

**MINUTES OF THE REGULAR TRANSPORTATION COMMISSION MEETING  
HELD IN THE O.D.O.T. BUILDING COMMISSION MEETING ROOM  
OKLAHOMA CITY, OKLAHOMA**

**DATE:** Monday, October 3, 2005  
**TIME:** 11:00 a.m.  
**PLACE:** Commission Meeting Room,  
ODOT Building

BE IT REMEMBERED that on Monday, the 3rd day of October, 2005, 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
	Jackie Cooper	Member
	Guy Berry	Member
	Loyd Benson	Member
	Bruce Benbrook	Member
	Brad Burgess	Member

Absent: Dan Overland  
James H. Dunegan

Commissioner Guy Berry presiding

The agenda for this Commission Meeting was posted at or before 11:00 a.m. on Wednesday, September 28, 2005, 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 Transportation Commission meeting of October 3, 2005. For those items amended, deferred or rejected those notations were also made. Action taken by the Commission is noted here on these sheets.

**INFORMATION ITEM:**

Announcement of Talimena Drive Designation as National Scenic Byway - Director Ridley introduced Mr. David Smith, Division II, and Mr. Richard Andrews, Special Projects Branch Manager, Central Office, and thanked them for their efforts in securing this designation for the Department. A plaque describing this designation and signed by Secretary Norman Mineta was presented to the Department.

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

151. Approval of the Minutes of the Regular Commission Meeting of September 6, 2005

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

**CONSENT DOCKET TO BE PRESENTED BY COMMISSION CHAIRMAN**

152. Change Orders of \$10,000.00 or Less (Mr. Raymond)

- a) Alfalfa County - US-64 - STPY-2C(230) / 15032(04), \$4,275.58
- b) Cherokee County - Co. Rd. - BRF-111C(34)CO / 17852(04), \$9,840.00
- c) Cherokee County - Co. Br. - BRO-111D(47)CO / 19543(04), \$7,500.00
- d) Coal County - SH-31 - MC-115C(29)(30) / 21287(04), \$7,281.93
- e) Dewey County - Co. Rd. - BRO-122D(37)CO / 21081(04), \$7,768.10
- f) Kay County - US-77 - STPY-136B(104)3R / 21930(04), \$1,250.00
- g) Kingfisher County - Co. Rd. - STP-137C(27)CO / 19414(04), \$8,295.00
- h) Lincoln County - SH-18 - BRFY-141C(101) / 20242(04), \$2,394.75
- i) Lincoln County - SH-99 - NHY-12N(29) / 12539(06), \$9,963.37
- j) Love County - IS-35 - IMY-35-1(125)000/BRIY-35-1(133)(134)008 / 19576(04), \$1,480.00
- k) McClain County - IS-35 - BHIY-35-2(249)094//IMY-35-2(251)104/BHIY-35-2(253)096 / 17978(05), \$929.22
- l) McClain County - SH-9 - IMY-35-2(269)107 / 19076(04), \$4,200.00
- m) Noble County - IS-35 - IMY-35-4(198)203 / 20273(04)#5, \$111,000.00 Underrun
- n) Noble County - IS-35 - IMY-35-4(198)203 / 20273(04)#4, \$870.00 Underrun
- o) Osage County - Co. Rd. - STP-157C(19)CO / 17369(04), \$2,127.47 Underrun
- p) Pawnee County - SH-18 - MC-159B(52) / 21990(04), \$698.33
- q) Payne County - US-177 - RABA-0Q16(001)(008)RA / 18976(04), \$4,942.62
- r) Pittsburg County - SH-31 - SAP-161B(145) / 21973(04), \$4,884.20
- s) Pushmataha County - SH-3 - NHY-17N(136) / 20249(07), \$34,335.74 Underrun
- t) Rogers County - SH-66 - STPY-166A(125)TR / 20718(04), \$500.00
- u) Rogers County - SH-266 - STPY-166C(115) / 20279(04), \$340.00
- v) Washington County - Co. Rd. - BRO-174D(19)(24)CO / 19400(04), \$2,858.11

