

MINUTES FOR THE SPECIAL TRANSPORTATION COMMISSION MEETING
HELD IN THE ODOT BUILDING COMMISSION MEETING ROOM
OKLAHOMA CITY, OKLAHOMA

BE IT REMEMBERED that on Monday the 12th day of October, 2015, at the hour of 11:00 a.m., the Transportation Commission met in the Commission Meeting Room of the ODOT Building in Oklahoma City, Oklahoma.

NOTICE of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2015 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in a prominent public view at or before 11:00 a.m. on Thursday, October 8, 2015, prior to the meeting, on the Atrium Informational Monitor in the ODOT building, and on the glass doors on the north side of the ODOT Building in accordance with Oklahoma Open Meeting Act, 25 O.S. Section 311.

ITEMS PRESENTED BY COMMISSION CHAIRMAN

CALL TO ORDER: Mr. David Burrage called the meeting to order at 11:03 a.m.

ROLL CALL:

Present:	John Fidler	Member
	David Burrage	Chairman
	Greg Love	Member
	Todd Huckabay	Secretary
	Bobby Alexander	Member
	Brad Burgess	Vice Chairman
	Pete Regan	Member

Absent: Dan Overland

Presiding: David Burrage

The following items were presented and approved as written at the Special Transportation Commission meeting of October 12, 2015. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Mr. Burrage introduced special guests, Bobby Stem, Executive Director of the Association of General Contractors, Sherry Soliz, Executive Director of Oklahoma Operation Lifesaver and Deby Snodgrass, Secretary of Commerce & Tourism. He then called on Secretary Ridley who wanted to say a few words.

Secretary Mr. Ridley said that he and Secretary Snodgrass serve together on Governor Fallin's Cabinet. He explained that Secretary Snodgrass has asked him if she could come to this meeting today and make a presentation to the Commission and the Department. So everyone please help me welcome my friend, Deby Snodgrass.

Secretary Snodgrass said that she wanted to come today and personally give thanks for our assistance. She stated, "This agency has been a tremendous partner for me personally and for my agencies during my tenure in state government".

She said that a few weeks ago we probably read in the papers about how First National Center was going to have their utilities cut off. So the Governor's office called her on Friday night at 8 o'clock and said we've worked all day on the situation with the utilities, but you're going to have to get Tourism moved out by next Thursday. It's Friday night! There are over 100 people! So we worked all weekend, got it done, it went as smoothly as possible, but our number one problem was parking; we didn't have room for another 100 cars. So this agency stepped up to help us. I've never, ever, ever, even in the private sector, seen something move so quickly. There was a lot across the way that was vacant that could be leased; and your agency built a temporary parking lot for us on that property so we could get our land properly surveyed and our parking lot and expanded at a later date.

She said that the next week, she had to be in New York and people were literally making videos and texting them to her. "Look at the parking lot, it's so amazing"! It takes a lot to impress state employees who have worked in government a long time; and trust me, they were all totally wowed! So I just want to thank this Commission, and I would like for Director Patterson and Casey Shell, to step up here, so I can present this picture to your agency from Tourism and Commerce to show you our appreciation and thanks.

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

136. Approval of the Minutes of the Special Transportation Commission Meeting of September 8, 2015

ACTION: Love moved and Huckabay seconded that the Minutes be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, and Burgess
ABSTAIN: Regan
NAYES: None
ABSENT: Overland

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

137. Programming of Federal Railroad Crossing Safety Funds--Section 130 Title 23 Funds – Mr. Moody

- a) Lincoln County – District III – a signal/surface project which includes the installation of pedestal-mounted flashing light signals with gate arms, utilizing prediction circuitry and a 32' concrete crossing surface at 1st Street in Chandler, with the Stillwater Central Railroad
- b) Oklahoma County – District IV – a signal/surface project which includes the installation of pedestal-mounted flashing light signals with gate arms, utilizing prediction circuitry and a 32' concrete crossing surface at NE 150th Street in Oklahoma City, with the Stillwater Central Railroad
- c) Oklahoma County – District IV – a signal/surface project which includes the installation of pedestal-mounted flashing light signals with gate arms, utilizing prediction circuitry and a 56' concrete crossing surface at North Triple X Road in Oklahoma City, with the Stillwater Central Road
- d) Garfield County - District IV - a Signal project which includes the installation of cantilever-mounted flashing light signals with gate arms, utilizing prediction circuitry at N. Cleveland Street in Enid, with the Burlington Northern Santa Fe Railway Company
- e) Tillman County – District V - a signal/surface project which includes the installation of pedestal-mounted flashing light signals with gate arms, utilizing prediction circuitry and a 54' concrete crossing surface at SH-5 southeast of Tipton, with the Wichita, Tillman & Jackson Railway
- f) Jackson County – District V - a signal/surface project which includes the installation of cantilever-mounted flashing light signals with gate arms, utilizing prediction circuitry and raised concrete medians at US-62 in Altus, with the Wichita, Tillman & Jackson Railway

