



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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January 12, 2011

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, WEDNESDAY, JANUARY 12, 2011**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, January 12, 2011, at the Missouri Department of Transportation Building, 105 West Capitol, Jefferson City, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 10:15 a.m. The following Commissioners were present at the meeting location: Rudolph E. Farber, David A. Gach, Grace M. Nichols, Lloyd J. Carmichael, Stephen R. Miller, and Kenneth H. Suelthaus.

The meeting was 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.

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Kevin Keith, 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, January 12, 2011.

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*“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 Farber, Aye
Commissioner Gach, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Miller, Aye
Commissioner Suelthaus, Aye

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

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Nichols, seconded by Commissioner Gach, the Commission unanimously approved the minutes of the Special Meeting held September 7, 2010, and Regular Meetings held October 6, 2010, and November 3, 2010. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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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 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 January 12, 2011, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Gach, seconded by Commissioner Suelthaus, the consent agenda items were unanimously approved by a quorum of Commission members present.

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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 January 12, 2011, meeting.

Audit Committee – Commissioner Nichols stated there was no report.

Legislative Committee – Commissioner Carmichael reported the House of Representatives filled their Transportation Committee positions and the Senate has yet to make those assignments. The primary challenge for the Governor and the legislature this year will be making budget cuts. Commissioner Miller reported although highway and bridge revenues are constitutionally protected, all other modes of transportation depend on allocations of general revenue from the legislature. General revenue funding for ports, aviation, transit and passenger rail operations is very important to Missouri and its economy. On the federal side, the issue is waiting for federal reauthorization of transportation funding. With the recent change in leadership, there will be a change in direction for the new Congressional members as they address reauthorization.

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

MoDOT and Patrol Employees' Retirement System – Commissioner Farber stated there was no report.

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COMMISSION MISSION STATEMENT

Chairman Farber presented a mission statement for the Commission's consideration and approval. During discussion Commissioner Miller explained the Commission's mission statement is to be complementary to the Department's mission statement, but it recognizes the unique role of the Commission members who are citizens who have been appointed by the Governor to serve the state of Missouri. Upon motion by Commissioner Suelthaus, seconded by Commissioner Nichols, the following mission statement was unanimously adopted:

The Mission of the Missouri Highways and Transportation Commission is to:

- Represent the citizens of Missouri pursuant to the Constitution by providing independent and nonpartisan governance of the Missouri Department of Transportation; and
- Establish policies, exercise oversight, and ensure accountability in developing and maintaining a world class transportation system in Missouri which fosters safety and economic development.

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DIRECTOR'S REPORT

During the January 12, 2011, Commission meeting the Director, Kevin Keith, provided the following report:

Charitable Campaign - Every year the Missouri State Employees Charitable Campaign (MSECC) raises funds for charities around the state. Director Keith reported MoDOT was, for

the fourth year in a row, the state agency that contributed the most to the campaign. Director Keith was proud of Team MoDOT for raising over \$200,000.

kcICON – Since the last Commission meeting, all lanes of traffic were opened on the new Christopher S. Bond Bridge over the Missouri River in Kansas City. The project was accomplished six months earlier than anticipated. Director Keith shared pictures of the new bridge, one image was of the structure during the day, and the other image was of the bridge lit up at night. The community reaction to the project was positive.

Upcoming events – Director Keith reported the Annual Transportation Conference is scheduled for January 27, in Jefferson City, to get partners and stakeholders together to talk about the future of transportation. He also reported that February 2, is Transportation Day at the Capitol; this event will highlight transportation issues around the state.

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2010 MERITORIOUS SAFETY AWARD RECIPIENTS

Kevin Keith, Director, presented to the Commission five department employees who received the Meritorious Safety Award for 2010. This award recognizes an employee for their actions during an emergency or life threatening event. The following employees were recognized and presented with their awards:

- Sean Unglesbee and Mike Ryan, employees from District 3, were checking flooded roadways when they came upon a vehicle stranded in flood waters with the driver sitting on top of the vehicle. Mr. Unglesbee and Mr. Ryan were able to rescue the motorist by wading into the water with a safety rope.

- Collin Quinlivan, a District 6 employee, was on a lunch break when he saw a co-worker choking. Mr. Quinlivan performed abdominal thrusts and dislodged the food from the choking employee's airway.
- Jim Fisk, an employee from District 9, was involved in a traffic crash with multiple vehicles. Mr. Fiske used the fire extinguisher from his vehicle to put out the flames and assisted with getting the injured driver removed from the smoldering vehicle.
- David Rainey, a District 10 employee, was recognized for his efforts to assist a driver who had crashed in floodwaters. Mr. Rainey was unable to be present at the meeting, but was recognized for his heroic efforts.

On behalf of the Commission, Chairman Farber, thanked the employees for their extraordinary actions and for their service to the state of Missouri.

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REPORT AND RECOMMENDATION REGARDING AUTOMATED TRAFFIC ENFORCEMENT ON STATE HIGHWAY SYSTEM

On behalf of the Director, Don Hillis, Director of System Management, explained many cities and counties have ordinances that allow use of automated enforcement for their police or sheriff's departments to enforce traffic laws. In October 2010, the department suspended installations of automated enforcement on the state highway system. Although the department does not own or operate the automated enforcement systems, it was time to review the programs and identify what, if any, changes needed to be made. For red-light camera enforcement, citizens expressed concern about inconsistencies in application of the technology; examples of the inconsistencies included inconsistent enforcement and the location of cameras. Additionally, the department had an informal policy regarding use of red-light violation cameras, and no policy or structure for the use of automated speed enforcement.

When the department suspended installations in the fall, they began to study the automated enforcement issue. The department studied the eighty-eight red-light camera enforcement installations on the state highway system, and gathered input from stakeholders through a survey. There was not enough data to study the two automated speed enforcement systems. From the study and surveys, the department developed a draft automated traffic enforcement policy and sought input from stakeholders on the draft policy. The stakeholders included the city and county governments that had cameras or were considering using cameras, the City of St. Louis, the City of Kansas City, the Missouri Police Chief's Association, automated enforcement vendors doing business in Missouri, the Missouri Municipal League, and the St. Louis County Municipal League.

The study indicated red-light cameras work. The study found fatality and serious injury right-angle collisions were reduced by almost forty-five percent at intersections with red-light cameras. The study also indicated a slight increase in total crashes; this was due to an increase in rear-end collisions that are less severe and are a result of drivers obeying the red light.

The proposed Commission policy for automated red-light camera enforcement includes conditions for installation of automated traffic enforcement systems, such as: an enabling ordinance by the local jurisdiction, a contract with the Commission, a permit from the Commission for installation, requires a red-light violation study, requires an engineering study, and requires a thirty-day public awareness campaign prior to using the automated enforcement system. The proposed policy includes additional requirements to ensure consistency in automated enforcement systems, such as: a Peace Officer Standards and Training (POST) certified law enforcement officer to determine if a violation occurred, advance notice signing must be posted, and an annual report to the department from the local jurisdiction on the safety

performance and violation citation data for each installation. The department will work with local jurisdictions to get the existing red-light camera installations in conformance with the policy.

The proposed Commission policy for automated speed enforcement includes conditions for installation of automated traffic enforcement systems, such as: an enabling ordinance by the local jurisdiction, a contract with the Commission, a permit from the Commission for installation, and requires a thirty-day public awareness campaign prior to using the automated enforcement system. The proposed policy includes additional requirements to ensure consistency in automated enforcement systems, such as: a Peace Officer Standards and Training (POST) certified law enforcement officer to determine if a violation occurred, advance notice signing must be posted, only allows installation in either a school zone/work zone/ or travel safe zone, and an annual report to the department from the local jurisdiction on the safety performance and violation citation data for each installation.

