

ARKANSAS DEPARTMENT OF TRANSPORTATION

LITTLE ROCK, ARKANSAS


September 12, 2019

ADMINISTRATIVE CIRCULAR NO. 2019-12

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 September 4, 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

September 4, 2019

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, September 4, 2019 Members present were:

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

2019-085 IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:30 a.m., September 4, 2019.

2019-086 WHEREAS, the Purchasing Committee has awarded purchases on July 12, 2019, and August 7 and 20, 2019, in the amount of \$549,208.59, \$828,391.00 and \$896,985.00 respectively, totaling \$2,274,584.59, 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.

2019-087 WHEREAS, the Fixing America's Surface Transportation (FAST) Act reauthorized funding for the Transportation Alternatives Program (TAP) and the Recreational Trails Program (RTP); and

WHEREAS, applications were solicited and received for these two programs from March 1, 2019 to June 3, 2019; and

WHEREAS, the Arkansas Department of Transportation, the Transportation Alternatives Program Advisory Committee, and the Arkansas

Recreational Trails Advisory Committee have reviewed the applications submitted and developed funding recommendations.

NOW THEREFORE, the Director is authorized to enter into contracts with the projects' sponsors for implementation of the projects recommended for award on the attached list.

2019-088

WHEREAS, Act 1176 of 2013 enacted a 15% registration fee increase on certain commercial vehicles registered under the International Registration Plan; and

WHEREAS, the Act provides for the first \$2 million collected under the fee increase each year to be set aside for a Commercial Truck Safety and Education Fund; and

WHEREAS, the purpose of this program is to advance state interests in roadway safety by improving the safety of the commercial truck industry through cooperative public-private programs that focus on increased enforcement, regulatory compliance, industry training, and educational programs to ensure the safe movement of goods on Arkansas' roadways; and

WHEREAS, proposals for eligible projects have been solicited, received, reviewed, and evaluated by the Arkansas Commercial Truck Safety and Education Program (ACTSEP) Committee; and

WHEREAS, the ACTSEP Committee has recommended awarding Commercial Truck Safety and Education Funds for the projects as presented on the attached report.

NOW THEREFORE, the Director is authorized to proceed with the award of these funds to the appropriate applicants to implement these projects.

2019-089

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Job 070240, Tract 10XM from Ferrellgas, L.P. by Warranty Deed dated January 27, 2015, filed for record on February 4, 2015, in the Circuit Clerk's office of Clark County, Arkansas, in Deed Record Book 650 at page 821; and

WHEREAS, in connection with Job 070240 the Commission acquired approximately 0.49 acre from the Ouachita River Park. The park is subject to Section 6(f) requirements for the replacement of land due to the use of Land and Water Conservation Funds in the park. The environmental

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documentation for the project included a commitment to replace the property and transfer it to the City of Arkadelphia; and

WHEREAS, Tract 10XM is more particularly described as follows:
Job 070240
Tract 10XM

Part of the Fractional Northwest Quarter of the Northwest Quarter of Section 21, in Township 7 South, Range 19 West, in Clark County, Arkansas, more particularly described as follows:

Commencing at a point being used as the South Sixteenth Corner of Section 16; thence North $01^{\circ} 33' 59''$ East along the West line of the Northwest Quarter of the Southwest Quarter of Section 16 a distance of 510.50 feet to a point on the South right of way line of Arkansas State Highway 51 as established by AHTD Job 070119; thence North $71^{\circ} 04' 10''$ West along said right of way line a distance of 29.82 feet; thence North $10^{\circ} 35' 57''$ East along said right of way line a distance of 43.01 feet to a point on the centerline of Arkansas State Highway 51; thence in a Westerly direction along said centerline on a curve to the left having a radius of 559.12 feet a distance of 6.42 feet having a chord bearing of North $79^{\circ} 38' 34''$ West a distance of 6.42 feet to a point on the South right of way line of Arkansas State Highway 51 as established by AHTD Job 7574; thence South $10^{\circ} 01' 41''$ West along said right of way line a distance of 50.00 feet; thence in a Westerly direction along said right of way line on a curve to the left having a radius of 509.12 feet a distance of 345.01 feet having a chord bearing of South $80^{\circ} 36' 51''$ West a distance of 338.45 feet; thence South $61^{\circ} 12' 01''$ West along said right of way line a distance of 337.90 feet; thence North $28^{\circ} 47' 59''$ West along said right of way line a distance of 20.00 feet; thence South $61^{\circ} 12' 01''$ West along said right of way line a distance of 231.16 feet; thence in a Westerly direction along said right of way line on a curve to the right having a radius of 253.04 feet a distance of 132.99 feet having a chord bearing of South $76^{\circ} 15' 26''$ West a distance of 131.47 feet; thence South $02^{\circ} 25' 53''$ West a distance of 47.29 feet; thence South $00^{\circ} 21' 54''$ West a distance of 84.00 feet to a point on the Southern right of way line of Arkansas State Highway 51 as established by AHTD Job 070240 for the POINT OF BEGINNING; thence South $88^{\circ} 55' 57''$ East along said right of way line a distance of 53.60 feet; thence North $44^{\circ} 22' 12''$ East along said right of way line a distance of 80.08 feet; thence South $84^{\circ} 16' 09''$ East along said right of way line a distance of 13.81 feet; thence South $00^{\circ} 21' 09''$ West a distance of 237.71 feet; thence North 89°

