



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

October 15, 2014

VOTE TO CLOSE MEETING..... 5

COMMISSION/DIRECTOR ITEMS

Approval of Minutes 6

Consent Agenda 6

Commission Committees and Commission Related Boards 7

Director’s Report 8

PUBLIC PRESENTATIONS

St. Louis Regional Chamber 8

Workforce Diversity, Career Development, and Business Support 10

MoDOT PRESENTATION

2014 Employee Engagement Survey 10

ADMINISTRATIVE RULES/POLICIES

Commission Policy – Administrative Rules (Code of State Regulations) 11

Commission Policy – Statewide Transportation Improvement Program - Approval 13

BUSINESS ISSUES

Fiscal Year 2015 Budget Amendment 14

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

Consideration of Bids for Transportation Improvements 14

2015 – 2019 Statewide Transportation Improvement Program, Amendment 18

Report and Recommendation Regarding the Route I-70 Project in Boone County,
Including Authority for Design-Build Delegation of Authority 18

Ratification and Approval of Plans for Condemnation..... 19

PROPERTY ACQUISITION AND CONVEYANCE

Consideration of Excess Property Disposal, North Church Road in Clay County,
Excess Parcel Number E4-0691..... 20

Consideration of Excess Property Disposal, Olive Boulevard and Route I-170 in St. Louis County,
Excess Parcel Number E6-1013..... 20

Consideration of Excess Property Disposal, Route I-44 in Franklin County,
Excess Parcel Number E6-1178..... 21

REPORTS

Financial – Budget – Reports

Year-to-Date Financial Report, Period Ending August 31, 2014 22

Consultant Services Contract Report 22

**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN ST. LOUIS,
MISSOURI, WEDNESDAY, OCTOBER 15, 2014**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 15, 2014, at the St. Louis Regional Chamber, One Metropolitan Square Building, 211 North Broadway, Suite 1300, St. Louis, Missouri. Stephen R. Miller, Chairman, called the meeting to order at 1:00 p.m. The following Commissioners were present: Lloyd J. Carmichael, Kenneth H. Suelthaus, and Gregg C. Smith. Commissioner Bryan T. Scott was absent from this meeting.

On February 6, 2014, Governor Nixon withdrew the appointment of Commissioner Kelley M. Martin; at the time of the October 15, 2014 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 Wednesday, October 15, 2014.

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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 specifications, 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 Miller, Aye
Commissioner Carmichael, Aye
Commissioner Suelthaus, Aye
Commissioner Smith, Aye
Commissioner Scott, Absent

The Commission met in closed session on Wednesday, October 15, 2014 from 9:00 a.m. until 12:00 p.m.

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Smith, seconded by Commissioner Suelthaus, the Commission unanimously approved the minutes of the regular meeting held September 10, 2014. 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 October 15, 2014, Consent Agenda

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

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two 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 October 15, 2014, meeting.

Audit Committee – Commissioner Suelthaus stated there was no report.

Legislative Committee – Commissioner Carmichael stated there was no report.

Missouri Transportation Finance Corporation – Commissioner Miller stated the MTFC Board met on October 2, 2014, and Williams-Keepers, LLC presented the Comprehensive Annual Financial Report for fiscal year ended June 30, 2014. The MTFC received an unmodified opinion with no audit findings; this is the eighteenth consecutive unmodified opinion. Commissioner Miller noted there was no other business before the MTFC because the infrastructure funds are used primarily to advance the cost share program which has been suspended by the Commission due to the current funding situation. Commissioner Miller stated the next MTFC meeting will be held in February 2015.

MoDOT and Patrol Employees' Retirement System – Commissioner Carmichael stated the pension plan funding status is at 49.2 percent which is up over 3 percent from the previous year. There is a plan in place to amortize the unfunded portion over a designated period of time. There remains 25 years of amortization for active employees and 10 years on the schedule for retirees. Commissioner Carmichael also reported the fund has recovered all of its value and more since the financial crisis began in 2008, and today the fund is valued at market at \$1.9 billion. Returns for last year were 17.56 percent and over the last 10 years the fund has earned 7.63 percent. He also noted that while the returns have been good, the risk involved is very low. Commissioner Carmichael reported the board took action and set the annual contribution rate, for MoDOT the rate will be at 58 percent of salaries.

