

ARKANSAS DEPARTMENT OF TRANSPORTATION

LITTLE ROCK, ARKANSAS

August 8, 2019

**ADMINISTRATIVE CIRCULAR NO. 2019-10**

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 July 24, 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

June 12, 2019

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, June 12, 2019. Members present were:

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

2019-060           IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:30 a.m., July 24, 2019.

2019-061           WHEREAS, the Purchasing Committee has awarded purchases on July 3, 2019, in the amount of \$294,955.34, 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.

2019-062           WHEREAS, a fully functional and properly maintained security system is needed to provide protection for Department employees, citizens, and state property; and

WHEREAS, the Central Office Complex is equipped with an access control security hardware system; and

WHEREAS, the current security system is outdated and parts needed for necessary repairs have become unavailable.

NOW THEREFORE, the Director is authorized to request bids from perspective vendors and to proceed with the purchase of a

security hardware system in order to ensure a fully functional and efficient security system as funds become available.

2019-063

WHEREAS, the Arkansas Good Roads Foundation serves as an effective group to provide this information and education to transportation stakeholders, elected officials, and the public.

NOW THEREFORE, the Director is authorized to make a contribution of \$30,000 to the Arkansas Good Roads Foundation for its public information and education activities for State Fiscal Year 2020.

2019-064

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has requested participation in the Fiscal Year 2020 AASHTO Engineering Technical Service Programs; and

WHEREAS, these programs provide benefits to the member departments through the pooling of resources and expertise from across the country; and

WHEREAS, the benefits include technical services in a wide variety of areas, pooled resources for a common goal, and reducing duplication of effort; and

WHEREAS, these memberships include the Development of AASHTO Materials Standards (DAMS); Equipment Management Technical Services Program (EMTSP); Highway Safety Policy and Management Technical Service Program (SAFETY); Load and Resistance Factor Design (LRFD) Bridges and Structures Specification Maintenance; National Transportation Product Evaluation Program (NTPEP); National Operations Center of Excellence (NOCoe); Transportation Curriculum Coordination Council (TC3); Transportation System Preservation Technical Service Program (TSP2); and Transportation and Civil Engineering (TRAC) and Roadways Into Developing Elementary Students (RIDES); and

WHEREAS, these programs are regarded as highly beneficial to the Department in order to exchange ideas, information, and best practices with other highway agencies.

NOW THEREFORE, the Director is authorized to utilize State Planning and Research funds to pay annual membership dues for participation in these programs.

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2019-065

WHEREAS, the Arkansas Department of Transportation's cartographic services maintain up-to-date and accurate mapping for the State of Arkansas; and

WHEREAS, the State Highway Map, which is widely requested and used within the Department and by other state agencies and the public, is continually updated as part of this process.

NOW THEREFORE, the Director is authorized to enter into the necessary contracts and agreements for printing the 2019-2021 State Highway Map.

2019-066

WHEREAS, the Commission has authority to deliver projects using the Construction Manager-General Contractor (CMGC) and Design-Build (DB) project delivery methods; and

WHEREAS, selection of the Contractors for alternative delivery projects is qualifications based; and

WHEREAS, procuring the services of an Independent Cost Estimator by a qualified consulting firm is recommended to provide a detailed cost estimate from a contractor's perspective to ensure the Department can negotiate effectively with the Alternative Delivery Contractor and provide the best value to the Department.

NOW THEREFORE, the Director is authorized to request proposals, select consulting firms, and enter into any necessary contracts and agreements with firms for on-call independent cost estimating services on assigned alternative delivery projects for calendar years 2019 through 2024.

2019-067

WHEREAS, IN FULTON COUNTY, Job 050344, English Creek Str. & Apprs., requires the removal of Bridge Number M2728, commonly known as the English Creek Bridge on Highway 289; and

WHEREAS, the Sharp County Judge has requested that the Department transfer ownership of Bridge Number M2728 to Sharp County for transportation use as a vehicular bridge; and

WHEREAS, Sharp County shall agree to accept a transfer of title holding the Arkansas Department of Transportation, its officers and employees harmless from any action of any kind; and

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WHEREAS, Sharp County shall assume responsibility for reassembly, adherence to weight restrictions and maintenance of the bridge in consideration for transfer of the bridge to Sharp County.

