

****UPDATED 11/25/2016****
ITEMS 1C (REIMBURSEMENT AMOUNTS REVISED),
3 (ANNEXATION NO. CORRECTED) AND 5 (STAFF REPORT
REVISED)

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

AGENDA

COUNCIL CHAMBERS

November 28, 2016

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ROLL CALL: Councilmembers present on roll call were:

MINUTES: November 14, 2016

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #5 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:
 - A. **Bid Awards:**
 1. **South Park Splash Pad Development.** (Opened 10/25/16) Recommend General Contractors Construction Company, Inc., \$1,030,350.
 - B. **Professional Services Contract** for W.O. 17-07; Hilltop Road and Aronson Avenue Storm Drain Extension; KLJ; \$338,305.
 - C. **Reimbursement Agreement** with the Transportation Security Administration (TSA) to reimburse the Airport for electric utility and janitorial expenses for checkpoint areas in the Terminal Building; \$41,742.96/year of revenue for the Airport for the base year, and an estimated \$208,714.80 for the total five-year period of performance.
 - D. **Amendment #1** to the Airport Business Park Building and Ground Lease with the Yellowstone County Museum Foundation, for a net addition of 229.21 square feet for a revised total of 1,431.71 square feet to the leased premises.
 - E. **Approval** of the Billings Community Transportation Safety Plan and forward the recommendation to the Policy Coordinating Committee (PCC) through the City's PCC representative.
 - F. **Approval** of the Assignment Agreement transferring the Development Agreement between the City and Northridge Assets, LLC to Southgate Hotels, LLC.
 - G. **Access Easement** with River Park Retirement Court, LLC, for Lot 14 of Britain Acres.
 - H. **Revolving Loan Fund #1** to Todd Gainan - Galles Building, \$115,000.
 - I. **Revolving Loan Fund #2** to Todd Gainan - Galles Business, \$250,000.
 - J. **Revolving Loan Fund** to Mike Matthew - Pub Station, \$38,750.
 - K. **Acceptance** of donation to the Billings Fire Department from Phillips 66 for fire safety training equipment; \$10,000.

L. **Acceptance** of donation to the Billings Police Department from Phillips 66 for Rescue Task Force (RTF) equipment; \$44,000.

M. **Bills and Payroll:**

1. October 31, 2016

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for FY2017. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #16-05:** property described as Tract 3 and a portion of Tract 4 and Tract 5, Certificate of Survey 1648, located west of Shiloh Road and south of Central Avenue between Central Avenue and Bell Avenue just west of Legends West Subdivision. Janet R. Bergman, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #950:** a zone change from Agriculture-Open Space (A-1) to Residential 7,000 (R-70) on a 15.107 acre parcel of land described as: Tract 3 of C/S 1648, generally located at 4240 Central Avenue. Janet R. Bergman, owner; Bryan Alexander, Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

5. **APPROVAL** of Facility Management, Operation and Use Agreement with Mustangs Baseball, LLC, (Dehler Park). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. *(Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Denise R. Bohlman, City Clerk, at 657-8210.

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: South Park Splash Pad Development - Bid Award

PRESENTED BY: Mike Whitaker, Parks, Recreation & Public Lands Director

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

Staff is seeking Council approval of a contract to construct a splash pad at South Park. This project will replace the wading pool that was removed in 2009. Bids were opened October 25, 2016. There were 3 bidders. General Contractors Construction Co. Inc. of Billings is the apparent low bidder with a base bid of \$1,030,350 (see Attachment A). The total budget for this project is \$500,000.00, consulting fees are \$65,000.00 leaving \$435,000.00 for construction. The project is short by \$595,350.00. To make up for the shortfall, staff recommends delaying the following budgeted projects: Stewart Park Irrigation Upgrades for \$300,000.00 and Restroom Remodel at Burlington, Centennial, Poly Vista, and Coulson Parks for \$325,000.00 for a total of \$625,000.00 which will cover the shortfall. If this contract is approved, construction will begin immediately with a projected completion the end of May 2017. As a note, this project was previously bid, however due to the fact that the contractor could not meet the project specifications, all bids were rejected.

ALTERNATIVES ANALYZED

City Council may:

- Approve the contract for Base Bid only for a total cost of \$1,030,350.00 or;
- Reject all bids and provide staff with additional guidance.

FINANCIAL IMPACT

Funding for this project comes from the City Wide Park District #1 and was approved in FY 2015. Approval of this contract will delay projects previously funded.

RECOMMENDATION

Staff recommends that Council award the contract for the base bid only to General Contractors Construction Co., Inc. for the amount of \$1,030,350.00

APPROVED BY CITY ADMINISTRATOR

Attachments

Bid Tab

BIDDING RESULTSDATE: **October 2016****CTA Architects Engineers****Billings, MT**

http://www.ctagroup.com e-mail: info@ctagroup.com

PROJECT NAME: **BPR Splash Pad**DESIGN STAGE: **Bidding**CTA FILE NAME: **BPR_SPLASH**

Contractor Name	Base Bid	Alternate #1	Alternate #2	Alternate #3		
General Contractors Construction Company, Inc.	\$1,030,350	\$149,679	\$53,464	\$14,267	Bid Total	\$1,247,760
Diamond Construction Inc.	\$1,075,000	\$58,000	\$50,400	\$15,500	Bid Total	\$1,198,900
Hardy Construction Co.	\$1,097,000	\$47,000	\$19,000	\$22,000	Bid Total	\$1,185,000

Architecture and Engineering Service Estimate \$673,143**Design Service Fee** \$64,000**Design Construction Estimate** **\$485,400**

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: WO 17-07; Hilltop Road and Aronson Avenue Storm Drain Extension

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The purpose of this project is to extend the storm drain main in Hilltop Road from Shamrock Lane towards Bazaar Exchange and install a storm drain main in Aronson Avenue from Nutter Boulevard towards Dixon Street. Staff requested the services of an engineering firm to provide design and construction administration services for the project, and KLJ was selected through the Request for Proposals (RFP) process. Other firms considered were DOWL, Sanderson Stewart, Interstate Engineering and Morrison-Maierle. The contract amount is \$338,305.

ALTERNATIVES ANALYZED

The Council may:

- Award the Contract for Professional Services to KLJ; or
- Do not award the contract. If the contract is not awarded, the installation of storm drain infrastructure on Hilltop Road and Aronson Avenue will be delayed.

FINANCIAL IMPACT

The funding for the design is provided by Storm Drain Funds and is included in the FY17 budget. The cost of design and construction administration services is \$338,305.

RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to execute a Contract for Professional Services with KLJ for \$338,305 for engineering design and construction administration services.

APPROVED BY CITY ADMINISTRATOR

Attachments

W.O. 17-07 Contract for Professional Services

Contract for Professional Engineering Services

Project Work Order 17-07, Hilltop Road Storm Drain Extension

In consideration of the mutual promises herein, City of Billings and Kadrmas, Lee & Jackson, Inc. agree as follows. This Contract consists of:

Part I, consisting of 6 Sections of Special Provisions;

Part II, consisting of 4 Sections of General Provisions;

Appendix A consisting of 14 pages (Basic Services of Engineer);

Appendix B consisting of 1 pages (Methods and Times of Payment);

Appendix C consisting of 1 page (Additional Services of Engineer);

Appendix D consisting of 1 page (Schedule of Professional Fees);

Appendix E consisting of 1 page (Project Schedule);

Appendix F consisting of 1 page (Certificate(s) of Insurance); and

PART I SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
- B. "Billings" means the City of Billings.
- C. "Contractor" and/or "Engineer" means Kadrmas, Lee & Jackson, Inc.

Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on December 31, 2018.

Section 4. Compensation; Method of Payment.

- A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.
- B. The Contractor is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.
- C. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

The Contractor's services under Section 2 of this Part may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Billings, provided that Billings notifies the Contractor in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

Section 6. Duties Upon Termination

- A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.

- B. If the Contractor's services are terminated for cause, Billings shall pay the Contractor the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Contractor's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Contractor under this Contract shall become the property of Billings at its option.
- C. If the Contractor receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
- D. The Contractor shall not be entitled to any compensation under this Section until the Contractor has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
- E. If the Contractor's services are terminated for whatever reason the Contractor shall not claim any compensation under this Contract, other than that allowed under this Section.
- F. If a final audit has not been performed before the Contractor's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
- G. Except as provided in this Section, termination of the Contractor's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

Section 7. Insurance.

- A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.
- B. The Contractor shall provide the following insurance:
 - 1. Workers' compensation and employer's liability coverage as required by Montana law.
 - 2. Commercial general liability, including contractual and personal injury coverage's -- \$1,500,000 per occurrence.
 - 3. Commercial automobile liability -- \$1,500,000 per accident.
 - 4. Professional liability in the amount of \$1,500,000 per occurrence.
- C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
- D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Contractor of its interest in any part of this Contract or any delegation of duties under this Contract shall be void, and an attempt by the Contractor to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

- A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.
- B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.
- C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings: City Engineer (Debi Meling)
 City of Billings
 Public Works - Engineering
 2224 Montana Avenue
 Billings, Montana 59101

Contractor: Carl Jackson
Kadmas, Lee & Jackson Inc.
2611 Gabel Road
Billings, MT 59102

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Contractor shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

- A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
- B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:
 - 1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
 - 2. Strikes or Work stoppages.
 - 3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
 - 4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Contractor shall establish and maintain a financial management system that:

- A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
- B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
- C. Effectively controls and accounts for all municipal funds and Contract property;
- D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
- E. Allocates administrative costs to direct service delivery units;
- F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
- G. Provides accounting records supported by source documentation; and

- H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Contractor agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

Section 15. Subcontracts.

The Contractor may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

- A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
- B. Every subcontract under which the Contractor delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Contractor.
- C. Every subcontract in an amount exceeding \$1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

PART II
GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

The Contractor shall perform its obligations hereunder as an independent Contractor of Billings. Billings may administer the Contract and monitor the Contractor's compliance with its obligations hereunder. Billings shall not supervise or direct the Contractor other than as provided in this Section.

Section 2. Nondiscrimination.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans with Disabilities Act of 1990). The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
- E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
- B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Contractor: Director or Authorized Designee

Billings: City Council or Authorized Designee

- C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

- A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Contractor shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Contractor is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Contractor shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Contractor shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Contractor to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.

IN WITNESS WHEREOF, the parties have executed this Contract on the date and at the place shown below.

City of Billings

Contractor

City Council or Designee

Date: _____

Name: _____

Title: _____

Date: _____

ATTEST:

IRS Tax ID # _____

City Clerk

APPROVED AS TO FORM:

Date: _____

By _____

BRENT BROOKS, City Attorney

STATE OF MONTANA)
 :ss.
COUNTY OF YELLOWSTONE)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ of _____, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana
Residing at Billings, Montana
My Commission Expires: _____

Note: **Final contract documents will require the Contractor's signature to be notarized.**

Appendix A

Basic Services of Engineer

Engineer's Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.
- B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.
- C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.
- D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.
- E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.
- F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.
- G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.
- H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.
- I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.
- J. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project, the Task Director designated for the Engineer is Carl Jackson, PE.

Billings Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete Billings' portion of the project as designated in the scope of work.
- B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is Tyler Westrope, P.E.

Scope of Work.

I. DESCRIPTION

Hilltop Road Storm Drain Extension (project) will extend new storm drain facilities in Hilltop Road from Shamrock Lane to (or part way to) Bazaar Exchange and in Aronson Avenue from Nutter Boulevard to (or part way to) Stewart Court. In summary, Engineer's services will include survey, geotechnical investigation, public involvement, preliminary design, final design, bidding services and construction administration.

The following list summarizes the general objective of this scope of work.

- The project will include storm drain extensions with new storm drain manholes and inlets necessary to reduce current flooding in the project area. For this scope, it is assumed that all pipe installation will be by standard open trench installation practices. However trenchless technologies as discussed in the scope will be evaluated for feasibility. If a trenchless technology proves to be more cost effective, a supplemental scope and fee estimate for additional related services will be provided for Billings' consideration.
- It is assumed that all improvements will be within public right-of-ways (ROW). Securing easements or permission to work outside of right-of-ways is not included in Engineer's scope. There may be some minor exceptions to limiting the survey to the right-of-way, where new storm drain stub-outs are provided into adjacent developments strictly for the benefit of the properties that are impacted by construction of the stub-outs.
- No road reconstruction or utility rehabilitation is included in the project scope other than that which is necessary for and a part of the new storm drain extensions.

II. SERVICES TO BE PERFORMED

100 PROJECT MANAGEMENT

Engineer will provide all project management necessary to complete Engineer's services. This includes developing a project work plan, leading the project team, assuring coherence with project objectives, specifying tasks and resources, tracking budgets and timelines and communicating with Billings. The project manager will handle day to day activities and coordination for all actions throughout the duration of the project. The project manager will also assure quality control procedures are on-going throughout the project.

The project manager will be the liaison between external parties and the Engineer team. The project manager will notify the client of any issues, problems, or concerns regarding the project.

If any items arise during the duration of the project that are outside this scope of work, the project manager will address them with Billings. Ultimately, the project manager is accountable for delivering a successful project.

The Engineer will provide the following project management tasks:

101 Work Plan

Prepare a work plan to establish communication protocol, means to control scope of work, track schedules and budget, assign engineering team roles, assure quality and manage project production.

102 Kick-off Meeting and Project Schedule

Conduct an internal kick-off meeting to review work tasks and establish schedule milestones. At the kick-off meeting the approach for completing work, schedule and team responsibilities will be refined. Following the kick-off meeting, the schedule will be modified to include milestone dates for the major work items. The schedule will be reviewed and adjusted as necessary to incorporate changes in the work concept and progress to-date.

103 Project Coordination

Project coordination will include communication with City staff, Engineer project staff, utility owners, and other stakeholders.

104 Schedule and Budget Monitoring / Progress Reports

Manage the timeline and budget, and prepare invoices and progress reports according to City requirements.

105 Unscheduled Meetings

Attend periodic unscheduled meetings with Billings or other stakeholders. Provide meeting documentation. Six (6) unscheduled meetings are included in Engineer's fee.

106 Milestone Field Reviews

Conduct two (2) milestone field reviews with representatives from Billings. Tentatively, the first meeting will be following completion of 50% design; the second, following completion of 90% design and prior to bidding. Minutes will be provided for both meetings.

200 PUBLIC INVOLVEMENT

Billings will coordinate with news media as needed, develop a landowner mailing list, arrange and facilitate all public meetings, coordinate with City Council and provide all inter department coordination as needed.

201 Landowner Coordination Meetings

The Engineer will field calls from property owners. Upon request by Billings, Engineer will meet with individual landowners to discuss any proposed improvements that could impact adjacent properties or require property owner coordination. Engineer will provide exhibits

and preliminary drawings to assist with the discussion as needed. A record of conversation will be completed for each meeting. Four (4) individual landowner meetings are included in Engineer's fee.

202 Neighborhood Meetings

Billings will administer and Engineer will attend and assist in two (2) neighborhood meetings. Meetings will primarily be informative to the public. Engineer will provide exhibits for meetings. Exhibits will show general project scope and will be on display boards or PowerPoint according to the City's discretion. Preparation of 3-D renderings or similar artistic graphical displays is not included. Billings will send neighborhood notifications for meeting.

300 PRELIMINARY ENGINEERING (10%)

Preliminary engineering tasks are focused on investigation and analysis necessary to secure input from Billings' engineering staff and concurrence on the project direction prior to investing a large effort on design tasks that could be influenced by initial decisions. This will include the following tasks:

301 Gathering Background Information

Collect and evaluate all record information relative to the project from public records. Information will include record drawings from previous projects in the area, construction documentation relating to rock depths and excavation, any existing geotechnical reports in the area, record utility drawings, right-of-way maps and/or record plats, previous design reports and studies.

302 Preliminary Geotechnical Review

Assess Terracon's existing GIS data for previous soil borings and studies completed in the project area. Review previous geophysical investigations related to depth and rip-ability of the bedrock in the area. Assess the existing data for feasibility of alternative methods of construction, including open trench excavation, micro tunneling and directional boring. Identify where additional information is needed to make final determinations related to these alternative construction approaches.

303 Evaluating Previous Drainage Studies

Evaluate and confirm conclusions from previous drainage studies. This includes confirmation of watershed delineations, hydrology and hydraulic analysis, recommended pipe sizing and pipe routes.

304 Prepare a Preliminary Opinion of Cost

Prepare a preliminary opinion of cost. This will be cursory in nature, based on broad assumptions related to bedrock, utility conflicts and other factors that will not be confirmed until design. The opinion of cost will be based on the assumption that the project will be constructed via typical open trench pipe installation methods. The feasibility and potential to save costs using trenchless pipe installation methods will be explored more during

design. The opinion of cost will be used to determine if an alternative project approach or construction phasing is necessary to keep the project within budget.

305 Technical Memorandum

Prepare a technical memorandum to the City summarizing findings and recommendations from preliminary engineering tasks. Memorandum will summarize the assessment of past studies and preliminary assessment of rock from Terracon's GIS system. Memorandum will be accompanied by a preliminary map showing locations of proposed pipe alignments to be surveyed, proposed locations for additional soil borings and proposed connection locations for extending storm drain service to neighboring lots/developments.

306 Private Utility Coordination

Submit notifications to utility companies regarding project and initiate discussions about utilities that may be in conflict with proposed improvements.

400 ENVIRONMENTAL DOCUMENTATION AND PERMITTING

Environmental documentation and permitting is not anticipated, and related services are not included in this scope of work. If required, these services would be considered extra work and would be negotiated at a later date.

500 DESIGN ENGINEERING (50%)

Fifty-percent Design Engineering includes topographic surveying, geotechnical investigation and preparation of construction drawings to a level of completeness that allows for verification of assumptions and recommendations from the Preliminary Engineering phase. The intent of this milestone is to finalize unanswered questions and identify significant changes required by Billings prior to proceeding with 90% design tasks that could substantially change as a result of 50% design review.

Project decisions identified during Preliminary Design that require written direction from Billings will be finalized prior to commencing with the related tasks below. If Billings subsequent direction requires services that Engineer determines is beyond the scope of work defined below, a contract supplement will be negotiated and approved before proceeding.

501 Topographic Survey

Complete preliminary ground survey within project limits to include site contours, existing surface features, aboveground utilities and horizontal location of underground utilities as located by utility companies. Topographic survey will generally be bound within the public right-of-way along the pipe routes and extents determined from Preliminary Design. The survey will also include the intersection of Governors Boulevard and Aronson Avenue, Bazaar Exchange from Nubias Place to Hilltop Road and the short cul-de-sac road off of Hilltop between Bazaar and Aronson.

The topographic survey will be completed by conventional survey methods. Primary control points will be established as Montana NAD83 (2002) OPUS corrected State

Plane Coordinates or City of Billings Coordinates Datum if available. Prior to beginning topographic data collection, a level network will be run through all control points and tied to the published City of Billings Vertical Datum. An ongoing QC-QA process during the survey will assure all data and pertinent features are included on the topographic base map.

ROW limits shown on the topographic survey will be based on record plats and Certificate of Surveys in the area. These will be oriented to the survey from ties to existing survey monuments within the project limits. The ROW will be surveyed to an accuracy necessary for establishing construction limits. This does not include a record boundary level survey and will not tie all survey monuments along the project right-of-way lines.

After preparation of preliminary plan and profiles for the new storm drain pipes, potential conflicts with existing utilities will be identified. Pothole verification of utility elevations will be conducted at locations of potential conflicts that are believed to be critical to the design, project cost or construction schedule. A total of 40 pothole verifications is provided in this scope and fee. The assumed average pothole dimension is 2-feet square by 4-feet deep. Potholes will be backfilled with compacted material and pavement will be patched with cold mix. Final pavement patching with hot mix asphalt will be part of the construction contractor's responsibility. It is assumed that all potholing will be completed in one mobilization of the Engineer's subcontractor. Additional mobilizations or additional time and materials required due to pothole dimensions exceeding these assumptions will be considered as Additional Services.

502 Geotechnical Analysis

Complete geotechnical field investigation and analysis including the following general items:

- Soil borings and profiles along the proposed pipe alignments to the target depths listed below or 5 feet beyond auger refusal from a truck mounted drill rig, whichever comes first:
 - 10 borings to a depth of 10 feet
 - 4 borings to a depth of 20 feet
 - 1 boring to a depth of 30 feet.
- Collect and analyze boring samples and provide visual classification, to classify soils throughout borings per the Unified Soil Classification System.
- Provide two CBR tests and one standard proctor test on a composite bulk sample.
- Provide a corrosion potential test on a select composite sample.

Provide a Geotechnical Engineering Report including the following general items:

- Boring logs with field and laboratory tests data
- Soil/rock stratification based on visual classification
- Groundwater observations during drilling
- Description of subsurface conditions
- Subgrade preparation/earthwork recommendations, including the suitability of excavations within bedrock materials;

- General assessment of the rippability of in-situ bedrock based on unconfined compression tests and visual classification.
- General discussion of the suitability of construction methods, including open trench, horizontal directional drilling (HDD), and micro tunneling;
- Trench construction recommendations;
- Lateral earth pressure recommendations for open trench construction;
- Corrosion potential of buried metals;
- Potential for degradation of buried concrete; and
- Recommended pavement options and design parameters.

503 Evaluation of Construction Methods

The cost and benefits of open trench pipe installation vs. trenchless installation such as HDD or micro tunneling will be evaluated from a cost/benefit perspective. Factors to consider will include the cost of alternate methods, the schedules of specialized contractors that are capable of the trenchless technologies being considered, and uncertainties associated with alternative construction methods. Engineer will also evaluate alternative methods of tying into existing deep manhole at Hilltop and Shamrock. A memorandum summarizing probable costs, schedules and recommendations will be provided to Billings for consideration.

504 Preliminary Plan and Profile

Preliminary plan and profile drawings will be prepared for the storm drain pipe extensions along the routes and extents determined from the Preliminary Engineering phase. Pipe sizes will be based on Billings' acceptance of Preliminary Engineering recommendations and Engineer's evaluation of previous drainage studies. Profiles will be designed to minimize construction cost by balancing construction methods with bedrock conditions, impacts to utilities and surface restoration costs. Geotechnical borings and bedrock depths will be shown in the plan and profiles and will be linked to the Geotechnical Report for reference.

505 Hydraulic Design

Hydraulic analysis and design will only be provided to investigate street flow depths, spread width, inlet spacing/sizing and sizing of pipe laterals. If needed to satisfy inlet capture requirements, alternatives to Billings' standard inlet sizes/designs will be evaluated. The main stormwater trunk main sizing will be based on recommendation and confirmation from past drainage studies as provided in the Preliminary Engineering phase. A brief stormwater report will be prepared summarizing this analysis.

506 Preliminary Opinion of Cost

The preliminary opinion of cost will be updated to reflect the 50% design documents.

507 Preliminary Design Submittal

Submit 50% design documents to Billings for review, including preliminary plan and profile drawings, updated opinion of cost, geotechnical report, survey base drawing and a hydraulics design report. The submittal will also be accompanied with recommendations if needed for alternative solutions to keep project construction within budget.

600 DESIGN ENGINEERING (90%)

It is anticipated that most of the 90% design tasks will not commence until the 50% field review meeting is complete, and Billings concurs with the project direction from the 50% review. However, there are some parts of the project manual and construction drawings that are not anticipated to be significantly influenced by major design decisions. Work on those portions of the 90% design engineering documents may commence at any time during the project to keep the project on schedule.

601 Private Utility Coordination

Based on 50% design engineering documents, Engineer will coordinate private utility relocations with utility owners, and provide drawings and exhibits as necessary to show location of proposed improvements. This task includes facilitating one (1) utility coordination meeting to provide technical data and project requirements to utility companies.

602 Detail Drawings

Modify the plan and profiles if needed based on 50% review comments from Billings and create a full complete set of detailed construction drawings.

603 Project Manual

Prepare a draft project manual for bidding and construction purposes, containing all technical specifications needed for the project and all bidding and construction contract documents.

604 Construction Traffic Control

General contract requirements for construction traffic control will be specified in the special provisions of the project manual. This will include allowable detour routes, closure allowances, notification requirements and other administrative requirements. A detailed construction traffic control plan will be required of the construction contractor and is not part of this scope.

605 Quantities and Opinion of Cost

Update quantity take-offs and opinion of probable construction cost.

606 Quality Assurance Review

Conduct internal quality assurance review according to Engineer quality assurance and quality control procedures.

607 Construction Documents Submittal (90% Completion)

Submit construction drawings, project manual, and opinion of probable cost to Billings for review and comment.

700 100% DESIGN AND BIDDING

701 Final Drawings, Specifications, and Project Manual Revisions

Address comments from Billings review of 90% design engineering documents. Prepare and seal final bid documents.

702 Final Quantities and Opinion of Construction Cost

Prior to bidding, update the opinion of probable construction cost to reflect any modifications from Billings final review.

703 Bid Administration

Assemble 20 sets of bid documents for distribution and coordinate with Billings and other entities required for advertisement and bidding. Respond to potential bidder questions, maintain a plan holders list, and assemble and distribute addenda as appropriate to clarify the contract documents. Prepare an agenda, facilitate the pre-bid meeting and respond to questions as needed. Attend the bid opening to be conducted by Billings. Review the bids received, prepare a bid tabulation, and prepare a Notice of Award recommendation to Billings.

704 Execution of Contract Documents

Upon dissemination of the Notice of Award assemble, distribute, and coordinate execution of the contract documents.

705 Issue Conformed Drawings and Project Manual

Produce the appropriate number of conformed drawings and project manual copies requested by the City and construction contractor.

800 RIGHT-OF-WAY

Right-of-way acquisition services are not included in this scope of work. This includes all survey, title work, appraisals, exhibits, legal descriptions and other acquisition services. If required, these services would be considered extra work and would be negotiated at a later date.

900 CONSTRUCTION PHASE SERVICES

901 Preconstruction Conference

Schedule and facilitate a preconstruction conference to coordinate and schedule with the construction contractor and answer project questions. Prepare meeting minutes.

902 Notice to Proceed

Prepare and process Notice to Proceed. Issuance will be upon Billings' approval.

903 Construction Survey

Provide construction staking outlined below, the scope of which is based on several assumptions about the final project design. If it is determined following design that more

staking services will be required than those specified below, a supplemental estimate will be prepared for additional staking services.

- Horizontal and vertical control – verify and reestablish horizontal and vertical coordinates of control required for construction staking. Set new control at a frequency suitable for construction.
- Water and sanitary sewer relocations – one stake at each crossing where a water service, water main or sewer service is to be raised or lowered (fee assumes a total of 40 relocations)
- Storm drain manholes, inlets and storm drain pipes at 50-foot intervals for pipes longer than 200-feet (assume 60 new storm-drain structures and 6,000 lineal feet of new storm-drain pipe)
- Curb and gutter replacements and valley gutters – No stakes are provided for replacement of curb along straight runs. Stakes will be provided to re-construct intersection curb returns removed for storm drain pipe and inlet installation (assume up to 30 new curb returns), as well as new valley gutters.
- No staking is included in this scope for the following:
 - Private utility relocation
 - Pavement re-striping
 - Demolition limits
 - Asphalt patching or blue topping
 - Any other item not specified in this scope

The total number of Engineer's survey crew project site mobilizations included in the tasks above is twenty-five (25). Construction stakes for each item, including establishing horizontal and vertical control, will be provided one time. The Engineer will provide Billings with a periodic status report, and will not exceed the specified number of trips without prior approval by Billings.

Engineer-provided staking services will be identified in the project bidding documents. The construction contractor will be responsible for preserving all stakes throughout construction in accordance with the General Conditions. All other surveys required for construction of the project shall be the responsibility of the construction contractor. Re-staking or additional trips required will be provided as Additional Services. Any re-staking costs will be paid by Billings to the Engineer and then subsequently deducted from the construction contractor's payment.

904 Submittal Review

Review of product submittals and shop drawings for compliance with plans and specifications. A total of two reviews is provided in the scope for each product. Additional reviews due to construction contractor's failure to add review comments or due

to alternate products submitted following initial submittal will be provided as Additional Services.

905 Construction Administration

Provide coordination and administration of project construction activities. Prepare project correspondence, and monthly construction pay estimate forms. Respond to requests for information (RFIs). Evaluate change order requests and provide recommendations to Billings. Facilitate negotiations on change orders if any from either Billings or the construction contractor, and prepare change orders.

906 Review Progress Schedules

Review construction progress schedule to identify conformance with project schedule.

907 Progress Meetings

Schedule and conduct meetings to discuss project with Billings and construction contractor. Schedule meetings and/or conference calls twice a month or as needed during construction operations. Scope includes up to eight (8) meetings.

908 Quality Assurance (QA) Testing

The QA testing frequencies outlined in the City of Billings Standard Modifications to the Montana Public Works Standard Specifications will be modified in the contract documents to be the construction contractor’s responsibility under Quality Control (QC) testing requirements. Engineer will collect and evaluate said tests from the construction contractor to monitor progress and compliance with applicable specifications throughout the duration of construction.

Engineer will provide discretionary QA testing to verify construction contractor’s QC testing; this scope and associated fee includes up to a maximum of the following QA testing:

- Proctor tests 3 each
- Field density testing 44 hours
- Concrete field tests 20 hours
- Concrete cylinder tests 40 each
- Asphalt properties 2 each
- Asphalt cores 3 each
- Asphalt nuclear densities 4 hours

909 Construction Observation

Provide construction observations as necessary to ensure the construction contractor complies with plans and specifications. This includes full time construction observation for:

- Underground utility work, including lowering of water mains and services, or sewer mains and services
- Installation of new storm drain pipe and storm drain structures
- Placement of concrete or asphalt for surface restoration

Part time observation will be provided during:

- Demolition work
- Forming for concrete work
- Re-placement, grading and compaction of road base
- Clean-up and the other minor construction tasks

Construction observation includes maintaining a diary of construction activities, observations, and material quantities, taking construction photographs, communicating project issues with the construction contractor and project manager and assisting the construction contractor by providing clarifications to design and construction requirements as needed.

It is expected 740 hours of resident project representative (RPR) time will be sufficient to provide necessary construction observation through substantial completion. RPR hours beyond this estimate are Additional Services and would require written authorization prior to proceeding. Construction observation time resulting from construction contractor working outside of normal work hours, as will be defined in the construction contract documents will be paid by Billings to the Engineer and then deducted from the construction contractor's payment.

910 Substantial Completion Walkthrough

Schedule and facilitate a walkthrough with the construction contractor and Billings to review all project components. Prepare a punch list of incomplete or unsatisfactory items to be resolved before final project closeout. Create and issue Certificate of Substantial Completion.

911 Final Walkthrough and Project Closeout

Schedule and facilitate a final walkthrough with the construction contractor and Billings to review the punch list developed during the substantial completion walkthrough to ensure punch list items satisfactorily completed.

912 Record Drawings

Prepare record drawings for the project. Supply Billings with three (3) paper copies (1 full-size, 2 half-size) and 2 CDs with PDF files of the record drawings.

913 1-Year Warranty Inspection

Approximately 11 months after substantial completion, schedule with all parties and be present at a 1-year warranty walkthrough of all project components. Coordinate warranty repairs with the construction contractor.

III. DELIVERABLES

The following deliverables will ultimately be provided by Engineer.

- Meeting minutes and other appropriate documentation
- Meeting display materials
- Preliminary Opinion of Cost at each phase of the design and a final Opinion of Cost prior to bidding
- Technical Memorandum at 10% design
- Geotechnical Report
- Construction Drawings
- Project Manual
- Stormwater Report
- Bidding Phase Addenda
- Bid tabulation and draft Notice of Award with recommendations
- Conformed drawings and specifications
- Staking notes upon request, including cut/fill sheets
- Record drawings
- QC and QA test results
- Copies of construction diaries
- Copies of shop drawings and submittals
- Notice to Proceed
- Change Orders
- Field Orders
- Certificate of Substantial Completion
- Punch lists
- Record Drawings

IV. EXCLUSIONS

This scope of work contains specific information regarding tasks, number of iterations, and deliverables included in the Agreement. Additional services beyond this scope of work are extra and will be addressed as a contract supplement. In addition to those specifically identified in the above tasks, the following list, which is not intended to be exclusive, summarizes services not included in Engineer's scope of work.

- Permit applications

- 3-D/Artistic renderings
- Subsurface Utility Engineering
- Design of stormwater detention or treatment facilities
- Analysis of or designing upgrades for off-site stormwater facilities
- Water and Sanitary sewer system design, other than lowerings that may be incidental to storm drain design
- Archaeology/Cultural/Historic/etc. impacts research, field work, reporting, and mitigation plans
- Preparation of environmental document, including Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement
- Review of construction contractor payrolls

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

Billings shall authorize payment to the Engineer for services performed under Appendix A of this Agreement. Partial payment shall be due the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer.

Partial payment shall be made to the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer. Billings shall deduct five percent (5%) from each monthly pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final documents by Billings, and determination that the scope of work has been satisfactorily completed.

- A. For Basic Services of Engineer as described in Appendix A, Engineer shall be paid based upon actual time accrued, but not to exceed the following amount:

• All services except for those described below	\$318,305
• <u>Subcontractor for potholing utilities (estimate only)</u>	<u>\$20,000</u>
• Total	\$338,305

The subcontractor estimate for potholing services is an estimate only based on assumptions specified in the contract scope. Engineer will be entitled to equitable increase in fee if subcontractor's fee exceeds said estimate.

- B. Final payment shall be the above stated basic fee less all previous payments.

Section 2. Payments for Extra Services when Authorized by Billings.

Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study shall be paid for on an hourly basis at the applicable fees in Appendix D.

Section 3. Corrections.

Costs of Billings work that is required for corrections to the Engineer's work which requires redoing by Billings shall be deducted from any payments due the Engineer, if the Engineer fails to make the required corrections.

Section 4. Fee Increases

For contracts and services that are expected to require more than one (1) year to complete, the above stated basic services payments may be reviewed and adjusted annually by mutual agreement of the parties, based upon documented evidence that the Engineer's costs and hourly rates have increased for all comparable clients.

Appendix C

Additional Services of Engineer

Additional Services of the Engineer will be paid only with written prior authorization by Billings.

1. Preparation of easement or right-of-way acquisition documents.
2. Boundary surveying or resetting lost or destroyed survey monuments after construction.
3. Staking for re-location of private utilities.
4. Design of facilities beyond the project extents described in Basic Services.
5. Design or construction related services associated with trenchless pipe installation such as horizontal directional drilling or micro tunneling.
6. Hydrology analysis or stormwater planning above that required for the master plan verification described in Basic Services.
7. Construction related services after expiration of the construction contract completion time.
8. Preparation of change orders, which require additional engineering design or construction review.
9. Requests made or conditions identified by interested groups, which are in excess of basic services.
10. Revisions or additions when such revisions or additions are inconsistent with written approvals or instructions previously given by Billings, required by enactment or revisions of codes, laws, or regulations, or are due to other causes not solely within control of the Engineer.
11. As may be requested by Billings, additional design services not included in the original scope of work as outlined in Appendix A.
12. Additional time and/or services resulting from additional requirements imposed by any funding source for use of those funds, as outlined in Part I, Section 14 of this Contract.
13. Preparing to serve or serving as a consultant or witness for Billings in any litigation, arbitration, or other dispute resolution process related to the Project.

Appendix D

Schedule of Professional Fees

Agreements for professional services stipulate that standard hourly rates are subject to review and adjustment annually as of January 1. Anticipated typical hourly rates for services effective January 1, 2016 are below.

CADD Tech I.....	\$85.00
CADD Tech II.....	\$100.00
CADD Tech III.....	\$110.00
Engineer I.....	\$100.00
Engineer II.....	\$110.00
Engineer III.....	\$140.00
Engineer IV.....	\$170.00
Engineering Tech I.....	\$ 95.00
Engineering Tech II.....	\$110.00
Engineering Tech III.....	\$125.00
Environmental Planner I.....	\$90.00
Environmental Planner II.....	\$110.00
Environmental Planner III.....	\$130.00
GIS Analyst I.....	\$80.00
GIS Analyst II.....	\$100.00
GIS Analyst III.....	\$130.00
GIS Analyst IV.....	\$145.00
Government Relations Specialist I.....	\$90.00
Government Relations Specialist II.....	\$120.00
Landscape Architect I.....	\$100.00
Landscape Architect II.....	\$110.00
Landscape Architect III.....	\$130.00
Planner I.....	\$100.00
Planner II.....	\$120.00
Planner III.....	\$140.00
Project Assistant I.....	\$70.00
Project Assistant II.....	\$75.00
Right-of-Way Agent I.....	\$80.00
Right-of-Way Agent II.....	\$115.00
Right-of-Way Agent III.....	\$130.00
Surveyor I.....	\$95.00
Surveyor II.....	\$110.00
Surveyor III.....	\$130.00
Surveyor IV.....	\$165.00

Appendix E

Project Schedule

Based on a written notice to proceed by no later than November 30, 2016, the completion date, including agency reviews, for the Engineer's work through final design shall be:

1. 10% Design Submittal – January 2017
2. 50% Design Submittal – March 2017
3. 90% Design Submittal – April 2017
4. Advertise for Bids – May 2017
5. Award – July 2017
6. Construction – July 2017 – October 2017 (Anticipated)

Delays affecting the completion of the work within the time specified of more than ninety (90) days, not attributable to or caused by the Parties hereto, may be considered as cause for the renegotiation or termination of this Contract.

If the Engineer is behind on this Contract due to no fault of Billings, then the Engineer hereby acknowledges the right of Billings to withhold future Contracts to the Engineer in addition to any other remedy until this Contract is brought back on schedule or otherwise resolved.

Appendix F
Certificates of Insurance

See attached Certificates of Insurance.

Regular City Council Meeting

Meeting Date: 11/28/2016

-- **TITLE:** Reimbursement Agreement with Transportation Security Administration

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Under the Aviation and Transportation Security Act (ATSA), the Transportation Security Administration (TSA) is required to deploy TSA personnel to screen all passengers, property, and baggage at all airports. The ATSA also requires airports to provide checkpoint/screening space rent free to the TSA. The TSA has the authority to award agreements to an airport for TSA's use of Federally mandated checkpoint space at airports, and to provide a vehicle for reimbursing electrical consumption and janitorial costs for the TSA security checkpoint space. This Agreement establishes the TSA's use of the security checkpoint space TSA needs to conduct both baggage and passenger screening under the requirements of ATSA, and provides for the reimbursement of electrical consumption and janitorial costs for this checkpoint space at the Airport. Currently, the TSA utilizes 3,263 square feet of screening space for passenger screening in the Terminal Building, and 928 square feet of screening space for baggage screening, for a total of 4,191 square feet. Under this Agreement, the TSA is required to update the worksheet listing the equipment it uses in the screening areas, along with the operating time and per unit cost, each time equipment changes are made. The Airport is required to update the electrical cost on this worksheet. This update requirement provides a mechanism for the Airport to potentially increase its reimbursement request in the event the cost of the electrical supply increases. The Agreement is for a one-year base term beginning January 1, 2017 and ending December 31, 2017. It also provides for four one-year extension options, for a total performance period of five years to end on December 31, 2021. A copy of the Agreement is on file in the City Clerk's Office.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Reimbursement Agreement with the TSA to reimburse the Airport for electric utility and janitorial expenses for checkpoint areas in the Terminal Building; or
- Disapprove the Reimbursement Agreement with the TSA to reimburse the Airport for electric utility and janitorial expenses for checkpoint areas in the Terminal Building.

FINANCIAL IMPACT

The Agreement will generate \$41,742.96/year of revenue for the City's Airport for the base year, and an estimated \$208,714.80 for the total five-year period of performance. The five-year estimated total is calculated on the base year rate. In the event that the rate increases in one of the yearly extensions, the five-year total could also increase.

RECOMMENDATION

Staff recommends that Council approve the Reimbursement Agreement with the U.S. Government for the benefit of the TSA to reimburse the Airport for electric utility and janitorial expenses for checkpoint areas in the Terminal Building for an initial one-year base term beginning January 1, 2017 and ending December 31, 2017, and any future one-year extensions that extend the performance period to no later than December 31, 2021.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Amendment One to Airport Business Park Building and Ground Lease with Yellowstone County Museum Foundation

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

The Yellowstone County Museum Foundation (the Museum) currently leases 1,202.50 square feet of storage space in the basement of the building known as IP-9 in the Airport Business Park. The Museum wishes to lease 229.21 square feet of additional storage space to provide a climate-controlled environment for storage of items added to its collection. This Amendment adds 229.21 square feet of space to the Lease for a revised total of 1,431.71 square feet. The current Lease, dated July 13, 2015, is for a five-year term, which commenced on July 1, 2015, and expires on June 30, 2020. The Amendment will commence on December 1, 2016.

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment One to the Museum Lease, adding space; or
- Disapprove Amendment One to the Museum Lease, adding space.

FINANCIAL IMPACT

The additional space will generate an additional \$547.05 for the remaining seven months of the current Lease year. Future lease rentals will run concurrent with the Museum's other leased space and be adjusted annually each July 1, by the Consumer Price Index for All Urban Consumers (CPI-U), published by the Department of Labor, Bureau of Labor Statistics.

RECOMMENDATION

Staff recommends the City Council approve Amendment One to the Airport Business Park Building and Ground Lease with the Museum, adding 229.21 square feet to the leased premises.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Billings Community Transportation Safety Plan

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Planning Division is presenting to the Billings City Council the Billings Community Transportation Safety Plan with the intent to have the Council make a recommendation to the Policy Coordinating Committee (PCC). The Council received information regarding this plan at the November 7, 2016 Work Session. Staff is asking the City Council to take action on the plan and forward a recommendation to the PCC. The PCC will take final action on the Community Transportation Safety Plan at its December 20, 2016 meeting.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Billings Community Transportation Safety Plan and forward the recommendation to the Policy Coordinating Committee through the City's PCC representative
- Approve the Billings Community Transportation Safety Plan with modifications and forward the recommendation to the Policy Coordinating Committee through the City's PCC representative, or;
- Disapprove The Billings Community Transportation Safety Plan and forward the recommendation to the Policy Coordinating Committee through the City's PCC representative. The City approached MDT to complete the Billings Community Transportation Safety Plan, so it would conflict with the City's request for assistance in completing the plan to take action to disapprove of it.

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of this plan. Implementing the plan will not require additional City funds because the implementation strategies include education and enforcement programs that already exist or have been used before. The CTSP will document these programs and bring together multiple organizations to collaborate. Grant funding will be applied for in the case of a special event or project. If local match funds are required for grants, it would be identified prior to applying.

RECOMMENDATION

Staff recommends that the City Council recommend approval of the Billings Community Transportation Safety Plan and forward this recommendation for consideration at the PCC meeting on December 20, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Billings Community Transportation Safety Plan



BILLINGS COMMUNITY TRANSPORTATION SAFETY PLAN

DRAFT

October 2016



Billings Community Transportation Safety Plan

Prepared for:

City of Billings/Yellowstone County
Metropolitan Planning Organization

Prepared by:



October 2016 – Draft



DRAFT

Safer Community, Safer Billings
Community Transportation Safety Plan



Contents

Executive Summary	1
1.0 Introduction	3
Connection to Montana’s CHSP	3
Planning Process	4
2.0 Advisory Committee	5
3.0 Crash Data Overview	6
4.0 Public Involvement	9
5.0 Vision Statement, Criteria, and Goal.....	11
6.0 Emphasis Areas	13
Unrestrained Occupants.....	14
Impaired Driving	21
Inattentive Driving/Speeding	28
Inattentive Driving/Speeding	35
7.0 Current Programs	42
Unrestrained Occupants.....	42
Impaired Driving	43
Inattentive Driving/Speeding	46
8.0 Proven Countermeasures.....	49
Unrestrained Occupants.....	49
Impaired Driving	51
Inattentive Driving/Speeding	53
9.0 Safety Summit	55
10.0 Safety Strategies	55
11.0 Implementation Process.....	67



Figures

Figure 1	Billings MPO Planning Area.....	4
Figure 2	Planning Process	5
Figure 3	Total Fatal and Serious Injuries in Billings MPO by Emphasis Area.....	7
Figure 4	Emphasis Area Overlap	8
Figure 5	Online Survey Vision Statement Responses.....	9
Figure 6	Priority Ranking Survey Results	10
Figure 7	Goal, Strategy, and Criterion	11
Figure 8	Fatal and Serious Injuries Based on Five-year Rolling Average.....	12
Figure 9	Unrestrained Occupant Injuries by Gender , 2005-2014.....	14
Figure 10	Unrestrained Occupant Injuries by Age Group, 2005-2014	15
Figure 11	Unrestrained Occupant Injuries by Person Type, 2005-2014	15
Figure 12	Unrestrained Occupant Injuries by Roadway Type, 2005-2014.....	16
Figure 13	Unrestrained Occupant Injuries by Location, 2005-2014	17
Figure 14	Unrestrained Occupant Injuries by Junction Relation, 2005-2014	17
Figure 15	Unrestrained Occupant Injuries by Time of Day, 2005-2014	18
Figure 16	Unrestrained Occupant Injuries by Day of the Week, 2005-2014.....	19
Figure 17	Unrestrained Occupant Injuries by Month, 2005-2014.....	19
Figure 18	Impaired Driving Injuries by Gender, 2005-2014.....	21
Figure 19	Impaired Driving Injuries by Age Group, 2005-2014	22
Figure 20	Impaired Driving Injuries by Person Type, 2005-2014	22
Figure 21	Impaired Driving Injuries by Roadway Type, 2005-2014.....	23
Figure 22	Impaired Driving Injuries by Junction Relation, 2005-2014.....	23
Figure 23	Impaired Driving Injuries by Location, 2005-2014	24
Figure 24	Impaired Driving Injuries by Time of Day, 2005-2014	25
Figure 25	Impaired Driving Injuries by Day of the Week, 2005-2014.....	26
Figure 26	Impaired Driving Injuries by Month, 2005-2014.....	26
Figure 27	Inattentive Driving Injuries by Gender, 2005-2014	28
Figure 28	Inattentive Driving Injuries by Age Group, 2005-2014.....	29
Figure 29	Inattentive Driving Injuries by Person Type, 2005-2014.....	29
Figure 30	Inattentive Driving Injuries by Roadway Type, 2005-2014.....	30
Figure 31	Inattentive Driving Injuries by Junction Relation, 2005-2014	31
Figure 32	Inattentive Driving Injuries by Location, 2005-2014	31
Figure 33	Inattentive Driving Injuries by Time of Day, 2005-2014.....	32
Figure 34	Inattentive Driving Injuries by Day of the Week, 2005-2014	33
Figure 35	Inattentive Driving Injuries by Month, 2005-2014	33
Figure 36	Speeding Injuries by Gender, 2005-2014.....	35
Figure 37	Speeding Injuries by Age Group, 2005-2014	36
Figure 38	Speeding Injuries by Person Type, 2005-2014	36
Figure 39	Speeding Injuries by Roadway Type, 2005-2014.....	37
Figure 40	Speeding Injuries by Junction Relation, 2005-2014	38
Figure 41	Speeding Injuries by Location, 2005-2014	38
Figure 42	Speeding Injuries by Time of the Day, 2005-2014	39
Figure 43	Speeding Injuries by Day of the Week, 2005-2014	40
Figure 44	Speeding Injuries by Month, 2005-2014.....	40



Tables

Table ES1	Billings CTSP Summary.....	2
Table 1	CTSP Advisory Committee Members.....	5
Table 2	Advisory Committee Meeting Objectives.....	6

Appendices

Appendix A	Glossary
Appendix B	Safety Resources
Appendix C	Letters of Request and Support
Appendix D	Public Survey Summary



Abbreviations and Acronyms

4Es	education, enforcement, emergency medical services, engineering
a.m.	morning
AAA	American Automobile Association
AARP	American Association of Retired Persons
AC	Advisory Committee
ARIDE	Advanced Roadside Impaired Driving Enforcement
BAC	Blood Alcohol Content
CHSP	Montana's Comprehensive Highway Safety Plan
CIOT	Click It or Ticket
CTSP	Community Transportation Safety Plan
D.R.I.V.E	Driver In-Vehicle Education
DOR	Montana Department of Revenue
DOT	U.S. Department of Transportation
DRE	Drug Recognition Expert
DUI	Driving Under the Influence
DWI	Driving While Intoxicated
e.g.	for example
FHWA	Federal Highway Administration
GDL	Graduated Driver's Licensing
GPS	Global Position System
HAWK	High intensity Activated crossWalk
HVE	High Visibility Enforcement
ICC	Interagency Coordinating Council on Statewide Prevention Programs
MACO	Montana Association of Counties
MCA	Montana Code Annotated
MDT	Montana Department of Transportation
MHA	Master of Health Administration
MHP	Montana Highway Patrol
MIDAC	Mobile Impaired Driver Assessment Center
MLCT	Montana League of Cities and Towns
MLDA	Minimum Legal Drinking Age
MPO	Metropolitan Planning Organization
MSU	Montana State University
MT	Montana
MTUPP	Montana Tobacco Use Prevention Program
NABCA	National Alcohol Beverage Control Association
NHTSA	National Highway Traffic Safety Administration
OPI	Montana Office of Public Instruction
p.m.	evening
PBTs	Preliminary Breath Test Devices
PDA	Personal Digital Assistant
PHD	Doctor of Philosophy
PO	Post Office
POST	Public Safety Officer Standards and Training
PSA	Public Service Announcement
ROR	Run-Off-Road
SAMHSA	Substance Abuse and Mental Health Services Administration
SCMRMHC	South Central Montana Regional Mental Health Center
SETT	Safety Enforcement Traffic Team
SFST	Standard Field Sobriety Testing
STEP	Selective Traffic Enforcement Program
TSRO	Traffic Safety Resource Office
VOIP	Voice Over Internet Protocol



Executive Summary

The Billings-Yellowstone County Metropolitan Planning Organization (MPO) applied for and received assistance from the Montana Department of Transportation (MDT) to develop a Community Transportation Safety Plan (CTSP) to reduce fatal and serious injury crashes in the Billings area. A CTSP follows the same methodology as Montana’s *Comprehensive Highway Safety Plan* (CHSP). Similar to the CHSP, this process uses a data-driven approach to identify safety issues and determine areas in need of increased emphasis and strategies to reduce roadway fatalities and serious injuries.

Development of this plan was led by a Transportation Safety Advisory Committee (AC) consisting of the Billings MPO, City of Billings, Yellowstone County, local safety partners, and MDT staff members as technical support. This advisory committee elected to adopt *Vision Zero*, Montana’s initiative to eliminate fatalities and serious injuries on the state’s public roadways. The vision statement for the Billings CTSP was defined as follows.

The Billings community will achieve zero fatalities and serious injuries through a culture of safety for all travelers.

The goal for the plan is to reduce fatalities and serious injuries by 20% from 70 in 2014 to 56 by 2020 based on a five-year rolling average calculation.

The group evaluated crash data and considered public survey results and the input of local safety partners to identify the following three emphasis areas with the greatest potential for reducing fatalities and serious injuries.

1



Unrestrained Occupants

2



Impaired Driving

3



**Inattentive Driving/
Speeding**



After reviewing public comment collected through an online survey tool and conducting a half-day safety summit with community members and safety partners, a set of safety strategies and action steps were developed aimed at assisting the Billings MPO in achieving the established goal. Each emphasis area will be championed by a local stakeholder with assistance from local safety partners. The plan vision, goal, emphasis areas, and strategies are summarized in Table ES1.

Table ES1 Billings CTSP Summary

<p>Vision Statement</p>	<p>The Billings community will achieve zero fatalities and serious injuries through a culture of safety for all travelers.</p>
<p>Goal</p>	<p>Based on a 5-year rolling average, reduce fatalities and serious injuries by 20% from 70 in 2014 to 56 by 2020.</p>
<p>Emphasis Areas and Strategies</p>	<p>Unrestrained Occupants</p> <ol style="list-style-type: none"> 1. Support and enhance enforcement of seat belt and child safety seat laws. 2. Increase youth and adult education to reinforce the importance of wearing a seat belt during every motor trip. 3. Strengthen and support occupant protection laws to increase compliance.
	<p>Impaired Driving</p> <ol style="list-style-type: none"> 1. Expand awareness and access to safe ride options to decrease impaired driving. 2. Reduce impaired driving through prevention education and training. 3. Establish communication lines with safety partners to identify opportunities and increase probability of earlier intervention.
	<p>Inattentive Driving/Speeding</p> <ol style="list-style-type: none"> 1. Increase law enforcement staff to proactively enforce speed limits and current distracted driving laws. 2. Reduce speeding and distractive driving crashes through enhanced education. 3. Encourage the development of a statewide law banning the use of electronic devices while driving.



1.0 Introduction

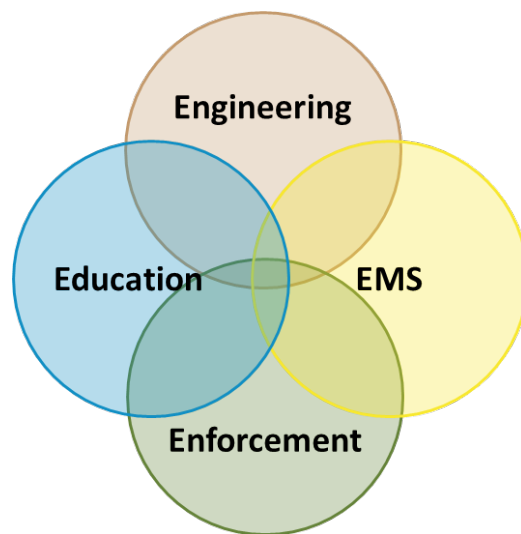
In 2014, the Montana Department of Transportation (MDT) adopted *Vision Zero* with the goal of zero deaths and zero serious injuries on Montana’s roadways. As an ongoing effort, MDT’s Community Transportation Safety Planning program allows dedicated communities an opportunity to develop and implement community transportation safety plans to reduce fatalities and serious injuries at a local level. To apply for assistance the Billings MPO submitted a written request that included a problem statement, letters of support and commitment from key safety partners and designated a local point of contact to serve as the CTSP program manager responsible for developing, implementing, tracking and reporting progress on implementation of the plan.

Every year, people in Billings are involved in crashes that result in injury and death. These fatal and serious injury crashes result in an economic, physical, and emotional hardship on the Billings community and its residents.

In response, the Billings-Yellowstone County Metropolitan Planning Organization (MPO), the City of Billings, and Yellowstone County applied for and received support to develop the *Safer Community, Safer Billings CTSP* in an effort to address transportation safety concerns within the Billings MPO planning area. MDT and the Billings MPO retained DOWL as a consultant to assist in development of the plan. An advisory committee (AC) was formed comprised of community leaders and safety organizations. This AC oversaw the development of the CTSP including data analysis, emphasis area selection, and strategy and plan development.

Connection to Montana’s CHSP

In 2015, MDT updated Montana’s *Comprehensive Highway Safety Plan* (CHSP) as required by the 2014 Moving Ahead for Progress in the 21st Century Act (MAP-21) federal legislation. The CHSP was developed through a coordinated, comprehensive, data-driven process with emphasis on collaboration between safety programs and partners representing the 4Es of transportation safety: education, enforcement, emergency medical services, and engineering.



The CHSP outlines performance measures and targets related to fatality and serious injury numbers and rates. The CHSP focused on areas of safety which would have the greatest potential to reduce fatalities and serious injuries. These areas are roadway departure and intersection crashes, impaired driving crashes, and occupant protection. The CHSP maintains an interim goal of cutting fatalities and serious injuries in half in two decades, from 1,705 in 2007 to 852 by 2030. This interim goal provides a way to track and report progress and to meet *Vision Zero* – a vision of zero fatalities and zero serious injuries on Montana’s roads.

In support of the CHSP and *Vision Zero*, MDT provides local communities an opportunity to develop safety plans. MDT provides crash data and technical and financial support for the development of community plans. Similar to the CHSP, the development process



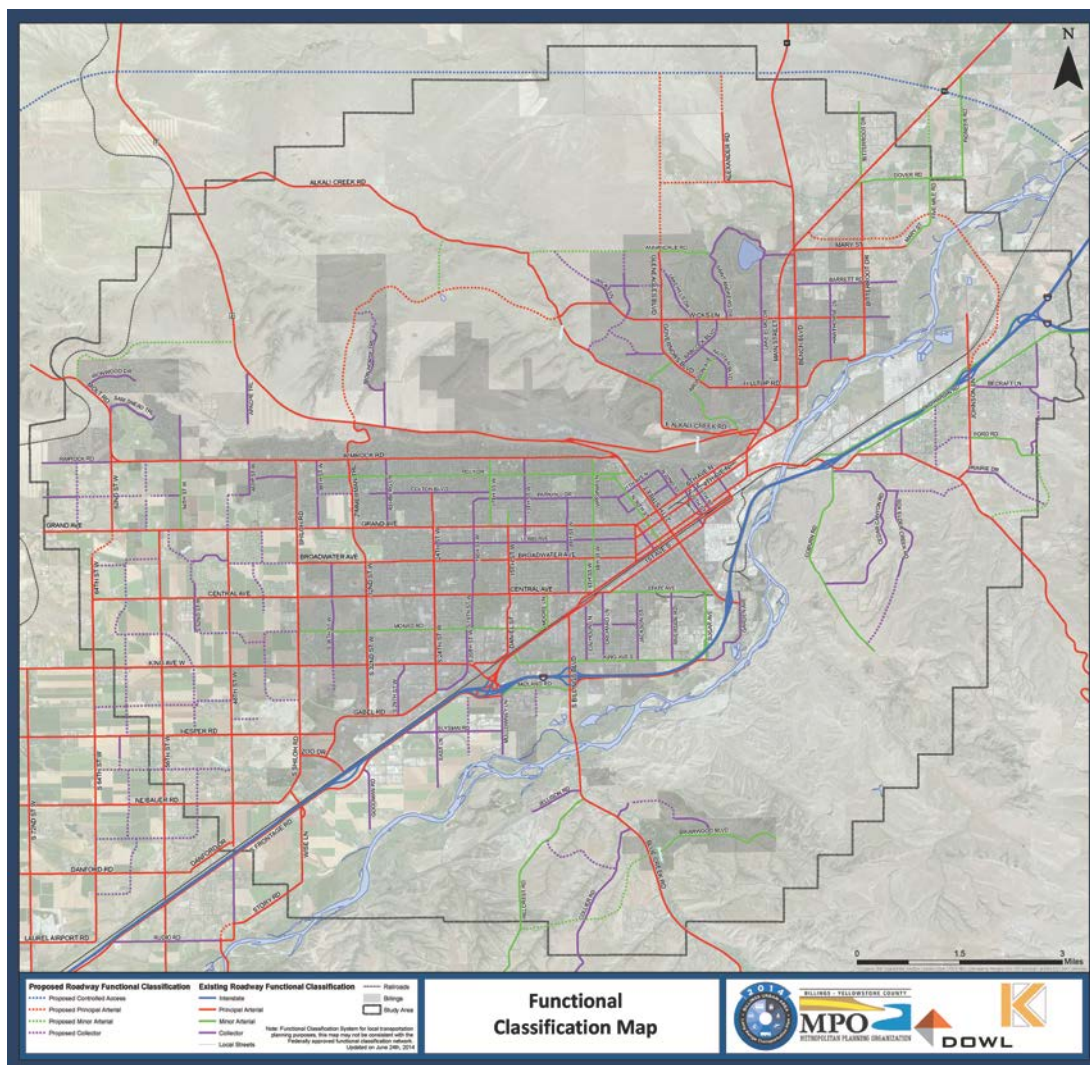
provides an opportunity to analyze crash data, identify emphasis areas, and determine appropriate strategies that can be implemented at a local level. The Billings community plays an important role in addressing transportation safety locally and forming an integral support system for statewide efforts.

Planning Process

The purpose of the CTSP process is to identify transportation safety issues within the Billings MPO planning area using a data-driven approach, work together toward common goals through a collaborative planning effort, and ultimately reduce fatal and serious injuries resulting from motor vehicle crashes. This plan is focused on community-wide issues and strategies to improve safety and does not identify specific roadways locations or projects in the Billings MPO planning area.

The planning area for the CTSP is located within the Billings MPO boundary as defined in the 2014 *Billings Urban Long Range Transportation Plan* and illustrated in Figure 1.

Figure 1 Billings MPO Planning Area

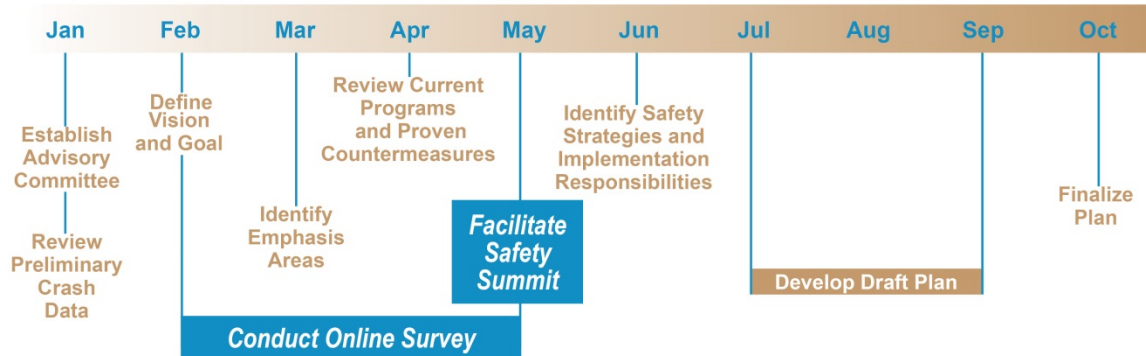


Source: <http://www.ci.billings.mt.us/documentcenter/view/32883>



The Billings CTSP was developed according to the following steps in the planning process. Each step is outlined in Figure 2 and described in more detail in the following chapters.

Figure 2 Planning Process



2.0 Advisory Committee

Local community leaders and safety partners were invited to participate in an advisory committee based on their professional knowledge and interest and in the 4Es of transportation safety (education, enforcement, emergency medical services, and engineering). Advisory committee (AC) members are listed in Table 1.

Table 1 CTSP Advisory Committee Members

Name	Organization
Captain Paul Dextras	Billings Fire Department
Chief Rich St. John	Billings Police Department
Scott Reiter	Billings School District
Richard Clark	City of Billings Council Member
Vern Heisler	City of Billings Public Works Department
Terry Smith	City of Billings Public Works Department
Wyeth Friday	City of Billings/Yellowstone County Planning Division
Lora Mattox	City of Billings/Yellowstone County Planning Division
Stan Jonutis	Montana Department of Transportation – Billings District
Stefan Streeter	Montana Department of Transportation – Billings District
Captain Keith Edgell	Montana Highway Patrol
Melissa Henderson	RiverStone Health
Eric Fischer	St. Vincent Healthcare
Dr. Barry McKenzie	St. Vincent Healthcare
Darrell Tunncliff	Yellowstone County Planning Board

The role of the AC is to guide the development of the safety plan and support implementation of the plan strategies. During the planning process, responsibilities included participating in advisory committee meetings, reviewing crash data, defining a



vision and goal for the CTSP effort, identifying priority emphasis areas, providing feedback on safety strategies, and confirming commitments for implementation of the safety plan.

The AC met on five occasions during the planning process. Table 2 lists meeting dates and key objectives.

Table 2 Advisory Committee Meeting Objectives

AC Meeting		Key Objectives
1	January 21, 2016	<ul style="list-style-type: none"> • Overview of CTSP Planning Process • Summary of AC Membership and Role • Preliminary Review of Crash Data
2	February 18, 2016	<ul style="list-style-type: none"> • Review of Crash Data • Emphasis Area Voting Exercise and Discussion
3	March 17, 2016	<ul style="list-style-type: none"> • Vision Statement Exercise • Identification of Criteria and Goal • Emphasis Area Confirmation
4	April 21, 2016	<ul style="list-style-type: none"> • Safety Summit Planning • Review of Current Programs
5	July 21, 2016	<ul style="list-style-type: none"> • Discussion of Safety Strategies, Stakeholders/Partners, Resources/Funding Needs, and Action Steps

3.0 Crash Data Overview

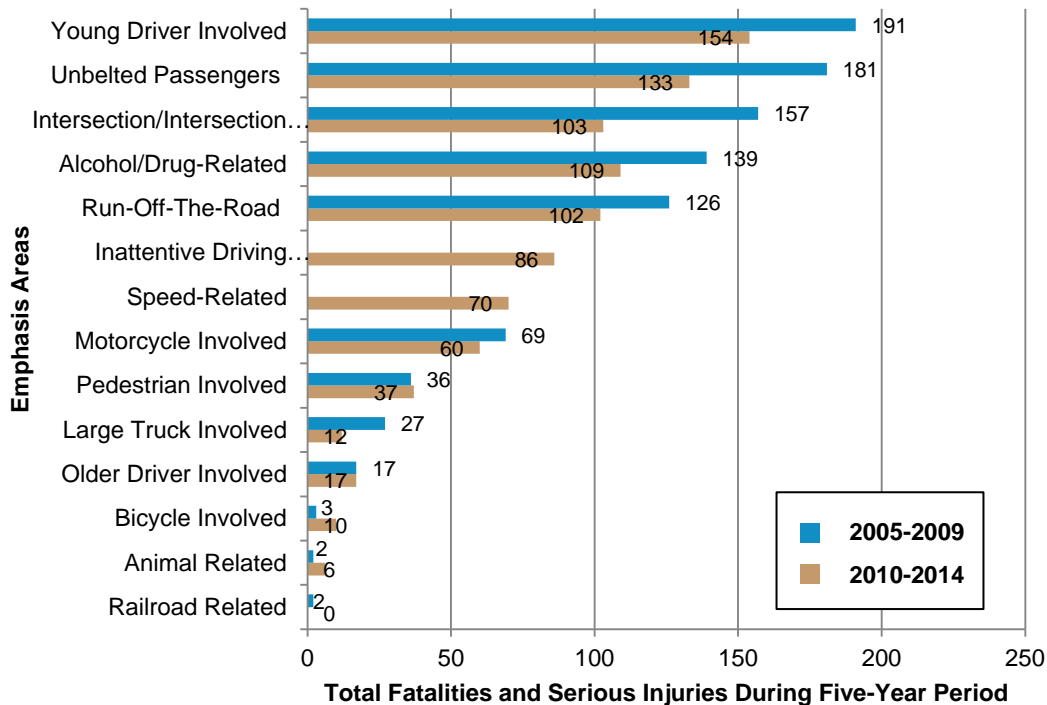
In an effort to reduce roadway fatalities and serious injuries within the Billings MPO planning area, MDT provided crash data for the ten-year analysis period from 2005 through 2014. Based on analysis of available data, approximately 3,000 crashes occur each year within the Billings MPO planning area. Often more than one person is involved in each crash. The number of people involved in crashes within the Billings MPO ranges from 7,000 to 8,000 per year. Of these, approximately 75 people are fatally or seriously injured each year.

- ▶ A **fatality** involves the death of a driver, passenger, or other person involved in a crash.
- ▶ A **serious injury** involves life-threatening or life-altering injury to a person involved in a crash.

The Billings MPO is committed to reducing fatalities and serious injuries. To determine the magnitude of correlating factors, the AC evaluated the number of fatalities and serious injuries associated with individual crash types, or emphasis areas. Figure 3 illustrates fatalities and serious injuries for each factor occurring within the Billings MPO planning area during consecutive five-year analysis periods.



Figure 3 Total Fatal and Serious Injuries in Billings MPO by Emphasis Area



Source: MDT 2015. Inattentive Driving Related and Speed-Related Crashes were not tracked prior to 2008.



The AC also considered the interrelation of emphasis areas, recognizing most fatalities and serious injuries involve more than one correlating factor. Figure 4 presents the percentage of fatalities and serious injuries associated with each emphasis area and correlating factor, with red cells indicating higher correlation and green cells indicating lower correlation.

Figure 4 Emphasis Area Overlap

Emphasis Areas	Correlating Factors													
	Young Driver Involved	Unbelted Passengers	Intersection-Related	Alcohol/Drug-Related	Run-Off-The-Road	Inattentive Driving Related	Speed-Related	Motorcycle Involved	Pedestrian Involved	Large Truck Involved	Older Driver Involved	Bicycle Involved	Animal Related	Railroad Related
Young Driver Involved	X	40.9%	53.9%	35.1%	26.7%	25.6%	27.2%	10.7%	3.2%	2.0%	0.9%	1.2%	0.9%	0.0%
Unbelted Passengers	44.9%	X	45.9%	48.1%	38.9%	19.8%	27.3%	24.2%	0.0%	3.2%	2.2%	1.0%	0.6%	0.0%
Intersection Related	53.6%	41.5%	X	27.1%	0.0%	24.6%	16.4%	20.2%	9.2%	3.5%	6.3%	1.7%	0.3%	0.0%
Alcohol/Drug Related	48.8%	60.9%	37.9%	X	44.8%	16.7%	29.0%	14.1%	5.6%	2.0%	0.4%	0.4%	0.8%	0.0%
Run-Off-The-Road	40.4%	53.5%	0.0%	48.7%	X	21.7%	34.9%	14.0%	0.0%	3.9%	1.3%	0.0%	0.0%	0.4%
Inattentive Driving Related	53.8%	36.6%	48.4%	24.7%	30.1%	X	28.0%	19.4%	8.6%	2.2%	2.2%	3.2%	0.0%	0.0%
Speed Related	61.6%	54.7%	34.9%	46.5%	52.3%	30.2%	X	16.3%	1.2%	4.7%	3.5%	0.0%	0.0%	0.0%
Motorcycle Involved	28.7%	58.9%	54.3%	27.1%	24.8%	23.1%	17.9%	X	0.0%	1.6%	3.9%	0.0%	3.9%	0.0%
Pedestrian Involved	38.4%	0.0%	43.8%	19.2%	0.0%	18.6%	2.3%	0.0%	X	1.4%	2.7%	0.0%	0.0%	0.0%
Large Truck Involved	22.6%	32.3%	38.7%	16.1%	29.0%	10.5%	21.1%	6.5%	3.2%	X	12.9%	0.0%	0.0%	3.2%
Older Driver Involved	8.8%	20.6%	64.7%	2.9%	8.8%	10.0%	15.0%	14.7%	5.9%	11.8%	X	0.0%	0.0%	0.0%
Bicycle Involved	30.8%	23.1%	46.2%	7.7%	0.0%	27.3%	0.0%	0.0%	0.0%	0.0%	0.0%	X	0.0%	0.0%
Animal Related	37.5%	25.0%	12.5%	25.0%	0.0%	0.0%	0.0%	62.5%	0.0%	0.0%	0.0%	0.0%	X	0.0%
Railroad Related	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	X

Source: MDT 2015. All percentages reflect fatalities and serious injuries only, and are based on data gathered from 2005-2014 except for those associated with speed and inattentive driving which are based on data gathered from 2009-2014.