- g) Custer County - District V – a crossing closure and surface project which includes the removal of two 72’ rubber crossing surfaces and the installation of an 81’ concrete crossing surface at I-40B in Clinton, with the Grainbelt Corporation
- h) Blaine County – District V – a signal upgrade and surface project which includes the installation of flashing advanced warning signs activated by train movement, utilizing prediction circuitry and 113’ concrete crossing surface at US-270 near Oakwood, with the Grainbelt Corporation
- i) Tulsa County – District VIII – a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms, utilizing prediction circuitry at SH-20 in Collinsville, with the South Kansas and Oklahoma Railroad
- j) Creek County – District VIII - a signal project which includes the installation of cantilevered-mounted flashing light signals with gate arms, utilizing prediction circuitry at SH-48 in Bristow, with the Stillwater Central Railroad

138. Traffic Control Improvement Projects – Mr. Smart

Oklahoma & Canadian Counties - District IV – replacement of impact attenuators and the installation of the concrete pad to provide the adequate anchorage for the impact attenuators along the interstate system within the Oklahoma City metropolitan area

139. Speed Zone Revision – Mr. Smart

Okmulgee County – District I – along US-75

140. Land Sales – Mr. Johnson

- a) Bryan County – District II – Land Sale – Northeast corner of US-70 and County Road N3070 Part of Parcel 21 in Durant - \$911.00
- b) Bryan County – District II – Land Sale – Northeast corner of US-70 and County Road N3070 Part of Parcels 22 & 23 in Durant - \$21,500.00
- c) Oklahoma County – District IV – Land Sale – on the Northeast corner of Russell M. Perry Avenue and East Sheridan Avenue in Oklahoma City - \$54,800.00
- d) Woodward County – District VI – Land Sale – on the East side of US-183 across from Sunset Lane, Woodward Weigh Station - \$60,001.01
- e) Tulsa County – District VIII – Land Sale – North and East of the I-44 westbound off-ramp and South of East 41st Street South in Tulsa - \$1,423,000.00

ACTION: Fidler moved and Alexander seconded that the Consent Docket be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
 NAYES: None
 ABSENT: Overland

END OF CONSENT DOCKET

ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

141. Programming Item

Murray County – District VII – repair vehicle impact damage to US-77 northbound over I-35 located 5.3 miles north of the Carter County Line - \$35,000 – Party responsible for damage is known

ACTION: Regan moved and Love seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

142. Engineering Contract

Payne County – District IV – to provide a preliminary engineering and prepare construction plans for SH-33 from SH-18 East 1.45 miles to Harmony Drive in Cushing

EC-1664 – MacArthur Associated Consultants, LLC - \$647,420.00

ACTION: Huckabay moved and Regan seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

143. Engineering Contract Supplements

- a) Statewide – All Districts – to perform on-demand LiDAR Mapping

EC-1478 – Supplement 2 – CEC Corporation - \$500,000.00

- b) Statewide – All Districts – to perform on-demand Land Surveying

EC-1629D – Supplement 1 – Keystone Engineering & Land Surveying, Inc. - \$250,000.00

- c) Canadian County – District IV - to perform additional engineering services to prepare final design plans for I-40B Bridge over Union Pacific Railroad in El Reno

EC-1408B – Supplement 4 – CEC Corporation - \$21,218.68

- d) Oklahoma County – District IV - to perform additional engineering services to prepare final design plans for I-35/I-240 interchange

EC-1060 – Supplement 3 – Poe & Associates, Inc. - \$982,000.00

- e) Custer County – District V - to perform additional engineering services to prepare final design plans for SH-33 over the AT&SF Railroad, 13.1 miles Northeast of the US-183 Junction

EC-1503D – Supplement 1 – MKEC Engineering, Inc. - \$53,056.00

- f) Greer County – District V - to perform additional engineering services to prepare final design plans for SH-6 from the North side of Granite South approximately 5.4 miles

EC-617 – Supplement 2 – Smith-Roberts Baldischwiler, LLC - \$52,755.00

- g) Creek County – District VIII - to perform additional engineering services to prepare final design plans for SH-48 over the Cimarron River, 2.5 miles North of SH-51/SH-28

