



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN JEFFERSON CITY, MISSOURI,
WEDNESDAY, FEBRUARY 3, 2016**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, February 3, 2016, at the Missouri Department of Transportation Building, 105 West Capitol Avenue, Jefferson City, Missouri. Gregg C. Smith, Vice-Chairman, called the meeting to order at 1:00 p.m. The following Commissioners were present: Michael B. Pace, Michael T. Waters, Jr., Mary E. Nelson, and John W. Briscoe. Stephen R. Miller, Chairman was absent initially and participated upon his arrival at the meeting.

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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Patrick McKenna, 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, February 3, 2016.

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

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

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

1. Section 610.021(1) – Legal actions and attorney-client privileged communications.
2. Section 610.021(3), (13) – Personnel administration regarding particular employees.
3. Section 610.021(11), (12) – Competitive bidding specs, sealed bids, or negotiated contracts.
4. Section 610.021(17) – Confidential or privileged auditor communications.

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 Smith, Aye
Commissioner Pace, Aye
Commissioner Waters, Aye
Commissioner Nelson, Absent
Commissioner Briscoe, Aye

The Commission met in closed session on Wednesday, February 3, 2016 at 9:00 a.m., and adjourned at 12:00 p.m.

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-- OPEN MEETING --

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 February 3, 2016, 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 February 3, 2016, meeting.

Audit Committee – Commissioner Pace stated there was no report and the next Audit Committee meeting will be in March.

Legislative Committee – Commissioner Miller reported the first bill the Senate Transportation Committee heard was Senate Bill 623, a proposal sponsored by Sen. Doug Libla that would increase the gasoline tax by 1.5 cents and diesel tax by 3.5 cents. This proposal would raise approximately \$56 million that would go to MoDOT and \$24 million for cities and counties. Over thirty different organizations testified in favor of the proposal. On the House side there are discussions underway to use general revenue funds for some form of a cost-share program; however, no proposal has been filed. He expressed his pleasure that the General Assembly is having a conversation about transportation and especially so early in the session. He also noted that Director McKenna presented the Annual Accountability Report to the Joint Committee on Transportation Oversight on January 27, 2016.

Missouri Transportation Finance Corporation – Commissioner Smith stated the meeting scheduled for February was cancelled and the next meeting is scheduled for May.

MoDOT and Patrol Employees' Retirement System – Commissioner Pace reported there is good news and bad news to report this month. The plan is currently down 3.5 percent for this fiscal year; however, the asset allocation is good and is protecting the plan from the down turn in the market. All 1099s have been mailed to retired members of the plan; in addition the board set the cost of living adjustment for retired members at 0.095 percent.

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DIRECTOR'S REPORT

During the February 3, 2016, Commission meeting, Director Patrick McKenna provided the following report:

Flood update – Director McKenna reported preliminary estimates from the recent flooding: \$6.1 million in damaged roads, bridges, shoulders, and roadsides. The Director indicated that figure will increase as the department continues to monitor slides and review flood damage. From December 22 to January 2 the department incurred an estimated \$2.2 million in costs to fight the flood which includes manpower, equipment, and materials. He commended department employees for the extraordinary job

they did in response to the flood. He noted in combination with the summer floods in 2015 the department has incurred \$16.3 million due to high water costs.

Funding – Director McKenna noted he testified before the General Assembly regarding transportation funding. During his presentation to the Joint Committee on Transportation Oversight, the Director presented the annual accountability report which called attention to MoDOT’s long term insufficient funding situation. The Director also testified before the House Budget Committee, the House Appropriations Committee, and will testify to the Senate Appropriations Committee next.

Awards – Director McKenna reported the Twin Cities Chamber of Commerce in Jefferson County gave a 110 percent award to Judy Wagner, Area Engineer, and Team MoDOT for tirelessly fighting the flood waters and doing everything possible to keep Interstate 55 open. The Director also reported the department nominated the Jefferson City News Tribune and its opinion editor, Richard McGonegal, for the national media award with the American Traffic Safety Services Association. This award recognizes a reporter, news organization, blogger, or free-lancer who has been fair, balanced and informative in reporting transportation issues on radio, television, newspapers and the web. Director McKenna noted the News Tribune consistently elevates safety stories to the editorial level lending both credibility and commitment to the safety message that assists the department’s education efforts.

