ADMINISTRATIVE CIRCULAR NO. 2018-09

TO: ALL DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meeting in Little Rock, AR on June 6, 2018.

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

c: Commission
MINUTES OF THE MEETING
OF THE
ARKANSAS STATE HIGHWAY COMMISSION

June 6, 2018

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, June 6, 2018. Members present were:

Dick Trammel, Chairman
Thomas B. Schueck, Vice Chairman
Robert S. Moore, Jr., Member
Alec Farmer, Member
Philip Taldo, Member

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:30 a.m., June 6, 2018.

WHEREAS, the Purchasing Committee has awarded purchases on April 20, 2018, and May 9 and 29, 2018, in the amount of $1,132,430.88, $835,000.00, and $981,609.71, respectively, totaling $2,949,040.59, 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.

WHEREAS, Minute Order 2012-006 authorized the Director to enter into agreements with the Institute for Trade and Transportation Studies (ITTS) to participate in this program along with the other Southern Association of State Highway and Transportation Officials states; and

WHEREAS, the purpose of ITTS is to provide research data and expert opinions to its members concerning the effects of commercial freight movements on domestic and international activities, with reference to infrastructure and transportation needs and safety implications; and
WHEREAS, over the past five years, the ITTS has worked with member states in conducting peer exchanges, research, preparing presentation materials, and special reports; and

WHEREAS, continuation of the ITTS beginning July 1, 2018 and extending for the next five Federal fiscal years would provide benefits to the Department that include assistance in implementing the recently adopted State Freight Plan, further developing the State’s major freight corridors and facilities, and enhancing freight transportation initiatives; and

WHEREAS, the ITTS will continue to be funded through a pooled fund project over a five-year period.

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, events such as severe storms, tornadoes, or flooding may cause significant damage to Arkansas’ roads, roadway slopes, highway structures, and drainage structures; and

WHEREAS, State and/or Federal Disaster Declarations may be proclaimed, including counties in Arkansas; and

WHEREAS, as a result of these Declarations, Federal funds may be made available through the Emergency Relief Program of the Federal Highway Administration (FHWA) for emergency and permanent repair work.

NOW THEREFORE, should an event as described above occur, the Director is authorized to enter into necessary contracts to repair damage on the State Highway System and request reimbursement as funds are made available from FHWA.

FURTHERMORE, the Director is authorized to enter into agreements with cities and counties in their damage repair efforts, to provide technical assistance, and to request reimbursement as funds are made available for these activities from FHWA.
WHEREAS, Federal transportation planning regulations require the development of a multi-year, financially constrained statewide transportation improvement program for all areas of the State in accordance with the provisions of 23 CFR 450; and

WHEREAS, the statewide transportation planning process requires that Arkansas’ Preliminary Statewide Transportation Improvement Program (STIP) for Federal Fiscal Years 2019-2022 be made available for public review and comment.

NOW THEREFORE, the Director is authorized to release the Preliminary STIP for public review and to advertise and distribute a notice to the public inviting their comments for a 30 day period.

WHEREAS, the Department maintains certain drives on the National Park College, formerly known as National Park Community College, campus as part of the Institutional Drives System; and

WHEREAS, the College has requested to accept all responsibility, including ownership of Highway 887, Section 2.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, Highway 887, Section 2, approximately 0.25 miles, is hereby removed from the State Highway System.

WHEREAS, IN CHICOT AND DESHA COUNTIES, Minute Order 2014-024 authorized a study to determine the need for and feasibility of overpasses of the North Louisiana and Arkansas Railroad (NLA) on Highway 65; and

WHEREAS, the Highway 65 Railroad Overpass Feasibility Study has been prepared; and

WHEREAS, the study determined that overpasses are not feasible due to environmental constraints and high cost associated with such improvements.

NOW THEREFORE, this study is adopted with no further action needed at this time.