EC-1509B – Supplement 1 – CEC Corporation - \$210,200.00

ACTION: Burgess moved and Regan seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

ITEMS PRESENTED BY THE PROGRAMS DIVISION MANAGER – Mr. Adkins

144. Lettings

- a) Tentative January 2016
b) Tentative February 2016

ACTION: Huckabay moved and Alexander seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

ITEMS PRESENTED BY ASSISTANT DIRECTOR OF OPERATIONS – Mr. Raymond

145. Change Orders with Cumulative Total of \$50,000.00 or Less – Information Only

- a) Blaine County - SH-58 - SSP-106C(061)SS / 21704(04), \$16,865.25
b) Caddo County - Co. Rd. - CIRB-108C(299)CB / 28389(04), \$17,123.40
c) Cotton County - SH-5 - STPY-217C(011) / 27964(04), \$1,676.36
d) Grady County - US-81 - SSP-226N(011)SS / 30513(04), \$25,579.68
e) Hughes County - Co. Rd. - STP-132C(152)CI / 27797(04), \$489.46
f) Kingfisher County - Co. Rd. - STP-137D(105)CI / 28361(04), \$42,114.76
g) Kiowa County - Co. Rd. - CIRB-138D(149)RB / 25094(04), \$4,978.00
h) Lincoln County - US-62 - STP-241C(031)3P / 29818(04), \$7,687.88
i) Mayes County - SH-69A - SSP-149C(103)SS / 24235(04)#2, \$5,610.00
j) Mayes County - SH-69A - SSP-149C(103)SS / 24235(04)#3, \$418.64
k) Oklahoma County - SH-74 - STPY-055C(861)SS / 14964(04), \$5,350.00
l) Oklahoma County - I-235 - NHPPI-0235-3(105)SS / 23660(04), \$21,790.29
m) Payne County - SH-18 - SSP-160B(129)SS / 21867(04), \$4,507.78
n) Pottawatomie County - Ct. St. - STP-163B(075)UR / 18865(04), \$11,600.00
o) Rogers County - I-44 - NHPPIY-44-2(507) / 21898(07), \$21,197.60
p) Tulsa County - I-244 - SSP-272F(070)SS / 30453(04), \$49,716.80
q) Washita County - US-183 - HSIPG-275F(016)TR / 30829(04), \$15,472.78

146. Change Orders with Cumulative Total Greater than \$50,000.00

- a) Beckham County - SH-152 - BRFY-105C(098)SS / 21703(04), \$3,341.10
- b) Bryan County - US-70 - NHPPY-207N(010) / NHPPY-207N(011) / 18847(08), \$37,492.13
- c) Canadian County - I-40 - IMY-0040-4(436) / IMY-0040-4(435)138 / SBR-109N(182)SB / 24424(07), \$913,704.06
- d) Haskell County - SH-9 - BRFY-131B(064) / 23101(04), \$3,054.20 Underrun
- e) Okfuskee County - I-40 - SSP-254N(019)SS / 29454(04), 4,605.69
- f) Oklahoma County - Ct. St. - OKC-XTWN(006)SS / OKC-XTWN(048)SS / 17428(60)#6, \$19,820.72
- g) Oklahoma County - Ct. St. - OKC-XTWN(006)SS / OKC-XTWN(048)SS / 17428(60)#8, \$9,521.28
- h) Oklahoma County - I-235 - SSP-255N(246)SS / 30422(04), \$9,545.90
- i) Payne County - SH-33 - STP-260B(016)3P / 29205(04), \$132,300.72
- j) Pottawatomie County - Ct. St. - STPY-163A(356)SG / 22908(05), \$5,891.74
- k) Tulsa County - I-244 - NHPPI-0244-2(502)SS / 27145(04)#5, \$520,000.00
- l) Tulsa County - I-244 - NHPPI-0244-2(502)SS / 27145(04)#6, \$12,790.09
- m) Washita County - Co. Rd. - CIRB-175D(099)RB / 25491(04), \$92,931.22

ACTION: Fidler moved and Love seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

ITEMS PRESENTED BY DIRECTOR OF OPERATIONS – Mr. Green

147. Request for Additional Appropriations to GeoStabilization International (GSI)

LeFlore County – District II - Project No.: STP-240C(041), 31685(04) – to fund the Early Completion Incentive as provided for in the Contract for the Emergency Land Slide Stabilization on SH-1 approximately 1 East of US-271 - \$30,000.00

Information Only; No Commission action required

148. Termination of Construction Contract to Kompass Maintenance Company, LLC

Bridge painting at multiple locations in District IV - Project No.: STPY-NBIP(469)3B, 30282(05) - \$518,765.00

ACTION: Huckabay moved and Regan seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

NOTE: Commissioner Love asked Mr. Green to explain the item again, he didn't completely understand it.

