

RECEIVED

MAR 03 2022

SECRETARY OF STATE
ADMINISTRATIVE RULES

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 1—Organization; General Provisions

PROPOSED AMENDMENT

7 CSR 10-1.010 Description, Organization, and Information. The Missouri Highways and Transportation Commission is amending section (2).

PURPOSE: This amendment updates the department's organizational structure consistent with the department's current business practices as required by section 536.023, RSMo.

(2) Organization.

(A) General Management.

1. The director is the chief executive officer and is appointed by, and serves at the discretion of, the commission. The director appoints a **deputy director/chief engineer**, *[chief financial officer, chief counsel (with the consent of the commission),]* **assistant chief engineer, chief administrative officer, chief counsel (with the consent of the commission), chief financial officer, chief safety and operations officer**, and other leaders and employees as the commission may designate and deem necessary. Under the direction of the commission, the director is responsible for the overall operations and performance of the department and prescribes the duties and authority of employees. The selection and removal of all employees is without regard to political affiliation. The duties of the **deputy director/chief engineer, assistant chief engineer, chief administrative officer, chief counsel, chief financial officer, and [chief counsel] chief safety and operations officer** are as follows:

A. The **deputy director/chief engineer** serves as MoDOT's primary advisor regarding engineering issues. This position is responsible for providing general oversight of all planning, design, construction, and maintenance work for the department as determined by the director, including preparation and approval of all engineering documents, plans, and specifications. The chief engineer reports to the director and provides input on overall department decisions;

B. *[The chief financial officer is responsible for all administrative operations of MoDOT. This position provides general oversight of financial and business planning, information technology, and other administrative and financial functions as determined by the director; and]* **The assistant chief engineer provides leadership and oversight to the department's technical engineering functions;**

C. **The chief administrative officer provides leadership and oversight to the department's administrative business functions;**

D. The chief counsel advises and represents the commission and the director in all actions and proceedings to which either may be a party or in proceedings under Chapters 226 and 227, RSMo, or with respect to any law administered by the commission or any order or proceeding of the commission. The chief counsel is responsible for drafting all contracts, conveyances, agreements, or other documents affecting the commission, property held or acquired by it, and any action taken by the commission. The chief counsel, with the director's approval, appoints assistant counsel(s) as necessary to represent the commission and the department./;

E. **The chief financial officer provides leadership and oversight to the department's accounting, finance, fleet, facilities, procurement, and information systems functions; and**

RECEIVED

By JCAR at 10:22 am, Mar 03, 2022

F. The chief safety and operations officer provides leadership and oversight to the department's safety and operations functions.

2. The secretary to the commission is responsible for maintaining records of all proceedings of the commission and is the custodian of all records, documents, and papers filed with the commission, department, and other public governmental bodies established by the commission.

(B) Divisions. MoDOT pursues its mission through the following divisions:

1. Audits and Investigations is responsible for conducting audits of department operations, external contracts, grant agreements, motor carrier fuel tax returns, and apportioned registrations. The division also investigates: fraud, waste, and abuse; employee grievances; Equal Employment Opportunity complaints; **and conducts mediations[; and analyzes competitive bidding practices;].** **The division analyzes competitive bidding practices, assesses the potential for fraud in construction contracts, and conducts reviews of construction contracts;**

2. Bridge is responsible for the structural design and detailed plans production for all state highway bridges, including cost estimates and site-specific job special provisions. Additional responsibilities include maintaining the National Bridge Inventory, recommending load posting limits for both state and non-state bridges, bridge inspection, and analyzing structures for special superload overweight permit loads traveling within the state;

3. Communications is responsible for disseminating information on the activities of the commission and MoDOT to the public and to MoDOT personnel. Communications coordinates customer comments to MoDOT through public involvement meetings, customer service representatives, and surveys. Communications helps MoDOT communicate with news media through news releases and personal contact. Communications creates strategies statewide and through MoDOT's districts that educate and inform stakeholders through the web, social media, presentations, video, publications, displays, and other mediums;

4. Construction and Materials is responsible for administering construction contracts awarded by the commission. Contracts are awarded through the competitive bid or design build selection process, and then work is assigned to project offices geographically located throughout the state. Engineers and technicians make owner/engineering decisions, verify contract compliance through testing and inspection, and complete and review documentation necessary to authorize payment. Construction and Materials is responsible for testing to ensure the materials used for maintenance and construction of our transportation system meet the quality standards and specifications;

