

# MINUTES FOR THE TRANSPORTATION COMMISSION MEETING JULY 6, 2021

MINUTES OF THE HYBRID MEETING OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, HELD JULY 6, 2021 VIA IN-PERSON AND BY VIDEO TELECONFERENCE ONLY PURSUANT TO THE OKLAHOMA OPEN MEETING ACT, AS AMENDED BY SENATE BILL 1031, RECORDED AND AUDIO LIVESTREAMED FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, 200 NE 21<sup>ST</sup> STREET, OKLAHOMA CITY, OK 73105

Notice of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2021 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](http://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.

Some Commissioners joined the meeting by video 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. McKown called the meeting to order at 11:04 a.m.

<b><u>ROLL CALL:</u></b>	<b>Present:</b>	Gene McKown	Chairman
		TW Shannon	Secretary
		James Grimsley	Member
		Don Freymiller	Member
		David Dyson	Member
		Bobby Alexander	Member
		Steve LaForge	Member
		Bob Peterson	Vice-Chairman - (Virtual)
	<b>Absent:</b>	Bob Coburn	
	<b>Presiding:</b>	Gene McKown	

The following items were presented and approved as written at the Transportation Commission meeting July 6, 2021. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Commissioner McKown thanked everyone for coming and introduced Special Guests: Baylee Williams from Governor Stitt's Office, Grayson Ardies, Executive Director of Aeronautics Commission, Bobby Stem, and Mike Patterson, former Secretary of Transportation. We really do appreciate everybody coming and participating in our Commission Meeting. He then recognized Secretary/Director Tim Gatz for some announcements and presentations.

Secretary Gatz introduced Jessica Brown, the new Director of Strategic Communications she will be overseeing all aspects of communication for all 3 agencies in the Transportation Cabinet, and will answer directly to Secretary Gatz. The newly created communications group was formed based on a concept and early initiative that materialized from our Transportation Modernization efforts. Jessica comes to us with a strong educational and professional background and knowledge in communications and previous State experience working for the OSBI and the Department of Corrections.

Secretary Gatz then introduced Brent Burwell, Executive Director of the Oklahoma/Arkansas American Concrete Pavement Association.

Mr. Burwell presented ODOT with an award for the superior quality pavement constructed on the I-40 / SH-6 interchange in District 5. This project is the first Diverging Diamond Interchange (DDI) ever constructed in Oklahoma. Accepting the award for ODOT was Division 5 Engineer, Brent Almquist, Division 5 Commissioner, David Dyson, Chairman, Gene McKown and Secretary Gatz.

**ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION**

**90. Approval of the Minutes of the Transportation Commission Meeting of June 7, 2021**

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

**CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN**

**91. Land Sales – Mr. Phillips**

- a) Pontotoc County – District III – located along the north side of SH-19, approximately 3 miles west of the Junction of US-377 in Ada, OK - \$44,113.00
- b) Lincoln County – District III – located along the east side of SH-102 and South of the intersection of US-62 - \$4,830.00
- c) Oklahoma County – District IV – located south of I-40 on S. Lee Avenue, between SW 11<sup>th</sup> Street & SW 12<sup>th</sup> Street in Oklahoma City, OK - \$282,000.00

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

**END OF CONSENT DOCKET**

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**ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler**

**92. Engineering Contracts**

- a) Statewide – All Districts – On-Demand Preliminary Engineering, Site Plans & Inspection for Railroad Crossings  

CI-2331	JWebb & Associates, LLC	\$350,000.00
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- b) Cleveland County – District III - to prepare construction plans for US-77: from east end of Canadian River Bridge, north 1.0 mile to 0.25 miles south of Moffatt Road (north of Lexington), includes junction of SH-39  

CI-2362B	Garver, LLC	\$577,909.00
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- c) Coal County – District III - to prepare construction plans for SH-48: beginning 8.81 miles north of the Johnston County line, extending northwesterly 4.65 miles to junction SH-3  

CI-2326A	EST, Inc.	\$701,419.00
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ACTION: Freymiller moved and Dyson seconded that the Item be approved as presented.  
MOTION: Carried by the following vote:  
AYES: Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson  
NAYES: None  
ABSENT: Coburn

**93. Engineering Contract Supplements**

- a) Stephens County – District VII – this supplement is for additional engineering to develop final construction plans for SH-53 from 6.08 miles east of the Cotton County line, east approximately 4.0 miles to the 5<sup>th</sup> Street intersection