- 3 -

June 6, 2018
WHEREAS, IN PERRY COUNTY, Minute Order 2017-083 authorized the Department to conduct a study to determine the need for and feasibility of raising a portion of Highway 60 west of the Arkansas River; and

WHEREAS, the Highway 60 at Toad Suck Dam Drainage Study has been prepared; and

WHEREAS, the study has determined that to raise Highway 60 to an elevation that would reduce the frequency of flooding would require the construction of a 3,000-foot bridge; and

WHEREAS, access roads would also be required to maintain connections for local property owners; and

WHEREAS, the construction of this bridge and access roads are not a fiscally viable option.

NOW THEREFORE, the study is adopted with no further action needed at this time.

WHEREAS, IN SEBASTIAN COUNTY, Minute Order 2017-039 authorized the previous Greenwood Bypass Study to be updated to include an additional alternative; and

WHEREAS, the Greenwood Bypass Study Update has been prepared and has identified a new feasible alternative to enhance safety and traffic flow.

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

WHEREAS, IN FAULKNER COUNTY, IN THE CITY OF CONWAY, Minute Order 2003-172 approved the construction of capacity improvements on Highway 65B between Highway 266 and Bruce Street; and

WHEREAS, the widening of Highway 65B between Highway 266 and Highway 64 was completed in 2012 by Job 080273; and
WHEREAS, the widening of Highway 65B between Highway 64 and Bruce Street was deferred due to significant costs associated with utility relocation; and

WHEREAS, the City of Conway has recently expressed interest in partnering with the Department by providing funding toward the widening of Highway 65B between Highway 64 and Bruce Street.

NOW THEREFORE, the Director is authorized to enter into any necessary agreements with the City of Conway and to proceed with project development upon receipt of a resolution from the City and as funds become available.

FURTHERMORE, this partnering arrangement is contingent upon the City of Conway’s ability to mitigate the significant costs associated with utility relocation.

WHEREAS, IN LAWRENCE AND GREENE COUNTIES, Job CA1003 will widen U.S. Highway 412 between Highway 67 and Highway 141; and

WHEREAS, the Western Greene County Water Association has water lines within the Department's right-of-way that may need to be relocated before this project can be implemented; and

WHEREAS, the cost for this utility relocation is non-reimbursable; and

WHEREAS, it has been determined that this water association does not have the available funds or the customer base to generate the funds needed for this work; and

WHEREAS, at the Commission's January 9, 2013 meeting, a motion was approved that allowed the Department to consider alternative methods to offset non-reimbursable costs for small water associations in order to prevent the delay or cancellation of important highway improvements; and
WHEREAS, one option to offset the cost of non-reimbursable utility relocation is to coordinate with local officials and transfer state highway mileage to either the city or county for future maintenance responsibilities; and

WHEREAS, Greene County has indicated a willingness to accept ownership and responsibility for the portions of Highway 412 and Highway 228 that will be bypassed by Job CA1003; and

WHEREAS, removal of these routes from the State Highway System is considered adequate compensation for the non-reimbursable utility costs as described above.

NOW THEREFORE, upon receipt of the appropriate resolution from Greene County, the Director is authorized to proceed with the non-reimbursable utility relocation at no cost to the Western Greene County Water Association.

FURTHERMORE, upon completion of these improvements and 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 bypassed and obliterated portions of Highway 412, Section 8 will be removed from the State Highway System.

- The section of Highway 228, Section 5 between existing Highway 412 and the newly constructed roadway to become Highway 412 will be removed from the State Highway System.

WHEREAS, IN LONOKE COUNTY, IN THE CITY OF CABOT, Job 061509 will widen Highway 321 to five lanes between Highway 367 and Highway 89; and

WHEREAS, the City of Cabot has expressed interest in partnering with the Department to expedite the design and construction of this project; and

June 6, 2018

(Continued)
WHEREAS, as part of the partnering commitment, the City has agreed to accept ownership and responsibility for Highway 367, Section 14 between Highway 321 and Highway 38 upon completion of Job 061509.

NOW THEREFORE, upon receipt of a resolution from the City of Cabot, the Director is authorized to enter into any necessary agreements with the City.

