



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN WEST PLAINS, MISSOURI,  
WEDNESDAY, OCTOBER 12, 2016**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 12, 2016, at the West Plains Civic Center, 110 Saint Louis Street, West Plains, Missouri. Gregg C. Smith, Chairman, called the meeting to order at 10:30 a.m. The following Commissioners were present: Michael B. Pace, Michael T. Waters, Jr., Mary E. Nelson, and John W. Briscoe.

Commissioner Stephen R. Miller tendered his resignation effective July 1, 2016; at the time of the October 12, 2016 meeting, a replacement had not been appointed.

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

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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, October 12, 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.

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

The Commission met in closed session on Wednesday, October 12, 2016 at 8:00 a.m. and adjourned at 10:30 a.m.

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**-- OPEN MEETING --**

**APPROVAL OF MINUTES**

Upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meetings held August 3, 2016, and September 1, 2016. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

**Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items of the Commission meeting agenda. Those items considered by staff to be of a routine or non-controversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to “consent agenda” is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

## **Consideration of October 12, 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 October 12, 2016, meeting.

**Audit Committee** – Commissioner Waters stated there was no report.

**Legislative Committee** – Commissioner Pace stated everyone should know that safety is MoDOT's number one priority as a state agency; the commission and department want the traveling public and MoDOT employees to be safe when operating a motor vehicle on the Missouri's roads and highways. As a result, the Commission and MoDOT are working to advance three safety related legislative proposals during the 2017 session of the Missouri General Assembly. The three legislative proposals are as follows:

- A safety initiative that would prohibit the use of hand-held electronic communication devices while driving;
- Platooning which is a wireless connectivity between trucks that would allow for the second truck to follow at a close distance for better fuel economy and safety; and
- A federal mandate that would allow an automobile transporter to have longer and heavier loads when hauling vehicles across the state.

While the department staff are actively drafting legislation and seeking sponsors for these legislative proposals, the department is spending some extra time on working with stakeholder groups on the safety initiative of prohibiting the use of hand-held electronic communication devices while driving.

**Missouri Transportation Finance Corporation (MTFC)** – Commissioner Smith stated the MTFC Board met on October 11, 2016. At this meeting Williams-Keepers, LLC presented the Comprehensive

Annual Financial Report for the Fiscal Year ended June 30, 2016. The MTFC received an unmodified opinion with no audit findings. This is the twentieth consecutive unmodified opinion. The board approved one loan totaling \$5,000,000 to the City of Wentzville for a new interchange on I-70 west of Wentzville Parkway. The board approved one loan totaling \$15,400,000 to the City of Warrenton for a new I-70 interchange and an extension of Route MM. The board approved one loan totaling \$13,200,000 to the City of Branson for phase I of the New Spirit of 76 Complete Streets Project. He noted it has been some time since the Board has approved loans, and while these were large dollar amounts for the loans there remains a considerable balance of funds available for loan. The next MTFC meeting will be in February 2017.

**MoDOT and Patrol Employees' Retirement System** – Commissioner Pace reported as of June 30, 2016, the system's net asset value was \$1.96 billion. The investment assets had a return of one percent, while that seems paltry for a return rate when compared to peer funds the median return rate was 0.4 percent. At the September 29, 2016, board meeting the actuary presented the plan's annual evaluation which indicated the funding status increased from 52.9 percent to 55.5 percent. The board continues to work on improving the unfunded liability status.

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## **DIRECTOR'S REPORT**

During the October 12, 2016, Commission meeting, Director Patrick McKenna provided the following report:

**Day of Remembrance** – On September 15, MoDOT held annual Day of Remembrance ceremonies across the state to remember the sacrifice that was made by the 132 MoDOT employees (since 1946) who have lost their lives while performing their duties for the benefit of the citizens of Missouri.

These ceremonies are import to the department to honor those who have fallen as well as recognize their families, friends and fellow workers.

**Stand Up For Safety** – On October 13, MoDOT will observe the second “Stand Up for Safety” Day.

All across the state the organization will step away from normal duties and focus on the things that need to be done and remember to ensure that everyone goes home safe every day. We appreciate Commissioner Pace for being the inspiration behind this event!

**Chief Engineer's Report** – Director McKenna stated he will begin to share the Director's Report time with the Chief Engineer and Chief Financial Officer. Ed Hassinger and Roberta Broecker will begin

providing periodic reports to remain updated on some aspect of the organization. Ed Hassinger described how MoDOT took the money saved during a mild winter and put it on the road this summer.

