

MINUTES FOR THE TRANSPORTATION COMMISSION MEETING

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

BE IT REMEMBERED that on Monday the 7th day of May, 2018, 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 2018 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, May 3, 2018, 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 11:03 a.m.

ROLL CALL:

Present:	John Fidler	Member
	David Burrage	Chairman
	Dan Overland	Member
	Greg Love	Member
	Todd Huckabay	Secretary
	Bobby Alexander	Member
	Brad Burgess	Vice Chairman
Absent:	Pete Regan	
Presiding:	David Burrage	

The following items were presented and approved as written at the Transportation Commission meeting of May 7, 2018. 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 Special Guests: Representative Avery Frix, Senator Dewayne Pemberton, Representative George Faught, Former Representative, Ben Robinson from Muskogee, Susan Davis from Triad and Jim Tymon from AASHTO.

ANNOUNCEMENTS AND PRESENTATIONS

The first thing we're going to do is; we've been asked by a delegation to make a presentation and Gerald Miller is going to represent them. So we will recognize him at this moment for his presentation.

Mr. Miller said, thank you, Commissioner Burrage, it's a pleasure to be here. Commissioners, thank you very much for the opportunity to be here to present our Petition opposing ODOT's Project of US-69 Bypass in Muskogee. I know this is unusual for you to have somebody come here today; in fact, it's unprecedented for this to happen. I have the Petition here that I'm going to submit to the Board as a whole. I'd like to submit that later and make it a part of the record, if you don't mind, because it's so big. I'd like to put it over here on this table.

Commissioner Burrage asked if that was the same Petition you have already given us.

Mr. Miller, yes, but with several hundred more signatures.

Mr. Miller said I know I only have 15 minutes, I'm going to have to go really fast; and I will try to explain our position on it as well as I can. I'm here on behalf of those 3,810 people that signed a petition opposing the bypass as well as Representatives Frix and Faught, Senators David and Pemberton, Mayor Coburn on behalf of the City, the Muskogee Hotel & Lodge Association, the Creek Nation, and others that have personally contacted me and ask that I speak on their behalf today. So that's all I'm doing and thank you very much for giving me that opportunity.

First of all, the US-69 project really started in 2002 and it was halfway completed in 2010, when half the project was completed, the north side of Okmulgee Avenue. Millions of dollars was spent on that half of that project. It was scheduled to be completed in 2020, when the bid opening for the southern half of that project was supposed to be completed. In 2014, this Board approved an engineering contract for pre-engineering services in the amount of \$1.1 million to begin that project. \$651,000 of that engineering contract has been expended and paid for, and that started in 2014. So the project was scheduled to be completed.

Something happened between 2014 and 2017. Together with the Freight Transportation Plan that was put together by ODOT, they also put together the 8 Year Construction Plan, which this board approved in October of last year. Three lines of that plan, of the 6 point font, and I think over 1,800 projects in the 100 pages or so of documents, there were 3 lines that changed: a line that had the utility services and right-of-way of 18 and \$2 million, and a 3rd line spread over another year for \$30 million for roadway and right-of-way. There was no mention of a bypass to anyone prior to that time, at least publicly. I don't know if ODOT talked to you individually, or if it was even brought to your attention. It was not mentioned at the meeting that the 8 Year Construction Plan was approved. However, shortly after the plan was approved, the City of Muskogee was notified by the Division I Engineer that the widening project was off the books, basically. They were going to do the bypass instead, a \$100 million project. They posted it on their website, basically saying that it was going to save 2-12 minutes of time, and it would cost \$100 million; \$70 million more than the widening project.

Now, the problem was they had to come up with a reason why they were going to do this. And the reason they stated was because #1 was safety; #2 was congestion and #3 had something to do with automated vehicles. And that's primarily the reason they said they were going to scrap the millions of dollars they spent on half the project up to the 2014 time, and the \$651,000 they'd spent on pre-engineering services to complete that project.

In February 2016 they had a study done and paid \$25,000 for it, to determine whether or not completing the widening project would be enough to solve the traffic flow problems. It said it was; the problem was they had to come up some way to dispute that. Now, the safety issue is #1 priority; the Division I Engineer said, #1 priority is safety and they had an in-house Safety Study that they did, that indicated that there were a lot of accidents and injuries and much higher than above average. But the problem is they fudged the numbers; they took every single incident in that safety report. Any time an Officer put in the report "69", it was included. That meant that if it put 300 feet in a parking lot on 69, it was included. If it meant that there was an animal strike, it was included. If it was a work zone area, it was included. In fact, they even included accidents well beyond the area that was going to be bypassed. So by doing that, they inflated the numbers and made it look a whole lot more dangerous than it really is.

So the City of Muskogee, using the same database that ODOT used to come up with the same exact report, filtered out the accidents that really didn't happen on US-69, and shouldn't have been included. And it turns out that area of that highway that they said was so dangerous actually has a lower accident rate and fatality rate than the average highway in Oklahoma. I don't have time to go in the details, but I can tell you that if you want to meet with the Safety Engineer and the City of Muskogee, he will present you with a project and the numbers. Their accident study is completely bogus, and that's the only thing you can say about it. They fudged the numbers to make it as an excuse to justify spending \$70 million more dollars.

The congestion issue; what do they do about this 2016 Operation Analysis that they paid \$25,000 for, that the conclusion said, that if you complete this with certain minor modifications it would be sufficient. Well, they had to attack it some way; the Division I Engineer did that. He found Table 2 in that document and it dealt with level of service in intersections; there are 2 columns, it's a grading system. I don't how familiar you are with level of service, I wasn't familiar with it, didn't understand what it meant, because he said that some of the level of service grades in that table indicated that even if you do the widening project in 20 years, that you're going to be in the same situation, because those grades are so low. I called Dr. Ahmad at the Oklahoma State University, so he could give me a quick course on what that actually meant. And what he told me, basically, was that the movement that was the question, the poor grades, was caused by the side streets, something the Division I Engineer didn't tell you. Something that he didn't tell the public or even in-house. He omitted to tell you that the reason these grades were so poor in the movement is because of the delays in the side street. The study on page 8, itself basically dealt with that issue and says, basically, that the low level of service for the side street movement is a common phenomenon for traffic turning onto busy artillery during the peak hours of the day. The movement issue, how it's defined, it's a complicated formula that deals with movement for all directions. And I think he didn't think anyone was going to be smart enough to figure out that the excuse not to use the 2016 Operation Analysis conclusion was all they needed to do to solve the traffic problem, so that nobody would figure it out. But that's the truth! Bottom line, he misrepresented by omission, by not telling you that the reason those delays are so high is the side street traffic, not the north-south traffic. So the congestion issue, that's not an excuse that's valid either. The third excuse he made to ignore that report was because of the automated vehicles in the future, and there's just no data to support it. It's just something came up with, to be honest with you. Those are the 3 primary reasons they're going to scrap all the millions of dollars spent on the first half of this project and the \$651,000 in pre-engineering service to complete it.

