



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN ST. LOUIS,
MISSOURI, WEDNESDAY, SEPTEMBER 2, 2015**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 2, 2015, 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 8:30 a.m. The following Commissioners were present: Gregg C. Smith, Michael B. Pace, Michael T. Waters, Jr., and Mary E. Nelson. Commissioner Lloyd J. Carmichael was absent.

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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Roberta Broeker, Interim 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, September 2, 2015.

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

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

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

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

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

Commissioner Miller, Aye
Commissioner Carmichael, Aye
Commissioner Smith, Aye
Commissioner Pace, Aye
Commissioner Waters, Aye
Commissioner Nelson, Aye

The Commission met in closed session on Tuesday, September 1, 2015 from 8:30 a.m. until 5:00 p.m.

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Smith, the Commission unanimously approved the minutes of the special meetings held August 24-25, 2015. 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 September 2, 2015, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Pace, seconded by Commissioner Waters, 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 September 2, 2015, meeting.

Audit Committee – Commissioner Pace stated there was no report, and noted the next Audit Committee meeting is scheduled for November 2015.

Legislative Committee – Commissioner Miller reported the annual veto session of the Missouri General Assembly begins at noon on September 16, 2015. This year's veto session is expected to be somewhat quiet as the House is now under new leadership with Rep. Todd Richardson as the new Speaker of the House; and in the Senate, a new President Pro Tem will have to be elected by a majority of the Senate. This position was recently vacated by Sen. Tom Dempsey who resigned his elected position. At this time, there are no expectations that any transportation-related issues will be discussed during veto session.

On the federal level, Congress is about to wind down its annual summer recess and will return to office after Labor Day weekend. One of the issues that congress is expected to address before they adjourn for the new calendar year is the passage of a multi-year transportation act. Before the Senate began their summer recess they passed their version of a reauthorization act for 6 years, but only funded it for three years. It is a matter of waiting to see what actions the House may take as they may either simply pick up the Senate's version of a bill and pass it; or they may introduce a whole new proposal with different funding mechanisms.

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

MoDOT and Patrol Employees' Retirement System – Commissioner Pace reported the board last met on June 18, and the next meeting is scheduled for September 24, 2015. He went on to report the annual MPERS valuation is underway and the results will be provided during the September meeting. The valuation report is the annual financial update of the system that also identifies the next fiscal year employer contribution rate.

MPERS is working on a new website with potential release slated for September. The new website is intended to provide a better design and improved functionality that will support the foundation for improved service for members and employers.

He concluded his report about the effect of the market on the system's portfolio both in the short term and long term. Volatility has certainly picked up in the markets in recent weeks, but MPERS is confident the market will stabilize and the fund is well positioned to take advantage of any new opportunities that may arise.

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INTERIM DIRECTOR'S REPORT

During the September 2, 2015, Commission meeting, Interim Director Roberta Broeker provided the following report:

Award – Interim Director Broeker recognized the Kansas City District communications staff for winning an award from PR News for an internal communication method. The district developed the “KC News Network”, which is a weekly news document that is shared with the maintenance facilities and district offices in Kansas City. This internal communication method has now become a best practice throughout the department and Melissa Black and her team are to be commended.

Missouri State Employee's Charitable Campaign (MSECC) – Interim Director Broeker reported the annual MSECC begins this month. This is where all Missouri state employees are invited to participate in contributing to charities around the state. She reminded the Commission that MoDOT has been the leader among all state agencies for the last eight years and she encouraged the department to aim to be the leader for a ninth year in a row.

1033 Benevolent Fund – Interim Director Broeker extended sympathies to the Missouri State Highway Patrol in the loss of Trooper James Bava in the line of duty on August 28, 2015. She noted the 1033 Benevolent Fund provides immediate financial assistance to the families of state employees who have lost their life in the line of duty. She explained on September 14, 2015, Former Governor, Roger Wilson, will host a golf tournament to raise money for this fund. She explained that 1033 is the code for

emergency, in need of immediate assistance. The 1033 Benevolent Fund will provide immediate assistance to Trooper Bava's family as they deal with their loss.

Annual Day of Remembrance – Interim Director Broeker explained the annual day of remembrance will take place on September 17 at 1:31 p.m. to recognize the 131 MoDOT employees who have lost their lives in the line of duty since 1946. The ceremony will be held at the monument located just outside of MoDOT's central office in Jefferson City. The monument includes the name of each fallen worker, and was paid for by donations.

Stand up for Safety Day – Interim Director Broeker stated the department has been developing plans to devote a day to focus on safety. On October 8, 2015 the department will talk about the importance of safety, and how employees can protect themselves and our customers from the dangerous work that takes place on the transportation system. A full report on MoDOT's Stand up for Safety Day will be provided following the event.

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WELCOME BY THE ST. LOUIS REGIONAL CHAMBER OF COMMERCE

Hart Nelson, Director of Public Affairs and Issues Management, was unable to attend the meeting to provide the welcoming remarks as noted on the agenda.