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DIRECTOR'S REPORT

During the October 15, 2014, Commission meeting, Director Dave Nichols provided the following report:

Route 364 / Page Avenue – Director Nichols discussed the department's recent completion of the third phase of Route 364 / Page Avenue in St. Charles County. In approximately one month, the entire project should be completed, extending Route 364 all the way to Interstate 64. The \$118 million project was made possible by cost-share agreements with St. Charles County and local communities.

Employee Recognition – Director Nichols paid tribute to Josh Wiechens, motorist assist operator in the St. Louis district. Mr. Wiechens came upon a tractor-trailer on I-70 in St. Charles that was disabled on the shoulder and on fire. He helped the driver, who was overcome by smoke, to safety and medical attention, and helped other first responders clear the incident.

Director Nichols also recognized staff who will be honored with AASHTO's Performance Excellence Award, Tim Hellebusch, Resident Engineer and Vince Kaimann, Senior Construction Inspector for their work on the Daniel Boone bridge project which rebuilt a portion of the Spirit of St. Louis Boulevard.

Special Recognition – Director Nichols and Chairman Miller jointly recognized St. Louis County Executive, Charlie Dooley and Chief Operating Officer, Gary Earls for their contributions to the transportation system in the county over the past ten years. Some examples of their successful championship of transportation during their tenure included the design build project on I-64, when it was announced that MoDOT would close the road for 2 years, the department needed support from political leaders and Mr. Dooley and Mr. Earls were there to provide the necessary support. The county completed the Highway 141 loop through an off system design build project with the Page Avenue and Olive Boulevard connector. Efficiencies in operations were gained for both the state and county systems through a major road swap. All of these were prime examples of the successful partnership between the county and the department that were made possible through the leadership of these two gentlemen.

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ST. LOUIS REGIONAL CHAMBER

Joe Reagan, President and CEO, welcomed the Commission to St. Louis and thanked them for hosting the monthly meeting at the Chamber offices. Mr. Reagan stated transportation and infrastructure

is key to a viable and competitive St. Louis economy. Long term funding solutions for transportation are critical to the future of the St. Louis region and the State of Missouri. He commended the Commission for being fiscally responsible and willing to be transparent and honest not only about a vision for transportation but how to fund the transportation system. He expressed his disappointment in the recent failure of Amendment 7, and described how the need to build safer and effective transportation systems remains.

Mr. Reagan discussed the need for public transportation in the St. Louis region. He also expressed his appreciation to MoDOT and IDOT, along with the East-West Gateway Council of Governments, the Bi-State Development Agency, and the Leadership Council of Southwest Illinois for their collaboration and cooperation to provide a good public transportation system in the region. A good public transportation system is key in attracting people and retaining residents in the region.

Mr. Reagan discussed the intermodal opportunities for the region through leverage of the port, road, and rail systems in the region. He noted there are economic development opportunities around these facilities that would create employment opportunities for the private sector. He expressed his excitement about the work under way and the plan that is in place to launch a freight district. While he acknowledged it will take considerable coordination between all of the governmental entities to share the risk and the revenues of this venture, there are many benefits to the establishment of the freight district.

Commissioner Smith thanked Mr. Reagan for his presentation and support of Constitutional Amendment 7. Commissioner Smith expressed his appreciation to the chamber recognizing that partners and citizens must keep working to find a transportation funding solution that Missourians can support.