Mr. Green explained that the contractor actually defaulted on his work, wouldn't show up to the project. We had had problems with him on a previous project in Division Five. So it went back to the bonding company. The bonding company took bids, which was nearly double

what our bids were originally and by agreement we allowed them to pay us the difference between the low bid and what their bid was, which was \$416,235. Our next three bidders after this contractor bid around \$600,000. We feel like this is a win-win situation. The bonding company running projects is generally not a well-run project; they're more difficult to manage, in some degree.

Commission Burrage commented what they did is they let a bid; the guy didn't go to work. The bonding company is going to finish it and they went out and got their own bids that we had nothing to do with; and those bids, they paid us the difference and so we got a check.

Mr. Green said, "That's correct". We hope to let it out through our bidding process and allow our contractors an opportunity to bid.

Commissioner Burrage commented we will give our contractors an opportunity, but we've protected ourselves. That's what we have done, but no new letting has been made yet.

Mr. Green said, "That's correct".

Mr. Burrage asked, "Se we're approving the settlement"?

Mr. Green replied, yes it's the settlement; the termination of the construction contract.

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

149. Awards

September 17, 2015 – Regular Letting

ACTION: Fidler moved and Alexander seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

ITEM PRESENTED BY THE COMPTROLLER – Ms. Hilmes

150. Fiscal Year 2016 Budget Revision

Request to increase Asset Preservation by \$20,000,000 from unbudgeted revenue.

ACTION: Love moved and Huckabay seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

NOTE: *Commissioner Love asked where this unbudgeted \$20,000,000 in money actually comes from.*

Ms. Hilmes said every year when we prepare the budget, we have an analysis whereby we look at available cash, add in projected revenues, compared to obligations to determine carry over to prepare the budget where we need it (budget), and if we don't, we reserve the funds to use it when we do need it, and this is one of the instances when we do.

Commissioner Love said so you got a set-aside fund that you can pull money from.

Ms. Hilmes stated that it is just literally unbudgeted money.

ITEM TO BE PRESENTED BY LOCAL GOVERNMENT DIVISION ENGINEER – Mr. Sheffert

151. Presentation of the proposed CIRB 5 Year County Work Program

The Department has worked with the County Circuit Engineering Districts from across the State to compile an update to the 5 Year CIRB plan.

Funding for the CIRB program is currently apportioned from revenues accruing from the Motor Vehicle and Registration Act to be used for the construction or reconstruction of county roads or bridges that are of the highest priority.

The Plan was developed with consideration for the critical needs of the County Transportation System within the financial constraints of funding projected to be available to the program.

Item No. 151 was deferred.

ITEM PRESENTED BY THE DIRECTOR – Mr. Patterson

152. Director's Report

Director Patterson stated that on September 17, 2015 Dan Case, who was the head of the Oklahoma Trucking Association, passed away after a year-long battle with pancreatic cancer. Dan was a friend of ODOT, he was always working for better transportation, obviously for the trucking industry, but for all Oklahoma and all of the country. He was one of the largest proponents of the Port of Entry system we are now establishing, because he believed that safe trucking led to safe highway travel and a safer life. He was not one that we always agreed with, Dan and I spent many hours at the counter discussing and debating certain issues, but he was always there for us and we were very saddened to hear of his passing.

Earlier in the commission, in the Consent Docket, you approved 10 railroad crossing safety projects. It is the beginning of the effort that Governor Fallin announced last fall that we would touch more than 300 crossings throughout this state. It's an effort that takes in the help of local entities, county and city, the railroad certainly, because they get to do all the work and ODOT because we get to provide them money; and certainly Operation Lifesaver is a huge advocate of this effort. I mentioned this at a recent AASHTO meeting as one of the highlights that we're doing here in Oklahoma, and my colleagues were astounded that we would actually be in an opportunity to create this kind of safety on our crossings. Nearly 90% of these crossings don't involve the highway system; they involve city streets and county roads. It is something that we have long wanted to do with the increase in rail traffic in the United States. We can do what we can here in Oklahoma, and certainly, we've seen increased rail traffic, but even with the increased rail traffic, there are dangers that come with transporting a crew; we've seen some incidents around the country involving that. So we're just trying to build a little fire to make highway safety, street and county road safety a priority. I know Secretary Ridley wants to make a comment on this, because it was a huge issue for the Governor in her announcement last year.

