

MINUTES FOR THE TRANSPORTATION COMMISSION MEETING

TO BE HELD IN THE ODOT BUILDING COMMISSION MEETING ROOM

OKLAHOMA CITY, OKLAHOMA

BE IT REMEMBERED that on Monday the 4th day of March, 2019, 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 2019 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, February 28, 2019 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 11:01 a.m.

<u>ROLL CALL:</u>	Present:	John Fidler	Member
		David Burrage	Chairman
		Greg Love	Member
		Todd Huckabay	Secretary
		Bobby Alexander	Member
		Brad Burgess	Vice Chairman
		Bob Peterson	Member
	Absent:	Dan Overland	
	Presiding:	David Burrage	

The following items were presented and approved as written at the Transportation Commission meeting of March 4, 2019. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Commissioner Burrage thanked everyone for coming and introduced Special Guests: John Cox from TRUST, Jeannette Nance, Executive Director of Keep Oklahoma Beautiful, Former Transportation Secretaries, Neal McCaleb and Gary Ridley; and Casey Shell former Chief Engineer. Also Gordon James, the Mayor of Perry is here; and we did have the Comanche Mayor and a Councilman, Smokey Dobbins and Chuck Ralls, but I think they left us. We certainly wanted to mention their names, because we have some important projects that they are related to. We really do appreciate everybody coming and participating.

Commissioner Burrage recognized Secretary Patterson for an announcement.

ANNOUNCEMENTS AND PRESENTATIONS

Director Patterson said we are glad to have Casey Shell with us here today; especially because we are going to announce his replacement. The new Chief Engineer is Brian Taylor who came to work for ODOT back in 1990 from Texas A&M! He started in Division 2 and was the most notable Traffic Engineer. Then he came

to Division 4 and he's been our Division Engineer there. We are extremely happy to have Brian come to the Central Office and accept the role as Chief Engineer; a Senior Leader in this organization. So please help me welcome Brian.

So now I'm going to ask Jeanette Nance to come up. Jeanette is the Executive Director of the Keep Oklahoma Beautiful Organization. I hope she talks about the fact that, here in Oklahoma, we're one of I think 2; maybe 3 states; she will clean this up in just a second; that has all of their counties involved in the Great American Cleanup, which is an effort that we participate in with the Turnpike Authority. So Jeanette keeps all of us active. We at ODOT here have different programs where we reach out to the youth and trying to change minds, change behaviors at a young age about litter. We also help them with getting litter bags out for the cleanup effort. So Jeanette come on up.

Ms. Nance said that through ODOT's partnership with KOB, Oklahoma is the only state in the nation to have 100 percent county participation in the Great American Cleanup in the past 9 consecutive years. She said I want to highlight the numbers from the 2018 event. 2,673,383 pounds of litter was collected in the State of Oklahoma during a 3 month period by 41,906 volunteers; \$5,184,497 state government worker dollars were defrayed by my volunteers cleaning up miles of road with free supplies donated by OTA. And that is 2,003 miles and 1,299 acres of roadsides and land that litter was abated from. So I appreciate you! Ms. Nance then presented Director Patterson and Commission Chairman David Burrage with the State Agency Partnership Award, which ODOT has earned several times in recent years

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

27. Approval of the Minutes of the Transportation Commission Meeting of February 11, 2019

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

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

28. Programming of Federal Railroad Crossing Safety Funds--Section 130 Title 23 Funds – Mr. Hatt

a) Tulsa County – Commission District VIII

In Tulsa, Construction funding for a Signal project which includes the installation of pedestal-mounted flashing light signals with gate arms, sidewalk improvements, median improvements and the addition of 16' of concrete crossing surface to the existing crossing surface at Southwest Boulevard, with the BNSF Railway Company. Total cost is \$304,474.

b) Craig County – Commission District VIII

In Vinita, Construction funding for a Signal project which includes the upgrade of the existing signal installation to pedestal-mounted flashing light signals with gate arms and the installation of drainage improvements to the crossing at 1st Street, with the BNSF Railway Company. Total cost is \$108,129.

c) Tulsa County – Commission District VIII

In Sand Springs, Construction funding for the enhancement of a traffic signal project determined to be necessary to facilitate highway/rail preemption operations in conjunction with the railroad signal improvements previously approved in a September 2017 commissioned project

(\$645,846) for improvements at West 81st Avenue South and Charles Page Boulevard with the Sand Springs Railroad. The total additional project cost to be commissioned is \$73,810 resulting in a total of \$719,656 for improvements at this intersection.

