

MINUTES FOR THE TRANSPORTATION COMMISSION MEETING

APRIL 6, 2020

MINUTES OF THE FIRST VIRTUAL MEETING OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, HELD APRIL 6, 2020 VIA TELECONFERENCE ONLY PURSUANT TO THE OKLAHOMA OPEN MEETING ACT, AS AMENDED BY SENATE BILL 661, RECORDED AND AUDIO LIVESTREAMED FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, 200 NE 21ST STREET, OKLAHOMA CITY, OK 73105

Notice of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2020 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in a prominent public view on the website of the Oklahoma Department of Transportation, www.ok.gov/odot, and on the glass doors on the north side of the ODOT Building twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Oklahoma Open Meeting Act, 25 O.S. Section 311.

Commissioners joined the meeting by teleconference

Special Note: The public access was monitored by ODOT to ensure that if the audio connection was lost or interrupted, the meeting would be stopped and not resumed until an audio connection was restored.

ITEMS PRESENTED BY COMMISSION CHAIRMAN

CALL TO ORDER: Mr. Gene McKown called the meeting to order at 11:00 a.m.

ROLL CALL:

Present:	Gene McKown	Chairman
	Bob Coburn	Member
	James Grimsley	Member
	T.W. Shannon	Secretary
	Don Freymiller	Member
	David Dyson	Member
	Bobby Alexander	Member
	Steve LaForge	Member
	Bob Peterson	Vice-Chairman

Absent: None

Presiding: Gene McKown

The following items were presented and approved as written at the Transportation Commission meeting of April 6, 2020. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

41. Approval of the Minutes of the Transportation Commission Meeting of March 2, 2020

ACTION: LaForge moved and Alexander seconded that the Minutes be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSTAIN: None
ABSENT: None

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

42. Programming of Federal Railroad Crossing Safety Funds - Section 130 Title 23 Funds - Mr. Schwennesen

a) LeFlore County – Commission District II

In Heavener, Construction funding for a Signal and Surface project which includes the installation of pedestal-mounted flashing light signals with gate arms and the rehabilitation of a 56 foot concrete crossing surface at SH-128, with the Kansas City Southern Railway main line. Total cost is \$370,876.00

b) Oklahoma County – Commission District IV

In Oklahoma City, Construction funding for a Signal and Surface project which includes the installation of pedestal-mounted flashing light signals with gate arms and the installation of a 48 foot timber crossing surface at North Westminster Road, with the Stillwater Central Railroad main line. Total cost is \$306,733.00

c) Oklahoma County – Commission District IV

Oklahoma Railroad Museum rail line: Construction funding for the installation of new Yield signs and break-away posts at 4 locations in Oklahoma County. Total cost is \$5,600.00

43. Land Sales – Mr. Phillips

a) Choctaw County – District II – located along the then proposed realignment of SH-109, north of the existing alignment near Frogville, Oklahoma - \$11,400.00

b) McClain County – District III – located on the east side of SH-76, approximately 3 miles south of Jct. US-62 & SH-76 south of Blanchard, Oklahoma - \$4,400.00

c) Pontotoc County – District III – located on the south side of US-377, approximately 0.5 miles east of Kerr Lab Road on the southeast side of Ada, Oklahoma - \$12,293.00

d) Oklahoma County – District IV - located along the east side of I-35 at the southeast corner of SE 36th Street (Grand Blvd.) in south Oklahoma City, Oklahoma - \$81,400.00

e) Kiowa County – District V – located north of present SH-9, westerly of Mountain View, Oklahoma - \$26,150.00

f) Texas County – District VI – located at the southeast corner of US-54 and Conlen Street in Tyrone, Oklahoma - \$7,900.00

g) Mayes County – District VIII – located on the east side of US-69 in south Pryor Creek, Oklahoma - \$60,500.00

ACTION: Alexander moved and Peterson seconded that the Consent Docket be approved as presented.

MOTION: Carried by the following vote:

AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson

NAYES: None

ABSENT: None

END OF CONSENT DOCKET

ITEM PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

44. Engineering Contracts

a) Statewide – All Districts – On-Demand Pavement Design

CI-2185A	Kleinfelder, Inc.
CI-2185B	MacArthur Associated Consultants, LLC
CI-2185C	Standard Testing and Engineering Company
CI-2185D	Terracon Consultants, Inc.

