

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

LITTLE ROCK, ARKANSAS

September 23, 2016

ADMINISTRATIVE CIRCULAR NO. 2016-13

TO: ALL DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meetings in Little Rock, AR on September 14, 2016.

After making a careful review of these proceedings, please take appropriate action through designated lines of authority to forward the carrying out of any orders applying to your respective divisions and districts.



Scott E. Bennett
Director of Highways
and Transportation

c: Commission

MINUTES OF THE MEETING
OF THE
ARKANSAS STATE HIGHWAY COMMISSION

September 14, 2016

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, September 14, 2016. Members present were:

Dick Trammel, Chairman
Thomas B. Schueck, Vice Chairman
Robert S. Moore, Jr., Member
Frank D. Scott, Jr., Member
Alec Farmer, Member

2016-083 IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:00 a.m., September 14, 2016.

2016-084 WHEREAS, the Purchasing Committee has awarded purchases on July 12, 2016, and August 24, 2016, in the amount of \$368,920.50 and \$876,923.21, respectively, totaling \$1,245,843.71, and supply and service contracts, in accordance with authority previously conveyed, all of which have been documented by official minutes which are of record in the files of the Commission and Equipment and Procurement Division.

NOW THEREFORE, IT IS ORDERED that the action of the Purchasing Committee be ratified and confirmed in all particulars.

2016-085 WHEREAS, Act 1176 of 2013 enacted a 15 percent registration fee increase on certain commercial vehicles registered under the International Registration Plan; and

WHEREAS, the Act provides for the first \$2 million collected under the fee increase each year to be set aside for a Commercial Truck Safety and Education Fund; and

WHEREAS, the purpose of this program is to advance state interests in roadway safety by improving the safety of the commercial truck industry through cooperative public-private programs that focus on increased enforcement, regulatory compliance, industry training, and educational programs to ensure the safe movement of goods on Arkansas' roadways; and

WHEREAS, proposals for eligible projects have been solicited, received, reviewed and evaluated by the Arkansas Commercial Truck Safety and Education Program (ACTSEP) Committee; and

WHEREAS, the ACTSEP Committee has recommended awarding Commercial Truck Safety and Education Funds for the projects as presented on the attached report.

NOW THEREFORE, the Director is authorized to proceed with the award of these funds to the appropriate applicants to implement these projects.

WHEREAS, the Fixing America's Surface Transportation (FAST) Act reauthorized funding for the Transportation Alternatives Program (TAP) and the Recreational Trails Program (RTP); and

WHEREAS, applications were solicited and received for these two programs from March 1, 2016 to June 1, 2016; and

WHEREAS, the Arkansas State Highway and Transportation Department, the Transportation Alternatives Program Advisory Committee and the Arkansas Recreational Trails Advisory Committee have reviewed the applications submitted and developed funding recommendations.

NOW THEREFORE, the Director is authorized to enter into contracts with the projects' sponsors for implementation of the projects included in the attached lists.

2016-087

WHEREAS, the Arkansas State Highway and Transportation Department was designated by Arkansas Act 192 of 1977 as the State's multimodal transportation planning agency responsible for coordinating the development of statewide transportation plans, including the Arkansas State Rail Plan; and

WHEREAS, Minute Order 2011-173 authorized the Department to update the 2002 Arkansas State Rail Plan to satisfy Federal Railroad Administration (FRA) rail planning requirements for freight and passenger rail and to qualify the State's railroads for possible federal funding assistance; and

WHEREAS, the 2015 Arkansas State Rail Plan has been completed and accepted by the FRA; and

WHEREAS, the updated plan meets the minimum requirements established under the Passenger Rail Investment and Improvement Act (PRIIA) of 2008 and the 2013 State Rail Plan Guidance.

NOW THEREFORE, the 2015 Arkansas State Rail Plan is adopted for use as a guide for future planning and investments.

2016-088

WHEREAS, the Highway Commission approved Minute Order No. 2016-066 authorizing the Director to submit the proposed Arkansas State Highway and Transportation Department Rules for Design-Build Contracts for public comment and to proceed with the required Arkansas Administrative Procedure Act promulgation procedures; and

WHEREAS, the above-referenced rules are necessary to comply with Ark. Code Ann. § 27-67-206(j)(2)(A) for the procurement of qualification-based design-build services, design-build finance services, and for the administration of both design-build project contracts and design-build finance contracts; and

WHEREAS, the proposed Arkansas State Highway and Transportation Department Rules for Design-Build Contracts were made available for public comment from July 1, 2016 to August 1, 2016, and a public hearing was also held on July 28, 2016, during which time no oral or written public comments were made a part of the hearing record and written public comments were received and considered; and

WHEREAS, some of the public comments were incorporated into the proposed Arkansas State Highway and Transportation Department Rules for Design-Build Contracts of which a markup copy showing the proposed revisions has been attached to this Minute Order.