29. Land Sale – Mr. Phillips

Canadian County – District IV – Land Sale – located in the Northwesterly quadrant of the intersection of N. Chisholm Rd. and US-281 Spur, approximately 5.50 miles Southeasterly of the Town of Geary - \$34,250.00

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

END OF CONSENT DOCKET

ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

30. Engineering Contracts

a) Statewide – All Districts – Off System Bridge Standards

CI-1514	EST, Inc.	\$926,400.00
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b) Seminole County – District III - to prepare construction plans for SH-99 from 3.05 miles south of US-270, south 4.0 miles and SH-99 from 7.05 miles south of US-270, south 4.0 miles

CI-2070	Benham Design, LLC	\$1,677,350.00
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ACTION: Burgess 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 Peterson
NAYES: None
ABSENT: Overland

31. Engineering Contract Supplement

a) Statewide – All Districts – On-System Roadway Precast Storm Sewer Structures

CI-1886	Supplement 1	H.W. Lochner, Inc.	\$141,296.00
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ACTION: Huckabay moved and Fidler seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Love, Huckabay, Alexander, Burgess and Peterson
NAYES: None
ABSENT: Overland

ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard

32. Change Orders with Cumulative Total of \$75,000.00 or Less – Information Only

- a) Adair County - Co. Rd. - STP-201C(032)CI / 29823(04), \$67,525.87, -6.66% Underrun
- b) Cleveland County - SH-77H - ACSTP-214C(084)3P / 33367(04), \$1,259.38, 0.11%
- c) Comanche County - US-277 - SSP-216C(076)PM / 33247(04), \$7,715.07, 2.69%
- d) Garvin County - I-35 - STP-225F(069)3B / 33193(04), \$14,280.00, 2.26%
- e) Grady County - US-62 - STP-226B(065)3P / 31344(05), \$307.13, 0.03%
- f) Jefferson County - SH-79 - STP-234B(014)SS / 27977(04), \$10,169.12, -0.09% Underrun
- g) Kay County - Co. Rd. - CIRB-236C(004)RB / 29354(04), \$14,493.56, 1.47%
- h) Love County - US-62 - MC-226N(070) / 33667(04), \$45,252.94, 4.29%
- i) McClain County - US-62 - HSIP-244B(061)TR / 33606(04), \$9,751.00, 6.18%
- j) McCurtain County - US-70B - RRCS-245B(050)CS / 33075(56), \$8,265.80, 4.16%
- k) McIntosh County - Co. Rd. - STP-246C(009)CI / 30256(04), \$550.90, -0.02% Underrun
- l) Muskogee County - US-62 - STP-251B(087)PM / 29714(04), \$14,553.00, -0.71% Underrun
- m) Okfuskee County - I-40 - MC-254N(045) / 33659(04), \$29,498.20, 5.41%
- n) Oklahoma County - Ct. St. - STPG-255A(459)AG / 31568(04), \$1,500.00, 1.84%
- o) Payne County - SH-18 - SSR-260B(036)SR / 30629(04), \$34,195.02, 2.96%
- p) Pottawatomie County - PEDESTRIAN TRAIL - TAP-263D(049)TP / 32976(04), \$346.50, 0.20%
- q) Seminole County - Co. Rd. - CIRB-267C(053)RB / 30039(08), \$8.17, 0.00%
- r) Tulsa County - I-44 - STP-272F(252)3B / 33577(04), \$46,456.20, 4.54%
- s) Tulsa County - Ct. St. - SAP-272A(253) / 33689(04), \$3,465.00, 2.80%
- t) Tulsa County - US-169 RAMPS S-W - EMC-030N(077) / 33743(04), \$40,000.00, 7.38%
- u) Wagoner County - SH-51B - MC-273B(046) / 33661(04), \$2,940.33, 0.25%
- v) Woodward County - SH-34 - STP-277B(045)PM / 29449(08), \$18,459.18, 2.62%

NOTE: *Commissioner Love said I want to point out that one thing we were talking about in the committee meeting beforehand was periodically making sure that we benchmark with other states to feel comfortable that we're doing a good job with regard to the change orders. A good way to do that is, of course, to be benchmarking with our peer states to ensure that we are. And historically, I've asked that question. I've been told whatever the percentage is that where we are at, and we do feel like we do a very good job regarding minimizing the change orders. So I would encourage that we periodically do that.*

Mr. Leonard said we don't get numbers specifically from each State DOT, but periodically, FHWA, AASHTO, someone like that will publish a report. The most recent was 2014, and at that time, the nationwide average was 4.1% on design bid-build projects. In fact, I passed that form out this morning; that spreadsheet including this portion of fiscal year 2019 back through fiscal year 2007, our contract growth currently is 1.00%. So, yeah I could possibly survey the AASHTO membership and maybe get some numbers from them individually. But like I said, that's about the only way we have to get those numbers, is if somebody else does it and provides it to us.

