

REGULAR MEETING AND DISTRICT TWO TOUR
OF THE IDAHO TRANSPORTATION BOARD

May 18-19, 2021

The Idaho Transportation Board met at 10:40 AM on Tuesday, May 18, 2021 in Pullman, Washington. The following principals were present:

Bill Moad, Chairman

Janice B. Vassar, Vice Chair– District 2

James R. Thompson, Member – District 1

Julie DeLorenzo, Member – District 3

Dwight Horsch, Member – District 5

Bob Hoff, Member – District 6

Brian W. Ness, Director

Scott Stokes, Chief Deputy

Sue S. Higgins, Executive Assistant and Secretary to the Board

District 2 Tour. Senator David Nelson joined the group at the Pullman-Moscow Regional Airport, where Executive Director Tony Bean provided an update on the last phase of the runway realignment project, and plans to construct a new terminal. He and Moscow Mayor Bill Lampert emphasized the good partnership on the regional airport.

Aeronautics Advisory Board (AAB) Chairman Mark Sweeney summarized projects recently completed or planned at the Lewiston Airport, such as improvements to the taxiway and lighting. He also expressed the AAB's appreciation for the Board's approval for the state to manage Hoodoo Meadows airstrip, and thanked staff for its service.

The Board traveled SH-8 east and US-95 north to Potlatch. During an informal luncheon, staff reported on the recent SH-11 slide. Because there is an active construction project in that area, the slide and damaged pavement will be addressed through a change order. A presentation on the recent legislation to name SH-6 the Bobby Chambers Memorial Highway was made by Senator Nelson, Representative Caroline Nillson Troy, and staff.

The tour continued east on SH-6, south on SH-9 and SH-3 and west on US-12. The Board viewed the US-12 Arrow Bridge and US-95 Spalding Bridge. Both structures are nearing the end of their design life and are in need of replacement. The Board traveled US-12/US-95 to the Clearwater Casino and received an update on the Aht'Wy Plaza Interchange from Nez Perce Tribe Executive Director Sam Penney and a consultant. Federal funding has been secured and the project should be bid and awarded in late summer. The tour continued to Lewiston.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting recessed at 4:15 PM.

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The Idaho Transportation Board convened at 8:30 AM on Wednesday, May 19, 2021 in Lewiston, Idaho. The six members that participated on the May 18 tour were present and District 4 Board Member Jim Kempton participated remotely. Acting Lead Deputy Attorney General Tim Thomas was also in attendance.

Safety Share. Engineer-In-Training (EIT) Zach Feist stressed the importance of taking precautions as the temperatures rise outside. He mentioned symptoms of heat stroke and heat exhaustion and measures to take to prevent heat-related illnesses.

Chairman Moad thanked EIT Feist for the important message.

Board Minutes. Vice Chair Vassar made a motion to approve the minutes of the regular Board meeting held on April 21-22, 2021 as submitted. Member DeLorenzo seconded the motion and it passed unanimously.

Board Meeting Dates. The following meeting dates and locations were scheduled:

June 23-24, 2021 – District 3

July 21-22, 2021 – District 5

August 17-18, 2021 – District 1

Consent Items. Vice Chair Vassar made a motion, seconded by Member DeLorenzo, and passed unopposed to approve the following resolution:

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB21-31 explanatory items that can be approved in one motion; and

WHEREAS, Idaho Transportation Board members have the prerogative to remove items from the consent calendar for questions or discussion.

NOW THEREFORE BE IT RESOLVED, that the Board approves the state institution road improvement project; the addition of Local SMA-7674, Mountain View Road, Moscow; the addition of Bridge Local, 97th South, Idaho Canal Bridge, Bonneville County; McMillen Jacobs individual task agreement extension; consultant agreements; and a contract for rejection.

1) State Institution Road Improvement Project. In accordance with Idaho Code 40-310(14), Board Policy 4045 State Institution Road Improvement allocates \$30,000 annually for the construction, alteration, repair, or maintenance of roadways in, through, or around the grounds of state institutions. The Division of Public Works requests funds for improvements to the North Idaho College parking lots. The total project is estimated at \$1,500,000, with the remaining funds coming from other sources. The Division will receive the funds and administer or cause to be administered the improvements. Governor Little supports this recommendation.