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WORKFORCE DIVERSITY, CAREER DEVELOPMENT, AND BUSINESS SUPPORT

Hazel Erby, St. Louis County Council Chair and District 1 Councilwoman, spoke to the Commission about workforce diversity, career development, and business support. She explained the recent events in Ferguson, Missouri have brought attention to the need for increased education, employment, and job training for Ferguson and the county. She also highlighted a few roadway projects that would improve the region and lead to economic development and job creation. She highlighted the need for pedestrian facilities and related improvements along those key roadways. She concluded her comments by stating the residents are asking to be treated fairly. They currently feel that urban areas are underfunded and while seasonal jobs are helpful, permanent positions are needed. She explained the conversation with Ferguson is continuing, discussing the issues and reaching out the constituency to see what they would like to happen as a result of recent events, and setting ongoing and long term goals.

Commissioner Carmichael thanked Ms. Erby for her presentation and stated the department will continue its efforts to provide economic opportunity; whether it is through job training and temporary employment in the winter that hopefully can be used to lead to permanent positions, or through support of diverse businesses by implementation of the statewide DBE goal. Chairman Miller underscored the issues being faced today require help in all sectors and the department and the Commission are just a small part of that, but are committed with the limited resources available to find ways to be a part of the solution.

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2014 EMPLOYEE ENGAGEMENT SURVEY

On behalf of the Director, Rudy Nickens, Equal Opportunity and Diversity Director, presented the 2014 Employee Engagement Survey. Mr. Nickens acknowledge the survey was conducted in the spring of 2014 by Phillips and Associates. He noted an employee engagement survey was not conducted during the years of the Bolder Five Year Direction. The employee engagement survey

measured satisfaction with 41 indicators across four categories: job satisfaction, diversity, communication, and living MoDOT values. There were a total of 2,668 employees who completed the survey, or 52.2 percent of employees. The overall result indicates 64 percent of employees are satisfied with their employment.

Mr. Nickens stated measuring employee engagement is a key to understanding several criteria that research indicates have a significant relationship to productivity and employee performance. Department staff will form teams to address the recommendations included in the survey report. Improving employee satisfaction is key to MoDOT's success.

Commissioner Smith thanked Mr. Nickens for his presentation and noted the Commission looks forward to the recommendations the four teams come up with to improve employee engagement. Commissioner Smith stated the Commission recognizes how difficult the last few years have been for employees, and without an answer to the funding dilemma, the next few years will be challenging as well. Commissioner Smith closed by stating MoDOT employees are resilient and dedicated, and the Commission is committed to their welfare.

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COMMISSION POLICY – ADMINISTRATIVE RULES (CODE OF STATE REGULATIONS)

On November 7, 2013, the Commission implemented a policy for Administrative Rules. The 97th General Assembly passed Senate Bill 504 which became effective on August 28, 2014. This legislation required all proposed rules be posted to the responsible state agency's website within one business day of when such rule is published in the Missouri Register.

On behalf of the Director, Eric Schroeter, State Design Engineer, recommended that the Administrative Rules (Code of State Regulations) policy be revised to incorporate the requirement from Senate Bill 504 as indicated with the green text for new language and red strikethrough for deleted text as follows:

Category: COMMISSION
Subcategory: Policies and Administrative Rules

ADMINISTRATIVE RULES (Code of State Regulations)

Specific Delegation of Authority

The Missouri General Assembly, from time to time, includes provisions within specific statutes charging the Commission with the responsibility to file administrative rules for the purpose of implementing the related statute. In some instances filing such rules is required; in others the statutes authorize the Commission to file rules, but they are not mandated.

General Authority for Commission to Promulgate Rules

In addition, Section 227.030.2 RSMo empowers the Commission with the authority to make all final decisions and file all rules and regulations it may deem necessary in order to construct and maintain the highway system to the best interest and advantage of the people of the state.

The impetus for an administrative rule could include a change in federal law or rule, a change in state statute or rule, a directive of the Commission, a business need identified by the department, or a request from industry, customers, or business partners.