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2017-2021 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM DEVELOPMENT

On behalf of the Director, Machelles Watkins, Transportation Planning Director, reminded the Commission in January the new financial forecast was presented which indicated contractor awards increased significantly from the prior forecast, because the department is projected to match all of its federal funds for the next five years. All federal funds are now able to be matched primarily because state revenues are projected to be higher for the five year period 2017-2021 than previously expected. In state fiscal year 2015, state revenues were \$47 million more than what was projected. That results in the base state revenue amounts for this recent forecast being higher, and the growth seen previously is expected to continue. In addition, the department has worked with the Federal Highway Administration to federalize some preventive maintenance activities, such as striping, chip sealing and asphalt pavement repair that were previously only state funded. Finally, due to Congressional passage of the Fixing

America's Surface Transportation (FAST) Act, MoDOT has some certainty regarding future federal funding for the first time since 2011. To match federal funds, MoDOT will be aggressively spending down existing cash balances to match the commitment of the federal government. All of this culminated in approximately \$100 million more per year for Statewide Transportation Improvement Program (STIP) funding which led the Commission to take action on January 6, 2016, to rescind the 325 program. Consequently, with the additional funding being available and the restrictions on distribution of funds from the 325 program being lifted, action is necessary in order for the department to prepare for the next planning cycle that will develop the next STIP.

Ms. Watkins reviewed what can be accomplished with this level of funding, the direction that will be provided to the districts and planning partners as they develop the next STIP, and some recommendations for the Commission to consider to ensure the funds are used wisely to accomplish the goals.

Ms. Watkins stated safety is the department's top priority. Fatalities continue to rise on Missouri's highways and additional funding for systematic safety improvements are needed to better address this trend. She explained the department has lost ground in recent years on safety trending the wrong way. There were 862 fatalities on Missouri's roads in 2015, compared to 766 fatalities in 2014. For the first time since 2012, there were more than 800 fatalities on Missouri's roads. The department believes more funding should be allocated for safety in pursuit of systematic safety improvements that will address fatalities.

In addition to providing a safe system, the department knows the customers want a smooth road and bridge system. Maintaining Missouri's transportation assets is very important in order to be able to provide a smooth system. Ms. Watkins reviewed an asset management plan for the STIP where roads are addressed according to both function they perform and their usage. She described the different types

of systems, the condition those systems are currently in, and the funding that is used to maintain those systems.

The interstate system is about 1,400 miles of roadway which is four percent of the total state system, and carries forty-three percent of the traffic. Ninety-two percent of Missouri's interstates are in good condition. The major road system includes the interstates and major roadways, which is about 5,500 miles of the system, and carries about seventy-seven percent of the traffic. Eighty-eight percent of the major roadways are in good condition. There are approximately 28,000 miles of minor roadways which include lower volume and higher volume segments. The higher volume minor roadways carry more than 400 vehicles per day and are about 17,000 miles of the system. The higher volume minor roadways carry about twenty-one percent of the traffic and about eighty percent of these roadways are in good condition. The lower volume minor roadways carry less than 400 vehicles per day and are about 11,000 miles of the system. The lower volume minor roadways carry about two percent of the traffic and about seventy-one percent of these roadways are in good condition.

Ms. Watkins explained roadwork for interstates, major roads, and high volume minor routes are funded through the STIP. Whereas roadwork for low volume minor routes is funded by the department's operating budget. However, the construction work for bridges on the low volume minor routes is funded through the STIP. MoDOT's internal operating budget is a very important piece of the transportation funding puzzle.