2) Addition of Local SMA-7674, Mountain View Road, Moscow. The Local SMA-7674, Mountain View Road, Moscow project, key #13014 is currently programmed in FY24 for

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\$3,287,000. The Local Highway Technical Assistance Council (LHTAC) and staff request advancing the project to FY21 of the approved FY21-27 Idaho Transportation Investment Program (ITIP) with funding from the COVID Relief and Bridge Federal General funds.

3) Addition of Bridge Local, 97th South, Idaho Canal Bridge, Bonneville County. LHTAC and staff request advancing the Local Bridge, 97th South, Idaho Canal Bridge project, key #19530 from Preliminary Development to FY21 of the approved FY21–27 ITIP. The \$1,389,000 project is ready to bid and can be companioned with LHTAC Bridge Bundling projects. Funding is from the Bridge Federal General funds.

4) McMillen Jacobs Individual Task Agreement Extension. Staff requests approval for McMillen Jacobs to exceed the consultant individual task agreement limit of \$500,000 for consultants selected from the term agreement list. The consultant was selected in 2020 to provide general blasting consultation, review blasting related contract submittals, augment on-site inspection of blasting operations, and coordinate with ITD for the SH-55, Smiths Ferry to Round Valley project, key #1004, for \$295,968. Staff desires expanding the role of McMillen Jacobs to include new tasks that will essentially replace the geotechnical support currently included in the engineer of record agreement. The additional work is estimated at \$490,000, which would bring the total agreement to \$785,968.

5) Request to Approve Consultant Agreements. In accordance with Board Policy 4001, staff requests approval to exceed the \$1 million agreement limit for key #19338 – I-84, South Jerome Interchange, Jerome County, District 4 for additional design services of about \$2.8 million; key #20383 – 6th Street, South Fork Coeur d’Alene River Bridge, City of Wallace, District 1 for design services of approximately \$1.1 million; and key #20442 – I-90, SH-41 Interchange, Kootenai County, District 1 for design services of approximately \$8.7 million.

6) Contract for Rejection. The low bid on key #23117 – SH-33, Canyon Creek Bridge Repair, District 6 was more than ten percent over the engineer’s estimate, requiring justification. The difference between the low bid and engineer’s estimate were primarily in the Gabion Sack, Loose Riprap, Special Grouted Hollow Injection Anchor, and Mobilization Items. The engineer’s estimate was based on the average unit prices for similar projects. The District believes the higher prices are partly due to the timing of the bid, the amount of labor hours required, the difficulty of the project location due to the steep terrain, and the rural location. Staff recommends rejecting the bid and either rebidding the project later in the year or performing the work in house. Low bidder: H-K Contractors Inc. - \$1,555,777.

Information Items. 1) Contract Awards and Advertisements. Keys #13493 and #22948 – STC-7169, South Johns Avenue; East 12th to East 4th, Emmett. Low bidder: Diamond Contractors LLC - \$2,687,419.

Key #22221 – SH-62, Zenner Road to Nez Perce, Lewis County, District 2. Low bidder: Knife River Corporation – Mountain West - \$1,383,000.

Key #19916-A SIA – US-95, Labrosse Hill Street to Alderson Lane, Bonners Ferry, District 1. Low bidder: Razz Construction Inc. - \$48,025.

Key #23081 – I-84, Franklin Road Interchange to Karcher Interchange – East, District 3. Low bidder: Concrete Placing Company Inc. - \$37,354,826.

Key #20346 – Eastriver Milepost 10, 11 and 11.2. Low bidder: LaRiviere Inc. - \$1,174,713.

Key #23107 SIA – US-20, Island Park Center Line Rumble Strips. Low bidder: Idaho Lines & Signs LLC - \$476,682.

The list of projects currently being advertised was provided.

2) Professional Services Agreements and Term Agreement Work Tasks Report. From April 1 through April 30, 25 new professional services agreements and work tasks were processed, totaling \$5,191,013. Five supplemental agreements to existing professional services agreements were processed during this period in the amount of \$439,833.

