

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING

Thursday, January 30, 2020, at 9:00 a.m. CST

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

COMMISSIONERS PRESENT: Mike Vehle, Vice Chair
Ron Rosenboom
Rod Fouberg
Bruce Cull
Benj Stoick
Jafar Karim

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Don Roby

DOT STAFF PRESENT: Darin Bergquist, Karla Engle, Bonnie Olson, Rick Gordon, Craig Smith, Joel Gengler, Mark Leiferman, Becky Hoffman, Sam Weisgram, Ryan Johnson, Tony Ondricek, Jerry Ortbahn, Logan Gran, Tammy Williams, Mike Behm, and Kari Kroll

OTHERS PRESENT: Kirk Fredrichs – Federal Highway Administration (FHWA); Mark Clausen – FHWA; Patti Dean – FWHA; and Dick Howard

Vice Chair Mike Vehle called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:01 a.m.

Vehle opened the floor to the Commission members to disclose potential conflicts of interests and to present requests for waiver pursuant to the South Dakota Codified Law (SDCL) chapter 3 – 23.

No conflicts of interest were disclosed, and no waivers were requested.

Vehle asked for a motion to approve the minutes of December 19, 2019, Commission meeting.

A MOTION WAS MADE by Cull and seconded by Rosenboom to approve the December 19, 2019, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Secretary Darin Bergquist presented the Secretary’s Report. Bergquist introduced Craig Smith, the new Director of Operations, to the Commission.

Bergquist updated the Commission on Congress’ vision for the new Federal Highway Program which is proposed to include additional funds for highways and bridges. Bergquist explained that legislation is in the initial drafting phase and he expects some compromise among the parties. Bergquist provided a legislative update to the Commission. The Department of Transportation (the “Department”) only brought

one bill, which is Senate Bill 21 regarding variable speed limits. The Department introduced this bill two years ago and it failed in the Senate. Bergquist also shared updates on other bills the Department will be working on.

Bergquist presented the Election of Officers. The Commission has historically selected a Chair and Vice chair in January. In the past, the Commission has elected the Chair and Vice Chair based on seniority, but also first considering members who have yet to serve as Chair or Vice Chair. Based on this criteria, the Department recommends current Vice Chair Vehle be elected as Chair and that Commissioner Nelson be elected Vice Chair.

A MOTION WAS MADE by Fouberg and seconded by Stoick to appoint Mike Vehle as Chair and Larry Nelson as Vice Chair for the next year. All present voted aye by roll call vote. The motion carried.

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

Construction change orders completed in December contain an increase of approximately \$1,088,751.

Over the past 12 months, the overall contract increase is 2.87%.

The following projects have a Construction Change Order (CCO) amounting to a contract change more than \$50,000.

ABERDEEN REGION

- I. Project: P 0037(140)140, Beadle County, PCN 04FH
Location: SD37 4.9 miles south of the Spink county line over the James River
Contractor: Duininck, Inc.
Type of Work: Structure (290'-6 1/2" Prestressed Girder Bridge) and Approach Grading

Original Contract Amount:	\$	5,325,012.84
Change on CCO No. 1:	\$	999,151.50
Net Change to Date:	\$	999,151.50

Explanation of Change on CCO No. 1: This increase is the result extra work performed by the Contractor to place asphalt concrete on the county road currently being used as the car detour for the project. Due to significant rain and flooding during the 2019 construction season, the James River reached flood stage in April of 2019 and has not yet receded to a workable and safe level. Due to the flooding, the project was not completed in 2019 and traffic is being maintained on the car detour over the winter months. The asphalt concrete will allow the Department to continue snow removal and maintenance of the detour over the winter months.

- II.** Project: NH 0212(168)376, Codington County, PCN 027Q
Location: US212 from SD20 to US81 in Watertown
Contractor: Reede Construction
Type of Work: Grading, Storm Sewer, PCC Surfacing, Structure, Curb & Gutter, Sidewalk, Traffic Signals, and Roadway Lighting

Original Contract Amount:	\$	9,174,913.03
Change on CCO No. 3:	\$	59,853.87
Net Change to Date:	\$	86,676.64

Explanation of Change on CCO No. 3: This increase is the result of extra work performed by the Contractor due to high water impacts on falsework design and construction.

MITCHELL REGION

- III.** Project: NH 0018(218)339, Charles Mix County, PCN 06CQ
Location: US18 from Lake Andes to the SD50 E junction
Contractor: Spencer Quarries Inc.
Type of Work: Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

Original Contract Amount:	\$	5,898,526.81
Change on CCO No. 4:	\$	(433,146.95)
Net Change to Date:	\$	410,934.80

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting the contract quantity of asphalt binder. The Department approved target binder content was lower than estimated in the plans.

