



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

June 3, 2009

VOTE TO CLOSE MEETING	3
 COMMISSION/DIRECTOR ITEMS	
Consent Agenda	4
Commission Committees and Commission Related Boards	5
Director's Report	5
 PUBLIC PRESENTATIONS	
Delegation Representing Missouri University of Science and Technology, City of Rolla, Phelps County, and the Rolla Regional Economic Commission	6
Meramec Regional Planning Commission	8
 MoDOT PRESENTATIONS	
2009 Legislative Session Wrap-Up	9
Missouri Department of Transportation Proposed Fiscal Year 2010 Budget	11
 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM	
Consideration of Bids on Federal-Aid and State Projects	14
Request for Approval of Design	20
Ratification and Approval of Right of Way Plans for Condemnation	20
 BUSINESS ISSUES	
Fiscal Year 2009 Budget Amendment	21
 INNOVATIVE FINANCE	
Highway 63 Transportation Corporation, Reappointment and Appointment of Board Members	21
 POLICIES/ADMINISTRATIVE RULES	
Report and Recommendation Regarding Notice of Proposed Amended and Rescinded Rulemaking, Procurement of Supplies	22
 PROPERTY ACQUISITION AND CONVEYANCES	
Disposal of Excess Property, Route 179, Cole County, Excess Parcel Number E5-0532	23
Disposal of Excess Property, Lindbergh Blvd., St. Louis County, Excess Parcel Number E6-1019	23

Change in Access, Break in Access, Route 152, Clay County -----	23
Change in Access, Non-Contiguous Shift, Route 13, Ray County -----	24
Change in Access, Break in Access, Route 6, Marion County -----	25

REPORTS

Financial – Budget – Reports

Year-to-Date Financial Report, April 30, 2009 -----	26
Delegation of Authority for Execution of Documents, Operating Budget -----	26
Contractor Performance Report -----	26

**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
ROLLA, MISSOURI, ON WEDNESDAY, JUNE 3, 2009**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, June 3, 2009, at the Missouri University of Science and Technology, Havener Center, 101 Havener Center, 1346 N. Bishop, Rolla, Missouri. Mike Kehoe, Chairman, called the meeting to order at 10:20 a.m. The following Commissioners were present at the meeting location: Mike Kehoe, David A. Gach, Rudolph E. Farber, Grace M. Nichols, and Duane S. Michie. Commissioner Lloyd J. Carmichael attended via teleconference.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

* * * * *

* * * * *

Pete Rahn, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission were present on Wednesday, June 3, 2009.

* * * * *

*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Kehoe, Aye
Commissioner Gach, Aye
Commissioner Farber, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Michie, Aye

The Commission met in closed session from 8:00 a.m. until 10:00 a.m.

* * * * *

-- OPEN MEETING --

CONSENT AGENDA

Consent Agenda Process

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or non-controversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Consideration of June 3, 2009, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Michie, seconded by Commissioner Farber, the consent agenda items were unanimously approved by a quorum of Commission members present except that Commissioner Kehoe abstained from voting on the following "Disposal of Excess Property, Route 179, Cole County, Excess Parcel Number E5-0532", and Commissioner Carmichael abstained from voting on the following "Request for

Approval of Design of Highways” Route 5, Laclede County.

* * * * *

COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees’ Retirement System Board of Trustees. The following committee reports were made during the June 3, 2009, meeting.

Audit Committee – Commissioner Farber reported the committee met earlier today and approved the internal and external audit plans for Fiscal Year 2010. The committee also made preparations for meeting in July with the independent external auditor, BKD. Missouri statute and commission policy requires this audit. Audit staff will be working diligently with the U.S. Department of Transportation’s Inspector General’s office to ensure the proper handling of economic stimulus funds.

Legislative Committee – Commissioner Kehoe welcomed Commissioner Carmichael on board as a co-chair. In light of the 2009 Legislative Session Wrap Up agenda item, Commissioner Kehoe did not make a report.

Missouri Transportation Finance Corporation – Commissioner Gach stated there was no report.

MoDOT and Patrol Employees Retirement System – Commissioner Kehoe stated that a meeting is scheduled for June 18, 2009.

* * * * *

DIRECTOR’S REPORT

During the June 3, 2009, Commission meeting, Director Pete Rahn provided the following report:

Revenues – Director Rahn reviewed year to date 2009 revenues. Motor fuel taxes are within \$300,000 of projection. Motor vehicle sales and use taxes are \$30 million under projection. That decline is significant because motor vehicle sales and use taxes are paying for the Amendment 3 bonds. Licenses and fees are down about \$8 million, which is a surprise because the department was expecting an increase in fees due to the re-issuance of license plates. In total, revenues are down \$38 million from projected receipts and is down \$49 million compared to actual receipts last year. The good news is that the reduced costs of construction have offset the reduction in revenues. The department is still in a good financial position and is able to deliver the commitments made by the

commission and the department; the bad news is that revenues are going to have to turn around to be able to continue to support a good transportation system in Missouri.

