

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, May 26, 2022, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Bruce Cull, Chairman
Ron Rosenboom
Larry Nelson
Mike Vehle
Don Roby
Kathy Zander

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Jaf Karim, Vice-chairman
Lynn Jensen

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Mark Leiferman, Joanne Hight, Sam Weisgram, John Keyes, Becky Hoffman, Doug Kinniburgh, Steve Johnson, Jeremy Marsh, Katlyn Wieme, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Craig Smith and Mark Peterson

OTHERS PRESENT: John Schmidt; Kirk Fredrichs – Federal Highway Administration (FHWA); and Mark Hoines - FHWA

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow - Association General Contractors (AGC)

Chairman Bruce Cull called the meeting of the South Dakota Transportation Commission (the "Commission") to order at 9:00 a.m. Central Time. 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) chapters 3 – 23. No conflicts of interest were disclosed and no waivers were requested.

Cull asked for a motion to approve the May 12, 2022 Commission meeting minutes.

A motion was made by Roby and seconded by Nelson to approve the May 12, 2022 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Commissioner Mike Vehle joined the meeting at 9:01 a.m.

Secretary Joel Jundt presented to the Commission the Secretary's Report. It included the following items:

- Acknowledgment of the retirement of Joe Feller, Program Manager for the Office of Materials & Surfacing, effective June 2022. The Secretary thanked Mr. Feller for 37 years of service to the Department of Transportation (the "Department"). Jundt also shared that Feller will remain employed for a few additional months as a mentor to Tanner Fitzke, the newly hired Program Manager for the Office of Materials and Surfacing.
- Discussion of changes to the federal *Buy America* requirements for construction materials and manufacturing products based changes that were posted on the federal register published by USDOT under the heading of temporary waivers for construction materials.
- Discussion of the Department's work with AGC and contractors regarding increased fuel prices. The Secretary informed the Commission about the standard fuel escalation clause in construction contracts.
- The Department is continuing to work on the compensation guidelines for members of the Commission who participate in events outside of Commission meetings.

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

CCOs approved in April contain an increase of \$674,486.15. Over the past 12 months, the overall contract increase is 0.46%.

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

ABERDEEN REGION

1. Project: EM 0295(45)130, Brookings County, PCN 020V
Location: I-29 at 20th St in Brookings
214th St from 22nd Ave S to 34th Ave S in Brookings
Contractor: Bowes Construction, Inc.
Type of Work: Construct interchange, grading, structure, lighting

Original Contract Amount: \$ 15,305,307.53
Change on CCO No. 1: \$ 73,520.56
Net Change to Date: \$ 73,520.56

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra work performed to add guardrail/barrier protection items to three locations along the I-29 portion of the project.

2. Project: NH 0212(187)327, Clark & Spink County, PCN 05TX
Location: US 212 from Doland to 6 miles west of Clark
Contractor: Asphalt Paving & Materials Company
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work

Original Contract Amount: \$ 2,997,779.34
Change on CCO No. 4: \$ (74,452.99)
Net Change to Date: \$ (74,452.99)

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting the contract quantity of base course. The quantity used to construct the project was less than estimated in the plans.

MITCHELL REGION

3. Project: IM FP 0908(95)362, McCook County, PCN 05HP
Location: I-90 EBL from 2 miles west of Salem interchange to 2 miles west of Humboldt
Contractor: Reede Construction, 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: \$ 37,412,446.36
Change on CCO No. 10: \$ 181,281.41
Net Change to Date: \$ (86,080.60)

Explanation of Change on CCO No. 10: This increase is the result of the Department compensating the Contractor for additional work required to blend, haul, and stockpile excess milling material produced during cold milling operations. The additional material was blended with state furnished granular material and stockpiled for future use.

4. Project: IM FP 0908(95)362, McCook County, PCN 05HP
Location: I-90 EBL from 2 miles west of Salem interchange to 2 miles west of Humboldt
Contractor: Reede Construction, 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: \$ 37,412,446.36
Change on CCO No. 11: \$ (91,919.50)
Net Change to Date: \$ (178,000.10)

Explanation of Change on CCO No. 11: This decrease is the result of the Department adjusting several contract quantities to match the quantities used to construct the project. The variations in quantities are considered normal for the work involved.