FURTHERMORE, upon completion of Job 061509 and official notification by the Deputy Director and Chief Engineer, the portion of Highway 367, Section 14 between Highway 321 and Highway 38, in the City of Cabot, will be removed from the State Highway System.

WHEREAS, IN LONOKE COUNTY, IN THE CITY OF WARD, Minute Order 2016-093 authorized the construction of railroad crossing improvements on Highway 319 including a traffic signal at the intersection of Highways 319 and 367; and

WHEREAS, the City of Ward has agreed to contribute $75,000 toward these improvements; and

WHEREAS, Metroplan has agreed to contribute $240,000 in Federal Surface Transportation Block Grant Program (STBGP) funds toward these improvements.

NOW THEREFORE, the Director is authorized to enter into any necessary agreements with local agencies for the construction of this project.

WHEREAS, IN LONOKE COUNTY, local officials have requested to partner with the Department to develop a highway connection on new location from the new north Cabot Highway 38 interchange with Highway 67 to Highway 319; and

WHEREAS, a planning study is needed to determine the need for and feasibility of the new highway connection.
NOW THEREFORE, the Director is authorized to conduct a study to determine the need for and feasibility of a new highway connection from the new north Cabot Highway 38 interchange with Highway 67 to Highway 319.

WHEREAS, IN WASHINGTON COUNTY, Job 040746 is scheduled to widen Highway 112 between Truckers Drive and Van Asche Drive in Fayetteville; and

WHEREAS, the City has requested to partner with the Department to extend the widening to the intersection of Highway 112 and Howard Nickell Road; and

WHEREAS, the City has agreed to contribute funding in an amount to be determined; and

WHEREAS, the Department will handle all phases of the project and will cover all other costs associated with the project.

NOW THEREFORE, the Director is authorized to enter into the necessary agreements with the City of Fayetteville and to proceed with surveys, plans, and construction of these improvements upon receipt of a resolution from the City and as funds become available.

WHEREAS, the City of Morrilton, by Resolution 2018-09, has acknowledged a portion of Highway 64 as the “Dr. Martin Luther King, Jr. Memorial Highway”; and

WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-23 and the City’s request meets these guidelines.

NOW THEREFORE, the Director is authorized to permit the installation of signs in each direction on Highway 64, as requested by the City, in accordance with Commission Policy.
WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects at the June 13, 2018 letting; and

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<th>JOB NO.</th>
<th>DISTRICT</th>
<th>COUNTY</th>
<th>JOB NAME</th>
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- 10 -

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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 Amendment 42 of the Arkansas Constitution, Section 6, as well as other laws of this State, the Commission has the authority to delegate certain 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.

FURTHERMORE, 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.
Chairman Dick Trammel opened the meeting by welcoming everyone in attendance.

Director Bennett recognized Joanna McFadden, EEO/DBE Section Head. Mrs. McFadden received the Excellence in Program Administration Award at the 2018 AASHTO Civil Rights Training Symposium in Oklahoma City. This award recognizes and honors an individual who has administered a state department of transportation Civil Rights program in an exemplary and creative manner.

MOTION Commissioner Alec Farmer moved, Commissioner Robert Moore seconded and the motion passed to approve the Minutes from the previous Commission Meeting of April 24, 2018.

MOTION Commissioner Alec Farmer moved, Commissioner Philip Taldo seconded and the motion passed to submit three applications for the Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grants. They are as follows:

- Highway 83 Spur to Highway 278 Connector (Job 020475) (Drew County)
- Interstate 40/Highway 59 Interchange (Job 040714) (Crawford County)
- Hot Springs Bypass Extension (Job R60140) (Garland County)

MOTION Vice Chairman Tom Schueck moved, Commissioner Robert Moore seconded and the motion passed to allocate $114 million of additional funding, as presented by the Director, to the CAP to make up for the shortfall.