Ms. Watkins reported when it comes to asset management, the department desires at a minimum to keep interstate and major roads and bridges at the condition level they are today, and not to lose ground on the minor routes. She explained there is enough funding to achieve the condition goal on a statewide basis, but not on a district by district basis. MoDOT's asset management planning indicates some districts will be required to use all of their distributed funds to maintain the current condition of their system. Some districts will not be able to maintain their roads and bridges in the condition they are

today, even if they spend all of their distributed funding to maintain the system. Others will be able to maintain that condition and maybe do a few other projects to address congestion or mobility issues.

The department will coordinate with staff and planning partners to focus on asset management goals first in the STIP development process to keep their roads and bridges at the condition level they are today. **If** they can achieve those goals and still have funding remaining, they can prioritize and program additional kinds of work.

Ms. Watkins reviewed the following recommendations for the Commission's consideration:

- Beginning in fiscal year 2017, increase funding for the safety category from \$25 million to \$35 million annually, with \$3 million allocated to statewide safety initiatives and the remaining \$32 million distributed to districts.
- In light of the continued suspension of the cost share program, release the fiscal year 2018 cost share funds for distribution to the districts using taking care of the system distribution factors. The Cost Share/Economic Development Program was suspended by the Commission on January 8, 2014, for all projects not approved by the Cost Share Committee at, or prior to, the Cost Share Committee's November 15, 2013 meeting. Uncommitted fiscal year 2017 funds of \$44.13 million were released to the districts by the Commission at the September 2, 2015 Commission meeting.
- Eliminate the major projects and emerging needs funding category and allow all remaining funds to be distributed in the flexible funding category. Funds in both of these categories are distributed using the same factors. The only difference between these two categories is the major project and emerging needs funding category set aside half of the funds distributed to rural districts in a statewide pot by which rural districts came together to prioritize major projects for programming in the STIP. The flexible funds category distributes funds based on population, employment, and vehicle miles traveled. The

flexible funds category also permits funding of major projects. The redirection of this funding will allow the districts to apply this funding to their asset management goals and assist those districts that cannot reach or maintain their system condition levels.

- Revise the Transportation Alternatives funding from seventy-five percent allocated for local programs and twenty-five percent allocated for MoDOT statewide usage, to fifty percent for local programs and fifty percent for MoDOT statewide usage. Increasing the Transportation Alternatives allocation for MoDOT statewide usage will allow for more progress to be made on the federally required Americans with Disabilities Act Transition Plan.
- Approve changes to the MHTC policy on Statewide Transportation Improvement Program Funding Allocation as outlined below:

Category: STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
Subcategory: Funding Allocation

STIP FUNDING ALLOCATION

After soliciting significant public involvement into its funding allocation process in 2003, the Commission approved a policy for distribution of funds available for road and bridge improvements. This decision is the financial basis upon which the Five-Year Statewide Transportation Improvement Plan is prepared.

Of the total funds available for road and bridge improvements in the Statewide Transportation Improvement Program (STIP), ~~including federally earmarked funds~~, allocation will be in keeping with the following process:

- Step 1: Deduct federally sub-allocated **pass-through** funds designated for specific purposes, including the following:
- Off-System Bridge Replacement and Rehabilitation Program (BRO) - Maintain replacement and rehabilitation funding for bridges not on the state road system at the fiscal year 2009 (SAFETEA-LU) level of \$21.2 million.
 - On-System Bridge Replacement and Rehabilitation Program (BRM) – Small Cities - Maintain replacement and rehabilitation funding at \$500,000 per year for the state roads’ competitive bridge program for small cities with a population of 5,000 to 200,000.

