



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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April 3, 2012

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN JEFFERSON CITY,
MISSOURI, TUESDAY, APRIL 3, 2012**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Tuesday, April 3, 2012, at the Missouri Department of Transportation Building, 105 West Capitol Avenue, Jefferson City, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 11:15 a.m. The following Commissioners were present: Grace M. Nichols, Lloyd J. Carmichael, Stephen R. Miller, and Kenneth H. Suelthaus. On February 2, 2012, Governor Nixon withdrew the appointment of Commissioner Joseph J. Hunt; at the time of the April 3, 2012, meeting, a replacement had not been appointed.

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 Tuesday, April 3, 2012.

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

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 Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Miller, Aye
Commissioner Suelthaus, Aye

The Commission met in closed session from 9:00 a.m. until 11:00 a.m.

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-- OPEN MEETING --

ANNUAL FORMER COMMISSIONER'S LUNCHEON

The Annual Former Commissioner's Luncheon was held on Monday, April 2, 2012, at the Governor's Mansion, 100 Madison Street, Jefferson City, Missouri. The following current Commissioners were present: Rudolph E. Farber, Grace M. Nichols, Lloyd J. Carmichael, and Kenneth H. Suelthaus. Governor Nixon spoke at the luncheon and shared his vision for transportation in Missouri.

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APPROVAL OF MINUTES

Upon motion by Commissioner Suelthaus, seconded by Commissioner Nichols, the Commission unanimously approved minutes of the regular meeting held March 1, 2012. 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, 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 of 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 April 3, 2012, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Nichols, seconded by Commissioner Carmichael, the consent agenda items were unanimously approved by a quorum of Commission members present. Commissioner Farber abstained from voting on the consent agenda item titled “The Neosho Transportation Development District, Consideration of the Project and Appointment of an Advisor.”

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COMMISSION REORGANIZATION

Chairman Farber reappointed committee and board members to the positions as follows:

Audit Committee – Commissioners Nichols and Suelthaus were reappointed to serve on the committee, and Commissioner Suelthaus will continue to serve as Chairman. Commissioner Carmichael was appointed to serve on the committee.

Legislative Committee – The Commission as a whole will continue to serve on this committee and Commissioners Carmichael and Miller were reappointed as co-chairs.

Missouri Transportation Finance Corporation – Commissioner Farber was selected by acclamation to serve on the board. Commissioners Nichols and Miller will continue to serve on the board.

MoDOT and Patrol Employees Retirement System – Commissioners Farber, Carmichael, and Suelthaus will continue to serve on the board.

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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 April 3, 2012, meeting.

Audit Committee – Commissioner Suelthaus reported the Audit Committee met on April 2, 2012, with the external auditing firm, BKD. The committee discussed with the external auditor the upcoming financial audit, including the scope and approach for the financial statements audit. Section 21.795.3 RSMo and the Commission’s bond covenants require an audit of the department’s financial statements. The results of the audit will be presented to the Commission later this year. The Committee also reviewed two internal audit reports and concurred with the recommendations made in the following audits (1) Review of the MoDOT Procurement Card Program, and (2) Highway Safety – DWI Enforcement Grant Program. The Audit Committee discussed Enterprise Risk Management, which is a topic that will be presented to the Commission at a future meeting.

Legislative Committee – Commissioner Carmichael reported the bill to add MoDOT workers to the state’s current “Move Over” law has crossed chambers and is moving forward. Commissioner Carmichael also reported that the MHTC and MoDOT are opposed to House Bill 1213 that would allow weight limits for any vehicle hauling milk, livestock, or agricultural products to be increased to 85,500 pounds on any state owned or maintained route. The current weight limit is 80,000 pounds for all vehicles carrying cargo except for log haulers and trash trucks. While the legislation allows for the department to collect an annual fee of \$25.00 from vehicles hauling loads over 80,000 pounds, this

funding source would not generate enough money to offset the wear and tear the extra weight will have on the state's roads and bridges.

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

MoDOT and Patrol Employees' Retirement System – Commissioner Farber reported Susie Dahl submitted her resignation as executive director effective September 1, 2012. The Commission commended her performance and that of the retirement system. A search is beginning for her replacement.

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DIRECTOR'S REPORT

During the April 3, 2012, Commission meeting, Director Kevin Keith provided the following report:

Federal Update – Director Keith reported Congress passed a 90-day extension for SAFETEA-LU that provides transportation funding to the states through June 30, 2012.

State Funding – Director Keith testified last week before the Missouri House Transportation Committee on a bill by Representative Thomas Long that would eliminate the state gasoline tax, increase the diesel fuel tax, and create a pair of sales taxes that would result in additional transportation revenue of more than \$400 million per year. The bill is not expected to advance out of committee, but was introduced as a way to keep the transportation funding conversation going. He also reported that Speaker of the House, Steven Tilley, appointed a 21-member Blue Ribbon Citizens Committee on Missouri's Transportation Needs that will be holding a series of hearings around the state this summer to further explore transportation funding options. MoDOT will provide informational and logistical support to the committee.

Upcoming Events – The annual Innovations Challenge will be held on April 10, 2012, in Springfield. The Innovations Challenge is an exhibition of the innovation and creativity of MoDOT employees who demonstrate ways that we can do our work better, faster, and cheaper.

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MISSOURI STATE TROOPERS ASSOCIATION, INC.