Now, the alternatives are, you know, when this came to the surface, Secretary Patterson came to Muskogee at Representative Frix's request, and they had a meeting. 400 people showed up and it was not a very friendly place. And prior to that meeting, they were told publicly by Cody Boyd that this I-pass is set in stone at the meeting then they talked about alternatives. But the reality of it is; there really are no alternatives. They began contracting with a firm in Kansas City in September of last year to prepare the infra application that's currently in the process. They had a Kickoff Project Meeting in January. There are survey stakes out today in Muskogee. And if you look at the cover of the materials I gave you, that center stake is the actual center stake going through to the heart of one of the largest churches in Muskogee. The real reasons or why the bypass, why they're suggesting it, it happened because at the end of December 2015, the FAST Grant program came of light. And that FAST Grant Program requires states if they want a piece of the pie, they have to come up with a Freight Transportation Plan that had to meet certain requirements. One of those things was called a Critical Route Freight Corridor. They had to designate certain highways and it has to meet specific criteria such as the amount of traffic that is freight. And that requirement is that that freight traffic has to be in Class 8 through 13 has to be freight on that highway to designate it as a criteria, as a CRFC in the Freight Transportation Plan, in turn making it eligible for new federal money under the FAST Grant, now INFRA grant. So that's what they did. In the Freight Transportation Plan if you look at it, there's a nice and pretty chart that says US-69 is a CRFC, and it even says that there is 25% freight traffic on that highway to justify it under the specific federal statute that requires it. The problem is I was provided last week the actual copy of the Traffic Study that ODOT used; it isn't 25, it was 18, not making it qualified as a CRFC under the Federal Grant. They certified that it met it, it did not; and I have that study, I have the letter from the person that prepared it. There are columns there; it's in the materials that I've provided you. You can go back and average it out; it's 18.1%, not 25. There may be other grounds to qualify it as a CRFC, but freight traffic is not part of it.

The area and the real reason is the money. Suddenly, \$100 million, they saw dollar signs in their eyes. And they're going to do all this in house, the designing, and engineering; all except for environmental is done internally. And that's \$70 million more dollars that they can get to fund their operations. That's the motivation and it has clouded their judgment. They've ignored the previous money spent, the millions spent previously in order to do this. They've ignored the community, they've ignored the Representatives, and they've ignored everybody, basically, in regard to that issue. And that's why I'm here today. There is absolutely no support for this in the community at all.

Let's talk about the; I call it the path of destruction. Instead of widening the project, which the 2010 Operation Analysis Study said would be adequate for traffic flow until 2040, they're going to tear through established farms; they are going to take out 12-18 homes. If you look at the picture on the cover of the materials I've given you, right down the middle of the largest church in Muskogee. And on either side of that church is a \$10-12 million nursing facility; on the other is an elementary school that's been there for years (my kids went there). Literally, the right of way is encroaching within 50 feet of the door of the nursing facility and the playground on the school. That's where the Division I Engineer wants to put this highway. You know the issue of safety being the #1 concern. If you can imagine a truck coming up 69 on this newly completed bypass going 75 miles an hour, it's going 111 feet per second. At that rate, let's say he's approaching the new intersection at 62 and 69; he looks down because he gets a text for just a few seconds, when he looks up, there's a car coming at him. They're in front of him; they have just entered the freeway; he has about 1 second to make a decision what to do. He can't go left, which wouldn't be the thing you'd normally do because there's a barrier there or maybe traffic. So he does have the normal instinctive thing and he jerks right; in 1-3 seconds, he's on the playground. If he's carrying 9,000 gallons of diesel, what he's carrying is the equivalent of 314 tons of dynamite. Now, think about that; and safety is the #1 concern of the Division I Engineer who came up with this plan. It just boggles the mind. If you want to see what that looks like, I think turn to page 16 in the materials and you'll see what happened in Kingston in September, 2017 when that exact same thing happened. Infernal, it's just unbelievable. But it could be a car or a truck around ice, it could be anything. It can travel a long way on wet grass or slick conditions and it could cause serious damage. Would you want your children in that playground or were your parents in that nursing home, with knowing that that's a possibility? Is it a possibility? It absolutely is a possibility. It's happened at least 5-6 times in Oklahoma in the last 15 years (3 times on the Muskogee turnpike within the last 5).

So that's a real possibility of something happening if they put this bypass where they say they're going to put it. And for what; for the money; and that's the only reason they're going to do it. Yeah, they'll tell you the freight industry wants it. I mean, I agree, they would rather have from point A to point B, nothing but just a straight highway. But they don't take into consideration the economic damage that will be done or the safety considerations, because their judgment is clouded, basically.

There are really alternatives to this; the easiest alternative is just to reinstate the widening project the way it was. It was fine in 2014, and really nothing's changed since then, except the money; that's the only thing. And so that would be the easiest alternative to put back into place. But there's also, if they want to increase the more limited access, they could do that, too; and the City would be willing to work with them on that. Or if they want to reduce the traffic at a particular intersection, the City will work with them on that maybe close the street. For instance, the Operation Analysis dealt with 1 street that's not even going to be open. It was projected to be open for an event center, but that's been scrapped, that's not going to happen that intersection just goes away. And the Division I engineer also misrepresented 1 thing I think that's important; he classified a D grade as not acceptable; it is acceptable. And so he misrepresented, really, the reason why that Operation Analysis that you paid good money for was not valid. Don't take my word for it, but I wouldn't suggest you take the guy who's pushing a \$100 million project word for it either. Ask the guy who you paid \$25,000 to tell you what it means and he'll come here and tell you that Operation Analysis study is valid; and if you complete it, you won't have to spend \$70 million and get the community in an uproar and risk the danger and safety of the people in that community. That's the truth; and that's why I'm passionate here today and that's why it's important that you do what is necessary to be done to correct the situation.

