

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES
Thursday, May 27, 2021, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Larry Nelson, Chairman
Kathy Zander
Mike Vehle
Ron Rosenboom
Jaf Karim

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Bruce Cull, Vice-chairman
Don Roby

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Sam Weisgram, Tammy Williams, Doug Kinniburgh, Christine Bennett, Ryan Johnson, Joel Gengler, Mark Leiferman, Kellie Beck and Kari Kroll

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

**OTHERS PRESENT
VIA CONFERENCE CALL:** Mark Clausen – Federal Highway Administration (FHWA); Toby Crow – Association of General Contractors (AGC); and Kirk Fredrichs – FHWA

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

A roll call was taken, and a quorum was determined.

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

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

Karla Engle, Office of Legal Counsel, addressed the Commission regarding potential conflicts of interest relating to the June 23rd hearing and annual disclosures required by state statutes.

Nelson asked for a motion to approve the April 29, 2021 Commission meeting minutes.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve the April 29, 2021 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Nelson asked for a motion to approve the May 13, 2021 Commission meeting minutes.

A MOTION WAS MADE by Zander and seconded by Roby to approve the May 13, 2021 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Secretary Joel Jundt provided the Secretary's Report. Jundt presented the following to the Commission:

1. Update on Federal Reauthorization discussion. The Senate Environment and Public Works Committee released their bill for reauthorization on May 23, 2021. This bill would provide \$303.5 billion in highway funding over a 5 year. This is 22% more than the previous FAST Act. The bill would also provide 90% of the funds by formula apportionments to the states. There would be number of new programs including a national motor vehicle per mile user fee pilot program and a larger funded discretionary grant bridge program.
2. Jundt introduced Mike Behm, Director of the Division of Planning & Engineering to provide an update on projects had been awarded discretionary grants to the Department of Transportation (the "Department").
3. Jundt shared that the Department plans to make changes to the Winter Maintenance Plan. In doing so, the Department will retain a consultant to help create the new format, with involvement of a team from the Department. Since the Commission approves the plan, he asked if anyone from the Commission would be interested in being part of the team that helps create the new plan. Commissioner Mike Vehle agreed to serve in this capacity.
4. Lastly, Jundt shared options for the September 2021 On the Road meeting of the Commission. There was a consensus among Commission members to visit the Mitchell area.

Karla Engle, Office of Legal Counsel, presented for Commission consideration the proposed amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:07 – Yankton County speed zone rule and ARSD 70:01:03:38 – project requirements.

Engle started by explaining the rule adoption process that had been followed to date for the amendments to the rules.

As to ARSD 70:01:02:07 – Yankton County speed zone rule, Engle discussed the purpose and effect of the rule change. Engle reported that no written comments on the rule change had been received.

The chairman asked for public testimony on the proposed rule amendment. No members of the public offered testimony in support of or in opposition to the rule change.

A MOTION WAS MADE by Cull and seconded by Rosenboom to approve the proposed changes to ARSD 70:01:02:07 – Yankton County speed zone rule. All present voted aye by roll call vote. The motion carried.

Next, Engle discussed the purpose and effect of the proposed amendments to ARSD 70:13:01:10 – project requirements. Engle reported that no written comments on the rule had been received. The chairman asked for public testimony on the proposed rule amendment. No members of the public offered testimony in support of or in opposition to the rule change.

A MOTION WAS MADE by Vehle and seconded by Zander to approve the proposed changes to ARSD 70:13:01:10 – project requirements. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2021 – 5.1 was adopted.

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

Construction change orders completed in April contain an increase of approximately \$130,239.45.

Over the past 12 months, the overall contract increase is 3.20%.

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

ABERDEEN REGION

- I. Project: BRF 6319(0017-4, Brookings, PCN 06HT
 Location: Structure 8 miles south of Brookings on 471st Avenue
 Contractor: Prahm Construction, Inc.
 Type of Work: Structures and Approach Grading

Original Contract Amount:	\$	3,056,597.05
Change on CCO No. 7:	\$	(104,850.05)
Net Change to Date:	\$	(62,324.00)

Explanation of Change on CCO No. 7: This decrease is the result of the Department adjusting the contract quantities to match the quantities used during construction. The decreases included asphalt concrete, housing and heating concrete, and bearing pile. A portion of the asphalt concrete was eliminated from the contract. The reduction in the hours of housing and heating concrete was due to favorable weather conditions. The reduction in the length of bearing piles was due to the Contractor achieving the required bearing resistance with shorter piles than estimated in the plans.