EC-1588 Supplement 3 Professional Engineering Consultants, P.A. \$13,500.00

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

**ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard**

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

- a) Beaver County - US-64 - HSIPG-265F(025)TR / 33931(04), \$39,012.54, 1.78%
- b) Beckham County - I-40B - STP-205N(078)PM / 29004(04), \$600.00, 0.03%
- c) Bryan County - Co. Rd. - CIRB-207D(099)RB / CIRB-207D(100)RB / 32887(04), \$8,610.65, 0.22%
- d) Caddo County - US-62 - SSP-008B(316)PM / STP-208B(091)PM / 12571(08), \$9,053.32, 0.06%
- e) Cleveland County - US-77 - STP-114C(111)SS / 20997(04), \$20,726.73, 0.18%
- f) Creek County - US-60 - HSIPG-227F(047)TR / 34453(04), \$58,474.80, 5.93%
- g) Grady County - SH-92 - STP-226B(052)AD / 32936(04), \$16,767.43, 9.06%
- h) Kingfisher County - Co. Rd. - STP-237D(051)CI / 28439(04), \$1,563.00, 0.20%
- i) Lincoln County - SH-99 - STP-241B(064)PM / 29543(04), \$24,150.00, 1.10%
- j) Oklahoma County - SH-77H - SBR-255N(517)SB / 27107(04), \$3,098.21, 0.08%
- k) Osage County - SH-99 - STP-257B(056)SS / 28860(04), \$1,850.25, 0.19%
- l) Osage County - US-60 - SSR-018N(078)SR / 33374(04), \$19,537.15, 2.54%
- m) Ottawa County - US-60 - SSP-158B(119)PM / 24273(04), \$20,074.82, 0.53%
- n) Pontotoc County - OLD STATE HIGHWAY 99 - CIRB-262C(059)RB / 33057(04), \$9,900.00, 0.32%
- o) Seminole County - US-270 - STP-267B(090)RW / 21006(17), \$12,500.00, 7.06%
- p) Seminole County - SH-3E - SBR-9595(004)SB / 29595(04), \$14,355.24, 0.65%
- q) Sequoyah County - SH-17 - CIRB-268C(075)RB / 25434(08), \$42,290.00, 1.28%
- r) Sequoyah County - I-40 - NHPP-4000-(083)PM / 29756(04), \$9,941.20, 0.13%
- s) Sequoyah County - US-64 - SSR-268C(073)SR / 33443(04), \$22,077.00, -0.94% Underrun
- t) Stephens County - SH-53 - STP-269C(080)PM / 30362(04), \$41,789.47, 0.90%
- u) Washington County - US-75 - NHPP-014N(102)PM / 23170(11), \$6,119.76, 2.79%

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

- a) Beckham County - I-40B - NHPP-205N(086)PM / 27900(04), \$5,652.33, 0.12%
- b) Bryan County - Co. Rd. - CIRB-207D(099)RB / CIRB-207D(100)RB / 32887(04), \$108,952.31, 2.75%
- c) Canadian County - SH-4 - STP-209C(067)PM / 04757(05), \$54,248.09, 0.41%
- d) Canadian County - US-81 (I-40B) - NHPP-209N(051)SS / 27004(04), #6, \$16,060.05, 0.16%
- e) Canadian County - US-81 (I-40B) - NHPP-209N(051)SS / 27004(04), #7, \$98,815.31, 0.99%
- f) Cimarron County - US-64 - NHPP-034N(001)PM / 20941(04), \$71,132.94, 0.66%
- g) Cleveland County - I-35 - NHPP-0035-2(176) / NHPP-0035-2(304) / 09031(05), \$30,237.87, -0.04% Underrun
- h) Cleveland County - Ct. St. - STP-214B(091)AG / 30606(04), \$18,922.50, 1.28%
- i) Dewey County - US-270 - NHPP-017N(258)PM / 17671(41), \$17,095.00, 0.08%
- j) Garvin County - I-35 - SBR-3500(083)SB / 31989(04), \$71,379.59, -6.53% Underrun
- k) Hughes County - Co. Rd. - STP-232C(041)CI / 28575(04), \$62,241.65, 1.93%
- l) Johnston County - SH-22/SH-99 - STP-235C(038)PM / 31841(04), \$11,550.00, 0.17%