I'm about out of time; 15 minutes goes by fast when you have this kind of thing, and I'm going to try to stick to the rules here. But I want to say 1 thing, I know this is unprecedented; it is also unprecedented in an Agency like ODOT that you have 8 independent, highly intelligent, highly educated, successful business people on a board to oversee what they do. There's a reason for that. This is the reason; it is because the Legislature knew that no 1 person or 2 people at an agency should make a decision that can harm the citizens of the State of Oklahoma or a community, and also to watch out for corruptions. Normally, in 99.9999% of the time when they come here over the last 15-20 years, you pretty much approve everything they bring to you, because what they bring to you is honest and sincere and has been thoroughly thought out with good common sense and judgment. That people are human, experts make mistakes, and their judgments are clouded. In an airplane crash, most of the time it's pilot error that we put our blind faith into that gets you killed. Well, if you put blind faith into a Division I Engineer who's really basing his decision to do this on

money and not on any of the other factors and doesn't take into consideration the opposition of the entire community, 3,800 people signing a petition, that's more than voted in the last election in Muskogee. Representatives, both State and Federal are opposed to it; the Chamber of Commerce; the Muskogee Hotel & Lodge Association. Literally, there is no support for it except for within the walls of this building. This is why you are here; this is your moment, you have the duties and responsibilities to oversee their actions and their decisions. And when those judgments are impaired by the fact that they could get \$100 million and make a lot of money doing it; and if we get a limited access highway, that's all the better; then it's time for you to intervene. The City of Muskogee and all the people that I represent here ask you to do what the Legislature wants you to do, and oversee what ODOT has done here and override their decision to do this bypass, and to build it, and to instruct them to go back and finish the job they started and not waste the tens of millions of dollars they've spent for absolutely nothing, just because they can make more money if they're lucky enough to get an INFRA grant, which is highly doubtful, because we are working on a Joint Resolution from the Legislature to send to the Department of Transportation Secretary, to tell them they don't want it and all these other people don't want it.

The FAST Grant application that was granted in Bryan County that was granted had just the opposite. They had letters from the Cities, letters from their Representatives, and letters from the Indian Tribe. And we've got letters just the opposite, including from the Creek Nation a resolution opposing this bypass. How they think they can get \$100 million dollars when nobody's for it but them, I don't see how that can be possible. In the meantime, the economic harm that's being caused because development has stopped in Muskogee because of the announcement of this project.

I've taken up all the allotted time I have. If anyone has any questions, I can certainly answer them as best I can here today. I've provided a brief in the materials that I've given you. And if you would take the time to take it home and read it, you'll see that it's documented, it is backed up with exhibits that support everything I've said here today. And I did that because I can't get it all in 15 minutes. There's just no way I can do it. So I thank you for your time and attention. Unless anybody has any questions, I've pretty much said everything I can say in 15 minutes.

Commissioner Burrage thanked Mr. Miller for his time and input. He said, "I will tell you that when you refer to "They", you're actually referring to us and the nearly 2,400 employees of ODOT". And we generally don't make a habit that I know of, in issuing bogus reports or chasing grant money for the sake of money. I would ask you to look at our track record and see if we've ever chased 100 million dollars just for the sake of having money to operate with, because in the history of the Department since I've been associated in nearly 20 years, I've not seen that kind of fervor for money. I would tell you that there are lots of other places with just as dire needs as Muskogee that can use money, whether it's grant money or appropriated from the State or comes from Washington DC. Your passion, as I told you, needs to be on display and the community's compassion needs to be on display to let us know how you feel. Nobody wants to slow you down there. Whether or not the decision to make a bypass in Muskogee comes to fruition is never an easy one. There are many communities that cry for bypasses and there are those that don't. We have to look at it in a more antiseptic way and we will continue to do that and we will continue to talk about it more. But I would remind you that it's not one heartbeat making this decision, not one Division Engineer that's going to decide what happens. There is a table of Senior Executives right there that will be involved, there's Commissioners that represent the District and as a whole. And while it is a big decision and it is unprecedented to allow someone to speak, we hope that you hear what we are telling you, that we are listening.

Mr. Miller I would like to say that I believe that the ODOT employees give their heart and soul to the agency and what they believe in, and that they are honest and do the best job they can. And many of them give their lives for us to make our highways safer; and I do not mean to defer that. What I'm saying is that the facts surrounding the decision to make this bypass that has been provided by one employee has not been entirely open or truthful; and that's the reality.

Commissioner Burrage said, well; let me stop you for a minute. There's so many people looking at this from so many different angles that there's not 1 guy in here that's going to pass something off and nobody not know it. And we probably don't need to debate that here, because we need to move on; but thank you for coming.

Mr. Miller said, "Thank you".

Commissioner Burrage said thank you for bringing your guests; and thank you for giving us this information.

Mr. Miller said that's the point of it, is that the information is all in the materials I've given you; it is documented. And I just ask you to take the time and look at it and consider the position of everyone in the community with this. And I do appreciate very much the work that you all do and the volunteer services that you all do and the oversight that you do. And I would ask that you look at it objectively and take in consideration to help us and intervene in this process so it comes to some closure, so we don't have this continued battle, because it's not good for ODOT and...

Commissioner Burrage said well, just don't forget we're for you, we're for Muskogee, and we're for Oklahoma. We wake up every day in the same State you do.

Mr. Miller said alright, I understand.

Commissioner Burrage said we certainly appreciate you coming; thank you.

Mr. Miller said thank you very much, Mr. Chairman and Commissioners.

Commissioner Burrage recognized Secretary/Director Patterson for his announcements.

Secretary Patterson said that earlier you introduced several of our guests; 1 of them was Jim Tymon from AASHTO. Beginning yesterday, ODOT and AASHTO, (the American Association of State Highway and Transportation Officials) began a meeting downtown. There are actually 4 meetings going on and then a joint meeting with 4 of our Committees. Jim was gracious enough to come to town to be part of that collaboration that's going on downtown. And I thought it would be good if we could have Jim come later on in the program, but I just wanted to let you know who this guy is sitting next to me. He doesn't look like he's from around here, he's actually not; but Jim Tymon started with AASHTO in December of 2013 after serving the T&I Committee in the House for a number of years, being involved in 2005 and 2012 with the legislation that brings us our federal funds. So it'll be good to hear from Jim; I just wanted to kind of explain what he's doing here.

