May 31, 2022

ADMINISTRATIVE CIRCULAR NO. 2022-07

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 April 27, 2022.

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

April 27, 2022

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, April 27, 2022. Members present were:

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

2022-044
IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:00 a.m., April 27, 2022.

2022-045
WHEREAS, the Purchasing Committee has awarded purchases on April 1, and April 13, 2022, in the amounts of $1,862,597.11, and $427,000.00, respectively, totaling $2,289,597.11, 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.

2022-046
WHEREAS, the National Academy of Sciences, Engineering and Medicine Transportation Research Board (TRB) provides leadership in transportation innovation and progress through research and information exchange, conducted within a setting that is objective, interdisciplinary, and multimodal; and
WHEREAS, the TRB offers opportunities for information exchange on current transportation research and practice, management of cooperative research and other research programs, analyses of national transportation policy issues, guidance on federal and other research programs, and publications and access to research information from around the world; and

WHEREAS, all states provide financial support for TRB’s Core Program activities that are designed to support dialogue and information exchange among researchers, practicing transportation professionals, and others concerned with transportation; and

WHEREAS, the Department’s participation rate has been approved by the TRB Executive Committee; and

WHEREAS, the Federal Highway Administration has created a pooled fund study to provide a mechanism for state transportation departments to support the TRB’s Core Program activities; and

WHEREAS, the TRB’s Core Program activities are regarded as highly beneficial to the Department in order to exchange ideas, information, and best practices with other agencies.

NOW THEREFORE, the Director is authorized to participate in this pooled fund effort and to enter into such agreements as necessary to fulfill the Department’s commitment to this important program for TRB Fiscal Year 2023.

2022-047

WHEREAS, Act 298 of 2019 required the Arkansas Legislative Council to conduct a study of the processes and functioning of the Arkansas Department of Transportation to identify areas of potential improvement within the overall functioning of the Department; and

WHEREAS, the final report produced from the study was adopted by the Arkansas Legislative Council on November 20, 2020; and

WHEREAS, a recommendation contained within the final report identified an opportunity to improve existing communication with regard to construction projects and maintenance activities in order to enhance public visibility, project performance, and project delivery; and
WHEREAS, enhancement of the Department’s website to publish up to date information with regard to construction projects and maintenance activities will provide the desired improved communication.

NOW THEREFORE, the Director is authorized to issue a Request for Proposals to retain the services of a qualified consultant to enhance communication through the Department’s website with regard to construction projects and maintenance activities for the Department.

2022-048

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 Arkansas Highway Police Officers and various responders in Arkansas is highly beneficial.

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.

2022-049

WHEREAS, IN PULASKI COUNTY, the Institutional Drive System maintained by the Department at the Arkansas Department of Corrections – Wrightsville Unit was recently reviewed; and

WHEREAS, an existing drive no longer meets the criteria for inclusion into the State Maintenance System as established by Commission Policy 4201 on August 2, 1961; and

WHEREAS, there are additional roads that meet all the criteria for inclusion in the State Maintenance System.
NOW THEREFORE, IT IS ORDERED, that upon official notification by the Deputy Director and Chief Engineer, drives totaling 0.870 miles, as shown on the attached sketch, are hereby to be maintained by the Department as State Highway 834, Section 1.

2022-050

WHEREAS, Minute Order 2019-108 authorized the Department to purchase two properties located at 10300 Interstate 30 and 10206 Interstate 30, which are both adjacent to the Department’s main campus; and

WHEREAS, the properties were purchased to allow the Department flexibility when addressing future space and staffing needs; and

WHEREAS, modifications are needed to make the properties useable for Department purposes.

NOW THEREFORE, the Director is authorized to develop plans and take steps necessary to modify the referenced properties for appropriate Department purposes.

2022-051

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 1, Job No. 100657 from Millard J. Cooper, a married person, and Terry H. Cooper, a married person, et al., by Warranty Deed on May 9, 2018 and filed of record on June 11, 2018, in Document No. 2018R-011512, in the Circuit Clerk’s office for Craighead County, Arkansas; and

WHEREAS, this property is contiguous to U.S. Highway 49 and is now necessary for Job No. 100657 and which property the Commission now holds as a capital asset, being in Craighead County, more fully described as:

Part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a state monument being used as the quarter corner of Sections 12 and 1; thence North 00°49’23” East along the East line of the Southeast Quarter of the Southwest Quarter of Section 1 a distance of 178.54 feet to a point on the Northerly right of way line of U.S. Highway 49 as established by AHTD Job R00020 to a point; thence South 77°40’49” West along said right of way

