

ARKANSAS DEPARTMENT OF TRANSPORTATION

LITTLE ROCK, ARKANSAS


December 30, 2019

**ADMINISTRATIVE CIRCULAR NO. 2019-17**

TO: DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meeting in Little Rock, AR on December 11, 2019.

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, P.E.  
Director

c: Commission

MINUTES OF THE MEETING  
OF THE  
ARKANSAS STATE HIGHWAY COMMISSION

December 11, 2019

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, December 11, 2019. Members present were:

Thomas B. Schueck, Chairman  
Robert S. Moore, Jr., Vice Chairman  
Alec Farmer, Member  
Philip Taldo, Member  
Keith Gibson, Member

2019-115

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:30 a.m., December 11, 2019.

2019-116

WHEREAS, the Purchasing Committee has awarded purchases on October 30 and November 25, 2019, in the amount of \$92,783.00 and, \$74,225.00 respectively, totaling \$167,008.00, 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.

2019-117

WHEREAS, the American Road & Transportation Builders Association (ARTBA) is a nationally recognized industry group that was established to help members develop and advocate consensus on legislative and regulatory policy positions; and

WHEREAS, ARTBA delivers exclusive news and information via multiple communication platforms on transportation investment, policy, safety, environmental and other issues; and

WHEREAS, membership in ARTBA provides a valuable benefit to the Department from various services and publications.

NOW THEREFORE, the Director is authorized to pay the 2020 membership dues in the amount of \$1,000.

2019-118

WHEREAS, the Arkansas State Highway Commission is required to print and distribute rules and regulations necessary to carry out the codes governing State Highways and the use of motor vehicles; and

WHEREAS, the supply of the manual, Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, 2017 Edition, issued jointly by the Arkansas State Highway Commission and the Department of Finance and Administration, is exhausted; and

WHEREAS, revisions to laws and regulations require this manual to be updated.

NOW THEREFORE, the Director is authorized to update the Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, 2017 Edition, and to collaborate with the Department of Finance and Administration to publish 8,400 copies of the Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, 2019 Edition, including the Internet agreement.

2019-119

WHEREAS, the Arkansas Strategic Highway Safety Plan (2017) (SHSP) identified Traffic Incident Management (TIM) as a primary emphasis area; and

WHEREAS, TIM provides significant benefits to our transportation system by safely and efficiently clearing traffic incidents; and

WHEREAS, the SHSP also identified the need to continue TIM training for responders as a priority safety strategy; and

WHEREAS, a training facility to allow consistent and continual TIM training for various responders in Arkansas is highly beneficial; and

WHEREAS, Federal-aid Highway Safety Improvement Funds are eligible for these improvements.

NOW THEREFORE, the Director is authorized to partner with the Arkansas State Police to assist in construction of a TIM training facility as funds become available.

2019-120

WHEREAS, the 91<sup>st</sup> General Assembly of the State of Arkansas enacted Act 705 during the 2017 Regular Session, which established the distribution of highway revenue interest income from the State Highway and Transportation Department Fund to create the Future Transportation Research Fund and the Transportation-Related Research Grant Program (TRRGP); and

WHEREAS, as required by Act 705, the rules for administering this program have been promulgated; and

WHEREAS, applications were solicited and received for this program from April 1, 2019 to May 31, 2019; and

WHEREAS, the Arkansas Department of Transportation has reviewed the applications submitted and developed funding recommendations.

NOW THEREFORE, the Director is authorized to enter into contracts with the project sponsors for implementation of the projects included in the attached list.

2019-121

WHEREAS, the existing property serving the Hempstead County Area Headquarters in Hope on Highway 29 is marginal in size; and

WHEREAS, an additional adjoining property of approximately 4.0 acres is available; and

WHEREAS, enlarging the size of the existing property would better accommodate the need for equipment parking and materials storage.

NOW THEREFORE, the Director is authorized to purchase the additional property and make improvements including reconfiguring of the parking, fencing and related items as funds become available.

