Arkansas State Highway Commission Meeting
Wednesday, April 17, 2013
Item 1
Minutes
January 31 & February 27
Meetings
Item 2
Consideration of Minute Orders
Item 3
State Highway
Revenue Update
(March 2013)
## Revenues and Consumption
### March 2013

### Revenues

**Comparison of AHTD State Revenues by Fiscal Year**

<table>
<thead>
<tr>
<th>July - March</th>
<th>FY 2012 (Millions)</th>
<th>FY 2013 (Millions)</th>
<th>Variance (Millions)</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Fuel Taxes</td>
<td>$214.8</td>
<td>$202.4</td>
<td>($12.4)</td>
<td>-5.8%</td>
</tr>
<tr>
<td>Registration Fees</td>
<td>$61.3</td>
<td>$58.8</td>
<td>($2.5)</td>
<td>-4.1%</td>
</tr>
<tr>
<td>Permits &amp; Penalties</td>
<td>$15.0</td>
<td>$13.6</td>
<td>($1.4)</td>
<td>-9.3%</td>
</tr>
<tr>
<td>Other</td>
<td>$4.0</td>
<td>$6.0</td>
<td>$2.0</td>
<td>50.0%</td>
</tr>
<tr>
<td><strong>Total User Revenues</strong></td>
<td><strong>$295.1</strong></td>
<td><strong>$280.8</strong></td>
<td><strong>($14.3)</strong></td>
<td><strong>-4.9%</strong></td>
</tr>
<tr>
<td>Natural Gas Severance Tax</td>
<td>$28.3</td>
<td>$22.6</td>
<td>($5.7)</td>
<td>-20.1%</td>
</tr>
<tr>
<td>RRA Interest</td>
<td>$2.4</td>
<td>$2.4</td>
<td>$0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Less: Diesel Tax for Bonds</td>
<td>($12.5)</td>
<td>($12.2)</td>
<td>$0.3</td>
<td>-2.4%</td>
</tr>
<tr>
<td><strong>Total Revenues Available</strong></td>
<td><strong>$313.3</strong></td>
<td><strong>$293.6</strong></td>
<td><strong>($19.7)</strong></td>
<td><strong>-6.3%</strong></td>
</tr>
</tbody>
</table>

**Fiscal Year 2012 Budget vs. Actual**

<table>
<thead>
<tr>
<th>July - March</th>
<th>Budget (Millions)</th>
<th>Actual (Millions)</th>
<th>Variance (Millions)</th>
<th>Percent Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Fuel Taxes</td>
<td>$207.3</td>
<td>$202.4</td>
<td>($4.9)</td>
<td>-2.4%</td>
</tr>
<tr>
<td>Registration Fees</td>
<td>$57.7</td>
<td>$58.8</td>
<td>$1.1</td>
<td>1.9%</td>
</tr>
<tr>
<td>Permits &amp; Penalties</td>
<td>$14.8</td>
<td>$13.6</td>
<td>($1.2)</td>
<td>-8.1%</td>
</tr>
<tr>
<td>Other</td>
<td>$4.1</td>
<td>$6.0</td>
<td>$1.9</td>
<td>46.3%</td>
</tr>
<tr>
<td><strong>Total User Revenues</strong></td>
<td><strong>$283.9</strong></td>
<td><strong>$280.8</strong></td>
<td><strong>($3.1)</strong></td>
<td><strong>-1.1%</strong></td>
</tr>
<tr>
<td>Natural Gas Severance Tax</td>
<td>$19.0</td>
<td>$22.6</td>
<td>$3.6</td>
<td>19.0%</td>
</tr>
<tr>
<td>RRA Interest</td>
<td>$1.8</td>
<td>$2.4</td>
<td>$0.6</td>
<td>33.3%</td>
</tr>
<tr>
<td>Less: Diesel Tax for Bonds</td>
<td>($12.8)</td>
<td>($12.2)</td>
<td>$0.6</td>
<td>-4.7%</td>
</tr>
<tr>
<td><strong>Total Revenues Available</strong></td>
<td><strong>$291.9</strong></td>
<td><strong>$293.6</strong></td>
<td><strong>$1.7</strong></td>
<td><strong>0.6%</strong></td>
</tr>
</tbody>
</table>