Road rallies – The original road rally was six or seven years ago when about nine hundred people were driven around the state on different roads and bridges and were asked to evaluate their condition. It is time to update the department on what the public is seeing so there are going to be smaller road rallies in four regions of the state with three sessions each. Approximately 300 citizens will provide an in depth evaluation of the roads and bridges in Missouri. Director Rahn stated that he is excited to hear about the improvements in the system over the last five or six years and what direction the department needs to go to meet the desires of the taxpayers.

Customer satisfaction survey – The annual customer satisfaction survey of 3000 Missourians has been conducted and draft results are expected by the end of the month. The final report will be prepared by the middle of July. The data collected from the survey is used to populate the Tracker. The survey is a good indication by region of how the department is doing and Director Rahn is anxious to get the results.

Safety – Commissioner Nichols inquired about where does the department’s role in highway safety come from? Director Rahn reviewed the federal and state laws that require the department to be involved in highway safety through both infrastructure improvements and behavioral programs. Director Rahn stressed safety as a core function of MoDOT and the department’s highest calling, a responsibility just as strong as the duty to build and maintain the transportation system.

* * * * *

DELEGATION REPRESENTING THE MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY, CITY OF ROLLA, PHELPS COUNTY, AND ROLLA REGIONAL ECONOMIC COMMISSION

Randy Verkamp, Phelps County Presiding Commissioner, eloquently welcomed the Commission to Rolla and Phelps County. Mr. Verkamp expressed high regard for the department and explained that the area would like to be the crossroads in the heartland of America with the completion of a four-lane Highway 63 connected to Interstate 44. Following Mr. Verkamp’s presentation, Elizabeth Bax, Executive Director of the Rolla Regional Economic Commission, thanked the Commission for building a new and more formal entrance to the University and for the partnership the area has with the department. Ms. Bax stated that they are requesting consideration of a fifth western interchange on Interstate 44 and an alternate relief route for Highway 63 around

Rolla. The community believes this is a part of the larger project, which is a four-lane Highway 63 through the state. The delegation supports and promotes the 63 corridor to improve safety, connectivity, and traffic flow. Ms. Bax stated that there is a return on investment in the Rolla region for the state of Missouri. If the department is able to build the fifth interchange with a cost share project, this will create quality of life amenities, and help attract, retain, and increase employment.

Keith Strassner, Director of Technology Transfer and Economic Development, Missouri University of Science and Technology, welcomed the Commission to the premiere technology university in Missouri and one of the top five technological research universities in the nation. Mr. Strassner explained that the university is very involved in transportation related research with a number of projects with MoDOT and other departments of transportation around the country. Mr. Strassner presented the example of the bridge reclamation project and the partnership between Missouri Transportation Institute and the department. From that project economic development has occurred and the creation of rebar that doesn't corrode was licensed to a start up company that will be building a pilot plant and research facility to further develop this technology. Mr. Strassner reviewed the university's master plan that includes a technology park that needs an entrance to connect to Kingshighway and Interstate 44. In addition, the master plan includes the E-cubed commons that will tackle the environmental, energy, and education problems that face the nation. The E-cubed commons will be located across Interstate 44 from the current campus location. The E-cubed commons will be a demonstration area where one can come and see new technology in action, for example the hydrogen fueling station that is already located there.

John Butz, City Administrator, City of Rolla, repeated the request for a fifth western interchange. Mr. Butz explained that the department is updating the environmental impact statement and the access justification report. Both of these are expected to be completed by the end of the year

and are necessary steps to move forward with the project. The community would like to participate in a cost-share for the interchange but need to have a preliminary cost estimate in order to be able to determine how they can support the project. The community is excited about the project and supports the department's efforts to improve Highway 63.

The commission thanked the delegation for their presentation and for their hospitality.