*No such rules shall be inconsistent with the statutes. According to the Secretary of State's Office, all **rules and regulations have the same force and effect of law.***

Statutory Rule Process

*Because of the potential impact on Missouri citizens of rules promulgated by state agencies, **Missouri's** process for promulgating rules is quite extensive.*

- *All rules proposed by state agencies must first receive concurrence of the legislative Joint Committee on Administrative Rules.*
- *Following that concurrence, the proposed rules must be published by the Secretary of State in the Missouri Register and the public allowed thirty days to provide comments thereon.*
- *All proposed rules must be posted to the agency's website pursuant to Section 536.016.3 RSMo within one business day of when such rule is published in the Missouri Register.*
- *Following the comment period, the proposed rules must be reconsidered by the respective state agency and, based on the public comments that are received, may be revised prior to submitting the **final order of rulemaking** for approval of the Joint Committee on Administrative Rules and ultimate publication by the Secretary of State in the Code of State Regulations.*
- *The effective date of each rule is determined by the Secretary of State and included with each rule and regulation.*

Staff Rule Development Process

The Commission takes very seriously the potential effect of all administrative rules promulgated by federal and state agencies upon its citizenry, business interests, and other entities; therefore, the process for promulgating rules pertaining to the Department of Transportation shall include the following:

- *Once a need to promulgate administrative rules is identified, MoDOT staff will review with the Commission the impetus, desired outcomes, and potential impacts.*
- *In order to be certain that potentially affected parties are aware of and understand the Commission's draft proposed rules AND to be certain that MoDOT staff is aware of and understand the potential impacts of those rules on the affected parties, the staff shall reach out to all known interested and affected parties and proactively work toward a mutual understanding prior to presenting draft proposed rules to the Commission for action thereon.*
- *A summary of statements or letters in support of, or opposition to, the promulgation of rules must accompany the staff recommendation.*
- *All proposed orders of rulemaking, final orders of rulemaking, and emergency rules shall be approved by the Commission prior to being filed with the Joint Committee on Administrative Rules and the Secretary of State.*
- *Subject to the provisions noted above, the Director is authorized to establish procedures for the department to follow when creating or modifying administrative rules.*

Effective Date: ~~November 7, 2013~~ October 15, 2014
Supersedes Policy Dated: November 7, 2013
Last Reaffirmed:
Date of Origin: November 7, 2013
Related Commission Minutes: November 7, 2013 – Comprehensive Policy Review, October 15, 2014-Revised

Via approval of the consent agenda, the Commission unanimously approved the revision to the Commission Policy regarding Administrative Rules (Code of State Regulations) as described above.

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COMMISSION POLICY – STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM - APPROVAL

On November 7, 2013 the Commission implemented a policy on the Statewide Transportation Improvement Program – Approval. Subsequently, on January 8, 2014, the Commission suspended funding additional projects to the STIP, with certain exceptions. On June 25, 2014, the Commission revised the exceptions to allow for other entities to fund taking care of the system projects or expansion projects if maintenance and operating costs were paid by the other entity.

On behalf of the Director, Ed Hassinger, Chief Engineer, recommended that the Statewide Transportation Improvement Program – Approval policy be revised as indicated with the green text for new language and red strikethrough for deleted text as follows:

Category: STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
Subcategory: Approval

SUSPENDED ADDITIONS TO STIP – ~~June 25, 2014~~ October 15, 2014 - Commission voted unanimously to:

- Suspend funding additional projects from the Cost Share/Economic Development Program. This restriction would not apply to projects approved by the Cost Share Committee at, or prior to, its November 15, 2013 meeting. Those projects will proceed and be added to the STIP when the applicable project agreements with the local sponsors are completed.
- Suspend adding new expansion projects to the STIP. This restriction would not apply to:
 - (1) ~~Programming specific projects in the Safety and Taking Care of the System categories where funds are already committed in the STIP, but the specific project has not been identified.~~
 - (2) ~~Taking Care of the System projects funded by other entities or with federal suballocated funds and matched with local agency funds may also be added to the STIP.~~
 - (3) ~~P~~projects for new or expansion of existing facilities which are funded by other entities, including funding of maintenance and operating costs, may also be added to the STIP.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL

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. **Revisions to the STIP must also be approved by the Commission.**

Highway Right-of-Way and Construction Program

The Commission will be furnished a monthly report showing the aggregate final cost of completed highway and bridge 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 two percent (2%).