NOW THEREFORE, BE IT RESOLVED, that Bridge Number M2728 shall be released to Sharp County upon disassembly and delivery of the bridge with ownership to become effective upon physical possession of the bridge by Sharp County.

2019-068

WHEREAS, the existing property serving the IZARD County Area Headquarters in Melbourne on Highway 69 is marginal in size; and

WHEREAS, an additional adjoining property of approximately 2.0 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.

2019-069

WHEREAS, the Arkansas State Highway Commission (Commission) owns property in Garland County, Arkansas, acquired in 2007 by Warranty Deed from Double B Properties, Inc., an Arkansas corporation, which is contiguous to U.S. Highway 270; and

WHEREAS, this property is now necessary for Job No. CA0607, Fleetwood Drive – State Highway 227, and which property the Commission now holds as a capital asset, being in Garland County, more fully described as:

Part of the Northeast Quarter of the Northeast Quarter of Section 4, Township 3 South, Range 20 West, Garland County, Arkansas, more particularly described as follows:

Commencing at a 1/2 inch Rebar with Yellow Cap found at the Section corner for Sections 3 and 4 Township 3 South, Range 20

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West; thence South 02°04'58" West along the East line of the Northeast Quarter of the Northeast Quarter of said Section 4 a distance of 504.83 feet to a point on the Northerly right of way line of U.S. Highway 270 as established by AHTD Job 642; thence Northwesterly along said right of way line on a curve to the right a distance of 434.36 feet, having a radius of 914.93 feet, the chord of which is North 70°35'04" West for a distance of 430.29 feet to a point; thence North 56°59'03" West along said right of way line a distance of 402.62 feet to the POINT OF BEGINNING; thence North 56°59'02" West along said right of way line a distance of 11.58 feet to a point; thence Northwesterly along said right of way line on a curve to the left a distance of 198.49 feet, having a radius of 994.93 feet, the chord of which is North 62°41'57" West for a distance of 198.16 feet to a point; thence North 00°21'30" East a distance of 27.59 feet to a point on the Northerly right of way line of U.S. Highway 270 as established by ARDOT Job CA0607; thence South 64°46'58" East along said right of way line a distance of 141.84 feet to a point; thence South 58°32'19" East along said right of way line a distance of 83.15 feet to a point; thence South 33°01'36" West a distance of 25.00 feet to the POINT OF BEGINNING and containing 0.12 acres (5,241 sq. ft.) more or less, as shown on ARDOT plans referenced as Job CA0607.

NOW THEREFORE, the character of the above-described property is hereby changed from capital asset to that of right of way, hereafter designated as a part of Tract No. 15, Job No. CA0607; a copy of this Minute Order shall, if required, be recorded in the Circuit Clerk and Recorder's office of Garland County, Arkansas, and the right of way shall, if necessary, be remonumented.

2019-070

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 102XR, Job No. 080236, from Scott Bratton and Jennifer L. Bratton, husband and wife, by Warranty Deed dated May 29, 2009, and filed of record on May 29, 2009, as Miscellaneous Book 2009-30, Page 744, in the Circuit Clerk's office for Pope County, Arkansas; and

WHEREAS, Justin Brown of Pottsville, Arkansas has requested to purchase Tract No. 102XR, Job No. 080236, which the District Engineer for District 8 has determined is not now, nor in the foreseeable future will be, needed for highway purposes; and

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WHEREAS, Tract No. 102XR was acquired as surplus property by the Commission and is exempt from reacquisition by the former owners under Ark. Code Ann. § 27-67-322. Mr. Brown offered to purchase the tract for NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$950.00), representing the Fair Market Value by three Commission appraisers.

