

MINUTES FOR THE TRANSPORTATION COMMISSION MEETING MAY 3, 2021

MINUTES OF THE VIRTUAL MEETING OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, HELD MAY 3, 2021 VIA IN-PERSON AND BY VIDEO TELECONFERENCE ONLY PURSUANT TO THE OKLAHOMA OPEN MEETING ACT, AS AMENDED BY SENATE BILL 1031, RECORDED AND AUDIO LIVESTREAMED FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, 200 NE 21ST STREET, OKLAHOMA CITY, OK 73105

Notice of the schedule of regular meetings of the Oklahoma Department of Transportation for the calendar year 2021 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in a prominent public view on the website of the Oklahoma Department of Transportation, www.ok.gov/odot, and on the glass doors on the north side of the ODOT Building twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Oklahoma Open Meeting Act, 25 O.S. Section 311.

Commissioners joined the meeting by video teleconference.

Special Note: The public access was monitored by ODOT to ensure that if the audio connection was lost or interrupted, the meeting would be stopped and not resumed until an audio connection was restored.

ITEMS PRESENTED BY COMMISSION CHAIRMAN

CALL TO ORDER: Mr. McKown called the meeting to order at 11:00 a.m.

ROLL CALL:

Present:	Gene McKown	Chairman	
	TW Shannon	Secretary	
	Bob Coburn	Member	(Virtual)
	James Grimsley	Member	
	Don Freymiller	Member	(Virtual)
	David Dyson	Member	(Virtual)
	Bobby Alexander	Member	(Virtual)
	Steve LaForge	Member	(Virtual)
	Bob Peterson	Vice-Chairman	(Virtual)
Absent:	None		
Presiding:	Gene McKown		

The following items were presented and approved as written at the Transportation Commission meeting May 3, 2021. For those items amended, deferred, or rejected, those notations were also made. Action taken by the Commission is noted here on these sheets.

Chairman McKown recognized Secretary Gatz for some comments.

Secretary Gatz introduced Joni Seymour the new Chief Innovation Officer for the Oklahoma Transportation Cabinet Agencies, which include the ODOT, OTA and OAC. She will work with every business unit across the entire State Transportation Cabinet to promote innovation that streamlines organizational and technological process. Ms. Seymour will report directly to Secretary of Transportation, Tim Gatz.

Secretary Gatz announced that Justin Hernandez has been chosen as the new ODOT Bridge Division Engineer. Mr. Hernandez has been with the Department for nearly 20 years, almost all of which has been as an Engineer with the Bridge Division. He will oversee the Department's Bridge Program, including the design of replacement, repair and maintenance type activities and the inspection of structures statewide.

Secretary Gatz declared April 26-30, 2021 was Work Zone Safety Awareness Week in Oklahoma. He stated the Governor's Work Zone Proclamation and Top 10 Seatbelt Goal goes hand in hand. He said transportation is a 24/7 operation; and ODOT and OTA want to thank drivers for using the Oklahoma Standard to look out for each other on and off the road. We are continuing our efforts with this year's theme, "Make Safety Stick - Everybody Click" campaign. Oklahoma's effort to improve our seatbelt usage is very important right now since we rank 43rd in the nation for seatbelt usage. More than half of the fatalities that happen on the highway system occur when a seatbelt is not in use. We can have the safest designs out on the highway system that we can develop and deliver within the resources we have available to us; but that seatbelt is still our frontline of protection. He then read the "Governor's Proclamation" into the record.

NOTE: *Chairman McKown said that a really shocking statistic, that ½ the deaths on the highway are because they are not wearing a seatbelt. We need to do something about this, what are we doing to bring awareness to this.*

Secretary Gatz said we are in the midst of a year-long "Make Safety Stick - Everybody Click" campaign. We are going to capitalize on every opportunity to put seatbelt use front and center as we begin to ramp up this campaign throughout the summer and for the rest of the year. We have put some resources toward by doing some Public Service Announcements on radio and tv; simply to try and raise public awareness!