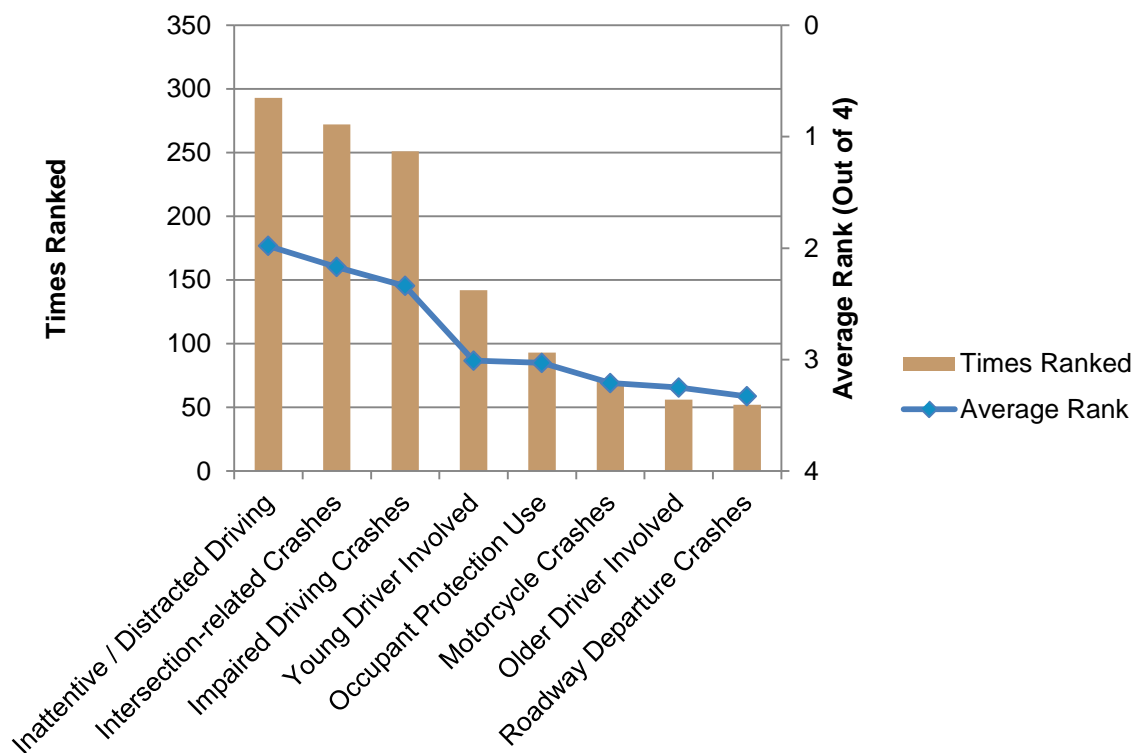


Priority Ranking

On the priority ranking screen, respondents were asked to select four of eight transportation safety areas they believed would “have the greatest potential to reduce fatal and serious injury crashes in the Billings area.” Priority areas listed in the survey were identified through AC review of crash data.

Figure 6 illustrates final survey results for the ranking exercise. The eight priority areas were ranked a total of 1,229 times by respondents with Inattentive/Distracted Driving, Intersection-related Crashes, and Impaired Driving Crashes topping the list.

Figure 6 Priority Ranking Survey Results



Source: DOWL 2015.

Strategy Ranking

Respondents were presented with a series of strategies for each selected priority containing a strategy title, brief description, and the option to rate the strategy from one to five stars indicating the respondents’ assessment of the strategy’s effectiveness at reducing fatalities and serious injuries. A complete summary of strategy ratings is provided in Appendix D.

Demographic Data

In the final screen of the online survey tool, respondents were asked demographic questions to inform the AC and the Billings MPO the representation of the survey population. Questions addressed age, ethnicity, and neighborhood of residence. A complete summary of demographic data is provided in Appendix D.



5.0 Vision Statement, Criteria, and Goal

The AC conducted an exercise to define the vision statement for the CTSP.

- ▶ A **vision statement** expresses a desired future outcome.



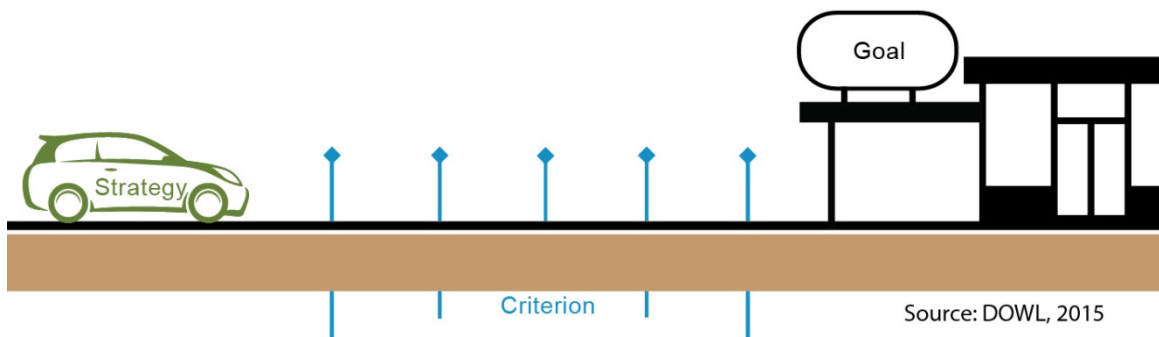
To arrive at a unique vision statement for the Billings CTSP, the AC considered input from the online public survey as well as example statements from other community transportation safety plans and the CHSP. The AC agreed to adopt MDT’s *Vision Zero*, while tailoring the statement to reflect Billings’ focus on safety culture for all modes.

“The Billings community will achieve zero fatalities and serious injuries through a culture of safety for all travelers.”

The AC also developed criteria and a short-term goal for the CTSP.

- ▶ A **criterion** is a quantifiable indicator used to assess how well the Billings MPO achieves its desired goals.
- ▶ A **goal** describes the Billings MPO’s desired progress for improved safety in the community toward achieving its vision.

Figure 7 Goal, Strategy, and Criterion



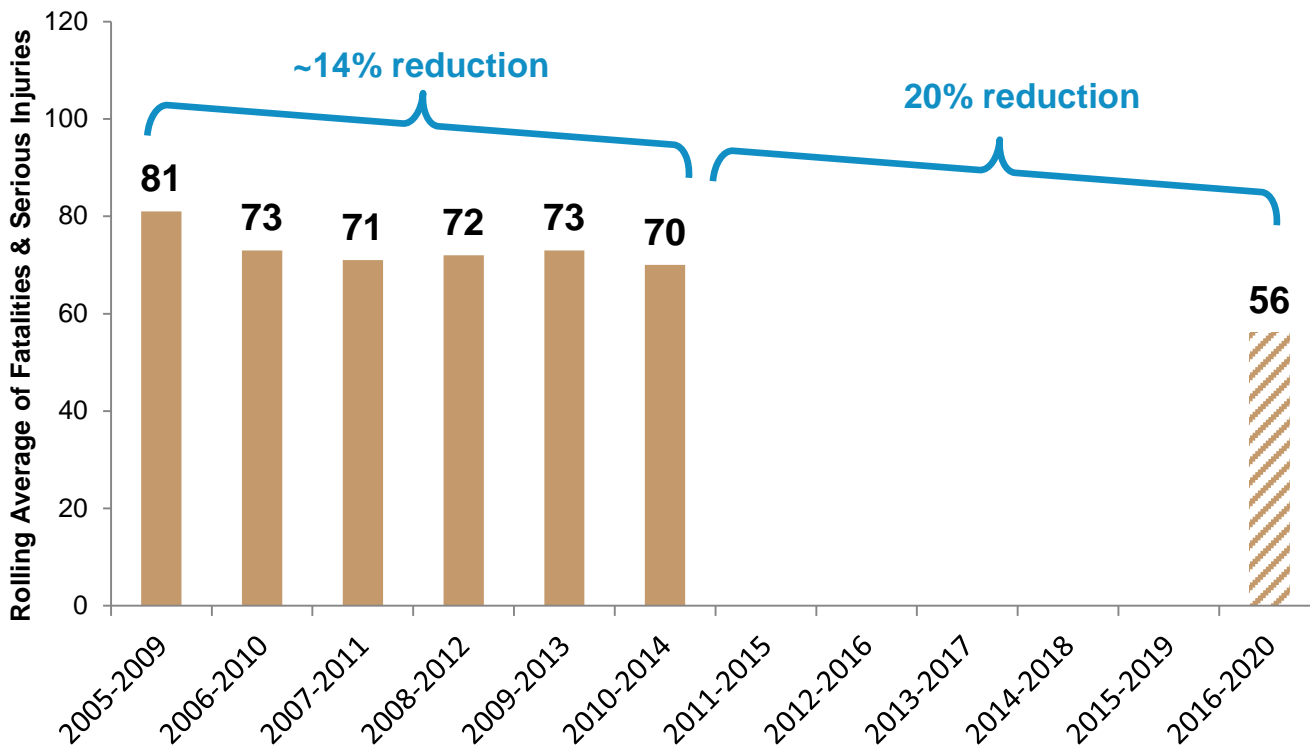
The AC defined fatalities and serious injuries as criteria for the plan, and set a goal of reducing fatalities and serious injuries by 20% from 70 in 2014 to 56 in 2020 using a five-year rolling average calculation.

“Based on a 5-year rolling average, reduce fatalities and serious injuries by 20% from 70 in 2014 to 56 by 2020.”



Figure 8 illustrates the historic and predicted future five-year rolling average number of fatalities and serious injuries in the Billings MPO.

Figure 8 Fatal and Serious Injuries Based on Five-year Rolling Average



Source: MDT and DOWL 2015.

The Fixing America's Surface Transportation Act (FAST Act) of 2015 requires metropolitan planning organizations (MPOs) to establish targets for all public roads in the MPO planning area. The MPO can choose between supporting the state target and establishing a specific numeric target. The AC in coordination with the Billings MPO has chosen to support the state targets which requires no additional FHWA reporting as would be necessitated by targets specific to the Billings MPO.

The State of Montana's safety targets are as follows.

- ▶ No more than 172 annual fatalities by 2020, which is an annual reduction of 2.7 percent (5 fewer fatalities per year).
- ▶ Fatality rate of no more than 1.28 fatalities per 100 million vehicle miles traveled (VMT) by 2020, a reduction of 4.3 percent per year.
- ▶ No more than 796 serious injuries by 2020, a 3.6 percent annual reduction.
- ▶ Serious injury rate of 5.9 serious injuries per 100 million VMT, a reduction of 5.1 percent per year.



6.0 Emphasis Areas

During the second CTSP meeting, the AC evaluated crash data, discussed public survey feedback, and conducted a voting exercise to identify potential emphasis areas for the plan.

- ▶ An **emphasis area** is a priority safety issue for the Billings MPO area. It is identified based on data. Emphasis areas may change over time due to changes in crash data and guidance from the AC.

AC members were asked to identify their top four emphasis areas based on 1) data availability and reliability, 2) relative impact and potential to reduce fatalities and serious injuries, and 3) commitment of local expertise, interest, and resources. The AC continued to discuss potential emphasis areas during the third AC meeting and narrowed their selection to Unrestrained Occupants, Impaired Driving, and Inattentive Driving/Speeding. Crash data for the selected emphasis areas is presented in the following sections.



Unrestrained Occupants

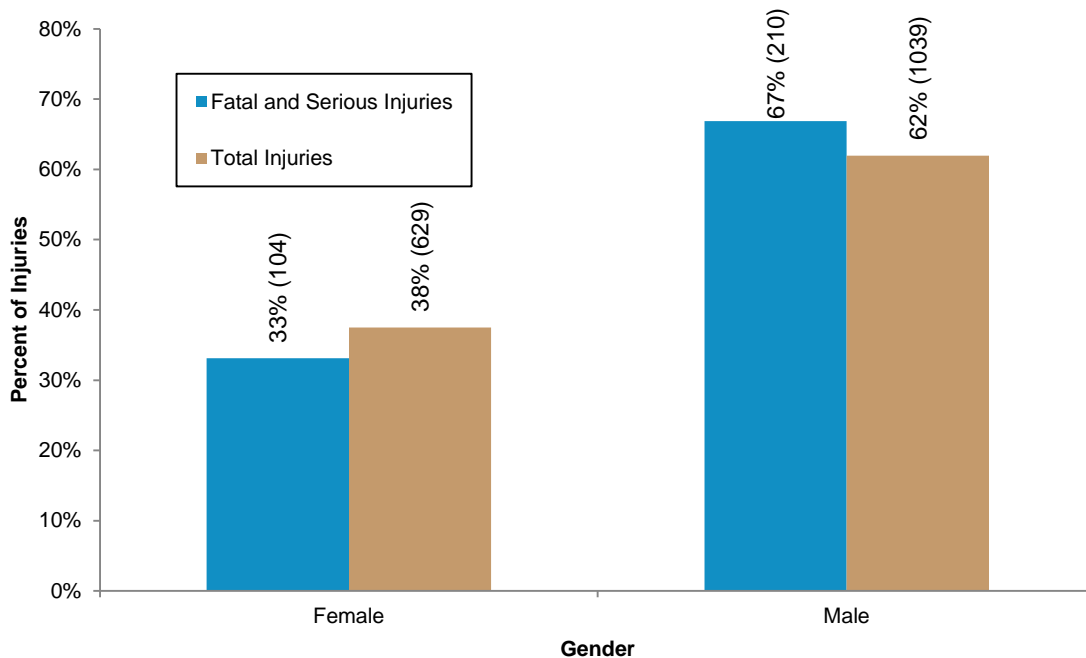
From 2005 - 2014, 1,677 total injuries resulted from unrestrained occupant crashes within the Billings area. Of these injuries, 314 were fatal or serious.

Who

Fatal and serious injuries resulting from unrestrained occupant crashes were mostly sustained by:

- males (67%) (Figure 9),
- young people aged 14-25 years (38%) (Figure 10), and
- drivers (67%) (Figure 11).

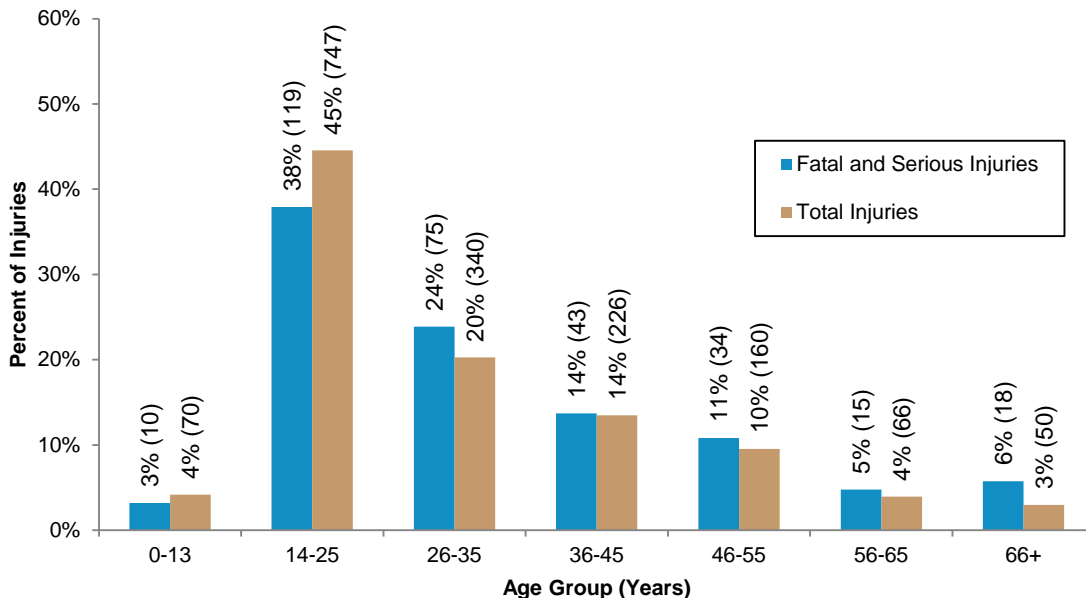
Figure 9 Unrestrained Occupant Injuries by Gender, 2005-2014



Source: 2015 SMS Data, MDT.

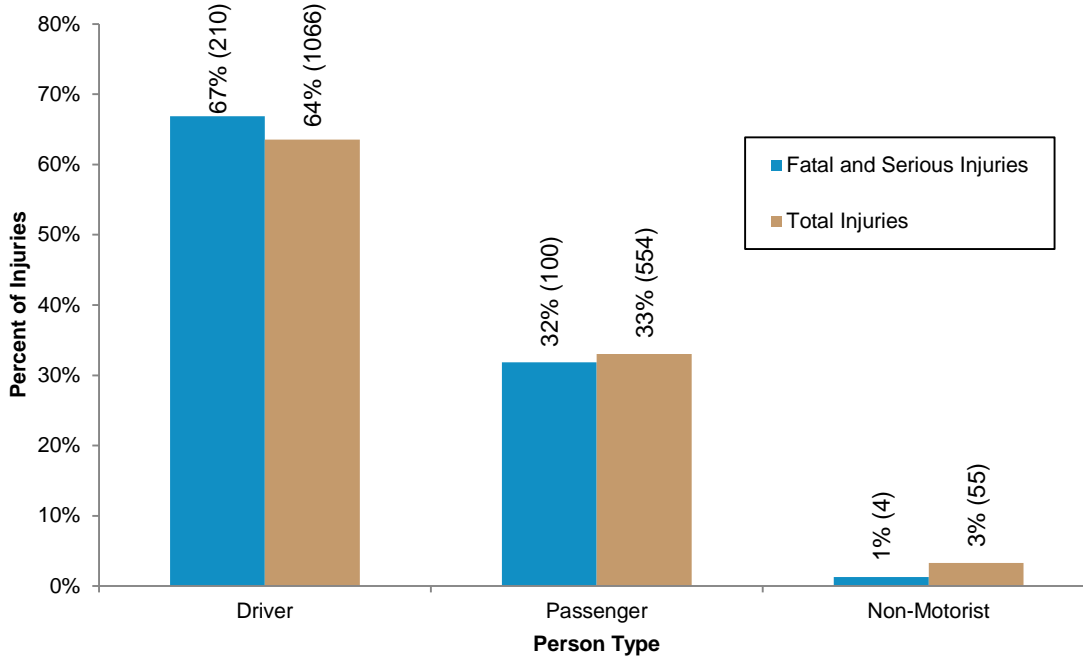


Figure 10 Unrestrained Occupant Injuries by Age Group, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 11 Unrestrained Occupant Injuries by Person Type, 2005-2014



Source: 2015 SMS Data, MDT.

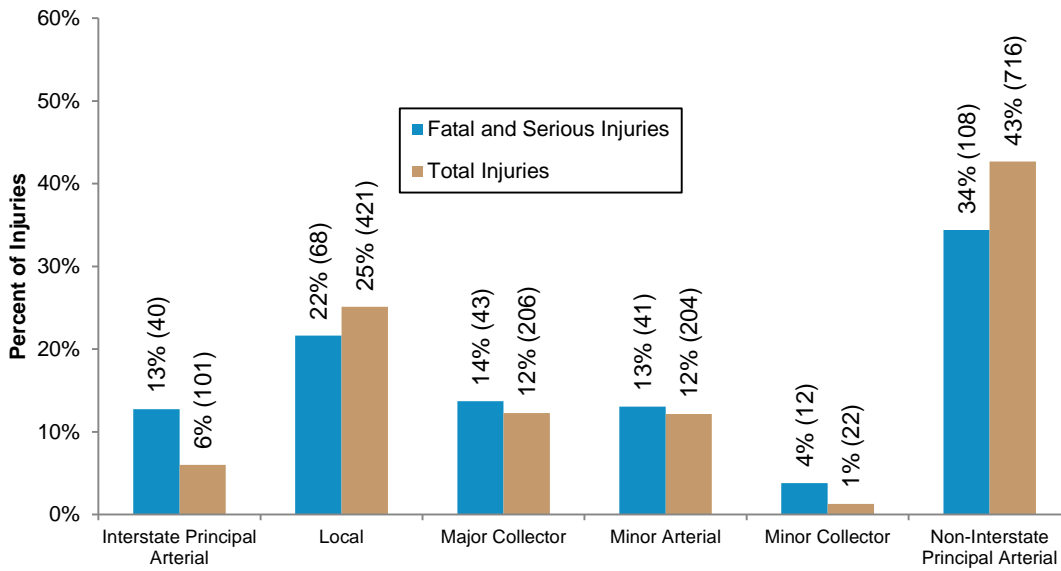


Where

Fatal and serious injuries resulting from unrestrained occupant crashes were mostly sustained:

- on non-interstate principal arterial roadways (34%) and local roads (22%) (Figure 12),
- on non-junction-related roadway segments (48%) (Figure 13), and
- within the Billings city limits (64%) (Figure 14).

Figure 12 Unrestrained Occupant Injuries by Roadway Type, 2005-2014



Source: 2015 SMS Data, MDT.

Roadway Type



Figure 13 Unrestrained Occupant Injuries by Location, 2005-2014

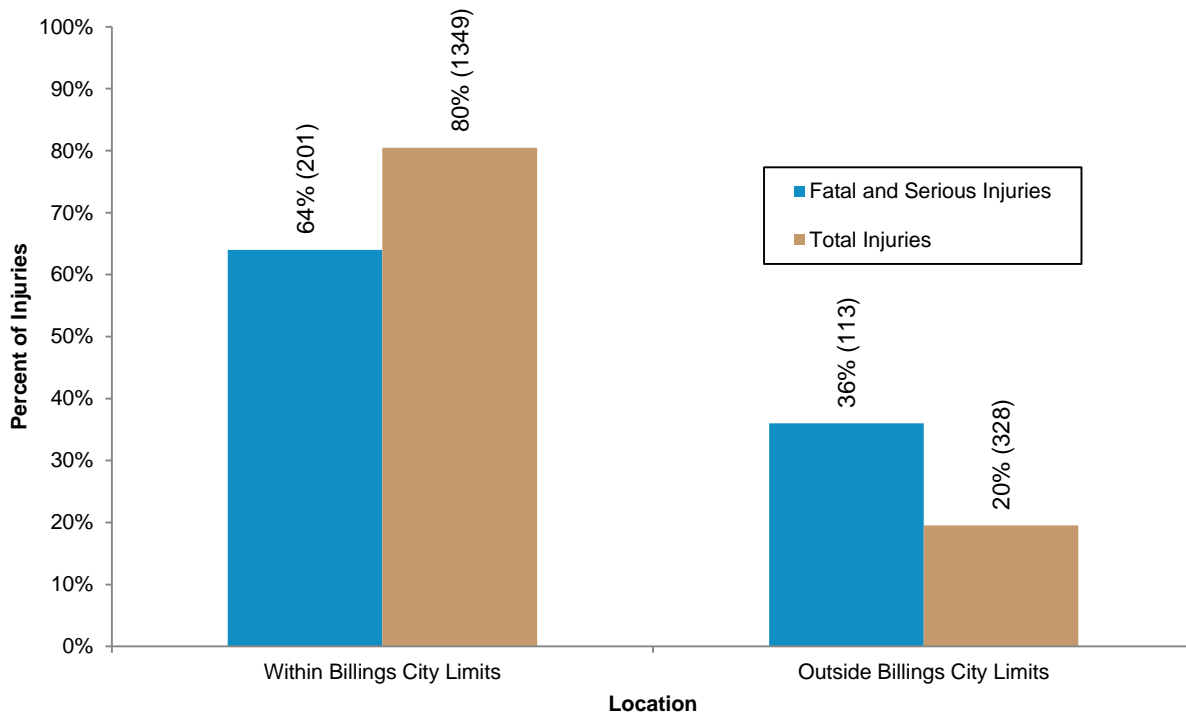
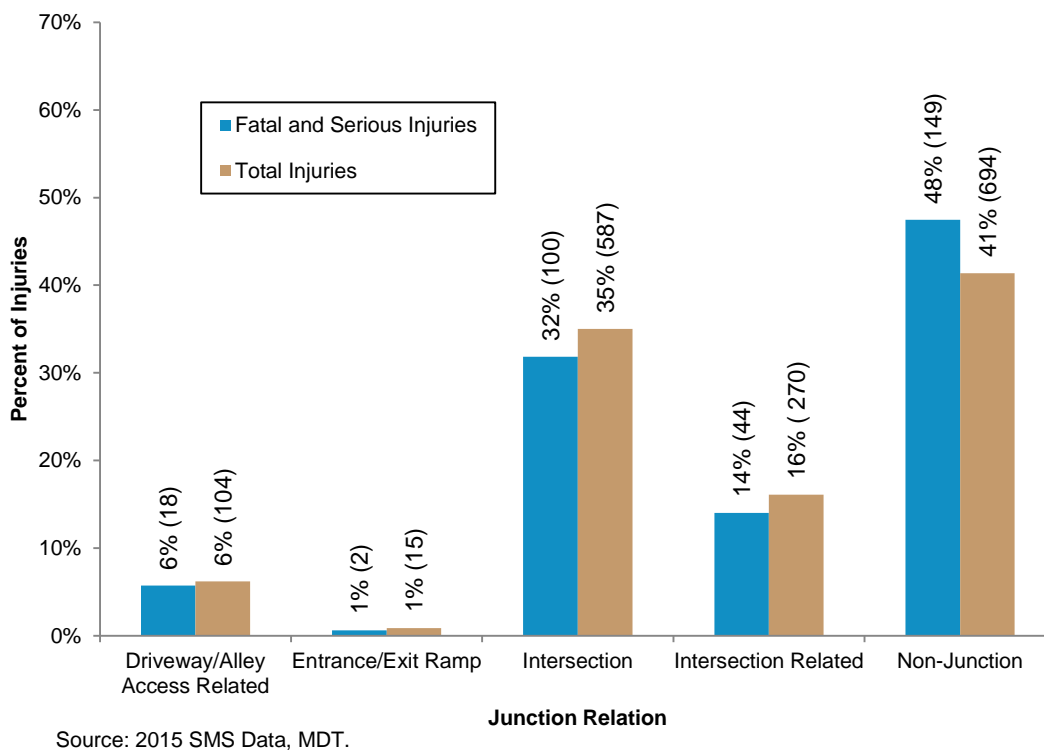


Figure 14 Unrestrained Occupant Injuries by Junction Relation, 2005-2014



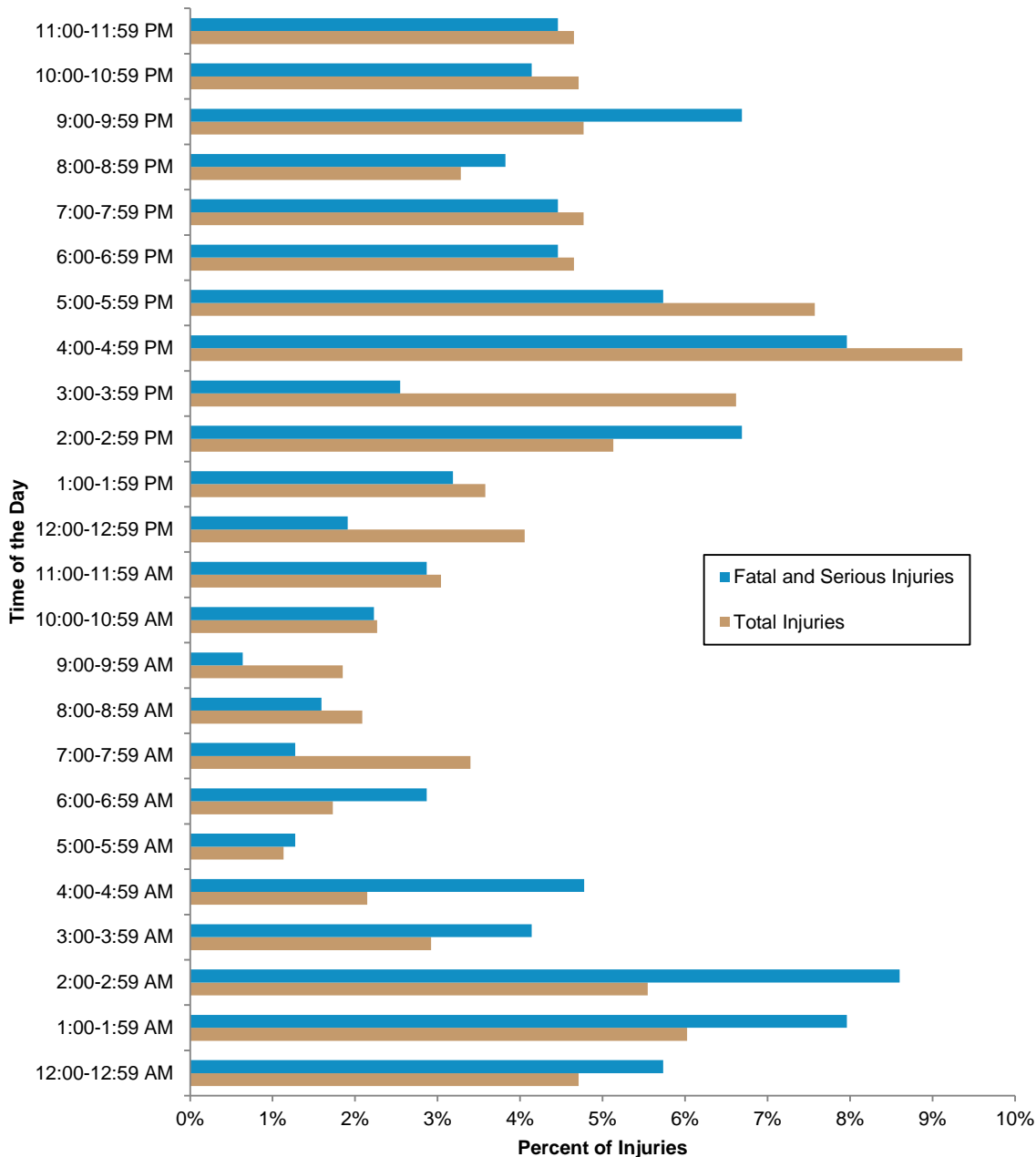


When

Fatal and serious injuries resulting from unrestrained occupant crashes were mostly sustained:

- in afternoon, evening, and early morning hours from 2:00 p.m. to 2:59 a.m. (73%) (Figure 15);
- on weekends (40% on Saturdays and Sundays) (Figure 16); and
- in spring and summer months (56% from April to August) (Figure 17).

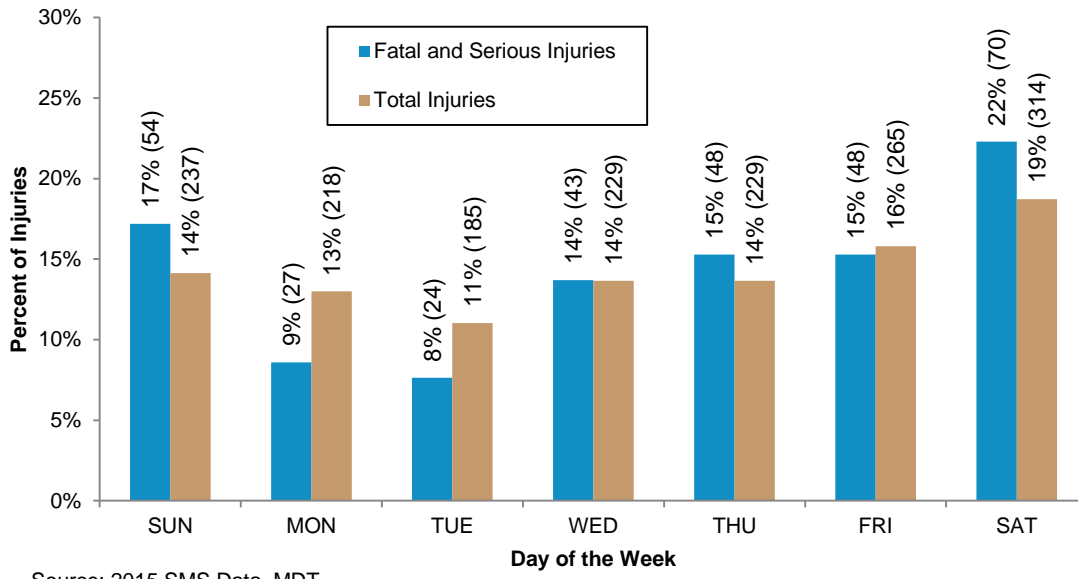
Figure 15 Unrestrained Occupant Injuries by Time of Day, 2005-2014



Source: 2015 SMS Data, MDT.

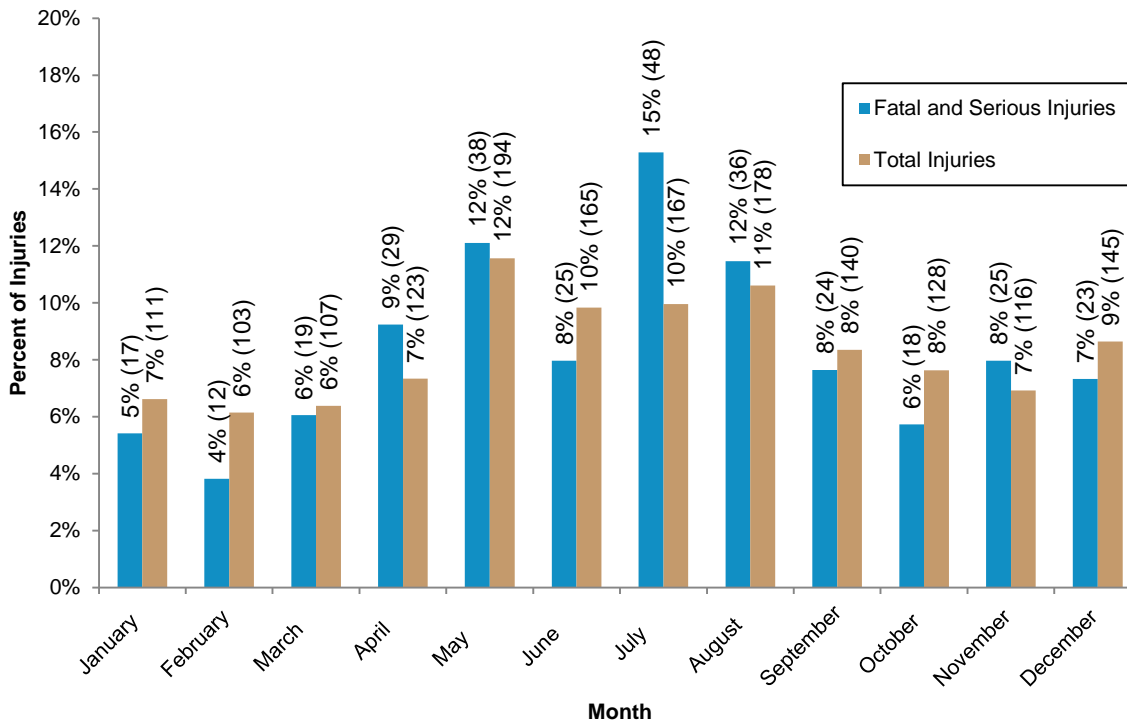


Figure 16 Unrestrained Occupant Injuries by Day of the Week, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 17 Unrestrained Occupant Injuries by Month, 2005-2014



Source: 2015 SMS Data, MDT.



How

- More than half (57%) of total unrestrained occupant injuries resulted from multiple-vehicle collisions.
- Approximately one-third (33%) of total unrestrained occupant injuries involving an impaired driver.
- Speed was a factor in 13% of total unrestrained occupant injuries.
- Nearly three-quarters (71%) of total unrestrained occupant injuries resulted from crashes during clear weather conditions.
- The majority of total unrestrained occupant injuries occurred in areas with a posted speed limit of 25 mph (28%) and 35 mph (44%).



Impaired Driving

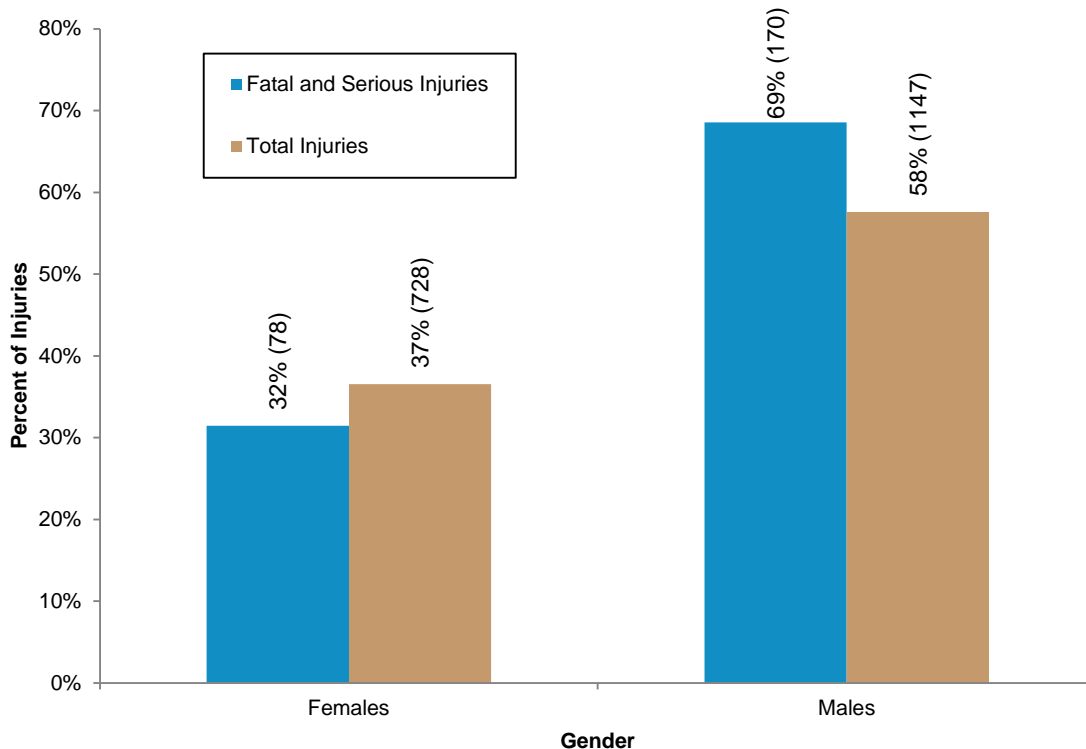
From 2005 - 2014, 1,991 total injuries resulted from impaired driving crashes within the Billings area. Of these, 248 were fatal or serious injuries.

Who

Fatal and serious injuries resulting from impaired driving crashes were mostly sustained by:

- males (69%) (Figure 18),
- young people aged 14-25 years (42%) (Figure 19), and
- drivers (63%) (Figure 20).

Figure 18 Impaired Driving Injuries by Gender, 2005-2014



Source: 2015 SMS Data, MDT.



Figure 19 Impaired Driving Injuries by Age Group, 2005-2014

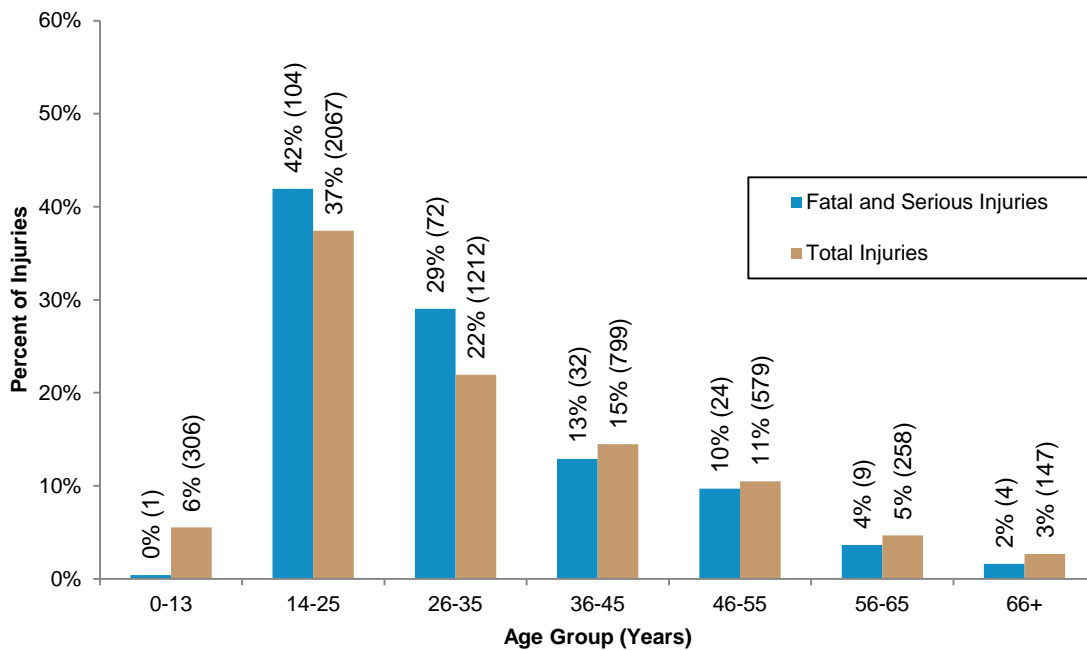
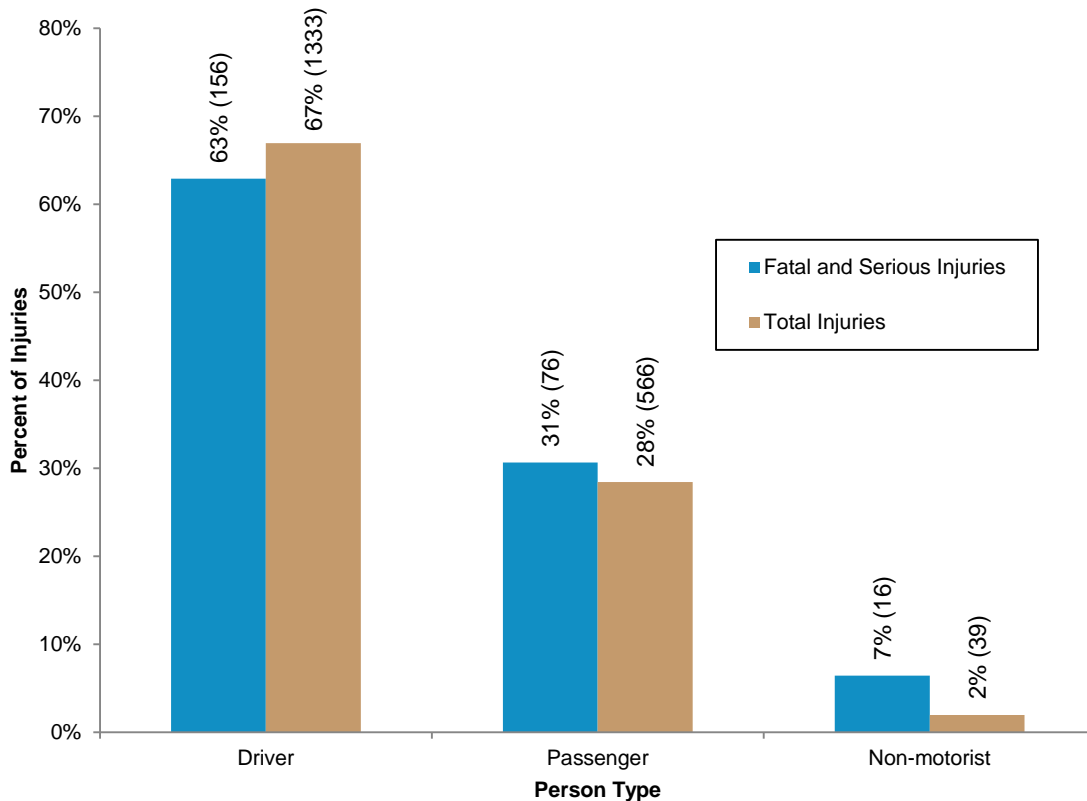


Figure 20 Impaired Driving Injuries by Person Type, 2005-2014



Source: 2015 SMS Data, MDT.

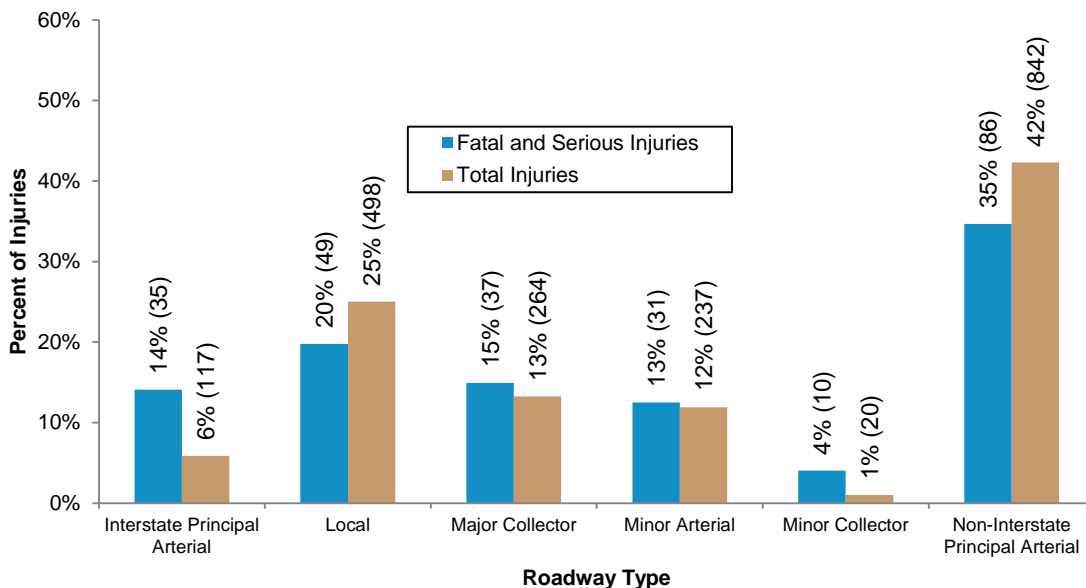


Where

Fatal and serious injuries resulting from impaired driving crashes were mostly sustained:

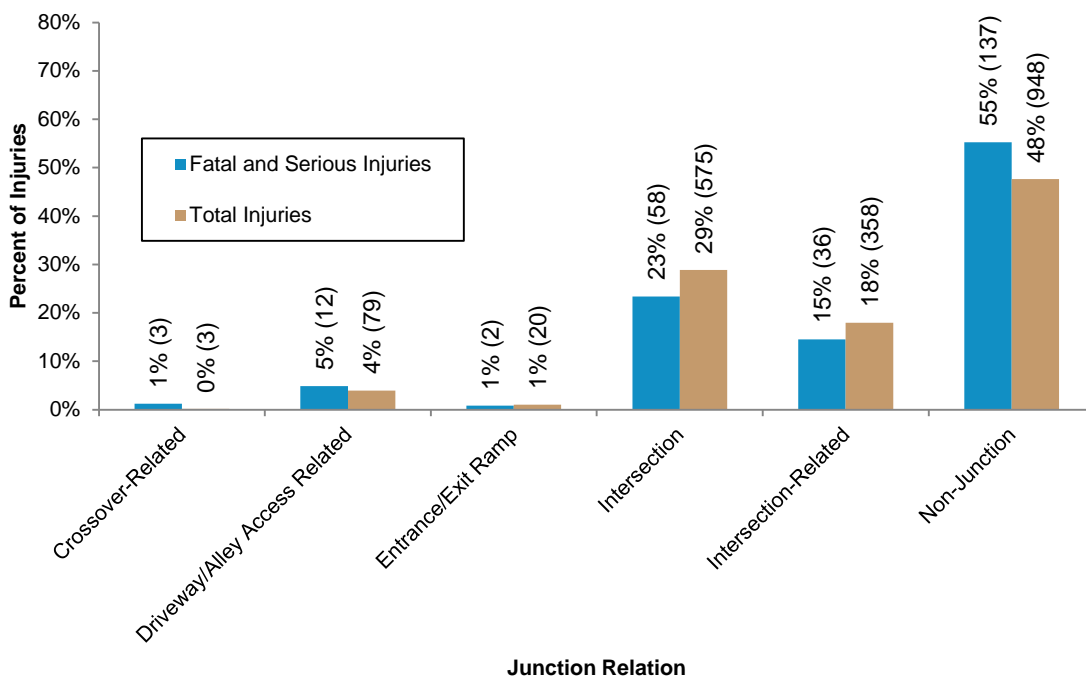
- on non-interstate principal arterial roadways (35%) and local roads (20%) (Figure 21),
- on non-junction-related roadway segments (55.2%) (Figure 22), and
- within the Billings city limits (63%) (Figure 23).

Figure 21 Impaired Driving Injuries by Roadway Type, 2005-2014



Source: 2015 SMS Data, MDT.

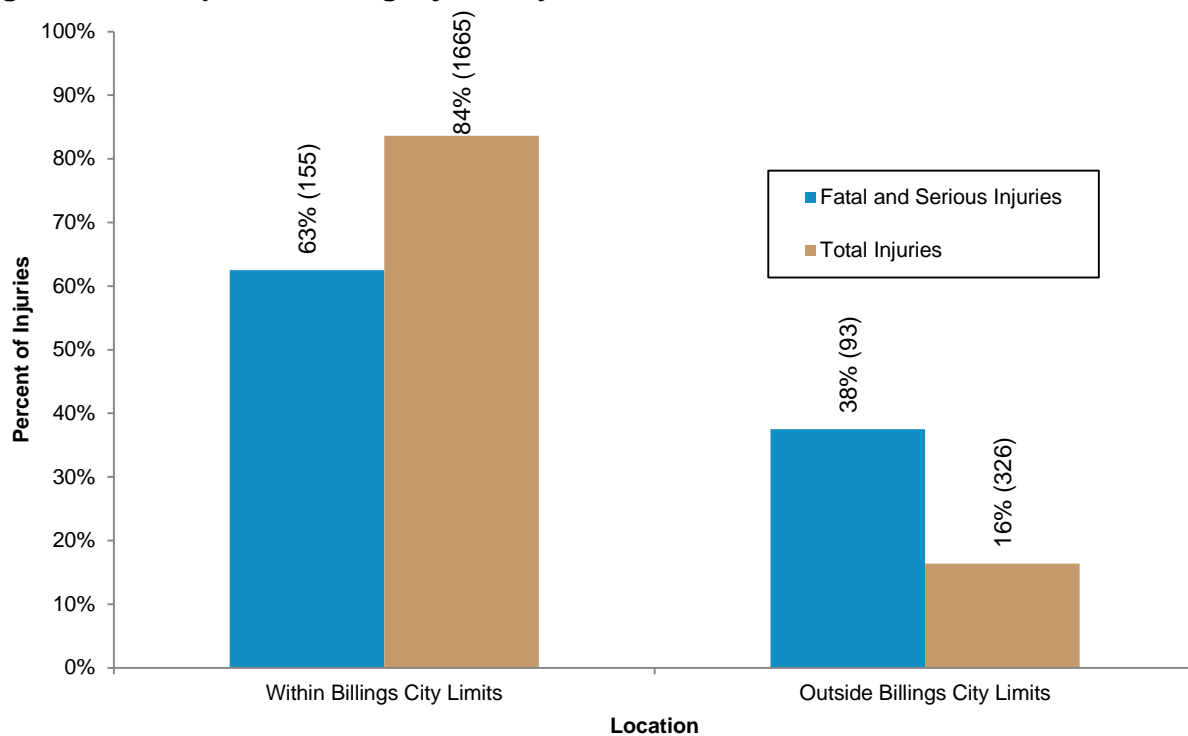
Figure 22 Impaired Driving Injuries by Junction Relation, 2005-2014



Source: 2015 SMS Data, MDT.



Figure 23 Impaired Driving Injuries by Location, 2005-2014



Source: 2015 SMS Data, MDT.

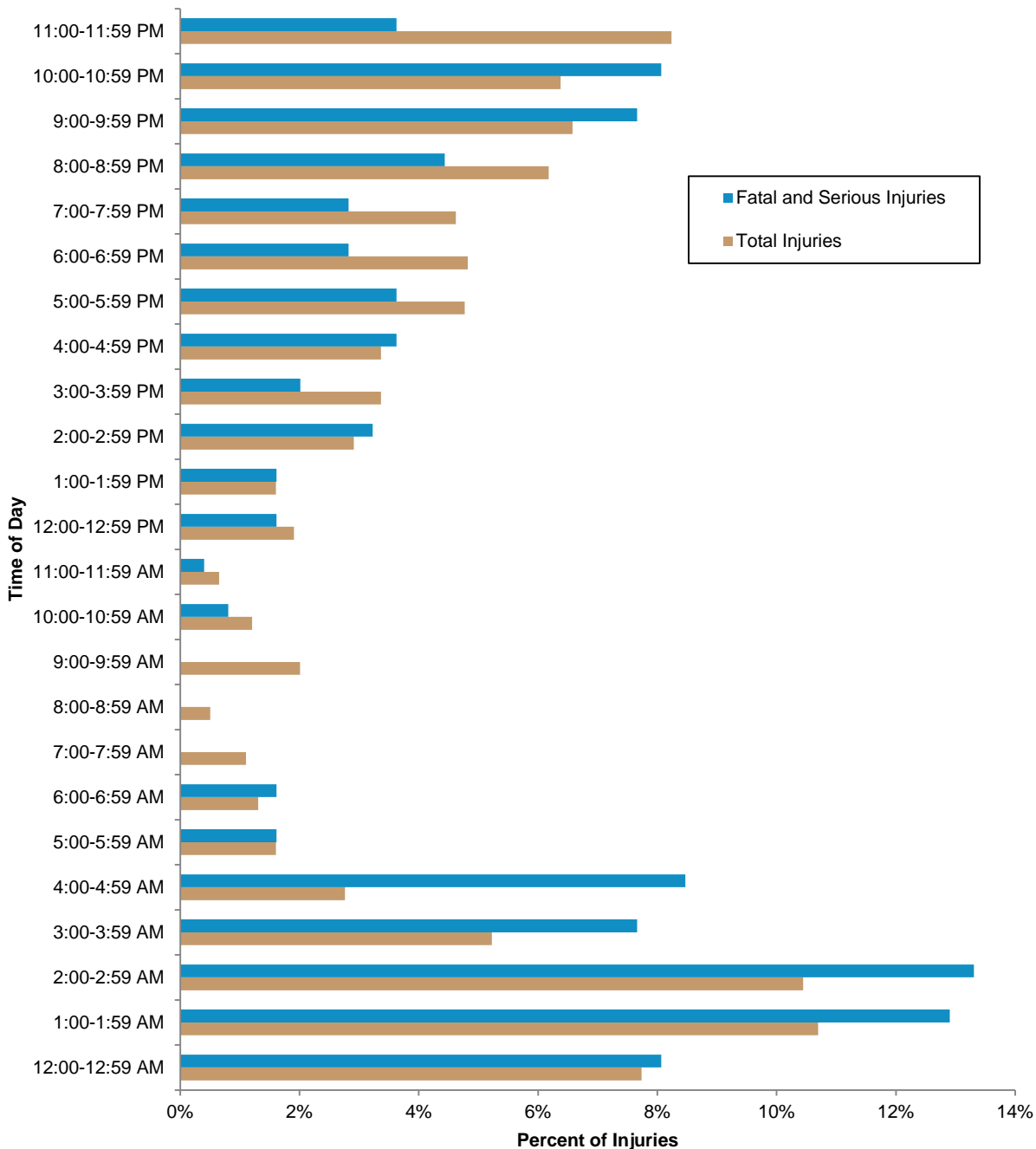


When

Fatal and serious injuries resulting from impaired driving crashes were mostly sustained:

- in early morning and late evening hours from 9:00 p.m. to 4:59 a.m. (70%) (Figure 24);
- on weekends (46% on Saturdays and Sundays combined) (Figure 25); and
- in spring and summer months (50% from May to August) (Figure 26).

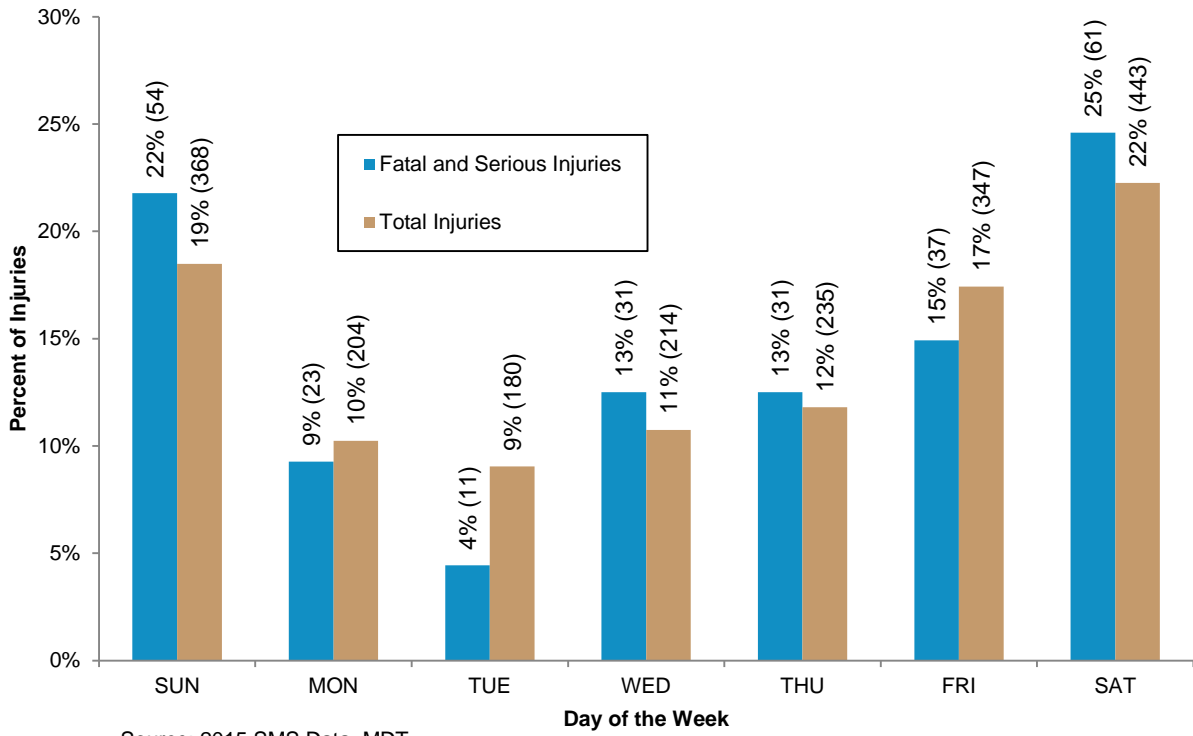
Figure 24 Impaired Driving Injuries by Time of Day, 2005-2014



Source: 2015 SMS Data, MDT.

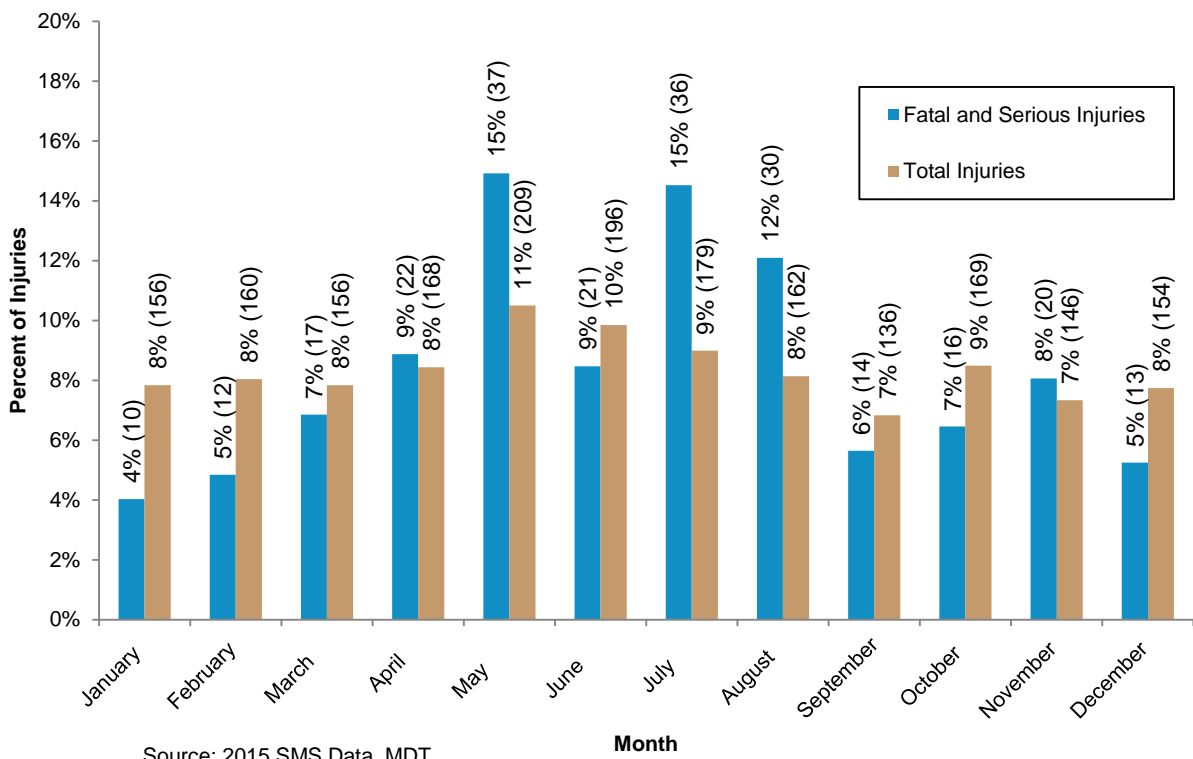


Figure 25 Impaired Driving Injuries by Day of the Week, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 26 Impaired Driving Injuries by Month, 2005-2014



Source: 2015 SMS Data, MDT.



How

- More than half (52%) of total impaired driving injuries involved multiple vehicles.
- More than half (61%) of fatal and serious impaired driving injuries involved unrestrained occupants.
- 38 pedestrians were injured in impaired driving crashes.
- 11 bicyclists were injured in impaired driving crashes.
- 106 motorcyclists were injured in impaired driving crashes.
- 17% of all impaired driving injuries included speed as a factor.
- More than two-thirds (68%) of total impaired driving injuries occurred during clear weather conditions.
- Rear-end crashes were involved in 21% of total impaired driving injuries.
- Fixed-object crashes were involved in one-quarter (25%) of total impaired driving injuries.
- The majority of total impaired driving injuries occurred in areas with a posted speed limit of 25 mph (33%) and 35 mph (41%).



Inattentive Driving/Speeding

Inattentive Driving

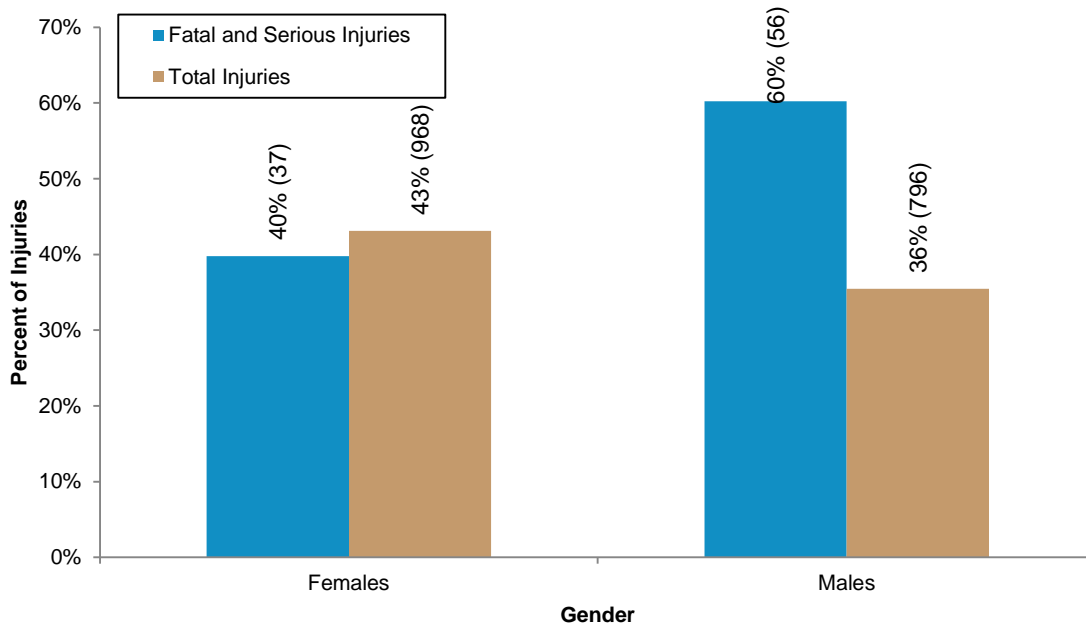
From 2005 - 2014, 2,245 total injuries resulted from inattentive driving crashes within the Billings area. Of these injuries, 93 were fatal or serious.

Who

Fatal and serious injuries resulting from inattentive driving crashes were mostly sustained by:

- males (60%) (Figure 27),
- young people aged 14-25 years (40%) (Figure 28), and
- drivers (62%) (Figure 29).

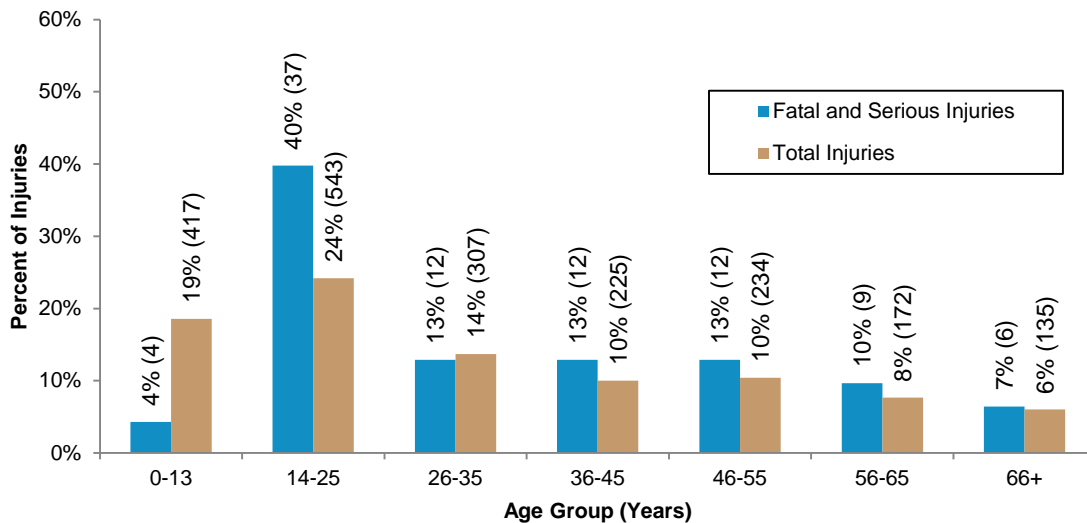
Figure 27 Inattentive Driving Injuries by Gender, 2005-2014



Source: 2015 SMS Data, MDT.

