

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

**DATE:** Monday, September 10, 2007  
**TIME:** 11:00 a.m.  
**PLACE:** Commission Meeting Room, ODOT Building

BE IT REMEMBERED that on Monday, the 10th day of September, 2007, at the hour of 11:00 a.m., the Transportation Commission met in the Commission Meeting Room of the ODOT Building in Oklahoma City, OK.

Present:	Carlisle Mabrey	Member
	James H. Dunegan	Vice Chairman
	Jackie Cooper	Member
	Loyd Benson	Member
	Bruce Benbrook	Member
	Brad Burgess	Member
	Guy Berry	Member

Presiding: James H. Dunegan

Absent: Dan Overland

The agenda for this Commission Meeting was posted at or before 11:00 a.m. on Tuesday, September 4, 2007, prior to the meeting. The notification was placed in the display case in the lobby of the ODOT Building and 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 September 10, 2007. For those items amended, deferred or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Commissioner Dunegan recognized Federal Highway Administration (FHWA) Administrator, Gary Corino, who introduced the new Assistant Division Administrator for FHWA, Ivan Marrero. Mr. Marrero comes to Oklahoma from FHWA in Maryland.

**ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION**

133. Approval of the Minutes of the Regular Commission Meeting of August 6, 2007

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

**CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN**

134. Traffic Control Improvement Projects - Mr. Smart

a) Haskell County - Commission District I - installation of a traffic signal system at the intersection of SH-9 and Stigler Supercenter Drive in the City of Stigler

- b) Oklahoma County - Commission District IV - change traffic control at the I-35 off-ramp terminals and Waterloo Road
135. Programming of Federal Railroad Crossing Safety Funds - Section 130 Title 23 - Mr. Kyle
- a) Creek County - Commission District VIII - signal/surface project at Grey Street in the City of Sapulpa
136. Requests for County Bridge and Road Improvement Fund Force Account Projects - Mr. Johnson
- a) Custer County - bridge over an unnamed creek, east and north of Custer City
  - b) Dewey County - bridge over Cottonwood Creek, east and south of Vici
  - c) Dewey County - bridge over an unnamed creek, west and north of Taloga
  - d) Kingfisher County - bridge over Lyon Creek, north of the US-81/SH-51 junction in Hennessey
  - e) Texas County - resurface county road on EW-15, beginning at NS-85, extending east to NS-87
137. State Highway System Revision - Ms. Sullivan
- a) Garvin County - Relocation of US-77 in Pauls Valley. Removal hearing was held on August 22, 2007

ACTION: Benbrook moved and Cooper seconded that the Consent Docket be approved as presented.

MOTION: Carried by the following vote:

AYES: Mabrey, Cooper, Dunegan, Benson, Benbrook, Burgess and Berry

NAYS:

ABSENT: Overland

**END OF CONSENT DOCKET**

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**ITEM PRESENTED BY DIRECTOR OF SAFE ROUTES TO SCHOOLS PROGRAM - Ms. Mbroh**

138. a) Statewide - All Commission Districts

The Safe Routes to School Program was authorized by Congress as part of the August 2005 SAFETEA-LU reauthorization bill. The legislation identified two project components: Infrastructure (for engineering and construction related activities), and Non-Infrastructure (for education based programs and activities). The proposed interagency agreement between the University of Oklahoma and the Department of Transportation will enable the University to assist the Department with the non-infrastructure educational component of the program. The Oklahoma Safe Routes to School Program is anticipated to begin the public application cycle on October 1, 2007. The cost of the agreement will not exceed \$30,000.00. Funding will be with 100% federal funds.

ACTION: Berry moved and Benson seconded that the Item be approved as presented.

MOTION: Carried by the following vote:

AYES: Mabrey, Cooper, Dunegan, Benson, Benbrook, Burgess and Berry

NAYS:

ABSENT: Overland

**ITEMS PRESENTED BY THE ASST CHIEF ENGINEER-DIRECTOR OF PRECONSTRUCTION - Mr. Streb**

At this time Mr. Streb announced Ms. Dawn Sullivan as the new Environmental Division Engineer. He also stated that Mr. Jay Adams is the acting Division Engineer of the Planning and Research Division.