ITEM PRESENTED BY THE SECRETARY TO THE COMMISSION

54. Approval of the Minutes of the Transportation Commission Meeting of April 5, 2021

ACTION: Grimsley moved and Peterson seconded that the Minutes be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
ABSTAIN: None
ABSENT: None

CONSENT DOCKET PRESENTED BY COMMISSION CHAIRMAN

55. Programming of Federal Railroad Crossing Safety Funds - Section 130 Title 23 Funds - Mr. Schwennesen

a) Choctaw County – Commission District II

Near Sawyer, Construction funding for a Signal and Surface project which includes the installation of pedestal-mounted flashing light signals with gate arms and 32-foot concrete crossing surface at the intersection of Fallon Road with the Kiamichi Railroad mainline. Total cost is \$356,862.00

56. Modification of Federal Railroad Crossing Safety Funds - Section 130 Title 23 Funds - Mr. Schwennesen

- a) Adair County – District I - Stilwell – NS4660 – JP29223(04) – KSC - \$1,599.25 – 0.66%
- b) Oklahoma County - District IV - Edmond – Coffee Creek Road – JP32556(04) - BNSF- \$17,713.82 - 7.71%

57. Speed Zone Revisions – Mr. Pendley

a) Adair County – Commission District I

1. Along US 59 in Adair County including the Town of Watts at various locations

b) Murray County - Commission District VII

1. Along US 77 in Murray County including the City of Davis at various locations
2. Along SH 7 in Murray County including the City of Davis at various locations

58. Safety Improvement Projects - Mr. Pendley

a) Commissioner Districts II & III

We have received a request from the Districts II and III Engineers for the installation of centerline rumble strip and pavement markings at the following locations:

1. US 270: District II - In Pittsburg County beginning near 5th Street in Alderson, extending easterly approximately 7.5 miles to near the US 270 & SH 63 junction in Haileyville;
2. US 270: District II - In Latimer County beginning near Lutie Church Road east of Wilburton, extending easterly approximately 31.5 miles to near the US 270 & US 271 junction in Wister;
3. US 271: District II - In Le Flore County beginning near the US 270 & US 271 junction in Wister, extending easterly approximately 6 miles to near the US 271 & US 000 (Poteau Bypass) & US 59 junction in west Poteau;
4. SH 3: District II - In Pushmataha County beginning near CR E1920 Road (3rd Street) east of Antlers, extending easterly approximately 26 miles to near CR 1950;
5. US 70: District II - In Choctaw County beginning at the east end of the Lake Raymond Gary Bridge east of Fort Towson, extending easterly approximately 8 miles to near CR N4450 Road (Valliant Bypass Road);
6. US 70: District II - In Bryan County beginning near Muncrief Road in Kingston, extending easterly approximately 3 miles to near Oak Ridge Drive
7. SH 70F: District II - In Marshall County beginning at the SH 32 & SH 70F junction, extending northerly approximately 4.50 miles to the US 70 & SH 70F junction;
8. SH 112: District II - In Le Flore County beginning near 290th Street east of Poteau, extending easterly approximately 3 miles to near Bud French Road/Walls Road;
9. SH 1: District II – In Marshal County beginning at the US 177 & SH 1 junction extending northerly approximately 0.50 mile to the Marshall & Johnston County Line;
- 10: SH 1: District III – In Johnston County beginning at the Johnston & Marshall County Line, extending northerly approximately 7.5 miles to near Anderson Road in western Ravia;
- 11: SH 1: District III – In Johnston County beginning near Pine Creek Road north of Ravia, extending northerly approximately 11.5 miles to near Panola Street in Mill Creek;
- 12: SH 22: District III – In Johnston County beginning near CR N3520 Road east of Ravia, extending easterly approximately 2.5 miles to near the US 377 & SH 22 junction;
13. US 77: District III - In Garvin County beginning near Welch Avenue in west Wynnewood, extending northerly approximately 6 miles to near CR E1590 (Airport Industrial Road);
14. US 77: District III - In Garvin County beginning near Indian Meridian Road in northwest Pauls Valley, extending northerly approximately 13 miles to the US 77 & SH 59 junction;