Sergeant Matt Broniec, President of the Missouri State Troopers Association (Association), appeared before the Commission to express concerns about the Commission's action in September 2011,

which changed the medical plan contribution strategy for employees of both MoDOT and the Missouri State Highway Patrol (MSHP). The Association does not agree with the Commission's decision to implement (1) a revised contribution strategy for current retirees so forty percent of the premium is covered by the employer and sixty percent is paid by the retirees, and (2) a revised contribution rate for future retirees effective January 1, 2014 that is based on years of service, the employer will provide either \$12 per year of service per month with no survivor contribution, or \$10 per year of service per month with a 50 percent survivor contribution after the death of the retiree.

Sergeant Broniec stated that while the Association understood the need to reduce costs, they did not feel like the MSHP should be affected by MoDOT's Bolder Five-Year Direction. Sergeant Broniec explained current law in Section 104.515 RSMo that addresses medical insurance coverage is very vague; however, he stated the Association does not believe the Commission is following the intent of the law, to provide equivalent coverage as provided to other state employees. While the Association believes the MoDOT and Patrol Medical and Life Insurance Plan (Plan) is a very good benefit and is managed very well, they do not want to join the Missouri Consolidated Health Care Plan (MCHCP).

The Association agreed with the concept to tie an employee's retirement medical benefit to their creditable years of service, because they do not believe it is right that an employee who works for five years and is vested with the state should get the same benefit as an employee who dedicates thirty years of service to the state. The Association does not agree with the contribution rate. The current plan of a flat rate of \$10 or \$12 is not adequate coverage and they proposed the contribution rate should be based on two percent per year of service, with a capped rate of sixty percent. While the Association's proposed rate is five percent lower than the MCHCP plan, they feel it is close enough to the equivalent amount provided for in Section 104.515 RSMo.

The Association also believes the MSHP should have equal representation on the MoDOT and Patrol Medical and Life Insurance Plan Board. The board membership should be similar to the MoDOT and Patrol Employees' Retirement System (MPERS) Board. The current Plan Board membership consists of eight total members: four active MoDOT employees, two active MSHP employees, and one retiree from both MoDOT and MSHP. The proposed board membership would allow the MSHP Superintendent to be included in decisions regarding medical issues made by the Commission and would divide the board members equally between MoDOT and MSHP.

The Association is currently pursuing a legislative change to the Plan in order to clarify the ambiguity of current law. House Bill 1922, sponsored by Representative Chris Molendorp (R-Belton), would make the Plan a separate legal entity managed by a board of trustees. The board would be comprised of three MoDOT employees, one MoDOT retiree, three MSHP employees, and one MSHP retiree. The proposal gives the Commission and the MSHP Superintendent the authority to provide benefits and determine premiums and contributions. The legislation allows either the Commission or the MSHP Superintendent to transfer the plan to MCHCP. The legislation also sets the medical insurance contribution rate by statute for retirees at two percent per year for up to 30 years of service. The Association believes these changes are necessary because the Plan involves two agencies that operate differently from the same revenue source.

The Association fears that with the current changes approximately ten percent, which is the number of troopers eligible to retire, may opt to leave the MSHP. The MSHP is not able to hire someone and put them right to work as there is extensive training involved. The Association estimates it will take the MSHP six to seven years to replace the workforce that is likely to retire due to the medical plan change.

Sergeant Broniec requested the Commission carefully consider the Association's position and the proposed changes to the Plan in order to treat troopers fairly and equitably as provided by law.

Chairman Farber thanked Mr. Broniec for his presentation and inquired if the Association had calculated a comparison of the benefit provided under MCHCP compared to the benefit provided under the Plan. Commissioner Suelthaus explained the previous Commission action reduces the retiree medical insurance unfunded liability by approximately \$800 million, and the changes suggested by the Association would only reduce that liability by \$100 million. Commissioner Suelthaus then inquired if the Association had a proposal to pay for the \$700 million difference in savings. Commissioner Miller inquired about the number of expected MSHP retirements compared to those who would be compelled to retire early due to the effective date of benefit changes. Commissioner Miller also inquired about the number of workforce reductions the MSHP had to accommodate with the recent state budget cuts. Chairman Farber stated the Commission would like the opportunity to receive the requested information from the Association, and time to review the Association's proposal. Chairman Farber then stated the Commission will work with the MSHP and the Association to reach an agreement on the different numbers discussed during the presentation.

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STATEWIDE INCLUSION ADVISORY COUNCIL

Rudy Nickens, Equal Opportunity and Diversity Director, introduced Steve Lewis, Associated General Contractors of St. Louis, and Alise Martiny, Kansas City Chapter of Associated General Contractors, to discuss recommendations the Statewide Inclusion Advisory Council (SIAC) presented to department management in January 2012. The SIAC is a group of community volunteers formed in 2011 for the purpose of bringing diverse perspectives and ideas to assist MoDOT management and improve outcomes regarding diversity and inclusion. The group provided a number of recommendations

that were developed in the areas of workforce diversity, supplier diversity, and disadvantage business enterprises participation.