The aggregate not to exceed amount for these four (4) contracts is \$2,000,000.00

b) Statewide – All Districts - On-Demand State Bridge Rehabilitation

CI-2186A	Aguirre & Fields, LP
CI-2186B	CONSOR Engineers, LLC
CI-2186C	CP&Y, Inc.
CI-2186D	Freese and Nichols, Inc.
CI-2186E	Garver, LLC
CI-2186F	White Engineering Associates

The aggregate not to exceed amount for these six (6) contracts is \$1,500,000.00

c) Statewide – All Districts – Site Adaptation, Engineering and Architectural Services

CI-2187	CEC Corporation
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Total Not to Exceed Amount \$2,000,000.00

d) Payne County – District IV – to provide preliminary engineering and prepare construction plans for SH-51: From Western Rd. east 2.0 miles to Junction of US-177

CI-2119	EST, Inc.
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Total not to Exceed Amount \$1,674,428.00

ACTION: Peterson moved and Shannon seconded that the Items be approved as presented.

MOTION: Carried by the following vote:

AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson

NAYES: None

ABSENT: None

45. Engineering Contract Supplements

Statewide – All Districts – On-Demand Bridge Rehabilitation

CI-2035A	Supplement 1	CP&Y, Inc.
CI-2035B	Supplement 1	MacArthur Associated Consultants, LLC
CI-2035C	Supplement 2	NEO Design, LLC
CI-2035D	Supplement 1	Tetra Tech, Inc.

The total aggregate increase for these contract supplements is \$1,000,000.00

ACTION: Coburn moved and Peterson seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard

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

- a) Atoka County - US-69 - NHPP-013N(169)3P / 33940(04), \$4,341.62, 0.50%
- b) Canadian County - Co. Rd. - STP-209C(071)CI / 31181(04), \$1,200.00, 0.08%
- c) Carter County - SH-53 - SBR-210C(069)SB / 31308(04), \$25,000.00, 5.45%
- d) Choctaw County - Co. Rd. - CIRB-212D(044)RB / 31219(04), \$13,219.25, 2.94%
- e) Cleveland County - US-77 SB - SAP-214N(099)ES / 34452(04), \$10,500.00, 7.54%
- f) Comanche County - I-44 - SBR-4400(056)SB / 33886(04), \$16,560.00, 1.67%
- g) Craig County - SH-25 - SBR-218C(074)SB / 31359(04), \$19,497.45, 2.62%
- h) Garfield County - US-60 - ACNHPP-224N(055)PM / 24637(04), \$1,100.00, 0.01%
- i) Garvin County - SH-74 - STP-225C(079)PM / 28938(04), \$71,207.45, 4.66%
- j) Jackson County - SH-6 - SSP-233C(039)PM / 28778(04), \$43,398.24, 4.22%
- k) Jefferson County - Co. Rd. - ERSTP-234C(033)CI / 31913(08), \$3,073.44, 0.71%
- l) Lincoln County - Co. Rd. - STP-241D(067)CI / 32371(04), \$11,648.16, 1.97%
- m) Logan County - Co. Rd. - CIRB-242C(067)RB / 28686(04), \$8,158.70, 0.67%
- n) Marshall County - Co. Rd. - STP-248D(044)CI / 29305(04), \$5,947.50, 0.90%
- o) McCurtain County - Co. Rd. - STP-245D(055)CI / 30657(04), \$5,780.26, 0.94%
- p) McIntosh County - US-69 - NHPPI-NBIP(512)SS / 27113(04) #1, \$6,600.00, 1.22%
- q) McIntosh County - US-69 - NHPPI-NBIP(512)SS / 27113(04) #2, \$55,200.00, 10.20%
- r) McIntosh County - US-69 - SSR-246N(034)SR / 32056(04), \$21,337.72, 2.45%
- s) Murray County - Co. Rd. - CIRB-250C(021)RB / 29397(04), \$6,625.00, 0.61%
- t) Murray County - SH-7 WB - SBR-3500(080)SB / 31309(04), \$9,265.24, 0.45%
- u) Muskogee County - SH-10 - ERSTP-251C(100)ER / 34447(04) #1, \$23,939.00, 3.19%
- v) Muskogee County - SH-10 - ERSTP-251C(100)ER / 34447(04) #2, \$2,000.00, 0.27%
- w) Oklahoma County - I-44 - NHPPI-4400-(034)SS / 28855(04), \$47,944.04, 0.78%
- x) Oklahoma County - I-35 - STP-255F(501)3B / 34180(04), \$22,400.00, 2.75%
- y) Okmulgee County - US-75 - NHPP-256N(034)PM / HSIPG-256N(041)PM / 28967(04) #2, \$5,310.28, 0.13%
- z) Okmulgee County - US-75 - NHPP-256N(034)PM / HSIPG-256N(041)PM / 28967(04) #3, \$0.00, 0.00%
- aa) Okmulgee County - US-75B - SSR-256N(042)SR / 31376(04), \$50.00, -0.01% Underrun
- bb) Okmulgee County - SH-56 - STP-256B(048)3P / 32054(04), \$3,482.10, 0.31%
- cc) Ottawa County - Co. Rd. - CIRB-258D(049)RB / 30710(04), \$16,500.00, 1.67%
- dd) Payne County - I-35 - E-SAP-3500(088)ES / 34596(04), \$28,344.27, 4.40%
- ee) Seminole County - US-270 - STP-167B(122)PM / 21006(07), \$35,135.16, 0.30%
- ff) Seminole County - SH-9 - STP-267C(051)(064)PM / 28943(04), \$14,985.00, 0.36%
- gg) Sequoyah County - Co. Rd. - CIRB-168C(190)RB / 25434(04), \$585.51, 0.02%
- hh) Texas County - SH-136 - ACSTP-270C(034)PM / 27920(04), \$16,394.88, 0.44%
- ii) Tulsa County - Ct. St. - STP-172B(484)IG / 27291(04), \$10,251.20, 0.13%
- jj) Tulsa County - Ct. St. - NHPPI-2440-(016)PM / 30596(04), \$11,250.00, 0.27%
- kk) Wagoner County - Co. Rd. - STP-273C(051)CI / 32395(04), \$2,637.00, 0.20%
- ll) Washita County - SH-44 - SBR-275C(048)SB / 29278(04), \$640.00, 0.06%
- mm) Washita County - SH-54 - SBR-275C(046)SB / 31101(04), \$31,325.00, 2.41%

