

MINUTES OF THE TRANSPORTATION COMMISSION MEETING JANUARY 9, 2023

MINUTES OF THE COMMISSION MEETING OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, WAS HELD JANUARY 9, 2023 IN THE COMMISSION MEETING ROOM OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, 200 NE 21ST STREET, OKLAHOMA CITY, OK 73105

Notice of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2023 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in a prominent public view on the website of the Oklahoma Department of Transportation, www.ok.gov/odot, and on the glass doors on the north side of the ODOT Building twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Oklahoma Open Meeting Act, 25 O.S. Section 311. We sent a notice to the Oklahoma Secretary of State 10 days prior, noting the change to the start time of this meeting.

ITEMS PRESENTED BY COMMISSION CHAIRMAN

CALL TO ORDER: Mr. Peterson called the meeting to order at 10:30 a.m.

ROLL CALL:

Present:	Bob Peterson	Vice Chairman
	Bob Coburn	Member
	James Grimsley	Secretary
	TW Shannon	Member
	Don Freymiller	Member
	David Dyson	Member
	Bobby Alexander	Member
	Steve LaForge	Member

Absent: Gene McKown

Presiding: Bob Peterson

The following items were presented and approved as written at the Transportation Commission meeting January 9, 2023. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Commissioner Peterson thanked everyone for coming and introduced Special Guest: Bobby Stem, Executive Director of the Association of Oklahoma General Contractors. We really do appreciate everybody coming and participating in our Commission Meeting.

Commissioner Peterson recognized Secretary Gatz for an announcement.

Secretary Gatz asked for a moment of silence in memorial and remembrance of Secretary of Transportation, Gary Ridley. Gary was such an instrumental part in the progress we have made across the transportation system. No finer advocate for transportation and no finer friend!

Secretary Gatz recognized Brent Burwell, Executive Director of the OK/AR American Concrete Paving Association. He will present awards to District II for exceptional concrete pavement projects.

Mr. Burwell said we, as a state have won several awards for quality and concrete paving. This year we brought home 2 silver awards; but we also brought something new. This year for the 1st time the American Concrete Pavement Association awarded a best of show for sustainability efforts. If you have turned on the news, or if you go to national meetings, sustainability is the hot topic. It's something that's out there that we've got to pay attention to. The concrete industry here in Oklahoma and ODOT have been proactive at this for a number of years. We have done things, like change the way we design our mixes to reduce the amount of cement that we put in. Cement is one of the most used construction materials in the world' it's a bit carbon intensive. So, if we can reduce that, we reduce our carbon emissions; so, we have incorporated that into our projects. We also use the cement substitution by-products from waste products, like the coal industry, are incorporated and substituted for cement. So, we reduce our carbon footprint by those efforts; recycling is a big deal! I don't know if you guys realize this, but most of the concrete pavements we take up these days are crushed and recycled on site, meaning we don't have to haul them off, find a place to dispose, and fill up a landfill. So, all of these things have been working together that ODOT has, really, and our industry here in Oklahoma has done a really proactive job of reducing our carbon footprint. That was recognized at this meeting and most of those techniques were incorporated into this project, so we're very, very proud of that to be the 1st ever winner of the "Best of Show Sustainability Award". Both winners will be called up at same time as they both happen to be built in the same division, same construction residency and by the same contractor.

So even though there were three awards, they were shared by these two projects. In the overlay category, US-69 North of 63 near Kiowa, it was built in Division II under the construction residency of McAlester Construction Residency and the contractor was Duit Construction.

In the rural divided highways category and the best of show and sustainability categories, US 69, North of Caddo, Oklahoma, in ODOT District II under the resident engineer was the ODOT McAlester Residency, and the contractor was Duit Construction. Accepting the award for ODOT were, Anthony Echelle, District II Engineer and Commissioner Grimsley, District II Commissioner.

Secretary Gatz recognize Comptroller, Chelley Hilmes for an announcement.

Ms. Hilmes said it is my honor to announce Ms. Stefani Hackney as the new Comptroller over fiscal operations. Stefani earned her Bachelors of Science Degree in Accounting from the University of Central Oklahoma. She is a Certified Public Accountant and a Certified Governmental Financial Manager.