Mr. Lewis explained the SIAC made recommendations for workforce diversity efforts which focus on five areas: grow your own, accountability, inclusion, communication, and culture. The SIAC recommended the department grow their own through implementation of a minority and female mentoring initiative to prepare a diverse group of candidates for future management positions. This initiative is currently being piloted in the Central Office. To be accountable, it was recommended the department implement an employee performance measurement system with expectations on diversity to be used for all MoDOT employees. This involves development of new measurements for the Tracker to monitor and report progress about diversity and inclusion. To focus on inclusion, the department needs to increase diversity training and education programs for employees. The department also needs to promote employee resource affinity groups throughout the department as a tool for engaging diverse groups of staff. To address communication, the department should create a statewide campaign to increase awareness of workplace diversity and communicate that diversity is everyone's responsibility. To change the culture, the SIAC recommended the department begin with a system-wide study of the workplace climate to identify and remove barriers that prevent progress.

The SIAC also made recommendations to the department on their supplier diversity efforts, which is purchasing in areas other than road and bridge construction. MoDOT is currently working with the Office of Administration for the State of Missouri to acquire an availability and disparity study for statewide purchasing. The absence of the study has been an obstacle in being able to set goals for diversity in purchasing. The SIAC recommended adoption of a unified certification program for Minority and Women Business Enterprises to streamline the purchasing process. The SIAC wants the

culture of MoDOT to be influenced by teaching every employee the importance of diversifying their vendor selection and spending.

Ms. Martiny reviewed the third area of focus for the SIAC, the Disadvantaged Business Enterprise (DBE) in construction and consulting, and the four recommendations presented to the department. A series of DBE certification workshops explaining how to do business with MoDOT was the first recommendation and was implemented in the fall of 2011. The second recommendation was to have the department streamline the DBE certification process. The SIAC's third recommendation was to implement a contractor based on the job training program. This program will provide an opportunity for a contractor to work with a trainee on several projects while the trainee is serving their apprenticeship. This program will provide flexibility to the contractor while making the best use of the available craftsmen for road and bridge construction. A pilot program will begin in summer 2012 with statewide implementation planned for spring 2013. The fourth recommendation was to modify the current mentor-protégé program to include best practices and promote incentives to increase participation. This recommendation was implemented by the department.

The SIAC recognized that simply promoting diversity and inclusion in these three key areas is not enough, so they also recommended additional statewide, district, or division level Tracker measures related to diversity. Tracking measures should include diversity programs, workforce activities, as well as spending. All of the recommendations presented have been approved by the department's senior management.

The implementation of the SIAC recommendations should result in: increased customer satisfaction, enhanced MoDOT brand, increased employee satisfaction with MoDOT's diversity and inclusion efforts, increased participation in diversity and education workshops, improved minority and female retention, increased on the job trainees and graduates, and increased dollars spent with

disadvantaged, minority and women business enterprises. The SIAC will continue to meet and advise MoDOT on these and future initiatives.

Chairman Farber thanked Mr. Lewis, Ms. Martiny, and Mr. Nickens for their dedicated assistance and presentation. Commissioners Farber and Miller were pleased to see a focus on the mentoring and on the job training programs. Commissioner Miller complimented the SIAC for their diverse membership from all areas of the state.

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A BOLDER FIVE-YEAR DIRECTION QUARTERLY UPDATE

Kevin Keith, Director, provided a quarterly update regarding progress on the Bolder Five-Year Direction.

Staffing

Director Keith stated since June 2011, staff focused on getting the right people in the right jobs. As of February 29, 2012, the number of salaried employees has been reduced by 1,002 positions. To reach the target of 5,106 employees, the department needs to reduce an additional 194 salaried positions. The selection process for all salary grades 6 through 21 has been completed. The process for salary grades 1 through 5 has begun and should be completed in May. Upon completion of filling all salary grades, management will work to move all displaced employees who have the ability and desire to move to maintenance into available maintenance positions. Currently, the department has about 125 vacant maintenance positions available to fill with displaced employees. Director Keith stated he is extremely proud of department staff as they have all worked through the process, the workforce reductions have gone well but it has been the hardest thing employees have ever had to do in the organization. He explained there will be additional services available through ComPsych, the Employee Assistance

Program provider, for displaced employees. Some of the services offered are career counseling, employment searching information, and preparing for interviews.

Facilities and Equipment

Director Keith reported that MoDOT reduced 11 facilities and 166 pieces of equipment have been eliminated. Of those 11 facilities, two leases were terminated and nine have sold since January 2012 for \$1.2 million, which is 38 percent above appraised value. The Transportation Planning division relocated to the central office in March 2012, allowing MoDOT to vacate the St. Mary’s facility and terminate the lease. By the end of spring, evaluation of the entire fleet will be complete, which will facilitate determination of remaining units to be eliminated. Equipment will be disposed of in a two-step process. First, the department will work with cities and counties to allow them the first opportunity to purchase eliminated equipment. Second, the department will sell eliminated equipment to the public.

Director Keith stated MoDOT is learning to conduct business differently as a smaller, more efficient department. For instance, the Sign Shop has been completely outsourced and the department has already begun taking deliveries from outside vendors at the same cost for what the department was able to produce signs. Additionally, the customer service centers are going to provide good customer service with fewer people at fewer locations. For example, if the northwest district phone lines are busy, an incoming call will roll over so another district customer service representative can answer the call and the customer does not wait in cue.

Following discussion and inquiry from the Commission, Chairman Farber acknowledged the difficulty of the Bolder Five-Year Direction but stated it is doing what it was intended to do – allow the department to put more money on Missouri’s roads and bridges.