(Continued)
line a distance of 145.63 feet to the POINT OF BEGINNING; thence continue South 77°40'49" West along said right of way line a distance of 40.57 feet to a point; thence North 00°00'06" West a distance of 313.27 feet to a point on the Westerly right of way line of Old Clinton School Road as established by ARDOT Job 100657; thence South 89°13’18” East a distance of 131.19 feet to a point on the Easterly right of way line of Old Clinton School Road as established by ARDOT Job 100657; thence South 36°16’34” West along said right of way line a distance of 91.80 feet to a point; thence South 02°41’41” East along said right of way line a distance of 132.05 feet to a point; thence South 02°41’41” East along said right of way line a distance of 103.78 feet to the point of beginning and containing 0.43 acres more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

NOW THEREFORE, the character of the above-described property is hereby changed from capital asset to that of right of way, hereafter designated as Tract No. 1, Job No. 100657; a copy of this Minute Order shall, if required, be recorded in the Circuit Clerk and Recorder’s office of Craighead County, Arkansas, and the right of way shall, if necessary, be remonumented.

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 2, Job No. 100657 from Berley Don Nall, Trustee of The Berley Don Nall Living Trust dated November 18, 1997, by Warranty Deed on May 11, 2018 and filed of record on June 11, 2018, in Document No. 2018R-011513, in the Circuit Clerk’s office for Craighead County, Arkansas; and

WHEREAS, this property is contiguous to U.S. Highway 49 and is now necessary for Job No. 100657 and which property the Commission now holds as a capital asset, being in Craighead County, more fully described as:

Part of the Northeast Quarter of the Northwest Quarter of Section 12, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a state monument being used as the quarter corner of Sections 12 and 1; thence South 00°54’39” West along the East line of the Northeast Quarter of the Northwest Quarter of Section 12 a distance of 26.37 feet to a point on the Southerly right of way line of U.S. Highway 49 as established by AHTD Job R00020; thence South 73°30’14” West along said right of way line a distance of 96.28 feet to a point on the Easterly right of way line of Arkansas
State Highway 18 Spur as established by ARDOT Job 100657 to the POINT OF BEGINNING; thence South 02°57′38″ West along said right of way line a distance of 383.65 feet to a point; thence South 05°24′43″ East along said right of way line a distance of 205.62 feet to a point; thence South 88°49′42″ West a distance of 180.66 feet to a point on the Westerly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence North 01°21′53″ East along said right of way line a distance of 508.66 feet to a point; thence North 17°11′38″ West along said right of way line a distance of 93.08 feet to a point on the Southerly right of way line of U.S. Highway 49 as established by AHTD Job R00020; thence South 88°21′48″ East along said right of way line a distance of 202.41 feet to the point of beginning and containing 2.51 acres more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

NOW THEREFORE, the character of the above-described property is hereby changed from capital asset to that of right of way, hereafter designated as Tract No. 2, Job No. 100657; a copy of this Minute Order shall, if required, be recorded in the Circuit Clerk and Recorder’s office of Craighead County, Arkansas, and the right of way shall, if necessary, be remonumented.

2022-053

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 3, Job No. 100657 from Jimmy R. Emerson and Sally J. Emerson, husband and wife, by Warranty Deed on May 15, 2018 and filed of record on June 11, 2018, in Document No. 2018R-011514, in the Circuit Clerk’s office for Craighead County, Arkansas; and

WHEREAS, this property is contiguous to U.S. Highway 49 and is now necessary for Job No. 100657 and which property the Commission now holds as a capital asset, being in Craighead County, more fully described as:

Part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

Commencing at a state monument being used as the center quarter corner of Section 12; thence North 00°54′39″ East along the East line of the Southeast Quarter of the Northwest Quarter of Section 12 a distance of 728.48 feet to a point on the Southwesterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657 to the POINT OF BEGINNING; thence North 69°09′46″ West along said right of way line a distance of 66.70 feet to a
point; thence North 67°40′05″ West along said right of way line a distance of 58.90 feet to a point on the Southeasterly right of way line of Union Pacific Railroad; thence North 33°10′11″ East along said right of way line a distance of 109.33 feet to a point on the Northeasterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence South 39°17′34″ West along said right of way line a distance of 51.99 feet to a point; thence South 88°26′57″ East along said right of way line a distance of 25.63 feet to a point on the Southeast line of the Southeast Quarter of the Northeast Quarter of Section 12; thence South 00°54′39″ West along said line a distance of 96.70 feet to the point of beginning and containing 0.81 acres more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

NOW THEREFORE, the character of the above-described property is hereby changed from capital asset to that of right of way, hereafter designated as Tract No. 3, Job No. 100657; a copy of this Minute Order shall, if required, be recorded in the Circuit Clerk and Recorder’s office of Craighead County, Arkansas, and the right of way shall, if necessary, be remonumented.

