MINUTES FOR THE TRANSPORTATION COMMISSION MEETING
TO BE HELD IN THE ODOT BUILDING COMMISSION MEETING ROOM
OKLAHOMA CITY, OKLAHOMA

BE IT REMEMBERED that on Wednesday the 6th day of February, 2017, at the hour of 11:00 a.m., the Transportation Commission met in the Commission Meeting Room of the ODOT Building in Oklahoma City, Oklahoma.

NOTICE of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2017 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in a prominent public view at or before 11:00 a.m. on Thursday, February 2, 2017, prior to the meeting, on the Atrium Informational Monitor in the ODOT building, and on the glass doors on the north side of the ODOT Building in accordance with Oklahoma Open Meeting Act, 25 O.S. Section 311.

ITEMS PRESENTED BY COMMISSION CHAIRMAN

CALL TO ORDER: Mr. David Burrage called the meeting to order at 11:02 a.m.

ROLL CALL: Present:
- John Fidler    Member
- David Burrage  Chairman
- Bobby Alexander Member
- Brad Burgess   Vice-Chairman
- Pete Regan     Member

Absent:
- Dan Overland
- Greg Love
- Todd Huckabay

Presiding: David Burrage

The following items were presented and approved as written at the Transportation Commission meeting of February 6, 2017. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Commissioner Burrage recognized Deputy Director, Russell Hulin for his announcements.

Mr. Hulin announced that Jennifer Mason has been selected as the new Procurement Division Manager. The Procurement Division plays a key role in providing goods and services for the Department and fulfilling its mission. Jennifer started with the Department back in 2005 in the Comptroller Division and subsequently served a stint in the Transit Division as well, before coming into the Procurement Branch in 2013. She served in the leadership capacity in that Branch since that time and obviously now is being selected for the position. She was selected among a group of very qualified and excellent candidates, Jennifer is a Certified Procurement Officer and she's also a member of the Oklahoma Association of Public Procurement and the National Institute of Governmental Purchasing. We would like for her to stand and be recognized during this time and welcome her to this position.
ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

13. Approval of the Minutes of the Transportation Commission Meeting of January 4, 2017

ACTION: Fidler moved and Regan seconded that the Minutes be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSTAIN: None
ABSENT: Overland, Love and Huckabay

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

14. Programming of Federal Railroad Crossing Safety Funds–Section 130 Title 23 Funds – Mr. Moody

a) Adair County – District I – a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at Twin Falls Road near Watts, with the Kansas City Southern Railroad - $261,200.00

b) Adair County - District I - a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at Adair County Road E0772 near Maryetta, with the Kansas City Southern Railroad - $361,200.00

c) Adair County - District I - a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at Adair County Road E0778 near Maryetta, with the Kansas City Southern Railroad - $261,200.00

d) Muskogee County - District I - a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at Craig Avenue in Braggs, with the Union Pacific Railroad - $280,706.00

e) Muskogee County - District I - a signal project which includes the installation of cantilever-mounted flashing light signals with gate arms at York Street in Muskogee, with the BNSF Railroad- $267,812.00

f) LeFlore County - District II - a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at LeFlore County Road E1440/Forest Hill Road near Howe, with the Kansas City Southern Railroad - $280,700.00

g) Custer County - District V - a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms and advanced warning signs/markings at SH-73 in Clinton, with the Grainbelt Corporation Railroad - $319,576.00

h) Greer County – District V – a signal project which includes the installation of pedestal-mounted flashing light signals with gate arms at the old alignment of US-283 near Blair, with the Grainbelt Corporation Railroad - $212,365.00

15. Transportation Safety Improvement Projects – Mr. Pendley

a) Harper County – District VI - to change the traffic control at the intersection of SH-149/CR-E0210 and SH-46, from 2-Way stop control to 4-Way stop control

b) Osage County – District VIII – the installation of School Zone Advance Warning Signs with Flashing Beacons on SH-99 and SH-20 in the City of Hominy - $68,000.00