15. US 77: District III - In McClain County beginning near Malone Street in Wayne, extending northerly approximately 5.5 miles to the US 77 & SH 74 junction;
16. US 270: District III - In Seminole County beginning at the US 270 & US 270 Business junction, extending easterly approximately 18.5 miles to the US 270 & US 75 & CR E1380 Road junction;
17. US 75: District III - In Hughes County beginning at the north end of the US 75 & US 270 & SH 1 overpass in Calvin, extending northerly approximately 18.5 miles to the US 75 & SH 9 junction;
18. SH 19: District III - In Garvin County beginning near the east end of the Peavine Creek Bridge, extending easterly approximately 8.5 miles to near the US 177 & SH 19 junction;

The Project is estimated to cost \$1,542,750.00

b) Commissioner Districts I, II, and VIII

We have received a request from the District I, II and VIII Engineers for the purchase of solar powered equipment for the installation of new school zones at the following locations:

1. One location along US 59 near Peavine School, in rural Adair County in District 1, to include school entrance warning signs with flashing beacons. Estimated Cost \$8,000.00;
2. One location along SH 3 in the Town of Haworth, McCurtain County in District 2, to include school zone advanced warning signs with flashing beacons and pavement marking improvements. Estimated Cost \$8,000.00
3. One location along SH 85 in the Town of Ketchum, Mayes County in District 8, to include school zone advanced warning signs with flashing beacons and pavement marking improvements. Estimated Cost \$8,000.00

The total equipment is estimated to cost \$24,000

59. Land Sales – Mr. Phillips

- a) LeFlore County – District II – located along US-59/271 (Canaval Scenic Expressway) in Poteau, approximately 1.15 miles southwest of the US-59/271 and SH-112 interchange - \$6,000.00
- b) Oklahoma County – District IV – located along the north side of SH-152 in Oklahoma City, approximately 0.46 miles west of South MacArthur Blvd. - \$21,300.00
- c) Woodward County – District VI – located along the north side of US-412, at the NW Quadrant of the intersection of 4th St. and US-412/Oklahoma Avenue - \$1,060.00
- d) Comanche County – District VII – located along the south side of US-277, approximately 1.52 miles west of I-44 and west of Elgin, OK (Lot 13, Block 1) - \$750.00
- e) Comanche County – District VII – located along the south side of US-277, approximately 1.5 miles west of I-44 and west of Elgin, OK (Lot 1, Block 1) - \$750.00
- f) Comanche County – District VII – located along the south side of US-277, approximately 1.45 miles west of I-44 and west of Elgin, OK (Lot 1, Block 2) - \$2,300.00
- g) Comanche County – District VII – located along the south side of US-277, approximately 1.4 miles west of I-44 and west of Elgin, OK (Part of the NW/4, Section 35) - \$22,000.00

- h) Tulsa County – District VIII – located along the east side of US-169 at the NE intersection of US-169 & East 136th Street North - \$48,000.00
- i) Tulsa County – District VIII – located along the east side of US-169 at the SE intersection of US-169 & East 136th Street North - \$65,078.00
- j) Creek County – District VIII – located along the south side of SH-166, at the SW intersection of SH-166 & Frankhoma Road in Sapulpa, OK - \$7,450.00

60. Certification of County Road Mileages – Mr. Swift

Statewide – All Districts – Title 69, O.S. Section 316, requires that the Transportation Commission annually certify to the Tax Commission the county road mileage of each county in Oklahoma as it existed on the first day of January each year.

ACTION: Coburn moved and Grimsley seconded that the Consent Docket be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, LaForge and Peterson
 INAUDIBLE: Alexander
 NAYES: None
 ABSENT: None

END OF CONSENT DOCKET

ITEMS PRESENTED BY DIRECTOR OF ENGINEERING – Mr. Tegeler

61. Programming Items

- a) Cleveland County – District III – a project to repair vehicle impact damage to a sound barrier wall on the east side of I-35 between Main and Lindsey – \$35,000 – Party responsible for the damage is known
- b) Garvin County – District III - a project to repair fire damage to US-77 over Rush Creek located on the south edge of Pauls Valley - \$30,000 - Party responsible for the damage is unknown.