**Efficiency of the Department** – Chief Engineer Hassinger explained in a normal winter the department will spend approximately \$43 million per year on equipment, people, and material for winter operations. Last year, due to the mild winter and lower fuel prices, the department only spent about \$25 million. The remaining \$18 million of the winter operations budget was used for road work this summer. Over 200 centerline miles of contract hot mix level course was applied for approximately \$12 million. A lot of seal coat work was accomplished; 75 centerline miles of contract work and over 100 centerline miles by MoDOT’s maintenance crews for approximately \$3 million. Over 10,000 tons of asphalt was used for pavement repairs totaling over a half a million dollars. The maintenance buildings were able to use this material on some of the lowest volume roads which equated to laying about 8,000 patches approximately 10 x 10 in size. Since it has been a really rainy year there have been a lot of floods and slides. This savings has allowed the department to repair damage from slides and floods, some drainage repairs, and pavement under-sealing for a total of approximately \$2 million. Commissioner Waters noted the department’s efficiency and ability to respond so quickly to take the winter savings and apply it to the roads. Director McKenna commented about the economy of scale and how efficient the department is at winter operations. He explained there are 4.2 million registered drivers in Missouri, when you take the \$25 million MoDOT spent on winter operations, those licensed drivers paid on average \$6 to have miles their roadways cleared, a small sum considering how much some people pay to have their driveways cleared.

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## **CITY OF WEST PLAINS RAIL CONSOLIDATION STUDY**

Mayor Jack Paulmen welcomed the Commission to the City of West Plains and introduced City Administrator, Tom Stehn. Mr. Stehn explained the community has a transportation safety concern due to the railroad tracks dividing the town in half. The schools and industry are located on one side of the tracks while emergency services are located on the other side. He noted in 2008 the railroad conducted a study and made recommendations to close all but three railroad crossings. While this would have addressed the safety concerns, the study did not involve the public who in turn failed to support it. So in 2015 the city decided to restudy the grade crossings and focus on public involvement. Mr. Stehn

introduced Steve Prange with CMT who is performing the study. Mr. Prange reviewed the many benefits of this project include addressing safety which is a priority for everyone, but there are also economic development benefits as well as a reduction in traffic congestion, improved pedestrian connectivity, and operating efficiencies for both the rail and roadway networks.

While the city is currently divided by the railroad track, this project could improve connectivity and the quality of life in West Plains. There are currently seven at grade crossings and one grade separated crossing through the city. The one grade separated crossing only has a vertical clearance of 10 feet so emergency vehicles and school buses are unable to use the crossing. Additionally, the grade separated crossing floods frequently. This project would close five at-grade crossings and construct two grade separated crossings. The grade separated project for US 160 is designed and is shovel ready, it also ranks number four on the regional priority list. The other grade separated project would take Howell Avenue over the tracks and connect with the schools. The closures would be at Lincoln, Thornberg, and Howell Valley Road. The at-grade crossings located at Washington and St. Louis would remain open.

Mr. Prange explained the purpose and need for the project is to address safety and allow better access for emergency vehicles and provide safe routes to the schools. He explained how this study reviewed the last ten years of emergency data and showed over twenty percent of the emergency calls were located on the opposite side of the tracks from the emergency services. He reported the Federal Rail Administration ranks every railroad crossing in Missouri that estimates the predictability of an accident. The crossing on US 160 in West Plains is ranked number 25 in the state. BNSF Rail Company issues a near-miss motorist report and West Plains added more than five near-misses to the report last year. He explained there are numerous trips made by students and families across the tracks to the schools whether by bus, car, or on foot.

On the economic development side, the railroad tracks affect jobs and truck traffic. He highlighted a company, DRS Technologies, which has 339 employees and 50 semi-truck deliveries per

day. The grade separated crossing would help this company by providing additional truck capacity on US 160. Additionally, there are several other businesses that have a total of 175 semi-trucks crossing the railroad every day. The cost benefit analysis of the study indicates this project could generate an additional 2,352 new jobs. Mr. Prange noted the train traffic currently passes through West Plains delivering coal to Alabama and other freight to Memphis. However, with this project, a rail spur could be built to allow for freight to be shipped by rail rather than truck from West Plains.

Mr. Prange explained the city recently passed a sales tax to fund transportation. While closing at-grade crossings is not really a popular thing to do, this community supports this project. In an effort to seek support, the study included personal visits with all business owners along the tracks. In addition there were over 500 people who participated in the process from the beginning to the end.

Mr. Prange provided an overview of the funding for the project. He explained the estimated cost of the overpass at US 160 is \$7.5 million and the overpass at Howell Avenue is \$8.6 million. The remaining roadway costs are estimated at \$12.3 million. This adds up to a total project cost of \$28.4 million. He noted the city will be able to support a portion of the project with the recently passed sales tax for these transportation improvements. MoDOT's Multimodal division has committed \$1 million toward the project. Also, BNSF is required to contribute five percent of the cost of the overpass projects, and negotiations are underway to seek additional contributions from the rail company. The project however cannot happen without support from MoDOT.

