

Michigan State Transportation Commission

Public Meeting

November 10, 2022
Lansing, MI
Draft Meeting Minutes

Members Present: Todd A. Wyett, STC Chair
Michael D. Hayes, STC Vice Chair
Gregory C. Johnson, STC Commissioner
Richard W. Turner, STC Commissioner
Heath E. Salisbury, STC Commissioner

Members Absent: Stephen F. Adamini, STC Commissioner

Also Present: Director Ajegba, Michigan Department of Transportation
Laura Mester, CAO, MDOT
Kathleen Gleeson, Assistant Attorney General, Transportation Division
Jeff Cranson, MDOT Office of Communications
Troy Hagon, Commission Advisor
Patrick McCarthy, Director, MDOT Bureau of Finance
Dee Parker, Director of Bureau of Development and Deputy Chief Engineer.
Brad Wieferrich, Deputy Director and Chief Operating Officer
Jack Cotter, Commission Auditor, Office of Commission Audits
ShuKeyna Thurman, Executive Assistant, Office of Commission Audits
Ashleigh Houska, Departmental Analyst, Office of Commission Audits
About 15-25 people were in the audience.

I. **Welcome**

Chair Wyett called the meeting to order at 10:00 a.m.

Director's Report

Director Paul C. Ajegba presented a report on November 10 to the State Transportation Commission (STC) an update from MDOT, including information on the Vocational Village program and maintenance difficulties. Director Paul C. Ajegba provided an update on the Vocational Village program. MDOT has supplied schools with plow simulator add-on to prepare students. There are currently over 70 candidates. MDOT has hired from the program through competitive selection process and the candidate began with the department October 31st.

MDOT is also planning to hire temporary maintenance staff for the winter months. Commissioner Hayes asked about construction contractor drivers and if they were able to be recruited for winter maintenance. The Director explained that there is so much work going on in the summer that many take a break during the winter.

For more: [Full STC hearing video](#).

II. **Commission Business**

- **2023 Proposed STC Meeting Schedule (motion required)**

Troy Hagon presented the proposed STC Meeting schedule for 2023. Vice Chair Hayes made a motion to approve and Commissioner Johnson supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried**

- ***Minutes of July 28, 2022, Commission Meeting (motion required)***

Chair Wyett requested a motion regarding approval of the minutes for the July 28, 2022 Commission meeting. Vice Chair Hayes made a motion to approve and Commissioner Johnson supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried**

- ***TAMC Nomination – Troy Hagon (motion required)***

In accordance with Public Act 325, Troy Hagon requested approval of several nominees onto the Transportation Asset Management Council. The four proposed appointments for TAMC are Art Green (MDOT), Robert Slattery (MML), Jennifer Tubbs (MTA), Kelly Jones (MAC).

Chair Wyett requested a motion regarding approval of the Transportation Asset Management Council nomination. Vice Chair Hayes made a motion to approve, and Commissioner Salisbury supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Office of Commission Audits (OCA) Update – Jack Cotter***

Mr. Cotter spoke about OCA objectives of internal controls and risk assessments.

No motion required.

III. Oversight and Other Informational Reports

- ***Quarterly Bid Letting Summary – Patrick McCarthy***

Mr. McCarthy presented the following documents to the STC for review: Quarterly Bid Letting Summary; 2022 Bid Letting Trends; Bids by Region; and 2022 Procurement Card Report.

Chair Wyett commented on the amount of single bids and asked the Director if it was possible the number is due to the amount of contractors not being able to keep up with the amount of work. Director Ajegba confirmed this assessment.

Chair Wyett also inquired about the increase in PCARD activity and asked for clarification on why that was happening. Mr. McCarthy explained that the rise was in September which is the end of the fiscal year and when people need to pay off yearly contracts or renew yearly services before the fiscal year ends. Chair Wyett thanked Mr. McCarthy for including the report as the STC likes to keep an eye on procurement activity to verify no one is misusing the resource.

Vice Chair Hayes asked Mr. McCarthy if the declining number of contractors bidding on jobs is a nationwide trend or Michigan specific. Dee Parker stepped in to say MDOT would need to look into whether this is trend extends beyond Michigan and speak to peers in others states to see if they are having similar problems. Commissioner Salisbury then weighed in to add one of the issues could be the increase of private sector construction projects pulling contractors, which Director Ajegba confirmed this as a possibility while adding the inflation issue is nationwide and might be causing

problems. Chair Wyett added that he has spoken to contractors outside of Michigan who mentioned they prefer to bid on one big job instead of several smaller jobs.

No motion required.

