

ARKANSAS DEPARTMENT OF TRANSPORTATION  
LITTLE ROCK, ARKANSAS

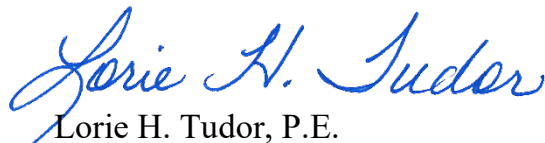
September 27, 2021

**ADMINISTRATIVE CIRCULAR NO. 2021-13**

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 15, 2021.

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.

  
Lorie H. Tudor, P.E.  
Director

c: Commission

MINUTES OF THE MEETING  
OF THE  
ARKANSAS STATE HIGHWAY COMMISSION

September 15, 2021

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, September 15, 2021. Members present were:

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

2021-069

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:00 a.m., September 15, 2021

2021-070

WHEREAS, the Purchasing Committee has awarded purchases on July 23, and July 28, 2021, in the amounts of \$253,356.00 and \$135,000.00, respectively, totaling \$388,356.00, 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.

2021-071

WHEREAS, the 93rd General Assembly of the State of Arkansas enacted Act 619 during the 2021 Regular Session, which amended the law concerning autonomous vehicles; and

WHEREAS, as required by Act 619 of 2021, the attached amended rules for administering this program shall be promulgated.

NOW THEREFORE, pursuant to Arkansas law, the Director is authorized to promulgate the attached rules setting forth the procedures to issue permits for Autonomous Vehicle Programs in accordance with the Administrative Procedures Act for submission to the Administrative Rules Subcommittee of the Arkansas Legislative Council.

FURTHERMORE, the Director is authorized to consider all applications submitted for Autonomous Vehicle Programs in accordance with the promulgated rules.

2021-072

WHEREAS, Congress established the Accelerated Implementation and Deployment of Pavement Technologies (AID-PT) Program in 2012; and

WHEREAS, the AID-PT Program, in partnership with State Departments of Transportation (DOTs), academia and industry, has identified asphalt and concrete paving advancements, and implemented effective strategies for rapid deployment of new and promising technologies; and

WHEREAS, the Federal Highway Administration has awarded AID-PT Program funding to the Department for the development of web-based training courses that will provide information regarding best practices for construction of chip seals, slurry seals and microsurfacing, as well as other treatments; and

WHEREAS, the creation of these training courses will benefit the Department, other DOTs, local agencies and industry by broadening technical knowledge within the discipline of pavement preservation.

NOW THEREFORE, the Director is authorized to solicit and evaluate proposals and enter into such agreements as necessary to develop these training courses.

2021-073

WHEREAS, the AASHTO Subcommittee on Construction has identified “Constructability Review” as “a process that utilizes construction personnel with extensive construction knowledge early in the design stages of projects to ensure that the projects are buildable, while also being cost-effective, biddable, and maintainable;” and

WHEREAS, on-call contracts have proven to be an effective method of producing timely results and supplementing in-house capabilities.

NOW THEREFORE, the Director is authorized to request proposals and enter into any necessary contracts and agreements for on-call constructability reviews as needs are identified.

2021-074

WHEREAS, Commission Minute Order 2013-125 approved the procurement of services of architectural firms for the design of Welcome Centers and Tourist Information Centers; and

WHEREAS, the Department anticipates the need for additional professional architectural services including landscape architecture on various projects in the future; and

WHEREAS, the Department currently has on-call contracts for professional services that provide additional expertise to Department staff, and

WHEREAS, these on-call contracts have proven to be an effective method of producing timely results and supplementing in-house capabilities.

NOW THEREFORE, the Director is authorized to request proposals, select on-call consulting firms, and enter into any necessary contracts and agreements with firms for on-call architectural services as needs are identified.

2021-075

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 established a National Scenic Byway Program and encouraged the states to develop State Scenic Byway Programs; and

WHEREAS, Arkansas Highway Commission Minute Orders 91-513, 92-009, 93-091, and 97-044 authorized the establishment of an Arkansas Scenic Byways Program and adopted the criteria by which routes can be designated as Scenic Byways; and

WHEREAS, the Camden Expedition Scenic Byway Steering Committee, representing residents, businesses and individuals through which the Camden Expedition Scenic Highway passes, in 2019 requested that the Camden

Expedition Scenic Highway, as designated by Act 292 of 2019, be designated as an Arkansas Scenic Byway; and

WHEREAS, this route meets the aforementioned Arkansas Highway Commission Criteria for Arkansas Scenic Byway designation.

