

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, June 29, 2023 at 9:00 a.m. CDT

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

COMMISSIONER PRESENT: Jaf Karim, Chairman
Lynn Jensen, Vice-chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Chris Frick
Kathy Zander

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Mike Vehle

DOT STAFF PRESENT: Mike Behm, Craig Smith, Karla Engle, Mark Leiferman, Joanne Hight, John Keyes, Scott Rabern, Christina Bennett, Sam Weisgram, Becky Hoffman, Ryan Johnson, and Katlyn Wieme

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Joel Jundt and Doug Kinniburgh

OTHERS PRESENT: Mark Hoines – Federal Highway Administration (FHWA)

Chairman Jaf Karim 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.

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

No members of the Commission disclosed a conflict of interest nor requested a waiver.

Karim asked for a motion to approve the June 15, 2023 Commission meeting minutes.

A MOTION WAS MADE by Rosenboom and seconded by Zander to approve the June 15, 2023 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, requested the Commission set a hearing date of July 27, 2023, to consider amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:00 – Interstate Highways speed zone rule and ARSD 70:01:02:27 – Fall River County speed zone rule.

A MOTION WAS MADE by Vehle and seconded by Nelson to set the administrative hearing date for July 27, 2023. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2023 – 6.1 was adopted.

Karim asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Jensen and seconded by Roby to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by roll call vote. The motion carried.

Executive session began at 9:06 a.m. CT.

Executive Session ended at 10:15 a.m. CT. A roll call was taken and all Commission members were present.

Karim opened the floor to public input.

No members of the public addressed the Commission nor offered input.

Secretary Joel Jundt presented the following items in his Secretary's Report to the Commission:

- The Hall of Honor Committee met and chose two individuals to be inducted into the South Dakota Transportation Hall of Honor for 2023. They are Greg Fuller, former Director of Operations who worked 40+ years for the Department of Transportation (the "Department") and Greg Klein, an instructor for Lake Area Vocational Technical College who has worked closely with the Department for years. A banquet date is to be determined.
- Discretionary Grants – Jundt shared that discretionary grants allow the Department to seek additional federal funds. The Department was awarded the RAISE Grant for \$10 Million, and the Cheyenne River Sioux Tribe was awarded a grant for \$4 Million for projects within the Reservation.
- Debt limit – Jundt shared that the President and House Speaker through legislation are rescinding any unobligated CRISI Funds (for COVID relief). The Department has already obligated its funds and will not be losing any money.

- Jundt reminded the Commission that back in November 2022, Dave Kelly, of the Ogalala Sioux Tribe, addressed the Commission on the Department's scoring criteria for Community Access Grant Applications. The Department reviewed Kelly's request for changes to the criteria, reviewed the current procedures, and ultimately decided to modify the scoring criteria. The application deadline will now be extended to August 15, 2023.
- September Commission Meeting – the Commission previously discussed having an *On the Road* meeting in Sioux Falls, South Dakota. Secretary Jundt invited Craig Smith, Director of Operations, to speak on specific locations to visit in Sioux Falls.
 - Smith highlighted potential areas or projects the Commission can visit, such as the Diverging Diamond Interchanges, South Veterans Parkway, and local suppliers. There was a request from Jason Reeves with the Concrete Pavement Association, to recognize the first concrete highway being placed 100 years ago in Sioux Falls.

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

CCOs completed in May contain an increase of \$3,810,626.52. Over the past 12 months, the overall contract increase is 2.52%.

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

ABERDEEN REGION

1. Project: NH 0012(289)289, Brown County, PCN 04PF
Location: US12 through Aberdeen
Contractor: Ti-Zach Concrete, Inc.
Type of Work: ADA curb ramp upgrades, PCC pavement repair, traffic signals

Original Contract Amount:	\$	5,673,795.20
Change on CCO No. 3:	\$	338,515.10
Net Change to Date:	\$	535,434.62

Explanation of Change on CCO No. 3: This increase is the result of SDDOT adjusting contract quantities of several concrete repair, curb & gutter, and sidewalk items and traffic signal controllers to match as built quantities through normal project variations.