Commissioner Burrage said as I understand it, there's no assurance that the variables are all the same, and how it's being measured. But there, again, it's still good to have the information we have, and I think we need take Commissioner Love's direction and continue to try to figure out how to benchmark ourselves no matter what. Just get all the information we can and compare. If you can get it, compare it.

Mr. Leonard said that is correct; and sure I'll be glad to do that.

Commissioner Burrage said, thank you, and make sure you provide that schedule to the other commissioners that weren't in our sub-committee meeting. It's a good piece of information to have.

Mr. Leonard said, yes sir, will do.

33. Change Orders with Cumulative Total Greater than \$75,000.00

- a) Beckham County - SH-152 - SSP-105C(147)SS / 24352(04), \$27,437.32, -0.65% Underrun
- b) Bryan County - US-70 - SBR-207N(026)(045)SB / 29562(04), \$86,094.19, 2.87%
- c) Cleveland County - Ct. St. - STP-214B(042)(063)AG / 29293(04), \$61,578.65, 0.23%
- d) Comanche County - I-44 - NHPPI-216N(073)3P / 31343(04), \$169,371.83, 8.06%
- e) Creek County - SH-48 - STP-219B(054)SS / 27925(04), \$63,900.00, 0.74%
- f) Delaware County - SH-116 - SBR-221C(027)SB / 29827(04), \$3,915.83, 0.46%
- g) Garvin County - I-35 - NHPPI-3500(020)SS / 28940(04), \$67,727.94, 0.65%
- h) Logan County - SH-33 - ACSTP-242C(046)SS / 21860(04), \$33,246.22, 0.19%
- i) Logan County - US-77 - STP-242C(055)PM / 27103(04), \$46,773.76, 0.86%
- j) Love County - Co. Rd. - CIRB-143C(091)RB / 25447(04), \$5,674.38, 0.09%
- k) McClain County - US-77 - ACNHPP-244N(052)SS / 27946(04), \$216,965.24, 0.60%
- l) McClain County - SH-74B - SBR-244C(060)SB / 32742(04), \$71,478.89, 8.47%
- m) Nowata County - US-169 - ACNHPP-253N(036)(037)SS / 24750(04), \$35,200.00, 0.30%
- n) Nowata County - SH-28 - STP-253C(041)SS / 28857(04), \$91,834.61, 5.16%
- o) Oklahoma County - I-235 - ACNHPP-2350-(004)(005)SS / 09033(16), \$955,190.97, 1.18%
- p) Oklahoma County - Ct. St. - OKC-XTWN(078)SS / ACNHPP-XTWN(079)SS / 17428(88), \$23,830.30, 0.09%
- q) Oklahoma County - I-235 - NHPPI-2350-(007)PM / 27905(04), \$27,582.12, 4.02%
- r) Pawnee County - Co. Rd. - ACSTP-259D(044)CI / 29930(04), \$75,166.59, 12.93%
- s) Payne County - SH-51 - SSP-160B(190)SS / 26369(04), \$20,336.42, 0.28%
- t) Payne County - SH-18 - SSR-260B(036)SR / 30629(04), \$97,294.52, 8.42%
- u) Payne County - Ct. St. - STP-260B(019)MS / 31415(04), \$7,500.00, 0.14%
- v) Roger Mills County - Co. Rd. - CIRB-165C(099)RB / 25477(04), \$2,640.00, 0.04%
- w) Seminole County - Co. Rd. - STP-267C(044)CI / 30039(04), \$12,058.68, 1.03%
- x) Washita County - I-40 - ACNHPP-4000-(057)PM / 27935(04), \$38,724.30, 0.46%

ACTION: Huckabay 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 Peterson
NAYES: None
ABSENT: Overland

ITEMS PRESENTED BY THE COMPTROLLER DIVISION – Ms. Hilmes

34. Lettings

- a) Final May, 2019 Bid Opening
- b) Tentative June, 2019 Bid Opening
- c) Tentative July, 2019 Bid Opening