3) State FY21 Financial Statements. Revenues to the State Highway Account from all state sources were ahead of projections by 11.2% as of March 31. Receipts from the Highway Distribution Account were \$18.6 million more than forecast; although the forecast was lowered due to COVID. State revenues to the State Aeronautics Fund were below projections by 9.3%, or \$200,100. During March, a transfer of \$4 million from the passage of state legislation was made; however, those funds are to be expended as grants to local airports. Expenditures were within planned budgets. Personnel costs had savings of \$3.9 million or 4.1% due to vacancies and timing between a position becoming vacant and being filled. Contract construction cash expenditures were \$17.2 million during the month.

The balance of the long term investments was \$111.7 million at the end of March. These funds are obligated against construction projects and encumbrances. The long term investments plus the cash balance of \$113.1 million includes reserves to mitigate the impact of COVID on FY21 revenue. Expenditures in the Strategic Initiatives Program Fund through March were \$16.5 million. The account received \$219,000 in interest plus a transfer of \$72.8 million as part of the Governor's "Building Idaho's Future" initiative. Sales tax deposits into the Transportation Expansion and Congestion Mitigation Fund of \$15 million were ahead of the forecast by 24.9%. Expenditures in this fund were \$32.7 million year-to-date. The federal CARES Act provided \$27.3 million for public transportation. Expenditures totaled \$4 million year-to-date.

4) Monthly Reporting of Federal Formula Program Funding through April. Idaho received obligation authority of \$359.9 million through September 30 via an Appropriations Act signed in December. This corresponds to \$365.4 million with match after a reduction for prorated indirect costs. It includes \$425,527 of Highway Infrastructure General Funds carried over from last year in the Transportation Management Area, \$71 million COVID Relief, and \$13.1 million of FY21 Highway Infrastructure General Funds. An extension to the federal Fixing America's Surface Transportation Act was signed in October 2020. Idaho received apportionments of \$396 million. Obligation authority is currently 91% of apportionments. Of the \$365.4 million allotted, \$176.9 million remains.

5) FY22-25 Strategic Plan for the Division of Financial Management (DFM). The draft FY22-25 Strategic Plan was presented to the Board for review. The Plan is to include the Department's vision and/or mission statement, goals and objectives, performance measures and benchmarks, and key external factors. It is due to DFM by July 1.

Monthly Report on Department Activities. Director Ness reported that Governor Little signed legislation for the biggest transportation investment in the state's history. The Board has the option of bonding up to approximately \$1.6 billion through the Transportation Expansion Congestion Mitigation Fund. Director Ness commended staff for being prepared for this opportunity, as evidenced by some items on the meeting agenda. The mask mandate due to COVID-19 has been lifted for fully vaccinated people. All employees will be returning to the office to work; however, consideration will be given to a future telecommute policy.

Director Ness said the Department is awaiting approval of its Change in Employee Compensation (CEC) package from the Governor's Office. (See later minute entry.) He also mentioned that all of the supervisors participated in a workshop earlier this month on the updated Strategic Plan, with an emphasis on providing exemplary customer service.

Chief Deputy Stokes elaborated on the funding items on the agenda. Some of the projects that will be recommended for funding were presented at the February workshop on safety and capacity needs. Staff will request some funding for engineering and environmental work, as it is imperative to get projects ready for construction.

Member DeLorenzo commended staff for its efforts to get projects ready, and believes it is incumbent on the Board to use the bonding tool the legislature provided. Chairman Moad concurred and added that consideration also needs to be given to ensuring staff has the education, training, and tools it needs to deliver projects.

Chairman Moad thanked Director Ness and Chief Deputy Stokes for the reports.

Legislative Report. Governmental Affairs Manager (GAM) Mollie McCarty said the Senate voted to adjourn sine die, but the House of Representatives voted to recess. Some reasons it may reconvene are unforeseen emergencies or the receipt of a large amount of federal funds. She commended staff for its efforts during the session.