ACTION: Shannon moved and Grimsley seconded that the Item be approved as presented.
 MOTION: Carried by the following vote:
 AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
 NAYES: None
 ABSENT: None

62. Engineering Contracts

- a) Statewide – All Districts – Update Current Standard Drawings/Plans

CI-2302A	EST, Inc.
CI-2302B	H.W. Lochner, Inc.

The aggregate not to exceed amount for these two (2) contracts is \$2,000,000.00

- b) Statewide – All Districts – Overload Permit Studies

CI-2323	Grossman & Keith Engineering, Co.	\$400,000.00
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- c) Muskogee County – District I - to perform preliminary engineering and prepare construction plans for the McClellan-Kerr Arkansas River Navigation System (MKARNS) mooring modernization at multiple locations
- | | | |
|---------|-----------------------|----------------|
| CI-2320 | CONSOR Engineers, LLC | \$1,393,100.00 |
|---------|-----------------------|----------------|
- d) Marshall County – District II – to prepare construction plans for SH-199: from approximately 1.6 miles east of junction SH-99, extending east approximately 5.0 miles and SH-199; from approximately 6.6 miles east of junction SH-99, extending east approximately 5.3 miles
- | | | |
|----------|------------------------|----------------|
| CI-2307D | MKEC Engineering, Inc. | \$1,816,038.00 |
|----------|------------------------|----------------|
- e) McCurtain County – District II - to prepare construction plans for SH-37; from the Texas state line, north and east 7.54 miles and SH-37; from 7.54 miles north and east of the Texas state line, east 5.0 miles
- | | | |
|----------|--------------------------------|----------------|
| CI-2307C | Jacobs Engineering Group, Inc. | \$2,018,259.00 |
|----------|--------------------------------|----------------|
- f) Pittsburg County – District II - to prepare construction plans for US-69 beginning approximately 2.5 miles south of Indian Nation Turnpike and extending north approximately 2.1 miles
- | | | |
|----------|------------------------|--------------|
| CI-2309B | Freese & Nichols, Inc. | \$900,980.00 |
|----------|------------------------|--------------|
- g) Kay County – District IV - to provide preliminary engineering and prepare construction plans for SH-11: from Rocky Ridge Road, new alignment to Grandview Drive in Kaw City
- | | | |
|---------|-------------|--------------|
| CI-2306 | Garver, LLC | \$634,280.00 |
|---------|-------------|--------------|
- h) Logan County – District IV - to prepare construction plans for I-35: from 3.0 miles north of US-77, north 2.2 miles in Guthrie
- | | | |
|----------|---------------------------------------|----------------|
| CI-2264D | MacArthur Associated Consultants, LLC | \$1,653,485.00 |
|----------|---------------------------------------|----------------|
- i) Carter County – District VII - to prepare construction plans for US-70: from 0.23 miles east of Brock Road, east 3.6 miles to east of I-35 (eastbound & westbound)
- | | | |
|----------|----------------------------------|----------------|
| CI-2310B | Smith Roberts Baldischwiler, LLC | \$1,516,350.00 |
|----------|----------------------------------|----------------|
- j) Osage County – District VIII - to prepare construction plans for SH-18: from 5.68 miles north of Pawnee County Line, north approximately 3.2 miles
- | | | |
|----------|----------------------------|--------------|
| CI-2309A | Atkins North America, Inc. | \$733,782.00 |
|----------|----------------------------|--------------|

NOTE: *Commissioner Peterson asked why 62 c) the MKARNS project was the only project not in the 8 year plan.*

Secretary Gatz explained that this is the Department’s efforts to put ourselves in a position to take advantage of potential grant opportunities that may come; and to deliver a project that will make a difference on the current mooring system that exists within the McClellan-Kerr Navigation System. Those moorings are not quite sufficient, especially in light of the flood that we experienced in 2019, to support adequate mooring of barge traffic in the area. So, this project is going to put us into a position to have a shovel ready project that will help us, maybe obtain grant funds to be able to reconstruct and rebuild those moorings.

