

**MINUTES OF THE REGULAR TRANSPORTATION COMMISSION MEETING
HELD IN THE ODOT BUILDING COMMISSION MEETING ROOM
OKLAHOMA CITY, OKLAHOMA**

DATE: Monday, November 2, 2009
TIME: 11:00 a.m.
PLACE: Commission Meeting Room, ODOT Building

BE IT REMEMBERED that on Monday, the 2nd day of November, 2009, 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.

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|----------|------------------|---------------|
| Present: | James H. Dunegan | Vice Chairman |
| | Jackie Cooper | Member |
| | Dan Overland | Chairman |
| | Loyd Benson | Member |
| | Bruce Benbrook | Member |
| | Brad Burgess | Member |
| | Pete Regan | Member |

Absent: Carlisle Mabrey Member

Presiding: Dan Overland Chairman

The agenda for this Commission Meeting was posted at or before 11:00 a.m. on Friday, October 30, 2009, prior to the meeting. The notification was posted on the Atrium Informational Monitor in the ODOT Building, 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 November 2, 2009. For those items amended, deferred or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

ODOT RAIL PROGRAMS

Division Manager Joe Kyle was honored with the esteemed President's Transportation Award during last month's American Association of State Highway and Transportation Officials annual meeting in California. Mr. Kyle said this recognition highlights the tireless work that our ODOT staff and partners put into the Oklahoma Rail Program.

GEORGE NIGH PUBLIC SERVICE IN THE ARTS AWARD

On behalf of ODOT, Secretary of Transportation and Director of ODOT accepted the George Nigh Public Service in the Arts Award. Mr. Mike Patterson introduced Suzanne Tate and Debbie Williams who are representing the Oklahoma Arts Council. A video was shown of the event when Mr. Ridley received this award. The Oklahoma Arts Council award was presented by Governor Brad Henry during the Annual Governors Arts Award ceremony at the State Capitol on October 20, 2009.

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

147. Approval of the Minutes of the Regular Transportation Commission Meeting of October 5, 2009

ACTION: Dunegan moved and Cooper seconded that the Minutes be approved as presented.
MOTION: Carried by the following vote:
AYES: Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Regan

NAYS:
ABSENT: Mabrey

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

148. Safety Improvements - Mr. Smart

- a) Bryan County - Installation of guardrail and impact attenuators on Roosevelt Bridge over US-70
- b) Kiowa/Beckham Counties - installation of guardrail and parapet walls on existing bridge boxes - various locations - US-62/SH-152
- c) Garvin County - installation of lighting at I-35 rest areas
- d) Rogers County - installation of traffic signal and intersection improvement - SH-20

149. Speed Zone Revisions - Mr. Smart

- a) Osage County - (Town of Pawhuska concurrence) various points along US-60/SH-11
- b) Rogers County - (County concurrence) various points along SH-88
- c) Tulsa County - (City concurrence) various points along US-75

150. Programming of Federal Railroad Crossing Safety Funds - Section 130 Title 23 Funds - Mr. Kyle

- a) Bryan County - Governor R. L. Williams Road - signal/surface near Armstrong with the Union Pacific Railroad Company
- b) Creek County - West 141st Street - signal/surface near Kiefer with the Burlington Northern Santa Fe Railway Company
- c) Hughes County - 5th Street - signal/two surfaces in Holdenville with the Burlington Northern Santa Fe Railway Company
- d) McClain County - EW-142 (AMTRAK) - signal/surface near Wayne with the Burlington Northern Santa Fe Railway Company
- e) Pawnee County - EW-470 - signal/surface near Pawnee with the Burlington Northern Santa Fe Railway Company

151. Requests for County Bridge and Road Improvement Fund Force Account Projects - Mr. Sheffert

- a) Bryan County - new county road located in the NE 1/4 of Section 10, Township 7 South Range 7 East
- b) Carter County - bridge over a tributary to Wildhorse Creek north and east of the SH-7/SH-76 junction
- c) Delaware County - road (E-510) from S-710 road west
- d) Delaware County - road (D4660) from US-412 at Flint extending north

e) LeFlore County - bridge replacement over Wolf Creek west and south of Bokoshe

ACTION: Benbrook moved and Dunegan seconded that the Items be approved as presented.