5. 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. 1: \$ (175,836.30)
Net Change to Date: \$ (175,836.30)

Explanation of Change on CCO No. 1: This decrease is the result the Department adjusting the payment of salvage materials due to a Contractor proposed alternative salvaging operation. The alternate operation involves the Contractor processing and blending the recycled asphalt mix and granular base material on site. The alternate operation will save the Contractor the costs of trucking and will also reduce the amount of dust produced by hauling.

6. Project: NH 0037(159)105, Sanborn County, PCN 06PD
Location: SD 37 NBL & SBL from the west junction of SD 34 to south of SD 224
Contractor: Bituminous Paving, Inc.
Type of Work: Cold milling, rubilize existing PCC, edge drains, asphalt concrete surfacing, pipe work

Original Contract Amount: \$ 12,314,959.15
Change on CCO No. 1: \$ 61,987.50
Net Change to Date: \$ 61,987.50

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra work performed. The extra work included adding tubular markers and removing existing conflicting pavement markings prior to using the median for two-way traffic.

7. Project: NH 0050(117)406, Clay County, PCN 04YU
Location: SD 50 from divided lanes west of Vermillion to divided lanes east of Vermillion
Contractor: Midland Contracting, Inc.
Type of Work: Grading, cold milling asphalt concrete, asphalt concrete surfacing, lighting, structure repair

Original Contract Amount: \$ 6,839,500.50
Change on CCO No. 7: \$ 64,982.70
Net Change to Date: \$ 173,653.92

Explanation of Change on CCO No. 7: This increase is the result of the Department compensating the Contractor to haul and dispose of extra waste material generated from the cut sections of the project. The excess waste material resulted from the embankment material shrinkage factor being less than estimated in the plans.

8. Project: P 0050(111)231, Brule County, PCN 6953
Location: SD 50 from K Street to I-90 in Chamberlain
Contractor: Loiseau Construction, Inc.
Type of Work: Regrading to 3 lanes, cold milling asphalt concrete, asphalt concrete resurfacing, slide area repair

Original Contract Amount: \$ 10,982,474.50
Change on CCO No. 4: \$ 237,266.75
Net Change to Date: \$ 272,878.27

Explanation of Change on CCO No. 4: This increase is the result of the Department compensating the Contractor for extra work performed. Due to the hydraulic demands of the drainage channel, the Department determined an additional downspout and cast in place concrete headwall must be added to the check dam.

9. Project: P 0050(111)231, Brule County, PCN 6953
Location: SD 50 from K Street to I-90 in Chamberlain
Contractor: Loiseau Construction, Inc.
Type of Work: Regrading to 3 lanes, cold milling asphalt concrete, asphalt concrete resurfacing, slide area repair

Original Contract Amount: \$ 10,982,474.50
Change on CCO No. 5: \$ 150,036.00
Net Change to Date: \$ 422,914.27

Explanation of Change on CCO No. 5: This increase is the result of the Department compensating the Contractor for adding a mill and overlay to the DOT Maintenance Yard in Chamberlain.

10. Project: PH 0037(147)067, Davison County, PCN 05K4
Location: Junction of SD 37 with 256th Street, 258th Street, 259th Street, and 260th Street
Contractor: Schweigert Construction, Inc.
Type of Work: Slide repair

Original Contract Amount:	\$	6,822,000.00
Change on CCO No. 5F:	\$	194,924.19
Net Change to Date:	\$	336,418.00

Explanation of Change on CCO No. 5F: This increase is the result of the Department compensating the Contractor for pavement smoothness incentive earned in accordance with the Contract.