Earlier, you introduced Susan Davis of Triad Engineering. Susan serves as the Chapter President for Women in Transportation here in Oklahoma. Recently ODOT was humbly awarded the "Employer of the Year: by the Oklahoma Chapter of Women in Transportation; and I thought it would be good for Susan to come up and make a presentation.

Ms. Davis said, Mr. Chairman and Members of the Commission, I'm here today to present the WTS Oklahoma Employer of the Year Award to the Oklahoma Department of Transportation. For those of you who have not heard of WTS, it stands for Women's Transportation Seminar, but it is typically called Women in Transportation. The organization is an international organization that has 6,500 members and 79 local chapters. The mission of WTS is to attract, sustain, connect, and advance women's careers to strengthen the transportation industry.

The WTS Oklahoma Chapter was ratified in 2016 and we currently have 75 members. Our first member was Secretary Patterson and he led the way for the Oklahoma Chapter. I don't know if you guys have heard, but we did have our first Awards Banquet and Scholarship Gala last month and we had over 185 people attend and we actually sold out a couple of weeks before the event. We have tremendous support from the transportation community, including Oklahoma Department of Transportation. At the Gala, we presented 1 scholarship and 3 awards and the Employer of the Year Award was one of those. The Awards Recognition Program honors those who support WTS and the advancement of women and it heightens awareness of the importance of WTS in the transportation industry. The Employee of the Year Award honors an organization for recruiting, retaining, and advancing women, and selection was based on several of the following criteria: the number of women in executive and leadership positions, the career development plans in place for

women to advance, how the organization provides continuing education for its female employees, encourages women students to enter the field of transportation, and supports WTS involvement at the local level and also at the international level. Based on the criteria, ODOT was selected as our Employer of the Year. Recruiting women into a variety of roles includes key leadership positions statewide, which will be a key factor for ODOT, as 30% of its workforce nears retirement. ODOT employs 460 women statewide with a variety of job duties. These women make up 20% of the department's workforce of the 2,277 employees. Women make up nearly 5% of the executive and senior level positions. ODOT is a strong supporter of WTS, and currently makes up 25% of our WTS membership here in Oklahoma. Two of ODOT's top females serve on our board as well as Secretary Patterson. Secretary Patterson led by example by being our first member and also by leading the charge to create a WTS Chapter. With that I would like to present Secretary Patterson with the award.

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

54. Approval of the Minutes of the Transportation Commission Meeting of April 2, 2018

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

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

55. Transportation Control Improvement Projects – Mr. Pendley

- a) Sequoyah County - District I – installation of School Zone Advance Warning Signs with Flashing Beacons on SH-141 in the Town of Gans - \$25,000.
- b) Kay, Logan, Noble & Payne Counties- District IV - installation of pavement markings and centerline rumble strip in various counties at the following locations:
 - 1. US-177: From approximately 3.0 miles south of SH-51 extending north approximately 7.0 miles to Richmond Rd., in the City of Stillwater in Payne County;
 - 2. SH-51: From Jct. US-177 extending east approximately 4.1 miles, in the City of Stillwater, in Payne County;
 - 3. SH-33: From Wentz St. to Drexel St., approximately 9 blocks, in the City of Guthrie, in Logan County;
 - 4. I-35: From MM 185.3 to MM 192.5, approximately 7.2 miles, including bridge decks and ramps, in Noble County;
 - 5. I-35: From MM 213.8 to MM 236.9, approximately 23.1 miles, including port of entry, welcome center and ramps at US-177 and Hubbard Rd., in Kay County;
 - 6. US-77: From South Ave., extending approximately 3.6 miles north, in the City of Ponca City, in Kay County.

Project Total Estimated Cost is \$1,415,000.00

56. Speed Zone Revisions – Mr. Pendley

Oklahoma County – District IV – at various locations beginning at Hammond Avenue in the City of Warr Acres

57. Land Sales – Mr. Phillips

Creek County – District VIII – Land Sale – located on the North side of W 96th Street S. (W. Hilton Rd.) between the Turner Turnpike (I-44) and SH-66 - \$9,900.00

58. State Highway System Revisions – Mr. Swift

Seminole County – District III

This item is necessitated by an agreement between the State and the local jurisdiction regarding US-270 in the Town of Seminole in Seminole County. Project Number NHPP-267N(004)SS; Job Piece Number 29109 (04), Job Piece Number 32968 (04), Job Piece Number 33329 (04) and turn lane.

Remove from the State Highway System, a 3.41 mile stretch of roadway, known as US-270, beginning at the SH-9 junction and extending east to the junction of SH-270A. This portion of US-270 including right-of-way will be transferred to the appropriate local jurisdiction for further maintenance or abandonment. The SH-270A designation will be removed and hence be referred to as US-270. In accordance with state law, a Public Removal Hearing was held May 2, 2018.

This revision will become effective upon approval by the State Transportation Commission and completion of certification by Division III Engineer that the proposed removed roadways meet mandated criteria, and approval by AASHTO’s Special Committee on US Route Numbering.

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

END OF CONSENT DOCKET

ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

59. Programming Item

Tulsa County – District VIII - The Department requests approval to program a project to repair vehicle impact damage to 129th W. Ave over US-64 located 6.9 miles southeast of the county line in Tulsa County. The estimated cost of this project is \$175,000 using state-aid funds. This project can be ready for a September 2018 letting. The party responsible for the damage is known.

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

60. Engineering Contracts

Statewide – All Districts – Site Adaptation, Engineering and Architectural Services

EC-2000	CEC Corporation	\$1,500,000.00
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ACTION: Overland moved and Alexander seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Fidler, Burrage, Overland, Love, Huckabay, Alexander and Burgess
NAYES: None
ABSENT: Regan

61. Engineering Contract Supplements

- a) Cherokee County – District I – to perform additional engineering to develop final construction plans for SH-82 from 1.4 miles north of US-62/SH-51 junction, north approximately 6.5 miles.

EC-1369 Supplement 5 Garver, LLC \$1,651,575.00

- b) McCurtain County – District II - to perform additional engineering to develop final construction plans for SH-3 from 16.05 miles east of the Pushmataha County Line, east 1.5 miles and SH-3 from 17.55 miles east of the Pushmataha County Line east 4.5 miles.

