

ARKANSAS DEPARTMENT OF TRANSPORTATION
LITTLE ROCK, ARKANSAS

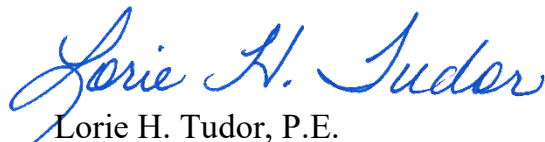
November 9, 2022

ADMINISTRATIVE CIRCULAR NO. 2022-15

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 November 2, 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

November 2, 2022

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, November 2, 2022. Members present were:

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

2022-093

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:15 a.m., November 2, 2022.

2022-094

WHEREAS, the Purchasing Committee has awarded purchases on September 9, September 16, October 5, October 13, and October 20, 2022, in the amounts of \$1,161,230.34, \$7,885,370.00, \$1,172,823.80, \$325,400.00 and \$7,721,615.00, respectively, totaling \$18,266,439.14, 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.

2022-095

WHEREAS, the American Association of State Highway and Transportation Officials' AASHTO re:source program is operated by AASHTO and is authorized and approved by the Executive Committee of AASHTO; and

WHEREAS, the services of the AASHTO re:source program are necessary for the Department to establish and maintain proficiency in sampling and testing material; and

WHEREAS, the participation in funding the services of the AASHTO re:source program supports the laboratory accreditation program and provides technical support in maintaining the AASHTO standards for materials testing; and

WHEREAS, the Department has received notice that its share of support for Fiscal Year 2023 is \$22,000.00.

NOW THEREFORE, the Director is authorized to utilize State Planning and Research funds to pay the Department's share of the cost of support for this AASHTO program for Fiscal Year 2023.

2022-096

WHEREAS, some state highways are posted for weight restrictions below the maximum weight limits allowed by State law; and

WHEREAS, the “Process for Establishing Roadway Maintenance Assessments on Weight Restricted Highways” to accommodate non-divisible overweight loads by permit was developed due to the increase in damages caused by gas well production and implemented in 2008; and

WHEREAS, the current Maintenance Assessment agreements expire on December 31, 2022; and

WHEREAS, an evaluation has determined that continuing with the previously established values, adjusted for inflation, for the Roadway Maintenance Assessment payments by the permit applicants is sufficient to recover damages caused by permitted loads on the weight restricted highways.

NOW THEREFORE, the Director is authorized to enter into new agreements with permit applicants using the values shown on the attached table through December 31, 2024.

2022-097

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) authorized funding for the Transportation Alternatives Program (TAP) and the Recreational Trails Program (RTP) for Federal Fiscal Years 2022 through 2026; and

WHEREAS, applications were solicited and received for these two programs from March 1, 2022 to June 1, 2022; 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.

2022-098

WHEREAS, Federal transportation planning regulations require the development of a multi-year, financially constrained statewide transportation improvement program for all areas of the State in accordance with the provisions of 23 CFR 450; and

WHEREAS, Arkansas' Statewide Transportation Improvement Program for Federal Fiscal Years 2023-2026 (STIP), has been prepared in accordance with the regulations and is ready for submittal to the appropriate agencies for approval.

NOW THEREFORE, the Director is authorized to submit the STIP to the Federal Highway Administration and the Federal Transit Administration for approval and to publish the STIP for distribution after approval by the federal agencies.

2022-099

WHEREAS, the Arkansas State Highway Commission (Commission) acquired properties known as Tract No. 59X, Job No. 100708, from Redgie Jetton and Marilyn Jetton, husband and wife, by Warranty Deed dated August 3, 2017, and filed of record on August 4, 2017, as Document No. 201705557, in the Circuit Clerk's office for Greene County, Arkansas; and

WHEREAS, the property was purchased for the sum of FOUR HUNDRED FORTY THOUSAND and NO/100 DOLLARS (\$440,000.00) and subsequently surveyed into two separate tracts, Tract Nos. 1 and 2, Job No. 100708; and

WHEREAS, the District Engineer for District Ten has determined that Tract No. 2 is not now, nor in the foreseeable future will be, needed for highway purposes. The property is more particularly described as follows:

A part of Lot 13 of the Replat of Bronze Leaf Estates as filed for Record in Plat Cabinet A, Page 132B, Greene County, Arkansas being more particularly described as follows: Beginning at the Northeast Corner of said Lot 13 at a Found ½”rebar and cap PS459, thence S01°04’28”E for a distance of 225.96 feet to a set 5/8”rebar with 2”Aluminum Cap Stamped “Arkansas Dept of Trans BDY PS 1731”; thence N28°29’12”W for a distance of 43.89 feet to a set 5/8”rebar with 2”Aluminum Cap Stamped “Arkansas Dept of Trans BDY PS 1731”; thence N40°28’13”W for a distance of 144.13 feet to a set 5/8”rebar with 2”Aluminum Cap Stamped “Arkansas Dept of Trans BDY PS 1731”; thence N30°37’02”W for a distance of 60.52 feet to the south right of way of Highway 358, as acquired under Job 100708, and a Found ½”rebar and cap PS459; thence along said right of way N79°42’33”E for a distance of 143.38 feet to the point of beginning. Containing 0.37 acres (16,030 square feet) more or less. Subject to all roadways, easements, and reservations that are of record or physically in place.

WHEREAS, the original owners, Redgie and Marilyn Jetton of Paragould, Arkansas has offered to purchase Tract No. 2 for the sum of ELEVEN THOUSAND TWO HUNDRED FIFTEEN and NO/100 DOLLARS (\$11,215.00). The purchase price is based upon an opinion of the current fair market value of \$10,500.00 from a qualified appraiser and also includes the sum of \$715.00 in administrative fees the Jettons have agreed to pay.

NOW THEREFORE, Tract No. 2, Job No. 100708, is declared surplus and upon receipt and consideration of the sum of ELEVEN THOUSAND TWO HUNDRED FIFTEEN and NO/100 DOLLARS (\$11,215.00) from the Jettons, 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 Redgie and Marilyn Jetton, 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 in the records of Greene 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.

2022-100

WHEREAS, IN POPE COUNTY, the City of Russellville has expressed interest in partnering with the Department to construct improvements to Highway 331 (South Elmira Avenue) between East 16th Street and Highway 64; and

WHEREAS, the City has offered to partner with the Department by providing thirty percent of total project costs up to \$3,000,000 towards these improvements; and

WHEREAS, the proposed improvements will improve safety and enhance mobility for the traveling public.

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

2022-101

WHEREAS, IN MISSISSIPPI COUNTY, the City of Osceola has expressed interest in partnering with the Department to construct improvements at the intersection of Highway 61 and Highway 140; and

WHEREAS, the City has offered to provide \$125,000 towards construction of improvements at this intersection; and

WHEREAS, the proposed improvements will improve safety and enhance mobility for the traveling public.

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

2022-102

WHEREAS, the Quorum Court of Mississippi County, by Resolution No. R-2022-13, has requested that the Big Lake Bridge on Highway 18 be designated as the “Herman Davis 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.

2022-103

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the November 9, 2022 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
A10010	01	ST. FRANCIS	HWY. 1B RESURFACING (FORREST CITY) (S)	1B	Y
A10013	01	CRITTENDEN	HWYS. 70 & 77 IMPVTS. (MARION & WEST MEMPHIS) (S)	70 & 77	Y
A10014	01	DESHA & PHILLIPS	SNOW LAKE – ELAINE (S)	44	N
A30013	03	MILLER	HWYS. 108 & 296 (SEL. SECS.) (S)	108 & 296	Y
040779	04	CRAWFORD	ELMO CREEK STR. & APPRS. (S)	220	N
A40012	04	WASHINGTON	I-49 – BENTON CO. LINE (SEL. SECS.) (S)	71B	Y
050414	05	JACKSON	HWY. 980 STR. & APPRS. (S)	980	N
061687	06	LONOKE & PRAIRIE	HWY. 31 – EAST (S)	I-40	Y
A60016	06	PULASKI	EAST OF I-40 – MILITARY DR. (S)	365	Y
070513	07	CLARK	I-30 STR. & APPRS. (HWY. 51) (S)	51	N
A80018	08	POPE	HWYS. 7, 124 & 326 (SEL. SECS.) (S)	7, 124 & 326	Y
090555	09	BOONE	WEST FORK CROOKED CREEK STR. & APPRS. (S)	7	Y
A90011	09	MADISON	COMBS – HUNTSVILLE (S)	16 & 23	Y
A90022	09	BENTON	WASHINGTON CO. LINE – HWY. 94 (S)	71B	Y
100657	10	CRAIGHEAD	I-555 – HWY. 49 (DR. MARTIN LUTHER KING JR. DR. EXTENSION) (JONESBORO) (S)	NEW/18S	Y
101054	10	CRAIGHEAD & LAWRENCE	HWY. 230 STRS. & APPRS. (S)	230	N
012362	06 & 08	FAULKNER & PULASKI	CONWAY – NORTH LITTLE ROCK (S)	I-40	Y
012388	VAR	VARIOUS	STATEWIDE CABLE MEDIAN BARRIER IMPVTS. (2022) (S)	VARIOUS	Y
012429	02, 03 & 07	VARIOUS	DISTRICTS 2, 3 & 7 RAISED PAVEMENT MARKERS (2023) (S)	VARIOUS	Y