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38' 48" West a distance of 123.03 feet; thence North 00° 21' 54" East a distance of 182.08 feet to the point of beginning and containing 0.57 acres more or less (24,720 sq. ft.) as shown on AHTD plans referenced as Job 070240.

RA 7/22/14

NOW THEREFORE, the above-described property is to be conveyed, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying said property to the City of Arkadelphia; this Minute Order along with a copy of the deed shall be recorded in Clark County, Arkansas and, if necessary, the right of way shall be remonumented.

2019-090

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 18XR, Job No. 100651, from Angela D. Besharse and spouse, Casey Besharse, by Warranty Deed dated April 25, 2013, and filed for record on April 25, 2013, in the Circuit Clerk's office of Craighead County, Arkansas, as instrument LC2013R-0536; and

WHEREAS, Tract No. 18XR, Job No. 100651 was acquired by the Commission for the sum of FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$450.00) and is more particularly described as follows:

Part of Lot 8, The Meadows Addition to the Town of Monette, being part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 15 North, Range 7 East, Craighead County, Arkansas, more particularly described as follows:

Beginning at a ½ inch Rebar being used as the Southwest corner of Lot 8, The Meadows Addition; thence North 01°22'49" West along the West line of said Lot 8 a distance of 61.34 feet to a point on the Southerly right of way line of Relocated Arkansas State Highway 18 as established by AHTD Job 100651; thence South 89°27'08" East along said right of way line a distance of 74.97 feet to a point on the East line of Lot 8; thence South 01°22'40" East along said East line a distance of 61.23 feet to a point on the South line of Lot 8; thence North 89°32'23" West along said South line a distance of 74.97 feet to the point of beginning and containing 4,593 square feet more or less as shown on plans prepared by the AHTD referenced as Job 100651.
Rev 4/23/2013 jhk

WHEREAS, the Commission acquired property known as Tract No. 19XR, Job No. 100651, from Jeremy Sullivan and Kerrie Sullivan, husband and wife, by Warranty Deed dated May 23, 2013, and filed for record on May

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23, 2013, in the Circuit Clerk's office of Craighead County, Arkansas, as instrument JB2013R-009632; and

WHEREAS, Tract No. 19XR, Job No. 100651 was acquired by the Commission for the sum of THIRTEEN THOUSAND SEVEN HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$13,775.00) and is more particularly described as follows:

Part of Lots of 9 and 10, The Meadows Addition to the Town of Monette, being part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 15 North, Range 7 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a ½ inch Rebar being used as the Southwest corner of Lot 8, The Meadows Addition; thence South 89°32'23" East along the South line of said Lot 8 a distance of 74.97 feet to a point on the West line of Lot 9 for the POINT OF BEGINNING; thence North 01°22'40" West along said West line a distance of 61.23 feet to a point on the Southerly right of way line of Relocated Arkansas State Highway 18 as established by AHTD Job 100651; thence South 89°27'08" East along said right of way line a distance of 160.05 feet to a point on the Westerly right of way line of Oak Street as established by the Plat of The Meadows Addition to the Town of Monette recorded February 18, 2001; thence South 01°21'40" East along said right of way line a distance of 183.49 feet to a point on the South line of Lot 11, also being the South line of the Southwest Quarter of the Northwest Quarter of Section 27; thence North 89°25'01" West along said South line a distance of 160.01 feet to a point; thence North 01°22'19" West a distance of 122.16 feet to the point of beginning and containing 29,339 square feet more or less as shown on plans prepared by the AHTD referenced as Job 100651.
JB 4/16/13

WHEREAS, Revis G. Stewart has offered to purchase the tracts for TWENTY THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$20,750.00). The properties were purchased as capital assets and are not subject to re-acquisition by prior owners pursuant to Ark. Code Ann. § 27-67-322. Three (3) qualified appraisers have opined that the current fair market value of the properties are SIX HUNDRED FIFTY DOLLARS AND NO/100 DOLLARS (\$650.00) for Tract No. 18XR, and TWENTY THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$20,100.00) for Tract 19XR, for a total sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$20,750.00); and the District Engineer for

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District Ten has determined that the properties are not now, nor in the foreseeable future will be, needed for highway purposes.