11. Project: NH P 0021(171), Brule, Charles Mix, Davison, Douglas, Gregory, Hutchinson & Jerauld County, PCN 06YJ
Location: Various routes in the Mitchell area
Contractor: Highway Improvement, Inc.
Type of Work: Asphalt concrete crack sealing

Original Contract Amount:	\$	399,997.02
Change on CCO No. 1:	\$	(107,991.30)
Net Change to Date:	\$	(107,991.30)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting contract quantities of flagging and pilot car hours to match the number of hours used during construction.

12. Project: P PH 0046(47)356, Clay & Lincoln County, PCN 025D
Location: SD 46 from west of SD 19/19A to west of the junction with I-29
Contractor: Runge Enterprises, Inc.
Type of Work: Grading, shoulder widening, structures, interim surfacing

Original Contract Amount:	\$	14,012,206.89
Change on CCO No. 7F:	\$	(322,132.42)
Net Change to Date:	\$	(575,310.85)

Explanation of Change on CCO No. 7F: This decrease is the result of the Department adjusting contract quantities of excavation items to match the quantities used to construct the project. Less excavation material was needed than estimated in the plans.

PIERRE REGION

- 13.** Project: NH 0014(208)230, Hughes County, PCN 04XQ
Location: US 14 from west of SD 1804 to the US 83 north junction
Contractor: Bituminous Paving, Inc.
Type of Work: Asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	4,261,467.94
Change on CCO No. 1:	\$	140,089.40
Net Change to Date:	\$	140,089.40

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra work performed. The Department adjusted the design to include a curb and gutter instead of just a curb due to concerns about durability and stability.

- 14.** Project: NH 0018(191)250, Tripp County, PCN 03TK
Location: US 18 from west of structure over Dog Ear Creek to west of Monroe Street in Winner
Contractor: Reed Construction, Inc.
Type of Work: Grading, PCC surfacing, curb & gutter, ADA upgrades, storm sewer, lighting

Original Contract Amount:	\$	20,993,728.92
Change on CCO No. 4:	\$	178,879.00
Net Change to Date:	\$	226,705.07

Explanation of Change on CCO No. 4: This increase is the result of the Department compensating the Contractor for extra work performed. The Contractor was required to place crushed concrete mixed with subgrade along a portion of the project to stabilize the subgrade in preparation for handling traffic through the first phase of the project.

- 15.** Project: NH 0018(193)252, Tripp County, PCN 04FD
Location: US 18 from west of Monroe St to Lincoln St in Winner; US 18 E&W from Lincoln St to 3rd St in Winner; US 18 from 3rd to 7th St in Winner
Contractor: T&R Contracting, Inc
Type of Work: Grading, storm sewer, curb & gutter, sidewalk, roadway lighting, traffic signals

Original Contract Amount:	\$	11,099,144.85
Change on CCO No. 34:	\$	103,183.23
Net Change to Date:	\$	1,369,622.84

Explanation of Change on CCO No. 34: This increase is the result of the Department compensating the Contractor for extra work performed at the direction of the Department. A colored PCC driveway was added at the McDonald's entrance. Additionally, an increase in the quantity of dowel bars was necessary due to a change in the required spacing of pavement joints.

16. Project: P 0183(26)39, Tripp County, PCN 05ED
Location: US 183 from US 18 to the White River
Contractor: Border States Paving, Inc
Type of Work: Full depth reclamation & asphalt concrete resurfacing, asphalt concrete Contractor furnish & placed asphalt mix

Original Contract Amount: \$ 13,467,743.85
Change on CCO No. 6F: \$ 139,550.29
Net Change to Date: \$ 178,199.08

Explanation of Change on CCO No. 6F: This increase is the result of the Department adjusting contract quantities to as-built quantities for numerous items. The variations are considered normal for the work involved. Additionally, the Department made incentive payments for asphalt concrete mix quality and pavement smoothness in accordance with the contract.

