



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN CLARKSVILLE,  
MISSOURI, WEDNESDAY, SEPTEMBER 11, 2013**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 11, 2013, at Tievoli Hills Resort, 25795 Highway N, Clarksville, Missouri. Lloyd J. Carmichael, Chairman, called the meeting to order at 9:30 a.m. The following Commissioners were present: Stephen R. Miller, Kelley M. Martin, and Gregg C. Smith. Commissioner Kenneth H. Suelthaus was absent. On February 2, 2012, Governor Nixon withdrew the appointment of Commissioner Joseph J. Hunt; at the time of the September 11, 2013, meeting, a replacement had not been appointed.

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

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Dave Nichols, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, September 11, 2013.

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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 Carmichael, Aye  
Commissioner Miller, Aye  
Commissioner Martin, Aye  
Commissioner Smith, Aye

The Commission met in closed session on Tuesday, September 10, 2013 from 2:30 p.m. until 5:45 p.m. and Wednesday, September 11, 2013 from 8:30 a.m. until 9:15 a.m.

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-- OPEN MEETING --

**APPROVAL OF MINUTES**

Upon motion by Commissioner Martin, seconded by Commissioner Smith, the Commission unanimously approved the minutes of regular meeting held August 7, 2013; the special meetings held August 9, 2013 and August 16, 2013; and the amended minutes for June 10, 2005, April 7, 2010, May 5, 2010, January 12, 2011, April 2, 2013, May 1, 2013, and June 5, 2013. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

**Consent Agenda Process**

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

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

paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

**Consideration of September 11, 2013, Consent Agenda**

No items were removed from the consent agenda. Upon motion by Commissioner Miller, seconded by Commissioner Martin, 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. No committee and board meetings were held since the last regular meeting, therefore no reports were made during the September 11, 2013, meeting. However, Commissioner Miller noted the General Assembly will convene for veto session at noon on September 11, 2013.

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**DIRECTOR'S REPORT**

During the September 11, 2013, Commission meeting, Director Dave Nichols provided the following report:

**New Roles** – Director Nichols congratulated Kathy Harvey as the new Assistant Chief Engineer. Ms. Harvey previously served as the State Design Engineer and has served the agency for 22 years, beginning her career as an intermediate highway designer. As the assistant chief engineer, Ms. Harvey will support the strategies set forth by the executive team. This includes the leadership of maintenance, construction, design, work zone safety, and several other areas of department operations. Director Nichols announced Eric Schroeter has been selected as the

Interim State Design Engineer. Mr. Schroeter has served as the Assistant State Design Engineer and was previously the Assistant District Engineer in the Central District.

**Day of Remembrance** – Director Nichols noted the upcoming Annual Day of Remembrance. Since 1946, the department has lost 131 employees who were killed in the line of duty. Memorials and events, including the unveiling of the Clifton Scott Memorial Highway sign, will take place across the state on September 19, 2013.

**Awards Competition** - For the third time in the last six years, a MoDOT project has advanced to the America's Transportation Awards competition that is sponsored by the American Association of State Highway and Transportation Officials (AASHTO), AAA, and the U.S. Chamber of Commerce. Director Nichols said the Safe & Sound Bridge Improvement Program is now competing for the Grand Prize (chosen by a panel of experts) and the People's Choice Award (chosen by online voting). Both awards carry a \$10,000 cash prize that must be donated to a charity or scholarship of the department of transportation's choice. The winners will be announced at the AASHTO Annual Meeting October 20, 2013. Director Nichols said Safe & Sound was a truly unique project that should stand up well with the other projects under consideration. Safe & Sound replaced or repaired over 800 bridges around the state and created a model project delivery method that has been adopted by other states.

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#### **PRESENTATION BY DELEGATION REPRESENTING THE CITY OF CLARKSVILLE**

Jo Ann Smiley, Mayor of Clarksville, welcomed the Commission to the community and thanked them for the great partnership between the City of Clarksville and the department. Mayor Smiley said the City of Clarksville, on the banks of the Mississippi River, experiences frequent flooding which impacts the community in various ways, including impacts to the transportation system with closures of Route 79 and other state routes in the area. Route 79 is the lifeline for the City of Clarksville; other routes into town do exist, but are either low-volume minor roadways or gravel surface roadways. An approximately half-mile section of Route 79 south of Clarksville is one of the first roads to be closed by flooding as the Mississippi River rises. Mayor Smiley noted Route 79 south of Clarksville was closed twice due to flooding in



2013, and has been closed eleven times in the past twenty years due to flooding. When the road is closed for whatever reason and the public is notified to avoid that route to Clarksville, Mayor Smiley said it is difficult to re-educate the public that the route is open. For example, in December 2012, as the City of Clarksville prepared for the arrival of Santa and his reindeer, Dancer, the city clerk's office received calls asking if the route was open.

Mayor Smiley remarked that in 2008, nine thousand tons of sand, and in 2013 seven thousand tons of one inch rock, more than one million sand bags, pumps, and a myriad of other necessities including food and water were hauled in to defend the town during flooding. A difficult challenge when traveling detour routes are part of the task. Elevation and improvement possibilities for this section of Route 79 to minimize road closures due to flooding has been a priority for the City of Clarksville, particularly since the third highest flood even in history, which occurred in 2008. Mayor Smiley noted improvement to Route 79 to alleviate flooding has been identified as a transportation need by the Mark Twain Regional Council of Governments (MTRCOG) and their Transportation Advisory Committee (TAC). The mayor urged the Commission to consider improving Route 79 to assist the city in their flood defense.

Mayor Smiley stated Mississippi River Cities and Town Initiative has research and planned on how to deal with the increasing number and severity of floods. The committee has developed a master plan, engaged in an Emergency Management Study with the Corps of Engineers, and selected from more than a dozen options of the EKO Flood USA defense system as the solution that will best serve the needs of the City of Clarksville. While the flood wall system will provide protection for the town, it will not protect Route 79 from flooding. Keeping Route 79 open during flood events is critical not only to transport the necessary flood defense

supplies, but to keep the town open and available for tourism a key element of the local economy.

Commissioner Carmichael thanked Mayor Smiley for effectively communicating the dramatic impact that flooding has on lives and property in Clarksville.

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**PRESENTATION BY DELEGATION REPRESENTING THE ROUTE 54 CORRIDOR COALITION**

Russell Runge, Assistant City Manager/Economic Development, and Steve Hobbs, Presiding Commissioner for Audrain County, welcomed the Commission to the region and provided an overview of the Route 54 Corridor Coalition. Stakeholders from Pike and Audrain Counties have been meeting over the previous five years in an effort to further the planning and prioritization of the Route 54 corridor improvements. Providing an upgraded corridor connection from the City of Mexico through the City of Louisiana continues to be a priority for the Mark Twain Regional Council of Governments (MTRCOG) and their Transportation Advisory Committee (TAC).