5. Design is responsible for the location, environmental, and cultural resource studies required for initial evaluation of proposed projects; detailed route studies, ground surveys, and aerial photography; and design and plan preparation including cost estimates for the state transportation projects. Design advertises and makes all preparations for receiving bids for transportation project contracts including the development of specifications and cost estimates prior to advertising for bids. Design is also responsible for acquisition of right of way required for the construction and maintenance of all state highways in addition to properties incidental to the system of state highways in Missouri, and provides relocation assistance for all persons displaced by the commission's right of way acquisition. Design administers the disposal or lease of land considered excess to commission needs and the regulation of outdoor advertising billboards and junkyards adjacent to regulated state highways. Design administers the Scenic Byway Program;

6. Equal Opportunity and Diversity is responsible for directing the department's Affirmative Action Program and other initiatives aimed at achieving and maintaining a diverse workforce;

7. External Civil Rights is responsible for directing the department's external affirmative action, equal opportunity, and nondiscrimination programs, which include the Disadvantaged Business

Enterprise Program, On-the-Job Training Program, Equal Employment Opportunity, Title VI, Americans with Disabilities Act (ADA), and all other nondiscrimination or affirmative action programs related to federal-aid contracting activities;

8. Financial Services is responsible for providing administrative support to MoDOT in accounting, financial reporting, and policy development, building and maintaining an effective system of internal controls, and cost accounting. Financial Services is also responsible for coordinating financial resources and spending plans through forecasting, analysis, and training. Financial Services also performs financial planning and fiscal analysis, budget, federal aid management, *[and]* innovative finance administration, **and claims management** functions for the department;

9. General Services is responsible for supporting MoDOT activities by providing guidance and support services in the areas of facilities management, procurement, inventory management, fleet management, and equipment repair;

10. Governmental Relations is responsible for acting as MoDOT's liaison between Missouri's congressional delegation, the Missouri Legislature, and local political subdivisions. Staff members review and analyze proposed transportation-related legislation affecting MoDOT and provide either support or options for improving the legislative proposals and public policies impacting the traveling public. Governmental Relations staff also serve as a liaison between MoDOT and national transportation associations;

11. Highway Safety and Traffic is responsible for *[the safe and efficient movement of people and goods on the state highway system. This includes supporting signing, striping, traffic signals, lighting, intelligent transportation systems (ITS), roadway access, and safety management programs throughout the state. Highway Safety and Traffic is responsible for the coordination of traffic management, incident management, traveler information services, and the radio and emergency communication systems; and is also responsible for planning, directing, and coordinating the solicitation, review, award, and monitoring of federal highway safety grant contracts and concentrates their efforts in the areas of education, enforcement, and engineering to prevent deaths and injuries from motor vehicle accidents]* **leading a comprehensive approach to reduce fatalities and serious injuries on Missouri roadways by combining infrastructure improvements with efforts to change driver behavior. This includes guiding the deployment of data-driven engineering strategies and working closely with safety partners to administer federal safety grants for educational programs, traffic enforcement activities, public awareness campaigns, trainings/certifications and more. The division also provides direction and support for traffic management and operations across the state, including signing, striping, traffic signals, lighting, intelligent transportation systems (ITS), roadway access, work zones and traveler information services;**

12. Human Resources is responsible for *[continually developing and improving human resources' processes that support MoDOT and its employees in contributing to a quality transportation system. Responsibilities include nationally recruiting college graduates for placement throughout the state and administering employee development programs, personnel policies, the department's pay system, and personnel records]* **developing and administering the department's statewide personnel program. The division conducts recruiting for civil engineering positions and manages statewide efforts related to employment; work-life support; classification, pay and employee training; development and assessment. Human Resources also develops personnel policy, maintains personnel records for employees and provides support for all personnel activities within the central office location;**

13. Information Systems is responsible for providing *[and improving information and communication services used by employees of MoDOT through the operation and maintenance of local and statewide data networks and telephone services. Information Systems staff provide applications programming expertise to support the engineering, financial, operational, and general information needs of MoDOT]* **information technology products, services and support to the department and coordinates its information technology activities. Information Systems staff provide technical expertise in the areas of application development, collaboration tools, computing systems, data service management, network management, cyber security and other technical support areas;**

[14. Innovative Partnerships and Alternative Funding is responsible for assisting in the assessment and implementation of technological innovations impacting the state highways and state transportation systems; and analyzing alternative funding proposals including design-build, public-private partnerships, and other initiatives where allowed under federal and state law;]

[15.] **14. Maintenance is responsible for assisting and supporting maintenance activities for the preservation and operation of the state highway system;**

[16.] **15. Motor Carrier Services provides information, credentials, and permits and enforces safety for businesses and individuals interested in commercial property and passenger-carrying operations on public highways in and through Missouri;**