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

35. Settlement for Damages to State Property

Stephen Shibley – Tulsa County - \$1,023.14

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

ITEM PRESENTED BY THE DIRECTOR OF OPERATIONS – Mr. Saliba

36. Termination of Highway Construction Contract Nos. 180302 and 180319 to Markwell Paving Company, Inc.

Resurface asphalt paving on SH-9 in Division 3 near Tecumseh – Pottawatomie County- Project SSR-263C(064)SR; and on US-281 in Division 7 near Gracemont – Caddo County – Project STP-208B(064)3P

NOTE: *Commissioner Burgess said I just want to make sure for the record, and we pushed this out in the subcommittee meeting, but they haven't started on the work is my understanding, right?*

Mr. Saliba said that is correct.

Commissioner Burgess said then so your only alternative is to go against the bonding company, which would cost a considerable sum of money to fire up the legal team to go after the bonding company, correct?

Mr. Saliba said yes sir.

Commissioner Burgess then asked if the project would be rebid this year.

Mr. Saliba said yes that it would be let out to rebid this year.

Commissioner Burgess said thank you, I just wanted to make sure that people understood this.

ACTION: Peterson 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 Peterson
NAYES: None
ABSENT: Overland

ITEM PRESENTED BY STRATEGIC ASSET & PERFORMANCE MGMT. DIVISION - Ms. Sullivan

37. Award of Transportation Alternatives Projects

TAP provides federal funding for programs and projects defined as transportation alternatives, including pedestrian and bicycle facilities, community improvement activities, safe routes to school projects, and other related activities.

The Department has reviewed applications submitted by eligible local sponsors for TAP projects in the eligible population category of 0-5,000.

The Department has partnered with Councils of Governments, Regional Transportation Planning Organizations, ODOT Division Engineers, and internal ODOT Staff to provide their recommendations reflecting local priorities for this program.

Approximately \$36 Million in TAP Funds were requested in this round of applications.

Projects are being awarded based on available funding as determined by a competitive application process established by the Department.

Funding for the program is provided by FHWA using reserved funds from the Transportation Alternatives Set-Aside fund. Federal funds provide up to 80% of the project costs, communities must commit at least 20% of matching funds to qualify for the grants.

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

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

38. Awards

February 14, 2019 – Regular Letting

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

ITEM PRESENTED BY THE DIRECTOR – Mr. Patterson

39. Director's Report

Director Patterson told the Commissioners that there's been a little competition among our Division Engineers, specifically three of them; Divisions 3, 4, and 5. You guys just awarded our first Diverging Diamond Interchange in the State of Oklahoma in Division 5, so Brent Almquist comes out the winner. It will be located at I-40 and SH-6 in Elk City and this unique interchange design has been used in several states with positive results, including safer, less congested intersections and a reduction in wrong-way collisions. Director Patterson then showed a video detailing how drivers will navigate this new interchange once constructed.

Director Patterson said last month I talked about how we hoped to get a budget; well Congress did pass a federal budget for the remainder of the fiscal year. He explained that the road and bridge projects that were delayed due to the lapse in federal funding; will now allow ODOT to reschedule the previously delayed projects later this year; however, some re-prioritization is necessary due to environmental and seasonal constraints.

And finally, 6 years ago at this meeting, you afforded me the opportunity to become the Director of ODOT! Many of you were in the room when that happened, but you may not remember the first words I uttered when I was asked to come to the podium. It was simple; it was a 3 letter word and was the only thing I could think at that sheer moment was "Wow." I'm going to leave you with "Wow!" It's been an amazing career; the last 6 years have been fantastic. "I will be forever grateful to the Commission for entrusting me with this role and to the men and women of ODOT who make magic happen every day." Thank you!

Then Director Patterson then received numerous kudos and well-wishes from several Commissioners, former Transportation Secretaries and Directors Neal McCaleb and Gary Ridley and current Secretary of Transportation and incoming ODOT Executive Director Tim Gatz. Director Patterson's retirement will conclude a nearly 40 year career.

Information Only: No Commission action required.

ITEM PRESENTED BY COMMISSION CHAIRMAN

40. Adjournment Motion

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

Meeting adjourned at 11:45 a.m.

Approval of the Minutes of the Transportation Commission Meeting March 4, 2019.

David Burrage - Chairman

Brad Burgess – Vice Chairman