The Route 54 Corridor Coalition requested that plans be developed to complete the Route 54 corridor between Mexico and Louisiana, fifty-eight miles of two lane highway with an upgraded facility, possibly a shared four-lane. The Coalition also supports replacement of the U.S. 54 Champ Clark Bridge over the Mississippi River as a priority project. Mr. Runge noted an improved U.S. 54 corridor will encourage development for the local economy, especially in the areas of agricultural and tourism. Improved safety is another benefit to a shared four lane roadway. Mr. Hobbs acknowledged the partnership between the coalition and the department, especially members of the Northeast district staff. Mr. Hobbs stated the coalition supports a

funding initiative that could provide the means for the future construction of this project. He also noted the coalition is considering sharing in the cost to pay for these improvements.

Commissioner Carmichael thanked Mr. Runge and Mr. Hobbs for the coalition's enthusiasm and interest in transportation.

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**PUBLIC COMMENT – TOM BOLAND AND TOM OAKLEY**

Tom Boland, Former Chairman of the Missouri Highways and Transportation Commission, thanked the Commission and the department's Northeast District staff for their continued efforts to make transportation improvements. Former Commissioner Boland indicated the Tri-State Development Summit was in support of building a new Champ Clark Bridge. Mr. Boland introduced Tom Oakley, Tri-State Development Summit, who advocated for funding the Hannibal Expressway. The Summit views a portion of Highway 61 through Hannibal as a bottleneck, a safety hazard, and an obstacle to economic growth. Mr. Oakley stated the Summit will support whatever they can to help increase funding dedicated for transportation to address transportation needs across the state.

Commissioner Carmichael thanked Former Commissioner Boland and Mr. Oakley for their advocacy for transportation in Missouri and continued support of the Commission and department.

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**PUBLIC COMMENT – GORDON IPSON**

Gordon Ipson, President of the Northeast Missouri Development Partnership, expressed concern over the display of multi-lane highways shown online by map and GPS programs. Currently, multi-lane highways are displayed as two-lane highways. When researching possible locations for a company, economic development interests look online at highway infrastructure

for four-lane highways. Mr. Ipson is concerned a shared four-lane highway shows only as a two-lane highway, and asked that the department look into making sure these are shown correctly both online and on our state maps as a multi-lane facility. Mr. Ipson believes this change will improve future economic opportunities along the multi-lane corridors.

Commissioner Carmichael thanked Mr. Ipson for bringing this issue to the Commission's attention, and stated the department would look into his concern.

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### **MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2015 APPROPRIATION REQUEST**

On behalf of the Director, Brenda Morris, Financial Services Director, presented the Fiscal Year 2015 appropriations request for \$2.8 billion. Ms. Morris explained the department is required by law to submit an appropriations request to the Office of Administration by October 1 of each year. This appropriations request is the basis of the Governor's recommendation, which is submitted to the Missouri General Assembly within thirty days of when the legislature convenes the regular session. Under the state constitution, the State Road Fund (SRF) stands appropriated without legislative action. However, the department continues to follow the process and shepherd the request through the legislative session. Typically, very little time is spent on SRF appropriations. The majority of the time is spent discussing appropriations for other modes of transportation from the General Revenue Fund; those appropriations are controlled by the legislature.

Ms. Morris stated last year more "E" appropriations, or estimated appropriations, were eliminated. Estimated or "E" appropriations allow MoDOT flexibility to increase the appropriations budget amount during the fiscal year. The legislature has eliminated most "E" appropriations for all state agencies with only a few remaining. The Office of Administration

(OA) has indicated that appropriations should be increased to address the reduced flexibility. This request includes some increases to appropriations to provide more flexibility to ensure the Commission approved budget fits within the appropriations request. The department will be requesting an “E” designation on all State Road Fund, State Road Bond Fund, and refund appropriations. Appropriations would only be increased for specific purposes and if funding is available.

Ms. Morris briefly explained the Fiscal Year 2015 budget timeline. In July and August 2013, the Financial Services division begins to gather and analyze data. In September 2013, the Commission potentially approves the Fiscal Year 2015 appropriations request. From October 2013 to May 2014, the budget is submitted to the Office of Administration and the department’s Financial Services staff supports the request through the legislative process. In May 2015, the Commission will review the Fiscal Year 2015 budget request. In June 2014, the Fiscal Year 2015 budget request is submitted to the Commission for final approval. On July 1, 2015, the 2015 fiscal year begins.

For most state agencies, the General Assembly approves their spending. The State Road Fund stands appropriated, which means the Missouri Highways and Transportation Commission authorize the amount the department can spend, not the legislature. Other funds, including the State Highways and Transportation Department Fund, the State Road Bond Fund, and funds for Highway Safety programs and Multimodal activities, are controlled by the Missouri General Assembly.

Ms. Morris stated the Fiscal Year 2015 appropriations request is \$2.8 billion, but not all appropriations are for spending. Of that amount, \$610.6 million (21 percent) consists of refund or transfer appropriations. Refund appropriations allow the department to refund to motor

carriers' overpayments of permit fees, registration fees, and overpayments of fuel taxes. Transfer appropriations are needed for accounting purposes and permit the movement of money between the various funds in the state treasury. The largest transfer appropriation is in the amount of \$528 million from the Highways and Transportation Department Fund to the State Road Fund. Some of the highway user fee revenues are first deposited into the Highways and Transportation Department Fund, which as part of the motor vehicle registration and license fees, all of the motor fuel tax, and part of the motor vehicle use tax. Only \$2.17 billion is available for actual payments such as contractor and vendor payments, salaries, and fringe benefits.

Ms. Morris reported the largest appropriation, of \$934 million, is for the construction program. Contractor payments are the largest component of this appropriation at \$706 million. This amount compares to actual contractor expenditures of \$1.2 billion in fiscal years 2010 and 2011. With this current funding amount, more of the projects will be to maintain the current system versus projects that expand the system. Even for some of the bigger projects, such as the I-64 Daniel Boone Bridge, the project is taking care of the system with replacement of aging infrastructure. Ms. Morris noted these maintenance projects are not the types of projects that generate significant economic activity, and the current level of investment will not create new construction jobs.

Ms. Morris explained this appropriation request is an increase compared to the previous fiscal year. Personal services are increasing \$1.4 million. The legislature approved a \$500 salary increase per employee beginning in January 2014; this appropriations request includes this salary increase. Fringe benefits are increasing \$12.5 million for the cost of retirement contributions and medical insurance. Administration is increasing \$5.3 million, which includes additional fees to hire outside counsel and \$1.2 million for the Patient-Centered Outcomes

Research Institute fee required by the Affordable Healthcare Act. System Management is increasing \$17.3 million, which includes an increase of \$5.5 million for maintenance expense and equipment and the remaining increase is to provide the flexibility needed to fund the Commission budget. This appropriations request includes an increase of \$4 million for Highway Safety Grants of new funding provided under the federal transportation act, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). The money is designated by federal law for safety programs.