Commissioner Nelson inquired about whether this project would be considered an enhancement of the system or taking care of the system. Ed Hassinger, Chief Engineer, explained this is an addition to the system with the new bridge. Commissioner Pace expressed his support of the safety improvements, however, expressed concern about the lack of commitment to fund the project from BNSF at this time. Chairman Smith thanked the gentlemen for their presentation.

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**PUBLIC COMMENT ABOUT FUNDING**

Travis Morrison thanked the Commission members for their service to the State of Missouri. He noted the frustration that MoDOT is experiencing with funding and how he anguishes over it because of the impact on economic development in a community like West Plains that is greatly dependent on roads. He stated those who have committed their lives to trying to improve their communities are stymied by not being able to do that because of underfunding for transportation in Missouri. He suggested the Commission consider the initiative petition route should Missouri be unable to get something through the legislative process. He noted how Missouri has been the envy of the Midwest during his lifetime, but now Arkansas is getting ahead of Missouri. The road contractors from this region are working in Arkansas because they have transportation funding. He noted he hates to see the road network declining and that MoDOT is experiencing employee problems and turnover. Missouri's institutions are important; MoDOT is important and needs the funds to do its job!

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**PUBLIC COMMENT ABOUT HOWELL COUNTY AND US 63**

Mark Collins, Howell County Presiding Commissioner, shared some statistics about Howell County and that it is 928 square miles and is in the top five in size of the 114 counties in Missouri. He noted the county has 1,056 miles of roads, but only 70 miles of those roads are hard surfaced. The county population is 40,400 and is in the top five of the class 3 counties in Missouri. The county needs roads and improvements to its roads, and US 63 is vital to Howell County. There is a need to have US 63 as a four lane facility from the Iowa state line to the Arkansas state line. There is a portion in south-central Missouri that needs to be four-laned to address truck traffic and safety issues. While MoDOT has installed a shared four-lane facility that has helped with some traffic, safety issues remain including truck turnovers due to the lack of shoulders. Mr. Collins acknowledged it is all about money

before MoDOT can make the requested improvements but would like to see this portion of the roadway be a top priority to address safety and economic growth in southern Missouri.

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**PUBLIC COMMENT ABOUT US 63 AND SAFETY**

John Wrenfrow expressed his concern regarding US 63. While the three lanes are appreciated the lack of shoulders are an issue as are the semi-truck accidents. He said he understood that MoDOT is strapped for money like everybody else is but the region needs MoDOT's help. He too has watched Arkansas be behind Missouri his whole life, but Missouri is now stalled out. Mr. Wrenfrow recognizes it is not the department's fault because nobody wants to pay more taxes, but if Missouri is going to move forward someone has got to do it. He also expressed his appreciation for the work that MoDOT and especially the Southeast district does for the region.

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**STATE OF THE SOUTHEAST DISTRICT**

On behalf of the Director, Mark Shelton, Southeast District Engineer, presented to the Commission the state of the Southeast District of the Missouri Department of Transportation. He described the district and how it is comprised of twenty-five counties with a population of 577,000 people. The district maintains 7,230 centerline miles of roadway which is twenty-two percent of the system statewide. The district is comprised of strong rural communities with productive farms both large and small, as well as large communities that have manufacturing industry.

He explained the district has 711 employees that work at 39 maintenance buildings, 4 construction offices, the regional office in Willow Springs and the district office in Sikeston. Seventy-six percent of the district employees work in maintenance taking care of the roads and bridges in the southeast district and are ready to respond to any kind of emergency.

The district currently averages about \$81 million per year in the Statewide Transportation Improvement Program (STIP). This funding level allows the district to take care of the system through asset management. The STIP funding in the district is distributed with \$57 million applied to pavements, \$21 million to bridges, \$2 million for safety, and \$1 million for Americans with Disabilities Act improvements.

The condition of the system in the southeast district is between 85 and 95 percent good for two-thirds of the system, the remaining one-third of the system includes the low-volume minor roads with less than 400 average daily traffic and 75 percent of those are in good condition.

There are 2,300 bridges in the Southeast district. The district will be able to address 28 poor condition bridges this fiscal year, there will remain 53 poor condition bridges. The district typically adds about 22 bridges to the poor condition list each year. The Chester Bridge spans the Mississippi River between Perryville and Chester, Illinois and currently has 11 foot lanes without a shoulder. Wide loads crossing the bridge require law enforcement to manage one lane of traffic. This bridge was built in 1942 at a cost of \$1.2 million, it is estimated that it will take approximately \$100 million to replace the bridge. The department is currently in the process of selecting a consultant to complete a location study and environmental documents to replace the Chester Bridge in the future.

Mr. Shelton reviewed pavement work in the district. He explained the district will overlay 324 miles of pavement this fiscal year and in the first three years of the 2017-2021 STIP the district will overlay a total of 961 miles of pavement. The district's operating budget is approximately \$33 million per year and about half of those funds will be applied directly to the road through application of asphalt mix, striping, installation of signs, and use of salt for snow removal. The remaining half of the operating budget will be used for equipment, fuel, and tools that allow the department to get the job done. The maintenance forces are solely responsible for maintaining the low-volume minor roads with less than

400 average daily traffic count. The maintenance forces are also responsible for mowing, patching, and sealing all routes in the district.