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

- a) Beckham County - SH-152 - SSP-105C(147)SS / 24352(04), \$7,123.24, 0.17%

- b) Beckham County - I-40 - SSP-4000(041)SS / SBR-4000(038)SB / 27023(04), \$147,390.51, 1.53%
- c) Blaine County - SH-51A - SBR-206B(060)SB / 31789(04) #1, \$129,071.28, 14.65%
- d) Blaine County - SH-51A - SBR-206B(060)SB / 31789(04) #3, \$90,000.00, 10.22%
- e) Blaine County - SH-51A - SBR-206B(060)SB / 31789(04) #4, \$36,664.32, 4.16%
- f) Canadian County - SH-3 - SBR-209N(060)SB / 31031(04), \$42,148.75, 1.62%
- g) Canadian County - Ct. St. - TAP-255A(334)AG / 31441(04), \$21,797.99, 2.79%
- h) Cleveland County - Ct. St. - STP-114C(255)AG / 26836(04), \$97,641.94, 1.99%
- i) Garvin County - I-35 - SSP-3500(071)PM / 29111(04), \$21,959.84, 0.96%
- j) Jackson County - SH-6 - SSP-233C(039)PM / 28778(04), \$35,472.50, 3.45%
- k) Jackson County - US-62 - NHPP-020N(044)3P / STP-233C(036)3P / 30407(04), \$184,527.63, 7.14%
- l) Kiowa County - SH-44 - STP-275C(035)SS / ACSTP-238C(037)SS / 28999(04), \$36,527.38, 1.10%
- m) Leflore County - US-70 - NHPP-207N(081)PM / 24333(10), \$45,838.50, 7.23%
- n) Marshall County - Co. Rd. - CIRB-248D(041)RB / 32355(04), \$53,419.88, 5.69%
- o) Mayes County - SH-82 - STP-249C(047)PM / 27068(04), \$95,275.47, 2.77%
- p) McIntosh County - US-69 - NHPP-246N(027) / 29755(04), \$0.70, -0.00% Underrun
- q) Muskogee County - SH-10 - ACSTP-251C(081)SS / 28962(04), \$36,265.77, 0.48%
- r) Okfuskee County - I-40 - NHPPI-4000-(077)PM / 21007(06), \$17,865.00, 0.09%
- s) Oklahoma County - I-235 - NHPPI-2350-(009)PM / 09033(27), \$14,100.92, 0.01%
- t) Oklahoma County - Ct. St. - OKC-XTWN(078)SS / ACNHPPI-XTWN(079)SS / 17428(88), \$29,076.29, 0.11%
- u) Oklahoma County - I-35 - NHPPI-3500-(066)FP / 27897(04), \$149,652.35, 0.51%
- v) Oklahoma County - Ct. St. - STP-255C(430)(431)AG / 31102(04), \$10,920.60, 0.28%
- w) Oklahoma County - Ct. St. - TAP-255D(328)AG / 31435(04), \$13,310.36, 2.53%
- x) Oklahoma County - Ct. St. - STP-255B(455)AG / 31521(04) #3, \$6,455.65, 0.30%
- y) Oklahoma County - Ct. St. - STP-255B(455)AG / 31521(04) #4, \$8,054.03, 0.37%
- z) Pawnee County - US-64 - STP-259C(050)PM / 24323(07), \$320,000.00, 2.30%
- aa) Roger Mills County - Co. Rd. - CIRB-165C(099)RB / 25477(04), \$29,031.50, 0.46%
- bb) Roger Mills County - Co. Rd. - CIRB-165C(100)RB / 25478(04), \$47,507.82, 0.84%
- cc) Rogers County - I-44 - NHPPI-0044-2(422)238 / 20315(04), \$131,246.01, 0.65%
- dd) Seminole County - US-270 - STP-167B(122)PM / 21006(07), \$44,664.02, 0.38%
- ee) Tillman County - US-183 - SSR-271B(062)SR / 33435(04), \$1,039.00, 0.02%
- ff) Tulsa County - Ct. St. - STP-172B(484)IG / 27291(04), \$329,623.64, 4.25%
- gg) Tulsa County - Ct. St. - STP-272C(259)IG / 32541(04), \$101,440.76, 7.05%
- hh) Wagoner County - Co. Rd. - CIRB-173C(146)RB / 25489(04), \$25,839.94, 0.89%
- ii) Washita County - I-40 - ACNHPPI-4000-(057)PM / 27935(04) #11, \$88,655.81, 1.04%
- jj) Washita County - I-40 - ACNHPPI-4000-(057)PM / 27935(04) #14, \$8,448.00, 0.10%

