

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
LITTLE ROCK, ARKANSAS

December 16, 2016

ADMINISTRATIVE CIRCULAR NO. 2016-19

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 November 30, 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

November 30, 2016

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, November 30, 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

Chairman Dick Trammel relinquished Chairmanship for this meeting to permit Commissioner Frank D. Scott, Jr., to serve as Chairman. This will be Commissioner Scott's final meeting before his term expires on January 14, 2017.

2016-110 IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:00 a.m., November 30, 2016.

2016-111 WHEREAS, the Purchasing Committee has awarded purchases on October 19, 2016, and November 9 and 15, 2016, in the amount of \$166,896.00, \$1,109,300.00 and \$348,262.00, respectively, totaling \$1,624,458.00, 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.

2016-112

WHEREAS, some state highways are posted for weight restrictions below the maximum weight limits allowed by State law; and

WHEREAS, the “Process for Establishing Roadway Maintenance Assessments on Weight Restricted Highways” to accommodate non-divisible overweight loads by permit was developed and implemented in 2008; and

WHEREAS, the current Maintenance Assessment agreements expire on December 31, 2016 and evaluations have determined that new values for the Roadway Maintenance Assessment payments by the permit applicants are warranted to recover damage costs on the weight restricted highways; and

WHEREAS, it has been determined that a bi-annual evaluation of the Roadway Maintenance Assessment fee is adequate due to the significant decrease in natural gas drilling and production.

NOW THEREFORE, the Director is authorized to enter into new agreements with permit applicants and to implement the new values for the Roadway Maintenance Assessment schedule. The new agreements shall be in effect until December 31, 2018.

2016-113

WHEREAS, the Fixing America’s Surface Transportation Act authorized funding for the Transportation Alternatives Program and the Recreational Trails Program for Federal Fiscal Years 2016 through 2020; and

WHEREAS, funding for these programs is available to the Arkansas State Highway and Transportation Department for each of these years.

NOW THEREFORE, the Director is authorized to solicit applications from local sponsors to fund eligible projects under these programs annually through Federal Fiscal Year 2020.

2016-114

WHEREAS, on June 4, 2014, this Commission entered its Minute Order 2014-064; and

2016-114 - Continued

WHEREAS, said Minute Order authorized the sale of certain surplus property in Drew County to Christie Daniels, for the amount of \$44,000.00; and

WHEREAS, though demand has been made for the purchase price from Christie Daniels, and extensions granted, no payment has been forthcoming; and

WHEREAS, Minute Order 2014-064 authorizing the sale was conditioned upon receipt of payment of \$44,000.00, and no payment, despite demand therefore, has been received; and

WHEREAS, neither the Minute Order 2014-064 or the deed conveying the property have been delivered or recorded.

NOW THEREFORE, the Commission hereby rescinds in part its prior Minute Order 2014-064 authorizing the sale, orders that the executed deed be voided and destroyed, and orders that the prior declaration of the property as surplus remain in effect.

2016-115

WHEREAS, on October 14, 2015, this Commission entered its Minute Order 2015-096; and

WHEREAS, said Minute Order authorized the sale of certain surplus property in Miller County to L & N Leasing, LLC, for the amount of \$135,500.00; and

WHEREAS, though demand has been made for the purchase price from L & N Leasing, LLC, and extensions granted, no payment has been forthcoming; and

WHEREAS, Minute Order 2015-096 authorizing the sale was conditioned upon receipt of payment of \$135,500.00, and no payment, despite demand therefore, has been received; and

WHEREAS, neither the Minute Order 2015-096 or the deed conveying the property have been delivered or recorded.

2016-115 - Continued

NOW THEREFORE, the Commission hereby rescinds in part its prior Minute Order 2015-096 authorizing the sale, orders that the executed deed be voided and destroyed, and orders that the prior declaration of the property as surplus remain in effect.

2016-116

WHEREAS, the City of Mountain Home approved Resolution Number 560 on June 23, 2011, which authorized the City to partner with the Department to accelerate construction of a project to improve Highway 201, Section 0 between Highway 62/412 and Highway 5; and

WHEREAS, in addition to providing 20 percent of the project cost up to \$2 million, the City also agreed to accept responsibility and ownership for this segment of Highway 201, Section 0 and for Highway 201 Spur, Section 0 upon completion of this improvement project in accordance with Arkansas Code Annotated § 14-301-102; and

WHEREAS, this project was let to contract in January 2015 and was substantially complete in September 2016; and

WHEREAS, the Highway Commission would like to express our appreciation to the City of Mountain Home for their participation in making this important local project a reality.