16. Speed Zone Revision – Mr. Pendley

Texas County – District VI – various locations along US-412/SH-3
17. **Land Sales – Mr. Phillips**

a) Marshall County - District II - Land Sale – approximately 0.51 miles South of Madill at the Southwest Corner of the Junction of US-70 and SH-70F - $13,500.00

b) Murray County - District VII - Land Sale – approximately 1.75 miles South of the City of Sulphur on the West side of US-177 - $8,075.00

c) Oklahoma County - District IV - Land Sale – in Oklahoma City at the Southeast corner of the intersection of NE 73rd St. and N. Santa Fe Avenue, approximately 0.30 miles South of Wilshire Blvd. - $15,000.00

d) Oklahoma County - District IV - Land Sale – in Oklahoma City at the Southwest corner of Oklahoma Blvd. and South Broadway Avenue - $2,870,000.00

e) Oklahoma County - District IV - Land Sale – in Oklahoma City at the Northeast corner of South Robinson Avenue and new I-40 - $633,000.00

f) Wagoner County – District I – Land Sale – in the City of Coweta at the Northeast corner of the intersection of SH-51 and Broadway Avenue - $3,500.00

18. **State Highway System Revision – Mr. Swift**

This item is necessitated by new construction on US 64 in Pawnee County. Construction Project BRFY-159C(042) with Job Piece Number 20897(04).

Add to the State Highway System a segment of new highway to be designated US 64, beginning at a tie with existing facility approximately 7.50 miles East of Pawnee and extending northeast 0.96 miles to a tie with the existing facility.

Remove from the State Highway System a segment of US 64, beginning at the new construction and extending northeast 0.99 miles to a tie with the new construction. The abandoned segment of US 64 is scheduled to be obliterated. Neither roadway nor right-of-way will be transferred.

All new construction will be located within Section 20, T21N, R6E.

This revision will become effective upon approval by the State Transportation Commission, and the completion of new construction.

**ACTION:** Huckabay moved and Regan seconded that the Consent Docket be approved as presented.

**MOTION:** Carried by the following vote:

**AYES:** Fidler, Burrage, Alexander, Burgess and Regan

**NAYES:** None

**ABSENT:** Overland, Love and Alexander

END OF CONSENT DOCKET

**ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler**

19. **Engineering Contract**

a) Statewide – All Districts – Off System Truss and Fracture Critical Bridge Inspections
The aggregate total not to exceed amount for these three contracts is $3,750,183.00

b) Kay County – District IV – to provide preliminary engineering and prepare construction plans for SH-11 over Abandoned Railroad 0.63 miles east of US-177 Jct.

EC-1841 Atkins North America, Inc.

The aggregate total not to exceed amount for this contract is $292,695.00

c) Kingfisher County – District IV - to provide preliminary engineering and prepare construction plans for SH-33; Widen and Resurface from the Logan County Line, extend west 5.0 miles

EC-1842D MKEC Engineering, Inc.

The total not to exceed amount for this contract is $628,850.00

d) Logan County – District IV - to provide preliminary engineering and prepare construction plans for SH-51: shoulders and resurface from 1 mile east of US-77, extend east to I-35.

EC-1842C Guy Engineering Services, Inc.

The aggregate total not to exceed amount for this contract is $341,842.00

e) Beckham County – District V – to provide preliminary engineering and prepare construction plans for I-40; Rehab Bridges over US-283 located 13.4 miles east of the SH-30 Junction.

EC-1844 MKEC Engineering, LLC

The aggregate total not to exceed amount for this contract is $261,700.00

f) Custer County – District V – to provide preliminary engineering and prepare construction plans for SH-33, reconstruct pavement beginning 0.37 miles east of SH-47 and extend east 0.67 miles in the City of Thomas.

EC-1843 Atkins North America, Inc.