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(Continued)

November 2 2022

012431	06 & 08	VARIOUS	DISTRICTS 6 & 8 RAISED PAVEMENT MARKERS (2023) (S)	VARIOUS	Y
AX0003	04 & 08	LOGAN & YELL	SUBIACO – DARDANELLE (SEL. SECS.) (S)	22	Y
C47013	10	MISSISSIPPI	OSCEOLA HALE AVE. OVERLAY (S)	---	-
FA5309	08	PERRY	HWY. 155 – EAST (PHASE 3) (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.

MOTIONS

MOTION Vice Chairman Alec Farmer moved, Commissioner Philip Taldo seconded, and the motion passed to authorize the use of electronic signatures for the November 2, 2022 Minute Orders.

MOTION Vice Chairman Alec Farmer moved, Commissioner Philip Taldo seconded, and the motion passed to approve the Minutes from the September 14, 2022 Commission Meeting.

MOTION Commissioner Keith Gibson moved, Commissioner Philip Taldo seconded, and the motion passed by a unanimous voice vote to approve the Proposed 2023 Legislative Package and authorized the Director to submit it to the Arkansas Legislative Council.

MOTION The Commission approved Minute Order 2022-064 on June 14, 2022, authorizing the Department to request proposals and enter into any necessary contracts and agreements with firms for geotechnical services as needs are identified for Fiscal Years 2023 through 2027. Vice Chairman Alec Farmer motioned, Commissioner Keith Gibson seconded, and the motion passed to accept the Staff's recommendation to enter into negotiations with the following firms to provide on-call geotechnical services for Fiscal Years 2023 through 2027:

Geotechnology, LLC – Memphis, TN
Grubbs, Hoskyn, Barton & Wyatt, Inc. – Little Rock, AR
Professional Services Industries, Inc. – Sherwood, AR
Terracon Consultants, Inc. – Bryant, AR

MOTION The Commission approved Minute Order 2021-072 on September 15, 2021, authorizing the Department issue a Request for Proposal for a Pavement Preservation Web-Based Training. Commissioner Marie Holder moved, Vice Chairman Alec Farmer seconded, and the motion passed to accept the Staff's recommendation to enter into negotiations with the following firm to develop and implement a new Pavement Preservation Web-Based Training for the Department:

Applied Pavement Technology – Urbana, IL

OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the September 2022 update on State Highway Revenue. Mr. Patton noted that State Highway Revenues to the Department from traditional sources are down a total of -0.5% (\$-0.5 million) in the SFY 2023 compared to SFY 2022. Revenue from the Natural Gas Severance Tax is higher this year compared to last year. Total revenues available are 8.8% (\$10.3 million) above last year. Actual State Revenue received is 10.5% (\$12.2 million) above projected (budgeted) revenue for this year. Mr. Patton stated that September revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 14.87% higher, (\$3,029,767) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is reported above projections by 12.03% (\$7,369,809). Since inception, this revenue source is 2.61%, or \$46.1 million, above DF&A's projections.

Kevin Thornton, Assistant Chief of Administration, updated the Commission on the Infrastructure for Rebuilding America (INFRA) Grant application that was submitted in May of 2022. The INFRA grant is one of three grant programs that was combined into one application process as part of the Multimodal Project Discretionary Grant Opportunity (MPDG). The other two grant programs are the Mega and RURAL grants. The Department submitted an application for consideration for the Future I-49 project in Crawford and Sebastian Counties. While this project was not approved for the INFRA grant, Thornton stated that it is still under consideration for the Mega and RURAL grants which will be announced at a later date. Mr. Thornton provided a status of Federal Highway and Transit funding issues. As expected, a Continuing Resolution (CR) went into effect on October 1, 2022. The CR provides Federal funding until December 16. The President and Congress will need to reach an agreement on a spending bill by this date or pass another CR on or before December 16.

