TO: ALL DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meetings in Little Rock, AR on March 11, 2015.

After making a careful review of these proceedings, please take appropriate action through designated lines of authority to forward the carrying out of any orders applying to your respective divisions and districts.

Scott E. Bennett
Director of Highways and Transportation

c: Commission
2015-015 IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 10:00 a.m., March 11, 2015.

2015-016 WHEREAS, the Purchasing Committee has awarded purchases on January 9 and 27, 2015, and February 6 and 24, 2015, in the amount of $118,656.00, $2,505,580.39, $989,622.92, and $93,738.00, respectively, totaling $3,707,597.31, and supply and service contracts, in accordance with authority previously conveyed, all of which have been documented by official minutes which are of record in the files of the Commission and Equipment and Procurement Division.

NOW THEREFORE, IT IS ORDERED that the action of the Purchasing Committee be ratified and confirmed in all particulars.

2015-017 WHEREAS, in accordance with the National Environmental Policy Act, the Endangered Species Act of 1973, and other state and federal environmental laws and regulations, the Department is required to ensure that the recommended projects appropriately address potential social, economic and environmental impacts; and

WHEREAS, it is necessary to provide timely environmental clearance of projects in order to proceed with design and construction; and
WHEREAS, work performed under these service contracts would be an effective method of producing timely studies and supplementing in-house capabilities.

NOW THEREFORE, the Director is authorized to request proposals, select consulting firms, and enter into any necessary contracts and agreements with the firms for environmental services as needs are identified.

WHEREAS, the Federal Highway Administration sponsors the National Summer Transportation Institute, a program to encourage secondary school students to pursue transportation careers; and

WHEREAS, increasing awareness about transportation related careers is important to the transportation industry; and

WHEREAS, the Federal Highway Administration has encouraged state transportation departments to continue this 100% federally funded program; and

WHEREAS, in accordance with the Federal Highway Administration’s guidelines for selecting a host site, the Department issued a Request for Proposals; and

WHEREAS, the University of Arkansas at Little Rock has submitted a proposal that meets the scope of the program and is within the projected budget allowance provided by the Federal Highway Administration.

NOW THEREFORE, the Director is authorized to enter into an agreement with the University of Arkansas at Little Rock to host the 2015 National Summer Transportation Institute.

WHEREAS, the Moving Ahead for Progress in the 21th Century Act (MAP-21) established transportation performance management requirements for achieving the most efficient investment of Federal transportation funds; and
WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) is developing a program to assist states in developing transportation performance management; and

WHEREAS, a pooled fund study has been established to allow participating states to obtain best practices information and training as well as provide feedback on priority needs; and

WHEREAS, participation in this pooled fund study will be highly beneficial to the Department.

NOW THEREFORE, the Director is authorized to participate in this pooled fund effort and enter into the necessary agreements to fulfill the Department’s commitment.

WHEREAS, the Arkansas State Highway Commission established a differential speed limit of 65 mph for trucks and 70 mph for other vehicles on Rural Freeways in Arkansas by Minute Order 96-148; and

WHEREAS, research has shown that a differential speed limit is not effective for the efficient flow of traffic; and

WHEREAS, none of the surrounding states have a differential speed limit on Rural Freeways; and

WHEREAS, the National Highway System Designation Act of 1995 gives each state the responsibility of establishing speed limits.

NOW THEREFORE, the Director is authorized to remove the speed limit of 65 mph for trucks and establish a uniform speed limit of 70 mph for all vehicles on Rural Freeways.

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 22R in fee by Warranty Deed from Grantors, Mary L. Wilkerson Harris and her spouse, Joseph William Harris, filed for record on July 25, 2007, in the Circuit Clerk’s office of Grant County, Arkansas in connection with Job No. 020275, Highway 167 Bypass (Sheridan) Route 167 Sections 10 & 11, Grant County, Arkansas; and

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(Continued)
WHEREAS, the above named Grantors assigned their right to re-acquire Tract No. 22R to Lindsey Bellomy and Peggy W. Bellomy, husband and wife, on November 17, 2011; and

WHEREAS, Lindsey Bellomy and Peggy W. Bellomy have asked to purchase Tract No. 22R which the District Engineer for District 2 has determined is not now, nor in the foreseeable future will be, needed for highway purposes; and

WHEREAS, the Commission acquired Tract No. 22R for THREE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS ($3,250.00), which the tract is more particularly described as follows:

Beginning at a ½ inch rebar being used as the Center East Sixteenth corner of Section 8, also being on the Westerly right of way line of Relocated U. S. Highway 167 as established by AHTD Job 020275; thence North 87° 54' 45" West along the South line of the Southwest Quarter of the Northeast Quarter of Section 8 a distance of 169.99 feet to a point; thence North 01° 20' 13" East a distance of 575.54 feet to a point; thence South 87° 56' 12" East a distance of 114.40 feet to a point on the Westerly right of way line of Relocated U. S. Highway 167 as established by AHTD Job 020275; thence South 05° 08' 18" East along said right of way line a distance of 433.19 feet to a point; thence South 01° 18' 28" East along said right of way line a distance of 146.04 feet to the point of beginning and containing 1.93 acres, more or less, as shown on plans prepared by the AHTD referenced as Job 020275.

NOW THEREFORE, the above-described property is declared surplus and upon receipt of the consideration of THREE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS ($3,250.00), the Chairman of the Commission is authorized and directed to execute a quitclaim deed conveying the above-described property to Lindsey Bellomy and Peggy W. Bellomy, husband and wife; the Deed and a copy of this Minute Order shall be recorded in Grant County, Arkansas, and, if necessary, the right of way shall be remonumented. Any Federal-aid funds from this disposal shall be credited to Federal Funds or otherwise credited as permitted by Federal Law.
WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract Nos. 2, 2R and 3R from two Grantors; Tract Nos. 2 and 2R were acquired from Robert H. Horton, unmarried, by Warranty Deeds filed for record on August 23, 1985, in the Circuit Clerk’s office of Pulaski County, Arkansas; and Tract No. 3R was acquired from Lillie M. Thomas, unmarried and survivor of an estate by the entirety, filed for record on October 2, 1985, in the Circuit Clerk’s office of Pulaski County, Arkansas; in connection with Job No. 60362, Pulaski County, Arkansas; and

WHEREAS, T-Bar Properties, LLC, has asked to purchase Tract Nos. 2, 2R and 3R, which the District Engineer for District 6 has determined is not now, nor in the foreseeable future will be, needed for highway purposes; and

WHEREAS, T-Bar Properties, LLC, had the highest bid in the sum of $27,500.00, which is the appraised value last advertised on October 19, 2014, in the publication of notice of sale and pursuant to Ark. Code Ann. 27-67-322 for Tract Nos. 2, 2R and 3R, at a public auction held on Tuesday, December 16, 2014, at 11:00 a.m., at the Arkansas State Highway and Transportation Department, 10324 Interstate 30, Central Complex Headquarters Building, Little Rock, Arkansas, Room 705; and receiving from T-Bar Properties, LLC, Check # 014647 in the amount of TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS ($2,750.00) in earnest and accepted bid on the day of auction; and

WHEREAS, the Commission acquired Tract No. 2 for FOURTEEN THOUSAND AND NO/100 DOLLARS ($14,000.00), although it had appraised in the amount of $14,500.00; Tract No. 2R for ONE THOUSAND AND NO/100 DOLLARS ($1,000.00) as appraised; and Tract No. 3R for TWELVE THOUSAND AND NO/100 DOLLARS ($12,000.00) as appraised, which the tracts are more particularly described as follows:

Job No. 060362
Tract No. 2
A parcel of land situated in the Northwest Quarter of the Northwest Quarter of Section 9, Township 1 South, Range 13 West, of the Fifth Principal Meridian, City of Little Rock, Pulaski County, Arkansas, said parcel being a portion of Lot 3 in “G” Subdivision of Pulaski County, being more particularly described as follows:

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(Continued)
Beginning at a point 15 feet Northeast of the Southwest line of Lot 3 in Three “G” Subdivision and also being 115 feet Southeast of the East right of way line of Interstate 30; thence along the Thomas property line, North 43° 58’ 50” East, 49.92 feet; thence continuing along said Thomas property line South 46° 02’ 09” East, 63.49 feet; said line also being parallel to the Northeast line of Lot Three “G” Subdivision; thence along a curve to the left an arc distance of 75.90 feet, said curve having a radius of 427.46 feet, and a chord bearing and distance of North 87° 14’ 26” West, 75.80 feet; thence North 45° 53’ 37” West, 6.48 feet along a line parallel and 15 feet Northeast of the Southwest line of Lot Three “G” Subdivision to the point of beginning and containing 0.038 acres, more or less.

