



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN ROLLA,
MISSOURI, TUESDAY, JULY 9, 2013**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Tuesday, July 9, 2013, at City Hall, Council Chambers, 901 North Elm Street, Rolla, Missouri. Lloyd J. Carmichael, Chairman, called the meeting to order at 1:00 p.m. The following Commissioners were present: Stephen R. Miller, Kenneth H. Suelthaus, Kelley M. Martin, and Gregg C. Smith. On February 2, 2012, Governor Nixon withdrew the appointment of Commissioner Joseph J. Hunt; at the time of the July 9, 2013, meeting, a replacement had not been appointed.

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

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Dave Nichols, 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, July 9, 2013.

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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.
4. Section 610.021(14), 610.010(6) – Matters protected from disclosure by law – deliberative decision-making process.

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 Carmichael, Aye
Commissioner Miller, Aye
Commissioner Suelthaus, Aye
Commissioner Martin, Aye
Commissioner Smith, Aye

The Commission met in closed session from 9:00 a.m. until 12:00 p.m.

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-- OPEN MEETING --

COMMISSION WORKSHOP

The Commission held a workshop prior to the closed and open meetings. The following Commissioners were present: Lloyd J. Carmichael, Stephen R. Miller, Kenneth H. Suelthaus, Kelley M. Martin, and Gregg C. Smith. This was a workshop to discuss some history of the MoDOT and MSHP Medical and Life Insurance Plan and preliminary information on calendar year 2014 funding and benefits.

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COMMISSION REORGANIZATION

Missouri Transportation Finance Corporation – Commissioner Grace Nichols’ term as a Commissioner expired. Commissioner Nichols served on the Missouri Transportation Finance Corporation (MTFC). This created a vacancy on the MTFC Board of Directors. Chairman Carmichael nominated Commissioner Smith to fill the position. Upon motion by Commissioner Martin, seconded by Commissioner Suelthaus, Commissioner Smith was unanimously elected to serve on the MTFC Board of Directors.

In 2010, the Missouri Highways and Transportation Commission requested an effort be made to combine all current Commission policies into one comprehensive document for ease of review by the Commission, staff, and the public. Staff compiled and reviewed all past Commission policies and drafted new policy statements for the Commission’s consideration. The Commission is currently in the process of reviewing a limited number of draft policies at a time. The Commission has reviewed the policy regarding Financing Alternatives and specifically the Missouri Transportation Finance Corporation. One proposed policy change affects the election of the two at-large members of the MTFC Board of Directors who would be elected by the Commission rather than the Board of Directors. The other proposed policy change affects the selection of the President of the MTFC, which in the past was

elected by the Board of Directors but under the proposed new policy would be selected by the Chairman of the Commission. However, since the Commission is continuing its review of all Commission policies these changes have not been formally adopted. In anticipation of the proposed policy changes and upon the Commission's discretion, Chairman Carmichael appointed Commissioner Miller as President of the MTFC Board of Directors.

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APPROVAL OF MINUTES

Upon motion by Commissioner Smith, seconded by Commissioner Martin, the Commission unanimously approved the minutes of the regular meeting held June 5, 2013. 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 July 9, 2013, Consent Agenda

The consent agenda item titled “Report and Recommendation regarding Notice of Amended Proposed Rulemaking – Outdoor Advertising” was removed from the consent agenda. Chairman Carmichael tabled the item for the August Commission meeting. Upon motion by Commissioner Smith, seconded by Commissioner Suelthaus, the remaining consent agenda items were unanimously approved by a quorum of Commission members present.

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing 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 and board reports were made during the July 9, 2013, meeting.

Audit Committee – Commissioner Suelthaus stated there was no report.

Legislative Committee – Commissioner Miller reported the Governor has until July 14, to pass or veto legislative proposals that were acted upon during the 2013 legislative session. On June 28, Governor Nixon took action to withhold general revenue funding of approximately \$400 million of the state’s \$24 billion budget, which was in response to legislation that was passed by the legislature, later vetoed by the Governor, and is expected to be brought up during the veto session in September. The withholding as it relates to transportation is funding for Amtrak, port authority improvements, transit, and the St. Charles bicycle and pedestrian bridge. Commissioner Miller stated staff will also monitor several interim legislative committees that may affect transportation, including the Government Responsiveness and Efficiency Committee and the Joint Committee on Capital Improvements and Leases.

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

MoDOT and Patrol Employees' Retirement System – Commissioner Suelthaus reported the board met on June 20, 2013 and the actuary for the retirement plan gave a presentation on the plan's investments and performance; the plan had an investment performance level of 13 percent. The board reduced the earnings assumption from 8.25 to 7.75 percent, which will affect the level of funding for the plan and is currently on an accelerated plan to address the unfunded liability.

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DIRECTOR'S REPORT

During the July 9, 2013, Commission meeting, Director Dave Nichols provided the following report:

On the Move – Director Nichols stated this was an exciting time for the On the Move initiative. Mobile tours wrapped up last weekend. During the last three months, department ambassadors engaged Missourians in every county, meeting them where they live, work and play, to learn their priorities for Missouri's transportation system over the next 20 years. Director Nichols said the mobile tours have generated more than 10,000 suggestions for projects and system priorities. MoDOT's team is working on a draft long-range plan to be brought to the Commission in September that will describe the stark realities of the current situation, and show some aspirations of what the transportation system could be. The goal is to present a final plan to the Commission following another round of review by the department's planning partners and customers.