2. Project: NH P 0010(288) Aberdeen Region, PCN 06EH
 Location: Various locations throughout the Aberdeen region
 Contractor: Subsurface, Inc.
 Type of Work: Culvert lining, joint sealing

Original Contract Amount:	\$	896,432.20
Change on CCO No. 1:	\$	92,510.00
Net Change to Date:	\$	92,510.00

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for extra work to clean and repair culvert joints and lining an in-place deteriorated concrete pipe.

3. Project: P 0015(89)167, Grant County, PCN 05J4
 Location: SD15 from the north junction with SD20 north to Milbank
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, asphalt concrete surfacing, guardrail, pipe work

Original Contract Amount:	\$	6,598,581.20
Change on CCO No. 1:	\$	99,907.20
Net Change to Date:	\$	99,907.20

Explanation of Change on CCO No. 1: This increase is the result of SDDOT increasing contract quantities for asphalt concrete and binder for strengthening and leveling a section of road deemed necessary by SDDOT.

4. Project: PH 0212(167)245, Faulk County, PCN 03RQ
 Location: US212 from the Potter/Faulk County Line to Faulkton
 Contractor: Loiseau Construction, Inc.
 Type of Work: Shoulder widening, asphalt concrete shoulder surfacing, culvert repair, structures

Original Contract Amount:	\$	12,342,633.39
Change on CCO No. 14F:	\$	(126,798.96)
Net Change to Date:	\$	394,967.31

Explanation of Change on CCO No. 14F: This decrease is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

MITCHELL REGION

5. Project: IM 2292(108)0, Lincoln & Minnehaha County, PCN 07YD
 Location: I-229 from exit 1 to exit 2
 Contractor: Central Specialties, Inc
 Type of Work: Asphalt concrete resurfacing, NRC pavement repair, partial depth patch, planning PCC pavement

Original Contract Amount:	\$	2,966,084.03
Change on CCO No. 3:	\$	1,222,896.75
Net Change to Date:	\$	1,403,956.72

Explanation of Change on CCO No. 3: This increase is the result of SDDOT adjusting the contract quantities of various items to match the quantities used during construction and making an incentive payment for lane rental for timely completion of the work while coordinating the work to utilize minimal work zone lengths in accordance with the contract.

6. Project: IM EM 0908(97)362, McCook & Minnehaha County, PCN 05T3
 Location: I-90 WBL from 2 miles west of Humboldt to 2 miles east of Hartford
 I-90 WBL exit 379
 I-90 structure .4 miles west of exit 390 over a creek
 Contractor: Reede Construction, Inc.
 Type of Work: Remove & replace PCC surfacing, replace structure, grading, pipe work
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|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 35,664,101.48 |
| Change on CCO No. 4: | \$ | 96,739.30 |
| Net Change to Date: | \$ | 111,061.45 |

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work to repair and strengthen the pavement at the eastbound lanes structure near MRM 389.89 prior to placing traffic in a 2-lane, 2-way configuration across the structure.

7. Project: P 0025(86)55, Hanson County, PCN 06CV
 Location: SD25 from SD262 to SD38
 Contractor: Spencer Quarries, Inc.
 Type of Work: Cold milling, asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	1,643,900.95
Change on CCO No. 7F:	\$	93,748.00
Net Change to Date:	\$	98,344.20

Explanation of Change on CCO No. 7F: This increase is the result of SDDOT compensating the contractor for extra work to replace deteriorated pipes identified during construction.

PIERRE REGION

8. Project: IM 0905(109)226, Lyman County, PCN 05EF
 Location: I-90 – EBL & WBL from Presho to Reliance
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs

Original Contract Amount:	\$	21,484,465.19
Change on CCO No. 10:	\$	548,391.00
Net Change to Date:	\$	760,788.84

Explanation of Change on CCO No. 10: This increase is the result of SDDOT compensating the contractor for extra work to repair the westbound exit 226 structure damaged due to a vehicle hit.