Proposed Legislative Ideas – 2022 Legislative Session. GAM McCarty said an additional legislative idea for the 2022 session regarding fees for online motor vehicle services is being considered. She summarized the three proposals presented last month related to the driver license surrender requirement, Interagency Working Group membership changes, and the one-year commercial learner's permit.

Division of Motor Vehicles Policy Manager Brian Goeke said the Trucking Advisory Council discussed the commercial learners permit idea at length, and ultimately supported the legislative proposal.

GAM McCarty added that the four legislative ideas will be submitted to the Governor's Office in June. Draft legislation for approved ideas will be submitted to the Board for approval.

The Board thanked GAM McCarty for the presentations and for her work during the legislative session.

Consolidation of Administrative Policy 5505 Operating State-Owned Vehicles and 5535 State Owned Vehicle Usage Practices. Employee Safety Manager Randy Danner presented Administrative Policy 5505 Operating and Usage Practices of State-Owned Vehicles. The title was changed from Operating State-Owned Vehicles because the revised policy incorporates Administrative Policy 5535 State Owned Vehicle Usage Practices, which would be deleted. In addition to the consolidation of the policies, revisions include edits to reflect modernization and compliance with current policies and language on the use of telematics to collect data from vehicles.

Member DeLorenzo referenced the requirement for non-state employees to submit a Release and Acknowledgement of Responsibility form to the supervising employee before riding in or driving a state vehicle. She questioned who the supervising employee would be for a non-state employee. Chairman Moad recommended attaching the referenced form to the policy.

Vice Chair Vassar made a motion to revise the policy to clarify who the supervising employee of a non-state employee is and to attach the Release and Acknowledgement of Responsibility form and to present the revised policy next month. Member Kempton seconded the motion and it passed unopposed.

Idaho Battle of the Belts. Highway Safety Manager (HSM) John Tomlinson said there have been 52 fatalities on Idaho's highways to date this year. Last year at this time there were 55 fatalities.

Tabitha Smith, Grants Contracts Officer (GCO), said the Battle of the Belts is a scholarship competition for high school juniors and seniors in partnership with State Farm Insurance. The intent is to raise awareness about the importance of seatbelts. There were a record number of participants this year due to some changes to the application and program and more extensive outreach. She recognized the second-place winner from Orofino, Mattie Drobish.

Chairman Moad congratulated Ms. Drobish and thanked her for participating in this important program. He also thanked GCO Smith for the presentation.

Idaho Law Enforcement Phlebotomy Program. HSM Tomlinson welcomed District 2 Idaho State Police (ISP) Trooper Tauna Davis as the District's new law enforcement liaison. Officer Davis reported on some of her activities, such as outreach with law enforcement agencies and raising awareness about highway safety through social media and other means.

District 2 ISP Captain Richard Adamson thanked the Board for its commitment to highway safety. Impairment is one of the leading contributing factors in highway fatalities, and blood evidence is critical to help prosecutors get convictions. The phlebotomy program is an

important tool. ISP recently joined the state's program. Statewide, about 15 law enforcement agencies participate, and there are about 65 certified law enforcement phlebotomists. He expressed appreciation to ITD for its support of this program.

Chairman Moad thanked Captain Adamson for the informative presentation and for his service.

Highway Safety Plan. HSM Tomlinson presented the draft federal FY22 Highway Safety Plan designed to eliminate traffic crashes, deaths, injuries, property damage, and economic losses resulting from traffic crashes. It must have measurable highway safety targets, descriptions of the process used in determining the highway safety problems, and activities on how projects will address the highway safety problems. The document, required by the National Highway Traffic Safety Administration, was approved by the Idaho Traffic Safety Commission earlier this month. HSM Tomlinson highlighted some of the proposed projects.

Chairman Moad thanked HSM Tomlinson for the presentations.

Department Activities, Continued. Director Ness reported that the Department's CEC package was approved earlier this morning. There are several components, such as a bigger pay increase for some hard-to-fill positions. The average increase will be around 4%, based on merit.

District 2 Annual Report. District 2 Engineer (DE) Doral Hoff expressed appreciation for the office remodel, which is nearing completion. Staff kept the roads clear of ice and snow 80% of the time this past winter, exceeding the goal of 73%. He added that accidents in adverse conditions have been decreasing. All six of the FY22 projects were delivered by March 31, 2021. He summarized a number of construction projects scheduled this year.