* * * * *

MERAMEC REGIONAL PLANNING COMMISSION

Richard Cavender, Executive Director, Meramec Regional Planning Commission (MRPC), welcomed the Commission to the Meramec region on behalf of the eight counties and thirty-one cities that MRPC represents. Mr. Cavender reviewed the transportation planning history. In 1991, ISTEA, the federal transportation bill passed. It opened the door to working with rural communities, it was just a slight opening of the door, but Missouri and the department kicked that door wide open. The department put together a team to figure out how to communicate better with the citizens of Missouri and seek their input into the planning process. The Meramec region was fortunate enough to be the pilot project. MRPC worked with department planning staff to form a transportation advisory committee. The committee identified transportation needs along with department staff. A system was developed to weigh the needs so they could be prioritized in an objective manner. The process was successful. Out of that process came the planning framework that was applied all across the state. Participants in the process hate to miss any meetings because it is their opportunity to express what their needs are and to work with other counties and cities on prioritizing those needs. At the same time the participants get a good education on what MoDOT is facing because the department is a participant in all of these meetings. Periodically, the MPRC meets in Jefferson City with all of the other transportation planning partners and begin prioritizing needs for the whole state.

This process requires participants to take off their local hat and put on a regional hat and look at everybody's needs and prioritize those, then they have to take off their regional hat and put on their state hat and look at how those needs tie into the needs of the whole state. It is a good process that is working.

Mr. Cavender stated that when the MRPC first started they had two major priorities, a new bridge over the Missouri River at Hermann and improve Highway 72 between Rolla and Salem. Both very critical projects and both have been accomplished. That made believers out of the people in the Meramec region. Now the top two priorities are to complete the four lane corridors across the state for Highway 63 and Highway 50. When those are completed the next priority will be to improve Highway 8, as it is the best connection from Rolla to the Bootheel of Missouri.

The commission thanked Mr. Cavender for his presentation and wonderful summary of the planning process.

* * * * *

2009 LEGISLATIVE SESSION WRAP-UP

On behalf of the Director, Jay Wunderlich, Governmental Relations Director, presented a review of the 2009 legislative session. Mr. Wunderlich began with an explanation of the opportunities provided during the session including working with a new Governor, educating new legislators as term limits continue to have an effect, working with new House and Senate leadership, and addressing issues related to the American Recovery and Reinvestment Act. Overall, transportation was not an issue at the Capitol this year, and federal stimulus money created challenges.

Mr. Wunderlich reviewed the commission approved legislative agenda. Although the department's number one priority, the primary safety belt proposal failed. Despite all the efforts of

the department, safety partners, and the sixty sponsors of the bill, parliamentary games were able to keep the proposal from advancing. Better incident management passed and will reduce the amount of time that abandoned or disabled vehicles will be parked on the shoulder of the roadway. A joint resolution passed to raise awareness on the importance of using the Missouri River as a reliable mode of transportation for freight. Legislation was approved that will increase the number of design-build projects that the department may construct. The passage of a land conveyance bill will allow an on-ramp to be constructed for the New Mississippi River Bridge.

There were also some problematic issues that the department dealt with during session. This included the repeal of the Missouri's motorcycle helmet law, which unfortunately passed. Exempting school buses from state fuel taxes failed but would have cost the state road fund about \$2 million. Another proposal that did pass changed the vehicle safety inspection program by exempting automobiles that are five years old or newer from this requirement. It is estimated that this proposal will cost the state road fund about \$1 million. A new concept was presented this year and would require the department to administer the red light cameras that some municipalities are using. This would be problematic for the department as it would bring the state into a local issue and would cost the department time and money. In response to the department's efforts to pass a primary safety belt law and maintain the helmet law, some legislators proposed a bill that would prevent the department from lobbying. Although this proposal did not pass, it is likely to come back next year.

There are also positive issues that passed this year. One proposal allowed for the expansion of public private partnerships to ports, rail, and airports. Another proposal will allow automobile dealers to act as fee agents for the Department of Revenue to collect automobile sales and use taxes at the dealership. It is anticipated that this will bring an additional \$2 million in road funds. The

proposal that will increase penalties for the assault of a highway worker also passed. This changes the penalty from a Class C to a Class D felony and will increase jail time from five to fifteen years.

The Governor will have until July 15 to consider signing or vetoing the bills that have passed, then all the laws will go into effect on August 28, 2009.

The Commission thanked Mr. Wunderlich for his presentation.

* * * * *

MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2010 BUDGET

On behalf of the Director, Roberta Broeker, Chief Financial Officer, presented the Fiscal Year 2010 budget for commission approval as shown in Table I below. The major changes since the budget was presented in May include: (1) decreased state receipts by \$28 million due to declining sales and use taxes, and license and fee revenues, (2) added \$27.5 million to receipts and disbursements for funds appropriated by the legislature from the Budget Stabilization Fund, (3) included a voluntary reduction from central office divisions in the amount of \$2.1 million, and (4) added the new division of External Civil Rights.