Washington, D.C. – Director Nichols reported on a recent trip to the nation's Capitol to visit Missouri's Congressional delegation, who was unanimous in their compliments of MoDOT and thankful for being kept informed on what is taking place at the department and within their respective districts. Members were very supportive of the Bolder Five-Year Direction – a step they believe other state agencies should consider to save taxpayer dollars. Director Nichols noted the federal highway trust fund is insolvent and some source of increased funding must be realized sooner than later. He said it was likely Congress would act on a continuing resolution of the current federal highway bill, MAP-21.

MAASTO – Director Nichols stated a group of MoDOT senior leaders would be attending the annual meeting of the Mid-America Association of State Transportation Officials (MAASTO) next week in Milwaukee to discuss the Midwestern region's transportation issues and share best practices with colleagues from other states.

Bolder Five-Year Direction – Director Nichols said the goal of reducing the department’s fleet by 752 units had been achieved and the department is about halfway to the final goal of reducing facilities by 131. To date, MoDOT saved \$359 million, which has allowed the department to boost the construction program from \$600 million to \$700 million. Director Nichols noted that because staffing levels had fallen below the cap of 5,106 employees, employees are being hired in certain areas.

State Employee Award of Distinction for Safety – Director Nichols introduced Traffic Supervisor Joe Dotson from the Southwest District who will be honored July 17, 2013, by Governor Nixon with a State Employee Award of Distinction for Safety. Mr. Dotson led a team that created the Red Signal Ahead Advance Warning Sign, which provides a warning to motorists on rural high-speed routes that an upcoming traffic signal will shortly change from green to yellow to red. Motorists rely on these signs to begin applying their brakes and avoid a difficult decision in this ‘dilemma zone,’ knowing whether to proceed through the signal or stop quickly. The innovation makes the sign significantly more visible and reliable. It is being implemented across the state, and has drawn interest from Alabama and Texas Departments of Transportation.

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PRESENTATION BY THE CITY OF ROLLA

Mayor William Jenks III welcomed the Commission to Rolla and expressed appreciation for the Commission and the department’s support of area transportation projects. Mayor Jenks provided an update on the developing area known as “Rolla West” that involves building a fifth interchange on Interstate 44 that will lead into the area that is under consideration for development and assist with attracting businesses and developers. A partnership project to extend Route 72 is underway to connect with Kingshighway and also to the University’s tech park. The city hopes to participate in the cost of the project which will reduce congestion on U.S. 63. Mayor Jenks also discussed the need to four-lane U.S. Route 63 from Rolla to Jefferson City. He reviewed pending updates to the Rolla airport including the recent economic development and completion of the comprehensive airport plan. He said he was pleased with the “horse swapping” that occurs between the city and MoDOT to make highway improvements, such as the installation of roundabouts near I-44 in return for the city taking over the

maintenance of Kingshighway. Commissioner Martin complimented the city on its progressive efforts. He noted his personal connections to Rolla where he earned two degrees from the Missouri University of Science and Technology, met his wife, and their two oldest children were born at Rolla Regional Hospital. Chairman Carmichael thanked Mayor Jenks for his presentation and hospitality.

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PRESENTATION BY THE PHELPS COUNTY COMMISSION

Randy Verkamp, Presiding Commissioner, thanked the Commission and MoDOT for partnering with the county on road and bridge projects and expressed appreciation for recently completed safety improvements in Phelps County, including pavement and shoulder projects and Safe & Sound bridges. He noted the local cooperation between MoDOT and the county and expressed appreciation for the working relationship with Area Engineer, Preston Kramer, and Central District Engineer, Dave Silvester.

Mr. Verkamp noted priorities for the county include the need to four-lane U.S. Route 63 from Rolla to Jefferson City and a potential cost-share project to extend the Interstate 44 north outer road to connect Route 63 to Route V along the north side of I-44.

He said he was most proud of the department's work to reduce highway fatalities. He stated those who have dedicated their lives to public service try to make life better for the citizens, more efficient, and more enjoyable. But the brightest badge of all goes to those who can save a life and MoDOT has been successful at saving lives by making Missouri's roads safer and through safety campaigns including Arrive Alive.

He noted MoDOT had gained the confidence and trust of the public. Mr. Verkamp stated MoDOT built this trust with successful programs including Smoother, Safer, Sooner, the use of design-build for major projects including the New I-64 in St. Louis, and reducing operating costs through the Bolder Five-Year Direction. Mr. Verkamp encouraged the Commission to seek a transportation revenue

remedy because with the public's trust and a well thought out plan, he anticipates the citizens in Missouri will be receptive.

Chairman Carmichael thanked Mr. Verkamp for his presentation and his support of the department.

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PRESENTATION BY THE MERAMEC REGIONAL PLANNING COMMISSION

Bonnie Prigge, Executive Director, provided an overview of the Meramec Regional Planning Commission's (MRPC) operations, discussed the MRPC's partnership with MoDOT, highlighted past planning efforts and accomplishments, discussed work in progress, and shared the Meramec Region's top transportation.

Ms. Prigge stated the MRPC is comprised of eight counties in south-central Missouri and is the largest rural regional planning commission in the state. In addition to transportation planning, MRPC's 23-member staff provides grant writing and project administration, business loans, housing and economic development assistance, ordinance codification, hazardous materials, solid waste and hazard mitigation planning. The MRPC also has over 2,200 miles of state and federal roads and consequently, a lot of transportation needs.