DE Hoff said staff will be working on delivering the FY23 projects, preparing older snow plow trucks for next winter, and conducting summer maintenance activities. He added that the District will receive new snow plows later this year to replace half of its fleet. The Nez Perce Tribe received a \$19 million federal grant for the US-95 Aht'Wy Interchange. The right-of-way has been acquired, and the project should be bid this fall with a two-year construction season. The 404 permit was signed in March for the US-95, Thorn Creek to Moscow project. Right-of-way acquisition is expected to be completed by summer, and the project is expected to be bid in fall at an estimated construction cost of \$60 million. In closing, DE Hoff commended staff for its work on the US-95, Milepost 188 Rock Slide near Riggins, which received an Excellence in Construction Partnering award.

The Board commended DE Hoff for the excellent report and for his leadership.

Spending Plan for Available One-Time Funds. Program Management Office Manager (PMOM) Randy Gill summarized available funds. The Department set aside state FY21 funds early in the Covid pandemic because it did not know how the pandemic would impact revenue. Because revenue did not decrease significantly, \$48.4 million is available. Additionally, the legislature approved \$72.8 million for ITD's Strategic Initiative Program Fund from surplus general funds, and \$63.175 million is available from Covid Relief Federal Aid Funds.

Chairman Moad noted the importance of backfilling the Program as projects are advanced. Member Kempton questioned the industry's ability to respond to the additional projects. PMOM Gill concurred that ITD's partners are crucial to the success. The industry was aware of the potential infusion of additional funding and PMOM Gill believes it will be prepared to assist.

Member DeLorenzo moved to approve the following resolution, seconded by Member Horsch, and passed 6-0 by individual roll call vote:

RES. NO. WHEREAS, it is the intent of the Idaho Transportation Board to effectively
ITB21-32 utilize all available federal, state, local, and private capital investment funding;
and

WHEREAS, the FY21 Covid Mitigation Set-Aside Funds became available as the Idaho Transportation Department prepared for what might happen to the state funds as we headed into the unknown during the pandemic; and

WHEREAS, currently ITD has received and has current year spending authority for \$63 million. In past meetings the Board has approved the use of \$14.6 million. The use of the remaining \$48.4 million is shown as Exhibit #536, which is made a part hereof with like effect; and

WHEREAS, the Building Idaho's Future plan, House Bill 308 was recently approved appropriating and transferring \$126 million from the General Funds Surplus of which \$72.8 million was transferred to the Strategic Initiative Program Fund for use by ITD; and

WHEREAS, in the March 2021 Board meeting the Board was presented with a distribution plan for the \$71 million of FY21 Covid Relief Federal Aid Funds Idaho received for highway projects. ITD's share of that is \$63.175 million with ITD's matching share; and

WHEREAS, ITD is prepared to incorporate the projects, as shown as Exhibit #536, which is made a part hereof with like effect, into the approved FY21-27 Idaho Transportation Investment Program (ITIP).

NOW THEREFORE BE IT RESOLVED, that the above additional funding will be added as described and incorporated into the ITIP; and

BE IT FURTHER RESOLVED, that the Idaho Transportation Board approves the staff making appropriate adjustments to the program and amending the approved FY21-27 Statewide Transportation Improvement Program.

Chairman Moad thanked PMOM Gill for the presentation.

129,000 Pound Truck Route Requests, District 2. Freight Program Manager (FPM) Scott Luekenga presented the Chief Engineer's evaluation for case #202101: SH-13 – milepost 24.400

to 26.390; US-12 – milepost 74.480 to 66.220; and SH-162 – milepost 23.065 to 8.00 and 38.819 to 31.077, District 2. The Division of Motor Vehicles reported that the highways are classified as blue routes, allowing 95-foot overall vehicle length and a 5.5-foot off-track. The bridge analysis determined that the nine bridges on the routes will safely support vehicle combinations up to 129,000 pounds, assuming the axle configuration conforms to the legal requirements. The pavement conditions range from good to poor. There are no safety concerns, and staff recommends approving the application.