WHEREAS, the Commission acquired Tract No. 102XR for FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), which the tract is more particularly described as follows:

Part of the Lot 2 of Country Manors Subdivision to the County of Pope, being part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 7 North, Range 19 West, Pope County, Arkansas, more particularly described as follows:

Beginning at a rebar with cap being used as the Northeast corner of Lot 2 of Country Manors Subdivision; thence South 02° 11' 29" West along the East line of Lot 2 of Country Manors Subdivision a distance of 95.33 feet to a point on the Northerly right of way line of Arkansas State Highway 247 as established by AHTD Job 080236; thence North 87° 52' 23" West along said right of way line a distance of 222.50 feet to a point on the Easterly right of way line of a 50 foot platted street as established by the Plat of Country Manors Subdivision; thence North 02° 14' 11" East along said right of way line a distance of 95.50 feet to a point on the North line of Lot 2 of Country Manors Subdivision; thence South 87° 49' 44" East along said North line a distance of 222.42 feet to the point of beginning and containing 21,227 square feet more or less as shown on plans prepared by the AHTD referenced as Job 080236.

Subject to Utility Easement number UD 08-10-005 upon sale as indicated on plans.

NOW THEREFORE, the above-described property is declared surplus and upon receipt and consideration of the sum of NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$950.00) from Justin Brown of Pottsville, Arkansas, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying the right, title, interest or equity of the above-described properties to Justin Brown and Marcy Brown, husband and wife; and hereby releasing the same from the State Highway System, that the Right of Way Division is directed and authorized to record a copy of this Minute Order and the Quitclaim Deed

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in the records of Pope County, Arkansas; and, if necessary, the right of way shall be remonumented to reflect the boundaries designated herein. Any Federal-Aid funds from this disposal shall be credited to Federal-Aid funds or otherwise credited as permitted by Federal Law.

2019-071

WHEREAS, IN JEFFERSON COUNTY IN THE CITY OF PINE BLUFF, the City has expressed their willingness to assume ownership of U.S. Highway 63, Section 13B from East 8<sup>th</sup> Avenue to Highway 190, Section 5X in exchange for the Department assuming ownership of East 8<sup>th</sup> Avenue from U.S. Highway 63, Section 13B east to Convention Center Drive then north to Highway 190, Section 5 as shown on the attached map; and

WHEREAS, the Department has completed a traffic operations review and it has been determined there are no adverse impacts from diverting traffic as specified above.

NOW THEREFORE, IT IS ORDERED that upon receipt of a proper resolution from the City of Pine Bluff and official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- A portion of Highway 63, Section 13B, between East 8<sup>th</sup> Avenue north to Highway 190, Section 5X, is hereby removed from the State Highway System.
- A portion of East 8<sup>th</sup> Avenue from U.S. Highway 63, Section 13B east to Convention Center Drive then north to Highway 190, Section 5 will be added to the State Highway System as U.S. Highway 63, Section 13B.
- A portion of U.S. Highway 63, Section 13X from Highway 190, Section 5 to Highway 190, Section 5X will be redesignated as U.S. Highway 63, Section 13B.

2019-072

WHEREAS, IN WASHINGTON AND BENTON COUNTIES, IN THE CITIES OF SPRINGDALE AND BETHEL HEIGHTS, a portion of Highway 265 built by Job 012007, Randall Wobbe Lane-Hwy. 264 (Springdale) is now complete and open to traffic; and

WHEREAS, the City of Springdale has passed City Resolution Number 21-19, which agrees to accept all responsibility, including ownership of a bypassed portion of Highway 265, Sections 2 and 3 within the City Limits of Springdale; and

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WHEREAS, the City of Bethel Heights has passed City Resolution Number 02-20-18-01, which agrees to accept all responsibility, including ownership of a bypassed portion of Highway 265, Sections 2 and 3 within the City Limits of Bethel Heights.

NOW THEREFORE, 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 the attached sketch.