EC-1330 Supplement 2 MacArthur Associated Consultants, LLC \$90,365.75

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

ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard

62. Change Orders with Cumulative Total of \$75,000.00 or Less – Information Only

- a) Alfalfa County - Co. Rd. - CIRB-102C(130)RB / 24832(09), \$54,987.40, 1.58%
- b) Alfalfa County - Co. Rd. - CIRB-102C(127)RB / 24833(04), \$19,204.20, 0.51%
- c) Alfalfa County - Co. Rd. - CIRB-202C(028)RB / 24833(08), \$9,589.42, 0.38%
- d) Atoka County - SH-48 - STP-203C(065)SS / 31850(04), \$27,230.00, 2.29%
- e) Atoka County - SH-7 - SSR-203C(062)SR / 32009(04), \$15,965.01, 2.18%
- f) Beckham County - I-40 - SSP-220F(039)SS / 24134(07), \$12,993.40, 13.31%
- g) Bryan County - SH-78 - ACSTP-207B(053)SS / 27912(04), \$113,562.71, -7.14% Underrun
- h) Bryan County - SH-91 - SBR-207C(073)SB / 32756(04), \$1,875.03, 0.92%
- i) Cleveland County - Ct. St. - STPG-114A(141)AG / STP-114E(299)EH / 28810(04), \$3,500.00, 0.11%
- j) Cleveland County - Ct. St. - STP-214C(004)AG / 28903(04) #3, \$11,773.03, 1.22%
- k) Cleveland County - Ct. St. - STP-214C(004)AG / 28903(04) #4, \$8,583.47, 0.89%
- l) Craig County - SH-82 - STP-218C(037)SS / 27089(04), \$10,156.50, 0.27%
- m) Craig County - Co. Rd. - CIRB-218D(058)RB / 30443(04), \$1,500.00, 0.18%
- n) Custer County - I-40 - SSP-220F(047)SS / 24134(08), \$1,028.34, 1.01%
- o) Grady County - SH-37 - STPY-226C(048)3P / 30520(04), \$0.00, 0.00%
- p) Haskell County - SH-9 - SSR-231B(028)SR / 31375(04), \$73,386.46, 5.82%
- q) Major County - US-60 - STP-247B(017) / 29446(04), \$51,842.03, 0.97%
- r) McClain County - Co. Rd. - CIRB-144C(129)RB / 25448(04), \$19,969.80, 0.62%
- s) McClain County - Co. Rd. - STP-244C(057)CI / 31268(04), \$12,291.55, 1.31%
- t) McIntosh County - US-69 - HSIPG-246N(011)TR / 30787(04), \$249,168.60, -6.59% Underrun
- u) McIntosh County - US-69 - SBR-251N(078)SB / SBR-246N(029)SB / 32066(04), \$49,990.50, 5.17%
- v) Okfuskee County - SH-48 - NHPPI-4000-(032)SS / 27055(04), \$216,667.57, -3.75% Underrun
- w) Oklahoma County - I-35 - NHPPI-0240-1(358)004SS / 09032(17), \$10,023.55, 0.09%

- x) Oklahoma County - Ct. St. - OKC-XTWN(078)SS / ACNHPPI-XTWN(079)SS / 17428(88), \$29,313.00, 0.11%
- y) Oklahoma County - I-240 - NHPPI-2400-(002)SS / 27971(04), \$397.86, 0.12%
- z) Oklahoma County - I-35 - HSIPIG-299I(132)TR / 32876(04), \$6,306.50, 1.18%
- aa) Okmulgee County - US-62 - ACSTP-256C(025)SS / 27098(04), \$25,924.45, -1.77% Underrun
- bb) Pottawatomie County - SH-9A - STPY-263C(042)(043)3P / 29711(04), \$21,991.80, 1.66%
- cc) Pottawatomie County - SH-9 - HSIP-263N(047)TR / 33159(04), \$19,208.12, 13.23%
- dd) Pushmataha County - Co. Rd. - STP-264C(056)CI / 31216(04), \$49,989.23, 6.70%
- ee) Roger Mills County - Co. Rd. - CIRB-165C(099)RB / 25477(04), \$24,830.99, 0.40%
- ff) Stephens County - SH-53 - STP-269C(016)SS / 27045(04), \$3,843.89, 0.11%
- gg) Tulsa County - Ct. St. - ACNHPPI-4440-(002)(003)SS / NHPPI-4440-(004)SS / ACNHPPI-272N(149)SS / 28865(04), \$7,942.00, 0.09%
- hh) Tulsa County - US-75 - NHPPI-4400-(013)SS / NHPP-272N(150)SS / 28876(04), \$1,936.00, 0.07%
- ii) Tulsa County - US-64 - NHPP-272N(231)SS / 28878(04), \$6,624.00, 0.42%