The prevalent safety issue in the district is the run off the road crash. Over the last five years the district has been able to add shoulders and rumble stripes to 312 miles of roads to improve safety. While safety belt usage is at 80 percent in the district, Mr. Shelton expressed appreciation of the Commission's support for a primary safety belt law. He also noted that distracted and impaired driving are driver behaviors that cause accidents. He expressed appreciation for the Commission's support of legislation that will ban the use of handheld devices while driving. He described the department's efforts to encourage behavior based safety, where people care for their fellow workers and when they observe an unsafe behavior feedback is provided to help them do their job in a safer manner.

Director McKenna inquired in cycle time of years, how often should the department pave the roads in the district. Mr. Shelton respond it is approximately every nine years, some roads need a little bit more and some roads will exceed the expected cycle times. Director McKenna explained if the district is on average paving about 300 miles per year of the 7,300 miles in the district, which calculates to about a 25 year cycle. It is good that work is being done, but he noted there is a significant gap, and the district is doing a great job with limited resources.

Commissioner Pace thanked the district employees for the work they continually do and their dedication to MoDOT, while often times working in pretty austere conditions.

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## **2016 EMPLOYEE ENGAGEMENT SURVEY**

On behalf of the Director, Rudy Nickens, Equal Opportunity and Diversity Director, presented the 2016 Employee Engagement Survey. Mr. Nickens acknowledged the survey was conducted in the spring of 2016 by Phillips and Associates. The employee engagement survey measured satisfaction with 47 questions. All questions were grouped into eight subscales: my supervisor, diversity and

inclusion, teamwork, communication, my job, engagement, fairness and respect, and leadership. There were 51.1 percent of employees who returned the survey. The overall result indicates 69 percent of employees are satisfied with their employment which is up five percent from the last survey that was conducted in 2014.

Mr. Nickens reviewed the leading and lagging indicators. The leading indicators include safety is a priority at MoDOT, customer service is a priority in MoDOT, my workplace is respectful of people's race/ethnicity, and my supervisor supports my need to balance work and personal life. The lagging indicators include MoDOT makes me feel like a valued employee, Central Office leadership makes good decisions, salaries in MoDOT are competitive with similar jobs I might find elsewhere. The department is currently working on action plans to promote the leading indicators and address the lagging indicators.

Commissioner Waters thanked Mr. Nickens for his presentation and requested the department really dig in on those lagging indicators and work hard to improve them, while he realizes that is the goal, he encouraged everyone at all levels of MoDOT to work to make improvements.

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## **FISCAL YEAR 2017 BUDGET AMENDMENT**

On behalf of the Director, Brenda Morris, Financial Services Director, recommended increasing receipts disbursements \$21.7 million for the fiscal year 2017 budget. Ms. Morris also recommended transfers between operating budget categories to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities.

Via approval of the consent agenda, the Commission unanimously approved the fiscal year 2017 budget amendment described above.

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## **MEDICAL AND LIFE INSURANCE PLAN: RE-APPOINTMENT OF BOARD MEMBER**

The Commission established and approved guidelines for a self-insured Medical and Life Insurance Plan for employees of the Department and the State Highway Patrol on November 9, 1977. The guidelines established a board of trustees to manage the operations of the Plan. Potential board members, and the board chairman, are recommended by either the Department Director or the State Highway Patrol Superintendent and are subject to Commission approval. On behalf of the Director, Jeff Padgett, Risk and Benefits Management Director, recommended approval of

- the re-appointment of Burl (Chris) Baker as a Missouri State Highway Patrol retiree representative, for a term ending November 2017 or until a successor is named.
- the re-appointment of Roger Schwartz as a Missouri Department of Transportation retiree representative for a term ending November 2019 or until a successor is named.
- the re-appointment of Steve Campbell as a Missouri Department of Transportation active employee representative for a term ending November 2020 or until a successor is named.
- the re-appointment of Ben Reeser as a Missouri Department of Transportation active employee representative for a term ending November 2022 or until a successor is named.

Mr. Baker has been recommended by Colonel J. Bret Johnson, Superintendent of the Missouri State Highway Patrol. Mr. Schwartz, Mr. Campbell, and Mr. Reeser have been recommended by Mr. Patrick McKenna, Director of the Missouri Department of Transportation. Each of the four members has agreed to serve for the recommended terms. This action is necessary to realign the expiration dates of member terms so a majority of terms do not expire in close proximity to each other. Due to various circumstances, term expiration dates have gotten off schedule, and several terms are set to expire at about the same time.