NOW THEREFORE, the Commission hereby designates the Camden Expedition Scenic Highway as an Arkansas Scenic Byway.

2021-076

WHEREAS, in the vicinity of State Highway 284, the Arkansas State Highway Commission acquired properties for highway right of way for Job No. GC-1-2, more commonly known as “Harris Chapel – Newcastle” in Cross County, Arkansas; and

WHEREAS, Donnie Sanders, the Cross County Judge, has requested that portions of said right of way be transferred to Cross County pursuant to Ark. Code Ann. § 27-65-109, for highway purposes; and

WHEREAS, the County’s request is more specifically described as follows:

The Legal Description in Exhibit “A” and areas shown in red and depicted on Exhibits “B”, and “C” attached hereto.

NOW THEREFORE, the Director is authorized to enter into a transfer agreement for the above-described properties pursuant to Minute Order 2012-008, conditioned upon the County’s continued maintenance of the property interests herein transferred for said highway purposes.

2021-077

WHEREAS, the existing Lafayette County Area Headquarters facility in Lewisville, on State Highway 29, was constructed in 1960; and

WHEREAS, at this existing location, the property is marginal in size and the structure is in poor condition and has exceeded its service life; and

WHEREAS, the relocation of the Lafayette County Area Headquarters has been a high priority for the Department for the past ten years; and

WHEREAS, suitable property (9.0 acres) on State Highway 29 is available for purchase by the Commission.

NOW THEREFORE, the Director is authorized to proceed with the acquisition of the property located at 2712 Spruce St. (Hwy 29), Lewisville, AR 71845 as funds become available.

Work to be done by contract and state forces as a Building Project.

2021-078

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 19R, Job No. 090004, from Timothy P. Stretton and Kelley L. Stretton, husband and wife, by Warranty Deed dated September 25, 2001, and filed of record on October 26, 2001, as Instrument No. 01008032, in the Circuit Clerk's office for Boone County, Arkansas; and

WHEREAS, Tract No. 19R was purchased as a capital asset for the sum of TWO THOUSAND TWO HUNDRED and NO/100 DOLLARS (\$2,200.00) and is not subject to re-acquisition by a prior owner pursuant to Ark. Code Ann § 27-67-322; and

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 15R1, Job No. 090004, from Alice Foys-Coyle, of lawful age and unmarried, by Warranty Deed dated January 8, 2002, and filed of record on February 5, 2002, as Instrument No. 02001107, in the Circuit Clerk's office for Boone County, Arkansas; and

WHEREAS, Tract No. 15R1 was purchased as a capital asset for the sum of TWO HUNDRED SIXTY-ONE THOUSAND and NO/100 DOLLARS (\$261,000.00) and is not subject to re-acquisition by a prior owner pursuant to Ark. Code Ann § 27-67-322; and

WHEREAS, the District Engineer for District Nine has determined that Tract No. 19R and part of Tract No. 15R1 are not now, nor in the foreseeable future will be, needed for highway purposes. The properties are more particularly described as follows:

Tract No. 19R

Part of the Southwest Quarter of the Northeast Quarter of Section 15, Township 19 North, Range 21 West, Boone County, Arkansas, more particularly described as follows:

Beginning at the Southwest Corner of the Southwest Quarter of the Northeast Quarter of Section 15; thence North 07° 22' 13" East along the West line thereof a distance of 951.41 feet to a point on the Westerly controlled access right of way line of U.S. Highway 65 as established by AHTD Job 090004; thence South 25° 21' 10" East along said right of way line a distance of 258.59 feet to a point; thence South 00° 03' 47" East along said right of way line a distance of 320.34 feet to a point; thence South 10° 39' 59" West along said right of way line a distance of 408.26 feet to a point on the South line of the Southwest Quarter of the Northeast Quarter of Section 15; thence North 85° 45' 43" West along said South line a distance of 158.00 feet to the point of beginning and containing 3.12 acres or 135,955 square feet more or less.