2022-054

WHEREAS, it has been determined that improvements are warranted to enhance safety at the seven railroad crossings indicated on the attached list; and

WHEREAS, these improvements are eligible for Federal-aid Rail-Highway Crossing Safety funds; and

WHEREAS, local officials and a railroad company have indicated their willingness to provide matching funds for the off-system railroad crossings.

NOW THEREFORE, the Director is authorized to proceed with improvements at these crossings as funds become available subject to the following conditions:

• Maintenance of the signals and surfaces shall be performed by the applicable Railroad Company at no cost to the State.

• All required right-of-way shall be furnished at no cost to the State.

2022-055

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the May 18, 2022 letting; and

- 7 -

(Continued)
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<th>JOB NO.</th>
<th>DISTRICT</th>
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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

(Continued)
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.

2022-056

WHEREAS, IN HEMPSTEAD COUNTY, the feasibility of constructing a Highway 278 bypass of Washington State Park has been studied; and

WHEREAS, the Arkansas State Parks, Recreation and Travel Commission passed a motion at their April 22, 2022 meeting requesting that the Department update the study.

NOW THEREFORE, the Director is authorized to update the Highway 278 Bypass Feasibility Study to reassess the need for and feasibility of a bypass around Historic Washington State Park.

Chairman Moore opened the meeting by welcoming those in attendance in-person, as well as those who were watching online. Chairman Moore stated that the use of electronic signatures on Minute Orders would be used, as has been done in previous meetings.

MOTIONS
MOTION Vice Chairman Alec Farmer moved, Commissioner Philip Taldo seconded, and the motion passed to approve the Minutes from the March 16, 2022, Commission Meeting.

MOTION Commissioner Keith Gibson moved, Commissioner Philip Taldo seconded, and the motion passed to submit an application for the Future I-49 Project, Highway 22 to I-40 in Sebastian and Crawford Counties for the Multimodal Project Discretionary Grant program.

MOTION The Commission approved Minute Order 2021-057 on July 28, 2021, authorizing the Department to request proposals, select consulting firms and enter into any necessary contracts and agreements with firms for safety studies and engineering services for Federal Fiscal Years 2022-2024. Commissioner Keith Gibson moved, Vice Chairman seconded, and the motion passed to accept the Staff’s recommendation to enter into negotiations to provide On-Call Safety Studies with the following firms:

- Burns McDonnell Engineering Company, Inc. – Springdale, AR
- Garver, LLC – North Little Rock, AR
- Halff and Associates, Inc. – Little Rock, AR
- Olsson, Inc. – Fayetteville, AR

OTHER DISCUSSION ITEMS

Arkansas Highway Police (AHP) First Lieutenant Brad Perkins gave an informational presentation on the Traffic Incident Management (TIM) Program and the partnership with the Arkansas State Police (ASP). The TIM program is designed to establish consistent training for all responders. The National Unified Goal (NUG) has three major objectives – responder safety; safe, quick clearance; and prompt and reliable communication. The TIM program is designed for responders of all disciplines, which include communications, emergency management, emergency medical services, fire and rescue, law enforcement, towing and recovery, and transportation/public works. The TIM program provides training for safe and quick clearance of the roadway during an accident, reducing the risk for secondary crashes and reducing the economic impact to the traveling public. 1st Lt. Perkins also noted that the TIM program allows the AHP to work with other agencies and entities to help them to understand how work zones are laid out and how to set up accidents in the same manner of a work zone. The TIM facility at Camp Robinson in North Little Rock provides a safe and controlled environment in which to simulate
various scenarios. The proposed TIM building would provide adequate office and classroom space for agencies to utilize. Currently, the average number of minutes of a lane closure due to a crash is 42 minutes, which is dropped from 101 minutes in 2018. The number of trained responders in 2021 is over 3,500 compared to 450 in 2018. As the TIM center is utilized more, these numbers are expected to continue to improve. The Commission, with a verbal vote, unanimously agreed to approve the proposed Minute Order, authorizing the Director to partner with the ASP to provide funding for this facility.