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2012 WORK ZONE AWARENESS CAMPAIGN

Eileen Rackers, State Traffic and Highway Safety Engineer, reported the Work Zone Awareness Week will be held April 23-27, 2012 and will begin with the national Work Zone Kick Off Event in St. Louis on April 23. Federal Highway Administrator, Victor Mendez, will be attending the ceremony that will be held on the Route 141 project in the St. Louis District. This is the first year the national kick-off event will be held outside of the Washington, D.C. area.

Ms. Rackers reported there were eleven fatalities in work zones in 2011, and 701 injuries in work zones in 2011. This reflects a decrease from 2010 while the number of work zones in 2011 increased by three percent. While this is good news, the department must remain diligent and work hard to keep driving those numbers down.

MoDOT's safety message for drivers this year is to "slow down, pay attention and buckle up" and the department will continue to use the slogan "Don't Barrel Through Work Zones." The department will use outreach and education strategies to share these important work zone messages with the traveling public. In addition to traditional methods of communication through the media, the department will pilot the use of advertising on video pump toppers at gas stations, and advertisements on the backs of large trucks.

There is one work zone safety messenger, Barrel Bob, who is relatively new to the work zone scene and is now located in each MoDOT district. Barrel Bob is a character made of recycled work zone materials, including barrels and signs, and has captured the attention of motorists and Facebook fans alike.

The department is seeking additional public input on the department's work zones. Several new strategies are being implemented including new "Rate Our Work Zone" signs which will replace the "Drive Smart" signs that have accompanied work zones in recent years. These signs encourage the

public to use MoDOT's website to let the department know if the work zone could be improved. Additional strategies include post card surveys being made available at rest areas and welcome centers, public meetings, and by flaggers in the work zones. The department is trying a new strategy of targeted mailings to residents in the vicinity of MoDOT projects.

Ms. Rackers explained that work zone management begins in the very early stages of planning and designing a project. This effort allows the department to be proactive in dealing with potential congestion and to minimize delays for motorists. Staff uses traffic control tools, including predictive modeling, to help them determine what traffic backup might be with certain traffic volumes to decide if there should be any work zone hour restrictions. This modeling also allows the department to develop congestion mitigation plans in advance so that when a detour is implemented all stakeholders in the project are prepared if and when congestion occurs. The department's goal is to ensure the motorist does not experience a delay without adequate warning of a work zone.

The department also actively manages work zones through a variety of strategies. One strategy is to use the traffic management centers (TMCs) in Kansas City, St. Louis, and Springfield to monitor mobile operations such as striping and sweeping. The TMCs notify motorists with timely information on a dynamic message system if a mobile operation has caused a travel delay, and the TMCs notify the crews who are working should they be able to adjust their operation to reduce motorist delay. For night work, the department is using a new sequential light system to enhance the visibility and safety of the merging areas in work zones. This is a relatively new and low cost system that has been shown to gain compliance with the reduced speed limits in work zones.

Every year law enforcement plays a key role in work zone safety. The department continues to fund additional hours of enforcement for projects. In addition to protecting the motorists and the construction workers, law enforcement in work zones have led to arrests for numerous safety and

criminal violations. Director Kevin Keith applauded the efforts of the Missouri Highway Patrol in partnering with MoDOT to provide additional law enforcement presence in work zones.

Chairman Farber thanked Ms. Rackers for her presentation stating work zone safety efforts are extremely important in saving lives, and encouraged motorists to slow down and pay attention when driving through work zones.

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MODOT'S BRIDGES

Dennis Heckman, State Bridge Engineer, provided an overview of MoDOT's bridges and the department's efforts to hold our own on bridge condition. Of the state's 10,405 bridges, there are 2,486 that are deficient. These bridges are still safe but in poor condition or not meeting current standards such as width or vertical clearance. The Safe and Sound Bridge Improvement Program and other bridge projects in the Statewide Transportation Improvement Program (STIP) have enabled the department to reduce its number of deficient bridges by more than 400 in the last three years.

While the department has made progress in improving the condition of its bridges, the reality is the department is doing what it can to hold our own on bridge condition. Each year 100 bridges become deficient. The average age of Missouri's bridges is 45 years; these bridges were designed to last an average of 50 years. When bridges are replaced today, they are designed to last 75 to 100 years. However, it is difficult to gain any ground with 100 bridges becoming deficient each year.

MoDOT has an outstanding bridge inspection program. Every bridge is inspected at least every other year, some of the poor condition bridges are inspected annually, and other bridges (depending on their condition) are inspected every 6 months. If a bridge is unsafe, the department will close the bridge. Mr. Heckman expressed appreciation for support from the Commission, MoDOT management, and all arms of government that allow the closure of a bridge for public safety purposes.

Mr. Heckman explained bridges are very expensive. A typical bridge costs \$100 per square foot to replace. It would take \$3 billion to replace all the deficient typical bridges. Major bridges, those that are over 1,000 feet in length, cost \$400 per square foot to replace. It would take \$2 billion to replace all of the deficient major bridges. Together the department has about \$5 billion in needs just to replace deficient bridges.

MoDOT continues to foster fast and innovative bridge design and construction through the design build process, alternate technical concepts, and value engineering. Mr. Heckman also discussed the Accelerated Bridge Construction process, which focuses efforts to build bridges quickly, to minimize impacts to motorists, and to enhance safety for construction workers.