Ms. Broeker summarized the key investments of this budget:

- \$1.5 billion in contractor payments
- \$207 million in debt service
- \$207 million for maintenance and equipment
- \$29.5 million for fleet
- \$35 million for Highway Safety programs
- \$30 million for information systems
- \$14 million for capital improvements

- \$8 million for motor carrier services function
- \$109 million for multimodal

Table I
Fiscal Year 2007-2009 Summary and
Fiscal Year 2010 Request
(Dollars in Thousands)

	Fiscal Year 2007 Actual	Fiscal Year 2008 Actual	Fiscal Year 2009 Budget as Amended	Fiscal Year 2010 Request
Receipts				
State Receipts	\$1,248,016	\$1,265,099	\$1,322,158	\$1,244,276
Less Motor Carrier Refunds	(32,887)	(29,017)	(30,200)	(30,200)
Less Miscellaneous Refunds	<u>(11,144)</u>	<u>(10,940)</u>	<u>(12,755)</u>	<u>(12,755)</u>
Net State Receipts	1,203,985	1,225,142	1,279,203	1,201,321
Federal Reimbursement	887,812	960,105	955,526	915,014
Federal Reimbursement – ARRA ¹	0	0	107,250	379,234
Bond Proceeds	<u>829,994</u>	<u>540,871</u>	<u>148,401</u>	<u>315,000</u>
Total Receipts	<u>2,921,791</u>	<u>2,726,118</u>	<u>2,490,380</u>	<u>2,810,569</u>
Disbursements				
Administration	45,086	46,808	53,237	54,458
System Management				
Maintenance Operations ²	406,663	426,202	468,903	450,489
Motor Carrier Services	6,899	6,930	8,116	8,308
Highway Safety	<u>34,514</u>	<u>15,678</u>	<u>35,589</u>	<u>35,548</u>
Total System Management	448,076	448,810	512,608	494,345
Program Delivery				
Construction Operations ²	161,811	156,543	169,657	167,456
Contractor Payments ³	1,111,850	1,004,200	1,266,231	1,518,103
Design and Bridge Consultant Payments ³	50,016	35,935	50,000	40,000
Accelerated Program (Reimbursements)	23,030	17,368	8,860	3,668
Right of Way ³	83,891	60,070	97,000	50,000
Federal Pass-Through ³	112,076	103,216	109,900	135,000
Debt Service on Bonds	<u>155,399</u>	<u>167,620</u>	<u>216,020</u>	<u>206,671</u>
Total Program Delivery	1,698,073	1,544,952	1,917,668	2,120,898
Fleet, Facilities and Information Systems				
Operations ²	37,523	37,243	41,709	41,841
Capital Improvements Investments	10,661	10,327	12,553	13,960
Information Systems Investments	31,687	28,575	30,000	30,000
Fleet Investments	<u>28,152</u>	<u>30,198</u>	<u>31,816</u>	<u>29,494</u>
Total Fleet, Facilities and Information Systems	108,023	106,343	116,078	115,295
Multimodal ³	71,839	77,265	86,831	113,906
Mississippi River Parkway Commission	0	0	50	0
Total MoDOT Disbursements	<u>2,371,097</u>	<u>2,224,178</u>	<u>2,686,472</u>	<u>2,898,902</u>
Disbursements by Other State Agencies	<u>188,480</u>	<u>198,636</u>	<u>217,074</u>	<u>219,896</u>
Total Disbursements for MoDOT and Other State Agencies	<u>2,559,577</u>	<u>2,422,814</u>	<u>2,903,546</u>	<u>3,118,798</u>
Receipts Over (Under) Disbursements⁴	<u>\$ 362,214</u>	<u>\$ 303,304</u>	<u>\$ (413,166)</u>	<u>\$ (308,229)</u>

* * * * *

CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month.

Mr. Nichols recommended (1) Award of contracts to the lowest responsive and responsible bidders for bids received on the May 22, 2009 letting, as recommended and noted in Table I below. Non-contractual costs for these projects are shown on the below tabulation. (2) Rejection of bids received on Calls 202, 302, 502, and X01 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction, as noted in Table II below. (3) Note Call 105 has funding by the City of St. Joseph and required concurrence from the City, the department has received the City’s concurrence. (4) Note Call 801 has funding by the City of Willard and requires concurrence from the Commission; the department has received the City’s concurrence.