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DELEGATION REGARDING NOISE WALL FOR ROYALWOOD SUBDIVISION

James Spiller, Royalwood Subdivision Property Owner, presented his request for a sound wall. He explained as a homeowner in the Royalwood subdivision since 1986 he has observed three major changes made to the 40/64 corridor that is next to the subdivision. Around 1990 the roadway was only known as U.S. 40 and was modified to eliminate the rises and falls in elevation to make it more level. This raised the elevation of the roadway and placed it closer to the subdivision increasing the noise level but no consideration of a noise wall took place. Later, the highway was re-designated as Interstate 64, which increased traffic on the roadway, especially truck traffic. The increased traffic raised the noise level, but again there was no consideration for a noise wall for the subdivision. Currently, MoDOT is adding a lane to the roadway next to the Royalwood subdivision. This time the subdivision was part of a

study for a sound wall, but it was determined the subdivision did not qualify for a sound wall. Additionally, Mr. Spillers explained his understanding of the study which indicated the subdivision did not meet the reasonableness criteria, and if the reasonableness criteria had been met, the subdivision still would not qualify because a sound wall was cost prohibitive. He expressed his frustration when he learned that this study is effective for twenty years and the subdivision would not have the possibility of being considered for a sound wall until the year 2035. He described the concerns of the property owners in the subdivision that the lack of a sound wall is decreasing their property values even though most home values across Missouri are recovering to where they were prior to the 2008 economic crisis. He cited an example of a recent home sale in the subdivision that was a \$30,000 loss for the property owner.

Mr. Spiller explained the department policy regarding sound walls has not been applied consistently along the corridor. He requested the Commission review the policy, recognize the inconsistencies in application, and require the department apply the policy in the manner that allowed them to install a sound wall in the past even when the reasonableness criteria was not met.

Commissioner Miller thanked Mr. Spillers for his presentation, explained the Commission is constrained by what it is able to do and the sound walls are very expensive, however, the Commission will review his concerns with staff.

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PUBLIC COMMENT – JAY KIRSCHBAUM

Jay Kirschbaum, Royalwood Subdivision Trustee and Property Owner, appealed to the Commission to review the rules that have been applied in the past and are currently being applied regarding the installation of sound walls through the various roadway expansion projects that have occurred on US40/I-64 over the years. He told the Commission that the subdivision supports the expansion of US 40/I-64 but the subdivision should not have to pay a disproportionate amount of the cost, relative to the regional benefits that the expanded highway would bring. He expressed concern that

a nearby office building and commercial building has received the benefit of a sound wall but the nearby residential subdivision has not. He indicated the subdivision inquired if it would be possible for the municipality and subdivision to contribute financially for a sound wall, but with the change in the rules that was a possibility in the past and it is not a possibility presently. He concluded his remarks asking the Commission to reassess the rules and regulations and be in a position to address this in a way that makes the subdivision continue to be one where residents can live peacefully.

Commissioner Miller thanked Mr. Kirschbaum for his presentation and indicated the Commission would look into his request.

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PUBLIC COMMENT – SANDY LUCY

The Honorable Sandy Lucy, Mayor for the City of Washington, thanked the Commission for the new bridge that is slated to be built on Route 47 connecting Franklin and Warren counties. She invited the Commission to hold a regular monthly meeting in Washington when the project is awarded or when the groundbreaking ceremony is scheduled. Mayor Lucy reminded the Commission about how important the bridge is to the community as is evidenced by the cost participation with the contribution of funds from the half cent sales tax, and the \$1,300 in pennies that were collected by children.

Mayor Lucy explained once the bridge project is completed, the community will need to expand Route 47 between Washington and Union and eventually all the way to St. Clair.

Commissioner Miller thanked Mayor Lucy, noting her comments reminded him of the importance of local investment and the fact that Washington provided a local investment from all levels all the way down to the school children. That type of local investment and initiative is an emerging trend and is a way to accomplish projects. He also noted that this bridge project is simply taking care of the transportation system in Missouri; it is a major river bridge that has exceeded its useful life and needs to be replaced.

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PUBLIC COMMENTS – I-270 NORTH CORRIDOR ENVIRONMENTAL ASSESSMENT STUDY

Rebecca Zoll, President and CEO of North County, Inc., and Tom Curran, Senior Policy Advisor to St. Louis County Executive, both requested the Commission complete the environmental assessment study for the I-270 north corridor. While keenly aware of MoDOT’s financial situation, and, given the fact the study is nearly complete and the funding needed to complete the study is modest, they requested the Commission reconsider its decision to stop the study and complete the study.

Ms. Zoll explained the reasons for the study are still relevant. I-270 north is the oldest part of the corridor and has not had much more than routine maintenance. The aging infrastructure needs to be replaced; there are thirteen functionally and structurally deficient bridges; and signals, lighting, drainage, and signs are in need of repair or replacement. Access needs to be improved to enhance economic development and community growth. Accommodations need to be made to safely connect transit and highway users, and provide ADA compliant facilities.

Ms. Zoll reported approval of a clear footprint under NEPA would allow others to invest in infrastructure for the benefit of all involved. The absence of the environmental approval can become a hindrance to this critical infrastructure development.

Commissioner Miller thanked Ms. Zoll and Mr. Curran for their comments and for being an effective advocate for their communities. He reminded everyone the Commission made some very difficult decisions at the beginning of the year that included suspension of all studies, not just this one, and the cost-share program. Commissioner Miller noted those decisions are adversely impacting lots of Missourians, but noted that it is a priority for the Commission to continue to review their decision and monitor its impact.