Via approval of the consent agenda, the Commission unanimously approved the re-appointment of Burl (Chris) Baker as a Missouri State Highway Patrol retiree representative, for a term ending November 2017 or until a successor is named, the re-appointment of Roger Schwartz as a Missouri Department of Transportation retiree representative for a term ending November 2019 or until a

successor is named, the re-appointment of Steve Campbell as a Missouri Department of Transportation active employee representative for a term ending November 2020 or until a successor is named, and the re-appointment of Ben Reeser as a Missouri Department of Transportation active employee representative for a term ending November 2022 or until a successor is named.

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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 D02, D03 and G08 have local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Mr. Schroeter recommended (1) Award of contracts to the lowest responsive bidders for bids received at the September 23, 2016, letting, as recommended and noted in Table I below. (2) Award of Call G08 contingent upon receiving additional funding from the city of Springfield prior to the November 2, 2016 Commission meeting. (3) Award of Call F01 to the lowest responsive bidder for bids received at the September 21, 2016 letting, as recommended and noted in Table II below.

**Table I  
Award of Contracts  
September 23, 2016, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A02	C	Nodaway	J1S3173	\$723,889.00	\$0.00	Above And Below Contracting, LLC	Streambank stabilization
A03	P	Mercer	J2S2179	\$487,398.00	\$0.00	Ennis Excavating, LLC	Bridge replacement
A04	CC	Putnam	J2S2180	\$402,919.00	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Bridge replacement
C01	70	Lafayette	J3I3042	\$4,883,677.83	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Coldmill and resurface
C02	470	Jackson	J4I3110	\$1,636,630.09	\$0.00	Superior Bowen Asphalt Company, LLC	Resurface

D01	70	Boone	J5I3001	\$7,875,288.55	\$0.00	Capital Paving & Construction, LLC	Coldmill and resurface
D02*	W	Osage	J5M0273	\$204,622.09	\$0.00	Lehman Construction, LLC	Stream bank stabilization
D03**	B	Laclede	J5M0274	\$122,461.50	\$0.00	Midwest Heavy Construction, LLC	Stream bank stabilization
D04	63	Phelps, Texas	J5P3054	\$4,023,000.00	\$0.00	Pace Construction Company	Coldmill and resurface
D05	100	Osage	J5S3150	\$1,119,490.39	\$0.00	Capital Paving & Construction, LLC	Resurface
D06	124	Howard, Boone	J5S3160 J5S3161	\$691,907.30	\$0.00	Vance Brothers, Inc.	Seal Coat
D07	BL 70	Boone	J5M0275	\$188,911.70	\$0.00	Boone Construction Co.	Culvert replacement
D08	BB	Morgan, Moniteau	J5S3188	\$979,498.76	\$0.00	Capital Paving & Construction, LLC	Resurface
D09	H	Gasconade, Franklin	J5S3189	\$1,048,733.45	\$0.00	Capital Paving & Construction, LLC	Resurface
D11	185	Washington	J5S3152	\$547,895.95	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal coat
D12	44 OR	Crawford	J5S3192	\$149,595.79	\$0.00	Lehman Construction, LLC	Culvert replacements
D13	Y	Crawford, Iron, Washington	J5S3154	\$1,345,465.88	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Seal coat
G01	14	Christian	J7P3089	\$722,783.08	\$0.00	Leo Journagan Construction Co., Inc.	Grading, resurface, and add shoulders
			J8P3057				Grading, resurface, and shoulders
G02	37	Jasper	J7P3093	\$1,359,876.14	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface and add shoulders
G03	52	Henry, Pettis	J7P3114	\$2,842,762.94	\$0.00	APAC-Central, Inc.	Resurface and add shoulders
G04	248	Taney	J7S3090	\$2,948,820.50	\$0.00	Emery Sapp & Sons, Inc.	Coldmill and resurface
	76		J7S3094				Resurfacing and add shoulders
	Bus 65 76		J7S3102 J8P2402				Resurface
G05	54	Vernon	J7P3092	\$267,595.54	\$0.00	APAC-Central, Inc.	Add shoulders
G06	96	Jasper, Lawrence	J7S3095	\$2,332,047.97	\$0.00	APAC-Central, Inc.	Coldmill and resurface
G08***	Bus 65	Greene	J8P2196	\$7,739,773.23	\$0.00	Lehman Construction, LLC	Grading, pavement and bridge

H02	HH	Scott	J9S3159	\$502,035.76	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Resurface
			<b>TOTAL:</b>	<b>\$45,147,080.44</b>	<b>\$0.00</b>		

\* Call D02 – Funding by USDA/NRCS – \$184,000.00  
\*\* Call D03 – Funding by USDA/NRCS - \$70,000.00  
\*\*\* Call G08 – Funding by City of Springfield - \$3,869,886.62