NOW THEREFORE, having considered the revisions and the public comments, the proposed Arkansas State Highway and Transportation Department Rules for Design-Build Contracts, as revised, is hereby adopted.

FURTHERMORE, the Director is authorized to submit the final Arkansas State Highway and Transportation Department Rules for Design-Build Contracts to the Administrative Rules and Regulations Subcommittee of the Legislative Council for its review and approval.

2016-089

WHEREAS, the Restore Sign Visibility Policy (RSVP) provides procedures whereby sign owners may obtain permits from the Department to restore the visibility to their signs located adjacent to State Highways; and

WHEREAS, the Highway Commission ("Commission") approved by Motion at its meeting held on July 13, 2016, the Department's revised RSVP dated July 12, 2016, and directed the Department submit the revised RSVP to the Legislative Council's Administrative Rules and Regulations Subcommittee for its review and comment; and

WHEREAS, the revised RSVP provisions are implemented in accordance with the Commission's authority under Amendment 42 of the Arkansas Constitution concerning the management of present and future rights-of-way on state highways; and

WHEREAS, the Commission's Motion on July 13, 2016, incorrectly directed the Department submit the revised policy to the Legislative Council's Administrative Rules and Regulations Subcommittee for review and comment, and such portion of the Motion is hereby vacated; and

2016-089 - Continued

WHEREAS, the Commission's action by motion adopting the revised RSVP is final and no further action is necessary to implement the revised policy.

NOW THEREFORE, the Department's RSVP dated July 12, 2016, as revised, is hereby adopted, with no further action required for immediate implementation.

2016-090

WHEREAS, IN STONE COUNTY, Job R50116, Little Raccoon Creek – Cove Prong Creek is under construction; and

WHEREAS, the construction bypassed a portion of Highway 5, Section 16.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- The portion of Highway 5, Section 16, obliterated by Job R50116 is hereby removed from the State Highway System.
- The portion of Highway 5, Section 16, bypassed by Job R50116 is hereby removed from the State Highway System.
- The newly constructed portion of roadway built by Job R50116 is hereby added to the State Highway System as a part of Highway 5, Section 16.

2016-091

WHEREAS, IN YELL COUNTY, Job 080441, Keeland Creek Str. & Apprs. is complete; and

WHEREAS, the construction bypassed a portion of Highway 7, Section 12.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- The obliterated portion of Highway 7, Section 12 bypassed by Job 080441 is hereby removed from the State Highway System.
- The newly constructed portion of roadway built by Job 080441 is hereby added to the State Highway System as a part of Highway 7, Section 12.

2016-092

WHEREAS, IN SEBASTIAN AND CRAWFORD COUNTIES, the alignment for the Future Interstate 49 segment between Highway 22 and Interstate 40 was approved by the Federal Highway Administration in August 1997; and

WHEREAS, completion of this segment will provide a continuous interstate facility from U.S. Highway 71 south of Fort Smith to U.S. Highway 71 in Bentonville; and

WHEREAS, the Statewide Transportation Improvement Program for Federal Fiscal Years 2016-2020 includes \$10 million to begin project development activities for this improvement; and

WHEREAS, due to the high cost of constructing over 13 miles of interstate on new location, which will include a bridge over the Arkansas River, it is reasonable for the Department to explore the possibility of a public/private partnership to increase limited available funds; and

WHEREAS, consultant services are needed to supplement Department staff availability and expertise to provide a reassessment of the 1997 Environmental Impact Statement, to do a conceptual and preliminary design for more accurate cost estimating, to conduct a toll feasibility analysis, and to determine whether this proposed freeway segment is a viable candidate for the Design/Build/Maintain project delivery method.

2016-092 - Continued

NOW THEREFORE, the Director is authorized to solicit proposals from qualified firms and enter into a contract to provide the necessary project development services as listed above.

2016-093

WHEREAS, it has been determined that improvements are warranted to enhance safety at the 21 railroad crossings indicated on the attached list; and

WHEREAS, Federal-aid Rail-Highway Crossing Safety funds are eligible for these improvements.

NOW THEREFORE, the Director is authorized to proceed with improvements at these crossings as funds become available subject to the following conditions:

- Maintenance of the signals and surfaces shall be performed by the Railroad Company at no cost to the State.
- All required right-of-way shall be furnished at no cost to the State.