The aggregate total not to exceed amount for this contract is $416,400.00

g) Carter County – District VII – to provide preliminary engineering and prepare construction plans for SH-142 over the BNSF Railroad 3.8 miles east of I-35.

EC-1846A Benham Design, LLC

The aggregate total not to exceed amount for this contract is $1,196,905.00

h) Love County – District VIII – to provide preliminary engineering and prepare construction plans for SH-153 bridge over I-35 & reconstruct interchange 5.3 miles north of the Texas State Line

EC-1846B White Engineering Associates, Inc.

The aggregate total not to exceed amount for this contract is $1,029,315.00
ACTION: Fidler moved and Regan seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland, Love and Alexander

20. Engineering Contract Supplements

a) Payne County – District IV – for additional engineering to develop final construction plans for SH-33: SH-18 (Little Avenue) & Linwood Avenue in Cushing
   EC-1458 Supplement 2 Meshek & Associates, PLC $21,908.00

b) Grady County – District VII – for additional engineering to develop final construction plans for US-277: Over Smith Creek 2.7 miles west of US-81
   EC-1617A Supplement 2 Cabbiness Engineering, LLC $49,085.00

ACTION: Burgess moved and Alexander seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland, Love and Huckabay

ITEMS PRESENTED ON BEHALF OF THE PROGRAMS DIVISION MANAGER – Ms. Hilmes

21. Lettings

a) Final April 2017 Bid Opening
b) Tentative May 2107 Bid Opening
c) Tentative June 2017 Bid Opening

ACTION: Regan moved and Fidler seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland, Love and Huckabay

ITEMS PRESENTED BY ASSISTANT DIRECTOR OF OPERATIONS – Mr. Raymond

22. Change Orders with Cumulative Total of $50,000.00 or Less – Information Only

a) Adair County - Co. Rd. - STP-201C(019)CI / 31048(04), $3,218.72
b) Bryan County - Co. Rd. - CIRB-107C(134)RB / 24800(04), $38,674.13
c) Comanche County - SH-49 - STPY-216C(034)3B / 30952(05), $30,762.50
d) Creek County - Co. Rd. - STP-119D(005)CI / 29217(04), $5,466.44
e) Delaware County - SH-116 - SBR-221C(027)SB / 29827(04), $16,772.71
f) Garvin County - SH-76 - ACSTP-125B(137)SS / 23264(04), $5,500.00
g) Grant County - US-81 - SSP-127B(064)SS / 21851(04), $25,041.51
h) Hughes County - SH-9 - ACSTP-232C(050)SS / 28921(04), $18,140.00
i) Johnston County - SH-1 - SBR-235C(017)SB / 29603(04), $49,999.52
23. Change Orders with Cumulative Total Greater than $50,000.00