NOW THEREFORE, the above-described properties are declared surplus; upon receipt of the consideration of TWENTY THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$20,750.00), the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed conveying said properties to Revis G. Stewart; this Minute Order along with a copy of the deed shall be recorded in Craighead County, Arkansas and, if necessary, the right of way shall be remonumented. Any Federal-Aid funds from this disposal shall be credited to Federal-Aid funds.

2019-091

WHEREAS, IN SEBASTIAN COUNTY, IN THE CITY OF FORT SMITH, it has been determined that U.S. Highway 71B (Towson Avenue) between Highway 255 and U.S. Highway 64 is in need of drainage, sidewalk, and pavement improvements; and

WHEREAS, the City of Fort Smith has expressed interest in partnering with the Department for these improvements; and

WHEREAS, the City has offered to provide 16 percent of project costs, up to a maximum of \$2 million; and

WHEREAS, the City has also agreed to assume ownership and responsibility for the portion of U.S. Highway 71B between U.S. Highway 271 and U.S. Highway 64 upon completion of the improvements.

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

FURTHERMORE, upon completion of the improvements to U.S. Highway 71B 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:

- The portion of U.S. Highway 71, Section 14B between U.S. Highway 271, Section 1 and U.S. Highway 64, Section 1 will be removed from the State Highway System.
- The portion of U.S. Highway 71, Section 14B between Interstate 540, Section 1 and Highway 255, Section 3 will be redesignated as State Highway 255, Section 3S.

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- The portion of U.S. Highway 71, Section 14B between Highway 255, Section 3 and U.S. Highway 271, Section 1 will be re-designated as State Highway 255, Section 3.
- The portion of U.S. Highway 271, Section 1 between U.S. Highway 71, Section 14B and Highway 255, Section 4 will be re-designated as State Highway 255, Section 3.
- The portion of U.S. Highway 271, Section 1 between Highway 255, Section 4 and Interstate 540, Section 1 will be re-designated as State Highway 271, Section 2.

2019-092 WHEREAS, the new Highway 549 Bypass around Bella Vista will completely remove the existing Bella Vista Welcome Center for the main travelway coming from Missouri; and

 WHEREAS, the existing Welcome Center has surpassed its serviceable life and the City of Bella Vista has expressed an interest in acquiring the existing Welcome Center; and

 WHEREAS, the Department has located a new site at the first interchange south of the Missouri/Arkansas stateline on the southbound side of the Highway 549 Bypass.

 NOW THEREFORE, the Director is authorized to acquire the necessary property, to procure the services of an Architectural/Engineering firm and to proceed with the design and construction of the Welcome Center as funds become available.

2019-093 WHEREAS, the IZARD County Quorum Court, by Resolution 2019-5 and the Stone County Quorum Court, by Resolution 2019-6, have requested that the Highway 5 North bridge over the White River at Calico Rock, be designated as the “Sergeant Mike Stephen Memorial Bridge”; and

 WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-023 and the Counties’ requests meet these guidelines.

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

2019-094 WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the September 11, 2019 letting; and