Commissioner Suelthaus asked if the policy only applies to installations on the state highway system, Mr. Hillis confirmed that was correct. Commissioner Miller commented, this is an instance where technology presses the Commission forward in the ability to improve safety on our roadways and the policy needs to catch up with the technology. Commissioner Miller requested the department find the balance between addressing safety and public concern about government regulation, and present a report to the Commission in a few months about the implementation of the policy. Commissioner Nichols inquired if the initiative to install automated enforcement systems was MoDOT's. Mr. Hillis responded, no, the department does not own or operate the systems but is allowing local governments to install the systems on state highways. Commissioner Miller asked if the department receives revenue from automated

enforcement. Mr. Hillis responded MoDOT does not receive revenue from automated enforcement. Commissioner Carmichael commented this policy actually requires the department to expend resources; Mr. Hillis explained the department will have to conduct studies and install signs, but the cost is low compared to the huge safety benefit. Following discussion and inquiry from the Commission and upon motion by Commissioner Carmichael, seconded by Commissioner Gach, the Commission unanimously approved the Automated Traffic Enforcement Policy. The policy is printed below in its entirety.

Automated Traffic Enforcement Policy

This policy addresses the installation and use by state, city and county law enforcement agencies of automated traffic enforcement systems, specifically, automated red-light violation and speed enforcement systems on the state highway system only. The Missouri Highways and Transportation Commission (MHTC) hereby delegates the administration of this Policy to the MoDOT Director, who shall be authorized to further delegate by memorandum the administration of this Policy to such MoDOT employee(s) as the MoDOT Director deems appropriate.

Automated Enforcement of Red-Light Violations

To ensure red-light traffic signal violations are mitigated as completely and as feasibly possible, state highway intersections that are candidates for automated red-light violation enforcement will undergo both an engineering study and a violation study.

The engineering study will ensure the state highway intersection warrants the installation of an automated red-light enforcement system and that the cameras and related equipment will not impact the existing signal operation. The review will encompass the following steps:

- Step 1: Confirm safety problem
- Step 2: Identify the scope
- Step 3: Conduct engineering analysis to identify factors contributing to problem
- Step 4: Identify and select appropriate countermeasures
- Step 5: Implement countermeasures

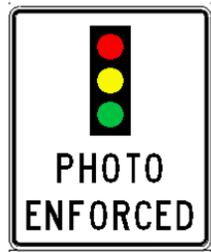
The violation study will include each approach of the state highway intersection.

Conditions for Installation

For automated red-light violation enforcement systems the following conditions must be met:

1. The engineering study must be reviewed and approved by MoDOT.

2. If any approach is selected for automated red-light violation enforcement, then any other approach with a similar or higher violation experience should also be enforced.
3. A duly sworn, Peace Officer Standards and Training (POST) certified law enforcement officer shall review and make the determination of any violation.
4. Advance signing will be required on each intersection approach with automated enforcement as shown below.



The PHOTO ENFORCED sign will be used for approaches where a YIELD sign is used for the right turns. The PHOTO ENFORCED INCLUDES RIGHT TURN sign will be used for approaches where no YIELD sign is present for the right turns.

5. The city/county shall conduct a public awareness campaign at least 30 days prior to issuing citations.
6. The city/county will be required to submit an annual report to MoDOT for each state highway intersection in such city/county which has automated red-light enforcement equipment. The report will be due January 31 and include the following information from the previous year:
 - a. Safety performance
 - b. Citation data

The city/county will be responsible for any costs associated with installing automated red-light enforcement equipment, which may include engineering countermeasures required because of the use of such equipment.

The city/county must enter into a contract with MHTC for the use of an automated red-light violation enforcement system on state-maintained highways. Part of the contract will require an ordinance allowing the use and issuance of citations using automated red-light violation enforcement equipment. Once a contract is executed and a permit is issued, the city/county may proceed with the installation of the equipment.

For existing locations installed prior to January 2011, MoDOT will work with the city/county to bring the location into compliance with this policy.

Automated Enforcement of Speed Violations

Cameras may be used to assist with enforcement of state speed limit laws in school zones, work zones and Travel Safe Zones on the state highway system. Use of automated speed enforcement equipment in any other location is not allowed.

For school zones, the following will apply:

1. The speed limit for the school zone shall be established based on Section 903.16.6 of the Engineering Policy Guide (EPG).
2. Where school speed limit signing is installed, flashers shall be installed with the signing. The flashers are only activated at times when the school speed limit applies. The speed limit should only be active during times when children are likely to be present. See Section 902.4.2.6 of the EPG for additional information.

For work zones, the following will apply:

1. Prior MoDOT concurrence of use of an automated speed enforcement system in a work zone.
2. The speed limit for the work zone shall be established based on Section 616.28 of the EPG.
3. Automated speed enforcement shall only occur when workers are present.

Travel Safe Zones shall be established in accordance with section 304.590 RSMo and the guidance in Section 907.3 of the EPG.

Conditions for Installation

For automated speed enforcement systems, the following conditions must be met:

1. A duly sworn, Peace Officer Standards and Training (POST) certified law enforcement officer shall review and make the determination of any violation. Advanced signing is required and shall be of the type below.



2. The city/county shall conduct a public awareness campaign at least 30 days prior to issuing citations.
3. The city/county will be required to submit an annual report to MoDOT for each state highway corridor in such city/county which has automated speed enforcement equipment. The report will be due January 31 and include the following information from the previous year:
 - a. Safety performance
 - b. Citation data

The city/county must enter into a contract with MHTC for the use of an automated speed violation enforcement system on state-maintained highways. Part of the contract will require an ordinance allowing the use and issuance of citations using automated speed enforcement equipment. Once a contract is executed and a permit is issued, the city/county may proceed with the installation of the equipment.

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PRE-QUALIFICATION OF INVESTMENT BANKING FIRMS

On behalf of the Director, Roberta Broeker, Chief Financial Officer, reported the Commission's previous authorization for a pre-qualified pool of investment banking firms expired on June 30, 2010. In September 2010, the department issued a request for proposal (RFP) from banking firms. Twenty-eight firms responded to the RFP; nineteen firms requested to be senior managers, eight firms requested to be co-managers, and one firm requested to be a member of the selling group only. Five of the firms are headquartered in Missouri. Eight of the responding firms are either minority-owned or women-owned business enterprise firms. Maintaining a list of pre-qualified investment banking firms allows the Commission to take advantage of favorable market conditions in a timely manner. However, the firms for the pre-qualified pool were informed there are currently no plans to issue new bonds at this time. Ms. Broeker recommended the Commission approve the following investment banking firms for a pre-qualified pool to be used for potential negotiated sales for an initial period ending June 30, 2014, with an option to renew for two additional one-year periods: Bank of America Merrill Lynch; Barclays Capital Inc.; Edward Jones; George K. Baum & Company; J.P. Morgan Securities LLC; Jefferies & Company, Inc.; Morgan Stanley & Co. Incorporated; Siebert Brandford Shank & Co., LLC; Stern Brothers & Co.; Stiefel, Nicolaus & Company, Incorporated; Valdes & Moreno, Inc.; and Wells Fargo Securities. She also requested the Commission authorize the Director, Chief Engineer, or the Chief Financial Officer to select the

investment banking team from the approved eligible list for future bond issuances. Upon motion by Commissioner Carmichael, seconded by Commissioner Gach, the Commission unanimously approved the recommendation presented by Ms. Broeker.