Prior to joining the State of Oklahoma, Stefani worked in public accounting at KPMG for over 7 years, performing audit services and developing an accounting system for Tinker Air Force Base. In addition, Stefani worked several years at various private companies as their Director of Financial Reporting. Before joining ODOT, Stefani served at the OMES in the Central Accounting and Porting Department for 13 years. She served as a PeopleSoft Implementation Manager and subsequent Financial System Support Manager for All State Agencies. Her most recent role at OMES included the Bright Path Payroll Accounting Lead, where she designed the Workday payroll accounting module to interact with the statewide PeopleSoft accounting system. And on a personal note, Stefani is a paid actress and can be seen as an extra in 2 Netflix movies. She is also a professional photographer with several of her pieces displayed at the State Capitol, as well as included in several state annual financial publications. Stefani and her husband, Robert, live in Harrah, Oklahoma. Please, join me in welcoming Stefani.

ITEMS PRESENTED BY THE SECRETARY TO THE COMMISSION

1. Approval of the Minutes of the Transportation Commission Meeting of December 5, 2022

ACTION:	Dyson moved and Alexander seconded that the Minutes be approved as presented.
MOTION:	Carried by the following vote:
AYES:	Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
ABSTAIN:	None
ABSENT:	McKown

CONSENT DOCKET TO BE PRESENTED BY COMMISSION CHAIRMAN

2. Speed Zone Revisions - Ms. January

a) Commission District VI – Multiple Locations

- 1. Texas County – Along rural US-54 including the Town of Tyrone for 14.24 miles

3. Land Sales – Mr. Phillips

- a) McClain County – District III – located along the north side of US-62, at the northeast corner of North Jefferson Avenue in the City of Blanchard, OK - \$12,001.00
- b) Tulsa County – District VIII – located along the north side of I-44, at the northwest corner of South Victor Avenue and East Skelly Drive in the City of Tulsa, OK - \$172,501.00

ACTION: Shannon moved and Freymiller seconded that the Consent Docket be approved as presented;
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: McKown

END OF CONSENT DOCKET

ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

4. Engineering Contracts

a) Statewide – All Districts - On-Demand Public Involvement

CI-2409A	Blanton & Associates, Inc.
CI-2409B	CP&Y, Inc.
CI-2409C	Poe & Associates, Inc.

The aggregate not to exceed for these three (3) contracts is \$750,000.00

b) Lincoln County – District III – to prepare construction plans for SH-66: over SLWC Railroad, 0.9 miles east of junction SH-18

CI-2402	CP&Y, Inc.	\$594,815.00
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Note: *Commissioner Grimsley asked what is On-Demand Public Involvement.*

Mr. Tegeler answered we have Consultants that will actually help us set up public involvement meetings and whatever need them for. If it's not in their contract already, they will help us modify or go ahead and help us work the public meetings and whatever else we may need.

Commissioner Grimsley asked why do we have engineering companies. I have degrees in engineering, and I'm confused why we would have engineers doing public relations.

Mr. Tegeler said they have components of non-engineer as well. They have public involvement knowledge and expertise, but they will have the engineering knowledge, as well, so they can help answer the questions on that bridge between the engineers, and those that are trying to get that message out to the folks.

Commissioner Grimsley asked if we had a past history of using engineering and has it gone well.

Mr. Tegeler said yes it has; and we are all still learning, because there are still some new things that we've been going through with all these virtual meetings, so there is a lot.

Commissioner Grimsley commented, we don't allow public relations firms to bid on our bridge design projects, so I'm confused, did we limit it to engineering?

Mr. Tegeler answered no, it's out there for anyone that is on our list.

ACTION: Alexander moved and Freymiller seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
NAYES: Grimsley
ABSENT: McKown

5. Engineering Contract Supplements

a) Statewide – All Districts – On-System Bridge Inspections

CI-2298A	Supplement 5	Burgess & Niple, Inc.
CI-2298B	Supplement 3	CEC Corporation