- IV.** Project: P 0011(106)09, Union County, PCN 04EU
Location: SD11 - From Elk Point to SD50
Contractor: Spencer Quarries Inc.
Type of Work: Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

Original Contract Amount:	\$	1,949,370.47
Change on CCO No. 1:	\$	(127,706.96)
Net Change to Date:	\$	(127,706.96)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantity of asphalt binder. The Department approved target binder content was lower than estimated in the plans.

PIERRE REGION

- V.** Project: IM-FP 0903(104)153, Jackson County, PCN 03W6
Location: I-90 westbound lanes from east of Exit 152 at Kadoka to East of Exit 163 at Belvidere
Contractor: Reede Construction Inc
Type of Work: Remove & Replace PCC Surfacing, Edge Drains, Inslope Flattening, Asphalt Concrete Resurfacing, Pipe Work, and Extend Culvert

Original Contract Amount: \$ 18,706,382.34
Change on CCO No. 8: \$ (394,317.16)
Net Change to Date: \$ (101,192.20)

Explanation of Change on CCO No. 8: This decrease is the result of the Department adjusting the contract quantities of granular materials and asphalt for prime. The Contractor used less granular material than estimated in the plans to construct the roadway to the design typical sections. Additionally, the Contractor's change to the sequence of operations eliminated the need for a portion of the estimated granular material. The asphalt material used for prime was modified on a prior CCO. This CCO adjusts the contract to the final measured quantity of the two types of asphalt for prime.

- VI.** Project: P 0020(145)240, Walworth County, PCN 03T1
Location: SD20 - From US83 to Hoven
Contractor: Border States Paving, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Pipe Work

Original Contract Amount: \$ 3,026,293.96
Change on CCO No. 8: \$ (162,290.92)
Net Change to Date: \$ (9,218.18)

Explanation of Change on CCO No. 8: This decrease is the result of the Department adjusting the contract quantities of asphalt binder and asphalt concrete. The Contractor used less granular material than estimated in the plans to construct the roadway to the design typical sections.

- VII.** Project: P 0044(183)119, Jackson County, PCN 03T0
Location: SD44 from SD377 at Interior to west of Wanblee
Contractor: Border States Paving, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Contractor Furnished Asphalt Concrete

Original Contract Amount: \$ 3,287,900.91
Change on CCO No. 4: \$ (167,757.77)
Net Change to Date: \$ (71,335.73)

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting numerous contract quantities to match the actual quantities used during construction. The Department considers these decreases normal variations based on the type of work.

- VIII.** Project: P 0065(17)193, Corson County, PCN 04ER
Location: SD65 from SD20 east junction (Isabel) to the Grand River
Contractor: Anderson Western, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Culverts

Original Contract Amount:	\$	4,398,089.16
Change on CCO No. 4:	\$	(59,715.72)
Net Change to Date:	\$	52,120.05

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting the contract quantities of various granular and salvaged granular materials. The adjustments were made to match the quantities available for salvage and used on the project. Additionally, the Contractor used less granular material than estimated in the plans to construct the roadway to the design typical sections.

RAPID CITY REGION

- IX.** Project: NH 0085(91)78, Butte County, PCN 04WE
Location: US85 from south of the Junction with SD168 to north of the Junction with SD168 and US85 through Buffalo
Contractor: Border States Paving, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Culvert Repairs

Original Contract Amount:	\$	8,654,088.58
Change on CCO No. 6:	\$	100,016.16
Net Change to Date:	\$	422,957.42

Explanation of Change on CCO No. 6: This increase is the result the Department adjusting the contract quantities of cellular grout, micro surfacing, flagging, and pilot car. During construction, the Department ordered a change to the size of pipe used in the slip lining pipe work. This change resulted in the need for additional cellular grout to fill the voids. The Department also added micro surfacing work on a portion of the project. This change resulted in the need for additional micro surfacing materials and additional hours of flagging and pilot car.

- X.** Project: NH 0212(192)87, Meade County, PCN 04WR
Location: US212 - From the Junction of Maurine Rd/Bixby Rd to the W City Limits of Faith
Contractor: Border States Paving, Inc
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Culvert Work, & Structure Repair

Original Contract Amount:	\$	10,055,799.27
Change on CCO No. 1:	\$	87,762.65
Net Change to Date:	\$	87,762.65

Explanation of Change on CCO No. 1: This project was impacted by weather events included in one of the Executive Orders issued by the Governor declaring a state of emergency. As the result of the weather impacts, the Department and Contractor agreed to suspend work on the project until the spring of 2020. This increase is the result of the Department making an adjustment to the contract to compensate the Contractor for additional material storage costs and land lease costs.