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CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

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 bidders for bids received on the December 17, 2010 letting, as recommended and noted in Table I below. Non-contractual costs for these projects are shown on the below tabulation. (2) Declare the bid of Freesen, A Division of United Contractors Midwest, Inc., on Call 503 as irregular, per Section 102.8 of the Missouri Standard Specifications for Highway Construction, due to failing to complete their bid.

**Table I
Award of Contracts
December 17, 2010, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	I-29	Holt	J112162	\$3,475,514.35	\$1,312.00	Herzog Contracting Corp.	Resurfacing w/UBAWS
	I-29	Holt	J112163		0		
102	HH	Caldwell, Clinton	J1B0801Q	951,715.93	656.00	Widel, Inc.	Replacement of Four Bridge Decks
103	Various	Caldwell, DeKalb, Harrison	J1B0803B	481,638.00	0	K.V.K. Contracting, Inc.	Bridge Painting
201	63	Macon	J2P0483J	376,528.00	0	B.R.S. Construction	Construct Wetland Mitigation Site and Replace Low Water Crossing
202	240	Howard	J2P0724	1,871,177.03	656.00	Widel, Inc.	Optional Pavement, Two Bridge Replacements

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
203	24	Carroll	J2P0779	2,354,687.01	418.00	Chester Bross Const. Co./C. B. Equipment Inc.	Resurfacing w/SP and BP-1, Optional Pavement
204	B	Adair	J2M0044	1,593,299.67	144.00	Chester Bross Const. Co./C. B. Equipment Inc.	Thin-Lift Overlay
	11	Knox	J3M0067		144.00		
	11	Adair	J2M0037		144.00		
	P	Adair	J2M0039		144.00		
	157	Adair	J2M0041		144.00		
	H	Adair	J2M0042		144.00		
301	47	Lincoln	J3P2208	773,404.39	418.00	Mid-River Asphalt, Inc.	Resurface w/SP, SHO. BP-1, Type C UBAWS, Concrete Planing
401	70	Jackson	J4I1574	10,938,325.16	656.00	Superior Bowen Asphalt Company, L.L.C.	Coldmill & Resurface w/UBAWS & SP
	435	Jackson	J4I2155		656.00		
	470	Jackson	J4I1679		656.00		
402	13	Henry, Johnson	J4P1339	1,646,332.33	656.00	Chester Bross Const. Co./C. B. Equipment, Inc.	Type C UBAWS Resurfacing w/Bonded HMA Overlay Add Alternate
403	I-29	Clay	J4I2328	1,281,077.53	656.00	Superior Bowen Asphalt Company, L.L.C.	Resurface (SP), Shoulders (BP-2)
501	94	Callaway	J5B0801M	688,439.08	0	Lehman Construction, L.L.C.	Bridge – Alternate Re-Deck or New Superstructure
502	63	Boone	J5P2191	1,654,743.14	328.00	Magruder Paving LLC	Optional Resurfacing (SBL), BP-1 Shoulders
503*	242	Miller, Camden	J5S2179	8,337,512.67	2,337.44	Bloomsdale Excavating Company, Incorporated	Grading and Paving for a New Four-Lane
504	DD	Boone	J5M0078	1,521,555.97	144.00	Jefferson Asphalt Company	Thin-Lift Overlay
	179	Cole, Moniteau	J5M0084		144.00		
	179	Cole	J5M0085		144.00		
	54 OR	Cole	J5M0087		216.00		
	MM	Boone	J5M0079		144.00		
	T	Cole	J5M0086		144.00		
601	21	Jefferson	J6P2312	3,928,098.77	656.00	Chester Bross Const. Co./C. B. Equipment Inc.	Full Depth Pavement Repair and Type C UBAWS
602	NN	Franklin	J6M0156	1,065,000.00	144.00	Pace Construction Company, LLC	Thin Lift Overlay (BP-2)
	O	Franklin	J6M0157		144.00		
	KK	Franklin	J6M0158		144.00		
	MM	Franklin	J6M0159		144.00		

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
	OO	Franklin	J6M0160		144.00		
801	60	Webster	J8P2213	421,650.00	1,484.00	Hartman and Company, Inc.	Signalizing & Intersection Improvements
802	Various	Greene	J8P2217	188,488.00	0	Truesdall Corporation Midwest	Preventive Maintenance on Three Bridges
803	60	Christian	J8P2221	124,756.00	418.00	Hartman and Company, Inc.	Replace Signals and ADA Improvements
804	Bus 65	Greene	J8S2150	313,356.20	825.00	Hunter Chase & Associates, Inc.	Sidewalk Construction and ADA Improvements
805	215	Polk	J8S2197	153,478.25	0	Phillips Grading & Construction Inc.	Abutment Protection Slide Repair
806	MM	Laclede	J8M0092	1,749,919.75	144.00	Willard Asphalt Paving, Inc.	Thin Lift Overlay (BP-2)
	KK	Laclede	J8M0093		144.00		Thin Lift Overlay (SL)
	32	Laclede	J8P2307		144.00		Thin Lift Overlay (SL)
901	19	Crawford	J9P0515	580,833.10	656.00	N. B. West Contracting Company	Resurfacing with BP-2 & Curve Correction
902	72	Phelps, Dent	J9P0577B	1,406,131.00	144.00	N. B. West Contracting Company	Resurfacing with BP-1
905	8	Washington	J9P0577F	537,893.56	656.00	Magruder Paving LLC	Shoulder Construction
908	63	Texas	J9P0577D	2,297,000.00	656.00	Pace Construction Company, LLC	Resurfacing with Superpave to Add Passing Lanes
	63	Howell	J9P0577C		328.00		Resurfacing with Superpave and BP-1
X01	I-55	Pemiscot	J0I0955	1,288,755.32	418.00	Chester Bross Const. Co./C. B. Equipment Inc.	Grading, Optional Paving and Signals
X02	AB	Cape Girardeau, Scott	J0S0860	2,551,804.36	514,550.00	Emery Sapp & Sons, Inc.	Grading and Alternate Paving (BP-1 or PCCP)
X03	I-55/155	Pemiscot, New Madrid	J0I2212	427,858.28	0	Interstate Road Management Corporation	Add Alternate Striping
X05	D	Cape Girardeau	J0S2242	2,076,163.41	0	Pace Construction Company, LLC	Thin-Lift Overlay (SL)
	E	Cape Girardeau	J0S2243				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
	B	Cape Girardeau, Perry	JOS2244				
	177	Cape Girardeau	JOS2248				
	B	Perry	JOS2247				
	B	Bollinger	JOS2249				
	UU	Cape Girardeau, Bollinger	JOS2250				
			TOTAL:	\$57,057,136.26	\$533,148.44		

* Call 503 – Funding by Dept. of Economic Development \$3,900,000.

Commission Consideration and Action

After consideration, and upon motion by Commissioner Nichols, seconded by Commissioner Gach, the Commission took the following action:

1. Awarded contracts to the lowest responsive bidders for bids received on the December 17, 2010 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Declared the bid of Freesen, A Division of United Contractors Midwest, Inc. as irregular due to an incomplete bid.

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. Commissioner Miller abstained from voting on Calls 101, 401, 403, and X02. Commissioner Carmichael abstained from voting on Call 806. Commissioner Farber abstained from voting on Calls 802 and 803.

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2011-2015 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, 2011 AMENDMENT

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that the 2011-2015 Statewide Transportation Improvement Program (STIP) be amended, as noted in the tabulations below, to add or modify fifteen projects.