And Also

Tract No. 2R
A parcel of land situated in the Northwest Quarter of the Northwest Quarter of Section 9, Township 1 South, Range 13 West, of the Fifth Principal Meridian, City of Little Rock, Pulaski County, Arkansas, said parcel being a portion of Lot 3 in “G” Subdivision of Pulaski County, being more particularly described as follows:

Beginning at a point 15 feet Northeast of the Southwest line of Lot 3 in Three “G” Subdivision and also being 121.48 feet Southeast of the East right of way line of Interstate 30; thence along a curve to the right an arc distance of 75.90 feet, said curve having a radius of 427.46 feet, and a chord bearing and distance of South 87° 14’ 26” East, 75.80 feet; thence South 46° 02’ 09” East, 16.70 feet to a point; thence South 44° 11’ 00” West, 50.12 feet to a point; thence North 45° 53’ 37” West, 73.53 feet along a line parallel and 15 feet Northeast of the Southwest line of Lot Three “G” Subdivision to the point of beginning and containing 0.054 acres, more or less.

And Also

Tract No. 3R
A parcel of land situated in the Northwest Quarter of the Northwest Quarter of Section 9, Township 1 South, Range 13 West, of the Fifth Principal Meridian, City of Little Rock, Pulaski County, Arkansas, said parcel being a portion of Lots 2 and 3 in “G” Subdivision of Pulaski County, being more particularly described as follows:
Beginning at a point 15 feet Northeast of the Southwest line of Lot 3 in Three “G” Subdivision and also being 195 feet Southeast of the East right of way line of Interstate 30; thence North 44° 11’ 00” East, 50.12 feet to a point; thence North 46° 02’ 09” West, 16.70 feet to a point; thence along a curve to the right an arc distance of 130.98 feet, said curve having a radius of 427.46 feet, and a chord bearing and distance of South 73° 22’ 33” East, 130.42 feet to a point; thence South 64° 35’ 53” East, 6.36 feet to a point in the Southeasterly line of Lot 2 in Three “G” Subdivision; thence South 44° 07’ 30” West along the Southeast line of Lots 2 and 3 of said Subdivision a distance of 112.45 feet to a point; thence North 45° 49’ 23” West, 105.10 feet along a line parallel and 15 feet Northeast of the Southwest line of Lot Three “G” Subdivision to the point of beginning and containing 0.219 acres, more or less.

NOW THEREFORE, Tract Nos. 2, 2R and 3R, the above-described properties, are declared surplus; upon receipt of the remaining acquired consideration of TWENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS ($24,750.00), the Chairman of the Commission is authorized and directed to execute a quitclaim deed conveying the above described properties to T-Bar Properties, LLC; a copy of the deed and this Minute Order shall be recorded in Pulaski County, Arkansas; and, if necessary, the right of way shall be remonumented. Any Federal Funds from this disposal shall be credited to the Federal Funds.

WHEREAS, IN CLEBURNE COUNTY, Job 050228, Midway Branch Str. & Apprs. is nearing completion; and

WHEREAS, the construction bypassed portions of Highway 225, Section 3.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- The obliterated portions of Highway 225, Section 3, are hereby removed from the State Highway System.
• The bypassed portions of Highway 225, Section 3, are no longer needed for Highway purposes and are hereby removed from the State Highway System.

• The newly constructed portion of roadway is hereby added to the State Highway System as a part of Highway 225, Section 3.

WHEREAS, IN CRAIGHEAD COUNTY, portions of Highway 135, Section 2 and 2Y in the vicinity of Black Oak were relocated by Job 100308 and are now open to traffic; and

WHEREAS, the existing connection from Highway 135, Section 2 to the junction with Highway 18, Section 4 has been severed and is no longer needed for Highway purposes.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

• The obliterated portions of Highways 135, Section 2Y and 135, Section 2 are hereby removed from the State Highway System.

• The bypassed portion of Highway 135, Section 2, is no longer needed for Highway purposes and is hereby removed from the State Highway System.

• The newly constructed portion of roadway is hereby added to the State Highway System as part of Highway 135, Section 2.

• The remaining portion of Highway 135, Section 2Y, is hereby redesignated as Highway 135, Section 2.
2015-025 WHEREAS, IN GREENE COUNTY, a portion of the Paragould Bypass built by Jobs 100710, Hwy. 49-Hwy. 412 East (Gr. & Strs.) and 100711, Hwy. 49-Hwy. 412 East (Bs. & Surf.) is nearing completion.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- The newly constructed portion of roadway is hereby added to the State Highway System as a part of Highway 412, Section 9 Spur.

2015-026 WHEREAS, IN CRAIGHEAD COUNTY, Minute Order 2013-133 authorized a study to determine the need for and feasibility of roadway improvements on Highway 49, Section 3, and on Highway 351, Section 2, in the City of Jonesboro; and

WHEREAS, the Highway 49, Highway 351 and Highway 91 Improvements Feasibility Study has been prepared and has identified several feasible improvement alternatives to facilitate traffic flow and enhance safety.