- XI.** Project: NH-PH 0018(177)104, Oglala Lake County, PCN 02QC
Location: US18 from Pine Ridge to SD391
Contractor: Loiseau Construction, Inc.
Type of Work: Shoulder Widening, Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, & Replace Structures

Original Contract Amount: \$ 22,224,615.26
Change on CCO No. 23F: \$ 857,023.87
Net Change to Date: \$ 2,296,981.95

Explanation of Change on CCO No. 23F: This increase is the result the Department applying several fuel cost adjustments to the contract. The fuel cost adjustments were made in accordance with the contract.

- XII.** Project: PH 0012(168)80, Perkins County, PCN 02QB
Location: US12 from the ND State Line to Lemmon
Contractor: Loiseau Construction, Inc.
Type of Work: Shoulder Widening, Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, & Replace Structures

Original Contract Amount: \$ 15,634,157.08
Change on CCO No. 14: \$ 228,341.42
Net Change to Date: \$ 252,120.32

Explanation of Change on CCO No. 14: This increase is the result the Department adjusting the contract quantities of seed, fertilizing, and mulch. The as constructed quantity was more than estimated in the plans due to the plans omitting some of the disturbed area of the project.

- XIII.** Project: IM 0901(162)14, Lawrence County, PCN 020U
Location: I-90 Exit 14 (US14A) in Spearfish
Contractor: Heavy Constructors, Inc.
Type of Work: Interchange Reconstruction, PCC Paving, Structure, Lighting, and Signals

Original Contract Amount: \$ 27,668,106.00
Change on CCO No. 16F: \$ (212,304.83)
Net Change to Date: \$ (102,716.68)

Explanation of Change on CCO No. 16F: This decrease is the result of the Department adjusting the contract quantities of various embankment items. The adjustments were made to match the quantities used during construction.

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

January 22, 2020 Letting

Grading and PCC Surfacing

- 1 023V NH 0050(100)411
Reede Construction, Inc.
SD50 WBL from Vermillion to the divided lanes west of I29

Clay, Union County
\$11,056,344.80

Cold Milling Asphalt Concrete, Full Depth Reclamation, Asphalt Concrete Surfacing, & Intersection Improvements

2	05F0 NH-P 0042(65)344	McCook, Minnehaha County
	Knife River Corporation - North Central	\$10,173,892.71
	SD42 from west of SD19 to the Tea/Ellis Road	

Crack & Seat PCCP, & Asphalt Concrete Surfacing

3	05HX NH 0014(220)230	Hughes County
	Central Specialties, Inc	\$4,326,604.76
	US14 from 7 miles east of Pierre, east 5.7 miles	

Replace Structures (3-12'x12' CIP or Precast RCBCs) & Approach Grading

4	05V5 P 0248(11)145	Jackson County
	A-G-E Corporation	\$2,621,529.95
	SD248 Structures 1.0 mile east of Cactus Flats over Big Buffalo Creek & 1.4 miles west of Kadoka over White Willow Creek	

Remove & Relace PCC Pavement & Pipe Work

5	06DJ IM 0907(85)334	Davison, Hanson County
	BX Civil & Construction, Inc.	\$1,987,500.00
	I90 from east of Mitchell to east of the James River	

Asphalt Surface Treatment

6	06Y8 IM-NH-P 0022(77)	Brookings, Minnehaha, Moody County
	Asphalt Surface Technologies Corporation	\$2,255,248.00
	Various Routes in the Sioux Falls Area	

Landslide Repair

7	03KD P 0011(00)81	Minnehaha County
	Dakota Constructors	\$196,946.25
	SD 11 just north of Interstate 90	

A MOTION WAS MADE by Rosenboom and seconded by Cull to approve bids #1, 2, 3, 4, 5, 6, and 7. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Program Manager for the Office of Right of Way, presented the following items for Commission consideration:

1. Transfer – Pennington County

Request Transportation Commission approval to transfer by resolution to city of Rapid City the following property acquired for highway right-of-way:

The portion of former South Dakota Highway 437, also known as Lancer Street, in the city of Rapid City, Pennington County, South Dakota, legally described as follows:

Lot H1 in Block 5 of the Rushmore Regional Industrial Park to the City of Rapid City, Pennington County, South Dakota. (Parcel 50) Contains 0.25 acre, more or less.

The above transfer will complete the right of way property transfer requirements to the city of Rapid City under the Letting, Financial and Maintenance/Encroachment Agreement #612802 signed by the city of Rapid City and the State of South Dakota Department of Transportation on October 30, 2002.