Director Tudor provided an update to the Efficiency Review Recommendation Implementation. Since the September 14 Commission Meeting, the Highway Commission Review and Advisory Subcommittee (HCRAS) has not met; however, monthly progress reports have continued to be submitted. In the September and October reports, the HCRAS was updated on the following activities:

- Recommendation #4 under the Portfolio Planning category recommended “implementing a platform that tracks all stakeholder inquiries to resolution”
 - Internal meetings began to introduce Division Heads and District Engineers to the GovQA software that will be used to accomplish this recommendation.

- Recommendation #5 under the Procurement category recommended “implementing efficiencies in procurement and purchasing”
 - Online bidding for 95 percent of procurement bids and contracts has been implemented.
- Recommendation #12 under the People categories recommended “ensuring staff can develop in their careers at the Department”
 - The proposed Department Reorganization, which was approved in the Arkansas Legislative Council – Joint Budget Committee, Personnel Subcommittee, and the Special Language Committee.
 - The proposed Reorganization will provide additional career ladders as mentioned in the efficiency review.

Director Tudor updated the Commission on recent department activities as detailed below:

- On September 28, Director Tudor spoke to the Hot Springs Rotary.
- On September 30, ARDOT Staff cut a ribbon on a stoplight project at the intersection of Highways 367 and 319 in the City of Ward.
- On October 10, Director Tudor provided an update on the Future I-69 Corridor to the House Committee on Public Transportation. On this same day, Brad McCaleb, Division Engineer of Transportation Planning and Policy presented the National Electric Vehicle Infrastructure Formula Program (NEVI) update to the same Committee.
- Chairman Robert Moore, Commissioners Philip Taldo and Marie Holder, Director Tudor and Staff attended a ribbon cutting to celebrate the newly paved Highway 128 in Garland County on October 11. Following this event, the Hot Springs Chamber of Commerce hosted the Commission and ARDOT for an appreciation luncheon.
- Public Information Officer Dave Parker presented at the Winter Weather Workshop in Searcy on October 12.
- On October 13, Director Tudor spoke at the annual Conway Business Expo.
- Later that same day, The Highway Commission, Director Tudor and Staff attended the I-49 Groundbreaking in Fort Smith.
- On October 14, Chairman Robert Moore, Director Tudor and Staff attended a groundbreaking ceremony for the Arkadelphia Bypass in Clark County.
- Director Tudor and Staff attended the AASHTO Annual Meeting on October 19-23, in Orlando, FL.
- Chairman Moore presented to the Dermott Area Chamber of Commerce on October 20.

- The second Tip of the CAP celebration was held on October 26 in Jonesboro. The Highway Commission, Director Tudor and Staff attended.

Director Tudor presented the Commission with the Proposed 2023 Legislative Package for the 93rd General Assembly of the Arkansas Legislature. Act 299, which was enacted in 2019, requires Commission approval in a public meeting prior to submission to the Arkansas Legislative Council on or before December 1 of the year prior to the opening of the session. Seven items were presented as follows:

- Addition of a Housing Stipend for Interns;
- Increase Business Relocation Reimbursement Amount;
- Addition of a tool allowance for Carpenter positions;
- Align ARDOT Concealed Carry with Other State Agencies;
- Revisions to Construction Manager-General Contractor (CM-GC) Law;
- Retirement – Title Change for Retirement Board Membership; and
- Retirement – Technical Changes to Code.

Along with the proposed legislation, a timeline of important dates for the 2023 General Session was presented.

Brad Smithee, District 10 Engineer, presented on the In-House Bridge Program. To address a growing number of bridge closures due to rapid deterioration, ARDOT formed an in-house statewide crew in 2021 to replace bridges on small structure on low volume routes that had experienced significant deterioration but have not been scheduled for contract work in time to prevent closure. Most of the bridges addressed by this crew are being replaced with precast concrete box culverts. Having the additional crew in the Heavy Bridge Maintenance Division has also allowed them to perform emergency bridge deck replacements.

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

Director Tudor updated the Commission on two recent promotions – Deric Wyatt as the State Maintenance Engineer and Tony Evans as the District 6 Engineer. Director Tudor recognized Keli Wylie as a Spark Star recipient, which was awarded to her by the Museum of Discovery. The Spark award represents Arkansans’ who have had successful careers in fields that required the intensive study of science, technology, and math. In closing, Director Tudor recognized Jared Wiley, Assistant Chief Engineer for Planning, for his recent AASHTO nomination. Wiley was nominated for the Transportation Vanguard Award, which recognizes any individual, age 40 or younger, who exemplifies a commitment to excellence and/or implantation of innovative technologies and processes.

2022-104

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:27 a.m., November 2, 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 November 2, 2022.



Christie Heidelberg
Commission Secretary