- The newly constructed portion of roadway built by Job 012007, from the junction with existing Highway 265 and continuing north to the Benton County Line is hereby added to the State Highway System as Highway 265, Section 2.
- The newly constructed portion of roadway built by Job 012007, from the Washington County Line and continuing north to the junction with Highway 264 is hereby added to the State Highway System as Highway 265, Section 3.
- The old portion of Highway 265 from the junction with existing Highway 265 and continuing north to Highway 264 is hereby removed from the State Highway System.

2019-073

WHEREAS, IN LONOKE COUNTY IN THE CITY OF CABOT, a project to extend Highway 38 and construct an interchange with U.S. Highway 67 is now complete and open to traffic; and

WHEREAS, this portion of Highway 38 is considered to be an essential part of the interchange operations in this area.

NOW THEREFORE, 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 in the City of Cabot as shown on the attached sketch.

- The portion of Highway 38, beginning at Willie Ray Drive and continuing east to Highway 367 is hereby added to the State Highway System.

2019-074

WHEREAS, IN DALLAS COUNTY, IN THE CITY OF FORDYCE, the City has requested to accept all responsibility, including ownership of a portion of Highway 274, Section 4 from First Street to U.S. Highway 79 Business.

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NOW THEREFORE, IT IS ORDERED that upon receipt of a proper resolution from the City of Fordyce and official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- A portion of Highway 274, Section 4 from First Street to U.S. Highway 79 Business is hereby removed from the State Highway System.

2019-075                    WHEREAS, IN CRAWFORD AND SEBASTIAN COUNTIES, Minute Order 2016-025 authorized a study to determine the need for and feasibility of improvements to segments of Interstate 540 and Highway 22; and

                                  WHEREAS, the Interstate 540 and Highway 22 Study has been prepared and has identified feasible improvements to enhance safety and traffic flow; and

                                  NOW THEREFORE, this study is adopted for use as a planning guide for future improvement in the area.

2019-076                    WHEREAS, IN SEBASTIAN COUNTY, at the request of local officials from the City of Greenwood, an update of the Greenwood Bypass Study was performed to analyze an additional alternative proposed by the City; and

                                  WHEREAS, the Greenwood Bypass Study Update adopted by Minute Order 2018-046 found that the additional alternative would address the identified needs in the area that include connectivity, enhanced safety and congestion relief; and

                                  WHEREAS, the City has expressed interest in partnering with the Department to construct this improvement by providing 20 percent of the construction cost; and

                                  WHEREAS, the City has agreed to provide right of way for the new location portion from Highway 10 to Highway 96; and

                                  WHEREAS, the City has agreed to accept ownership of portions of Highways 10 and 10 Spur upon completion of the project.

                                  NOW THEREFORE, upon receipt of a proper resolution from the City, the Director is authorized to enter into any necessary partnering agreements and to proceed with surveys, plans, and construction of these improvements as funds become available.

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FURTHERMORE, upon completion of these improvements and official notification by the Deputy Director and Chief Engineer, the bypassed portions of Highways 10 and 10 Spur will be removed from the State Highway System, as shown on the attached sketch.

2019-077

WHEREAS, IN JACKSON COUNTY, Highway 37, Section 4 from Highway 367 to Highway 18 currently has a weight restriction of 64,000 pounds due to the condition of the roadway; and

WHEREAS, the weight restriction on Highway 37, Section 4 from Highway 367 to Highway 18 now causes vehicles over 64,000 pounds to use a detour up to 25 miles in length; and

WHEREAS, it has also been determined that in the City of Tuckerman between North 3<sup>rd</sup> Street and Martin Luther King Avenue improvements are needed to realign a 90-degree curve to better accommodate commercial trucks; and

WHEREAS, the City of Tuckerman and Jackson County have agreed to partner with the Department in order to remove the weight restriction and make improvements between North 3rd Street and Martin Luther King Avenue to realign a 90-degree curve by accepting ownership and responsibility for portions of Highways 145, 224, 226 and 384 as shown on the attached sketch; and

WHEREAS, Jackson County has also agreed to participate in the improvements between North 3rd Street and Martin Luther King Avenue to realign a 90-degree curve; and

WHEREAS, the Department has agreed to schedule pavement preservation work as needed due to the impacts of removing the weight restriction on Highway 37, Section 4 from Highway 367 to Highway 18.