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 in the City of Mountain Home as shown on the attached sketch.

- Highway 201, Section 0 from Highway 62/412 to Highway 5 is hereby removed from the State Highway System.
- Highway 201 Spur, Section 0 is hereby removed from the State Highway System.

2016-117

WHEREAS, IN BOONE COUNTY, U. S. Highway 65 is scheduled to be widened from Maxie Camp Road south; and

WHEREAS, the Valley Springs Water Association and the Western Grove Water Association have water lines within the Department's right-of-way that may need to be relocated before this project can be implemented and the cost for this utility relocation is non-reimbursable; and

WHEREAS, it has been determined that these water associations do not have the available funds or the customer base to generate the funds needed for this work; and

WHEREAS, at the Commission's January 9, 2013 meeting, a motion was approved that allowed the Department to consider alternative methods to offset non-reimbursable costs for small water associations in order to prevent the delay or cancellation of important highway improvements; and

WHEREAS, one option to offset the cost of non-reimbursable utility relocation is to coordinate with local officials and transfer state highway mileage to either the city or county for future maintenance responsibilities; and

WHEREAS, the Boone County Quorum Court has agreed to assume maintenance responsibility for Highway 396 as described in the attached Boone County Resolution No. 2016-10-7; and

WHEREAS, removal of this route from the State Highway System is considered adequate compensation for the non-reimbursable utility costs as described above.

NOW THEREFORE, the Director is authorized to proceed with the non-reimbursable utility relocation at no cost to the Valley Springs Water Association and the Western Grove Water Association.

FURTHERMORE, 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 Exhibit "A".

- Highway 396, Section 0 is hereby removed from the State Highway System.

2016-118

WHEREAS, IN CRITTENDEN COUNTY, a project is scheduled to reconstruct Martin Luther King Jr. Drive between Highway 38 (Beatty Street) and Southland Drive; and

WHEREAS, this portion of Martin Luther King Jr. Drive is within the existing right of way of Interstate 40 and Interstate 55 and is considered to be an essential part of the interchange operations in this area.

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 in the City of West Memphis as shown on the attached sketch.

- The portion of Martin Luther King Jr. Drive, beginning at the junction with Highway 38 (Beatty Street) and continuing northeast to Southland Drive is hereby added to the State Highway System as a part of Highway 38, Section 10.

2016-119

WHEREAS, IN CONWAY AND PERRY COUNTIES, the Central Arkansas Intermodal Authority was established in July 2016; and

WHEREAS, the purpose of the Central Arkansas Intermodal Authority is to plan, develop, construct, maintain, equip, operate, and regulate a regional intermodal facility; and

WHEREAS, the Central Arkansas Intermodal Authority desires to increase economic competitiveness in Conway and Perry Counties by leveraging transportation assets in the region; and

WHEREAS, the Central Arkansas Intermodal Authority has secured \$25,000 General Improvement Funds for an intermodal study.

NOW THEREFORE, the Director is authorized to conduct a study in coordination with the Central Arkansas Intermodal Authority to identify available transportation assets and develop an effective plan for enhancing the region's economic competitiveness.

2016-120

WHEREAS, IN DREW COUNTY, IN THE CITY OF MONTICELLO, a project is scheduled to improve and extend Highway 83 Spur (Scogin Drive) from Highway 83 Spur to Highway 278; and

WHEREAS, the City of Monticello has passed Resolution RS-2016-37 agreeing to contribute \$2.3 million toward the total project cost; and

WHEREAS, upon completion of this project, the City has agreed to:

1. Accept ownership of portions of Highway 83, Section 1 and Highway 83 Spur, Section 1, and
2. Exchange a portion of North Gabbert Street for portions of Highway 83, Sections 2 and 2X.

NOW THEREFORE, upon receipt of the required resolutions from the appropriate local agencies, the Director is authorized to enter into the necessary partnering agreements to begin development and construction of this improvement as funds become available.

FURTHERMORE, upon completion of improvements and official notification by the Deputy Director and Chief Engineer, the portions of Highway 83, Sections 1, 2 and 2X along with Highway 83 Spur, Section 1 will be removed from the State Highway System and a portion of North Gabbert Street will be added to the State Highway System as shown on the attached sketch.