Ms. Morris reviewed the breakdown of the appropriations request:

- \$1.37 billion for program delivery
- \$610 million for refunds and transfers
- \$500 million for system management
- \$84 million for fleet, facilities, and information systems
- \$156 million for multimodal
- \$54 million for administration

Ms. Morris further outlined some of the differences from this appropriations request compared to last year's request. Program Delivery is increasing \$59.7 million which includes the Construction Program increase of \$36.2 million which will allow the appropriation to more closely match actual expenditures. Contractor Payments are increasing \$17.5 million to better reflect actual expenditures. Accelerated Program reimbursements increased \$13.0 million. The accelerated program is the department's reimbursement to other entities, usually local governments, for proceeds they provided to accelerate construction projects. Federal Pass-Through is increasing \$5.7 million to allow local entities to spend down their existing federal fund balances, in addition to the monies allocated to them annually.

The total request for the multimodal programs is \$156 million and is divided into five different areas of transportation. The rail program request is \$50.0 million, transit request is \$85

million, aviation request is \$52 million, port request is \$3 million, and freight request is \$2 million. Multimodal funds are primarily federal funds; \$157 million of the total \$193 million request for multimodal is federal funds. The department will seek an increase in general revenue for some of the modes. For rail, MoDOT is requesting an increase of \$3 million in general revenue to meet contractual obligations in a timely manner. For transit, MoDOT is requesting an increase of \$2.5 million in general revenue to assist public transportation providers in Missouri. For freight, MoDOT is requesting an increase of \$850,000 for enhancement projects in St. Louis, Kansas City, Springfield, and Pemiscot County to develop infrastructure to increase commerce in Missouri, improve connections between transportation modes, and continue economic growth.

Ms. Morris recommended approval of the proposed Fiscal Year 2015 appropriations request totaling \$2.8 billion. Following discussion, and upon motion by Commissioner Smith, seconded by Commissioner Martin, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2015 Appropriations Request, as noted in the table below, and authorized staff to release the request to the Office of Administration – Division of Budget and Planning.



**Fiscal Year 2015 Appropriations Request**  
(Dollars in Thousands)



<u>Appropriations</u>	<u>Fiscal Year 2013 Actual</u>	<u>Fiscal Year 2014 TAFP<sup>1</sup> Budget</u>	<u>Fiscal Year 2015 Appropriations Request</u>
Administration	<u>45,340</u>	<u>48,658</u>	<u>53,982</u>
System Management <sup>2</sup>	<u>452,835</u>	<u>482,672</u>	<u>500,005</u>
Program Delivery <sup>2,3</sup>	<u>1,471,081</u>	<u>1,314,052</u>	<u>1,373,730</u>
Fleet, Facilities and Information Systems	<u>69,047</u>	<u>82,182</u>	<u>83,950</u>
Multimodal <sup>2,5</sup>	<u>84,642</u>	<u>198,488</u>	<u>156,179</u>
Refunds and Transfers	<u>566,810</u>	<u>629,556</u>	<u>610,635</u>
<b>Total MoDOT Appropriations Request</b>	<b>\$ <u>2,689,755</u></b>	<b>\$ <u>2,755,608</u></b>	<b>\$ <u>2,778,481</u></b>

This schedule lists each individual appropriation as prescribed by the Office of Administration - Division of Budget and Planning's (OA) budget instructions. They have been organized into the categories used in MoDOT's operating budget.

<sup>1</sup> Fiscal year 2014 Truly Agreed and Finally Passed budget (TAFP).

<sup>2</sup> Includes federal funds MoDOT passes through to our partners and providers.

<sup>3</sup> Includes Contractor Payments, Design and Bridge Consultant Payments, Accelerated Program, Right of Way and Federal Pass-Through.

<sup>4</sup> Appropriation Request amount is estimated at \$1 in the event funding becomes available or is needed.

<sup>5</sup> Includes disbursements for American Recovery and Reinvestment Act.

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**BRIDGE INSPECTION IN MISSOURI**

Dennis Heckman, State Bridge Engineer, provided an overview of the department's bridge inspection program. There are 10,364 bridges on the state highway system and 13,951 on the local roads system. The number of deficient bridges on the state system has decreased by approximately 800 in the last five years. Safe and Sound played a large part in this improvement; however, the Statewide Transportation Improvement Program (STIP) also had an

impact. Yet the challenge to maintain bridges in Missouri continues as approximately 100 bridges on MoDOT's system become deficient each year.

MoDOT is responsible for ensuring that all bridges, state and local, in the state are inspected in accordance with the National Bridge Inspection Standards which is required by the Code of Federal Regulations (CFR). The purpose of these inspections is to ensure public safety. Mr. Heckman stated the department has three snoopers trucks, but only five percent of the bridges are inspected in that manner. Bridges are inspected by about seventy employees statewide, most of which do not have bridge inspection as their primary duty. Bridges are typically inspected every twenty-four months, but more frequently when in poor condition and less frequently when in good condition.

Large bridges are inspected by three under bridge inspection teams from the Central Office Bridge Division; more routine bridges are inspected by district staff. Underwater inspections are conducted by a combination of the MoDOT Dive Team from the Central Office Bridge Division and consultants. Many advances are being made related to underwater inspections. Diving can be dangerous and in Missouri, it's often hard to see anything. New methods such as bathymetry and side scan sonar are being used.

The annual cost for MoDOT to inspect bridges is about \$3 million. This cost is nominal when compared to the value of the assets, Missouri's state bridges are worth about \$10 billion. Missourians want MoDOT to take care of the transportation system. Bridge inspection ensures MoDOT is taking care of the bridges of Missouri's transportation network.

The purpose of collecting data from field inspections to help the department manage its assets and program future bridge projects. Additionally, the data helps the department determine appropriate restrictions on bridges when poor conditions are found, such as weight limits,

reduction of lanes, or even closure. Mr. Heckman stated the data collected from the field is also entered into the Transportation Management System (TMS). Each April, all inventory data is supplied to the Federal Highway Administration.

Mr. Heckman provided a recent example of bridge inspections, how those inspections determined the condition and restrictions for the bridge. In 2001, a crack was found in a bridge on Route B in Linn County. Cracks in truss bridges raise alarms; however when the analysis was completed, no load restrictions were necessary. The bridge was originally built in the 1880's to carry steam locomotives, so it had a lot of capacity. In 2013, a second crack was found, which resulted in a 30-ton weight limit and a reduction to one lane. However, the spring floods were hard on the bridge, so staff determined it was necessary to do more detailed testing. Using dye penetrant testing, more cracks were found and the bridge was immediately closed. Staff designed a replacement structure and the project is scheduled for the September 20, 2103 letting.

Mr. Heckman concluded his presentation by noting bridge inspections are all about safety and economic development, and employees are trained and authorized to put public safety first. The safe movement of goods and people are an integral part of daily lives. Unplanned closures and detours can disrupt commerce and commuters. Regular bridge inspections allow the department to keep its bridges open for safe travel and promote economic development.

Commissioner Carmichael thanked Mr. Heckman for the work that the Bridge team accomplishes every day and encouraged him to continue to keep the Commission informed about the bridges in Missouri.