**2011 – 2015 STIP
Highway and Bridge Construction Schedule
Projects Added or Modified
January Amendment**

(Dollars in Thousands)

County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds	Change in Engineering Funds
Livingston J2L1111I	36	Pavement repair from the Macon/Linn county line to Chillicothe.	2011 CN	\$485	\$33
Monroe J3S2190B	107	Pavement and bridge improvements on Rte. 107 over Mark Twain Lake near Florida (2 bridges) and Rte. FF over N. Fork Salt River near Stoutsville. Project involves Bridges A3798, A3799 and A3738.	2011 CN	1,369 (was 2,032, now 3,401)	98 (was 407, now 309)
Cass J4S2344	7	Upgrade traffic signal at Elm Street in Harrisonville.	2011 CN	197	16
Henry J4P2345	13	Pavement improvements from County Road NW 550 to just north of Rte. 7 in Clinton.	2011 CN	1,256	88
Various J4S2346	Various	Pavement improvements to various minor routes in rural District 4.	2011 CN	204	16
St. Charles J6I2002	70	Add westbound auxiliary lane from TR Hughes Boulevard interchange to east of Rte. K.	2011 CN	2,121	145
St. Charles J6S2192B	D	Pavement improvements and shoulder widening from 1.4 miles east of Rte. Z to Rte. DD.	2011 CN	556	38
St. Charles J6S2310	DD	Pavement improvements and shoulder widening from 0.2 mile west of Sommers Road to Rte. D.	2011 CN	1,405	96
St. Charles J6S2391	P	Pavement improvements and shoulder widening from Rte. 61 to east of Hoff Road.	2011 CN	1,204	103
Barry J7S2195	112	Pavement improvements and shoulder widening from Rte. 37 to Rte. F.	2011 CN	719	76
Newton J7S0710	71	ADA improvements on disconnected sections from south of Rte. FF (32nd Street) to Hammons Boulevard in Joplin.	2011 RW (\$2) 2012 CN	389	159
Greene J8I2358	44	Pavement improvement on the eastbound lanes from Rte. H (Glenstone Ave.) to Rte. 65 in Springfield.	2011 CN	734	45
Greene J8P2371	44	Pavement improvement from Haseltine Rd. to College St. in Springfield.	2011 CN	1,080	79
Taney J8S2370	248	Bridge maintenance on Bridge A3064 over Rte. 65. To let in combination with project 8P0798.	2011 CN	612	78
Phelps J9S2232	44	Resurface north outer road from Rte. V to Rte. 68 at St. James.	2011 CN	300	23
			TOTAL	\$12,631	\$1093

Via approval of the consent agenda, the Commission unanimously approved the amendments to the 2011 – 2015 STIP as noted in the tabulations above.

* * * * *

FISCAL YEAR 2011 BUDGET AMENDMENT

On behalf of the Director, Brenda Morris, Resource Management Director, recommended approval of an increase to disbursements of \$47.4 million. The budget increases will be funded from existing cash balances in the State Road Fund and the State Road Bond Fund.

In addition, Ms. Morris recommended adjustments for transfers between appropriations to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities. The amended budget for fiscal year 2011 is \$2,893,869,000.

Via approval of the consent agenda, the Commission unanimously approved the amendments and adjustments to the fiscal year 2011 budget as noted above.

* * * * *

THE SOUTH MANCHESTER TRANSPORTATION DEVELOPMENT DISTRICT AND THE MANCHESTER HIGHLANDS TRANSPORTATION DEVELOPMENT DISTRICT, CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR

On behalf of the Director, Ed Hassinger, District 6 Engineer, advised the Commission that in response to a petition filed by A&R Manchester, L.L.C.; Walmar Investment Company; Gaywood Investors, L.L.C.; and LeMaster Family Limited Partnership, on December 7, 2006, the Circuit Court of St. Louis County established the South Manchester Transportation Development District (TDD) as a political subdivision on March 30, 2007. In response to a petition filed by Pace-Highlands Association L.L.C., on October 29, 2007, the Circuit Court of St. Louis County established the Manchester Highlands TDD as a political subdivision on January 22, 2008. The proposed project for both the South Manchester TDD and the Manchester

Highlands TDD consists of the installation of a traffic signal at Manchester Road and Entrance Way. The Commission does not own any real property within the proposed TDD and has no financial participation in the project.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions in the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (2) appointed the District 6 Engineer, or his designee, as the Commission advisor to the South Manchester TDD and the Manchester Highlands TDD board of directors. In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements

* * * * *

REMOVE RESTRICTION OF OUTDOOR ADVERTISING ON EXCESS PROPERTY CONVEYANCES

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended changing the Commission policy on outdoor advertising (ODA) on excess property conveyances. Mr. Nichols confirmed that the Commission will have the same authority and control in regulating ODA without restricting ODA on excess property conveyances. Missouri ODA Statutes exceed Federal ODA regulations. Regulating ODA in accordance with state law will ensure compliance with the national Highway Beautification Act.

Via approval of the consent agenda, the Commission unanimously approved the changes to the ODA policy as noted above.

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MHTC POLICY, DELEGATION OF AUTHORITY FOR APPROVAL AND EXECUTION OF DOCUMENTS

The Commission revised its Delegation of Authority for Approval and Execution of Documents. The policy was restructured and revised for clarity, and included the following significant changes:

- Paragraph A4, now allows Division Heads' assistant(s) to sign those contracts that the Division Head is authorized to sign.
- In several instances, the Division Head and/or District Engineer were added to those authorized to approve and execute a specific type of document, which will minimize the need for the Director, Chief Engineer, Chief Financial Officer, Director of Program Delivery, and Director of System Management to delegate to those positions.
- For specific documents, those to whom the Commission delegated authority are also authorized to delegate to others. For example, Paragraph B5, now allows the Director, Chief Engineer, Chief Financial Officer, or State Design Engineer to delegate to others under their supervision, execution of environmental approvals.

Via approval of the consent agenda, the Commission unanimously approved the changes to the Delegation of Authority for Approval and Execution of Documents Policy. The updated policy is printed below in its entirety.

**MHTC Policy
Delegation of Authority
for Approval and Execution of Documents**

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**MHTC POLICY
DELEGATION OF AUTHORITY
FOR APPROVAL AND EXECUTION OF DOCUMENTS**

A. General Provisions

1. **Unique, Sensitive, and/or Controversial Transactions:** Notwithstanding the delegation of authority for approval and execution of documents noted below, all unique, sensitive, and/or controversial transactions will be submitted to the Commission.
2. **Budget and Transportation Program Compliance:** The documents executed via the authority delegated below must not incur costs beyond those contemplated by the Commission-approved Statewide Transportation Improvement Program (STIP) and/or the MoDOT Operating Budget. The budget and STIP have been developed in compliance with the Commission's Debt Management Policy.
3. **Delegation of Authority:** The Director, Chief Engineer, and Chief Financial Officer are each authorized to approve and execute documents and expend funds on behalf of the Missouri Highways and Transportation Commission as identified in Paragraphs B through G below, and subject to the provisions therein. Further, the Director of Program Delivery and Director of System Management are authorized to approve and execute documents and expend funds subject to the provisions below and restricted to his/her respective area of operation.
4. **Authority extended to Division Heads' and District Engineers' Immediate Assistants:** In those areas specified below where a Division head or District Engineer is authorized to execute documents and expend funds, like authority is extended to the respective Division head's assistant(s), Assistant District Engineers, and Assistants to the District Engineer.
5. **Approval as to Form/Attestation/Seal/Facsimile Signature:** All documents executed on behalf of the Commission and referenced herein shall be approved as to form by the Chief Counsel or an authorized Assistant Counsel, executed by an authorized Commission representative, and attested to by the Secretary who shall affix the official seal of the Missouri Highways and Transportation Commission; however, (1) documents that are on the Chief Counsel's Office's approved list of contract forms provided there are no deviations from the form, and (2) documents that are prepared by outside parties and are identified on the Chief Counsel's list of approved nonstandard forms may be executed by the authorized Commission representative without approval as to form, attestation, or affixing the seal. The Secretary is authorized to place a facsimile signature on all copies of documents when the original bears the signature of the person authorized to execute the document.