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PUBLIC COMMENT – GWEN MOORE

Gwen Moore, a concerned citizen, shared her concerns about transportation funding and the transportation system in Missouri. She stated Missouri transportation political dysfunction harms all Missouri urban donors. Political representatives have known for decades that Missouri transportation is managed for political gain rather than effective operation. She cited a 2003 Brookings Institute report stating distribution of the gas tax in Missouri “appears to penalize cities and urban areas. These areas contribute significantly more in tax receipts than they receive in allocation from their state highway fund or through direct local transfers.” In her opinion, over ten years, Missouri overfunded rural areas by \$3 billion and underfunded urban roads and interstates by \$3 billion as compared to other states.

At 34,000 miles, MoDOT has the 7th largest highway system in the nation, yet Missouri is 18th in population, 18th in land area, and generally 18th in revenue for highways. To be 18th in state highway miles, MoDOT would have only 12,000 miles in its highway system. She asked why does MoDOT have almost triple the highway miles for state size and funding? She answered her question by stating she thought it was for political reasons. Ms. Moore stated MoDOT took over virtually all roads classified as rural collectors from rural counties and towns, whereas other states only have about half. She noted she believed MoDOT is not funding the economic engines of the state, the cities; for ten years, urban drivers received only 35 cents on their gas and auto sales tax dollar, whereas rural drivers received \$4.31 and she considers that highway robbery.

Commissioner Miller thanked Ms. Moore for her passion for transportation. He noted that he is going to ask staff to review the information she provided and the Commission will give her comments full consideration.

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“ROAD TO TOMORROW” PROGRESS REPORT

On behalf of the Director, Tom Blair, Assistant District Engineer, reviewed with the Commission the announcement that was made on June 3, 2015 to make Interstate 70 across the midsection of Missouri available to the nation and the world as the laboratory to construct the next generation of highways. He noted it is only appropriate that the re-birth of the interstate highway begin at its birthplace. Just as design-build projects over the last decade have produced insights and innovations that could not have previously been imagined, the department believes that offering free reign to human creativity and a designated site for implementation will generate the very best in American ingenuity. This effort must be focused not only on new technologies but new means of funding transportation. New technologies offer new opportunities for funding.

Mr. Blair explained there was considerable media coverage of this announcement that lasted well beyond June 3, 2015. To continue that momentum Mr. Blair reminded the Commission that this meeting was being streamed live across the internet, using social media and other avenues to publicize what is being presented to the Commission today.

Mr. Blair explained that over 180 ideas have been submitted in the past three months. About 50 of those submissions received additional examination seeking more information regarding the proposed innovation. Approximately 15 submissions are receiving serious consideration with additional detailed analysis by the Road to Tomorrow team. He then grouped the submissions into six themes: energy/utilities, trucking efficiencies, advertising, data/communications, funding, and alternative travel/freight choices.

In the energy and utilities theme some of the energy ideas include use of the right of way for windmills, wind turbines, solar panels, and electronic vehicle charging stations. The utility ideas would include long term leases of right of way for utility use, the revenue generated from the lease could pay for roadway maintenance and improvements. Mr. Blair then highlighted a proposal submitted by Solar

Roadways that uses solar panels in the road to generate electricity to light the panel as needed for striping or traveler information, as well as heat the panel in the winter so that plowing snow would not be necessary on the panels. Solar Roadways has been through two rounds of testing with the Federal Highway Administration and although the panels are not ready for paving I-70, they could be used at a rest area along I-70.

In the trucking efficiencies theme, Mr. Blair reviewed a proposal from Peleton Trucking that uses electronically linked trucks to improve fuel efficiency and safety on the road. Mo Truck Ferry would provide a drive-on/drive-off ferry for trucks that would get them off the road and onto the rail system. There were also submissions for dedicated truck lanes which is an idea the department studied in the past.

There were a number of ideas submitted under the advertising theme. These innovators want to advertise on everything, the back of highways signs, on pavements, on overpasses, on dynamic message signs, etc. They want to advertise businesses and products as well as personal messages such as “Happy Birthday Mom!”

Under the data and communications theme there are innovators that want to provide Wi-Fi along the interstate corridor. Others want to provide corridor wide fiber based communications. Neo Network is a company that wants to boost the communication services that are currently provided by constructing boosters in places where there are a lot of people using a lot of data in urban areas and in more rural places where communication networks have not reached yet. Their idea is to install these devices along the roadway improving service for the carriers and the customers.

The funding proposals ideas have included toll roads, and variations on high occupancy vehicle lanes. Numerous suggestions were made to raise the taxes already paid for transportation, such as the fuel tax. A few new ideas include capturing the tax on tires, paying taxes to be able to speed, or paying taxes to haul more weight. Suggestions were made to use a community improvement district or

transportation development district along the I-70 corridor to increase the sales tax to fund the maintenance and improvement of I-70 across the state.

The alternate travel and freight choices theme include ideas such as the hyper-loop that Elon Musk, the inventor of Tesla, is currently building on a test track in California. Tim Sylvester has presented an idea regarding subscription based integrated roadways. Alternate travel ideas have included high speed trains, bullet trains, monorail, and expanded Amtrak service. The freight ideas include the use of right-of-way for transmission lines such as fiber optic; pipelines for natural gas or oil, one suggestion included a pipeline to haul storm water from the Midwest to the west.