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## **NORTHEAST DISTRICT'S CITIZEN ENGAGEMENT FOR THE U.S. 54 MISSISSIPPI RIVER BRIDGE REPLACEMENT**

Paula Gough, Northeast District Engineer, explained the U.S. 54 Bridge, also known as the Champ Clark Bridge, crosses the Mississippi River at Louisiana, Missouri. It was originally constructed in 1928 and was opened as a toll bridge. The existing bridge is 20 feet wide, 2,286 feet long and carries over 4,000 vehicles per day. This structure has been rehabilitated several times, but it is now in a condition that warrants replacement. The first step to replacing a major river bridge such as this is to prepare an Environmental Assessment (EA) to determine the right solution while working openly with the public and other stakeholders. Since it began in 2012, the department has approached the EA with a robust public involvement process. This approach includes citizen and stakeholder engagement and outreach and utilization of social media. MoDOT engaged regional citizens through the creation of a Citizen's Advisory Group (CAG). The CAG met several times over the past year. The purpose of the CAG is to receive updated information about the status and process of the EA from MoDOT, and encourage sharing of information and seek feedback from key potential interest groups. The CAG remains engaged and provide very helpful information that contributes to the project. The department is also working with all stakeholder agencies including the United States Army Corps of Engineers, the United States Coast Guard, the Illinois Department of Transportation, the Department of Conservation, communities and federal, local and state officials. A web page has been designed to specifically allow engagement from all users of the bridge and surrounding regional residents. MoDOT frequently posts questions on the site, at [www.champclarkbridge.com](http://www.champclarkbridge.com), and asks anyone interested in the project for ideas and response to the posted questions. Ms. Gough concluded her remarks stating that this bridge is a critical crossing for agriculture, commercial traffic, and

tourism. The region needs a good safe bridge for travel, and replacement of this structure will continue the department's efforts to take care of Missouri's transportation system.

Commissioner Smith thanked Ms. Gough for her presentation; he expressed his understanding of the importance of replacing the Champ Clark Bridge noting there are many big bridges that require the department's attention. He expressed his concern about how the department will be able to do everything that is needed with the limited resources that are available.

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**REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – HOUSEHOLD GOODS MOVER**

On behalf of the Director, Jan Skouby, Motor Carrier Services Director, explained that as a result of enactment of Truly Agreed to and Finally Passed Senate Bill 470 and House Bill 1402, proposed amended rulemaking, proposed rescission rulemaking, and proposed rulemaking is required to address the necessary changes to certain household goods mover administrative rules. The passage of the legislation eased the entry and application requirements for motor carriers transporting household goods and passengers in intrastate commerce; eliminated the filing with the commission of rates and charges for transportation of household goods in intrastate commerce; and added requirements to provide the public more status updates to their filed complaints. With the elimination of the filing of the rates and charges and the vacating of the maximum-and-minimum rate structure previously ordered for the transportation of household goods, existing requirements and provisions applicable to those rates and charges within those orders of the Highways and Transportation Commission or its predecessors remain in place and need to be brought forward into state code in order to be readily accessible and open to the industry. A summary of the final administrative rule modifications follows:

- **Rescinded Rules:** With the elimination of the maximum-minimum rates ordered by the Commission and the filing of rates and charges for the transportation of household goods in intrastate commerce, there no longer exists a need to require motor carriers who transport property and passengers in our state to keep their records in accordance with a uniform system of accounts (4 CSR 265-12.020 and 4 CSR 265-12.030). The rule pertaining to inspection of books, records, property, equipment and roadside stops by division personnel does not contain anything other than what statute allows and is not needed (7 CSR 265-10.060). Classifications of common carriers were included in the Motor Carrier Services Procedures Manual and are no longer needed (7 CSR 265-10.070). Rules governing the transportation of household goods and household goods tariffs were moved to the new Household Goods Tariff Circular 1-2013, eliminating the need for these rules (7 CSR 265-10.080 and 7 CSR 265-10.120).
- **Amended Rules:** Rules pertaining to requirements of a contract (7 CSR 265-10.010), application for self-insurer status (4 CSR 265-2.068), passenger service requirements (7 CSR 265-10.045), passenger tariffs (4 CSR 265-6.010), the merger of duplicated or overlapping motor carrier operating authority (4 CSR 265-2.190), and the advertising rule (7 CSR 265-10.100) were amended to simplify requirements, clarify verbiage and/or move the rule under the Department of Transportation from the Department of Economic Development. One rule (7 CSR 265-10.050) was amended to move sections to the Motor Carrier Services Procedures Manual or Household Goods Tariff Circular 1-2013. Another rule was amended to simplify the canceling of authority to a simple process instead of an application process (4 CSR 265-2.180).
- **Rescinded and Proposed New Rules:** Six existing rules are being rescinded and new rules proposed due to the legislative impact and extensive volume of changes needed to enhance clarity and understanding. (7 CSR 265-10.015, 7 CSR 265-10.020, 7 CSR 265-10.025, 7 CSR 265-10.030, 7 CSR 265-10.040, and 7 CSR 265-10.110).
- **Proposed Rule:** The passage of Senate Bill 470 and House Bill 1402 requires status updates be given to complainants of household goods movers. This new rule (7 CSR 265-10.130) does not reflect any new requirements on small businesses and incorporates the consumer complaint requirements outlined in recent state legislation.

On May 1, 2013, the Commission approved and authorized department staff to file proposed rescinded, amended, and new administrative rules to implement new state laws affecting the operation of household goods motor carriers. The public had until July 17, 2013, to submit comments in support of or in opposition to the notice of proposed amended, rescinded, and new rulemaking. No comments were received.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*: rescind administrative rules 4 CSR 265-12.020, 4 CSR 265-12.030, 7 CSR 265-10.015, 7 CSR 265-10.020, 7 CSR 265-10.025, 7 CSR 265-10.030, 7 CSR 265-10.040, 7 CSR 265-10.060, 7 CSR 265-10.070, 7 CSR 265-10.080, 7 CSR 265-10.110, and 7 CSR 265-10.120. Amend administrative rules 7 CSR 265-10.010, 4 CSR 265-2.068 (being amended to 7 CSR 265-10.035), 7 CSR 265-10.045, 7 CSR 265-10.050, 4 CSR 265-6.010 (being amended to 7 CSR 265-10.055), 4 CSR 265-2.190 (being amended to 7 CSR 265-10.090), 7 CSR 265-10.100, and 4 CSR 265-2.180 (being amended to 7 CSR 265-10.140). Propose new administrative rules 7 CSR 265-10.015, 7 CSR 265-10.020, 7 CSR 265-10.025, 7 CSR 265-10.030, 7 CSR 265-10.040, 7 CSR 265-10.110, 7 CSR 265-10.130.