6. **State Agencies and Offices:** Notwithstanding any other provision of this policy, all agreements with other state agencies and offices involving payment from the State Road Fund, or forbearance of payment to the State Road Fund, in the amount of \$100,000 or less per fiscal year may be executed by any one of the staff noted in paragraph A3; EXCEPT, any agreement with other state agencies and offices relating to statutorily mandated purchases by the Commission from those agencies in any amount may be executed by any one of the staff noted in paragraph A3. In addition, any one of the staff noted in paragraph A3 may execute agreements with the State Highway Patrol relating to reimbursement from the Patrol for Commission owned vehicle fuel consumed by the Patrol and payment by the Commission to the Patrol for airplane flight services regardless of the amount.
7. **Effective Date:** The delegation of authority and authorization herein supersedes any prior policy related to delegating authority for approval and execution of documents and is effective January 12, 2011.

B. Statewide Transportation Improvement Program - The Statewide Transportation Improvement Program (STIP), which includes the Five-Year Highway and Bridge Construction Schedule and the Multimodal Operations Work Program, must be approved by the Commission. The Commission will be furnished a monthly report showing the aggregate final cost of completed projects compared to the respective program estimates and must authorize additional funds for the program should the annual aggregate final costs exceed the program estimate by more than 2 percent.

1. **Award of Construction Contracts:** The Commission shall approve bids and award all roadway and bridge contracts, except as otherwise specifically designated by the Commission in subparagraphs a and b below. Commission awarded contracts may be executed by any one of the staff noted in paragraph A3.
 - a. **Emergency Work:** Any one of the staff noted in paragraph A3 or the respective District Engineer is authorized to execute contracts for emergency roadway, bridge, and/or other transportation facility repairs, structure demolition, and/or services necessary for the benefit of public safety.
 - b. **Maintenance by Contract:** Any one of the staff noted in paragraph A3 or the State Maintenance Engineer may determine the responsiveness of bids requested and award and execute roadway maintenance contracts in the amount of \$200,000 or less.

2. **Construction Change Orders:** Change orders may be executed as specified in MoDOT's Engineering Policy Guide; however, revisions in the contract amounts meeting any of the three following criteria must have the concurrent approval of the Chief Engineer and Chief Financial Officer: (1) additions greater than 50% if the original contract amount was \$500,000 or less; (2) additions greater than 25% if the original contract amount was greater than \$500,000; or (3) additions greater than \$1,000,000.
3. **Construction Contract Administration:**
 - a. **Arbitration Agreements:** Arbitration agreements in connection with highway construction projects, which are not provided for in a construction contract, may be executed by any one of the staff noted in paragraph A3.
 - b. **Contractor Claims Administrative Settlements:** The Director of Program Delivery and Chief Financial Officer or their designees, as filed with the State Construction and Materials Engineer, are authorized to settle contractor claims in the amount of \$250,000 or less. The Director of Program Delivery and the Chief Financial Officer are authorized to concurrently settle contractor claims up to, and including, \$1,000,000. The Chief Engineer and Chief Financial Officer are authorized to concurrently settle contractor claims in amounts greater than \$1,000,000.
 - c. **Construction Claims Negotiations:** Contracts with third party consultants in the amount of \$200,000 or less to provide services in the analysis and resolution of claims by negotiation, as well as in mediations, and the defense of arbitration demands and litigation defense may be executed by any one of the staff noted in paragraph A3.
 - d. **Escrow of Bid Documents:** Any one of the staff noted in paragraph A3 or the State Design Engineer, may execute agreements, affidavits, and related documents and expend funds for costs associated with the rental of safe deposit boxes, and for the opening and closing of escrow accounts using those safe deposit boxes, for the escrow of contractors' and Departmental bidding records, in accordance with Commission policy. These staff members may delegate to others under their supervision by written advisory filed with the State Design Engineer.
 - e. **Assignment of Road and Bridge Construction or Engineering Consultant Contracts:** Any one of the staff noted in paragraph A3 may execute documents assigning road and bridge construction or engineering consultant contracts from one contractor or consultant to another provided that (1) the reassignment incurs no additional cost or delay for the Commission, and (2) the original contract bond is not released, cancelled, voided, or terminated, but the surety agrees to keep that performance and payment bond coverage in full force and effect for the new contractor as the successor principal on that contract and bond.

4. **Consultant Contracts:**

- a. **Projects Identified for Engineering in the STIP:** Contracts for engineering services on projects identified in the STIP may be executed by any one of the staff noted in paragraph A3 provided the contract has been selected in keeping with provisions of Chapter 8 of the Revised Statutes of Missouri for retaining engineering services.
- b. **Hourly Rate Engineering Services Contracts on Highway Projects:** Master agreements for hourly rate professional engineering services on highway projects, limited to \$100,000 per project number per district and \$100,000 per project number per division may be executed by any one of the staff noted in paragraph A3 provided selection is in keeping with Chapter 8 of the Revised Statutes of Missouri. Any one of the staff noted in paragraph A3, Division heads, or District Engineers may execute individual Memorandums of Understanding for services to be performed in his/her respective district or division under the terms of the master agreement. Master agreements generally have a term of three years and contain a one-year extension option based on the consultant's performance.

5. **Environmental Approvals:** Documents required by a federal or state regulatory agency prior to authorizing MoDOT to proceed with planning, design, and construction of a proposed project may be approved and executed by any one of the staff noted in paragraph A3 or the State Design Engineer. These documents shall include, but not be limited to, documents providing analysis of the environmental effects or impacts of a proposed project and documents determining or suggesting that the proposed project is exempt or categorically excluded from such environmental analysis. These staff members may delegate to others under their supervision by written advisory filed with the State Design Engineer.

6. **Environmental Damage Mitigation:** Contracts with property owners and/or third parties to mitigate environmental impacts as a result of project construction, including contracts to acquire and/or develop sites for mitigation banking, may be executed by any one of the staff noted in paragraph A3, provided the estimated cost of the mitigation is included in the relevant STIP. (Mitigation banking typically results in regulatory agency credits to offset environmental project development or construction impacts or damage at a different location.)

7. **Joint STIP Projects:**
- a. **Governmental Agencies and Others:** Agreements with state and local governmental agencies and others for use of, and/or improvements to, roadways within their jurisdictions to facilitate improvements to the state transportation system may be executed by any one of the staff noted in paragraph A3.
 - b. **Innovative Finance/Project Acceleration:** Agreements by which entities accelerate a project on the Commission-approved STIP by providing the cost of financing and the Commission commits to future repayment of project costs, may be executed by any one of the staff noted in paragraph A3, provided the agreements are in compliance with all related Commission policies.
 - c. **Economic Development:** Agreements, applications, and related documents with the Missouri Department of Economic Development or the Missouri Development Finance Board concerning the Commission receiving contributions for the construction of transportation projects may be executed by any one of the staff noted in paragraph A3, provided the subject project has been approved by the Commission.
 - d. **Transportation Corporations and Development Districts:**
 - (1) Agreements with Transportation Corporations may be executed by any one of the staff noted in paragraph A3; HOWEVER, the following matters require Commission approval: project authorization; articles of incorporation; by-laws; final financing plan; and final construction plans and specifications.
 - (2) Agreements with Transportation Development Districts may be executed by any one of the staff noted in paragraph A3; HOWEVER, the following matters require Commission approval: project authorization and final plans and specifications.
8. **Multimodal Operations:** Any one of the staff noted in paragraph A3 or the Multimodal Operations Director may increase the limits of projects in the Multimodal Section of the STIP by a maximum of 10 percent of the estimated cost or \$75,000, whichever is greater, and establish new projects in an amount not to exceed \$75,000. In addition, any one of the staff noted in paragraph A3 or the Multimodal Operations Director may execute all documents necessary to carry out the approved program.