Multimodal Work Program

The Director, Chief Financial Officer, Chief Engineer, Assistant Chief Engineer, or the Multimodal Operations Director may execute all documents necessary to carry out the approved Multimodal Work Program.

Effective Date: November 7, 2013

Supersedes Policy Dated: April 3, 2012 – EOD, Paragraph B and ParagraphB8, Multimodal Work Program

Last Reaffirmed:

Date of Origin: January 11, 2011 – EOD

Related Commission Minutes: January 11, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; January 8, 2014 – Suspended additions to STIP with exceptions; June 25, 2014 – revised suspension of projects to allow for other entities to fund TCOS projects or expansion projects if maintenance paid for as well; **October 15, 2014 – revised suspension of projects to allow flexibility in using available funds in the Safety and TCOS categories or MoDOT Operations funds to address emerging Safety and TCOS needs.**

Via approval of the consent agenda, the Commission unanimously approved the revision to the Commission Policy regarding the Statewide Transportation Improvement Program-Approval as described above.

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FISCAL YEAR 2015 BUDGET AMENDMENT

On behalf of the Director, Brenda Morris, Financial Services Director, recommended decreasing disbursements \$2.0 million for the fiscal year 2015 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 2015 budget amendment described above.

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CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

On behalf of the Director, Eric Schroeter, State Design Engineer, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects

during the past month. He noted Calls C01, D01, and G01 have local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Mr. Schroeter recommended (1) Award of contracts to the lowest responsive bidders for bids received at the September 19, 2014, letting, as recommended and noted in Table I below, and (2) the call from Norris Asphalt Paving Company, LLC for combined calls A02 and A04 be declared non-responsive.

**Table I
Award of Contracts
September 19, 2014, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	Bus 29	Buchanan	J1S3048	\$322,664.87	\$0.00	Leavenworth Excavating & Equipment Company, Inc.	Grading
A02 & A04	B	Sullivan, Putnam	J1S3069B	\$3,152,779.69	\$0.00	Herzog Contracting Corp.	Resurface and Seal Coat
	F	Caldwell	J1S3069C				
	B		J1S3069D				
	O		J1S3069E				
	J	Grundy, Mercer	J1S3069I				
	HH	Daviness	J1S3069F				
	NN		J1S3069G				
	RA		J1S3069H				
	BB	Grundy	J1S3069J				
A03	6	Sullivan	J2P0782B	\$8,164,399.27	\$0.00	Magruder Paving, LLC	Resurface and add shoulders
		Sullivan, Grundy	J2P0782				
B01	B	Lewis	J2L1500B	\$403,675.93	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal Coat
	Bus 61		J2L1500C				
B02	Bus 61	Marion	J2L1500D	\$422,617.63	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal Coat
	C		J2L1500E				
	MM		J2L1500F				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
B03	D	Pike	J2L1500G	\$628,909.96	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal Coat
	E	Lincoln	J2L1500H				
	UU	Lincoln	J2L1500I				
B04	19	Montgomery	J2L1500J	\$566,351.71	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal Coat
	B	Warren	J2L1500K				
C01*	40	Jackson	J4P2387	\$12,171,894.30	\$0.00	Radmacher Brothers Excavating Co., Inc.	Add Turn Lanes
	Lees Summit Rd		J4P2387B				Grading, Pavement and Bridge
C02	JJ	Platte	J4P3095F	\$189,906.87	\$0.00	Leavenworth Excavating & Equipment Company, Inc.	Replace Pipe Culvert and Slide Repair
D01**	50	Cole	J5P0820D	\$19,922,002.80	\$401.36	Emery Sapp & Sons, Inc.	Grading, Pavement, Bridges and 3 Add Alternates
	50		J5P3015B		\$0.00		Bridge Rehab, Pavement and Sidewalk
D03	Various	Miller, Maries, Camden	J5P3096	\$997,526.29	\$0.00	Leavenworth Excavating & Equipment Company, Inc.	Scour Repair
D04	Various	Osage	J5S3009B	\$981,044.74	\$0.00	Hutchens Construction Co.	Seal Coat with 3 Add Alternates
D05	Various	Miller	J5S3009C	\$713,915.13	\$0.00	Vance Brothers, Inc.	Surface Sealing with 1 Add Alternate
D06	Various	Camden	J5S3009D	\$824,766.62	\$0.00	Hutchens Construction Co.	Seal Coat with 4 Add Alternates
F01	61	Jefferson	J6S2093	\$1,657,858.85	\$0.00	Gershenson Construction Co., Inc.	Bridge Replacement
F02	44	St. Louis	J6I3015	\$395,158.80	\$0.00	R. V. Wagner, Inc.	Slide Repair
G01***	44	Jasper	J7I2181	\$6,921,540.95	\$0.00	Emery Sapp & Sons, Inc.	Grading, Pavement and Bridge
G02	49 OR	Bates	J7P0797X	\$1,044,509.14	\$0.00	APAC-Missouri, Inc.	Grading, Aggregate Surface and Bridge