Mr. Blair summarized that no submissions are going to be easy, but many great innovations have been submitted and are being reviewed. He made the request for more ideas need to be submitted; the Commission, the department, the public need to continue to raise awareness about the Road to Tomorrow and encourage the submission of more ideas. To make sure that all avenues are being explored for the Road to Tomorrow, the department issued a formal request for information and has also submitted this problem on Solve RX Moonshot to seek any and all solutions. When the team presents to the Commission again in December they will include a more detailed list of innovations which have some policy and legal challenges that would need action as well as what the return on investment would be for these ideas. He concluded his remarks by stating that it is time to think differently. Missouri's Road to Tomorrow is an opportunity to shape new expectations about who we are, about what we can become, and how we pay for public works.

Commissioner Miller thanked Mr. Blair and the team for their presentation and encouraged them to continue with the momentum, the response to date has exceeded his expectations and he looks forward to the next presentation.

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MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2017 APPROPRIATIONS REQUEST

On behalf of the Director, Brenda Morris, Financial Services Director, presented the fiscal year 2017 appropriations request for \$2.69 billion. Ms. Morris explained the department is required by law to submit an appropriations request to the Office of Administration by October 1 of each year. This appropriations request is the basis of the Governor's recommendation, which is submitted to the Missouri General Assembly within thirty days of when the legislature convenes the regular session. Under the state constitution, the State Road Fund (SRF) stands appropriated without legislative action. However, the department continues to follow the process and shepherd the request through the legislative session. Typically, very little time is spent on SRF appropriations. The majority of the time is spent discussing appropriations for other modes of transportation from the General Revenue Fund; those appropriations are controlled by the legislature.

Ms. Morris briefly explained the fiscal year 2017 budget timeline. In March 2015, the districts and divisions submit their budget requests. In July and August 2015, the Financial Services division reviews and compiles the appropriations request. In September 2015, the Commission potentially approves the fiscal year 2017 appropriations request. From October 2015 to May 2016, the budget is submitted to the Office of Administration and the department's Financial Services staff supports the request through the legislative process. In May 2016, the Commission will review the fiscal year 2017 budget request. In June 2016, the fiscal year 2017 budget request is submitted to the Commission for final approval. On July 1, 2016, the 2017 fiscal year begins.

Ms. Morris stated the fiscal year 2017 appropriations request is \$2.69 billion, but not all appropriations are for spending. Of that amount, \$515 million (or nineteen percent) consists of refund or transfer appropriations. Refund appropriations allow the department to refund to motor carriers' overpayments of permit fees, registration fees, and overpayments of fuel taxes. Transfer appropriations

are needed for accounting purposes and permit the movement of money between the various funds in the state treasury. This leaves \$2.18 billion available for actual payments such as contractor and vendor payments, salaries, and fringe benefits.

Ms. Morris explained this appropriation request has decreased overall compared to the previous fiscal year, by \$47.1 million, or 1.7 percent. She then reviewed some of the changes in the appropriations request compared to the 2016 Truly Agreed and Finally Passed (TAFP) budget.

Personal services remained the same at \$240.8 million or 8.9 percent. Fringe benefits total \$121.1 million, or 7.9 percent. Maintenance and Construction expense and equipment and the Construction program total \$1.18 billion, or 43.7 percent. Highway Safety is increasing \$1.0 million or 5.4 percent

Ms. Morris also explained the Multimodal appropriations increased by \$12.0 million from the fiscal year 2016 TAFP budget. She then reviewed the adjustments made to the various multimodal programs. Transit programs are increasing \$4.2 million for operating costs for local public transit agencies. To provide greater flexibility in the federal transit programs, \$45.4 million was combined into a new Federal Transit Program appropriation, these funds will be used for transit operating expenses and purchasing vehicles. The state match for Amtrak request is \$11.4 million to address the contractual operating expenses as well as the arrears that has been accumulating since 2010. Additional funds are also being requested for ports and freight which includes an increase of \$4.5 million for additional port capital improvement projects, and an increase of \$150,000 for the freight enhancement program for freight initiatives that promote economic development and efficient movement of goods.

Ms. Morris reviewed the breakdown of the appropriations request:

- \$1.38 billion for program delivery
- \$515 million for refunds and transfers
- \$506 million for system management
- \$86 million for fleet, facilities, and information systems

- \$149 million for multimodal
- \$55 million for administration

Ms. Morris recommended approval of the proposed fiscal year 2017 appropriations request totaling \$2.69 billion. Following discussion, and upon motion by Commissioner Pace, seconded by Commissioner Waters, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2017 Appropriations Request, as noted in the table below, and authorized staff to release the request to the Office of Administration – Division of Budget and Planning.



Fiscal Year 2017 Appropriations Request
(Dollars in Thousands)

	<u>Fiscal Year 2015 Actual Expenditures</u>	<u>Fiscal Year 2016 TAFP¹ Budget</u>	<u>Fiscal Year 2017 Appropriations Request</u>
<u>Appropriations</u>			
Administration	\$49,451	\$55,438	\$55,438
System Management²	\$440,603	\$505,596	\$506,619
Program Delivery^{2,3,4}	\$1,328,450	\$1,378,709	\$1,381,617
Fleet, Facilities and Information Systems (FFIS)⁵	\$66,846	\$85,582	\$85,582
Multimodal^{2, 6, 7}	\$87,655	\$136,888	\$148,843
Refunds and Transfers	<u>\$488,799</u>	<u>\$578,035</u>	<u>\$515,035</u>
Total MoDOT Appropriations Request	\$2,461,804	\$2,740,248	\$2,693,134

¹ Fiscal year 2016 Truly Agreed and Finally Passed (TAFP) budget.