- On-System Bridge Replacement and Rehabilitation Program (BRM) – Large Cities – Maintain replacement and rehabilitation funding at \$6.3 million per year for the large urban bridge program serving the Kansas City, St. Louis, and Springfield regions.
- Small Urban Surface Transportation Program (STP-U) – Small Cities – Maintain funding at \$3.5 million per year for the small city road or bridge program for cities with a population of 5,000 to 200,000.
- Large Urban Surface Transportation Program (STP-U) – Large Cities – Maintain funding at approximately \$60 million per year for Kansas City, St. Louis, and Springfield, as mandated in the current federal transportation act.
- Congestion Mitigation and Air Quality (CMAQ) Program - Distribute Missouri’s estimated minimum guarantee of CMAQ funds to St. Louis and Kansas City based upon population. Distribute remaining CMAQ funds to the area(s) not meeting federal air quality requirements. This distribution will use the same demographics included in apportioning the federal CMAQ funds to Missouri.
- ~~Transportation Alternatives~~ **Enhancement** Program – ~~Maintain funding at 75~~ **Revise funding to 50** percent of Transportation Alternatives program per year.
- **Recreational Trails Program** – This program provides approximately \$1.7 million annually for developing and maintaining motorized and non-motorized recreational trails. This program is administered by the Department of Natural Resources.
- **Rail/Highway Crossing** – This program provides approximately \$6 million annually for improving the safety of highway/rail crossings.
- **Highway Planning & Research** – This program provides approximately \$20 million annually for MoDOT planning and research activities and for planning activities performed by Regional Planning Organizations.
- **Metropolitan Planning** – This program provides approximately \$5 million annually for planning activities performed by Metropolitan Planning Organizations.

Step 2: Deduct funding for **non-highway transportation agencies** ~~other transportation modes~~ (aviation, railways, transit, and waterways) appropriated by the state legislature for the designated purposes **and federal funds**. This funding cannot be used for roads and bridges.

Step 3: Deduct the financing cost for projects accelerated through bond financing, including debt service relative to Amendment 3. **Excludes GARVEE bonds.**

Step 4: ~~Deduct federal discretionary (above-formula) earmarks for distribution to the related earmarked projects. This distribution will be in addition to the district distributed funds.~~ **Deduct specific funding sources, such as federal Open Container safety funds, federal Transportation Alternatives (statewide) funds, and other uniquely distributed funds.**

Step 5: Beginning in Fiscal Year 2013, deduct \$45 million for economic development and cost-share projects statewide. Deduct an additional variable amount with savings generated from debt service savings associated with refinanced bonds and redirected internal operating budget cost savings, plus an additional variable ~~amount for Fiscal Years 2013 through 2015~~ generated from prior project savings.

Step 6: Deduct funding contributed by partnering agencies. Includes project funding from cities, counties, or other state agencies, and federal earmarked funds.

Step 7: Deduct project savings and adjustments. Includes project cost savings or overruns, and adjustments for engineering costs.

Of the remaining funds available for road and bridge improvements:

Step 1: ~~Deduct Amendment 3 Funds for use on Element 3 of MoDOT's Smoother, Safer, Sooner Program.~~ Deduct \$35 million for Safety Projects. Distribute \$32 million based on three-year average accident rate. Allocate \$3 million for statewide safety initiatives.

Step 2: Allocate ~~\$460~~ \$435 million to Taking Care of the System, divided as follows:

\$125 million for Interstates/Major Bridges.

~~\$ 25 million for Safety Projects~~

~~—Distribution based on three-year average accident rate.~~

\$310 million for remaining Taking Care of System

Distribution based on a formula that averages:

- Percent of total Vehicles Miles Traveled (VMT) on the National Highway System and remaining arterials.
- Percent of square feet of state bridge deck on the total state system.
- Percent of total lane miles of National Highway System and remaining arterials.

Step 3: Allocate ~~\$131 million~~ remaining funds to Flexible Funds that can be used for either ~~Taking Care of the System or Major Projects and Emerging Needs.~~ taking care of the system or major project type of work.

Distribution based on the average of:

- Percent of total population.
- Percent of total employment.
- Percent of total VMT on the National Highway System and remaining arterials.