2016-094

WHEREAS, the Arkansas State Highway Commission will receive bids on the following projects at the September 21, 2016 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
110635	01	CRITTENDEN	AHP DIST. 5 MULTI-PURPOSE FACILITY (WEST MEMPHIS) (S)	---	-
030428	03	SEVIER	BURKE CREEK & COSSATOT RELIEF STRS. & APPRS. (S)	71	Y
050264	05	WHITE	HWY. 367 – WOODRUFF CO. LINE (REHAB.) (S)	64	Y
050275	05	SHARP	HARDY – OZARK ACRES STRS. & APPRS. (S)	63	Y
080444	08	JOHNSON	HAW CREEK STR. & APPRS. (S)	123	N
009814	09	BAXTER	E. PIGEON CREEK STR. & APPRS. (S)	201	N
090230	09	CARROLL	CO. RD. 914 – WEST (S)	62	Y

2016-094 - Continued

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
090342	09	MARION	MILL CREEK STR. & APPRS. (S)	14	Y
090346	09	CARROLL	FREEMAN BRANCH STR. & APPRS. (S)	221	N
012256	VAR	VARIOUS	ENHANCED STRIPING (DISTS. 2, 3 & 7) (S)	VAR	Y
BR1610	10	CRAIGHEAD	BURLINGTON NORTHERN SANTA FE RAILWAY (BONO) (S)	---	-
SA1770	04	CRAWFORD	HWY. 162 - NORTH (SUNNYSIDE RD.) (OVERLAY) (S)	---	-
SA3851	10	LAWRENCE	HWY. 67 - WEST (OVERLAY) (S)	---	-
SA3937	01	LEE	LEE COUNTY OVERLAY (SEL. SECS.) (S)	---	-
SA5135	09	NEWTON	HWY. 123 - WEST (BASE) (S)	---	-

WHEREAS, a thorough bid review and analysis is undertaken by the Department to ensure that only those projects are awarded which are judged to be in the best interests of the State; and

WHEREAS, the right is retained to reject any or all proposals, to waive technicalities, or to advertise for new proposals, also as judged to be in the best public interests of the State; and

WHEREAS, the Commission desires to expedite work on these important projects; and

WHEREAS, in accordance with Arkansas Constitution, Amendment 42, Section 6, as well as other laws of this State, the Commission has the authority to delegate certain powers to the Director of Highways and Transportation.

NOW THEREFORE, upon the Contractors furnishing the necessary performance and payment bonds and submitting all additional information required for the above mentioned projects, the Director is hereby authorized to enter into contracts and supplemental agreements for any projects deemed to be in the best interests of the State.

FURTHERMORE, the Director is authorized to reject any or all proposals, to waive technicalities, and/or to advertise for new proposals whenever deemed to be in the best interests of the State.

Chairman Trammel opened the Commission meeting by recognizing any new guests: Jon Gilmore, former Deputy Chief of Staff for Governor Hutchinson; Craig Douglass, Good Roads Foundation; Mark Nichols, City of Jonesboro; Major Jay Thompson, Arkansas Highway Police; Sergeant James Hamrick, Arkansas Highway Police; Bob Myers, Michael Baker International, Inc.; Barry Moehring, Benton County; Suzanne Allen, City of Jonesboro, and Harold Perrin, City of Jonesboro, introduced themselves.

MOTION Commission Chairman Dick Trammel brought up the previous Commission Minutes of July 13, 2016. Commissioner Alec Farmer moved, Commissioner Robert Moore seconded and the motion passed to approve these previous Minutes.

MOTION Commissioner Frank D. Scott moved, Vice Chairman Tom Schueck seconded and the motion passed to accept the Staff's recommendation for the proposed 2017-2019 biennium budget request and to authorize the budget request to be submitted to the Legislative Council and Joint Budget Committee.

MOTION The Commission approved Minute Order 2016-038 on April 20, 2016 authorizing the Department to advertise for consultant services for On-Call Design Services for calendar years 2017 through 2020. Commissioner Robert Moore moved, Commissioner Alec Farmer seconded and the motion passed to accept the Staff's recommendation to enter into negotiations with the following firms:

Bridgefarmer & Associates, Inc. – Dallas, TX
Crafton Tull Associates, Inc. – Rogers, AR
Garver, LLC – North Little Rock, AR
HNTB Corporation – Kansas City, MO
Michael Baker International, Inc. – Moon Township, PA

OTHER DISCUSSION ITEMS

Mike Boyd, Chief Fiscal Officer, provided the August 2016 update on state highway revenue. Mr. Boyd noted that state highway revenues to the Department from traditional sources are down a total of

Discussion Item - Continued

\$1.7 million in the State Fiscal Year (SFY) 2017 compared to the same period for SFY 2016. With the revenue from the Natural Gas Severance Tax coming in lower for this year compared to last year, total revenues available are \$3.8 million lower for this year. Actual state revenue received is 0.9% (\$600,000) below projected (budgeted) revenue for this year.