² Includes federal funds MoDOT pays to our partners and providers for goods and services.

³ Includes Contractor Payments, Design and Bridge Consultant Payments, Accelerated Program, Right of Way and Federal Pass-Through

⁴ Appropriation Request amount is estimated at \$1 in the event funds become available or the appropriation is needed.

⁵ Includes investments for fleet, capital improvements and information systems.

⁶ Includes disbursements for American Recovery and Reinvestment Act (ARRA).

⁷ Both appropriations are for levee improvements at the Rosecrans Memorial Airport, located in St. Joseph, appropriated in different years.

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A REPORT CARD FROM MISSOURIANS – 2015

On behalf of the Director, Machelles Watkins, Transportation Planning Director, presented the results of the 2015 Report Card from Missourians. This is the tool the department uses to determine how satisfied customers are with MoDOT's work, and also to get input about the services and results that are most important to them. She reminded the Commission about how this information is collected. Independent telephone surveys are conducted with more than 3,500 Missourians throughout the state. At least 500 telephone interviews are done in each of the seven district areas, and this is to ensure accurate, statistically valid results.

The good news is, Missourians are still very satisfied or satisfied with the work of the department. More than 8 out of 10 Missourians indicated that MoDOT is doing a good job. These results would be envied by any organization, private, or service, or government. However, it is worth noting while eighty-one percent is good, it is a decrease of four percent from 2013. That is something the department will need to keep an eye on and be vigilant about. There was also a drop in the percentage of Missourians who were very satisfied; it went from thirty-two percent in 2013 to twenty-five percent today.

MoDOT works very hard as an organization to communicate very clearly with Missourians. The survey indicates MoDOT is doing a good job there; nearly all of the respondents indicated that accurate, timely and understandable information is provided. This result is particularly satisfying, as state government, one has to communicate some technical information, and to do so in a manner that is understandable is notable.

Unfortunately, not all of the results are good results. One measure, the percent of Missourians who trust MoDOT to keep its commitments, has been heading downward from 2010, when it was at its highest of ninety-two percent to today, which was eighty-five percent. It is something to be concerned

about, but it should not be a surprise because the message the department has been sharing with Missourians about inadequate funding for transportation has made them pause and think, will MoDOT be able to meet the commitments of the future?

The survey also asked Missourians, of the services provided by MoDOT, what is important to them? The results indicate keeping major roads in good condition is most important to them, quickly followed by keeping bridges in good condition, and then managing snow and ice. Even though this was conducted in the late spring and into early summer, Missourians know the next snow storm or ice storm is never more than a few months away, but it is important to keep the roads clear. They are also very interested in having bright stripes, very readable signs, and it is also important to them to maintain the minor road system in good condition.

Missourians were asked about their opinions on transportation funding. The results were that eighty-seven percent were willing to pay more to adequately fund transportation in the state. The survey then asked how much more would one be willing to pay on a monthly basis for transportation? Sixty-five percent indicated they would be willing to spend another \$5.00 or more a month to help fund transportation in the state. However, there was little agreement about the best method to provide that funding. Fuel tax was the top response by only a percent. Ms. Watkins noted there was a significant change in this opinion from Missourians from the last report card in 2013, and the response supporting a fuel tax increase was up by nine percent.

Missourians are still satisfied with the work MoDOT is doing. They do believe that providing more funding for transportation should occur, but they're not in agreement about what the best method is to do that. The message about inadequate transportation funding, has been reaching them, and it is affecting their opinions on whether MoDOT will be able to honor commitments in the future.

Commissioner Pace commented that it is interesting, eighty-seven percent of the people want to improve the system and see more money spent on transportation, but there is no consensus on how to increase funding for transportation.

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REPORT REGARDING OVERALL DBE GOAL, CONSTRUCTION WORKFORCE PILOT PROGRAM, AND DBE SUPPORTIVE SERVICES

On behalf of the Director, Lester Woods, External Civil Rights Director, reviewed with the Commission three programs the External Civil Rights division is responsible for. MoDOT is required to have a certified disadvantaged business enterprise program (DBE). This program is responsible for insuring that minority and woman-owned businesses have opportunities to compete and work on federal aid projects. This is accomplished through the establishment and enforcement of DBE program goals. To determine the goals, MoDOT must have an availability study that shows the percentage of minority and woman-owned businesses that are ready to do work in the highway and transportation industry. The current study took place in 2004 which indicated there were 17.32 percent minority and woman-owned businesses that were ready, willing, and able to do different types of transportation work. MoDOT has a DBE goal of 13.49 percent statewide for federal fiscal years 2012-2014. This means at the end of the year the cumulative DBE participation needs to be at the 13.49 percent goal. Because the department works statewide and communities are diverse across the state we find that to be able to accomplish that goal, often times in the urban areas individual project goals may be as high as 20 percent, whereas in the more rural areas individual project goals may be lower, around 8 or 9 percent. In federal fiscal year 2014, the department utilized 13.14 percent DBEs on projects, just shy of the 13.49 percent goal, but well above the percentage of DBE utilization in prior years.