a) Caddo County - Co. Rd. - CIRB-108C(299)CB / 28389(04), $88,480.00
b) Canadian County - I-40B - SBR-109A(180)SB / 28311(04), $114,187.42
c) Carter County - SH-53 - STPY-110C(157) / 23291(04), $107,337.72
d) Carter County - I-35 - HSIPIG-3500(010)TR / 31558(04), $38,040.00
e) Cherokee County - SH-82 - STPY-111C(093) / 23139(04), $0.00
f) Cleveland County - I-35 - NHPP1Y-0035-2(176)(304) / 09031(05)#1, $52,116.15
g) Cleveland County - I-35 - NHPP1Y-0035-2(176)(304) / 09031(05)#2, $282,114.46
h) Cleveland County - Ct. St. - STP-114B(222)AG / 25648(04), $28,672.45
i) Cleveland County - Ct. St. - STP-214B(042)(063)AG / 29293(04), $36,036.00
j) Craig County - SH-66 - STP-118C(093) / 24121(04), $124,923.93
k) Craig County - Co. Rd. - STP-218C(041)CI / STP-218D(040)CI / 29405(04)#1, $80,521.78
l) Craig County - Co. Rd. - STP-218C(041)CI / STP-218D(040)CI / 29405(04)#2, $68,069.70
m) Custer County - Co. Rd. - CIRB-120C(158)RB / 24863(04), $60,156.20
n) Dewey County - US-270 - NHPP-017N(225)SS / 17671(32), $123,977.70
o) Garvin County - I-35 - NHPP1-3500(020)SS / 28940(04), $162,982.45
p) Greer County - Co. Rd. - CIRB-128D(074)RB / 24948(04), $65,000.00
q) Johnston County - SH-99 - STP-235B(023)SS / 27142(04), $8,062.40
r) Johnston County - SH-1 - SBR-235C(017)SB / 29603(04), $7,828.40
s) Kay County - SH-156 - SBR-236N(029)SB / 29492(04), $76,787.13
t) Kingfisher County - SH-51 - SSP-137C(070)SS / 24211(05), $50,493.52
u) Latimer County - US-270 - SBR-239B(003)(016)SB / 28917(04), $75,606.15
v) Logan County - I-35 - SSP-3500(027)(028)(029)SS / 31813(04), $29,440.00
w) McCurtain County - US-70 - NHPP-245N(018) / 17427(04), $44,279.04
x) Oklahoma County - SH-152 - ACSTP-275C(032)SS / 29524(04), $169,773.75
y) Oklahoma County - SH-50 - SBR-276C(015)SB / 29463(04), $51,000.00
z) Ottawa County - Co. Rd. - BRO-158D(086)CO / 22188(04), $70,077.04
aa) Pottawatomie County - Ct. St. - STPY-163A(356)SG / 22908(05), $60,000.00
bb) Stephens County - US-81 - NHPP-269N(020)SS / 20316(23), $1,210.00
dd) Tulsa County - SH-11 - STP-172B(368)SS / STP-272B(094)SS / 31065(07), $5,580.00
e) Tulsa County - US-169 - NHPP-272N(077)SS / 27939(04), $7,373.00
ff) Tulsa County - US-75 - SBR-272N(114)SB / SSP-272N(123)SS / 30592(04), $35,060.99
gg) Washita County - SH-152 - ACSTP-275C(032)SS / 29524(04), $169,773.75
hh) Woods County - SH-50 - SBR-276C(015)SB / 29463(04), $51,000.00
NOTE: Commissioner Burrage commented, “We are still filing contracts around the 3% range on overs and unders for the last 10 years; is that the right number”?

Mr. Raymond answered, “Yes, I believe it’s less than that; less than 3%”.

Commissioner Burrage said, “You guys do a good job, thank you”!

ACTION: Alexander moved and Fidler seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSENT: Overland, Love and Huckabay

24. Change Order Approval Process

Delegation of Change Order Approval Authority Increase as allowed by State Statute and Commission Rule

Information Only: No Commission action required.

Mr. Raymond explained that this is an informational item, no action is necessary. This is to document a change in our Change Order approval process and to increase the delegated Change Order approval authority to the field Division Engineers from $50,000 to $75,000.

Statute provides that by Commission Rule, the Commission may authorize the Director of the Department of Transportation to approve Change Orders in the amount not to exceed $500,000 and by rule, you all have done that. The Commission Rules do grant that approval to the Director and it further grants the Director to delegate Change Order approval authority to the field Division Engineers up to $75,000 on a contract. That went into effect back in 2013; we have never reflected that change in the Commission Rules in our process, and we would like to document that today; effective February 13th the Department will begin processing Change Orders under that $75,000 delegated authority. Any Change Order approved by a field Division Engineer and submitted to the Construction Division prior to that date will be presented at the March Commission Meeting. But if it’s presented to the Construction Division after that day up to $75,000 will be rolled into the informational item starting with the April Commission Meeting. This Item is presented for your information only. No action is necessary, but I'll try to answer any questions that you have.