**Table II  
Award of Contracts  
September 21, 2016, Bid Opening**

<b>Call No.</b>	<b>Route</b>	<b>County</b>	<b>Job No.</b>	<b>Bid Amount</b>	<b>Non-Contractual Costs</b>	<b>Contractor</b>	<b>Description</b>
F01	67	St. Louis	J6Q2039F	\$221,605.00	\$0.00	Gerstner Electric, Inc.	ITS System Preservation, Repair, and Upgrades
			<b>TOTAL:</b>	<b>\$221,605.00</b>	<b>\$0.00</b>		

**Commission Consideration and Action**

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

1. Awarded contracts to the lowest responsive bidders for bids received on the September 23, 2016, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Awarded Call G08 contingent upon receiving additional funding from the city of Springfield prior to the November 2, 2016 Commission meeting.
3. Awarded Call F01 to the lowest responsive bidder for bids received at the September 21, 2016 letting, as recommended and noted in Table II above.
4. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Smith abstained from voting on Call G03.

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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>
Cass	291	J4P3002

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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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED AND RESCINDED RULEMAKING – MOTOR CARRIER SERVICES ADMINISTRATION**

On behalf of the Director, Scott Marion, Motor Carrier Services Director, presented the notice of proposed amended and rescinded administrative rulemaking for Motor Carrier Services Administration. In 2002 statutory and administrative rule authority to administer Missouri’s motor carrier licensing and safety enforcement programs was transferred from the Department of Economic Development – Motor Carrier and Railroad Safety Division to the Commission and MoDOT. Following this transfer of responsibility, a practical strategy occurred of only moving rules as needed from Title 4 of the Code of State Regulations that is under the Department of Economic Development to Title 7 which is under the Commission. Consequently, there remain several rules under Title 4 which need to move to Title 7.

Changes were proposed to amend rules and move them to Title 7, other rules were recommended for rescission. **Amended Rules:** Rules pertaining to records of the division 4 CSR 265-2.030, computation of effective dates 4 CSR 265-2.050, and authority to issue a subpoena 7 CSR 10-1.020 were amended to remove obsolete programs, procedures and titles, clarify verbiage and to move the rules under the Department of Transportation from the Department of Economic Development.

**Rescinded Rules:** Several administrative rules which apply to motor carrier activities remain located within Title 4 - the Department of Economic Development. The review of these rules resulted in the discovery of several obsolete procedures, programs, names, titles and provisions which no longer match contemporary practices, unnecessary rules and a rule found to be redundant. There no longer exists a need to retain rules that contain out-of-date information such as the former division name and address, 4 CSR 265-2.020, or obsolete programs and practices 4 CSR 265-2.067, 4 CSR 265-2.069, and 4 CSR 265-2.200. Rules pertaining to practice by attorneys 4 CSR 265-2.040, rulemaking 4 CSR 265-2.160 and 4 CSR 265-2.170 and investigator training 4 CSR 265-14.010 were found to be unnecessary. A rule regarding utilization of motor carriers in national emergencies 4 CSR 265-6.030 contains text from federal and state law and was found redundant as well as obsolete.

Staff believes the Commission's motor carrier services administration rules should reflect current statutory requirements and processes and be as clear and concise as possible without redundancy. The review of these rules is being executed to comply with the requirements found in Section 536.175.1, RSMo, which requires the Commission to review each of its rules in the *Code of State Regulations*. The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescission rulemakings. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended and rescission rulemakings 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 initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – MOTOR CARRIER SERVICES INTERSTATE OPERATIONS**

On behalf of the Director, Scott Marion, Motor Carrier Services Director, presented the notice of proposed amended administrative rulemaking for Motor Carrier Services Interstate Operations. The following changes were proposed to amend rules: Two rules, 7 CSR 10-25.030 and 7 CSR 10-25.080, that have incorporated-by-reference materials require updated publication dates. One rule, 7 CSR 10-25.070, requires clarification of several definitions and tax language. One rule, 7 CSR 10-25.072, that relates to International Fuel Tax Agreement (IFTA) reporting requires an update to align with Motor Carrier Services’ (MCS’) current practice of reducing the reporting burden from quarterly to annually for those who travel fewer than 5,000 interstate miles per year. Language was added in one rule, 7 CSR 10-25.030, to clarify consequences of flagrant or repeated violations of motor carrier credentials

Staff believes the Commission’s motor carrier services interstate operations rules should reflect current statutory requirements and processes and be as clear and concise as possible without redundancy. The review of these rules is being executed to comply with the requirements found in Section 536.175.1, RSMo, which requires the Commission to review each of its rules in the *Code of State Regulations*. The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescission rulemakings. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended 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 initiate the rulemaking process.