9. **Right-of-Way Acquisition and Relocation:** Any one of the staff noted in paragraph A3, the Right-of-Way Director, District Engineers, or Right-of-Way Managers, may execute documents and expend funds for costs associated with the acquisition of, and removal of improvements from, right-of-way on projects noted in the STIP. This authority includes (1) contracts with property owners and/or third parties providing for mitigation of damage to real property as a result of the right-of-way acquisition process and (2) documents related to relocation of owners and tenants.
 - a. **Firm Offers:** The authority to arrive at an approved firm offer for right-of-way to be acquired by the Department is vested with the Right-of-Way Division. Any one of the staff noted in paragraph A3, the Right-of-Way Director, District Engineer, or Right-of-Way Manager may execute the letter binding the Commission to the firm offer.
 - b. **Acquisition Agreements:** Agreements for use in acquiring land may be executed by any one of the staff noted in paragraph A3, the Right-of-Way Director, respective District Engineer, Right-of-Way Manager, Assistant Right-of-Way Manager, Assistant Right-of-Way Manager – Certified, Certified Appraiser, Right-of-Way Specialist, or Right-of-Way Description Writer.
10. **Sales Tax Exemption Certificates:** Agreements with tax exempt entities (including cities, counties, public and private not-for-profit agencies and other charitable organizations) to allow the entities to take advantage of their sales tax exemption on materials used on roadway construction projects significantly funded by the local entities may be executed by any one of the staff noted in paragraph A3, the State Design Engineer, General Services Director, or the Central Office General Services Managers. These staff members may delegate to others under their supervision by written authority filed in the respective division. The sales tax exemption certificate approved by the Missouri Department of Revenue will be included in the contract documents for MoDOT administered projects.
11. **Statewide Transportation Improvement Program Implementation:** Agreements, other than those identified above, necessary to provide the improvements contemplated by the STIP wherein there is no cost or the cost is \$200,000 or less may be executed by any one of the staff noted in paragraph A3.

C. **Operating Budget** – The Commission shall approve the Operating Budget by operating budget category. (The operating budget categories shown on the budget are Administration; System Management; Program Delivery; Fleet, Facilities, and Information Systems; and Multimodal.) Within the operating budget categories, State Road Funds shall be approved solely at the discretion of the Commission; all other state and federal fund disbursements shall be approved by the Commission but subject to federal appropriation or appropriation by the Missouri General Assembly.

1. **Expenditures within Operating Budget Categories:** In those cases where other provisions within this policy may be in conflict with this section, the other provisions will prevail. The staff noted in paragraph A3, the Chief Counsel, Division heads and District Engineers may approve bids and quotes, expend funds and execute agreements and contracts up to the operating budget category in the Commission-approved Operating Budget LIMITED TO the amounts noted below:
 - a. **One Million Dollars or More** - All single transaction of \$1 million or more may be approved by the Director, Chief Engineer, or Chief Financial Officer.
 - b. **Less than \$1 Million and Greater than \$200,000** - All single transactions less than \$1 million may be approved by the (1) Director, Chief Engineer, or Chief Financial Officer, OR, (2) limited to their respective area of responsibility, the Director of Program Delivery, and the Director of System Management.
 - c. **\$200,000 or Less** – All single transactions of \$200,000 or less may be approved by the Director, Chief Engineer, and Chief Financial Officer, and, subject to their respective areas, the Chief Counsel, Director of Program Delivery, Director of System Management, Division heads, and District Engineers. These staff members may delegate authority to others under their supervision to approve bids and quotes, expend funds and execute agreements and contracts in an amount not to exceed \$200,000 per transaction. Such delegation must be by written advisory from the staff members noted above to the Controller for the Central Office employees or to the manager responsible for processing district invoices for district employees.
2. **Capital Improvement Plan:** A Capital Improvement Plan will be presented to the Commission through the budget process.
 - a. **Bids/Contracts:** Any one of the staff noted in paragraph A3 may approve bids and execute contracts for capital improvements, except that the total expenditures cannot exceed the total amount of the Commission-approved Capital Improvement Plan. The Director of General Services may approve bids and execute contracts for capital improvements for projects amounting to \$200,000 or less and may delegate this authority to others under his/her supervision by written advisory filed in the General Services Division. This approval is subject to concurrent or prior approval of the Office of Administration and/or the Board of Public Buildings, where applicable.

- b. **Capital Improvement Plan Construction Change Orders:** Change orders may be executed as delegated by the Chief Financial Officer through a written advisory to the General Services Director; however, revisions in the contract amounts meeting any of the three following criteria must be approved by the Chief Financial Officer or the Chief Engineer: (1) additions greater than 50% if the original contract amount was \$250,000 or less; (2) additions greater than 25% if the original contract amount was greater than \$250,000; or (3) additions greater than \$500,000.

 - c. **Hourly Rate Architectural/Engineering Services, Capital Improvements:** Hourly rate professional services agreements on an on-call, as-needed basis to address capital improvement and capital asset preservation projects may be executed by any one of the staff noted in paragraph A3 or the General Services Director. The agreements generally have a three-year term with an option to renew for one additional year. The hourly rate Memorandum of Understanding is limited to \$100,000 per project.
- 3. **Joint Non-STIP Related Projects:** Any one of the staff noted in paragraph A3 is authorized to execute agreements wherein the terms of participating in a joint transportation improvement or other cooperative effort are outlined.

 - 4. **Materials Standardization Services:** Agreements with the AASHTO Materials Reference Laboratory for materials standardization services may be executed by any one of the staff noted in paragraph A3.

 - 5. **Consultant Statewide Engineering Services Contracts (Non-STIP):** Master agreements for hourly rate professional engineering services limited to \$100,000 per district and \$100,000 per project for Central Office divisions may be executed by any one of the staff noted in paragraph A3 provided selection is in keeping with Chapter 8 of the Revised Statutes of Missouri. Any one of the staff noted in paragraph A3, District Engineers, or Division heads may execute individual Memorandums of Understanding for services to be performed in his/her respective district or division under the terms of the master agreement. Master agreements generally have a term of three years and contain a one-year extension option based on the consultant's performance.

 - 6. **State Planning and Research Funds:** Any one of the staff noted in paragraph A3 or the Director of Organizational Results may approve bids and/or quotes, execute purchase agreements and contracts for materials and services, and otherwise expend State Planning and Research Funds provided (1) no single transaction will exceed \$200,000 without approval of the Director, Chief Engineer, or Chief Financial Officer, (2) the expenditures do not exceed the amount of State Planning and Research Funds reflected in Federal Highway Administration's State Planning and Research Work Program, and (3) the expenditures do not exceed the amount approved for each Division in the respective fiscal year's budget. This authority includes, but is not limited to, agreements with the National Academy of

Sciences, the Federal Highway Administration, universities, other states, or other entities pertaining to research projects and testing functions.