9. Project: IM 0905(109)226, Lyman County, PCN 05EF
 Location: I-90 – EBL & WBL from Presho to Reliance
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs

Original Contract Amount:	\$	21,484,465.19
Change on CCO No. 11:	\$	191,161.80
Net Change to Date:	\$	951,950.64

Explanation of Change on CCO No. 11: This increase is the result of SDDOT compensating the contractor for extra work to repair the eastbound exit 226 structure damaged due to a vehicle hit.

10. Project: NH 0014(220)230, Hughes County, PCN 05HX
 Location: US14 east and west lanes from east of 8th Street to King's Way in Pierre
 US14 from 7 miles east of Pierre to west of US83 N junction
 Contractor: Central Specialties, Inc.
 Type of Work: Crack & seal PCCP, asphalt concrete surfacing

Original Contract Amount:	\$	4,326,604.76
Change on CCO No. 6F:	\$	119,657.87
Net Change to Date:	\$	47,389.25

Explanation of Change on CCO No. 6F: This increase is the result of SDDOT adjusting the contract quantities of asphalt binder and asphalt concrete to match as built quantities through normal project variations.

11. Project: NH 0033(37), Tripp County, PCN 089Q
 Location: Various locations in the Winner area
 Contractor: Bituminous Paving, Inc
 Type of Work: PCC pavement grinding, asphalt concrete surfacing of shoulders

Original Contract Amount:	\$	4,793,586.10
Change on CCO No. 3:	\$	113,272.50
Net Change to Date:	\$	219,060.50

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to remove and replace deteriorated concrete pavement adjacent to two structures on the project.

12. Project: NH EM 0014(194)227, Hughes & Stanley County, PCN 03WN
 Location: US14 Missouri River Bridge in Pierre
 Contractor: Jensen Construction Company
 Type of Work: Replace structure, grading, PCC pavement, storm sewer, sanitary sewer, lighting, signals

Original Contract Amount:	\$	49,990,247.46
Change on CCO No. 22:	\$	88,480.76
Net Change to Date:	\$	782,838.65

Explanation of Change on CCO No. 22: This increase is the result of SDDOT compensating the contractor for extra work to add median crossovers to improve traffic control and flow.

13. Project: PH 00SW(52), Pierre & Rapid City Regions, PCN 05M6
 Location: Various paved County, Tribal, and City Roads in the Pierre and Rapid City regions
 Contractor: Hamm Construction, LLC
 Type of Work: Signing and delineation

Original Contract Amount:	\$	4,999,168.10
Change on CCO No. 2:	\$	324,677.00
Net Change to Date:	\$	586,123.50

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting the contract quantities of posts and signs to match as built quantities through normal project variations. The variation is common for the type of work involved.

RAPID CITY REGION

14. Project: P 016A(08)59, Pennington County, PCN 04FU
Location: US16A EBL & WBL over US 16 E at the Keystone Interchange
Contractor: Corr Construction Services, Inc.
Type of Work: Bridge rehabilitation

Original Contract Amount:	\$	4,498,771.30
Change on CCO No. 10:	\$	140,514.00
Net Change to Date:	\$	378,573.04

Explanation of Change on CCO No. 10: This increase is the result of SDDOT settling a claim submitted by the contractor.

15. Project: NH 0085(84)36, Butte & Lawrence County, PCN 03U6
Location: US85 Structures - 2 miles north of Belle Fourche over Crow Creek
16 miles northeast of US 212 over Indian Creek
.3 miles south of I-90 over Miller Creek
Contractor: A-G-E Corporation
Type of Work: Scour protection

Original Contract Amount:	\$	4,053,624.60
Change on CCO No. 4:	\$	(186,280.00)
Net Change to Date:	\$	(66,504.97)

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT removing a low water crossing per landowner agreement.

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Smith presented for Commission consideration the proposed Sicangu Lakota Code Talker Memorial Highway. The highway designation would apply to U.S. Highway 18 from immediately east of the Todd-Bennett County line to immediately west of the Fort Randall Dam, as shown on a handout provided to the Commission.

A MOTION WAS MADE by Nelson and seconded by Jensen to approve the proposed location and signing of the Sicangu Lakota Code Talker Memorial Highway as presented. All present voted aye by roll call vote. The motion carried.

Commissioner Mike Vehle left the meeting at 10:25 a.m.