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JOB NO	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
020656	02	DESHA	HWY. 65 ACCESS CHANGE (PICKENS) (S)	65	Y
040625	04	SEBASTIAN	HWY. 22 – HWY. 252 STRS. & APPRS. (S)	96	N
A40001	04	SCOTT	HWY. 71 – YELL CO. LINE (S)	28	N
A40002	04	SCOTT	WALDRON – YELL CO. LINE (S)	80	N
050280	05	WHITE	JOY – SEARCY (S)	36	Y
050321	05	IZARD	STRAWBERRY RIVER STR. & APPRS. (S)	56	Y
050344	05	FULTON	ENGLISH CREEK STR. & APPRS. (S)	289	N
061456	06	HOT SPRING	DEE BAYOU STR. & APPRS. (S)	171	N
CA0701	07	CALHOUN	HWY. 167 IMPROVEMENTS (HAMPTON) (S)	167	Y
080496	08	FAULKNER	SIEBENMORGEN RD. – MILL ST. NOISE BARRIER WALL (I-40) (CONWAY) (S)	I-40	Y
080508	08	FAULKNER	I-40/HWY. 65 INTCHNG. IMPVTS. (CONWAY) (S)	I-40, 65 & 65B	Y
080623	08	YELL	HWY. 155 FLOOD REPAIR (YELL CO.) (S)	155	N
090518	09	SEARCY	HWY. 377 SLIDE REPAIRS (SEARCY CO.) (S)	377	N
090519	09	BOONE	HWY. 65 & HWY. 62 SIGNAL (BOONE CO.) (S)	62 & 65	Y
090574	09	VARIOUS	DISTRICT 9 BRIDGE DECK REHAB. (2019) (S)	VAR	Y
100632	10	GREENE	CO. RD. 845 – HWY. 135 (PARAGOULD) (S)	49	Y
101056	10	MISSISSIPPI	HWY. 18 – HWY. 137 (S)	137S	N
SA1556	08	CONWAY	HWY. 9 – EAST (SURFACING) (S)	---	-
SA1841	01	CRITTENDEN	CO. RD. 19 – EAST (OVERLAY) (S)	---	-
SA2040	07	DALLAS	HWY. 7 – EAST (OVERLAY) (S)	---	-
SA4138	03	LITTLE RIVER	LITTLE RIVER COUNTY OVERLAY NO. 3 (S)	---	-
SA4837	01	MONROE	HWY. 1 – COOPER RD. (OVERLAY) (S)	---	-
SA6944	05	STONE	STONE COUNTY OVERLAY NO. 4 (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

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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 July 24, 2019.

MOTION The Commission passed Minute Order 2019-046 on May 1, 2019, authorizing the Department to advertise for qualified firms to provide on-call traffic data collection services. Commissioner Philip Taldo moved, Commissioner Alec Farmer seconded and the motion passed to accept the Staff's recommendation to enter into negotiations to provide on-call traffic data collection services for 2020-2022 with the following firm:

The Traffic Group – Baltimore, MD

OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the July 2019 update on state highway revenue. Mr. Patton noted that state highway revenues to the Department from traditional

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sources are up a total of 2.6% (\$0.9 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 2.0% (\$0.7 million) above last year. Actual state revenue received is 10.4% (\$3.3 million) above projected (budgeted) revenue for this year.

In closing, Mr. Patton stated that July revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 3.30% lower, (-\$553,581) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is below projections by 3.30% (-\$553,581). Since inception, this revenue source is 0.75%, or \$8.0 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 Year 2019. After 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

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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 briefly reviewed projects let to contract in the last ten years and the remaining 2019-2022 STIP projects. In addition to these projects, Director Bennett highlighted projects to be funded with Act 416 and State Surplus Revenue, the Draft New 10-Year Highway Program for System Preservation (Pavement and Bridges) and the 2nd Connecting Arkansas Program (CAP-2) projects, which will be on the November 2020 General Election Ballot. Director Bennett unveiled the Department's plan for twelve Regional Town Hall Meeting locations to inform the public and solicit comments regarding the New Highway Program. Director Bennett noted that the goal is to complete the Town Hall meetings before the Fiscal Session is scheduled to begin in April 2020 and prior to the beginning of the stakeholder campaign for the ½-cent sales tax extension.

Director Bennett presented a list of upcoming meetings and events that the Commissioners and Director will be attending.

Director Bennett recognized the Department for receiving the 2019 America's Transportation Award from the American Association of State Highway and Transportation Officials (AASHTO) "Operations Excellence, Medium Project" category for the U.S. Highway 70 Widening Project from Interstate 30 to Hot Springs.

Director Bennett presented a video documenting the annual report for Arkansas for the Southern Association of State Highway and Transportation Officials (SASHTO) Annual Meeting in Savannah, GA on August 18 – 21, 2019.

Commissioner Alec Farmer introduced Sagar Gokhale, Project Manager from Guidehouse, the firm chosen by the Legislature to conduct the efficiency review for the Department.

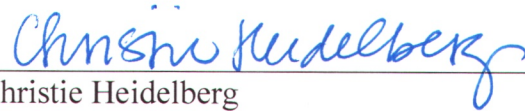
Commissioner Alec Farmer recognized Jonesboro Mayor Perrin, who invited members of the Commission to participate in the upcoming Municipal League Winter Conference, which will be held on February 12 – 14, 2020 at the Statehouse Convention Center in Little Rock.

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2019-095

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 10:43 a.m., September 4, 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 September 4, 2019



Christie Heidelberg
Commission Secretary