Part of Tract No. 15R1

A part of the Northwest quarter of the Southeast quarter (NW1/4 SE1/4), Section 15, Township 19 North, Range 21 West, Boone County, Arkansas, described as follows:

Beginning at the Northwest corner of the Northwest quarter of the Southeast quarter (NW 1/4, SE 1/4), Section 15; THENCE along the North line thereof South 85° 45' 44" East for a distance of 158.00 feet to the Westerly controlled access Right of Way of HWY 65 as established by AHTD Job 090004; THENCE along the said Right of Way the following calls: THENCE South 10° 39' 59" West for a distance of 44.32 feet; THENCE South 07° 12' 13" East for a distance of 505.86 feet; THENCE South 60° 27' 44" West for a distance of 247.84 feet to the center line of County Road 8; Thence along center line the following calls: THENCE North 80° 15' 51" West for a distance of 42.59 feet the West line of the Northwest quarter of the Southeast quarter (NW 1/4, SE 1/4), Section 15; THENCE along said West line North 03° 48' 52" East for a distance of 673.57 feet to the POINT OF BEGINNING, containing 2.90 acres, more or less.

WHEREAS, Mike Bishop of Harrison, Arkansas has offered to purchase the above-described real properties for the sum of FIFTEEN THOUSAND and NO/100 DOLLARS (\$15,000.00), which is less than the current fair market value in the amount of TWENTY-TWO THOUSAND and NO/100 DOLLARS (\$22,000.00) based upon the opinion of a qualified appraiser.

NOW THEREFORE, the above-described properties are declared surplus and upon receipt and consideration of the sum of FIFTEEN THOUSAND and NO/100 DOLLARS (\$15,000.00) from Mr. Bishop, 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 property to Jerry Bishop and Dale Bishop; 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 in the records of Boone 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.

2021-079

WHEREAS, the Quorum Court of Conway County, by Resolution No. 2 of 2021, has requested that the Cypress Creek Bridge on Highway 9 be designated as the “USMC PFC James Rickey Maxwell Memorial Bridge”; and

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

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

2021-080

WHEREAS, the Quorum Court of Pope County, by Resolution 2021-R-014 has requested that the portion of Highway 7 in the vicinity of Center Valley Road, be designated as the “Sheriff Jay B Winters Memorial Highway”; and

WHEREAS, this portion of Highway 7 is within the city limits of Russellville; and

WHEREAS, the Mayor of Russellville has endorsed Resolution 2021-R-014 by letter; and

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

NOW THEREFORE, the Director is authorized to permit the installation of signs on each end of this portion of highway, as requested by the City, in accordance with Commission Policy.



2021-081

WHEREAS, the Quorum Court of Benton County, by Resolution R-2021-19 has requested that the portion of Highway 72 from Bentonville to Pea Ridge, be designated as the “Officer Kevin Apple Memorial Highway”; and

WHEREAS, the City of Bentonville, by Resolution 8-10-21(I) has requested that the section of Highway 72 beginning at the eastern Bentonville city limits westward 0.79 miles to the I-49 Interchange, also be designated as the “Officer Kevin Apple Memorial Highway”; and

WHEREAS, the City Council of Pea Ridge, by Resolution 468 is in full support of the Benton County Resolution R-2021-19 for the portion of Highway 72 from Bentonville to Pea Ridge, be designated as the “Officer Kevin Apple Memorial Highway”; and

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

NOW THEREFORE, the Director is authorized to permit the installation of signs on each end of this portion of highway, as requested by the appropriate local governments, in accordance with Commission Policy.

2021-082

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the September 22, 2021 letting; and

110124	01	MONROE	Hwy. 39 Strs. & Apprs. (N. of Blackton) (S)	39	N
100941	10	CLAY	Hwy. 62 Inters. Impvts. (Piggott) (S)	62	Y
101035	10	CRAIGHEAD	Hwy. 49 – Hwy. 91 (Jonesboro) (S)	1-555	Y
SA0362	09	BAXTER	Co. Rd. 806 Surfacing (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 Moore opened the meeting by welcoming those in attendance in-person, as well as those who were watching online. The Commission presented Caleb Stanton, former transportation liaison for Governor Hutchinson, a letter of appreciation for his service to the Commission, the Department and the Governor's office.

MOTION

Vice Chairman Alec Farmer moved, Commissioner Marie Holder seconded, and the motion passed to authorize use of electronic signatures for the September 15, 2021 Minute Orders.