[17.] **16. Multimodal Operations is responsible for administering state and federal programs that support and develop non-highway passenger and freight transportation, which include aviation, railroads, transit, and waterways. Major programs include capital improvements, operating support, technical assistance, safety outreach, and identifying freight efficiencies/opportunities;**

[18. Risk and Benefits Management is responsible for the management and implementation of medical and life insurance plans for department employees and retirees; administration of MoDOT's self-insurance operations, including workers' compensation, fleet liability, general liability, and property damage recovery; and administration of the safety and health programs; and]

[19.] **17. Transportation Planning is responsible for planning and coordinating a long range, total transportation system for MoDOT. This includes developing the long range transportation plan; developing, coordinating, and tracking the five- (5-) year Statewide Transportation Improvement Program; mapping; collecting, managing, and analyzing data to provide a single source of information to support MoDOT's decision process related to maintenance, construction, and reconstruction of the state transportation system; leading organizational performance management, including the production of MoDOT's quarterly performance management document, Tracker; and facilitating process improvement, customer satisfaction, and problem solving teams to improve operational performance.**

(C) Units. Units have a smaller scope than the department's divisions:

1. Employee Health and Wellness is responsible for the management and implementation of the medical and life insurance plans for department employees and retirees; ensuring employees are fit for duty to include the management of worker's compensation claims and the fit for duty process; and administering the department's drug and alcohol testing programs, including ensuring compliance with federally mandated drug and alcohol testing programs; and

2. Safety and Emergency Management is responsible for leading, managing, developing, and organizing the department's employee safety and health, security, emergency management, traffic incident management, and safety and technical training programs; collaborating with districts and divisions to develop and implement policies and procedures to

eliminate or reduce employee exposure to hazards in the department's various work environments, implementing security protocols for the protection of employees and assets, monitoring industrial hygiene, developing safety and technical training programs, and overseeing the department's emergency management preparedness, prevention, mitigation, response, and administration of federal disaster recovery programs. Safety and Emergency Management is also responsible for leading the emergency support function for transportation during state or federal emergency operations center disaster activations, and staffing the recovery support function for infrastructure following state disaster declarations.

[(C)] **(D) Districts.** Missouri is geographically divided into seven (7) districts. Each district is led by a district engineer who is responsible for supervising all activities of MoDOT within that particular district. The following counties are included in the indicated districts: Northwest District includes: Andrew, Atchison, Buchanan, Caldwell, Carroll, Chariton, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Linn, Livingston, Mercer, Nodaway, Putnam, Sullivan, and Worth; Northeast District includes: Adair, Audrain, Clark, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland, Shelby, and Warren; Kansas City District includes: Cass, Clay, Jackson, Johnson, Lafayette, Pettis, Platte, Ray, and Saline; Central District includes: Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Laclede, Maries, Miller, Moniteau, Morgan, Osage, Phelps, Pulaski, and Washington; St. Louis District includes: Franklin, Jefferson, St. Charles, St. Louis, and the City of St. Louis; Southwest District includes: Barry, Barton, Bates, Benton, Cedar, Christian, Dade, Dallas, Greene, Henry, Hickory, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster; Southeast District includes: Bollinger, Butler, Cape Girardeau, Carter, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Texas, Wayne, and Wright.

[(D)] **(E) Assigned Entities.** Although assigned to the commission or MoDOT by law for organizational purposes, the following commissions, authorities, and districts operate independently of MoDOT: the Bi-State Metropolitan Development District; the Missouri-St. Louis Metropolitan Airport Authority; the Kansas City Area Transportation Authority District; and the Mississippi River Parkway Commission. The Mississippi River Parkway Commission was established by section 226.440, RSMo. All the other entities are authorized by section 14 of the Omnibus State Reorganization Act of 1974 and section 226.007, RSMo.

AUTHORITY: section 536.023, RSMo 2016. Original rule filed Oct. 14, 1976, effective March 1, 1977. Amended: Filed March 4, 1983, effective June 15, 1983. Rescinded and readopted: Filed June 13, 2000, effective Jan. 30, 2001. Amended: Filed June 15, 2006, effective Jan. 30, 2007. Amended: Filed Feb. 5, 2010, effective Sept. 30, 2010. Rescinded and readopted: Filed Feb. 11, 2014, effective Sept. 30, 2014. Amended: Filed Aug. 4, 2016, effective March 30, 2017. Amended: Filed Oct. 6, 2017, effective May 30, 2018. Amended: Filed March 3, 2022.*

**Original authority: 536.023, RSMo 1975, amended 1976, 1997, 2004.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*