D. Funds Transfers and Reimbursement Agreements

1. **Checks:** Checks issued by the Missouri Department of Transportation for funds held outside of the State Treasury may be executed by the Chief Financial Officer and/or those delegated by the Chief Financial Officer as reflected on the banking signatory agreements.
2. **Funds Transfers:** Formal documents effecting monthly transfers between the State Highways and Transportation Department Fund and the State Road Fund may be executed by any one of the staff noted in paragraph A3 or the Controller. The Chief Financial Officer will maintain balances in each fund necessary to meet business requirements.
3. **Federal Agencies:** Documents (hard copy or electronic) necessary to receive and expend federal funds made available by the Federal Highway Administration, Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, the United States Coast Guard, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, or other federal agencies may be executed by any one of the staff noted in paragraph A3, the Multimodal Operations Director, Highway Safety Director, or Motor Carrier Services Director. These staff members may delegate to others under their supervision by written advisory filed with the respective Division.
4. **Automated Clearinghouse:** Letters of credit to obtain apportionments of federal funds through the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Federal Aviation Administration may be executed by any one of the staff noted in paragraph A3, the Multimodal Operations Director, Highway Safety Director, or Motor Carrier Services Director. These staff members may delegate to others under their supervision by written advisory filed with the respective Division.
5. **Electronic Grant Management System:** Documents necessary to receive and expend federal funds made available to the Commission by federal agencies through the Electronic Grant Management System may be executed electronically or manually by any one of the staff noted in paragraph A3 or the Multimodal Operations Director, provided all funds so received and expended are included in the STIP. These staff members may delegate to others under their supervision by written advisory filed with the respective Division.

6. **Electronic Clearinghouse System:** Requests for payment through the Electronic Clearinghouse System for funds for federal projects included in the STIP may be authorized by any one of the staff noted in paragraph A3 or the Multimodal Operations Director. These staff members may delegate to others under their supervision by written advisory filed with the respective Division.
7. **Electronic Grant Tracking System:** Documents necessary to receive and expend federal funds made available to the Commission by the National Highway Traffic Safety Administration for federal projects included in the annual Highway Safety Plan may be authorized by any one of the staff noted in paragraph A3 or the Highway Safety Director. These staff members may delegate to others under their supervision by written advisory filed with the respective Division.

E. Conveyance of Commission Assets: In keeping with Section 227.290, RSMo 2000, as revised, documents conveying property rights (real estate) must be executed by the Commission's Chair or Vice Chair.

1. **Limited Access Roadways:** Contracts involving changes in access in keeping with the Commission's policy may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or District Engineers; however, deeds and/or other documents used to convey the property and/or property rights must be executed by the Commission's Chair or Vice Chair.
2. **Annexation:** Petitions for voluntary annexation where (1) the request documents contain no evidence of significant controversy and (2) the annexation would not be detrimental to the transportation system or the Commission may be executed by any one of the staff noted in paragraph A3 or the respective District Engineer.
3. **Changes in Route Status:** In keeping with Section 227.290(1), RSMo 2000, as revised, deeds and/or other documents used to convey the real property and/or property rights must be executed by the Commission's Chair or Vice Chair; however, any one of the staff noted in paragraph A3 may approve and execute documents pertaining to (1) changes in route status resulting from projects which modify the right-of-way associated with a route either by acquisition of new right-of-way or by creation of excess right-of-way, and (2) the transfer of sections of the existing state highway system to another highway system or change the purpose of the sections even when no right-of-way modifications are involved.

4. **Easements:** Easements across Commission property may be approved by any one of the staff noted in paragraph A3; however, in keeping with Section 227.290(1), RSMo, as amended, deeds and/or other documents used to convey a real property interest (such as an easement) must be executed by the Commission's Chair or Vice Chair. To avoid a violation of the Rule Against Perpetuities, the Chief Counsel's Office must review and approve as to form and content all agreements and deeds involving transactions where the Commission retains reversion rights.

5. **Equipment:**
 - a. **Titles – Equipment:** Titles conveying surplus equipment and vehicles or titles conveying damaged motor vehicles necessary to effect settlement of a Commission's claim may be executed by any one of the staff noted in paragraph A3, the General Services Director, the Central Office General Services Managers, the District Engineer, the District General Services Manager, or others designated by the District Engineer through written advisory to the General Services Director.

 - b. **Titles—Lien Releases:** Lien releases on titles of vehicles purchased for transportation agencies with Federal Transit Administration funds may be executed by any one of the staff noted in paragraph A3 or the Multimodal Operations Director.

 - c. **Titles and Sales Contracts—Mobile Homes and Other Improvements:** Titles and contracts for the sale of mobile homes and other improvements acquired during right-of-way acquisition may be executed by any one of the staff noted in paragraph A3, the Right-of-Way Director, or the respective District Engineer, except that sales for less than the appraised value must be approved by the Right-of-Way Director.

6. **Excess Property:** In keeping with Section 227.290(1), RSMo, as amended, deeds and/or other documents used to convey property and/or property rights must be executed by the Commission's Chair or Vice Chair.
 - a. **Sales of \$200,000 or More** – All proposed sales or exchanges of MHTC real property appraised at \$200,000 or more shall be submitted to the Commission for consideration.

 - b. **Sales Less than \$200,000:** In those cases where the staff has no evidence of controversy pertaining to the sale of excess property and where the property is appraised and conveyed for less than \$200,000, the terms of the conveyance may be approved by any one of the staff noted in paragraph A3 or the Right-of-Way Director. These staff members may delegate to District Engineers by written advisory to the District Engineer and filed with the Right-of-Way Director.

c. **Sales Agreements:** Contracts setting out the conditions for sale of excess property may be executed by any one of the staff noted in paragraph A3, the Right-of-Way Director, or the District Engineers.

7. **Use of Commission Property:** In those cases where MHTC is the lessor granting temporary use of MHTC real property to another party, other than transactions covered by paragraph G9 (Permits), the Lease, Airspace License, or other agreement for use of real property and appurtenances may be executed by any one of the staff noted in paragraph A3 or the Right-of-Way Director.

F. Commission Use of Private and Other Public Assets

1. **Acceptance of Conveyances:** Any one of the staff noted in paragraph A3, the Right-of-Way Director, General Services Director, or respective District Engineer may execute documents accepting the conveyance of easements and property.

2. **Leases:** In those cases where MHTC is the lessee of real property owned by another party, the Lease may be executed by any one of the staff noted in paragraph A3, General Services Director, Central Office General Services Managers, or respective District Engineer.

G. Operations

1. **Adopt-A-Highway Agreements:** Agreements allowing participation in the Adopt-A-Highway Program may be executed by any one of the staff noted in paragraph A3, the State Maintenance Engineer, or respective District Engineer. Any one of the staff noted in paragraph A3 or the State Maintenance Engineer may deny applications to participate in the Adopt-A-Highway Program.

2. **Bridge Attachments:** Agreements allowing attachments to bridges may be executed by any one of the staff noted in paragraph A3.

3. **Bridge Inspection Contracts – Local Agency:** Agreements to provide for the inspection of local agency bridges deemed necessary to carry out MoDOT's obligation to inspect bridges within Missouri's borders to comply with the National Bridge Inspection Standards established under Title 23 of the Code of Federal Regulations may be executed by any one of the staff noted in paragraph A3, provided the consultant has been selected in keeping with Chapter 8 of the Revised Statutes of Missouri. These agreements incur no direct cost to the Commission.