Work will be done by contract and state forces.

WHEREAS, IN UNION COUNTY, Job CA0706 is scheduled to widen Highway 82 from Airport Drive to Highway 82 Business; and

WHEREAS, the Highway 82 West Water Association has water lines within the Department's right of way that need to be relocated before this widening project can be implemented and the cost for the utility relocation is non-reimbursable; and

WHEREAS, it has been verified that the Highway 82 West Water Association does 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 cost 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 ownership and future maintenance responsibilities; and

WHEREAS, removal of Highway 335, Section 1 from the State Highway System that was approved by the Union County Court Order Number 2014-20 can be 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 Highway 82 West Water Association for the Highway 82 widening project.

FUTHERMORE, 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 335, Section 1 is hereby removed from the State Highway System.

2019-123

WHEREAS, the 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD) requires that a YIELD or STOP sign be installed along with a Crossbuck Assembly at passively controlled at-grade railroad crossings; and

WHEREAS, Patriot Rail, operating the DeQueen and Eastern Railroad (DQE), has proposed to partner with the Department to upgrade 22 passively controlled at-grade railroad crossings along DQE's rail line to meet the MUTCD requirements; and

WHEREAS, Federal-aid Railway-Highway Crossing Safety funds are eligible for these improvements.

NOW THEREFORE, the Director is authorized to enter into any necessary agreements and to proceed with improvements at these crossings as funds become available subject to the following conditions:

1. Maintenance shall be performed by the Railroad Company at no cost to the State.
2. All required right-of-way furnished will be at no cost to the State.

2019-124

WHEREAS, IN THE CITY OF TEXARKANA, the need exists to improve Highway 71 (State Line Avenue); 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 approved funding for their portion of the project costs; and

WHEREAS, funding for the Department's portion of these improvements is included in the 2019-2022 Statewide Transportation Improvement Program.

NOW THEREFORE, the Director is authorized to enter in the necessary agreements with TxDOT and to proceed with surveys, plans, and construction of these improvements as funds become available.

2019-125

WHEREAS, IN WASHINGTON COUNTY IN THE CITIES OF FAYETTEVILLE AND GOSHEN, local officials have requested a study to determine the need for and feasibility of improvements to Highway 45 from Highway 265 in Fayetteville to eastern Goshen.

NOW THEREFORE, the Director is authorized to conduct a highway improvement feasibility study of Highway 45 from Highway 265 in Fayetteville to eastern Goshen.