NOW THEREFORE, this study is adopted for use as a planning guide for scheduling future improvements in the area.

2015-027 WHEREAS, IN PULASKI COUNTY, the ramps and frontage roads at the Interstate 40 and Highway 391 interchange at Galloway are deteriorated and are in need of rehabilitation; and

WHEREAS, there is a high volume of trucks using this interchange to access businesses in the area; and

WHEREAS, this improvement is eligible for Interstate Rehabilitation Program funding.

NOW THEREFORE, the Director is authorized to proceed with surveys, plans and construction of a project to rehabilitate the ramps and frontage roads at the Interstate 40 and Highway 391 interchange at Galloway as funds become available.

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WHEREAS, the Resident Engineers Office # 73 located at 2190 California Avenue in Camden, has been leased for thirty nine years; and

WHEREAS, the owner is now offering to sell the property, which includes the office building, to the Department; and

WHEREAS, the cost to lease this facility for the next 24 months is more than the appraised value of the property.

NOW THEREFORE, the Director is authorized to complete the work to purchase the property at this site in accordance with state laws and Department practices and procedures.

WHEREAS, the Arkansas State Highway Commission received bids on the following projects at the March 10, 2015 letting; and

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(Continued)
WHEREAS, a thorough bid review and analysis is undertaken by the Department to ensure that only those projects are awarded which are judged to be in the best interests of the State; and

WHEREAS, the right is retained to reject any or all proposals, to waive technicalities, or to advertise for new proposals, also as judged to be in the best public interests of the State; and

WHEREAS, the Commission desires to expedite work on these important projects; and

WHEREAS, in accordance with Arkansas Constitution, Amendment 42, Section 6, as well as other laws of this State, the Commission has the authority to delegate certain of its powers to the Director of Highways and Transportation.

NOW THEREFORE, upon the Contractors furnishing the necessary performance and payment bonds and submitting all additional information required for the above mentioned projects, the Director is hereby authorized to enter into contracts and supplemental agreements for any projects deemed to be in the best interests of the State. Further, the Director is authorized to reject any or all proposals, to waive technicalities, and/or to advertise for new proposals whenever deemed to be in the best interests of the State.

MOTION

Commissioner Alec Farmer moved, Commissioner Robert S. Moore, Jr. seconded and the motion passed to approve the following Highway Commission Statement on HJR1017:

The General Assembly is considering 39 potential amendments to the Arkansas Constitution. Up to three of these proposals can be referred to the citizens of Arkansas in the November 2016 general election.

House Joint Resolution (HJR) 1017 by Rep. Jim Dotson is one of the proposals under consideration. HJR1017 would alter Amendment 42 (the Mack-Blackwell Amendment) to the Constitution.
which created the Highway Commission structure that exists today. HJR1017 would transfer the Highway Commission’s authority to the General Assembly.

Amendment 42 was originally proposed by the 58th General Assembly in 1951 to improve a dysfunctional system in place at that time. Amendment 42 was voted on in the general election held November 4, 1952, and passed by a margin of 231,529 in favor, 78,291 opposed. It went into effect with the enabling legislation, Act 123 of 1953, on February 23, 1953.

The Mack-Blackwell Amendment created a system whereby Commissioners are appointed by the Governor and confirmed by the Senate, with funding provided by the Legislative Branch. The Commission then oversees the planning, construction, and maintenance of our state highways using the resources provided by Congress and our State Legislature.

The Arkansas State Highway and Transportation Department continually ranks as one of the most efficient State Highway agencies in the country. The voters of Arkansas passed two major road improvement programs at the polls in successive years (2011 and 2012) – one of which included a tax increase. It is not likely the people would have entrusted the Commission with this temporary increase in highway revenue if they had concerns about the structure or activities of the Commission.

We believe Amendment 42 is working for the good of the people of Arkansas. Therefore, the members of the Highway Commission oppose the changes proposed in HJR1017.

OTHER DISCUSSION ITEMS

Commission Chairman Dick Trammel brought up the first order of business, the previous Commission Minutes of January 28, 2015. The Minutes were approved without discussion.
Larry Dickerson, Chief Fiscal Officer, provided the January 2015 update on state highway revenue. Mr. Dickerson noted that state highway revenues to the Department from most traditional sources are up a total of $5.1 million in the first seven months of State Fiscal Year (SFY) 2015 compared to the same period for SFY 2014. With the revenue from the Natural Gas Severance Tax coming in higher for the first seven months of this year compared to last year, total revenues available are $12.3 million higher for this year. Actual state revenue received is also $12.1 million higher compared to projected (budgeted) revenue for this year.