ACTION: Grimsley moved and Alexander seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

63. Engineering Contract Supplement

Adair County – District I – this supplement is for additional engineering to develop final construction plans for SH-100: from 3 miles north of Cherokee County Line east 5 miles

CI-1959A Supplement 6 Atkins North America, Inc. \$50,000.00

ACTION: Shannon moved and Grimsley seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEMS PRESENTED BY CONSTRUCTION DIVISION ENGINEER – Mr. Leonard

64. Change Orders with Cumulative Total of \$75,000.00 or Less – Information Only

- a) Atoka County - Co. Rd. - CIRB-203C(072)RB / 29952(04), \$9,338.73, 0.60%
- b) Caddo County - SH-19 - SBR-208C(071)SB / 30381(04), \$780.00, 0.06%
- c) Canadian County - US-81 (I-40B) - NHPP-209N(051)SS / 27004(04), \$3,184.09, 0.03%
- d) Canadian County - I-40 - NHPP-209N-(078)PM / 30715(04), \$30,800.00, 0.22%
- e) Coal County - US-75 - NHPP-215N(028)PM / 29731(04), \$13,325.00, 1.79%
- f) Coal County - Co. Rd. - STP-215D(021)CI / 30010(04), \$0.00, 0.00%
- g) Custer County - I-40B - NHPP-220N(074)PM / 30331(04), \$0.00, 0.00%
- h) Garfield County - US-60 - SBR-224N(082)SB / 33752(04), \$22,210.00, 1.54%
- i) Grady County - SH-92 - STP-226B(052)AD / 32936(04), \$15,676.80, 8.47%
- j) Greer County - US-283 - STP-228B(017)PM / 29509(04), \$6,292.00, 0.08%
- k) Jefferson County - Co. Rd. - STP-234D(050)CI / 29359(04), \$24,190.16, 2.58%
- l) Kingfisher County - Ct. St. - TAP-237E(048)TP / 33017(04), \$1,391.29, 0.07%
- m) Marshall County - US-70 - NHPP-248N(050)PM / 31278(04), \$69,234.79, 0.83%
- n) McIntosh County - Co. Rd. - CIRB-246C(043)RB / 28503(04), #1, \$3,237.27, -0.10%
Underrun
- o) McIntosh County - Co. Rd. - CIRB-246C(043)RB / 28503(04), #2, \$22,262.00, 0.70%
- p) Muskogee County - SH-72 - SBR-251C(096)SB / 32723(04), \$47,557.75, 2.67%
- q) Osage County - SH-20 - STP-257C(076)RW / 24268(08), \$18.00, 0.01%
- r) Pittsburg County - Co. Rd. - CIRB-261C(098)RB / 32358(04), \$28,476.00, 1.02%
- s) Seminole County - SH-3E - SBR-9595(004)SB / 29595(04), \$0.00, 0.00%
- t) Seminole County - Co. Rd. - CIRB-267C(053)RB / 30039(08), \$272.70, 0.01%
- u) Seminole County - SH-39 - SSR-267C(082)SR / 33321(04), #1, \$42,844.38, 3.43%
- v) Seminole County - SH-39 - SSR-267C(082)SR / 33321(04), #2, \$0.00, 0.00%
- w) Sequoyah County - Co. Rd. - CIRB-168C(190)RB / 25434(04), \$84,288.87, -3.37% Underrun
- x) Sequoyah County - US-64 - SBR-268C(060)SB / 32761(04), \$8,084.69, 0.62%
- y) Tulsa County - Ct. St. - STP-272B(277)IG / 29326(04), \$2,200.00, 0.03%
- z) Tulsa County - I-44 - STP-272F(270)PM / 33818(04), \$47,164.20, 0.88%
- aa) Wagoner County - SH-72 - SBR-273C(052)SB / 32724(04), \$14,610.50, 0.67%
- bb) Washington County - Co. Rd. - CIRB-174D(062)RB / 25490(04), \$15,582.04, 0.34%
- cc) Washington County - Co. Rd. - CIRB-274D(027)RB / 30617(04), \$34,658.45, 3.55%