The total aggregate increase for these Contract supplements is \$500,000.00

b) Statewide – All Districts – On-Demand Project Reconnaissance Data Collection

CI-2351A	Supplement 2	BKL, Inc.
CI-2351B	Supplement 2	Garver, LLC
CI-2351C	Supplement 3	Half Associates, Inc.
CI-2351D	Supplement 2	Native Strategies, LLC
CI-2351E	Supplement 2	Parkhill, Smith & Cooper, Inc.
CI-2351F	Supplement 2	Poe & Associates, Inc.
CI-2351G	Supplement 2	Professional Engineering Consultants, P.A.
CI-2351H	Supplement 2	The Schemmer Associates, Inc.
CI-2351I	Supplement 2	Walter P. Moore and Associates, Inc.
CI-2351J	Supplement 2	White Hawk Engineering & Design, LLC

The total aggregate increase for these Contract supplements is \$2,500,000.00.

c) Statewide – All Districts – On-Demand State Bridge Rehabilitation

CI-2360A	Supplement 1	CEC Corporation
CI-2360B	Supplement 1	CONSOR Engineers, LLC
CI-2360C	Supplement 1	CP&Y, Inc.
CI-2360D	Supplement 2	Freese and Nichols, Inc.
CI-2360E	Supplement 2	HNTB Corporation
CI-2360F	Supplement 1	Olsson, Inc.
CI-2360G	Supplement 1	Purkeypile Engineering, LLC
CI-2360H	Supplement 1	Tetra Tech, Inc.

The total aggregate increase for these Contract supplements is \$2,000,000.00.

- d) Okfuskee County – District III – this supplement is for additional engineering to develop final construction plans for SH-84: over Bad and Unnamed Creeks, 3.8 and 4.8 miles east of US-75

CI-2269E Supplement 2 Tetra Tech, Inc. \$37,900.00

- e) Washita County – District V – this supplement is for additional engineering to develop final construction plans for SH-152: begin 5.8 miles east of the Beckham County line, extending east 5.0 miles

EC-1504A Supplement 1 MKEC Engineering, Inc. \$12,721.00

ACTION: Shannon moved and Dyson seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: McKown

ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard

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

- a) Cleveland County - I-35 - SAP-3500(122)ES / 35342(04), \$6,900.00, 10.16%
- b) Garfield County - County Road - STP-224C(077)CI / 32843(04), \$2,972.75, 0.08%
- c) Grady County - SH-39 - STP-226B(104)PM / 20302(07), \$8,050.00, 0.08%
- d) Hughes County - County Road - CIRB-232C(067)RB / 27886(04), \$890.58, 0.01%
- e) Leflore County - SH-31 - SBR-240C(073)SB / 29737(04), \$24,764.46, 2.63%
- f) McClain County - I-35 - NHPPI-3500-(133)PM / 35644(04), \$36,709.63, 1.38%
- g) Muskogee County - US-62B - NHPP-251N(139)PM / 35735(04), \$7,480.00, 1.09%
- h) Osage County - SH-20 - NHPP-257N(073)PM / 27168(04), \$14,632.24, -0.28% Underrun
- i) Pawnee County - SH-99 - STP-259B(064)PM / 29690(04), \$28,793.64, 2.40%
- j) Pontotoc County - SH-99 - STP-CRRS(020)PM / 33339(04), #2, \$5,629.65, 0.49%
- k) Pontotoc County - SH-99 - STP-CRRS(020)PM / 33339(04), #4, \$2,394.56, 0.21%
- l) Stephens County - DUNCAN BYPASS - SSP-269N(097)PM / 34250(07), \$7,500.00, 0.41%
- m) Tulsa County - US-75 - SBR-014N(117)SB / SAP-014N(121)ES / 33802(04), \$16,550.29, -0.65% Underrun