139. Programming Items

Request for programming of construction projects for the deployment and integration of Intelligent Transportation System(s) (ITS) at various locations throughout Oklahoma as part of a joint project request from the Oklahoma Turnpike Authority.

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

140. Engineering Contracts

a) Statewide (All Districts) - Wetland Mitigation Contract

The Department selected two (2) engineering firms to provide Wetland Mitigation services at locations statewide. The information will be utilized to assist with wetland delineation and mitigation of selected projects in the 8 Year Construction Work Plan to comply with Section 404 permit requirements. The engineering firms and geographical assignments are as follows:

C. H. Guernsey & Company	E.C. 1129	Divisions I, V, VI and VIII	\$250,000.00
Enercon Services, Inc.	E.C. 1129A	Divisions II, III, IV and VII	\$250,000.00

The total not to exceed amount of these contracts is \$500,000.00. Funding will be 80% federal funds and 20% soft match credit.

b) Nowata County - Commission District VIII - E.C. 1130

The Department selected Shepherd Engineering Design Company, Inc., to develop a Wetland Mitigation Bank for 708 acres of land owned by ODOT adjacent to the Verdigris River. The consultant will be used in support of ODOT's staff on an "as needed" basis. The total not to exceed amount of this contract is \$250,000.00. Funding will be 80% federal funds and 20% soft match credit.

c) Mayes County - Commission District VIII - E.C. 1140

The Department selected MacArthur Associated Consultants to perform design services on SH-28 over Pryor Creek, Pryor Creek Relief, Osage Creek and Bitter Creek east of the Rogers County line. Negotiated fees total \$477,100.00. The construction project is included in the 8 Year Construction Work Plan with a scheduled letting date of FFY 2010. The total estimate for construction of this project is \$5,930,000.00. Funding will be 80% federal funds and 20% soft match credit.

d) Mayes County - Commission District VIII - E.C. 1141

The Department selected Holloway, Updike and Belen, Inc., to perform design services on SH-28 over Big Cabin Creek east of US-69. Negotiated fees total \$286,000.00. The construction project is included in the 8 Year Construction Work Plan with a scheduled letting date of 2012. The total estimate for construction of this project is \$2,960,000.00. Funding will be 80% federal funds and 20% soft match credit.

e) Murray County - Commission District VII - E.C. 1115

The Department selected Triad Design Group to perform design services for the interchange of the Chickasaw Turnpike and US-177. The design services will include a study for four alternates, survey, environmental, geotech and final design plans for the selected alternate. Negotiated fees total \$716,800.00. Funding will be 80% federal funds and 20% soft match credit.

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

141. Supplemental Engineering Contracts

a) Statewide (All Districts) - NEPA Demand Services Contracts

The Department previously selected six (6) engineering firms to provide NEPA services at locations statewide. The information is used to assist with environmental reviews of selected projects in the 8 Year Construction Work Plan. Additional funding is for continuation of these services. Fees needed are as follows:

The Benham Companies, LLC	E.C. 1097A	\$250,000.00
Cobb Engineering Company	E.C. 1097B	\$250,000.00
Clour Engineering of Oklahoma, Inc.	E.C. 1097C	\$250,000.00
Carter::Burgess	E.C. 1097D	\$250,000.00
Tetra Tech FHC	E.C. 1097E	\$250,000.00
Kleinfelder	E.C. 1097F	\$250,000.00

The total not to exceed amount of these contracts is \$1,500,000.00. Funding will be 80% federal funds and 20% soft match credit.

b) Kay County - Commission District IV - E.C. 925

The Transportation Commission previously approved a contract in September, 2004, with Tetra Tech FHC to provide services in support of Department staff for design analysis, preparation of construction plans and survey. The consultant will also be responsible for construction management. Additional items including a maintenance building, extensive ramp improvements and grading for a weigh station access ramp were added. Supplemental funds in the amount of \$125,530.21 are required to complete the project. The total not to exceed amount of the contract is \$607,288.21. Funding will be 80% federal funds and 20% soft match credit.

c) Beckham County - Commission District V - E.C. 1064)

The Transportation Commission previously approved a contract on May 1, 2006, with Tetra Tech FHC to provide services in support of Department staff for environmental studies, design analysis, preparation of construction plans and survey. The consultant will also be responsible for construction management. Additional items including lagoon replacements, significant drainage improvements, and desire to maintain existing trees were added. Supplemental funds in the amount of \$147,600.00 are required to complete the project. The total not to exceed amount of the contract is \$551,500.00. Funding will be 80% federal funds and 20% soft match credit.