65. Change Orders with Cumulative Total Greater than \$75,000.00

- a) Beaver County - Co. Rd. - STP-204C(031)CI / 30500(04), #2, \$32,210.31, 2.37%
- b) Beaver County - Co. Rd. - STP-204C(031)CI / 30500(04), #3, \$16,090.59, 1.18%
- c) Beckham County - Co. Rd. - CIRB-105C(157)RB / 24839(04), \$36,033.39, 0.53%
- d) Blaine County - SH-3 - NHPP-017N(254)PM / 27913(10), \$32,040.08, 0.32%
- e) Blaine County - SH-58 - STP-206C(061)PM / 29512(04), \$132,179.80, 5.80%
- f) Custer County - SH-54 - STP-120C(133)PM / 24145(10), \$407,230.70, 6.25%
- g) Custer County - SH-33 - SSP-220B(064)SS / 28772(04), \$700.00, 0.01%
- h) Custer County - SH-73 - SBR-220C(068)SB / 33431(04), \$135,000.00, 7.09%
- i) Garfield County - US-64 - SBR-019N(134)SB / 30641(04), \$82,602.45, 9.25%
- j) Garvin County - I-35 - SBR-3500(083)SB / 31989(04), \$96,062.52, 8.79%
- k) Haskell County - Co. Rd. - CIRB-231C(040)RB / 28499(04), \$81,402.26, 1.08%
- l) Love County - Co. Rd. - CIRB-243C(031)RB / 31411(04), \$1,402.64, 0.10%
- m) Mayes County - Co. Rd. - STP-249C(053)CI / 31161(04), #4, \$127,161.86, 3.57%
- n) Mayes County - Co. Rd. - STP-249C(053)CI / 31161(04), #5, \$1,200.00, 0.03%
- o) Mayes County - SH-28 - SSP-249C(049)SS / SSP-249C(052)SS / 31884(05), \$477,393.33, 3.46%
- p) McClain County - I-35 - NHPPI-0035(297)SS / 23283(04), \$2,102.80, 0.04%
- q) Muskogee County - US-69 - NHPP-013N(173)PM / 31211(04), \$88,633.09, 1.39%
- r) Noble County - Co. Rd. - CIRB-252C(056)RB / 25421(13), \$134,011.20, 3.48%
- s) Okfuskee County - I-40 - NHPPI-4000-(077)PM / 21007(06), \$30,748.69, 0.16%
- t) Oklahoma County - Ct. St. - OKC-XTWN(078)SS / ACNHPPI-XTWN(079)SS / 17428(88), \$26,848.11, 0.10%
- u) Oklahoma County - Ct. St. - STP-255C(430)AG / STP-255C(431)AG / 31102(04), \$20,276.24, 0.51%
- v) Oklahoma County - I-44 - SBR-4400(073)SB / 33417(04), \$5,640.50, 0.28%
- w) Oklahoma County - I-35 - STP-255F(501)3B / 34180(04), \$1,135.97, 0.14%
- x) Pawnee County - US-64 - STP-259B(034)SS / STP-159B(058)SS / 27934(04), \$6,500.00, 0.06%
- y) Pawnee County - Ct. St. - SBR-259N(058)SB / 33451(04), \$78,624.79, 5.06%
- z) Pottawatomie County - SH-39 - SSR-263B(067)SR / 33838(04), #3, \$19,070.47, 1.21%
- aa) Pottawatomie County - SH-39 - SSR-263B(067)SR / 33838(04), #4, \$0.00, 0.00%
- bb) Rogers County - Ct. St. - STP-166B(164)IG / 22144(04), \$60,775.81, 2.59%
- cc) Rogers County - Ct. St. - STP-166B(164)IG / 22144(04), \$27,624.38, 1.18%
- dd) Seminole County - US-270 - STP-167B(122)PM / 21006(07), \$334,618.36, 2.84%
- ee) Sequoyah County - I-40 - NHPPI-4000-(248)FP / NHPPI-4000-(064)PM / 10618(07), \$295,000.00, 0.70%
- ff) Texas County - SH-136 - STP-170C(123)SS / STP-170C(127)PM / 24241(04), \$4,719.00, 0.03%
- gg) Tulsa County - I-244 - NHPPIY-0244-2(501) / NHPPIY-0244-2(504) / NHPPIY-0244-2(507) / 26300(06), \$4,196.24, 0.01%
- hh) Tulsa County - I-44 - NHPPI-4400(058)PM / 29693(04), \$44,263.01, 0.41%
- ii) Tulsa County - Ct. St. - STP-272C(259)IG / 32541(04), \$3,074.93, 0.21%
- jj) Tulsa County - I-44 - NHPPI-4400(054)PM / NHPPI-4400(077)PM / 33788(04), \$500,653.90, 0.57%
- kk) Washington County - Co. Rd. - STP-274B(026)CI / 27821(04), \$94,710.10, 1.93%