Ms. Prigge also expressed appreciation for the efficiency created as a result of MoDOT's redistricting through the Bolder Five-Year Direction. Working with just one MoDOT district instead of two has saved a lot of time and effort for the MRPC.

Ms. Prigge explained the MRPC was fortunate to have been selected as the pilot project in 1997 as MoDOT began implementing the planning framework process. The formation of the Transportation Advisory Councils (TACs) was a more recent development where transportation needs are defined at the local level and then prioritized through the planning framework process. This is a very transparent process that gives MoDOT great credibility and proves that MoDOT listens. The MRPC's top two

transportation priorities have been successfully completed: an improved Highway 72 between Rolla and Salem, and a new Missouri River Bridge at Hermann. Ms. Prigge further noted the region's partnership with MoDOT resulted in the recent approval of four cost-share projects. She noted that cost share projects have helped local governments address transportation needs that may not be elevated on a regional plan or a statewide plan.

The MRPC top transportation project priorities include improvements to Route 63 in Osage, Maries and Phelps counties, and Route 50 in Gasconade and Osage counties. In addition, a bridge over Crooked Creek on Highway 19 in Crawford County needs improvement, as well as the Highway 8 corridor in Crawford and Washington counties from Steelville to Potosi.

Ms. Prigge stated the MRPC is also part of the Missouri Coalition for Roadway Safety. The focus on the eight-county region is to encourage use of seat belts and discourage distracted and impaired driving. The overall goal is to reduce fatality accidents and create an awareness of these important safety messages that people will share with their family and friends.

Commissioner Suelthaus thanked Ms. Prigge for her presentation and recognized the role that regional planning commissions play in planning transportation projects across Missouri.

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REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – BREATH ALCOHOL IGNITION INTERLOCK DEVICE CERTIFICATION AND OPERATIONAL REQUIREMENTS – 7 CSR 60-2

On behalf of the Director, Eileen Rackers, State Traffic and Highway Safety Engineer, explained in 2012, the General Assembly enacted Truly Agreed to and Finally Passed Senate Bill 480, which has an effective date of October 1, 2013 and amended existing law on ignition interlock device certification and operation. Administrative Rules 7 CSR 60-2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements, outlines the definitions and procedures for the breath alcohol ignition interlock device certification and operational program. To comply with the bill,

standards and specifications for the program will be changed to require authorized service providers to submit a quality control plan that outlines requirements of their installation sites, service centers, and technicians to ensure compliance with the administrative rules and ensure public safety. Some of the proposed changes: (1) add definitions to further clarify photo identification, global positioning system, refusal, revocation and suspension as it relates to the administrative rules; (2) require all applications for certification of an ignition interlock device by the authorized service provider to include a quality control plan that outlines requirements of the installation sites, service centers and technicians. The quality control plan must also be submitted annually or when changes occur; (3) strengthen oversight requirements of the ignition interlock program by requiring authorized service providers to install a device on a vehicle provided by the state (and/or agent of the state) to ensure compliance of the administrative rules; and, (4) require authorized service providers to review the driver's ignition interlock device use for violations and establishes reporting requirements to the court supervising authority and Department of Revenue.

The department supports this notice of proposed rulemaking to ensure the integrity of the breath alcohol ignition interlock program. The rules also ensure public safety by setting operational requirements that keep repeat impaired driving offenders off Missouri roadways. The public had until May 15, 2013 to submit comments in support of or in opposition to the notice of proposed rulemaking. A total of eight comments were received from two ignition interlock manufacturers: Alcohol Detection Systems and LifeSafer of Missouri. In addition, one comment was received from the department. The proposed rules submitted to the Commission on March 6, 2013, were revised to address some of the comments received.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the

Missouri Register, and authorized the Director, Chief Engineer, or Chief Financial Officer to execute documents to finalize the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF AMENDED PROPOSED RULEMAKING – OUTDOOR ADVERTISING

On behalf of the Director, Kelly Lucas, Right of Way Director, explained the General Assembly enacted in 2012, Truly Agreed and Finally Passed House Bill 1402, which requires the Commission to promulgate rules regarding outdoor advertising and the use of digital signs.

Staff proposed rule changes to 7 CSR10-6.010 through 7 CSR 10-6.090. These rules were developed in partnership with the Federal Highway Administration, and with input from the Department of Public Safety, Missouri State Highway Patrol, Missouri Department of Economic Development, Missouri Department of Natural Resources, Missouri Department of Conservation, Missouri Farm Bureau, Missouri Municipal League, Missouri Outdoor Advertising Association, Scenic Missouri, Missouri Night Sky Protection, and the Sierra Club.

Commissioner Miller requested this item be pulled from the consent agenda for further consideration and discussion. He indicated he would like some time to review with staff revisions to the proposed rulemaking. Chairman Carmichael tabled this agenda item for the August 2013 meeting.

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NATIONAL HIGHWAY SYSTEM – OUTDOOR ADVERTISING

On behalf of the Director, Kelly Lucas, Right of Way Director, explained the federal transportation reauthorization act, Moving Ahead for Progress in the 21st Century (MAP 21), adds 662 centerline miles to the National Highway System (NHS). Ms. Lucas indicated the department has received the Federal Highway Administration – Missouri Division concurrence, to designate the enhanced NHS as part of the state’s Primary System for the purpose of outdoor advertising control.