ACTION: Coburn moved and LaForge seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEMS PRESENTED BY THE DIRECTOR OF FINANCE & ADMINISTRATION

48. Proposed Bid Openings – Mr. Hackney

- a) Final June, 2020 Proposed Bid Opening
- b) Tentative July, 2020 Proposed Bid Opening
- c) Tentative August, 2020 Proposed Bid Opening

ACTION: Shannon moved and Coburn seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEM PRESENTED BY DIRECTOR OF OPERATIONS – Mr. Saliba

49. Claim for Contract Adjustment for Project Delay to Cornell Construction Company, Inc.

Resurface Project on US-62/SH-6 near Altus in Jackson County - Division 5 - Project No.: NHPP-020N(044)3P/STP-233C(036)3P - \$44,584.72

ACTION: LaForge moved and Freymiller seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

NOTE: *Commissioner Peterson asked why we owed them additional money.*

Mr. Saliba explained that the asphalt met our specifications, but we needed to reevaluate the oil mixture so that it would hold together better. The placed material was not performing as expected. Because of this, our Resident Manager suspended asphalt operations in order to test until a suitable alternative mixture was found. This caused a 13 day delay for the Contractor, who in turn filed a delay claim. ODOT and Cornell then reached a mediated settlement of the delay claim.

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

50. Awards

- a) Deferrals from the February 20, 2020 Regular Bid Opening
- b) March 19, 2020 – Regular Letting

ACTION: Shannon moved and Dyson seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEM PRESENTED BY THE DIRECTOR – Mr. Gatz

51. Director's Report

Secretary Gatz thanked the Commission for their participation in this historical meeting. All the meetings have went well; and next month meeting will probably be done by teleconference also. The one thing that I can assure you that the Department of Transportation will continue to do is provide every possible mechanism to make sure that these meetings are conducted with the highest level of public access that we can possibly make available. It's extremely important during these challenging times, that we do all we can to make sure the public is included in meetings like this. My expectation is that the May meeting will be conducted remotely also, and potentially, the June meeting. So again, I really appreciate your participation and patience this morning. Thus far, the meeting has went exceptionally well, and the subcommittee meetings went exceptionally well.