ACTION: LaForge moved and Coburn seconded that the Item be approved as presented.

MOTION: Carried by the following vote:

AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson

NAYES: None

ABSENT: None

ITEMS PRESENTED BY THE COMPTROLLER DIVISION

66. Proposed Bid Openings – Mr. Hackney, Project Funding Manager

- a) Final July, 2021 Proposed Bid Opening
- b) Tentative August, 2021 Proposed Bid Opening
- c) Tentative September, 2021 Proposed Bid Opening

ACTION: Grimsley moved and Dyson seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEM PRESENTED BY THE OFFICE ENGINEER – Mr. Delce

67. Awards

- a) Deferral from the March 18, 2021 Regular Bid Opening
- b) April 15, 2021 – Regular Letting

ACTION: LaForge moved and Coburn seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

ITEM PRESENTED BY THE DIRECTOR – Mr. Gatz

68. I-35/9W Presentation

Secretary Gatz started with an apology to Commissioner Shannon, all other Commissioners and to the Chickasaw Nation for any confusion he may have contributed to around this project. He felt that if he had done a better job of communicating, we might not be having this presentation this morning. He stated ODOT is one of the primary state agencies that partners with Tribal Governments on a regular basis for infrastructure improvement projects. Many road and bridge improvements all across the state have been successfully completed in close coordination with our tribal partners. In response to Commissioner Shannon's request from last month he presented a PowerPoint presentation on Tribal Agreements and specifically, on the I-35/SH-9 West Interchange Project.

The I-35/SH-9 West interchange improvements have been discussed since 2001. McClain County has seen rapid population growth and economic development bringing higher traffic volumes and more needs to be addressed. Rather than focusing only on addressing 1 traffic movement inside the interchange, the Department is expanding the project to a more comprehensive fix that meets the traffic safety needs of the entire area. This will include several interchange design alternatives through a public involvement process, including commitments made to the Chickasaw Nation as a major stakeholder.

ODOT and OTA are among the few state agencies that do not require approval from the Governor and the Joint House & Senate Committees on State Tribal Relations for an agreement. The Agency Director for ODOT & OTA can unilaterally enter into an agreement with a Sovereign Tribal Nation, representing the State of Oklahoma and that agreement is binding in statute. This is a serious responsibility on the part of a Director and I take it very seriously, especially in some uncertain conditions that exist today, and some are a result of *McGirt v. Oklahoma* ruling on all aspects of state government, including infrastructure projects. So, the Department is drafting a new and more formal protocol to advance some types of tribal agreements, in an

effort to facilitate better communication with the tribes and with our internal transportation staff. The protocol will also help to manage expectations of all parties, and progress anticipated on transportation projects earlier in the process to avoid confusion. And as appointed Director of ODOT, and in the absence of any further specific statutory directive I believe it's prudent under the current uncertain conditions to seek the advice and counsel of the Governor's Office when considering these types of agreement. I can also engage other resources, including the Department's General Counsel and the Attorney General. Advice and counsel in this instance do not constitute seeking approval or permission to execute an agreement, but simply a comprehensive discussion to review and make absolutely sure I am fully informed, when representing the State of Oklahoma's best interest when considering such commitments.