The highway right-of-way described above would be transferred to the city of Rapid City and the city of Rapid City would accept ownership, jurisdiction and maintenance responsibilities of the above described right-of-way.

Rapid City Area DOT recommends the transfer.

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

2. Trade - Lawrence County:

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

Project: NH 014A(00)401, PCN 074L – traffic signal improvements in Deadwood at the intersection of US14A/Pioneer Way and Deadwood Street.

Trade of DOT property:

Lot A in Lot H1 of Lot 17 Block 20 of M.S. 72, City of Deadwood, Lawrence County, South Dakota. Contains 251 sq. ft., more or less. (Exhibit C)

Lot H1 of Lot 4 Block 20 of M.S. 72, City of Deadwood, Lawrence County, South Dakota. Contains 0.01 acre, more or less. (Exhibit D)

The proposed land trade is an exchange of the above property to the city of Deadwood for the following property owned by the City of Deadwood:

Lot H1 in Visitor Center Lot of Block 26 of Original Townsite, Sections 22 and 23, Township 5 North, Range 3 East, B.H.M., City of Deadwood, Lawrence County, South Dakota. Contains 81 sq. ft., more or less. (Exhibit A)

Lot H1 in Lot A of Block 20 of Original Townsite, Section 22, Township 5 North, Range 3 East, B.H.M., City of Deadwood, Lawrence County, South Dakota. Contains 51 sq. ft., more or less. (Exhibit B)

The city of Deadwood will also grant any additional temporary work easements needed for completion of the project and accepts full future traffic signal maintenance.

Rapid City Area DOT recommends the transfer.

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve the trade of property in Lawrence County. All present voted aye by roll call vote. The motion carried.

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

Lot H3 in Tract 17 of the Rapid City Greenway Tracts, city of Rapid City, Pennington County, South Dakota, as recorded on January 6, 2020 as Document Number A202000216 in Pennington County, South Dakota.

The plat was created for Pennington County Project P 0231(13)79, PCN 03CP and the Rapid City Region/Area DOT has deemed the plat no longer necessary for use in construction or maintenance of the project.

A MOTION WAS MADE by Rosenboom and seconded by Stoick to approve the vacation of the plat of this property in Pennington County by resolution. All voted aye by roll call vote. The motion carried.

4. Abandonment – Deuel County

This resolution will abandon the temporary easements on Deuel County Project NH-P 0012(177), PCN 040U.

5. Abandonment – Hamlin County

This resolution will abandon the temporary easements on Hamlin County Project NH-P 0012(177), PCN 040U.

6. Abandonment – Perkins County

This resolution will abandon the temporary easements on Perkins County Project PH 0012(168)80, PCN 02QB.

7. Abandonment – Perkins County

This resolution will abandon the temporary easements on Perkins County Project NH 0012(159)91, PCN 02R8.

8. Abandonment – Perkins County

This resolution will abandon the temporary easements on Perkins County Project P-PH 0073(60)231, PCN 023A.

9. Abandonment – Roberts County

This resolution will abandon the temporary easements on Roberts County Project P 0010(45)333, PCN 3893.

10. Abandonment – Todd County

This resolution will abandon the temporary easements on Todd County Project NH 0083(17)21, PCN 039J.

A MOTION WAS MADE by Stoick and seconded by Fouberg to approve the abandonment of temporary easements in Deuel County, Hamlin County, Roberts County, Todd County, and Perkins County. All present voted aye by roll call vote. The motion carried.

11. Abandonment – Turner County

This resolution will abandon a single temporary easement on Turner County Project
NH PH 0018(180)420, PCN 036A

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve the abandonment of a single temporary easement in Turner County. All present voted aye by roll call vote. The motion carried.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following information on the Statewide Transportation Improvement Program (STIP) Revisions for Commission consideration:

FOR COMMISSION APPROVAL

REV 20-023 This revision will add a FY2020 Culvert Repair project on Various Routes in the Yankton Area to the 2020-2023 STIP in the Mitchell Region.

FY 2020 Plus \$1,457,000

REV 20-025 This revision will add a FY2020 Park Plaza & Recreational Trail project on the west bank of the Missouri River tied to the Missouri River Bridge Project between Pierre/Fort Pierre to the 2020-2023 STIP in the Pierre Region.

FY 2020 Plus \$364,000

REV 20-029 This revision will add a FY2021 Storm Sewer Outfall project to be constructed prior to the US212 reconstruction from US81 to 19th St in Watertown to the 2020-2023 STIP in the Aberdeen Region.