Via approval of the consent agenda, the Commission unanimously approved the designation of the enhanced NHS as part of the state's Primary System for the purpose of outdoor advertising control, as described above. The Commission further directed a copy of the NHS be filed with the Secretary to the Commission.

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LAKE OF THE OZARKS COMMUNITY BRIDGE CORPORATION, DISSOLUTION OF CORPORATION

On May 1, 1992, the Commission authorized the creation of the Lake of the Ozarks Community Bridge Corporation (Corporation) pursuant to and in accordance with the Missouri Transportation Corporation Act. The Corporation acquired the right of way for and construction of an approximately 2,700 foot long limited-access two-lane toll bridge to traverse the main channel of the Lake of the Ozarks in Camden County, construction of an approximately 2,800 square foot administration building, and related appurtenant facilities. On November 8, 1994, the Commission and the Corporation entered into a Cooperative Agreement under which the Commission agreed to construct approximately 3.6 miles of approach roadways to connect the western end of the Bridge to the intersection of Business Route 54 and Route HH in Lake Ozark. The Bridge was completed in April 1998, and open for vehicular traffic in May 1998. In August 2010, the Corporation formed the Lake of the Ozarks Community Bridge Transportation Development District. In June 2012, the District obtained funding for the acquisition and operation of the Bridge from the Corporation. In June 2012, the District, Corporation, and the Commission entered into a Cooperative Agreement to provide the retirement of the Corporation's outstanding financial obligations related to the Bridge and transfer of the Bridge to the Commission. All work has been completed in regard to the original charge of the Corporation and no assets or liabilities could be found.

On behalf of the Director, Dave Silvester, Central District Engineer, recommended approval of the Lake of the Ozarks Community Bridge Corporation's request to dissolve, require the Corporation to take the necessary action to dissolve, receive a Certificate of Dissolution from the Secretary of State, and provide a copy of said certification to the Commission.

Via approval of the consent agenda, the Commission unanimously approved the dissolution of the Lake of the Ozarks Community Bridge Corporation, as recommended above.

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2014 – 2018 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

On behalf of the Director, Machelles Watkins, Transportation Planning Director, presented the 2014-2018 Statewide Transportation Improvement Program (STIP). The STIP is a five-year list of all projects for the department, and is required by federal and state law. The STIP has two sections; one section is for the scoping and design work for projects that are being explored and reviewed for environmental impacts, and the other section is for the construction program and the budget for building the projects. The STIP is the department's commitment to the public to deliver the projects and make the best use of every transportation dollar available.

Ms. Watkins reviewed available funding for the STIP such as federal funding made available through Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21), state revenue, local contributions, and the remaining Amendment 3 funding. The combination of these funds results in an average annual amount of \$694 million available for programming contractor awards in the STIP's Highway and Bridge Construction Schedule. The department administers an additional average annual amount of \$163 million for other transportation modes, and an average annual amount of \$167 million for other sub-allocated programs for local agencies. Ms. Watkins notes that the average annual amount available in the STIP is only about half of what it has been for several years. Progress in recent years was due to Amendment 3 and American Recovery and Reinvestment Act (ARRA) funding. This year's

program reflects the dramatic cuts the department faces and shows how MoDOT will focus primarily on taking care of the existing transportation system with the resources available.

The local programs that receive an average of \$167 million per year include: Surface Transportation Program that provides flexible funds for large urban areas; the Off-System Bridge program that funds improvements on county bridges; Congestion Mitigation and Air Quality Program that funds air quality improvement in Kansas City and St. Louis regions; the Enhancement Program that funds welcome centers, bicycle and pedestrian accommodations, and landscaping improvements; the State Planning and Research Program; Safe Routes to School Program; Highway Safety Rail Crossing Improvement Program; and Recreational Trails.

The multimodal program includes funding for rail, waterways, aviation, and transit. Over half of the \$163 million is dedicated to transit programs. The funding level of \$95 million is an increase of \$2 million annually. Similarly, the funding level for aviation is at \$33 million which is an increase of \$3 million annually. Rail funding level increased by \$13 million to \$32 million, the increase includes funding for the purchase of new passenger rail cars and locomotives along with increased spending for safety improvements at rail crossings. Funding for waterways is \$3 million, which is a decrease of \$1 million annually. There is a onetime set aside of \$200,000 for the freight program to partner with other agencies on improving the flow of freight in Missouri.

The STIP is developed using an extensive public involvement process called the Planning Framework Process. MoDOT staff work year round with Regional Planning Commissions, Metropolitan Planning Organizations, local elected officials, and the public to identify transportation needs throughout the state. Those needs are prioritized for further consideration and ultimately determine the highest priorities recommended for programming in the STIP. The 2014-2018 STIP is a culmination of the past year's work with MoDOT's partners.

