

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
Thursday, March 26, 2020, at 9:00 a.m. CDT
Conference Call Meeting

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

COMMISSIONERS PRESENT
VIA CONFERENCE CALL:

Mike Vehle, Chairman
Larry Nelson, Vice Chairman
Ron Rosenboom
Rod Fouberg
Bruce Cull
Benj Stoick
Don Roby
Kathy Zander
Jaf Karim

DOT STAFF PRESENT:

Kari Kroll

DOT STAFF PRESENT
VIA CONFERENCE CALL:

Secretary Darin Bergquist, Deputy Secretary Joel Jundt, Mike Behm, Craig Smith, Karla Engle, Bonnie Olson, Ryan Johnson, Steve Johnson, Mark Leiferman, Doug Kinniburgh, Becky Hoffman, Tammy Williams, Sam Weisgram, and Tony Ondricek

OTHERS PRESENT
VIA CONFERENCE CALL:

Mark Clausen – Federal Highway Administration (FHWA); Marc Hoelscher – FHWA; Kirk Fredrichs – FHWA; Bob Mercer – Keloland; and Toby Crow – Association of General Contractors (AGC)

Chairman Mike Vehle called the meeting of the South Dakota Transportation Commission (the "Commission") to order at 9:00 a.m. CDT.

Commissioners Nelson and Zander joined the meeting at 9:01 a.m. CDT.

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 were disclosed, and no waivers were requested.

Vehle asked for a motion to approve the February 27, 2020, Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Stoick to approve the February 27, 2020, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Vehle asked for a motion to approve the March 12, 2020, Commission meeting minutes.

A MOTION WAS MADE by Rosenboom and seconded by Karim to approve the March 12, 2020, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Secretary Darin Bergquist presented the Secretary's Report. Bergquist thanked the Commission for working with the Department of Transportation (the "Department") in order to conduct this meeting by teleconference. Bergquist requested to move the last item (Consideration of Local Federal Bridge Program) on the agenda to be discussed at the end of his Secretary's Report. The Chair agreed.

Bergquist provided an update to the Commission on the steps the Department and the state of South Dakota are taking during this time to help stop the spread of COVID-19. Per executive order 2020-09 issued by Governor Noem, the Department staff are working remotely for the most part at least through May 2, 2020. Bergquist debunked rumors about highway and rest area closures. He stated that state and interstate highways are open and the Department does not plan to close them. Rest areas also remain open with the only problem noted being the theft of toilet paper, which is being addressed with maintenance contractors. Bergquist shared that snow plows and winter maintenance operations continue as needed and construction projects are moving forward as planned with the Department and contractors making necessary changes to their procedures in order to take the necessary precautions to prevent the spread of COVID-19. Bergquist indicated that the Department anticipates to see impacts to the State Highway Fund due to a reduction in gas tax revenue and motor vehicle excise tax.

Toby Crow, a representative of AGC, and Craig Smith, Director of Operations, spoke about the precautions contractors and field staff are taking in the field to combat the spread of COVID-19.

Bergquist provided an update to the Commission on legislative session, noting veto day will be on Monday, March 30. He told the Commission that the Department's proposed budget was approved by the Legislature, all bills that the Department opposed did not pass, and the Department's SB21, concerning variable speed limits did pass this year. The passage of SB21 was a big win for the Department as it was the second attempt to get this legislation passed.

Bergquist presented for Commission consideration the federally funded local bridge program. During the legislative session there was a great deal of discussion to provide additional road funding to local governments for the repair or replacement of bridges due to last year's flooding. The legislators were in negotiations right up to the last day of the legislative session regarding whether or not they could provide funding for this program to assist in the local match. Unless there are changes to the approved budget on veto day, the legislators have approved \$4 million from the General Fund will be moved to the State Highway Fund to help local governments with the required local match fund on federal funds used to repair or replace bridges in poor condition.

Mike Behm, Division Director of Planning & Engineering, shared additional details of what the program would look like and how the Department would administer the program. Behm proposed allocating

\$500,000.00 from the program to the removal of local bridges that are currently closed and are not planned to be reopened or replaced by the local governmental entity.

A MOTION WAS MADE by Rosenboom and seconded by Fouberg to pass a resolution to develop and move forward with a federal funded and general funded local bridge program as proposed by the Department and outlined in **Attachment A**. All present voted aye by roll call vote. The motion carried.

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

Construction change orders completed in February contain an increase of approximately \$1,090,647.

Over the past 12 months, the overall contract increase is 2.69%.