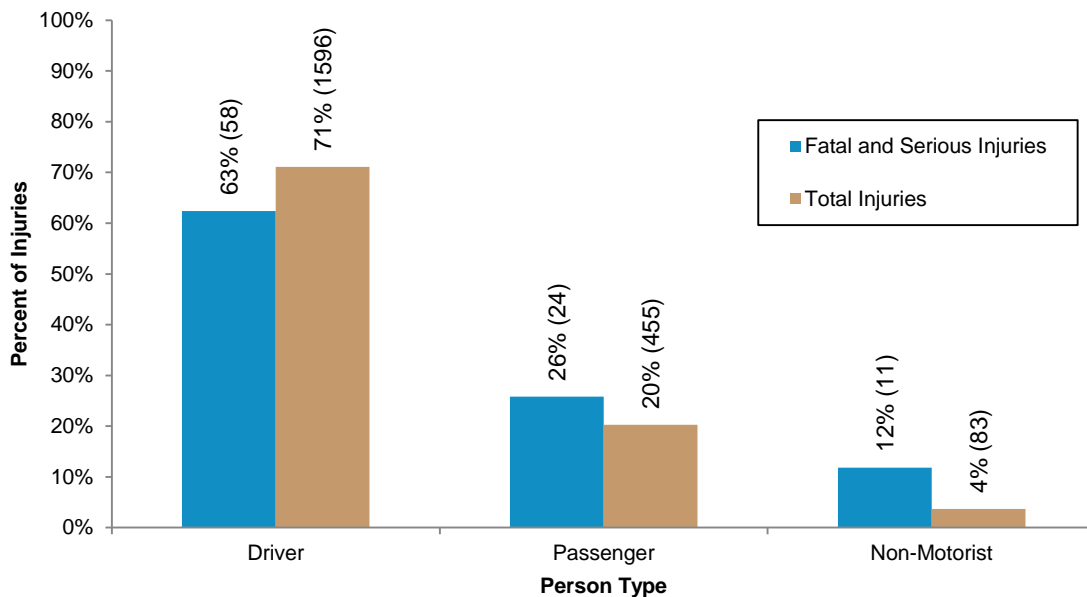


Figure 28 Inattentive Driving Injuries by Age Group, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 29 Inattentive Driving Injuries by Person Type, 2005-2014



Source: 2015 SMS Data, MDT.

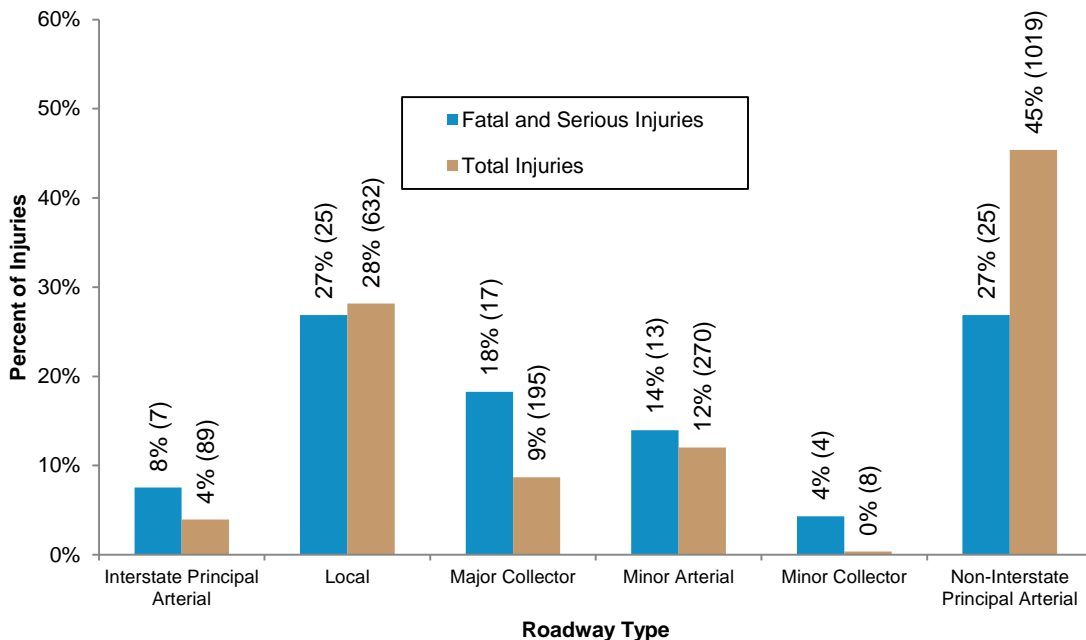


Where

Fatal and serious injuries resulting from inattentive driving crashes were mostly sustained:

- on non-interstate principal arterial roadways (27%) and local roads (27%) (Figure 30);
- on non-junction-related roadway segments (43%) (Figure 31); and
- within the Billings city limits (57%) (Figure 32).

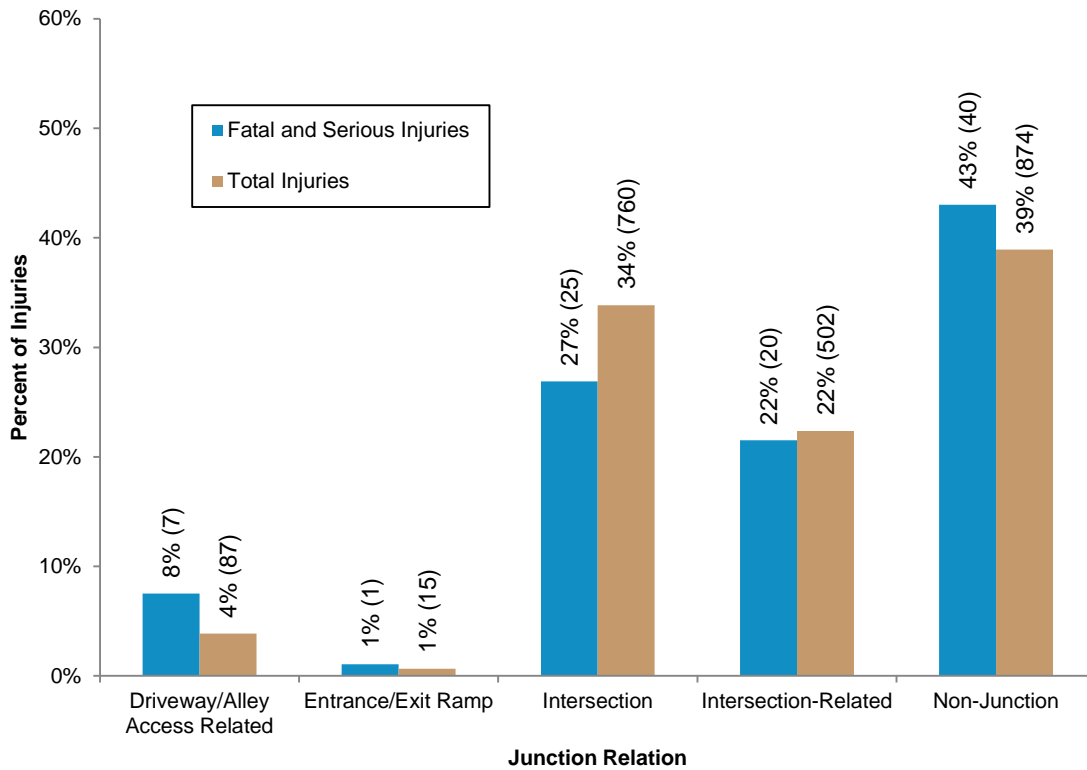
Figure 30 Inattentive Driving Injuries by Roadway Type, 2005-2014



Source: 2015 SMS Data, MDT.

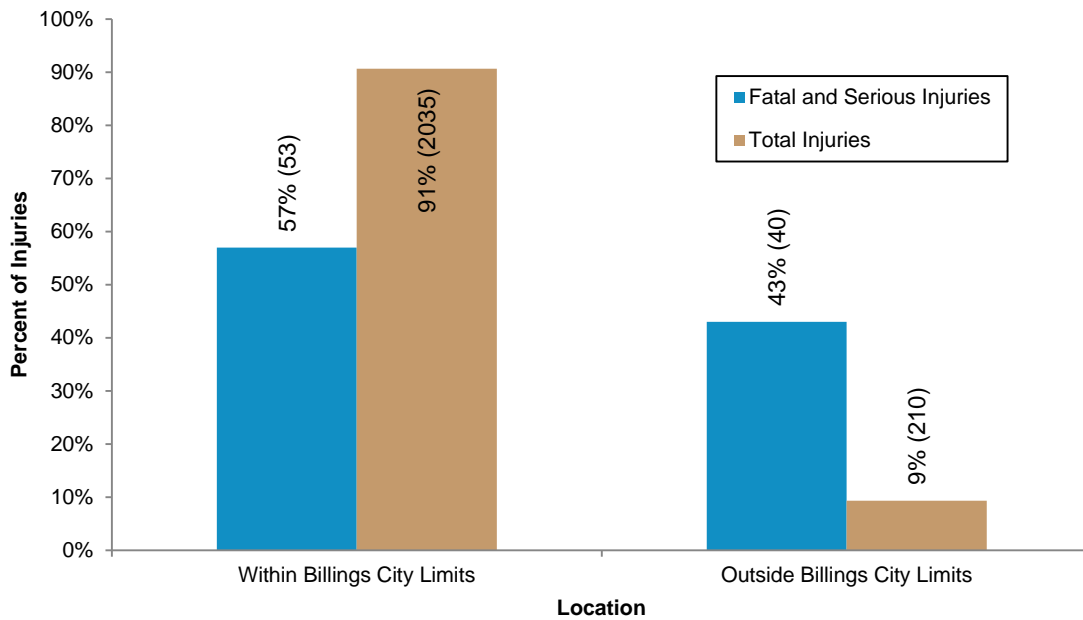


Figure 31 Inattentive Driving Injuries by Junction Relation, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 32 Inattentive Driving Injuries by Location, 2005-2014



Source: 2015 SMS Data, MDT.



When

Fatal and serious injuries resulting from inattentive driving crashes were mostly sustained:

- in early morning and late afternoon/evening hours from 11:00 a.m. to 2:59 p.m., 6:00 p.m. to 7:59 p.m., and 3:00 a.m. to 4:59 p.m. (55%) (Figure 33);
- on weekends (38% on Saturdays and Sundays combined) (Figure 34); and
- in spring and summer months (45% of injuries occurred during the months of April, June and July) (Figure 35).

Figure 33 Inattentive Driving Injuries by Time of Day, 2005-2014

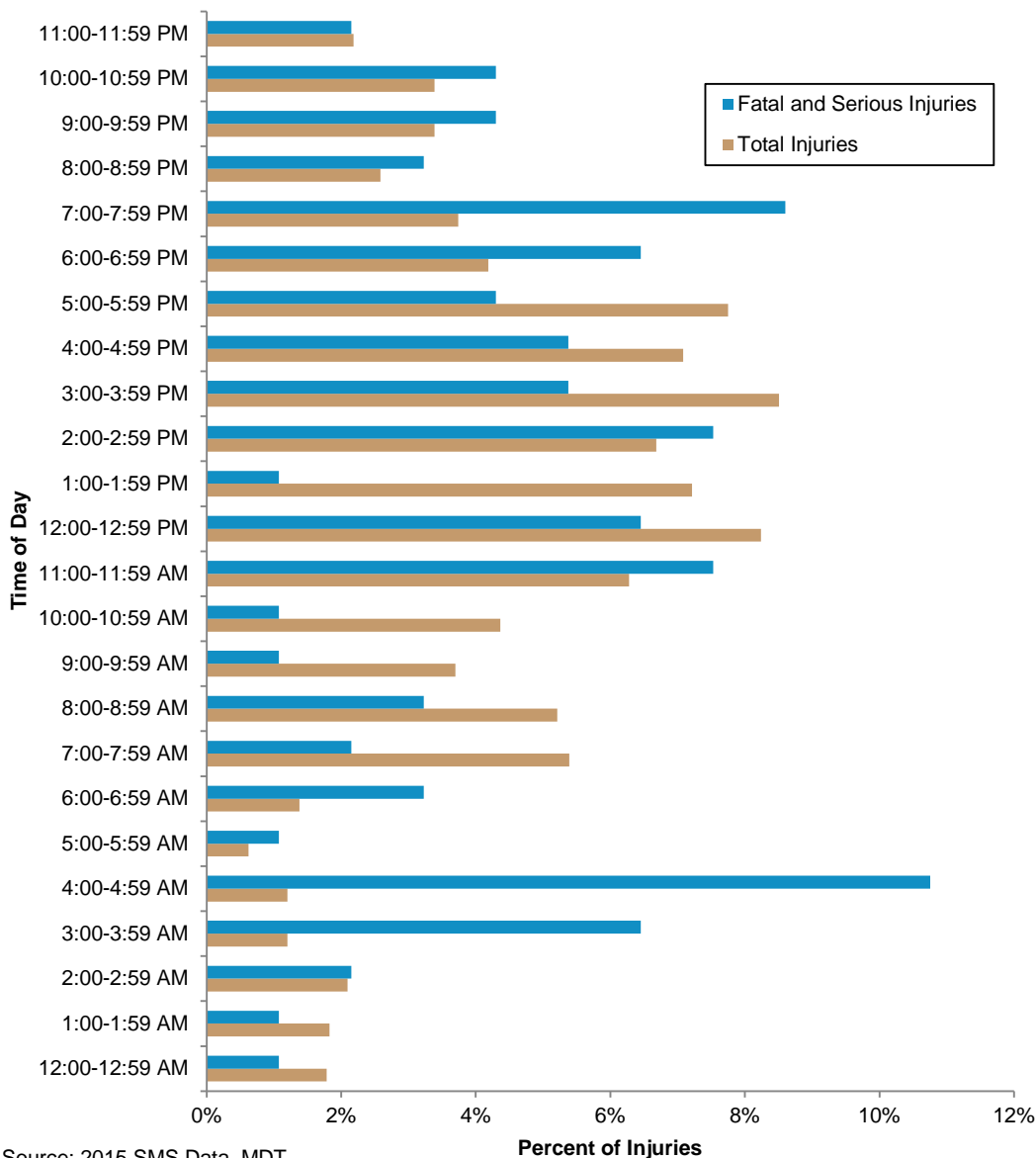




Figure 34 Inattentive Driving Injuries by Day of the Week, 2005-2014

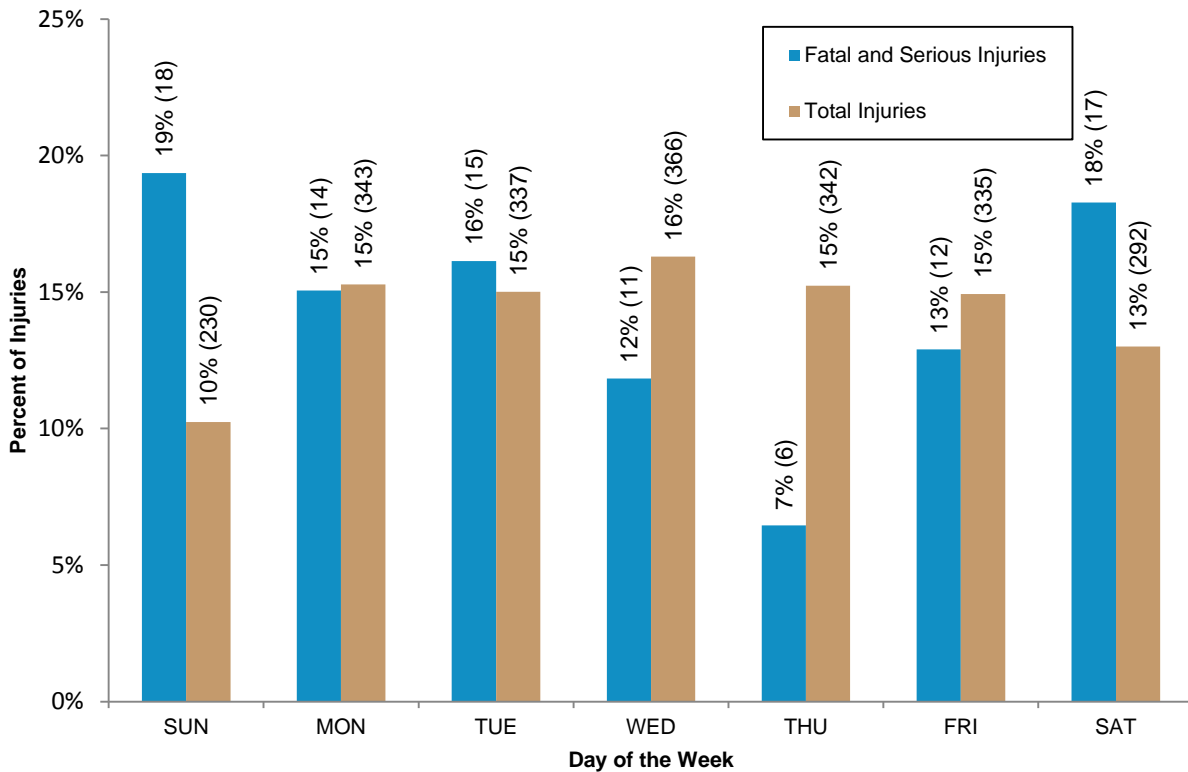
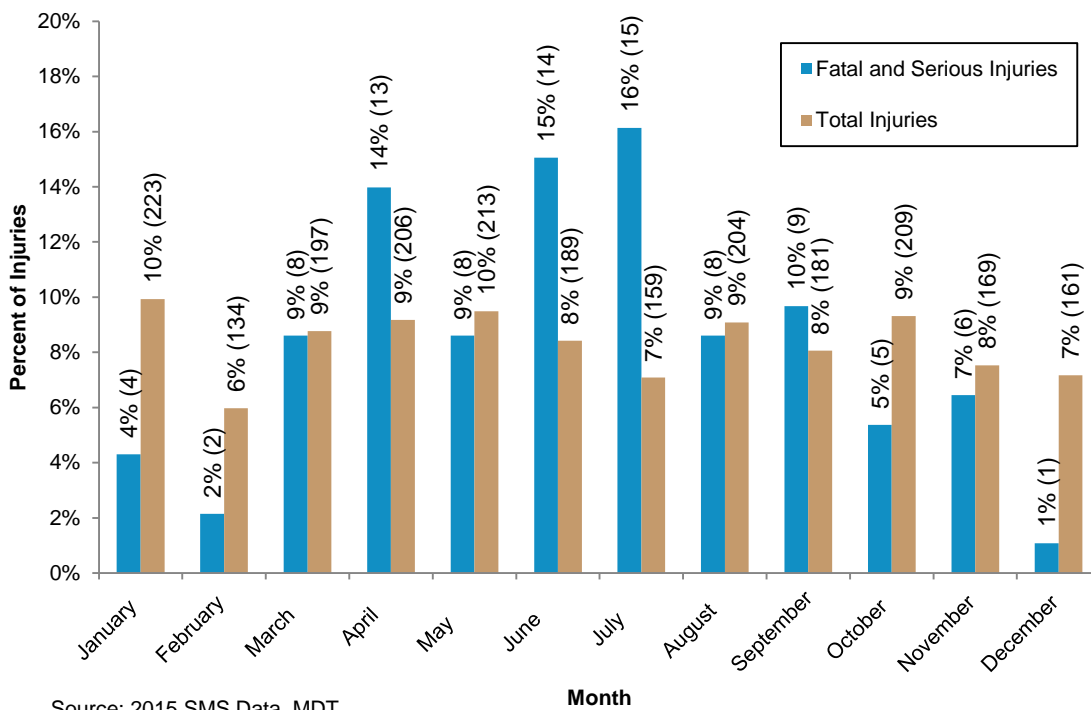


Figure 35 Inattentive Driving Injuries by Month, 2005-2014





How

- Over three-quarters (78%) of total injuries related to inattentive driving were sustained in multi-vehicle collisions.
- Over half (56.3%) of total injuries related to inattentive driving occurred in an intersection or are intersection related.
- Over one-fifth (21%) of total injuries resulting from inattentive driving related collisions happened in right angle collisions.
- Of the people injured in inattentive driving crashes, 95 were pedestrians.
- 24 bicyclists were injured in inattentive driving crashes.
- 60 motorcyclists were injured in inattentive driving crashes.
- Speed was a factor in 13% of total inattentive driving injuries.
- The majority of total injuries occurred in areas with a posted speed limit of 25 mph (34%) and 35 mph (47%).



Inattentive Driving/Speeding

Speeding

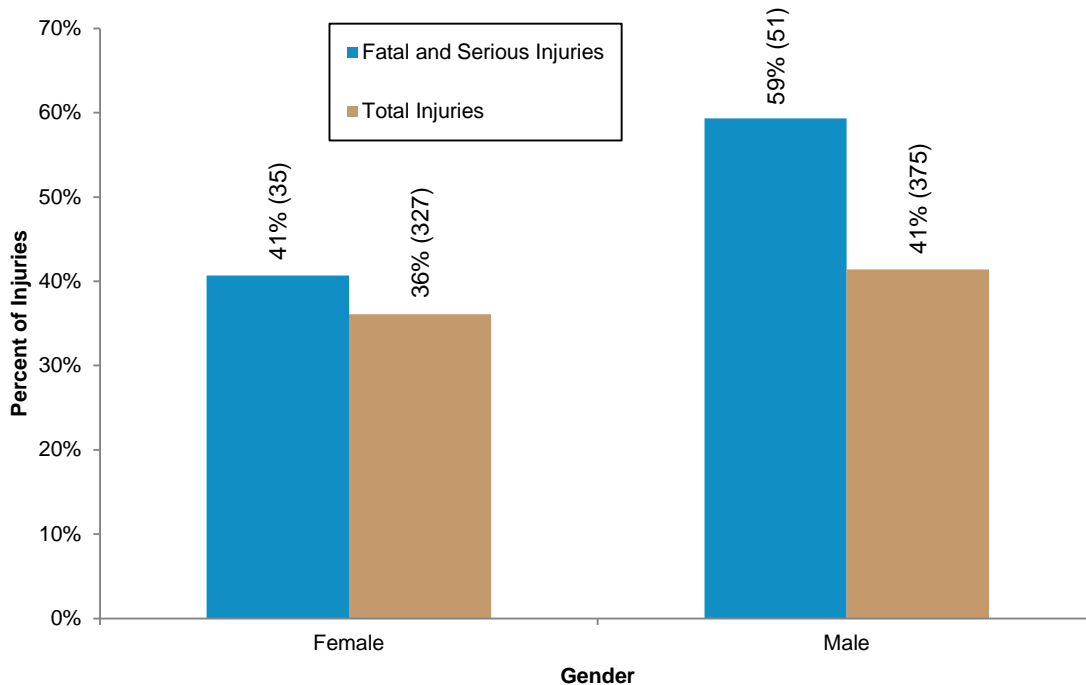
From 2005 to 2014, 906 injuries resulted from speed-related crashes within the Billings area. Of these injuries, 86 were fatal or serious.

Who

Fatal and serious injuries resulting from speed-related crashes were mostly sustained by:

- males (59%) (Figure 36),
- young people aged 14-25 years (51%) (Figure 37), and
- drivers (70%) (Figure 38).

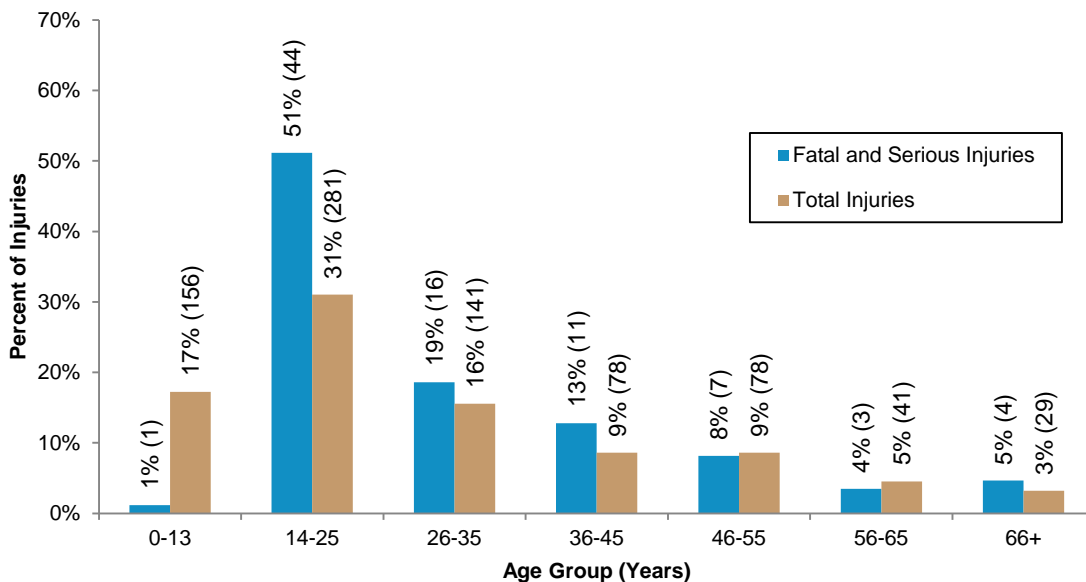
Figure 36 Speeding Injuries by Gender, 2005-2014



Source: 2015 SMS Data, MDT.

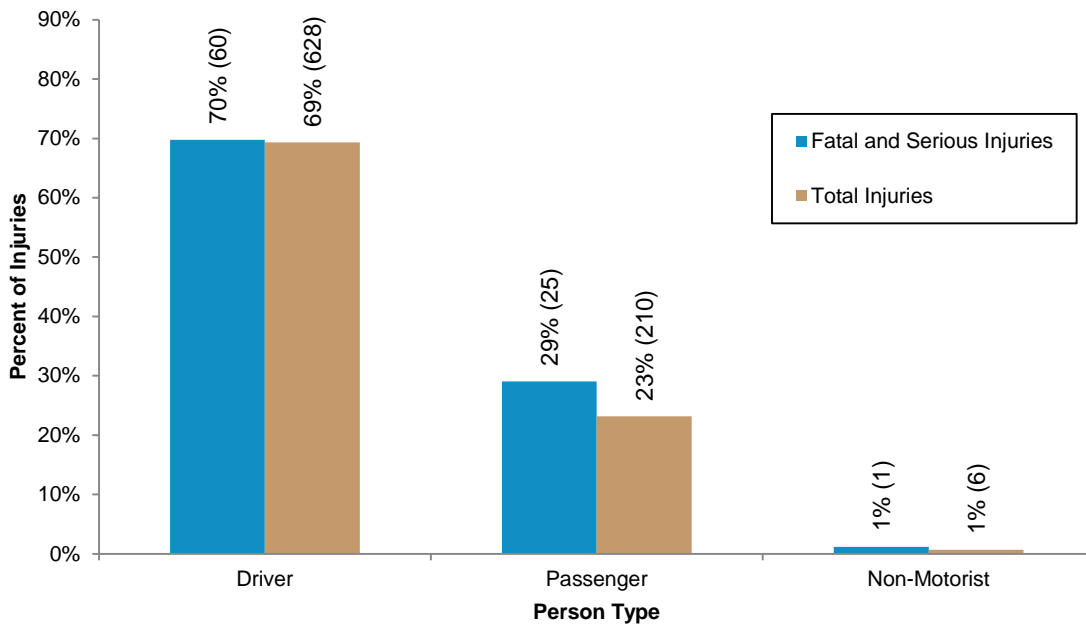


Figure 37 Speeding Injuries by Age Group, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 38 Speeding Injuries by Person Type, 2005-2014



Source: 2015 SMS Data, MDT.

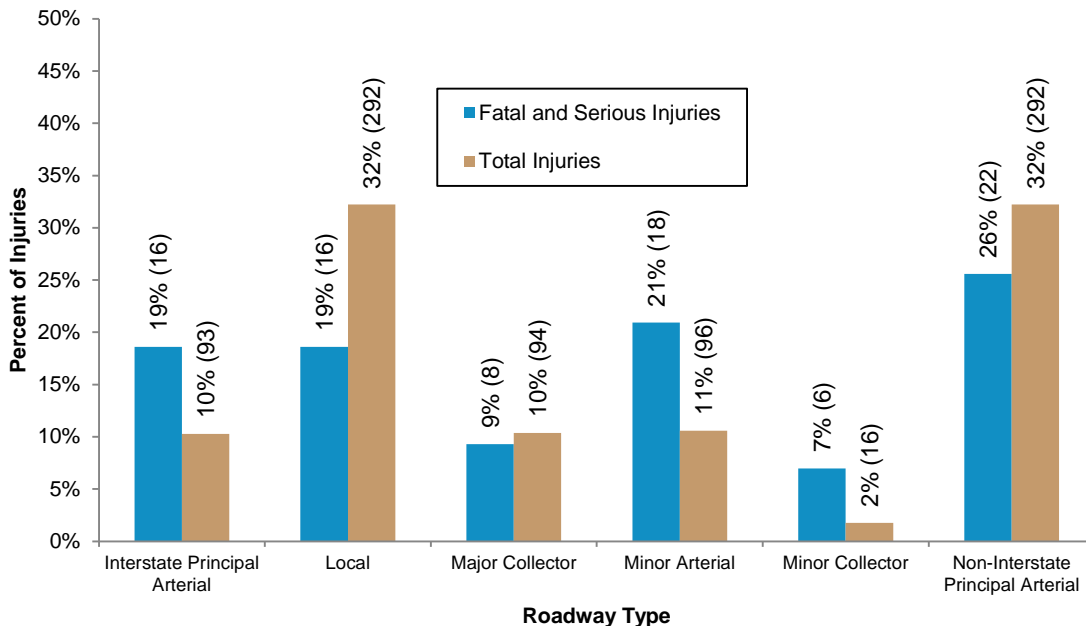


Where

Fatal and serious injuries resulting from speed-related crashes were mostly sustained:

- on non-interstate principal arterial roadways (26%), interstate highways (19%), and local roads (17%) (Figure 39);
- on non-junction-related roadway segments (61%) (Figure 40); and
- within the Billings city limits (57%) (Figure 41).

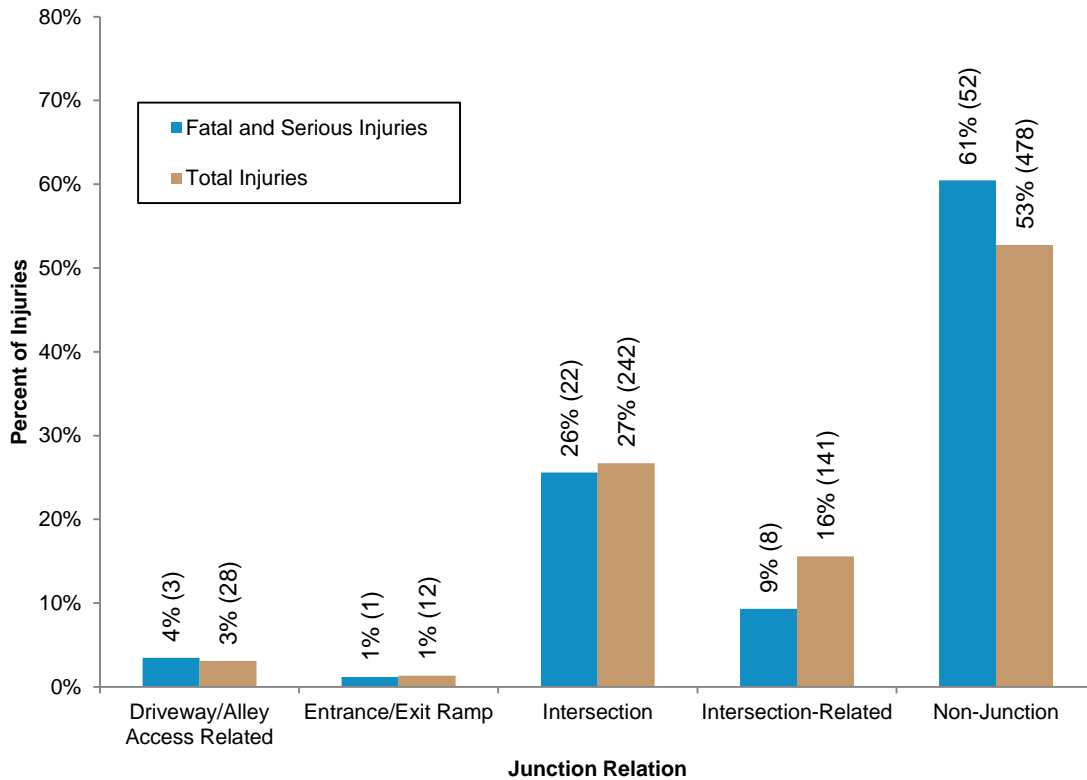
Figure 39 Speeding Injuries by Roadway Type, 2005-2014



Source: 2015 SMS Data, MDT.

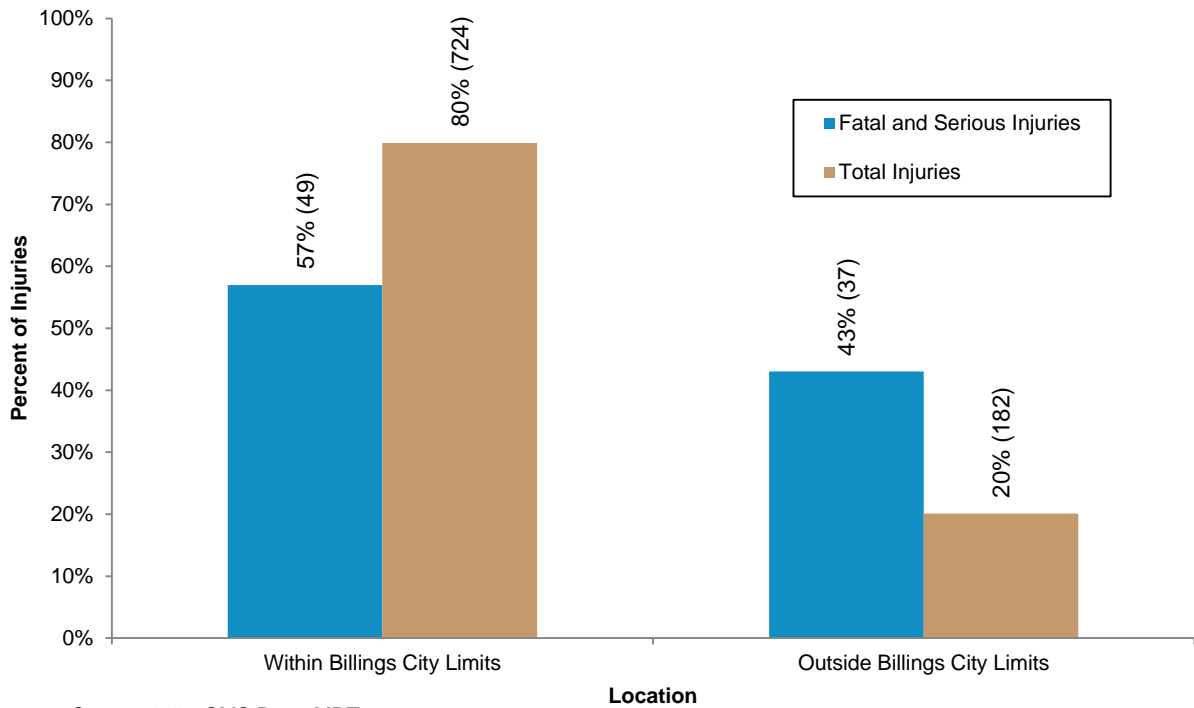


Figure 40 Speeding Injuries by Junction Relation, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 41 Speeding Injuries by Location, 2005-2014



Source: 2015 SMS Data, MDT.

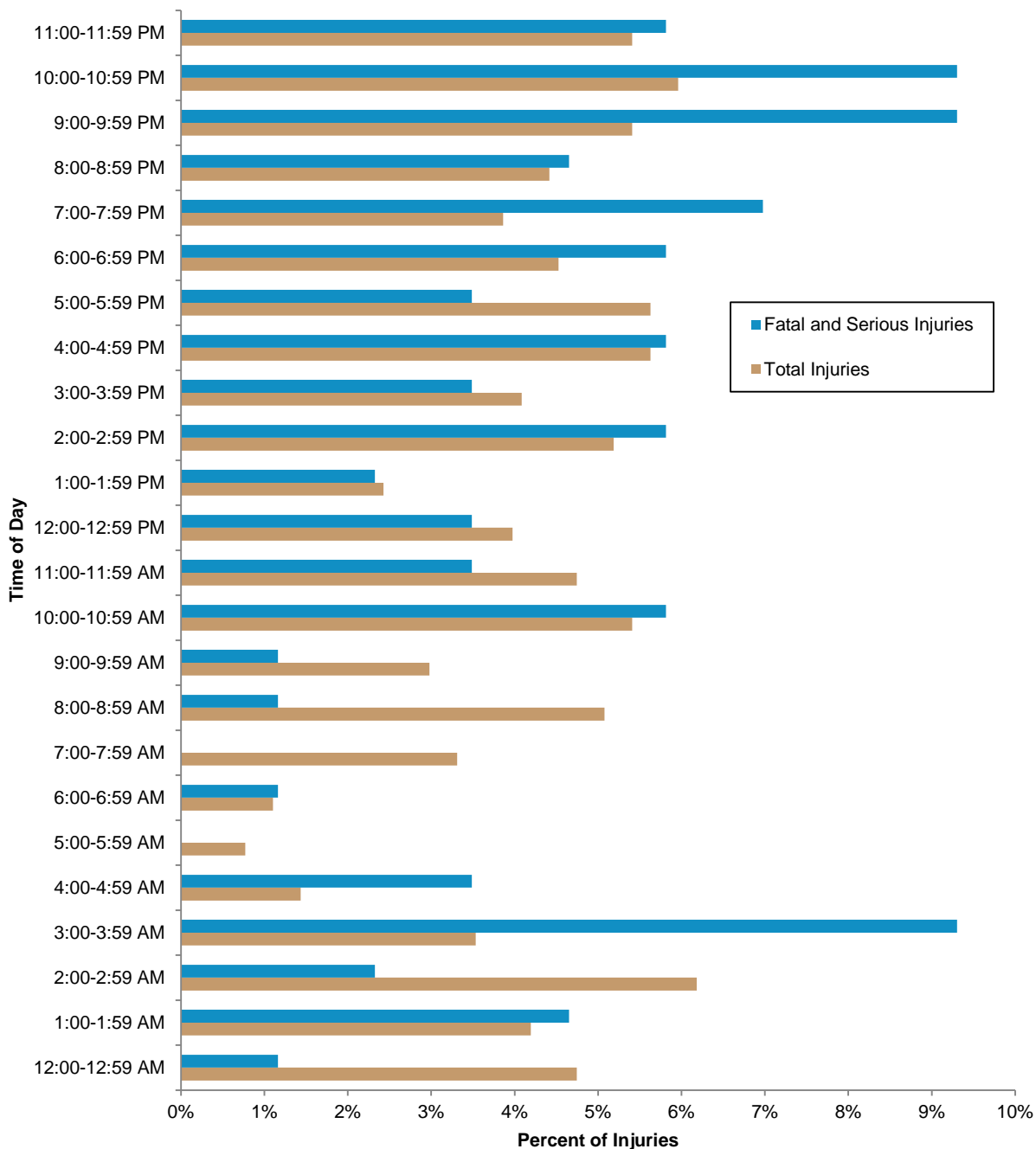


When

Fatal and serious injuries resulting from speed-related crashes were mostly sustained:

- in early morning and late evening hours from 7:00 p.m. to 3:59 a.m. (54%) (Figure 42),
- on Fridays and Saturdays (43%) (Figure 43), and
- in spring and summer months (52% from April to July) (Figure 44).

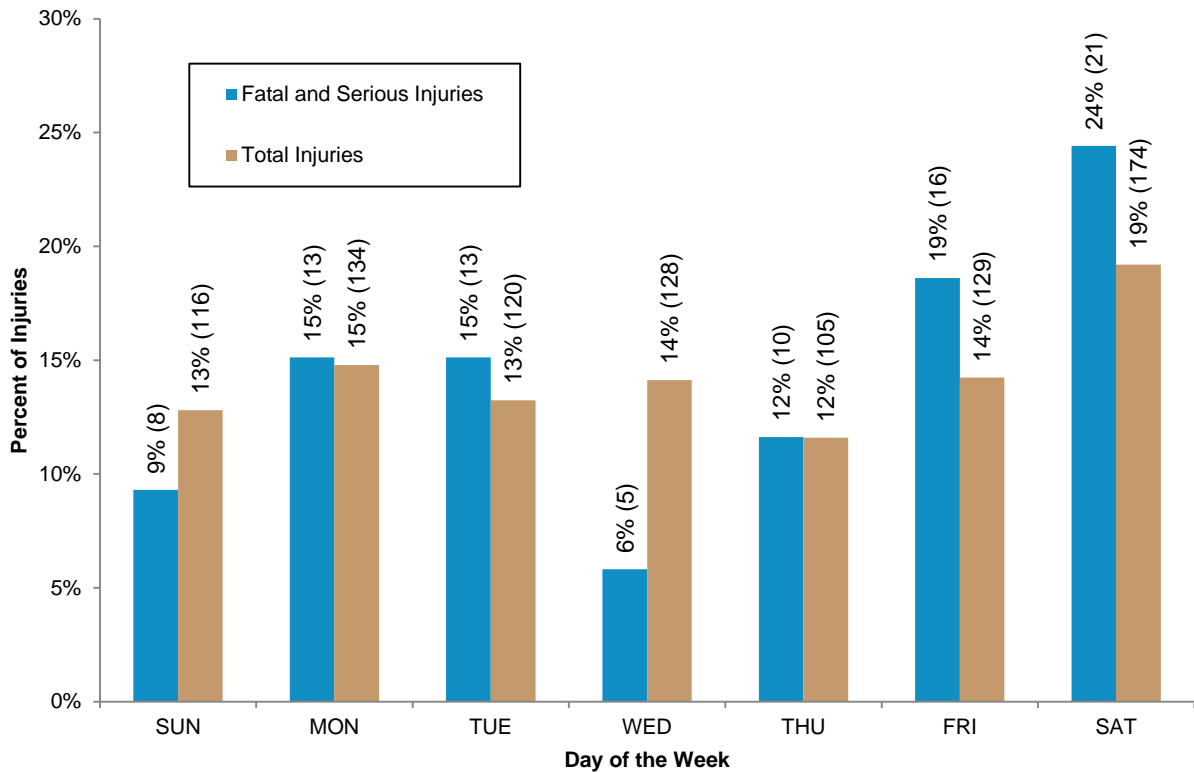
Figure 42 Speeding Injuries by Time of the Day, 2005-2014



Source: 2015 SMS Data, MDT.

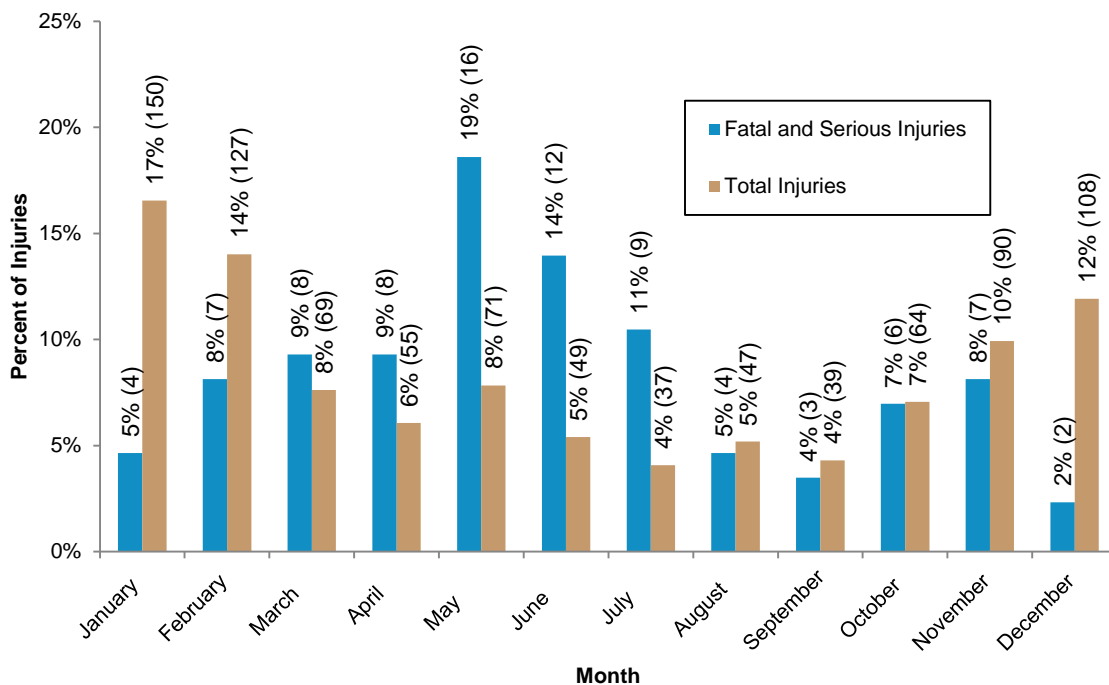


Figure 43 Speeding Injuries by Day of the Week, 2005-2014



Source: 2015 SMS Data, MDT.

Figure 44 Speeding Injuries by Month, 2005-2014



Source: 2015 SMS Data, MDT.



How

- Exactly half (50%) of total speeding injuries resulted from crashes involving multiple vehicles.
- Approximately 36% of fatal and serious speeding injuries involved a vehicle roll over.
- Approximately 55% of fatal and serious speed-related injuries involved unrestrained occupants.
- 39 motorcyclists were involved in speed-related crashes.
- More than three-quarters (76%) of total speed-related injuries occurred in clear or cloudy conditions.
- The majority of total injuries occurred in areas with a posted speed limit of 25 mph (33%) and 35 mph (38%).
- 2 pedestrians were injured in speed-related crashes.
- Zero bicyclists were injured in speed-related crashes.



7.0 Current Programs

The Billings MPO is currently targeting improved transportation safety through a variety of programs and efforts. The AC used the following list of current programs to identify available resources and engagement gaps within the Billings MPO transportation safety culture.

Unrestrained Occupants

Program	Contact
<p>Safe Kids Yellowstone County Safe Kids Yellowstone County is led by American Medical Response, which provides dedicated and caring staff, operation support and other resources to assist in achieving our common goal of keeping children safe. Program provides car seats, training, support services, and educational materials about traffic and occupant safety to children and parents in the Yellowstone County area, this program works directly with parents and children through in-person trainings and materials provision.</p>	<p>Koren Bloom 1701 Montana Avenue Billings, MT 59101 koren.bloom@amr.net 406.259.9601 Ext 3644 https://www.safekids.org/coalition/safe-kids-yellowstone-county</p>
<p>It's Your Choice A program offered through the St. Vincent Healthcare Trauma Team, "It's Your Choice" provides mock crash sites and discussions around distracted driving, unrestrained occupants, and impaired driving to classrooms and student groups in the Billings area. The presentations use realistic scenarios, scenes, and first responders to display the effects of a crash as accurately as possible.</p>	<p>Eric Fisher St. Vincent's Healthcare 406.237.4181 eric.fisher@sclhs.net</p>
<p>Chats with the Chief The Billings Police Department makes the Chief of Police available to discuss safety issues, address safety concerns in the community, and provide information from the department on increasing safety and awareness in the Billings community.</p>	<p>Billings Police Department 406.657.8460 BPD@ci.billings.mt.us</p>
<p>BuckleUp Montana BuckleUp Montana is an occupant protection program sponsored by the MDT that provides educational materials and resource information to the public and employers about seat belt use and laws, and road safety. BuckleUp Montana works with other safety stakeholders in providing training, research, policy development and technical assistance, and funding for local programs. Program also supports "Saved by the Belt" awards which recognize and honor individuals involved in crashes whose lives were saved because they were wearing a seat belt or properly restrained a child in a safety seat.</p>	<p>Pamela Buckman Occupant Protection Program Highway Traffic Safety Section Montana Department of Transportation 406.444.0809 pbuckman@mt.gov http://www.buckleup.mt.gov/</p>
<p>Montana Department of Health and Human Services Injury Prevention Program This program provides programmatic support and a connected network of physicians, trauma experts, injury prevention specialists, and local community stakeholders. The program offers resource information and specific data on Motor Vehicle & Seat Belt Safety.</p>	<p>Jeremy Brokaw Injury Prevention Program Department of Public Health & Human Services 406.444.4126 jbokaw@mt.gov http://dphhs.mt.gov/publichealth/EMSTS/prevention.aspx</p>
<p>Click It or Ticket This program funded by the National Highway Traffic Safety Administration (NHTSA) provides grants to law enforcement and transportation stakeholders to run media and enforcement campaigns focused on increasing seat belt usage, awareness, and advocate for seat belt laws.</p> <p>Click It or Ticket (CIOT) is the most successful seat belt enforcement campaign ever, helping to increase the national seat belt usage rate. Coast to coast, day or night, the message is simple - Click It or Ticket. The cornerstone of NHTSA's seat belt communications program is the national Click It or Ticket May Mobilization. The primary audience continues to be men ages 18 to 34, which research shows are less likely to wear seat belts.¹</p>	<p>Chad Newman Traffic Enforcement Program State Highway Traffic Safety Section Montana Department of Transportation 406.444.0856 chnewman@mt.gov http://www.mdt.mt.gov/visionzero/plans/traffic-enforcement.shtml</p>

¹ National Highway Traffic Safety Administration. "National Seat Belt Enforcement Mobilization"



Program

Contact

Alive at 25

A national program implemented by the Montana Highway Patrol- Department of Justice, the Alive at 25 Program focuses on multiple issues including distracted driving, seat belt use, and drinking and driving to inform Montanans about the dangers on the road.

Alive at 25, Third Edition addresses the number one cause of death for drivers ages 15 to 24 — motor vehicle crashes — and has been adopted by many states and courts for graduated licensing and traffic violator programs. The third edition of Alive at 25 encourages young drivers to take responsibility for their driving behavior. A compelling new video challenges participants to imagine life without them. Alive at 25 is a highly-effective four-hour course that serves as an excellent complement to standard driver education programs – and is also ideal for young drivers who incur traffic violations. Through interactive media segments, workbook exercises, class discussions and role playing, young drivers develop convictions and strategies that will keep them safe on the road.²

Sgt. Pat McLaughlin
1045 Reeves Street East, Suite B
Bozeman, MT 59718
406.579.3943
<https://dojmt.gov/highwaypatrol/alive-at-25/>

Traffic Enforcement

The Montana Highway Patrol implements the Selective Traffic Enforcement Program (STEP) and Safety Enforcement Traffic Team (SETT). These programs are funded through the State Traffic Highway Traffic Section -Montana Department of Transportation. Funding provides training and support to law enforcement who are engaged in enforcing both traffic and safety laws on Montana's roadways.

STEP combines intensive enforcement of specific traffic safety laws with extensive communication, education, and outreach.

SETT provides extra patrols to improve public safety by deterring and detecting impaired driving, speeding, and a host of other traffic safety offenses as well as provide education to the motoring public.

The SETT team moves around the state to focus on high crash corridors and events known to be associated with alcohol consumption. Working closely with local law enforcement, SETT encourages motorists to make safe driving choices and educates drivers about ways they can improve road safety in their communities. Special attention by law enforcement is believed to be one of the contributing factors to achievement of the Montana Comprehensive Highway Safety Plan goal to reduce fatalities and incapacitating injuries in high crash locations.

Chad Newman
Traffic Enforcement Program
State Highway Traffic Safety Section
Montana Department of Transportation
406.444.0856
chnewman@mt.gov
<http://www.mdt.mt.gov/visionzero/plans/traffic-enforcement.shtml>

Impaired Driving

Program

Contact

Yellowstone County DUI Task Force

The Yellowstone County DUI Task Force is a group of diverse individuals including members of law enforcement, prosecutors, educators, prevention specialists, counselors, and area business representatives appointed by the County Commissioners with the mission of promoting a healthier and safer environment for county residents by attempting to reduce the number of alcohol-related incidents through public education, awareness, legislation, and enforcement strategies.³

Darla Tyler-McSherry
406.855.9388
dtylermcsherry@hotmail.com
<http://www.co.yellowstone.mt.gov/dui/>

²Montana Department of Justice. "Alive at 25." Attorney General Tim Fox. <https://dojmt.gov/highwaypatrol/alive-at-25/>.

³ Yellowstone County DUI Taskforce. "Yellowstone County, Montana." Yellowstone County. <http://www.co.yellowstone.mt.gov/dui/>.



Program	Contact
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Topsy Tow

AAA MountainWest, MDT, and tow providers offer Operation Topsy Tow to revelers, both members and non-members, in the following Montana communities: Helena, MT (includes East Helena & Montana City); Kalispell/Whitefish, MT; Livingston, MT; Missoula, MT; Bozeman, MT (includes Belgrade, MT); Hamilton, MT, and Billings, MT. Holiday revelers can call Operation Topsy Tow at (800) AAA-HELP (222-4357) for a free and confidential ride home and vehicle tow of up to ten miles in Montana. The service can be used as many times as needed by anyone.

[Christa Gardner](#)
 AAA Mountain West – Billings
 3220 4th Avenue N
 Billings, MT 59101
 406.248.7738
cgardner@mtw.aaa.com

Anna O'Donnell
 AAA Mountain West
 P.O. Box 4129
 Helena, MT 59601
 406.447.8134
aodonnell@mtw.aaa.com
<https://www.mountainwest.aaa.com/au-to/operation-topsy-tow>

Billings Care-a-Van

This program is a shuttle service offered in Billings and sponsored by Rat Pack Transportation, the Montana Brewing Company, Hooligans Sports Bar, the Vig Alehouse and Casino, Big Sky Collison Center, and others. The shuttle runs through winter holiday season offering safe rides for passengers in the Billings area.

Sean Graves
 113 N Broadway
 Billings, MT 59101
 406.252.9200

Montana Tavern Association

The Montana Tavern Association offers sponsorships and financial support for organizations promoting responsible drinking and safe driving practices.

Jason Grubbs
 Montana Tavern Association
 Yellowstone County Director
 2033 Grand Avenue
 406.252.9454
<http://montanatavernassociation.com/>

Lorna Stern
 Yellowstone County Tavern Association
 PO Box 21161
 Billings, MT 59104
 406.855.0778
<http://montanatavernassociation.com/>

Montana Traffic Education

This program focuses on training young drivers through school-sponsored curriculums and program offers the “Deadly Ds” which includes distracted driving and other modules focused on safe speeds and Montana traffic laws. The program is offered through Montana OPI and the Billings School District and requires a course fee. The following modules are offered.

- Overview of GDL and Parent Meeting
- Vehicle Control
- Vision and Managing Spaces
- Rural, Urban, and Highway Driving Managing Driving Risk
- Deadly D's
- Driver License and Trip Planning

Jodi Stugelmeyer
 Billings Schools
 406.281.5505
 425 Grand Avenue
 Billings, MT 59101
stugelmeyerj@billingschools.org
<http://opi.mt.gov/Programs/DriverEd/Curric/INDEX.html>

Social Host Ordinance

The City of Billings Municipal Code Section 18-1201 makes it a criminal offense to knowingly serve underage persons alcohol. From the code § 18-1201: It is a violation of this Chapter for a social host who knows or reasonably should know that an underage person has possessed or consumed alcohol at an event, gathering, or party to fail to take reasonable steps to prevent underage consumption or possession. The social host does not have to be present at the event, gathering or party at the time the prohibited act occurs.

Billings Police Department
 406.657.8460
BPD@ci.billings.mt.us



Program	Contact
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Server Trainings

Offered through both the Montana Department of Revenue (DOR) and the Billings Police Department, these trainings teach servers and sellers about serving limits, alcohol service, laws and regulations regarding service in Montana, how to identify signs of intoxication, and other alcohol- and enforcement-related subjects. The Liquor Education Unit-DOR participates in community events, DUI Task Force meetings, statewide annual transportation safety meetings, Interagency Coordinating Council on State Prevention Programs (ICC), on the National Alcohol Beverage Control Association (NABCA) education committee and provides law enforcement and judicial trainings.

Lisa Scates
Alcohol Education Coordinator
Liquor Control Division
Department of Revenue
406.444.4307
LiScates@mt.gov
https://revenue.mt.gov/home/liquor/liquor_education#Contacts-805

24/7 Sobriety Program

This program focuses on decreasing the number of repeat DUI/DWIs in the state and requires convicted offenders to take twice-daily alcohol breath tests or submit to court-ordered monitoring. Under the program, people accused of their second or subsequent drunken driving offense can be ordered by a judge to take twice-daily alcohol breath tests as a condition of their release from jail pending trial. Or they may be ordered to wear an alcohol-monitoring bracelet. Some offenders can also be sentenced to the program if they plead or are found guilty of DUI. The program is structured to have the offender pay the cost of the monitoring, so the program is essentially free to counties and taxpayers.⁴

Sergeant Lacie Wickum
24/7 Program Coordinator
Montana Highway Patrol
1708 Second Street West,
Suite A
Havre, MT 59501
406.265.6420
wickum@mt.gov
<https://dojmt.gov/247-sobriety-program/>

Traffic Safety Resource Officer

Montana Highway Patrol Trooper Kurt Sager has served as MDT's contracted Traffic Safety Resource Officer (TSRO) since March 2009. His major responsibilities entail the coordination and delivery of Standard Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Expert (DRE) training programs statewide. He also coordinates the schedule of the MIDAC.

Sergeant Kurt Sager
Traffic Safety Resource Officer
Montana Highway Patrol
406.444.9873
ksager@mt.gov
<http://www.mdt.mt.gov/visionzero/plans/pts-sfst.shtml>
<http://www.mdt.mt.gov/visionzero/plans/pts-midac.shtml>

Alive at 25

A national program implemented by the Montana Highway Patrol- Department of Justice, the Alive at 25 Program focuses on multiple issues including distracted driving, seat belt use, and drinking and driving to inform Montanans about the dangers on the road.

Alive at 25, Third Edition addresses the number one cause of death for drivers ages 15 to 24 — motor vehicle crashes — and has been adopted by many states and courts for graduated licensing and traffic violator programs. The third edition of Alive at 25 encourages young drivers to take responsibility for their driving behavior. A compelling new video challenges participants to imagine life without them. Alive at 25 is a highly-effective four-hour course that serves as an excellent complement to standard driver education programs — and is also ideal for young drivers who incur traffic violations. Through interactive media segments, workbook exercises, class discussions and role playing, young drivers develop convictions and strategies that will keep them safe on the road.

Sgt. Pat McLaughlin
Montana Highway Patrol
1045 Reeves Street East, Suite B
Bozeman, MT 59718
406.579.3943
<https://dojmt.gov/highwaypatrol/alive-at-25/>

American Association of Retired Persons (AARP) Driver's Safety

AARP offers classroom and online 'refresher' courses and includes issues like effects of medication on driving and other age-related challenges of operating a vehicle.

AARP Smart Driver™ online course teaches proven driving techniques to help keep you and your loved ones safe on the road. Topics include:

- Important facts about the effects of medication on driving.
- How to reduce driver distractions.
- How to maintain the proper following distance behind another car.
- Proper use of safety belts, air bags, anti-lock brakes and new technology found in cars today.
- Techniques for handling left turns, right-of-way, and roundabouts.
- Age-related physical changes and how to adjust your driving to compensate.

Thom Ainsworth
AARP Montana Driver Safety
Coordinator
Helena, MT 59601
406.363.4687
thomainsworth@msn.com

⁴ Montana Department of Justice, 24/7 Sobriety Program, <https://dojmt.gov/247-sobriety-program/>



Inattentive Driving/Speeding

Program	Contact
<p>Montana Traffic Education</p> <p>This focuses on training young drivers through school-sponsored curriculums and program offers the “Deadly Ds” which includes distracted driving and other modules focused on safe speeds and Montana traffic laws. The program is offered through Montana OPI and the Billings School District and requires a course fee. The following modules are offered.</p> <ul style="list-style-type: none"> • Overview of GDL and Parent Meeting • Vehicle Control • Vision and Managing Spaces • Rural, Urban, and Highway Driving • Managing Driving Risk • Deadly D’s • Driver License and Trip Planning 	<p>Jodi Stugelmeyer Billings Schools 406.281.5505 425 Grand Avenue Billings, MT 59101 stugelmeyerj@billingsschools.org http://opi.mt.gov/Programs/DriverEd/Curric/INDEX.html</p>
<p>Share the Road</p> <p>Montana Motor Carriers Association sponsor a program that trains young drivers on how to share the road with large vehicles focusing on blind spots, giving trucks and trailers room to maneuver, and other safety issues involving operating safely around large commercial vehicles.</p> <p>From the Montana Motor Carriers Association⁵:</p> <p>In 1991, with the enactment of the Intermodal Surface Transportation Efficiency Act, Congress directed the Federal Highway Administration (FHWA) to educate the driving public about how to safely share the road with trucks and buses. In response, the Federal Motor Carriers Safety Administration (FMCSA) introduced the No-Zone or Share the Road Program in 1994. Its goal was to increase awareness of the No-Zones – danger areas like blind spots – around commercial vehicles. This program has become a major priority of MCM; and our willingness to not just maintain the program, but to expand it, statewide will be our legacy.</p>	<p>Frank Molodecki, CDS Fleet Risk & Safety Manager Diversified Transfer and Storage 406.896.3431 frankm@dtsb.com http://www.mttrucking.org/safety/share-the-road/</p>
<p>Distracted Driving Course</p> <p>The St. Vincent Trauma Services Distract Driving Course provides firsthand experience with the dangers of texting. This course is offered to school-aged and public groups and focuses on decreasing distractions while driving, safety measures to ensure safe road use, and discussion of the impacts of distracted driving. Young adults navigate a golf cart through a designated obstacle course of orange cones. After driving the course once, participants are then asked to drive the course a second time while texting a friend. As they start taking out rows of orange cones it becomes very apparent to the drivers that texting and navigating are a dangerous combination.</p>	<p>Eric Fisher Trauma Outreach St. Vincent’s Healthcare 406.237.4181 eric.fisher@sclhs.net http://www.svh-mt.org/services-and-departments/trauma-outreach/distracted-driving-course/</p>
<p>It’s Your Choice</p> <p>It’s Your Choice” is a program offered through the St. Vincent Healthcare Trauma Team. This provides mock crash sites and discussions around distracted driving, unrestrained occupants, and impaired driving to classrooms and student groups in the Billings area. The presentations use realistic scenarios, scenes, and first responders to display the effects of a crash as accurately as possible. Link</p>	<p>Eric Fisher Trauma Outreach St. Vincent’s Healthcare 406.237.4181 eric.fisher@sclhs.net</p>
<p>Crash the Myth/Healthy by Design</p> <p>Offered through RiverStone Health, this program provides educational materials, courses, and media outreach tools regarding safety on roads for pedestrians, bicyclists, and motorists.</p>	<p>Claire R. Oakley, PHD, MHA Program Director 406.651.6462 Claire.Oak@riverstonehealth.org</p>
<p>Chats with the Chief</p> <p>The Billings Police Department makes the Chief of Police available to discuss safety issues, address safety concerns in the community, and provide information from the department on increasing safety and awareness in the Billings community.</p>	<p>Billings Police Department 406.657.8460 BPD@ci.billings.mt.us</p>

⁵Montana Motor Carriers Association. “Share the Road”. <http://www.mttrucking.org/safety/share-the-road/> .



Program	Contact
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Electronic Device Ordinance

The City of Billings passed an ordinance that bans the use of any electronic communication devices while driving and is currently enforced by the Billings Police Department.

From the City of Billings⁶:

- Sec. 24-360. Electronic Communications Device Usage While Driving Prohibited
- (a) No person shall use or have in their immediate physical possession a hand held electronic communications device while operating a motor vehicle, motorcycle, quadricycle, or a bicycle on a public highway within the city limits of Billings.
 - (b) "Hand held electronic communications device" includes wireless or cellular phones, PDAs, Blackberries, smart phones, laptop and notebook computers utilizing VOIP (voice over internet protocol) technology, wireless and cellular phones utilizing push-to-talk technology, GPS systems, navigational systems, and any other mobile communication device that uses short-wave analog or digital radio transmissions between the device and a transmitter to permit wireless communications to and from the user of the device.

Billings Police Department
406.657.8460
BPD@ci.billings.mt.us

Billings City Council
406.657.8390
<http://ci.billings.mt.us/Directory.aspx?d=3>

Traffic Enforcement

The Montana Highway Patrol implements the Selective Traffic Enforcement Program (STEP) and Safety Enforcement Traffic Team (SETT). These programs are funded through the State Traffic Highway Traffic Section -Montana Department of Transportation. Funding provides training and support to law enforcement who are engaged in enforcing both traffic and safety laws on Montana's roadways.

STEP combines intensive enforcement of specific traffic safety laws with extensive communication, education, and outreach informing the public about the enforcement activity.

SETT provides extra patrols to improve public safety by deterring and detecting impaired driving, speeding, and a host of other traffic safety offenses as well as provide education to the motoring public.

The SETT team moves around the state to focus on high crash corridors and events known to be associated with alcohol consumption. Working closely with local law enforcement, SETT encourages motorists to make safe driving choices to keep roadways safe and educate drivers about ways they can improve road safety in their communities. Special attention by law enforcement is believed to be one of the contributing factors to achievement of the Montana Comprehensive Highway Safety Plan goal to reduce fatalities and incapacitating injuries in high crash locations.

Chad Newman
Traffic Enforcement Program
State Highway Traffic Safety Section
Montana Department of Transportation
406.444.0856
chnewman@mt.gov
<http://www.mdt.mt.gov/visionzero/plan/traffic-enforcement.shtml>

Alive at 25

A national program implemented by the Montana Highway Patrol- Department of Justice, the Alive at 25 Program focuses on multiple issues including distracted driving, seat belt use, and drinking and driving to inform Montanans about the dangers on the road.

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Sgt. Pat McLaughlin
1045 Reeves Street East, Suite B
Bozeman, MT 59718
406.579.3943
<https://dojmt.gov/highwaypatrol/alive-at-25/>

⁶ City of Billings. "6225." City of Billings. <http://ci.billings.mt.us/DocumentCenter/Home/View/6225>.



Program

Contact

American Association of Retired Persons (AARP) Driver's Safety

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- Proper use of safety belts, air bags, anti-lock brakes and new technology found in cars today.
- Techniques for handling left turns, right-of-way, and roundabouts.
- Age-related physical changes and how to adjust your driving to compensate.

Thom Ainsworth
AARP Montana Driver Safety
Coordinator
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406.363.4687
thomainsworth@msn.com

Montana OPI D.R.I.V.E. Program

The D.R.I.V.E. (Driver In-Vehicle Education) class offers a more in-depth training for Montana drivers to find their limitations, learn about safety issues, and focus on increasing their defensive driving skills. Workshop objectives include:

- increasing the participant's awareness of driving risks;
- identifying driver and vehicle limitations;
- providing practice in driving behaviors that anticipate and manage risks;
- providing confidence-building opportunities to successfully manage critical situations; and
- encouraging and practicing "everytime" use of occupant protection measures.

Montana D.R.I.V.E.
406.444.2955
MontanaDRIVE@mt.gov

NHSTA Speed Campaign Toolkit

A toolkit created by NHSTA to assist localities and states to address speed-related concerns in their jurisdiction. They provided multilingual resources including TV spots, earned media work pieces, and fact sheets.

<http://icsw.nhtsa.gov/newtsm/tk-speeding/>

The intent of this toolkit is to provide you with marketing materials, earned media tools, and marketing ideas you can distribute to fit your local needs and objectives while partnering with other organizations.



8.0 Proven Countermeasures

In the process identifying strategies to reach the plan goals, the AC reviewed countermeasures proven to be effective in reducing crashes, injuries, and/or deaths within each emphasis area when utilized. The National Highway Traffic Safety Administration (NHTSA) Proven Countermeasure That Work and the Federal Highway Administration (FHWA) Proven Safety Countermeasures are notable research-proven resources which safety practitioners are encouraged to consider when developing strategies. NHTSA uses a five-star rating system to measure effectiveness.

- ★★★★★ Demonstrated to be effective by several high-quality evaluations with consistent results
- ★★★★ Demonstrated to be effective in certain situations
- ★★★ Likely to be effective based on balance of evidence from high-quality evaluations or other sources
- ★★ Effectiveness still undetermined; different methods of implementing this countermeasure produce different results
- ★ Limited or no high-quality evaluation evidence

The effectiveness of each countermeasure is measured by the reduction in crashes or injuries unless it is noted otherwise. Each individual description provides information on the effective size of each effort and more detailed information on the standards used in measurement of effectiveness.

FHWA countermeasures are a selection of the nine FHWA recognized measures (<http://www.safety.fhwa.dot.gov/provencountermeasures/>) and do not have associated star ratings.

Unrestrained Occupants

State Primary Enforcement Seat Belt Laws

★★★★★

Primary enforcement seat belt use laws permit law enforcement officers to stop and cite a violator independent of any other traffic violation. Secondary enforcement laws allow law enforcement officers to cite violators only after they first have been stopped for some other traffic violation.

Local Primary Enforcement Seat Belt Use Laws and Ordinances

★★★★

In some states with secondary enforcement belt use laws, individual communities have enacted and enforced community-wide primary laws or ordinances. These laws differ from statewide laws only in that they are enacted, publicized, and enforced locally.

Increased Belt Use Law Penalties: Fines/Driver's License Points

★★★★

Penalties for most belt use law violations are low. As of August 2014, a violation resulted in a typical fine of \$25 or more in all but 15 States. Low fines may not convince nonusers to buckle up and may also send a message that belt use laws are not taken seriously. Most States penalize serious traffic law violations by assessing demerit points against a driver's license. Drivers lose their licenses if they accumulate more than a specified number of points within a specified period of time.



Short-term, High-Visibility Seat Belt Law Enforcement ★★★★★

The most common high visibility belt law enforcement method consists of short (typically lasting for two weeks), intense, highly publicized periods of increased belt law enforcement, frequently using checkpoints (in States where checkpoints are permitted), saturation patrols, or enforcement zones. These periods sometimes are called STEP waves (Selective Traffic Enforcement Programs) or blitzes. The method was developed in Canada in the 1980s and demonstrated in several United States communities. It was implemented statewide in North Carolina in 1993 using the Click It or Ticket slogan, and subsequently adopted in other States under different names and sponsors. All high visibility enforcement programs include communications and outreach strategies that use some combination of earned media (news stories) and paid advertising.