~~Step 4: Allocate remaining funds to Major Projects and Emerging Needs. Project priorities will be determined by cooperative efforts of MoDOT, regional planning commissions, metropolitan planning organizations, and others as outlined in the Framework for Transportation Planning and Decision Making. These funds are distributed to the three Transportation Management Areas and the rural area based on formula that averages:~~

~~Distribution based on a formula that averages:~~

- ~~▪ Percent of total population.~~

- ~~▪ Percent of total employment.~~
- ~~▪ Percent of total VMT on the National Highway System and remaining arterials.~~

~~Half of the rural area funding is distributed to the districts based on the above factors. The other half of the rural funding will be used for statewide rural projects.~~

~~In order to allow flexibility for local regions to be able to take advantage of federally earmarked (above-the-line) funds and to the extent allowed by federal and/or state law, all district distributed right of way and construction funds will be available for use on both the state and local high priority projects, up to the earmarked amount.~~

Effective Date: November 7, 2013
Supersedes Policy Dated: March 1, 2012
Last Reaffirmed:
Date of Origin: January 10, 2003

Related Commission Minutes: January 10, 2003; June 2, 2004; February 7, 2006; February 4, 2011; March 1, 2012; November 7, 2013 – Comprehensive Policy Review
(February 4, 2011- Increased base level funding from \$30M to \$35M and added a variable amount component with savings generated from debt service associated with refinanced bonds and with redirected internal operating budget cost savings).
(March 1, 2012 – Beginning in Fiscal Year 2013, increased base level funding from \$35M to \$45M and added a variable amount generated from prior project savings for Fiscal Years 2013 through 2015.)

Commissioner Waters inquired about the federal requirement for an ADA transition plan. Ms. Watkins reported the department is in a position to deliver the ADA transition plan by 2027. Commissioner Briscoe inquired if this asset management plan will maintain the number of critical condition bridges where it is today. Ms. Watkins responded that is correct, the department will not lose ground, but will not be able to make progress in reducing the number of critical condition bridges.

After consideration, and upon motion by Commissioner Smith, seconded by Commissioner Pace, the Commission took the following action:

- Increased funding for the safety category, beginning in fiscal year 2017, from \$25 million to \$35 million annually, with \$3 million allocated to statewide safety initiatives and the remaining \$32 million distributed to districts.
- Released the fiscal year 2018 cost share funds for distribution to the districts using taking care of the system distribution factors.
- Eliminated the major projects and emerging needs funding category and allow all remaining funds to be distributed in the flexible funding category.
- Revised the Transportation Alternatives funding from seventy-five percent allocated for local programs and twenty-five percent allocated for MoDOT statewide usage, to fifty

percent for local programs and fifty percent for MoDOT statewide usage.

- Approved changes to the MHTC policy on Statewide Transportation Improvement Program Funding Allocation as noted above.

Commissioner Miller thanked Ms. Watkins for her presentation.

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MAJOR BRIDGES

On behalf of the Director, Dennis Heckman, State Bridge Engineer, stated MoDOT has over 10,400 state bridges on the state system. Included in that number are the 209 major bridges, 53 of those span the Missouri and Mississippi Rivers. Major bridges are defined as those over 1,000 feet in length. These bridges typically span major rivers, and lakes, but they also include fly-over ramps and bridges that are part of really big interchanges. Major bridges make up only two percent of the number of state bridges; however, they represent 25 percent of the deck area. Major bridges are significant transportation assets that are a very large investment. To replace all 209 of the major bridges it would cost approximately \$7 billion.

Mr. Heckman then compared a typical bridge to a major bridge by reviewing the differences between them for the cost to replace, expected life, and length of detour if the bridge were closed. A typical bridge may cost between \$500,000 and \$2 million to replace, on average a typical bridge costs \$1 million to replace. Major bridges cost between \$50 and \$250 million to replace and on average a major bridges costs \$100 million to replace. The life expectancy for a typical bridge is about 50 to 75 years, older bridges were designed for 50 years and bridges designed in the last 20 years were designed to last about 75 years. Major bridges are designed to last 75 to 100 years. The length of detour for a typical bridge is about 5 to 10 miles, whereas the length of detour for a major river bridge is about 50 to 100 miles.