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

ABERDEEN REGION

- I. Project: NH-P 0011(109), Brown County, PCN 05YD
Location: Various Routes in the Aberdeen Area
Contractor: BX Civil & Construction Inc.
Type of Work: PCC Pavement Repair

Original Contract Amount:	\$	1,899,000.00
Change on CCO No. 3:	\$	99,295.13
Net Change to Date:	\$	101,995.13

Explanation of Change on CCO No. 3: This increase is the result the Department adjusting the contract quantities of concrete repair. The existing pavement required additional and more extensive repair. The variation is common for the work type involved.

- II. Project: P 0010(91)358, Roberts County, PCN 028U
Location: SD10 in Sisseton
Contractor: BX Civil & Construction Inc.
Type of Work: Grading, Roundabout, Storm Sewer, Curb & Gutter, Lighting, Replace Structure (CIP RCBC), and Asphalt Concrete Surfacing

Original Contract Amount:	\$	7,895,000.00
Change on CCO No. 3:	\$	475,339.44
Net Change to Date:	\$	478,939.44

Explanation of Change on CCO No. 3: This increase is the result the Department adjusting the contract quantities of base course, flagging, MSE fabric, and excavation. The variations were the result of normal project variations and higher than normal moisture on the project. In addition, this CCO provided compensation for numerous items of extra work all related to higher than normal moisture on the project and plan errors discovered during construction.

- III. Project: IM-P 0012(217), Brookings County, PCN 05Y9
Location: Various Routes in the Watertown Area
Contractor: Jensen Rock & Sand, Inc.
Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount:	\$	2,171,513.24
Change on CCO No. 1:	\$	(98,039.87)
Net Change to Date:	\$	(98,039.87)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantities of asphalt for surface treatment, cover aggregate, and asphalt for fog seal to match the quantities used during construction. The decreases are due to normal project variations.

MITCHELL REGION

- IV. Project: IM 0293(109)85, Minnehaha County, PCN 05EG
Location: I29 NBL & SBL From South of Exit 86 (Crooks) to North of Exit 109 (SD34)
Contractor: Central Specialties, Inc
Type of Work: AC Surfacing and Edge Drains

Original Contract Amount:	\$	22,565,024.88
Change on CCO No. 1:	\$	56,650.44
Net Change to Date:	\$	56,650.44

Explanation of Change on CCO No. 1: This increase is the result additional asphalt concrete placed on this project. The work was originally included with an adjacent project and was moved to this project due to the sequencing of the two projects. The work will also be removed from the original project by CCO.

- V. Project: IM 0293(109)85, Minnehaha County, PCN 05EG
Location: I29 NBL & SBL From South of Exit 86 (Crooks) to North of Exit 109 (SD34)
Contractor: Central Specialties, Inc
Type of Work: AC Surfacing and Edge Drains

Original Contract Amount:	\$	22,565,024.88
Change on CCO No. 2:	\$	62,443.16
Net Change to Date:	\$	119,093.60

Explanation of Change on CCO No. 2: This increase is the result the Department compensating the Contractor for extra work and additional quantities for grading and high-tension cable guardrail at one location. The Department reviewed and accepted shop drawings contained an adjustment to the design at the location resulting in a variation of quantities.

VI. Project: NH 0034(163)387, Lake County, PCN 03TC
Location: SD34 in Madison
Contractor: D & G Concrete Construction, Inc.
Type of Work: Urban Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, and PCC Surfacing

Original Contract Amount:	\$	7,887,540.33
Change on CCO No. 1:	\$	107,375.71
Net Change to Date:	\$	107,375.71

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities and compensating the Contractor for extra work related to saturated subgrade conditions encountered on the project. The affected items included granular material and MSE fabric.

VII. Project: PH 0037(139)11, Bon Homme County, PCN 04HJ
Location: SD37 from North of Springfield to SD50
Contractor: Foothills Contracting Inc
Type of Work: Shoulder Widening, Asphalt Concrete Surfacing, Box Culverts, and Culvert Extensions

Original Contract Amount:	\$	7,122,429.62
Change on CCO No. 5:	\$	206,624.00
Net Change to Date:	\$	220,394.84

Explanation of Change on CCO No. 5: This increase is the result the Department adjusting the contract quantities of excavation and flagging. The excavation quantity variations are considered normal project variations due to shrinkage factor estimated in the plans and a small adjustment to the traffic detour. The additional flagging hours were used to maintain traffic through a portion of the project for a longer duration than planned.