63. Change Orders with Cumulative Total Greater than \$75,000.00

- a) Beckham County - I-40 - ACNHPPI-4000(028)(022)SS / 24354(04), \$4,759.76, 0.04%
- b) Beckham County - I-40 - SSP-4000(041)SS / SBR-4000(038)SB / 27023(04), #4, \$1,157,616.63, 12.02%
- c) Beckham County - I-40 - SSP-4000(041)SS / SBR-4000(038)SB / 27023(04), #5, \$76,354.09, 0.79%
- d) Bryan County - SH-22 - SSP-207C(054)SS / 28829(04), \$49.37, 0.00%
- e) Custer County - US-183 - NHY-009N(019)SS / 09278(04), \$23,973.19, 0.31%
- f) Garvin County - SH-74 - ACSTP-225C(049)SS / 28000(04), \$193,944.91, 3.73%
- g) Garvin County - SH-19 - STP-225C(066)SS / 28929(04), \$140,760.40, 10.70%
- h) Garvin County - I-35 - NHPPI-3500(020)SS / 28940(04), \$5,540.24, 0.05%
- i) Grady County - US-62 - SBR-226N(030)SB / 30384(04), \$251,261.47, -10.12% Underrun
- j) Grant County - SH-11 - STP-127B(107)(108)(109)(110)SS / 24163(04), #10, \$2,887.50, 0.02%
- k) Grant County - SH-11 - STP-127B(107)(108)(109)(110)SS / 24163(04), #11, \$8,558.71, 0.07%
- l) Kiowa County - SH-44 - STP-275C(035)SS / ACSTP-238C(037)SS / 28999(04), \$110,553.35, 3.33%
- m) Leflore County - US-59 - STP-240C(029)(031)SS / SBR-245C(004)SB / SBR-240N(022)SB / NHPP-240N(032)SS / 27029(04), \$471,934.64, 3.78%
- n) Logan County - SH-33 - ACSTP-242C(046)SS / 21860(04), \$19,242.18, 0.11%
- o) Love County - I-35 - SAP-243N(009)(008)FM / 25909(26), \$12,348.20, 0.13%
- p) Noble County - SH-86 - STP-152B(172)SS / 26421(04), \$4,050.00, 0.26%
- q) Oklahoma County - I-240 - ACNHPPI-2400-(004)SS / 09032(20), \$300,000.00, 2.51%
- r) Oklahoma County - I-235 - ACNHPPI-2350-(004)(005)SS / 09033(16), \$567,245.12, 0.70%
- s) Oklahoma County - I-40 - ACNHPPI-0040-5(382) / ACNHPPI-4000-(047) / 20324(04), \$112,798.34, 0.16%
- t) Oklahoma County - Ct. St. - SSP-4000(033)SS / SBR-4400(023)(022)SB / 29143(06), \$1,620.00, 0.04%
- u) Ottawa County - Co. Rd. - CIRB-258D(037)(038)(039)(040)RB / 32845(04), \$21,116.00, 1.34%
- v) Pushmataha County - SH-2 - SBR-264C(049)SB / 30432(04), \$77,708.00, 4.58%
- w) Tulsa County - I-244 - ACNHPPI-2440(010)SS / 28861(04), #4, \$144,981.22, -0.77% Underrun
- x) Tulsa County - I-244 - ACNHPPI-2440(010)SS / 28861(04), #5, \$15,249.88, 0.08%
- y) Tulsa County - I-44 - ACNHPPI-4400-(016)(014)(015)SS / 28872(04), \$200,000.00, 3.43%

z) Washita County - SH-55 - STP-175C(106)SS / 26479(04), \$74,670.87, 2.50%

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

ITEMS PRESENTED BY THE COMPTROLLER DIVISION MANAGER – Ms. Hilmes

64. Lettings

- a)** Final July 2018 Bid Opening
- b)** Tentative August 2018 Bid Opening
- c)** Tentative September 2018 Bid Opening

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

65. FY2018 Budget Revisions

- a)** Request to increase Federal Aid Projects by \$32,000,000 for federal carryover revenue.
- b)** Request to transfer \$7,600,000 from Highway Operating to Highway Capital Outlays.
- c)** Request to increase Highway Maintenance by \$700,000 for sales of surplus property and property damage reimbursements.

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

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

66. Awards

April 19, 2018 – Regular Letting

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

ITEM PRESENTED BY THE DIRECTOR – Mr. Patterson

67. Director's Report

Director Patterson said this last month has been our Work Zone Safety Awareness Campaign. You and I have talked about the fact that about 3 years ago, we took it from a 1 week event to a 365-day-a-year event; and we had to do that! Just to remind you of the statistics the last 5 years; 75 fatalities in Oklahoma work zones! Just in Oklahoma work zones, 75 fatalities; 71 of those were people traveling through the work zones; the other 4 were ODOT employees. Neither of those numbers can we tolerate. So we continue to be vigilant in our campaign. But this last month, we have amped up our program. We continue to do Work Zone Wednesdays with our big sign boards. We continue to do Facebook and Twitter and public speaking and newspapers, whatever we can do to communicate the need for work zone safety awareness. But in the last month we have touched hundreds of thousands of people and we hope it makes a difference. We've seen a difference made in the last 3 years, but we just need to continue that effort. With all of that going on and the support by the Commission, we had a fatality in a work zone yesterday. It just magnifies, intensifies the need to continue the march ahead. We've got to change the way people behave while they're driving their automobiles. I don't know what it is about distracted driving. The accident yesterday looks like distracted driving; that has to change! But just last week, we had 2 of our own employees struck; they were in their vehicle and by the grace of God, they are with us today. They spent time in the hospital with surgeries, but they're at home with their families. Sean and Brian, I hope, recover fully, but that is yet to be seen. But it is something we will stay in tune on; and again, thank you for all the support you've given the Department to try and make a difference in our work zone safety.

The Legislative Session is over, "Do I hear an Amen"!

Commissioners said, "Amen".

Secretary Patterson said I was with a couple of Freshmen Legislators on Friday and it was interesting. You know, when you think about the Freshmen Legislators, somebody sold them a bill of goods and said, how about a part-time job? You work 4 days a week and you can do your real job on weekends and Fridays; and it lasts 4 months and it's over. Do you realize those Freshmen Legislators, their first rattle out of the box; they just spent 16 months in session! I don't know how you stay hooked up after that; but every one of them is glad to be out.

We had some request bills that we asked the Legislature to take care of; 1 of them had to do with our Transit Program and its federal regulation that's called the State Safety Oversight Program. We had to get this passed this year; we didn't have any grace period. This is not something we could push to next year and say oh by the way. So Montie Smith, our Legislative Liaison, she stayed focused on this one because it would've impacted \$52 million to our Rural Transit Operators. But moreover, it would have impacted the new trolley line in downtown Oklahoma City, to the point they would not have been able to operate had this bill not been passed and signed into law. So I'm really proud that we were able to get this one pushed across the finish line judiciously.

There was another bill that it is one of those you who don't know what the effects are until you get into it. But there was a bill passed in 2017 that seemingly strengthened the intoxication laws, intoxicated while you're driving. Well some folks at the federal level thought we weakened our law, so that brought us a penalty of \$15 million out of our Highway Program. So a big thanks to our Legislature for jumping all over that to save our \$15 million. We lost it 1 year; they fixed it and all it took was 1 word in a statute and that fixed the problem. And again, it had to be done this year or we were losing another \$15 million.

And then, you are familiar with our "Merge Now" Signs. I can tell you several years ago while I was working at the Legislature, we got that passed and we were going to follow the Manual Uniform Traffic Control Device. But the Legislature wanted to modify that, so it made it more restrictive in our State Statutes; but we were happy to have something. This year, they took all that out, allowed us to be more flexible; so now, we

can follow the MUTCD. Now, we look like the other states, which is what the Uniform Traffic Control Device was supposed to be. So we are really happy about that.