MOTION: Carried by the following vote:

AYES: Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Regan

NAYS:

ABSENT: Mabrey

END OF CONSENT DOCKET

ITEM PRESENTED BY THE DIRECTOR OF ENGINEERING - Mr. Streb

152. Programming

a) Comanche County - project to repair vehicle impact damage to SH-115 over US-62

ACTION: Dunegan moved and Cooper seconded that the Item be approved as presented.

MOTION: Carried by the following vote:

AYES: Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Regan

NAYS:

ABSENT: Mabrey

153. Engineering Contract Supplements

a) Statewide - All Commission Districts (EC-1170, Supplemental No. 1)

Eight consulting firms were previously authorized to provide Reconnaissance Data Collection Services in support of ODOT staff as related to accelerating pre-construction activities for projects in the 8 Year Construction Work Plan. The eight firms are:

- 1170A C.H. Guernsey & Company
- 1170B Smith Roberts Baldischwiler, LLC
- 1170C Garver Engineers, LLC
- 1170D BWR, Inc.
- 1170E Able Consulting
- 1170F Guy Engineering Company
- 1170G Cobb Engineering Company
- 1170H The Benham Companies, LLC

This supplement is to facilitate additional task order services. The aggregate not to exceed amount for the contracts of the eight firms is \$800,000.00. The total aggregate contract amount, including this supplemental, is \$2,800,000.00. Funding will be 80% federal funds and 20% soft match credit.

b) Kiowa County - Commission District V (EC-577G, Supplemental No. 10)

Tetra Tech, Inc., (formerly known as Tetra Tech FHC) was previously authorized to prepare complete final design plans for the roadway and bridge project to upgrade US-183 from US-62 north to just north of SH-152. This supplemental agreement is to eliminate a substandard vertical alignment that would have required a design exception. The total not to exceed amount of this contract is \$73,400.00. The total for this contract, including this supplemental, is

\$5,140,712.00. Funding will be 80% federal funds and 20% soft match credit.
c) Tulsa County - Commission District VIII)(EC-645, Supplemental No. 4)

Craig & Keithline, Inc., was previously authorized to prepare complete final design plans for approximately one (1) mile of I-44 from west of Yale to west of Sheridan in the City of Tulsa. This supplement is to split the construction plans into two (2) construction projects. The total not to exceed amount of this contract is \$158,600.00. The total for this contract, including this supplemental, is \$1,689,995.00. Funding will be 80% federal funds and 10% soft match credit.

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

Addendum II - Agenda Item No. 162 is now presented by Mr. Streb.

a) **Statewide - All Commission Districts - On Demand Engineering Services for A.D.A. Improvements (EC-1277, Supplement No. 1 - please see attached.**

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

ITEMS PRESENTED BY THE PROGRAMS DIVISION MANAGER - Mr. Adkins

154. Lettings

- a) Deletions and Additions to the Bid Openings
- b) Final December 2009
- c) Tentative January 2010 Bid Opening
- d) Tentative February 2010 Bid Opening

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

ITEMS PRESENTED BY THE CONSTRUCTION DIVISION ENGINEER - Mr. Raymond

155. Change Orders - Cumulative Total - \$50,000.00 or Less - Information Only

- a) Canadian County - US-281 - SEC1702Y-130N(130)HP / 18257(04), \$12,500.00
- b) Canadian County - SH-4 - STPY-109B(077) / 20851(04), \$0.01 Underrun
- c) Canadian County - Ct.St. - STP-STIM(417)AG / 26755(04), \$2,612.07
- d) Carter County - IS-35 - IMG-035-1(143)036TR/IMG-035-1(144)031TR / 24076(04), \$9,103.84 Underrun
- e) Cleveland County - Ct.St. - STP-114B(163)AG/IMY-35-2(298)112TR / 23071(04), \$8,570.01
- f) Cleveland County - Ct.St. - STPG-114B(227)AG / 25821(04), \$4,450.00
- g) Coal County - SH-31 - STPY-115C(071)3R / 24735(04), \$9,680.23
- h) Custer County - US-183 - NHY-09N(008) / 02077(04)#2, \$3,089.80
- i) Custer County - US-183 - NHY-09N(008) / 02077(04)#3, \$6,151.04