In closing, Mr. Dickerson stated that January and February revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 8.0% and 3.3% higher, respectively ($1.5 million) than projected by the Department of Finance and Administration (DF&A). This revenue source has come in under DF&A’s projections for twelve of the twenty months since the tax went into effect, and is cumulatively 0.45%, or $1.2 million, under DF&A’s projections to date.

Director Bennett provided the latest information on the Federal highway and transit funding issues. Director Bennett noted that on December 16, the President signed the $1.1 trillion “Crominbus”, which stands for the “continuing resolution” (CR) and “omnibus” spending bill. The Crominbus funds most government agencies through the end of the Federal Fiscal Year. Federal Highway and Transit Funding Programs are also extended through September 30, 2015. Highway Programs received $40.9 billion, which is a continuation of the current spending levels. The $2.2 billion in transit funding is $141 million more than current levels. The Department of Transportation Appropriations Act of 2015 extends obligation authority through May 31, 2015. Further legislation will be necessary to extend obligation authority through September 30, 2015. In addition, the Federal Highway Trust Fund (HTF) is still in jeopardy. The Department can continue to obligate funds through May 31, 2015, but cannot be assured of timely reimbursement for expenditures.

The Highway and Transportation Funding Act of 2014 was a temporary patch to the HTF and provided $11 billion in transportation funding. Without additional action from Congress, the HTF is projected to once again fall to critical levels early this summer and the Federal Highway Administration may be forced to begin reducing reimbursements to the states.

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As a result, the Department has re-implemented cash management procedures and has pulled eight projects from the January 27, 2015 and March 10, 2015 bid lettings. It is important that the Department stabilize and protect our cash flow in the event Congress does not address this pending crisis.

Director Bennett gave an update on the status of the 2011 Interstate Rehabilitation Program (IRP), Connecting Arkansas Program (CAP), and State Aid City Street Program. The 2011 Interstate Rehabilitation Program was approved by Arkansas voters in November 2011. Under this program, the Commission has the authority to issue up to $575 million in GARVEE bonds for Interstate rehabilitation. Three series of bonds have been issued. The first was sold in September 2012 at a par value of $197 million (true interest cost of 1.6%) with a premium of $33 million (total of $230 million available for construction). The second was sold in October 2013 at a par value of $172 million (true interest cost of 2.2%) with a premium of $29 million (total of $201 million available for construction). The third was sold in November 2014 at a par value of $206 million (true interest cost of 2.1%) with a premium of $37 million (total of $243 million available for construction).

The Connecting Arkansas Program was approved by Arkansas voters in November 2012. Under this program, the Commission has the authority to issue up to $1.3 billion in revenue bonds for four-lane highway construction. The first series of bonds was sold in September 2013 at a par value of $469 million (true interest cost of 3.1%) with a premium of $25 million (total of $494 million available for construction).

With the approval of the 0.5% Sales Tax for the Connecting Arkansas Program, 1 cent in motor fuel tax revenue (approximately $20 million annually) is being set aside for a State Aid City Street Program. Projects are selected by the State Aid City Street Committee comprised of nine (9) mayors and are designed, let to contract, and inspected by the Department.
The Regular Session of the 90th General Assembly convened on Monday, January 12, 2015. The bill filing started Monday, November 17, 2014. Director Bennett gave an update on the status of legislation pertaining to the Department and on upcoming meetings and events of interest.

The Department is now holding the Bid Letting the day before the Commission Meeting. Director Bennett presented a summary of the apparent low bids and bidders from the March 10, 2015 Bid Letting.

Director Bennett gave a report on the Department’s response to the recent winter storms compared to the winter storms of 2014. After the new Snow & Ice Removal Plan was adopted by Minute Order 2014-109 in September of 2014 and put in place, the Department was better prepared for the current winter. This time, the snow and ice was removed in a more timely manner and travelers noticed. Hard works by the crews paid off and numerous emails and letters were received from the traveling public giving the Department compliments. Director Bennett ended by stating that there are still damaged signs, guardrails and potholes that are in immediate need, but overall the Department has done an excellent job.

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 12:15 p.m., March 11, 2015.

I hereby certify that the above and foregoing is a true record of the proceedings taken by the Arkansas Highway Commission at its meeting on March 11, 2015.

Lindy H. Williams
Commission Secretary

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