

ARKANSAS DEPARTMENT OF TRANSPORTATION  
LITTLE ROCK, ARKANSAS

October 26, 2020

**ADMINISTRATIVE CIRCULAR NO. 2020-18**

TO: DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meetings in Little Rock, AR on October 14, 2020.

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

October 14, 2020

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, October 14, 2020. Members present were:

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

2020-083

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:00 a.m., October 14, 2020.

2020-084

WHEREAS, the Purchasing Committee has awarded purchases on September 30, and October 1, 2020, in the amount of \$1,269,188.00 and \$25,200.00, respectively, totaling \$1,294,388.00, 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.

2020-085

WHEREAS, the Research Advisory Committee Region II states of the American Association of State Highway and Transportation Officials (AASHTO) have been participating in a collaborative research program named the Southeast Transportation Consortium (STC) since 2009; and

WHEREAS, the STC encourages coordination among member states and provides resources and management of collaborative studies; and

WHEREAS, the STC addresses high priority transportation research topics of common interest to the Research Advisory Committee Region II states and for which expertise exists within the region; and

WHEREAS, the STC is beginning Phase II of the program which will expand their efforts to include a multi-state peer exchange while continuing the collaborative efforts Arkansas has participated in since Phase I.

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.

2020-086

WHEREAS, the Federal Highway Administration has created a pooled fund study to create a Research Project Tracking System; and

WHEREAS, the Research Project Tracking System will enable states to more efficiently track nationwide projects, create reports and access archived research; and

WHEREAS, participation in this pooled fund study will be beneficial to the Department.

NOW THEREFORE, the Director is authorized to participate in the pooled fund effort and enter into such agreements as necessary to fulfill the Department's commitment.

2020-087

WHEREAS, it is necessary for the Department to provide timely design services for selected projects in order to proceed with construction; and

WHEREAS, in accordance with Minute Order 2016-036 passed on April 20, 2016, and in accordance with Minute Order 2020-059 passed on July 22, 2020, the Department currently has on-call contracts to conduct indefinite delivery design services through calendar year 2021; and

WHEREAS, these on-call contracts have been found to be an effective method of producing timely design services and supplementing in-house capabilities.

NOW THEREFORE, the Director is authorized to request proposals, select a consulting firm or firms to perform design services, and enter into any necessary contracts as needs are identified for calendar years 2021 through 2024 with an option to extend through calendar year 2025.

2020-088

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 February 3, 2020 to July 1, 2020; 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.

2020-089

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects in the November 4, 2020 letting; and

<b>JOB NO.</b>	<b>DISTRICT</b>	<b>COUNTY</b>	<b>JOB NAME</b>	<b>ROUTE</b>	<b>APHN</b>
110664	01	MONROE	PRAIRIE CO. LINE – BRINKLEY (S)	70	Y
020629	02	CHICOT & DESHA	HWY. 65 – YELLOW BEND PORT (S)	35	N
040815	04	FRANKLIN	HWY. 23 FLOOD DAMAGE REPAIRS (FRANKLIN CO.) (S)	23	Y
040847	04	WASHINGTON	HWY. 16/112 SPUR INTCHNG. IMPVTS. (F)	I-49	Y
061442	06	SALINE	GARLAND CO. LINE – BENTON (SAFETY IMPVTS.) (S)	5	Y
061457	06	LONOKE	HWY. 319 RR SIG. UPGRADE & TRAFFIC SIG. (WARD) (S)	319 & 367	Y
061634	06	LONOKE & PRAIRIE	PULASKI CO. LINE – MONROE CO. LINE (SEL. SECS.) (S)	70	Y
070562	07	CLARK	HWY. 26 – CADDO VALLEY (S)	I-30	Y
080457	08	FAULKNER	UPRR OVERPASS & REALIGN. (MAYFLOWER) (S)	89	Y

090384	09	BENTON	PEA RIDGE NATIONAL MILITARY PARK MITIGATION (S)	62	Y
090438	09	BOONE	HWY. 65/HWY. 43/ROCK SPRINGS RD. SIGNAL UPGRADE & INTERS. IMPVTS. (HARRISON) (S)	43 & 65	Y
100878	10	GREENE	HWY. 49/HWY. 34 INTERS. IMPVTS. (MARMADUKE) (S)	34 & 49	Y
012361	VAR	VARIOUS	STATEWIDE UTBWC IMPVTS. (2020) (S)	VAR	Y
FA3610	08	JOHNSON	PANTHER CREEK STR. & APPRS. (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.