Public Information Officer Megan Jahns said about 30 comments were received during the public comment period. The majority opposed the reclassification, with concerns related to the poor condition of the highway, damage from heavier trucks, and few passing opportunities.

Member Horsch said the Subcommittee on 129,000 Pound Routes reviewed the request and acknowledged the public opposition. The Subcommittee believes a number of the negative comments were due to a misunderstanding of the commercial vehicle combinations and recommends approval of the application. Vice Chair Vassar concurred. She added that the local highway jurisdictions responsible for old highway 7 are still evaluating that route. Because the Board is responsible for the state highway system, she supports proceeding with the designation of the requested routes.

Vice Chair Vassar made a motion, seconded by Member Horsch, and passed unanimously to approve the following resolution:

RES. NO. WHEREAS, Senate Bill 1117 was enacted in 2013 allowing the Idaho
ITB21-33 Transportation Board to designate state highways for permitted vehicle
 combinations up to 129,000 pounds upon request; and

WHEREAS, the Board established a Subcommittee on 129,000 Pound Truck
Routes to implement provisions of the legislation; and

WHEREAS, the Idaho Transportation Department has received a request for
129,000 pound routes in District 2: SH-13 – milepost 24.400 to 26.390; US-12 –
milepost 74.480 to 66.220; SH-162 – milepost 38.819 to 31.077; and SH-162
milepost 23.065 to 8.00; and

WHEREAS, the Chief Engineer and Department staff received the application
and reviewed the proposed routes by conducting an engineering and safety
analyses of the routes; and

WHEREAS, upon completion of the engineering and safety analyses, a 15-day
public comment period was held, including an opportunity for verbal testimony,
and thirty-one (31) comments received, four (4) in support, twenty-two (22)
adversarial, and five (5) neither for nor against the specific routes; and

WHEREAS, the Chief Engineer presented his analyses to the Board
Subcommittee on 129,000 Pound Routes at its meeting on April 22, 2021 with a
recommendation to approve the routes; and

WHEREAS, after the Board Subcommittee reviewed the Chief Engineer's analyses and public comments, it passed a motion to approve the routes request; and

WHEREAS, the Chief Engineer and the Board Subcommittee presented their analyses and recommendations to the full Board at the regularly scheduled Board meeting of May 19, 2021.

NOW THEREFORE BE IT RESOLVED, that the Board accepts the Chief Engineer's analyses and recommendations on SH-13 – milepost 24.400 to 26.390; US-12 – milepost 74.480 to 66.220; SH-162 – milepost 38.819 to 31.077; and SH-162 milepost 23.065 to 8.00; and

BE IT FURTHER RESOLVED, that the Board directs the Chief Engineer to issue a Letter of Determination that approves the referenced routes request in District 2; and

BE IT FURTHER RESOLVED, following the fourteen day public appeals period, this resolution is effective June 1, 2021.

Chairman Moad thanked FPM Luekenga for the presentation.

2020 Census Results. Senior Transportation Planner (STP) Margaret Havey said the U.S. Census Bureau announced the resident populations of each state and the corresponding preliminary apportionment figures. The final census data won't be released until later this year. Idaho's population is 1,841,377, a 17% increase from 2010, rating it the second fastest growing state in the nation during that time period. The state will maintain its two Congressional representatives and its federal formula funding is expected to increase approximately 0.5%. The Twin Falls area is expected to be designated as a metropolitan planning organization (MPO) with a population of more than 50,000; however, the population for MPO designation may increase.

In response to Vice Chair Vassar's question, STP Havey said the MPO formula is defined in the federal Fixing America's Surface Transportation Act, which has been extended through fall of 2021. The new federal act may change the formula for MPO designation. Changing the formula to populations greater than 100,000 will impact Idaho's MPOs. Staff is monitoring the federal activity. In response to Member Kempton's question on the potential Twin Falls MPO, STP Havey said that MPO boundaries do not follow county lines. The boundaries are established based on the region's population. Member DeLorenzo believes it may be an opportune time to revisit the Department's distribution formula for federal funds to local public agencies.