NOW THEREFORE, the Director is authorized to enter into any necessary agreements with the City of Tuckerman and Jackson County and to proceed with surveys, plans and construction of these improvements as funds become available.

FURTHERMORE, upon the Department's removal of the weight restriction on Highway 37, Section 4 from Highway 367 to Highway 18 and the realignment of a 90-degree curve in the City of Tuckerman on Highway 37, and upon official notification by the Deputy Director and Chief Engineer, the portions of Highways 145, 224, 226

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and 384 as shown on the attached sketch will be removed from the State Highway System.

2019-078                    WHEREAS, the Commission has authority to deliver projects using the Construction Manager-General Contractor (CMGC) and Design-Build (DB) alternative project delivery methods; and

                                  WHEREAS, seven projects, shown in the attached list, have been identified as good candidates for the alternative delivery method of procurement.

                                  NOW THEREFORE, the Director is authorized to request proposals, select contractors and enter into any necessary contracts for alternative delivery services.

2019-079                    WHEREAS, the Lee County Quorum Court, by Resolution 2019-1, has requested that a portion of Highway 243 in Lee County, be designated as the “Lt. Tyler Edward Parten Memorial Highway”; and

                                  WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-023 and the County’s request meets these guidelines.

                                  NOW THEREFORE, the Director is authorized to permit the installation of signs in each direction, as requested by the County, in accordance with Commission Policy.

2019-080                    WHEREAS, the Hempstead County Quorum Court, by Resolution 2019-01, has requested that the Red Lake Road overpass at Exit 18 on Interstate 30, be designated as the “Maleah Davis Memorial Bridge”; and

                                  WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-023 and the County’s request meets these guidelines.

                                  NOW THEREFORE, the Director is authorized to permit the installation of signs at each end of the bridge, as requested by the County, in accordance with Commission Policy.

2019-081                    WHEREAS, the Lewisville City Council, by Resolution 380, has requested that the portion of Highway 82 in the City of

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Lewisville, be designated as the “CPT Arthur “Bo” Felder Memorial Highway”; and

WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-023 and the City’s request meets these guidelines.

NOW THEREFORE, the Director is authorized to permit the installation of signs in each direction, as requested by the City, in accordance with Commission Policy.

2019-082

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects at the July 24, 2019 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
110689	01	PHILLIPS	HWY. 49 – MISSISSIPPI RIVER (HELENA-WEST HELENA) (S)	49 & 49B	Y
020656	02	DESHA	HWY. 65 ACCESS CHANGE (PICKENS) (S)	65	Y
040625	04	SEBASTIAN	HWY. 22 – HWY. 252 STRS. & APPRS. (S)	96	N
050374	05	WHITE	LONOKE CO. LINE – JUDSONIA (S)	67	Y
061509	06	LONOKE	HWY. 367 – HWY. 89 (CABOT) (S)	321	Y
CA0701	07	CALHOUN	HWY. 167 IMPROVEMENTS (HAMPTON) (S)	167	Y
CA0903	09	BENTON	HWY. 71 INTERCHANGE (B. V. BYPASS) (F)	549	Y
CA0905	09	BENTON	CO. RD. 34 – MISSOURI STATE LINE (B. V. BYPASS) (F)	549	Y
100842	10	CLAY	LITTLE CACHE RIVER DITCH STR. & APPRS. (S)	141	N
100980	10	MISSISSIPPI	HWY. 61 – CO. RD. 623 (S)	198	N
C04016	09	BENTON	HIGHFILL HOLLAND AVE. OVERLAY (S)	---	-
C04017	09	BENTON	GENTRY OVERLAY & SURFACING (SEL. SECS.) (S)	---	-
C18011	01	CRITTENDEN	ANTHONYVILLE OVERLAY & SURF. (SEL. SECS.) (S)	---	-
C27004	02	GRANT	SHERIDAN CO. RD. 9 BASE & SURFACE (S)	---	-
C31003	03	HOWARD	MINERAL SPRINGS & NASHVILLE OVERLAY (SEL. SECS.) (S)	---	-
C60008	06	PULASKI	SHERWOOD OVERLAY NO. 2 (SEL. SECS.) (S)	---	-
C76055	04	VARIOUS	BOONEVILLE & MANSFIELD OVERLAY (SEL.	---	-