The Commission, via approval of the consent agenda, also unanimously authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

\* \* \* \* \*

**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED  
RULEMAKING – BREATH ALCOHOL IGNITION INTERLOCK DEVICE  
CERTIFICATION AND OPERATIONAL REQUIREMENTS – 7 CSR 60-2**

On behalf of the Director, Eileen Rackers, State Traffic and Highway Safety Engineer, presented the notice of proposed amended and emergency administrative rulemaking 7 CSR 60-2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements, which will make changes required by Truly Agreed and Finally Passed Senate Bill 23. In 2012, the General Assembly enacted Truly Agreed to and Finally Passed Senate Bill 480, which has an effective date of October 1, 2013, and amended existing law on ignition interlock device certification and operation. While rulemaking to implement Truly Agreed and Finally Passed Senate Bill 480 was in consideration, Truly Agreed and Finally Passed Senate Bill 23 was being considered by the legislature and passed and went into effect July 5, 2013, upon the Governor's signature. Truly Agreed and Finally Passed Senate Bill 23 repealed sections of existing law and re-enacted those portions with changes. To comply with both bills and strengthen existing requirements, the proposed changes are as follows: (1) adds and clarifies definitions for photo identification, global positioning system, refusal, violation reset, revocation and suspension as it relates to the administrative rules; (2) requires all applications for certification of an ignition interlock device by the authorized service provider to include a quality control plan that outlines requirements of the installation sites, service centers and technicians. The quality control plan must also be submitted annually or when changes occur; (3) strengthens oversight requirements of the ignition interlock program by requiring authorized service providers to install a device on a vehicle provided by the State (and/or an agent of the state) in order to conduct field testing and ensure compliance with the administrative rules; (4) requires authorized service providers to monitor/review the driver's ignition interlock device use for violations to determine possible



extension of the ignition interlock requirement; and (5) requires authorized service providers to report certain circumstances to the court supervising authority and Department of Revenue.

The Commission previously approved these amended rules at its July 9, 2013, meeting after the statutorily required public comment period. While the Secretary of State's Office staff assured MoDOT that a department comment to these rules was authorized, the Joint Committee on Administrative Rules objected to the department's change resulting from the comment and said it would hold a hearing on the rules. Rather than conduct a hearing that had no guarantee to successfully resolve the dispute, the department allowed the prior rulemaking to lapse and is moving forward with these proposed, permanent, amended and emergency rules.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of the emergency rulemaking and proposed amended rulemaking, 7 CSR 60-2.010 through 7 CSR 60-2.060, 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, or Chief Financial Officer to execute documents to initiate the rulemaking process.

\* \* \* \* \*

**MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2014  
SUPPLEMENTAL APPROPRIATIONS REQUEST**

On behalf of the Director, Brenda Morris, Financial Services Director, recommended a Fiscal Year 2014 supplemental appropriations increase for new federal funding provided under the federal transportation act, Moving Ahead for Progress in the 21st Century (MAP-21) for new highway safety programs and an existing multimodal program. The appropriations budget for Fiscal Year 2014 was truly agreed and finally passed at \$2.7 billion. MoDOT is requesting an increase of \$4.1 million in the Fiscal Year 2014 appropriations budget. The request includes an

increase of \$4.0 million for funding new Highway Safety Programs under MAP-21. The National Highway Traffic Safety Administration (NHTSA) released these federal fiscal year 2013 funds in June 2013, subsequent to the legislative session and approval of the state's fiscal year 2014 budget. This supplemental appropriation will allow the Traffic and Highway Safety Division to spend the federal fiscal year 2013 funds that were released late in the fiscal year, after NHTSA developed new guidelines for MAP-21. Efforts will include engineering, education, emergency medical services and law enforcement strategies. Additional funds of \$62,000 are being requested for the Multimodal State Safety Oversight Program, which conducts inspections of light rail transit systems. This program was previously funded by the transit operator through assessments. MAP-21 changed the funding to provide federal funding with a required state match of 20 percent. The \$62,000 consists of \$50,000 of federal funds and \$12,000 from the State Transportation Fund for the state match.

Via approval of the consent agenda, the Commission unanimously approved the proposed Fiscal Year 2014 supplemental appropriations increase as described above.

\* \* \* \* \*

**REPORT AND RECOMMENDATION REGARDING THE SELF INSURANCE PLAN**

On behalf of the Director, Jay Smith, Assistant Chief Counsel-Risk Management, presented the self-insurance plan for injuries and damages caused by the condition of property and the operation of motor vehicles document, which outlines the scope and coverage of the Commission's plan for general liability and fleet vehicle liability cases. Mr. Smith recommended, effective September 11, 2013, the Missouri Highways and Transportation Commission pursuant to Section 226.060, RSMo 1986, and the approved minutes of the Missouri Highways and Transportation Commission Meetings held on December 5, 1986, adopt

the Self-Insurance Plan for Injuries and Damages Caused by the Condition of Property and the Operation of Vehicles for all existing and future claims.

Via approval of the consent agenda, the Commission unanimously approved the self-insurance plan as presented below.

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
 SELF-INSURANCE PLAN FOR INJURIES AND DAMAGES CAUSED BY THE  
 CONDITION OF PROPERTY AND THE OPERATION OF MOTOR VEHICLES**

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(1) **DEFINITIONS**

- (A) Self-Insurance Plan (**SIP**) shall mean the Missouri Highways and Transportation Commission (**Commission**) Self Insurance Plan for Injuries and Damages Caused by the Condition of Property and the Operation of Motor Vehicles.
- (B) Self-Insurance Fund shall mean the moneys set aside in trust and dedicated to the SIP to pay all accrued and anticipated claims and certain costs of administering the SIP which amount of contribution to the plan is determined annually and included in the budget request for contribution to the Commission's self-insurance plan.
- (C) Employer shall mean the Commission and the Department.
- (D) Commission shall mean the Missouri Highways and Transportation Commission.
- (E) Department shall mean the Missouri Department of Transportation (MoDOT), a constitutionally independent agency of the Executive Branch of the State of Missouri, including all its divisions, districts, offices, departments and parts.
- (F) Injury shall mean physical damage to or destruction of tangible property, bodily or mental injury, sickness or disease, including death, to which the SIP applies and resulted from an "occurrence" while the SIP was in effect. The term "injury" shall not be deemed to mean intentional torts.
- (G) Damages shall mean any monetary consideration due a claimant or the amount of a final judgment entered in favor of plaintiff(s) and against an Insured by a court of competent jurisdiction.
- (H) Insured shall mean any person or organization designated in the Covered Persons provision (Section (3)(A)) of the SIP.
- (I) Occurrence is any Injury, as this term is defined herein, that is the result of negligent acts or omissions under the instances described at sections 537.600.1(1) and (2) RSMo.
- (J) Director shall mean the Director of Risk and Benefits Management, or the successor position thereto by whatever name it is titled.
- (K) Employee shall mean a person employed by the Commission or Department as defined by Missouri law.
- (L) Gender -- Persons described or referred to in the masculine gender include females and persons described or referred to in the feminine gender include males.
- (M) State Legal Expense Fund (**SLEF**) shall mean the moneys appropriated by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716 RSMo for the payment of any claim or amount required by any final judgment rendered by a

court of competent jurisdiction against the state of Missouri, or any agency of the state, pursuant to sections 536.050, 536.087 or 537.600, RSMo.