VIII. Project: P 000S(00)229, Regionwide, PCN 04LW
Location: Various Locations in the Mitchell Region
Contractor: Vogel Traffic Services, Inc.
Type of Work: County Pavement Marking

Original Contract Amount:	\$	895,018.48
Change on CCO No. 2F:	\$	(58,730.54)
Net Change to Date:	\$	(58,885.54)

Explanation of Change on CCO No. 2F: This decrease is the result of the Department adjusting the contract quantities of pavement marking paint to match the quantities used during construction.

PIERRE REGION

- IX.** Project: NH-P 0031(37), Hughes County, PCN 05NH
Location: Various Routes in the Pierre Area
Contractor: Diamond Surface, Inc.
Type of Work: Pavement Rehabilitation & Pavement Marking

Original Contract Amount:	\$	802,273.47
Change on CCO No. 5:	\$	63,903.00
Net Change to Date:	\$	659,637.51

Explanation of Change on CCO No. 5: This increase is the result the Department adjusting the contract quantities of pavement repair to match the quantities performed during construction. The variations are common for this type of work.

RAPID CITY REGION

- X.** Project: NH 0018(00)101, Oglala Lak. County, PCN 06JC
Location: US18 Structure Over Cheyenne Creek
Contractor: Mainline Holdings, Inc. DBA Mainline Contracting
Type of Work: Partial RCBC Replacement

Original Contract Amount:	\$	1,487,824.17
Change on CCO No .2:	\$	107,078.28
Net Change to Date:	\$	108,110.78

Explanation of Change on CCO No. 2: This increase is the result the Department compensating the Contractor for extra work performed to repair damage to a different box culvert sustained by a vehicle collision.

- XI.** Project: P 0071(03)06, Fall River County, PCN 04FV
Location: SD71 0.5 miles South of SD471 over a Creek
Contractor: Bituminous Paving, Inc.
Type of Work: AC Resurfacing, Structure (2-11' X 8" CIP RCBC) & Approach Grading

Original Contract Amount:	\$	3,465,739.75
Change on CCO No. 4:	\$	61,935.75
Net Change to Date:	\$	489,279.28

Explanation of Change on CCO No. 4: This increase is the result the Department compensating the Contractor for extra work performed to repair damage to previously completed work caused by a flood event.

XII. Project: NH-P 0043(21), Custer County, PCN 05XN
Location: Various Routes in the Custer Area
Contractor: Roadway Services, Inc.
Type of Work: Asphalt Concrete Crack Sealing

Original Contract Amount: \$ 259,943.20
Change on CCO No. 2: \$ (52,898.40)
Net Change to Date: \$ (62,915.70)

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting the contract quantities of crack sealant to match the quantity used during construction.

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

Grading, Structures (319' Prestressed Girder Bridge, 469' Prestressed Girder Bridge & 2 CIP RCBC) & Interim Surfacing

1 04E7 NH-EM 0083(74)55 Jones, Mellette County
Foothills Contracting, Inc. \$25,965,988.45
US83 from north of White River to north of the Mellette/Jones Co Line

Guardrail Replacement

5 062J PH 0040(317) Lawrence, Meade, Pennington County
Western Construction, Inc. \$1,614,582.52
Various locations on Interstate 90 in the Rapid City Region

Radar Speed Feedback Signs & Rectangular Rapid Flashing Beacons

6 06TY PH 0020(193) Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton County
Dakota Traffic Services, LLC \$147,093.55
Various locations in the Mitchell Region

Pavement Restoration

7 06YA IM 0041(171) Meade, Pennington County
Tru-Form Construction, Inc. \$830,891.69
Various Routes in the Rapid City Area

Sprayable Durable Pavement Markings

8 04JQ PH 0040(223) Meade, Pennington County
Dakota Barricade, LLC \$143,968.00
Various locations on the State System in the Rapid City Region

Asphalt Concrete Flush Seal

9 0703, I5U6, I5U7 IM 0012(278), 0009-171, 0009-172 Brookings, Codington, Moody, Roberts County
Bituminous Paving, Inc. \$134,249.48
Interstate 29, Watertown DOT Yard & Sisseton Maintenance Yard

Asphalt Concrete Surface Treatment

10 0700 P 0032(37) Campbell, Dewey, Walworth County
Jensen Rock & Sand, Inc. \$965,600.81
Various Routes in the Mobridge Area

Asphalt Concrete Surface Treatment

11 06YY P 0021(172) Buffalo, McCook County
Asphalt Surface Technologies Corporation \$1,063,137.20
Various Locations in the Mitchell Area

Asphalt Concrete Crack Sealing

12 06YK NH 0031(47) Stanley County
Highway Improvement, Inc \$172,519.22
Various Locations in the Pierre Area

Asphalt Concrete Crack Sealing

13 06YJ NH-P 0021(171) Brule, Charles Mix, Davison, Douglas, Gregory, Hutchinson, Jerauld County
Highway Improvement, Inc \$399,997.02
Various Routes in the Mitchell Area

A MOTION WAS MADE by Roby and seconded by Fouberg to approve bids #1, 5, 6, 7, 8, 9, 10, 11, 12, and 13. All present voted aye by roll call vote. The motion carried.