In addition, the department presents the draft STIP to the public for a comment period that began May 1, 2013, and concluded on May 31, 2013. Each comment received was responded to and Ms. Watkins shared a summary of the 190 comments received. The majority of the comments, 95 percent, were comments expressing appreciation of and support for projects included in the STIP. There were 181 comments about Route N in St. Charles County; these included 113 comments from students of Timberland High School. All of the comments supported the proposed work that includes pavement, shoulder and curve improvements, and one comment suggested the addition of sidewalks. The department received one comment requesting Route 65 be improved to four lanes from Marshall to the Iowa State line and one suggestion to overlay Route 129 in Sullivan County, both are located in the Northwest District. One comment expressed concern about the lack of improvements on Route 63 from Kirksville to the Iowa state line in the Northeast District. The department received one question about a Kansas City streetcar project and one suggestion from the Central District to reduce mowing in order to use funding and staff to build four-foot shoulders on every roadway. From the St. Louis District, one comment supported constructing a flyover ramp from Route 141 to I-44 and also requested Elam Drive and Route 141 intersection improvements, another comment requested the definition of the National Highway Performance Program and inquired about the flexibility of STP funds along with the funding breakdown for the Franklin County Route 47 bridge replacement. From the Southeast District, the department received one comment requesting an interstate be constructed to connect Sikeston to Kansas City and one comment that thanked the department for working with the City of Houston on Route 63 issues and also noted the City's Board of Alderman unanimously supports the three-lane and five-lane widening projects.

Ms. Watkins then highlighted the changes between the draft STIP and the final version being presented for approval. There were four changes in the scoping section that added one project, revised the description for two projects, and moved one project from construction to scoping. There were 55

minor changes in the construction section that added federal oversight designation, changed federal funding categories, added new funding sources, changed the award date, and revised the description, location or mapping. There were 17 major changes in the construction section which included adding two urgent/emergency bridge replacement projects. Six projects delayed the right of way from one fiscal year to another. The funding or estimates were revised in four projects. Three projects were delayed in order to coordinate with other entities associated with the project. One project was moved from construction to scoping and is awaiting a cost share agreement. One project was added and has Highways for LIFE funding to complete the project.

Ms. Watkins then recommended the Commission approve the 2014-2018 STIP; certify to the Federal Highway Administration and the Federal Transit Administration that the transportation planning process used in the development of the STIP complies with the requirements listed in 23 CFR 450.218(1) and 23 CFR 450.334(a); delegate to the Chief Engineer the authority to approve the addition of scoping projects, hardship right of way purchases, and urgent projects; and to delegate to the Chief Engineer authority to approve fiscally constrained revisions to project phases, description, location, improvements, schedule, funding, technical corrections, and project splits or combinations.

After further discussion and consideration, and upon motion by Commissioner Miller, seconded by Commissioner Martin, the Commission unanimously approved the 2014-2018 STIP, as recommended by Ms. Watkins. Commission member abstentions on the 2014-2018 STIP have been recorded with the Secretary to the Commission.

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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 F02 and F03 have local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Ms. Harvey recommended (1) Award of contracts to the lowest responsive bidders for bids received at the June 28, 2013, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Calls A01, A03, C01, and F02, 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.

**Table I
Award of Contracts
June 28, 2013, Bid Opening**

| Call No. | Route | County | Job No. | Bid Amount | Non-Contractual Costs | Contractor | Description |
|----------|-------|-----------------|----------|-----------------|-----------------------|--|---|
| A02 | 59 | Andrew | J1P2216 | \$642,628.75 | \$0.00 | Herzog Contracting Corp. | Resurfacing (BP), Add Shoulders and Intersection Improvements |
| A04 | 33 | Clinton | J1P2219B | \$72,527.40 | \$0.00 | Mega Industries Corporation | ADA Improvements |
| A05 | 59 | Holt | J1S3046 | \$163,000.00 | \$0.00 | Ideker, Inc. | Grading and Drainage to Relocate County Road |
| A06 | 35 | Daviess, Dekalb | J1I0922 | \$5,761,117.15 | \$0.00 | Herzog Contracting Corp. | Coldmill, Resurface (SP) and UBAWS, w/2 Add Alts. (UBAWS) |
| C02 | 152 | Platte | J4S3035 | \$207,047.10 | \$0.00 | Leavenworth Excavating & Equipment Company, Inc. | Grading, Drainage, and Paving to Extend Decel Lane |
| D01 | 17 | Miller | J5P3016 | \$3,675,769.51 | \$0.00 | Magruder Paving, LLC | Thin Lift Overlay (BP), and Add Shoulders |
| | 52 | | J5S3013 | | | | |
| F01 | 70 | St. Louis City | J6I2413 | \$26,430,204.81 | \$225,000.00 | KCI Construction Company | Grading, Drainage, Bridge and Paving |
| | | | J6I2413B | | \$169,000.00 | | Grading, Drainage, Paving, and Bridge Rehab |
| F03 * | 55 | St. Louis City | J6I3036 | \$694,400.00 | \$0.00 | Concrete Strategies, LLC | Job Order Contracting - Bridge Deck Repair |
| F04 | 70 | St. Louis City | J6I2379 | \$850,000.00 | \$0.00 | Pace Construction Company, LLC | Resurfacing (UBAWS) |
| F05 | 64 | St. Louis | J6I3023 | \$110,078.27 | \$97,676.30 | Gerstner Electric, Inc. | ITS Improvements |
| F06 | 61 | St. Charles | J6P2416 | \$1,538,293.15 | \$0.00 | Mid-River Asphalt, Inc. | Resurfacing (UBAWS) |
| G01 | 249 | Jasper | J7S3018 | \$2,478,079.00 | \$0.00 | Branco Enterprises, Inc. | On-Call Slide Repair Work |

