closed.

He also shared that at the February 29, 2024 meeting, the Department will bring to the Commission a list of public meeting dates. The list will also show how many meetings will be in person as well as virtual.

Secretary Jundt noted that the Department will be presenting its budget to the Joint Appropriations Committee on February 5, 2024 and it is available for viewing at sd.net.

Lastly, he thanked Chairman Karim for his service during the last year as chair and welcomed Commissioner Jensen to his roll that will begin at the conclusion of the Commission meeting.

With no further business to come before the Commission, Chairman Karim declared the meeting adjourned at 10:38 a.m. CST.