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## **REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED AND RESCINDED RULEMAKING – MOTOR CARRIER SERVICES INTRASTATE OPERATIONS**

On behalf of the Director, Scott, Marion, Motor Carrier Services Director, presented the notice of proposed amended and rescinded administrative rulemaking for Motor Carrier Services Intrastate Operations. Changes were proposed to amend and rescind rules. **Amended Rules:** One rule currently in Title 4 under the Department of Economic Development, containing name and address changes for motor carriers 4 CSR 265-2.055, is being updated to remove several obsolete programs and references and is being moved to 7 CSR 265-10.052. Obsolete processes were removed and updates made to two more rules 7 CSR 265-10.015 and 7 CSR 265-10.140 to reflect current processes. **Rescinded Rules:** Two intrastate operations rules which apply to motor carrier activities remain located within Title 4 - the Department of Economic Development. The review of these rules resulted in the discovery of obsolete procedures and provisions which no longer match contemporary practices. There is no need to retain rules that contain a redundant interpretation of federal law 4 CSR 265-2.057, or obsolete provisions and practices 4 CSR 265-2.065. Also, a Title 7 MoDOT rule 7 CSR 265-10.055 was found to consist of obsolete rule interpretations and references, while the entire subject of another MoDOT Title 7 rule 7 CSR 265-10.090 was found to be obsolete.

Staff believes the Commission's motor carrier services intrastate operations rules should reflect current statutory requirements and processes and be as clear and concise as possible without redundancy. The review of these rules is being executed to comply with the requirements found in Section 536.175.1, RSMo, which requires the Commission to review each of its rules in the *Code of State Regulations*. The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescission rulemakings. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended and rescission rulemakings 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 initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – MOTOR CARRIER SERVICES OVERSIZE OVERWEIGHT LOADS**

On behalf of the Director, Scott Marion, Motor Carrier Services Director, presented the notice of proposed amended administrative rules governing oversize overweight loads. The proposed changes will affect the oversize/overweight permit program in 7 CSR 10-25.020. Amendments are proposed to comply with federal law, remove obsolete information and procedures, clarify certain provisions and update current practices and configurations.

Staff believes the motor carrier services oversize overweight rules should reflect current statutory requirements and processes and be as clear and concise as possible. The review of these rules is being executed to comply with the requirements found in Section 536.175.1, RSMo, which requires the Commission to review each of its rules in the *Code of State Regulations*. The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescission rulemakings. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended 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 initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED AND RESCINDED RULEMAKING – MOTOR CARRIER SERVICES SAFETY AND COMPLIANCE**

On behalf of the Director, Scott Marion, Motor Carrier Services Director, presented the notice of proposed amended and rescinded administrative rulemaking 7 CSR 10-25.010 and 7 CSR 265-10.025, and proposed rescinded rulemaking 7 CSR 10-2.030 regarding Motor Carrier Services rules governing safety and compliance actions. The proposed changes in the amended rules include: changes to the Skills Performance Evaluation (SPE) Certificates for Commercial Drivers in 7 CSR 10-25.010 to remove a requirement to publish applications to the *Missouri Register* in order to reduce the regulatory burden on small businesses and disabled individuals, to remove sections that duplicate federal law, and to update the rule with incorporated-by-reference information. The rule concerning the marking of vehicles in 7 CSR 265-10.025 is updated with incorporated-by-reference information, removal of a reference to a federal regulation that is no longer accurate and tightens a reference to a specific subpart within the federal motor carrier safety regulations. The proposed change to rescind the rule pertaining to a weight limitation exception in 7 CSR 10-2.030 as it contains an expiration date of August 31, 1989, which is no longer necessary.

Staff believes the Commission’s motor carrier services safety and compliance rules should reflect current statutory requirements and processes, and be as clear and concise as possible. The review of these rules is being executed to comply with the requirements found in Section 536.175.1, RSMo, which requires the Commission to review each of its rules in the *Code of State Regulations*. The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescission rulemakings. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended and rescission rulemakings 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 initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – BREATH ALCOHOL IGNITION INTERLOCK DEVICE CERTIFICATION AND OPERATIONAL REQUIREMENTS**

On behalf of the Director, Eileen Rackers, State Traffic and Highway Safety Engineer, presented the notice of proposed amended administrative rulemaking 7 CSR 60-2, Breath Alcohol Ignition Interlock Rulemaking. Section 536.175.1, RSMo requires the Commission to review each of its rules in the *Code of State Regulations* (CSR). As a result of this periodic rule review process, proposed amended rulemaking for administrative rule in 7 CSR 60-2, Breath Alcohol Ignition Interlock, was submitted for Commission consideration.

The proposed amended rulemaking will change the standards and specifications for the program to ensure integrity of the program by requiring near real-time transmission of ignition interlock data between the authorized service provider’s server and the device relay unit while the device is in use; provide restrictions for mobile service operations; and provide requirements for photo identification when required by statute or by the court. The proposed amended rulemaking also includes some cleanup language and technical corrections.