Mr. Heckman concluded his presentation explaining all bridges are safe, unless they are closed, and that the department could do a lot more with additional resources for bridges. Chairman Farber thanked Mr. Heckman for his presentation, and agreed with Mr. Heckman that bridges are very expensive. Commissioner Miller inquired why 100 bridges become deficient each year. Mr. Heckman explained that it is a combination of age and wear and tear. The bridges were not designed to take the legal loads they currently carry, let alone the proposed additional weights the legislature is currently considering. Additional weight increases the wear and tear on bridges and roads.

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MEDICAL AND LIFE INSURANCE PLAN: MODOT AND MSHP MEDICAL AND LIFE INSURANCE PLAN REPORT

Jeff Padgett, Director of Risk and Benefits Management, provided financial and claims data reports for the period July 2011 through December 2011, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan. Mr. Padgett reported that medical claims graph showing a significant decrease between 2009 and 2010, is largely attributable to the change in claims administrators rather than plan trends.

Prescription drug claims have trended upward since 2009, due to increased utilization by participants. While the number of claims increased, spending for prescription drugs decreased by two percent in calendar year 2011. The five-year trend on prescription drug claims compares very favorably to national trends, this is largely attributable to the availability and utilization of generic alternatives.

The comparison of contributions to claims and administrative expenses is one important measure of medical plan performance. Claims and administrative expenses exceeded total revenue by approximately \$1.3 million during the second half of calendar year 2011, with the excess borne by the premium stabilization reserve. This is consistent with the plan to spend down a portion of the stabilization reserve. The board believes a premium stabilization reserve of 3.5 percent of future annual expected plan costs is appropriate. The estimated premium stabilization reserve is approximately \$4.5 million and is adequately covered by the plan net assets.

Contributions have increased 28.5 percent over this five-year period. Claims and administrative expenses have increased 16.3 percent during the same five-year period. In calendar years 2008 through 2011, employees and retirees have shared in the necessary contribution increases.

The Commission thanked Mr. Padgett for his presentation.

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FINANCIAL FORECAST UPDATE

Roberta Broeker, Chief Financial Officer, updated the Commission on MoDOT's financial forecast to estimate future revenues and disbursements. The forecast is the basis for the budget and the funding targets provided to planning partners and MoDOT staff to select projects for the Statewide Transportation Improvement Program. A significant component of MoDOT's revenues is federal funds. To use federal funds, MoDOT has to provide matching funds from state or local sources. For most

federal funding categories, the required match is 20 percent. To the extent MoDOT is unable to provide the match, MoDOT will lose federal funding.

Ms. Broeker explained that the financial forecast assumed relatively flat state and federal revenues. Without a new source of state revenue of approximately \$230 million, MoDOT will not be able to match federal funds in 2019.

She then provided Fiscal Year 2011 as an example of the current difficulty the department is experiencing in providing state match for federal funds. In Fiscal Year 2011, MoDOT received \$1,201,000,000 in state revenues, when all costs were subtracted for operating costs, other state agencies and debt service; MoDOT had \$1,000,000 of state revenues available to match federal funds. The department was able to bridge the gap in state revenues to match federal funds through a federal financing tool called advance construction. Ms. Broeker described advance construction; in the years that MoDOT had a lot of state bond proceeds, MoDOT built projects with 100 percent state money and the federal government allowed the department to put a check mark next to those projects so when the department receives additional federal funds, it is allowed to use the state funds spent in previous years to count toward the 20 percent match. The only way MoDOT matched federal funds in 2011 was to use the advance construction tool.

Ms. Broeker stated one of the reasons for implementing the Bolder Five-Year Direction was to extend the department's ability to match federal funds. By redirecting savings from operating costs to federally-eligible construction projects, the projected horizon MoDOT could match federal funds was extended by two years.

Through the advance construction tool and savings from the implementation of the Bolder Five Year Direction, the department is able to match federal funds through 2018. Starting in 2019, MoDOT will not be able to match federal funds without a new source of state revenue.

Chairman Farber thanked Ms. Broeker for her presentation and for the elucidation on the advance construction tool.

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FISCAL YEAR 2012 BUDGET AMENDMENT

Ms. Brenda Morris, Financial Services Director, recommended increasing receipts \$65.0 million and disbursements \$56.8 million for the Fiscal Year 2012 budget. Ms. Morris also recommended transfers between operating budget categories to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities.

Via approval of the consent agenda, the Commission unanimously approved the fiscal year 2012 budget amendment described above.

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LAKE OF THE OZARKS COMMUNITY BRIDGE TRANSPORTATION CORPORATION, REAPPOINTMENT OF BOARD MEMBERS

Mr. David Silvester, Central District Engineer, recommended the Commission reappoint members to the Lake of the Ozarks Community Bridge Transportation Corporation Board of Members. Mr. Silvester recommended Joseph Roeger and Larry Gridley be reappointed to six-year terms beginning April 30, 2012 and expiring April 29, 2018.

Via approval of the consent agenda, the Commission unanimously approved the reappointment of board members described above.

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THE NEOSHO TRANSPORTATION DEVELOPMENT DISTRICT, CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR

On behalf of the Director, Becky Baltz, Southwest District Engineer, advised the Commission that in response to a petition filed by the city of Neosho, on April 28, 2009, the Circuit Court of Newton

County established the Neosho Transportation Development District (TDD) as a new political subdivision on February 23, 2011. The proposed project includes signalization improvements to Route 60. The Commission does not own any real property within the proposed TDD.