- j) Grant County - SH-132 - BRFY-027C(241) / 10446(04), \$9,925.00
- k) Kay County - US-177 - BRFY-136C(124)(123) / 23216(04), \$2,500.00
- l) Kay County - IS-35 - IMG-035-4(212)222 TR / 24084(04), \$1.40 Underrun
- m) LeFlore County - SH-144 - BRFY-140C(143) / 23702(04), \$5,141.12 Underrun
- n) LeFlore County - US-59 - HSIPG-140A(155)TR / 24725(04), \$3,786.25 Underrun
- o) Oklahoma County - IS-40 - OKCY-XTWN(003)TI / 17428(22), \$45,028.15
- p) Oklahoma County - SH-74 - BPMY-NBIP(405)3B / 20975(04), \$40.00
- q) Oklahoma County - IS-235 - IM-STIM(177)3R / 26281(04), \$6,345.26
- r) Pottawatomie County - Co.Rd. - STP-163C(230)CO / 25506(04), \$35,767.00
- s) Pushmataha County - US-270 - BRFY-164F(142) / 20919(04), \$16,296.40
- t) Seminole County - SH-56 - STP-STIM(181)3R / 24931(04), \$8,013.81
- u) Texas County - Co.Rd. - CB-170C(116)(118) / 23798(04), \$1,790.00
- v) Texas County - US-54 - NH-STIM(065)(66)3R / 26364(04), \$20,050.88
- w) Tulsa County - SH-20 - SAB-172A(269)BF / 21922(04), \$29,305.10 Underrun
- x) Tulsa County - US-64 - BPMY-172N(423)3B / 25785(05), \$4,633.41 Underrun

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

- a) Atoka County - US-69 - NHY-013N(121)3R / 26075(04), \$151,350.38
- b) Beckham County - IS-40 - STPY-105E(138)EH / 23783(04), \$25,637.59
- c) Bryan County - US-70 - ACNHY-022N(116)GB / 16744(13), \$135,189.08
- d) Canadian County - US-81 - NHY-011N(008) / 05173(12), \$209,100.00
- e) Cleveland County - IS-35 - SEC1702Y-114A(191)HP / 09034(05), \$105,000.00
- f) Cleveland County - Ct.St. - STPY-014B(378) / 14391(04), \$48,529.08
- g) Cleveland County - Ct.St. - IMY-035-2(292)116 / 15392(07), \$4,285.00
- h) Cleveland County - Ct.St. - STP-114B(136)AG / 21979(04), \$29,532.51
- i) Cleveland County - Ct.St. - STP-114B(138)AG / 22089(04)#7, \$8,200.00
- j) Cleveland County - Ct.St. - STP-114B(138)AG / 22089(04)#8, \$11,000.00
- k) Cleveland County - Ct.St. - STP-114B(140)AG / 22138(04), \$29,604.35
- l) Creek County - SH-48 - SAB-119C(083)BF / 20286(04), \$1,428.00
- m) Garvin County - IS-35 - IM-STIM(010) / 20970(06), \$46,248.18 Underrun
- n) Hughes County - SH-48 - SSP-032C(181)SS / 06505(04), \$711.72
- o) Hughes County - SH-31 - STPY-132C(121)3R / 25954(04), \$60,733.53
- p) Lincoln County - SH-99 - ACHPP-NH-424(01)/CIP-141N(027)IP / 12539(16), \$5,265.00
- q) Muskogee County - US-69 - BRFY-13N(023)/NHY-13N(76) / 08125(04), \$34,169.45
- r) Oklahoma County - IS-235 - ACIM-NHIY-235-1(092)003GB / 09033(23), \$11,785.23
Underrun
- s) Oklahoma County - IS-40 - OKCY-XTWN(055)SG / 17428(66), \$25,636.89
- t) Payne County - SH-33 - STPY-160B(97) / 20272(04), \$9,788.56
- u) Payne County - SH-33 - SBR-160B(172)SB / 24529(04), \$39.56
- v) Seminole County - IS-40 - IM-STIM(011) / 13626(06)#2, \$74,121.75
- w) Seminole County - IS-40 - IM-STIM(011) / 13626(06)#3, \$6,361.01
- x) Texas County - US-54 - NHY-008N(075)(76)3R / 24935(04), \$55,392.80
- y) Tulsa County - US-64 - STPY-172A(315) / 23163(04), \$210,000.00
- z) Tulsa County - SH-51 - SBR-172A(405)(406)(407)(408)(411)(412)SB / 25437(04),
\$732.57 Underrun
- aa) Washita County - IS-40 - SSP-175N(085)SS / 24126(05)#1, \$145,025.56
- bb) Washita County - IS-40 - SSP-175N(085)SS / 24126(05)#2, \$29,145.84
- cc) Woods County - US-64 - BRFY-176B(072) / 20950(04), \$4,200.00