Combined Seat Belt and Alcohol Enforcement, Nighttime ★★★★★

Short-term, high visibility seat belt law enforcement programs require substantial funding and law enforcement resources. In addition, a number of States have experienced smaller gains in seat belt use associated with enforcement campaigns after conducting them for several years. These programs also have been conducted almost exclusively during the daylight hours, and the available data suggest that belt use is lower at night. Retaining the short-term, high-intensity enforcement model but including other traffic safety issues such as impaired driving (DWI) and excessive speed can be effective since the same drivers tend to drink, speed, and not buckle up. In particular, combined DWI and belt law checkpoints, saturation patrols, or enforcement zone operations can be conducted at night, when belt use is lower, DWI higher, and crash risk greater than during the day.

Sustained Enforcement ★★★

Some jurisdictions, including California, Oregon, and Washington, enforce their belt use laws vigorously as part of customary traffic enforcement activities.

Communications and Outreach Supporting Enforcement ★★★★★

Effective, high visibility communications and outreach are an essential part of successful seat belt law high visibility enforcement programs. Paid advertising can be a critical part of the media strategy. Paid advertising brings with it the ability to control message content, timing, placement, and repetition.

Communications and Outreach Strategies for Low-Belt-Use Groups ★★★★★

Communications and outreach campaigns directed at low-belt-use groups have been demonstrated to be effective for targeted programs that support, and are supported by, enforcement. The effectiveness of stand-alone programs not supported by enforcement is unclear, though North Dakota has demonstrated success with its 2003 “Pick Up the Habit for Someone You Love” campaign.

Short-term, High-Visibility Child Restrain/Booster Law Enforcement ★★★★★

More recent research demonstrates that effective approaches for enforcing child restraint laws – in particular booster seat laws – are possible, but they depend on top management support and enforcement methods that are dedicated to booster seat and other child restraint laws. As with high visibility enforcement aimed at adult occupants, enforcement of child restraint/booster laws should be coupled with high visibility communications and outreach. Paid advertising can be a critical part of the media strategy. Paid advertising brings with it the ability to control message content, timing, placement, and repetition.



School Programs



Schools provide well-defined and somewhat controlled audiences for seat belt use programs. Education and other communications strategies can be tailored to a specific audience. While these programs are often well received in the community, there is limited information on their effectiveness.

Impaired Driving

Saturation Patrols



A saturation patrol (also called a blanket patrol, “wolf pack,” or dedicated DWI/DUI patrol) consists of a large number of law enforcement officers patrolling a specific area for a set time to increase visibility of enforcement, as well as to detect and arrest impaired drivers. Like sobriety checkpoints, the primary purpose of saturation patrols is to deter driving after drinking by increasing the perceived risk of arrest.

Preliminary Breath Test Devices (PBTs)



A preliminary breath test device is a small hand-held alcohol sensor used to estimate or measure a driver’s BAC. Law enforcement officers use PBTs in the field to help establish evidence for a DWI arrest. The driver blows into a mouthpiece and the PBT displays either a numerical BAC level, such as .12, or a BAC range, such as a red light for BACs above .08.

Integrated Enforcement



Impaired drivers are detected and arrested through regular traffic enforcement and crash investigations as well as through special impaired driving checkpoints and saturation patrols. A third opportunity is to integrate impaired-driving enforcement into special enforcement activities directed primarily at other offenses such as speeding or seat belt nonuse, especially since impaired drivers often speed or fail to wear seat belts. (Such operations can be particularly effective when conducted at night.)

DWI Courts



A dedicated DWI court provides a systematic and coordinated approach to prosecuting, sentencing, monitoring, and treating DWI offenders. A DWI court’s underlying goal is to change offenders’ behavior by identifying and treating their alcohol problems and by holding offenders accountable for their actions.

Limits on Diversion and Plea Agreements



Diversion programs defer sentencing while a DWI offender participates in some form of alcohol education or treatment. A survey of prosecutors found that of defendants who plead guilty, 67% negotiated a plea agreement resulting in a reduced penalty. Negotiated plea agreements are a necessary part of efficient and effective DWI prosecution and adjudication. Effective DWI control systems can use a variety of adjudication and sanction methods and requirements. The key feature is that an alcohol-related offense must be retained on the offender’s record. Otherwise, offenders who recidivate will receive less severe penalties than if the original charge had been retained on their record.

Court/Offender Monitoring Programs



In court monitoring programs, citizens observe, track, and report on DWI court or administrative hearing activities. Court monitoring provides data on how many cases are dismissed or pled down to lesser offenses, how many result in convictions, what sanctions are imposed, and how these results compare across different judges and different courts.



Alcohol Problem Assessment and Treatment



Alcohol problem assessment can take many forms, from a brief paper-and-pencil questionnaire to a detailed interview with a treatment professional. Alcohol treatment can be even more varied, ranging from classroom alcohol education programs to long-term inpatient facilities. It is widely recognized that many DWI/DUI offenders and most repeat offenders are dependent on alcohol or have alcohol abuse problems. A DWI/DUI arrest provides an opportunity to identify offenders with alcohol problems and to refer them to treatment as appropriate.

Alcohol Interlocks



An alcohol ignition interlock prevents a vehicle from starting unless the driver provides a breath sample with a BAC lower than a pre-set level, usually .02. Interlocks typically are used as a condition of probation for DWI offenders, to prevent them from driving while impaired by alcohol after their driver's licenses have been reinstated. Interlocks are highly effective in allowing a vehicle to be started by sober drivers but not by alcohol-impaired drivers.

Alcohol Screening and Interventions



Alcohol screening uses a few questions to estimate the level and severity of alcohol use and to determine whether a person may be at risk of alcohol misuse or dependence (SAMHSA, 2007). Brief interventions are short, one-time encounters with people who may be at risk of alcohol-related injuries or other health problems. Brief interventions focus on the awareness of the problem and motivation toward behavior change (SAMHSA, 2007). The combination of alcohol screening and brief intervention is most commonly used with injured patients in emergency departments or trauma centers. Patients are screened for alcohol use problems and, if appropriate, are counseled on how alcohol can affect injury risk and overall health. Patients also may be referred to a follow-up alcohol treatment program. Brief interventions take advantage of a "teachable moment" when a patient can be shown that alcohol use can have serious health consequences.

Mass Media Campaigns



A mass media campaign consists of intensive communications and outreach activities regarding alcohol-impaired driving that use radio, television, print, and other mass media, both paid and/or earned. Mass media campaigns are a standard part of every State's efforts to reduce alcohol-impaired driving. Some campaigns publicize a deterrence or prevention measure such as a change in a State's DWI laws or a checkpoint or other highly visible enforcement program. Others promote specific behaviors such as the use of designated drivers, illustrate how impaired driving can injure and kill, or simply urge the public not to drink and drive. Effective campaigns identify a specific target audience and communications goal and develop messages and delivery methods that are appropriate to and effective for, the audience and goal.

Alcohol Vendor Compliance Checks



In all 50 States, alcohol vendors are required to verify the age of young customers to be sure they are at least 21. However, several studies suggest young people can obtain alcohol without much difficulty. Across various studies, young buyers successfully purchased alcohol in 44% to 97% of attempts without showing identification. To reduce the likelihood that alcohol vendors sell alcohol to underage people, law enforcement officers can conduct frequent compliance checks. In a compliance check or "sting," law enforcement officers watch as underage people attempt to purchase alcohol and cite the server or vendor for an MLDA-21 violation if a sale is made.



Other Minimum Legal Drinking Age 21 Law Enforcement



Enforcement can take several forms:

- Actions directed at alcohol vendors: compliance checks to verify that vendors will not sell to youth (see Chapter 1, Section 6.3).
- Actions directed at youth: “use and lose” laws that confiscate the driver’s license of an underage drinker, “Cops in Shops” directed at underage alcohol purchasers, law enforcement “party patrols” using party dispersal techniques, and penalties for using false identification.
- Actions directed at adults: beer keg registration laws, enforcement of laws prohibiting purchasing alcohol for youth, shoulder tap operations, and programs to limit parties where parents provide alcohol to youth.

Enforcement of Drug-Impaired Driving



Enforcement of drug-impaired driving laws can be difficult. Typically, drug-impaired driving is only investigated when a driver is obviously impaired but the driver's BAC is low. If drivers have BACs over the illegal limit, many officers and prosecutors do not probe for drugs as in many States drug-impaired driving carries no additional penalties. Although several devices are available that allow officers to screen suspects for illegal drug use at point-of-contact, none have been proven to be accurate and reliable. Many law enforcement agencies employ drug recognition experts (DREs) to assist in investigating potential drug-impaired driving cases. (NHTSA recommends that DREs participate in HVE activities and checkpoints, and respond to serious and fatal crashes.) DREs use a standardized procedure to observe a suspect’s appearance, behavior, vital signs, and performance on psychophysical and physiological tests to determine whether and what type of drug or drug category may have been used. If drug intoxication is suspected, a blood or urine sample is collected and submitted to a laboratory for confirmation.

Inattentive Driving/Speeding

Speed Limits



Speed limits are only one part of the system that attempts to control driving speeds. Without broad public acceptance and active enforcement they have little effect. With public acceptance and enforcement, lower speed limits can reduce travel speeds and casualties. Speed limits are set both by legislation and by administrative action. General speed limits apply to all roads in a class, such as rural interstates or local streets. They are set by State, municipal, or even at times by Federal law based on tradeoffs between safety, travel efficiency, and community concerns, taking into account the design characteristics of each road class. Speed zones apply to road segments where the general speed limit is thought to be inappropriate.

Communications and Outreach Supporting Enforcement



Effective, high-visibility communications and outreach are an essential part of successful speed and aggressive-driving enforcement programs. They used extensive communications campaigns to support their enforcement efforts. Most campaigns to date have not used paid advertising. The success of paid advertising in seat belt use campaigns suggests that it is worth considering for speed and aggressive driving enforcement campaigns. The objective should be to provide information about the program, including expected safety benefits, and to persuade motorists that detection and punishment for violations is likely.



Graduated Driver Licensing



Graduated driver licensing (GDL) is a three-phase system for beginning drivers consisting of a learner's permit, then a provisional license, and finally a full license. A learner's permit allows driving only while supervised by a fully licensed driver. A provisional license allows unsupervised driving under certain restrictions. Several studies document that nighttime and passenger GDL restrictions reduce crashes and injuries.

High Visibility Cell Phone/Text Messaging Laws



Similar to sobriety checkpoints, the objective is to deter cell phone use by increasing the perceived risk of a ticket. The HVE model combines dedicated law enforcement with paid and earned media supporting the enforcement activity. Enforcement officers actively seek out cell phone users through special roving patrols, or through spotter techniques where a stationary officer will radio ahead to another officer when a driver using a cell phone is detected. Officers report that higher vantage points, SUVs, and unmarked vehicles can assist in identifying violators. Both earned and paid media are critical to ensure the general public is aware of the enforcement activity, and to create the impression that violators will be caught.

Rumble Strips⁷

Raised elements on the pavement near the shoulder, edge, or center line, these strips alert the driver through vibration and sound that their vehicles have or are about to leave the travel lane. When installed at the shoulder, rumble strips significantly decrease the run-off-road (ROR) crashes. Center line rumble strips serve to alert drivers that they are crossing into oncoming lanes and reduce head-on collisions as well as some ROR crashes. In general, these elements serve to address the subset of driver error crashes caused by distracted or otherwise inattentive drivers who unintentionally drift from their lanes.

HAWK Signals⁸

A high percentage of pedestrian crossings are midblock where vehicle speeds are usually higher. The HAWK (High intensity Activated crossWalk) signals provide a positive stop control method in areas where high volumes may typically warrant a full signal. The signals also provide drivers increased reaction time and traffic flow through lighted indicators.

Medians and Pedestrian Crossings⁹

Medians are an effective countermeasure when used in areas where pedestrian access clearly marks an origins (like a transit stop) and destination. When utilized, these countermeasures reduce pedestrian crashes, decrease speed of approaching vehicles, decrease delays, provide areas for increased signage, and may be utilized for access management to decrease risk of collisions.

Enhanced Delineation and Friction for Horizontal Curves¹⁰

High-friction surfaces and increased delineation and warnings create opportunities to warn drivers about upcoming curves and decrease non-intersection crashes, including those at night. Skid resistance improvements can also reduce crash percentages in urban and rural areas with a marked reduction in wet-road condition crashes.

⁷ U.S. Federal Highway Administration. "Office of Safety: Proven Safety Countermeasures." U.S. Department of Transportation. 2015. <http://safety.fhwa.dot.gov/provencountermeasures/>

⁸ U.S. Federal Highway Administration, 2015.

⁹ U.S. Federal Highway Administration, 2015.

¹⁰ U.S. Federal Highway Administration, 2015.



9.0 Safety Summit

The Billings CTSP Safety Summit was held on Wednesday, May 25, 2016, at the St. Vincent Healthcare Mansfield Health Education Center. Twenty-nine (29) people signed the summit sign-in sheet.

Mayor Tom Hanel provided welcoming remarks and emphasized the importance of the summit in reducing serious injuries and fatalities within the Billings MPO planning area. The consultant team provided an overview of efforts completed to date by the AC and discussed the CTSP planning process, the 4Es of transportation safety planning, and the Billings CTSP vision and goal. The team also presented crash data for the three emphasis areas selected by the AC.

Following the emphasis area crash data presentation, meeting attendees convened in small groups to discuss potential strategies and efforts that could be implemented within the Billings MPO Planning area. An inventory of current programs and relevant NHTSA *Counter Measures That Work*¹¹ and FHWA strategies were provided to each emphasis group as a reference in identifying gaps and possible new safety strategies. Additionally each group discussed possible safety partners/stakeholders and necessary resources to implement strategies. Following group discussions, emphasis area chairs reported back to the full group summarizing key discussion topics.

10.0 Safety Strategies

The AC developed the safety strategies outlined in this chapter based on feedback received during the safety summit and the online public survey.

- ▶ A **strategy** defines a specific method to reduce fatalities and serious injuries within an emphasis area. Individual strategies address one of the 4Es (education, enforcement, emergency medical services, and engineering) of transportation safety. This plan outlines three strategies per emphasis area as a starting point for implementation by the MPO. Additional strategies may be identified as the MPO makes progress in achieving its goal and vision.
- ▶ The **purpose** statement explains the rationale for pursuing a safety strategy, including community experience, crash history, and available research documenting the strategy's effectiveness.
- ▶ **Implementation partners/stakeholders** are organizations and individuals with interest, expertise, or jurisdiction in an emphasis area that may be able to assist in executing strategies. Listed stakeholders and partners may lead or support implementation efforts depending on availability and staffing resources. Other stakeholders and partners may be identified during the implementation process to augment the initial list provided in this chapter.
- ▶ The list of **resources/funding needs** outlines support needed to implement the action steps, including labor, materials, and funds. Sharing resources among stakeholders/partners will maximize implementation results.
- ▶ **Action steps** outline specific measures the MPO and AC may undertake to implement each strategy. Some action steps outline new efforts, while others involve enhancing existing programs.

¹¹ NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015).



Unrestrained Occupants

Emphasis Area Chair: Lora Mattox – Billings MPO

Strategy 1: Support and enhance enforcement of seat belt and child safety seat laws.

Purpose

Law enforcement is important to emphasize the consequences of choosing not to buckle up or properly restraining a child. Under Montana’s current secondary seat belt law, officers may issue a citation for failure to wear a seat belt if a driver is initially stopped for another traffic violation. Montana does have a primary child safety restraint law stating that a child under 6 years of age and weighing less than 60 pounds must be properly restrained in a motor vehicle (MCA 61-9-420). Studies have shown that both short-term/high visibility enforcement (such as selective traffic enforcement programs (STEP)) and sustained seat belt law enforcement is effective in increasing seat belt usage among adults and teenagers (National Highway Traffic Safety Administration [NHTSA], 2015).¹²

Implementation Stakeholders/Partners

- Billings Planning Department
- City of Billings Public Works
- Yellowstone County Public Works
- Billings Police Department
- Yellowstone County Sheriff’s Office
- Montana Highway Patrol
- Community Members
- Parents/Teen Drivers
- Billings, Lockwood, & Yellowstone County School District Administrators
- Montana Department of Transportation (MDT)
- Media

Resources/Funding Needs

- Crash Data
- Funding for Law Enforcement Staff
- Traffic Enforcement Program Funding
- Advertising/Media Campaigns

Action Steps

1. Support targeted enforcement based on demonstrated crash patterns and high-risk drivers.
2. Review crash data to determine “hot spots” or specific corridors within the Billings MPO area having the highest incidence of unrestrained occupant injuries and fatalities.
3. Increase short-term, high-visibility targeted enforcement in identified locations.
4. Pursue funding avenues to hire additional law enforcement staff and reinstall dedicated traffic officers to conduct proactive enforcement.
5. Encourage law enforcement to check for GDL violations when a driver is stopped and include in citation issued.
6. Encourage law enforcement officers to issue citations instead of warnings for seat belt violations.
7. Encourage judges and courts to adjudicate seat belt violations.
8. Publicize high-visibility enforcement efforts through media awareness campaigns.
9. Promote possible home visit/hospital car seat education and enforcement.

¹² NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 2-3.



Unrestrained Occupants	
Emphasis Area Chair: Lora Mattox – Billings MPO	
Strategy 2: Increase youth and adult education to reinforce the importance of wearing a seat belt during every motor vehicle trip.	
Purpose	
<p>Research has found that use of lap and shoulder combination seat belts reduce the risk of fatal injury to front-seat passenger car occupants by 45% and the risk of moderate-to-critical injury by 50% (NHTSA, 2015).¹³ The challenge is to convince all vehicle occupants to buckle up on every trip. In particular, younger occupants ages 14 to 35 experience the largest number of fatal and serious injuries associated with non-seat belt use in the Billings MPO. Increased education efforts are needed to develop a culture of safety in Billings where using seat belts is an expected behavior and non-use is unacceptable.</p>	
Implementation Stakeholders/Partners	Resources/Funding Needs
<ul style="list-style-type: none"> • Traffic Education Instructors • Billings/Lockwood/Yellowstone County School District Partners • MSU – Billings • Rocky Mountain College • Billings Vo-Tech • Media • Parents/Teen Drivers • Safe Kids Yellowstone County • Insurance Providers • Employers/Corporate Sponsors • AARP • Student Groups/Student Government • City/County Public Works Department • MDT-Billings District Office • St. Vincent HealthCare • Billings Clinic • RiverStone Health • School Resource Officers • Billings Police Department • Yellowstone County Sheriff's Department • Montana Highway Patrol 	<ul style="list-style-type: none"> • Example employer seat belt policies • School Districts Staffing/Curriculum • Adapted Illustrated Montana Driver Manual • Educational Programs • Employer Participation • Advertising/Educational Media Campaigns • Variable Message Signage • Grant Funding • Peer-to-Peer Traffic Safety, MDT • BuckleUp Montana, MDT •

¹³ NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 2-1.



Unrestrained Occupants

Emphasis Area Chair: Lora Mattox – Billings MPO

Strategy 2: Increase youth and adult education to reinforce the importance of wearing a seat belt during every motor vehicle trip.

Action Steps

1. Identify partners in the Billings and Lockwood School Districts to assist with increasing education and awareness of the benefits of using occupant protection restraints.
2. Work with Billings/Lockwood/Yellowstone County School Districts and other safety partners to coordinate and develop an awareness program to enhance focus on seat belt use in school parking lots that include all motor vehicle operators.
3. Conduct periodic observational surveys at designated locations and school parking lot exit/entrances, in conjunction with seat belt education campaigns.
4. Reinvigorate or enhance existing educational programs (e.g., *It's Your Choice*, *Safest Generation*, and *Countdown to Drive*) to increase participation and awareness for young drivers about traumatic injuries and long-term health consequences in relationship to the importance of seat belt usage.
5. Identify driver education instructors in Billings area schools interested in promoting seat belt use in schools and/ or possibly serving as an adviser to student groups and school administrators interested in traffic safety to ensure seat belt usage is taught in curriculum.
6. Promote and encourage student groups and school administrators to conduct peer-to-peer outreach on the importance of seat belt use and other risky driving behaviors.
7. Coordinate with media partners and health care professionals to develop safety awareness campaigns focused on economic impacts of risky driving behaviors and graphic physical repercussions of vehicular fatalities and serious injuries.
8. Encourage and work with local employers to adopt employee seat belt policies; and/or create employee incentive program or disciplinary processes regarding seat belt use.
9. Coordinate with the City of Billings and Yellowstone County Public Works and MDT District Office to identify additional opportunities and special events to install temporary signage encouraging vehicle occupants to buckle up.
10. Support and promote awareness of the "Saved by the Belt" program and pursue ideas for a more youth-oriented award.
11. Continue to support and promote child passenger safety certification training and child safety seating car check stations.



Unrestrained Occupants

Emphasis Area Chair: Lora Mattox- Billings MPO

Strategy 3: Strengthen and support occupant protection laws to increase compliance.

Purpose

Primary seat belt laws allow violators to be stopped and cited independently of any other traffic violation. Studies have shown that primary seat belt laws are demonstrated to be effective in increasing belt use and decreasing occupant fatalities compared to secondary laws (NHTSA, 2015).¹⁴ Under Montana’s current secondary seat belt law, law enforcement may issue a citation for failure to wear a seat belt only if a driver is initially stopped for another traffic violation. A statewide primary seat belt laws can only be implemented through the Legislature.

Implementation Stakeholders/Partners

- Local State Legislators
- City Council Members
- Board of County Commissioners
- Board of Public Health
- Alliance Partners (St. Vincent Healthcare, RiverStone Health, Billings Clinic leadership)
- Insurance Industry
- Community Members
- Businesses & Employers
- Parent/Student Groups
- Billings & Lockwood School Administrators & Educators
- Billings Police Department
- Yellowstone County Sheriff’s Department
- Montana Highway Patrol
- Media (Television and Radio)
- Montana Association of County Officials (MACO)
- Montana League of Cities and Towns (MLCT)
- Montana Hospital Association
- Montana Public Health Association

Resources/Funding Needs

- Example Laws/Ordinances
- BuckleUp Montana, MDT
- NHTSA Resources
- Ballot Issue Sponsor(s)
- Signature Gatherers

Action Steps

1. Promote and support passage of statewide primary seat belt law through Legislative action.
2. Identify possible nonprofit organizations, businesses, community leaders, Legislators, and government partners interested in pursuing ballot initiatives and legislation.
3. Develop media campaigns using survivor/victim stories that relay a personal testimony to communicate health and economic need for a primary seat belt law.
4. Pursue citizen-proposed statutory initiative on statewide primary seat belt law.
5. Investigate changing state law to enable possibility of local primary seat belt ordinance.
6. Pursue increased penalties associated with failure to obey secondary seat belt law.

¹⁴ NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 2-9.



Impaired Driving

Emphasis Area Chair: Captain Keith Edgell – Montana Highway Patrol (MHP)

Strategy 1: Expand awareness and access to safe ride options to decrease impaired driving.

Purpose

The Billings MPO includes a combination of urban and rural areas. When people consume alcohol and other impairing substances, they may be some distance from their home or final destination. Traveling by foot may not be possible due to distance, weather, or other factors. Preventing people from making the unsafe choice to drive while impaired is the ultimate goal. NHTSA identifies early intervention and engaging with potential offenders as some of the most effective measures at preventing impaired or repeat impaired driving (NHTSA, 2015).¹⁵ Other educational efforts to effectively influence changed behaviors and stop impaired driving include awareness of potential transportation options. Billings has an opportunity to build on safe ride and designated driver programs already in place.

Implementation Stakeholders/Partners

- | | |
|---|--|
| <ul style="list-style-type: none"> • Yellowstone County Tavern Association • Montana Distillers Guild • Montana Tavern Association • Billings CareAVan • Taxi Services • Beverage Distributors • Downtown Billings Association • Interested Bars/Restaurants • AAA and Other Insurance Providers | <ul style="list-style-type: none"> • Ride-sharing Companies (e.g., Uber, Lyft) • Billings MET Transit • Yellowstone County DUI Task Force • Billings Police Department • Montana Highway Patrol • Yellowstone County Sheriff's Office • Local Tow/Wrecking Companies • Media • Montana State University- Billings |
|---|--|

Resources/Funding Needs

- Funding for Drivers
- Vehicles
- Advertisements
- Dispatch Systems
- Schedules
- Social Media, PSAs and media coverage

Action Steps

1. Establish relationships with all potential stakeholders to build a network of partners.
2. Develop and distribute public information about current safe-ride-home programs.
3. Research and identify ride share and taxi drivers willing to participate in safe-ride-home programs.
4. Solicit increased funding from sponsors and businesses.
5. Enhance focus on the dangers and costs of impaired driving even short distances.
6. Engage higher education facilities to support and promote awareness of early intervention and safe driving behaviors.
7. Develop PSAs, advertising, and media coverage about safe ride opportunities and ensure distribution.
8. Research geo-fencing options with special event organizers and Billings business leaders to remind attendees to plan for a designated driver or alternative transportation.
9. Distribute resource materials developed by safety partners regarding impaired driving and consequences of unacceptable behavior of driving impaired.

¹⁵ NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 1-10 and 1-46.



Impaired Driving

Emphasis Area Chair: Captain Keith Edgell – Montana Highway Patrol (MHP)

Strategy 2: Reduce impaired driving through prevention education and training.

Purpose

Impaired driving due to drugs and alcohol remains a major issue in the Billings MPO area. While strategies to address the issue and inform residents of all ages of the dangers of operating a vehicle while under the influence of substances exist, there are concerns about consistency and reach. Multiple proven countermeasures address identifying and engaging with potential offenders as early as possible and encourage consistent messaging to decrease the instances of first-time and repeat offenses.

Implementation Stakeholders/Partners

- Local and Judicial Courts
- Yellowstone County DUI Task Force
- Billings Police Department
- Community Members
- Parent/Teacher Associations
- Traffic Education Instructors
- Alive at 25, MHP
- St. Vincent Healthcare
- Billings Clinic
- Rocky Mountain College
- Montana State University–Billings
- Billings & Lockwood School District Administrators
- South Central Montana Regional Mental Health Center (SCMRMHC)
- Local Addiction and Counseling Centers
- RiverStone Health
- AAA and Other Insurance Providers
-

Resources/Funding Needs

- Volunteer Hours
- Education Materials
- Classroom Spaces, Access, and Time
- PSAs and Media Coverage
- Training for Educators
- OPI Traffic Education
- Peer-to-Peer Traffic Safety, MDT
- Plan2Live, MDT

Action Steps

1. Educate early and often in schools at a young age about acceptable driving behavior. Identify potential program and study area gaps in elementary to middle school and high school to college programs where safe driving behavior training and education could be included or added (e.g., health and wellness, science, physical education, physiology classes).
2. Coordinate with existing programs to discover new outreach opportunities to coordinate and collaborate on similar safety education efforts and expand teachable moments (e.g., It's Your Choice, MHP Touring Trooper car, DUI movie trailer, and mock crash events).
3. Develop a sustainable materials plan to include collaborated events, event resources, partners, and continuing development goals.
4. Research and identify possible MSU-B criminology students to help register and report court-mandated Alive @ 25 class participants and schedule and set up classrooms. Research and identify class locations to conduct Alive at 25 trainings for court-mandated and community participants.
5. Connect with students, student-led groups, and school administrators to provide leadership and development opportunities surrounding prevention of impaired driving (e.g., Peer-to-Peer, Speech & Debate, DECA).



Impaired Driving

Emphasis Area Chair: Captain Keith Edgell – Montana Highway Patrol (MHP)

Strategy 2: Reduce impaired driving through prevention education and training.

Action Steps, continued

6. Develop an impaired driving awareness campaign that uses traditional and social media to ensure awareness of DUI laws, alcohol effects, social host responsibilities, designated driver programs, and public reporting of impaired drivers to authorities.
7. Develop educational materials regarding non-alcohol impairment to include prescription medications and over the counter medications. Enhance awareness of locations and events for prescription pill take back opportunities.
8. Promote and support standard field sobriety testing (SFST) courses and refreshers, Advanced Roadside Impaired Driving Enforcement (ARIDE) training, and Drug Recognition Expert (DRE) training to identify possible impaired drivers and remove them from roadways.
9. Create or enhance volunteer program opportunities to train non-law enforcement personnel support current education and law enforcement efforts, similar to a neighborhood watch program.



Impaired Driving

Emphasis Area Chair: Captain Keith Edgell – Montana Highway Patrol (MHP)

Strategy 3: Establish communication lines with safety partners to identify opportunities and increase probability for earlier intervention.

Purpose

Preventing impaired driving requires involvement from the 4 Es of transportation safety (education, enforcement, emergency services, and engineering). Improving lines of communication including the discussion of data gathering among first responders, law enforcement, medical personnel, judicial representatives, mental health professionals, and health educators during incident reporting can increase the opportunities to engage with offenders and decrease the risk of repeat offenders. NHTSA has found that early intervention and assessment can assist in decreasing future impaired driving crashes.¹⁶ Ensuring connection between the judicial system, law enforcement, and health professionals can help reduce impaired driving and the risk of severe injuries and fatalities. Communication between these partners will help identify needs and can help improve the accuracy, completeness, integration, timeliness, uniformity, and accessibility of data used in traffic safety analysis.

Implementation Stakeholders/Partners

- | | |
|--|--|
| <ul style="list-style-type: none"> • St. Vincent Healthcare • Billings Clinic • RiverStone Health • South Central Montana Regional Mental Health Center (SCMRMHC) • Local Addiction & Counseling Centers • Board of Licensed Clinical Social Workers/Psychologists | <ul style="list-style-type: none"> • American Medical Response • Billings Police Department • Montana Highway Patrol • Yellowstone County Sheriff's Office • Local and Higher Courts • Yellowstone County DUI Task Force • Offender Monitoring Programs |
|--|--|

Resources/Funding

- Contact Information
- Organizational Charts
- Meeting Spaces
- Reporting Standards and Practices
- Addictive Mental Disorders Division, Dept. of Public Health and Human Services
- Liquor Control Division- Department of Revenue

Action Steps

1. Establish a list of possible contacts for each of the partners including roles regarding intake, reporting, and assessment of data including successes and challenges or gaps.
2. Identify current reporting practices and connections between identified stakeholders and partners.
3. Develop a process document to report standard data gathering practices to ensure consistency in contact and timeframes for emergency response hospital treatment
4. Create follow-up procedures and oversight committees to encourage compliance and engagement.
5. Develop reports on communication lines and assess improvements as needed.
6. Report last point of contact or sales of service identified in DUI crashes by law enforcement to Liquor Control Division for tracking and citing seller/sales provider, and determine if recertification or further training is needed.
7. Expand and improve offender monitoring programs to eliminate loopholes and ensure the required device is installed. Ensure programs are reporting installation and monitoring. Consider specific improvements to ensure accurate testing and monitoring.

¹⁶ NHTSA. *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 1-46 to 4-48.



Inattentive Driving/Speeding

Emphasis Area Chair: Chief Rich St. John – Billings Police Department

Strategy 1: Increase law enforcement staff to proactively enforce speed limits and current distracted driving laws.

Purpose

Current law enforcement staff levels within the Billings MPO do not allow for proactive enforcement of speed limits and the current distracted driving ordinance within the Billings city limits. Speed limit enforcement patrols are reactive based on citizen concerns. As the Billings area grows, it requires increased law enforcement officers and support staff to proactively and reactively enforce traffic laws, including speed limits and distracted driving laws. The estimated population in 2016 for the Billings Urban Area is ~127,000.

Implementation Stakeholders/Partners

- Billings Police Department
- Billings City Council
- Yellowstone County Sheriff's Department
- Yellowstone County Commission
- Local Elected Officials
- Montana Highway Patrol
- Local State Legislators
- Media
- Local Courts and Judges
- Billings & Lockwood School Districts
- Montana State University–Billings
- City of Billings Public Works
- Yellowstone County Public Works

Resources/Funding Needs

- Funding for Law Enforcement Staff
- Mill Levies
- Advertising/Media
- Outreach Coordination

Action Steps

1. Continue development of proactive law enforcement staff by hiring staff dedicated specifically to traffic violations.
2. Continue educating elected officials, taxpayers, and voters on the City Charter, current tax structure, and the reasons additional mills are necessary for public safety.
3. Continue enhancing awareness of and promote the law enforcement profession as a desirable career path.
4. Continue targeting and actively recruiting "POST" certified officers for local law enforcement offices.
5. Continue researching and identifying other funding opportunities to hire additional sustained law enforcement officers.
6. Continue to support and increase sustained School Resource Officer (SRO) positions throughout the School Districts.



Inattentive Driving/Speeding

Emphasis Area Chair: Chief Rich St. John – Billings Police Department

Strategy 2: Reduce speeding and distracted driving crashes through enhanced education.

Purpose

Inattentive driving and speeding are top contributors to fatalities and serious injuries in the Billings MPO in recent years. NHTSA has found that communications and outreach supporting enforcement efforts can be effective (NHTSA, 2015).¹⁷ Given current gaps in messaging in the Billings MPO, an increased focus and change in message style could decrease the number of speed and inattentive driving-related fatalities and serious injuries.

Implementation Stakeholders/Partners

- St. Vincent HealthCare
- Billings Clinic
- RiverStone Health
- Billings, Lockwood/Yellowstone County School District Administrators
- Traffic Education Instructors
- Insurance Providers
- Cell Phone Providers
- Parents/Teen Drivers
- Media/Radio Stations
- Billings Police Department
- Yellowstone County Sheriff's Department
- Montana Highway Patrol
- American Medical Response
- Large Employment Centers

Resources/Funding Needs

- Department of Public Health & Human Services
- Existing Educational Programs
- Employer Participation
- Volunteer Hours
- Advertising/Media Campaigns
- Grant Funding
- STEP Program, MDT
- Outreach and Coordination
- Distracted Driving, MDT
- Traffic Safety Marketing, NHTSA

Action Steps

1. Develop and enhance current PSA programs using local examples and spokes people to emphasize the graphic consequences of speeding and inattentive driving.
2. Develop a repeating "Cost per Crash" campaign educating the public on the total costs of crashes and how that impacts insurance and tax costs.
3. Revitalize consequences/fear-based education targeted to teen drivers (i.e., mock crashes, billboards and real-life emotional stories).
4. Work with cell phone providers to investigate, initiate, and promote cell phone award points for not using cell phones while driving.
5. Promote awareness of smart phone apps that automatically block and generate text message replies for incoming calls and texts while driving.
6. Enhance driver education classes by providing additional resource and educational opportunities on speeding and distracted driving.
7. Encourage and work with local employers to adopt employee safe driving policies and/or create employee incentive program or disciplinary processes regarding electronic devices and cell phones.
8. Connect with insurance providers to explore rate decreases for cell phone apps when driving.
9. Identify radio stations targeting the driving audience and discuss quick digestible sound bites of "Hang up and drive" aligned with similar safety PSAs.
10. Promote awareness of educational programs such as Billings Clinic's *Life is Hard, Play it Safe*.

¹⁷ NHTSA, *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. (Eighth Edition, 2015). Page 3-37.



Inattentive Driving/Speeding

Emphasis Area Chair: Chief Rich St. John – Billings Police Department

Strategy 3: Encourage the development of a statewide law banning the use of electronic devices while driving.

Purpose

Multiple Montana communities have passed hand-held electronic device/cell phone ordinances focused on decreasing use of mobile devices while driving. Creating an underlying culture of safety is important to ensure driving distracted is unacceptable. While local ordinances are promoting positive changes, a cultural shift will require passing a statewide law. A statewide law regulating mobile device usage while driving would raise awareness and provide increased opportunities for enforcement and creative funding measures and offer assistance to current efforts.

Implementation Stakeholders/Partners

- Local Elected Officials
- AAA & other Insurance providers
- Cell phone providers
- Montana League of Cities and Towns (MLCT)
- Billings Police Department
- Yellowstone County Sheriff's Department
- Montana Highway Patrol
- Community members
- American Medical Response
- Healthy Montana Kids
- Safe Kids Yellowstone County
- Billings, Lockwood, & Yellowstone County School District Administrators
- Montana Association of Counties (MACo)

Resources/Funding Needs

- Ballot Issue Sponsor(s)
- Signature Gatherers
- PSAs and Media Teams
- Donors and Development Teams

Action Steps

1. Support and promote passage of distracted driving law through legislative action.
2. Educate voters and local officials about the need for a statewide cell phone ban and activities to date.
3. Identify possible nonprofit organizations, businesses, and elected officials interested in pursuing ballot initiatives and legislation.
4. Engage effective methods utilized for previously-successful statewide efforts to communicate need for cell phone law.
5. Identify and implement methods on previously-successful community efforts.



11.0 Implementation Process

Development of the Billings CTSP is an initial step in reducing fatalities and serious injuries in the Billings MPO planning area. To be successful in reaching its vision of zero deaths and serious injuries resulting from vehicular crashes, the community will need to focus on plan implementation.

Through the CTSP planning process, the AC provided technical expertise, local knowledge, overarching guidance, and commitment to improving transportation safety in Billings. AC members and safety summit participants will serve as core team members for plan implementation. The following list outlines implementation roles and responsibilities.

- Emphasis area chairs will identify, invite, and encourage specific individuals to serve on emphasis area teams.
- Emphasis area chairs will coordinate regular team meetings to assign tasks and track progress toward plan implementation. Chairs may elect to meet together in a single meeting addressing all three emphasis areas.
- Teams will identify strategy leaders to lead implementation and provide direction on safety strategy efforts.
- Teams will report implementation progress to the local CTSP program manager quarterly.
 - Reporting should include updates on each strategy, activities in progress and completed, and discussion of challenges and any additional needs
- The local CTSP program manager will request a crash data summary annually.
- Teams will track annual progress against the plan goal of reducing the five-year rolling average of fatalities and serious injuries by 20% by 2020.
- Teams will identify new strategies and potentially new emphasis areas as progress is made toward achieving the community's goals.
- The local CTSP program manager will oversee implementation of the plan and report progress annually to MDT.
 - The MDT annual report will address progress toward implementing each emphasis area strategy and achieving the plan goal. Specifically, the report will include:
 - the current year five-year rolling average of fatalities and serious injuries compared to past years;
 - total fatalities and serious injuries in each of the three emphasis areas.
- The local CTSP program manager will oversee updates to the CTSP as needed (generally every five years) to reflect current emphasis areas and strategies. The plan is intended to be a “living document” that evolves over time. Changes to emphasis areas and strategies may be incorporated based on progress made in achieving goals and identification of new needs in emerging areas.



Appendix A

Glossary





Glossary

Action Steps

Action steps outline specific measures the MPO and AC may undertake to implement each safety strategy. Some action steps outline new efforts, while others involve enhancing existing programs.

Current Programs

Current programs are efforts currently being undertaken by transportation safety partners.

Emphasis Area

An emphasis area is a priority safety issue for the Billings MPO area. It is identified based on data and community input. It may evolve over time to reflect progress and changing conditions.

Fatal Injury

A fatal injury involves the death of a driver, passenger, or other person involved in a crash.

Impaired Driving

Impaired driving is a category of crashes where the driver is under the influence of a mind-altering substance (e.g., alcohol, prescription drugs, illegal drugs).

Implementation Stakeholders/Partners

Implementation stakeholders/partners are organizations and individuals with interest, expertise, or jurisdiction in an emphasis area that may be able to assist in executing strategies. Listed stakeholders and partners may lead or support implementation efforts depending on availability and staffing resources. Other stakeholders and partners may be identified during the implementation process to augment the initial list provided in the plan.

Inattentive Driving

Inattentive driving is a category of crashes where the driver was distracted by an influence outside or inside the vehicle, including an electronic device.

Performance Criterion

A performance criterion is a quantifiable indicator used to assess how well the Billings MPO achieves its desired goals.

Performance Goal

A performance goal is the Billings MPO's desired progress for improved safety in the community toward achieving its vision.



Proven Countermeasures

Proven countermeasures are compiled by NHTSA and FHWA and have been shown to reduce crashes, fatalities, and/or serious injuries associated with crash types based on studies and research.

Purpose

Purpose statements explain the rationale for pursuing a safety strategy, including community experience, crash history, and available research documenting the strategy's effectiveness.

Resource/Funding Needs

The list of resources/funding needs outlines support needed to implement the action steps, including labor, materials, and funds. Sharing resources among stakeholders/partners will maximize implementation results.

Serious Injury

A serious injury involved life-threatening or life-altering injury to a person involved in a crash.

Speeding

Speeding is a category of crashes where one or more of the vehicles involved were travelling at speeds exceeding posted and lawful speed limits.

Strategy

A strategy is a specific method to reduce fatalities and serious injuries within an emphasis area. Individual strategies address one of the four Es (education, enforcement, emergency medical services, and engineering) of transportation safety. This plan outlines three strategies per emphasis area as a starting point for implementation by the MPO. Additional strategies may be identified as the MPO makes progress in achieving its goal and vision.

Unrestrained Occupants

Unrestrained occupants is a category of crashes where the driver or one or more vehicle occupants were not properly restrained using a seat belt or an approved child safety seat.

Vision Statement

A vision statement expresses a desired outcome.



Appendix B

Safety Resources



Safety Resources

24/7 Sobriety Program

<https://dojmt.gov/247-sobriety-program/>

AAA MountainWest

<https://www.mountainwest.aaa.com/auto/operation-tipsy-tow>

Alliance Partnership

Billings Clinic

<http://www.billingsclinic.com/about-us/community-health-improvement/>

RiverStone Health

<https://riverstonehealth.org/public-health-preventing-disease/healthy-by-design/>

St. Vincent Healthcare

<http://www.svh-mt.org/services-and-departments/trauma-outreach/>

Alive at 25

<https://dojmt.gov/highwaypatrol/alive-at-25/>

BuckleUp Montana

<http://www.buckleup.mt.gov/>

Click it or Ticket

<http://www.nhtsa.gov/CIOT>

It's Your Choice/St. Vincent Healthcare

<http://www.svh-mt.org/services-and-departments/trauma-outreach/distracted-driving-course/>

MDT State Highway Traffic Safety Section Occupant Protection

<http://www.mdt.mt.gov/safety/occupant.shtml>

Montana Department of Revenue – Alcohol Education

https://revenue.mt.gov/home/liquor/liquor_education#Contacts-805

MDT Crash Data Summaries

<http://www.mdt.mt.gov/publications/datastats/crashdata.shtml>

Montana DPHHS Injury Prevention Program

<http://dphhs.mt.gov/publichealth/EMSTS/prevention.aspx>

Montana Motor Carriers Association – Share the Road

<http://www.mttrucking.org/safety/share-the-road/>

Montana State Highway Traffic Safety Section Impaired Driving

<http://www.mdt.mt.gov/safety/impaired.shtml>

Montana Tavern Association

<http://montanatavernassociation.com/>



Montana Traffic Education

<http://opi.mt.gov/Programs/DriverEd/Curric/INDEX.html>

NHSTA Speed Campaign Toolkit

<http://icsw.nhtsa.gov/newsm/tk-speeding/>

Safe Kids Yellowstone County

<https://www.safekids.org/coalition/safe-kids-yellowstone-county>

Screening, Brief Intervention and Refer to Treatment (SBIRT)

<http://www.dphhs.mt.gov/ems/prevention/sbirt.shtml>

STEP and SETT

<http://www.mdt.mt.gov/visionzero/plans/traffic-enforcement.shtml>

Traffic Safety Resources

<http://www.mdt.mt.gov/visionzero/plans/pts-sfst.shtml>

<http://www.mdt.mt.gov/visionzero/plans/pts-midac.shtml>

Yellowstone County DUI Taskforce

<http://www.co.yellowstone.mt.gov/dui/>



Appendix C

Letters of Request and Support

April 21, 2015

Pam Langve-Davis, Planner
Program & Policy Analysis Bureau
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001


RE: Community Transportation Safety Planning and Development Assistance

Dear Ms. Langve-Davis:

The Billings-Yellowstone County Metropolitan Planning Organization is formally requesting technical and financial assistance from MDT to develop a Community Transportation Safety Plan (CTSP). This letter describes transportation safety issues in Billings that a CTSP could help alleviate, describes ways that the community will benefit from the development and implementation of a CTSP and identifies a local plan sponsor.

Safety Issues in the Billings-Yellowstone County Metropolitan Planning Organization include but are not limited to:

- Crash data for Montana and the City of Billings highlight several transportation safety issues in the community, many which align with the specific emphasis areas (EAs) in the State Comprehensive Highway Safety Plan (CHSP). The FFY 2011 Montana Traffic Safety Problem Identification report states that Yellowstone County ranked third in severe crashes (EA: Urban Crashes), the report also shows that 10.4% of total crashes are related to alcohol-related crashes (EA: Drugs & Alcohol).
- Data from the 2014 Billings Urban Long Range Transportation Plan identified through MDT Crash Data the following information within the MPO boundary:
 - Total of 8,792 crashes;
 - 2,402 injury crashes (27%) with total injuries of 3,315;
 - 122 incapacitating injuries (5% of injury crashes); and
 - 33 fatal crashes (< 1% of total crashes)



Planning & Community Services Department
2825 3rd Avenue North, 4th Floor
Billings, MT 59101
Fax: (406) 657-8327
Phone: (406) 657-8246
C1

Ways That Development of a CTSP Would Benefit the Community include but are not limited to:

- The CTSP would complement the recently completed 2014 Billings Urban Area Long Range Transportation Plan (LRTP) Update's recommended investment of over \$15 million in safety improvements in the metropolitan region.
- The CTSP will provide a coordinated set of strategies that work for and are consistent with the goals, objectives and policies of all safety partners in the community.
- The CTSP will clarify the working relationship between the safety partners in the community. In this way the CTSP will ensure coordination and consistency among various community safety initiatives.

Local Plan Sponsor

The Yellowstone County Planning Board is the designated Metropolitan Planning Organization (MPO) and oversees transportation planning for the Billings Urban Area. The MPO will sever as the Local Plan Sponsor and will be the point of contact for the planning process and for the coordination of the development and implementation of the CTSP. MPO staff will track and report progress on the plan implementation annually to MDT.

Agency partners representing the four E's have contributed letter of support for this application and look for to participating in a community safety planning process with MDT and the MPO.

Thank you for the opportunity to develop a Community Transportation Safety Plan with MDT's technical assistance and financial support. We look forward to working with MDT to develop strategies that will enhance Billings' ongoing efforts to reduce the number of severe and fatal crashes. If you have any questions or need additional information, please contact Lora Mattox at (406) 247-8622 or mattoxl@ci.billings.mt.us.

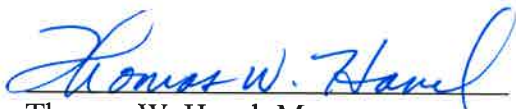
Sincerely,



Richard Clark, President
Yellowstone County Planning Board



Bill Kennedy, Chairman
Board of County Commissioners
Yellowstone County



Thomas W. Hanel, Mayor
City of Billings



Bill Kennedy, Chairman
Policy Coordinating Committee



Planning & Community Services Department

2825 3rd Avenue North, 4th Floor

Billings, MT 59101

Fax: (406) 657-8327

Phone: (406) 657-8246

JON TESTER
MONTANA

COMMITTEES:

APPROPRIATIONS
BANKING
INDIAN AFFAIRS
VETERANS' AFFAIRS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

SENATE HART BUILDING
SUITE 311
WASHINGTON, DC 20510
202-224-2644

INTERNET:
<http://tester.senate.gov/contact>

United States Senate

March 20, 2015

Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001

Dear Ms. Langve-Davis:

I write in support of the City of Billings Community Transportation Safety Plan. This planning effort and coordination is important to the greater community of Billings and it will benefit the community by increasing education, enforcement and emergency medical services.

This data-driven and evidence-based plan will improve safety in the community by reducing serious and fatal crashes. For example, one of the strategies to reduce injuries and fatalities in crashes will be to conduct outreach to educate groups with high rates of non-use of safety belts on the importance of their use.

I look forward to working to support the stakeholders in Billings to develop and implement the Community Transportation Safety Plan.

Thank you for your attention to this application. If I can provide any additional information, do not hesitate to contact me. Please inform my office of the eventual decision on this application.

Sincerely,



Jon Tester
United States Senator

BOZEMAN
(406) 586-4450

BUTTE
(406) 723-3277

GLENDIVE
(406) 365-2391

GREAT FALLS
(406) 452-9585

HELENA
(406) 449-5401

KALISPELL
(406) 257-3360

BILLINGS
(406) 252-0550

MISSOULA
(406) 728-3003

STATE OF MONTANA
DEPARTMENT OF JUSTICE
MONTANA HIGHWAY PATROL DIVISION

RECEIVED

MAR 25 2015

TRANSPORTATION PLANNING

Tim Fox
Attorney General



2550 Prospect
PO Box 201419
Helena, MT 59620-1419

March 18, 2015

Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001

Dear Ms. Langve-Davis:

The Montana Highway Patrol is a community safety partner with the City of Billings interested in the development and implementation of a Community Transportation Safety Plan. This planning effort and coordination is important to us and will benefit our community in educating the public on safety matters that we in the Montana Highway Patrol see on a daily basis. These items include, but not limited to, seatbelt usage, pedestrian and bicycle safety and distracted driving issues. Currently the City of Billings has averaged 6.7 fatalities a year, for the past three years. This is the highest fatal count of all the larger municipalities in Montana.

The Montana Highway Patrol looks forward to developing additional partnership with local stakeholders to provide the additional education component(s) needed to make traveling within the City of Billings and Yellowstone County safer. We look forward to participating in collaborative efforts with the City of Billings to develop and implement the Community Transportation Safety Plan.

As a partner, the Montana Highway Patrol will participate in meetings to assist in plan development and implementation activities, such as seatbelt/child safety events, educational training events as well as working to coordinate traffic enforcement safety events between the stakeholders.

We believe that this innovative opportunity will allow the community stakeholders to come together using unified education and enforcement programs to establish safety on the city, county and state

Telephone (406) 444-3780 Fax (406) 444-4169



roadways. Using a unified approach will make our efforts more successful and in turn reduce the number of overall crashes with a focus on personal injury and fatalities.

Sincerely,



Colonel Thomas Butler
Montana Highway Patrol
2550 Prospect Ave.
Helena, MT 59620



CITY OF BILLINGS

POLICE DEPARTMENT

P.O. Box 1554 • Billings, MT 59103
220 N. 27th St. • Billings, MT 59101
(406) 657-8460 • Fax (406) 657-8417 • Email bpd@ci.billings.mt.us



P.O. Box 1554
Billings, MT 59103

March 16, 2015

Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001

Dear Ms. Langve-Davis:

The Billings Police Department is a community safety partner with the City of Billings interested in the development and implementation of a Community Transportation Safety Plan. This planning effort and coordination is important to us and will benefit our community. A clear concise safety plan will assist the police department in establishing enforcement goals and help us with efficiency and effectiveness.

Undoubtedly, this safety plan will include guidance and suggestions on how to enhance pedestrian and bicyclist safety. These are two areas that have come to the forefront for the police department. We look forward to participating in collaborative efforts with other City of Billings departments to develop and implement the Community Transportation Safety Plan.

As a partner, the Billings Police Department will assist in plan development and implementation activities. Specifically, the Billings Police Department will encourage traffic safety through education, enforcement, and coordinated activities with other agencies and entities.

We believe that this innovative opportunity will help the police department ensure the safety of our citizens as they travel the streets of Billings.

Sincerely,

Rich St. John
Chief of Police

April 17, 2015

Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001



healthy
by
design

123 South 27th Street
Billings, MT 59101

Dear Ms. Langve-Davis:

Healthy By Design, a multi-sectoral coalition, convened by the three healthcare organizations in Billings, Montana, conducts a Yellowstone County community health needs assessment every three years. As we collectively examine the needs of our county through this formal assessment process, various issues emerge, creating priorities for our work. A consistent priority has focused on improving weight status through increased physical activity and fruit and vegetable consumption. Statistics from the 2014 assessment include a decreased percentage of residents who meet physical activity guidelines; an increased percentage of those who want to be more physically active but felt unsafe due to traffic and or crime; and over 61% of residents reporting "never" walking, biking or using public transit to get to work. Understanding safety is also examined in the assessment, with secondary data included, we are aware of higher than national rates of motor vehicle crashes in Yellowstone County, paired with lower than state and national rates of drivers/riders "always" wearing their seatbelts.

Healthy By Design has worked with the City of Billings on various initiatives seeking to address some of these issues and is interested in the development and implementation of a Community Transportation Safety Plan. This planning effort and coordination is important to us and will benefit our community. The City-County Planning Department is a long-standing partner in our Healthy By Design Coalition, specifically in our Built Environment Workgroup that has conducted work on a Complete Streets Policy, a Health Impact Assessment of the Growth Policy and partnership activities with others including active commuter challenges and bike path promotion.

We recognize this Community Transportation Safety Plan will develop performance measures and strategies to improve transportation safety. We believe data collected will inform not only this work, but can support other initiatives in our community. We see this plan interfacing with our existing community health needs assessment and improvement plan as well as specific activities such as the Montana Department of Transportation supported Buckle Up Montana grant program. RiverStone Health, one of the convening partners of Healthy By Design, is the only Yellowstone County applicant hoping to receive funding to implement this program in the fall.

We look forward to participating in collaborative efforts with the City of Billings to develop and implement the Community Transportation Safety Plan. We anticipate the Healthy By Design Coalition and its partners will engage in various components of this plan's development. We are encouraged by the opportunity to *improve safety in the community by reducing serious and fatal crashes.*

Sincerely,

Heather Fink, Community Health Improvement Manager

www.healthybydesignyellowstone.org
<https://www.facebook.com/HBDyellowstone>

On behalf of the Alliance—Billings Clinic, RiverStone Health, St. Vincent Healthcare



Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001

April 13, 2015

Dear Ms. Langve-Davis:

We support the development and implementation of a Community Transportation Safety Plan. This planning effort and coordination is important to us and will benefit our community.

We believe that safety is paramount in active transportation. Safe recreation on trails, roads and bikeways depends not only on infrastructure, but also on safe behaviors. We are designing a campaign, which targets driver and bicyclist etiquette to help promote respectful attitudes and behaviors among those sharing the road, trails and bikeways. Having accurate on bicycle and pedestrian crashes is essential in planning our infrastructure and in addressing unsafe behaviors on the road.

We look forward to participating in collaborative efforts with the City of Billings to develop and implement the Community Transportation Safety Plan.

As a partner, Billings TrailNet will assist in plan development and implementation activities by promoting safety messages with the public.

Sincerely,

Kristi Drake
Executive Director
Billings TrailNet



Montana Action for Healthy Kids (MAFHK) Team Mission

Montana Action for Healthy Kids Team is dedicated to improving the health and wellness of our children in schools and communities through nutrition and physical activity where children learn, participate in, and enjoy healthy lifestyle behaviors.

Date February 28, 2015

Pam Langve-Davis, Planner
Statewide and Urban Planning
Montana Department of Transportation
Rail, Transit and Planning
PO Box 201001
Helena, MT 59620-1001

Dear Ms. Langve-Davis:

Billings Action for Healthy Kids (BAFHK) is a community safety partner with the City of Billings interested in the development and implementation of a Community Transportation Safety Plan. BAFHK members have worked with the City planning office to address and resolve transportation safety issues for kids walking and biking to school. This planning effort and coordination is important and will benefit our community by planning for safe transportation for children who walk and bike to school. Several years ago, as a result of a Safe Routes to School Grant the City Bike and Pedestrian Coordinator created a committee to collaboratively address safety issues identified in and around city schools.

Creating transportation safety through Education, Enforcement, Engineering and Emergency Medical Services aligns with the goals of BAFHK, a team of organizations and individuals dedicated to enhancing community wellness in and around schools. A Data-driven, evidence based TSP will help our organizations better integrate plans and identify barriers to transportation safety in the planning stages, working to identify barriers early and mitigate those barriers collaboratively.

We look forward to participating in collaborative efforts with the City of Billings to develop and implement the Community Transportation Safety Plan.

We believe that this innovative opportunity will improve transportation safety of children walking and biking to school by identifying bike/walk transportation issues early in the planning phase and planning for changes in the built environment to reducing crashes and fatal injuries.



Sincerely,



**Kathy Aragon and Bernie Mason
Co-Chairs
Billings Action for Healthy Kids
Billings, MT**





Appendix D

Public Survey Summary



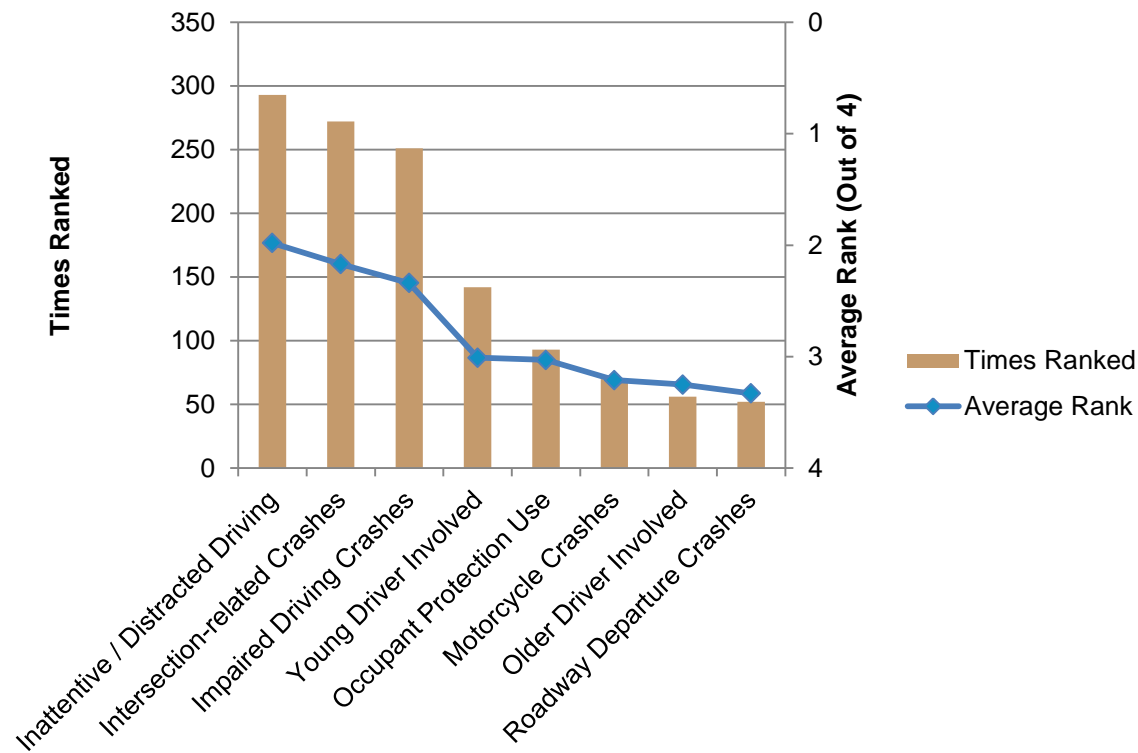


Priority Ranking

On the priority ranking screen, respondents were asked to select four of eight transportation safety areas they believed would “have the greatest potential to reduce fatal and serious injury crashes in the Billings area.” Priority areas listed in the survey were identified through AC review of crash data provided by MDT.

Figure E.2 illustrates final survey results for the ranking exercise. The eight priority areas were ranked a total 1,229 times by respondents with Inattentive/Distracted Driving, Intersection-related Crashes, and Impaired Driving Crashes topping the list.

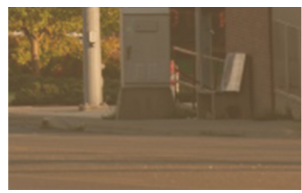
Figure E.2 Priority Ranking Survey Results



Source: DOWL 2016.

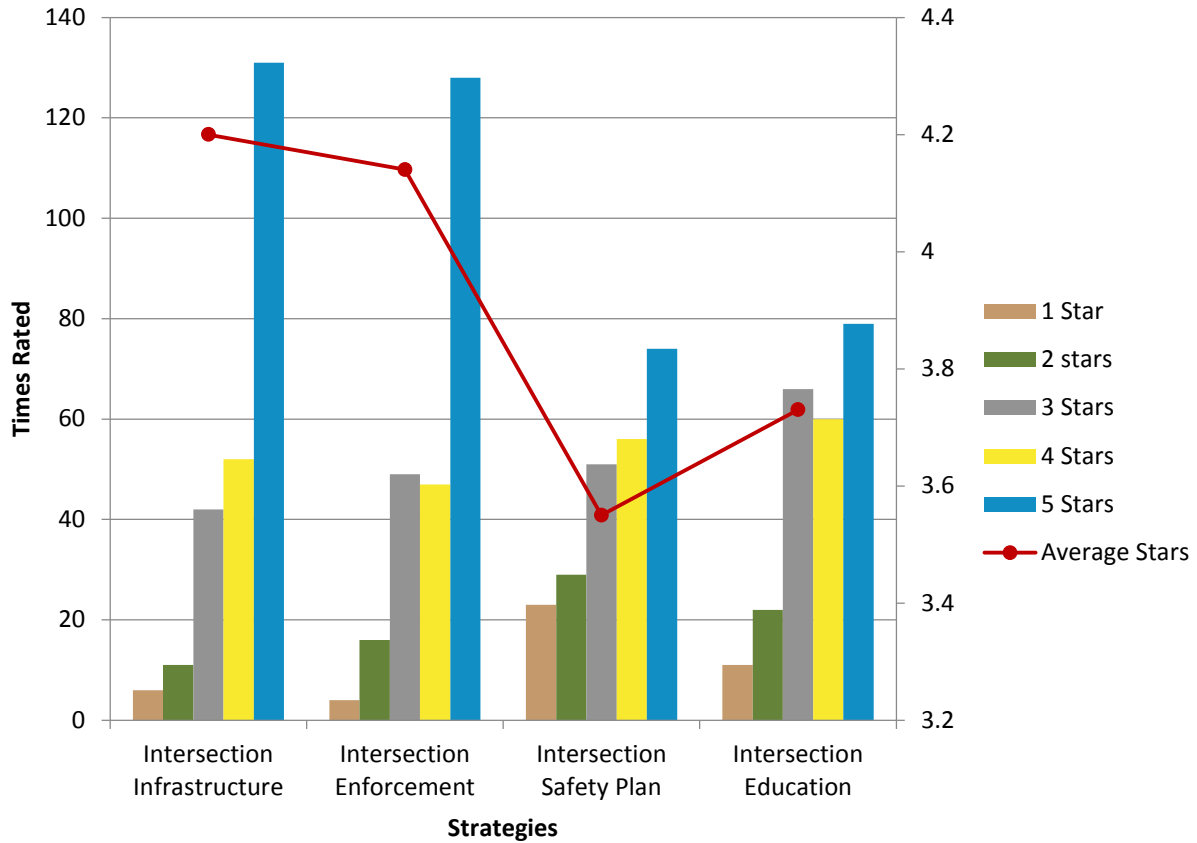
Strategy Ranking

Respondents were presented with a series of strategies for each selected priority containing a strategy title, brief description, and the option to rate the strategy from one to five stars, indicating the respondents’ assessment of the strategy’s effectiveness at reducing fatalities and serious injuries. The following figures and tables identify the priority areas as presented in the online survey, their average rank (in number of stars), and the complete text of the strategies being rated.



Intersection-Related

Figure E.3 Intersection Related Strategy Ranking



Source: DOWL 2016.

Table E.1: Intersection Related Strategy Description

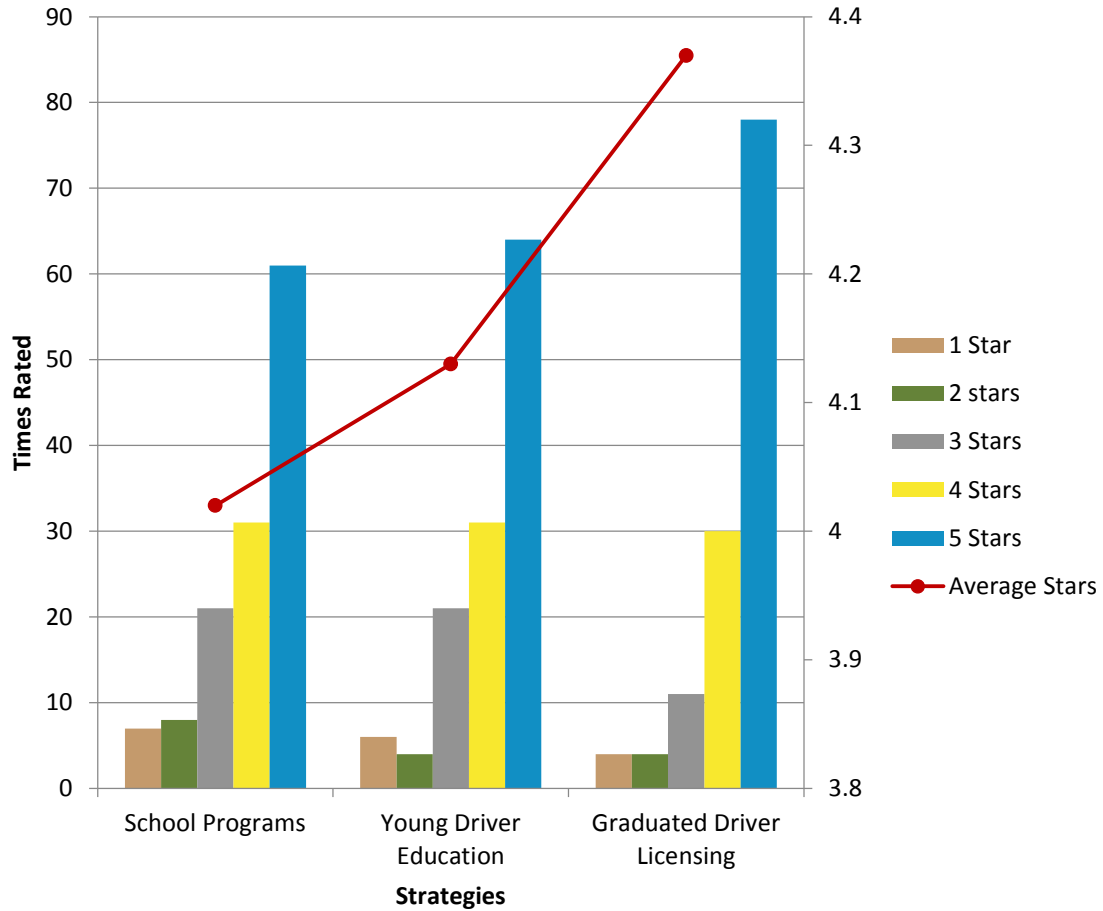
Strategy	Description	Average Stars
Intersection Enforcement	Conduct targeted enforcement and citation of illegal movement by road users at intersections.	4.20
Intersection Education	Implement public awareness campaigns on yielding at stop-controlled and uncontrolled intersections.	4.14
Intersection Infrastructure	Implement infrastructure improvements to reduce intersection-related crashes, where appropriate.	3.55
Intersection Safety Plan	Develop and implement an intersection safety plan.	3.73

Source: DOWL 2016.



Young Driver Involved

Figure E.4 Young Driver Involved Strategy Ranking



Source: DOWL 2016.

Table E.2 Young Driver Related Strategy Descriptions

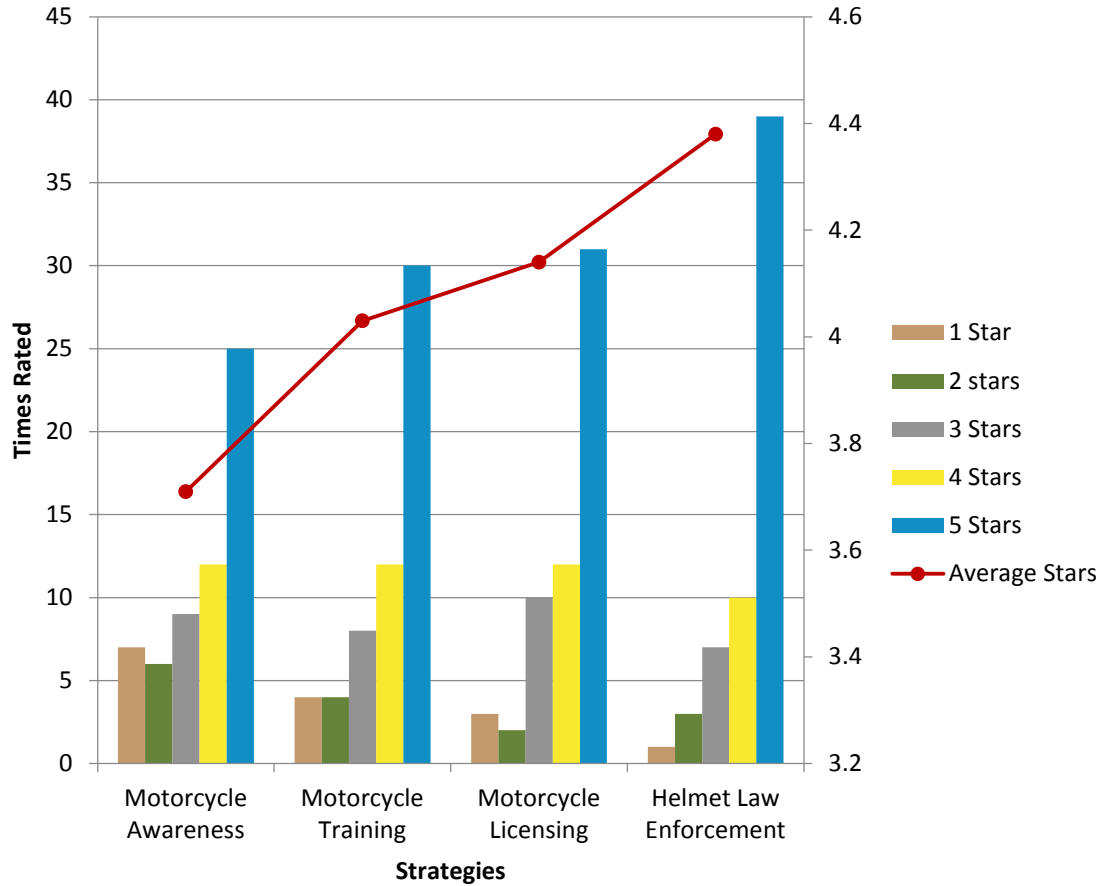
Strategy	Description	Average Stars
Young Driver Education	Support and enhance driver education (e.g., traffic education program funding and financial assistance).	4.37
School Programs	Develop and implement school programs focused on safe driving behaviors.	4.13
Graduated Driver Licensing	Enforce Montana's Graduated Driver Licensing (GDL) penalties for drivers aged 14-17.	4.02

Source: DOWL 2016.