MOTION

Vice Chairman Alec Farmer moved, Commissioner Philip Taldo seconded, and the motion passed to approve the Minutes from the July 28, 2021 Commission Meeting

MOTION

The Commission approved Minute Order 2021-126 on May 5, 2021, authorizing the Department to select and enter into agreements with firms to perform reviews of overhead cost rates for architectural and engineering services. Commissioner Philip Taldo moved, Commissioner Marie Holder seconded, and the motion passed to accept the staff's recommendation to enter into negotiations with the following firms:

Booth Management Consulting, LLC – Columbia, Maryland  
MH Miles Company, CPA, PC – Decatur, Georgia  
Stambaugh Ness, Inc. – York, Pennsylvania

### MOTION

The Commission approved Minute Order 2019-092 on September 4, 2019, authorizing the Department to advertise for architectural/engineering firms to provide design services for the Bella Vista Welcome Center. Commissioner Keith Gibson moved, Vice Chairman Alec Farmer seconded, and the motion passed to accept the staff's recommendation to enter into negotiations with the following firm:

Garver, LLC – North Little Rock, Arkansas

### MOTION

Act 298, passed by the 92<sup>nd</sup> General Assembly during the 2019 Regular Session, required the Arkansas Legislative Council (ALC) to conduct a study of the processes and functioning of the Arkansas Department of Transportation. On August 23, 2019, Guidehouse, LLP was retained by the Highway Commission Review and Advisory Subcommittee (HCRAS) to prepare the study and provide recommendations. The final report, which contained 13 recommendations, was adopted by ALC on November 20, 2020. Act 739, passed by the 93<sup>rd</sup> General Assembly during the 2021 Regular Session, requires the Arkansas Highway Commission to submit to HCRAS these rules for implementation of the recommendations in the final report. Vice Chairman Alec Farmer moved, Commissioner Keith Gibson seconded and the motion passed to authorize the Department to submit the Recommendations Implementation Rules to the HCRAS for their review as required by Act 739 of 2021.

### OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the August 2021 update on State Highway Revenue. Mr. Patton noted that State Highway Revenues to the Department from traditional sources are up a total of 5.3% (\$3.7 million) in the SFY 2022 compared to SFY 2021. Revenue from the Natural Gas Severance Tax is higher this year compared to last year. Total revenues available are 9.3% (\$6.5 million) above last year. Actual State Revenue received is 7.3% (\$5.2 million) above projected (budgeted) revenue for this year. Mr. Patton stated that August revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 1.08% higher, (\$220,514) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is above projections by 2.08% (\$842,742). Since inception, this revenue source is 1.68%, or \$25.3 million, above DF&A's projections.

Kevin Thornton, Assistant Chief of Administration, updated the Commission on the status of Federal Highway and Transit funding issues. On August 10, 2021 the Senate passed the

Infrastructure Investment and Jobs Act (IIJA), which includes \$550 billion in new spending over five years. \$110 billion of this new amount is for roads, bridges and major projects and represents a 35% increase from FAST Act spending levels. Combined with current funding levels, this would provide Arkansas with \$3.6 billion over the five-year life of the bill, an approximately \$200 million annual increase in Federal funding. This bill also includes supplemental appropriations for a bridge grant program (\$37 billion), Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants (\$7.5 billion), Infrastructure for Rebuilding America (INFRA) grants (\$3.2 billion) and other smaller grant programs. Thornton also noted that the \$550 billion in new spending includes \$11 billion for safety, \$15 billion for electric vehicles and electric vehicle charging, along with funding for passenger and freight rail, transit, and broadband. The House has agreed to vote on this bill on or before September 27. If passed by the House, the President is expected to sign it. Thornton stated that if this bill does not pass, another Continuing Resolution would be needed for federal funds to continue to flow. Staff will monitor closely and notify the Commission of any changes.

Crystal Woods, Division Head of Human Resources, gave an update on the COVID impacts to the Department and its employees. Woods provided the number of employees currently in isolation due to testing positive for COVID, as well as cumulative number of positive cases since June 2020. Woods provided a breakdown of sources of exposure for known positive cases, as well as the positive cases by regions of the state. Woods highlighted the vaccination efforts and noted that as of the September 15 meeting, 58% of ARDOT employees had received at least one dose. Woods noted that additional efforts such as paid time off to receive a vaccination, 80 hours of paid leave for those who are quarantined or test positive for COVID, meetings with local physicians and reinforcing safety protocols are some of the additional mitigation efforts by the Department. In closing, Woods presented the Commission with the names and information about the six ARDOT employees who have lost their lives to COVID-19 to date.

Director Tudor presented the Commission with a list of upcoming meetings and events that the Director will be attending.

In closing, Director Tudor recognized Chairman Robert Moore, who was recently named a Distinguished Ouachita Baptist University Alumnus. Chairman Moore graduated from OBU in 1966 and was recognized by the University for his many years of public service to Arkansas.

2021-083

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:20 a.m., September 15, 2021.

I hereby certify that the above and foregoing is a true recording of the proceedings taken by the Arkansas State Highway Commission at its meeting on September 15, 2021.



Christie Heidelberg  
Commission Secretary