Structure (2 - 10' x 6' RCBC) & Approach Grading

2 04M7 BRO 8030(00) Hand County
Anderson Contractors, Inc. \$298,645.00
Structure on 365th Ave, 5 miles east & 18.7 miles south of Miller

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

Traffic Signal & ADA Curb Ramps

3 07EN NH 0212(00)379 Codington County
NO BIDS RECEIVED
US212 at 33rd St SE in Watertown

Weisgram explained the Department has no recommendation nor is there action needed on bid #3 because no bids were received. The Department will work with the Watertown Area office and contractors in the area to see what changes can be made in order to receive bids on this project.

ADA Curb Ramp Upgrades & PCC Pavement Repair

4 04PF, 06VM NH 0012(00)289, NH 0011(119) Brown County
NO COMMISSION ACTION AT THIS TIME
US281 and US12 through Aberdeen

Weisgram explained bid analysis is still ongoing in the Department, therefore the Department's recommendation is to wait to take action on this bid until the April 9, 2020, Commission meeting in order for the Department to conclude its bid analysis.

The Commission took no action on bid #4.

Mark Leiferman, Program Manager of the Office of Project Development presented the following STIP Revisions.

FOR COMMISSION APPROVAL

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

REV 20-045 This revision will add a Statewide Archaeological Research project in each Fiscal Year 2021, 2022 and 2023.

FY 2021 Plus \$902,000

FY 2022 Plus \$920,000

FY 2023 Plus \$938,000

REV 20-046 This revision will add a FY2022 Tilford Port of Entry Electronic Screening Replacement project that will be tied to the I90 mainline grading and surfacing project from Exit 37 to Exit 40 in the Rapid City Region. (Sequence # 542, Page 136 in the 2020-2023 STIP Book).

FY 2022 Plus \$3,031,000

REV 20-047 This revision will add two FY2023 Drainage Modification projects on I90 in the Mitchell Region. First project is from W of Exit 319 (Mt Vernon) to 5 E of Exit 319 (Mt Vernon) and the second project is from Exit 350 (SD25) to 4 W of Exit 364 (Salem).

FY 2023 Plus \$9,798,000

A MOTION WAS MADE by Cull and seconded by Stoick to approve REV 20-045, REV 20-046, and REV 20-047. 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 20-039 This revision deferred a FY2021 Structure Replacement project on SD244 3.2 east of US385 & US16 over Palmer Gulch in the Rapid City Region to FY2022. (Sequence # 662, Page 154 in the 2020-2023 STIP Book).

FY 2021 Minus \$2,376,000

FY 2022 Plus \$2,423,000

REV 20-040 This revision advanced a FY2021 Slide Repair project on SD44 approximately 7 miles west of the Platte/Winner (Missouri River) Bridge in the Mitchell Region to FY2020. (Sequence #'s 301, Page's 90 in the 2020-2023 STIP Book).

FY 2020 Plus \$891,000
FY 2021 Minus \$908,000

REV 20-041 This revision deferred a FY2022 Inslope Restoration project on Various locations on US12 E&W in Brown County in the Aberdeen Region to FY2023. (Sequence # 92, Page 55 in the 2020-2023 STIP Book).

FY 2022 Minus \$426,000
FY 2023 Plus \$435,000

REV 20-042 This revision deferred a FY2021 SD1806 Spot Grading, Mill, AC Resurfacing project in the Pierre Region to FY2022. (Sequence #'s 481 & 783, Page's 126 & 170 in the 2020-2023 STIP Book).

FY 2021 Minus \$5,881,000
FY 2022 Plus \$5,999,000

REV 20-043 This revision deferred a FY2021 SD34 Bank Stabilization project in the Rapid City Region to FY2022. (Sequence #536, Page 136 in the 2020-2023 STIP Book).

FY 2021 Minus \$1,191,000
FY 2022 Plus \$1,215,000

REV 20-SC-025 This revision increased the cost of a FY2020 Intersection Improvements project at the Junction of SD44/SD50 East of Platte in the Mitchell Region. (Sequence #132, Page 61 in the 2020-2023 STIP Book).