Staff believes the Commission’s breath alcohol ignition interlock device certification and operational requirements rules should reflect current statutory requirements and processes, and be as clear and concise as possible without redundancy. The public will have an opportunity to submit

comments in support of or in opposition to this proposed amended rulemaking. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended 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 initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – DRIVER IMPROVEMENT PROGRAM**

On behalf of the Director, Eileen Rackers, State Traffic and Highway Safety Engineer, presented the notice of proposed amended administrative rulemaking 11 CSR 30-3.010, Driver Improvement Program, which included language to clarify and strengthen the rules. Section 536.175.1 RSMo requires the Commission to review each of its rules in the *Code of State Regulations (CSR)*. As a result of this periodic rule review process, proposed amended rulemaking for administrative rule, 11 CSR 30-3.010, Driver Improvement Program Rulemaking, was submitted for Commission consideration.

The proposed amended rulemaking would move the rule from Title 11, which is administered by the Department of Public Safety, to Title 7, which is administered by the Commission. It would also name the Commission as the appropriate state agency to administer the rules with the Department’s Traffic and Highway Safety division to handle the day to day management of the Driver Improvement Program. The rule incorporates the standards set forth in the National Safety Council’s eight-hour “Defensive Driving Course.”

Staff believes the Commission’s driver improvement program rule should reflect current statutory requirements and processes and be as clear and concise as possible without redundancy. The

public will have an opportunity to submit comments in support of or in opposition to this proposed amended rulemaking. All comments received from the public will be considered and summarized in the order of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended 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 initiate the rulemaking process.

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#### **REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – MOTORCYCLE SAFETY EDUCATION PROGRAM**

On behalf of the Director, Eileen Rackers, State Traffic and Highway Safety Engineer, presented the notice of proposed amended administrative rulemaking 7 CSR 60-1.010, 7 CSR 60-1.020, 7 CSR 60-1.030, 7 CSR 60-1.050, 7 CSR 60-1.060, Motorcycle Safety Education Rulemaking, which included language to clarify and strengthen the rules. Section 536.175.1, RSMo requires the Commission to review each of its rules in the *Code of State Regulations* (CSR). As a result of this periodic rule review process, proposed amended rulemaking for administrative rule, 7 CSR 60-1.010, 7 CSR 60-1.020, 7 CSR 60-1.030, 7 CSR 60-1.050, 7 CSR 60-1.060, Motorcycle Safety Education Rulemaking, was submitted for Commission consideration.

The proposed amended rulemaking will make changes to correct the name of the agency responsible for the administration and operation of the Motor Cycle Safety Education Program and supports Executive Order 03-05 and House Committee Substitute for House Revision Bill 1299 (2014) that transferred all functions of the Division of Highway Safety in the Department of Public Safety to the Department of Transportation. The proposed amended rulemaking will also outline and define terms

used in the rules which relate to the administration and operation of the Motorcycle Safety Education Program, authorize a curriculum that is equivalent to or exceeds the Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course consistent with Title 23, Code of Federal Regulations, Part 1300.25 (e) Motorcycle Rider Training Course.

Staff believes the Commission's motorcycle safety education rule should reflect current statutory requirements and processes, and be as clear and concise as possible without redundancy. The public will have an opportunity to submit comments in support of or in opposition to this proposed amended rulemaking. All comments received from the public will be considered and summarized in the orders of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended 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 initiate the rulemaking process.

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**-- REPORTS --**

The Commission received the following written reports.

**MEDICAL AND LIFE INSURANCE PLANS: MISSOURI DEPARTMENT OF TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND LIFE INSURANCE PLAN REPORT**

Jeff Padgett, Risk and Benefits Management Director, provided financial and claims data reports for the period January 2016 through June 2016, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan. The number of claims processed monthly in the first six months of calendar year 2016 increased 6 percent compared to the first half of the 2015 calendar year. Medical claims increased 6.7 percent and pharmacy claims increased 5.6 percent when compared with the same timeframe in 2015. There was an increase of \$1.1 million in specialty drug costs, increasing to .52 percent of total pharmacy claim spend. The total operating revenues increased 7 percent, which can be attributed to the increase in medical premiums in 2016, and an increase in subrogation recoveries. Operating expenses have exceeded operating revenues, resulting in a decrease in net position of nearly \$8.1 million from June 30, 2015 to June 30, 2016.

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**FINANCIAL – BUDGET – REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING AUGUST 31, 2016**

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year to date August 31, 2016, with budget and prior year comparisons.

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**CONSULTANT SERVICES CONTRACT REPORT**

Eric Schroeter, State Design Engineer, submitted a written report of consultant contracts executed in the month of August 2016, 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 157 active contracts held by individual engineering consultant firms prior to August 1, 2016. Ten engineering consultant services contracts were executed in August 2016, for a total of \$1,067,565. There were two non-engineering consultant contracts executed in August 2016, for a total cost of \$144,704.

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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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