WHEREAS, IN GARLAND COUNTY, the need to extend U.S. Highway 70/270 (Dr. Martin Luther King Jr. Expressway) from Highway 70 to the junction of Highways 5 and 7 has been identified; and

WHEREAS, the Department and Garland County have agreed to a partnership to expedite project development and construction; and

WHEREAS, the cost to construct a two-lane facility and to design, acquire right-of-way, and relocate utilities for the ultimate four-lane facility is currently estimated to be \$60 million; and

WHEREAS, Garland County hereby has agreed to contribute 50% of total project costs, not to exceed \$30 million.

2016-121 - Continued

NOW THEREFORE, upon receipt of a resolution from Garland County Quorum Court, the Director is authorized to enter into the necessary agreements with Garland County and to begin development and construction of this improvement as funds become available.

2016-122

WHEREAS, IN THE CITY OF TEXARKANA, the need exists to improve three traffic signals on Highway 71 (State Line Avenue) at the intersections of

- Highway 67 (East 7th Street)
- Highway 67 (Dr. Martin Luther King Jr. Blvd.)
- East 12th Street; and

WHEREAS, it is appropriate for the Department and the Texas Department of Transportation (TxDOT) to participate in a joint construction project to implement these improvements; and

WHEREAS, TxDOT has agreed to be the lead agency for project development and construction.

NOW THEREFORE, the Director is authorized to enter into the necessary agreements with TxDOT and to provide reimbursement for the Department's share of project costs.

2016-123

WHEREAS, IN PIKE COUNTY, a system preservation project is scheduled to improve Highway 8 between Highway 70 and the Clark County line; and

WHEREAS, the Centerpoint Public School District has adopted Resolution 11-14-16 authorizing \$50,000 to fund construction of a left turn lane on Highway 8 at the entrance of the Centerpoint Elementary School, which is located within the limits of this system preservation project; and

WHEREAS, it has been determined that the construction of a left turn lane at this location will enhance safety and improve traffic flow; and

2016-123 - Continued

WHEREAS, it is in the public's best interest to include the construction of the left turn lane as part of the system preservation project.

NOW THEREFORE, the Director is authorized to enter into the necessary partnering agreements with the Centerpoint Public School District for the development and construction of the left turn lane.

2016-124

WHEREAS, IN PULASKI COUNTY, an improvement project is scheduled for the intersection of Highway 70 (University Avenue and Asher Avenue) and Highway 5 (Colonel Glenn Road); and

WHEREAS, the City of Little Rock has committed \$600,000 towards the cost of this improvement.

NOW THEREFORE, upon receipt of a resolution from the City of Little Rock, the Director is authorized to enter into the necessary partnering agreement with the City for the development and construction of the project.

2016-125

WHEREAS, IN WHITE, WOODRUFF, CROSS AND CRITTENDEN COUNTIES, the Arkansas Highway Commission adopted the U. S. Highway 64 Widening Feasibility Study – Bald Knob to Marion on September 25, 1991; and

WHEREAS, the need exists to update this study to identify the current status of transportation needs along this route.

NOW THEREFORE, the Director is authorized to conduct a study to determine the need for and feasibility of future improvements to U. S. Highway 64 from Bald Knob to Marion.

2016-126

Frank D. Scott, Jr.
Commissioner Emeritus

WHEREAS, three years have passed since October 2013, and with their passing will cause to expire in January 2017, your term as a Member of the Arkansas State Highway Commission. We the undersigned,

your friends and fellow Commissioners, those who will miss your comradeship, sound counsel, and words of encouragement, wish for your future the best of everything. We wish to recognize you for your tireless efforts and acclaim your devotion to the service of this Commission. Your personal contributions over the past three years have promoted progress and economic growth in this Great State through sound planning and the application of business principles in the development, construction, and maintenance of our overall State Highway System; and

WHEREAS, because of the imminent loss of the aforementioned knowledge and service to this Commission, these members, acting in their best interest, do herewith, through this instrument, serve formal notice that you are hereby directed and expected to continue to serve this Commission and the State of Arkansas.

NOW THEREFORE, with high esteem, we do hereby bestow upon you, ad infinitum, the title "*Commissioner Emeritus*".

