

**SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
JUNE 27, 2019 AT 9:00 A.M. CDT
Becker-Hansen Building – 700 East Broadway Ave, Pierre**

COMMISSIONER PRESENT: Mike Vehle, Vice-chair
Kyle White, Member
Ralph Marquardt, Member
Ron Rosenboom, Member
Rod Fouberg, Member
Larry Nelson, Member

**COMMISSION PRESENT
VIA CONFERENCE CALL:** Don Roby, Member

DOT STAFF PRESENT: Darin Bergquist, Joel Jundt, Karla Engle, Greg Fuller, Mike Behm, Kellie Beck, Tammy Williams, Christina Bennett, Julie Bolding, Doug Kinniburgh, Ryan Johnson, Sam Weisgram, Becky Hoffman, Joel Gengler, Mark Leiferman, Dave Huft, Lisa Donner, Bonnie Olson, and Kari Kroll

OTHERS PRESENT: Mark Clausen – Federal Highway Administration (FHWA)
and Bob Mercer – Keloland News

**OTHERS PRESENT
VIA CONFERENCE CALL:** Associated General Contractors' Office

Vice-chair Vehle called the meeting of the Transportation Commission (the "Commission") to order at 9:00 a.m. Roll call was taken, and a quorum was determined.

Karla Engle, Office of Legal Counsel, provided annual disclosure information to the Board and reminded Board members to submit their annual disclosures before the July meeting for Board consideration.

Vehle opened the floor to Commission members to disclose potential conflict of interest and to present requests for waivers pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

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

Vehle asked for a motion to approve the minutes of the June 13, 2019, Commission meeting.

A MOTION WAS MADE by White and seconded by Fouberg to approve the June 13, 2019, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Engle presented for Commission consideration proposed amendments to ARSD 70:01:02:00 – Interstate Highway Speed Zone Rule; ARSD 70:01:02:02 – Pennington County Speed Zone Rule; and ARSD 70:01:02:21 – Custer County Speed Zone Rule.

Engle explained the procedural steps that were followed for the proposed rules then proceeded with a discussion of the proposed changes to the rules.

There were no written comments received.

No members of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Fouberg and seconded by White to approve the changes to ARSD 70:01:02:00 – Interstate Highway Speed Zone Rule; ARSD 70:01:02:02 – Pennington County Speed Zone Rule; and ARSD 70:01:02:21 – Custer County Speed Zone Rule. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2019 – 6.1 was adopted.

Secretary Bergquist presented the Secretary’s Report. Bergquist shared that Ron Baumgart will be inducted into the Transportation Hall of Honor. Baumgart is the Executive Director of River Cities Public Transit. An award banquet will be held at a later date.

Vehle asked Bergquist about an update on the State’s federal funding. No update was available.

Tammy Williams, Office of Administration, Local Government Program, provided the Commission with an update on the local government flood response. Williams stated there have been two events (March 13-16 and May 21- 22) that received statewide emergency declarations made by Governor Noem. The first event has received a presidential declaration. Williams shared the funding eligibility procedures and requirements for federal funding assistance programs and progress made for both events.

Williams also shared that the Department of Transportation (the “Department”) has had requests from several counties to do special bridge inspections statewide on 261 bridges. Highwaters are delaying inspections. Of the inspections that are done, twelve bridges have been closed and three bridges have been routed down to one lane. The Department suspects that there is more damage and will continue inspections.

Greg Fuller, Director of Operations, presented the following information regarding Construction Change Orders to the Commission:

Construction change orders approved in May contain an increase of approximately \$120,972.

Over the past 12 months, the overall contract increase is 3.28%.

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

ABERDEEN REGION

- I. Project: P 0324(04)358, Brookings County, PCN 022B
Location: SD 324 East of I-29 over Medary Creek
Contractor: K&L Construction, Inc.
Type of Work: Scour Protection

Original Contract Amount:	\$	1,749,494.10
Change on CCO No. 3:	\$	(150,258.40)
Net Change to Date:	\$	(148,170.40)

Explanation of Change on CCO No. 3: This decrease is the result of an underrun in the contract quantities of controlled density fill, rip rap, and floating silt curtain. The fill material and rip rap varied from the plan estimate due to normal deviations. The floating silt curtain was not used on the project due to a change made on construction and the Contractor using a diversion pipe in lieu of the silt curtain.