The average age of the bridge inventory for typical bridges is about 45 years, and they were designed to last about 50 years so that is a tidal wave of bridge work that is coming. The average of the bridge inventory for major bridges is about 36 years; the problem is there are 40 of those bridges that are over 60 years old. When considering the average cost to replace a major bridge and the number of bridges that are going to need to be replaced, you get a sense of the challenges facing the department. In the next ten years the department has identified twelve of the 209 major bridges that need to be replaced, and another twenty major bridges that need major rehabilitation. Those thirty-two projects total approximately \$1 billion in the next ten years.

Mr. Heckman reviewed the preventive maintenance the department undertakes to take care of major bridges. Each spring the bridges are washed to remove salt from the winter. Steel bridges are painted approximately every 30 years and it can cost \$7 to \$15 million to paint a major bridge. With asset management, preventive maintenance is used to keep the bridges in good condition. Keeping state highways and bridges in good condition is one of the department's tangible results; however, there is insufficient funding to stop the cumulative deterioration of the major bridges on the state highway system.

He then provided an illustrative example of the tough choices that are being made due to insufficient funding. The Interstate 70 Bridge over the Missouri River at Rocheport is a 55 year old bridge that needs about \$10 million in repairs. However, he explained the bridge is too narrow for today's traffic, it currently has four lanes with basically no shoulders and it needs to be a six lane bridge for the amount of traffic it carries. To replace this bridge with a new six-lane bridge would cost approximately \$180 million. However there is not enough funding to replace the bridge currently so the department will proceed with the \$10 million of rehabilitation work to get another twelve years of life from the bridge.

Commissioner Miller thanked Mr. Heckman for describing the current status of Missouri's major bridges and the future challenges the department is doing its best to address.

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RESOLUTION EXPRESSING APPRECIATION TO LLOYD J. "JOE" CARMICHAEL FOR OUTSTANDING SERVICE ON THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Via approval of the consent agenda, the Commission unanimously approved the following resolution.

WHEREAS, Lloyd J. "Joe" Carmichael was appointed to the Missouri Highways and Transportation Commission by Governor Jay Nixon, on March 9, 2009. Commissioner Carmichael served a six-year term extending through December 2015; and

WHEREAS, Commissioner Carmichael brought to the Commission a distinguished background of business expertise and public service, which provided him with a unique knowledge of highway and transportation issues, astute understanding of public funding and fiduciary responsibility and respect for the perspectives and input of Missouri's diverse populace; and

WHEREAS, Commissioner Carmichael performed his duties with extraordinary professionalism, integrity, dignity, and a keen sense of humor that would rise to the occasion; and

WHEREAS, Commissioner Carmichael's expertise in the development of sound public policy, coupled with his humility in resolving complex civic challenges, gained his well-deserved recognition as a respected public servant and esteemed statesman; and

WHEREAS, Commissioner Carmichael was Chairman from March 2013 through March 2014, and then served as Vice-Chairman from March 2014 through December 2015; and

WHEREAS, Commissioner Carmichael was instrumental in many positive changes within MoDOT as evidenced by Commission approval of the Safe and Sound Bridge Improvement Program that replaced or repaired eight hundred and two of the state's worst bridges and was completed in October 2012; and

WHEREAS, Commissioner Carmichael was instrumental in the Commission's historical decision in June 2011 to implement the Bolder Five-Year Direction that saved \$605 million to build and repair Missouri's roads and bridges and make MoDOT smaller by reducing from ten to seven districts, closing over one hundred facilities around the state, reducing MoDOT staff by one thousand two hundred, and reducing over seven hundred-fifty pieces of equipment; and

WHEREAS, Commissioner Carmichael's steady leadership guided the department through tumultuous organizational changes including five different directors, and most of the last five years of his term was served while there were vacant seats on the Commission; and

WHEREAS, Commissioner Carmichael’s interest and concern for others endeared him to fellow members of the Missouri Highways and Transportation Commission and department staff.

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Commissioner Carmichael for the public service he has performed for the citizens of Missouri and extends to him best wishes in his future endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Commissioner Carmichael so he will have a permanent record of the admiration and affection in which he is held by the members of the Missouri Highways and Transportation Commission and department staff.