Secretary Ridley said that Director Patterson and his staff have something very much in common with Governor Fallin, and that's the protection and safety of the people that use our facilities. I know that this is paramount with the Commission, certainly as evidenced by your willingness to approve the funds to be used in this way. Director Patterson was able to, if you recall, to sale a section of rail line, the proceeds of that will be used to fund this great endeavor to improve the safety at our rail crossings. What's unique about this is that the private sector is a cooperative partner in improving these rail crossings and the safety, along with, as Director Patterson made mention, county governments and city governments. So it's a unique opportunity where all of the parties involved are

wanting toward a common goal, but without Director Patterson, his staff and this Commission's approval today, would have not gotten started. The Governor very much appreciates the follow-up to make sure that it happens, because a lot of times, we'll make announcements about things, and sometimes they die on the vine. This agency and this department always follow through with their commitments, and this is an example of that, and I know that if Governor Fallin was here, she would say, "Thank you".

Director Patterson stated that he wanted to make a comment about Item 150. You approved an increase in the budget for asset preservation. Last commission meeting, you received as an informational item our Asset Preservation Plan for the upcoming year. After that approval, we began to think about, was that really enough? Given what has happened to our service on the highways in the last 12 months. Certainly and I've commented about this before, the energy sector and the impact that they've made with the robust energy industry going on in parts of this state, a lot of truck traffic making a significant difference in our service. But we were already behind before that even started; and then to go through the winter and the spring that we did and the huge rains that followed. So we've lost a lot of pavement; so after we reviewed the Asset Preservation Plan last month, we decided that we would seek an increase of \$20 million in that plan, so that's why Chelley brought that item before the Commission today. It's going to be allocated out, just like the rest of the Asset Preservation Plan. It's allocated out to each commission district, but more importantly than money, and like Chelley said it's unbudgeted revenue; it's not unaccounted for, but it is unspoken for. It's a situation that really dates back to 2008 when we began to see a trend with the federal government, where we had extensions and continuing resolutions, and a threat that they would not be able to pay a reimbursement once we sent it to them on a weekly basis, that they would run into this situation. So we began to build up a cash balance, we adjusted our cash management practices. We're making that adjustment in the other direction right now. We're adjusting to hold less cash, because we really believe that the threat of that payment outweighs, by a bit, the threat of not getting reimbursed from the federal government. So we've adjusted our priorities just a little bit. I would like to have totally taken the threat of not receiving reimbursement from the federal government completely off the table and we could have added more money to the project. But at this time, we're going to do \$20 million because we can adjust our cash management practices by a little bit because of that problem.

Director Patterson reminded everyone that the Commission Meeting next month has been moved from November 2nd to November 9, 2015 at 11:00 a.m.

In closing, I would like to announce that today is a big day at ODOT; because we're going to play a soccer game tonight. I'm a softball guy, you know that, but the last two months, I've gotten into this soccer thing. I go out there and I stand and I cheer, and when everybody else claps, I clap. So tonight, after two and a half months of battling on a weekly basis with other state agencies, coming out of the regular season undefeated, winning the semi-finals, we're in the final game against the Department of Health tonight at 6:00. You guys are invited; I know you're too busy; most of you are from out of town. We usually have 30 to 40 people there, and then you look at the opposing team's sidelines, they have nobody. I'd love to have 100 people there tonight just showing these guys our support, and showing the other team that we're ODOT strong. Thank you!

NOTE: *Commissioner Burrage commented that when he began his stint on the Commission in 1990 he was surprised to find that railroads were more important than he thought. He said I've watched with interest as the Secretary, when he was the Director and Director Patterson how they've handled that; and it's a great accomplishment to get those lines sold and put back in the private sector. It was a big decision to acquire those lines, but now to take this third step as the Governor and the Department has done, and to be able to put that money back in there, is a great accomplishment by you guys and your staff. That's where it needed to be, and you've done a great job at it. It could have turned out differently over the year, but it didn't, it was a great success!*

Information Only: No Commission action required.

ITEM PRESENTED BY COMMISSION CHAIRMAN

153. Adjournment Motion

ACTION: Fidler moved and Burgess seconded that the Meeting be adjourned.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland

Meeting adjourned at 11:39 p.m.

Approval of the Minutes of the Special Transportation Commission Meeting of October 12, 2015.

David Burrage – Chairman

Brad Burgess – Vice Chairman