2019-126

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the January 8, 2020 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN Y/N
020641	02	JEFFERSON	Arkansas River Bridge - Altheimer (Sel. Secs.) (S)	79B	Y
020650	02	DESHA	Hwys. 65 & 159 (Sel. Secs.) (S)	65 & 159	Y
020651	02	JEFFERSON	I-530 - Cleveland Co. Line (S)	63	Y
020653	02	DREW	Co. Rd. 28 - South (S)	425	Y
020655	02	CHICOT & DESHA	Halley - Dewey (S)	208	N
030455	03	LAFAYETTE	Dooley Creek Str. & Apprs. (S)	160	N
030480	03	LITTLE RIVER	South of Little River - Co. Rd. 114 (Sel. Secs.) (S)	41	Y
040763	04	POLK	Hwys. 71 & 88 (Sel. Secs.) (Mena) (S)	71 & 88	Y
050404	05	INDEPENDENCE & WHITE	S. of White Co. Line - Batesville (S)	167	Y
061166	06	PULASKI	47TH ST. - REMOUNT RD. SAFETY IMPVTS. (NLR) (S)	176	Y
061438	06	GARLAND	Bryant Rd. - Hwy. 298 West (Safety Impvts.) (Sel. Secs.) (S)	7	Y
CA0705	07	COLUMBIA	Co. Rd. 27 - Hwy. 79 (Widening) (S)	82	Y
070272	07	CLARK	Hwy. 8 - Hwy. 51 (S)	53	N
070378	07	COLUMBIA	SPRING BRANCH STR. & APPRS. (S)	98	N
070418	07	BRADLEY	Halfway Creek Str. & Apprs. (S)	160	N
070470	07	UNION	Hwy. 82B - East of Strong (Sel. Secs.) (S)	82	Y
070483	07	DALLAS	Hwy. 8 - Hwy. 273 (S)	229	N
080504	08	MONTGOMERY	DEER CREEK STR. & APPRS. (S)	27	Y
080541	08	YELL	Hwy. 28 - Hwy. 80 (S)	27	Y
090474	09	CARROLL	Hwy. 412 - Berryville (Safety Impvts.) (S)	21	N
090575	09	BAXTER	Hwy. 62 - Hwy. 126 (Gassville) (S)	345	N
100835	10	CRAIGHEAD	HWY. 18/CARAWAY RD. INTERS. IMPVTS. (JONESBORO) (S)	18	Y
100874	10	CLAY & GREENE	Cache River - Hwy. 62 (S)	135	Y
100886	10	MISSISSIPPI	Hwy. 181 - Hwy. 61 (S)	18	Y
100894	10	POINSETT	Hwy. 14 - South (S)	163	N
100939	10	CRAIGHEAD	Bay - Poinsett Co. Line (S)	463	Y
012318	06 & 08	GARLAND & PERRY	MIDDLE FORK SALINE RIVER & DRY RUN CREEK STRS. & APPRS. (S)	7	Y
C13003	07	CLEVELAND	Kingsland Overlay No. 2 (S)	---	-
C18011	01	CRITTENDEN	Anthonyville Overlay & Surf. (Sel. Secs.) (S)	---	-
C19004	01	CROSS	Cherry Valley Overlay No. 2 (S)	---	-
C22003	02	DREW	Winchester Overlay (Sel. Secs.) (S)	---	-

C23006	08	FAULKNER	Conway Davis St. Overlay (S)	---	-
C34006	05	JACKSON	Newport Overlay (S)	---	-
C45005	09	MARION	Summit Overlay & Surfacing (S)	---	-
C48003	01	MONROE	Fargo Surfacing (Sel. Secs.) (S)	---	-
C50004	03	NEVADA	Willisville Co. Rd. 123 Base & Surface (S)	---	-
C58002	08	POPE	Russellville Hilltop Dr. Overlay (S)	---	-
C62008	06	SALINE	Benton Overlay (S)	---	-
C76052	08	POPE & YELL	Dardanelle & Pottsville Overlay (S)	---	-
C76057	06	PULASKI & SALINE	Alexander Overlay No. 2 (S)	---	-
FA6715	05	SHARP	HWY. 58 – CO. RD. 38 (RECONSTRUCTION) (S)	---	-

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.



Chairman Schueck opened the meeting by welcoming those in attendance.

### MOTIONS

MOTION Vice Chairman Robert Moore moved, Commissioner Alec Farmer seconded and the motion passed to approve the Minutes from the previous Commission Meeting of October 23, 2019.

MOTION The Commission approved Minute Order 2019-045 on May 1, 2019, authorizing the Department to advertise for consultant services for On-Call Asset Data Collection for calendar years 2020-2022. Commissioner Alec Farmer moved, and Commissioner Philip Taldo seconded and the motion passed to accept the Staff's recommendation to enter into negotiations to provide on-call asset data collection for 2020-2022 with the following firm:

Fugro USA Land, Inc.

MOTION Commissioner Philip Taldo moved, Vice Chairman Robert Moore seconded and the motion passed to conduct a study to designate the East-West Arterial Extension in Hot Springs as a future Scenic Byway.

### OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the October 2019 update on state highway revenue. Mr. Patton noted that state highway revenues to the Department from traditional sources are up a total of 2.3% (\$3.2 million) in the State Fiscal Year (SFY) 2020 compared to SFY 2019. Revenue from the Natural Gas Severance Tax is lower this year compared to last year, resulting in total revenues available being equal to last year. Actual state revenue received is 2.0% (\$2.7 million) above projected (budgeted) revenue for this year.