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

ITEM PRESENTED BY THE DIRECTOR OF OPERATIONS - Mr. Evans (Presented by Mr. Raymond)

157. Settlement of Claim - Schwarz Paving Company, Inc. - \$287,406.40

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

ITEM PRESENTED BY THE OFFICE ENGINEER - Mr. Schmitt

158. Awards

October 15, 2009 - Regular Letting

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

ITEM PRESENTED ON BEHALF OF THE OFFICE OF GENERAL COUNSEL - Mr. Surrect

159. Addition to the Industrial Access Road Program

Garfield County - Commission District IV

The City of Enid is requesting approval for an industrial access project for the Cimarron Industrial Park. Pope Distributing is investing in a new facility which will create approximately 30 new jobs, and Aircraft Structures International is expanding their facility which will create approximately 50 new jobs. The Department will contribute an amount not to exceed \$400,000.00 for surfacing material only. Pope Distributing will contribute \$50,000.00 and Aircraft Structures International will contribute \$50,000.00. The City will be responsible for all remaining costs.

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

PRESENTED BY THE SECRETARY/DIRECTOR - Mr. Ridley

160. Director's Report

Secretary Ridley outlined our current organizational changes. Mr. John Fuller is our new Deputy Director, Mr. Gary Evans is our new Chief Engineer and Mr. Casey Shell is our new Director of Operations.

Director of Capital Programs Tim Gatz provided an update on our Stimulus Projects, stating that 89% of our stimulus dollars are now under contract.

Concerning recent State budget concerns, Commissioner Benbrook asked what measures ODOT is taking regarding budget cutbacks. Secretary Ridley briefly explained that we were looking at travel, overtime, etc., and asking our employees to control costs wherever possible.

Information only; no Commission action required.

Addendum I - Agenda Item No. 161 is now presented.

- a) ODOT Agreement with OTA - Agreement with Oklahoma Turnpike Authority for Mr. Gary Ridley to serve as Director of both the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority - **please see attached.**

ACTION: Overland moved and Cooper seconded that the Item be approved as presented.

MOTION: Carried by the following vote:

AYES: Dunegan, Cooper, Overland, Benson, Benbrook, Burgess and Regan

NAYS:

ABSENT: Mabrey

Meeting adjourned at 11:44 a.m.

Approval of the Minutes of the Regular Transportation Commission Meeting of November 2, 2009.

Dan Overland - Chairman

James H. Dunegan - Vice Chairman

(Seal)