MITCHELL REGION

- II. Project: NH 0019(43)0, Clay County, PCN 05TU
Location: SD 19 from the Missouri River north 4 miles and SD 19 from SD 50 to SD 46 east junction
Contractor: Spencer Quarries Incorporated
Type of Work: Asphalt Concrete Resurfacing

Original Contract Amount:	\$	6,346,537.28
Change on CCO No. 5:	\$	174,277.55
Net Change to Date:	\$	217,968.47

Explanation of Change on CCO No. 5: This increase is the result of extra work performed by the Contractor to repair work damaged during flooding of 2019. The work included repair of guardrail embankment, shoulders, surfacing, topsoil, and guardrail.

PIERRE REGION

- III. Project: P 0044(183)119, Jackson County, PCN 03T0
Location: SD 44 from Interior to Wanblee
Contractor: Border States Paving, Inc.
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Contractor Furnished Asphalt Concrete

Original Contract Amount:	\$	3,287,900.48
Change on CCO No. 2:	\$	85,422.04
Net Change to Date:	\$	96,422.04

Explanation of Change on CCO No. 2: This increase is the result of the Department changing the Contractor furnished asphalt concrete to Contractor furnished and placed asphalt concrete. The additional cost is due to labor of placing the material. The Department made the change due to limited time available for state maintenance forces to perform the patching. The repairs were in need of completion prior to work commencing on a separate contract along the route.

RAPID CITY REGION

IV. Project: NH 0018(220)0, Fall River County, PCN 06X6
Location: US 18 from Wyoming to Edgemont
Contractor: Bituminous Paving, Inc.
Type of Work: Crack & Seat PCCP and Asphalt Concrete Surfacing

Original Contract Amount:	\$	5,707,330.90
Change on CCO No. 1:	\$	56,001.00
Net Change to Date:	\$	56,001.00

Explanation of Change on CCO No. 1: This increase is the result of the Department adding the requirement for the Contractor to utilize intelligent compaction and thermal profiling equipment on the project.

The Department along with FHWA are letting 3 projects in 2019 and adding this requirement to 2 projects in 2019 to obtain data and experience with this equipment for future specification and construction practices development. The equipment is designed to give the roller operator a better idea of where additional passes are necessary and the temperature of the asphalt mat all in an effort to increase overall density and therefor longer lasting pavements.

Mike Behm, Director of Planning & Engineering, presented for Commission consideration the public release of the Statewide Transportation Improvement Program (STIP) and Public Transportation Improvement Program.

A MOTION WAS MADE by Marquardt and seconded by Rosenboom to approve the STIP and Public Transportation Improvement Program documents for public release. All present voted aye by roll call vote. The motion carried.

Mark Leiferman, Program Manager of the Office of Project Development, presented for Commission consideration requested revisions to Section 2 of the procedures concerning revisions to the STIP. Section 2 details STIP Coordination revisions under the Project Development Program Manager's responsibility which do not require approval by the Division Director or Secretary. The request is to change Section 2 under the Project Development Program Manager's responsibility and Section 2 subparagraph 1.a. under the STIP Coordinator's responsibility to read as follows:

2. Authority to approve other STIP revisions and make changes in the current STIP project information

Responsibility	Action
<p>Project Development Program Manager</p> <p>(STIP Coordination (SC) Revision without Division Directors and Secretary Approval)</p>	<ol style="list-style-type: none"> 1. Approve other revisions within the Construction STIP such as: <ol style="list-style-type: none"> a. Splitting or combining projects already in the current STIP. b. Changes in cost estimates that increases the total project cost less than \$3.0 million and more than: <ul style="list-style-type: none"> • 100% and greater than \$250,000; • 50% and greater than \$500,000; or • 20% and greater than \$1.0 million. c. Changes in shares among federal, state, and local funding. d. Major changes in scope such as type of work, length, or project termini that alters the original intent of a project e. Modification of existing STIP projects in order to make STIP documents match, provided the modification is for minor changes in the project scope or funding, as described in these procedures. 2. Approve revisions within the Developmental STIP (Year 5 – 8 projects) such as: <ol style="list-style-type: none"> a. Changes in the starting or ending termini of projects greater than 2 miles in distance. b. Changes in cost estimates that increase the total project cost more than: <ul style="list-style-type: none"> • 100% and greater than \$250,000; • 50% and greater than \$500,000; or • 20% and greater than \$1.0 million. c. Major changes in scope or improvement type. d. Adding a new project or a new segment to an existing project.
<p>STIP Coordinator</p> <p>(Administrative Revision)</p>	<ol style="list-style-type: none"> 1. Can make the following changes and notify the affected DOT and FHWA staff via Email: <ol style="list-style-type: none"> a. After concurrence with the Project Development Program Manager, changes in overall cost less than the thresholds for a Formal Revision or a SC Revision.

A MOTION WAS MADE by White and seconded by Marquardt to adopt the process recommended by the Department for STIP revisions that provides the Project Development Program Manager the authority to approve changes in cost estimates as shown above and that would be presented as informational items to the Commission requiring no Commission action. All present voted aye by roll call vote. The motion carried.

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

June 19, 2019

Structure Outlet Rehabilitation

1 05R3 BRF 1618(00)16-3 Pennington County
 Quinn Construction, Inc \$206,635.25
Structure 1.8 miles north of US16B on Cambell St. in Rapid City

Retroreflective Signal Backplates

3 06C6 PH 000S(401) Hughes, Stanley County
 Muth Electric, Inc. \$181,359.70
 Various locations in Pierre, Fort Pierre, & Rapid City

A MOTION WAS MADE by Marquardt and seconded by Fouberg to approve bids # 1 and 3. All present voted aye by roll call vote. The motion carried.

Crossing Surface Upgrades, Approach Work, Sidewalk & Cross Pipe Replacement

2 066C PP 0240(14)127 Pennington County
 Simon Contractors of South Dakota, Inc. \$118,029.99
 SD240 E&W (W S Blvd) in Wall

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

Weigh Scale Repair

4 0752 IM 0299(80)235 Roberts County
 I-29 Sisseton Port of Entry

A MOTION WAS MADE by Marquardt and seconded by Fouberg to reject bid # 4. All present voted aye by roll call vote. The motion carried.

June 25, 2019

Spot Asphalt Concrete Resurfacing

1 073D P 0010(00)273 Brown County
 Lien Transportation Company \$549,887.20
 Brown Co 9 (Detour Route for SD10)

A MOTION WAS MADE by Rosenboom and seconded by White to approve bid # 1. All present voted aye by roll call vote. The motion carried.

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

1. Abandonment – Brule County.

Gengler withdrew the item relating to abandonment in Brule County.

2. Abandonment – Brown County:

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

Lot A in Lot H1 in the NE1/4 of Section 24, Township 123 North, Range 61 West of the 5th P.M., Brown County, South Dakota, containing 0.05 acre.

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

A MOTION WAS MADE by White and seconded by Marquardt to approve the abandonment of Lot A in Brown County on item # 2. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2019 – 6.2 was adopted.

3. Transfer – Minnehaha County

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

The portion of South Yeager Road, from its intersection with East 26th Street south to East 33rd Street, in the city of Sioux Falls, Minnehaha County, South Dakota, legally described as follows:

Lot PE1 in Lot 4 in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 3.77 sq. ft.)