4. **Highway Safety Program Operations:** Any document, other than those contemplated by the Commission-approved appropriation in the respective fiscal year's operating budget, necessary to fulfill the responsibilities of the Highway Safety Program and the Motor Carrier Safety Assistance Program may be executed by any of the staff noted in paragraph A3 or the Director of Highway Safety. These staff members may delegate to others under their supervision by written advisory filed with the Highway Safety Division.
5. **Lighting:** Contracts for the installation of highway lighting may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or respective District Engineer.
6. **Maintenance Agreements:** Agreements with cities, counties or other political subdivisions pertaining to maintenance of, and regulation of traffic on, any state highway within such cities, counties, or subdivisions may be executed by any one of the staff noted in paragraph A3, the State Maintenance Engineer, or respective District Engineer.
7. **Motor Carrier and Rail Industry Operations:** Any document, other than those contemplated by the Commission-approved appropriation in the respective fiscal year's operating budget, necessary to fulfill the responsibilities of the Motor Carrier and Rail Industry Operations may be executed by any one of the staff noted in paragraph A3, the Motor Carrier Services Director, or the Multimodal Operations Director. These staff members may delegate to others under their supervision through written advisory filed with the Motor Carrier Services Director or the Multimodal Operations Director.
8. **Operations Implementation:** Agreements, other than those described above, that incur no costs but are necessary to effectively carry out MoDOT operations, may be executed by any one of the staff noted in paragraph A3.
9. **Permits:** Driveway, Excavation, Junkyard, Outdoor Advertising Permits, and Special Permits for house moves may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or the respective District Engineer. In keeping with Section 304.200, RSMo, the Chief Engineer shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height, and weight, as specified in the statutes, or which are unable to maintain minimum speed limits.
10. **Rail/Highway Crossings:** Uncontested Administrative Orders for rail/highway safety projects may be executed by any one of the staff noted in paragraph A3 or the Multimodal Operations Director.
11. **Signals:** Contracts for fire station signals or preemptive devices and contracts for temporary and permanent vehicular signals at schools may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or the respective District Engineer.

12. **Signs:**

- a. **Logo Signs:** Documents related to administration of the logo signing program may be executed by any one of the staff noted in paragraph A3 or the State Traffic Engineer. These staff members may delegate to others under their supervision by written advisory filed with the Traffic Division.
- b. **Crossings:** Contracts for signs at school, cattle, or truck crossings may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or the respective District Engineer.
- c. **Signing Installation:** Signing Agreements, other than those described above, that incur no costs but are necessary to install signs on state right-of-way may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or the respective District Engineer.

13. **Speed Limits/Parking Restrictions:**

- a. **Speed Limit Changes:** Documents related to speed limit changes may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or respective District Engineer.
- b. **Parking Restrictions:** Documents pertaining to parking restrictions may be executed by any one of the staff noted in paragraph A3, the State Traffic Engineer, or the respective District Engineer. Parking restrictions within incorporated areas must be requested through a city ordinance.

H. Administrative Settlements:

- 1. **Contractor Claims:** Settlements involving Contractor Claims are addressed in paragraph B3b of this policy.
- 2. **Right-of-Way:** Settlements involving right-of-way acquisition are addressed in paragraph B9 of this policy.
- 3. **Employees:**
 - a. **Equal Employment Opportunity and Civil Rights Conciliation or Settlements:** Prior to a complaint being filed in federal court, a petition being filed in state court, or a notice of public hearing being issued by the Missouri Commission on Human Rights, conciliation agreements and settlement agreements with the Missouri Commission on Human Rights and/or the Equal Employment Opportunity Commission, and/or employees regarding Equal Employment Opportunity and

Civil Rights charges or complaints may be executed by any one of the staff noted in paragraph A3.

- b. **Employment Grievances:** Settlements as a result of employment grievances filed through MoDOT's internal grievance process, except those where the employee requests a formal termination or whistle-blower hearing, may be executed by any one of the staff noted in paragraph A3, after approval of the Director.

4. **Insurance Claims:**

- a. **Insurance Claims against Others/Receipts/Payments:** Claims against insurance companies or others, partial payment agreements, and receipts or releases for payments to the Commission in satisfaction of amounts owed to the Commission may be executed by any one of the staff noted in paragraph A3, the Risk and Benefits Management Director, or an assistant to the Risk and Benefits Management Director.
- b. **Insurance Claims against MoDOT:** Settlement of claims against MoDOT and/or the Commission through its self-insurance programs in the amount of \$300,000 or less may be executed by any one of the staff noted in paragraph A3 or others designated by written advisory from the Chief Financial Officer to the Risk and Benefits Management Director.

5. **Rail Industry Safety:** Pre-suit settlement agreements with railroad carriers pertaining to alleged safety violations by the railroad industry may be executed by any one of the staff noted in paragraph A3 or the Multimodal Operations Director.

6. **Motor Carrier Industry:** Pre-suit settlement agreements with motor carriers pertaining to alleged violations of safety regulations or economic laws by such motor carriers may be executed by any one of the staff noted in paragraph A3, the Motor Carrier Services Director, Assistant Motor Carrier Services Director, or the Motor Carrier Services Enforcement Manager.

I. **Legal Documents** – All documents below are excepted from attestation by the Secretary to the Commission.

1. **Pleadings and Settlement Authority:** The Chief Counsel, or others designated by the Chief Counsel, may execute any pleading, motion, notice, stipulation, agreement, release, covenant not to sue, or other instrument in connection with court or agency proceedings to which the Commission is a party as authorized in the current Chief Counsel's Authority to Commence, Defend, and Settle Cases.

2. **Expert Witness/Consultant Services:** The Chief Counsel, or others designated by the Chief Counsel, may execute contracts and expend funds for procurement of expert witnesses, consultant services, alternate dispute resolution services, and other services in the amount of \$200,000 or less.

3. **Private Counsel:** The Chief Counsel, or others designated by the Chief Counsel may execute contracts and expend funds for procurement of private counsel services in the amount of \$200,000 or less per year with any individual law firm in the following areas:
 - a. Condemnation.
 - b. Fleet vehicle liability.
 - c. General liability.
 - d. Human resources.
 - e. Property damage.
 - f. Workers' compensation and workers' compensation subrogation.
 - g. Other cases in which the Chief Counsel determines that such representation will further the interest of the Commission; however, a representation which in the opinion of the Chief Counsel is not routine and is unique or sensitive will be discussed with the Commission before counsel is retained.

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INNOVATIVE FINANCE WORKSHOP

The Commission held a special workshop for the purpose of discussing the use of innovative financing for transportation projects in Missouri. MoDOT's Director and staff presented information about MoDOT's Economic Development/Cost Share Program, Transportation Development Districts, Transportation Corporations, Toll Roads, Bonding, Commission Debt Management Policy, state and federal financing tools, public private partnerships, and various options to increase transportation funding.

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-- REPORTS --

The Commission received the following written reports.

**FINANCIAL – BUDGET - REPORTS
YEAR-TO-DATE FINANCIAL REPORT, November 30, 2010**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ended November 30, 2010, with budget and prior year comparisons.

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**UPDATE ON THE STATUS OF CORRIDOR IMPROVEMENTS ON ROUTE 63
AND ROUTE 65 IN IOWA**

Dave Nichols, Director of Program Delivery, provided to the Commission an update on status of improving the Route 63 and Route 65 corridors to four-lanes from Iowa to Missouri. Although Iowa's 2011-2015 STIP includes some improvements on Routes 63 and 65, it does not include a commitment to four-lane these roadways.

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

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The Mission of the Missouri Highways and Transportation Commission is to:

- Represent the citizens of Missouri pursuant to the Constitution by providing independent and nonpartisan governance of the Missouri Department of Transportation; and
- Establish policies, exercise oversight, and ensure accountability in developing and maintaining a world class transportation system in Missouri which fosters safety and economic development.

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