Mr. Woods then provided an update about the DBE program beginning with the recent completion of a new availability and disparity study. The results of the new study indicate the

availability has increased to 20.51 percent minority and woman-owned businesses that are ready, willing, and able to perform work in the state of Missouri. Mr. Woods proudly reported that increase is due in part to the department's supportive services program to increase the capacity of DBE firms to perform work for MoDOT. He explained the department is prepared to move forward with establishing a new DBE goal of 15.38 percent statewide. The department has received approval of the new goal from the Federal Highway Administration. MoDOT is also ready to implement the new methodology according to the federal rules on race-neutral items that include developing a small business enterprise program.

The next program that Mr. Woods discussed is the work force program. MoDOT is interested not only in the diversity of businesses that perform work for the department, but are aggressively seeking opportunities to diversify the workforce on MoDOT projects. The workforce includes employees of the prime contractors as well as the subcontractors. In the past, MoDOT has included the U.S. Department of Labor work force requirements on projects and have also executed creative work force plans on major projects and design build projects in urban areas. MoDOT established a new construction work force program (CWF). This program requires the contractor to monitor and track work force goals and report monthly. It also requires a good faith effort by the contractor to insure they have a diversified workforce to meet the work force goals per project. Additionally the program includes incentives for the contractors to participate and consequences if good faith efforts are not met.

This year, the department was able to select some pilot projects statewide to phase in the implementation of the CWF program. There were fifty-nine projects selected statewide; twenty-five of those projects are under contract, and six of those projects are currently active. As of July 31, 2015, the department obtained 16.3 percent minority workforce, and 8.7 percent female workforce on those projects. The U.S. Department of Labor female workforce goal is 6.7 percent, and the minority workforce goal is established by county. Overall Mr. Woods explained the attention to this program has

been encouraging good relationships with the contractors when making sure they are performing in this area which has led to the above average results.

Mr. Woods explained in 2007, MoDOT established a DBE supportive services program and an entrepreneurship training program. The program is available to assist small, minority and woman-owned businesses in Missouri to increase their participation in MoDOT contracting through assessing strengths of the firm and its leadership, building the firm's capacity, and making available tools for growth and/or diversification. Some specific areas of assistance provided include with accounting, bidding, bonding and insurance, business law, collaboration, estimating. Since the beginning of the program, the department has trained 145 firms who work in the areas of heavy construction, civil engineering, as well as administrative services. Since 2010, DBE firms have won contracts of over \$37 million for MoDOT. The average revenue of firms participating in the training program has increased from \$1.7 million in 2011 to \$1.9 million in 2012. Additionally, firms that participated in the program have experienced a 13 percent increase in their work, not only from MoDOT but other local public and private organizations.

Mr. Woods concluded his presentation with a report about the next steps that will be taken which include:

- Implement the new statewide DBE goal of 15.38 percent.
- Evaluate the new CWF pilot program at the end of the construction season.
- Continue to provide DBE supportive services classes in the fall.
- Revise DBE statutes and administrative rules to reflect federal requirements and the new DBE goal.

Commissioner Miller thanked Mr. Woods for his presentation and noted even as the department works with very limited funds, a diversified workforce and diversity in businesses doing work for the department is a commitment of the Commission and the department, and it is good to know the department continues to cultivate opportunities for all Missourians.

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REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING – APPORTION REGISTRATION PURSUANT TO THE INTERNATIONAL REGISTRATION PLAN

On behalf of the Director, Scott Marion, Motor Carrier Services Director, presented the final orders of rulemaking, 7 CSR 10-25.030, Apportion Registration Pursuant to the International Registration Plan, which explains the process for commercial motor vehicles that shall operate for hire in interstate commerce to register with Missouri as a base state and thereby lawfully operate in other jurisdictions as required under the International Registration Plan (IRP). By agreement, Missouri is a member jurisdiction under the IRP.

On May 6, 2015, the Commission approved and authorized staff to file proposed amended rules in regard to chartered buses used in interstate transportation being required to register through the IRP. The changes would remove language that allows carriers to add other IRP members during initial or renewal registration because the IRP now provides full reciprocity; update language to incorporate the January 1, 2016 version of the IRP that is required by section 536.031, RSMo; remove language that simply restates current state law, such as the Commission's authority to grant exemptions from registration, the issuance and display of license plates, and the like; and update mailing and web addresses. After Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of Secretary of State, who published the proposed rules in the *Missouri Register* for public comment, during which the public could submit comments in support of or in opposition to the notice of proposed amended rulemaking. No comments were received through this comment period.

The department supports this final order rulemaking which removes unnecessary rule language due to changes in the IRP, or because current state law addresses the issue, and updates mailing and web addresses and incorporates the January 1, 2016, edition of the IRP into the rule.

After consideration, the Commission, via approval of the consent agenda, unanimously approved the final orders to complete the rulemaking, 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, Chief Financial Officer, or Assistant Chief Engineer to execute documents to finalize the rulemaking process.

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**CITY OF MARYVILLE – NORTHWEST MISSOURI REGIONAL AIRPORT, STATE
TRANSPORTATION ASSISTANCE REVOLVING (STAR) LOAN REQUEST**

On behalf of the Director, Brenda Morris, Financial Services Director, and Michelle Teel, Multimodal Operations Director, presented to the Commission the City of Maryville’s State Transportation Assistance Revolving (STAR) fund loan request to finance an airport improvement project at the Northwest Missouri Regional Airport. The project rehabilitates a portion of the runway, the taxiway, and the apron at the airport.