In keeping with Sections 238.220.4 and 238.225.1, RSMo, the Commission via approval of the consent agenda, (1) appointed the Southwest District Engineer, or her designee, as the Commission advisor to the Neosho TDD board of directors, and (2) 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 on 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. 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.

* * * * *

CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

On behalf of the Director, Kathy Harvey, State Design Engineer, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month. She noted Calls B03 and H08 have local funding, and she reported the department received all of the necessary concurrences as noted in Table I below.

Ms. Harvey recommended (1) Award of contracts to the lowest responsive bidders for bids received at the March 23, 2012, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Calls B02, G11, G12, G13, G14, and G15, as noted in Table II below, due to the bids being excessive per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction. (3) Declare the bid of Kozney-Wagner, Inc. for Call B01 as non-responsive, per Section

102.8 of the Missouri Standard Specifications for Highway Construction, due to not completing their bids in accordance with the bidding documents.

**Table I
Award of Contracts
March 23, 2012, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A08	69	Clinton	J1M2053	\$818,914.28	\$144.00	Vance Brothers, Inc.	Seal Coat
	T	Harrison	J1L1205D		144.00		
	139	Linn, Sullivan	J1M0252		144.00		
A09	Various	Holt	J1S3018	3,687,264.53	576.00	APAC-Missouri, Inc.	Thin Lift Overlay (SL), Pavement Repair
	111		J1S3019B		0.00		Grading, Optional Paving, & Thin Lift Overlay (Flood Repair)
	Various	Atchison	J1S3020		432.00		Thin Lift Overlay (SL)
	136		J1P3021		656.00		Resurfacing (SP), Shoulder Improvements
B01	79	Lincoln	J3P0460	2,329,489.02	0.00	Bleigh Construction Company	Replace Bridge
B03*	Bus. 63	Adair	J2P2204	304,639.54	144.00	W.L. Miller Company	ADA Improvements
B04	15	Shelby	J2M0258	15,237.00	0.00	D & S Fencing Company	Guardrail Installation
C01	Various	Various	J4P2323B	1,021,123.44	0.00	Superior Bowen Asphalt Company, L.L.C.	Resurfacing (SP & SL), Seal Coat
C02	I-35	Jackson	J4O2349	69,632.50	0.00	Leath & Sons Inc.	ADA and Drainage Improvements
C03	Various	Various	J4P2378	612,569.16	0.00	Engineered Systems Company LLC	Sign Truss Rehabilitation in the Kansas City Area
C04	I-35, I-70	Clay, Jackson	J4I2370	330,972.60	0.00	Leavenworth Excavating & Equip. Company, Inc.	Slide Repair
C05	71	Jackson	J4M0207B	243,827.50	0.00	Stirling Lawn & Landscape, Inc.	Mowing and Landscaping Contract
C06	I-70	Jackson	J4M0223C	63,916.65	0.00	Millgoal Enterprises II LLC	Mowing Contract

D01	17	Miller	J5P0928	1,325,531.41	0.00	Don Schnieders Excavating Company, Inc.	Bridge Replacement
D02	I-44	Laclede	J8I2202	3,142,210.82	0.00	Magruder Paving LLC	Coldmill, Resurface (SP)
			J8I2200				Grading, Drainage, Paving (Optional Pavement)
			J8I2436				
F01	I-44	St. Louis	J6I2239	633,284.50	0.00	Gershenson Construction Co. Inc.	Replace Retaining Wall
F02	I-70	St. Louis City	J6I2366B	329,674.38	0.00	X-L Contracting, Inc.	ADA Improvements
F03	67	St. Louis	J6P2396	321,269.00	0.00	N.B. West Contracting Company	Widen Southbound Ramp
F04	79	St. Charles	J6P2362	3,172,930.66	0.00	Magruder Paving LLC	Pavement Repair and UBAWS Overlay
			J6P2201				Add Left Turn Lanes
G01	7	Henry	J4P2402	1,117,269.52	0.00	APAC- Missouri, Inc.	Resurfacing (UBAWS)
G02	65	Benton	J5P0904	1,718,908.00	0.00	K.V.K. Contracting Inc.	Bridge Painting
	7		J5P0903				
			J5P0918				
G03	39	Barry	J7S0808	5,444,615.97	0.00	Phillips Grading & Construction Inc.	Bridge Deck Replacement and Painting
G04	CC	Dade	J7S0818C	874,912.73	0.00	Lehman Construction, L.L.C.	Bridge Deck Replacement (Optional Pavement)
G05	96	Jasper	J7S0818D	1,399,624.00	0.00	Hartman and Company, Inc.	Bridge Replacement (Optional Pavement)
G06	O	Jasper	J7S0818E	708,540.00	0.00	Hartman and Company, Inc.	Bridge Replacement (Optional Pavement)
G07	K	Vernon	J7S0818F	645,305.49	0.00	APAC- Missouri, Inc.	Bridge Replacement (Optional Pavement)
G08	B	Vernon	J7S0546	963,878.31	0.00	Enviro Control, LLC	Bridge Replacement (Optional Pavement)