I'm sure that all of you have heard that a state revenue failure has been declared. I have nothing but confidence that the Governor and the Legislature will come together and put a plan in place that will carry state government through the end of Fiscal 2020. They are in process of doing that as we speak, and again, I've got nothing but confidence that they will be successful.

In addition, I know that the Legislature and the Governor are considering the prospect for budgetary Fiscal 2021. I am equally as confident that they will come up with a plan that will carry government and continue to provide services as the State of Oklahoma begins our recovery process into 2021. I know the Legislature and

the Governor are working extremely hard. We are supporting them by providing whatever information that we can to help with their efforts, and I believe that will be successful.

On the federal front, we've heard a lot of discussion around what is being called, "Phase 4" that very likely could include an infrastructure investment as a component piece of the recovery initiative. We are monitoring those occurrences very carefully; and ODOT is working hard to make sure that we are poised to meet the needs of whatever comes from the Congress and the President. We will continue our efforts to be ready with projects that can be moved quickly, and with a plan for the longer term.

On the federal level, I think we, potentially, will see a long-term Federal Highway Bill that will materialize out of this effort that will provide for multi years of funding. And optimistically, those multi years of funding may come at a higher level than we originally had anticipated. Again, the Department is doing everything that we need to do right now so we are well-positioned in the State of Oklahoma and ready to move forward with whatever needs may arise to try to help in the recovery.

He thanked all the employees of the Oklahoma Department of Transportation, because they have done a tremendous job. I can't thank these folks enough, because they have stepped up and met every challenge, and exceeded our expectations on a daily basis. Whether they are trying to telework from home, and really doing a great job on that front despite some extremely challenging IT and network connectivity problems. Whether you are talking about our field operation folks continuing to do their job while practicing social distancing. They are still making great progress, and for that, I want to tell them how much we really appreciate their efforts and how much we thank them. Also, I want to thank their families; because during times like this we are all challenged and anxious. The Department of Transportation continues to make progress in our efforts to make sure that our transportation infrastructure continues to support the needs of our critical supply chains.

I would also really like to call attention to a group of folks that are out there working and burning their candle at both ends right now, and that's our health care providers. Those folks are taking care of us at a level like we've never seen, and I want to express how much we appreciate that group, and really thank them for their efforts. And our heart goes out to all of the individuals, the businesses, and the families, that are being impacted by this awful virus.

Thanks again for participation in this historic meeting of the Transportation Commission and I would be happy to answer any questions that you may have.

Information Only: No Commission action required.

NOTE: *Commissioner Shannon commented I appreciate your report and the way ODOT has handled this in a professional manner. I know these are unprecedented times; might you speak for a moment on ODOT's efforts to kind of limit the spread? What you have done on an employee basis and maybe give a number of employees that are working from home. And are you where you think you need to be, or is that plan being worked?*

Secretary Gatz said the plan that the Department has put in place; we have moved approximately 90% of our essential office staff to teleworking. The other sector we have are our Field Operations personnel; and many of those field personnel simply can't go to telework status. We have implemented every social distancing mechanism and innovation; a lot of times it comes straight from those folks to try and make sure that we are keeping each other and the public, safe and healthy. Again, that begins with social distancing; but they are staggering their reporting times and doing everything they can to minimize assembly. As far as doing safety meetings and everything like that, they are making sure that they are social distancing during those times, and trying to accomplish that in every factor and every component of their operation. As you pointed out Commissioner, this is absolutely a day-to-day management strategy; and we are not done. As the health emergency continues to progress, the Department is fully prepared to implement additional measures to make absolutely sure that our workforce remains safe and healthy.

Chairman McKown asked if we knew of anyone in our Organization that has this virus.

Secretary Gatz stated I am not aware of any confirmed illnesses related to COVID-19 in our Department.

Ms. Riddle reported that ODOT had been monitoring the public audio connection; and it was reported that the public audio connection has been maintained throughout the meeting.

ITEM PRESENTED BY COMMISSION CHAIRMAN

52. Adjournment Motion

ACTION: Coburn moved and Peterson seconded that the Meeting be adjourned.

MOTION: Carried by the following vote:

AYES: Coburn, Grimsley, Shannon, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson

NAYES: None

ABSENT: None

Meeting adjourned at 11:32 a.m.

Approval of the Minutes of the Transportation Commission Meeting April 6, 2020.

Gene McKown - Chairman

Bob Peterson - Vice Chairman