The STAR fund loan would not exceed \$493,216 with a fixed interest rate of 1.976 percent for a term of ten years. The City of Maryville will make annual principal and interest payments of \$54,867.66 on July 1 of each year, beginning on July 1, 2017 through July 1, 2026. The City pledges to repay the loan from revenues generated by its one cent sales tax (no sunset) and five cent franchise tax (no sunset). The City also pledges to do all things lawfully within its power to budget and appropriate debt service annually from all available revenues to make all loan payments when due. The loan was reviewed and approved by the Cost Share Committee, consisting of the Chief Financial Officer, Chief Engineer, and Assistant Chief Engineer, on June 15, 2015.

Via approval of the consent agenda, the Commission unanimously approved the City of Maryville’s STAR fund loan request described above.

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**THE I-49 AND 275TH STREET TRANSPORTATION DEVELOPMENT DISTRICT,
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Dan Niec, Kansas City District Engineer, advised the Commission that in response to a petition filed by Sapp Bros., Inc., on February 18, 2015, the Circuit Court of Cass County established the I-49 and 275th Street Transportation Development District (TDD) as a new political subdivision on July 20, 2015. The proposed project includes widening and access improvements to 275th Street and signal improvements at the I-49 southbound ramps and Southwest Outer Road. I-49 is part of the state highways and transportation system and, therefore, under the jurisdiction of the Commission.

In keeping with Sections 238.220.4 and 238.225.1, RSMo, the Commission via approval of the consent agenda, (1) appointed the Kansas City District Engineer, or his designee, as the Commission advisor to the I-49 and 275th Street TDD board of directors, and (2) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions on the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (3) authorized the Director, Chief Engineer, Chief Financial Officer, or respective business unit director to execute the related agreements in accordance with the Commission's policy.

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**THE TRACY HIGHLANDS TRANSPORTATION DEVELOPMENT DISTRICT,
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Dan Niec, Kansas City District Engineer, advised the Commission that in response to a petition filed by Hoy Development, LLC, on March 6, 2014, the Circuit Court of Platte County established the Tracy Highlands Transportation Development District (TDD) as a new political subdivision on June 2, 2014. The proposed project includes the widening of Tracy Drive and

improvements to the Tracy Drive/Route 273 intersection. Route 273 is part of the state highways and transportation system and, therefore, under the jurisdiction of the Commission.

In keeping with Sections 238.220.4 and 238.225.1, RSMo, the Commission via approval of the consent agenda, (1) appointed the Kansas City District Engineer, or his designee, as the Commission advisor to the Tracy Highlands TDD board of directors, and (2) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions on the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (3) authorized the Director, Chief Engineer, Chief Financial Officer, or respective business unit director to execute the related agreements in accordance with the Commission’s policy.

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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 Call D01 has local funding, as noted in Table I below, and the department received the necessary concurrences.

Mr. Schroeter recommended award of contracts to the lowest responsive bidders for bids received at the August 21, 2015, letting, as recommended and noted in Table I below.

**Table I
Award of Contracts
August 21, 2015, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	I-229	Buchanan	J113097	\$149,996.60	\$0.00	BRS Construction, LLC	Slide Repair and Paved Ditches

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A03	71 NB	Nodaway	J1P3056	\$1,465,852.67	\$0.00	Widel, Inc.	Bridge Replacement
	U		J1S0623				
	JJ		J1S3057				
	FF		J1S3090				
C01	I-435	Jackson	J4I3022B	\$5,564,006.02	\$0.00	Comanche Construction, Inc.	2 Bridge Deck Replacements and 4 Bridge Rehabilitations
			J4I3028B				4 Bridge Rehabilitations
			J4I3038C				Resurface and Pavement
C02	169	Jackson	J4P3095H	\$499,186.82	\$0.00	Clarkson Construction Company	Intersection Improvements and Bridge Removal
D01	50	Osage	J5P3005	\$5,368,729.31	\$0.00	APAC-Missouri, Inc.	Resurface and ADA Improvements
		Gasconade, Osage	J5P3074C				Resurface and Add Shoulders
G01	65	Benton	J7P3030	\$454,403.19	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Diamond Grinding
		Greene	J7P2212C				
			J8P3046				
G02	13	St. Clair, Henry	J7P3010	\$4,525,966.72	\$0.00	APAC-Missouri, Inc.	Resurface
G03	13	Henry	J7P3034	\$705,765.44	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Diamond Grinding
G04	248	Barry	J7S2210B	\$1,636,266.35	\$0.00	Leo Journagan Construction Co., Inc.	Resurface and Add Shoulders
	76		J8S2463				
			TOTAL:	\$20,370,173.12	\$0.00		

* Call D01 – Funding by the City of Linn – \$42,131.00

Commission Consideration and Action

After consideration, and upon motion by Commissioner Waters, 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 August 21, 2015, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Miller abstained from voting on Call G04. Commissioner Carmichael abstained from voting on Call G01.