Chairman Moad thanked STP Havey for the informative report.

Executive Session on Legal and Personnel Issues. Vice Chair Vassar made a motion to meet in executive session at 11:25 AM to discuss personnel issues as authorized in Idaho Code Section 74-206 (b) and legal issues as authorized in Idaho Code Section 74-206 (c) and (f). Member DeLorenzo seconded the motion and it passed 6-0 by individual roll call vote.

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The discussions on legal matters related to the acquisition of property and operations. The discussions on personnel matters related to the performance of employees.

The Board came out of executive session at 1:00 PM.

Utility Accommodation Rulemaking. Ramón Hobdey-Sánchez, Governmental Affairs Program Manager, proposed negotiated rulemaking for IDAPA 39.03.43 Rules Governing Utilities on State Highway Right-of-Way. The process would focus on alternative use of highway right-of-way by non-public utilities; updates due to new technologies such as broadband and small cell wireless; requirements for permitting broadband and small wireless facilities; and ensure compliance with federal requirements. Public meetings would be held in June and the findings would be presented to the Board in July, with the final administrative rules language ready in late summer or early fall.

Robert Beachler, Senior Planner, summarized staff's efforts to accommodate broadband facilities in the state's right-of-way. This is partly in response to the Governor's Broadband Initiatives, along with the desire to support expansion of broadband availability throughout Idaho, and to respond to new Federal Highway Administration guidance and state regulations. Guidelines, policies, and administrative rules need to be updated to address the increasing demands for utility accommodation and access to the right-of-way.

Member Hoff made a motion, seconded by Vice Chair Vassar, and passed unopposed to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board and Idaho Transportation
ITB21-34 Department recognize their role in broadband connectivity within Idaho; and

WHEREAS, broadband connectivity is crucial to Governor Little's Building Idaho's Future Initiatives; and

WHEREAS, the Department accommodates private and public utilities in highway rights-of-way in accordance with local, state, and federal laws; and

WHEREAS, policy is *incorporated by reference* in IDAPA 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way; and

WHEREAS, Department staff requests to collaborate with the general public, broadband vendors, elected officials, and the Governor's Office on broadband policy; and

WHEREAS, pursuant to Section 67-5220, Idaho Code, the Department will initiate the negotiated rulemaking process; and

WHEREAS, Department staff will use May and June 2021 to host and facilitate negotiated meetings.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board authorizes and directs Department staff to begin consultations and collaboration through the negotiated rulemaking process in order to work on identifying potential improvements and changes to the Utility Accommodation Policy and updating ITD's Guide for Utility Management.

Chairman Moad thanked staff for the presentation.

I-84 Cost Savings. Transportation Program Manager (TPM) Amy Schroeder reported that all three bids on the I-84 GARVEE corridor projects were below the engineer's estimate. She recommended re-directing the \$20.6 million savings in bonded funds to meet draw down requirements.

Member DeLorenzo made a motion, seconded by Vice Chair Vassar, and passed unopposed to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board is charged with determining the
ITB21-35 timeframe and scope of improvements for the State Transportation System; and

WHEREAS, Idaho Code § 40-310 directs the Board to plan, design and develop statewide transportation systems when determined to be in the public interest; and

WHEREAS, Idaho Code § 40-315 directs the Board to consider the cost of the projects and whether or not the project could be funded without GARVEE bonding, and to balance and coordinate the use of bonding with the use of highways construction funding; and

WHEREAS, Idaho Code § 40-315 identifies the SH-16 and US-95 corridors as eligible corridors for the use of GARVEE bonds; and

WHEREAS, the Idaho Transportation Department has made a significant investment in the SH-16 corridor for the environmental evaluation, design, right-of-way acquisition, and construction of the connection between US-20/26 and SH-44 in 2014 (Phase 1); and design and right-of-way acquisition of the connection between I-84 and US-20/26 (Phase 2); and

WHEREAS, final design of the remaining elements of work between I-84 and US-20/26 is not funded; and

WHEREAS, it is beneficial to begin the final design of the remaining elements of work between I-84 and US-20/26 (referred to as Phase 3) in order to prepare the project of future funding opportunities; and

WHEREAS, the Department has made a significant investment in the US-95 corridor with the GARVEE bonding program, and the Granite North project is funded with GARVEE bonds from the 2017 authorization, as well as Freight and Transportation Expansion Congestion Mitigation funds; and

WHEREAS, \$20.6 million savings of GARVEE bonds from the 2017 authorization, included in the 2021A Series bond sale, have been identified on the I-84, Caldwell to Nampa corridor.