### Consumption

**Taxable Motor Fuel Gallons Reported**

<table>
<thead>
<tr>
<th>July - March</th>
<th>FY 2012 (Millions)</th>
<th>FY 2013 (Millions)</th>
<th>Difference (Millions)</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasoline</td>
<td>1,055.4</td>
<td>1,036.6</td>
<td>-18.8</td>
<td>-1.8%</td>
</tr>
<tr>
<td>Diesel</td>
<td>459.4</td>
<td>448.6</td>
<td>-10.8</td>
<td>-2.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,514.8</td>
<td>1,485.2</td>
<td>-29.6</td>
<td>-2.0%</td>
</tr>
</tbody>
</table>
Fuel Consumption
Gallons

Consumption Totals
Gallons

Thousands

-0.93%
2,020,526
2,001,674

-0.84%
1,409,342
1,397,475

-1.19%
610,794
603,518

75.05%
389
681

Prior FY
Current FY
Item 4
Status of Federal Highway and Transit Funding Issues
Federal Transportation Legislation

- Continuing Resolution
  - Signed by the President March 26, 2013
  - Appropriates Funding for 6 months
  - Expires September 30, 2013
Sequestration

- Federal Highway Programs
- Federal Transit Programs
- Highway Trust Fund
Fiscal Year 2014 Budget Proposals

- President, Senate, and House Proposals
- Maintain MAP-21 Funding Levels
- Special Funding Programs
- Elimination of Programs
Rebuild America Partnerships

- National Infrastructure Bank (NIB)
- America Fast Forward (AFF) Bonds
- Foreign Investment in Real Property Act (FIRPTA)
- Transportation Infrastructure Finance and Innovation Act (TIFIA)
- Transportation Investment Generating Economic Recovery (TIGER)
- Private Activity Bonds (PAB)
TIGER Grants

• Four Previous Funding Cycles
• FFY 2013
  • May – Guidance
  • June – Pre-application
  • July – Application
# TIGER Grants Requested vs. Received

<table>
<thead>
<tr>
<th>Project</th>
<th>Year Applied</th>
<th>Requested (x $1 Million)</th>
<th>Received (x $1 Million)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AHTD Applications</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bella Vista Bypass</td>
<td>2009</td>
<td>145.4</td>
<td>10.0</td>
</tr>
<tr>
<td>Highway 71 - Bella Vista Bypass</td>
<td>2010</td>
<td>132.4</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 92 Bridge Replacement</td>
<td>2011</td>
<td>1.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 150 Resurfacing</td>
<td>2011</td>
<td>1.8</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 167 Improvements</td>
<td>2011</td>
<td>31.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 71 New Location (Future I-49)</td>
<td>2012</td>
<td>6.3</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 92 Bridge Replacement</td>
<td>2012</td>
<td>1.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Highway 167 Improvements</td>
<td>2012</td>
<td>27.2</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>347.7</strong></td>
<td><strong>10.0</strong></td>
</tr>
<tr>
<td><strong>Other Agency Applications</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Razorback Regional Greenway (Benton and Washington Counties)</td>
<td>2010</td>
<td>24.8</td>
<td>15.0</td>
</tr>
<tr>
<td>Mississippi River Bridge ITS</td>
<td>2011</td>
<td>9.8</td>
<td>9.8</td>
</tr>
<tr>
<td>Sun Belt Regional Short Line Project</td>
<td>2011</td>
<td>21.2</td>
<td>0.0</td>
</tr>
<tr>
<td>Mainstreet to Mainstreet Multimodal Connector</td>
<td>2012</td>
<td>14.9</td>
<td>14.9</td>
</tr>
<tr>
<td>West Memphis International Rail Port</td>
<td>2012</td>
<td>11.0</td>
<td>11.0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>56.9</strong></td>
<td><strong>35.7</strong></td>
</tr>
<tr>
<td><strong>Grand Totals</strong></td>
<td></td>
<td><strong>404.6</strong></td>
<td><strong>45.7</strong></td>
</tr>
</tbody>
</table>
Other Proposed Federal Legislation

Senate Bill 387

*The American Infrastructure Investment Fund Act*

- American Infrastructure Investment Fund (similar to TIFIA)
- National Infrastructure Investment Grant Program (similar to TIGER)
Item 5
Northwest Arkansas Council Infrastructure Workgroup
Item 6
89th General Assembly
Status Report
• **AHTD Appropriations (Act 222)**
  – For Fiscal 2013-2014 operations

• **Definition of “State Highway Employee” (Act 543)**
  – Current law (death benefits) only cover employees engaged in “maintenance, construction, or traffic operations”