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PROGRAMMING AVAILABLE 2017 STIP FUNDS

On behalf of the Director, Machel Watkins, Transportation Planning Director, reported the last financial forecast indicated approximately \$168 million of federal funds will not be matched in 2017. The additional state funding needed in 2017 to fully match estimated federal funds available is \$42 million. State receipts for fiscal year 2015 exceeded revenue projections by \$47 million. These funds provide the needed state resources to match all federal funds in fiscal year 2017. To receive the federal funds, the MHTC needs to add \$210 million of projects to the Statewide Transportation Improvement Program (STIP) prior to the end of fiscal year 2017. The projects can include any combination of contractor awards, right of way, and design/bridge engineering consultants.

Ms. Watkins further noted the fiscal year 2017 Economic Development and Cost Share funds to be released to the districts will flow through the Commissioner’s distribution formula to the Flexible Funds category. Approximately fifty percent of the funds are to be used to address critical bridge needs and fifty percent of the funds are to be used to address pavement needs as these are MoDOT’s top two taking care of the system needs. Furthermore, the specific types of systematic safety improvement projects to be allowed are addition of two foot shoulders, J-Turns, and High Friction Surface Treatment as these types of improvements have the potential to address fatal crashes on the highway system.

She recommended the Commission (1) distribute an additional \$210 million of funds for 2017 to districts based on the Taking Care of the System (TCOS) factors, (2) release \$44.13 million of uncommitted fiscal year 2017 Economic Development and Cost Share funds to districts, (3) restrict the use of additional Flexible Funds to Taking Care of the System projects or specific types of systematic safety improvement projects: addition of two foot shoulders with rumble stripes; improve high-speed

crossovers including the installation of J-turns; installation of high-friction surface treatments, and (4) allow additional distributed funds to be spent on the supplementary highway system.

Via approval of the consent agenda, the Commission unanimously approved the programming of available 2017 STIP funds as described above.

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2016 – 2020 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, AMENDMENT

On behalf of the Director, Ed Hassinger, Chief Engineer, requested approval to revise the 2016-2020 Statewide Transportation Improvement Program (STIP) that was approved in July 2015, for the implementation of nine projects, as noted in the tabulation below.

**2016 – 2020 STIP
Highway and Bridge Construction Schedule
September 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)
SL Jefferson J6P0876R	MO 21	Drainage improvements between Old Route 21 and Klable Road.	2018 CN 2017 RW	\$1,479	\$59
SL Jefferson J6S3123	US 61	Pavement improvements from Route M to south of Church Road.	2017 CN	-\$2,226	-\$148
SL St. Charles J6I2326	IS 70	Interchange improvements at Fairgrounds Rd. and at Fifth St., add lane under Route 94, and build north outer road in St Charles. Project involves bridge A3440.	2016 CN 2016 RW	\$16,473	\$317
SL St. Charles J6S3100	RT N	Intersection improvements at Hawks Ridge Trail in O'Fallon.	2017 CN	\$1,037	\$75
SL St. Charles J6S3100B	RT N	Intersection improvements at Hawks Ridge Trail in O'Fallon. Not on state system. Companion project to 6S3100.	2017 CN	\$48	\$6
SW Bates J7S3085B	MO 52	Chip seal pavement improvements on Routes 52, Loop 49, A, and C in Bates, Benton, Henry, and Morgan counties.	2016 CN	\$1,127	\$76
SE Bollinger J9P3121	MO 72	Pavement improvements from Route 51 to Route 34/25/61 intersection in Jackson.	2016 CN	-\$1,339	-\$56

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)
SE Cape Girardeau JOP3011J	US 61	ADA Transition Plan improvements from Route 25 to Old Cape Road.	2016 CN	\$430	\$125
SE St. Francois J9P3114	MO 8	Pavement improvements from Route 67 to Washington County line.	2016 CN 2016 RW	-\$923	-\$64
			TOTAL:	\$16,106	\$390

Via approval of the consent agenda, the Commission unanimously approved the amendment to the 2016 – 2020 STIP as noted in the tabulations above.

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REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS

Interstate 70, St. Charles County From Route 94 to Fifth Street, City of St. Charles Job No. J6I2326 Public Hearing Held February 13, 2014

The proposed improvement provides for converting the existing Fifth Street Interchange to a Diverging Diamond Interchange (DDI), a new one-way north outer road between Fifth Street and Fairgrounds Road, and conversion of the south outer road (Veterans Memorial Parkway) to one-way. Also, the existing overpass at Fairgrounds Road will be improved to provide full access to I-70 in all directions and an additional lane on I-70 will be added under the Route 94 Bridge. The project will have fully limited access right of way. Traffic control will be handled through multiple stages of construction. A full closure of I-70 at Fairgrounds Road will be required for removal of the existing bridge over I-70. Additional local detours will be required during various stages of construction. The project is 1.64 miles in length.

On behalf of the Director, Greg Horn, St. Louis District Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended design, the Commission via approval of the consent agenda unanimously found and determined the recommended location and design 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, 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>
Cape Girardeau	61	JOS2279

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, ROUTE I-44 IN PULASKI COUNTY, EXCESS PARCEL NUMBER CD0309

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, David Silvester, Central District Engineer, recommended conveyance of 1.69 acres of property located in the northeast quadrant of Route Z and I-44 Spur (Missouri Avenue) in St. Robert, to WDG St. Roberts, LLC for a consideration of \$740,500.

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 JULY 31, 2015**

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year end-to-date July 31 2015, 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 July 2015, 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. There were 129 active contracts held by individual engineering consultant firms prior to July 1, 2015. There were no new engineering consultant services or non-engineering consultant contracts executed in June 2015.

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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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