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

June 21, 2023

Grading, Asphalt Concrete Surfacing

1	081J NH 0016(95)50 Ofstedal Construction, Inc US16 E - At the Keystone Wye	Pennington County \$2,727,117.96
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A MOTION WAS MADE by Roby and seconded by Zander to approve bid #1. All present voted aye by voice vote. The motion carried.

PCC Pavement Repair & Electronic Screening System Modification

2	095J IM-CR 0291(137)12 Dakota Contracting Corporation I29 - Jefferson Port of Entry	Union County \$1,313,742.09
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A MOTION WAS MADE by Jensen and seconded by Rosenboom to approve bid #2. All present voted aye by voice vote. The motion carried.

Culvert Cleaning & CIPP Lining

3	06EA NH-P 0011(115) Subsurface, Inc Various Locations Throughout the Aberdeen Area	Edmunds, Faulk County \$830,936.10
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A MOTION WAS MADE by Roby and seconded by Simons to reject bid #3. All present voted aye by voice vote. The motion carried.

Asphalt Surface Treatment

4	08R6 IM-NH-P 0021(183) Asphalt Surface Technologies Corporation Various Locations in the Mitchell Area	Aurora, Brule, Buffalo, Charles Mix, Davison, Gregory, Hanson, Jerauld, McCook, Sanborn County \$7,177,436.86
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A MOTION WAS MADE by Rosenboom and seconded by Frick to approve bid #4. All present voted aye by voice vote. The motion carried.

Asphalt Concrete Crack Sealing

5	08QW NH-P 0021(184) Northwest Asphalt & Maintenance Various Routes in Mitchell Area	Gregory, Hanson, McCook, Miner County \$444,533.24
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A MOTION WAS MADE by Simons and seconded by Zander to approve bid #5. All present voted aye by voice vote. The motion carried.

John Keyes, Office of Right of Way, presented for Commission's consideration of the following items.

1. Condemnation – NH 0044(227)40, PCN 08D9, Pennington County

Request Transportation Commission resolution determining that the taking and damaging of real property interests in and to the following property is necessary for a public purpose and authorizing condemnation:

Parcel 2 – Robin L. Patterson

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH 0044(227)40, Pennington County, PCN 08D9, SD44 - From Canyon Road to Chapel Lane in Rapid City. Rockfall hazard mitigation.

Karim asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Nelson and seconded by Zander to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by voice vote. The motion carried.

Executive session began at 11:01 a.m. CT.

Executive session ended at 11:36 a.m. CT.

A MOTION WAS MADE by Jensen and seconded by Roby to approve the condemnation in Pennington County. All present vote aye by voice vote. The motion carried.

RESOLUTION #2023 – 6.2 was adopted.

2. Disposal of Excess Property – Clay County

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

Lot BP1 in Auditor's Tract No. 3, Lot BP3 in Auditor's Tract No. 4 and Lot BP7 in Auditor's Tract No. 2, all in the SW1/4; and also, Lot BP8 in Auditor's Tract No. 4 in the SE1/4; all in Section 14, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, containing 17.4 acres, more or less.

Appraised Value: \$62,500

Lot BP2 in Auditor's Tract No. 3, Lot BP4 in Auditor's Tract No. 4, Lot BP5 in Auditor's Tract No. 1 and Lot BP6 in Auditor's Tract No. 2; all in the SW1/4 of Section 14, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, containing 5.2 acres, more or less.

Appraised Value: \$24,000

Location of the above property is on the west side of Vermillion near the Hwy 19 and Hwy 50 intersection. Zoning is A-1 Agricultural. The City of Vermillion has access jurisdiction. The above parcels are excess property after completed DOT project BRF 2050(02)408, PCN 1369, and Yankton Area DOT requests the property disposal.

A MOTION WAS MADE by Zander and seconded by Rosenboom to approve the disposal of properties in Clay County. All present voted aye by voice vote. The motion carried.

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

Parcel 5: Lot H1 in the NE1/4 of Section 24, Township 117 North, Range 53 West of the 5th P.M., lying west of the right-of-way of the Burlington Northern Railroad Company, Codington County, South Dakota.