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

NAYS:  
ABSENT: Overland

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

142. Addition to the Industrial Access Road Program

Caddo County - Commission District VII - the Town of Hinton and the Hinton Economic Development Authority have requested an industrial access project for MidCon Compression, LP. MidCon is building a \$4,000,000.00 facility, which will create more than 20 new full-time jobs. The Department's participation in the project shall not exceed \$115,000.00.

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

**ITEMS PRESENTED BY THE PROGRAMS DIVISION MANAGER - Mr. Adkins**

143. Lettings

- a) Deletions and Additions to the Bid Openings
- b) Final October 2007 Bid Opening
- c) Tentative November 2007 Bid Opening
- d) Tentative December 2007 Bid Opening

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

**ITEMS PRESENTED BY THE CONSTRUCTION DIVISION ENGINEER - Mr. Raymond**

144. Change Orders - Cumulative Total - \$50,000.00 or Less - **Information Only** (Mr. Raymond)

- a) Canadian County - IS-40 - IMY-040-4(407)137 / 21846(04), \$23,640.00
- b) Carter County - SH-53 - BRFY-10C(308) / 13411(04), \$9,724.00
- c) Carter County - Co. Rd. - BRO-110D(138)CO / 21835(04), \$5,000.00
- d) Choctaw County - US-70 - BPMY-139B(071)3B / 23561(04), \$23,343.30
- e) Coal County - SH-131 - SAB-115C(045)BF / 23206(04), \$7,660.00
- f) Coal County - SH-3 - NHY-017N(199)3R / 23912(04), \$24,242.73
- g) Cotton County - Co. Rd. - BRO-117D(037)CO / 22194(04), \$4,897.10
- h) Creek County - SH-66 - STPY-019A(141)RW / 10157(07), \$4,290.00 Underrun
- i) Creek County - US-75A - SAB-119A(116)BF / 21907(04), \$13,056.00
- j) Garfield County - US-81 - NHG-11N(72)TR / 22707(04), \$2,403.63
- k) Greer County - SH-6 - STPY-028B(115) / 10101(04), \$23,439.25
- l) McClain County - US-62 - STPY-144B(92)TR / 22355(04), \$6,693.72
- m) McIntosh County - US-266 - SBR-146C(80)SB / 22720(04), \$7,383.10
- n) Oklahoma County - Ct. St. - ITSY-QT20(033)(37)IT / 21632(04), \$22,357.50
- o) Payne County - US-177 - CMC-160A(154) / 23338(04), \$24,895.00
- p) Payne County - SH-33 - SBR-160B(165)SB / 23941(04), \$2,500.00
- q) Pushmataha County - US-271 - SAB-164B(092)BF / 23198(04), \$1,757.18
- r) Rogers County - SH-88 - STPY-166C(71) / 18887(04), \$3,250.00
- s) Rogers County - SH-88 - SAB-166B(158)BF / 21921(04), \$46,809.00
- t) Seminole County - SH-99 - NHY-12N(77) / 13020(07), \$44,427.34
- u) Seminole County - SH-56 - IMY-040-5(374)212 / 20292(04), \$1,475.62

- v) Seminole County - US-270 - SSR-167N(125)SR / 23355(04), \$10,580.65
- w) Stephens County - SH-53A - BRFY-069C(236) / 13409(04), \$4,533.30
- x) Tulsa County - Ct. St. - STP-172B(108)IG / 17760(04), \$6,669.29