In closing, Mr. Patton stated that October revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 6.06% higher, (\$3.7 million) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is above projections by 1.71% (\$1,144,260). Since inception, this revenue source is -0.57%, or \$6.3 million, under DF&A's projections.

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. On August 2, 2019, Congress passed a budget for Federal Fiscal Year 2020. However, Congress has not been able to pass a spending bill for Federal Fiscal Year 2020. They were able to avoid a shutdown by passing the second Continuing Resolution for Federal Fiscal Year 2020, which President Trump signed on November 21, 2019. The Continuing Resolution will provide funding until December 20, 2019. If Congress fails to act by then, we will be facing another shutdown. Long-term funding for the Highway Trust Fund continues to be an issue. President Trump has stated that beginning in Federal Fiscal Year 2021, funding should be limited to revenue that is deposited into the Highway Trust Fund. This would result in a 50% reduction in the Federal-aid Highway Program.

In closing, Director Bennett stated that during the 92nd General Assembly, two highway-funding measures were passed as part of the Governor's Highway Funding Package. Act 416 is estimated to provide \$95 million annually to the Department to be used for system preservation. House Joint Resolution 1018 refers a proposed constitutional amendment to be considered by the voters of Arkansas. If passed, the ½-cent sales tax is estimated to provide an additional \$205 million annually to the Department. This revenue, in conjunction with Act 1 of 2016, will provide adequate State revenue that can be used to provide the match for Federal-aid and maintain and improve Arkansas' transportation system.

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 updated the Commission on the Guidehouse Efficiency Review. Act 298 of 2019 requires the Arkansas Legislative Council to hire a consultant to conduct a study of the Department's processes, procedures, procurement procedures, projects, expenditures, and appeals process. The purpose of the study is to examine and identify areas of potential improvement within the overall functioning of the Department and to recommend legislation to the General Assembly in order to:

1. Maximize the Department's use of taxpayer dollars;
2. Improve the efficiency and overall functioning of the Department; and
3. Ensure responsiveness of the Department to the needs of the State of Arkansas and its citizens with regard to improvement of the state highways and roads.

A report on the study's activities, findings, and recommendations are due on or before December 1, 2020

On August 23, 2019, the Arkansas Legislative Council entered into a contract with Guidehouse, LLP of McLean, VA to conduct the study. On September 18, Guidehouse held a kickoff meeting with the Highway Commission Review and Advisory Subcommittee (HCRAS). On September 24, Guidehouse submitted to the Department a comprehensive initial document/data request list. This request is divided into several topical sections: Portfolio Planning, Procurement, Expenditures, Organizational Structure, People Capabilities, and IT. On September 27, a teleconference with ARDOT and Guidehouse was held to discuss and answer questions about the Document/Data request. Between October 14 and 16, Guidehouse was on site to conduct a kickoff meeting along with interviewing several key Department Staff. Guidehouse was on site again the weeks of November 18-22 and December 2-5 interviewing several key Department staff including many from the District offices. As of December 10, 2019, 1,153 files have been uploaded to Guidehouse to fulfill their request for Documents/Data request. Additionally, staff has spent 3,220 hours working on requests for information.

Director Bennett updated the Commission on the Governor's Highway Program. Director Bennett highlighted the Roads and Bridges Coalition, which was formed to campaign for successful passage of the proposed constitutional amendment. The organizations that are currently members of the Coalition are the Arkansas Chapter of the American Council of Civil Engineering Companies, Arkansas Asphalt Paving Association, Arkansas Chapter of American Traffic Safety Services Association, The Poultry Federation, Arkansas State Chamber of Commerce and Associated Industries of Arkansas, Arkansas Trucking Association, Farm Bureau of Arkansas, Arkansas Municipal League, Good Roads Foundation, Arkansas Concrete Pavement Association, Association of Arkansas Counties, Associated Builders and Contractors Arkansas and Associated General Contractors Arkansas. Director Bennett noted that although the Department cannot

campaign for this amendment, it is their job to provide these organizations with the information needed to help get the word out successfully.