- m) Kingfisher County - US-81 - NHPP-237N(019)SS / 27980(04), \$148,265.70, 1.72%
- n) Kiowa County - US-183 - SSR-271B(070)SR / 34395(04), \$142,062.00, 3.06%
- o) Lincoln County - SH-66 - SBR-241C(012)SB / 29567(04), \$8,002.01, 1.60%
- p) Mayes County - Co. Rd. - STP-249C(053)CI / 31161(04), \$18,605.44, 0.52%
- q) Mayes County - SH-28 - SSP-249C(049)SS / SSP-249C(052)SS / 31884(05), #6, \$33,450.00, 0.24%
- r) Mayes County - SH-28 - SSP-249C(049)SS / SSP-249C(052)SS / 31884(05), #8, \$12,640.00, 0.09%
- s) Mayes County - SH-28 - SSP-249C(049)SS / SSP-249C(052)SS / 31884(05), #9, \$27,073.80, 0.20%
- t) Oklahoma County - I-235 - NHPPI-2350-(009)PM / 09033(27), #21, \$208,799.84, 0.21%
- u) Oklahoma County - I-235 - NHPPI-2350-(009)PM / 09033(27), #22, \$67,038.46, -0.07% underrun
- v) Oklahoma County - I-235 - NHPPI-2350-(009)PM / 09033(27), #23, \$251,670.72, 0.25%
- w) Oklahoma County - I-235 - NHPPI-2350-(009)PM / 09033(27), #24, \$301,607.39, 0.30%
- x) Oklahoma County - Ct. St. - OKC-XTWN(078)SS / ACNHPPI-XTWN(079)SS / 17428(88), \$75,984.21, 0.29%
  
- y) Oklahoma County - I-44 - NHPPI-4400-(037)PM / NHPPI-4400-(039)PM / NHPPI-4400-(040)PM / NHPPI-4400-(041)PM / NHPPI-4400-(042)PM / NHPPI-4400-(043)PM / 31006(04), \$100,000.00, 0.36%
- z) Pawnee County - Ct. St. - SBR-259N(058)SB / 33451(04), \$15,087.78, 0.97%
- aa) Pittsburg County - US-69 - SSP-013N(176)PM / 34329(04), \$2,891.04, 0.05%
- bb) Seminole County - US-270 - STP-167B(122)PM / 21006(07), \$74,916.86, 0.64%
- cc) Seminole County - Co. Rd. - CIRB-267C(053)RB / 30039(08), \$75,772.48, 3.02%
- dd) Tulsa County - Ct. St. - STP-272B(277)IG / 29326(04), \$326,094.65, 3.86%

**NOTE:** *Commissioner Peterson asked on Item 95 dd), he said, "This change provides payment for the overrun of numerous pay items required to complete project, due to plan errors and various unforeseen site conditions experienced by the contractor." Remind me again when the Contractor absorbs these and when ODOT does, for unforeseen site conditions and plan errors.*

Mr. Leonard said, that any time there's a plan error or an unforeseen site condition the Department pays for it; that's why we've presented this Change Order here today.

*Commissioner Peterson stated it says, "Plan Errors", does that mean Poe made plan errors, I'm trying to understand where the fault lies. I know that there can be unforeseen site conditions, I just keyed in on "Plan Errors" and wondered if it was the designer's fault or what happened*

Mr. Leonard said, in all likelihood we probably shouldn't have worded it that way, of course, if there are any errors that are directly attributable to Poe, then we would see if they are recoverable or not.

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

## **ITEMS PRESENTED BY THE COMPTROLLER DIVISION**

### **96. Proposed Bid Openings – Mr. Hackney, Project Funding Manager**

- a) Final September, 2021 Proposed Bid Opening
- b) Tentative October, 2021 Proposed Bid Opening
- c) Tentative November, 2021 Proposed Bid Opening

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

**ITEM PRESENTED BY DIRECTOR OF OPERATIONS – Mr. Davis**

**97. Settlement of Claim for Payment of Additional Aggregate Base Type A to Crossland Heavy Contractors**

Oklahoma County – District IV - Grade, Drain, Surface and Sidewalks City Street (Britton Road): from 0.4 miles east of SH-74, extend east in the City of the Village, Project No.: STP-255C(430)(431)AG - \$142,914.36

**NOTE:** *Commissioner Freymiller if there was ever a change order put in on this.*

Mr. Davis answered that, no there has not, we have paid up to the planned quantity on the ag base; and what has exceeded this 10% statutory limit has not been paid yet. It will be coming across in a future Change Order, if this is approved

*Commissioner Alexander asked if there was a certain number of inches or feet that utilities and contractors are required to bury stuff.*

Mr. Davis said this is a Local Government project and we have no control over those utilities. They probably were put in a while ago and we just accept the word of the local utility company that the utilities are out of the way before we go to work; and this was not discovered until we got out there.

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

**ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce**

**98. Awards**

June 17, 2021 – Regular Letting

**NOTE:** *Commissioner Peterson asked what the reason was for the rejected awards.*

Mr. Delce answered that fuel costs have really caused our asphalt prices to go up.

*Commissioner Peterson commented since those prices aren't like to mitigate in a while, or moderate what are your intentions with these jobs?*

Mr. Delce said the Division is going to go back and look at those estimates and put it back out for bid.