• **Disposal of State Highway Right of Way (Act 764)**
  – Allows transfer of right of way to local jurisdiction if highway is transferred
  – Allows cost of improvements to be considered when disposing of property
89th General Assembly

- “Move Over” Law (Act 579)
  - Current law applies to emergency vehicles using flashing lights
  - Revision needed to include vehicles owned by AHTD, our contractors, and utility companies

- Design-Build (Act 541)
  - Current law allows for design-build on two projects of at least $50M – expires this year
  - Revisions extend law for 10 years, relate it to CAP projects
89th General Assembly

- Codification of Amendment 91 (Act 1010)
  - Funding for State Aid for City Streets Program

- Use of Scooters Within State Parks (Act 578)
  - “Scooter” not previously defined; considered motor vehicle; subject to motor vehicle laws on highways
  - Parks and Tourism given authority to regulate use of scooters within State Parks

- Public-Private Partnerships (HB 1251)
  - Enabling legislation
  - Passed House – Failed in Senate Committee
89th General Assembly

- Authority to Continue to Assess Fees (Act ___)
  - Act 1159 of 2011 required specific statutory authority for State agencies to continue to assess fees for permits, etc.
  - Assures that AHTD can continue to collect fees (Logos, billboards, roadway maintenance assessments, etc.)

- Uniform Commercial Driver License Act (Act 758)
  - Technical Amendments to existing CDL law to comply with Federal law
  - Failure to comply would have resulted in loss of $17M in first year and $33M in second year (Federal funds)
Revenue Loss from Sales Tax Exemption on Trucks and Semi-Trailers (Act 1176)
- Registration fee increase on trucks; replaces lost revenue and includes commercial vehicle safety program
- SB 438 would transfer to General Revenue (not run)
- SB 876 and HB 2026 would repeal exemption (not run)

Equivalent Tax Rate for Alternative Fuels (SB 1075)
- Would phase in rate increases for CNG, LPG
- Passed Senate; Failed in House – twice!
89th General Assembly

- **Bonding for Cities and Counties (Act 1241)**
  - Allows use of 0.5% Sales Tax turnback for repayment of bonds

- **Retirement System Legislation**
  - Adds Director to Retirement Board (Act 73)
  - Prorates healthcare offset benefit based on a member’s service time with reciprocal systems (Act 309)
  - Allows policy separating employees from employment once lump-sum service payment is made (Act 310)
  - Would allow members to purchase refunded service in a method not actuarially equivalent to the plan (HB 1228); Department opposed; bill not run
• Duit Construction v. AHTD
  – Contract claim for $6.5 million – from I-30 widening jobs in early 2000s
  – Denied and dismissed by Claims Commission
  – Appealed to Legislative Claims Subcommittee – referred back to Claims Commission
  – Denied and dismissed by Claims Commission
  – Appealed to Legislative Claims Subcommittee
  – Claims Commission decision upheld
89th General Assembly

- Dedication of Road User Revenue for Highways, Roads, and Streets (HB 1418 and HJR 1008)
  - “Trigger” based on sales and use tax revenue
  - Dedication phased in over 10 years
  - Protect Educational Excellence and Educational Adequacy Trust Funds
  - With revenue projections, no other State agency would lose funds
  - HB 1418 failed in Committee; HJR 1008 heard, not recognized
89th General Assembly

• Additions to Rock ‘n’ Roll Highway (Act 26)
  – Highway 67
  – Adds White County to existing statute that covers Jackson, Lawrence and Randolph Counties

• Additions to Scenic Highways (Act 714)
  – Highway 90 from Pocahontas to Ravenden
  – Highway 93 from Highway 90 to Dalton
89th General Assembly

- Awarding Service Pistol and/or Shotgun to AHP Officers (Act 307)
  - Amends existing law to include awarding of shotgun and award of weapon to spouse if officer deceased
  - Permissive language

- Increasing Lawful Length of Semitrailers (Act 1092)
  - Allows 57’ by permit; no increase in allowable weights

- Increasing Weight Limit for Hauling Animal Feed (Act 1267)
  - Allows 85,000 pounds by permit
• Naming of Public Facilities (Act 1225)
  – Prohibits naming building, structure, or facility paid for with public funds from being named for person who, in 10 years preceding construction, was elected to a salaried federal, state, county or municipal office
  – Does not apply to former prisoner of war or to person who is 75 years old and retired
  – Does not apply to facility paid for with at least 50% private funds
  – Does not define “structure” or “facility”
• **Eminent Domain (Act 502)**
  - Adds cost of attorney fees and other fees to cost of ROW when AHTD makes acquisition through eminent domain
  - Will result in fewer negotiations, higher cost for ROW