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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 C02, D06, and F03 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 January 22, 2016, letting, as recommended and noted in Table I below. (2) Rejection of bid received from APAC-Missouri, Inc. on Call A01 due to the bid being non-responsive pursuant to Section 102.7 of the Missouri Standard Specifications for Highway Construction due to not completing their bid in accordance with the bidding documents.

**Table I
Award of Contracts
January 22, 2016, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01*	36	Buchanan	J1P3035	\$4,343,224.21	\$0.00	Phillips Hardy, Inc.	Grading, Pavement and Bridge
B01	W	Shelby	J2P2220B	\$834,982.20	\$0.00	Bleigh Construction Company	Bridge Deck Replacement
	W		J2P2220C				
	N		J2P2220D				
B02	11	Adair	J2S0412B	\$839,223.40	\$0.00	Bleigh Construction Company	Bridge Replacement

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
B03	22	Boone, Randolph, Audrain	J3P2207	\$2,392,874.45	\$0.00	APAC-Missouri, Inc.	Diamond Grinding and Shoulder
C01	F	Johnson	J3S3031	\$290,915.80	\$0.00	Widel, Inc.	Bridge Deck Replacement
C02**	7	Cass	J4P2257	\$3,788,109.07	\$6,000.00	Miles Excavating, Inc.	Pavement and ADA Improvements
C04	50	Jackson	J4P3079B	\$607,774.35	\$0.00	Radmacher Brothers Excavating Co., Inc.	Grading and Pavement
C05	291	Clay	J4P3079C	\$623,631.00	\$0.00	Gunter Construction Company	Grading, Drainage, and Paving
C08	D	Cass	J4S3067	\$1,739,974.60	\$0.00	Widel, Inc.	Bridge Deck Replacement
	D		J4S3070				
	YY		J4S3071				
C09	169	Clay	J4P3079D	\$749,690.32	\$8,600.00	Leavenworth Excavating & Equipment Company, Inc.	Intersection Improvements
C10	W	Jackson	J4P3081D	\$3,294,169.70	\$0.00	Ideker, Inc.	Resurface, ADA Improvements and Signals
D01	70	Cooper	J5I3026	\$878,905.52	\$0.00	APAC-Missouri, Inc.	Resurface
D02	28	Maries, Gasconade, Osage	J5L1600C	\$640,588.53	\$0.00	Blevins Asphalt Construction Company, Inc.	Seal Coat
D03	63	Boone	J5P3010B	\$3,987,612.25	\$0.00	APAC-Missouri, Inc.	Resurface
D04	54	Camden	J5P3010D	\$2,552,181.78	\$0.00	APAC-Missouri, Inc.	Resurface
D05	Various	Morgan, Miller, Moniteau	J5S3008D	\$307,095.00	\$0.00	Branco Enterprises, Inc.	ADA Improvements
D06***	63 OR	Boone	J5S3089	\$998,464.45	\$0.00	Boone Construction Co.	Bridge Replacement
			J5S3090				
F01	55	Jefferson	J6I1010J	\$2,876,840.58	\$63,000.00	Millstone Weber, LLC	Grading, Pavement and Bridge
F02	70	St. Louis	J6I2104	\$6,848,551.79	\$0.00	Pavement Solutions, LLC	12 Bridge Rehabilitations
F03****	70	St. Charles	J6I2326	\$20,774,145.22	\$39.16	Millstone Weber, LLC	Grading, Pavement and Bridge
F04	55	St. Louis, St. Louis City	J6I3017	\$4,796,386.69	\$1,000.00	N.B. West Contracting Company	Resurface and Bridge Rehabilitation
F05	70	St. Charles	J6I3041	\$1,938,511.53	\$0.00	Magruder Paving, LLC	Coldmill and Resurface