MITCHELL REGION

- II. Project: NH 0034(163)387, Lake County, PCN 03TC
 Location: SD 34 from the Washington Ave/2nd St Intersection south to the start of the Divided Highway 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. 4:	\$	242,113.42
Net Change to Date:	\$	588,736.72

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting the contract quantities of concrete sidewalk, concrete pavement, and training program hours. The increases for concrete sidewalk and concrete pavement are the result of tying the new concrete pavement into the existing sidewalks, driveways, parking lots, and intersecting street and are common for urban reconstruction work with a change in roadway width and elevations. The increase to the hours of training program is monitored and approved by the Department's Civil Rights Office through the On-The-Job Training Program.

- III. Project: PH 0034(188)368, Lake County, PCN 05W8
 Location: Various intersections with SD 34 and local roads east and west of Madison
 Contractor: Loiseau Construction, Inc
 Type of Work: Grading, Culvert Extensions, and Asphalt Concrete Surfacing

Original Contract Amount:	\$	3,197,645.15
Change on CCO No. 1:	\$	215,833.33
Net Change to Date:	\$	215,833.33

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra work perform during construction and additional quantities of contract work. Extra work included providing a pilot car to safely accommodate traffic through the work zone. The additional quantities included asphalt binder and asphalt concrete due to a plan error in asphalt concrete quantities and riprap in one area of shoulder widening.

- IV. Project: PH 0034(188)368, Lake County, PCN 05W8
 Location: Various intersections with SD 34 and local roads east and west of Madison
 Contractor: Loiseau Construction, Inc
 Type of Work: Grading, Culvert Extensions, and Asphalt Concrete Surfacing

Original Contract Amount:	\$	3,197,645.15
Change on CCO No. 2:	\$	301,673.72
Net Change to Date:	\$	517,507.05

Explanation of Change on CCO No. 2: This increase is the result of the Department compensating the Contractor for extra work perform during construction and additional quantities of contract work. Extra work included removing work completed in 2019 and installing woven fabric, granular material, edge drains, and new asphalt concrete to stabilize the shoulders which continued to rut

and separate from the roadway over the winter of 2019/2020. The Department determined the repair was not the fault of the Contractor and developed a new design for the shoulders. Additional quantities of flaggers, asphalt binder, and asphalt concrete were due to normal project variations.

- V. Project: IM 0292(86)59, Lincoln County, PCN 073C
 Location: I-29 at Exit 59
 Contractor: Journey Group Companies
 Type of Work: Girder Repair and Bridge Painting

Original Contract Amount:	\$	408,531.36
Change on CCO No. 3F:	\$	(56,245.19)
Net Change to Date:	\$	(25,676.45)

Explanation of Change on CCO No. 3F: This decrease is the result of the Department adjusting the contract quantities of magnetic particle weld inspection and damage repair to match the quantities necessary for the repair of the structure.

- VI. Project: NH 0018(179)402, Hutchinson County, PCN 036L
 Location: US 18 from US 81 to SD 19
 Contractor: Bowes Construction, Inc.
 Type of Work: Grading, Structures, Interim Surfacing, and Permanent Signing

Original Contract Amount:	\$	17,483,650.16
Change on CCO No. 11:	\$	(260,051.51)
Net Change to Date:	\$	(1,188,917.36)

Explanation of Change on CCO No. 11: This decrease is the result of the Department adjusting the contract quantities of numerous erosion control items. The adjusted quantities match the quantities used to complete the work to the satisfaction of the Engineer.

- VII. Project: NH-P 0021(165), Aurora County, PCN 05Y5
 Location: Various routes in the Mitchell Area
 Contractor: Bituminous Paving, Inc
 Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount:	\$	3,746,787.49
Change on CCO No. 2:	\$	(316,615.82)
Net Change to Date:	\$	(247,932.62)

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting the contract quantities to match the quantities used during construction. The Department reviewed Contractor furnished application rate for cover aggregate and asphalt for surface treatment were lower than estimated in the plans.

PIERRE REGION

- VIII.** Project: NH 0018(193)252, Tripp County, PCN 04FD
 Location: US 18 in Winner
 Contractor: T&R Contracting, Inc
 Type of Work: Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, Traffic Signals, and Portland Cement Concrete Surfacing

Original Contract Amount:	\$	11,099,144.85
Change on CCO No. 2:	\$	97,147.90
Net Change to Date:	\$	177,811.13

Explanation of Change on CCO No. 2: This increase is the result of the Department adjusting the contract quantities of asphalt concrete and traffic control barriers. A plan error resulted in the need to increase the contract quantity of asphalt concrete. Additional barriers were necessary to safely reduce traffic into two 11-foot lanes during construction.