**Table I
Award of Contracts
May 22, 2009, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	169	Buchanan	J1P0852	\$828,313.58	\$0	H. B. Construction, Inc. /DBA Hill Brothers	Grading, Optional Pavement (PCCP or Superpave), and Signal Installation
102	Various	Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess	J1P0898	163,124.00	0	Superior Rail System, LLC	On-Call Guardcable and Guard Rail Repair
103	C	Andrew	J1S2009E	1,461,693.85	144.00	Herzog Contracting Corp.	Thin Lift Overlay (Surface Leveling)
	A	Holt, Nodaway	J1S2009I		144.00		
	246	Nodaway	J1S2009K		144.00		
104	DD	Buchanan	J1S2009J	3,210,429.51	144.00	Herzog Contracting	Thin Lift Overlay (Surface Leveling)

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
	31	Buchanan	J1S2009L		144.00	Corp.	Thin Lift Overlay (Surface Leveling)
	169	Andrew, Buchanan, DeKalb	J3S2009C		656.00		Resurface Driving Lanes with BP-1 and Construct Shoulders with Bituminous Pavement
105*	29	Buchanan	J1I0792	875,509.30	656.00	R. A. Knapp Construction, Inc.	Replace Bridge Deck
201	Various	Adair, Carroll, Chariton, Grundy, Howard, Linn	J2M0030	167,713.00	0	Superior Rail System, LLC	On-Call Guardrail Repair
203	63	Adair	J2P0483H	17,433,530.98	512.00	C. J. Moyna & Sons, Inc.	Grading, Alternate Bid Pavement (Superpave or PCCP) and Concrete Girder Bridges
301	Various	Audrain, Boone, Callaway, Clark, Knox, Lewis	J3M0047	80,365.75	0	Superior Rail System, LLC	On-Call Guardcable Repair
303	15	Audrain	J3S2178	880,503.15	144.00	APAC-Missouri, Inc.	Ultrathin Bonded Wearing Surface and Full Depth Pavement Repair
304	J	Lincoln, Warren	J1S2009S	1,259,353.50	144.00	G & M Concrete & Asphalt Co., Inc.	Thin Lift Overlay (Surface Leveling)
	TT	St. Charles, Warren	J1S2009X		144.00		
	EE	Lincoln	J1S2009Z		144.00		
	KK	Lincoln	J1S3009A		144.00		
401	Various	Cass, Clay, Jackson, Platte	J4P1912	966,469.89	0	Collins & Hermann, Inc.	On-Call Guardrail and Guard Cable Repair
402	Various	Clay, Henry, Johnson, Lafayette, Platte, Ray	J4P1915	326,059.84	0	Superior Rail System, LLC	On-Call Guardrail and Guard Cable Repair
403	Various	Cass	J4P2249	2,759,662.89	144.00	G & M Concrete & Asphalt Co., Inc.	Alternate Bid Pavement Thin Lift Overlay (SL)

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
404**	45	Platte	J4P2148B	372,917.43	656.00	H. B. Construction, Inc. /DBA Hill Brothers	Grading and Paving to Construct a Temporary Bridge
503	Various	Benton, Boone, Callaway, Camden, Cole, Cooper	J5M0052	379,204.68	0	Collins & Hermann, Inc.	On-Call Guardrail Repair
	70	Boone, Callaway, Cooper, Saline	J5M0053				On-Call Guard Cable Repair
601	70	St. Louis City	J6I2157	1,995,487.00	0	St. Louis Bridge Construction Company	Bridge Rehabilitation – Paint Girders and Apply Deck Sealer
602	44	St. Louis City	J6I2247	120,998.94	0	JRW Construction, Inc.	PCCP Ramp Addition and Slope Protection
603	64	St. Louis City	J6I1708	3,046,464.70	400.00	Fred Weber, Inc.	Coldmilling, Resurfacing with Superpave, Pavement Repair and Bridge Rehabilitation
604	70 OR	St. Charles	J6I1982	1,014,979.33	1,656.00	All Type Excavating Inc./DBA L. Krupp Construction, Inc.	Resurfacing Outer Roads with Superpave
605	44 BL	Franklin	J6I0735D	7,434,406.03	1,689.84	N. B. West Contracting Company	Alternate Bid Pavement (Superpave or PCCP)
606	141	St. Louis	J6P2254	218004.98	0	N. B. West Contracting Company	Pavement Repair
	30	Jefferson	J6S2248		800.00		Optional Bid Pavement (Superpave or PCCP), Traffic Signals and Highway Signing
607	70	St. Charles	J6M0132	2,366,342.72	0	Chester Bross Const. Co./C.B. Equipment, Inc.	Slide Repair
	A	St. Charles	J6S1942		656.00		Diamond Grind, A2 Shoulders, Pavement Repair, Dowel Bar Retrofit