Total amount of presented Change Orders: \$100,902.74

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

- a) Beckham County - I-40 - NHPPI-4000-(098)PM / 31001(04), \$290,167.71, -3.89% Underrun
- b) Bryan County - US-69 - BSAP-207N(012)FM / BSAP-207C(102)FM / SSP-013N(182)PM / 25909(17), \$50,220.42, 0.28%
- c) Canadian County - I-40 - SBR-4000(146)SB / 33420(04), \$149,860.58, 12.10%
- d) Comanche County - I-44 - SBR-4400(080)SB / 33890(04), #3, \$81,239.22, 1.87%
- e) Comanche County - I-44 - SBR-4400(080)SB / 33890(04), #5, \$42,299.64, 0.98%
- f) Dewey County - SH-34 - STP-222B(039)PM / 30333(04), \$6,410.10, 0.04%
- g) Grady County - SH-37 - SSR-226C(099)SR / 34416(04), #2, \$19,677.44, 1.31%
- h) Grady County - SH-37 - SSR-226C(099)SR / 34416(04), #4, \$515.13, 0.03%
- i) Kay County - I-35 - NHPPI-3500-(101)PM / 29845(04), \$1,680.80, 0.02%
- j) Lincoln County - US-177 - MC-241B(087)MD / 35947(04), \$12,607.91, 1.70%
- k) McIntosh County - I-40 - NHPPI-4000-(066)PM / 27958(04), \$790,612.62, 5.03%
- l) Murray County - County Road - CIRB-250D(032)RB / 27855(04), \$272,309.32, 3.35%
- m) Oklahoma County - County Road - STP-255D(506)CO / 32884(04), \$11,377.71, 1.14%
- n) Oklahoma County - City Street - SBR-4000(124)SB / 34233(04), #7, \$2,500.00, 0.19%
- o) Oklahoma County - City Street - SBR-4000(124)SB / 34233(04), #8, \$14,026.10, 1.09%
- p) Osage County - SH-99 - STP-257B(090)PM / 29686(04), \$40,990.05, 1.01%
- q) Payne County - US-177 - STP-260B(056)PM / 29860(04), \$114,727.58, 0.65%

- r) Rogers County - SH-20 - STP-266B(081)PM / 27031(04), \$1,327,098.09, 3.01%
- s) Rogers County - SH-20 - STP-266N(094)PM / 34222(04), \$399,147.57, 8.66%
- t) Texas County - SH-136 - STP-270C(041)PM / 24241(07), \$4,500.00, 0.04%
- u) Tulsa County - US-169 - NHPP-030N(080)3P / 33783(04), \$500,815.28, 14.62%
- v) Tulsa County - I-44 - NHPPI-4400(054)(077)PM / 33788(04), \$137,139.90, 0.16%

Total amount of presented Change Orders: \$3,689,587.75

ACTION: LaForge moved and Coburn seconded that the Item be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
 NAYES: None
 ABSENT: McKown

ITEMS PRESENTED BY THE COMPTROLLER DIVISION

8. Proposed Bid Openings – Mr. Hackney, Project Funding Manager

- a) Final February, 2023 Proposed Bid Opening
- b) Tentative March, 2023 Proposed Bid Opening
- c) Tentative April, 2023 Proposed Bid Opening

Note: For the record Mr. Hackney noted that the last 2 pages of this item in the packet should be removed (those were OTA Projects not ODOT's).

ACTION: Dyson moved and Freymiller seconded that the Item be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
 NAYES: None
 ABSENT: McKown

ITEM PRESENTED BY THE DIRECTOR OF FINANCE

9. FY 2023 Budget Revisions – Ms. Hilmes

- a) Request to increase the Highway Program using carry over funds:

1. Federal funds

a) Highway Construction	\$ 203,579,682
b) City Projects	24,400,054
c) Right of Way	34,604,830
d) CRRSAA City Projects	<u>15,813,461</u>
Total	\$ 278,398,027

2. State funds

a) Engineering Contracts	\$ 16,841,468
b) Highway Construction	91,873,639
c) Right of Way	<u>10,954,092</u>
Total	\$ 119,669,199

- b) Request to increase the Highway Maintenance Program using state carryover funds.

1. Asset Preservation	\$ 12,834,009
2. Building Replacement Program	1,616,970
3. Field Building Maintenance	<u>7,884,965</u>
Total	\$ 22,335,944

- c) Request to increase the Right of Way Program by \$90,000,000 re-budgeting prior year reserves for existing Right of Way / Utilities projects.
- d) Request to increase the Lake and Industrial Access Program by \$8,258,000 utilizing state carryover funds.
- e) Request to increase the Material Certification Program by \$145,648 utilizing state carryover funds.
- f) Request to increase the County Program fund using carry over funds:

1. Federal Aid	\$ 6,322,231
2. CIRB Program	<u>6,957,063</u>
Total	\$13,279,294
- g) Request to increase the Transit Program by \$1,651,158 utilizing federal CARES Act carryover funds.
- h) Request to increase the Rail Program by \$4,975,382 utilizing federal carryover funds.