- IX.** Project: NH 0018(193)252, Tripp County, PCN 04FD
 Location: US 18 in Winner
 Contractor: T&R Contracting, Inc
 Type of Work: Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, Traffic Signals, and Portland Cement Concrete Surfacing

Original Contract Amount:	\$	11,099,144.85
Change on CCO No. 5:	\$	95,510.40
Net Change to Date:	\$	296,418.15

Explanation of Change on CCO No. 5: This increase is the result of the Department adjusting the contract quantities of asphalt concrete, base course, reinforcement fabric as the result of the same plan error in CCO 2. The plans shown dimension of the detour utilized during the reconstruction of the US 18/SD 44 junction will not accommodate turning movements of some types of tractor/trailer combinations and the Department determined to widen the detour to accommodate traffic resulting in the need for additional materials.

- X.** Project: PH 0083(70)0, Todd County, PCN 03B2
 Location: US 83 from the Nebraska State Line to South of Mission
 Contractor: Bituminous Paving, Inc
 Type of Work: Shoulder Widening, Spot Grading, Asphalt Concrete Surfacing, Sidewalk, and Roadway Lighting

Original Contract Amount:	\$	13,412,013.04
Change on CCO No. 23F:	\$	50,929.69
Net Change to Date:	\$	2,292,303.14

Explanation of Change on CCO No. 23F: This increase is the result of the Department adjusting the contract quantities of base course and unclassified excavation. During final review of the contract, the Department noted an adjustment to the quantities was necessary to match the quantities installed during construction.

- XI.** Project: NH 0012(213)159, Corson County, PCN 05U6
 Location: US 12 from McLaughlin east 12 miles
 Contractor: Bituminous Paving, Inc
 Type of Work: Cold Mill Asphalt Concrete, Asphalt Concrete Resurfacing, Pipe Work, and ADA Improvements

Original Contract Amount: \$ 5,658,129.70
 Change on CCO No. 2F: \$ (383,550.98)
 Net Change to Date: \$ (297,612.90)

Explanation of Change on CCO No. 2F: This decrease is the result of the Department adjusting the contract quantities to match the quantities used during construction. Larger decreases included various salvaged granular materials, asphalt concrete, asphalt binder, and asphalt for tack all due to normal project variations.

RAPID CITY REGION

- XII.** Project: NH 0212(192)87, Meade County, PCN 04WR
 Location: US 212 from the junction of Maurine Rd/Bixby Rd to Faith
 Contractor: Border State Paving, Inc
 Type of Work: Asphalt Concrete Resurfacing

Original Contract Amount: \$ 10,055,799.27
 Change on CCO No. 7: \$ 109,549.00
 Net Change to Date: \$ 119,336.17

Explanation of Change on CCO No. 7: This increase is the result of the Department making an incentive payment to the Contractor for pavement smoothness. The incentive payment was made in accordance with the contract.

- XIII.** Project: PH 0040(320), Regionwide, PCN 06AM
 Location: Various Routes in the Rapid City Region
 Contractor: Surface Preparation Technologies, LLC
 Type of Work: Centerline Rumble Stripes

Original Contract Amount: \$ 1,320,307.32
 Change on CCO No. 1: \$ 217,527.88
 Net Change to Date: \$ 217,527.88

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantity of resealing PCC pavement joint. A plan error did not accurately represent the total length of longitudinal centerline joint in need of sealing after the installation of the centerline rumble stripes.

Smith shared with the Commission that there is a material shortage and it is expected that the contracting industry could experience future delays in construction due to the material shortages.

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

May 19, 2021

Asphalt Concrete Resurfacing, Pipe Work

3	04XQ NH 0014(208)230 Bituminous Paving, Inc. US14 - Fm W of SD1804 to W of the US83 N Jct (Blunt Jct)	Hughes County \$4,261,467.94
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Slide Repair

4	087V P 0044(225)290 Schweigert Construction Inc. SD44 - 0.3 W of Platte/Winner Bridge - Gregory County	Gregory County \$959,902.44
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County Pavement Marking

5	04M6 P 000S(00)228 Traffic Solutions Inc Various Locations in the Pierre Region	Regionwide County \$96,997.00
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A MOTION WAS MADE by Roby and seconded by Karim to approve bids #3, 4, and 5. All present voted aye by roll call vote. The motion carried.

Shared Use Path

1	074D P TAPR(34) Top Grade Concrete LLC Viborg along E Park Ave from Sorenson St to Commercial St and from Nora St to Industrial St	Turner County \$280,000.00
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A MOTION WAS MADE by Rosenboom and seconded by Zander to approve bid #1. All present voted aye by roll call vote. The motion carried.