2020-090

WHEREAS, House Joint Resolution 1018, commonly known as Issue 1, is on the November 3, 2020 General Election Ballot; and

WHEREAS, if Issue 1 is approved, the Department will implement the Renew Arkansas Highways Program that has been developed as a plan for future highway construction improvements; and

WHEREAS, the Renew Arkansas Highways Program includes \$100 million to be dedicated to improve selected sections of the Highway 412 Corridor between Huntsville and Black Rock over a 20 year period beginning in July 2023; and

WHEREAS, the North Arkansas East West Corridor Association (NAEWCA) has proposed that this funding be used for alternating passing lanes along this segment as an interim improvement towards the ultimate goal of a four-lane facility; and

WHEREAS, NAEWCA's proposal was sent to Highway 412 Corridor stakeholders for comment; and

WHEREAS, comments received were in general agreement with this proposal.

NOW THEREFORE, the Director is authorized to develop passing lane projects between Huntsville and Black Rock if Issue 1 is approved.

2020-091

WHEREAS, Act 1 of the 90<sup>th</sup> General Assembly's Third Extraordinary Session established the Arkansas Highway Improvement Plan of 2016, which provides funding for highway construction; and

WHEREAS, a portion of Act 1 funding includes 25 percent of State Surplus funds;  
and

WHEREAS, the amount of State Fiscal Year 2019 State Surplus funds exceeded projections, which resulted in additional funding being made available for highway improvements beyond what was anticipated; and

WHEREAS, Minute Order 2020-004 authorized the use of up to \$15 million in Act 1 Surplus funding from State Fiscal Year 2019 State Surplus funds for projects that promote economic development and economic competitiveness;  
and

WHEREAS, the Arkansas Economic Development Commission has requested approximately \$2 million in State Fiscal Year 2019 State Surplus funds to support infrastructure improvements that will be needed to safely and efficiently handle increased traffic volumes associated with a new economic development known as Project Runner; and

WHEREAS, this request meets criteria established by Minute Order 2020-004.

NOW THEREFORE, the Director is authorized to commit up to \$2 million from the State Fiscal Year 2019 State Surplus funds for infrastructure improvements at Galloway as requested by the Arkansas Economic Development Commission and supported by the Governor.

Chairman Moore opened the meeting by welcoming those in attendance in-person, as well as those who were watching online. Chairman Moore recognized Director Tudor who presented the Commission with the Governor's Quality Award. The Department was awarded the Commitment Award – For Demonstrating Serious Commitment to the Use of Quality Principles to Achieve Performance Excellence. Four Staff members were recognized for their work in presenting the accomplishments of the Department for this award.

- Jessie Jones – Program Management Division Head
- Alicia Hunt – Human Resources Assistant Division Head
- Jacqueline Hou – Transportation Planning and Policy Senior Engineer
- Ross Maestas – Human Resources Workforce Development Coordinator

### MOTIONS

MOTION Vice Chairman Alec Farmer moved, Commissioner Marie Holder seconded and the motion passed to approve the Minutes from the September 2 and September 23, 2020 Commission Meetings.

MOTION Vice Chairman Alec Farmer moved, Commissioner Keith Gibson seconded and the motion passed to authorize the use of electronic signatures for the October 14, 2020 Minute Orders.

MOTION Vice Chairman Alec Farmer moved, Commissioner Keith Gibson seconded and the motion passed to approve the Proposed 2021 Legislative Package, with exception to the Scenic Byway Designation for the Hot Springs Bypass Extension and the ASHERS Retirement Board recommendations (to be further reviewed at a later date).

MOTION The Commission approved Minute Order 2015-017 on March 11, 2015, authorizing the Department to request proposals, select

consulting firms and enter into any necessary contracts and agreements with the firms for environmental services in accordance with state and federal laws. Public advertisement was made on August 16, 2020, in the Arkansas Democrat-Gazette and on the Department's website. Commissioner Philip Taldo moved, Commissioner Keith Gibson seconded and the motion passed to accept the Staff's recommendation to enter into negotiations to provide on-call cultural resources services for 2021-2023 with the following firms:

Cultural Resource Analysts, Inc. (CRA) – Shreveport, Louisiana  
Flat Earth Archeology, LLC – Cabot, Arkansas  
Panamerican Consultants, Inc. – Memphis, Tennessee  
Wood Environment & Infrastructure Solutions, Inc. – Jefferson City, Missouri

#### OTHER DISCUSSION ITEMS

Patrick Patton, Chief Fiscal Officer, provided the September 2020 update on State Highway Revenue. Mr. Patton noted that State Highway Revenues to the Department from traditional sources are up a total of 12.5% (\$13.2 million) in the State Fiscal Year (SFY) 2021 compared to SFY 2020. Act 416 Revenue is 10.4% (\$1.4 million) above budget. Revenue from the Natural Gas Severance Tax is lower this year compared to last year. Total revenues available are 9.0% (\$9.5 million) above last year. Actual State Revenue received is 8.3% (\$7.7 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 7.17% higher, (\$1,236,462) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is above projections by 8.12% (\$4,205,802). Since inception, this revenue source is 0.04%, or \$0.57 million, above DF&A's projections.