Motorcycle Crashes

Figure E.5 Motorcycle Crashes Strategy Ranking

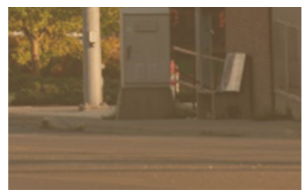


Source: DOWL 2016.

Table E.3 Motorcycle Crashes Strategy Descriptions

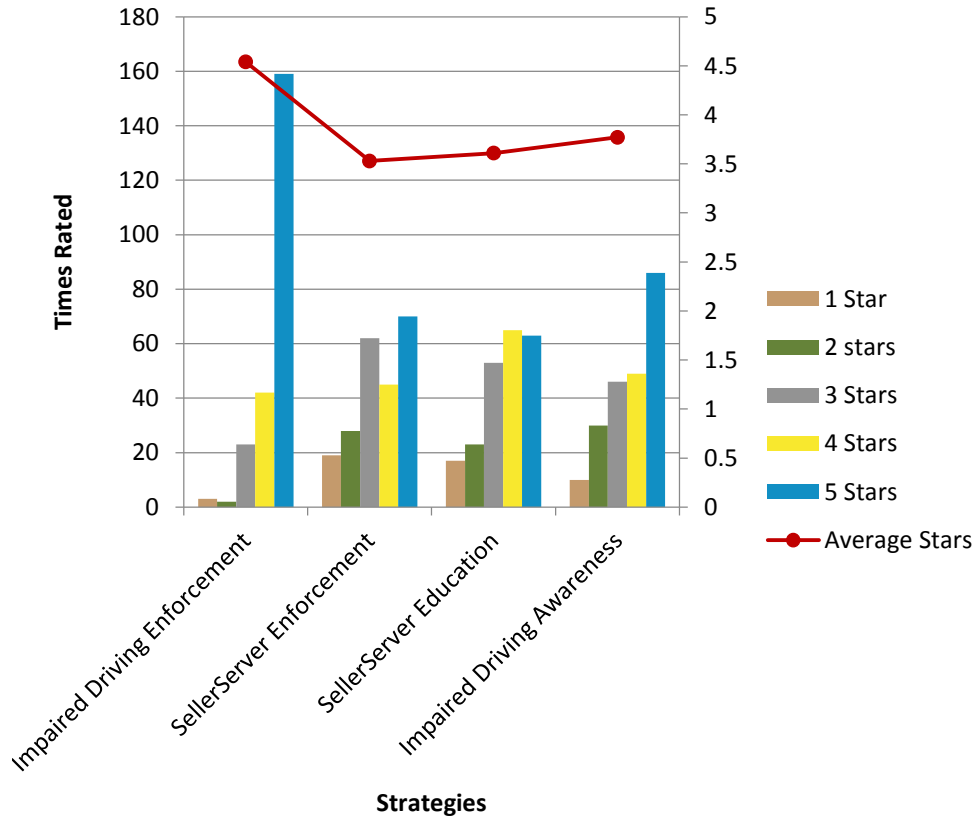
Strategy	Description	Average Stars
Helmet Law Enforcement	Enforce the current helmet law for those younger than 18 years of age.	4.54
Motorcycle Training	Encourage and support motorcycle rider safety training and the use of protective gear.	3.77
Motorcycle Awareness	Develop and support public service campaigns focusing on motorcycle safety and awareness.	3.61
Motorcycle Licensing	Enforce motorcycle licensing/endorsement requirements.	3.53

Source: DOWL 2016.



Impaired Driving Crashes

Figure E.6 Impaired Driving Crashes Strategy Ranking

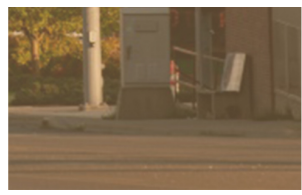


Source: DOWL 2016.

Table E.4 Impaired Driving Strategy Descriptions

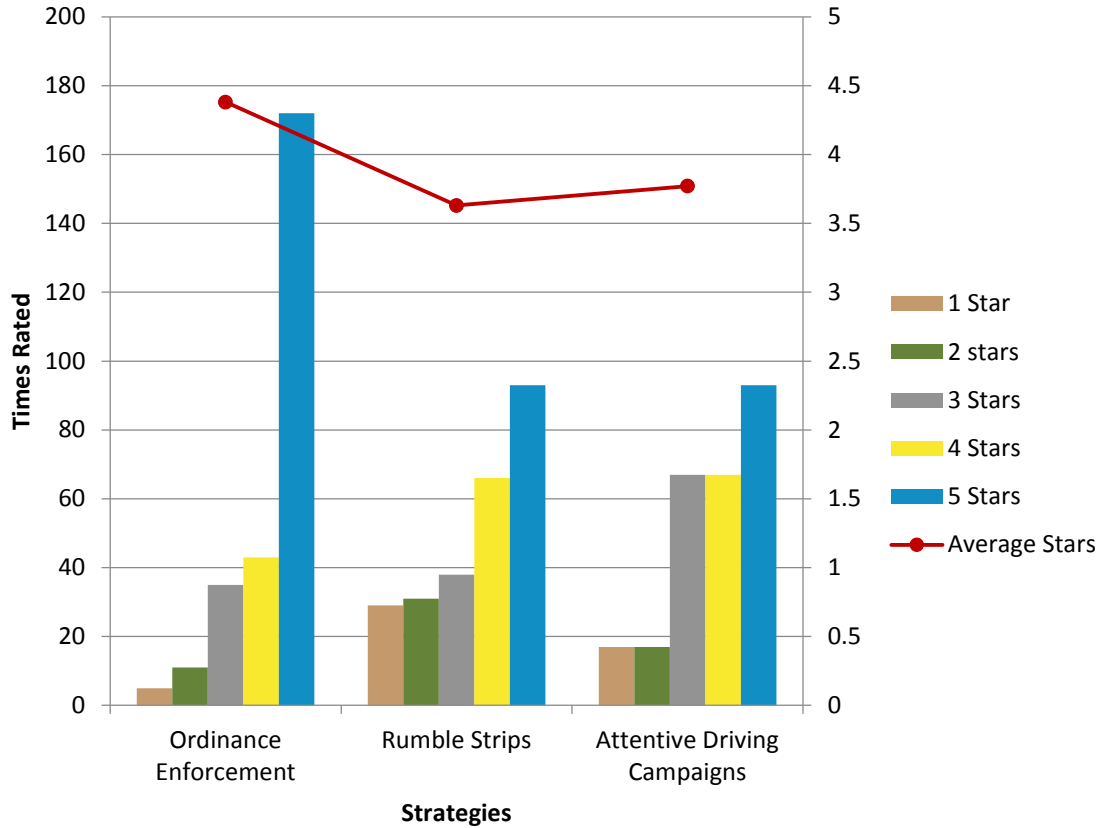
Strategy	Description	Average Stars
Impaired Driving Enforcement	Support increased penalties for impaired driving, with enhanced focus on MIP and repeat offenders.	3.71
Seller/Server Enforcement	Enforce liquor license and criminal penalties for seller/server violations of over-service of alcohol.	4.03
Seller/Server Education	Enforce mandatory over-service training for sellers/servers.	4.14
Impaired Driving Awareness	Develop and implement public awareness campaigns on the consequences and effects of impaired driving.	4.38

Source: DOWL 2016.



Distracted/Inattentive Driving

Figure E.7 Distracted/Inattentive Driving Strategy Ranking



Source: DOWL 2016.

Table E.5 Distracted/Inattentive Driving Strategy Descriptions

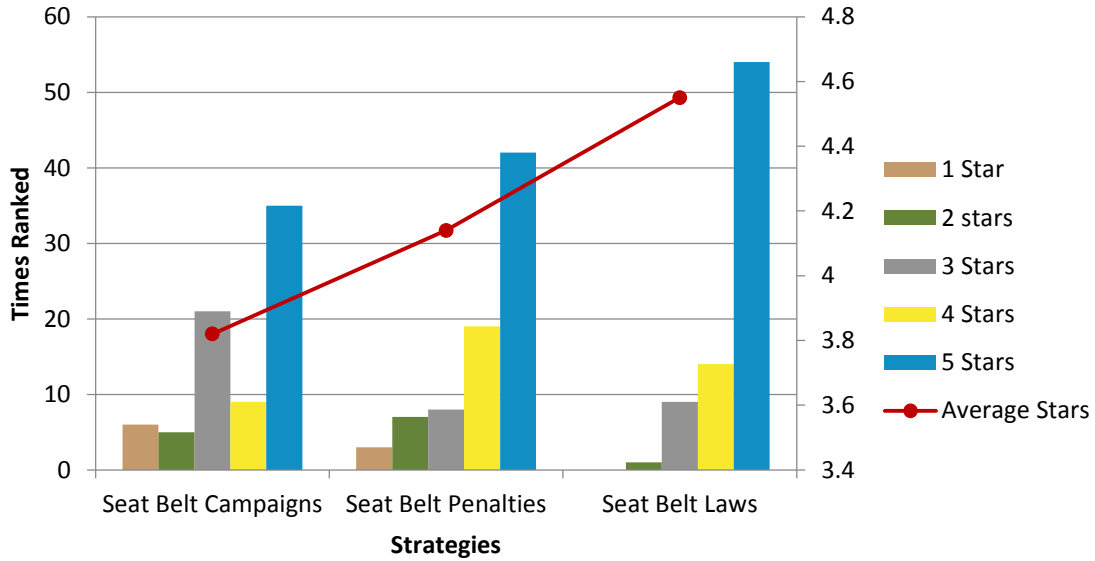
Strategy	Description	Average Stars
Ordinance Enforcement	Enhance enforcement of Billings ordinance addressing use of electronic devices while driving.	4.38
Attentive Driving Campaigns	Implement public awareness and education campaigns and school programs on distracted driving.	3.63
Rumble Strips	Install shoulder/centerline rumble strips to alert distracted drivers they are leaving the travel lane.	3.77

Source: DOWL 2016.



Occupant Protection Use

Figure E.8 Occupant Protection Use Strategy Ranking



Source: DOWL 2016.

Table E.6 Occupant Protection Use Strategy Description

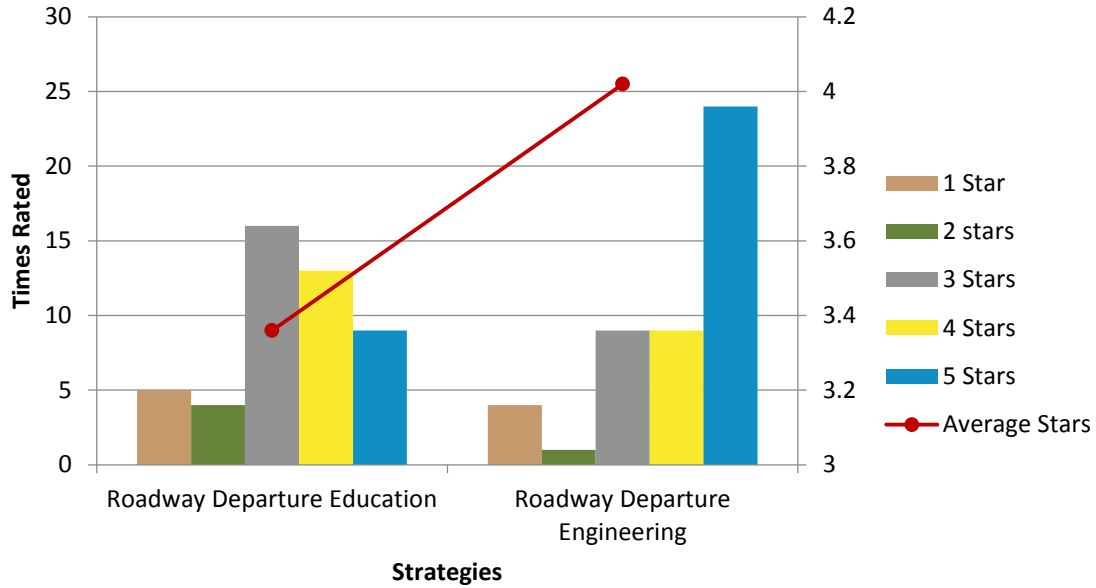
Strategy	Description	Average Stars
Seat Belt Campaigns	Implement public awareness campaigns focused on seat belt use.	4.55
Seat Belt Penalties	Support increased penalties for failure to use a seat belt.	4.14
Seat Belt Laws	Support and enhance enforcement of primary and secondary seat belt laws.	3.82

Source: DOWL 2016.



Roadway Departure

Figure E.9 Roadway Departure Strategy Rankings



Source: DOWL 2016.

Table E.7 Roadway Departure Strategy Descriptions

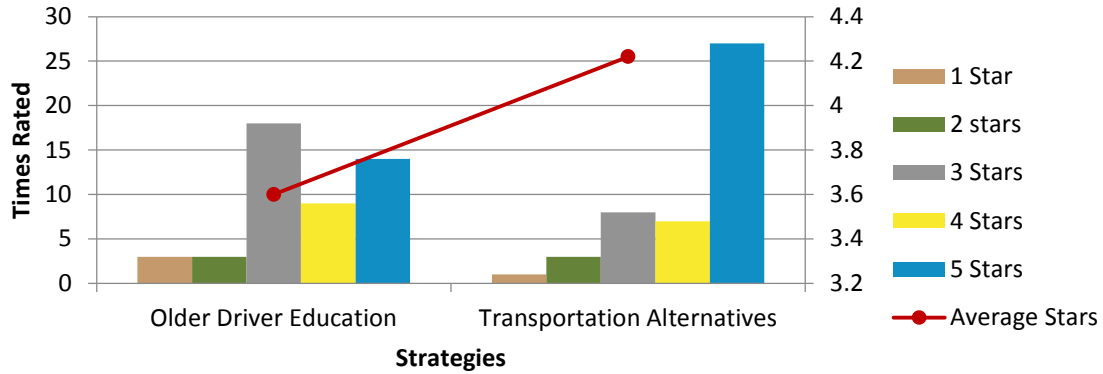
Strategy	Description	Average Stars
Roadway Departure Engineering	Implement infrastructure improvements to mitigate road departure crashes where appropriate.	4.22
Roadway Departure Education	Support and conduct public awareness campaigns about road conditions and traffic laws.	3.60

Source: DOWL 2016.



Older Driver Involved

Figure E.10 Older Driver Involved Strategy Rankings

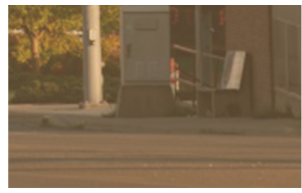


Source: DOWL 2016.

Table E.8 Older Driver Involved Strategy Descriptions

Strategy	Description	Average Stars
Transportation Alternatives	Promote and encourage other transportation alternatives.	4.02
Older Driver Education	Promote and encourage older driver education and training.	3.36

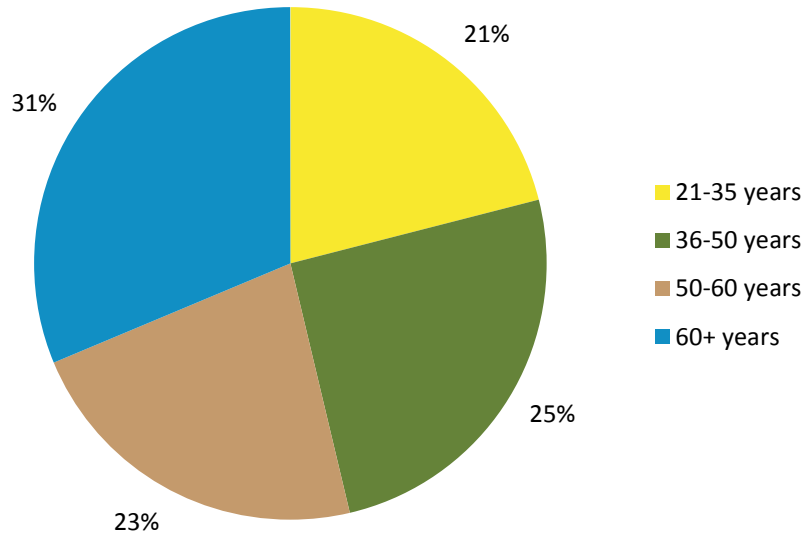
Source: DOWL 2016.



Demographic Data

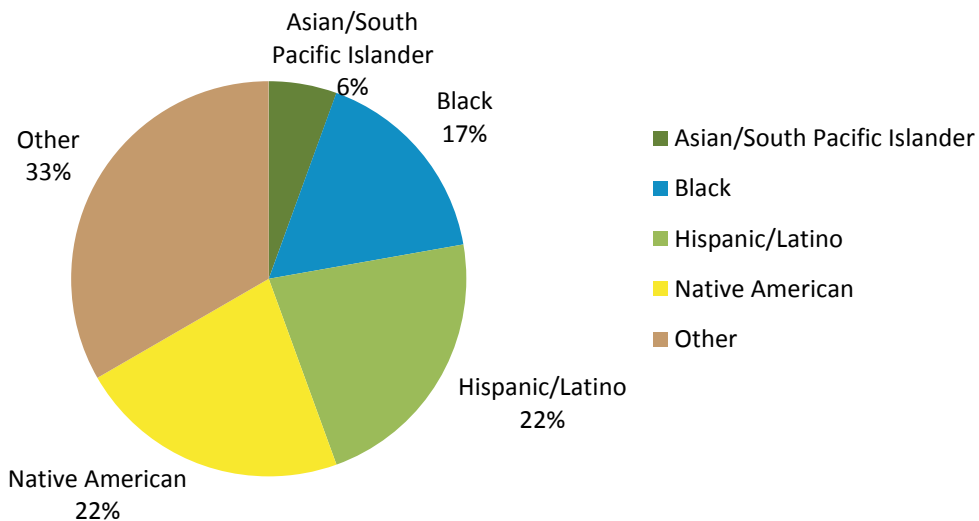
In the final screen of the online survey tool, respondents were asked demographic questions to assist the Billings MPO and AC in understanding the representation of respondents in the Billings MPO area. Questions addressed age (Figure E.11), ethnicity (Figure E.12), and neighborhood of residence (Figure E.13).

Figure E.11 Self-Identified Age of Respondents



Source: DOWL 2016.

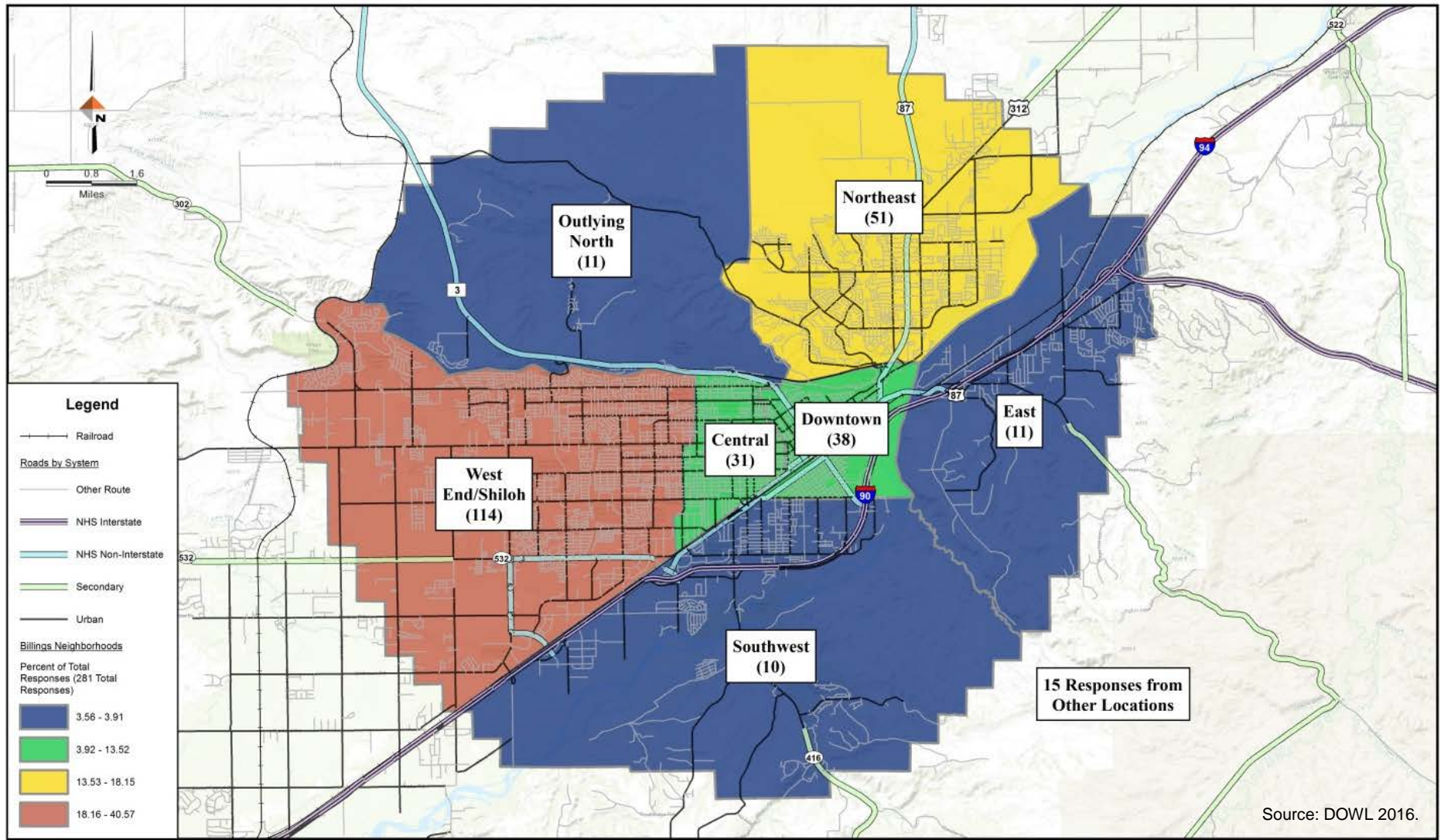
Figure E.12 Self-Identified Ethnicity of Respondents



Source: DOWL 2016.



Figure E.13 Self-identified Neighborhood of Residence of Respondents



Public Survey Comments



2

Vision Statement

What to do

Next Task

3

4

5

WELCOME

VISION

The vision statement should reflect the desired outcome of zero fatalities and serious injuries. Please complete the sentence below and tell us your vision for safer transportation in Billings.

My vision for zero fatalities and serious injuries is...

 Submit

PRIORITY RANKING

STRATEGIES

WRAP UP



Billings CTSP - Survey Comments

Vision Screen



Comment	
1	...safer engineering, increased road maintenance, public education, and above all, strict, regular/sustained law enforcement.
2	Make Billings a safer place to drive, Bike, and walk by reducing the number of people running red light, speeding through unmarked intersections, increasing education about bicycle and pedestrian safety.
3	an attentive traveling public that is law-abiding and courteous to all users of the roadway.
4	being able to safely cross the street on foot at controlled or uncontrolled intersections because i know that drivers are aware of pedestrians and understand the rules that apply to them; to be able to ride a bicycle, following driving rules and knowing that auto drivers also know and follow the rules regarding shared roadway use; be able to safely cross signalized and un-signalized intersections because other drivers yield to yellow traffic signal lights and to other vehicles in or approaching an intersections.
5	safer transportation for Billings means more people being active and healthy outdoors.
6	educating drivers to slow down for yellow lights and stop at red ones to reduce accidents, to heed pedestrian crosswalks and watch out for bicyclists and motorcycles. Develop complete streets and a walkable downtown and neighborhoods.
7	I dont know that that is possible.(anywhere really..) I believe billings is pretty safe.
8	more pedestrian crossings with flashing lights, focus on distracted driver behaviors, education on all modes of transportation working together to keep everyone safe on the roads.
9	More police presence in Billings. We need a realistic public safety mill levy to get passed and implemented
10	one that allows for all modes of transportation and especially encourages safety for those walking, pedaling, or wheeling at the same time motorized vehicles are considered.
11	separation of bikes and pedestrians from all vehicular traffic (more than a painted line). Increase these routes over non-street routes.
12	To mobilize the community to identify the hazards and take steps to correct them.
13	extend the safe pedestrian/bike paths and a safe place to cross Main Street by the Metra
14	streets will safely support daily biking to work and users will not feel like they are making a life or death decision in riding their bike.
15	I think a lot of focus for transportation safety focuses on the driver. Don't text and drive, wear a seat belt, don't drink and drive, etc. These are key areas of focus, but the real culprit is how our streets are designed. We need to reduce not only traffic crashes and fatalities, but also pedestrian/bicycle injuries and fatalities. That starts with changing how we use our roads. Instead of wide roads meant to move a large number of cars from place to place, they should incorporate protected bike lanes and sidewalks along with reducing speed limits. There needs to be an emphasis on educating the citizens on how to share the road, the benefits of cycling and walking or taking the bus. Also improving our mass transit system would get more people off the road, which would vastly improve safety. America has catered to the car for too long--we need to get back to using our legs and lungs to move. It has vast health, economic, environmental and safety implications.
16	Not only do drivers need to be aware and safe but so do pedestrians and bicycle riders
17	informed and courteous road and sidewalk users who respect all forms of transportation.
18	More cross walks and more dedicated green arrows for turning so you're not always having to wait until it's almost red to take a turn.
19	remove bicycle lanes from major arterial streets.
20	To provide enough space and protection for everyone to travel safely on roads whether that be by car, bus, bicycle, wheelchair or feet.
21	Lower speed limit on roads use by bicycles as Lake Elmo back to 25mph. Have to ride on the sidewalk.
22	Have the Billings Police Department do their job and monitor speeders and issue tickets.
23	No more Drunk Transients on billings streets
24	Accidents happen. That said, I believe zero "preventable" fatalities is more achievable. The way to identify cause of fatalities is to track "near miss" incidents as well as injuries and fatalities. That would provide additional data to find patterns, determine factors that can be controlled and develop viable solutions. Process of elimination..... Take care of the easy fixes first and keep honing in on the harder issues until you've created a much safer environment. Some of the fixes (pedestrian, bicycle and motorcycle incidents) will involve public education as well as more visible warning signs.
25	lights on,no headphones,earbuds or anything that diminishes hearing,have a limit on tinting of windows and enforce it
26	My vision is that accidents and fatalities will be nonexistent in Billings.
27	My vision for streets and roads in Billings is a safe, predictable environment for all modes of transportation, including walking and bicycling.
28	Fewer cars on the road by means of increasing public transportation. Either a tram/light rail system to go through the city or buses that go North to South (including to the airport).
29	I am a cyclist who regularly uses Billings streets for exercise and transportation. I would like to see more children and beginners riding in our town. It's fun and healthy.
30	Better policing and enforcement of speed limits. Streets such as Grand, King and Central are lethal and rife with drivers setting new speed limits around 50 mph. Unless we work to get drivers to slow down the accident rates will continue to escalate.
31	Billings Police Officers should be out and about in the city limits to control speeding and be firm in upholding the laws we have already. It is totally out of control. I actually see Gainans delivery cars on the streets of Billings more than I see the police patrol cars/trucks. The message has been lost here in Billings regarding speeding, not stopping at traffic lights, 4 way stops, and pedestrian crossings.
32	The left hand turn light on King ave underpass of the 90 Is very confusing, I have witnessed several near misses at this light
33	The left hand turn light on King ave underpass of the 90 Is very confusing, I have witnessed several near misses at this light. The light for turning left I'd not an arrow, and drivers think they have the right of way to turn left when in reality the oncoming west bound traffic has the right of way. The yield sign is not very visible.
34	Adequate numbers of officers in the high risk areas at the times of increased traffic. Ticket those who aren't obeying traffic laws- speed, running lights, not yielding appropriately, jaywalking, cell phone use, not blocking intersections, etc. Increase fines- if it is a financial burden- people will slow down and be defensive drivers rather than reactive drivers.
35	More law enforcement, speed control, and consequences for violators
36	My vision for the Billings/Yellowstone County area is to provide safe highways, roads and streets to the commuting public through proper engineering, pro-active education and "enforcement" of traffic laws.

Billings CTSP - Survey Comments

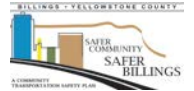
Vision Screen



Comment	
37	Better bike paths connecting the city for safer recreation and commuting use.
38	A system of roads, paths, and trails where everyone can utilize without fear of being a statistic.
39	Better signage, above on signs and at eye level, for smoother traffic flow for those unfamiliar with the streets.
40	I would like to see Billings adapt as a community to the needs of students, families, individuals in the safe transportation of all, including safe driving and safe pedestrians.
41	To see restricted areas for bicyclist to ride and that they will be ticketed if they do not use the provided bike paths.
42	more bike lanes and trails, separated from vehicle traffic. More education for auto and truck drivers to be alert and watch for bikes and pedestrians. Also more enforcement of DUI laws.
43	More funding for transit. Make it more rider friendly.
44	Stop people from running red lights and stop signs
45	More turn lanes!
46	Slower speed limits on busier thoroughfares. Four way stops at dangerous intersections. Flashing pedestrian lights at every roundabout. Extended crosswalks. Reverse angled parking downtown. Wider boulevards or boulevards between sidewalks and roads. More street lights. Controlled intersections for pedestrians crossing the street. Higher consequences for 1st and multiple DUIs. More bike lanes.
47	Try to get the bikes off the streets. They need to have their own separate trails
48	Get the bikes off the streets.
49	I want to see available and affordable public transportation, lots of walking and biking, minimum of private cars, mostly ride-share vehicles.
50	I have lived in Billings for nearly a year now. It can be a difficult place to drive at certain times of the day. A major problem is caused by a few drivers that do not follow driving rules. I have seen vehicles in 35 zone doing 60 or better. Not a rare thing at all in Billings. They change lanes in intersections and waive in and out of the lanes. I would like to see the Police officers concentrate on this type of driver and not just give them warnings. A lot of people texting as well.
51	P
52	Enforcement of some of the current laws we have, primarily - Texting while driving - Failure to stop at a protected intersection - Pedestrian Safety, once a Pedestrian has "made their intention known" it is the law you have to stop! - We need to be much more serious about training our young drivers (school Drivers training is a really SMALL step)
53	To create a safe and consistent flow of traffic allowing for better pedestrian crossings while decreasing the number of cell phone users while driving.
54	Unrealistic. The goal should be one that is reduced by 10% from the previous years goal. In a city of 100,000. A zero can not be obtained, make realistic goals.
55	Stop giving our money to consulting firms.
56	My vision for zero fatalities and serious injuries is providing appropriate and safe modes of travel for commuters.
57	My vision for zero fatalities and serious injuries is providing safe modes of travel for commuters and residents of Billings.
58	education.
59	Get rid of the bikers in the roadway, people running stop signs/signals, speeding, impaired driving, tailgating will reduce a lot of the problems.
60	A solid ban on cell phone usage in the City, including the worst offenders, law enforcement.
61	Additional officers on the street, allowing for more proactive traffic enforcement, Increased fines to help deter repeat offenders
62	Find a resolution to dangerous traffic-flow problems on 32nd street West.. people are forced to take chances entering or leaving this street ..It ism only a matteer of time before someone is killed or seriously injured on this stretch between Broadwater and King Ave west!!!!
63	... creating an educated driving, bicycling and pedestrian population to recognize their own responsibilities and rights on our roads while being alert to other users.
64	Next
65	Try enforcing the traffic laws.
66	More traffic stops to cut down on the running of lights and not stopping at stop signs. Police presence is KEY to getting drivers to pay attention
67	Create more bike friendly paths in the city. Add more sharrows at intersections.
68	Not every person need be a vehicle driver. Higher standards for vehicle operators must be enforced. Alternative modes of transportation must be made available, including non motorized as well as mass transit options.
69	Solid, well-researched planning, both short and long term, based on proven real-world models.
70	Police enforcement of driving laws. To many people speed make left turns in front of others run lights etc.
71	Combination of engineering and education so that no pedestrians or bicyclists killed or injured on city streets and highways.
72	Combination of safety engineering and education to eliminate pedestrian and cyclist deaths and injuries.
73	I feel that until law enforcement starts taking an active role in slowing down the people who run lights and don't seem to know that stop means stop, that all the education and lanes changes in the world will not mane Billings a safe place to drive much less walk.
74	a flow of traffic-bicycle, foot, car, bus-to move throughout the city with zero accidents.
75	Empowering Community
76	Intersection safety improvements, such as more signs like "left turn yield on green circle", re-alignment of streets so that people aren't turning blind (a dangerous example is left-turn lanes from Monad Road onto 32nd Street West, where mis-alignment causes vehicles to have to turn without being able to see oncoming traffic as vehicles going in the opposite direction block the view.)

Billings CTSP - Survey Comments

Vision Screen



Comment	
77	People no matter if they are driving or walking need to focus on what they are doing. I see so many being distracted by cell phones, it doesn't matter if they are texting or talking with the device in their hands, women putting makeup on while driving, people eating, smoking and talking on the cell phone at the same time. These are all major concerns where accidents will happen accidents at some course in time to all. Driving under these influences should be a loss of driving privileges for a period of time. This is just as bad as driving under the influence of alcohol and drugs where licenses are revoked. There are consequences' to one's actions and people need to know that.
78	Keep bike riders and pedestrians safe in downtown Billings.
79	Keep bike riders and pedestrians safe in all of the Billings study area....especially downtown Billings.
80	to design streets so that drivers perception of a safe speed is the actual speed limit of the road. Too many roads are built without consideration of the driver's perceived safe speed.
81	Get drivers to slow down with better enforcement and stricter penalties.
82	More bike/pedestrian paths to protect both drivers and individuals who choose alternative modes of transportations. Bike lanes are not as safe as a separate path or sidewalk.
83	Make Billings a safer place for everyone in the community. A safer Billings will have many benefits including, but not limited to, less tragic accidents with fewer fatalities and serious injury, a reduction in auto insurance and less property damage.
84	a more bike-friendly and pedestrian-friendly community with increased use of traffic circles to decrease speed in certain neighborhoods while maintaining traffic flow.
85	Eliminate right turns on red lights. On busy intersections, have walk lights only with no traffic movement. Enforce laws against running red lights. Enforce speed limits.
86	More bike lanes and turning lanes would reduce fatalities and serious injuries. More lights at busy intersections by schools.
87	More bike lanes and turning lanes would reduce fatalities and serious injuries. More lights by intersections by schools.
88	Sober and attentive drivers, pedestrians, and bicyclists following all traffic laws.
89	Be more attentive, aggressive and enforce stricter penalties for DUI's
90	for Billings to be a city where people focus on the road and not their cell phones. Where speed limits are enforced, and where people take pride in driving safer.
91	Inspire Bicyclists, Pedestrians and Motorists to consider Transportation Safety a Daily Part of Life in Billings and not just a Reminder when an Accident happens.
92	I envision a system with better service of non-vehicular modes of transportation.
93	To provide a safe transportation network for motorists bicyclists, and pedestrians through public education, building a stronger transit network, and through planning, addressing the need for separated walkways. for bicyclists and pedestrians.
94	educated drivers and pedestrians
95	Strictly enforce the traffic and cell phone laws we currently have. Too many drivers operate without ANY respect for the law or other drivers because there is only a slim chance they will be held accountable.
96	Expanding the trail system and prioritizing projects that offer new routes to reduce congestion (such as finishing inner belt loop and Billings bypass projects).
97	relieving the congestion on Main Street in the heights
98	zero fatalities and no injuries.
99	zero fatalities and no injuries and prioritize the resources to best serve the greatest number of people in that quest.
100	...to have zero fatalities and no injuries, and to do so by committing resources in priority to serving the greatest number of people.
101	streets with appropriate space for vehicles but without gimmicks, and proper delineation for pedestrians and bikers.
102	More bike lanes and better (more visible) crossings for bikes and pedestrians. Better implementation of restrictions on phone use while driving cars.
103	to create well flowing movement for all transportation to achieve efficient and safe travel for commuters.
104	a plan that incorporates all modes of transportation including bikes and pedestrians.
105	Encourage use of crosswalks
106	Educate pedestrians on how difficult it is to see them in certain light or dark conditions. Like when the sun is right in your windshield for instance. I'm often amazed by the folks crossing the street on 30th to go to and from the YMCA as they seem to cross whenever it suits them with no regard for the traffic flow. Pedestrians should not feel comfortable assuming that cars can see them. It may seem unfair but I've had some close calls even though I have the utmost respect that they have the right-away. Thanks, Michelle
107	For cyclists and pedestrians to OBEY the traffic signals
108	To inform drivers, bike riders, and pedestrians of the proper procedures as well as the consequences of not following those procedures. Billings is a beautiful city and it should be enjoyed by everyone.
109	Billings will be a community where pedestrians, bicyclists and automobile drivers feel safe on the streets and confident in their knowledge of and ability to adhere to transportation laws thus preventing unnecessary tragedy.
110	better enforcement of traffic light violations, including using cameras to issue tickets for violations.
111	additional off ramps for Lockwood area, too many vehicles and semis getting on and off Johnson Lane exit, bridge of I 90 to low forcing some truckers to go to the next exit and come back in order to delivery their loads on the south side of I90.
112	bike lanes on additional streets in Billings. I know it is difficult to keep up but painting of the cross walks. And I think the law enforcement should be more aggressive in ticketing people that don't stop for pedestrians in the crosswalk.
113	having safe routes for children to get to school, for bicyclists, pedestrians and wheelchair users to use to get safely to wherever they want to go in the community.
114	a continuing reduction of injuries and fatalities ultimately trending towards zero.
115	My vision is a left turning arrow in every intersection with a left turn across traffic and signage for all pedestrian cross walks. In addition, lights would have a longer delay for traffic than for pedestrians.

Billings CTSP - Survey Comments

Vision Screen



Comment	
116	A changed motorist culture that is more cognizant of pedestrians and bicyclists.
117	More public transport and increased efficiency between downtown and the west end
118	better enforcement of existing traffic laws as well as a program reminding motorists, bicyclists and pedestrians of what the law is and who has the right-of-way in certain situations. For example, younger drivers in particular have forgotten the right hand rule at un-controlled intersections.
119	more enforcement and bigger penalties for drunk driving.
120	For those who drive any vehicle on our streets to pay attention in all aspects! Know the roads. Scan the road for pedestrians and safety hazards, pay attention to signage and obey signage and lights, use your visor or sunglasses during hours during the day when the sun obstructs your view, NO multitasking! Use your signals. Wear your seatbelt!
121	continue to improve the separation between vehicles and pedestrians.
122	My vision is to prevent fatalities and serious injuries on Billings' roadways.
123	Transportation infrastructure built for all members of the community, not just those who are in a passenger vehicle. Pedestrians, in particular, are considered. Enforcement and education are just as high as priorities as building roads.
124	Absolute attention to transportation safety to develop and maintain a vibrant and healthy community for all.
125	Educating vehicular traffic and Billings culture that there are other modes of transportation besides vehicles. Pedestrians have ROW in crosswalks
126	to improve the transportation network and educate our citizens to drive cautiously and effectively
127	safe streets, many walking trails and safe sidewalks.
128	Trails, trails, trails! Trails around town for bikers and walkers to safely scoot about.
129	More multi use trails-bikes and peds- planning and developing of business and residential area that promote safe walking and pedaling
130	Better education and practice of safe driving practices in the young driver community.
131	Everyone that is out and about is aware of other users, even if they are utilizing a different transportation mode.
132	A transportation system that truly accommodates all users and modes to provide safety and predictability across the system and makes all modes of travel convenient and comfortable for the users.
133	That the Billings driver has the safety of themselves and others as their highest concern while operating a motor vehicle.
134	an emphasis on compliance with current laws; plus strong support from officials for biking and alternative modes of travel.
135	to develop the safest transportation plan possible for Yellowstone County.
136	More bike lanes. Fewer uncontrolled intersections.
137	have more left turn lights so people are not running yellow to red lights to turn
138	Billings should strive to become a more walkable city where people can walk or ride a bicycle anywhere in town without undue fear of being struck by a vehicle.
139	More police traffic presence, more responsible drivers who do not text or talk on their phones while driving, and smarter bicyclists who share the road and who use the appropriate reflective gear at night.
140	Eliminating the completely preventable fatalities and serious injuries (e.g. rapid flashing lights, sight vision triangle enforcement). I don't expect to eliminate all fatalities, just preventable ones, through design, program and enforcement.
141	A proactive police force that's priority is traffic enforcement. 80% of all crime involves a motor vehicle at some point. Also, there are currently very little consequences for traffic violations. The city has a hands free cell phone ordinance which appears not to be enforced. As a law enforcement officer in Yellowstone County I can't take anyone to jail for crimes like DUI or traffic violations due to the jail population, which most offenders are aware about. Police deal with the same violators day in and day out with very little resources to make a change.
142	to have adequate crossings, sidewalks, and bike lanes for pedestrians
143	to come up with a way to penalize people who run red lights. I lived in Southern California most of my life and did not experience this type of traffic problem with an exponentially bigger population.
144	more or stricter consequences for offenders. More enforcement as well.
145	About 1/3 of Billings drivers are driving while on a mobile phone. This has got to stop.
146	Awareness, predictability and safe travel for all.
147	for the people of Billings to be educated about how their driving affects every one.
148	better lighting
149	Roadways, streets and intersections should be designed and signed well enough that the traveling public, be they pedestrians, bicyclists and / or vehicles be able to travel through with no incidences.
150	fewer people running red lights!!
151	fewer people running red lights!! And punishment for drivers scaring bicyclists. I am afraid to ride my bike on streets.
152	To improve driver, pedestrian, & cyclist behavior.
153	incentivizing citizens to make smart decisions and implementing mechanisms that change driving behaviors to benefit the entire community.
154	My particular interest is for the intersection of 13th and Parkhill. Traffic builds up in all directions, and it appears traffic traveling south on 13th street is frequently in excess of the 35MPH speed limit. Heading east on Parkhill is, at least, an open view, but from the west the street jogs across 13th street and because of homes in the area it is difficult to view traffic driving north on 13th street. I believe a traffic light would eliminate many problems at this intersection.
155	Driverless cars.
156	Increased education for both bikers and drivers as to safe - JOINT - use of the road.

Billings CTSP - Survey Comments

Vision Screen



Comment	
157	Better separation of automobile and other traffic, decreased driving under the influence, more use of traffic devices (roundabouts, etc) where appropriate.
158	Education about conscious driving to limit allowing distractions such as cell phones, eating, applying make-up etc.
159	Add right turn lanes and more left turn arrows
160	I was a resident of Billings for 20 years, and then moved to Bozeman for 18 years. I have been back in Billings for 5 years. I am appalled by the lack of enforcement by the City and County Law Enforcement officials. Speed limits are not just a "suggestion" they are the law. I drive down the race track (Exhibition Drive to 6th Ave N.) every morning, and people are driving 45 to 55 miles and hour. With everyone trying to change lanes on this 4 lane road, it is very dangerous.
160	Drivers are running red lights. They are driving 45 to 50 miles and hour down Main Street, weaving in and out between the law abiding citizens. Law enforcement of traffic laws should not be "self governing" and the police captain's vision in this area puts us all in danger. Everyone knows that they don't need to obey the traffic laws in Billings due this short sighted philosophy. I understand that the police force is under budget constraints. The quest to obtain an increase in the mill levy for law enforcement would be successful if the administrators can guarantee that the funds will go to the police department, and not be absorbed in the general budget. We need to enforce the laws in this town, and we need resources to get that done.
161	speed limit for big trucks should be assessed, better street lighting in all areas of Billings and people being held accountable for their actions and not just a slap on the wrist.
162	accessible and affordable transportation for all demographics.
163	A vision for zero fatalities in Billings includes better road design, an emphasis on protected bike lanes, more and wider sidewalks, and increased public transportation funding and options. All of these things promote getting cars off the road which is the key to eliminating car crashes and pedestrian incidents. Since those are lofty goals that take time to implement, emphasizing an increase in driver education, reducing speed limits, and enforcing driver distraction laws would be a great start. The ultimate answer is we need to build and develop cities for people, not for cars. Until that happens, this city will never have zero fatalities or serious injuries.
164	zero accidents
165	better traffic laws enforcement...or flying cars
166	Better pedestrian sidewalks, wider, curved at intersections to keep cars from the corners.
167	My vision includes paved, well lit bike paths, with air stations at every mile
168	More traffic enforcement so more motorists drive safer by obeying the laws
169	More bikes! Less cars!
170	To use the best designs and planning for the co-existence of motorized and non-motorized transportation including pedestrian.
171	To improve traffic safety for all modes of travel.
172	more traffic enforcement (speed limits, traffic signals), harsher penalties for lacking insurance
173	Wider and more solidly defined bike paths, as well as a higher prioritization of pedestrianism downtown and longer walk lights.
174	helmets need to be worn at all times
175	minimal
176	having a predictable and equitable transportation network that manages speeds as a top priority, emphasizes street design as key, places engineering over education or enforcement, has private sector partners and embraces technology systems in order to achieve sustainable safety.
177	reminding everyone to slow down and pay attention. Be attentive and gracious drivers--care about your own safety and the safety of everyone else--other drivers, cyclists, pedestrians.
178	creating a community where everyone from age 2 to 92 can get to where they need to travel to without fear of injury or harm.
179	Make the roads and their sides more habitable, enforce expectations for slower travel: get more bicyclists and walkers on the streets in every season. more planning of boulevards and more green plantings along travel routes. more traffic patrol police or more use of dash cameras to document illegal driving (phone use, lack of full stop, exhaust pollution).
180	To make Billings a place where all citizens (runners, bikers, walkers, children walking to school, commuters) can feel confident in their safety on sidewalks, trails, and crosswalks.
181	My vision for Billings is to have a 50% decrease in fatalities in the next two years.
182	Broaden public transportation and make it easier to access so that people who would otherwise be walking or riding a bike would have an alternative. Buses in Missoula are free and a rider can hop on a bus and go nearly every where they need to go. The busiest buses fun every 15 minutes, so it is easy to get where you need to go relatively quickly. Missoula also has a bike path running right through town, so bikes have an alternate way to get from point A to B without dealing with a lot of traffic. Above all, enforce traffic laws. Get law enforcement engaged.
183	Improve safety for all modes of transportation
184	sidewalks that aren't blocked by cars; protected bike lanes; and flashing pedestrian lights at dangerous intersections with high fatalities.
185	Drive defensively and pay attention to traffic and surroundings.
186	Educate drivers that pedestrians and bicyclists are allowed on streets and roads.
187	on street bike lanes in downtown, longer "walk" signals for pedestrian crossings, conversion of downtown one way streets to two way traffic and public education programs to emphasize pedestrian and bicycle safety.
188	living in a safer community.
189	By improving knowledge of pedestrian laws, drugged driving, and driving while intoxicated to eliminate the burden to the tax payers as well as the families or victims effected by casualties.
190	Have an accident injury free mode of transportitoin throughout the community.
191	Billings needs to fund a police presence to enforce traffic rules. The number of times I see people run red lights is appalling.

Billings CTSP - Survey Comments

Vision Screen



Comment	
192	My vision is a city of Billings safe for pedestrians, bicycle riders and motorists such that there are zero fatalities and serious injuries.
193	More options for public transportation, walking bridges, and bike paths.
194	Safe trails and access throughout the city for bikes and pedestrians to be able to safely travel.
195	targeting key contributing factors and causes of crashes and injuries associated with vehicles, people, and alternative modes of travel on public streets.
196	Make cars drive speed limit. This would help my cycling, walking and driving
197	Where people of all ages can safely & confidently: run, walk, skate, & cycle in & around our community; day or night, without fear of being hit or mugged.
198	The single largest issue seems to be a metro friendly bus system that tries to accommodate people in all parts of Billings. Peak times or whenever it seems to be a chronic problem!
199	Get Bikes off the street or they need to be subject to traffic laws & receive traffic tickets just like auto drivers for failures to yield running stop signs etc
200	to better educate the general public on the rules restrictions and laws governing and guiding street highway and interstate traffic flow.to inform them of general courtesy, concern, and respect for their fellow citizens. billings drivers are generally very rude disrespectful and dangerous to others it's like being in a stock car race
201	a city where pedestrians and cyclists are protected from automobile traffic as much as possible. Drivers are more distracted than ever, and a peaceful walk or bike ride is only possible when cars are truly a safe distance away.
202	Have more public awareness on safety issues. Everything costs \$. Spend it on better and affordable public transportation with more options for convenience of getting around town (longer hours, shorter and more routes). More traffic lights at well traveled intersections, possibly more 4 ways stops or roundabouts.
203	unrealistic.
204	My vision is to have a safe community where I can bike and walk confidently without the constant worry of being run over.
205	Prioritize and require non-motorized transportation in the beginning phase of civic and rural development.
206	My vision for zero fatalities and serious injuries is... for the near future and all users of the roadways to be responsible.
207	My vision is for multiple uses of roadways throughout Billings with mutual respect and awareness for all users.
208	to improve the safety of those who do not drive everywhere. It seems to me most fatalities are happening where crosswalks are not sufficient either in size, number or location in this city. Our busier streets have dangerous crosswalks where cars cannot always see pedestrians walking. Many of these streets also lack crosswalk options for several streets, encouraging jaywalking, which is also extremely dangerous. We also need to improve our roads for bikers in our community. Safe bike travel for our city would not only encourage people to ride their bikes more, but it would also cut down on the wear and tear of our roads caused by cars by giving people an option other than driving. Kids would be able to bike to school, giving them more exercise and their parents peace of mind because they wouldn't have to worry about them being in an accident with someone who's in a hurry on their way to work. The most successful and desirable places to live in th world have more commuting options for it's people than just those that cater to the car. There are so many benefits to tackling these two areas, both for the people in our city and the city itself.
209	Help people understand that safety is the responsibility of every "traffic participant" - the drivers, runners, bikers, walkers, etc. Each have a role to play regarding safety - wear appropriate clothing, lights, be aware, help each other see each other, the importance of consistent behavior (hold your line, use your signals, etc.).
210	improve the use of stop signs at neighborhood unmarked 4 way intersections, increase in number of bike lanes on smaller side streets, and increase publicity about use of seat belts/risk of not wearing seat belts.
211	Better traffic control at intersections of major roads and traffic calming devices on secondary roads (e.g. speed bumps, narrower roads)
212	engendering greater awareness and respect for pedestrians and bicyclists.
213	BY HAVING SAFE BIKE AND WALK PATHS THAT HAVE THE LEAST INTERACTION WITH VEHICLE TRAFFIC.
214	increased use of seat belts along with reduction in impaired and distracted drivers.
215	Design efficient electronic traffic control, allow camera enforcement of high crash areas, allow citizen enforcement of traffic laws in residential neighborhoods.
216	Provide safe, efficient and convenient traffic control
217	Bike lanes and paths, random DUI checkpoints, officers present on regular neighborhood beats all across town so we can get to know the police
218	to make sure there are good walking paths/sidewalks along all major streets throughout Billings
219	Pay attention to your surroundings and focus on the task you are engaged in.
220	Aware of everyone, safer for everyone.
221	Less distracted driving
222	My vision is for more bike friendly roads and paths and enforcement of existing traffic laws, especially running stop lights.
223	A safer Billings transportation network that accommodates both vehicles and pedestrians/bikers. Standards for new road infrastructure and developments that require bike and pedestrian trails and lanes to be included in the design. Road designs that take into consideration street scape, bulb-outs, and traffic calming measures while also being designed to accommodate heavy traffic loads.
224	Create a slower travel speed on downtown congested streets. 25mph
225	Create a slower travel speed on downtown congested streets. 25mph Eliminate vehicle bicycle interaction on streets. Create a sense of responsibility for bikes as you do for cars.
226	A safer Billings considers multi-use roadways, drivers who are not distracted by chemical or electronic impairments, and an effective public transportation service round the clock.
227	Greater use of unmarked traffic law enforcement Officers within the City of Billings. We cannot use intersection cameras to monitor red light violations however we can use city cameras to monitor speed. Greater LE presence may assist in lowering speed, intersection violations and distracted driving occurrences.

Billings CTSP - Survey Comments

Vision Screen



Comment	
228	Heavier fines for running stop signs and DUI's
229	a system where the first mode of transportation - walking - is safe, pleasant and separated; a system where streets are designed to discourage speeding and reckless driving; a system that protects its most vulnerable citizens - our elders and our children.
230	to stop driver's from 'running red lights'.
231	crack down on speeding, running red lights, and cell phone usage
232	Safety for all transportation users including those that use active transportation such as biking and walking.
233	multimodal transportation: more bike lanes and bus routes, fewer cars, and lower speeds
234	to have safe streets with separate lanes for bikes and to educate drivers to watch for bikes and pedestrians
235	add more stops signs around town and pedestrians crosswalks
236	Welcoming streets to encourage and engage drivers in being aware of their surroundings instead of trying to get through and area as fast as possible.
237	Leave it alone. You can't fix accidents before they happen.
238	keep runners out of bike lane and traffic lanes.
239	stop signs at every unregulated intersection
240	Make lights at main street and airport road longer for East and westbound traffic. The turning lane (same intersection) heading northbound turning onto airport road green then red. No more trucks turning on red because they couldn't make the light in time. All this will reduce a significant amount of people speeding to make the light and traffic accidents resulting.
241	People need to slow down. And the police need to be more vigilant about people who run red lights and speed.
242	Put in more turn arrows as busy intersections. Like governors and wicks.
243	Line the lanes up properly... Straighten them up so you are in your own lane when driving straight!! Drive through this city and you will find this often. Dangerous situation! We've lived in 23 other places and have never seen such a poorly planned town.
244	people to pay attention while they are driving. more attention paid to texting while driving and high fines while doing so.
245	Seeing people obeying the law. Getting off their cell phones, watching their speed, awareness for people who are not clear about tailgating and how dangerous that is, and also more awareness that blinkers are a required necessity that should be utilized at ALL times, not just when people think its necessary. Clearer street markings (pavement paint), signs and street lights.
246	A large traffic enforcement division within the police dept. Think of it! Reduce the detective/homicide division. You are more likely to be killed, injured, and have property damage from driving in Billings than from some thug or psychopath. Don't laugh or dismiss it. It is absolutely true.
247	Enforce the law against running red lights, while improving pedestrian and bicycle opportunities, via trails and bike lanes. I see people flagrantly run red lights everyday, sometimes while a police car is there watching and does nothing. (one time there were two police cars at the intersection).
248	Safe travel for pedestrians, bikes and motor vehicles which means safe crossing for pedestrians in high traffic areas, alternative routes for bikes, and well planned traffic movement for vehicles.
249	Safety can be achieved through better understanding of traffic laws (vehicle, pedestrian, bike) and signage.
250	to continue to improve signage and education for all road users. To add more flashing lights for pedestrian crossings and more traffic calming measures like bike lanes. To redesign the downtown traffic flow removing most one way streets and to change downtown curb angle parking to backing in to park.
251	Two things I think would be of help are to have a button at each crosswalk to press that halts all traffic to a STOP while a pedestrian crosses the street as there are way too many distracted drivers! Also, I have had two close calls regarding a bicycle rider who is riding the WRONG WAY on a one way street. They should follow traffic laws as well.
252	xx
253	Safer roads, more bike paths, better pedestrian markings and increased traffic enforcement for all types of transportation, vehicles, bikes and pedestrians.
254	That all drivers in Billings will learn to focus on the road, other drivers, bicyclists & pedestrians & reject distractions in order to reduce or eliminate vehicle-involved accidents.
255	Zero fatalities and serious injuries is unrealistic in Billings, but our community should address major safety issues when they arise.
256	Drivers understanding that because they are in a vehicle, that doesn't mean they always have the right of way.
257	Focus on reducing auto accidents as they are the most serious threat, but don't forget about reducing pedestrian and bicyclist deaths caused by motor vehicles.
258	Improve traffic safety through education
259	Everyone in Billings, residents and visitors, should enjoy a transportation system that is safe, regardless of age, ability, or mode of transportation.
260	An aspiration buy not likely.
261	An aspiration buy not likely but a great goal.
262	accomplished through Education, Engineering and Enforcement while planning and funding projects to address the increased traffic of the growing community.
263	eliminate painted bike paths on arterial streets. Pedestrian accidents have increase since this was done. It essentially makes 3-4 lane streets a 2 lane street. Having different methods of signal lights is also confusing to some people.
264	<ol style="list-style-type: none"> 1. get rid of the roundabouts 2. have at least minimal traffic cop enforcement 3. listen to what the public has to say about dangerous conditions near where they live or work 4. actually do something about it

Billings CTSP - Survey Comments

Vision Screen



Comment	
265	Reinstitute the "traffic enforcement" patrol of the PD. If necessary, increase fines to support the cost of enforcement. 6th Ave N and Grand Av are speedways in the morning and afternoon. Red light runners. Any state that permits 3,4,6,8 DUI's has a serious problem with its penalties for this offense. If you're too stupid to wear a seatbelt, I should not care that you are ejected and kill yourself. Make the seat belt law a primary reason to stop and ticket. With lacks enforcement, fatalities and accidents will increase as the driver density in Billings increases
266	Truck routes should be on 4-lane streets or highways only.
267	Let's get cameras on red lights and fine the idiots that go through on red. The roundabouts seem to be working to reduce t-bone crashes.
268	Drivers are paying attention to the task at hand - DRIVING! Mobile devices are not in use, and cars are not equipped with wi-fi and so on. There is no need to be watching anything but the road and the other drivers around you. This includes passengers paying attention as well.
269	for people to obey traffic lights and speed signs.
270	for people to obey traffic lights and speed signs.
271	More lanes, tunnels, and lights for non-motorized transport, such as bicycles--and then supporting them (i.e. don't allow snow plows to block the bicycle lane so cyclists are forced out into traffic.)
272	Safety for everyone in the Magic City!
273	No driver on their cell phones or texting while driving!
274	No more people running red lights; lower speed limit on Hwy. 3 between Zimmerman and the Airport utilizing solar signs that say, "Speed limit 45 mph... your speed ____.
275	educate driver's about the risks of not wearing their seat belt, running red lights, being distracted by cell phones, radios, etc.
276	better roads,traffic not runing stop lights and signs
277	Stronger laws enforced on drunk drivers, clean up the serious drug problem billings has, clean up downtown so families can enjoy it
278	Increased public transportation options
279	To keep flow and safety of commuting.
280	My vision statement for safer transportation in Billings begins with people having respect for the safety regulations (for instance, people often do not stop at stop signs if they don't see any traffic. I would also like to see strict enforcement of drunk (or otherwise compromised) driving. I am grateful for bike lanes and think education about honoring them should be encouraged.
281	enforce traffic laws
282	Safe bike lanes and pedestrian walkways. Use traffic calming design measures to slow vehicle traffic. Crack down on cell phone use and patrol key locations where drivers commonly speed.
283	An increased knowledge surrounding shared use streets, neighborhood (uncontrolled) intersections, and a decrease in distracted driving.
284	My vision for zero fatalities and serious injuries in Billings is a city where every intersection is safe for pedestrians, bicycles, motorcycles, cars and trucks.
285	Ubiquitous bicycle lanes and increased bicycle awareness for drivers (through drivers training, billboards, etc).
286	to get it done
287	more aware drivers, walkers and bicyclists who follow rules, better signage, more bicycle lands and sidewalks.
288	Separate bike lanes on all streets, plus signage on all streets entering Billings stating ""BIKE FREINDLY COMMUNITY""
289	Allow uber to operate, increase taxi & bus services
290	Everyone feels and is safe using streets, sidewalks, and trails no matter their mode of transportation.
291	Better public involvement and education along with more efficient traffic calming devices. Additionally my vision include a increased number of multi-use pathways connecting the west end to downtown and the heights.
292	Start ticketing speeders and those who run red lights. If that were done it would easily pay for extra patrol officers with money to spare. I can not for the life of me remember someone pulled over from a traffic violation



2

3

Safety Priorities

What to do

Next Task

4

5

WELCOME

VISION

PRIORITY RANKING

STRATEGIES

WRAP UP

Order your top 4 items
↑ above this line ↑

- Impaired Driving Crashes
- Young Driver Involved
- Inattentive / Distracted Driving
- Intersection-related Crashes
- Older Driver Involved
- Occupant Protection Use
- Motorcycle Crashes
- Roadway Departure Crashes

Help rank the transportation safety areas you believe have the greatest potential to reduce fatal and serious injury crashes in the Billings area.



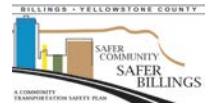
Please drag 4 of the items above the line in your preferred order.

Suggest another item



Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Impaired Driving Crashes	1 People with 7 DUIs still driving around, come on. The number of impaired drivers on weekend nights is scary.
Impaired Driving Crashes	2 Impound vehicle for second offense.
Impaired Driving Crashes	3 I believe that Yellowstone County in general does a fairly good job of apprehension and removing drivers from the highway. I believe that the prosecutors do a fair job of following through. I think that the Judicial branch needs to step up their efforts to keep repeat DUI offenders off the street.
Impaired Driving Crashes	4 Random traffic stops occasionally checking for impaired drivers before accidents happen. Advertise as such??
Impaired Driving Crashes	5 We need tougher DUI laws and enforcement
Impaired Driving Crashes	6 You have the Percentages as well as I do. Do my rankings really mean a lot here?
Impaired Driving Crashes	7 from my understanding habitual drunk drivers remain on the streets because of a clogged up legal system -- spending more money on courts should be a top priority and instead it is almost the last after thought.
Impaired Driving Crashes	8 I think this is not handled well, if a person has money and a job they go to jail, if they are habitual offenders they are released to do it again. There should be NO 6 or 7 DUI's for a person. Put them in a work program and off the streets.
Impaired Driving Crashes	9 Our community is frustrated with repeat DUI offenders. The laws need to change! Montana is far too lenient on penalties. These people know the legal system too well.
Impaired Driving Crashes	10 I read about people getting their third or fourth DUI's in the paper. Obviously the deterrent from driving impaired isn't strong enough. Lock them up!
Impaired Driving Crashes	11 While perhaps not a huge part of the overall crash picture, there is a public expectation that the BPD will aggressively target DUI drivers. I have personally watched BPD officers downplay the DUI offense, let people go, give drunks rides home and tell them "it's your lucky night" because they are too busy with "real calls." NOT ACCEPTABLE.
Impaired Driving Crashes	12 I think this is an enforcement issue.
Impaired Driving Crashes	13 Selfish attitude on the part of these individuals.
Impaired Driving Crashes	14 I'm a victim of drunk driver
Impaired Driving Crashes	15 Montana is ranked near the top for the most drunk drivers and repeat offenders. We need harsher punishments for repeat DUI offenders!!!
Impaired Driving Crashes	16 Servers & sellers of alcohol must bear more of the responsibility for impaired drivers. The BPD know who is over-serving and who is selling to under-aged kids or already impaired people - target those businesses.
Impaired Driving Crashes	17 change the laws. take away their license. Make DUI a felony. Driving with a suspended license due to DUI should be a felony. Three strike law, at least as related to DUI.
Impaired Driving Crashes	18 Always a problem.
Impaired Driving Crashes	19 Harsher jail time for multiple DUIs.
Impaired Driving Crashes	20 Once receiving impaired ticket the vehicle needs to be impounded and sold to repay legal fee that I supply(tax monies used for streets and cops) Need to be accountable not just reprimanded (be wise who you let borrow your car).
Impaired Driving Crashes	21 Over serving of alcohol should not be tolerated. Establishments who over serve should also be held responsible
Inattentive Distracted Driving	22 Dispite the hands free law I still see many people daily talking and Texting on their phones. I have even seen them using phones in front of a city police officer and they are ignored. The law is a joke if it is not enforced. If it were enforced then people would take the law seriously.
Inattentive Distracted Driving	23 Make the fine higher!!! Make people a believer. Educate that holding the dang phone near your face is not hands free!!!
Inattentive Distracted Driving	24 This comes down to enforcement of the traffic laws. I believe that I seen where BPD issued 44 warnings and a handful of citations in a "year" as it relates to the cell phone ban. Having an ordinance/law on the books does no good if it wont be enforced. The BPD is the 2nd largest agencies in this state and it does not have an active traffic enforcement unit.
Inattentive Distracted Driving	25 Little to nothing is being done about enforcing no cellular use while driving.
Inattentive Distracted Driving	26 I walk every day. Distracted driving due to TEXTING is on the rise.
Inattentive Distracted Driving	27 Distracted driving can affect many of these other categories.
Inattentive Distracted Driving	28 So much for the no cell phone use.
Inattentive Distracted Driving	29 This type of driving I see so numerous each day while working. I do a lot of driving from job site to job site.
Inattentive Distracted Driving	30 Enforcement is a serious problem. At any busy intersection, anywhere in Billings, no more than 10 vehicles will pass without someone talking or texting. This is by far and away a huge concern in Billings/Yellowstone County.
Inattentive Distracted Driving	31 I still observe many people on their cell phones. They are not paying attention at all and it is all ages not just teens.

Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Inattentive Distracted Driving	32 I ride a bicycle for transportation. I feel that of all the driving scenarios suggested, I am at greatest risk of getting hit by a distracted driver who may not be watching out for someone in a bike lane.
Inattentive Distracted Driving	33 Drivers need to be focused on one thing - driving! Cell phones are a huge problem and the ban does not apply on the interstates or in the County. I believe that any driver should not be able to use a cell phone, even if they are stopped at a red light or driving outside of the Billings city limits.
Inattentive Distracted Driving	34 billings passed a law against the was of hand held devices, but didn't enforce it.
Inattentive Distracted Driving	35 no enforcement of Billings cell phone use while driving ordinance by law enforcement
Inattentive Distracted Driving	36 I notice a lot of distracted driving involving phones/devices, food & drink, conversations/arguments, etc. Drivers are often swerving out of their lanes towards cars next to them and coming towards them. Scary!
Inattentive Distracted Driving	37 Phone use in vehicles is far too prevalent and little is done to change this behavior .
Inattentive Distracted Driving	38 As a pedestrian in the West end, my biggest priority is sidewalks on all streets to protect against distracted driving.
Inattentive Distracted Driving	39 They do not see predistrians
Inattentive Distracted Driving	40 Include food and drink along with cell phone and texting.
Inattentive Distracted Driving	41 I still see drivers texting and on open, phone to their head or in their hand calls! Every day! There is a real sense that this isn't being enforced.
Inattentive Distracted Driving	42 Too much cell phone use in Billings
Inattentive Distracted Driving	43 As long as there are hand held phone in autos there is a problem
Inattentive Distracted Driving	44 Phone law not working: more tickets or fines needed!
Inattentive Distracted Driving	45 Even tho there is a law against cell phone use while driving no one cares because the law is not I forced.
Intersectionrelated Crashes	46 I work at the intersection of 10th and Cook. In the time that I have worked here there have been several crashes at this unmarked intersection. It is located right next to an Early Head Start center and is a mail intersection for young children walking to Washington Elementary. Drivers do not even slow down for the children and I have witnessed several close calls. All intersections near schools need to be controlled by either a stop sign or a yield.
Intersectionrelated Crashes	47 I've seen so many drivers blow past lights after they've turned red.
Intersectionrelated Crashes	48 I see drivers run red lights all the time.
Intersectionrelated Crashes	49 We saw an accident the other day in Main Street. Speed and in attention contributed to a high speed rear ending. For the love of Pete get rid of the flashing arrow at main and 87!!!! Nobody understands flashing arrow does not mean they have right of way until it's red!!! The roundabout at Airport and 27th needs to be re-engineered. High rates of speed in the outer lane and the inner lane is encroached by drivers in the other.
Intersectionrelated Crashes	50 More and more people are running red lights.
Intersectionrelated Crashes	51 Everyday I see at least one or two drivers completely run a red light the new sequences of how the street lights operate are confusing. It sometime seems like nobody really knows who is suppose to be moving
Intersectionrelated Crashes	52 You can read the percentages as well as me. Do my rankings really me a lot here?
Intersectionrelated Crashes	53 This seems to especially be a problem in areas that have no stop or yield signs. Seems like a lot of drivers don't know that the driver on the right has the right-away.
Intersectionrelated Crashes	54 It seems no one pays attention to red lights anymore, you hear them speed up with they see a yellow lite. A police officer at 6th avenue and 13th would help a lot espeically in 6:30-8:00 am hours and 3:30-6pm hours.
Intersectionrelated Crashes	55 1- People don't pay attention 2- People don't understand what to do at a uncontrolled 4-way intersection.
Intersectionrelated Crashes	56 I wonder how many of these also involve distracted drivers!
Intersectionrelated Crashes	57 Better attention should be given to weather-related conditions, such as glare ice, at intersections. This would help reduce rear-end crashes at intersections in the winter.
Intersectionrelated Crashes	58 law enforcement no longer pays attention to moving violations, ie red light running & speeding top the list
Intersectionrelated Crashes	59 I live near 13th and Parkhill. It is better (since wider walkareas) but still difficult to see, especially if a person is parked near intersection.
Intersectionrelated Crashes	60 Too many drivers do not appear to understand the "slow and be prepared to stop" concept inherit in open intersections. They want the "security" of a stop or yield sign so they don't have to make a decision. Is yielding at open intersections no longer taught?

Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Intersectionrelated Crashes	61 I see drivers running red lights many times each day. They are often entering intersection when their light is already red, so I have learned to pause and look before proceeding on green because very often there is a vehicle speeding through the intersection.
Intersectionrelated Crashes	62 I feel that roundabouts have helped substantially reduce intersection-related crashes...although some drivers STILL don't know how to properly use a roundabout.
Intersectionrelated Crashes	63 Distracted drivers. Impatient drivers. World revolves around me attitude.
Intersectionrelated Crashes	64 I moved here 3 years ago and am shocked at how drivers here do not use their signals, do not seem to understand yellow & red lights, turn in to the incorrect lane, and cut turns incredibly sharp. The lack of respect for the basic rules of the road/intersection is appalling. The turn lanes, guide lines, & signage could also use some updating.
Intersectionrelated Crashes	65 Cross Walks fade fast and are not always very clearly marked. For example, because of both factors, ones like those at Lewis & Clark Middle School are hardly noticed by non-parent drivers and on 13th and 13th and Lewis. The warning lights or signs on some are SO CLOSE to the crosswalk itself that drivers often don't notice with enough time to slow as at Highland elementary and the one by Applebees in the heights.
Intersectionrelated Crashes	66 Design safer and more intuitive intersections and increase the amount of roundabouts. While many people in Billings complain about roundabouts they seem to come around eventually.
Intersectionrelated Crashes	67 wide radius of curbs encourages fast turning so drivers are encouraged not to stop at all at an intersection
Intersectionrelated Crashes	68 Yellow lights need to be timed longer - especially in winter when roads are slick. Put timers on traffic lights on dangerous intersections so people know when lights will be turning yellow/red.
Intersectionrelated Crashes	69 there are too many intersections with obstructions for drivers to view the traffic flow clearly.
Intersectionrelated Crashes	70 People need to STOP running red lights.
Intersectionrelated Crashes	71 Too many people running red lights and knowing if they don't cause a wreck there will be no consequences.
Motorcycle Crashes	72 Showboating bikers and inattentive drivers are poison to each other.
Motorcycle Crashes	73 I strongly believe the Alpha House should have a bicycling rules and safety education program.
Motorcycle Crashes	74 I think that part of this problem is the riders who think the rules don't apply to them. The other problem is that most people don't look for motorcycles and scooters, smaller objects are easier to miss. higher, harder hitting fines need to be handed out to everyone in the wrong. Make it hurt and make sure it makes the news!
Motorcycle Crashes	75 While a low percentage of overall wrecks, motorcycle crashes tend to be much more serious in nature. Watching "crotch rocket" riders doing wheelies and running 80 mph down Grand Ave. is greatly upsetting to the public.
Motorcycle Crashes	76 I received my motorcycle endorsement in Oregon, where, regardless of age, you had to take a mandatory motorcycle safety course in order to get the endorsement (unless you were transferring your license to the State from another). Oregon worked out a deal with the DMV so that the class fulfilled the "rider's" test at the DMV. I think that education on being a defensive rider is most important.
Motorcycle Crashes	77 All motorists need to be aware of motorcyclists but also many motorcyclists drive recklessly.
Motorcycle Crashes	78 Often times the motorcycles are at fault in these accidents due to reckless driving and speeding; nevertheless, I would love to see Billings enact a helmet law even for those over the age of 18.
Motorcycle Crashes	79 motorcycle drivers are generally dangerous. generally not responsible for their actions.
Motorcycle Crashes	80 Must pay extra attention when you are driving a motor cycle or bike.
Motorcycle Crashes	81 People in Billings just flat out do not look for motorcycles. It's because they have not been educated to look over their shoulders ever. Individuals driving motorcycles need to wear helmets and stop speeding through traffic. There are many times that they gas it and pass five cars and if one of them would have decided to change lanes that wouldn't have even had enough time to notice the motorcycle.
Motorcycle Crashes	82 Helmet law!
Motorcycle Crashes	83 Need helmet law and I hate to wear one too!
Motorcycle Crashes	84 People don't watch out for motorcycles and a lot of motorcyclists go way to fast to prevent crashes
Occupant Protection Use	85 Bicycle lanes on arterials not listed
Occupant Protection Use	86 \$20 fine is not high enough. People should be charged with child endangerment when kids aren't restrained the heck with waiting for the state to pass the law as primary and or felony offense.
Occupant Protection Use	87 Again lack of enforcement. Most serious crashes occur within 10 miles of home according to surveys.
Occupant Protection Use	88 Any one in an accident who was not wearing a seat belt loses the right to drive for a year. No excuses.
Occupant Protection Use	89 you can't fix stupid!!
Occupant Protection Use	90 Seat belt use must be enforced.

Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Occupant Protection Use	91 I thought this was about walk lights. I want them to flash white instead of orange when time left
Occupant Protection Use	92 many do not realize when making a turn at an intersection you are required to take the closest open available lane to you on the interstate it is the norm in billings to pin the driving lane car in between them(in the passing lane) and another car trying to merge with in with traffic, creating a 3 car wide situation.
Occupant Protection Use	93 While the use of seatbelts and occupant protection devises don't necessarily prevent collisions, they do in fact reduce fatalities. All too often you hear "they would be alive had they been wearing their seatbelt."
Occupant Protection Use	94 Vendor training where child seats are sold is important. Isn't there someway to interlock the ignition with the seatbelts & child seats?
Occupant Protection Use	95 Higher speeds in urban setting.
Occupant Protection Use	96 A primary seatbelt law would help in reducing fatalities in MT
Occupant Protection Use	97 I'm not sure what more you can do on this to get people to wear their seat belts. There has been lots of education on this and it still doesn't seem to phase some people.
Older Driver Involved	98 Older people may be more inclined to give up their vehicles if they had a dependable alternative to maintaining their independence.
Older Driver Involved	99 I think there should be a required test after the age of 60 since many people are in denial of their health issues. Eye sight and judgment are often a problem.
Older Driver Involved	100 I think that many older drivers are safer than most because the intentionally drive slower. Some on the other hand drive too slow and become obstructions themselves. I think that after a certain age written and driving tests should be required every four years. Is that age 65, 70, 75? I don't know but I bet statistics would answer that question. If they can't pass they need to have the privilege of driving revoked.
Older Driver Involved	101 There should be requirements for those over the age of 65 to retake a drivers tests routinely. I am not trying to be prejudice, it is just that older people are often stubborn when it comes to what they feel is infringement on their driving freedoms and therefore they are unlikely to admit that their eye sight and/or reaction time is decreasing. Billings is growing rapidly, as a result the roads and traffic aren't the same as they used to be 20 years ago.
Older Driver Involved	102 How does a person who works at the mall get home from work at 9 pm when the buses stop at 6?
Older Driver Involved	103 I see this often as a hospital employee. I breaks my heart to restrain an elder from the ability to be self reliant. Could a program at certain age require classes/certification help keep everyone safe.
Roadway Departure Crashes	104 Vehicles leaving the roadway threaten pedestrians, bicyclists, as well as occupants and property.
Roadway Departure Crashes	105 Slow down. Pay attention to signage. If you don't know the road, see the posted suggested speed limit.
Roadway Departure Crashes	106 roadside safety could be improved by moving ditches and other obstructions farther from the roadway, however that would require buying right-of-way from adjacent landowners.
Roadway Departure Crashes	107 drivers pushing yellow lights. speeding up through yellows at intersection.
Roadway Departure Crashes	108 Shoulder of road had big hole the caused a problem
Roadway Departure Crashes	109 I suspect that speed, impairment, and poor road conditions are likely contributing factors to this.
Roadway Departure Crashes	110 drunk driving
Suggest another item for future consideration	111 Aggressive driving (to include speeding, following too closely, and unsafe lane changes)
Suggest another item for future consideration	112 Pedestrian/Bicycle Crashes
Suggest another item for future consideration	113 Better road design
Suggest another item for future consideration	114 Bicycle and Pedestrian Protection
Suggest another item for future consideration	115 Consistent speed limits, signing and crosswalk lighting. Roundabouts are great for moving traffic like Shiloh, but the pedestrian crossing at those roundabouts are very dangerous. Be careful where these roundabouts are being placed. They should be in only fast traffic areas.
Suggest another item for future consideration	116 Education for drivers to be aware of bikes and pedestrians
Suggest another item for future consideration	117 Sharing the roadway with bikes/peds - education
Suggest another item for future consideration	118 Bicyclers not obeying traffic laws
Suggest another item for future consideration	119 Pedestrian Crossing from EBURD to Metra Park
Suggest another item for future consideration	120 Bicyclists flying through crosswalks! They are for predestrians but most don't get off and walk their bike across. Especially a problem when turning right downtown. Bikes are so much faster than pedestrians that when you start to turn, they can come from half a block away in seconds and blare through the intersection. I've seen it cause accidents and its rediculous how negligent bicyclists are especially downtown.
Suggest another item for future consideration	121 Bike/pedestrian safety

Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Suggest another item for future consideration	122 Intersections that don't have stop of yield signs and drivers not knowing that the person on the right has the right-away.
Suggest another item for future consideration	123 more standardization of the traffic signals
Suggest another item for future consideration	124 Driver unprepared/uneducated to interact with bicyclists and pedestrians
Suggest another item for future consideration	125 Driver's hitting pedestrians.
Suggest another item for future consideration	126 Hurry/rushed Driving
Suggest another item for future consideration	127 Bike or Pedestrian Involved Accidents
Suggest another item for future consideration	128 Pedestrian/vehicle collision
Suggest another item for future consideration	129 Control Speeding Vehicles
Suggest another item for future consideration	130 Increase green light arrows for left turns at numerous intersections.
Suggest another item for future consideration	131 1. Increase green light arrows for left turns at numerous intersections. 2. Traffic lights timed more efficiently & effectively.
Suggest another item for future consideration	132 Even though it doesn't score high in data, bicycles and pedestrians are not going to go away.
Suggest another item for future consideration	133 Inattentive/distracted walking & cycling
Suggest another item for future consideration	134 Driver Speed on low visible areas
Suggest another item for future consideration	135 Road Rage, Trying to pass slow drivers
Suggest another item for future consideration	136 Potholes and road wear
Suggest another item for future consideration	137 Speeding enforcement
Suggest another item for future consideration	138 Automobile Involved
Suggest another item for future consideration	139 aggressive driving
Suggest another item for future consideration	140 Road rage against cyclists
Suggest another item for future consideration	141 Traffic rules enforcement.
Suggest another item for future consideration	142 Failure to recognize pedestrians' and bicyclists' rights to use the road.
Suggest another item for future consideration	143 following speed limits
Suggest another item for future consideration	144 Bicyclist involvement
Suggest another item for future consideration	145 Poor road conditions
Suggest another item for future consideration	146 Bicycle/Pedestrian infringing on vehicle space
Suggest another item for future consideration	147 Speed / Rage Related Crashes
Suggest another item for future consideration	148 Conflict between vehicles and others - walkers and bicyclists
Suggest another item for future consideration	149 Too high of speed for urban setting
Suggest another item for future consideration	150 Bike lanes
Suggest another item for future consideration	151 Pedestrian/bicycle safety
Suggest another item for future consideration	152 The sentence "Help rank the transportation safety areas you believe have the greatest potential to reduce fatal and serious injury crashes in the Billings area" is extremely confusing. First of all, do you know what a run on sentence is? Secondly, why would anyone rank the selected choices as being anything that would help to reduce fatal and serious injury crashes? None of them reduce, they are all potential inducers of a serious accident! This question needs some work. You should consider asking it in a different way or changing the selection to some that actually reduce risk.
Suggest another item for future consideration	153 Roundabout rules - many that have been driving don't know how to properly navigate them
Suggest another item for future consideration	154 Crashes caused by ice on roads.
Suggest another item for future consideration	155 Vehicle-pedestrian/bicyclist crashes
Suggest another item for future consideration	156 Two of top 10 most dangerous intersections involve roundabouts. One at the top of Zimmerman???
Suggest another item for future consideration	157 Consider more alternative routes to our major streets to get around town.
Suggest another item for future consideration	158 High-speed traffic
Suggest another item for future consideration	159 Not enough consequences for irresponsible and unlawful driving, we need more police stops of bad drivers!
Young Driver Involved	160 Enforcement of the Graduated Driver License. It is my understanding that most traffic citations are issued under a city ordinance and thus young drivers who have serious violations are not reported to the State DMV.
Young Driver Involved	161 I witness several young drivers texting and talking on the cell.
Young Driver Involved	162 I think that young drivers should drive with an adult in the car for 6 months. I see a huge problem when young driver has a car full of youth. Seatbelts "aren't cool". They have the radio blasted and they are cruising too fast during their lunch breaks.
Young Driver Involved	163 I wonder how many of these also involve distracted drivers.

Billings CTSP - Comment Summary

Priority Screen



Topic Area	Comment
Young Driver Involved	164 Young people need to be actively engaged by the BPD but not harassed about driving more safely. More talks in schools, more positive and friendly interaction with a few moments taken by the officer to converse meaningfully with the younger violator. Once the police are seen as a "hassle," the battle is lost and it becomes a game of cat and mouse for traffic violators.
Young Driver Involved	165 How many crashed involve speeding vehicles?
Young Driver Involved	166 Not enough experience
Young Driver Involved	167 Must keep reminding them not to become distracted with phones etc. and to be more cautious!
Young Driver Involved	168 Education at an early age can help alleviate my first three selections.
Young Driver Involved	169 Speed
Young Driver Involved	170 While inexperience is certainly a factor with young drivers, another huge contributing factor to young driver accidents is due to distractions in the vehicle as a result of having young peers as passengers.
Young Driver Involved	171 In drivers ed require teens to download and use an auto-reply app while they are driving. The app will text back "I can't talk right now I'm driving".

WELCOME

2 VISION

PRIORITY RANKING


4 Safety Strategies

What to do Next Task

5 WRAP UP

- Inattentive / Distracted Driving
- Intersection-related Crashes
- Impaired Driving Crashes
- Young Driver Involved

Inattentive / Distracted Driving



Ordinance Enforcement
Enhance enforcement of Billings ordinance addressing use of electronic devices while driving.

★ ★ ★ ★ ★
Comment

Attentive Driving Campaigns
Implement public awareness and education campaigns and school programs on distracted driving.

★ ★ ★ ★ ★
Comment

Rumble Strips
Install shoulder/centerline rumble strips to alert distracted drivers they are leaving the travel lane.

Comment Suggest another Item

Next Category

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Attentive Driving Campaigns	1 Parents need to be more responsible in teaching children how to drive safely.
Attentive Driving Campaigns	2 All drivers, old, young, and in-between need this, but the approaches may have be customized for their target demographic.
Attentive Driving Campaigns	3 Don't know that this would make a difference.
Attentive Driving Campaigns	4 I am not sure this helps much as it is lots of adults doing it not just teens.
Attentive Driving Campaigns	5 I don't think people care about the education efforts. writing tickets and getting the word out about the cost of breaking the law might be the best education.
Attentive Driving Campaigns	6 good ads on TV for this
Attentive Driving Campaigns	7 It might help the kids. In a "scared straight" type of format. I think the texting / car crash commercials on tv help, & the road side signs " stop texts / stop wrecks' help a little.
Attentive Driving Campaigns	8 Keep talking to them.
Attentive Driving Campaigns	9 We've had plenty and they don't work.
Attentive Driving Campaigns	10 Give parents solutions - like how they can model good behavior, or installing an app on their phone that auto replies when driving.
Attentive Driving Campaigns	11 Need more education and training for beginning drivers.
Attentive Driving Campaigns	12 How many drivers ignore the cell phone/texting ordinance in Billings. THOUSANDS!! The penalty is not severe enough to warrant compliance. Once again, NO ENFORCEMENT. Save your money. Spend it on enforcement.
Attentive Driving Campaigns	13 Good idea, but is costly and will take a long time to become a part of driving culture
Attentive Driving Campaigns	14 Reminder of (pictures) consequences visually makes a statement really!
Graduated Driver Licensing	15 Limit offenses (points) for drivers based on age/experience. Keep the higher risk/more offense drivers off the road. Further restrict hours of operation for minors- with the exception of school, work, church. Nothing good happens after 10 pm as a general rule.
Graduated Driver Licensing	16 More teaching of the meaning of road signs needs to be included as many young drivers don't seem to be able to understand the words on the signs!
Graduated Driver Licensing	17 I'm not sure what the G.D.L. actually entails but enforcement is the key word here. Enforce it and make it hurt if it is violated.
Graduated Driver Licensing	18 What are the rates of crashes of young drivers?
Graduated Driver Licensing	19 I used to not be in favor, but many states see fewer problems and now think it is a good idea.
Graduated Driver Licensing	20 no license until 18
Graduated Driver Licensing	21 Parents have a role in this as well!
Graduated Driver Licensing	22 I don't have a comment on this or a rating since I have NO idea what this is. Does that tell you anything? I have an 18 year old daughter who just got her license last summer. I should know what this is. Educate the parents, not just the kids and make it a team effort.
Helmet Law Enforcement	23 There should be a helmet law for all ages. Period.
Helmet Law Enforcement	24 Higher fines on speed and reckless riding would be good also.
Helmet Law Enforcement	25 helmet for all
Helmet Law Enforcement	26 helmet for all. The rest of use pay when they get a head injury.
Helmet Law Enforcement	27 I'm not interested in a helmet law for individuals over 18.
Helmet Law Enforcement	28 Helmet law for all!
Impaired Driving Awareness	29 The intended audience seldom takes note.
Impaired Driving Awareness	30 Education is crucial. As well as a shift in the cultural attitude that doesn't treat impaired driving as all that serious.
Impaired Driving Awareness	31 campaigns aren't going to have the best effect, unless it includes a list of the recent fines and jail time handed out, and I mean real world numbers, not some hypothetical what if.
Impaired Driving Awareness	32 This has to continue, but people are becoming numb to such campaigns.
Impaired Driving Awareness	33 There is already many educational ads about this issue

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Impaired Driving Awareness	34 police sit outside bars
Impaired Driving Awareness	35 I don't think this hurts but I am not sure how effective it is. There are still lots of impaired drivers although we do have things like PSA. We need a culture which says that impaired driving is NOT COOL. Right now, young ones think it is cool and older drivers don't care that they are impaired.
Impaired Driving Awareness	36 Try ad campaign similar to the Montana Meth project with graphic images/billboards.
Impaired Driving Awareness	37 Seriously, the people who drive impaired already show they have little regard for others.
Impaired Driving Awareness	38 There does not appear to be any consequence. I read about people getting their 9-12 DUI and the penalty is a night in jail.
Impaired Driving Awareness	39 Give people drunk goggles and video tape them reacting to how badly they cannot see and then show those videos on the local news channels or local commercials. Also make it possible to install breathalyzer devices (sp?) in vehicles for certain high risk offenders be it AGE or actual offenders until they prove themselves trustworthy to drive without one. I'm talking about a device that would prevent the vehicle from starting. It might help. It won't stop them from having someone else blow into it but it would be an action that would MAKE them aware of the choice even while impaired. Then penalize the hell out of anyone who breaks the law - repeat offenders - who have such a device installed and still broke the law. You can't force a horse to drink even though you lead it to water but you can build the water trough and you can teach them how good water is for them through example and repetition.
Impaired Driving Awareness	40 Run more campaigns around getting people to understand their limits and BAC levels when drinking. I saw a youtube video where people drank beer and then took their BAC throughout the process (after each beer and so many minutes) They were shocked at how high their BAC was after only 2 drinks. Get local "celebrities" to do that on a video "know your limits" for Billings. But have designated drivers lined up to take them home ;)
Impaired Driving Awareness	41 Save your money. Increase the penalties for this behavior. 1st offense should have a severe penalty both monetary and suspension of driving privilege. 2nd should be mandatory jail for 6 months or more. You want the behavior to stop? Make the penalty fit the crime.
Impaired Driving Awareness	42 Since the 70's ADD has been doing this - it doesn't seem to be making much of a dent in the problem. Why throw more money at it?
Impaired Driving Enforcement	43 This category seems to focus more on the penalties after the fact, while it starts with enforcement on the road, followed by prosecution, both of which are lacking by the BPD and city attorney's office. Every DUI needs to be processed and not ignored or given a ride home, and every DUI needs to be prosecuted before there will be a change.
Impaired Driving Enforcement	44 Does Billings ever provide DUI checkpoints? They have certainly made me think twice about driving while drunk.
Impaired Driving Enforcement	45 I doubt that harsher penalties will help.
Impaired Driving Enforcement	46 Way too many Montanans drive drunk and some can rack up multiple DUI. These people need to be stopped. Breathalizers should be affordable for personal use so one can determine their own BMW prior to driving.
Impaired Driving Enforcement	47 I'd like to see treatment that solves the underlying problem rather than prison.
Impaired Driving Enforcement	48 Too many drivers on the road with multiple DUI. Repeat offenders need jail time and removal of privileges sooner. Think of all the times they drive impaired without getting caught. A slap on the hand isn't helping anyone.
Impaired Driving Enforcement	49 Not just MIP violations. All impaired driving violations
Impaired Driving Enforcement	50 Tickets and even imprisonment are not proving very effective. New strategies need to found and implemented with sufficient funding to make them as effective as possible.
Impaired Driving Enforcement	51 I think rolling road blocks can be a good way to do this.
Impaired Driving Enforcement	52 I think there are too many repeat offenders. I know that the jails and prisons are full but some people just don't get it. Lock them up if they can't comply.
Impaired Driving Enforcement	53 repeat offenders are the biggest problem and I am not sure increased penalties would improve that. more of the electronic devices that won't let a car start if impaired would help but they are expensive.
Impaired Driving Enforcement	54 We are about where we need to be with this in terms of our laws. BPD needs a cultural shift toward not tolerating the DUI offense.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Impaired Driving Enforcement	55 I think we are ridiculously lenient on DUI offenses.
Impaired Driving Enforcement	56 Increase fines and jail time. Have more server checks at bars.
Impaired Driving Enforcement	57 Increase fines and jail time. Have more server checks at bars. Make it a crime to refuse a test.
Impaired Driving Enforcement	58 not so much increased penalties but ongoing monitoring to keep the repeat offender away from driving
Impaired Driving Enforcement	59 we seem to do a pretty good job (although some major crashes might indicate still a ways to go)
Impaired Driving Enforcement	60 require breathalyzers for all people to leave bars
Impaired Driving Enforcement	61 I find Montana far behind other states in terms of penalties and consequences to impaired driving.
Impaired Driving Enforcement	62 Number one hazard on the road. Many times I wished a law enforcement officer was where I was to see all the crazy driving!! But they are not there..... maybe not enough officers?
Impaired Driving Enforcement	63 more police during the peak drinking time.
Impaired Driving Enforcement	64 Montana seems to take a "so what?" attitude on impaired (drunk) driving. Companies that have social events that serve alcohol should be educated on the liabilities of their employees having an accident after being served alcohol at a company function.
Impaired Driving Enforcement	65 There are people in Montana with MULTIPLE DUI offenses. Clearly this is having little effect.
Impaired Driving Enforcement	66 Especially for repeat offenders. Nobody should have a 5th DUI what the hell? Get them into treatment, take away their freedom to drive and make them pay it back to the community through public service. Don't house them in a cell watching Dr. Phil. They need education and counseling to find out why they are abusing drugs and alcohol to begin with. Find the root of the problems and then find the solutions to help those people HELP THEMSELVES.
Impaired Driving Enforcement	67 Get more people on those devices that monitor/check alcohol throughout the day - make using that a longer sentence. 3 months isn't going to do it.
Impaired Driving Enforcement	68 With all the repeat offenders, I don't know if heavier fines will make much difference, but they may as well help finance other programs that might make a difference.
Intersection Education	69 No one in Billings seems to know or care that the person on the right in an unmarked intersection has the right of way, regardless of "who got there first."
Intersection Education	70 I witnessed a woman stuck by a pedestrian in a crosswalk within the past month. I didn't before and I do even less now feeling safe using crosswalks. Drivers don't pay attention to pedestrians. Too many vehicle vs pedestrian accidents happening. I'm not sure what the answer is but consider a 4-way stopped intersection controlled by lights downtown that allows all pedestrians to cross in all directions at the same time while ALL traffic is stopped. No right on red allowed either. Similar to what Seattle uses near Pike's market.
Intersection Education	71 many people do not know they are supposed to enter the intersection while waiting to turn instead of remaining in the turn lane.
Intersection Education	72 This is a big problem, given the number of uncontrolled intersections in Billings. Periodic PSA reminders in a variety of media will help.
Intersection Education	73 Many drivers don't seem to understand basic traffic rules, especially yielding to the right at uncontrolled intersections.
Intersection Education	74 I don't know if the campaigns will help, people are in such a hurry that will take that risk knowing others will stop while they run or beat the light.
Intersection Education	75 lack of blinker use and observation for pedestrians is a great concern
Intersection Education	76 For uncontrolled intersections, education about who has the right-of-way.
Intersection Education	77 people should already know the rules of the road, otherwise they shouldn't have passed their driving test! I think too many people think the rules don't apply to them. Catch them and fine them.
Intersection Education	78 also paying attention to pedestrians
Intersection Education	79 People already know this.
Intersection Education	80 The "flashing yellow arrows" are great. A lot of people don't know what they mean though.
Intersection Education	81 Why do we have uncontrolled intersections? Especially those with poor visibility?
Intersection Education	82 Don't we have a driving test in MT before you get a license? This is part of the test, no? Save your money. Unless you want to start having driving tests at every other license renewal just like a new driver.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Intersection Enforcement	83 Traffic law enforcement is NOT a priority for the BPD, and this lack of enforcement has translated into a sense of entitlement by drivers. It is lost on the BPD that communities with high traffic law enforcement have lower overall crime rates. (Criminals of ALL TYPES drive cars.)
Intersection Enforcement	84 Signalized intersections - allow use of red-light cameras.
Intersection Enforcement	85 Signalized intersections - allow use of red-light cameras or other technology.
Intersection Enforcement	86 Also identify more hazardous intersections, such as 5th and Montana Ave. and Rehberg and Rimrock; and eliminate unmarked intersections in residential neighborhoods.
Intersection Enforcement	87 I have lived and driven in other communities with automated ticketing at intersections and speed cameras. This brings enough awareness to the area that everyone driving knows they are being watched. It saves manpower for the truly criminal offenses.
Intersection Enforcement	88 "Crashing" the "Delayed Red" and "Yellow" are synonymous and on the increase.
Intersection Enforcement	89 If this includes policing bicyclists that don't respect the rules of the road.
Intersection Enforcement	90 Limited manpower for this option makes it impractical, however desirable.
Intersection Enforcement	91 I hope it isn't a cold day in hell before this is ever done.
Intersection Enforcement	92 Many drivers don't seem to understand basic traffic rules, especially yielding to the right at uncontrolled intersections.
Intersection Enforcement	93 red lights are treated as a joke
Intersection Enforcement	94 enforcement being the key word here. do it and back it up.
Intersection Enforcement	95 A lot of intersections very little police.
Intersection Enforcement	96 Install cameras if legal under Montana Law
Intersection Enforcement	97 Especially red light abusers
Intersection Enforcement	98 We need to allow photo enforcement of red light violations.
Intersection Enforcement	99 Persuade the State legislature to allow photo enforcement of red light violations. This should include a requirement that yellow lights be properly timed --not just set up to generate revenue.
Intersection Enforcement	100 very common almost expected for someone to run a red light. traffic doesn't flow well in billings and people get frustrated and also drive 40 45 mph to make the next light lights on central broadwater grand 27th 4th and 6th could be better synchronized
Intersection Enforcement	101 Too many drivers are in intersections when their light is red. Red light cameras would help, but that would require a change in Montana state law. As a bicycle rider I have to be extra dilligent because I have seen too many near misses due to drivers running red lights. If drivers know there is a good chance they will get a ticket, even if they enter an intersection when it is yellow, the number of intersection accidents will decrease.
Intersection Enforcement	102 I have never seen emphasis patrols take place within Billings. King Ave W and Broadwater between 0700 and 0800 M-F would be a good start.
Intersection Enforcement	103 Until there is a traffic division of BPD this will not happen.
Intersection Enforcement	104 Lights are too short when green making people increasing their speed to make the light.
Intersection Enforcement	105 While important, there are better uses from law enforcement then traffic violations. Education is a key role!!
Intersection Infrastructure	106 Many intersections are poorly designed and maintained.
Intersection Infrastructure	107 again, red-light cameras or other technology as part of the infrastructure
Intersection Infrastructure	108 red-light cameras or other technology as part of the infrastructure. physical roadway changes to slow traffic at intersections
Intersection Infrastructure	109 Roundabouts have been effective - build more - or have "quick lanes" for traffic not impeded by a turn.
Intersection Infrastructure	110 I'm sick of roundabout being used improperly. It's gotten better add more people have used them, but it seems extremely unsafe for pedestrians (not seen easily) and drivers not paying attention to signage to know which lane to use and how to merge.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Intersection Infrastructure	111 Please see above regarding crosswalks. Extended sidewalks for crosswalks. Reverse angled parking. Sky bridges between parking garages and buildings.
Intersection Infrastructure	112 Roundabouts are a great idea but the current ones are much too small. People still come to a stop or gun it to enter. Roundabouts should be constructed much larger to eliminate the need to stop.
Intersection Infrastructure	113 Billings is working on this aspect... I've noticed many changes at intersections all over town. Keep up the redesigns and upgrades where needed.
Intersection Infrastructure	114 That would also include these huge sign and fences that block vision of oncoming traffic-just look at Zimmerman Trail above Grand Avenue....
Intersection Infrastructure	115 After analysis of where and what types of accidents are occurring.
Intersection Infrastructure	116 More roundabouts
Intersection Infrastructure	117 large traffic build up on 24th and 32nd creates impatient and unfocused drivers
Intersection Infrastructure	118 I know people don't like round-about but they do seem to reduce the severity of accidents.
Intersection Infrastructure	119 More roundabouts.
Intersection Infrastructure	120 Fewer stop lights, more roundabouts.
Intersection Infrastructure	121 The "flashing yellow arrows" are great. A lot of people don't know what they mean though.
Intersection Infrastructure	122 Energy - Daystar is an example of intersection that has no stop signs.
Intersection Infrastructure	123 Distraction leads to most intersection crashes.
Intersection Infrastructure	124 Some of our roundabouts are mismarked (Airport) and most need restriping as do many intersections.
Intersection Infrastructure	125 Longer yellow lights and timers that count down when the light will change to yellow/red. Also clearer turning arrow signals - make them yellow and flashing so people know they have to yield.
Intersection Infrastructure	126 Extremely expensive. How are the statistics on the roundabouts regarding accidents?
Intersection Safety Plan	127 What's an intersection safety plan?
Intersection Safety Plan	128 There needs to be harsh consequences for breaking our laws, as in \$\$\$.
Intersection Safety Plan	129 What does that really mean? You can plan into infinity and until there are consequences regular people aren't willing to pay a plan isn't worth the paper it's written on!!!!
Intersection Safety Plan	130 Not completely sure what is meant by this, which sounds a little buzz-wordy, but if it is what I'm thinking it is, of course it's a good idea!
Intersection Safety Plan	131 Standardize all light so left turns are the same at any given light.
Intersection Safety Plan	132 The plans should be develop for specific intersections with the worst crashes first
Intersection Safety Plan	133 what is an intersection safety plan?
Intersection Safety Plan	134 not sure what this means
Intersection Safety Plan	135 sounds good on paper but the costs and public "push back" might make it hard to accomplish.
Intersection Safety Plan	136 Bubble wrap!
Intersection Safety Plan	137 Does this mean there isn't one now!
Intersection Safety Plan	138 We need a safer system of routes for bikes and pedestrians downtown
Intersection Safety Plan	139 What does this mean?
Intersection Safety Plan	140 The "flashing yellow arrows" are great. A lot of people don't know what they mean though.
Intersection Safety Plan	141 Again... what are you talking about? How about some details as to what they means exactly. Can't vote on it if you are vague with big "wow" words. SMH.
Intersection Safety Plan	142 Study the data on where accidents are occurring and focus on those areas. It pretty obvious, especially in the Heights.
Intersection Safety Plan	143 I guess this works if you put up a traffic signal at every intersection.
Motorcycle Awareness	144 Keep drivers alert for motorcycles.
Motorcycle Awareness	145 Don't waste my money on them.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Motorcycle Awareness	146 I see grown baldheaded men driving down 4th avenue north and Montana avenue at a high rate of speed all the time. where is a traffic cop when you need one
Motorcycle Licensing	147 Are they not enforced now? I got my motorcycle endorsement after taking a motorcycle safety class. Safety courses should be required.
Motorcycle Licensing	148 We don't?
Motorcycle Licensing	149 Enforce the law?!? Of course.
Motorcycle Training	150 Yes!
Motorcycle Training	151 Once again I'm not in favor of creating any laws that require individuals to wear a helmet or any other protective gear.
Older Driver Education	152 Drivers should be mandatorily tested on the road every 2-4 yrs based on age and disease burden. Cause mandatory reporting for specific high risk medical conditions- for all ages.
Older Driver Education	153 At some specified interval ALL drivers should have to pass either a written or practical driving test. Say, every 15 years.
Older Driver Education	154 I think older drivers should hear this message from a lot of different sources - physicians, friends, clergy. How about educating the kids of parents who should no longer be driving. I don't think older drivers want to give up the freedom that a vehicle provides. Kids must make the decision as to when their parents are a danger to society. How about a campaign "take away the keys".
Older Driver Education	155
Older Driver Education	156 I know a multiple of people who should not be driving but are told by the drivers bureau they are good to go.
Older Driver Education	157 I think it needs to be more of an old driver re-certification. To make sure they are still competent to drive. Could be based on age.
Ordinance Enforcement	158 Please refer to my comments about intersections, they all apply here as well. The BPD MUST make traffic enforcement a priority or nothing will change.
Ordinance Enforcement	159 Yes in an ideal world; almost impossible to do in the real world.
Ordinance Enforcement	160 Yup.
Ordinance Enforcement	161 Increase fines! Better enforcement!!
Ordinance Enforcement	162 The BPD has no traffic unit. Most drivers are 10-15 mph over the posted speed and drive right past officers. I believe that we think the officer needs to be available for the "big" call, however Billings ranks the highest in the state for traffic fatalities. This is no different than a murder... a loss of life is a loss of life, yet we have dealt with more fatalities over the last several years then we have the murders.
Ordinance Enforcement	163 Traffic cameras or officers placed as "traps" could do a lot to enforce this.
Ordinance Enforcement	164 It's really N/A as I have no idea how often this is enforced
Ordinance Enforcement	165 PLEASE really focus on this one!
Ordinance Enforcement	166 Insofar as possible, YES! Again, manpower, funding, etc., may stymie such a strategy.
Ordinance Enforcement	167 Why have laws if the cops never enforce them?
Ordinance Enforcement	168 I think other distractions should be noted for inattentive drivers not just cell phones
Ordinance Enforcement	169 I believe if law enforcement would get involved in actually enforcing the law rather than being in such a hurry that they ignore the violation. The intersection of Main Street, 1st Ave North & Old Hardin Road is a prime example. I go through that intersection every day at about 4:00 pm. I have personally witnessed, on almost a daily basis, vehicles turning onto Old Hardin Road from Main Street run the red light. The light is completely green for the outgoing traffic yet 2-3 cars will continue to turn. On multiple occasions there has been a law enforcement officer there and has done nothing. This infuriates me because of the commercials about cracking down on red light runners. Also, it seems as if a blind eye is being turned to speeders. Just spend an hour watching traffic on 6th Ave North.
Ordinance Enforcement	170 I see someone on their cell phone while driving every day
Ordinance Enforcement	171 They are not paying attention. need to pull over and talk or text.
Ordinance Enforcement	172 Currently nobody follows these ordinances because they are not well enforced.
Ordinance Enforcement	173 I think that this should apply to ALL drivers. MHP and the Sheriff's Office should write tickets too!

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Ordinance Enforcement	174 I think a couple of officers could do nothing but write tickets for this and pay for their salaries and their cars.
Ordinance Enforcement	175 The police can't be expected to write tickets for people on their tech devices, but in the event of a crash, it is easy to check the phone log to see if they were on the phone
Ordinance Enforcement	176 I see this all the time. But everyone knows the law is not being enforced.
Ordinance Enforcement	177 Once someone pays, for instance, a \$300 fine for distracted driving they would likely think about it in the future.
Ordinance Enforcement	178 First - we need a traffic division in the BPD - or we need patrol to pay attention to traffic infractions they see during the course of the shift. I saw a patrol car at a signalized intersection watch 4 cars go straight ahead through the intersection from the right-turn only lane. Obvious violations but no reaction from the patrol officer at all.
Ordinance Enforcement	179 Law enforcement is just as guilty as the civilians they are monitoring. It can't be enforced as much as it can be influenced through education and public announcements. Knowledge is key. Teach people and let them police themselves.
Ordinance Enforcement	180 There is no traffic enforcement Billings.
Ordinance Enforcement	181 Penalties need to be hefty.
Ordinance Enforcement	182 too many young drivers are too careless about driving laws.
Roadway Departure Education	183 I have been and seen others run off the interstate from people merging into traffic and immediately swerving to the passing lane in front of faster moving traffic
Roadway Departure Engineering	184 I am not a fan of cutting down trees to accommodate drunks!
Roadway Departure Engineering	185 Weather related issues affect our area. Effective timely maintenance can be a life saver.
Roadway Departure Engineering	186 Poor infrastructure causes accidents in many cases-narrow roads, poorly maintained roads and bridges, to name a few.
Rumble Strips	187 This may really help.
Rumble Strips	188 I've encountered these in other states. I think they're very effective.
Rumble Strips	189 By the time they are near the shoulder of a local street it is too late for driver attention. Center line rumbles would be more effective.
Rumble Strips	190 Yes, these may be helpful, but I believe that more responsibility should be placed with the driver to pay attention and put down their phone.
Rumble Strips	191 Not worth the cost!
Rumble Strips	192 This helps on Interstates and two lane roads, not sure how beneficial in city, accidents are from changing lanes and not looking.
Rumble Strips	193 As a bicyclist, this is a terrible idea. They reduce safety for those riding bikes.
Rumble Strips	194 I have always thought this would be helpful.
Rumble Strips	195 rumble strips will help but I don't think it will solve "stupid people".
Rumble Strips	196 Assuming the driver is distracted and not being blown off the road
Rumble Strips	197 The interstate system has this which has little effect. I think it would create more roll over crashes as people over correct.
Rumble Strips	198 These are helpful, but expensive
Rumble Strips	199 seems to help along 212 to Joliet
Rumble Strips	200 Possibly also between lanes when multiple lanes travel in the same direction.
Rumble Strips	201 I think these are the most effective, & as a cyclist, I am very much in favor of them, especially if the shoulder has enough room for a bike on the outside of the strips. If a driver hits the rumble strips behind you while riding, it can be heard for a long ways.
Rumble Strips	202 Can be detrimental to cyclists.
Rumble Strips	203 Since this cannot feasibly be done on all roads, this seems a less desirable strategy than ordinance enforcement and information campaigns.
Rumble Strips	204 Center, yes, side no. This would severely impact bike riders.
Rumble Strips	205 Likely cause more accidents than not.
Rumble Strips	206 Yes!!!!!!

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Rumble Strips	207 Great idea. This would help with several issues.
Rumble Strips	208 install speed bumps on Montana avenue between n 27th street and north 23 rd street to force drivers to do the speed limit. park an old cop car with a mannequin at the wheel at the pullout at the bottom of Zimmerman trail to force drivers to go 25 mph. do away and yellow flashing arrows with the yellow arrows
Rumble Strips	209 How many accidents in Billings result from drivers falling asleep? Rumble strips are to awaken sleeping drivers. Save your money. Spend it on enforcement.
Rumble Strips	210 My husband has been saying this for YEARS! they use strips in Washington state and it seems pretty effective.
Rumble Strips	211 What can it hurt! Pocket book maybe, so sell the vehicles of violators with multiple offenses!
School Programs	212 There should be a segment in driver's education that deal with law enforcement interaction. Have a question and answer session. Get the instructors on board and obeying traffic laws while instructing. There have been cases where a crash occurs and the instructor goes back to the school rather than calling and reporting the crash.
School Programs	213 More time behind the wheel
School Programs	214 Reimplement successful completion of a driver's ed course to graduate from high school.
School Programs	215 getting the kids to buy into the programs might be difficult.
School Programs	216 I wished all students could be in the drivers' ed program that the schools have. But, unfortunately, only a few students can be in the program.
Seat Belt Campaigns	217 Include child safety seat laws
Seat Belt Campaigns	218 More coordination of law enforcement resources
Seat Belt Campaigns	219 get more graphic in depicting the effects on no protection or better the successes of effective protection.
Seat Belt Campaigns	220 I think seat belt campaigns have been beaten dead since the 90s. Talk to Janet Bierer with America's Super Pageant about more creative strategies.
Seat Belt Campaigns	221 Good idea but like DUI campaigns it doesn't work. The culture in MT needs fixing. Make the people aware of the cost to tax payers as the injury awareness isn't working.
Seat Belt Campaigns	222 use evidence-based strategies
Seat Belt Campaigns	223 Issuing tickets will spread the word much faster than a worthless TV ad.
Seat Belt Campaigns	224 Save your money. The only solution is a primary seat belt law and stronger enforcement.
Seat Belt Campaigns	225 We're not stupid just unaccountable!
Seat Belt Laws	226 This needs to include Child safety seats. I see children fairly often running around in the back seats of the car not in car seats of even in a seat belt.
Seat Belt Laws	227 Should move to a primary law. 80% of fatalities were unrestrained.
Seat Belt Laws	228 Should be a primary offense. Secondary offenses have little to not teeth.
Seat Belt Laws	229 71% of fatal crashes involved lack of seat belt use in MT. Enough said.
Seat Belt Laws	230 This will only work when tickets are passed out.
Seat Belt Laws	231 It was my belief that MT does not have a "primary" seat belt law.
Seat Belt Penalties	232 Site driver if vehicle is involved in an accident that is non-fatal to the driver. At all times when reporting on car crashes note whether seat belts were worn--policy with news media.
Seat Belt Penalties	233 Current penalty is sufficient.
Seat Belt Penalties	234 A \$20 fine provides no deterrent.
Seat Belt Penalties	235 first you must attempt enhanced enforcement on the whole driving population.
Seat Belt Penalties	236 The tax payer that wears a seat belt pays higher insurance rates then those not wearing a seat belt pay in the fine!
Seat Belt Penalties	237 Monetary penalties aren't necessarily going to help if the offender is not able to pay.
Seat Belt Penalties	238 This might help, but some dummies won't buckle up regardless of the penalty. The only penalty they understand is being ejected and killed.
SellerServer Education	239 This would be very difficult to implement and enforce.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
SellerServer Education	240 It's being done already.
SellerServer Education	241 better recognition might help them spot the borderline cases.
SellerServer Education	242 good for bartenders, waitress and owners to know more about it.
SellerServer Education	243 Absolutely critical but there have to be penalties for over-service. This is currently rarely enforced because it is so difficult to do so.
SellerServer Education	244 A few stings on sellers would shake up the whole industry.
SellerServer Education	245 Obviously the server is more capable of determining drunkenness than someone who is drunk.
SellerServer Enforcement	246 Same comment, focus on the actual enforcement first, the penalties second.
SellerServer Enforcement	247 Severely impaired drivers leaving bars is a big part of the problem.
SellerServer Enforcement	248 Responsibility is with consumer!!!
SellerServer Enforcement	249 This is where it has to start - the person watching the consumption should be able to determine the fitness of the consumer.
SellerServer Enforcement	250 Mixed feelings about this. It's a muddy proposition at best.
SellerServer Enforcement	251 Bartenders that overserve patrons too. They are aware of the person's ability to safely operate a motor vehicle.
SellerServer Enforcement	252 they biggest problem I have with this is that I know people that can way over the line of impaired, but look totally in control. They might be functioning in a social environment but still not be able to the snap judgement or the reation time needed to prevent an accident. How is the bar tender supposed to know the difference. It obvious when someone is falling down drunk, but we all know there's a lot of distance from there and 0.8 on the scale.
SellerServer Enforcement	253 Once again I believe this is already enforced.
SellerServer Enforcement	254 Always a weak link in Montana. The idea that alcohol-serving establishments have no responsibility for monitoring people's intoxication level has got to end.
SellerServer Enforcement	255 If someone gets arrested for DUI after leaving Ted's Diner in CO, Ted's becomes responsible. We should do that also.
SellerServer Enforcement	256 It is not the sellers fault. Unless the police will come and remove a person who is refused, it is not safe for the server. If a seller/server refuses to serve more and the person does not leave then it is trespassing and the person should be arrested.
SellerServer Enforcement	257 Since when does McDonald's tell me I have to eat a salad for lunch instead of that Double Quarter Pounder with Cheese? Get my drift?
SellerServer Enforcement	258 This will never work in Montana. Would be nice, but it doesn't happen.
Suggestion Impaired Driving Crashes	259 Do not waste taxpayers \$\$\$ on lazy employees who do not help improve anything except their own job security. The rehab program is a joke.
Suggestion Impaired Driving Crashes	260 Ban use of cell phones while driving including law inforcement
Suggestion Impaired Driving Crashes	261 DUI Checkpoints on major roads.
Suggestion Impaired Driving Crashes	262 Enforcement of speed limits and traffic stops for violations will reveal more impaired drivers.
Suggestion Impaired Driving Crashes	263 Reduced automobile parking at places that serve alcohol.
Suggestion Impaired Driving Crashes	264 Provide alternate transportation choices like buses running later, free cab rides home when needed, volunteer drivers, etc..
Suggestion Impaired Driving Crashes	265 Upon the first conviction a driver must have blow and test monitor attached to the car electrical system at the cost of the owner.
Suggestion Impaired Driving Crashes	266 Include education and rehabilitation options for repeat offenders so they can gain the skills to break the habit.
Suggestion Impaired Driving Crashes	267 How about mandatory turning over of keys in order to purchase alcohol at bars, and breathalyzers wherever liquor/beer is sold? If you blow over the limit you cannot get your keys or purchase any (more).
Suggestion Impaired Driving Crashes	268 If vehicle is sold people will think twice!
Suggestion Impaired Driving Crashes	269 Get repeat DUI offenders off the streets!
Suggestion Inattentive/Distracted Driving	270 10' or 11' wide lanes and bike lanes create a more predictable environment and calm traffic (slower speeds).

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Suggestion Inattentive/Distracted Driving	271 Larger signage, and more consistent speed limits on each and every street.
Suggestion Inattentive/Distracted Driving	272 Support emerging vehicle technologies of interactive operation.
Suggestion Inattentive/Distracted Driving	273 Drivers in Montana (and bicycle riders) need to be better educated on traffic laws related to bicycles. Many automobile drivers are clueless about bikes. Conversely, there are a lot of bike riders who ride stupid and do not obey traffic laws.
Suggestion Inattentive/Distracted Driving	274 Install cameras at intersections to ticket drivers who run red lights. It is becoming an epidemic in Billings!!!
Suggestion Intersectionrelated Crashes	275 Bike lanes need to be carried through intersections; right now it's not clear where bikes go, oftentimes.
Suggestion Intersectionrelated Crashes	276 Education for Drivers to be aware of bikes and pedestrians
Suggestion Intersectionrelated Crashes	277 Teach the public to assist with enforcement!! Have the Billings Police Dept or City Attorney give a crash course on the public television station of how to report a vehicle that has just run a stop sign, allow the public to write up a complaint- send it to the BPD and let them issue a ticket or suppeona! With the cell phone capable of doing a video, seems we should get a description of the car and driver along with the license plate, then we have to have the guts to sign the complaint!
Suggestion Intersectionrelated Crashes	278 Stronger and ongoing driver certification, including attitude, focus, as well as operation and basic rule practical knowledge.
Suggestion Intersectionrelated Crashes	279 Intersection photo citations. If people don't like it to bad, it will help save lives!
Suggestion Intersectionrelated Crashes	280 Get rid of all of the uncontrolled intersections in Billings. Add yield and stop signs in these neighborhoods. People coming from larger cities don't even realize that there are unmarked intersections here, its a very dangerous situation.
Suggestion Intersectionrelated Crashes	281 Reduce speeds of traffic in congested or transition zones. Downtown, (64&hesper, 48&grand, anything on grand ave)
Suggestion Intersectionrelated Crashes	282 Install more roundabouts, especially in neighborhoods (such as they have done in other MT towns). Controls traffic nicely, and adds interest.
Suggestion Motorcycle Crashes	283 Pedestrians: Montana drivers are horrible concerning pedestrian traffic in general. When you first run into it, California's law making the right of way for pedestrians absolute seems to be a bit draconian towards drivers, but it does make sure drivers are constantly on the lookout for foot traffic. We could use a lot of that awareness here.
Suggestion Motorcycle Crashes	284 Drivers aren't looking for motorcycles. We need to do something to increase awareness of motorcycles on the streets. Also bicycles
Suggestion Motorcycle Crashes	285 helmets and safety gear should be mandatory..period
Suggestion Older Driver Involved	286 Mandatory drivers test that cater to seniors. they have a lack of reflex action.
Suggestion Older Driver Involved	287 Mandatory at a certain age as to not offend and/or give a positive influence!
Suggestion Older Driver Involved	288 Mandatory at a certain age as to not offend and/or give a positive influence! Maybe some incentives too! free tickets ,multi discounts ect.....
Suggestion Roadway Departure Crashes	289 I don't see roadway departure as a big issue. Seems like most crashes are related to substance abuse.
Suggestion Roadway Departure Crashes	290 Rumble strips
Suggestion Young Driver Involved	291 Parents need to be more involved in the learning process.
Suggestion Young Driver Involved	292 Parents need to take responsibility - get in the car, ride with the child and tell them what you are looking for as you drive, how do you respond on ice, how close to follow the car ahead, where to put the cell phone while you are behind the wheel - try this simple technique - have them drive around comfortably for a couple blocks, then ask them to place BOTH HANDS ON THE WHEEL, now drive for a couple blocks and see which part of the drive they feel they paid most attention during!!
Suggestion Young Driver Involved	293 Increase the age at which a young person is allowed to begin driving. At the age of 14-15, their brains are not developed enough to have the decision making and reaction skills needed for safe driving.
Suggestion Young Driver Involved	294 Driver education for all. Make people retake the written exam every 16 years.
Suggestion Young Driver Involved	295 This needs to be opened up to private companies. The drivers education program in MT should not be taught by teachers. Private industry would make it so much better.
Suggestion Young Driver Involved	296 Bike safety for DRIVERS sharing the road
Suggestion Young Driver Involved	297 before a new driver is allowed to solo drivers license they must have a documented form that shows the have spent at least 50 with an experienced driver in the vehicle.

Billings CTSP - Comment Summary

Strategy Screen



Topic Area	Comment
Transportation Alternatives	298 The MET system needs to add better equipment, update to at least 20th century technology and run more than once an hour on its routes
Transportation Alternatives	299 Increase the hours of operations for Metro buses. What do folks do if they work evenings and don't have a vehicle? May be able to ride a bike if weather permits but what about in the winter??
Transportation Alternatives	300 Buses are great; however, they don't run out of the city limits. It would be great to have this service available for surrounding areas such as Lockwood!
Transportation Alternatives	301 People won't use this as much as they don't use the current public transportation.
Transportation Alternatives	302 The public transportation system in Billings is inadequate. Especially later at night. I think Uber would really help this problem.
Transportation Alternatives	303 Personally I don't see older drivers taking responsibility for their limitation by alternative travel options.
Young Driver Education	304 Make driver ed a mandatory graduation requirement with expanded driving instruction.
Young Driver Education	305 not sure what this is about?
Young Driver Education	306 make driver ed a REQUIRE
Young Driver Education	307 Give young drivers something to work toward. The better you are at driving the more we will reward you for it. Give them something that will make them feel like they are earning it. Breaks on tags, personalized plates, insurance, maybe even a safe driver scholarship program. The kids who attend drivers ed and pass should continue to get a break on their insurance but it would be great if it wasn't necessarily about their grades as much as it was about their actual driving record. Not all kids are going to college after high school and some kids are home schooled or have even dropped out to work and provide for their families. Non judgmental of the reasons... but keep it on the task at hand. Keep it driving related. Incentives that will entice our youth to drive safely will keep them all aware and make them WANT to do the right thing.... like slow down and stay off their cell phones.
Young Driver Education	308 Give them tools to fix the problem - apps that will auto reply when driving or turn off phone.



Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Assign Northridge Assets, LLC Development Agreement

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

On December 21, 2015, the City Council approved a Development Agreement and tax increment grant to Northridge Assets, LLC, owners of the recently completed Comfort Suites, 4910 Southgate Drive, Billings, Montana. The grant will reimburse the owners for public improvements associated with the hotel. The grant amount is \$370,847, to be paid in four equal annual installments beginning on June 1, 2017. Northridge recently sold the property to Southgate Hotels, LLC. Northridge requests that the City assign the Development Agreement benefits to the new owner.

ALTERNATIVES ANALYZED

City Council may:

- Approve the assignment , or;
- Disapprove it.

FINANCIAL IMPACT

None of the funds have been distributed, but the first installment of \$92,711.75 is budgeted in the South Billings Urban Renewal Area (SBURA) FY17 budget. The FY17 SBURA revenue is projected to be \$2,619,000, so the Northridge reimbursement represents about 3.5% of the total.

RECOMMENDATION

Staff recommends that the City Council approve the Assignment Agreement that transfers the benefits of a development agreement and City TIF grant from Northridge Assets, LLC to Southgate Hotels, LLC.

APPROVED BY CITY ADMINISTRATOR

Attachments

Assignment
Development Agreement

ASSIGNMENT AGREEMENT

The **City of Billings**, Montana, a municipal corporation with an address of PO Box 1178, Billings MT 59103, and the **South Billings Urban Renewal Association** with an address of 430 S Billings Blvd, Billings MT 59101 hereby consent to the assignment ("**Assignment**") of the rights, title, and interest of **Northridge Assets, LLC** a North Dakota limited liability company having an address at 1551 28th Ave South, Suite L Grand Forks, ND 58201 ("**Assignor**") to a certain development agreement attached hereto as Exhibit A ("**Development Agreement**"), and the assumption of the obligations and liabilities thereunder accruing from and after the date of the Assignment (the "**Assignment Date**") by **Southgate Hotels, LLC** a Montana Limited Liability Corporation with an address 1345 Mullowney Ln, Billings, MT 59101 ("**Assignee**"); subject the following conditions:

1. Conditions.

- a) Authority. The Parties each hereby represent that all necessary authorizations required for the execution of this instrument have been given and that each of the undersigned representatives has been duly authorized to execute this instrument and bind the party for which it signs.
- b) Assumption. Immediately upon the Assignment from Assignor to Assignee, Assignee assumes Assignor's duties and obligations under the Development Agreement.
- c) No Further Agreement. All parties consent to this Assignment shall not be deemed consent to any future assignment or transfer of the Development Agreement.

2. Release.

The parties hereto agree that subject to the satisfaction of the conditions set forth in Section 1 of this instrument, Assignor shall have no further obligations or liabilities accruing under the Development Agreement after the Assignment Date. Notwithstanding anything herein to the contrary, nothing herein shall release Assignor from its obligations and liabilities under the Development Agreement to the extent such obligations and liabilities arose or accrued prior to the Assignment Date.

3. Notices.

The Agreement provides that as of the Assignment Date, the notice address is as follows:

City of Billings
PO Box 1178
Billings, MT 59103
Attn: Brent Brooks

Northridge Assets, LLC
1551 28th Ave South, Suite L
Grand Forks, ND 58201
Attn: Penny Zola

South Billings Urban Renewal Assoc.
430 S Billings Blvd
Billings, MT 59101
Attn: Shawn Hanser

Southgate Hotels, LLC
1345 Mullowney Ln
Billings, MT 59101
Attn: Nasima Khan

4. Miscellaneous.

- a) This agreement will be binding to the benefit of the parties hereto, their successors and assigns.
- b) The parties agree that a scanned or electronically reproduced copy or image of this executed instrument shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence hereof.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

NORTHRIDGE ASSETS, LLC

By: _____
Its:

STATE OF MONTANA)
)
County of Yellowstone)
)
:ss

This instrument was acknowledged before me on the ___ day of _____,
2015, by _____, the _____, of Northridge
Assets, LLC

SEAL

Sign: _____
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: _____

SOUTH BILLINGS URBAN RENEWAL ASSOCIATION.

By: _____
Its: President

STATE OF MONTANA)
 :SS
County of Yellowstone)

This instrument was acknowledged before me on the ____ day of _____,
2015, by _____, the _____, of South Billings
Urban Renewal Association.

SEAL

Sign: _____
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: _____

EXHIBIT A

Executed Development Agreements

Return to:
 City Clerk
 City of Billings
 PO Box 1178
 Billings, MT 59103

AG

3773206

04/05/2016 02:49 PM Pages: 1 of 7 Fees: 59.00

Jeff Martin Clerk & Recorder, Yellowstone MT



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) - dated as of this 21st, day of December 2015, is entered into by and between **Northridge Assets, LLC**, a North Dakota limited liability company, with an address of 1551 28th Ave South Suite L, Grand Forks, ND 58201, the **City of Billings (the “City”)**, a municipal corporation with an address of 210 North 27th Street Billings, Montana 59103, and **South Billings Urban Renewal Association, Inc. (SBURA)**, a 501(c)(6) non-profit organization located at 430 S Billings Blvd, Billings, MT 59101, (collectively, the “Parties”).

WITNESSETH:

WHEREAS, pursuant to City of Billings Ordinance No. 08-5462 (the “Ordinance”) the City has created the South Billings Boulevard Urban Renewal District (the “Urban Renewal District”) which contains a tax increment provision;

WHEREAS, Northridge Assets, LLC plans to develop certain property located within the Urban Renewal District as a new hotel on property more particularly described in the Northridge Assets, LLC TIF Application Packet (the “Project”) and has provided the Urban Renewal District with a schedule of development.

WHEREAS, the City requires certain details and specification of the rights, duties, obligations and responsibilities which exist in connection with the construction of certain public improvements, consisting of curb, gutter, and sidewalk, drive approaches, landscaping, demolition and abatement, and public utilities as well as all engineering and architectural services, labor material costs, and other costs associated with the construction and installation thereof, as more particularly set forth in the Northridge Assets, LLC TIF Application Packet attached hereto and made a part hereof (hereafter the “Public Improvements”);

WHEREAS, it is the Parties’ intention and desire that a portion of the tax increment revenue generated from the Project (the “Project Tax Increment Revenue”) be used to pay for the costs of a portion of the Public Improvements;

WHEREAS, pursuant to the Ordinance, the City has determined that the Project and Public Improvements to be constructed therewith are Urban Renewal Projects and that such improvements are eligible for tax increment financing;

WHEREAS, the City, and the SBURA, pursuant to the Ordinance creating the Urban Renewal District has determined that it is appropriate to return a portion of the Project Tax Increment Revenue to Northridge Assets, LLC.

WHEREAS, the SBURA board of Directors has voted at its September 1st, 2015 Board of Directors meeting to recommend funding the Northridge Assets, LLC TIF

application for a certain amount, pursuant to a Memorandum of Understanding approved by the City January 13, 2014 establishing the roles of the parties.

NOW THEREFORE, for good and valuable consideration, the Parties hereto hereby agree, covenant and represent as follows:

Section 1. Development of the Project.

- 1.A. The SBURA has prepared an application packet titled "Northridge Assets, LLC TIF Application Packet" which projects the amount of Project Tax Increment Revenue that will be generated from development of the Project. Northridge Assets, LLC represents that they have undertaken or will undertake construction of the Project, which consists of the construction of an approximately 56,000 square foot hotel property, public utility improvements, demolition and abatement, landscaping, as well as sidewalk, curb, gutter, and drive approaches located at 4908 Southgate Drive near the corner of King Avenue East and South Billings Boulevard.
- 1.B. Northridge Assets, LLC has obtained or will obtain the necessary approval from the City for all construction related to the Project. Northridge Assets, LLC shall construct all on-site improvements in accordance with City ordinances and any other applicable local, state and/or federal laws or regulations. The proposed development plan conforms to the current zoning of the Property. All improvements and construction thereon and adjacent to the Project, including, but not limited to off-site development, building construction, landscaping, and lighting shall be performed in accordance with all local, state, and/or federal regulations and laws, and as approved by the City. Northridge Assets, LLC acknowledges that the Project is subject to applicable utility system development fees in place at the time a building permit was secured as to the construction and/or the extension of services to the Project or any portion thereof. Those fees shall be due and payable from Northridge Assets, LLC at the time of request for service extensions.

Section 2. Construction and Maintenance of the Public Improvements. Northridge Assets, LLC will construct the Public Improvements as a part of the construction project. Northridge Assets, LLC agrees to maintain the adjacent sidewalks and boulevard landscaping as per City policy.

Section 3. Assessments, Taxes, and Abatements. Northridge Assets, LLC acknowledges and understands that the Project will be assessed for real property taxes and at some time in the future may be assessed with respect to special improvement districts. In this regard, Northridge Assets, LLC agrees to pay when due and applicable



all special improvement district assessments and taxes. It is understood that the Northridge Assets, LLC shall at no time pursue a tax abatement either through the City of Billings or Yellowstone County. Application for a tax abatement by Northridge Assets, LLC will terminate this agreement in its entirety including any future reimbursement payments.

Section 4. Reimbursements. Consistent with the Parties' desire that a portion of the Project Tax Increment Revenue, specific to this Project, be used to reimburse Northridge Assets, LLC for a portion of the costs of Public Improvements, the City agrees to allocate up to and not to exceed \$370,847.00. This reimbursement is to be reimbursed in four (4) equal installments of \$92,711.75. The initial reimbursement payment by the City to Northridge Assets, LLC is conditional upon the issuance of a Certificate of Occupancy from the City of Billings Building Division. The initial payment and subsequent payments will be made on June 1st of each year following the issuance of said permit. It is understood that at no time shall Northridge Assets, LLC be reimbursed for more than the portion of the cost of the total agreed upon qualified public improvements. The cost of said Public Improvements may be subject to Audit by the City.

Section 5. Obligation of the City. The City intends to refund a portion of the costs for Public Improvements as set forth above to Northridge Assets, LLC using South Billings Boulevard Urban Renewal District tax increment dollars when this project has been granted a Certificate of Occupancy by the City of Billings Building Division. Subsequent annual reimbursement payments are to be made with South Billings Boulevard Urban Renewal District tax increment dollars. The reimbursement obligation shall constitute subordinate obligations payable from district tax increment on a subordinate basis to any bonds issued and serviced utilizing SBBURD Tax Increment funds. Nothing herein shall prevent the City from issuing bonds, notes or other similar obligations payable from SBBURD Tax Increment. Notwithstanding anything herein to the contrary, so long as all amounts then due and owing under the bonds have been paid, the City will pay the annual reimbursement payment pursuant to the agreed upon amount as per Section 4, The City of Billings agrees to notify all parties by March 1 of any year in which TIF Funds will be insufficient. Additionally all parties agree to negotiate and agree on a revised reimbursement schedule at that time to ensure the full agreed upon reimbursement amount is provided.

Section 6. Entire Agreement. This Agreement supersedes all prior written or oral understandings or negotiations that the Parties may have undertaken and constitutes the entire agreement between the Parties.

Section 7. Governing Law. This Agreement shall be governed by and construed in accordance with the applicable laws of the State of Montana. Venue shall be in Yellowstone County, Montana.



Section 8. Construction. If any provision of this Agreement is found to be invalid to any extent, the remainder of this Agreement shall not be affected thereby, and any such provision of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

Section 9. Successors and Assigns. The stipulations and agreements of this Agreement shall be binding upon the Parties' successors and assigns.

Section 10. Notices. Any notice, demand or request under this Agreement shall be delivered in person or sent via U.S. Certified Mail, postage prepaid, to the Parties at the following addresses:

City of Billings
2825 3rd Avenue North, 4th Floor
Billings, MT 59101
Attn: Candi Millar

Northridge Assets, LLC
1551 28th Ave South, Suite L
Grand Forks, ND 58201
Attn: Brett Carlson

South Billings Urban Renewal Association, Inc.
430 S Billings Blvd
Billings, MT 59101
Attn: Shawn Hanser

Section 11. Attorney Fees. If it becomes necessary for any party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, or to give any notice required herein, then the prevailing party shall be entitled to recover from the other party its' reasonable attorney fees and costs.

Section 12. Amendments. Amendments or modifications to this Agreement or any provisions herein shall be made in writing by the party requesting the change and upon written acceptance and execution by all parties shall become a part of this Agreement.

Section 15. Force Majeure. For the purposes of this Agreement "Force Majeure" shall mean any act of God, fire, earth movement, flood, explosion, action of the elements, war, invasion insurrection, acts of terrorism, riot, mob violence, sabotage, inability to procure general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions (unless provoked in bad faith violation of any labor laws by the party claiming its obligation or undertaking was prevented or delayed), condemnation, requisition, laws, orders of governmental or civil



or military or naval authorities, or any other cause, similar to the foregoing, not within the control of such party, provided, however, Force Majeure, shall not include lack of funds or inability of obtain financing. During any time period in which an element of Force Majeure may exist, the Parties hereto are excused as to any performance substantially affected thereby.

Section 16. Parties to this Agreement. The only parties to this Agreement are Northridge Assets, LLC, the City of Billings, and SBURA, Inc. This Agreement establishes a right of reimbursement for the cost of Public Improvements paid by Northridge Assets, LLC and the City shall honor that obligation as set forth herein.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

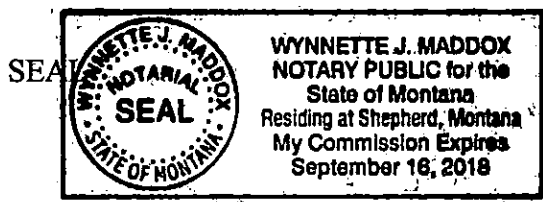
CITY OF BILLINGS

By: Thomas W. Hanel
Mayor

Attest: Billie Guenther
City Clerk

STATE OF MONTANA)
) :SS
County of Yellowstone)

This instrument was acknowledged before me on the 28th day of March, 16 2018, by Thomas W. Hanel and Billie Guenther, respectively as Mayor and City Clerk or of the City of Billings.



Sign: Wynnette J. Maddox
Print Name: Wynnette J. Maddox
Notary Public for the State of Montana,
Residing at Billings, MT Shepherd
My Commission expires: 9-18-2018

AG

3773206

04/05/2016 02:49 PM Pages: 7 of 7 Fees: 59.00
Jeff Martin Clerk & Recorder, Yellowstone MT



**SOUTH BILLINGS URBAN RENEWAL
ASSOCIATION.**

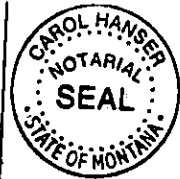
By: Shawn M Hanser
Its: President

STATE OF MONTANA)
 :SS
County of Yellowstone)

This instrument was acknowledged before me on the 24 day of December
2015, by Shawn M Hanser, the President
of South Billings Urban Renewal Association.

Sign: Carol Hanser
Print Name: Carol Hanser
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: March 18, 2016

SEAL



CAROL HANSER
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
March 18, 2016

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Access Easement For River Park Retirement Court

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Lot 14 of Brittain Acres is located on Yellowstone River Road and Cottonwood. There are storage units on the parcel. It's only access is from Yellowstone River Road, however, there is a parcel of land between it and Yellowstone River Road. This parcel is owned by the City of Billings and has a bike path on it. The property owner has always accessed the lot from Yellowstone River Road over the parcel with the bike path. The owner has requested an access easement from the City to continue with this access. This easement will formalize their access.

ALTERNATIVES ANALYZED

The Council may:

- Approve the access easement, or
- Do not approve the access easement. If an easement does not exist, there would be no formal access to Lot 14, Brittain Acres.

FINANCIAL IMPACT

There is no financial impact associated with approval of this easement.

RECOMMENDATION

Staff recommends that the City Council approve an access easement for Lot 14 of Brittain Acres.

