

**MINUTES OF THE REGULAR TRANSPORTATION COMMISSION MEETING
HELD IN THE O.D.O.T. BUILDING COMMISSION MEETING ROOM
OKLAHOMA CITY, OKLAHOMA**

DATE: Monday, December 4, 2006
TIME: 11:00 a.m.
PLACE: Commission Meeting Room,
ODOT Building

BE IT REMEMBERED that on Monday, the 4th day of December, 2006, at the hour of 11:00 a.m., the Transportation Commission met in the Commission Meeting Room of the ODOT Building in Oklahoma City, OK.

Present:	Dan Overland	Chairman
	Carlisle Mabrey	Member
	James H. Dunegan	Vice Chairman
	Jackie Cooper	Member
	Loyd Benson	Member
	Bruce Benbrook	Member
	Brad Burgess	Member
	Guy Berry	Member

Presiding: Chairman Dan Overland

The agenda for this Commission Meeting was posted at or before 4:00 p.m. on Tuesday, November 28, 2006, prior to the meeting. The notification was placed in the display case in the lobby of the ODOT Building and on the glass doors on the north side of the ODOT Building, and sent to the Secretary of State in accordance with 25 O.S. Section 311.

The following items were presented and approved as written at the Regular Transportation Commission meeting of December 4, 2006. For those items amended, deferred or rejected those notations were also made. Action taken by the Commission is noted here on these sheets.

Chairman Overland opened the meeting and recognized Mr. Gary Corino, Division Administrator for the Federal Highway Administration.

204. AASHTO Award

Gary Ridley and Terri Angier received awards for their roles in planning and orchestrating the Celebration of the 50th Anniversary of the Interstate Highway System throughout the United States. Director Ridley presented Ms. Angier's award to her and Secretary Tomlinson presented Director Ridley's award to him.

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

205. Approval of the Minutes Regular Commission Meeting of November 6, 2006

ACTION: Dunegan moved and Cooper seconded that the Minutes be approved as recorded.
MOTION: Carried by the following vote:
AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSENT:

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

206. Traffic Control Improvement Projects (Mr. Smart)
- a) Cherokee County - installation of school advance warning signs with flashing beacons on SH-82 for the Keys School District
 - b) Choctaw County - installation of school advance warning signs with flashing beacons on SH-70 for the Boswell School District
 - c) Coal County - installation of school advance warning signs with flashing beacons on SH-31 for the Cottonwood District
207. Speed Zone Revisions (Mr. Smart)
- a) McClain County - along SH-37 in the City of Newcastle (City Concurrence)
208. Land Sales (Mr. Bell)
- a) Hughes County - SH-1, approximately 1-1/2 miles westerly and southwesterly of US-75 junction in the Town of Calvin
209. Programming of Federal Railroad Crossing Safety Funds-Section 130, Title 23 Funds for At-Grade Railroad Crossing Safety Projects (Mr. Kyle)
- a) Bryan County - corridor project in Durant with Kiamichi Railroad Company
 - b) Bryan County - signal/surface project in Durant with the Kiamichi Railroad Company
 - c) Canadian County - corridor project near Yukon with the Union Pacific Railroad Company
 - d) Woods County - corridor project near Alva with the BNSF Railway Company
210. County Bridge and Road Improvement Fund Force Account Projects (Mr. Johnson)
- a) McCurtain County - temporary bridge over Stephens Creek, approximately 2.0 miles west of Wright City
 - b) Tulsa County - county bridge over Panther Creek, approximately 0.7 mile east of US-75 on EW-47
 - c) Tulsa County - county bridge over Fry Creek on 121st Street South, approximately 0.5 mile east of Sheridan
211. State Highway System Revision (Ms. Sullivan)
- a) Okmulgee County - this item is necessitated by the relocation of US-266 at Deep Fork River. Add to the State Highway System a segment of new highway to be designated US-266, beginning southwest of Grayson and extending northeasterly 1.11 miles. Remove from the State Highway System a portion of US-266, beginning at new construction southwest of Grayson. This portion of old US-266, including right-of-way determined by the Department, will be transferred to the appropriate local jurisdiction for further maintenance or abandonment. Removal Hearing was held November 14, 2006.