G09	248	Taney	J8S2447	1,201,564.62	0.00	Leo Journagan Construction Co., Inc.	Microsurfacing (Type II), ADA Improvements
	176	Christian, Taney	J8S2349				Thin Lift Overlay (SL)
G10	F	Dallas	J8S2430	784,060.02	0.00	APAC-Missouri, Inc.	Thin Lift Overlay (SL)
	H		J8S2431				
G16	176	Stone, Christian	J8S2348	4,330,066.07	0.00	Leo Journagan Construction Co., Inc.	Thin Lift Overlay (BP-2)
	265 & 413		J8S2355				Thin Lift Overlay (BP-2), Construct Shoulders (BP-1)
	173	Lawrence, Stone	J8S2354				
	248	Stone	J8S2347				Thin Lift Overlay (SL)
			J8S2429				Thin Lift Overlay (BP-1, BP-2)
265		J8S2451					
H01	5	Douglas	J8P2392	227,241.61	400.00	Ewing Signal Construction, LLC	Signal Improvements
H02	H	Wright	J8S2262	1,502,845.46	0.00	Widel, Inc.	Bridge Replacement
H03	49	Iron	J9L1205J	381,674.70	0.00	Missouri Petroleum Products Company, LLC	Seal Coat
	D	Carter, Reynolds	J9L1205K				
H04	JJ	Howell	J9L1205L	498,701.15	0.00	Blevins Asphalt Construction Company, Inc.	Seal Coat
	14	Howell, Douglas	J9L1205M				
H05	91	Scott	J0P2239	474,708.16	0.00	Chester Bross Const. Co. / C.B. Equipment Inc.	Bridge Replacement over Drainage Ditch No. 2
H06	32	St. Francois	J9M0263	1,623,517.07	0.00	APAC-Missouri, Inc.	Install Rumble Strips
	47	Washington, St. Francois	J0S2282				Resurfacing and Add Shoulders
	O	Ste. Genevieve	J0S2281				
H08**	67	Butler	J0P2273	5,566,006.51	0.00	RL Persons Construction Inc.	Grading and Alternate Paving (Superpave or PCCP)
H09	OO	Cape Girardeau	J0S2256	2,635,212.34	0.00	Apex Paving Co.	Resurfacing (BP-2) and Pave Shoulders
	Z		J0S2255				Add Shoulders and Rumble Strips
	C	Bollinger, Stoddard	J0S2291				Thin Lift Overlay
			J0S2254				
			SUB-TOTAL:	\$49,921,144.72	\$2,640.00		
			TOTAL:	\$49,921,144.72	\$2,640.00		

* Call B03 – Funding by the City of Kirksville – \$188,876.51.

** Call H08 – Funding by the City of Poplar Bluff - \$2,783,003.25.

Table II

**Rejection of Bids
March 23, 2012, Bid Opening**

Call No.	Route	County	Job No.	Description
B02	61	Marion	J3P0714	Intersection & ADA Improvements, Widening, Signals, Lighting
G11	Bus. 65	Taney	J8P2365	Grading, Drainage, Paving to Improve Intersection
G12	744	Greene	J8P2236	ADA and Signal Improvements
			J8P2250	Coldmill, Resurface (SP), Pvmt Repair
G13	Various	Greene, Christian	J8P2255	Job Order Contract – Asphalt Pvmt Repair on Major Routes
G14	Various	Various	J8P2254	Job Order Contract – Asphalt Pvmt Repair
G15	Various	Various	J8P2254B	Job Order Contract – Asphalt Pvmt Repair

Commission Consideration and Action

After consideration, and upon motion by Commissioner Nichols, seconded by Commissioner Suelthaus, the Commission took the following action with the abstentions noted below:

1. Awarded contracts to the lowest responsive bidders for bids received on the March 23, 2012 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 B02, G11, G12, G13, G14, and G15, as noted in Table II above, because they were considered excessive.
3. Declared the bid of Kozney-Wagner, Inc. for call B01 as non-responsive.

Commissioner Carmichael abstained from voting on Calls D02 and G11. Commissioner Miller abstained from voting on calls C01, G09, and G16. In keeping with the Commission’s Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Assistant Chief Engineer may execute the contracts awarded above.

* * * * *

REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS

**Route I-29, Platte County
Route I-29 and Tiffany Springs Parkway Interchange
Job No. J4I2335
Public Hearing Held February 28, 2012
On-Line Public Meeting Held February 29 – March 9, 2012**

The proposed improvement provides for conversion of the existing interchange to a diverging diamond interchange, realignment of part of the Northbound off ramp with Ambassador Drive and expansion and realignment of Northwest Prairie View Road (I-29 outer road). There will be three 12-foot lanes with curb and gutter in each direction through the interchange. The project will have controlled access right of way. The road will remain open to traffic during the construction period. The project is 1.2 miles in length.

Mr. Dan Niec, Kansas City District Engineer, recommended approval of the design as presented at the public hearing.

**Interstate 44 at Business Route 71, Newton County
Rangeline Road in Joplin
Job No. J7I0691
Public Hearing Held January 17, 2012
On-Line Public Meeting Held January 17 – February 1, 2012**

The proposed improvement will convert an existing cloverleaf interchange into a diverging diamond interchange and replace two deteriorating bridges on Interstate 44 over Business Route 71. There will be two 12-foot lanes in each direction for Interstate 44 and two 12-foot lanes in each direction for Business Route 71. The ramps for the new interchange will be 16-foot wide. The project will have fully controlled access right of way. Traffic will be maintained on Interstate 44 and Business Route 71 during construction. The project is 0.84 mile in length.