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
608	231	St. Louis	J6S2153	768,544.00	656.00	N. B. West Contracting Company	UBAWS Type A, Seal Coat Shoulders, ADA Improvements
609	C	Franklin	J6B0801L	574,492.26	0	Goodwin Bros. Construction Co.	Bridge Rehabilitation
610	94	St. Charles	J6S1946	403,999.00	656.00	All Type Excavating Inc./DBA L. Krupp Construction, Inc.	Bridge Rehabilitation
611	55	Jefferson	J6I2016	4,013,825.84	1,312.00	G & M Concrete & Asphalt Co., Inc.	Resurface with Type C UBAWS
612	C	St. Charles	J6L0700C	482,524.32	144.00	Byrne & Jones Enterprises, Inc./DBA Byrne & Jones Constr.	Resurfacing with BP-1
613	44	St. Louis	J6I2123	269,250.00	0	Pace Construction Company, LLC	Shoulder Treatment with BP-1
614***	50	Franklin	J6P1993	5,076,329.95	1,378.00	Millstone Bangert, Inc.	Grading and Alternate Bid Pavement (PCCP or Superpave)
	50	Franklin	J6P2075		2,237.83		
615	94	St. Charles	J6S1529B	580,500.00	656.00	Pace Construction Company, LLC	Coldmill and Resurface with Superpave, Pavement Repair
616	55	St. Louis, St. Louis City	J6I1541B	6,631,734.51	5,656.00	Fred Weber, Inc.	Optional Paving (PCCP or Superpave), Signing, Lighting, Signals, Bridge Replacement, Bridge Rehabilitation
619	180/D	St. Louis	J6S2188	369,361.94	1,500.00	Gerstner Electric Inc.	Install Ped Signals & Upgrade ADA Facilities
620	Various	St. Louis, St. Louis City	J6M0134	1,577,260.60	0	Collins & Hermann Inc.	On-Call Guardrail Repair

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
621	Various	St. Charles	J6M0135	444,050.36	0	Collins & Hermann Inc.	On-Call Guardrail Repair
622	Various	Franklin, Jefferson	J6M0136	702,712.21	0	Collins & Hermann Inc.	On-Call Guardrail Repair
623	70	St. Louis City	J6I2189	4,435,377.86	656.00	Fred Weber, Inc.	Remove and Replace Bridges over I-70
701	FF	Jasper, Newton	J7S2161	2,814,568.07	656.00	Sprouls Construction, Inc.	Grading and Optional Pavement
	FF	Jasper, Newton	J7U0605B		442.88		Grading, Optional Pavement and Traffic Signals
801*** *	160	Greene	J8P2194	347,421.53	656.00	APAC-Missouri, Inc.	Optional Pavement to Widen Mainline and Add Turn Lanes, and Install Traffic Signals
802	13	Stone	J8P0886C	1,384,546.86	656.00	Leo Journagan Construction Co., Inc.	Resurface with Superpave, Grade and Pave Shoulders with BP-1
901	133	Pulaski	J9M0070	88,394.25	0	B & G Utilities, LLC	Bore & Install 36" Steel Pipe Under BNSF Railroad
904	19	Dent	J9P2172	390,640.20	144.00	Pace Construction Company, LLC	Thin-Lift Overlay and Coldmilling
905	21	Iron	J9P2173	352,602.10	144.00	Lead Belt Materials Company, Inc.	Thin-Lift Overlay (Surface Leveling)
906	17	Pulaski	J9P2169	633,927.68	144.00	Willard Asphalt Paving, Inc.	Thin-Lift Overlay
	E	Phelps	J9S2174		144.00		Thin-Lift Overlay (Surface Leveling)
908	Bus 63	Howell	J9P2175	506,035.75	144.00	Pace Construction Company, LLC	Coldmill and Resurface with Superpave
909	44 Loop	Pulaski	J9P2178	865,645.45	144.00	Willard Asphalt Paving, Inc.	Coldmill and Resurface with Superpave
910	Bus 63	Howell	J9P2170	310,152.90	144.00	Pace Construction Company, LLC	Thin-Lift Overlay, Coldmill
	Bus 60	Texas	J9P2171		144.00		
X02	K	Cape Girardeau	J0S2184	556,616.08	656.00	Apex Paving Co.	Ultrathin Bonded Wearing Surface, Type C Overlay

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
			TOTAL	\$81,942,048.77	\$28,336.55		

* Call 105 – Funding by the City of St. Joseph \$220,045.50.