One of them that didn't pass and I would have really liked to have had it passed; and we eventually will have to pass; has to do with fees for electric vehicles. As we look at what is happening worldwide and even in this country with the number of electric vehicles on the road and the impact that ultimately that could have on motor fuel collections. We are going to have to come up with a new revenue source. Electric vehicles have increased in the last 2 years; I think it is 1,000% in this country! So we're going to have to come up with, if for nothing else, just so that there's some reasonable and fairness to those people who are driving a Chevy Volt or Tesla; I don't care what your electric vehicle of choice is, but you're not paying to drive on non-toll highways, non-toll city streets, non-toll county roads. It becomes a fairness issue at some point. So we're going to have to get into that a little more next session. And obviously, because it's a revenue measure, it's going to take some real work.

The budget was passed and we're happy with the budget. We only lost \$40 million this year, so we actually have more money in our budget than we had before. Most agencies are not real happy about losing \$40 million, but when you look back at last year when we lost \$153 million; and the year before that it was about \$367 million; \$40 million doesn't seem like much. So we are pleased that they only clawed back \$40 million of our fuel tax. Now, if you look at the big spreadsheet, it says we got more money than we did last year. It's because they took less than they did last year. So we'll make the proper adjustments as we have in the past and present that when we get our 2019 budget presented to you and approved.

Back at the March meeting, there was an industrial access project that was approved by the Commission. It was in Commission District #4, just south of Kingfisher for a Transload System; and I have a couple of photographs of the Transload System on the monitors for you to see what the impact is. So the impact of that economically is \$30 million of investment by Solaris, the company that's building it, hiring 30 employees. The improvement that we are involved in is that county road that is on the left photograph to the left of the rail line or on the top of the right hand photograph. The improvement to the county road is \$1.5 million and you agreed to allow us to participate at \$635,000; that's a huge economic development for Kingfisher County.

The next photograph has to do with the City of Durant. Back on April 27th, I attended the ribbon cutting for a new Commercial Metal Steel Mill in Durant. Governor Fallin was there, Senator Inhofe and other notables is Anthony Echelle. That facility employs 250 people, a \$250 million investment. So what you're looking at is what Durant looked like in 2008. If you look to the next picture, you can see what Durant looks like now. The plant that we are looking at is the one on the right hand side. Again, this is a \$250 million investment with 250 employees. When we built the bypass around Durant, they saw that as an economic driver. When we built the bypass around Durant, we did not have the interchange on Old East Main or the old highway, which is in front of the plant. So Anthony and his team put together some plans and we built the on-ramp and off-ramp and rebuilt the old highway, spending \$3.7 million. CMC told us that the reason they are there is because the State of Oklahoma provided great access; #1 is because the route around Durant, and #2 is because we agreed to build the road to the plant. So that is just a couple of highlights where we are making a difference in the economy of Oklahoma.

At this time I want to have AASHTO Chief Operating Officer and Director of Policy & Management Mr. Jim Tymon come up and give you a briefing on what's going on in Washington, DC. I mentioned that Jim was involved with the legislative side of the House and he often testifies in front of both the House and the Senate in Washington, DC. Director Gatz and I became acquainted with Jim when he was working on Congressional Staff and they were kind enough to reach out to Oklahoma to get our insight or opinions on the upcoming federal legislation. So help me welcome Mr. Tymon.

Mr. Tymon thanked the Commissioners and Secretary Patterson for inviting him to speak. We have about 250 or so members of the AASHTO community here in Oklahoma City for about 4-5 days for a meeting. Secretary Patterson has been an integral member of the AASHTO Community for I want to say 30 years or so. He's also the Chairman of our Managing Committee on Agency Administration, and a member of our Strategic Management Committee, as well as a member of the Board of Directors. We are happy to have

him and we are happy to be here in Oklahoma City with 250 of our AASHTO members. We are off to a great start and we are looking forward to the next 4 days.

Just a little bit about AASHTO for those of you who don't know. We are essentially a trade association that represents State Departments of Transportation. We do a little bit more than your typical trade association in that we also set standards when it comes to the construction of roads and bridges here in the United States as well as internationally. But a little bit of what I want to talk about today is that typical trade association work, where we are advocating on behalf of State Departments of Transportation in Washington, both with Congress as well as with the executive branch, mainly the US Department of Transportation. We work very closely with a lot of partners in Washington, other Associations including WTS as well as IBTTA, (International Bridge Toll & Turnpike Association). There are a lot of areas of commonality there with Associations like that. The #1 issue that we seem to focus on is the Federal Surface Transportation Programs and making sure that they are providing a predictable revenue stream back to the states so that they can plan their transportation programs.

We're about halfway through the current Federal Authorization for Transportation Programs, the FAST Act. It provides funding through 2020. It provided modest increases in funding, but most importantly it provided that predictability that States and Transit Agencies and Metropolitan Regions need to be able to plan those multi-year projects that are going to last more than just a single year. We are lucky in that the FAST Act provided about 5 years of funding, which gave that predictability to plan for 5 or more years for States and MPO's. One of the things that the FAST Act did not do though, is fix the imbalance between what we are spending from the Federal Highway Trust Fund and what we are bringing in, in revenue. We are currently spending about \$15 billion a year more from the Federal Highway Trust Fund than we are bringing in, in revenue. So in 2016 when both of the Presidential Candidates really had a focus on infrastructure, it was the first time that we heard both candidates from the major political parties focusing on infrastructure, talking about investing in our roads and bridges. We were excited that no matter who won the election that November, that there was going to be a focus on trying to fix the Federal Highway Trust Fund. So finally, about 3 months ago, the Trump Administration released their Infrastructure Proposal; and unfortunately, while there were a lot of good things in the proposal, they did not propose a long-term fix for the Highway Trust Fund. So we are still faced with this \$15-\$17 billion a year imbalance. When we hit 2020, we are likely to need another \$100 billion in federal funding in addition to the current revenue coming into the Highway Trust Fund in order to do that next Federal Surface Transportation Bill to get us through 2025 or 2026. \$100 billion at the federal level is still a big number for the federal government. It is not something where you can just kind of look under the couch cushions for change; we are really starting to get into the area where it's a big issue. So we were really hopeful that when the President put forward his Infrastructure Plan, that he was going to propose some type of a fix for the Highway Trust Fund. Like I said, that proposal did have a lot of good things in it; if you think about the proposal split in half, on 1 side you had a funding and finance proposal, it was pretty light on the funding side. They relied more heavily on ways to incentivize additional investment at the state and local level. As an organization that represents State Departments of Transportation, we kind of pushed back on that and said, we felt very strongly that states and localities were already doing their fair share. The Federal Government hasn't raised revenue for transportation in over 25 years. We felt that it was time for them to step up to the table and increase revenue there. On the other side of the proposal was a regulatory reform piece that we feel very strongly there are a lot of good things in that part of the proposal that can move forward. Primarily, focused on trying to streamline the project delivery process, make it easier for us to get through that bureaucratic red tape that ties up some of these major projects for 7, 8, 9 years, just to get the permits necessary to move forward. The President has proposed some pretty sweeping reforms that we think will make an improvement there, and we are hopeful that Congress, if they do nothing else, that they take up that regulatory reform piece. And to be honest with you, we think there is a small window of opportunity there that they may do so. On the funding side, unfortunately, I think on the finance side we think some of the air comes out of the balloon on that.