Patrick Patton, Chief Fiscal Officer, provided the March 2022 update on State Highway Revenue. Mr. Patton noted that State Highway Revenues to the Department from traditional sources are up a total of 5.4% ($16.7 million) in State Fiscal Year (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 12.4% ($38.9 million) above last year. Actual State Revenue received is 10.3% ($32.8 million) above projected (budgeted) revenue for this year. Mr. Patton stated that March revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 16.91% higher, ($3,349,666) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is above projections by 4.35% ($7,777,286). Since inception, this revenue source is 1.96%, or $32.2 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 March 15, 2022, spending authority for Federal Fiscal Year 2022 was enacted. This agreement provides full funding for FFY 2022 and has allowed Staff to turn their full attention to implementing the benefits of the IIJA and to begin preparing for FFY 2023. Staff is currently doing so by responding to requests from Congress for recommendations for projects that will receive additional funding, which are called Community Funded Projects. The following projects have been recommended to Congress for inclusion in next year’s appropriation bill:

- Highway 67 (Future I-57), Walnut Ridge – Missouri State Line – Up to $100 million;
- Highway 412 Corridor, Selected Section Corridor Improvements – Up to $500 million;
- Highway 60, Arkansas River – West – Up to $30 million;
- On New Location, Northwest Arkansas National Airport Access – Up to $60 million;
- Highway 270, Ouachita River – Fleetwood Drive – Up to $20 million;
- Future I-49, Highway 22 – Interstate 40 – Up to $600 million.
Mr. Thornton also noted that the US Department of Transportation has published a list of anticipated dates for when they will announce guidance for the IIJA Grant programs. Staff will be studying these announcements closely to ensure that the Department applies for any eligible grants.

Jared Wiley, Assistant Chief Engineer – Planning, briefed the Commission on the Multimodal Project Discretionary Grant Opportunity (MPDG). The MPDG combines three IIJA Grant programs into a single application to provide a more efficient application process. A single application can be considered for all three programs if it meets the criteria requirements. The three grant programs are;

- **Mega Grants (new program)**
  - Supports large, complex projects that are difficult to fund by other means and likely to generate national or regional economic, mobility, or safety benefits;
  - $1 billion for FFY 2022

- **Infrastructure for Rebuilding America (INFRA)**
  - Supports projects for multimodal freight and highway projects of national or regional significance to improve the safety, efficiency, and reliability of the movement of freight and people in and across rural and urban areas;
  - $1.55 billion for FFY 2022

- **Rural Surface Transportation or RURAL Grants (new program)**
  - The RURAL Grant Program supports projects to improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve the safety and reliability of the movement of people and freight, and generate regional economic growth and improve quality of life;
  - $300 million for FFY 2022.

One project, with the assistance of a consultant, was selected as the best candidate project in which to prepare and submit an application for consideration:

- **Future I-49, Highway 22 – I-40 in Sebastian and Crawford Counties**
  - Will construct a four-lane interstate facility on new location with a bridge crossing of the Arkansas River

April 27, 2022
Total current estimated total project cost is $925 million

Project will be delivered in phases as funding allows

A motion was made and seconded and passed unanimously to submit an application for this project in the MPDG program.

Director Tudor provided an update on the Arkansas Legislative Council Efficiency Study Recommendations Rules for Implementation. On April 21, the first monthly report was submitted the Highway Commission Review and Advisory Subcommittee (HCRAS). This report included the revision to Recommendation Rule #6, which was approved by the Commission on February 2. During this meeting on April 21, both the monthly update and the revision to Recommendation Rule #6 were presented with no questions.

Director Tudor updated the Commission on recent Department activities. Since the March 16 meeting, several noteworthy Department activities occurred as listed below:

- Director Tudor continued her work on the Infrastructure Planning Advisory Committee;
- Director Tudor conducted a General Staff Meeting for all Executive Staff, Division Heads and District Engineers.
- Director Tudor and Commissioner Marie Holder participated in a media event for the announcement of the purchase of seven lower emission trucks using funds received from the Volkswagen settlement. Department of Energy and Environment Secretary Becky Keough also attended the event;
- Director Tudor attended the kickoff meeting of the Future Mobility Council in Rogers, AR;
- Director Tudor provided opening remarks of the Arkansas Asphalt Paving Association at their Annual Conference in Hot Springs, AR;
- Director Tudor participated in the Women in STEM Conference, hosted by ARDOT in North Little Rock, AR;
- Director Tudor attended the National Council of Examiners for Engineering & Surveying as a delegate for the Central/Southern Zone joint interim meeting in Oklahoma City, OK.

Director Tudor presented a list of upcoming meetings and events that the Director and Commission will be attending.
In closing, Director Tudor recognized the 30 Crossing Litigation team and presented them with the FHWA Administrator’s Excellence in Teamwork Award. ARDOT Staff that was recognized were Rita Looney, Chief Legal Counsel; Mark Umeda, Staff Attorney; and Keli Wylie, Alternative Project Delivery Administrator. Director Tudor also notified the Commission that ARDOT recently received Arkansas Engineering Excellence Award from the American Council of Engineering Companies (ACEC) for the Hernando DeSoto Bridge Emergency Repairs. This award was recognized under the large category, structural systems and was submitted by the engineering firm Michael Baker International.

2022-057

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:13 a.m., April 27, 2022.

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 April 27, 2022.

Christie Heidelberg
Commission Secretary