Pavement Restoration, NGCS Grinding, Asphalt Concrete Surfacing, Median Ditch Repair & Weigh In Motion Upgrades

2	07KY NH 0042(85) Interstate Improvement Inc Various Routes in the Belle Fourche & Custer Areas	Butte, Custer, Fall River, Lawrence County \$5,378,455.15
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A MOTION WAS MADE by Zander and seconded by Vehle to approve bid # 2. All present voted aye by roll call vote. The motion carried.

Weisgram shared that item #6 received no bids so no action was necessary.

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

1. Transfer – Stanley County

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

Lot A in a portion of Lot H1 in Government Lot 6 and Relicted Land of Government Lot 6 and in a portion of Lot H1 of Government Lot 2 and Relicted Land of Government Lot 2, Section 28, Township 5 North, Range 31 East of the B.H.M., in Fort Pierre, Stanley County, South Dakota. Lot A in Government Lot 2 contains 0.67 acre, more or less; Lot A in Government Lot 6 contains 4.61 acres, more or less.

This resolution will transfer a portion of Hwy 14 located north of Hustan Avenue between the Missouri River Bridge west to Yellowstone Street in Ft. Pierre, Stanley County, South Dakota. A Jurisdiction Transfer Agreement details the city of Ft. Pierre will accept possession, jurisdiction, operational and maintenance responsibilities of the above described right-of-way. SDDOT will continue to exercise possession, jurisdiction, maintenance and control over any portion of U. S. Highway 14 located on the transfer property, including any portion of the Missouri River Bridge, until completion of the construction of the project. The parties acknowledge and agree that the SDDOT will complete all construction work on the transfer parcel in accordance with the project plans. Upon completion of project construction, the City of Fort Pierre will exercise complete possession, jurisdiction, maintenance and control over the transfer parcel.

Pierre Area DOT recommends the transfer.

RESOLUTION #2021-5.15 as adopted.

A MOTION WAS MADE by Zander and seconded by Karim to approve by agreement the transfer of noted property to the city of Fort Pierre. All present voted aye by roll call vote. The motion carried.

2. Request Transportation Commission approval to dispose of the following DOT excess 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 H2 of the SW1/4 of Section 16, Township 106 North, Range 51 West of the 5th P.M., Lake County, South Dakota.

Appraised Value: \$5,000

The unimproved irregular shaped property contains 6.92 acres of mostly wetland slough located one mile south of Wentworth at the Hwy 34 and 462nd intersection.

Access is from 462nd Avenue.

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

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

3. Abandonment – Beadle County

This resolution will abandon the temporary easements on Beadle County Project NH-P 0037(128)125, PCN 0271.

4. Abandonment – Bon Homme County

This resolution will abandon the temporary easements on Bon Homme County Project P 0037(139)11, PCN 04HJ.

A MOTION WAS MADE by Karim and seconded by Roby to approve the abandonment of temporary easements in Beadle and Bon Homme Counties. All present vote aye by roll call vote. The motion carried.

RESOLUTIONS #2021 – 5.2 and 2021 – 5.3 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented the follow STIP revision for the Commission’s information:

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

REV 21-042

This revision increased the cost and advanced a FY2022 Shared Use Path project in Spearfish along College Ln Fm the NW corner of Mortensen Ln to Hillsview Rd, along Hillsview Rd to McGuigan Rd, fm McGuigan Rd to Clear Springs Rd, along Clear Springs Rd to Tumble Weed Trl, along Tumble Weed Tr fm Clear Springs Rd to McGuigan Rd to FY2021 in the Rapid City Region. (Sequence #451 Page 123 in the 2021-2024 STIP Book).

FY 2021 Plus \$1,063,000
FY 2022 Minus \$665,000

Tammy Williams, Program Manager for the Office of Administration, presented the following amendment to the Bridge Improvement Grant (BIG) for estimated construction costs due to scour reanalysis based on new guidelines for scour countermeasures:

- Amendment to BRF 6312(00)18-1 Brookings County, PCN 06VH – Approximately \$273,126.47 (Actual unit costs of bid items will be used for determining increase) (80% BIG Program/20% State Share)

A MOTION WAS MADE by Zander and seconded by Rosenboom to amend the current BIG agreement to pay the increased actual project cost due to scour reanalysis with state highway funds. After further discussion, the motion was withdrawn by Zander with the consent of Rosenboom.

A MOTION WAS MADE by Zander and seconded by Rosenboom to authorize expenditure of state funds for pay for actual construction costs due to scour reanalysis, with 80% BIG funds and 20% highway funds. All present vote aye by roll call vote. The motion carried

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

Nelson opened the floor to the Commission for input. No members of the Commission address the Commission or offered input.

With no further business to come before the Commission, Nelson adjourned the meeting at 10:29 a.m. CDT.

AMENDED