- ***Quarterly Bid Justification Summary – Dee Parker***

Mr. Parker presented the Quarterly Bid Justification Summary for the 4th Quarter to the State Transportation Commission, while noting justifications were reviewed by OCA. For FY 2022, MDOT is 15% over their engineers' estimate. Commissioner Johnson questioned the 15% overage and the impact on future MDOT projects. Mr. Parker explained MDOT is still looking into how it could affect the future projects overall. Chair Wyett asked Commissioner Johnson if he had ever seen so many bids rejected or over the original engineer's estimate, which Johnson explained the supply chain and inflation issues are having a lasting impact on pricing across the country. He went on to explain there are similar issues in Oregon where a bridge project ended up being over the engineer's estimate by about 50%. Chair Wyett added the STC would make note of Michigan still managing to be one of the smallest overages in the country, despite these issues.

No motion required.

- ***Real Estate Services Section Disposal of Real Property Interests – Dee Parker***

Mr. Parker presented the Real Estate Services Section Disposal of Real Property Interests. There were no questions.

No motion required.

- ***Final Construction Contracts – Extras and Overruns – Lindsey Renner***

MDOT Projects for July 2022 through September 2022

- 47 projects totaling approximately \$137 million were finalized.
- 8 projects were more than 10 percent over the original contract amount.
- 25 projects came in under original contract amount.
- Final monthly contract costs were respectively -.25, -1.48, and 5.65 percent when compared to their original contract amount.
- Fiscal year 2022 is averaging .52 under original contract amount.

- Local Agency Projects for July 2022 through September 2022

- 96 projects totaling approximately \$84 million were finalized.
- 6 projects were more than 10 percent over the original contract amount.
- 56 projects came in under original contract amount.

- 6 MDOT projects and 6 local agency projects are being presented.

No questions. **No motion required.**

- ***Six-Month Financial Audit Follow-up Report – Jack Cotter***

There was nothing to report for the Six-Month Financial Audit Follow-up Report.

No motion required.

IV. **Presentation**

Final 2023-2027 Five-Year Transportation Program – Michael Case (motion requested)

Michael Case presented the Final Draft 2023-2027 Five-Year Transportation Program, including any updates for the upcoming fiscal year and the results of the public engagement. Mr. Case requested STC approval of the final program for submission to the Michigan Legislature by March 1, 2023. Highlights of the Five-Year Transportation Program presentation include:

- \$15.8 billion in anticipated state and federally funded investments.
- \$11.8 billion in Highway Program projects focused primarily on repairing and rebuilding MDOT roads and bridges, with Gov. Gretchen Whitmer's \$3.5 billion [Rebuilding Michigan program](#) contributing more than \$1.2 billion to that total.
- \$3.9 billion in multimodal programs, covering MDOT public transportation (bus, marine, rail, and ports) at \$2.9 billion and Aeronautics at \$1 billion.

Other highlights included highway, public transportation, and aeronautics program projects contributing to MDOT's focus on equity and inclusion, transportation resiliency, and pedestrian and bicycle improvements, and a summary of public comments received during the comment period.

Chair Wyett requested a motion regarding posting of the Draft Five Year Plan. Vice Chair Hayes made motion to approve. Commissioner Johnson supported the motion. Chair Wyett led a voice vote; all members present voted in favor; **motion carried**.

Tribal Affairs Program Annual Report – Amy Matisoff, S

TAMP Approval Presentation – Lina Chapman and Zach Rable (motion requested)

Mr. Zach Rable and Ms. Lina Chapman presented the Transportation Asset Management Plan for the STC for approval. Mr. Rable explained that the TAMP is required federally and updated every four years. The 2022 TAMP is a BIL-compliant and considers resiliency and climate change. The main objective of the TAMP is to direct investment in Michigan's existing transportation systems and ensure its facilities and services continue to fulfill their intended functions. The 2022 TAMP includes the asset management processes by which MDOT makes its project decisions. Also includes inventory condition information, risk assessment, financial plans, and investment strategies.

Ms. Chapman presented the scope of the TAMP, including the investment strategies, gap analysis, and what level of investment is needed. To meet state of good repair on highway conditions the state will need an additional \$14.8 billion over the next ten years or \$1.5 billion annually for pavement preservation. To meet the state of good repair on bridges the state would need an addition \$1 billion over the next ten years. MDOT continues to work toward a fully matured asset management system but its necessary to incorporate additional assets.

Chair Wyett requested a motion to accept the 2022 Transportation Asset Management Plan. Commissioner Johnson made motion to approve. Commissioner Turner supported the motion. Chair Wyett led a voice vote; all members present voted in favor; **motion carried.**

Tribal Affairs Program Annual Report Presentation – Amy Matisoff

Ms. Amy Matisoff presented the Annual Report for MDOT Tribal Affairs Program to the STC. Ms. Matisoff included a message from the Office of the Governor which acknowledges Michigan as the ancestral territories of the Anishinaabe.