ACTION: Mabrey moved and Benbrook seconded that the Consent Docket be approved as presented.

MOTION: Carried by the following vote:

AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry

NAYS:

ABSENT:

END OF CONSENT DOCKET

ITEM PRESENTED BY THE ASST CHIEF ENGINEER-DIRECTOR OF PRECONSTRUCTION - Mr. Streb

212. Supplemental Engineering Contracts

- a) Craig County - Commission District VIII (E.C. 923, Supplement No. 1)

Poe & Associates, Inc., was previously authorized to prepare construction plans for replacement of the US-60 bridge over Bull Creek and approach roadways in Vinita. This supplement is for additional plan sheets, environmental investigation and survey required to expedite this project. The total contract cost, including this supplement, is \$357,600.00. The total estimate for construction of this project is \$3,477,900.00. Funding will be 80% federal funds and 20% soft match credit. This project is in the 8 Year Construction Work Plan with a FFY 2008 letting date.

- b) Rogers, Tulsa and Wagoner Counties - Commission District VIII (E.C. 659, Supplement No. 1)

The Benham Companies, LLC., was previously authorized to prepare final environmental documents and engineering studies for the US-412 corridor, US-412 from the I-44/I-244/US-412 interchange east to the Verdigris River, including SH-412-P. This supplement is for additional survey, geotechnical investigations, roadway, bridge and traffic plans to expedite the 193rd/I-44 interchange. Additional funding totals \$1,628,000.00. The total engineering contract cost, including supplementals, is \$4,979,946.00. Funding will be 80% federal funds and 20% soft match credit.

- c) Pottawatomie County - Commission District III (E.C. 944, Supplement No. 1)

Engineering Services and Testing, Inc., was previously selected to prepare construction plans for the replacement of the US-270 bridges and approaches over the Union Pacific Railroad and Locust Street, and US-270 bridges and approaches over the Kickapoo Spur/US270-B in Shawnee. This supplemental request is to extend the survey that is required to complete the design of the project. In addition to the additional survey, a fifth bridge alternate is needed. Additional funding requested totals a not to exceed amount of \$19,425.00. The total engineering contract cost, including this supplement, is \$545,425.00. The total estimate for construction of this project is \$5,643,880.00. Funding will be 80% federal funds and 20% soft match credit. This project is currently scheduled for letting in FFY 2007.

ACTION: Berry moved and Burgess seconded that the Items be approved as presented.
MOTION: Carried by the following vote:
AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSENT:

ITEMS PRESENTED BY THE PROGRAMS DIVISION MANAGER - Mr. Adkins

213. Lettings

- a) Deletions and Additions to the Bid Openings
b) Final January 2007 Bid Opening
c) Tentative February 2007 Bid Opening
d) Tentative March 2007 Bid Opening

ACTION: Burgess moved and Berry seconded that the Items be approved as presented.

MOTION: Carried by the following vote:
AYES: Mabrey, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSTAINING: Dunegan
ABSENT:

ITEMS PRESENTED BY THE CONSTRUCTION DIVISION ENGINEER - Mr. Raymond

214. Change Orders - Cumulative Total - \$50,000.00 or Less - Information Only (Mr. Raymond)

- a) Alfalfa County - US-11 - BRFY-102B(075) / 10431(09), \$36,388.11
- b) Beckham County - Co. Rd. - SAP-105N(117) / 22789(04), \$604.55
- c) Canadian County - Ct. St. - STP-109B(18)AG / 17169(04), \$1,943.06
- d) Carter County - Co. Rd. - BRF-110C(060)CO / 18076(04), \$1,225.00
- e) Carter County - IS-35 - IMY-35-1(127)024 / 20276(04), \$416.68
- f) Cleveland County - Ct. St. - STPG-14A(408)AG / 15688(04), \$3,500.00
- g) Cleveland County - Ct. St. - STP-114B(43)AG / 18206(04) / \$25,449.13
- h) Custer County - IS-40 - SAP-120N(110) / 22786(04), \$223.00
- i) Delaware County - US-59 - STPY-121B(93)RW / 15015(13), \$3,500.00
- j) Delaware County - SH-85 - BRFY-121C(61) / 19476(05), \$32,339.76
- k) Garfield County - US-64 - NHY-19N(98)3R / 22648(04), \$39,121.35
- l) Garvin County - Co. Rd. - BRO-125D(32)CO / 17353(04), \$0.00
- m) Grant County - US-81 - MC-127B(79) / 22439(04), \$14,612.07
- n) Johnston County - SH-48 - MC-135C(89) / 23357(04)#1, \$15,220.11
- o) Johnston County - SH-48 - MC-135C(89) / 23357(04)#2, \$0.00
- p) Kay County - US-60 - MC-136N(107) / 22442(04), \$4.33 Underrun
- q) Kiowa County - SH-44 - SAB-138C(37)BF / 18777(04), \$18,000.00
- r) LeFlore County - US-270 - BPMY-140B(127)3B / 22278(04), \$91,900.00 Underrun
- s) Lincoln County - SH-18 - BRFY-41C(240) / 13403(04), \$2,760.00 Underrun
- t) Logan County - SH-74 - BRFY-142C(68)/BHFY-155A(293) / 19471(05), \$2,860.00
- u) Love County - Co. Rd. - SBR-143N(74)SB / 22739(04), \$175.00
- v) Noble County - IS-35 - IMY-35-4(198)203 / 20273(04), \$2,108.75
- w) Oklahoma County - SH-74 - BRFY-55C(660) / 06320(04), \$16,560.80
- x) Oklahoma County - Ct. St. - STP-55B(770)AG / 13962(04), \$29,953.88
- y) Oklahoma County - Ct. St. - STP-155A(197)AG / 17828(04), \$28,525.04
- z) Oklahoma County - Ct. St. - SAP-155D(566) / 23578(04), \$5,217.00
- aa) Okmulgee County - Co. Rd. - BRO-156D(40)(41)CO / 18822(04), \$17,148.70
- bb) Pontotoc County - SH-3W - STPY-162B(62) / 18775(04), \$5,748.92
- cc) Rogers County - US-412 - NHY-19N(99)3R / 22714(04), \$9,831.41
- dd) Sequoyah County - US-59 - ACSTPY-168A(23)GB / 16952(04), \$9,878.28 Underrun
- ee) Tillman County - Co. Rd. - BRO-171D(84)CO / 21576(04), \$138.25

215. Change Orders - Cumulative Total Greater Than \$50,000.00

- a) Caddo County - US-62 - BRFY-108B(132) / 20259(07), \$239,577.10
- b) Canadian County - SH-4 - MGSY-109C(009) / 11869(08), \$19,792.16
- c) Cleveland County - IS-35 - IM-NHIY-35-3(108)119/IMY-35-3(240)119 / 00292(17), \$3,661.52
- d) Cleveland County - IS-35 - BHIY-35-2(285)108 / 20877(04), \$55,302.34 Underrun
- e) Delaware County - SH-125 - SSR-121C(85)(92)SR/SSR-158C(107)SR / 22476(04), \$69,956.38
- f) Garfield County - US-412 - NHY-19N(97)3R / 22647(04), \$50,186.40
- g) Lincoln County - SH-18 - BRFY-41C(240) / 13403(04), \$56,867.54
- h) Love County - IS-35 - IMY-35-1(125)000/BRIY-35-1(133)(134)008 / 19576(04), \$6,431.29
- i) McClain County - SH-9 - STPY-144B(18) / 17227(04), \$3,525.75

- j) Pottawatomie County - SH-18 - STPY-63B(371) / 05859(04), \$20,213.77
- k) Rogers County - SH-20 - SBR-166B(171)SB / 22743(04), \$67,823.00

Note: Mr. Raymond presented a revised Change Order for Item No. 215.i), changing the requested approval amount from \$3,525.75 to \$4,744.22 for this McClain County project. A mathematical error was discovered which required revision of Item No. 215.i). (See attached).