Director Tudor updated the Commission on the financial impacts of COVID-19 to the Department. Director Tudor highlighted that total revenues since March are down \$10.3 million and total consumption for the same time period is down 93 million gallons when compared to the previous 12 months. Director Tudor also noted that while the largest decrease in travel occurred during the first few weeks of April, traffic is continuing to return to normal levels. Passenger vehicle traffic was down by 5% and truck traffic volumes are back to expected levels compared to October 2019. Director Tudor noted that staff was continuing to run different case scenarios and cash forecasts to make the best decisions on State highway revenues. Currently, there are no changes in bid letting plans.

Director Tudor unveiled a new slogan “Safe at Home – Safe at Work” and reported that ARDOT has begun efforts to bring high-risk employees back to work. ARDOT is developing an individualized plan for each high-risk employee with safety as the highest priority. Director Tudor then briefed the Commission on the number of positive, suspected, potential and secondary cases of Department employees since March 2020.

Kevin Thornton, Assistant Chief of Administration, updated the Commission on the status of Federal Highway and Transit funding issues. The FAST Act expired on September 30, 2020; however a Continuing Resolution was authorized, which will provide a one-year extension of the FAST Act, including Federal Funding until December 11, 2020, and \$13.6 billion for the Highway Trust Fund. If Congress is unable to pass a spending bill by December 11, another Continuing Resolution will have to be authorized to keep Federal Funds flowing. Mr. Thornton updated the Commission on the recent Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grants that ARDOT applied for earlier this year. Three applications were submitted and two were awarded BUILD Grants. Highway 83 Spur to Highway 278 Connector in Drew County was awarded \$4 million. Highway 67 Corridor Improvements in Pulaski and Lonoke Counties was awarded \$10 million.

Director Tudor presented the Commission with the Draft Statewide Transportation Improvement Program (STIP) for Federal Fiscal Years 2021-2024. Before discussion ensued, Commissioner Marie Holder requested to postpone discussions until the December 9, 2020 meeting to allow for further review. The other four Commissioners agreed and this agenda item was postponed.

Director Tudor presented the Commission with the Proposed 2021 Legislative Package in preparation for the 93<sup>rd</sup> 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. Deputy Director and Chief Operating Officer, Randy Ort, presented the Commission with two items – Seeking Scenic Byway status for the Hot Springs Bypass Extension and Autonomous Vehicle Responsibility to DF&A. Arkansas Highway Police Chief Jay Thompson presented two items affecting the Highway Police Division – Change Vehicle Weight for Intrastate Commercial Motor Vehicles and Change Maximum Vehicle Height Law. Chief Legal Counsel Rita Looney presented two items – Amend Relocation Assistance Laws to Reference Federal Law and Change of Oath of Office for Department Employees. Arkansas State Highway Employees Retirement System (ASHERS) Executive Secretary Robyn Smith presented the possible legislation regarding Contribution Policies, Benefit Calculations and Eligibility Requirements. By way of motion, the Commission approved the Legislative Package with exception to the Scenic Byway Designation and the retirement package. A Retirement Workshop will be

scheduled at a later date to further explain in more detail. The Commission will revisit prior to the December 1 submission deadline.

Director Tudor updated the Commission on Issue 1. At the time of the meeting, there were less than three weeks until the November 3 vote. Director Tudor noted that since the end of July, 46 presentations have been made educating the public on Issue 1. An additional six presentations are scheduled between now and November 3, with hopes of adding a few more.

Director Tudor provided a brief review of the recent Guidehouse Efficiency Review, which began on September 24, 2019. To date, the following recommendations meetings have been held:

- July 22 – Organizational Structure and People Capabilities
- August 5 – Portfolio Planning
- August 19 – Expenditures
- September 16 – Procurement and Information Technology

At its October 5, 2020 meeting, the draft Report was submitted to the Subcommittee and was later adopted at the October 12, 2020 meeting. On November 20, 2020, the Draft Final Report will be presented to the full Arkansas Legislative Council.

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

2020-092

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 11:40 a.m., October 14, 2020.

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 October 14, 2020.



Christie Heidelberg  
Commission Secretary