Commissioner Burrage: I appreciate you reading that for us and we covered it also in our Sub-Committee Meeting and we have been talking about it for a couple of months now.

Mr. Raymond said, “That’s correct sir, thank you for your support on this”.

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

25. Awards

January 19, 2017 – Regular Letting

ACTION: Burrage moved and Fidler seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Overland, Love, Burrage, Huckabay and Regan
NAYES: None
ABSENT: Overland, Love and Huckabay
ITEM PRESENTED BY THE DIRECTOR – Mr. Patterson

26. Director’s Report

Director, Mike Patterson said he just wanted to touch on a couple of things. Chelley came up and we talked about the tentative and final bid openings that are in the coming months. They're smaller than what we normally see this time of year; it's not a situation to be alarmed about, quite frankly I think for what we're given, it is a good thing. We're under a continuing resolution until late April and we have used up all of our federal funds that were allocated to us. So that's a product of having projects on the shelf ready to go, so I'm not concerned about that. What concerns me is we're under a continuing resolution and that's an ongoing concern that we've had for a number of years. Hopefully Congress will take that up in due time and get us the balance of our money for the rest of the fiscal year. But I'm confident, in keeping with their normal operational methods that it will be late April when they do that. But again, I'm hoping that they will be able to give us the balance of the fiscal year and we can go ahead and get everything back on track and get it scheduled and get going. The projects that you'll see in those two months are primarily state funded or county funded only projects and so that's why they're so small. We've made the construction industry aware of the situation and we'll work through it just like we do everything else.

Just a quick update, you approved some more rail crossings this month. That takes us up to 196 locations for a total of $57.8 million dollars. You will recall that when we started this track it was $100 million dollar effort, unprecedented anywhere in the country. The legislature reduced it by $28 million dollars when they took $28 million last year as part of the budget compromise, so we're working with an amount less than that of $72 million dollars. So we're going to continue on that way so we're at $57.8 on the way to $72. Still, no other state has undertaken anything quite like this. I am so very proud of the way ODOT has undertaken this, along with the railroads; it's a big effort for them because we have to remember, we're the money part of this deal, but they have to go out and do the work; and they have adjusted their schedules and adjusted their crews to make this thing work and we're really appreciative of that.

Legislative session starts in just a few minutes; and it with some apprehension you know, you go into one of those things knowing the challenges that the legislature has with the budget and what that will mean for us. I will repeat a couple of things that I have recently stated, is that if we go through a similar kind of situation that we did last year in giving up $300 plus million dollars, will not be able to maintain the 8 year plan in its current form. So we'll be watching with interest, we know that there are some motor fuel tax increase bills out there going for either transportation or education, those are the two places that I've seen these motor fuel tax increases going. We will see where this takes us, we will be part of that discussion because we have to; that is the primary source of our revenue and typically it goes to transportation, so we will be part of that conversation. I don't foresee us getting more money than we're owed, and I use that word, "Owed", as that's what's in the statute, so we expect to get our full measure of motor fuel tax which is about $205 million and then the income tax allocation is expected to come to us. With all that being said, we're not anticipating more money but what we've been talking about is just, give us the money that's already in statute. So we will work through that as well.

My final thing is a bit bittersweet; today is George Raymond's last time to present before the Commission. Now I remember the first time I met George, we both had really long hair. I was the long blond headed guy and he was the long haired brunette guy. Our hair had gotten real short, now it's getting a little bit longer as you can see, but I don't know if George is going back to the old ways, I may someday, but not any time soon. George came to us back in 1986, he started in the EIT Program where so many of our engineers start; because it's a breeding ground for quality engineers and quality leaders for this organization. He became the Resident Engineer in Purcell in 1993 and stayed there for about five years, and then a couple of guys talked him into coming to the City. Then he became a Construction Engineer and in 2014 he was thinking about retiring and we talked him
into staying a couple more years; and he did that, he gave us 2 ½ years, even after thinking about leaving and I very much appreciate that.