ACTION: Benbrook moved and Burgess seconded that the Items be approved, noting revision of Item No. 215.i)
MOTION: Carried by the following vote:
AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSENT:

ITEM PRESENTED BY ASST CHIEF ENGINEER - DIRECTOR OF OPERATIONS - Mr. Evans

216. Request to Finalize Contract Unilaterally Without Contractor's Concurrence

- a) Bryan Adair Construction Company - \$23,647.17 - I-40 Sequoyah/Muskogee County

Note: Mr. Evans stated that contractor's bonding company sent payment in the amount of \$23,647.17 on October 18, 2006. Upon approval of this item, the amount due is zero.

ACTION: Benson moved and Mabrey seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSENT:

ITEMS PRESENTED BY THE OFFICE ENGINEER - Mr. Schmitt

217. Awards

November 16, 2006 Regular Letting

Note: Mr. Schmitt pointed out that Call Order No. 420 was awarded to the second lowest bidder. Low bid was rejected at bidder's request.

ACTION: Berry moved and Benson seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Mabrey, Cooper, Overland, Benson, Benbrook, Burgess and Berry
NAYS:
ABSTAINING: Dunegan
ABSENT:

ITEMS PRESENTED BY THE DIRECTOR - FINANCE - Mr. Patterson

218. FY 2007 Budget Revisions

- a) AD Finance requests to transfer \$4,777,000 from State Aid Projects to Right-of-Way for property acquisitions associated with the Load Posted Bridge Program
- b) AD Finance requests to increase Right-of-Way by \$870,000. Unbudgeted revenue will fund this increase

ACTION: Benbrook moved and Dunegan seconded that the Items be approved as presented.
MOTION: Carried by the following vote:

AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
 NAYS:
 ABSENT:

Note: The following items are recorded in the order presented.

The following, Item No. 220, is added to and becomes a part of the permanent record of the Transportation Commission Meeting of December 4, 1006. It is noted that Item 220 was posted before 11:00 a.m. on December 1, 2006, in two locations in the lobby of the Transportation Building.

ITEM PRESENTED ON BEHALF OF THE DIRECTOR'S OFFICE - Mr. Surrent

220. Amendments to the Industrial Access Road Program

<u>District</u>	<u>County</u>	<u>Project</u>	<u>Department Participation</u>
II	Bryan	Oklahoma Wire & Steel	\$ 439,000.00
VIII	Mayes	PepsiCo	Revised Project Description

ACTION: Dunegan moved and Berry seconded that the Items be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Mabrey, Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Berry
 NAYS:
 ABSENT:

Note: The Minutes are corrected to reflect that the above project in District II is actually in Marshall County.

ITEM PRESENTED BY THE DIRECTOR - Mr. Ridley

219. Director's Report

Director Ridley discussed construction price increases and said that meetings with contractors have been held to discuss costs, re-design, etc., due to the rising costs of construction. Because increases appear to be stabilizing, we are now adjusting our 8 Year Construction Work Plan. He stated that other states are having the same problems. Chairman Overland asked if it would be possible to see comparisons of what other states are experiencing. Director Ridley stated that this information could be made available, and that he would present it early 2007 at the same time the 8 Year Construction Work Plan will be presented to the Commission.

Director Ridley discussed the Grand Jury final report which was referenced in a recent article found in the Oklahoman. The Department of Transportation was criticized in the article for allowing a contractor suspected of improper activities to continue to bid on state projects. The Department had, in fact, taken action to suspend the contractor from bidding on Department projects; however, the District Court in Muskogee County had enjoined the Department from enforcing that suspension. The Department is appealing that ruling to the State Supreme Court.

Commissioner Benson stated that he wanted to compliment General Counsel and the Staff on the quick response to the grand jury report that came out in the newspaper. He authored the Multi-County Grand Jury Bill in 1989 (Bellmon administration). He wanted the public to be aware that the Department had taken action to suspend the contractor. The District Court issued an injunction preventing the suspension. Director Ridley said he felt that we were acting in the best interest of the public when we took action.

Chairman Overland thanked ODOT road crews for all their work during our recent winter storm, and said he felt they had done an impeccable job for our state. Director Ridley said our people worked very hard, and that we did recognize and appreciate their efforts.

Information only; no Commission action necessary.

Adjourned 11:36 a.m.

Approval of the Minutes of the Regular Meeting of December 4, 2006

Dan Overland - Chairman

James H. Dunegan - Vice Chairman

(Seal)