APPROVED BY CITY ADMINISTRATOR

Attachments

Easement
Exhibit A

RETURN TO:
CITY OF BILLINGS
Attn : City Clerk
P.O. Box 1178
Billings, MT 59103

***** ACCESS EASEMENT *****

For valuable consideration, The **CITY OF BILLINGS**, (“Grantor”) a political subdivision of the State of Montana, whose address is Post Office Box 1178, Billings Montana 59103, through its City Council, does hereby GRANT, SELL and CONVEY to the **RIVER PARK RETIREMENT COURT LLC**, of Post Office Box 731, Sedro, Woolley Washington 98284, (“Grantee”) and their successors, assigns and apportionees an easement upon which to grant access and construct, operate, maintain, replace, upgrade and remove utilities and necessary appurtenances which may deem necessary to develop Tract 14, Certificate of Survey 4, (Brittain Acres), Recorded April 11, 1945, Under Document No. 399701, Records of Yellowstone County, Montana, over, under, along and across that certain real property situated in the SW1/4 of Section 23, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana, being more particularly described as follows:

DESCRIPTION OF EASEMENT
SEE ATTACHED EXHIBIT “A”

A portion of land, being 30.0 feet in width through abandoned Central Branch of Burlington Northern Railroad Company Right-Of-Way. As described within Parcel 15 of Quitclaim Deed, Recorded January 29, 1985, Under Document No. 1338276, Records of Yellowstone County. Further described as; Commencing at the northeast corner of said Tract 14 Certificate of Survey 4, (Brittain Acres); thence in a southwesterly direction and along the east line of said Tract 14 for an approximate distance of 45.00 feet to the True Point of Beginning, Point being the Centerline of a 30.00 wide access easement; thence along a curve right with an approximate radius of 360.0 feet and an approximate arc length of 168.00 feet to the existing westerly Right-Of-Way of Yellowstone River Road.

Easement is intended to occupy an existing entrance into said Tract 14 off of Yellowstone River Road and is to be as used as built.

The above described parcel contains 5,025 square feet, more or less.

Together with reasonable right of access to and from the easement area over lands of the Grantor using existing roads where practicable, the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences, and the right to clear and remove all timber, brush or vegetation outside the easement area that may hinder access or utility installation and maintenance.

In addition, the Grantee, its successors, agents, contractors, and employees agree to the following conditions of entry:

1. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the uses for which this agreement is made. If additional damage does occur it shall be the responsibility of the Grantee, its successors, agents, contractors, and employees to replace and/or restore the area to its original state.
2. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor

RETURN TO:
CITY OF BILLINGS
Attn : City Clerk
P.O. Box 1178
Billings, MT 59103

Grantor covenants and agrees with Grantee that Grantor is lawfully seized and possessed of the above-described real estate and Grantor has a good and lawful right to convey it, or any part thereof.

DRAFT

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this _____ day of _____, 20____.

CITY:

CITY OF BILLINGS, a Montana
Municipal Corporation

By: _____
THOMAS W. HANEL, Mayor

ATTEST:

By: _____
DENISE R. BOHLMAN, City Clerk

STATE OF MONTANA)

: ss.

County of Yellowstone)

On this _____ day of _____, 20____ before me, a Notary Public for the State of Montana, personally appeared **THOMAS W. HANEL** and **DENISE R. BOHLMAN**, known to me to be the Mayor and City Clerk, respectively, of the **City of Billings, Montana**, and acknowledged to me that they executed the foregoing instrument.

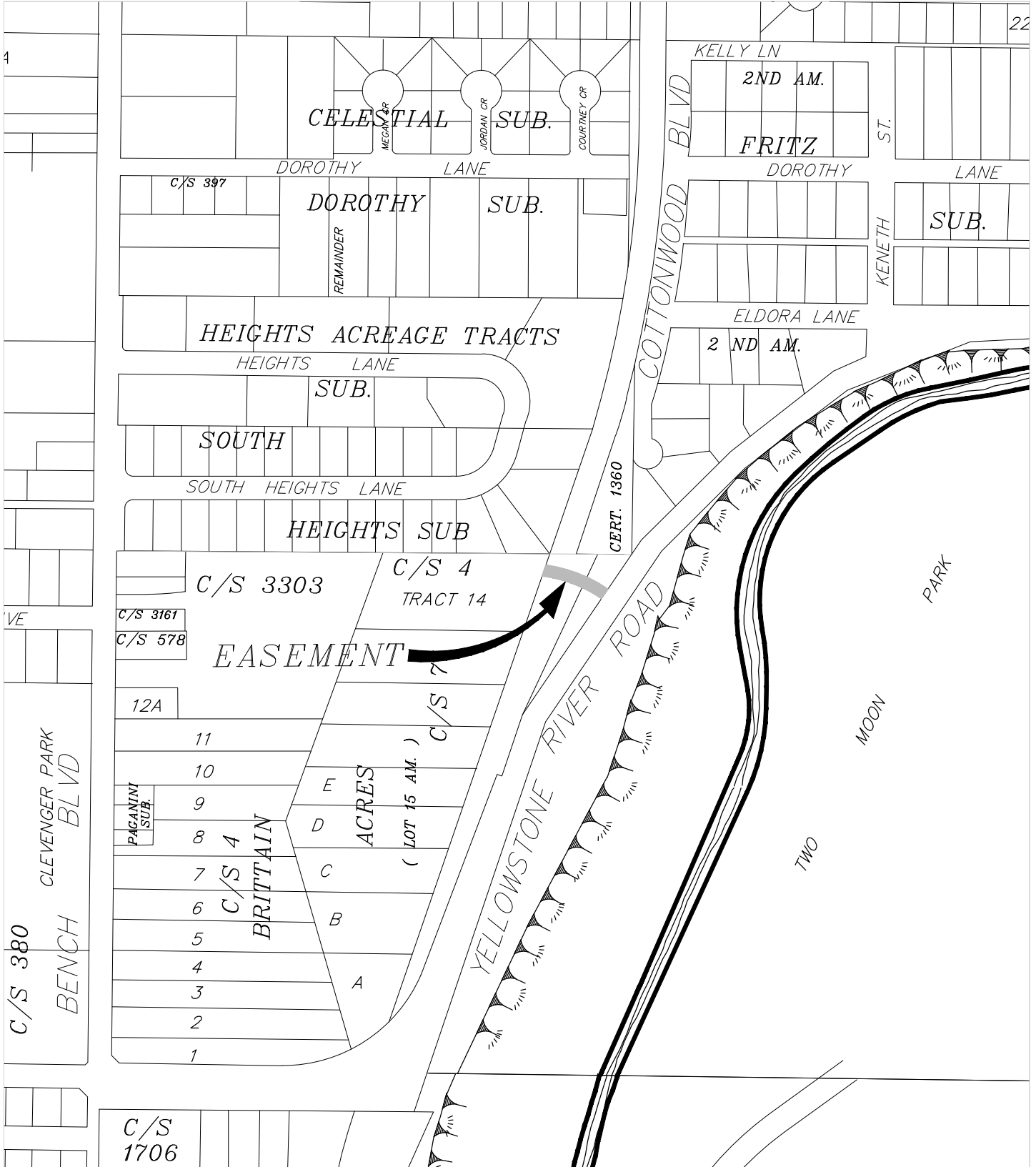
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____ (Signature)

(NOTARIAL SEAL)

_____ (Printed Name)
Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: _____

EASEMENT EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for Gainans Loan 1

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on October 18, 2016 and gave conditional approval of a loan for \$ 115,000.00 to Todd Gainan. This first loan would be used to renovate and repair the Galles Building located at 2920 1st Avenue South. The building needs new gutters, a new roof and updated lighting. Chuck Gainan would be guarantor for this loan.

ALTERNATIVES ANALYZED

If Council does not approve the loan, renovation would be delayed.

FINANCIAL IMPACT

The Downtown Revolving Loan Fund has a FY 17 budget of \$500,000 and almost \$1.2 million cash that is available for lending.

RECOMMENDATION

The Downtown Revolving Loan Committee recommends Council approve the loan to Todd Gainan.

APPROVED BY CITY ADMINISTRATOR

Attachments

Gainans 1

Revolving Loan Fund Loan

October 18, 2016

Gainans loan 1 loan terms are as follows:

Loan:	\$ 115,000.00
Interest Rate:	2.25% Adjusted annually
Term:	Amortized over twenty years
Payments:	Minimum payments calculated at a rate of 2.25% over a ten year term with balloon payment
Collateral:	Personal Guarantee from Chuck Gainan
Disbursement:	The City will disburse funds after it receives Council approval.

This loan is for the purpose of renovation to the exterior with a new roof and gutters.

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for Gainans Loan 2

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on October 18, 2016 and gave conditional approval of a loan to Filters and More (Todd Gainan). Loan #2 would be in the amount of \$250,000.00. Loan #2 would be for the Galles business to update the inventory to bar code scanners, update shelving units so a larger facility is not needed and other updates. Chuck Gainan would be the guarantor on this loan.

ALTERNATIVES ANALYZED

If Council does not approve the loan, updates to the Galles business would be delayed.

FINANCIAL IMPACT

The Downtown Revolving Loan Fund has a FY 17 budget of \$500,000 and almost \$1.2 million cash that is available for lending.

RECOMMENDATION

The Downtown Revolving Loan Committee recommends Council approve this loan to Todd Gainan for the Galles business.

APPROVED BY CITY ADMINISTRATOR

Attachments

Gainans 2

Revolving Loan Fund Loan

October 18, 2016

Gainans loan 2 loan terms are as follows:

Loan:	\$ 250,000.00
Interest Rate:	2.25% Adjusted annually
Term:	Amortized over ten years
Payments:	Minimum payments calculated at a rate of 2.25% over a five year term with balloon payment
Collateral:	Personal guarantee from Chuck Gainan
Disbursement:	The City will disburse funds after it receives Council approval.

This loan is for the purpose of updating the inventory, bar code scanners and update shelving.

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for Mike Mathew - Pub Station

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on October 18, 2016 and gave conditional approval of a loan to Mike Mathew of Pub Station. The loan would be for \$38,750.00. This loan would be used to replace the roof and do some drainage repairs to the building. Guarantor of this loan would be Mike Mathew.

ALTERNATIVES ANALYZED

If Council does not approve the loan, further repairs of the roof and drainage system would be delayed.

FINANCIAL IMPACT

The Downtown Revolving Loan Fund has a FY 17 budget of \$500,000 and almost \$1.2 million cash that is available for lending.

RECOMMENDATION

The Downtown Revolving Loan Committee recommends Council approve the loan to Mike Mathew - Pub Station.

APPROVED BY CITY ADMINISTRATOR

Attachments

Pub Station

Revolving Loan Fund Loan

October 18, 2016

Pub Station, Mike Mathew loan terms are as follows:

Loan:	\$ 38,750.00
Interest Rate:	2.25% Adjusted annually
Term:	Amortized over twenty years
Payments:	Minimum payments calculated at a rate of 2.25% over a ten year term with balloon payment
Collateral:	Personal Guarantee from Mike Mathews
Disbursement:	The City will disburse funds after it receives Council approval.

This loan is for the purpose of renovation to the roof.

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Donation from Phillips 66 - Inflatable Fire House

PRESENTED BY: Paul Dextras, Fire Chief

Department: Fire

PROBLEM/ISSUE STATEMENT

Phillips 66 would like to donate \$10,000 so that the Fire Department may purchase an inflatable fire house, smoke machine and portable generator. The fire house will be used to teach children proper fire safety behavior, such as 'Stop, Drop and Roll' if clothes catch fire, crawling instead of running out of a house, or covering their mouths if it is smoky. This prop will be used in the elementary school system, for the department's fire prevention week, during station tours and at community activities. The ability to teach fire safety at an early age has a direct impact on fire safety throughout a person's life. City Administrative Order #103 requires all donations exceeding \$500 to be approved by the City Council.

ALTERNATIVES ANALYZED

City Council may accept or not accept the \$10,000 donation from Phillips 66 to be used to purchase an inflatable fire house, smoke machine and portable generator to be used to promote fire safety in our community.

FINANCIAL IMPACT

Accepting this \$10,000 donation will allow the City of Billings Fire Department to fully fund the purchase an inflatable fire house. The department could not purchase this training tool without the donation.

RECOMMENDATION

Staff recommends that the City Council accept the \$10,000 donation from Phillips 66 to fully fund the purchase of an inflatable fire house, smoke machine and portable generator to be used for fire safety training within the community.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Accept Donation In the Amount of \$44,000 from Phillips 66 for Rescue Task Force Equipment

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

Phillips 66 wishes to donate \$44,000 to the Billings Police Department to obtain equipment crucial for the implementation of a RESCUE TASK FORCE (RTF) program. The RTF is a program in the process of being implemented jointly by the Billings Police Department (BPD) and Billings Fire Department (BFD).

The RTF program is specifically designed to enhance the BPD and BFD response to Active Shooter / Hybrid Targeted Violence (HTV) incidents, such as a complex coordinated terrorist attack. These attacks often result in mass casualties of civilians in the community and stress the resources and capabilities of local agencies.

This money would purchase of three (3) complete sets of body armor and two (2) complete medical kits to be placed on all seven (7) of the BFD's engine companies. This strategic deployment would allow the kits to be placed around the city and in a full response incident would allow for the immediate treatment and evacuation of up to seventy (70) casualties. Additional, medical supplies will be available for treatment of further casualties.

It is important the BFD is equipped appropriately to protect their personnel while operating in a dangerous and evolving situation.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the donation in the amount of \$44,000 from Phillips 66; or
- Not Approve the donation in the amount of \$44,000 from Phillips 66 and the BPD will not purchase the needed rescue task force equipment.

FINANCIAL IMPACT

There is no direct financial impact if the Council accepts the donation.

RECOMMENDATION

Staff recommends that the City Council accept the donation from Phillips 66 in the amount of forty-four thousand dollars (\$44,000).

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Payment of Claims October 31, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$761,722.72 have been audited and are presented for City Council payment approval. A complete listing of the claims dated October 31, 2016, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo_10.31.2016

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799227	Acom Inc	\$ 10,147.50	5620-71200-409290	Paint Exterior of IP-7
10/31/2016	799232	Alpine Plumbing, Heating & Cooling	\$ 4,471.50	7020-51710-403690	Run gastite in Cemetery shop inv73412 091516
10/31/2016	799235	Applause App Quality Inc	\$ 3,000.00	5610-71100-403590	Invoice #26846. Mobile app pre-release testing
10/31/2016	799236	Archie Cochrane	\$ 1,222.73	1500-21120-402320	5193657
10/31/2016	799236	Archie Cochrane	\$ 26.32	1500-21120-402320	5195006
10/31/2016	799236	Archie Cochrane	\$ 245.64	1500-21120-402320	5195512
10/31/2016	799236	Archie Cochrane	\$ 3,129.43	1500-22260-402320	701993/1
10/31/2016	799238	Automated Office Inc	\$ 68.48	0100-51100-402190	Ink for copier.
10/31/2016	799238	Automated Office Inc	\$ 68.47	0100-51120-402190	Ink for copier.
10/31/2016	799238	Automated Office Inc	\$ 68.48	0100-51210-402190	Ink for copier.
10/31/2016	799238	Automated Office Inc	\$ 6,765.00	6050-15160-403690	CONTRACT INVOICES
10/31/2016	799238	Automated Office Inc	\$ 2,255.00	6050-15160-403690	CONTRACT INVOICE
10/31/2016	799238	Automated Office Inc	\$ 108.00	1500-21500-405333	Police
10/31/2016	799238	Automated Office Inc	\$ 7.40	6050-15160-403690	C334-02 BUILDING
10/31/2016	799238	Automated Office Inc	\$ 1.27	2550-21420-403630	C367-03 HIDTA
10/31/2016	799238	Automated Office Inc	\$ 88.39	6050-15160-403690	C358-01 ADMINISTRATION
10/31/2016	799238	Automated Office Inc	\$ 51.65	6050-15160-403690	C347-01 COURT
10/31/2016	799238	Automated Office Inc	\$ 12.32	6050-15160-403690	C363-01 LEGAL
10/31/2016	799238	Automated Office Inc	\$ 92.24	6050-15160-403690	C356-01 FINANCE
10/31/2016	799238	Automated Office Inc	\$ 81.00	1500-21500-405333	DETECTIVES
10/31/2016	799238	Automated Office Inc	\$ 20.11	6050-15160-403690	C353-02 FLEET
10/31/2016	799238	Automated Office Inc	\$ 7.04	6050-15160-403690	C379-01 LEGAL
10/31/2016	799238	Automated Office Inc	\$ 58.63	6050-15160-403690	C378-01 COURT
10/31/2016	799238	Automated Office Inc	\$ 66.15	5410-31210-403210	Copier charges
10/31/2016	799240	BASF Corpooration	\$ 46,081.02	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 301715
10/31/2016	799243	Billings Depot Inc	\$ 5,648.67	6600-31100-405310	Rent
10/31/2016	799243	Billings Depot Inc	\$ 8,473.00	6700-31410-405310	Rent
10/31/2016	799250	Bison Motor Company	\$ 24,139.53	6010-15500-409440	2017 F-150XL, Exterior color-Oxford White, Interior
10/31/2016	799250	Bison Motor Company	\$ 2,925.00	6300-17530-407310	2017 F-150XL, Exterior color-Oxford White, Interior
10/31/2016	799269	CTA Inc	\$ 3,264.17	4050-71250-409687	AIP-51 Concourse B Remodel - Design Federal
10/31/2016	799269	CTA Inc	\$ 362.69	4050-71250-409689	AIP-51 Concourse B Remodel - Design Local
10/31/2016	799270	Cucancic Construction Inc	\$ 2,500.00	7090-00000-201100	Retainage release.
10/31/2016	799270	Cucancic Construction Inc	\$ 2,111.62	1500-00000-201100	Retainage release.
10/31/2016	799281	F M Forklift Sales & Service	\$ 783.43	5120-84000-402320	NONSTOCKING ITEMS-P.U.D.
10/31/2016	799281	F M Forklift Sales & Service	\$ 1,960.00	5120-84000-403620	NONSTOCKING ITEMS-P.U.D.
10/31/2016	799284	First Montana Title Co	\$ 10,000.00	2920-66800-407275	FTHB Carly Sease 1743 Lewis Avenue
10/31/2016	799286	Flathead County Sheriff's Office	\$ 17,443.78	2520-21490-407860	Reimbursement of wages for ICAC investigator-
10/31/2016	799286	Flathead County Sheriff's Office	\$ 862.48	2510-21270-403560	Reimbursement of expenses for ICAC quarter
10/31/2016	799288	Gametime	\$ 6,095.05	8730-51990-402342	Playground equipment for Arrowhead Park.
10/31/2016	799289	General Contractors Construction Company Inc	\$ 56,908.18	4050-71250-409687	AIP 53 Concourse B Upgrades Restroom &

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799289	General Contractors Construction Company Inc	\$ 6,323.13	4050-71250-409689	AIP 53 Concourse B Upgrades Restroom &
10/31/2016	799290	Gillig Corporation	\$ 1,204.24	5710-00000-141714	BUS MET PO NUM 301766
10/31/2016	799290	Gillig Corporation	\$ 4,231.68	5710-00000-141714	BUS MET PO NUM 301766
10/31/2016	799290	Gillig Corporation	\$ 470.28	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
10/31/2016	799291	Gilluly	\$ 4,756.00	9000-00000-119000	HAZARDOUS DEVICES SCHOOL
10/31/2016	799292	Goetz Baldwin & Geddes PC	\$ 5,337.20	0100-16110-403560	Watters et al v. COB
10/31/2016	799294	Great Falls Police Department	\$ 3,787.94	2510-21270-403560	Reimbursement of expenses for ICAC quarter
10/31/2016	799298	High Point Networks LLC	\$ 33,906.70	6200-19110-409480	WSCA/NASPO MNWNC-108
10/31/2016	799299	Highmark Traffic Services Inc	\$ 4,100.00	5610-71130-403660	Invoice #5457. Taxiway Epoxy Painting
10/31/2016	799302	Iaff	\$ 4,219.00	9000-00000-209920	Payroll Summary
10/31/2016	799307	Interstate Power Systems, Inc.	\$ 74.67	5120-85000-402320	C007040747.01
10/31/2016	799307	Interstate Power Systems, Inc.	\$ 35,945.15	5710-71440-403690	AUTO &TRUCK MAINT.ITEMS
10/31/2016	799309	Kadrmass Lee & Jackson	\$ 16,107.76	1990-15050-409310	WO 15-07 Orchard Lane; CO#1 01/25/2016
10/31/2016	799315	Local 521	\$ 1,760.00	1500-22240-402260	DRESS COAT/CLASS A UNIFORM: REGULAR /
10/31/2016	799315	Local 521	\$ 175.00	1500-22240-402260	DRESS COAT CLASS A - OVERSIZED/MEN
10/31/2016	799315	Local 521	\$ 382.00	1500-22240-402260	DRESS COAT, CLASS A SINGLE BREASTED
10/31/2016	799315	Local 521	\$ 600.00	1500-22240-402260	DRESS PANT / CLASS A / MEN
10/31/2016	799315	Local 521	\$ 115.00	1500-22240-402260	DRESS PANT / CLASS A / WOMEN
10/31/2016	799315	Local 521	\$ 676.00	1500-22240-402260	DRESS BELL CAP (NAVY) CLASS A UNIFORM
10/31/2016	799323	Missoula Police Dept	\$ 20,444.48	2520-21490-407860	Reimbursement of wages for ICAC investigator-
10/31/2016	799323	Missoula Police Dept	\$ 2,421.22	2510-21270-403560	Reimbursement of expenses for ICAC quarter
10/31/2016	799325	Montana CSED	\$ 4,467.73	9000-00000-209926	Payroll Summary
10/31/2016	799327	Montana Dakota Utilities CNG	\$ 4,632.71	6010-00000-141000	101416 PO NUM 301782
10/31/2016	799328	Montana Dakota Utilities Co	\$ 9.36	2910-66980-407275	FORECLOSURE Program - 3921 Chamberlain
10/31/2016	799328	Montana Dakota Utilities Co	\$ 25.76	0100-51260-403440	061 943 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 6.21	5020-74000-403440	600 490 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 6.21	5020-74000-403440	600 490 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 12.88	5020-74000-403440	610 490 1000 4
10/31/2016	799328	Montana Dakota Utilities Co	\$ 25.76	5020-74000-403440	800 490 1000 4
10/31/2016	799328	Montana Dakota Utilities Co	\$ 12.88	5020-74000-403440	832 001 1000 1
10/31/2016	799328	Montana Dakota Utilities Co	\$ 25.76	5020-74000-403440	900 490 1000 3
10/31/2016	799328	Montana Dakota Utilities Co	\$ 60.19	5020-74000-403440	010 490 1000 0
10/31/2016	799328	Montana Dakota Utilities Co	\$ 15.09	5020-74000-403440	110 490 1000 9
10/31/2016	799328	Montana Dakota Utilities Co	\$ 120.15	6500-15660-403440	130 733 1000 8
10/31/2016	799328	Montana Dakota Utilities Co	\$ 65.14	5020-74000-403440	210 490 1000 8
10/31/2016	799328	Montana Dakota Utilities Co	\$ 138.15	5020-73140-403440	310 490 1000 7
10/31/2016	799328	Montana Dakota Utilities Co	\$ 46.05	5120-83140-403440	310 490 1000 7
10/31/2016	799328	Montana Dakota Utilities Co	\$ 21.13	0100-51120-403440	371 101 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 170.75	5020-73140-403440	410 490 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 56.91	5120-83140-403440	410 490 1000 6

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799328	Montana Dakota Utilities Co	\$ 101.14	1500-22210-403440	442 190 1000 4
10/31/2016	799328	Montana Dakota Utilities Co	\$ 753.06	5020-74000-403440	500 490 1000 7
10/31/2016	799328	Montana Dakota Utilities Co	\$ 20.58	5020-74000-403440	510 490 1000 5
10/31/2016	799328	Montana Dakota Utilities Co	\$ 12.88	1500-21150-403410	514 117 0478 9
10/31/2016	799328	Montana Dakota Utilities Co	\$ 19.48	5020-74000-403440	566 923 1000 8
10/31/2016	799328	Montana Dakota Utilities Co	\$ 26.63	5020-74000-403440	666 923 1000 7
10/31/2016	799328	Montana Dakota Utilities Co	\$ 62.95	5020-74000-403440	700 490 1000 5
10/31/2016	799328	Montana Dakota Utilities Co	\$ 12.88	5210-15920-403440	717 353 1000 6
10/31/2016	799328	Montana Dakota Utilities Co	\$ 969.26	6500-15660-403440	757 633 1000 2
10/31/2016	799328	Montana Dakota Utilities Co	\$ 93.76	5410-31230-403440	770 390 1000 2
10/31/2016	799328	Montana Dakota Utilities Co	\$ 26.85	5120-85000-403440	868 563 1000 7
10/31/2016	799328	Montana Dakota Utilities Co	\$ 35.98	0100-51410-403440	927 890 1000 3
10/31/2016	799328	Montana Dakota Utilities Co	\$ 651.29	6500-15660-403440	989 733 1000 0
10/31/2016	799328	Montana Dakota Utilities Co	\$ 214.47	6500-15660-403440	993 733 1000 4
10/31/2016	799332	Montana State Fireman's Assoc	\$ 3,538.70	9000-00000-209924	Payroll Summary
10/31/2016	799334	Moulton Bellingham PC	\$ 1,917.00	0100-16110-403560	Good Stuff Zoning Violations
10/31/2016	799334	Moulton Bellingham PC	\$ 7,093.75	0100-16110-403560	Watters et al v. COB
10/31/2016	799337	MPPA Montana Police Protective Association	\$ 2,542.31	9000-00000-209923	Payroll Summary
10/31/2016	799339	Napa Auto Parts	\$ 46.56	6010-00000-141000	770053 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 492.24	6010-00000-141000	780223 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 26.68	6010-00000-141000	780432 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 64.83	6010-00000-141000	780681 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 47.85	6010-00000-141000	780979 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 7.74	6010-00000-141000	782013 PO NUM 301794
10/31/2016	799339	Napa Auto Parts	\$ 3.56	5020-74000-402320	780387
10/31/2016	799339	Napa Auto Parts	\$ 16.56	6010-15530-402650	780498
10/31/2016	799339	Napa Auto Parts	\$ 134.26	1500-21120-402320	780803
10/31/2016	799339	Napa Auto Parts	\$ 12.34	6010-15530-402650	780866
10/31/2016	799339	Napa Auto Parts	\$ 19.90	1500-21120-402320	780981
10/31/2016	799339	Napa Auto Parts	\$ 174.19	2110-31320-402320	781107
10/31/2016	799339	Napa Auto Parts	\$ 32.66	6010-15530-402650	781107
10/31/2016	799339	Napa Auto Parts	\$ 10.92	1500-21120-402320	781214
10/31/2016	799339	Napa Auto Parts	\$ 15.75	5410-31220-402320	781563
10/31/2016	799339	Napa Auto Parts	\$ 15.75	5410-31220-402320	781573
10/31/2016	799339	Napa Auto Parts	\$ 16.65	0100-51120-402320	782133
10/31/2016	799339	Napa Auto Parts	\$ 34.80	1500-21120-402320	782249
10/31/2016	799339	Napa Auto Parts	\$ 183.52	5410-31230-402320	782715
10/31/2016	799339	Napa Auto Parts	\$ 530.83	1500-22260-402320	776359
10/31/2016	799339	Napa Auto Parts	\$ 13.10	6010-15530-402650	777756
10/31/2016	799339	Napa Auto Parts	\$ 2.71	1500-21120-402320	778027

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799339	Napa Auto Parts	\$ (84.64)	1500-22260-402320	778191
10/31/2016	799339	Napa Auto Parts	\$ 12.27	6010-15530-402650	778199
10/31/2016	799339	Napa Auto Parts	\$ 16.58	0100-51120-402320	778311
10/31/2016	799339	Napa Auto Parts	\$ 169.00	6010-15530-402650	778492
10/31/2016	799339	Napa Auto Parts	\$ 7.99	6010-15530-402650	778494
10/31/2016	799339	Napa Auto Parts	\$ 8.00	1500-22260-402320	778637
10/31/2016	799339	Napa Auto Parts	\$ 18.80	6010-15530-402650	778738
10/31/2016	799339	Napa Auto Parts	\$ 199.68	0100-51300-402320	778908
10/31/2016	799339	Napa Auto Parts	\$ 55.87	0100-51120-402320	778965
10/31/2016	799339	Napa Auto Parts	\$ 45.08	5410-31220-402320	779040
10/31/2016	799339	Napa Auto Parts	\$ 32.42	5410-31220-402320	779054
10/31/2016	799339	Napa Auto Parts	\$ 66.69	1500-22260-402320	779195
10/31/2016	799339	Napa Auto Parts	\$ (18.80)	6010-15530-402650	779294
10/31/2016	799339	Napa Auto Parts	\$ 15.08	2110-31320-402320	779399
10/31/2016	799339	Napa Auto Parts	\$ 151.75	6010-00000-141000	778053 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 243.41	6010-00000-141000	778738 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 182.15	6010-00000-141000	778738 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 16.98	6010-00000-141000	778738 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 17.97	6010-00000-141000	778910 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 87.16	6010-00000-141000	779090 PO NUM 301767
10/31/2016	799339	Napa Auto Parts	\$ 273.60	6010-00000-141000	779207 PO NUM 301767
10/31/2016	799343	NorthWestern Energy	\$ 25,521.82	5610-71120-403410	0100482-9. Airport Vault. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 62.47	5610-71130-403410	0719616-5. ARFF Facility Lights. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 371.95	5610-71170-403410	0712792-1. IP-7. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 34.78	5610-71170-403410	0712799-6. IP-8. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 1,464.35	5610-71170-403410	0712800-2. IP-9. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 247.61	5610-71170-403410	0712809-3. IP-12 Alpine. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 95.58	5610-71170-403410	0712817-6. IP-House. October 2016
10/31/2016	799343	NorthWestern Energy	\$ 1,249.12	0100-51120-403420	Monthly electrical charges for tennis courts at
10/31/2016	799343	NorthWestern Energy	\$ 355.76	6600-31100-403410	Electricity
10/31/2016	799343	NorthWestern Energy	\$ 533.64	6700-31410-403410	Electricity
10/31/2016	799343	NorthWestern Energy	\$ 2,893.17	1500-22210-403410	0100476-1: FIRE STATION #1 / MONTHLY
10/31/2016	799343	NorthWestern Energy	\$ 298.59	5210-15950-403410	0720829-1
10/31/2016	799343	NorthWestern Energy	\$ 1,422.08	5210-15920-403410	0720834-1
10/31/2016	799343	NorthWestern Energy	\$ 175.57	6070-22350-403410	0721580-9
10/31/2016	799343	NorthWestern Energy	\$ 16.70	0100-51120-403410	0722237-5
10/31/2016	799343	NorthWestern Energy	\$ 7.55	0100-51120-403410	0722247-4
10/31/2016	799343	NorthWestern Energy	\$ 179.76	0100-51120-403410	0722251-6
10/31/2016	799343	NorthWestern Energy	\$ 95.30	0100-51120-403410	0722255-7
10/31/2016	799343	NorthWestern Energy	\$ 290.97	0100-51120-403410	0722257-3

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799343	NorthWestern Energy	\$ 1.65	0100-51120-403410	0722261-5
10/31/2016	799343	NorthWestern Energy	\$ 0.66	0100-51120-403410	0722262-3
10/31/2016	799343	NorthWestern Energy	\$ 21.73	0100-51120-403410	0722263-1
10/31/2016	799343	NorthWestern Energy	\$ 47.16	0100-51120-403410	0722265-6
10/31/2016	799343	NorthWestern Energy	\$ 37.99	0100-51120-403410	0722266-4
10/31/2016	799343	NorthWestern Energy	\$ 4.14	0100-51120-403410	0722268-0
10/31/2016	799343	NorthWestern Energy	\$ 15.52	0100-51120-403410	0722269-8
10/31/2016	799343	NorthWestern Energy	\$ 12.30	0100-51120-403410	0722292-0
10/31/2016	799343	NorthWestern Energy	\$ 35.79	0100-51120-403410	0722293-8
10/31/2016	799343	NorthWestern Energy	\$ 16.11	0100-51120-403410	0722905-7
10/31/2016	799343	NorthWestern Energy	\$ 166.34	0100-51120-403410	0722933-9
10/31/2016	799343	NorthWestern Energy	\$ 111.86	0100-51120-403410	0723035-2
10/31/2016	799343	NorthWestern Energy	\$ 8.98	0100-51120-403410	0723036-0
10/31/2016	799343	NorthWestern Energy	\$ 195.46	0100-51120-403410	0723037-8
10/31/2016	799343	NorthWestern Energy	\$ 2.07	0100-51120-403410	0723038-6
10/31/2016	799343	NorthWestern Energy	\$ 49.53	0100-51120-403410	0723042-8
10/31/2016	799343	NorthWestern Energy	\$ 376.58	0100-51120-403410	0723044-4
10/31/2016	799343	NorthWestern Energy	\$ 92.60	0100-51120-403410	0723048-5
10/31/2016	799343	NorthWestern Energy	\$ 167.41	0100-51120-403410	0723050-1
10/31/2016	799343	NorthWestern Energy	\$ 322.57	0100-51120-403410	0723054-3
10/31/2016	799343	NorthWestern Energy	\$ 14.09	0100-51120-403410	0723055-0
10/31/2016	799343	NorthWestern Energy	\$ 64.90	0100-51120-403410	0723056-8
10/31/2016	799343	NorthWestern Energy	\$ 11.01	0100-51120-403410	0723057-6
10/31/2016	799343	NorthWestern Energy	\$ 34.06	0100-51120-403410	0723058-4
10/31/2016	799343	NorthWestern Energy	\$ 9.40	0100-51120-403410	0723090-7
10/31/2016	799343	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723162-4
10/31/2016	799343	NorthWestern Energy	\$ 395.62	0100-51120-403410	0723170-7
10/31/2016	799343	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723644-1
10/31/2016	799343	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723645-8
10/31/2016	799343	NorthWestern Energy	\$ 35.39	0100-51120-403410	0789437-1
10/31/2016	799343	NorthWestern Energy	\$ 150.63	8720-51980-403410	1059093-3
10/31/2016	799343	NorthWestern Energy	\$ 1,086.94	5210-15920-403410	1594282-4
10/31/2016	799343	NorthWestern Energy	\$ 191.72	5710-71480-403410	1784756-7
10/31/2016	799343	NorthWestern Energy	\$ 279.35	1500-21150-403410	1984150-1
10/31/2016	799343	NorthWestern Energy	\$ 442.55	1500-21150-403410	1984155-0
10/31/2016	799343	NorthWestern Energy	\$ 1,767.29	5210-15940-403410	3067416-2
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0722254-0
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0722260-7
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0722285-4
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0723027-9

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0723041-0
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0723051-9
10/31/2016	799343	NorthWestern Energy	\$ -	0100-51120-403410	0723052-7
10/31/2016	799343	NorthWestern Energy	\$ 5,960.85	6500-15670-403410	0100507-3
10/31/2016	799343	NorthWestern Energy	\$ 98.01	0100-51220-403410	0712683-2
10/31/2016	799343	NorthWestern Energy	\$ 25.25	5710-71480-403410	0712764-0
10/31/2016	799343	NorthWestern Energy	\$ 7.55	0100-51120-403410	0831702-6
10/31/2016	799343	NorthWestern Energy	\$ 1,341.83	5210-15910-403410	1569636-2
10/31/2016	799347	Petty Cash CCSIU	\$ 5,851.82	7180-21600-407910	Reimbursement of PE/PI money.
10/31/2016	799350	Public Utilities	\$ 3,451.71	8720-51980-403420	242652
10/31/2016	799350	Public Utilities	\$ 1,248.88	5120-84000-403420	111176
10/31/2016	799350	Public Utilities	\$ 10.90	8720-51980-403420	126488
10/31/2016	799350	Public Utilities	\$ 4.89	8720-51980-403420	136087
10/31/2016	799350	Public Utilities	\$ 7.33	0100-51120-403420	136087
10/31/2016	799350	Public Utilities	\$ 166.26	8720-51980-403420	136093
10/31/2016	799350	Public Utilities	\$ 119.86	8720-51980-403420	148074
10/31/2016	799350	Public Utilities	\$ 1,191.39	8720-51980-403420	158252
10/31/2016	799350	Public Utilities	\$ 8,093.02	8720-51980-403420	236250
10/31/2016	799350	Public Utilities	\$ 47.27	2910-66980-407275	FORECLOSURE PROGRAM: 3921 Chamberlain
10/31/2016	799350	Public Utilities	\$ 254.40	8720-51980-403420	158992
10/31/2016	799350	Public Utilities	\$ 9.67	8720-51980-403420	158993
10/31/2016	799350	Public Utilities	\$ 12.98	8720-51980-403420	179987
10/31/2016	799350	Public Utilities	\$ 1,591.56	8720-51980-403420	192352
10/31/2016	799350	Public Utilities	\$ 442.91	8720-51980-403420	201942
10/31/2016	799350	Public Utilities	\$ 264.32	8720-51980-403420	102418
10/31/2016	799350	Public Utilities	\$ 64.32	5210-15920-403420	102086
10/31/2016	799350	Public Utilities	\$ 277.43	5210-15910-403420	102980
10/31/2016	799350	Public Utilities	\$ 27.26	5210-15910-403420	102981
10/31/2016	799350	Public Utilities	\$ 440.66	8720-51980-403420	136111
10/31/2016	799350	Public Utilities	\$ 86.79	8720-51980-403420	136112
10/31/2016	799350	Public Utilities	\$ 43.79	8720-51980-403420	136113
10/31/2016	799350	Public Utilities	\$ 371.21	8720-51980-403420	136115
10/31/2016	799350	Public Utilities	\$ 9.67	8720-51980-403420	148702
10/31/2016	799350	Public Utilities	\$ 1,634.13	8720-51980-403420	164211
10/31/2016	799350	Public Utilities	\$ 2,957.01	8720-51980-403420	164212
10/31/2016	799350	Public Utilities	\$ 1,401.24	8720-51980-403420	166674
10/31/2016	799350	Public Utilities	\$ 1,401.24	8720-51980-403420	175850
10/31/2016	799350	Public Utilities	\$ 139.70	8720-51980-403420	176577
10/31/2016	799350	Public Utilities	\$ 903.66	8720-51980-403420	180090
10/31/2016	799350	Public Utilities	\$ 138.65	8720-51980-403420	180091

Check Date	Check	Name	Amount	Account	Item Desc
10/31/2016	799350	Public Utilities	\$ 12.22	8720-51980-403420	180092
10/31/2016	799355	RESTOCON Corporation	\$ 102,498.66	5210-15910-409224	Concrete restoration project for City owned parking
10/31/2016	799355	RESTOCON Corporation	\$ 21,082.61	5210-15910-409224	Concrete restoration project for City owned parking
10/31/2016	799355	RESTOCON Corporation	\$ 21,082.61	5210-15920-409224	Concrete restoration project for City owned parking
10/31/2016	799358	Robinson Family Nursery	\$ 3,500.00	2110-31320-402475	450' automatic water reel
10/31/2016	799361	Securitas Security Services USA, Inc	\$ 1,088.33	5210-15910-403970	Security Patrol in City owned Parking Garages I, II,
10/31/2016	799361	Securitas Security Services USA, Inc	\$ 1,088.34	5210-15920-403970	Security Patrol in City owned Parking Garages I, II,
10/31/2016	799361	Securitas Security Services USA, Inc	\$ 1,088.33	5210-15930-403970	Security Patrol in City owned Parking Garages I, II,
10/31/2016	799363	Seon Design Incorporated	\$ 12,531.00	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
10/31/2016	799366	Solid Waste Systems Inc	\$ 144.73	6010-00000-141000	89979 PO NUM 301785
10/31/2016	799366	Solid Waste Systems Inc	\$ 731.69	6010-00000-141000	90074 PO NUM 301785
10/31/2016	799366	Solid Waste Systems Inc	\$ 297.42	6010-00000-141000	90233 PO NUM 301785
10/31/2016	799366	Solid Waste Systems Inc	\$ 701.72	5410-31220-402320	89906
10/31/2016	799366	Solid Waste Systems Inc	\$ 19.85	5410-31220-402320	89906
10/31/2016	799366	Solid Waste Systems Inc	\$ 2,499.78	5410-31220-402320	89914
10/31/2016	799366	Solid Waste Systems Inc	\$ 148.01	5410-31220-402320	89914
10/31/2016	799378	Town & Country Supply Association	\$ 3,786.57	5710-00000-141000	BUS MET PO NUM 301770
10/31/2016	799378	Town & Country Supply Association	\$ 19,366.13	6010-00000-141000	220236 PO NUM 301792
10/31/2016	799378	Town & Country Supply Association	\$ (4,610.53)	6010-00000-141000	240322 PO NUM 301793
10/31/2016	799378	Town & Country Supply Association	\$ 6,216.81	6010-00000-141000	240325 PO NUM 301793
10/31/2016	799386	USDA APHIS	\$ 5,602.15	5610-71130-403590	Bill No. 3002161820. Quarterly charges July 1 -
10/31/2016	799391	Walker Parking Consultants	\$ 1,310.25	5210-15910-409224	Concrete restoration for City Parking Structures I,
10/31/2016	799391	Walker Parking Consultants	\$ 1,310.26	5210-15920-409224	Concrete restoration for City Parking Structures I,
10/31/2016	799391	Walker Parking Consultants	\$ 1,310.26	5210-15930-409224	Concrete restoration for City Parking Structures I,
10/31/2016	799395	Weiss Electrical Service	\$ 2,990.00	1500-22260-402360	FIRE2: REMOVE
10/31/2016	799395	Weiss Electrical Service	\$ 16.00	1500-22260-402360	FIRE2: INSTALLED MULTI-SPEED SWITCH FOR
10/31/2016	799401	Yellowstone Valley Animal Shelter	\$ 22,855.58	1500-21700-403990	contract 9-22-16\10-21-16
10/31/2016	799402	Yellowstone Valley Elec	\$ 2,822.45	5020-74000-403410	SEPT elec 2085 Santiago blvd
10/31/2016	799402	Yellowstone Valley Elec	\$ 19.00	5120-85000-403410	LS0008 Rehberg Ranch

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Public Hearing and Resolution for FY17 Budget Amendments

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Montana Code allows local governments to amend their fiscal year budgets by using the same method as used for the original budget adoption: public notice, public hearing and Council adopting a resolution. The following amendments are proposed for FY 2017:

Funds: General Fund – Administration, General Fund – Human Resources, General Fund – City Attorney, General Fund – Municipal Court, General Fund – Finance, General Fund – Code Enforcement, General Fund – PRPL, Public Safety, Gas Tax, Building Inspection, Street and Traffic, EOC 911, City/County Planning, City Attorney Grants, Municipal Court Grants, Police Grants, Library, CDBG, Water, Wastewater, Parking, Solid Waste, Airport, Transit, Fleet Services, Telephone System, Information Resources, Property Insurance, Facilities Management, Public Works Admin, Engineering, and Park District 1.

Purpose: Upon review of the City's policy relating to longevity pay and retirement to health benefits provided by the City to both bargaining and non-bargaining groups, it was determined that the city was potentially exposed to risks related to payroll. After consultation with the City's outside payroll and benefits counsel, it was determined that the City could avoid certain risks and adjust non-bargaining employees' longevity and MPERA calculations. There are sufficient fund balances in all funds to cover the increased costs related to the adjustments.

Specific information relating to each fund can be found in the attached item "Exhibit A"

ALTERNATIVES ANALYZED

The Council may:

- Approve the requested budget amendments; or
- Not approve the requested budget amendments, which may place the City in violation of Montana law.

FINANCIAL IMPACT

The requested budget amendments will be funded by reserves, as described in the budget resolution exhibit and above.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the budget amendments for Fiscal Year 2017.

APPROVED BY CITY ADMINISTRATOR

Attachments

Exhibit A

FY17 Budget Amendment Resolution

EXHIBIT A

Upon review of the City's policy relating to longevity pay and retirement to health benefits provided by the City to both bargaining and non-bargaining groups, it was determined that the city was potentially exposed to risks related to payroll. After consultation with outside payroll and benefits counsel, it was determined that the City could avoid certain risks and adjust non-bargaining employee's longevity and MPERA calculations. There are sufficient fund balances in all funds to cover the increased costs related to the adjustments.

	<u>Revenue</u>	<u>Expenditure</u>	
Fund 0100 - Administration			
0100-13130-401148		3,877	Longevity
0100-13130-401148		2,588	PERS Contribution
Fund 0100 - Human Resources			
0100-17500-401148		6,256	Longevity
0100-17500-401148		3,235	PERS Contribution
Fund 0100 - City Attorney			
0100-16110-401148		7,752	Longevity
0100-16110-401148		6,470	PERS Contribution
Fund 0100 - Municipal Court			
0100-12120-401148		2,588	PERS Contribution
Fund 0100 - Finance			
0100-15120-401148		10,491	Longevity
0100-15120-401148		5,176	PERS Contribution
Fund 0100 - Code Enforcement			
0100-43210-401148		1,176	Longevity
0100-43210-401148		1,779	PERS Contribution
Fund 0100 - PRPL			
0100-51100-401148		10,850	Longevity
0100-51100-401148		7,764	PERS Contribution
Fund 1500 - Public Safety			
1500-21110-401148		9,328	Longevity
1500-21110-401148		4,745	PERS Contribution
1500-22210-401148		22,641	Longevity
1500-22210-401148		5,392	PERS Contribution
Fund 2050 - Gas Tax			
2050-31310-401148		647	PERS Contribution
Fund 2090 - Building Fund			
2090-44510-401148		11,390	Longevity
2090-44510-401148		5,985	PERS Contribution
Fund 2110 - Street/Traffic Opertaing			
2110-31320-401148		19,936	Longevity
2110-31320-401148		4,529	PERS Contribution
Fund 2250 - EOC 911			
2250-22320-401148		215	PERS Contribution
Fund 2400 - Planning			
2400-43010-401148		10,673	Longevity
2400-43010-401148		5,823	PERS Contribution
Fund 2410, 2420, 2430 - Attorney Grants			
2410-16210-401148		1,249	Longevity
2410-16210-401148		1,294	PERS Contribution
2420-16220-401148		884	Longevity
2420-16220-401148		647	PERS Contribution
2430-16230-401148		956	Longevity
2430-16230-401148		647	PERS Contribution
Fund 2460, 2480, 7380 - Municipal Court Grants			
2460-12530-401148		647	PERS Contribution
2480-12620-401148		647	PERS Contribution
7380-12640-401148		1,294	PERS Contribution
Fund 2510, 2550 - Police Grants			
2510-21270-401148		884	Longevity
2510-21270-401148		647	PERS Contribution
2550-21430-401148		956	Longevity
2550-21430-401148		647	PERS Contribution

Fund 2600 - Library		
2600-55110-401148	8,103	Longevity
2600-55110-401148	2,588	PERS Contribution
Fund 2690, 2850, 2920 - Community Development Block Grants Fund		
2690-67710-401148	352	
2690-67710-401148	971	
2850-65810-401148	690	
2850-65810-401148	938	
2920-65010-401148	647	Longevity
2920-65010-401148	1,326	PERS Contribution
Fund 5020 - Water		
5020-73110-401148	52,664	Longevity
5020-73110-401148	11,387	PERS Contribution
Fund 5120 - Wastewater		
5120-43110-401148	36,085	Longevity
5120-43110-401148	9,317	PERS Contribution
Fund 5210 - Parking		
5210-15210-401148	1,294	PERS Contribution
Fund 5410 - Solid Waste		
5410-31210-401148	11,535	Longevity
5410-31210-401148	4,529	PERS Contribution
Fund 5610 - Airport		
5610-7110-401148	26,970	Longevity
5610-7110-401148	6,858	PERS Contribution
Fund 5710 - Transit		
5710-71410-401148	4,872	Longevity
5710-71410-401148	4,141	PERS Contribution
Fund 6010 - Fleet Services		
6010-15500-401148	8,865	Longevity
6010-15500-401148	1,941	PERS Contribution
Fund 6060 - Telephone		
6060-19310-401148	684	Longevity
6060-19310-401148	712	PERS Contribution
Fund 6200 - Information Technology		
6200-19110-401148	35,527	Longevity
6200-19110-401148	11,581	PERS Contribution
Fund 6300 - Property Insurance		
6300-17530-401148	1,178	Longevity
6300-17530-401148	647	PERS Contribution
Fund 6500 - Facilities Maintenance		
6500-15650-401148	956	Longevity
6500-15650-401148	647	PERS Contribution
Fund 6600 - Public Works Administration		
6600-31100-401148	10,577	Longevity
6600-31100-401148	4,529	PERS Contribution
Fund 6700 - Public Works Engineering		
6700-31410-401148	40,634	Longevity
6700-31410-401148	13,587	PERS Contribution
Fund 8730 - Park District 1		
8730-51990-401148	647	PERS Contribution

RESOLUTION 16-

A RESOLUTION TO MAKE **FISCAL YEAR 2016/2017** ADJUSTMENTS TO APPROPRIATIONS PURSUANT TO M.C.A. 7-6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND REVISIONS WITHIN THE GENERAL CLASS OF SALARIES AND WAGES, MAINTENANCE AND SUPPORT AND CAPITAL OUTLAY.

WHEREAS, M.C.A. 7-6-4006 provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations within the general class of salaries and wages, maintenance and support, and capital outlay, and

WHEREAS, based upon a Budget Review (**FY 2016/2017**), it is necessary to alter and change said appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT A)

PASSED AND APPROVED by the City Council, this 28th day of November, 2016.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Denise R. Bohlman, CITY CLERK

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Public Hearing and Resolution for Annexation #16-05

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

Sanderson Stewart on behalf of property owner Janet R. Bergman, submitted a petition to annex land she owns using the provisions of Section 7-2-4600, MCA. The subject property is about 17 acres in size and described as Tract 3 and a portion of Tract 4 and Tract 5, Certificate of Survey 1648. The property is located west of Shiloh Road and south of Central Avenue between Central Avenue and Bell Avenue just west of Legends West Subdivision. The property is vacant and has been used for agriculture. The owner is requesting annexation in order to sell the property and allow residential development in the City. The property is the subject of a zone change application from Agricultural Open Space to Residential-7000 zoning and the City Council will consider this annexation before it may act on the zone change request.

The property is located within the City Annexation Petition Area on the City's Limits of Annexation Map and appears to meet some of the City's criteria in its Annexation Policy. The City is able to serve the property and further analysis and discussion is provided in the Consistency with Adopted Plans and Policies section of this memo. The City Council considers this annexation at two separate Council meetings. At the first meeting on November 14, the Council accepted the annexation petition for this property and set a public hearing date for November 28. At this meeting, the Council will conduct the hearing and decide if it will annex the property.

ALTERNATIVES ANALYZED

The City Council may approve or deny a petition submitted by owners of 50% or more of the real property in the area to be annexed (7-2-4601 (3)(b), MCA). The only alternative that is consistent with City Council policy and state law is to conduct a public hearing and review the request before taking action.

FINANCIAL IMPACT

The City is able to provide municipal water and sewer to the subject property via existing mains in Central Avenue. Staff is recommending the two standard conditions of approval for this annexation: That a Development Agreement be executed with the City to identify infrastructure improvements and timing of those improvements to serve the property, and dedication of road right-of-way will be required before development occurs for Central Avenue and Bell Avenue; and/or that a Subdivision Improvement Agreement through a subdivision platting process be signed and recorded between the property owner and the City to identify infrastructure improvements and timing of those improvements to serve the property, and dedication of road right-of-way for Central Avenue and Bell Avenue. Since this property is expected to be developed for residential uses at medium density, the City will receive property tax revenue and payment for fees and assessments for City services.

BACKGROUND

The subject property totals about 15 acres, less road right-of-way. It is located west of Shiloh Road and south of Central Avenue between Central Avenue and Bell Avenue, just west of Legends West Subdivision. There is property inside the City Limits along the eastern boundary of the property. The property is currently used for agricultural activities. The property appears to meet some of the City's criteria in its Annexation Policy.

Montana Code Annotated §7-2-4211 requires that the City annex the entire right-of-way of Central Avenue and Bell Avenue that is adjacent to the subject property. Central Avenue adjacent to this property is a road tract and will be annexed with the subject property. Bell Avenue adjacent to this property is a County Road Easement and runs across property owned by the applicant and two other property owners. Staff has provided information to the three owners regarding the annexation of the Bell Avenue road easement and the option to either quit claim the 30-foot-wide road easement to the City or retain the property under the road easement and have the easement portion annexed as part of this annexation. Given the timing of this annexation petition process and schedule in coordination with the zone change application, it is expected that if the property owners decide to quit claim the road easement to the City, the City Council will be asked to accept the property transfer at a future meeting. If the property owners decide not to quit claim the road easement portion of the property and retain it, the portion of the property that is under the road easement for Bell Avenue will be in the City and subject to City taxes and assessments.

PROCEDURAL HISTORY

- On October 4, 2016, the annexation petition was submitted to the Planning Division by the owner's agent
- On November 14, the City Council accepted the petition to annex the property and set a public hearing date for November 28.
- On November 28, the City Council will conduct the public hearing for the annexation and may take action on the request.
- On December 12, if the City Council approves the annexation resolution, a public hearing and first reading of an ordinance to include the property in City Council Ward V will be conducted.
- On December 19, the City Council will conduct the second and final reading for the ordinance expanding the Ward V boundary.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on November 10 and published in the Billings Times on November 10. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Although Montana Code does not require the City to prepare a provision of public services plan for Annexation by Petition (Section 7-2-4600, MCA), it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities, and information on how services will be provided to the property after annexation. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the City's Annexation Petition Area on its Limits of Annexation Map.
2. The City is able to provide municipal water and sewer services to the property.
3. Any proposed public improvements within the area to be annexed will meet City standards.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts. The proposed conditions of annexation that the property owner enter into a Development Agreement or Subdivision Improvement Agreement with the City will ensure that the waiver is signed.
5. If annexed, any proposed land use will comply with the zoning. The property is currently zoned Agricultural Open Space but the owner has a concurrent zoning application that the Council is expected to consider after acting on this annexation that would change the zoning to Residential-7000. Any development of the property would comply with the zoning regulations.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not respond to this annexation request.

City Facilities:

Specific comments from City Departments are provided below:

- **Water:** This property is intended to be served by a water main located in Central Avenue at the north boundary of the property. The subject property will be responsible for extending a service main and connecting to the main at the time of development. Since the property fronts Central Avenue, a water main must be run to the western property boundary. A water line also exists in Bell Avenue and will need to be extended to the western boundary of the property. The developer may enter into a reimbursement agreement so that when adjacent properties connect to the water main the developer may be reimbursed for some of the main extension costs.

- **Sewer:** The property will be served by an existing sanitary sewer main located in Central Avenue across the north boundary of the property. The subject property will be responsible for extending the sewer main and connecting to the main at the time of development. Since the property fronts Central Avenue, and a sewer main must run to the western property boundary, the developer may enter into a compensation agreement with the City for the upsizing of the

sewer main.

- Storm water: All of the storm water runoff from this property will need to meet the City of Billings requirements for storm water management. Any future development will follow the City of Billings storm water regulations.
- Transportation: The subject property fronts Central Avenue and Bell Avenue road right-of-way. The property is expected to have access from Central Avenue and Bell Avenue. The specific development plans for the property also will be a factor in the traffic access and circulation into and out of the property.
- Fire Stations: The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to serve the property upon annexation. The Billings Fire Chief stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station #7, located at 1502 54th Street West, about a 0.5 road mile northwest of the subject property.
- Parks: The subject property is planning for residential uses, so park land dedication is expected to apply during the subdivision or development review process. If the property does develop with residential uses, the Billings Parks, Recreation and Public Lands Department staff will review the proposed park areas.
- Bicycle and pedestrian facilities: The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. The Plan identifies a long-range plan for bike lanes on Central Avenue along the frontage of this property. The developer of the subject property will be required to either build or make contributions to frontage improvements on Central Avenue that will include pedestrian and bike facilities. The property also may access the existing multi-use pathway along the west side of Shiloh Road via Bell Avenue or Central Avenue.
- School facilities: The subject property would be served by Billings School District #2 for elementary, middle school and high school. The property is expected to develop for residential uses and so demand for additional classroom space is expected. While the District is completing construction and redistricting efforts to address school capacities, this property would be served by Big Sky Elementary, which is over capacity now; Riverside Middle School, which has capacity now; and West High School, which is over capacity now. It is not clear if completion of the redistricting and new school construction will address the schools capacity in this area.

General City Services: These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Fire Department in its comments above did note its concerns as additional property is annexed into the City.

- Transit: MET transit system operators have no objections to the annexation request. However, the closest bus service to this property is less than 1/4 mile to the east at the intersection of Shiloh Road and Central Avenue, so there is usable service to this property. There is no current plan to provide bus service closer to this area.
- Police: The Police Department staff stated that while the Department can serve the area as it is already covering areas in the City nearby, continued annexation and development may

adversely affect the Department's ability to deliver services in the future without additional resources.

- **Public Utilities:** The Public Works-- Distribution and Collection Division had no concerns with the annexation request.
- **Public Works -Street and Traffic Division:** The Street and Traffic Division stated that it has no concerns with serving the property.
- **Public Works-Solid Waste:** The Solid Waste Division has no concerns with annexing the property, but pointed out that State Law allows the property owner to choose which garbage hauler may service the property after it is in the City.
- **Ambulance Service:** The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. This property may be within the area of acceptable response time.
- **Legal and Finance:** General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation and did not provide any comments with the request.
- **Other Departments:** City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports the annexation because the property is in the City Annexation Petition Area, has access to City services, is in an area that in the long term should develop to City standards, and with the proposed density of the residential zoning is expected to bring in more revenue to cover the costs of delivering services to the property.

Annexation of this property would adhere to the following guidelines of the 2016 City of Billings Growth Policy:

- **Strong Neighborhoods: Implementation of the Infill Policy is important to encourage development of underutilized properties**

The property is currently outside the City Limits but is within the limits of annexation. The proposed zoning of the property is a more efficient use of property for the extension of city services, and supports a variety of housing choices.

- **Mobility and Access: Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors**

The property is within ¼-mile of the Shiloh Road Corridor that provides a continuous and connected bike trail, access to public transit as well as transportation by private vehicle in and around the City of Billings.

Annexation of this property would adhere to the following goals, objectives and policies of the 2001 West Billings Plan:

- Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan. (Planned Growth Goal 1, Policy K, Page 21) The proposed zoning of Residential-7000 provides for a density greater than

what would occur in the County and also greater than the Residential-9600 zoning that is common in West Billings.

- Ensure that new development is provided with adequate infrastructure and services, including sanitary sewer and storm water control. (Planned Growth Goal 1, Policy Q, Page 24) The annexation of the subject property will ensure that it is built to City standards for water, sewer, storm water, and transportation infrastructure.

RECOMMENDATION

Staff recommends that the City Council conduct the public hearing and approve the Resolution annexing the subject property.

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition
Annexation Exhibit
Annexation Resolution
Applicant Exhibit



**PETITION
FOR ANNEXATION
TO THE CITY OF BILLINGS**

NOTICE TO PETITIONER

This is a Petition to the City of Billings requesting the annexation of property to the City, pursuant to MCA Title 7, Chapter 2, Part 46. Procedures for annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of more than 50% of the Resident Freeholder Electors to be considered for annexation.

INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

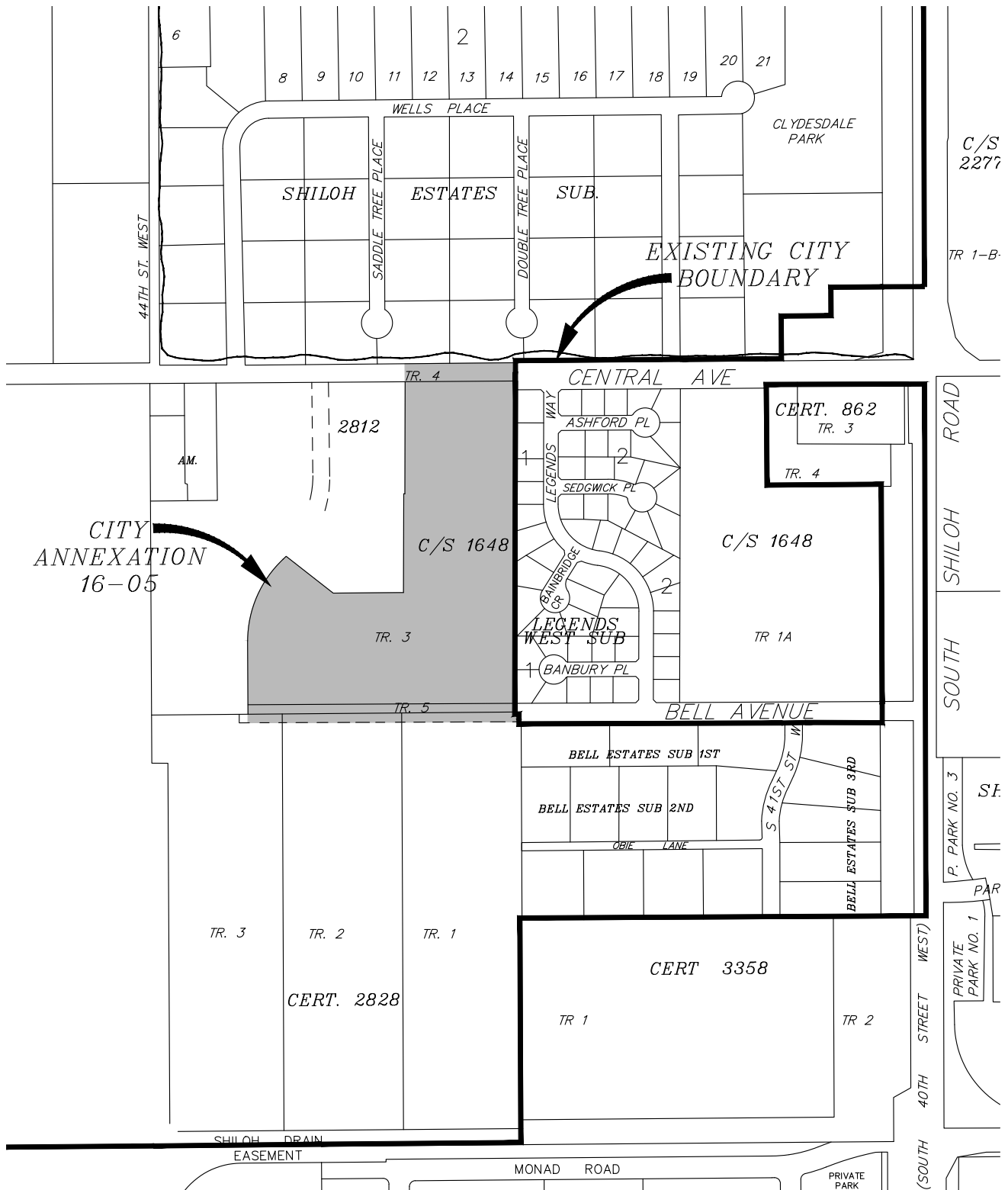
- a. The present and proposed boundaries of the municipality;
 - b. The present streets, major trunk water mains and sewer mains;
 - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4th Floor at 2825 3rd Avenue North, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, Parks and Recreation Department, and the Finance Department. If the departments find no problems with the Petition, the City Clerk will schedule the Petition for City Council action.
 4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
 5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
9-29-16	Janet R Bergman	<i>Janet R. Bergman</i>	1322 Broadwater Ave.; Billings, MT 59102

(continued on separate page)

ANNEXATION 16-05 EXHIBIT "A"



RESOLUTION NO. 16 -

A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land located in the NE1/4 of Section 10, T.1S., R.25E., and the SE1/4 of Section 3, T.1S., R.25E., P.M.M., Yellowstone County, Montana, being more particularly described as:

Tract 3 and that portion of Tract 4 (a road Tract) adjacent to the north line of Tract 3 and that portion of Tract 5 (a road Tract) adjacent to the south line of Tract 3 of Corrected Amendment Of Tracts 1 And 3 and Remainder Tract 2 To Be Amendment Of Tracts 1, 2 And 3 Certificate Of Survey No 1648, Recorded July 20, 1994, Under Document No. 1749237, Records of Yellowstone County, Montana. Tracts 4 and 5, road tracts are called out under Dedication of Amendment Of Tracts 1 And 3 And Remainder Tract 2, Certificate of Survey No. 1648 Recorded October 12, 1982, Under Document No. 1242733, Records of Yellowstone County, Montana. Also including all adjacent right-of-way of Central Avenue and Bell Avenue.

Containing 16.991 gross acres and 15.107 net acres.

(# 16-05) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication for Central Avenue and Bell Avenue, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and right-of-way dedication for Central Avenue and Bell Avenue, and provide guarantees for such infrastructure improvements.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 28th day of November, 2016.