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
G03	49 OR	Vernon	J7P0797Y	\$1,303,172.05	\$0.00	Phillips Hardy, Inc.	Grading, Aggregate Surface and Bridge
G05	60	Newton	J7P2203	\$1,812,571.91	\$0.00	APAC-Missouri, Inc.	Resurface
			J7P2204				
G06	32	Dallas, Polk	J7P2226B	\$2,563,702.26	\$0.00	APAC-Missouri, Inc.	Add Shoulders
	D	Dallas	J8L1300M				Resurface
	D	Polk	J8S2343				Resurface and Add Shoulders
G07	49	Bates, Vernon	J7P2199	\$7,160,807.44	\$0.00	APAC-Missouri, Inc.	Coldmill and Resurface
	18	Bates	J7S2231C				Resurface
G08	V	St. Clair, Bates	J7S3042C	\$994,811.00	\$0.00	L. F. Krupp Construction, Inc. dba Krupp Construction	Replace 1 Bridge Deck and 1 Superstructure
G09	C	Henry	J7S3042D	\$1,155,511.50	\$0.00	APAC-Missouri, Inc.	Replace 2 Bridge Decks
G11	65	Greene	J8P3035B	\$834,334.48	\$0.00	APAC-Missouri, Inc.	Coldmill and Resurface
	Bus 65		J8S3034				
			TOTAL:	\$75,306,434.19	\$401.36		

- * Call C01 – Funding by MARC – \$1,364,000.00
Funding by County of Jackson – \$10,262,370.52
- ** Call D01– Funding by City of Jefferson – \$140,400.00
Funding by County of Cole – \$1,345,617.50
- *** Call G01 – Funding by City of Duenweg – \$25,000.00
Funding by County of Jasper – \$25,000.00

Commission Consideration and Action

After consideration, and upon motion by Commissioner Suelthaus, 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 September 19, 2014, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Declared the bid from Norris Asphalt Paving Co., LLC for combination of Calls A02 and A04 as non-responsive per Section 102.8 of the Missouri Standard Specifications for Highway Construction due to not completing their bid in accordance with the bidding documents.

- Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Miller abstained from voting on Calls A02 & A04, D01, and G01. Commissioner Carmichael abstained from voting on Calls G06 and G11

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2015 – 2019 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, AMENDMENT

On behalf of the Director, Ed Hassinger, Chief Engineer, requested approval to revise the 2015-2019 Statewide Transportation Improvement Program (STIP) that was approved in August 2014, for the implementation of two projects, as noted in the tabulation below.