17. Project: P 0049(05)27, Lyman & Tripp County, PCN 04F4
Location: SD 49 from SD 44 to SD 47
Contractor: Knife River Midwest LLC
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, bridge approach in slope rehabilitation, guardrail replacement

Original Contract Amount: \$ 10,324,775.48
Change on CCO No. 2: \$ (57,199.85)
Net Change to Date: \$ (57,199.85)

Explanation of Change on CCO No. 2: This decrease is the result of the Department removing the Contractor staking/surveying items from the contract.

18. Project: P 1804(48)292, Potter & Sully County, PCN 05UV
Location: SD 1804 from the Agar Road north to the west US 212 junction to West Whitlock
Contractor: Anderson Western, Inc
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing

Original Contract Amount: \$ 3,699,401.07
Change on CCO No. 2F: \$ (81,500.08)
Net Change to Date: \$ (68,327.20)

Explanation of Change on CCO No. 2F: This decrease is the result of the Department adjusting the contract quantities to match the as built quantities. Unclassified excavation, dig outs and salvaged base course for backfilling the dig outs was not needed and therefor removed.

RAPID CITY REGION

19. Project: NH 0034(189)35, Meade County, PCN 05TQ
Location: SD 34 from Regent Street in Sturgis east to east of SD 79
Contractor: Anderson Western, Inc
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work, structure replacement, approach grading

Original Contract Amount: \$ 9,209,247.06
Change on CCO No. 2: \$ 95,709.00
Net Change to Date: \$ 98,227.80

Explanation of Change on CCO No. 2: This increase is the result of the Department compensating the Contractor for extra work performed to add CIPP arch pipe to replace an existing pipe that was beyond repair as well and adding cattle passes to 3 locations along the project.

20. Project: IM 0901(181)0, Lawrence & Pennington County, PCN 04NH
Location: Various locations along I-90 in the Rapid City region
Contractor: Hilt Construction, Inc
Type of Work: Guardrail improvements

Original Contract Amount: \$ 432,449.90
Change on CCO No. 1: \$ (130,193.48)
Net Change to Date: \$ (97,088.88)

Explanation of Change on CCO No. 1: This decrease is the result of the Department eliminating guardrail installations at 3 locations and removing the newly installed guardrail at another location due to updated design standards.

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

May 18, 2022

Cold Milling, Asphalt Concrete Resurfacing, Pipe Work

2	05J7 P 0015(81)182	Grant, Roberts County
	Duininck, Inc	\$8,672,072.78
	SD15 - Fm the Grant/Roberts Co Line, N & W to W of I29	

1. Abandonment – Pennington County

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

Former Hwy right of way located in Lot 9 and Lot 11 of Battle Creek Mountain Estates Subdivision in Section 19, Township 2 South, Range 7 East of the B.H.M., Pennington County, South Dakota.

Location is on the north side of Hwy 40 approximately six miles east of Keystone.

The above property is no longer needed for highway purposes and abandonment is recommended by DOT Rapid City Area.

A MOTION WAS MADE by Vehle and seconded by Jensen to approve the abandonment of property in Pennington County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 5.1 was adopted.

2. Disposal – Pennington 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 2 in Lot B of Quality Subdivision in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

Appraised Value: \$300,000

The above property contains 1.48 acres with a 4,000 sq. ft. pole framed building built in 1983 located in Box Elder on the north side of E. Mall Drive and north of the Flying J Truckstop.

All utilities are accessible and access is from E. Mall Drive. Zoning is Commercial-Highway.

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

A MOTION WAS MADE by Roby and seconded by Rosenboom for the disposal of property in Pennington County. All present voted aye by roll call vote. The motion carried.

3. Disposal – Lincoln County

Request Transportation Commission approval to dispose of the following DOT right of way property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lot A in Lot H1 of the north 127' of Tract 2 of the NW1/4 of Section 2, Township 99 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.

Appraised Value: \$950

The above property contains 0.04 acre located west of Harrisburg along the east side of Hwy 115 near the intersection of 273rd St/Willow St.

Lot A is part of an adjacent RV business parking lot.

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

A MOTION WAS MADE by Zander and seconded by Vehle for the disposal of property in Lincoln County. 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 easements on Butte County DOT project NH 0085(98)56, PCN 05F1.