Parcel 6: Lot PE1 in the railroad right-of-way in the NE1/4 of Section 24, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota.

The above plats were recorded on July 9, 2007 in Book of Plats "O" P, page 197 and on June 23, 2005 in Book of Plats "O" P, page 57. DOT project P 0020(68)394, PCN 4792 (North Connector) was cancelled.

The Watertown Area DOT requests the plats be vacated.

A MOTION WAS MADE by Nelson and seconded by Frick to approve the vacating of plats in Codington County. All present voted aye by voice vote. The motion carried.

RESOLUTION #2023 – 6.3 was adopted.

4. Abandonment – Brule County

Request Transportation Commission approval to abandon by resolution the temporary easements on Brule County Project P 0050(111)231, PCN 6953.

5. Abandonment – Lincoln County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lincoln County Project IM 0292(92)73, PCN 06X4.

6. Abandonment – Edmunds County

Request Transportation Commission approval to abandon by resolution the temporary easements on Edmunds County DOT Project NH-PH 0012(229)264, PCN 06C7.

7. Abandonment – Turner County

Request Transportation Commission approval to abandon by resolution the temporary easements on Turner County DOT project P-PH 0046(60)346, PCN 04J5.

8. Abandonment – Clay County

Request Transportation Commission approval to abandon by resolution the temporary easements on Clay County DOT project P-PH 0046(60)346, PCN 04J5.

A MOTION WAS MADE by Rosenboom and seconded by Jensen to approve the abandonment of temporary easements in Brule, Lincoln, Edmunds, Turner, and Clay Counties. All present voted aye by voice vote. The motion carried.

RESOLUTIONS #2023 – 6.4, 6.5, 6.6, 6.7 and 6.8 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented for Commission information the following STIP revisions:

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move Fiscal Year's within the 4-year construction STIP)

REV 23-SC-025 This revision increased the cost of a FY2023 Variable Speed Limit & ITS Device project along I90 from two miles west of Exit 30 (Sturgis) to one mile west of Exit 44 (Piedmont) in the Rapid City Region. (Previously added to 2023-2026 STIP per Revision 23-021).

FY 2023 Plus \$2,156,000
Original = \$4,844,000; Updated = \$7,000,000

REV 23-SC-026 This revision increased the cost of a FY2023 Bridge Replacement project on I-190 from north of Anamosa St to North St in Rapid City in the Rapid City Region. (Sequence # 684, Page # 153 in the 2023-2026 STIP Book).

FY 2023 Plus \$3,603,000
Original = \$6,307,000; Updated = \$9,910,000

Leiferman presented to the Commission the tentative STIP for 2024 – 2027 and Public Transit Improvement Program, along with supplemental informational items, for authorization to distribute and release to the public for comment.

A MOTION WAS MADE by Roby and seconded by Zander to authorize the Department to release the tentative STIP for 2024 – 2027 and Public Transit Improvement Program, along with supplemental informational items, for distribution and release to the public for comment. All present voted aye by voice vote. The motion carried.

Joanne Hight, Program Manager for the Office of Administration, presented for Commission consideration the Five-Year County Highway Plan Guide & Bridge Improvement Grant (BIG) Procedures. She shared the list of changes found on Attachment #8.

A MOTION WAS MADE by Rosenboom and seconded by Simons to approve the Five-Year County Highway Plan Guide as proposed by the Department. All present voted aye by voice vote. The motion carried.

A MOTION WAS MADE by Frick and seconded by Simons to approve the Bridge Improvement Grant (BIG) Procedures as proposed by the Department. All present voted aye by voice vote. The motion carried.

Joanne Hight presented the proposed 2024 Local Federal Bridge Replacement and Removal Program fact sheets for the Commission's consideration.

A MOTION WAS MADE by Zander and seconded by Roby to approve the 2024 Local Federal Bridge Replacement and Removal Program as recommended by the Department. All present voted aye by roll call vote. The motion carried.

Sam Weisgram presented a PowerPoint presentation to the Commission on the Bid Letting Process.

With no further business to come before the Commission, Chairman Karim adjourned the meeting at 12:44 p.m. CDT.