*Commissioner Peterson I assume whenever the engineer made these estimates, that obviously asphalt prices were considerably lower.*

Mr. Delce said yes sir.

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

## **ITEM PRESENTED BY THE DIRECTOR – Mr. Gatz**

### **99. Director's Report**

Secretary Gatz said we are seeing a little bit of volatility in some of our bid prices; we are seeing that across the board. If you are trying to get something constructed right now, it can be a little bit challenging on occasion. As Anthony pointed out that certainly fuel prices have an impact; but we will make adjustments accordingly in our estimating process and try to get better aligned.

He updated the Commission on transportation legislation being considered by the U.S. Congress and funding for priority Oklahoma Highway Projects. He said the House of Representative just recently moved forward with a reauthorization bill of the Highway Infrastructure Program; and the Senate is also advancing a similar bill to accomplish a reauthorization of the Highway Program. Both of these pieces of legislation are getting a lot of media attention; and there is a lot of focus on infrastructure. Our infrastructure needs help and we need to make additional investments and try to grow our ability to manage our infrastructure for the long term. The Congress has been uniquely focused on it and we are staying in close communication with our 2 Senators out there; so, lots of good thing are happening in Washington D.C.

There is a little bit of confusion because the Biden Administration is advancing an "Infrastructure Bill" at the same time that seeks to make an investment that highways are a component piece of, but that's a much broader look at infrastructure. I will keep you updated with any details that are available as the highway bill authorization advances; or as the larger infrastructure bill advances.

We also received good news that Oklahoma was approved for a \$51 million INFRA Grants for the I-40 upgrades between Douglas Blvd. interchange at Tinker Air Force Base and continue expansion of the corridor to 6 lanes.

Texas Department of Transportation was awarded a \$50 million INFRA Grant for reconstruction of the I-35 Red River Bridges and widening of the interstate between Gainesville and the Oklahoma State Line. ODOT and the Chickasaw Nation will be partners in this project.

He briefed Commissioners on the recent report released by the Legislative Office of Fiscal Transparency (LOFT) on the County Improvements for Roads & Bridges Program (CIRB). He thanked LOFT and its bicameral Legislative Oversight Committee for analyzing the program and providing recommendations for improved management by ODOT and communication with the County Commissioners and their Circuit Engineering Districts. The CIRB program at ODOT was created in 2006 and provides state funding for the highest priority county projects.

He said the "Draft Final Report" from the consultant, Guidehouse for the Transportation Modernization Initiative that includes sharing resources among ODOT, Oklahoma Turnpike Authority (OTA) and Oklahoma Aeronautics Commission (OAC) has been issued. He said that some of the recommendations to consolidate administrative functions have already been implemented where possible, while long-term changes will require further study and possibly legislative action. He said Guidehouse and the Executive Team did a great job and he thanked the ODOT Employees, Elizabeth Blais, Anthony Delce, Anthony Echelle, Holly Lowe, Chad Pendley, Jared Schwennesen for their tremendous amount of work on this, while still doing their regular job also.

He pointed out that ODOT received an award from the Governor at the 3rd Annual Governor's Leadership Summit. We were 1 of 7 State Agencies recognized for outstanding work; and our recognition was specific to the Transportation Cabinet and the Modernization Effort that we were going through, as we search for ways to increase value and efficiency through our efforts.

We are continuing our safety perspective efforts on the "Make Safety Stick – Everybody Click" campaign. MPR developed a PSA "No Excuse to Not Buckle Up" and played it for the Commissioners. July's emphasis will be on "Share the Road: Truck, Motorcycle Safety".

**NOTE:** *Commissioner Grimsley said 8 years ago his son was in a bad accident and spent weeks in the ICU. He said the 1 thing that saved his life was the seatbelt. He is very meticulous and will not start moving his vehicle unless everyone is buckled up; but it did save his life and so it is critically important.*

*Commissioner Freymiller commented that he has seen firsthand in litigation cases where the Defendant is not allowed to show the Plaintiff that the person asking for damages never had their seatbelt on. There are laws restricting that it doesn't have to be presented to a Jury; I believe that there should be legislation passed to change that.*

Secretary Gatz said, "Commissioner, I think that's something worthwhile to look into, and we will take a look at it!"

**Information Only:** No Commission action required.

**ITEM PRESENTED BY COMMISSION CHAIRMAN**

**100. Adjournment Motion**

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

**Meeting adjourned at 11:44 a.m.**

Approval of the Minutes of the Transportation Commission Meeting July 6, 2021.

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Gene McKown – Chairman

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Bob Peterson – Vice Chairman