THE CITY OF BILLINGS:

BY: _____

Thomas W. Hanel, MAYOR

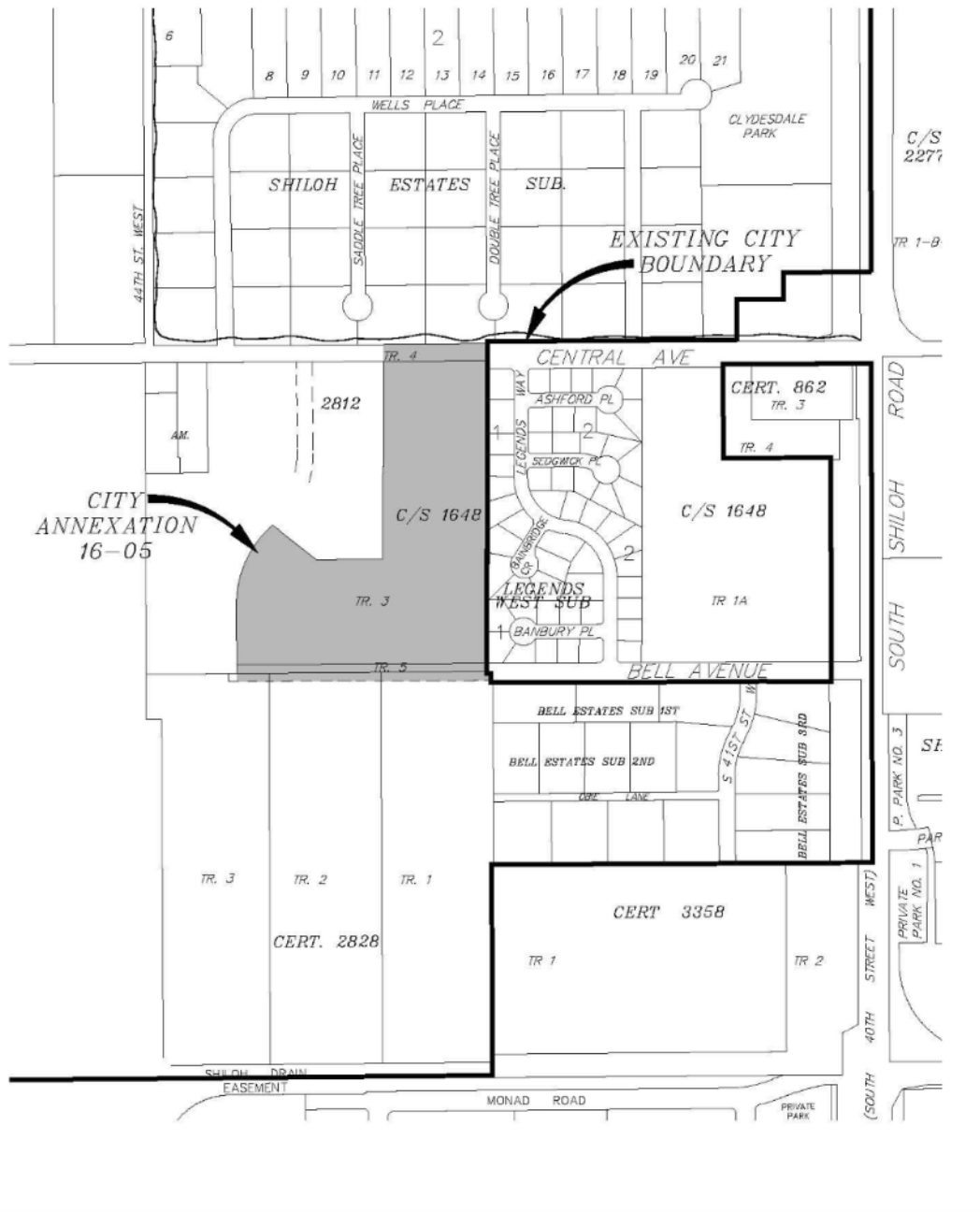
ATTEST:

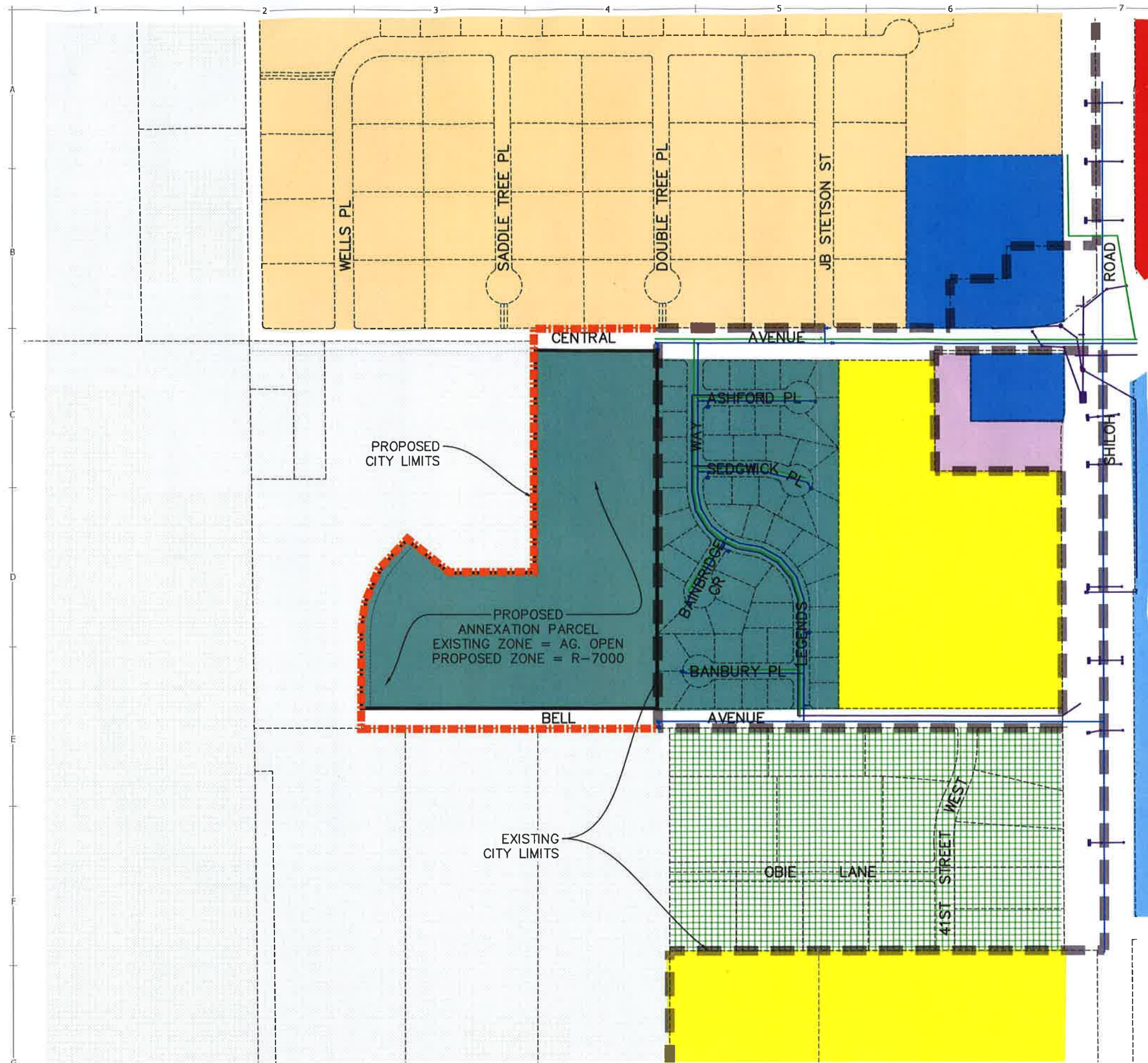
BY: _____

Denise Bohlman, CITY CLERK











(AN# 16-05)

ANNEXATION 16-05 EXHIBIT "A"



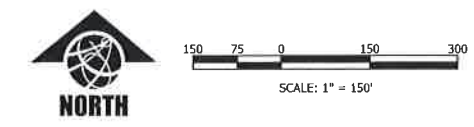


ZONING DISTRICTS

	RMF	= RESIDENTIAL MULTI-FAMILY
	R-7000	= RESIDENTIAL 7000
	R-9600	= RESIDENTIAL 9600
	R-15000	= RESIDENTIAL 15000
	AG. OPEN	= AGRICULTURAL OPEN
	AG. SUBURBAN	= AGRICULTURAL SUBURBAN
	NC	= NEIGHBORHOOD COMMERCIAL
	CC	= COMMUNITY COMMERCIAL
	PUD	= PLANNED UNIT DEVELOPMENT
	PUBLIC	= PUBLIC

UTILITIES

SANITARY SEWER	
WATER	
STORM SEWER	



DATE: 09/30/2016
 FILE: 98050_ZC_EXHIBIT.DWG
 PROJECT NO: 98050.48
 CAD: BSA
 QUALITY ASSURANCE:
 REVISIONS
 DATE DESCRIPTION

TRACT 3 OF C.O.S. 1648
 SITUATED IN THE NE 1/4 SECTION 10, T. 1 S., R. 25 E., P.M.M.
 BILLINGS, MONTANA
 ANNEXATION EXHIBIT

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Zone Change 950 - Public Hearing and 1st Reading

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request for property generally located at 4240 Central Avenue from Agriculture-Open Space (A-1), a county zoning district, to Residential 7,000 (R-70) on Tract 3 of C/S 1648, a total area of 15.107 acres of land. A concurrent annexation petition has been submitted. The Council will act on the annexation prior to considering the requested zone change. A pre-application neighborhood meeting was held on September 26, 2016, at the offices of Sanderson Stewart, 1300 N. Transtech Way. The City Zoning Commission held a public hearing on November 1, 2016, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 5-0 vote.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

ALTERNATIVES ANALYZED

City Council may:

- Approve the zone change and adopt the findings of the 10 criteria as recommended by the Zoning Commission;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the proposed findings of the 10 criteria. The Zoning Commission concurred with the recommendation.

The 2016 Growth Policy for the City supports the proposed zoning at this location and supports the 2016 Growth Policy statement: *"The city will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options."* Guidelines were also adopted to support this statement including supporting mobility and access, safe neighborhoods, availability of housing options,

attractive street-scapes and access to daily necessities. The proposed zoning will allow a variety of housing choices, is adjacent to the existing City limits, and is close to an area with access to transportation options including bus service and bicycle paths. The proposed zoning is identical to the adjacent zoning of property annexed in 2002 for the Legends West Subdivision.

Prior to making a decision on the requested zone change, the City Council shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important.

The proposed zoning would allow this developer to offer single family and two family dwellings in either a unit ownership development or in a traditional subdivision.

- Strong Neighborhoods: Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction

The proposed zoning will allow a progression of development in this area and will connect to neighborhood services, public gathering spaces and open space.

- Strong Neighborhoods: Implementation of the Infill Policy is important to encourage development of underutilized properties

The property is currently outside the city limits but is within the limits of annexation. The proposed zoning of the property is a more efficient use of property for the extension of city services, and supports a variety of housing choices.

- Strong Neighborhoods: Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

The proposed zoning and annexation is directly adjacent to the existing city limits where city public safety services are already provided. This incremental expansion will allow these services to be extended with limited impact to its current capacity.

- Home Base: Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zoning and development will allow the opportunity to provide affordable housing choices in a high-demand area of West Billings.

- Mobility and Access: Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors

The proposed zoning and development are within ¼-mile of the Shiloh Road Corridor that provides a continuous and connect bike trail, access to public transit as well as transportation by private vehicle in and around the city of Billings.

- Prosperity: Predictable, reasonable City taxes and assessments are important to Billings' taxpayers

The proposed zoning and development will provide an incremental expansion of the City, at a more efficient density. This will encourage and stabilize the cost of services in this area and will

allow the city to set predictable and reasonable rates for taxes and assessments city-wide.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The existing parcel is outside the city limits and used for irrigated farmland. New infrastructure for roads, utilities and sidewalks will need to be installed prior to building the proposed dwellings. The proposed zoning would allow the developer to market these housing units to a broad range of buyers.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation:The proposed zoning and subsequent development will require a traffic study prior to development. The study will identify the required improvements to the surrounding transportation systems.

Water and Sewer:The City will provide water and sewer to the property. The developer will be responsible for the installation of these improvements. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools and parks may be significantly affected by the proposed zone change. Eighty to ninety additional dwelling units will add students to schools depending on the market for these new homes. Recent new school facilities should be able to absorb these new students. There are no public parks within the general area of the subject property with the exception of the neighborhood park dedicated for the Shiloh Estates Subdivision. The Shiloh Estates Park is essentially undeveloped except for 3 trail connections between the dead-end of Wells Place and Shiloh Road bikeway. Emmanuel Baptist Church to the south maintains a baseball field and a playground. The closest semi-developed city park is Centennial Park more than 1 mile from the subject property.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The new zoning will have an impact on vehicle and pedestrian traffic. The City Engineering Division will determine the required street, utility and sidewalk improvements required for the development of these lots based on a traffic study prepared when a development plan has been finalized. At the maximum proposed development of 90 dwelling units, this could add up to 900+ new vehicle trips to the surrounding streets. Safe pedestrian access to and from the development will need to be developed. It is likely most pedestrian access out of the development will occur to the south along Bell Avenue and to the north along Central Avenue. While there is no sidewalk from Shiloh Road along the frontage of the first property to the west, there is sidewalk in place along Central Avenue in front of Legends West directly west of the subject property and so sidewalk will be constructed along Central on the frontage of the subject

property as well. The costs of these improvements will be the responsibility of the developer.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow a greater variety of housing choices in this growing area of West Billings.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning in the adjacent city subdivision and the homes will likely be similar in style.

9. Will the new zoning conserve the value of buildings?

The property is currently un-developed. The value of existing buildings should not be affected by the proposed zoning and development.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow a more efficient density of development so extension of city services will be effective. The arterial street frontage will allow ready vehicle access to and from the new development without impacting adjacent land uses.

FINANCIAL IMPACT

The proposed annexation and zoning of this 15.107 acre parcel of land will increase the city's tax base. Services will be provided when development occurs and residences are constructed. Prior to development, the city will ensure the proposed development meets the standards for all city developments.

BACKGROUND

This is a zone change request submitted concurrently with a petition to annex the property to the City. The current owner has a potential buyer for the property, Marsich Investments, LLC. The buyer intends to develop the property as either a unit ownership or by a traditional subdivision with single family and two-family dwellings. The proposed zoning of R-70 would allow up to 8 dwelling units per acre of land. The property will need to dedicate additional right of way for Central Avenue and for Bell Avenue to the south. This will reduce the total area of the land available for development. The proposed number of new dwelling units ranges from 80 to 90 residences but this will depend on the final design of the site after annexation and zoning is complete.

This certificate of survey was originally zoned A-1 by the County in 1973. Tract 2 was annexed and zoned R-70 in 2002 and is now the Legends West Subdivision directly east of the subject property. Tract 4 was rezoned from A-1 to A-S in the County and is now Bell Estates, a County subdivision south and east of the subject property. Tract 1 of this survey was annexed in 2006 and zoned R-96. A special review was subsequently approved for an assisted and independent living center now called Morning Star. This property is located about 800 feet east of the subject property close to the intersection of Central Avenue and Shiloh Road. This property is within the limits of annexation for the City but is adjacent to agricultural zoning and uses to the west and south. It adjoins the City limits to the east (Legends West Subdivision) and is south of the Wells Garden Estates, a County subdivision north of Central Avenue. The limits of annexation only extends to the west a short distance from the subject property to the midsection line or what

would be S. 44th St West. There have been several annexations and zone changes in the immediate area during the past decade and these include the St. Vincent's Health Care property at King Ave. West and Shiloh Road, Lenhardt Square at S. 44th St. West and King Avenue West, Emmanuel Baptist Church at 328 S. Shiloh Road, and the Billings Clinic property at Broadwater Avenue and Shiloh Road.

Property to the north across Central Avenue is in the County, zoned Residential 15,000, and is the Shiloh Estates Subdivision. Most of the lots in this subdivision are 1 acre and have wells and septic systems for each lot. Most homes in the subdivision were constructed between the mid-1970s and the mid-1980s. To the north and east at the corner of Shiloh Road and Central Avenue is a convenience store and gas station. This development was originally constructed outside the City limits but was recently annexed to provide public services to the property. On the southwest corner of Shiloh Road and Central Avenue is the former Cetrone Photography Studio which suffered a catastrophic fire in July 2016. The property is zoned Neighborhood Commercial (NC), but is not yet annexed to the City. To the south and west of the subject property is active agricultural land that is irrigated. In 2012, an unsuccessful zone change was submitted for a 13.3 acre property south of Bell Avenue and west of Bell Estates. The zone change was to change this parcel from A-1 to RMF-R and was accompanied by an annexation petition. Both applications were withdrawn in May 2012.

Central Avenue is a principal arterial street and recent traffic count data for this section west of Shiloh Road shows an average daily traffic of 4,710 vehicles. This is well below what a principal arterial street is expected to carry, but Central Avenue also is not built to arterial street standards at this location. It is still a two-lane road with some graveled shoulder areas. The posted speed limit is 45 mph on this section of Central Avenue. The speed limit increases to 55 mph past 48th St, West. The recently completed West End Multi-Modal Traffic Study indicated road and intersection improvements will be necessary during the next 20 years for Central Avenue beyond Shiloh Road. This study was based on existing and predicted traffic increases and includes improvement both inside and outside the City limits. No improvement projects for Central Avenue beyond Shiloh Road are planned at this time.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on November 1, 2016, and received the staff report and recommendation and testimony from the applicant's agent, Bryan Alexander of Sanderson Stewart. The Zoning Commission also received testimony from Ed Hofman, a property owner at 4246 Central Avenue. Mr. Hofman's testimony was in opposition to the zone change. Mr. Hofman testified he was not notified of the pre-application neighborhood meeting but did receive notice of the public hearing. He testified the engineering firm that was doing soil testing on the site, accessed the property through his driveway, damaged his fields, and no one from the firm contacted Mr. Hofman concerning access across his property. Mr. Alexander apologized to Mr. Hofman and stated he was not aware that Rimrock Engineering, the soil testing company, had trespassed across his land. Mr. Alexander, Mr. Marsich and Mr. Hofman stated they would meet after the hearing to discuss their development plan in detail and resolve the trespassing problem. Mr. Hofman stated he would not oppose the zone change as long as the applicant and agent let him know the details of their development plan and the issue of access was reasonably resolved.

The Zoning Commission closed the public hearing. Commission Member Michael Larson made a motion to recommend approval and adoption of the findings of the 10 criteria. The motion was seconded by Commission Member Mike Boyett. Commission Chairman Dan Wagner urged the

applicant and his agent to meet with Mr. Hofman at their earliest convenience. Commission Member Dennis Ulvestad stated he would vote in favor of the motion despite the missteps by the applicant and his agents. He also asked Mr. Alexander to meet with Mr. Hofman as soon as possible. The Commission voted 5-0, in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria on a 5-0 vote.

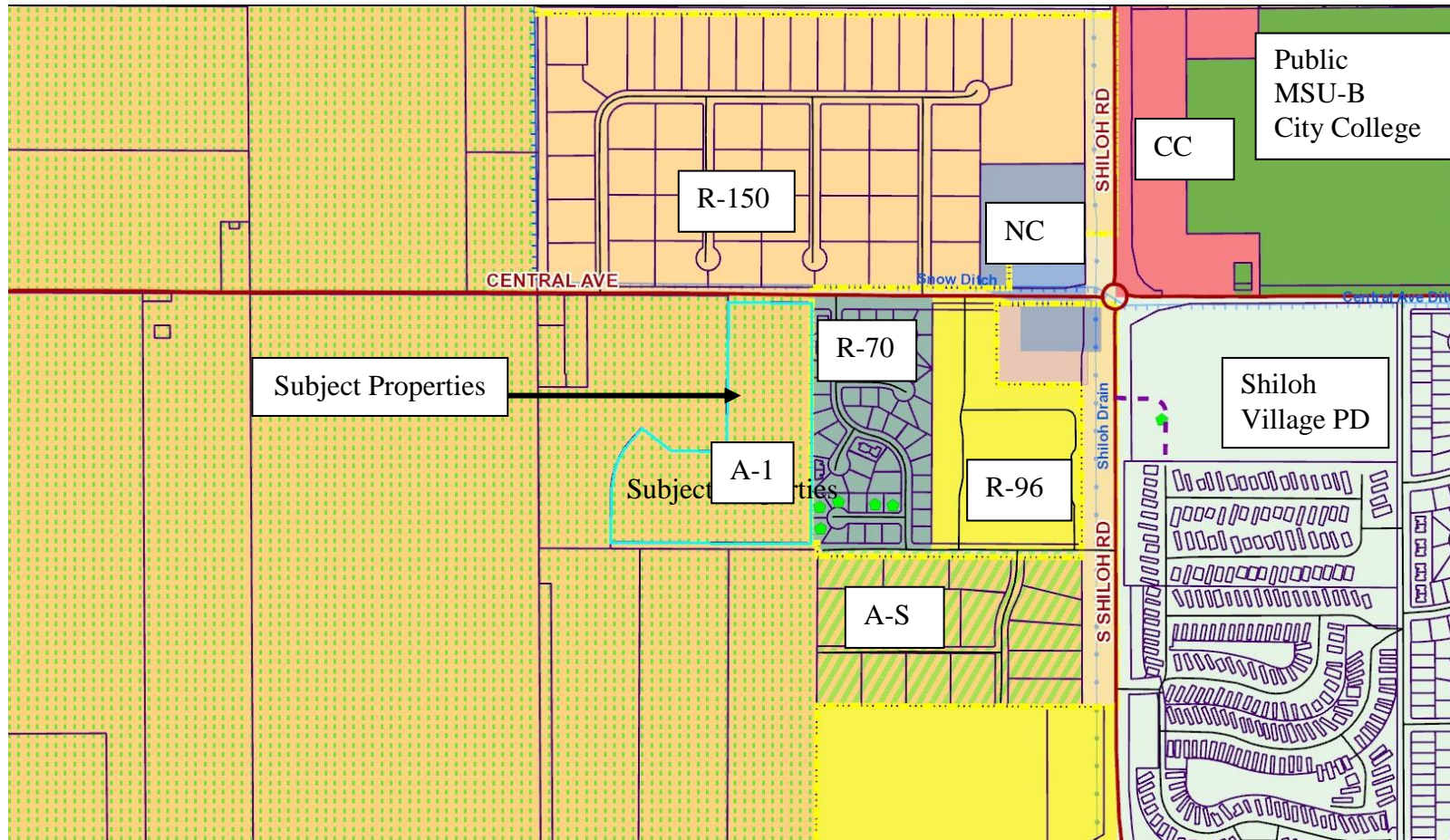
APPROVED BY CITY ADMINISTRATOR

Attachments

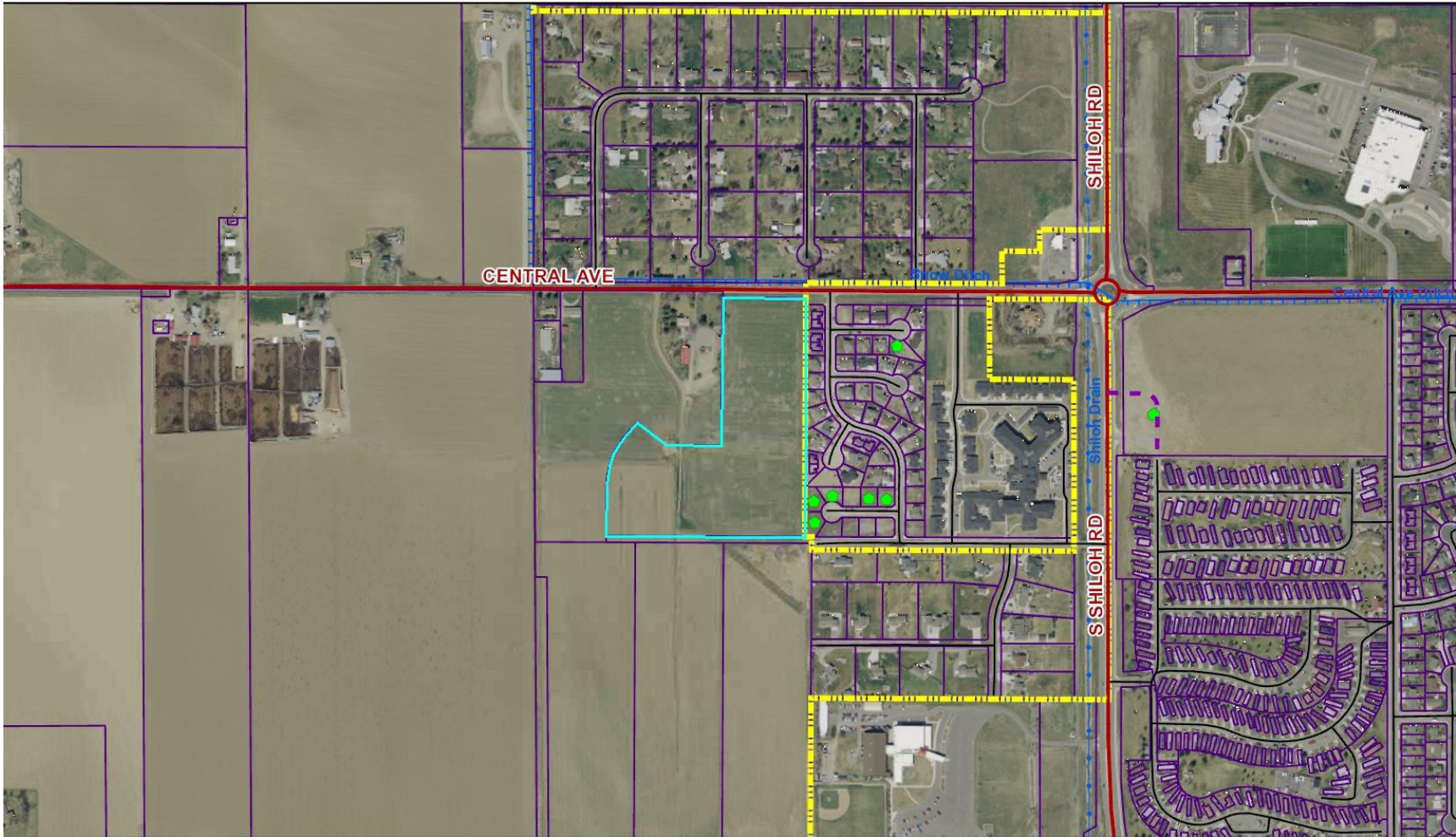
Zoning and Site Photos
Pre-application Info and Applicant Letter
Ordinance

Surrounding Zoning
Zone Change #950 – 4240 Central Avenue

Zone Change 950



Zone Change 950





Subject Property



View west along Central Avenue



View of Legends West Subdivision along Central Avenue frontage



View east along Central Avenue

Applicant letter and pre-application meeting notes
Zone Change #950 – 4240 Central Avenue
Marsich Investments, LLC.
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN
TO RESIDENTIAL 7000

Statement of Proposal

The owner under contract, Marsich Investments, LLC., is seeking a zone change for Tract 3 of Certificate of Survey No. 1648. The property is located between Central Avenue and Bell Avenue to the west of Legends Way and is approximately 15 acres in size.

The property is currently located outside the City Limits of Billings. The existing zoning is Agricultural Open and the applicant is requesting a zone change to Residential 7000 and annexation in order to match the adjacent property and develop for residential use. The site's elevation will blend with the adjacent residential houses to the north and east.

Accompanying Responses to Questions in Zoning Application Form

1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Note: A number of the items below are associated with walkability and access to trails, transportation, and services. Currently, pedestrian access via Bell Avenue is available from the site to the Shiloh Road multi-use trail; however, Central Avenue is currently constructed to a county road standard west of Shiloh Road and, as such, no pedestrian facilities are available to or from the site along Central Avenue between Legends West Subdivision and Shiloh Road.

GROWTH GUIDELINES

Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Development of the property will include improvements for public sidewalk along the north half of Bell Avenue, which extends the existing pedestrian corridor from the site to the existing multi-use trail along the Shiloh Drain. Sidewalks are planned as part of the common elements.

Infill development and development near existing City infrastructure may be the most cost effective.

The proposed development is located within the “red” on the current City of Billings Limits of Annexation Map. The “red” area is the City Annexation Petition Area. Public water, sewer, and storm drain service is located immediately adjacent to the development. Existing infrastructure includes a 16-inch water main and 24-inch sewer main in Central Avenue and 12-inch water and 21-

inch storm drain in Bell Avenue. The above water, sewer, and storm drain lines must be extended from the east boundary of the property to provide service.

Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed development currently contemplated will be a condominium development consisting of duplex and single-family residential units and common elements including, but not limited to, private roads, sidewalks, infrastructure, and open space. In order to develop the property, a traffic impact study is to be completed in order to identify traffic impacts to ensure the development does not negatively impact traffic safety of the existing City and County road network.

As mentioned above, the development is to be a condominium development. Being a condominium development, the neighborhood will have consistent landscape design and maintenance throughout making the development an attractive neighborhood.

The neighborhood will consist of essential services such as public water, public sewer, and a stormwater management system meeting the requirements of the City of Billings Stormwater Management Manual. The neighborhood will also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

COMMUNITY FABRIC

Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.

The development is to consist of condominium development. The common elements within the property will consist of private roads and landscaped open space. The development is being planned to include trees and other landscape features along the private roads for a pleasant and calming travel experience through the neighborhood.

Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.

The proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. Additionally, the development is in close proximity to the existing multi-use trail along the Shiloh Drain. The existing multi-use trail provides access along the entire length of Shiloh Road. The Shiloh Road trail corridor provides access to a nearby convenience store, churches, City College, future medical campuses, and commercial retail and restaurants.

Outdoor public spaces provide casual and relaxing gathering areas for people.

The proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. One objective of the landscape design of the open space will be to provide relaxing areas for people to gather.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

STRONG NEIGHBORHOODS (LIVABLE, SAFE, SOCIABLE AND RESILIENT NEIGHBORHOODS)

Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.

As previously stated, the proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. Additionally, the development is in close proximity to the existing multi-use trail along the Shiloh Drain. The existing multi-use trail provides access along the entire length of Shiloh Road. The Shiloh Road trail corridor provides access to a nearby convenience store, churches, City College, future medical campuses, and commercial retail and restaurants.

HOME BASE (HEALTH, SAFE AND DIVERSE HOUSING OPTIONS)

A mix of housing types that meet the needs of a diverse population is important.

The proposed development is intended to provide a mixture of duplex and single-family dwelling units with common elements shared with unit owners. This development is to provide single-level dwellings with a majority of the dwellings having no steps and wider doorway and hallway widths to aid in accessibility for elderly and persons with limited mobility. The development provides an option for maintenance-free living as common elements such as lawns, landscaping, streets, and sidewalks will be maintained by the association.

Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

The proposed development is intended to provide affordable dwelling units under \$250,000. As stated above, the development will have sidewalks and connectivity to existing walking trails and be evaluated for traffic impacts to promote safety.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

Homes that are safe and sound support a healthy community.

Dwellings in the proposed development will be of new construction and meet code requirements for building construction, energy conservation, and other trades. Adopted codes and permit inspections should provide reasonable assurance that dwellings within the development are safe and sound.

MOBILITY AND ACCESS (TRANSPORTATION CHOICES IN PLACES WHERE GOODS AND SERVICES ARE ACCESSIBLE TO ALL)

Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors.

In addition to vehicular transportation options, the neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue. The MET transit system has numerous bus routes that can be accessed near the intersection of Central Avenue and Shiloh Road; it should be noted however that pedestrian access from the property along Central Avenue is limited at this time as no sidewalk is constructed.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.

The property currently is located outside the city limits and is zoned agricultural open space. Under the current zoning, only one single-family residence would be permitted on the 15-acre tract. The subject property is located immediately adjacent to the City Limits of Billings. The property is proposed for annexation into the City of Billings and re-zoned to allow for residential development consisting of a mixture of single-family and duplex residential units and common elements.

The proposed zoning is the same as the adjacent Legends West Subdivision on the east boundary of the site and allows for the proposed mix of single-family and duplex units with a density of 7,000 square feet per single-family unit and 9,600 square feet per duplex unit. Development for residential use is consistent in the vicinity of the site, which consists of a mix of rural non-annexed residential properties zoned Agricultural Suburban and Residential 15000 in addition to the annexed Residential 7000 zone. Undeveloped properties to the south and west are zoned the same as the existing zoning, being Agricultural Open and currently are being utilized for crop production.

**NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET**

Date: September 26, 2016

Time: 6:00pm

Project: C/S 1648, Tract 3 - Annexation & Zone Change

Project No.: 98050.49

Meeting Location: Sanderson Stewart - 1300 North Transtech Way, Billings, MT 59102

Name (Please Print)	Phone Number	Email Address
MORIN STEETMAHER	406-281-1423	
KEAT STEETMAHER	406-688-5348	
DOLLEN KRANSE	656-5630	
DIK REICH	252.1763	
Tim Melmstrom	406-672-7532	
Phil Johnson	706-698-9314	
Bob & Bernice	534-2849	
Don & Markey Warwick	855-7349	
Dave and Barb Katz	256-7080	
Doug Reiter	794-8874	
Janet Bergman	259-5681	
Dennis Sulser	406-237-3601	

MEETING MINUTES

PROJECT: Proposed Zone Change – Tract 3 of C/S 1648 Amended			
Project No: 98050.49			
Meeting Location: 1300 N. Transtech Way		Meeting Date: 9/26/16 6:00 P.M.	
Meeting Subject: Neighborhood Meeting		Prepared by: Bryan Alexander	
Attending:	(see attached sign-in sheet)		
Date of Issue: 9/27/16			

Minutes:

- Bryan Alexander presented an overview of the anticipated Application for zone change and annexation, Zoning Commission, and City Council’s action. Also reviewed the existing and proposed zoning and a summary of allowable uses within the Residential 7,000 Zone.
- Introduced developer Dan Marsich who was in attendance.
- Discussed developer’s plan to construct a condominium development with a mix of single-family and duplex units along with common area and private roads, water, and sewer.
- Private roadways would access from Central Avenue and Bell Avenue.
- Described adjacent zoning and land uses near the site.
- Question about building heights. *Dan Marsich stated that he only builds single-level units (no 2-story units). Bryan stated that the proposed zoning allows for 34 foot building heights, which is the same for all residential zones other than RMF and RMF-R. Residential 7,000 also has similar setback requirements to other residential zones (showed table from zoning code).*

- Will there be other builders? *Dan does not intend to sell building pad sites at this time. If a pad site were to be sold, it would have to fit within the master site plan building envelope and Dan would have control over what is to be built.*
- Are there similar units that can be viewed? *Yes, there are 2 duplexes in Brookshire (Cumberland Hill Road) that Dan recently completed using one of the proposed building types. Bryan pointed out a similar type of development in the adjacent Morningstar duplexes (using Google Earth street view), which have duplexes and common areas. Consistent landscaping look and maintenance.*
- Described how site will require a "Master Site Plan" and unit locations and sizes are a set part of the plan.
- How many lots are being planned? *Bryan: Current concepts are showing 80-90 units; it can be noted that individual lots are not proposed.*
- Public water and sewer will be extended in Central Avenue and Bell Avenue will be constructed west along the south of the property (anticipated that only north side will have curb, gutter, and sidewalk).
- Is the purchase of property contingent on the annexation and zone change? *Yes.*
- What accesses are proposed? *Bryan: We are currently looking at one access from Central Avenue and two accesses from Bell Avenue. Currently collecting data for a traffic impact study, as site will create over 500 trips per day, to identify traffic impacts.*
- Will there be ponds in the landscaping? *Bryan: There will likely be a stormwater pond, which will planned to be dry within 72 hours after a storm. There have been discussions of using irrigation ditch water to create landscape ponds; however, there may be challenges with that due to DNRC permitting, costs, etc. Intend to have a pedestrian access from Central to Bell and trees throughout. Landscape plan is not currently developed.*
- Will stormwater ponds create a groundwater rise? *Bryan: Explained geotechnical analysis required by the City for impacts to groundwater and existing/proposed structures.*
- How is sewer provided? *Bryan: All sewer will be from Central Avenue as no sewer is present in Bell Avenue. Sewer is deep in Central and sewer within the site will be private.*
- When does the zone change go to City Council? *Bryan: Showed schedule provided in zone change application. Based on application materials, the application submittal date is October 3rd, Zoning*

Commission on November 1st, and City Council on November 28th. Since annexation is also occurring, we understand that the dates may be pushed back from this point. Public notice will be provided for those meetings via mailers much like this meeting.

- *Will there be an association where the residence pay dues? Dan: Yes, there will be an association that pays for snow removal, mowing, maintenance, etc. Vicki Dunnaway is Dan's attorney that will be preparing the condominium documents.*
- *One resident stated that they are comforted by the proposed zone, but they have some concern about plans for development of an adjacent property to the south (Tr. 1 C/S 2828) of the property. Bryan: I am currently unaware of the development plans for that.*
 - *Neighborhood concerned about development of large-scale multi-family housing projects like those immediately south near King Avenue.*
- *Closed meeting.*

Synopsis of Meeting Results

The meeting conducted on September 26, 2016 was generally well received with no apparent opposition to the requested zone change. The neighborhood residents were concerned about the possibility of multi-family apartment buildings in close proximity that would change the characteristics of their neighborhood. The zoning proposed is limited to single-family and duplex residences, which seemed to be a comforting scenario to those in attendance.

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Tract 3 of C/S 1648, a 15.107 acre parcel of land, generally located at 4240 Central Avenue

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

2. DESCRIPTION That Tract 3 od C/S 1648, a 15.107 acre parcel of land, generally located at 4240 Central Avenue is presently zoned **Agriculture-Open Space (A-1)** and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Agriculture-Open Space (A-1) to Residential 7,000 (R-70)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading November 28, 2016

PASSED, ADOPTED AND APPROVED on second reading December 12, 2016.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk
Zone Change 950 – 4240 Central Avenue

Regular City Council Meeting

Meeting Date: 11/28/2016

TITLE: Approve Dehler Park Facility Management, Operation and Use Agreement with Mustangs Baseball, LLC

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Billings City Council approved a Ballpark Management, Operation & Use Agreement with the Billings Pioneer Baseball Club, doing business as the Billings Mustangs, in 2008, as what became Dehler Park was preparing to open. The contract is due to expire on Dec. 31, 2017, with options for the ball club to extend it for additional 10-year periods. The Mustangs organization was purchased in 2014 by Main Street Baseball, LLC., and the new owners asked to renegotiate the contract in late 2015, leading to extensive contract negotiations. The attached contract was edited slightly by the Billings Parks, Recreation and Cemetery Board on Nov. 16, 2016, and recommended by a 4-1 vote to the City Council for approval.

The proposed agreement differs from its predecessor in the following, significant ways:

- 1) Gives Main Street Baseball the opportunity to sell naming rights to the field. They may also sell scoreboard advertising and ballpark naming right when the current agreements expire. The City of Billings Ballpark Permanent Fund will receive 15% of the net revenue from the sales to enhance or replace the score board in the case of the scoreboard revenue, and to provide major maintenance to the ball park in the case of the field and park naming rights.
- 2) Increases the ball club's fixed rental payment from \$30,000 to \$60,000 annually. The rent will be deposited in the City of Billings Ballpark Permanent Fund to offset capital repairs of more than \$25,000 that will be needed at the ball park as it ages. Expenditures from the permanent fund will continue to be approved by the City Council upon the recommendation of a Facility Review Committee consisting of one representative each from the City Parks Department, the Parks Board and the Ball Club.
- 3) Creates a \$30,000, City-funded maintenance account, combined with a \$5,000 Ball Club account, to handle non-capital repairs. The agreement authorizes the City Administrator or the Administrator's designee to authorize such repairs in keeping with the City's Purchasing Policies and Procedures.
- 4) Authorizes the Ball Club, at its own expense, to make improvements including an enclosed, glass Great Room; a children's play area with zip line; seating, service and concession area upgrades; and additional improvements recommended by the Facility Review Committee and approved by the City Council.
- 5) Ensures the Ball Club will play in Dehler Park for the duration of the contract, as long as the park meets Minor League Baseball Facility Standards, and that the City will not attempt to sell Dehler Park during the term of the contract.
- 6) Provides both the City and the Ball Club with the opportunity to schedule events at the park, with each receiving revenue from their own events.
- 7) Provides a dispute resolution process.

Eliminated from the prior contract are provisions that give the City the opportunity to review all Mustangs contracts with other business entities, that require the City to review Mustangs' finances annually (an alternative process is provided), and that require a baseball camp.

The Mustangs organization asked that the contract be approved before winter baseball meetings during the week of Dec. 5.

ALTERNATIVES ANALYZED

City Council may:

- Approve the agreement as presented,
- Modify the contract, sending it back to the table for further negotiations or;
- Disapprove the contract, which also would require new negotiations.

Renegotiating would likely result in a delay in the increased payments in naming rights revenue and the Dehler Park improvements outlined in the proposed contract.

FINANCIAL IMPACT

If the agreement is approved, the City would need to budget \$30,000 annually in the Parks and Recreation Fund for repairs. Such a clause was included in the Cobb Field agreements, but not paid for many years, contributing to the decline of the old stadium. The additional cost would be offset by a \$30,000 increase in the Mustangs' rent, although that money will go into the City of Billings Ballpark Permanent Fund, offsetting contributions that otherwise might have been necessary in the future.

The exact amount of revenue that would come to the Permanent Fund from the sale of naming rights is unknown. Using the Dehler Park naming rights as an example, the \$1 million donation would have added \$150,000 to the Permanent Fund account. However, the Ball Club believes it can raise more revenue than in the past from such naming rights.

RECOMMENDATION

Staff recommends that the City Council approve the proposed agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

DRAFT Agreement with Mustangs Baseball, LLC Re Dehler Park

11/19/16

**CITY OF BILLINGS FACILITY MANAGEMENT,
OPERATION AND USE AGREEMENT**

This Agreement, by and between the City of Billings, a Montana Municipal Corporation, Billings, Montana, hereinafter designated as "City," and Mustangs Baseball, LLC, a Montana Corporation licensed to conduct business as the Billings Mustangs, hereinafter designated as the "Ball Club," hereinafter collectively referred to as "the parties," states:

RECITALS:

The City owns a baseball stadium located at North 27th Street and Ninth Avenue North, in Billings, Montana, more particularly described in Exhibit "A", attached, hereinafter referred to as the "Facility;"

The Ball Club is a professional baseball club and a member of the Pioneer League and a member of the National Association of Professional Baseball Leagues, Inc. (NAPBL);

The Ball Club owns the exclusive right to arrange, control, promote and profit from playing professional baseball in the Billings area and desires to enter into this Agreement with the City for certain activities to be conducted at the Facility;

The Ball Club has unique industry experience in operating Minor League Baseball Teams, multi-purpose event facilities and stadia at the highest level and is considered a professional operator and expert in the field of sports and facility management;

City desires to permit the Ball Club to use the Facility to play professional baseball, and Ball Club desires to use the Facility for those purposes;

The Ball Club and the City desire that quality food, beverage and other concession services be available through concession operations located at the Facility;

The Facility attracts people to the City, provides economic benefit to the City and its residents improves and promotes tourism and enhances the tax base of the City;

The City and the Ball Club desire to permit reasonable use of the Facility by the Billings American Legion Baseball (BALB) program, the Montana State University – Billings (MSU-B) baseball program and other youth baseball organizations;

The Ball Club and the City acknowledge that the Facility is a community asset and intend that the Facility provide a venue for multiple activities and civic events in addition to professional and amateur baseball;

The Facility provides wholesome recreational and entertainment opportunities for the City residents;

The Facility provides residents and visitors from surrounding areas with an opportunity to attend professional baseball games, without the need to travel extended distances and thus increases the attractiveness of the City as a place in which to reside

and work; and

The Facility provides the Ball Club with the premiere facility in the Pioneer League in which it can profitably play as an affiliate of a major league team. In consideration of the premises, the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each part, the parties mutually agree and covenant as follows:

FACILITY MANAGEMENT, OPERATION AND USE AGREEMENT

Section 1. Facility.

1.1 Name. The name of the Facility shall be Dehler Park through June 26, 2032. The Ball Club shall have the right to sell and retain the revenue from the sale of the naming rights to the field (example: Company X Field at Dehler Park) The naming rights shall be approved by the Parks, Recreation and Cemetery Board and the Billings City Council, with the payment of fifteen percent (15 percent) of the proceeds to the City of Billings Ballpark Permanent Fund, as outlined in Section 6.9 below. The Ball Club shall not have any right or other interest in the name of the Facility.

1.2 The boundaries of Dehler Park ("the Ballpark") shall include the ballpark and the area north of the ballpark from between left and center field to the sidewalk along 10th Avenue North, and all improvements thereon, as depicted in Exhibit A.

1.3 Design. The Facility was designed and constructed to meet or exceed the Standards for Minor League Playing Facilities as set forth in the current version of Minor League Baseball Rule 58, and both the City and the Ball Club will cooperate to ensure that those standards continue to be met in the future.

1.4 Field. To ensure the longevity of the playing field and to keep the playing field in peak playing condition and safe for the users of the field, the Ball Club shall maintain the playing field in a condition that meets or exceeds the Minor League Baseball Facility Standards (MiLB Facility Standards). The parties agree that the Ball Club has established maintenance practices of the field that at the time of this agreement exceed the MiLB Facility Standards and are acceptable to the City. The methods used to achieve this level have been based in part by the onsite knowledge of the Ball Club's Field Staff. As such, the Ball Club shall continue with these practices and consult with the Professional Standard of Care shown on Exhibit B. The Parties agree, due to the desire to have BALB, MSUB, and other community baseball teams have an opportunity to play at the Facility, that the field does receive an extraordinary amount of wear and tear that is not due to the play of the Ball Club and as such, Ball Club will use commercially reasonable efforts to maintain the field at a level outlined herein.

1.5 Administrative Offices. At all times during the term of this Agreement, the Ball Club shall have the right to use designated administrative, Ball Club office and storage space in the Facility as shown on Exhibit A attached herein, subject to the City's right of inspection by authorized City representatives during regular business hours and upon reasonable notice. The Ball Club and the City shall also have the right of shared access to, and inspection of, all common areas of the facility including the stadium, kitchens, conference room, restrooms, and mechanical and custodial rooms, by giving reasonable

amount of time in advance. The Ball Club shall have the right to display its name and logo on areas inside and outside of the Facility as appropriate and consistent with other Minor League Baseball Facilities.

1.6 Expansion, enhancement and capital improvement. The City and the Ball Club agree to work together in good faith throughout the term of this Agreement toward their common goal of enhancing the Facility.

Section 2. Effective Date and Term.

2.1 Effective date. This Agreement is effective upon the date it is executed by the parties.

2.2 Initial Period. This Agreement will expire December 31, 2026.

2.3 Options to Extend. At the end of the initial period of this Agreement, both parties shall have the option to extend this Agreement, upon terms to be agreed upon by the parties, for additional periods of ten (10) years.

2.4 Surrender of Possession upon Termination the Ball Club agrees that upon termination of this Agreement it will surrender possession and deliver the Facility, including permanent fixtures installed by the Ball Club. The Facility shall be surrendered and delivered in good, clean condition except for ordinary wear and tear. Removables shall remain property of the Ball Club and may be removed upon termination of this Agreement.

Section 3. Management, Operation, Scheduling and Use of the Facility.

3.1 General. The Parties share the right and responsibility to manage, operate, administer, supervise and schedule the use of the Facility in manner consistent with this Agreement, Minor League Baseball Industry Standards, and the priorities and understandings stated in this Section 3.

3.2 Priorities. Events at the Facility shall be scheduled in accordance with the following priorities:

(a) Professional baseball. The Parties shall maintain and use the Facility for professional baseball games and related functions as a first priority throughout the term of this Agreement;

(b) Billings American Legion Baseball. Ball Club agrees to accommodate the game schedule needs of the Billings American Legion Baseball (BALB) program to the fullest possible extent throughout the term of this Agreement, subject to the first priority of professional baseball, and upon reasonable terms and conditions, bearing in mind the long history and tradition of BALB baseball in Billings;

(c) Montana State University-Billings. The Ball Club agrees to accommodate the schedule of the MSU-B Baseball program throughout the term of this Agreement, subject to the priorities of professional and BALB baseball, and upon reasonable terms and conditions;

(d) Non- baseball events. The Parties desire that the Facility provide a venue for multiple uses and civic events, subject to the priorities set forth in this Section and;

(e) Youth baseball. The Ball Club understands the value to the community of encouraging the growth, development and popularity of baseball and agrees to accommodate requests by youth baseball programs to use the Facility to the extent

possible and upon reasonable terms and conditions. These will be for championship games only.

3.3 "Baseball," "Baseball-related" and "Non-baseball" Events, Defined. As used in this Agreement,

(a) "Baseball" events include baseball games and all activities, entertainments and promotions planned, scheduled or undertaken incidental to, in conjunction with, or during the course of any baseball game;

(b) "Baseball-related" events include any activity, organized or scheduled for the purpose of facilitating, improving, promoting, honoring or financing professional or amateur baseball, its players or affiliated organizations, but not incidental to, in conjunction with or during the course of a baseball game; and

(c) "Non-baseball" events include activities, entertainments, gatherings or uses that are neither "baseball" nor "baseball-related" events.

3.4 Scheduling of "Baseball" and "Baseball-related" Events. The Ball Club shall have the exclusive right and responsibility to schedule and manage baseball events at the Facility on available dates and in a manner consistent with, and subject to, the priorities stated in Section 3.2, above.

3.5 Scheduling of Non-Baseball Events. The City and the Ball Club each shall have the right and responsibility to schedule and manage non-baseball events at the Facility on available dates, provided that no event involving the playing surface of the Facility may be scheduled without prior consultation and mutual approval from the other Party. Each Party shall be responsible for all the costs of and receive all the revenue derived from the events it schedules.

3.6 Reserved dates for City/PRPL; Once the conditions have been fulfilled in accordance with Section 3.3, herein, the Ball Club and City shall agree to 15 priority dates that will be reserved for the City's use. The Ball Club shall have any remaining dates for its use or for Special Events. These dates do not include the Ball Club's regularly scheduled games in the Pioneer League. This selection process shall occur annually on or before December 31, or within 10 days of the Pioneer League's season schedule being released, whichever is later.

Once chosen, each party shall have the exclusive right to use the chosen date for its special event. If the City or the Ball Club has chosen a date and realizes that it will not hold an intended event, the party will make the date available for use by the other party. Throughout the year, each party shall have the right to secure additional dates for special event uses that have not been selected as a Priority Date herein, at no cost to the other party. These dates shall be secured by communicating the intended date in writing to the other party. In the case when one date is desired by both parties, the party that has held the date first (first hold) shall have the right to the date and must confirm the date with the other party.

3.7 Calendar of Non-baseball Events and Master Calendar. The City shall maintain a Calendar of non-baseball events at the Facility and promptly provide notice to the Ball

Club when any non-baseball event is placed on said Calendar. In consultation and cooperation with the City /PRPL, the Ball Club shall maintain a Master Calendar of all events (baseball and non baseball events) at the Facility.

Section 4. Rent and annual financial review.

4.1 Fixed rental payment. For the term of this contract, the Ball Club will pay a fixed annual rent to the City in the amount of Sixty Thousand and No Hundredths Dollars (\$60,000.00), in two equal payments of Thirty Thousand Dollars (\$30,000.00) due on or before June 1 and December 1. The annual rent will be deposited in the "City of Billings Ballpark Permanent Fund" for major repairs and capital improvements to the Facility as outlined in Section 6.9 of this contract.

4.2 Annual review. The Ball Club shall maintain financial records in proper form. A review of the City of Billings Ballpark Permanent Fund (established in Section 6.9, below), will be conducted annually by the Facility Review Committee (outlined in Section 6.10, below). The Ball Club will provide the City/PRPL with a copy of the report provided to Minor League Baseball on the Ball Club's outstanding debt by October 31st each year of the contract. In addition, the Ball Club will send its most recent financial report to the City's Bond Counsel for review and certification of solvency at the City's expense each year no later than the anniversary date of the contract's signing. The current City Bond Counsel is Dorsey and Whitney in Missoula, Montana. The City will notify the Ball Club of any changes in Bond Counsel as needed.

4.3 Prohibitions on Liens Against the Facility. Neither the Ball Club nor any contractor or subcontractor hired by, or doing work on behalf of, the Ball Club shall have the right to file or place liens of any type or character upon the Facility. The Ball Club agrees to fully comply with statutory laws concerning payment, performance, mechanics and materialmen's bonds in advance of any and all contractors and subcontractors performing work on the Facility during the term of this Agreement. Copies of such bonds shall be provided to the City prior to the performance of any work, materials, service or labor on the Facility.

Section 5. Concessions, fundraising, pricing and revenue.

5.1 Authority. The Ball Club shall be the sole and exclusive vendor of food, drink, and novelty items for all Ballpark Events, except those sponsored by the City. This will include Team Home Games, Ball Club Special Events, and all other non-City activities and events held at the Ballpark for the Term of this Agreement. The Ball Club shall be the sole beneficiary of all revenues derived from the operation and sales of concessions and merchandise for its Home Games and non-City Special Events.

For City Events, the City or a designated third party shall be the beneficiary of all revenues. The City agrees that neither it nor its designated third parties will use the concession equipment or space utilized by the Ball Club for its provision of services.

Either Party may grant concession rights to a third party or third parties (i.e., concessionaires) as it deems appropriate for the conduct of its business at the Ballpark. Neither party shall have the right to use each other's equipment to provide concession services.

-

Either Party shall have the right to prohibit patrons and guests from bringing into the Ballpark any outside food and/or drink to its Home Games, special Events and activities. Should any Party choose to allow patrons to bring in outside food or drink, the allowing Party shall immediately assume all liability and responsibility for such actions, and hold harmless the other party.

The Ball Club agrees to conduct concession sales in a clean, professional, and businesslike manner similar to operations in other Minor League ballparks and agrees to comply with all local, state and federal laws and regulations.

5.2 Naming and advertising rights and baseball promotion. Ball Club has the exclusive right to sell naming and advertising rights, space and opportunities within the Facility in compliance with City Code. Ball Club shall retain all revenue from such sales, including but not limited to signage (including signage that faces to the exterior of the Ballpark), banners, scoreboard advertising, displays, announcements, program advertisements and product placements subject to the following exceptions and limitations only:

(a) The right to name the Facility exercised in Section 1.1, above, and all revenue from the sale of such right, belongs exclusively to the City from June 17, 2008, to June 26, 2032. The Ball Club subsequently may exercise alternate naming rights with the concurrence of the City and with payment of fifteen percent (15%) of the Net Revenues (as defined in Section 5.2(h) to the City of Billings Ballpark Permanent Fund, as outlined in Section 6.9 below.

(b) From June 17, 2008, to September 30, 2017, revenue received from Wendy's of Montana for scoreboard advertising sold to defray the cost of construction of the Facility belongs exclusively to the City. In exchange, Wendy's name will remain on the electronic scoreboard, through September 30, 2017, and Wendy's will receive four tickets to all events to be held in the stadium through that period. Wendy's will have an option to renew signage rights at the current rate at the time of renewal.

(c) From June 17, 2008, to September 30, 2017, revenue received from First Interstate Bank (Bank) for scoreboard advertising sold to defray the cost of construction of the Facility belongs exclusively to the City. The scoreboard sign for the Bank will occupy a space for 10 seasons, from July 1, 2008, through September 30, 2017, and the Bank will receive four tickets to all events to be held in the stadium for a period of 10 years. The Bank sign shall remain in the same location and size it currently holds through September 30, 2017. The number of advertisers on the scoreboard through September 30, 2017, will be limited to 3 companies in addition to the Bank, and none of the other advertisers will represent the financial services industry.

(d) From June 17, 2008, to September 30, 2017, revenue received from donations related to scoreboard signage from Jean E. Dimich and Mike D Dimich Sons dba Pepsi-Cola Bottling Company of Billings belongs exclusively to the City. The Donors have the right to have the Pepsi logo placed on the scoreboard in a mutually agreed upon size and format through September 30, 2017, and will have right of first refusal to the same signage for a period of 10 years at the current rate at the time of renewal.

(e) Any rights sold by the Ball Club may not extend beyond the term of this agreement without the express written consent of the City; and

(f) Without exception, the sale of naming rights in the Facility will be undertaken in a manner consistent with the standards of professional baseball and recognizing the Facility is intended to provide a venue and environment suitable for family entertainment.

(g) Once the above sponsorship agreements have expired, Ball Club shall have the exclusive right to sell and retain the revenue received for the open inventory located on the scoreboard.

(h) All revenues received by the Ball Club in accordance with Section 5.2 (g), minus

marketing expenses, activation expenses, commissions, and other delivery costs (the “Net Revenues”), shall be accrued and fifteen percent (15%) shall be returned to the City of Billings Ballpark Permanent Fund to be used to invest back into the enhancement or purchase of the existing scoreboard.

(i) The team shall have the right to display the company logo and name as a condition to fulfill the field naming rights agreement.

5.3 Safe, clean concession operations and food service. The Ball Club will at all times use necessary care to provide safe, clean operations for all events at which it engages in concession sales. Ball Club agrees that all of its storage, preservation, refrigeration, preparation, cooking and delivery of food and beverage will fully comply with all standards of RiverStone Health, and the City’s Fire Department and Building Codes Division for all events at which it engages in concession sales.

5.4 Vendor Selection. Except for City-sponsored events, the Ball Club has the exclusive right to contract with third parties for concession and vending services at baseball and baseball-related events and to select and sell partial or exclusive concession rights for baseball and baseball-related events at the Facility and to lease, rent or delegate the right to engage in concession sales for baseball and baseball-related events at the Facility upon terms it considers appropriate and consistent with the requirements of Section 5.3, above. Provided, the City shall have the authority to determine its own contracts and fees for events that it sponsors.

5.5 Pricing. The Ball Club has the exclusive right and authority to determine and set reasonable prices and lease and rental rates for admission, concessions, advertising, sponsorships, naming rights (subject to the provisions of Section 5.2) and use of the Facility, except for City-sponsored events.

Section 6. Cleaning, maintenance, repairs, safety, improvements and ownership.

6.1 Duty of Ball Club. The Ball Club has the right and responsibility to regularly clean, maintain, preserve, repair and safely operate the Facility in accordance with this Section and applicable laws and in such a manner as to meet or exceed all applicable standards of Minor League Baseball.

6.2 Duty of City. The City has the right and responsibility to clean, maintain, preserve, repair and safely operate the Facility, except the playing surface, during and immediately following each non-baseball related event it schedules pursuant to Section 3.7, and at all times to maintain, preserve and safely manage the grounds of Athletic Park Block outside the confines of the Facility walls, including but not limited to sidewalks, landscaping, artwork, memorials, parking lots, protective netting and related structures.

6.3 Playing surface, grounds and irrigation. The Ball Club has the exclusive right and responsibility to maintain, repair and prepare the baseball playing surface and any areas that include improvements made by and providing income to the Ball Club. The City shall be responsible for the reasonable cost of maintenance, repair and preparation of the playing surface, outside the ordinary course of Ball Club operations, necessitated by City-sponsored events. The Ball Club shall maintain the grounds within the interior walls of the Facility in a manner that meets or exceeds all Applicable Standards, including maintenance of the irrigation system within the Facility.

6.4 Cleaning. The Ball Club agrees that all public areas within the Facility, including seating, entrances, restrooms and concession facilities will be cleaned daily if needed with

cleaning agents with complete MSD information on site and procedures approved by the City/County Health Department. The entire Facility will be cleaned at least monthly from April to September.

6.5 Maintenance and utilities within the Facility. The Ball Club shall pay all utility charges and regularly perform all routine maintenance within the Facility, including but not limited to: painting, plumbing, mechanical, HVAC, and electrical and other needed repairs in accordance with professional building management standards by knowledgeable service personnel, or as reasonably directed by the City. The Ball Club shall use its own equipment for all such maintenance or separately contract for such maintenance and repairs. To insure Ball Club's compliance with cleaning, maintenance, all on-site concession operations and City-authorized improvements, the City's representative shall have the right to inspect the Facility common areas at all reasonable times.

6.6 Repairs. Normal repairs within the Facility costing \$5,000 or less, in the aggregate, will be undertaken by the Ball Club as soon thereafter as can reasonably be arranged. The City will establish a maintenance account of thirty thousand dollars (\$30,000), in the aggregate, annually to be available to add to the Ballpark's contribution for repairs costing up to \$30,000. In order to expedite the repair process, the City Administrator or his/her designee is hereby authorized by the City Council to approve such repairs in keeping with the City's Purchasing Policies and Procedures. All City-paid repairs of more than \$25,000 are considered Capital Repairs and shall be approved as outlined in Section 6.9, Capital Repair and Improvement Fund. The City shall be responsible for the cost of repair of damage occurring at City-sponsored events.

6.7 Restrooms. The Ball Club agrees the public restrooms will be stocked, supplied and checked regularly during baseball and baseball-related events and that cleaning will be performed as needed. The City agrees it is responsible for restocking, supplying, checking and cleaning the public restrooms during and following non-baseball events.

6.8 Fire and life safety and emergency exit systems at all times that the Facility is in use, as required by the Billings Fire Department. In addition, the Ball Club agrees to comply with the Life Safety Code and in specific, the following items:

- (a) Emergency lighting shall be provided as required by City Code
- (b) Fire extinguishers shall be inspected monthly and the date and initials of each inspection noted on an inspection card attached to each extinguisher. The fire extinguishers will be serviced and properly mounted with Type K extinguishers placed in or near each cooking area.
- (c) Fire hoses shall be inspected monthly during the operating season and all deteriorated hoses and corroded hose connections will be replaced according to the Uniform Fire Codes Compliance with the above Fire Codes will be done at Ball Club expense.
- (d) The Facility is smoke free and smoking shall not be permitted anywhere within the ticket booths and entrance fences, locker rooms, spectator seating, and field areas, except in an approved and clearly designated and signed location outside the stadium equipped for tobacco use.
- (e) The handicapped accessibility and seating areas shall be appropriately equipped and clearly indicated.

6.9 Capital repair and improvement fund. The City has created and shall administer a fund known as the "City of Billings Ballpark Permanent Fund," which is a permanent

fund of the City available for major repairs and capital improvements to the Facility (work beyond the scope of routine maintenance and repair duties described in Section 6.6 of this Agreement). Separate accounts within the permanent fund may be established and earmarked for particular uses, plans and projects within the Facility or Athletic Park Block. Prior approval of the Facility Review Committee created in Section 6.10, below, is required to authorize any expenditure of funds from the Ballpark Permanent Fund. Any single expenditure from the Ballpark Permanent Fund exceeding \$25,000 must receive prior approval from the Mayor and City Council. Regardless of the amount of any expenditure, all contracts must comply with the City Purchasing manual and City contracting rules.

6.10 Facility Review Committee. A Facility Review Committee consisting of one authorized representative each of the City's Parks, Recreation and Public Lands Department, the City's Park Board and the Ball Club shall as necessary periodically review the management, operation, use and maintenance of the Facility. This Committee shall make recommendations to the Mayor and City Council for any expenditure exceeding \$30,000 from the Ballpark Permanent Fund.

6.11 Remedies. In the event either Party does not satisfactorily perform its cleaning, upkeep and maintenance obligations under this Agreement, the other Party has the right to hire a third-party to perform such obligations and charge the cost of such cleaning, upkeep or maintenance to the non-performing Party.

6.12 Improvements by Ball Club. The City agrees to allow the Ball Club, at its own expense:

(a) To build a 3,000-square-foot, glass-enclosed "Great Room" above the concession stands behind the third base dugout, covering the width of the concourse, provided that the City will supervise design and construction of the structure to ensure it meets City standards;

(b) To build a children's play area and zip line from the area between left and center field to the sidewalk along 10th Avenue North. Any play area or zip line must meet the American Society for Testing and Materials (ASTM) and Consumer Product Safety Commission guidelines;

(c) To make any non-structural improvements and add any decorations to the interior of the Ballpark, provided that the Ball Club complies with all City permitting and construction requirements. Exterior improvements may be made with consent of the City /PRPL;

(d) To display advertising throughout the interior of the Ballpark, with the exceptions of signs above, below and beside the scoreboard, and to keep all revenues derived from such advertising. No later than January 1, 2020, the Facility Review Committee will evaluate and make a recommendation to the City Council on expansion and replacement of the video board portions of the scoreboard;

(e) Additional seating or standing areas, including tables, beverage stations, bars, canopies, food vending areas, and other seating enhancements as presented and approved by the Ball Club and City;

(f) Additional concession stands, portable food and beverage carts and vending areas; and

(g) Additional improvements as recommended by the Facility Review Committee and approved by the City Council.

6.13 Ownership. Any trade fixtures and equipment installed by the Ball Club shall remain the property of the Ball Club. All permanent fixtures, repairs and improvements to the Facility are deemed to be part of the Facility after completion of their construction/installation and thereafter are the property of the City,

Section 7. Fireworks and displays.

7.1 Fireworks and similar displays will be permitted in accordance with applicable laws and ordinances and in the discretion of appropriate City authorities. At no time shall any such displays interfere with operations of the Billings Logan Airport.

Section 8. Continuation of professional baseball at the Facility.

8.1 Continuing operations. During the term of this Agreement, the Ball Club agrees to maintain membership in the NAPBL and operate a professional baseball team in Billings, Montana, at the Facility.

8.2 Covenant not to relocate. The Ball Club agrees to schedule and play its home games at the Facility during the entire term of this agreement, and provided that the Facility continues to meet or exceed all applicable standards of professional baseball, covenants not to relocate the playing site of more than one of its home games without the prior written consent of the City.

Section 9. Miscellaneous

9.1 Ball Club employees. It is understood and agreed that no agent, servant, employee, contractor or subcontractor of the Ball Club shall under any circumstances be deemed an agent, servant or employee of the City, and that no agent, servant or employee of the City shall be under any circumstances deemed an agent, servant of the Ball Club.

9.2 Announcement. The Ball Club agrees to make the following announcement before each event that takes place at the Stadium:

"Ladies and Gentlemen:

Welcome to Dehler Park owned by the City of Billings, and the proud home of the Billings Mustangs Professional Baseball Club. For your safety, the Mustangs and the City of Billings ask you to take a moment to familiarize yourself with the nearest passageways and exits to be used in case of fire or other emergencies.

These exits are located at (description of exits).

Also, we would like to remind you that Dehler Park is a SMOKE-FREE facility by order of the Billings City Council. Further, please be attentive to the field of play because at times objects, such as bats and balls may enter the seating area.

Thank you for your cooperation."

9.3 Assignment. This Agreement is not assignable by the Ball Club in whole or in part without the prior written approval of the City.

9.4 Ballpark Sale. The City shall not sell or attempt to sell the Ballpark or any part thereof to any party for the duration of this agreement.

9.5 Indemnification. The Ball Club and each contractor or subcontractor of Ball Club

performing work on the facility and other organizations using the Facility shall indemnify and have the duty to defend the City and hold it harmless from and against all claims, liabilities, damages, losses judgments and expenses including reasonable attorney's fees and litigation costs arising out of or resulting from the negligent acts or omissions of anyone they employ directly or indirectly, including sub-contractors, agents and volunteers. All users shall agree to, acknowledge and sign applicable document(s) containing this indemnification.

The City shall indemnify and have the duty to defend the Ball Club and hold it harmless from and against all claims, liabilities, damages, losses judgments and expenses including reasonable attorney's fees and litigation costs arising out of or resulting from the negligent acts or omissions of its officers, employees or contractors.

9.6 Insurance. The Ball Club and each other organization using the Facility shall annually renew and carry liability and property, fire and casualty insurance, including liquor liability insurance (when alcohol will be sold and/or consumed) as approved by the Billings City Attorney covering the Ball Club and all other users. The Ball Club and all other seasonal and single event users shall obtain a Commercial General Liability insurance policy in an amount as set forth below, and under the terms and conditions as approved by the Billings City Administrator or Billings City Attorney. The Ball Club and all other seasonal and single event users shall also obtain a separate liquor liability insurance policy in the amount of One Million and no/100 Dollars (\$1,000,000) per Occurrence when any alcoholic beverages are sold or consumed during any event. The required insurance will be equivalent to the minimum amount of One Million Five Hundred Thousand and no/100 Dollars (\$1,500,000) per occurrence (MCA Section 2-9-108(1) and shall be in effect for the entire baseball use season including practice and scheduled games for the term of this agreement. Prior to the start of the use of the Facility each year, the Ball Club and all other permitted users shall provide the City a Certificate of Insurance made out to the City of Billings and naming the City of Billings as a primary, non-contributory insured in all categories of insurance. The City reserves the right to require reasonable increases in insurance coverage or changes in types of coverage as the circumstances or insurance industry practices may require. The City shall be notified by Ball Club or its insurer in writing thirty (30) days prior to any cancellation or nonrenewal of the policy. The notice of cancellation must be sent to the City.

If all or significant portion of the Facility is damaged or destroyed by fire or other casualty, in the event such loss is covered by insurance to the extent of eighty percent (80%) or more of the value of such portion(s) the City shall repair and rebuild the Facility with reasonable diligence to the condition immediately before the loss, the condition required by law or Minor League Professional Standards, at the sole option of the City. Such repairs or rebuilding shall be completed as soon as reasonably possible and in consultation with the Ball Club. If, in the good faith judgment of the Parties, there is substantial interference with the operation of the Ball Club's use of the Facility that requires the Ball Club to temporarily use another Facility, the sole remedy will be a pro rata abatement of payments due to the City in this Agreement for the period of time such interference has occurred. The Ball Club shall have the right to schedule home games at another facility during such time.

If at the sole option of the City the facility is not or cannot be restored to the condition immediately before such casualty or loss, the condition required by law or to Minor League Professional Standards following such casualty or loss, this Agreement may be cancelled and voided by the Ball club. Under such termination by Ball Club, neither Party shall have any claim of any kind or type against the other Party as a result of such termination.

9.7 Ball Club agrees not to discriminate in any manner on the basis of age, gender, marital status, race, color, creed, handicap, height, weight, national origin with respect to any applicant or employee, and will use its best efforts to conform in all respects to the pertinent provisions of federal, state and/ or local laws, ordinances, rules and regulations of employment practices. Ball Club agrees that in serving the public, its employees shall not, on the grounds of gender, marital status, race, color, creed, handicap, height, weight, national origin, discriminate or permit discrimination or refuse to serve a person or group of persons in any manner prohibited by federal, state or local laws, rules, ordinances and regulations.

9.8 Stadium Security. The Ball Club shall provide and pay for up to two (2) uniformed Police Officers at each Ball Club Home baseball game.

9.9 Breach and Remedies. Should any material condition of this Agreement be violated, a notice thereof in writing shall be issued; and if said breach is not corrected within thirty (30) days of said notice, this Agreement may be terminated at the option of the Party wronged without further notice; provided, however, that this clause shall not require the termination of this Agreement, nor shall it prevent the issuance of any other remedy at law or in equity.

9.10 Default. The Ball Club shall be considered in default of this Agreement if:

- a) The Facility is abandoned or vacated by the Ball Club; or
- b) Proceedings are commenced against the Ball Club by any court under a bankruptcy act or for the appointment of a trustee or receiver of the Ball Club's property, either before or after the commencement of the term of this Agreement; or
- c) The Ball Club fails to perform any of its material conditions or obligations under this Agreement after thirty (30) days receipt of written notice.

9.11 Default Remedies. In addition to any other remedy provided in this Agreement, the Parties shall be entitled to remedy any default following the expiration of the required notice as follows:

- a) Recovery of monies due and owing, together with interest from date such monies were due;
- b) A right of specific performance of non-monetary covenants and agreements;
- c) Cancel and terminate this Agreement immediately or at any date elected by the non-defaulting Party;
- d) If this Agreement is terminated because of the Ball Club's default for any reason, the amount to be paid by the ball club shall be equal to the principal amount owed plus accrued interest

9.12. Dispute Resolution. If a dispute arises concerning any provision in this Agreement, the parties shall follow this order of resolving the dispute:

- a) The parties shall first attempt to informally resolve the dispute.
- b) If the matter remains unresolved, the parties shall then attempt to resolve the dispute through mediation using an agreed-upon process.
- c) If mediation does not resolve the dispute, the parties may mutually agree to binding arbitration with an agreed upon process; however, the Parties are not obligated or required to

submit the dispute to binding arbitration and may proceed to d) below without such mutual agreement.

d) The Parties may unilaterally pursue other remedies including but not limited to litigation.

9.13 Applicable Law and Venue for Litigation. This Agreement shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue for any litigation related to this Agreement shall be in the Montana Thirteenth Judicial District Court, Billings, Yellowstone County, Montana, and there shall be no other venue for resolution of disputes arising from the Agreement or the performance of its terms.

9.14 Attorney fees and costs. In the event it becomes necessary for any Party to this Agreement to retain an attorney to enforce any of the terms or conditions of the Agreement, then the prevailing party shall be entitled to a reasonable attorney's fee and costs, including such fees and costs for in-house counsel.

9.15 Amendment and modification. The Parties hereby agree that any amendments or modifications to this Agreement or any provisions herein may be requested at any time during the term of this Agreement and, if mutually agreed upon, shall be made in writing and executed in the same manner as the original document and shall, after execution, become a part of this Agreement. Negotiations for amendments or modifications of this Agreement shall be conducted in good faith and in a manner consistent with the spirit and purpose of this Agreement.

9.16 Severability. Any provision of this Agreement decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement this day of _____.

CITY:

CITY OF BILLINGS, a Montana
Municipal Corporation



BY: _____
Mayor

ATTEST: _____
City Clerk

APPROVED:



CITY ATTORNEY

BALL CLUB:

THE BILLINGS PIONEER BASEBALL CLUB, A
Montana Corporation

BY:

ATTEST:

(Seal)

DRAFT