- (N) Trustee shall mean the Employer or a bank or other financial institution selected by the Chief Financial Officer for the Department, as authorized by the Commission.
- (2) **EFFECTIVE DATE:** Effective September 11, 2013, the Missouri Highways and Transportation Commission pursuant to Section 226.060, RSMo 1986, and the approved minutes of the Missouri Highways and Transportation Commission Meetings held on December 5, 1986, hereby adopts the Self-Insurance Plan for Injuries and Damages Caused by the Condition of Property and the Operation of Vehicles for all existing and future claims.
- (3) **COVERED PERSONS AND LIMITS OF LIABILITY:**
- (A) **Covered Persons:** Each of the following is an Insured under the SIP to the extent set forth below:
1. The Employer and any of Employer's officers and administrative personnel;
  2. Individual members of the Commission; and
  3. All employees of the Commission and Department as defined by Missouri law while they are acting in the course and scope of their official duties.
- (B) **Limit of Liability:** The Limit of Liability for any Occurrence is the amount provided for by section 537.610 RSMo. This amount is the maximum coverage available under the SIP without regard to the number of Insureds who are alleged to be liable or found liable for an Injury.
- (4) **COVERAGE AGREEMENT:**
- (A) **Limited Coverage:** Coverage is provided to an Insured for an Occurrence that results in Injury as this term is defined by the SIP in an amount up to the Limit of Liability (see (3)(B) above).
- (B) **Duty to Defend:** The Employer shall have the right and duty to defend any suit seeking such damages against the Insured, even if any or all of the allegations of the suit are groundless, false or fraudulent, and may make such investigation and such settlement of any claim or suit as it deems expedient, but the Employer shall not be obligated to pay any claims or judgment nor to defend any suit after the applicable Limit of Liability (see 3(B) above) has been exhausted by payment of judgments or settlements. In the event that a claim or suit is being defended at the time the applicable Limit of Liability (see 3(B) above) becomes exhausted, such defense may continue at the sole discretion of the Employer. Any continuation of defense shall not constitute a waiver, expansion, nor undertaking of liability in excess of the statutory limits of liability provided for by section 537.610 RSMo.

- (C) **Own Legal Counsel:** In the event that any Insured elects to employ his own legal counsel (see Section (6) below) and declines legal counsel provided by Employer, there is no obligation under the SIP to pay any sum such Insured may become legally obligated to pay, unless payment of settlement or judgment is approved by the Director of Risk and Benefits Management and the Chief Counsel to the Commission (see Section (7) below).
- (D) **No Waiver:** Nothing in the SIP shall be construed as a waiver of any governmental or official immunity of any Insured, or to expand the liability of the Commission or any Insured as provided under sections 537.600 and 537.610 RSMo. Pursuant to the Missouri Supreme Court's holding in *Cottey v. Schmitter*, potentially unlimited liability exists for employees under the State Legal Expense Fund (SLEF), notwithstanding section 105.726 RSMo. The SIP shall provide coverage for claims against MHTC/MoDOT and employees only up to the applicable limits of section 537.610 (see Section 3(B) above). Any settlement or judgment will be paid by specific Commission authorization pursuant to the terms of the SLEF and Missouri statutes. The fact that the Commission may authorize such payments does not constitute an acknowledgement that the *Cottey* decision was correct. Any such payment authorized by the Commission shall not be construed as a waiver of any governmental or official immunity of the Employer, the Commission, the Department, any of their officers or employees, or any Insured under the SIP.

(5) **EXCLUSIONS** - The SIP does not apply to:

- (A) **Injury to Employee:** Any Injury to any employee of the Employer arising out of and in the course of his employment by the Employer; or
- (B) **Other Coverage:** Any damages or amounts for which the Employer or any carrier as his insurer may be held liable under any workmen's compensation law, unemployment compensation law or disability benefits law, or under any similar law; or
- (C) **Punitive Damages:** Any claim for punitive or exemplary damages, or any other statutory damages awarded to punish and deter wrongdoers rather than to compensate a claimant or plaintiff for an Injury.

(6) **LEGAL SERVICES:**

- (A) **Chief Counsel:** The furnishing of all legal services, including legal defense, shall be the responsibility of the Employer through its Chief Counsel. Required legal services may be provided by the Chief Counsel and his staff, or if outside legal counsel and services are needed, such may be engaged by the Chief Counsel.
- (B) **Outside Counsel:** Any covered person may request the employment of outside counsel, including recommending the desired counsel or law firm. Such request must be made in writing to the Chief Counsel for consideration.



- (C) **Employer Rights:** In the event a covered person desires, in addition to the legal services provided above through the Chief Counsel, to employ legal counsel of his choice, such employment of legal counsel shall be at the covered person's expense. In the event that the covered person elects to employ his own legal counsel to assist the Chief Counsel or counsel hired by the Chief Counsel, the right to make all decisions in regard to the defense of the claim or suit shall remain the right and the duty of the Employer and its Chief Counsel.

(7) **CLAIMS ADJUSTMENT:**

- (A) **Defense of Claims:** All claims adjustment activities shall be deemed to be carried out for the sole and only purpose of assisting the Chief Counsel in defending potential legal action, causes of action or litigation against the Employer or any covered person, and shall be closed meetings, records and votes.
- (B) **Procedures:** Procedures for claims adjustment, including claim payments, denials and settlements shall be as determined by the Division of Risk and Benefits Management in consultation with the Chief Counsel.
- (C) **Consent:** Written consent or approval in claim settlement will not be required from an employee. Input from any employee should be made to the Division of Risk and Benefits Management or the Chief Counsel.

(8) **PAYMENT OF CLAIMS AND SUITS:**

- (A) **Authority:** Subject to the provisions of Sections (7) and (9), the payment of the claims and suit judgments from the Self-Insurance Plan Fund will be on certification pursuant to Commission authority.
- (B) **Order of Payment:** Payments from the Self-Insurance Plan Fund will be made in the order that claims or suit final judgments become payable, without regard to claim reserves previously established, date of incident, date of claim demand or date suit was filed.

(9) **SIP FUNDING** - The Commission directs the Department to fund the SIP under the following guidelines:

- (A) **Actuary:** The funding of the SIP shall be determined by the Commission as recommended by the Department based on actuarial projections of an independent actuary employed by the Employer.
- (B) **Funding:** The level of amount of funding shall be sufficient to support or pay for projected costs of claims and SIP expenses and private counsel legal defense as determined through actuarial review and Division of Risk and Benefits Management in consultation with the Division of Financial Services.

- (C) **Time Lag:** The amount of contribution to the fund will consider the lag between the time a claim arises and when payment is to be made.
- (D) **Claim Experience:** To the extent that it can be actuarially projected, the level of funding shall be based on previous claim experience as modified and trended to account for anticipated current year incidents and cost, including shock-losses (infrequently occurring catastrophic losses) as actuarially determined.