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F06	30	St. Louis City	J6P2289	\$573,997.50	\$20,407.84	Reinhold Electric, Inc.	Signals and ADA Improvements
F07	30	St. Louis City	J6P2290	\$488,984.30	\$26,407.84	Reinhold Electric, Inc.	Signal and ADA Improvements
F10	231	St. Louis	J6S2431	\$500,000.00	\$0.00	Pace Construction Company	Resurface and ADA Improvements
F11	BB	Franklin	J6S3010	\$76,546.80	\$0.00	Microsurfacing Contractors, LLC	Pavement Improvement
G01	F	Taney	J8S2400	\$331,720.20	\$0.00	Ewing Signal Construction, LLC	Intersection Improvements
H02	8	St. Francois	J9P3114	\$1,123,000.00	\$0.00	Pace Construction Company	Resurface
H06	143	Wayne	J9S3049	\$928,000.00	\$0.00	Pace Construction Company	Surface Leveling
	A	Madison	J9S3050				
TOTAL:				\$70,126,101.24	\$125,454.84		

* Call A01 – Funding by MoDOT Economic Development Program for Buchanan County Agri-Business Expo Center, Inc.

** Call C02 – Funding by City of Harrisonville – \$510,000.00
Funding by Mid-American Regional Council (MARC) – \$2,040,000.00

*** Call D06 – Funding by Boone County – \$557,943.85 (J5S3089)

**** Call F03 – Funding by St. Charles County – \$15,686,997.61
Funding by City of St. Charles – \$3,878,147.61

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received on the January 22, 2016, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected the bid received by APAC-Missouri, Inc. on Call A01 because it was considered non-responsive.
3. 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 D05.

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REPORT AND RECOMMENDATIONS REGARDING THE ROUTE 54 CHAMP CLARK BRIDGE PROJECT IN PIKE COUNTY, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Paula Gough, Northeast District Engineer, recommended the Champ Clark Bridge project on Route 54 connecting Pike County, Missouri with Pike County, Illinois 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 54 Champ Clark Bridge 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 2 percent over the programmed cost or those changes will be taken back to the Commission. The Route 54 Champ Clark Bridge procurement process will begin February 2016. Funds for preliminary engineering are included in the Statewide Transportation Improvement Program. The bridge project is estimated at \$63.2 million.

The project has been awarded a TIGER Grant in the amount of \$10 million, with the remainder to be split evenly with the Illinois Department of Transportation. 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>
Perry	AC	J9P3093

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 A SUPPLEMENTAL AGREEMENT WITH THE CITY OF WILLOW SPRINGS

On behalf of the Director, Kelly Lucas, Right of Way Director, explained the Commission’s November 7, 2013, policy regarding use of Commission-owned property or property rights authorizes staff to execute leases and agreements for use of real property and its appurtenances. However, the policy further requires that all unique, sensitive and/or controversial transactions be submitted to the Commission for consideration. The proposed supplemental agreement is unique because of the nature of the original agreement previously approved by Commission action.

On February 1, 2012, the Commission approved the execution of the initial Lease with Option to Purchase Agreement with the City of Willow Springs. The initial agreement was fully executed on

March 30, 2012. The terms of the initial agreement prohibited the City of Willow Springs from using the leased premises as office space to conduct any governmental duties, except for the Willow Springs Economic Development Director. The City of Willow Springs would like law enforcement to occupy the facility as a means to further promote economic development by making the community more attractive to businesses.

Via approval of the consent agenda, the Commission unanimously authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the Fourth Supplemental Lease with the Option to Purchase Agreement with the City of Willow Springs to authorize law enforcement to occupy a portion of the former Willow Springs District Office.

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-- REPORTS --

The Commission received the following written reports.

AUDITS AND INVESTIGATIONS' ANNUAL REPORT

Bill Rogers, Director of Audits and Investigations, provided to the Commission the Audits and Investigations 2015 Annual Report.

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FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Brenda Morris, Financial Services Director, provided to the Commission the written Quarterly Financial Accountability Report for the period ending December 31, 2015.

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**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING DECEMBER 31, 2015**

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year-to-date ended December 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 December 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 109 active contracts held by individual engineering consultant firms prior to December 1, 2015. Eight new engineering consultant services contract were executed in December 2015, for a total cost of \$1,691,246. There were five non-engineering consultant contracts executed in December 2015, for a total cost of \$240,731.

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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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