By agreement with FHWA and MDOT responsibility for project oversight and compliance with federal law for state transportation projects is delegated to MDOT by the FHWA. This agreement, coupled with Executive Directives and MDOT Policy #10240 approved by STC in July 2020 created the Strategic Alignment, Outreach & Tribal Liaison position as well as the Tribal Affairs Annual Report. 2022 Tribal Affairs Program highlights include:

- Intergovernmental Transportation Summit in Battle Creek in August 2022.
- Updated Programmatic Agreement for Section 106 of the National Historic Preservation Act.
- Stakeholder for creation and roll-out of the State-Tribal Affairs 101 training module.

There were no questions.

VI. Public Comments

Dr. Robert Gregg, Dr. Kristin Drogos and Ms. Valerie Brader presented complaints on behalf of the Ann Arbor community regarding noise pollution on M-14.

Dr. Gregg, an engineering professor at the University of Michigan, presented first regarding the significant issues the Ann Arbor community is having with noise pollution on M-14

between I-94 and US-23. “M-14 has a concrete surface that was made with an incorrect mixture which has caused what’s known as a hard-top,” Dr. Gregg said. The hard-top causes constant noise and negatively impacts the elementary school adjacent to the highway where noise can be heard inside and disrupts learning. “In 2016, MDOT had a maintenance project that many feel made the problem worse by dividing concrete slabs and introducing joints that create a pop-pop-pop-effect.” Dr. Gregg further explained these “pops” can be heard miles away and reaches up to 90 decibels on the playground, which can cause permanent hearing loss over time.

Dr. Gregg stated they have been working the MDOT for years regarding this issue, which MDOT recognizes but they are unwilling to allocate funds to fix the problem. A petition was signed by nearly 1000 residents concerned about this issue and the city of Ann Arbor passed a resolution requesting MDOT fix the problem which Dr. Gregg says MDOT dismissed with lack of funding for noise abatement programs. The asphalt top added to a portion of the bridge worked to reduce some of the noise, but Dr. Gregg is asking MDOT to add the asphalt top to the rest of the roadway. Dr. Gregg also asked the commission to

help MDOT find resources and prioritize the road repair which is scheduled for maintenance in 2023.

Dr. Kristin Drogos represented the survey and petition data from the community and highlighted keyways the community was affected. One of the most frequent complaints was that the noise was deafening, roaring, and constant. The community is also very concerned with the affect this is having on the school and children. The second most common issue was that people could hear the noise inside their homes, disrupting sleep and shaking their house. The third most common complaint was that people could not relax outside or use outdoor community areas including the largest park in Ann Arbor due to the noise. Suggestions from the community include reducing speed limit along with adding the asphalt layer to help with noise abatement.

Ms. Valerie Brader further backed up the Ann Arbor community to discuss the M-14 roadway project that was in the Five-Year Transportation plan approved earlier in the meeting by the STC. The community has been asking MDOT to address the issue since 2021 and mentioned that there were 51 people who expressed concern about the project during the public comment period. Nearly 1000 people have signed a petition asking that MDOT address this issue when they are coming out to make road repairs in 2023. "On the playground it is so loud that, if you were exposed to that for 8 hours at your job, your employer would be required to give you free hearing protection," Ms. Brader said. "If [MDOT] is not putting this in their request to the legislature now, what you are saying to us is that our kids hearing will never be a priority for the State of Michigan." Ms. Brader stated that the community would be there to support MDOT in their request to the legislature and to explain why this is not a normal noise abatement project.

Following the comments from the public, Director Ajegba thanked them for coming all the way from Ann Arbor to share their grievances. He explained that he was there in 2016 when they thought they had repaired the problem, but it clearly didn't work. Director Ajegba did mention he doesn't believe the asphalt will completely fix the issue but said MDOT is mindful of the issue. Although M-14 doesn't fit perfectly into the criteria for noise abatement, Director Ajegba has reached out to Federal Highway to see what else can be done to fix the problem because this is not a normal circumstance. The Director and the Chairman are working with the Federal Highway to see what they can do about the situation.

The Chairman asked for clarification on why Federal Highway was needed to solve the problem and Director Ajegba explained that funding for noise abatement has a lot of federal criteria to qualify and the state doesn't have a designated fund for noise abatement. He promised that they were working with Federal Highway to try and find a solution to the problem.

Chairman Wyett also promised this issue was not being lost in the shuffle and that when it came across his desk he contacted the Director and the Mayor.

VII. **Adjournment**

Chairman Wyett adjourned meeting at 11:26 am.

VIII. **Next Meeting**

The next full meeting is January 26th in Lansing, MI.

Troy Hagon
Commission Advisor