153. Traffic Control Improvement Project (Mr. Smart)

- a) Atoka County - along US-69/US-75 beginning at the Bryan County line and extending north to the junction of SH-3
- b) Atoka County - along US-69 beginning at the junction of SH-3 in Atoka and extending north to the Pittsburg County line
- c) Tulsa County - along US-75 beginning south of Main Street in Jenks and extending north to the US-75/I-244 interchange

154. Land Sales (Mr. Bell)

- a) McCurtain County - US-70 south of the intersection of US-259/US-270 and SH-3 in Broken Bow
- b) Creek County - south side of SH-67 between Stark Street and Warren Street in Kiefer
- c) Creek County - south side of SH-67 between Warren Street and Bell Street in Kiefer
- d) Creek County - south side of SH-67 at the intersection of Bell Street in Kiefer

155. Programming of Federal Railroad Crossing Safety Funds-Section 130 Title 23 Funds for At-Grade Railroad Crossing Safety Project(s) (Mr. Kyle)

- a) Ellis County - signal/surface project near Fargo with the BNSF Railway Company
- b) Texas County - signal/surface project near Goodwell with the Union Pacific Railroad Company

156. County Bridge and Road Improvement Fund Force Account Projects (Mr. Johnson)

- a) Caddo County - bridge project over unnamed creek, north and west of the SH-9/SH-14C junction on EW-127
- b) Kiowa County - bridge project on county road EW -166 over Deep Red Creek, east and south of Snyder
- c) Stephens County - bridge project over unnamed creek, east and north of the US-81/SH-26 junction on NS-301
- d) Wagoner County - bridge project south of 101<sup>st</sup> Street on 209<sup>th</sup> East Avenue in Broken Arrow

157. State Highway System Revisions (Ms. Sullivan)

- a) McClain County - removal of I-44/US-62 frontage road. A Public Removal hearing was held on September 13, 2005.
- b) Noble County - removal of access road west of I-35 requested by the City of Perry. A Public Removal hearing was held on September 13, 2005.
- c) Pontotoc County - relocation of US-377, SH-99 and SH-3E from Ada to north of Byng. A Public Removal Hearing was held on September 30, 2005.

NOTE: Prior to voting on Items on the Consent Docket, Commissioner Berry called on Ms. Dawn Sullivan to present clarification of Item 157.c).

This Item involves Relocation of US-377, SH-99 and SH-3E (commonly referred to as SH-99) from Ada to North of Byng, and is necessitated by new construction of SH-99 from Ada to north of Byng. This involves removal of the old section of SH-99 from the State Highway System and addition of the newly constructed portion of SH-99 to the State Highway System. This will also address the follow-route numbers in the City of Ada to clean up highway designations. A Removal Hearing was held on September 30, 2005, in Ada with the County Commissioner, City Councilman, representatives from ACCO and Circuit Engineers for Pontotoc County in attendance. Comments were made at this meeting concerning the condition of the existing roadway and requests were made for additional work to be done on the highway. It is required that the roadway meet mandated criteria that the Division Engineer will certify prior to the removal being formalized. This revision will become effective upon approval by the State Transportation Commission, and completion of certification by Division III Engineer that the old roadways meets mandated criteria.

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

**END OF CONSENT DOCKET**

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**ITEMS TO BE PRESENTED BY THE ASSISTANT CHIEF ENGINEER/ASSISTANT DIRECTOR - PRE-CONSTRUCTION - Mr. Streb**

158. Programming Item - Bridge Repair Projects

- a) McClain County - Commission District III

Bridge repair (non-emergency) I-35 (south of Cleveland County line-Ladd Road). This project can be ready for a February 2006 letting. - \$75,000.00

- b) Beckham County - Commission District V

Bridge repair (non-emergency) I-40 (east of I-40 Business Junction). This project can be ready for a February 2006 letting. - \$30,000.00

- c) Custer County - bridge repair (non-emergency) I-40 east of the us-183 junction. This project can be ready for a February 2006 letting. - \$100,000.00

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

159. Supplemental Engineering Contracts

- a) Stephens County - Commission District VII (E.C. 847 - Supplement No. 2)

Engineering Services and Testing, Inc., was previously authorized to prepare conceptual studies and design plans along segments of the Duncan Bypass. This supplemental agreement is to create a full-diamond interchange at Beech Avenue. Adjusted engineering fees total \$105,800.00. The total engineering contract cost, including this supplement, is \$1,215,300.00. Funding will be 80% federal funds and 20% soft match credit. This project is in the 8 Year Construction Work Plan with a scheduled letting date in FFY November 2005.