| | | | | | | | |
|-----|-----|-------------------|---------------|------------------------|---------------------|------------------------------------|--|
| H01 | 32 | St. Francois | J0P2280 | \$234,952.80 | \$0.00 | Jokerst Paving & Contracting, Inc. | ADA Improvements |
| H02 | 106 | Shannon, Reynolds | J9P2245B | \$11,283,000.00 | \$0.00 | Pace Construction Company, LLC | Thin Lift Overlay (SL), Add Shoulders |
| | 21 | Carter, Ripley | J9P3019 | | | | |
| | | Reynolds | J9P0582 | | | | |
| H03 | WW | New Madrid | J9S3020 | \$1,469,584.86 | \$0.00 | Apex Paving Co. | Full Depth Reclamation with Overlay (SL) |
| H05 | OO | Cape Girardeau | J9S3006 | \$382,789.50 | \$0.00 | Robertson Contractors, Inc. | Bridge Replacement |
| H06 | M | Scott | J9S3084 | \$2,319,363.03 | \$0.00 | Goodwin Bros. Construction Co. | Bridge Replacement |
| | | | TOTAL: | \$58,727,628.63 | \$491,676.30 | | |

* Call F03 – Funding by Illinois Department of Transportation – \$350,000.00

**Rejection of Bids
June 28, 2013, Bid Opening**

| Call No. | Route | County | Job No. | Description |
|----------|---------|---|----------|------------------|
| A01 | Various | Clinton, Dekalb, Daviess, Nodaway, Harrison | J9P2264K | Signing Upgrades |
| A03 | 35 | Harrison | J113050 | Bridge Repair |
| C01 | Various | Various | J9P2264N | Signing Upgrades |
| | | | J9P2264M | |
| F02 | 255 | St. Louis | J6I3037 | Bridge Rehab |

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received on the June 28, 2013, 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 A01, A03, C01, and F02, as noted in Table II above, because they were considered excessive.
3. Authorized the Director, Chief Engineer, or Chief Financial Officer to execute the contracts awarded above.

Commissioner Miller abstained from voting on Calls A02, A06, and G01. Commissioner Suelthaus abstained from voting on Calls F04 and H02.

* * * * *

CONSIDERATION OF PROPOSALS FOR I-70 MANCHESTER BRIDGE, JACKSON COUNTY, DESIGN-BUILD PROJECT

Dan Niec, Kansas City District Engineer, and Susan Barry, Project Director, stated the design-build procurement process allows the design-build teams to use their innovation and techniques to drive the scope of the project. The project goals provides general guidance and what the department wanted to accomplish with the project and allowed the design-build teams to compete based on their ideas and innovations to bring the best value proposal. Mr. Niec reviewed MoDOT's successful delivery of three design-build projects; the New I-64 in St. Louis, kcICON bridge in Kansas City, and the Safe and Sound Bridge Improvement Program that was a statewide initiative. There are currently two more design-build projects under construction in St. Louis.

By Commission action on August 2, 2012, the Commission approved the use of design-build for the I-70 Manchester Bridge project in Jackson County. Project Director, Susan Barry, summarized the location, need, and scope of the project. The I-70 Manchester Bridge project is located between the professional sports complex and downtown Kansas City. There are two long bridges that are both one half mile long. These bridges were built in 1960 and carry three lanes of traffic in each direction. The new bridges will need to be four lanes to accommodate traffic and address safety concerns. The project scope includes the Manchester Bridges on I-70 and one bridge on US40, this is a historic bridge that was built in 1930 and serves as an alternate route for I-70. This bridge has vertical clearance and weight restriction issues. Optional improvements include improvements to two interchanges which are closely spaced together to address safety concerns and are just east of the Manchester Bridges, and improvements to the I-70 bridges over US40 located just to the west of the Manchester Bridges.

Project Goals

The goal of the design-build project is to construct as much road and bridge work as possible for the best price possible. The design-build team established project goals early in the process.

These goals include:

- Impress our customers through innovative solutions that conveniently and efficiently move drivers through the project during and after construction.
- Construct durable structures that minimize future maintenance impacts.
- Balance regional mobility with total project cost to achieve optimal value.
- Deliver the Project no later than December 15, 2016.

The total funding available for the project is \$65 million. Ms. Barry elaborated this design-build project is not fixed price and cost was a scored category to be opened after all other categories were evaluated. A portion of the cost of this project will be for activities outside of the design-build contract, including right of way, some utility cost and project administration.

This project includes goals for disadvantaged business enterprise (DBE); the department split the DBE commitment between construction activities and professional/design activities. The proposing teams needed to commit to at least twelve percent of the project to DBE firms for construction work, and an eighteen percent commitment for professional/design services. The workforce diversity goals include 12.7 percent minority participation and 6.9 percent female participation in each major construction craft or trade.

Procurement Process

The Missouri Highways and Transportation Commission approved the use of design-build for the I-70 Manchester Bridge project on August 2, 2012. Since then, MoDOT's design-build team has been working through the procurement process. Four teams were prequalified in February 2013 to compete for the contract. The Request for Proposals were issued in March 2013. The four teams

submitted their final proposals by June 7, 2013. The MoDOT design-build team reviewed and evaluated the proposals.

The four teams that submitted proposals include:

- Clarkson Construction Company – a team composed of Clarkson Construction Company and HNTB.
- Emery Sapp & Sons – a team composed of Emery Sapp & Sons and Parsons.
- Kiewit Infrastructure Group – a team composed of Kiewit and HDR Engineering.
- Walsh Design-Build Team – a team composed of Walsh Construction, RS&H, GBA, and CFS.

Evaluation

The items that were evaluated by the MoDOT design-build team included maintenance of traffic (400 points available), durability (200 points available), optional improvements (100 points available), environmental responsibility (50 points available), completion schedule (50 points available), and cost (200 points available). The workforce and DBE goals were a pass/fail item. Ms. Barry provided a summary of the scoring for each category.