FY 2021 Plus \$2,276,000

A MOTION WAS MADE by Cull and seconded by Fouberg to approve STIP revisions REV 20-023, REV 20-025, and REV 20-029. All present voted aye by roll call vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 20-026 This revision increased the cost of a FY2020 Urban Reconstruction project on SD44 (Omaha St) Fm Mt View Rd to the start of the divided lanes near 12th St and SD231 (W Chicago/W Omaha) Fm Sheffer St to Mt View Rd (SD44) in Rapid City and a Left Turn Lane installation project on SD445 (Deadwood Ave) near the intersection of Deadwood Ave and Krebs Dr in Rapid City in the Rapid City Region (Sequence's 653 & 654, Page 153 in the 2020-2023 STIP Book).

FY 2020 Plus \$3,440,000

REV 20-027 This revision increased the cost of a FY2020 Grading, Interim Surfacing, Structure Replacement project on US83 Fm N of the White River to N of the Mellette/Jones Co Line in the Pierre Region (Sequence #399 & 548, Page 110 & 137 in the 2020-2023 STIP Book).

FY 2020 Plus \$6,084,000

- REV 20-028 This revision changed a “Pavement Restoration” project to a “Pavement Grinding” project, increased the cost, and deferred it from FY2020 to FY2021 on US18 Fm W Jct SD11 to the Iowa State Line in the Mitchell Region (Sequence #443, Page 120 in the 2020-2023 STIP Book).
- FY 2020 Minus \$508,000
FY 2021 Plus \$1,486,000
- REV 20-SC-018 This revision increased the cost of a FY2020 Remove & Replace PCC, Pipe Work project on I90 E & W from east of Mitchell to east of the James River in the Mitchell Region (Sequence 331, Page 97 in the 2020-2023 STIP Book).
- FY 2020 Plus \$736,000
- REV 20-SC-019 This revision increased the cost of a FY2020 Grading and PCC Surfacing project on SD50 WBL from Vermillion to the end of the divided lanes west of I29 in the Mitchell Region (Sequence’s 150 & 931, Page’s 65 & 189 in the 2020-2023 STIP Book).
- FY 2020 Plus \$2,061,000
- REV 20-SC-020 This revision increased the cost of a FY2020 Regionwide Rumble Stripes & High-Grade Polymer Pavement Markings project on Various Locations on the local system in the Rapid City and Pierre Regions (Sequence 703, Page 159 in the 2020-2023 STIP Book).
- FY 2020 Plus \$623,000
- REV 20-SC-021 This Revision added "Asphalt Surface Treatment (shoulders), Crack Leveling and Crack Sealing" to the Improvement Description and decreased the cost to a FY2020 Pavement Restoration project on Various Routes in the Rapid City Area in the Rapid City Region (Sequence #528 & 639, Pages 135 & 151 in the 2020-2023 STIP Book).
- FY 2020 Minus \$325,000

Leiferman presented to the Commission the recommendations by the Transportation Alternatives Committee on urban and rural projects that applied for a Transportation Alternatives Program Grant. If approved, the projects would be added by revision to the 2020-2023 STIP.

A MOTION WAS MADE by Fouberg and seconded by Karim to approve the Department’s recommendation to approve applications submitted by Mitchell, Spearfish, and Box Elder for the urban projects and Manderson, Hermosa, Eagle Butte and Miller for the rural projects and add these projects by revision to the 2020-2023 STIP. All present voted aye by roll call vote. The motion carried.

Tammy Williams, Program Manager for the Office of Administration, presented the following items for Commission consideration:

The following amendment to the BIG grant for additional design and construction costs (due to the additional hydraulic and scour analysis based on new guidelines for scour countermeasures) is recommended for Commission consideration:

- Amendment to BRO 8064(00)17-2 Union County, PCN 06HY – \$29,718.81

The following amendment to the BIG grant for additional hydraulic and scour analysis based on new guidelines for scour countermeasures is recommended for Commission consideration:

- Amendment to BRO 8033(00)19-1 Hughes County, PCN 078J - \$9,781.12

A MOTION WAS MADE by Cull and seconded by Fouberg to approve amendments to the BIG grant agreements for Union County and Hughes County to account for the increased scour analysis project costs, with those costs being paid 80% with BIG funds and 20% with state funds. All present voted aye by roll call vote. The motion carried.

Sam Weisgram of the Office of Project Development presented to the Commission the informational item on the bid letting process.

Vehle opened the floor to public input. No members of the public addressed the Commission or offered input.

With no other business to come before the Commission, Vehle adjourned the meeting at 10:49 a.m.