(10) **SELF-INSURANCE FUND:**

- (A) **Dedicated Fund:** The Self-Insurance Fund and all additions thereto shall be set aside and dedicated and so shall remain as long as any claim or expense payable under the SIP or any changes adopted thereto prior to its termination, may be outstanding and may become payable. Such Self-Insurance Plan Fund shall be used solely for the purpose of payment of such claims and expenses and not be subject to diversion for any other purpose by the Commission or the Department so long as said Self-Insurance Plan Fund shall exist. It is the intent of the Commission that upon termination of the SIP, all funds in the Self-Insurance Plan Fund not needed as specified above shall be returned to the State Road Fund.
- (B) **Trustee:** The Self-Insurance Fund shall be held by the Employer as Trustee or a bank or other financial institution as Trustee. Selection of the Trustee shall be by the Chief Financial Officer for the Department, as authorized by the Commission.

(11) **MISCELLANEOUS PROVISIONS:**

(A) **Insured's Duties in the Event of Occurrence, Claim or Suit are as follows:**

1. **Notice to Director:** Upon the Insured becoming aware of an incident in which the covered person is involved resulting in any alleged injury to which the SIP applies, written notice containing particulars sufficient to identify the injured person, plaintiff, and/or claimant and the Insured, as well as reasonably obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of any known witnesses, shall be given by or for the Insured to the Director as soon as practical.
2. **Forwarding Demands:** If claim is made or suit is brought against an Insured, the Insured shall forward to the Director every demand, notice, summons or other process received by him or his representative as soon as possible.
3. **Employee Cooperation:** The Insured shall cooperate with the Employer to defend any suit brought against the insured and, upon the Employer's request, assist in enforcing any right of contribution or indemnity against any third party. The insured shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The Insured shall not, except at his own cost, voluntarily make any payment, assume any obligation, or incur any expense.

4. **Waiver of Coverage:** Failure of the Insured to cooperate with the Employer shall constitute a waiver of the coverage provisions provided by the plan.
- (B) **Action Against the SIP:**
1. **Compliance with SIP:** No action shall be maintained by an Insured against the Employer unless, as a condition precedent thereto, there shall have been full compliance with all of the terms of the SIP, and not until the amount of the SIP's obligation to pay shall have been finally determined either by final judgment against the covered person or by written agreement of the Employer and the Claimant and/or Plaintiff.
  2. **No Waiver:** No person or organization shall have any right under the SIP to join the Employer as a party to any action against the Insured to determining the Insured's liability, nor shall the Employer be impeded by the Insured or his legal representative. Nothing in the SIP shall be interpreted or otherwise construed as a waiver of any governmental or official immunity of the Employer, the Commission, the Department, or any of its officers or employees in the course of their official duties, or any other Insured.
- (C) **Subrogation:** In the event of any payment under the SIP, the Employer shall be subrogated to all the Insured's rights or recovery therefore against any person or organization and the Insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The Insured shall do nothing after loss to prejudice or otherwise lessen, reduce, or waive such rights of subrogation.
- (D) **Changes in the SIP:** All changes in the SIP subsequent to the first approval of the SIP by Commission shall be prepared by the Director of Risk and Benefits Management and forwarded to the Chief Financial Officer for review and approval. After approval as to legal form by the Chief Counsel, the Director of Risk and Benefits Management will submit the changes to Commission. Changes shall become effective on the date fixed by the Commission.
- (E) **Assignment:** The interest hereunder of any Insured is not assignable. If the Insured shall die or be adjudged incompetent or cease for any other reason to be an Insured under the SIP, this coverage shall thereupon terminate. At the discretion of the Director, the SIP may cover the Insured's legal representative with respect to an Occurrence to which this SIP applies when the Director has been given notice of such Occurrence.
- (F) **Cancellation:** The SIP may be canceled by the Employer effective July 1 of any year, with notice of such cancellation being given to all covered persons at least ninety (90) days prior to the effective date of such cancellation.
- (G) **SIP Interpretation:** The SIP document sets forth the provisions of the Missouri Highways and Transportation Commission Self-Insurance Plan for Injuries Caused by the

Condition of Property and Vehicle Liability. The SIP shall be read in its entirety and not severed except as provided below.

- (H) **SIP Constitutionality:** In the event that any part of the SIP is held to be unconstitutional or otherwise declared illegal, the other parts of the SIP will remain in full force and effect.
- (I) **Governing Law:** To the extent not preempted by federal law, the provisions of the SIP shall be construed, enforced and administered according to the laws of the state of Missouri.
- (J) **Captions:** The captions contained herein are inserted only as a matter of convenience and for reference, and in no way define, limit, enlarge or describe the scope or intent of the SIP, nor in any way will affect the SIP or the construction of any provision thereof.

\* \* \* \* \*

**CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS**

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

Mr. Schroeter recommended award of contracts to the lowest responsive bidders for bids received at the August 23, 2013, letting, as recommended and noted in Table I below.

**Table I  
Award of Contracts  
August 23, 2013, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	129	Linn	J1P2219	\$162,882.00	\$0.00	J D Bishop Construction, LLC	ADA Improvements
C01	Various	Various	J9P2264F	\$2,420,666.21	\$0.00	Collins & Hermann, Inc.	Guardrail improvements with 2 Add Alts in Rural Kansas City District
			J9P2264I				Guardrail improvements with 2 Add Alts in Urban Kansas City District
D01	Various	Various	J9P2264B	\$690,940.15	\$0.00	Collins & Hermann, Inc.	Guardrail Improvements
D02 *	54	Cole	J5P3083	\$84,333.00	\$0.00	Truesdell Corporation Midwest	High Friction Surface Treatment

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F01 **	141	St. Louis	J6Q3002	\$1,194,808.07	\$589,850.00	Gerstner Electric, Inc.	ITS Expansion
F02 ***	255	St. Louis	J6I3037	\$384,900.00	\$0.00	R. V. Wagner, Inc.	Bridge Joint Replacement
G01 ****	13	St. Clair	J7P0428I	\$5,397,138.64	\$0.00	Lehman Construction, LLC	Grading, Alternate Paving and Bridge
			<b>TOTAL:</b>	<b>\$10,335,668.07</b>	<b>\$589,850.00</b>		

- \* Call D02 – Funding by Highways for Life Grant – \$50,000.00
- \*\* Call F01 – Funding by East West Gateway CMAQ – \$955,846.46
- \*\*\* Call F02 – Funding by Illinois Department of Transportation – \$192,450.00
- \*\*\*\* Call G01 – Funding earmark – \$1,250,000.00

**Commission Consideration and Action**

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

1. Awarded contracts to the lowest responsive bidders for bids received on the August 23, 2013, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Authorized the Director, Chief Engineer, or Chief Financial Officer to execute the contracts awarded above.

Commissioner Miller abstained from voting on Calls C01 and D01.