The highway campaign kicked off with the Governor's press conference at the Poultry Federation on November 15. Director Bennett noted that the Governor stated in his speech that this was the most important issue on the ballot in November 2020. It was not an increase in taxes, but an extension of the current tax set to expire in 2023. Director Bennett highlighted the projects let to contract in the last ten years – nearly 1,100 projects covering 5,600 miles and totaling \$7.2 billion. There are 452 projects remaining in the 2019-2020 STIP, which will cover 1,900 miles and total \$1.9 billion. 413 projects covering 2,300 miles and totaling \$700 million are proposed for the addition to the STIP in 2023. Director Bennett noted that Act 416 and State Surplus Revenue will fund 39 projects covering 277 miles at a cost of \$99 million.

If the extension of the ½-cent sales tax is approved in November 2020, it will fund System Preservation work, which includes the following:

- \$3.0 billion of pavement preservation work on approximately 6,500 miles of highway
- \$1.0 billion of pavement preservation work on Interstates
- \$1.1 billion of bridge work on over 1,100 bridges around the state

In addition to system preservation, \$3.6 billion of Capital and Congestion relief will be provided over a period of 20 years. Director Bennett noted that the biggest impact if the proposal fails at the polls would be the reduction of revenue to cities and counties. Another impact will be the Department's shift to focusing on managing the decline of the Highway System.

Director Bennett revealed the dates and locations for upcoming Regional Town Hall meetings in early 2020. The purpose of these meetings is to educate the public on what the additional investment for highways could mean to the State's economy and quality of life. The dates and locations of the twelve regional meetings are:

- January 21 – Monticello – UAM Fine Arts Center
- January 23 – West Memphis – Academies of West Memphis
- January 28 – Harrison – Harrison High School
- January 30 – Texarkana – Trinity Baptist Church
- February 11 – Mena – U of A Rich Mountain
- February 13 – Fort Smith – The Blue Lion
- February 20 – Hot Springs – Crossgate Church
- March 9 – Maumelle – Jess Odom Community Center
- March 10 – Springdale – The Jones Center

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(Continued)

December 11, 2019

- March 12 – Batesville – UACCB – Independence Hall
- March 31 – Jonesboro – ASU – 1<sup>st</sup> National Bank Arena
- April 2 – El Dorado – Municipal Auditorium

Director Bennett presented a list of upcoming meetings and events that the Commissioners and Director will be attending along with the remaining Annual Safety and Service Award Ceremonies for the Districts.

Director Bennett reported the proceeds from the 2019 Fall Equipment Auction. The Department's net proceeds from the sale of vehicles and equipment was approximately \$1.4 million.

Director Bennett reported that Angel Correa, Arkansas Division Administrator for FHWA, has taken a new position and that Vivien Hoang has been named as the new Arkansas Division Administrator. Ms. Hoang is expected to be in Arkansas in March 2020.

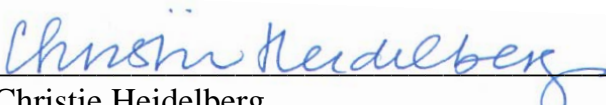
Director Bennett recognized Commissioner Alec Farmer as being recognized with the Distinguished Alumni Award from the Arkansas State University Alumni Association on October 26, 2019.

Jerry Holder and Glynn Fulmer with Garver presented the Commission with a time lapse video of the Broadway Bridge project.

2019-127

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 10:48 a.m., December 11, 2019.

I hereby certify that the above and foregoing is a true record of the proceedings taken by the Arkansas State Highway Commission at its meeting on December 11, 2019

  
Christie Heidelberg  
Commission Secretary