MOTION The Commission approved Minute Order 2018-007 on February 6, 2018, authorizing the Department to advertise for consultant services for On-Call Surveying Services for fiscal year 2019-2022. Vice Chairman Tom Schueck moved, Commissioner Philip Taldo seconded and the motion passed to accept the Staff's recommendation to enter into negotiations with the following firms:

- B&F Engineering, Inc., Hot Springs, AR
- Consolidated Land Services, Inc., Mountain Home, AR
MOTION

Commissioner Robert Moore moved, Commissioner Alec Farmer seconded and the motion passed unanimously to approve the 2018-2019 Operating Budget, as presented by Director Bennett, which included the following:

- Implementation of First Performance-based Pay Raises
- Additional Highway Police Officers
- Additional Striping Crews
- 2% increase in District Maintenance Budget
- Includes Career Service Recognition Payments

OTHER DISCUSSION ITEMS

Mike Boyd, Chief Fiscal Officer, provided the April 2018 update on state highway revenue. Mr. Boyd noted that state highway revenues to the Department from traditional sources are up a total of 2.4% ($7.9 million) in the State Fiscal Year (SFY) 2018 compared to the same period for SFY 2017. Revenue from the Natural Gas Severance Tax is lower this year compared to last year, resulting in total revenues available being 1.9% ($6.3 million) above last year. Actual state revenue received is 2.4% ($8.0 million) above projected (budgeted) revenue for this year.

In closing, Mr. Boyd stated that April revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 2.24% higher, ($339,793) than projected by the Department of Finance and Administration (DF&A) for the month. Year to date actual revenue is below projections by 1.61% ($2.5 million). Since inception, this revenue source is 0.65%, or $5.3 million, under DF&A's projections.
Director Bennett provided the latest information on the Federal highway and transit funding issues. Director Bennett noted that the passage of the FAST Act, passed in December 2015, provided increased funding over its five-year term. On February 9, 2018 Congress passed a budget for Federal Fiscal Years 2018 and 2019. On March 22, 2018 Congress passed a spending bill that provides funding at full levels of the Fixing America's Surface Transportation Act for Federal Fiscal Year 2018. Long-term funding for the Highway Trust Fund continues to be an issue. President Trump has stated that beginning in Federal Fiscal Year 2021, funding should be limited to revenue that is deposited into the Highway Trust Fund. This would result in a 40% reduction in the Federal-aid Highway Program.

In closing, Director Bennett stated that not only are there questions regarding future Federal-aid funding, but the source(s) of dependable long-term State revenue to provide the match for Federal-aid funds beyond 2018 and the additional State revenue needed to adequately maintain and improve Arkansas' transportation system have not been identified.

Director Bennett gave an update on the status of the 2011 Interstate Rehabilitation Program (IRP) and Connecting Arkansas Program (CAP). 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). No other bond sales under this program are expected.
Director Bennett presented a summary of the apparent low bids and bidders from the May 2, 2018, Bid Letting.

Director Bennett gave an overview of the Proposed 2018-2019 Operating Budget and a motion was passed unanimously to approve it.

Director Bennett gave an overview of the Draft Statewide Transportation Improvement Program (STIP) for Federal Fiscal Years 2019-2022.

At 12:10 pm Chairman Dick Trammel announced that the Commission would go into Executive Session to conduct an annual performance review of Director Scott Bennett.

At 1:20 pm the Commission reopened the public Commission Meeting and Chairman Trammel announced that the Commission was satisfied with Director Bennett's performance. No formal action was taken.

Director Bennett gave a report on Managing the Decline of the Highway System. He stated that much effort has been directed toward identifying the amount of funding needed to maintain the transportation system in the State. However, a dedicated source for these funds has not been established. Therefore, if no additional funds are identified, a process has to be developed to manage the decline. Possible Actions presented to the Commission:

- Convert Selected Highways into Gravel Roads
- Reduce Level of Design
- Require Capital Improvement Projects to include Local Funding
- Increased Concentration of Projects on Arkansas Primary Highway Network
- Increased Concentration of Projects on System Preservation
- Increased Concentration of Maintenance Efforts on Arkansas Primary Highway Network
Director Bennett presented a list of upcoming meetings and events that the Commissioners and Director will be attending

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 2:00 p.m., June 6, 2018.

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 June 6, 2018.

Lindy H. Williams
Commission Secretary

June 6, 2018