One of the things George does, he does so many things for us inside a meeting room, but one of the things that he does, he keeps all the retirees engaged in ODOT. He organizes the monthly retiree luncheon; and that's a big deal keeping the guys that came before us together; and I guess in a month or so George will keep going, but he'll be on the other side of the table, he won't have to organize it anymore. Throughout his career I don't think anybody in this room would ever question George Raymond's intellect, his integrity or his loyalty to ODOT. He was always there for us as an organization and for me personally. Any time I needed something explained to me, he would always take his time to educate me and he's been doing that the entire time I've known him which is probably early 90's; and for that, I really appreciate George's dedication to all of us. He asked George to come up, because I know he wants to address the Commission.

Mr. Raymond commented, “That was very nice of the Director to say, it was all believable until he said nobody would question my intellect, and then it lost all credibility after that”. It's been my honor to serve in this capacity for the Agency for the past 2 ½ years as Assistant Director of Operations, and about 16 years prior to that up here in the City and 14 of that as a State Construction Engineer. I've been presenting to the Commission for over 16 years now and it's just been a pleasure for me and an honor and I've been really blessed to have this career at ODOT. The Director caught me before this meeting and he told me he was going to ask me to come up here and say a couple of things and as I was thinking, you know it dawned on me that there's two buzz words in government that kind of sum up my career and that's “Transparent” and “Tolerant”. All of you that know me know that I'm very transparent. I try not to be mean spirited about it, but sometimes it comes across that way. But nobody ever has any problem on knowing where I stand on an issue and I feel like I'm very transparent. I almost always have an opinion on something and I'm willing to share it. Occasionally, something will come up and I'll tell Casey, “I'm sorry but I can't help you with this, I don't really have an opinion on it”; and he'll just be shocked; so I'm very transparent. Then the tolerant part, it doesn't really explain me, but it explains all of the people that I work with, starting with you at the Commission. You all have been very tolerant of me. I've only been chastised a couple of times in private by Commissioners. All of the folks that I work with have always been tolerant of me. I've offered my two weeks letter of resignation twice in my career and my supervisors at the time refused to take it so it just goes to show you how tolerant they were of me. All of the folks that I work with and that have worked with me, have always been tolerant of me because I'm not easy to get along with at all times; I got two ex-wives that will testify to that. So I'd like to thank the Commission very much, thank the Agency for having me this long and I appreciate you guys as well. Thank you.

Commissioner Burrage said when he came here in the early 90s, two things struck me; and it was you two guys with a long hair and I thought where in the world did they come from, do they really work here or they like protesting or what. Lo and behold, you two guys became key leaders here! One thing I've always appreciated is your directness and your willingness to answer. Because as a Commissioner, you know the kiss of death for me is somebody just looking at you without an opinion or a comment or they don't know what they're talking about; and I've never found that with you. Really appreciate you and wish you a lot of success and people will miss you. I do have one final question, “Are you going to let your hair grow as long as it was”?

Mr. Raymond replied, “No Sir”!

Commissioner Alexander asked, “How long was your hair”?

Mr. Raymond answered, “I cut off an 11 inch long ponytail and donated it to the Locks of Love in May of 2002.
Commissioner Burrage said, “I appreciate your service, good luck in the future”.

Mr. Raymond said, “Thank you very much”.

Information Only: No Commission action required.

ITEM PRESENTED BY COMMISSION CHAIRMAN

27. Adjournment Motion

ACTION: Burgess moved and Regan seconded that the Meeting be adjourned.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Alexander, Burgess and Regan
NAYES: None
ABSENT: Love, Overland and Huckabay

Meeting adjourned at 11:28 a.m.
Approval of the Minutes of the Transportation Commission Meeting of February 6, 2017.

______________________________________
David Burrage – Chairman

______________________________________
Brad Burgess – Vice Chairman