** Call 404 – Funding by KC Power and Light \$372,917.43.

*** Call 614 – Funding for J6P2075 by the City of Union and Franklin County (50/50 Cost Share) - \$2,157,540.08.

****Call 801 – Funding by City of Willard \$98,710.77.

**Table II
Rejection of Bids
May 22, 2009, Bid Opening**

Call No.	Route	County	Job No.	Description
202	Various	Caldwell, Carroll, Lafayette, Linn, Livingston, Macon	J2P1979	Install Edgeline Rumble Strips
302	Various	Audrain, Clark, Lincoln, Marion, Monroe, Montgomery	J3P1979	Install Edgeline Rumble Strips
502	Various	Benton, Boone, Callaway, Camden, Cole, Cooper	J5P1979	Install Edgeline Rumble Strips
X01	Various	Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi	J0P1979	Install Edgeline Rumble Strips

Commission Consideration and Action

After consideration, and upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission took the following action:

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on the May 22, 2009 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected the bids received on Calls 202, 302, 502, and X01as noted in Table II above, because they were considered excessive.
3. Noted Call 105 has funding by the City of St. Joseph and required concurrence by the city, which the department has received.
4. Noted Call 801 has funding by the City of Willard and required concurrence by the city, which the department has received.

Commissioner Gach abstained from voting on Call 101 and Call 105. In keeping with the Commission’s Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

* * * * *

REQUEST FOR APPROVAL OF DESIGN OF HIGHWAYS

**Route 5, Laclede County
Greenfield Road to Route 64 Intersection in Lebanon
Job No. J8P0854C
Public Hearing Held May 5, 2009**

The proposed improvement provides widening existing Route 5 to provide one 11-foot and one 12-foot through-lane in each direction with a 12-foot center turn lane. The project will have normal access right of way. Traffic will be maintained on existing Route 5 during construction. The project is 2.4 miles in length.

Mr. Kirk Juranas, District 8 Engineer, recommended approval of the design of the proposed improvement as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

* * * * *

RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the approval of the Chief Engineer of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Benton	65	J5P0892	August 6, 2008
St. Louis City	I-64	J6I1609*	** (2 nd Amended)

* Formerly J6I0985

** In accordance with the Engineering Policy Guide 129.1.1.7 and 129.1.3 for projects that impact fewer than 5 parcels Commission approval is not required.

In accordance with Section 227.050 RSMo, the Commission via approval of the Consent Agenda, approved the right of way plans for the above noted projects and directed they be filed as

necessary for the condemnation of right of way.

* * * * *

FISCAL YEAR 2009 BUDGET AMENDMENT

On behalf of the Director, Brenda Morris, Resource Management Director, recommended approval of an increase of \$16.1 million (\$13.2 million in Maintenance Operations and \$2.9 million in Contractor Payments) to reimburse districts for additional revenue they generated for the department during calendar year 2008. In addition, it was recommended adjustments for transfers between appropriations to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities. The additional revenue consisted of receipts for property damage, auction proceeds and surplus sales, excess right of way sales, reimbursement from other state agencies for use of MoDOT fuel, warranty refunds and bio-diesel credits. The amended budget for fiscal year 2009 is \$2,702,535,000.

Via approval of the consent agenda, the Commission unanimously approved the adjustments and amendments to the fiscal year 2009 budget as noted above.

* * * * *

HIGHWAY 63 TRANSPORTATION CORPORATION, REAPPOINTMENT AND APPOINTMENT OF BOARD MEMBERS

On behalf of the Director, Dan Niec, District 2 Engineer, conveyed the following recommendation of the Highway 63 Transportation Corporation Board of Directors as it pertains to membership on that board:

- Reappoint Drew Belt and Mari Macomber for three-year terms effective July 1, 2009, expiring July 1, 2012.
- Appoint Richard Detweiler to replace Harold Osborn, for a three-year term effective July 1, 2009, expiring July 1, 2012.

- Appoint Mark Leake to replace Crystal Amini-Rad, for a three-year term effective July 1, 2009, expiring July 1, 2012.
- Appoint Sam Western to replace Wayne Blackman, for a three-year term effective July 1, 2009, expiring July 1, 2012.
- Appoint Donald Crabtree to fill the unexpired portion of the three-year term held by Jay Baxter, which is set to expire July 1, 2010.

Via approval of the consent agenda, the Commission unanimously approved the reappointments and appointments to the Highway 63 Transportation Corporation Board of Directors as recommended and noted above.

* * * * *

REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED, AMENDED AND RESCINDED RULEMAKING – PROCUREMENT OF SUPPLIES

On behalf of the Director, Beth Ring, General Services Director, presented to the Commission notice of proposed amended administrative rule Title 7, Code of State Regulations (CSR) 10-11.010, and notice of proposed rescission and readoption of administrative rules 7 CSR 10-11.020, and 7 CSR 10-11.030, which will update MoDOT's policies and procedures for procurement of all materials, goods and services necessary for the construction and maintenance of the state highway system. Ms. Ring recommended approval of the proposed, amended and rescinded rulemaking for filing with the Joint Committee on Administrative Rules and the Office of the Secretary of State. Ms. Ring further recommended that the Director, Chief Engineer, or Chief Financial Officer be authorized to execute any document appropriate and necessary to initiate this rulemaking process.