For maintenance of traffic, all proposals included no total closures of I-70, no lane closures on I-70 during peak periods, only two or three major phases of construction, all construction takes place behind the barrier, and each team named a Work Zone Specialist or Incident Coordinator.

For durability, all proposals included brand new structures, a multi-girder redundant system, minimal number of expansion joints, and easy inspection by snoopers trucks.

For optional improvements, all proposals included improved safety, extended auxiliary lane to I-435 ramps, provided additional acceleration length from Manchester, and improved the level of service.

For environmental responsibility, all proposals addressed MoDOT's future liability but each had a slightly different approach.

For the completion schedule each team had a different completion date but all were ahead of schedule. Clarkson Construction Company proposed a completion date of December 15, 2015. Emery Sapp & Sons proposed a completion date of November 1, 2015. Kiewit Infrastructure Group proposed a completion date of April 15, 2015 and Walsh Construction proposed a completion date of November 15, 2015.

Ms. Barry reviewed the score summary with the Commission, and the total points awarded to each team are outlined below:

- Clarkson Construction Company - 860 points
- Emery Sapp & Sons – 829 points
- Kiewit Infrastructure Group – 827 points
- Walsh Design-Build Team – 766 points

Commission Consideration and Action

Ms. Barry recommended the Clarkson Construction Company as the best value proposer. Members of the team are Clarkson Construction Company with HNTB as the designers. Their proposal included:

- Maintenance of Traffic - no complete closures of I-70, no lane closures during peak periods,
- Durability - new four-lane bridges on I-70, with minimal future maintenance impacts,
- Optional Improvements – addresses some of the weave and merge area to improve overall safety in the area of the interchanges to the east, and improves the bridges to the west with shoulders and bridge deck work that will add 10 to 25 years to the structures
- Environmental Responsibility - commitment to environmental stewardship,
- Completion Schedule – December 15, 2015 completed one year ahead of schedule, and
- Cost - \$63,757,689

Chairman Carmichael thanked Ms. Barry for her presentation and the MoDOT design-build team for their work on this project to date.

After consideration, Commissioner Martin moved that the Commission adopt staff recommendations to approve the Clarkson Construction Company design-build team as the best value proposal for the I-70 Manchester Bridge design-build project; authorize the director, chief engineer, chief financial officer, or their designee to negotiate and execute a contract with Clarkson Construction Company subject to approval as to form by the Chief Counsel's Office; and authorize payment of the agreed stipend of \$240,000 to the three unsuccessful proposing teams. This motion was seconded by Commissioner Smith. The Commission unanimously approved the motion.

Chairman Carmichael congratulated the Clarkson team and requested representatives of the team speak to the Commission. Bill Clarkson noted his team was thrilled to be selected for the project, and commended the department on the very transparent design-build process and how its ability to use and improve the design-build process also builds MoDOT's credibility.

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REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS

**Route 115, St. Louis County
From Route U to Hanley Road
Job No. J6S2428
Public Hearing Held March 28, 2013
On-Line Public Meeting March 28 – April 15, 2013**

The proposed improvement converts the existing five lane roadway into a three lane road with improvements to include additional accommodations for cyclists and pedestrians. The project will have normal access right of way. Traffic lanes will be reduced, but the roadway will remain open during construction. The project is 1.7 miles in length.

On behalf of the Director, Greg Horn, Interim St. Louis District Engineer, recommended approval of the location and design as presented at the public meeting, with some minor adjustments to be implemented by the district in response to suggestions from the public. These changes include

shortening the raised median at two locations to better accommodate turning traffic, relocation of the pedestrian crossings near St. Ann’s Church and increasing the width of two commercial entrances to accommodate trucks.

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 locations and designs would best serve the interest of the public and approved the recommendation.

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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> |
|---------------------------------|--------------|-------------------|
| Bollinger and Cape Girardeau | 34 | JOP2196 |

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.

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CHANGE IN ACCESS - BREAK IN ACCESS, ROUTE 169 IN BUCHANAN COUNTY

On behalf of the Director, Don Wichern, Northwest District Engineer, recommended approval of a request from David and Teresa Gach to construct a 20-foot entrance centered at the westerly right of way line of Route 169 in Buchanan County at Station 280+00. The break will be a non-arterial

connection and will not provide traffic relief to the state system. A review by the department indicated the proposed location will provide adequate safety and operations on Route 169.

Via approval of the consent agenda, the Commission unanimously approved the request of the David and Teresa Gach, as described above with \$50,000.00 compensation due the Commission for the break in access.

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL AND REQUEST FOR WAIVER OF 10 PERCENT EARNEST MONEY REQUIREMENTS, ROUTE 340 OLIVE BOULEVARD AND ROUTE I-170 IN ST. LOUIS COUNTY, EXCESS PARCEL E6-1013

In keeping with the Commission's April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action. On April 2, 1993, the Commission adopted policy that requires potential purchasers of excess property to pay 10 percent of the negotiated purchase price prior to Commission action on the sale. The subject tract is proposed to be conveyed with a \$10,000 down payment, which is less than the 10 percent required by Commission policy.