Ms. Rebecca Baltz, Southwest District Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 34, Bollinger County
1.6 Miles East of Route DD to 0.5 Miles West of Route ZZ
Job No. J0P2285
Public Hearing Held March 1, 2012
On-Line Public Meeting Held February 7-21, 2012**

The proposed improvement consists of resurfacing, adding four-foot paved shoulders and curve improvements along Route 34. The project will have normal access right of way. Route 34 will remain open with traffic being maintained by one lane flagger control. The project is 3.13 miles in length.

Mr. Mark Shelton, Southeast District Engineer, recommended approval of the location and design as presented at the public hearing.

Route W, Cape Girardeau County
0.1 Mile East of Route 61/Route W Intersection
Job No. J0S2234
Public Hearing Held February 16, 2012
On-Line Public Meeting Held February 7-21, 2012

The proposed improvement consists of constructing a multi-lane roundabout at the intersection of Route W and Lexington Avenue and adding dual left turn lanes in three directions and a dedicated right turn lane at the Route 61 and Route W intersection. The project will have normal access right of way. Route W and Route 61 will remain open to traffic during construction. The project is 0.16 mile in length.

Mr. Mark Shelton, Southeast District Engineer, recommended approval of the design 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 PLANS FOR CONDEMNATION

On behalf of the Director, Kathy Harvey, State Design Engineer, recommended the Commission ratify and approve the following detailed project plans, approved by the Chief Engineer, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>
Osage	50	J5P0951B

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

* * * * *

CHANGE IN ACCESS, BREAK IN ACCESS, ROUTE K, ST. CHARLES COUNTY

On behalf of the Director, Ed Hassinger, St. Louis District Engineer, recommended approval of a request from Arch Energy, LC. to construct a 66-foot right-in and right-out entrance centered at the easterly right of way line of Route K at Station 164+48. The break will be a non-arterial connection constructed to accommodate a commercial development.

Via approval of the consent agenda, the Commission unanimously approved the request of Arch Energy, L.C., as described above with \$38,790.00 compensation due the Commission for the change in access.

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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 change:

- Titles and division references throughout the document were updated to reflect recent organizational changes.
- The Assistant Chief Engineer position was added to those who have authority under paragraph A3.
- Permit authority in paragraph G9 was revised. The district engineer or appropriate division director are allowed to delegate authority to staff to issue permits for driveways and excavation, or for junkyards and outdoor advertising.
- Settlement authority in paragraph H4B was revised to allow staff to settle claims up to or less than the liability limits established by state sovereign immunity statutes.

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 adopted 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, Chief Financial Officer, and Assistant Chief Engineer 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.
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 April 3, 2012.

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, or Assistant 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 Assistant Chief Engineer 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 Assistant Chief Engineer 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 State Design Engineer, or 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 Design Division. Any one of the staff noted in paragraph A3, the State Design Engineer, Right-of-Way Director, District Engineers, or Right-of-Way Managers 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 State Design Engineer, Right-of-Way Director, respective District Engineer, Right-of-Way Managers, Assistant Right-of-Way Managers, Assistant Right-of-Way Managers – Certified, Certified Appraisers, Right-of-Way Specialists, or Right-of-Way Description Writers.
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. **Greater than \$200,000** - All single transactions greater than \$200,000 may be approved by the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.
 - b. **\$200,000 or Less** – All single transactions of \$200,000 or less may be approved by the Director, Chief Engineer, Chief Financial Officer, and Assistant Chief Engineer, and, subject to their respective areas, the Chief Counsel, 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 Financial Services Director 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, the Chief Engineer, or the Assistant 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 State Construction and Materials Engineer 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, Chief Financial Officer, or Assistant Chief Engineer, (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 Financial Services Director. 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, State Traffic and Highway Safety Engineer, 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, State Traffic and Highway Safety Engineer, 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, the State Traffic and Highway Safety Engineer, 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 and Highway Safety 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 State Design Engineer, 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, the State Design Engineer, 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 State Design Engineer, 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, the State Design Engineer, 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 State Design Engineer, 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 or the State Bridge Engineer, 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, the State Traffic and Highway Safety Engineer, or the Highway Safety Director. These staff members may delegate to others under their supervision by written advisory filed with the Traffic and Highway Safety Division-Office of Highway Safety.
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 and Highway Safety 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:** Permits may be executed by any one of the staff noted in paragraph A3.
 - a. **Driveway and Excavation Permits:** May also be executed by the State Traffic and Highway Safety Engineer, the respective District Engineer, or others designated by the District Engineer through written advisory to the State Traffic and Highway Safety Engineer.
 - b. **Junkyard and Outdoor Advertising Permits:** May also be executed by the State Design Engineer, Right of Way Director, or others designated by the Right of Way Director.
 - c. **Oversize/Overweight Permits:** 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 and Highway Safety 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 and Highway Safety Engineer. These staff members may delegate to others under their supervision by written advisory filed with the Traffic and Highway Safety 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 and Highway Safety 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 and Highway Safety 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 and Highway Safety 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 and Highway Safety 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 for claims alleging the dangerous condition of Commission property in which the amount to be paid by the Commission is equal to or less than the liability limits under the state sovereign immunity statutes or \$1,000,000 per claimant/\$2,000,000 for all claims from an occurrence, whichever is 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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-- REPORTS --

The Commission received the following written report.

**FINANCIAL – BUDGET - REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING FEBRUARY 29, 2012**

Brenda Morris, Financial Services Director, provided to the Commission the Fiscal Year 2012 monthly financial report for the period ended February 29, 2012, with budget and prior year comparisons.

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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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