145. Change Orders - Cumulative Total Greater Than \$50,000.00 (Mr. Raymond)

- a) Beckham County - IS-40 - IMY-40-1(74)025/IBR-105N(108)IB / 20296(04), \$68,844.22
- b) Beckham County - SH-152 - SBR-105C(132)SB/SBR-105N(133)(134)SB / 23460(04), \$31,313.50
- c) Cleveland County - Ct. St. - STP-114B(034)AG / 17962(04), \$48,117.60 Underrun
- d) Cleveland County - Ct. St. - STP-114B(43)AG / 18206(04), \$1,000.00
- e) Cleveland County - Ct. St. - STP-114B(49)AG / 18212(04), \$47,752.24
- f) Garvin County - IS-35 - IMY-35-2(256)72/IMY-35-2(254)81/IMY-35-2(261)67/BRFY-144C(44) /IMY-40-5(357)186 / 17981(05), \$25,800.00
- g) Kay County - US-60 - SSR-136N(121)SR / 23331(04)#3, \$15,312.36
- h) Kay County - US-60 - SSR-136N(121)SR / 23331(04)#4, \$25,098.72
- i) Logan County - SH-33 - BRFY-042B(238) / 12307(04), \$4,825.59
- j) McClain County - US-62 - STPY-144C(89) / 21974(04), \$89,265.38
- k) Oklahoma County - US-77 - NHY-024N(008) / 09033(05), \$2,276.06
- l) Oklahoma County - IS-40 - OKCY-XTWN(034)HP / 17428(20), \$368,620.00
- m) Oklahoma County - IS-40 - OKCY-XTWN-0(26)000HP / 17428(41), \$105,942.79
- n) Payne County - SH-51 - STPY-160B(59) /16998(12), \$220.00
- o) Payne County - IS-35 - IMY-35-4(200)170 / 20323(04), \$103,308.38
- p) Payne County - SH-51 - BRFY-160A(110)/STPY-160A(149) / 20875(04), \$9,499.75
- q) Pontotoc County - SH-99 - ACNHY-012N(001)GB / 10164(13), \$790,635.60
- r) Pontotoc County - SH-3W - STPY-162B(62) / 18775(04), \$56,000.00
- s) Pottawatomie County - Ct. St. - STPY-163C(079)UR/SEC-115-OH17(004)SG / 18866(04), \$8,441.02
- t) Pottawatomie County - IS-40 - BRIY-40-5(383)178 / 20880(04), \$926.63
- u) Seminole County - SH-99 - ACNHY-012N(014)(15)GB / 10166(08), \$166,200.00
- v) Seminole County - SH-56 - IMY-040-5(374)212 / 20292(04), \$18,000.00
- w) Tulsa County - Ct. St. - STP-172B(75)IG/STPG-172B(170)IG / 17308(04), \$2,518.92

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

**ITEM PRESENTED BY THE ASST CHIEF ENGINEER/DIRECTOR OF OPERATIONS - Mr. Evans**

146. Settlement of Claim

- a) Payne County - The Quapaw Company - resurfacing on SH-108 beginning at the north side of the Cimarron Turnpike Overpass extending north to US-64 - \$70,450.44.

Note: 1) Commissioner Benson left the Commission meeting at this time (11:21 a.m.)  
 2) This Item is erroneously presented to the Commission as “**information only.**” The Item **does require** Commission action.

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

**ITEM PRESENTED BY THE OFFICE ENGINEER - Mr. Schmitt**

147. Awards

- a) August 16, 2007 - Regular Letting
- b) August 16, 2007 - Emergency Letting - I-40 ramp over Walker in Oklahoma City
- c) August 29, 2007 - Emergency Letting - Flood damage project(s)
- d) September 6, 2007 - Emergency Letting - I-40 at SH-6 in Beckham County

ACTION: Mabrey moved and Cooper seconded that Item 147. a) be approved as presented.  
 MOTION: Carried by the following vote:  
 AYES: Mabrey, Cooper, Dunegan, Benbrook, Burgess and Berry  
 NAYS:  
 ABSENT: Overland, Benson

Parts b), c) and d) are presented for **Information only**; no Commission action necessary. Item 147. d) was posted on September 6, 2007, as an Addendum, **Agenda Item No. 154**, and will be discussed with Item Nos. 151 and 152.