5. Abandonment – Clay County

Request Transportation Commission approval to abandon by resolution the temporary easements on Clay County DOT project NH 0050(100)411, PCN 023V.

6. Abandonment – Fall River County

Request Transportation Commission approval to abandon by resolution the temporary easements on Fall River County DOT project NH 0018(205)52, PCN 04XT.

7. Abandonment – Roberts County

Request Transportation Commission approval to abandon by resolution the temporary easements on Roberts County DOT project P 0015(83)199, PCN 04XA.

8. Abandonment – Union County

Request Transportation Commission approval to abandon by resolution the temporary easements on Union County DOT project P 0048(12)371, PCN 05EQ.

9. Abandonment – Union County

Request Transportation Commission approval to abandon by resolution the temporary easements on Union County DOT project P 0011(107)23, PCN 05UJ.

A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve the abandonment of temporary easements in Butte County, Clay County, Fall River County, Roberts County, and Union County. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2022 – 5.2, 2022 – 5.3, 2022 – 5.4, 2022 – 5.5, 2022 – 5.6, and 2022 – 5.7 were adopted.

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

FOR COMMISSION APPROVAL

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

REV 22-031 This revision will add a new project to FY2022 to prepare a detour route for the SD25 (From N of DeSmet to 0.3 N of the N Jct of SD28) grading project in FY2023. (Sequence #162 & 432, Page 65 & 112 in the 2022-2025 STIP Book).

FY 2022 Plus \$1,248,000

A MOTION WAS MADE by Jensen and seconded by Roby to approve STIP revision #22 – 031. All present voted aye by roll call vote. The motion carried.

REV 22-032 This revision will add a FY2022 Railroad Crossing Surface Extension project on SD63 in McLaughlin in the Pierre Region.

FY 2022 Plus \$21,000

A MOTION WAS MADE by Zander and seconded by Vehle to approve STIP revision #22 – 032. All present voted aye by roll call vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

REV 22-SC-022 This revision increased the cost of a FY2022 Pavement Restoration project on Various Locations in the Huron Area in the Aberdeen Region. (Sequence #797, Page 161 in the 2022-2025 STIP Book).

FY 2022 Plus \$394,000

- Original = \$166,000; Updated = \$560,000

Mike Behm, Director of Planning & Engineering, made a PowerPoint presentation to the Commission titled *State of the Structures in South Dakota* regarding the status of state and local bridges.

Doug Kinniburgh, Office of Local Government, presented the 2023 Bridge Improvement Grant (BIG) Procedures for the Commission's consideration. Kinniburgh discussed notable changes with the Commission.

A MOTION WAS MADE BY Vehle and seconded by Roby to approve the 2023 BIG Procedures as proposed by the Department. All present voted aye by roll call vote. The motion carried.

Kinniburgh presented for Commission consideration the Five-Year County Highway & Bridge Improvement Plan Guide. He explained that the only changes over last year's guide was to update dates.

A MOTION WAS MADE by Nelson and seconded by Rosenboom to approve the Five-Year County Highway & Bridge Improvement Plan Guide as proposed by the Department. All present voted aye by roll call vote. The motion carried.

The Commission took a short recess from 11:02 – 11:08 a.m.

Kirk Fredrich of FHWA introduced Mark Hoines of FHWA to the Commission. Mr. Hoines will be taking Mark Clausen's role at FHWA and will be attending Commission meetings upon Mr. Clausen's upcoming retirement.

Mike Behm, Director of Planning & Engineering, presented a PowerPoint presentation to the Commission on wetland mitigation

Cull opened the floor to public or Commission input.

John Schmidt of Woonsocket addressed the Commission regarding the need for electric vehicle (EV) infrastructure to address climate change.

Secretary Jundt informed the Commission that the tour of the Pierre/Fort Pierre bridge will take place in July rather than June as discussed previously.

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 Vehle to adjourn the meeting. All present voted aye by roll call vote. The meeting was adjourned at 11:42 a.m. CDT.