FY 2020 Plus \$437,000

REV 20-SC-026 This revision increased the cost of a FY2020 Intersection Improvements project at the Junction of US81 and 300th St north of Yankton in the Mitchell Region. (Sequence #965, Page 196 in the 2020-2023 STIP Book).

FY 2020 Plus \$740,000

Tammy Williams, Program Manager for the Office of Administration, presented for Commission consideration the following amendment to the Bridge Improvement Grant (BIG) for additional hydraulic and scour analysis based on new guidelines for scour countermeasures:

- Amendment to BRO 8047(00)18-3 Meade County, PCN 06M0 – Total \$8,735.66 (80% BIG Program/20% State Share)

A MOTION WAS MADE by Rosenboom and seconded by Roby to approve the amendment to the BIG grant for additional hydraulic and scour analysis. All present voted aye by roll call vote. The motion carried.

Vehle opened the floor to public input.

No members of the public addressed the Commission or offered input.

With no other business before the Commission, Vehle asked for a motion to adjourn.

A MOTION WAS MADE by Stoick and seconded by Roby to adjourn the meeting. All present voted aye by voice vote. The motion carried and the Chair declared the meeting adjourned at 10:18 a.m. CDT.

**Apportionment of Highway Infrastructure Program Funds
pursuant to the Department of Transportation Appropriations Act, 2020
FACT SHEET**

- In 2019 South Dakota was allocated \$20,786,208 for the replacement or replacement of bridges listed in poor condition with the local share being \$17,313,000. DOT converted the local share to State Highway Funds and distributed the funds to counties and cities on a pro-rata basis based on the percentage of deck area in poor condition as reported on the National Bridge Inventory (NBI) as of December 31, 2017. Funds can only be spent on the following eligible expenditures through an agreement:
 - ✓ Bridge replacement, rehabilitation or preservation on those bridges listed in poor condition
 - ✓ Funding match to Federal Emergency Management Agency (FEMA) funds on those bridges listed in poor condition
 - ✓ Funding match for a Bridge Improvement Grant (BIG) on those bridges listed in poor condition
 - ✓ Funding match for Emergency Relief (ER) program funds on those bridges listed in poor condition

- In mid-February 2020, South Dakota was allocated \$33,823,212 to be used for the replacement or rehabilitation of bridges listed in poor condition. These funds are available for obligation until September 30, 2023.

- Allocation is available to states for which the percentage of total deck area of bridges classified as in poor condition is at least 5% percent as determined based on the National Bridge Inventory as of December 31, 2018.

- Overall South Dakota has approximately 19,338,669 sq. ft. overall deck area with approximately 1,857,344 sq. ft. considered to be in poor condition for a total of 9.61%
 - ✓ 2.26% State + 7.35% Local = 9.61% Total

- State – 436,567 sq ft of deck area for structures rated in poor condition ($0.436/1.857 = 23.5\%$)
 - ✓ 46 Poor condition bridges/1806 total bridges on state highways

- Local – 1,420,777 sq ft of deck area for structures rated in poor condition ($1.421/1.857 = 76.5\%$)
 - ✓ 970 Poor condition bridges/3928 total bridges on local roadways

- Owners share based on % deck area in poor condition:
 - ✓ \$7.948 million – State
 - ✓ \$25.875 million - Local

- State Highway Funds are not available to convert and distribute to counties/cities/towns like was done in 2019.

- Creation of a Local Federal Bridge Replacement Program – new opportunity
 - ✓ DOT will accept requests for bridge replacement projects by application – Due **May 15, 2020**
 - ✓ Poor condition bridges in **all** counties, cities and towns will be eligible

Attachment A

- ✓ A modification of the BIG Score will be used to rank (Local Planning element of BIG Score will not be included)
 - Bridge Condition (50 points)
 - User Impact (20 points)

- ✓ DOT will bundle and administer Preliminary Engineering (PE) – survey, hydraulics and design
 - State will select consultant and administer bundled contracts for professional services for survey, hydraulics, and design
 - Bundled construction contracts will be let through DOT – normal federal aid requirement
 - Construction engineering (CE) will be administered through DOT Area offices

- ✓ Preliminary Engineering, Construction and Construction Engineering – 81.95% Federal aid, 18.05% local match

- ✓ BIG Preliminary Engineering (PE) projects that are complete are eligible

- ✓ BIG Preliminary Engineering, Replacement, Rehabilitation, and Preservation projects that have been granted but not complete by July 1st, 2020 are not eligible