**Note:** Commissioner Mabrey pointed out an incorrect project description on Call Order No. 855. It is noted that the description will be corrected to read: "US-169: from 21<sup>st</sup> Street South, extend South to 51<sup>st</sup> Street South, in Tulsa." This information with attachment will become a part of our permanent records to be filed with the Minutes from our Commission meeting of September 10, 2007.

**ITEM PRESENTED BY PLANNING AND RESEARCH DIVISION ENGINEER - Ms. Sullivan**

148. Strategic Highway Safety Plan

The approval of the federal transportation bill entitled Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) in August 2005, resulted in a requirement for each state to develop a Strategic Highway Safety Plan prior to October 1, 2007. In accordance with the (SAFFETEA-LU) federal law, the Department, in coordination with Safety partners including the Department of Public Safety, the Governor's Highway Safety Office, the Department of Health, the Department of Education, and tribal, city and county officials statewide, has prepared the Strategic Highway Safety Plan (SHSP). The SHSP is a statewide-coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads.

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

**ITEMS PRESENTED BY THE DIRECTOR - FINANCE - Mr. Patterson**

149. FY 2008 Budget Revisions

Engineering Contracts	\$	433,145.00
Planning Contracts		13,708,541.00
Federal Aid Projects		112,693,357.00
County Bridge and Road		10,670,911.00
Rail Safety Crossings		<u>3,586,912.00</u>
Total	\$	<u>141,092,866.00</u>

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

**ITEM PRESENTED BY THE COMPTROLLER - Ms. Hilmes**

150. Settlement

On May 18, 2002, a vehicle struck a hydrocell attenuator on I-40. The cost to replace the attenuator is \$36,064.00. Farmers Insurance Group holds the insurance policy which has a \$25,000.00 limit for property damage. The Department has received \$278.37 through the tax intercept program, and Farmers Insurance Group is proposing a settlement to ODOT in the amount of \$24,721.63 which represents the balance of the policy limit.

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

**ITEMS PRESENTED BY THE DIRECTOR - Mr. Ridley**

Please note that Chief Engineer, John Fuller, presented the following items:

151. Emergency Bridge Repair Project

Oklahoma County - I-40 Crosstown Hudson Ramp over Walker in Downtown Oklahoma City. Division IV forces have closed the Hudson ramp over Walker which goes to westbound I-40. Estimated cost of the repair project is \$250,000.00.

**Information only;** no Commission action necessary.

152. Emergency Bridge Repair Project

Grady County - bridge over Buggy Creek south of Minco. Division VII forces have closed the road pending repairs. Estimated cost of the repair project is \$300,000.00.

**Information only;** no Commission action necessary.

Note: Item 154. is now presented.

154. Emergency Bridge Repair Project

Beckham County - SH-6 bridge over I-40

**Information only;** no Commission action necessary.

**Note:** Item 154 was posted on September 6, 2007, as an Addendum, and was discussed above as Item 147. d).

153. Director's Report

Mr. Fuller reported that next month we will be suspending the rules based on Governor Henry's disaster declaration for 24 counties receiving damages as a result of Tropical Storm Erin. This will provide counties more flexible access to existing funds to deal with the continuing flood damages occurring on county roads and bridges.

In response to critical issues arising from the Minnesota bridge collapse, Mr. Fuller advised that deck truss bridge inspections were completed on August 16, 2007, and fracture critical bridge inspections are scheduled for completion on October 30, 2007.

Mr. Fuller advised that ODOT personnel had been requested to supply information for the Interim Study on the current status of our State bridges and roadways. Booklets supplied to our Legislators were distributed to Transportation Commissioners.

Commissioner Berry questioned if the trucking company whose vehicle hit the bridge on SH-6 over I-40 in Beckham County had insurance to cover the damages. Mr. Fuller stated that we are sure the company has insurance and we will have some recovery for damages.

**Information only;** no Commission action necessary.

Adjourned 11:43 a.m.

Approval of the Minutes of the Regular Commission Meeting of September 10, 2007

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James H. Dunegan - Vice Chairman

\_\_\_\_\_  
Guy Berry - Member

(Seal)