The commission, by unanimous vote of all members present, approved the recommendations.

* * * * *

DISPOSAL OF EXCESS PROPERTY, ROUTE 179, COLE COUNTY, EXCESS PARCEL NUMBER E5-0532

On behalf of the Director, Kelly Lucas, Right of Way Director, recommended conveyance of 26.53 acres located at the northerly side of West Edgewood Drive just east of Diamond Ridge and just west of Highway 179, Jefferson City, to Joseph N. Scheppers and Brenda K. Scheppers for the consideration of \$1,700,000.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

* * * * *

DISPOSAL OF EXCESS PROPERTY, LINDBERGH BLVD., ST. LOUIS COUNTY, EXCESS PARCEL NUMBER E6-1019

On behalf of the Director, Ed Hassinger, District 6 Engineer, recommended conveyance of 10,353 square feet of land located at 7409 South Lindbergh in St. Louis County, to the Hilvin Investment Corporation for the consideration of \$250,000.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

* * * * *

CHANGE IN ACCESS, BREAK IN ACCESS, ROUTE 152, CLAY COUNTY

On behalf of the Director, Beth Wright, District 4 Engineer, recommended approval of a request from Zions Securities Corporation, to construct a 100-foot entrance centered at the southerly right of way line of Route 152, opposite Station 359+75.54. Zions Securities Corporation shall also provide geometric improvements along Route 152 at the location of the break, which includes the construction of a traffic signal, and widening to construct a westbound left turn lane and an

eastbound right turn lane. The proposed entrance is a non-arterial connection constructed to accommodate a commercial development and will not provide traffic relief to the state system; therefore, the request does not comply with the Commission's action of February 13, 1997, and Commission approval of the proposal is needed to proceed.

Via approval of the consent agenda, the Commission unanimously approved the request of Zions Securities Corporation as described above with \$562,500 compensation due the Commission for the change.

* * * * *

**CHANGE IN ACCESS, NON-CONTIGUOUS SHIFT,
ROUTE 13, RAY COUNTY**

On behalf of the director, Beth Wright, District 4 Engineer, recommended approval of a request from John Letzig, Elizabeth Letzig, and Gregg A. Steele for a non-contiguous shift. The existing thirty-foot entrance is centered at the easterly right of way line of Route 13 opposite Station 933+10. The proposed thirty-foot entrance will be centered at the easterly right of way line of Route 13 opposite Station 969+46. John Letzig, Elizabeth Letzig, and Gregg A. Steele shall provide geometric improvements along Route 13 at the location of the proposed entrance, including construction of a median island extending to South Street and other improvements determined to be necessary by the Commission's District Engineer.

Via approval of the consent agenda, the Commission unanimously approved the request of John Letzig, Elizabeth Letzig, and Gregg A. Steele as described above with \$1.00 compensation due the Commission for the change in access.

* * * * *

**CHANGE IN ACCESS, BREAK IN ACCESS,
ROUTE 6, MARION COUNTY**

On behalf of the Director, Paula Gough, District 3 Engineer, recommended approval of a request from the Baker Family Company and Fast Lane Group, Inc., to construct a forty-five foot entrance centered at the southerly right of way line of Route 6, opposite Station 333+74. The Baker Family Company and Fast Lane Group, Inc. shall provide geometric improvements along Route 6, which will include widening Route 6 to provide a left turn lane for their existing and proposed entrances.

Via approval of the consent agenda, the Commission unanimously approved the request of the Baker Family Company and Fast Lane Group, Inc. as described above with \$2,500 compensation due the Commission for the change.

* * * * *

--- REPORTS ---

The Commission received the following written reports.

**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, April 30, 2009**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2009 monthly financial report for the period ending April 30, 2009, with budget and prior year comparisons.

* * * * *

**DELEGATION OF AUTHORITY FOR EXECUTION OF DOCUMENTS,
OPERATING BUDGET APPROPRIATIONS**

In keeping with the Commission’s delegation of authority for specific staff members to execute documents in keeping with its approved budget, and in keeping with the Commission’s desire to be apprised of all single purchases over \$200,000, Beth Ring, General Services Director, submitted a report showing the purchase orders issued and contracts executed that exceeded \$200,000 in the third quarter of Fiscal Year 2009.

* * * * *

CONTRACTOR PERFORMANCE REPORT

Dave Ahlvers, State Construction and Materials Engineer, presented the annual contractor performance report for 2008. Performance summaries were mailed to the contractors the week of May 18, 2009.

* * * * *

* * * * *

By unanimous consensus of all members present, the meeting of the Commission adjourned.

* * * * *