- b) Cleveland County - Commission District III (E.C. 885 - Supplement No. 1)

Triad Design Group was previously authorized to complete the environmental clearance on SH-9 in Norman from 24<sup>th</sup> Avenue SE to 84<sup>th</sup> Avenue SE. This supplemental agreement is to prepare final design plans for SH-9 from 24<sup>th</sup> Avenue SE to 60<sup>th</sup> Avenue SE. This brings the total engineering contract cost, including supplementals, to \$404,350.00. Funding will be 80% federal funds and 20% soft match credit. This project is in the 8 Year Construction Work Plan with a scheduled letting date of FFY 2006.

- c) Statewide - All Districts - Hydraulics/Hydrology Demand Services Contracts - (E.C. 913, E.C. 926, E.C. 927, E.C. 928 and E.C. 930 - Supplement No. 1)

In support of ODOT's staff, several consulting firms were previously authorized to provide hydraulics/hydrology analysis and reports at various locations over the state. The following firms are in need of supplemental agreements in order to continue providing engineering services:

1. Painter & Associates
2. Utley & Associates
3. The Benham Companies
4. Poe & Associates, Inc.
5. Holloway Updike & Bellen, Inc.

The aggregate not to exceed amount for these supplemental agreements is \$250,000.00. This brings the total hydraulics/hydrology services value, including supplements, to \$550,000.00. Funding will be 80% federal funds and 20% soft match credit.

d) Pottawatomie County - Commission District III (E.C. 893 - Supplemental No. 2)

Larkin Engineering Company was previously authorized to prepare the final design plans for bridges and approaches on I-40, including the interchange at SH-102, over the North Canadian River Overflow and at Deer Creek. This supplemental agreement is for changes or revisions to the original plans. The aggregate not to exceed amount for this supplement is \$7,854.00. The total engineering contract cost, including this supplement, is \$941,354.00. Funding will be 80% federal funds and 20% soft match credit. This project is in the 8 Year Construction Work Plan with a scheduled letting date in FFY 2005.

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

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

160. Lettings

- a) Deletions and Additions to the Bid Openings
- b) Final November 2005 Bid Opening
- c) Tentative December 2005 Bid Opening
- d) Tentative January 2006 Bid Opening

NOTE: Mr. Adkins stated that as of this date it is not the Department's intention to have a December 2005 bid opening.

ACTION: Benbrook moved and Benson seconded that the Items be approved, noting Mr. Adkins' statement concerning Item 160.c).  
 MOTION: Carried by the following vote:  
 AYES: Mabrey, Cooper, Berry, Benson, Benbrook and Burgess  
 NAYS:  
 ABSENT: Dunegan and Overland

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

161. Change Orders Greater Than \$10,000.00

- a) Alfalfa County - US-64 - STPY-2C(230) / 15032(04), \$11,412.85
- b) Cleveland County - IS-35 - IM-NHIY-35-3(108)119/IMY-35-3(240)119/00292(17), \$324,168.00
- c) Coal County - US-75 - MC-115N(32) / 21454(04), \$12,981.05