NOW THEREFORE BE IT RESOLVED, that the Board approves reallocating GARVEE bond savings from the I-84, Caldwell to Nampa corridor to advance the final design of SH-16 Phase 3 for \$15 million, and exchange \$5.6 million GARVEE funds on the US-95 Granite North project with Federal Aid in order to draw down the bonds faster.

Transportation Expansion Congestion Mitigation (TECM) Funded Projects. TPM Schroeder encouraged bonding TECM funds and proceeding expeditiously to take advantage of the current market conditions. She stressed the importance of preparing projects for construction, whether bonding or other funding mechanisms are used for construction. She summarized the list of corridors presented at the February workshop, and recommended proceeding with environmental work, design, right-of-way acquisition, and construction on several corridors with TECM funding. A more complete bonding proposal will be presented later.

Member Hoff made a motion, seconded by Member Kempton, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board is charged with determining the
ITB21-36 timeframe and scope of improvements for the State Transportation System; and

WHEREAS, Idaho Code § 40-310 directs the Board to plan, design, and develop statewide transportation systems when determined to be in the public interest; and

WHEREAS, House Bill 362 increased the sales tax distribution from 1% to 4.5% (not less than \$80 million annually), dedicated to the Idaho Transportation Department for large infrastructure projects on the state highway system; and

WHEREAS, there are many unfunded safety and capacity needs throughout the state; and

WHEREAS, a list of corridors and projects has been developed by staff and presented to the Board for inclusion into the Transportation Expansion Congestion Mitigation (TECM) program; and

WHEREAS, adding these projects to the TECM program is part of the Department's strategy to develop projects in preparation of future funding opportunities.

NOW THEREFORE BE IT RESOLVED, that the Board approves allocating TECM funds to the following list of corridors and projects in the amounts listed under TECM Environmental (Envr), TECM Design, TECM Right-of-way (ROW), and TECM Construction (Constr.); and

District	Location	Cost (\$ million)			
		TECM Envr	TECM Design	TECM ROW	TECM Constr.
1	I-90, Washington State Line to Coeur d'Alene	5			
2	US-95, Spalding Bridge & Interchange, Nez Perce Co	1.5			
2	US-12, Arrow Bridge Replacement, Nez Perce Co	1.5			
3	SH-16, I-84 to US-20/26 & SH-44 IC, Ada & Canyon Cos				
	Mainline + At-Grade Signalized Intersections (Phase 2)				170
3	US-20/26, I-84 to Middleton Rd				37
3	US-20/26, Middleton Rd to Star Rd		12	40	
3	I-84, Karcher IC (exit 33)		2	1	
3	I-84, Centennial IC to Franklin IC (exit 27 -29)		8	2	
3	I-84, Middleton IC to Centennial Way IC (exit 25 - 27)	2			
3	SH-55, Sunnyslope to Nampa				
	Pear Lane to Indiana Ave, Nampa		10	30	
4	SH-75, Timmerman Jct to Timber Way	3			
4	I-84, Interchanges, Minidoka Co	2			
	Burley IC (exit 208)		7		
	Heyburn IC (exit 211)		7		
4	I-84, South Jerome IC to Twin Falls IC	2	8		
5	I-15, Pocatello to Idaho Falls	5			

BE IT FURTHER RESOLVED, that the Board directs staff to develop a list of possible TECM bonding projects to present to the Board for approval.

Chairman Moad thanked TPM Schroeder for the presentations and her efforts on this important program.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting adjourned at 1:40 PM.

signed

BILL MOAD, Chairman
Idaho Transportation Board

Read and Approved
June 24, 2021
Boise, Idaho

May 19, 2021