ACTION: Shannon moved and Alexander seconded that the Item be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
 NAYES: None
 ABSENT: McKown

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

10. Awards

December 22, 2022 – Regular Bid Opening

ACTION: Coburn moved and Freymiller seconded that the Item be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
 NAYES: None
 ABSENT: McKown

ITEM PRESENTED BY THE DIRECTOR – Mr. Gatz

11. Director’s Report

Secretary Gatz congratulated District II and commented to Commissioner Grimsley, that certainly, Anthony Echelle and his team, along with Duit Construction, did some work worth recognition. So well deserved and excited for them.

He thanked the Commission for awarding a couple of major projects:

- I-35/I-240 interchange reconstruction in Oklahoma County - this phase is going to feature frontage roads, a railroad bridge and a northbound I-35 to eastbound I-240 connection ramp – This will be approximately a \$56 million project, will start in 2023 and take around 2 years to complete.

The total series of projects and phases at this location are expected to total nearly \$91 million; it will take over the next 5 years to complete the reconstruction of a modern multi-level interchange.

- *US-271 bridge replacement and approaches over the Kiamichi Railroad, 2 miles north of the Texas state line in Choctaw County - this is approximately a \$20 million project, will start in late spring and will take about 14 months to complete.*

We are excited about these 2 major projects and there will be some disruption to the flow of traffic as we implement these improvements.

The Department is continuing our Safety Campaign and this month our focus is on "Distracted Driving". We are joining our partners at the Department of Public Safety, the Highway Safety Office and along with the Turnpike Authority to remind motorists to put away distractions when behind the wheel and always focus on the roadway. Distracted driving is one of the top causes of fatalities on our highways. Cell phones are one of the main culprits of distracted driving, which is why Oklahoma is one of 48 states that have a texting while driving ban. Other distractions include eating, talking with passengers, adjusting the radio or other controls in your car. As we start off the new year, we implore motorists to be our safety partners and do everything they can to arrive safely at their destinations by putting away distractions and buckling up!

Note: *Commissioner Peterson wanted to go back to Commissioner Grimsley's objection on the On-Demand Public Involvement item. Mr. Tegeler talked about a list of people that are essentially doing public relations work for us; he asked if they were all engineering firms.*

Mr. Tegeler answered, no, and even in solicitation we inform them that preference would be given to teams with extensive transportation experience and public meeting experience. So we are looking for that combination.

Commissioner Peterson agreed that it would make sense to have certainly the engineering component also.

Secretary Gatz commented that the public involvement that we do is primarily focused on the NEPA process, and that's a very regimented combination of making sure that we're capturing public interest and public input as we work our way through the conceptualization of transportation projects. So again, it's a multifaceted process that certainly includes that public relations component, which is an important piece of it, but also, it's really driven by the environmental clearance and environmental documentation process that we go through with each project.

Commissioner Grimsley stated I raised some concerns back in the Spring about contracting as our construction contractors were facing a lot of unprecedented challenges. So, I've still had some complaints since that time. I'm not sure that I ever received full answer to some of the things that I brought up. I still don't understand how bid limits work. I'd like to start seeing more data on our engineering and construction. I want to make sure that we're treating both buckets, engineering contractors and our construction fairly. I don't want to see us treating one more harshly, or not being as responsive. So, I would like to start seeing more data. I'm going to work with you, Mr. Tegeler, on more data that I'd like to see. I don't think this is quite sufficient in my opinion for us to really have the insight we need, and as a reminder, we the Commission are the statutory implementation of public involvement. So, we should have access to all the information; I'm going to be asking for more in moving forward.

Secretary Gatz told Commissioner Grimsley we will be eager to provide and certainly work with you about that.

Information Only: No Commission action required.

ITEM PRESENTED BY COMMISSION CHAIRMAN

12. Adjournment Motion

ACTION: Shannon moved and Dyson seconded that the Meeting be adjourned.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Shannon, Freymiller, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: McKown

Meeting adjourned at 10:58 a.m.

Approval of the Minutes of the Transportation Commission Meeting January 9, 2023.



Bob Peterson

Bob Peterson – Vice Chairman


Bobby Alexander – Member

Signature: Robert A. Peterson
Robert A. Peterson (Feb 6, 2023 10:30 CST)

Email: peterston@meltontruck.com