- d) Kingfisher County - SH-03 - NHY-17N(158)3R / 20694(04), \$23,622.47
- e) Logan County - IS-35 - IMY-35-4(197)152 / 20270(04), \$359,113.80
- f) Love County - IS-35 - IMY-35-1(125)000/BRIY-35-1(133)(134)008 / 19576(04), \$41,796.48
- g) Mayes County - Co. Rd. - STP-149C(44)CO / 18728(04), \$11,851.54
- h) McCurtain County - US-70 - EMC-145N(142) / 22759(04)#1, \$52,600.00
- i) McCurtain County - US-70 - EMC-145N(142) / 22759(04)#2, \$28,455.57
- j) McIntosh County - IS-40 - IMY-40-6(286)253 / 19563(04), \$179,960.86
- k) Murray County - Co. Rd. - STP-150D(51)CO/BRO-150D(31)CO / 19682(04), \$17,315.57
- l) Noble County - IS-35 - IMY-35-4(198)203 / 20273(04), \$32,052.92
- m) Oklahoma County - Co. Rd. - BRO-55D(906)CO/ 15575(04), \$12,653.49
- n) Oklahoma County - Ct. St. - STP-155B(194)AG/STP-55B(966)AG/17750(04)#3, \$52,844.84
- o) Oklahoma County - Ct. St. - STP-155B(194)AG/STP-55B(966)AG/17750(04)#4, \$125,000.00
- p) Pushmataha County - SH-3 - NHY-17N(134) / 20249(05)#4, \$11,682.25
- q) Pushmataha County - SH-3 - NHY-17N(134) / 20249(05)#5, \$14,503.50
- r) Sequoyah County - IS-40 - IMY-40-6(335)303 / 20281(04), \$43,865.34
- s) Tillman County - US-183 - CIP-171B(26)IP / 16939(05), \$17,310.00
- t) Woodward County - US-412 - NHY-19N(10) / 10061(04), \$48,592.23

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

**ITEMS TO PRESENTED BY THE OFFICE ENGINEER - Mr. Pajoh**

162. Awards

- a) Letting - September 15, 2005 - Emergency - information only
- b) Letting - September 15, 2005 - Regular Letting
- c) Letting - September 22, 2005 - Special Letting

NOTE: Mr. Pajoh pointed out that call order 620 on the September 15<sup>th</sup> regular letting was "Rejected."

ACTION: Benson moved and Benbrook seconded that Items 162.b) and 162.c) be approved  
MOTION: Carried by the following vote:  
AYES: Mabrey, Cooper, Berry, Benson, Benbrook and Burgess  
NAYS:  
ABSENT: Dunegan and Overland

**ITEM TO BE PRESENTED BY THE ASSISTANT DIRECTOR - ADMINISTRATION - Mr. Mayberry**

163. Emergency Rulemaking Action - Oklahoma Administrative Code (OAC) Title 730. Department of Transportation. Chapter 40. Railroads, Subchapter 5. Railroad Modernization Program

The proposed rules are briefly outlined below:

**Subchapter 5. Rail Modernization Program**

- 730:40-5-1 Purpose and Authority
- 730:40-5-2 Definitions

730:40-5-3 Requirements and criteria  
730:40-5-4 Railroad modernization program application

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

**ADDENDUM I**

164. Emergency Declaration - SH-3 over Beaver Creek, 0.9 miles east of US-271 junction east of Antlers, Pushmata County - Mr. Ridley

Note: No Commission action necessary; information only. See attached.

**ADDENDUM II**

165. Emergency Declaration - SH-3 over Dumpling Creek, 2.2 miles south of Antlers, Pushmata County - Mr. Ridley

Note: No Commission action necessary; information only. See attached.

**ADDENDUM III**

166. Federal and State Funding Update - Mr. Ridley

Director Ridley discussed the Department's 8 Year Construction Work Program. He discussed the economic impact of hurricanes that have hit the Gulf Coast of the United States and the escalating prices of fuels, and how these factors have effected our Agency. Several large ODOT projects may be effected by changes in funding. There is much uncertainty regarding future federal funding for the states and it will be the first of the year before we will have a full understanding of what monies we may receive.

Note: No Commission action necessary; information only. See attached.

**Meeting adjourned at 11:37 a.m.**

Approval of Minutes of the Regular Transportation Commission Meeting of October 3, 2005

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Guy L. Berry, Member

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W. Carlisle Mabrey, III

(Seal)