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			SECS.) (S)		
C76058	04 & 09	BENTON & WASHINGTON	ELM SPRINGS OVERLAY & SURFACING (SEL. SECS.) (S)	---	-
SA0359	09	BAXTER	BAXTER COUNTY RESEAL NO. 13 (S)	---	-
SA0360	09	BAXTER	HWY. 126 – WEST (OVERLAY) (S)	---	-
SA0765	07	CALHOUN	HWY. 167 – WEST (OVERLAY) (S)	---	-
SA1358	07	CLEVELAND	HWY. 35 – SOUTHEAST (OVERLAY) (S)	---	-
SA1447	07	COLUMBIA	MAGNOLIA CITY LIMITS – CO. RD. 203 (OVERLAY) (S)	---	-
SA3546	02	JEFFERSON	JEFFERSON COUNTY (OVERLAY AND REPAIR) (S)	---	-
SA4138	03	LITTLE RIVER	LITTLE RIVER COUNTY OVERLAY NO. 3 (S)	---	-
SA5028	03	NEVADA	HWY. 332 – NORTH (SURFACING) (S)	---	-
SA5029	03	NEVADA	CO. RD. 277 – NORTH (OVERLAY) (S)	---	-
SA5739	04	POLK	POLK COUNTY OVERLAY NO. 4 (S)	---	-
SA7537	08	YELL	HWY. 27 – HWY. 28 (OVERLAY & DRAINAGE STR.) (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.

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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.

2019-083

WHEREAS, Act 468 of 2019 authorized the operation of autonomous vehicles on the State's streets and highways under certain conditions through an autonomous vehicle pilot program; and

WHEREAS, to participate in the autonomous vehicle pilot program, a person, as defined by Act 468, must submit an autonomous vehicle pilot program that meets criteria specified in Act 468 to the State Highway Commission for approval; and

WHEREAS, Walmart Inc. and Gatik AI Inc., pursuant to Act 468, have submitted an application to the Commission for consideration and approval to operate an autonomous vehicle pilot program; and

WHEREAS, the Walmart Inc. and Gatik AI Inc. application meets the requirements set out in Act 468.

NOW, THEREFORE, IT IS ORDERED, that Walmart Inc. and Gatik AI Inc. be given provisional approval of their application to operate an autonomous vehicle pilot program, pending promulgation of rules as called for in Act 468, at which time a new application pursuant to Act 468 and the Rules of this Commission will be required.

FURTHERMORE, this provisional approval is also conditional upon Gatik AI Inc.'s submittal of a license to operate in the State of Arkansas.

FURTHERMORE, the Commission assumes no responsibility or liability through receipt, acceptance, review, discussion, approval, disapproval, or no action taken by the Commission regarding autonomous vehicle pilot program submissions.

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Vice Chairman Moore started the agenda by announcing he would be acting as chair in the absence of Chairman Schueck.

Director Bennett recognized Christie Heidelberg as the new Commission Secretary.

### MOTIONS

MOTION Commissioner Alec Farmer moved, Keith Gibson seconded and the motion passed to approve the Minutes from the previous Commission Meeting of June 12, 2019.

MOTION Commissioner Alec Farmer moved, Philip Taldo seconded and the motion passed authorizing Vice Chairman Moore to sign a quitclaim deed associated with Minute Order No. 2019-070 on behalf of Chairman Schueck.

### OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the update on state highway revenue which marked the end of State Fiscal Year (SFY) 2019. Mr. Patton noted that state highway revenues to the Department from traditional sources ended the year up a total of 1.2% (\$4.9 million) compared to SFY 2018. Revenue from the Natural Gas Severance Tax also ended the year higher compared to last year, resulting in total revenues available being 2.1% (\$8.8 million) above last year. Actual state revenue received was 2.6% (\$10.7 million) above projected (budgeted) revenue for the year.

In closing, Mr. Patton stated that June revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 2.12% lower, (-\$358,301) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is below projections by 1.27% (-\$2,492,428). Since inception, this revenue source is 0.71%, or \$7.4 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 February 9, 2018, Congress passed a budget for Federal Fiscal Years 2019. After

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nearly five months of short-term extensions and the longest government shutdown in U.S. history, Congress passed and the President signed the final seven Federal Fiscal Year 2019 spending bills. This provides full funding for the FAST Act until September 30, 2019. 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.

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Director Bennett briefed the Commissioners the Governor's Long-Term Highway Funding Plan. The plan has two major parts, the first being Act 416, which will provide an additional \$95 million from the following three sources:

- Motor Fuel Tax
  - 1.6% tax on the wholesale price of gasoline, and 2.9% tax on the wholesale price of on-road diesel
  - Amounts to a 3 cents per gallon increase on gas, and a 6 cents per gallon increase for on-road diesel
  - Estimated to produce \$58 million annually to the Department
- Electric and Hybrid Vehicle Registration Fees
  - Electric vehicles will pay a \$200 annual registration fee
  - Hybrids will pay a \$100 annual registration fee
  - Estimated to produce \$2 million annually to the Department
- Casino Revenue
  - Directs all new casino revenue to highways, guaranteeing at least \$35 million annually to the Department

Director Bennett noted the second component to the Governor's Highway Plan is the proposed constitutional amendment, which will be on the November 2020 general election ballot. This component will take the temporary ½-cent sales tax, set to expire in 2023, and make it a permanent source of revenue for highways. If passed, \$205 million annually will continue, which will provide ARDOT revenue to maintain and improve the state highway system. It will also continue to provide cities and counties with approximately \$86 million annually.

Director Bennett briefed the Commission on the Governor's Long-Term Highway Funding Plan, which is planned to be implemented as follows:

- Interstate Maintenance \$1.0 Billion
  - Maintain historic funding levels established for Interstates
  - Provide adequate funding to maintain Interstates in a state of good repair
- Pavement Preservation \$3.0 Billion
  - 80% of funding allocated to the APHN
  - 20% of funding allocated to the Non-APHN

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- Will be able to improve 7,000 – 9,000 miles
- Bridge Replacement and Preservation \$1.1 Billion
  - Will replace or repair every structurally deficient and posted bridge in the State
- Capital and Congestion Relief Improvements \$1.8 Billion
  - Will provide a second Connecting Arkansas Program (CAP-2) that could address some of the capital and capacity needs across the State
- Safety Improvements \$0.5 Billion
  - \$470 million will be used to address specific safety issues as they are identified
  - This level of funding is established by Federal regulation

This program totals \$7.4 Billion over the first ten years.

Director Bennett presented a list of upcoming meetings and events the Commissioners and Director will be attending, which includes Director Bennett speaking at the Joint House and Senate Insurance and Commerce Committee on August 1 regarding the Arkansas River flooding in the spring.

The Hot Springs Chamber has requested to host their annual Commission Appreciation Dinner on October 29, 2019. Vice Chairman Moore suggested the Commission make a decision at the September 4 meeting.

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IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:05 a.m., July 24, 2019.

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I hereby certify that the above and foregoing is a true record of the proceedings taken by the Arkansas Highway Commission at its meeting on July 24, 2019.



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Christie Heidelberg  
Commission Secretary

July 24, 2019