Lot H1 in Lot 5 in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 0.13 acre)

Lot A in Lot 5 in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 0.09 acre)

Lot H1 in Lot 6A in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 0.19 acre)

Lot A and Lot B in Lot 6A in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (Lot A contains 0.18 acre, Lot B contains 0.1 acre)

Lot H1 in Lot 11 in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 0.05 acre)

Lot H1 in Lot 12 in Block 2 of Riverdale Addition to the City of Sioux Falls, Minnehaha County, South Dakota. (contains 0.04 acre)

Lot H1, Lot H2 and Lot H3 in the E1/2 NW1/4 of Section 27, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, located in a strip of land twenty-five feet wide on each side of the centerline of the main track of the South Sioux Falls Railroad and Rapid Transit Company's Line (now known as Burlington Northern Santa Fe Railroad). (Lot H1 contains 0.04 acre, Lot H2 contains 0.14 acre, Lot H3 contains 0.21 acre)

Lot A in Lot H1 in Tract 2 of the NE1/4 NW1/4 of Section 27, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota. (contains 3.46 acres)

Lot A in Lot H1 in Tract 3 of the SE1/4 NW1/4 of Section 27, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota. (contains 2.70 acres)

Lot A in Lot H1 in Tract 2 of the NE1/4 SW1/4 of Section 27, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota. (contains 0.02 acre)

The State will retain and reserve the right to control of access between the Transfer Segment and South Yeager Road.

This resolution will complete the requirements of Exchange Agreement #614879. The highway right of way described above would be transferred to the city of Sioux Falls and the city of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the above described right-of-way.

Sioux Falls Area DOT recommends the transfer.

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve the land transfer in Minnehaha County to the city of Sioux Falls as set forth in item # 3. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2019 – 6.3 was adopted.

4. Abandonment – Lake County

This resolution will abandon the temporary easements on Lake County Project NH 0034(160)386, PCN 02R6.

5. Abandonment – Lincoln County

This resolution will abandon the temporary easements on Lincoln County Project IM 0293(96)73, PCN 01QS.

6. Abandonment – Lincoln County

This resolution will abandon the temporary easements on Lincoln County Project IM 2292(90)0, PCN 020Q.

7. Abandonment – Lincoln County

This resolution will abandon the temporary easements on Lincoln County Project IM 0292(74)62, PCN 035A.

8. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project 229-271, PCN I09K.

9. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project 038-271, PCN I0EY.

10. Abandonment – Pennington County

This resolution will abandon the temporary easements on Pennington County Project IM 1902(61)0, PCN 1162.

A MOTION WAS MADE by Marquardt and seconded by Rosenboom to approve the abandonment of temporary easements in Lake County as set forth in item # 4 in Lake County, items # 5, 6, and 7 in Lincoln County, items # 8 and 9 in Minnehaha County, and item # 10 in Pennington County. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS # 2019 – 6.4, 2019 – 6.5, 2019 – 6.6, 2019 – 6.7, 2019 – 6.8, 2019 – 6.9, 2019 – 6.10 were adopted.

Deputy Secretary Joel Jundt presented for Commission consideration of State matching funds for rural public transit subrecipients. Jundt shared the 3-year plan of the new fund allocations based Administrative Rule 70:06:02:02 that was changed by the Commission on April 25, 2019. The goal is to phase out the formula-based system and move to a performance-based system.

A MOTION WAS MADE by Rosenboom and seconded by Fouberg to use the public transit State match funding scoring procedures as documented in Attachment #7 (see below) effective July 1, 2019. All present voted aye by roll call vote. The motion carried.

Attachment #7

Public Transit – State Matching Funds

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

Accordingly, the Department is recommending the following scoring procedures be used. The goal for the past number of years has been to phase out the formula-based system and move to a performance-based system. The data used for scoring performance would be based on the previous federal fiscal year’s data.

For FY2020, funds distributed based on the following percent allocation:

Current Formula Base: 34.44%

Performance Base: 65.56% with the following subcategory breakdown:

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

For FY2021, funds will be distributed based on the following percent allocation:

Current Formula Base: 17.22%

Performance Base: 82.78% with the following subcategory breakdown:

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

For FY2022 and thereafter, funds will be distributed based on the following performance-based allocation:

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

The Commission took a brief five (5) minute break.

Dave Huft, Office of Research, made a Powerpoint presentation on electric, connected, and automated vehicles.

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

Secretary Bergquist announced this was the last Commission meeting for Commissioners White and Marquardt. Their terms ended April 2019. The Department thanked both Commission members for their service on the Commission.

With no other business to come before the Commission, Vehle declared the meeting adjourned at 11:48 a.m.