Congress, about 3 months ago, reached a 2 year budget deal that will provide funding for this year, this fiscal year 2018 as well as 2019. And as part of that deal, they decided to put an extra \$10 billion a year in federal funding to infrastructure. With that focus on infrastructure in this budget deal, we think that Congress is probably less likely to put significantly more than that into an infrastructure package as has been proposed by the Administration. That doesn't mean that Congress may not take up the regulatory reform side and

pursue that as a separate agenda. But the concept of a \$200 billion infrastructure package, as the Administration has proposed, is probably not going to move forward. We are hopeful that they do something on the regulatory reform side. We saw the first tranche of that additional \$10 billion come out about 6 weeks ago. The good news there is about \$2 billion of that that came out is going to go out to the State Departments of Transportation through formulas, so we know right off the bat how much Oklahoma would get of that \$2 billion additional dollars, more than what we had expected. And then there is a significant amount that went out through discretionary programs. We heard a little bit earlier in this meeting about INFRA grants and FAST Lane grants. This \$10 billion, you're going to see a pretty big increase in those types of discretionary programs, where State Departments of Transportation and localities will have to apply to US Department of Transportation with worthwhile projects to see if they can compete with other projects around the country.

In the previous Administration we saw a big focus on urban type projects, bike and pedestrian projects. What we are seeing with this Administration over the last 18 months is more of a focus on freight projects and rural transportation. It has been interesting to see how that shift in focus has changed how members of Congress feel about discretionary programs like this. You saw a lot of Democrats in the previous Administration that were very excited about the projects that were being selected; and as a result, they were very high on getting more money towards discretionary programs. Now that this Administration has come forward with their awards for these discretionary programs and there has been more of a focus on the rural and freight projects, you've seen more Republicans be excited about those projects; and Democrats are now saying, well, maybe we need to put more money through the formula.

So as Congress decides what to do with this next \$10 billion that's going to come out this year, it will be interesting to see how they decide; does more of that money go to formula dollars, which will be very predictable, we can tell you right off the bat how much a State like Oklahoma or any State DOT or any transit agency in the country will get; versus it going more towards discretionary programs like the TIGER Program or the INFRA Program. And in that case, we would have to wait on the Administration to decide which projects get funding that way.

With that, I'd be happy to answer any questions that you might have.

Commissioner Love asked regarding the federal appeal tax increase. Is there not a little bit of softening on the part of Republic Senators, Barrasso and Inhofe on that.

Mr. Tymon said there has been more interest on the Senate side for doing something. You have seen several Senators on the Republican side that have said that they would support a gas tax increase. On the Senate, you do need 60 votes for a measure like that to move it forward. I don't know if there are 60 votes right now. Senator Barrasso has said he is not in favor of voting for a gas tax increase. I'm not sure exactly where Senator Inhofe is on a gas tax increase. I do know he has expressed the importance of making sure the Highway Trust Fund is fully funded and that these programs get the dollars that they need.

On the House side, I would say it's even less likely for a gas tax increase. The conservative nature of the far right of the Republican Party on the House side has made it very hard to move a tax increase bill. Congress also just did a massive tax reform bill. A lot of us in the transportation community thought that that would have been the ideal time to address the gas tax and the Federal Highway Trust Fund. Unfortunately, they decided not to deal with that, which means it's probably less likely that within the next year or 2, that Congress would go back to the table and try to address the Highway Trust Fund, given the fact that they had just done a significant comprehensive tax reform legislation.

Commissioner Burrage asked how much affect do you think the recent actions that a lot of states, including Oklahoma, have taken in raising their gas taxes is going to delay a federal action.

Mr. Tymon said well, 1 of the things that we try to reinforce at the federal level is just because over 35 states have increased revenue for transportation over the last 5-6 years, does not mean that the Federal Government doesn't need to step up and do their part. We say that just because a state is doing it, they view

it as that's stepping up their game. It's their opportunity to increase revenue for the projects that they think that they are on the hook for. The Federal Government still has a responsibility to increase revenue for transportation if they haven't done it in the last 25 years.

As I mentioned, there is that \$15 billion imbalance between what we are spending and what we are bringing in. I think that proves that Congress likes to spend on transportation projects; they don't necessarily want to increase the revenue that is necessary to pay for it. The Federal Government is not like a State Government or most Local Governments where they actually have to balance their books. And as a result, it has allowed Congress to continue to spend on transportation, which has been a bipartisan priority; but it hasn't forced them to increase the revenue that's necessary to pay for it.

Commissioner Burrage said we are doing our part.

Mr. Tymon said yes you are and we continue sending that message.

Commissioner Burrage said thank you guys for helping in that effort too.

Mr. Tymon said, "Thank you".

Commissioner Burrage thanked Secretary Patterson for bringing them this portion of our program today. We always like to hear what's going on in Washington and what AASHTO is doing; what a great organization!

Secretary Patterson said well it occurred to me since we got the man in the State of Oklahoma; we might as well utilize his wealth of knowledge

Information Only: No Commission action required.

ITEM PRESENTED BY COMMISSION CHAIRMAN

68. Adjournment Motion

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

Meeting adjourned at 12:10 p.m.

Approval of the Minutes of the Transportation Commission Meeting May 7, 2018.

David Burrage - Chairman

Brad Burgess – Vice Chairman