**2015 – 2019 STIP
Highway and Bridge Construction Schedule
October Amendment
Project Changes**

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
NW Holt J1S3089	118	Pavement and shoulder improvements from Route 111 to I-29 at Mound City.	2016 CN	\$1,171	\$136
NE Pike J3L1500B	BU 61	Thin lift overlay and shoulder improvements from 0.3 mile south of Route UU to roundabout in Bowling Green.	2015 CN	\$153	\$15
			TOTAL:	\$1,324	\$151

Via approval of the consent agenda, the Commission unanimously approved the amendment to the 2015 – 2019 STIP as noted in the tabulations above.

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REPORT AND RECOMMENDATION REGARDING THE ROUTE I-70 PROJECT IN BOONE COUNTY, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, David Silvester, Central District Engineer, recommended the Route I-70 project be designated as a design-build project, and that authority be delegated to the Chief Engineer or his designee to approve and execute documents and expend funds on behalf of the Missouri

Highways and Transportation Commission for the following items on the Route I-70 Design-Build Project:

- **Escrow of Bid Documents** – Approve authority to execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents on the project.
- **Agreements** – Approve authority to execute agreements with local governments including other entities for cost-share, enhancements, use of property, environmental mitigations, utilities, etc. on the project, subject to approval as to form by the Chief Counsel’s Office (CCO) and the Commission Secretary’s (CS) attestation.
- **Railroad Agreements** – Approve authority to execute agreements pertaining to railroads, subject to approval as to form by CCO and CS attestation.
- **Construction Change Orders** - Approve authority to approve construction change orders on the project.
- **Consultant Engineering Services** – Approve authority to execute contracts for engineering services needed subject to approval as to form by CCO and CS attestation and in keeping with the Brooks Act, 40 USC 1101 et seq. and 23 CFR 172.5 as well as Section 8.285 RSMo.
- **Other** – Approve authority to expend funds for the project, as well as approve, execute, sign and seal project specific documents.
- **Design Exceptions** – Approve authority to sign design exceptions specific to the design of the project currently delegated to the State Design Engineer and the State Bridge Engineer, subject to consultation with the department’s technical experts.

Project changes resulting from this delegation will not exceed the cap of two percent over the programmed cost or those changes will be taken back to the Commission. The Route I-70 procurement process will begin in November 2014. Via approval of the consent agenda, the Commission unanimously approved the delegation of authority as recommended and noted above.

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RATIFICATION AND APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Eric Schroeter, 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>
Montgomery	19	J3P2198
Cass	I-49 / 211 th Street	J4P2247 and J4P2247B

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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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, NORTH CHURCH ROAD IN CLAY COUNTY, EXCESS PARCEL NUMBER E4-0691

In keeping with the Commission’s 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, Dan Niec, Kansas City District Engineer, recommended conveyance of 2.5 acres of property located at 410 North Church Road in the City of Liberty, which once served as the Liberty Maintenance Facility, to Chrome Realty, LLC for a consideration of \$491,605.

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

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, OLIVE BOULEVARD AND ROUTE I-170 IN ST. LOUIS COUNTY, EXCESS PARCEL NUMBER E6-1013

In keeping with the Commission’s 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, St. Louis District Engineer, recommended conveyance of 1.8 acres of property located in the southwest quadrant of Route 340 (Olive Boulevard) and Route I-170 in the City of Olivette to Site Acquisition Consultants, LLC for a consideration of \$1,350,000.

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 I-44 IN FRANKLIN COUNTY, EXCESS PARCEL NUMBER E6-1178

In keeping with the Commission's 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, St. Louis District Engineer, recommended conveyance of 3.03 acres of property located at 2215 North Commercial Avenue in the City of St. Clair, which once served as the St. Clair Maintenance Facility, to A & R Management, Inc. for a consideration of \$277,500.

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.

**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING AUGUST 31, 2014**

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year-to-date ended August 31, 2014, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Eric Schroeter, State Design Engineer, submitted a written report of consultant contracts executed in the month of August 2014, 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. Seven engineering consultant services contracts were executed in August 2014, for a total cost of \$835,973. There were two non-engineering consultant contracts executed in August 2014, for a total cost of \$38,880.

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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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