2016-127

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects at the December 7, 2016 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
BB0102	01	MONROE	BAYOU DEVIEW – BRINKLEY (S)	40	Y
110635	01	CRITTENDEN	AHP DIST. 5 MULTI-PURPOSE FACILITY (WEST MEMPHIS) (S)	---	Y
050275	05	SHARP	HARDY – OZARK ACRES STRS. & APPRS. (S)	63	Y
CA0605	06	PULASKI & LONOKE	VANDENBERG BLVD. – HWY. 5 (WIDENING) (S)	67	Y
CA0610	06	GARLAND & SALINE	HOT SPRINGS – I-30 (WIDENING) (S)	70	Y
BB0612	06	PULASKI	ARK. RIVER BRIDGE – I-40 (S)	440	Y
061102	06	LONOKE	HWY. 67 INTERCHANGE (N. OF CABOT) (S)	67	Y
061333	06	PULASKI	I-430/HWY. 10 INTERCHANGE IMPVT. (L.R.) (S)	430	Y

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 Amendment 42 of the Arkansas Constitution, 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.

Commissioner Frank Scott welcomed everyone and thanked Chairman Dick Trammel for being given the opportunity to serve as Acting Chairman during the meeting.

Acting Chairman Frank Scott recognized Director Scott Bennett for being awarded the Thomas H. MacDonald Memorial Award at the AASHTO Annual Meeting in Boston. This award is considered the highest honor bestowed by AASHTO among its membership. In receipt of this award, Director Bennett was recognized for his outstanding public service contributions to the transportation industry at both state and national levels.

MOTION

Chairman Dick Trammel moved, Commissioner Alec Farmer seconded and the motion passed to approve the Minutes from the previous Commission Meeting of October 19, 2016.

OTHER DISCUSSION ITEMS

Mike Boyd, Chief Fiscal Officer, provided the October 2016 update on state highway revenue. Mr. Boyd noted that state highway revenues to the Department from traditional sources are up a total of \$1.4 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 \$1.9 million lower for this year. Actual state revenue received is 2.8% (\$3.7 million) above projected (budgeted) revenue for this year.

In closing, Mr. Boyd stated that October revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 0.55% lower, (\$81,020) than projected by the Department of Finance and Administration (DF&A). Current Fiscal Year to date revenues are below the forecast by 3.13% (\$1.9 million). This revenue source is cumulatively 0.32%, or \$1.8 million, 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, passed in December 2015, provided increased funding over its five year term. However, Congress was unable to reach an agreement on appropriating funding for fiscal 2017. On September 29, 2016, Congress passed a short-term Continuing Resolution to extending funding at 2016 levels. The Continuing Resolution is set to end on December 9, 2016. 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.

Director Bennett gave a brief presentation of transportation news from other states, including the nomination of Elaine Chao as President-elect Donald Trump's choice for Secretary of Transportation. Also presented was information on Georgia and FHWA's five-year pilot to allow local public agencies to directly receive federal-aid highway funding that would normally be routed through state DOTs.

Director Bennett briefed the Commissioners on the 91st General Assembly of the Legislature that will convene Monday, January 9, 2017. In the wake of the November 8th election, new members have joined the Senate and the House, and the Committee assignments have begun. Director Bennett provided an overview of the changes to each chamber, introduced the new members, and discussed the membership of the makeup of the Senate and House Transportation Committees.

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 presented a summary of the apparent low bids and bidders from the November 2, 2016, Bid Letting.

Director Bennett presented a report on the Department's road maintenance preparations for the 2016/2017 winter weather.

Director Bennett provided a list of upcoming meetings and events, including the District Service Awards and the Highway Commission Review and Advisory Subcommittee Meeting to be held on December 12 at 9:00 am.

Director Bennett gave an update on the 2016 Fall Equipment Auction that had net proceeds of \$1,349,781.00.

Robert Moery, Governor's Office, Transportation Liaison, was recognized and shared a letter from the Governor congratulating Director Bennett for receiving the Thomas H. MacDonald Memorial Award at the AASHTO Annual Meeting.

Commissioner Scott recognized Kathy Wells, President of the Coalition of Greater Little Rock Neighborhoods, who read a letter to the Commissioners regarding the I-30 Crossing Project.

In closing, Director Bennett read the Commissioner Emeritus Minute Order for Frank D. Scott, Jr.

2016-128

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:35 a.m., November 30, 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 November 30, 2016.


Lindy H. Williams
Commission Secretary