• **Shared Leave Program (Act 997)**
  - Allows donation of sick or annual leave to another employee who is seriously ill or has immediate family member who is seriously ill
  - Will require revision of AHTD Personnel Manual
89th General Assembly

- Distribution of State Agency Publications (Act 501)
  - Requires electronic distribution
  - Upon request, agency may print black-and-white copy; reporting required
  - Exception for Arkansas Highways magazine
89th General Assembly

- Improper Lane Usage on Highways (Act 965)
  - Prohibits continuous driving in left lane on multilane highways
  - AHTD may designate routes and install signs (permissive)

- Use of Public Funds for Ballot Measures (Act 312)
  - Prohibits use of public funds to purchase advertising, etc. to support or oppose ballot measures
89th General Assembly

- **Nighttime Environment Protection Act (HB 1568)**
  - Would require shielding, etc. of lights other than traffic signals
  - Would require approval of Director for exceptions
  - Failed in House

- **Wine Country Trail Signs at Welcome Centers (HB 2154)**
  - Would require Wine Country Trail signs to be placed on billboards at Welcome Centers (not run)
89th General Assembly

- **Clearing ROW (HB 1818)**
  - Would set procedures for submitting “beautification” plans and for appealing denials
  - Failed in House Committee

- **Permanent Trailer Registration (HB 2216)**
  - Would allow permanent trailer registrations to be replaced if lost or transferred to new trailer for $1
  - Total loss to AHTD estimated to be $173,700 per year
  - Passed House; failed in Senate Committee
• Increasing Length of Semitrailers for Oilfield Trailers (SB 1076)
  – Would allow 60.5’ trailers **without** permit
  – Passed Senate; not run in House Committee
  – Department is opposed

• Requiring Oath for Testifying to Legislature (HB 2240)
  – Would apply to State employees
  – Would not apply to elected officials
  – Failed in House
89th General Assembly

• Proposed Constitutional Amendment (HJR 1003)
  – Requires Board of Apportionment to establish four Highway Commission Zones
  – One Commissioner would be elected from each Zone
  – One Commissioner would be elected from the State at large to serve as Chair
  – Four-year terms (initially drawing lots so that 3 serve a 4-year term and 2 serve a 2-year term)
  – Term limit of two 4-year terms
  – Director would be appointed by Governor for 4-year term; could be reappointed
• Proposed Constitutional Amendment (SJR 7)
  – Would require legislative approval of administrative rules promulgated by state agencies
  – Current procedure requires legislative review, but not approval
  – Passed Joint Committee on Constitutional Amendments; still must pass Senate and House
  – Would be on ballot in November 2014
Item 7
Consultant Selection for Statewide Underwater Bridge Inspection Services
Item 8
Consultant Selection for Construction Engineering and Inspection
Item 9
Consultant Selection for On-Call Right of Way Acquisition Services
Item 10
Consultant Selection for Connecting Arkansas Program Bond Counsel
Item 11

I-Plan Presentation:
Investing in Infrastructure Improvements for Arkansas

A Communications and Marketing Plan
THE I-Plan
Investing in Infrastructure Improvements

A COMMUNICATIONS AND MARKETING PLAN
for the

prepared by
THE AHTD PUBLIC INFORMATION OFFICE
April 2013
THE I-Plan

Purpose
THE I-Plan

Purpose

➢ Traveler Information
THE I-Plan

Purpose

➢ Traveler Information
➢ Accountability
Components

IdriveArkansas.com
THE I-Plan Components

IdriveArkansas.com
THE I-Plan Components

- IdriveArkansas.com
- Signage
IMPROVEMENTS UNDERWAY NEXT 5.8 MILES EST. COMPL. SEPT 2014
THE I-Plan

Components
THE I-Plan

Components

韧性Arkansas.com

Signage
Components

- IdriveArkansas.com
- Signage
- Local Marketing
THE I-Plan

Costs

➢ $1.39 million over 10 years
Costs

- $1.39 million over 10 years
- Less than 0.5% of total IRP and CAP
THE I-Plan
Investing in Infrastructure Improvements
Item 12
Other Business and Discussion
Arkansas State Highway Commission Meeting

Wednesday, April 17, 2013