NOTE: *Commissioner Shannon thanked the Director for his apology, it wasn't warranted or needed. I respect you as a professional. I worked with you for a number of years and I've always found you to be an upfront, honorable professional, who understands the importance of ODOT's road oversight process. So, apology accepted, but not needed at all. I have a couple of questions/concerns that Gov. Stitt has basically ordered a wholesale change of how ODOT interacts with tribes on transportation projects. That concerns me, because up until this point the process has worked very well for the benefit of all 4 million Oklahomans. And secondly the Legislature and Oklahoma Statutes vests the Authority on you, the Director and this Commission to enter into agreements with Tribal Governments and construct highway projects.*

Commissioner Grimsley expressed his concern that this "Real Project was labeled by a state official a "Pet Project". This project is an important project and people's lives are depending on this; their quality of life and their ability to live their lives is impacted by our ability to respond to that. I think this is an overdue project that we are way behind in getting done and I just wanted to say that for the record.

A very lengthy discussion ensued about these questions and concerns. Chairman McKown ended the discussion by asking ODOT's Chief Engineer to make this project #1 on his list; and get with our engineers and come up with a plan/solution and present to us in 30 days.

Informational Only: No Commission action required.

69. Resolution in Support of 8 Year Plan - Commissioner Shannon

NOTE: *Discussion between Commissioners Shannon, Coburn, Dyson and Alexander.*

ACTION: Shannon moved and Grimsley seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Shannon, Grimsley,
NAYES: Coburn, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
ABSENT: None

Motion failed.

70. Request for Attorney General's Opinion on how McGirt's Ruling affects ODOT Projects and Agreements - Commissioner Shannon

ACTION: Shannon moved and Grimsley seconded that the Item be approved as presented.
MOTION: Carried by the following vote:
AYES: Shannon, Grimsley,
NAYES: Coburn, Freymiller, McKown, Dyson, Alexander, LaForge and Peterson
ABSENT: None

Motion failed.

71. Director's Report

Secretary Gatz said we have had a lengthy meeting, so I will be extremely brief in my Director's report. I would advise that May is a continuation of our Safety Campaign, focusing primarily on "Make Safety Stick - Everybody Click". But we are also going to bring a focus to Bicycle and Pedestrian Safety in the State of Oklahoma. This month's effort will include daily social media posts, messages from Lieutenant Governor Matt Pinnell, and the promotion of local events, like "Bike to Work Day", on May 21st, put on by the Association of Central Oklahoma Governments and other organizations. We want to encourage drivers to be careful and pay attention in our work zones. Please recognize that there is extraordinary amount of work going on right now, some of which is attributed to the difficult winter conditions that we experienced.

The Transportation Modernization Initiative is progressing and we should have some recommendations in June.

He announced that the McClellan-Kerr Arkansas River Navigation System is celebrating its 50th anniversary on June 5th. We will be in attendance at an event at the Tulsa Port of Catoosa, to commemorate their 50 years of service and recognize the waterway's ability to move goods and freight throughout the state, the nation and globally.

Information Only: No Commission action required.

Ms. Riddle reported that ODOT had been monitoring the public audio connection; and it was reported that the public audio connection has been maintained throughout the meeting.

ITEM PRESENTED BY COMMISSION CHAIRMAN

72. Adjournment Motion

ACTION: Shannon moved and Grimsley seconded that the Meeting be adjourned.
MOTION: Carried by the following vote:
AYES: Coburn, Grimsley, Freymiller, Shannon, McKown, Dyson, Alexander, LaForge and Peterson
NAYES: None
ABSENT: None

Meeting adjourned at 12:52 p.m.

Approval of the Minutes of the Transportation Commission Meeting May 3, 2021.

Gene McKown – Chairman

Bob Peterson – Vice Chairman