In closing, Mr. Boyd stated that August revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 0.24% lower, (\$37,445) than projected by the Department of Finance and Administration (DF&A). Current Fiscal Year to date revenues are below the forecast by 0.76% (\$232,764). This revenue source is cumulatively 0.02%, or \$99,781, under DF&A's projections to date.

Director Bennett provided the latest information on the Federal highway and transit funding issues. Director Bennett noted that the passage of the FAST Act has ensured federal funding for the next five years. The passage of the Arkansas Highway Improvement Plan of 2016 has ensured state matching funds for Federal Fiscal Year 2016. Now the issues become dependable long-term State revenue to provide the match for Federal-aid funds beyond 2016, and the additional State revenue needed to adequately maintain and improve Arkansas' transportation system.

Mike Boyd, Chief Fiscal Officer, presented the Appropriations and Operations for the 2017-2019 Biennium. Mr. Boyd covered the Funding Category Summary and the Appropriations Request. Director Bennett presented a change that is being included in the Proposed 2017-2019 Biennium Appropriations and Operations Budget and that is reorganizing the existing staff structure to put a stronger emphasis on governmental relations. The current Policy & Legislative Analysis Section will be removed from the Transportation Planning & Policy Division, an Independent Section will be created named the Governmental Relations Office that will become a direct report to the Assistant Chief of Administration. The Governmental Relations Office will take on an expanded role to improve transparency, outreach and coordination with our State's elected officials. Gill Rogers has been named the Department's Governmental Relations Officer. A motion was approved to pass the budget request.

Director Bennett gave a brief presentation of transportation news from other states, including New Jersey, Louisiana, California and Maryland. Also, it was noted that Major Jay Thompson, Arkansas Highway Police, Current President of Commercial Vehicle Safety Alliance, recently appeared before a Subcommittee of the U.S. Senate Committee on Commerce, Science & Transportation. His testimony was in reference to “Intermodal and Interdependent: The FAST Act, the Economy, and Our Nation’s Transportation System.

Director Bennett gave an update on the status of the 2011 Interstate Rehabilitation Program (IRP) and Connecting Arkansas Program (CAP). The 2011 Interstate Rehabilitation Program was approved by Arkansas voters in November 2011. Under this program, the Commission has the authority to issue up to \$575 million in GARVEE bonds for Interstate rehabilitation. Three series of bonds have been issued. The first was sold in September 2012 at a par value of \$197 million (true interest cost of 1.6%) with a premium of \$33 million (total of \$230 million available for construction). The second was sold in October 2013 at a par value of \$172 million (true interest cost of 2.2%) with a premium of \$29 million (total of \$201 million available for construction). The third was sold in November 2014 at a par value of \$206 million (true interest cost of 2.1%) with a premium of \$37 million (total of \$243 million available for construction).

The Connecting Arkansas Program was approved by Arkansas voters in November 2012. Under this program, the Commission has the authority to issue up to \$1.3 billion in revenue bonds for four-lane highway construction. The first series of bonds was sold in September 2013 at a par value of \$469 million (true interest cost of 3.1%) with a premium of \$25 million (total of \$494 million available for construction). No other bond sales under this program are expected.

Director Bennett gave an update on the 30 Crossing Project. Public Involvement; Purpose and Need; Planning and Environmental Linkages; FHWA Correspondence; Additional Alternative; Interchange Alternatives; Typical Sections; NEPA/Environmental Progress; Design – Build – Finance, and Funding Sources were all discussed.

Director Bennett presented a summary of the apparent low bids and bidders from the August 10, 2016, Bid Letting.

Director Bennett provided a list of upcoming meetings and events, including the Broadway Bridge Closing on September 28 at 10:30 am and the Hot Springs AHC Appreciation Dinner at 5:00 p.m. on October 25. Proposed 2017 Commission Meetings were presented to the Commission also.

Director Bennett presented the Commission with the following:

- SASHTO award received for an Under Budget, Medium Project, for the widening of 5 miles of U.S. Highway 167 north of Fordyce
- Commercial Vehicle Safety Alliance (CVSA) – 2016 North American Inspectors championship (NAIC) – SGT J.C. Hamrick received Second Place in North American Standard Level One Inspection

Mayor Harold Perrin, City of Jonesboro, presented the Department a check for various partnering projects in the Jonesboro area.


Director Bennett presented Mike Fugett, Asst. Chief Engineer – Design, with his 30-year service award.

Director Bennett ended the meeting with an invitation to the luncheon hosted by Jacksonville Chamber of Commerce in the auditorium beginning at 11:45 a.m.

2016-095

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:20 a.m., September 14, 2016.

I hereby certify that the above and foregoing is a true record of the proceedings taken by the Arkansas Highway Commission at its meeting on September 14, 2016.


Lindy H. Williams
Commission Secretary