On behalf of the Director, Greg Horn, Interim St. Louis District Engineer, recommended conveyance of 1.8 acres of land located in the southwest quadrant of Route 340 Olive Boulevard and I-170 in the City of Olivette, Missouri, to H.A.S. Development L.L.C. for a consideration of \$1,300,000. The property sale was previously approved by Commission in 2011 to a different buyer; however the sale did not transpire due to the previous buyer's inability to obtain approval from the City of Olivette for the proposed development. The property has limited uses due to the City of Olivette's development requirements and its right to modify development requirements throughout its approval process. The developer is required by the City to own a minimum of eight acres for development purposes. The

developer has purchased ten additional tracts to assemble with the Commission's tract for development purposes.

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

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE I-70 IN ST. LOUIS CITY, EXCESS PARCEL E6-1113

In keeping with the Commission's April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Greg Horn, Interim St. Louis District Engineer, recommended conveyance of 5.2 acres of land that once served as the Shreve Maintenance Facility, to the City of St. Louis for a consideration of \$1.00 in exchange for a 99-year lease covering sections of land located under the Poplar Street/I-64 Bridge through downtown St. Louis.

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

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 67 AND ROUTE D IN ST. LOUIS COUNTY, EXCESS PARCEL E6-1183

In keeping with the Commission's April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Greg Horn, Interim St. Louis District Engineer, recommended conveyance of 4.3 acres of land located near the intersection of Route 67 (Lindbergh Boulevard) and Route D (Page Avenue) in Maryland Heights, Missouri that once served as the Page Maintenance Facility, to Middlebrook Limited Partnership for a consideration of \$500,000.

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

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 141 IN ST. LOUIS COUNTY, EXCESS PARCEL E6-6711 AND E6-6711A

In keeping with the Commission's April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Greg Horn, Interim St. Louis District Engineer, recommended conveyance of 3.9 acres of land located southwest of Route 141 and Route 44 intersection at the end of Elizabeth Drive that once served as the Fenton Maintenance Facility, to the House Rabbit Society of Missouri for a consideration of \$325,000.

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

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-- REPORTS --

The Commission received the following written reports.

A BOLDER FIVE-YEAR DIRECTION REPORT

Dave Nichols, Director, provided to the Commission the monthly update of the Bolder Five-Year Direction. On June 8, 2011, the Commission approved the Bolder Five-Year Direction which will reduce staff by nearly 1,200 employees, close 131 facilities, and reduce MoDOT's fleet by more than 740 units.

As of May 31, 2013, there has been a reduction of 1,310 salaried positions since February 28, 2010. The target of 5,106 employees has been reached. However, MoDOT remains understaffed in certain areas of Administration, Program Delivery, and Operations. Hiring of permanent maintenance employees began November 1, 2012 to close the gap. Some other vacant positions have been filled since February 1, 2013, and others are posted. MoDOT has vacated 123 facilities. Of that total, 86 facilities have been conveyed, which includes the termination of five leases and the establishment of long-term leases with other parties for five facilities. The department has eliminated 701 pieces of equipment, with an additional 51 pieces of equipment taken out of service. As of May 31, 2013, the department realized a total savings of \$359 million.

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REPORT REGARDING REVIEW OF PROPOSED ADMINISTRATIVE RULES ON OUTDOOR ADVERTISING

On behalf of the Director, Kelly Lucas, Right of Way Director, provided the Commission with a written report prepared by MRIGlobal that presented a scientific and technical review of proposed administrative rules related to the use of electronic billboards in outdoor advertising. The consultant reviewed ad copy duration, transition time between messages, maximum luminance level, light sensors and timers, and any other area that the outdoor advertising legislation allows for Commission discretion.

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DEBT MANAGEMENT REPORT

Brenda Morris, Financial Services Director, provided an update on Missouri Highways and Transportation Commission outstanding debt.

On May 5, 2000, the MHTC adopted a Debt Management Policy to ensure each long-term financing is completed in compliance with laws and industry standards and in an efficient manner. The policy helps to attain the goal of maintaining optimum credit ratings and minimizing borrowing costs. The Debt Management Policy limits the amount of debt the MHTC can issue by capping annual debt service to no more than 20 percent of federal and state revenues available for roads and bridges. MHTC's estimated debt obligations are projected to be below the 20 percent limitation and the MHTC is in compliance with the policy.

Between December 2000 and November 2010, the MHTC issued \$3,812,195,000 in bonds and as of June 30, 2013, the amount of outstanding bonds is \$2,918,000,000. The current outstanding bonds are projected to be paid in full on May 1, 2033. Bond-financing allowed the Missouri Department of Transportation to provide much needed infrastructure improvements to the traveling public sooner than traditional funding allowed. Building projects sooner results in cost savings by reducing project inflation costs, while advancing economic development, improving safety and addressing congestion. There are no plans to issue additional bonds at this time.

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FINANCIAL – BUDGET – REPORTS YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING MAY 31, 2013

Brenda Morris, Financial Services Director, provided to the Commission the Fiscal Year 2013 monthly financial report for the period ended May 31, 2013, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Kathy Harvey, State Design Engineer, provided to the Commission the report of consultant contracts executed in the month of May 2013, for both engineering and non-engineering related projects. The department utilizes consultants to efficiently manage workload and provide specialized expertise to supplement and support department staff. Expenditures for consultant services are funded from the Commission approved Statewide Transportation Improvement Program and MoDOT Operating Budget. Eleven engineering consultant services contracts were executed in May 2013, for a total cost of \$1,647,970. One non-engineering consultant contract was executed in May 2013, for a total cost of \$200,000.

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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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