\* \* \* \* \*

**2014 – 2018 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM,  
2014 AMENDMENT**

On behalf of the Director, Ed Hassinger, Chief Engineer, recommended addition or modification of twenty-three projects to the 2014-2018 Statewide Transportation Improvement Program (STIP) that was approved in July 2013, as noted in the tabulation below.

**2014 – 2018 STIP  
Highway and Bridge Construction Schedule  
September Amendments  
Projects Added or Modified**

<b>District County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year and Change by Type</b>	<b>Change in Constructio n and Right of Way Funds (Dollars in Thousands)</b>	<b>Change in Engineeri ng Funds (Dollars in Thousands)</b>
NW Buchanan J1S3082	116	Replace culvert 1.5 miles west of Route V near DeKalb.	2014 RW 2014 CN	\$181	\$29
NW Buchanan J1S3081	752	Install pedestrian warning light at the intersection with Gordon Street in St. Joseph.	2014 CN	\$16	\$3
NE Pike J2P3065	54	Job Order Contracting for bridge repair on the Champ Clark Bridge over the Mississippi River at Louisiana.	2014 CN	\$204	\$19
CD Dent J9S2242	72	Roadway improvements from 2.3 miles east of Route 63 to Route 32 near Salem (two disconnected sections).	2014 CN	\$204	\$2
CD Gasconade J5S3037	A	Streambank stabilization at Crider Creek.	2014 RW 2014 CN	\$336	\$17
CD Pulaski J5P3029	17	Intersection and capacity improvements from Route H to Route T.	2015 RW 2016 CN	\$1,871	\$219
SL Franklin J6S2227	100	Intersection improvements at Route MM in Gray Summit.	2014 RW 2015 CN	\$20	\$1
SL Franklin J6Q3076	30	Install Intelligent Transportation Systems devices between I-270 and Route B/NN.	2015 CN	\$918	\$131
SL Jefferson J6S3050	61	Pavement improvements from Route M to St. Louis County line.	2014 RW 2016 CN	\$100	\$1
SL Jefferson J6S3005	NN	Bridge improvements over Dutch Creek.	2014 RW 2015 CN	\$50	\$1
SL Jefferson J6S3010E	Y	Pavement, shoulders and curve improvements from Route 30 to Route 21.	2015 CN	\$1,480	\$338
SL St. Charles J6S3074	64	Ramp and intersection improvements at Route K and Route 94.	2015 CN	\$285	\$44
SL St. Charles J6S3047	Z	Intersection improvements at I-70 westbound ramps and North Outer Road.	2014 RW 2016 CN	\$1,250	\$153
SL St. Louis J6S3082	100	Install Flashing Yellow Arrows to existing traffic signals on Route 100, 366, 340, and 61/67.	2015 CN	\$469	\$73

<b>District County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year and Change by Type</b>	<b>Change in Constructio n and Right of Way Funds (Dollars in Thousands)</b>	<b>Change in Engineeri ng Funds (Dollars in Thousands)</b>
SL St. Louis J6S3073	109	Add dual left turn lanes at 4th Street.	2015 CN	\$344	\$44
SL St. Louis J6S2428	115	Great Street improvements from Hanley Road to Route U.	2014 RW 2014 CN	\$2,120	\$145
SL St. Louis J6P3086	141	Add dual left turn lanes at Vance Road intersection.	2015 RW 2016 CN	\$3,347	\$332
SL St. Louis J6S3081	30	Install Flashing Yellow Arrows to existing traffic signals on Rtes. 30, 231, 180, 47, and 50.	2015 CN	\$502	\$78
SL St. Louis J6I3056	64	Replace bridge at Chesterfield Parkway West. Economic Development project for capacity improvement for RGA development.	2014 RW 2014 CN	\$5,587	\$383
SL St. Louis J6Q3084	64	Installation of Dynamic Message Signs on I-64 between Route 340 and Mason and on I-44 between Jamison and Route 109.	2015 CN	\$853	\$106
SL St. Louis J6S3080	67	Traffic signal system upgrades from Quailways Drive to Litzinger Road.	2015 CN	\$564	\$76
SL St. Louis City J6P3078	30	Replace signals and upgrade signal detection at various intersections from I-55 to Grand Boulevard.	2015 CN	\$1,862	\$276
SL St. Louis City J6S3079	D	Replace signals and upgrade signal detection at various intersections from Grand Boulevard to Kingshighway Boulevard.	2015 CN	\$2,078	\$320
SL Various J6Q3077	Various	Intelligent Transportation Systems improvements at various routes and various counties.	2015 CN	\$3,508	\$462
SL Various J6Q3088	Various	Upgrade central traffic signal control system at various signalized intersections throughout St. Louis district.	2015 CN	\$3,457	\$177
SL Various J6S3075	Various	Improve signal detection along various routes throughout the St. Louis District.	2015 CN	\$525	\$80
SW Greene J7S3041	125	Railroad crossing grade separation 0.1 mile south of Route D.	2014 RW 2015 CN	\$2,567	\$297
SW Greene J8S0690	160	Intersection improvements on Campbell Avenue at Plainview Road. Cost share with the Springfield and Greene County.	2014 CN	\$988	\$224

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Constructio n and Right of Way Funds (Dollars in Thousands)	Change in Engineeri ng Funds (Dollars in Thousands)
SW Greene J8S0690B	160	Intersection and outer road improvements at the Campbell Avenue and Plainview Road intersection in Springfield. Cost Share with Springfield and Greene County.	2014 RW 2015 CN	\$2,149	\$354
SW Newton J7P2177Z	60	Payback from Cost Share program to the MTFC for projects J7P2177, J7P2178 and J7P2179, roadway and intersection improvements, frontage roads from Kodiak Road to 0.3 mile east of Business 71.	2014 CN	\$1,721	\$0
			<b>TOTAL:</b>	<b>\$39,556</b>	<b>\$4,385</b>

Via approval of the consent agenda, the Commission unanimously approved the amendment to the 2014 – 2018 STIP as noted in the tabulations above.

Commissioner Suelthaus abstained from voting on the installation of dynamic message signs (J6Q3084) and traffic signal systems upgrades (J6S3080).

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**REQUEST FOR APPROVAL OF LOCATION AND/OR DESIGN OF HIGHWAYS**

**Route 65, and Battlefield Road Interchange  
Greene County  
Job No. J8U0500  
Public Hearing Held July 23, 2013  
On-Line Public Hearing July 23, 2013-August 6, 2013**

The proposed improvement provides interchange improvements at Battlefield Road and Route 65 in Springfield, Missouri consisting of replacing the existing bridges with a new bridge and converting the interchange to a diverging diamond interchange. The project will also construct auxiliary lanes between Battlefield Road and Route D to the North along Route 65. Lane widths vary from 12’ to 15’ and 12’ to 24’ on the ramps with 4’ to 10’ shoulders or 3’ curb and gutter. The project will have controlled access right of way. Construction will be completed under traffic but at times will require reduced number of lanes and temporary lane closures. The project length is 2.0 miles.



On behalf of the Director, Becky Baltz, Southwest District Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the consent agenda unanimously found and determined the recommended locations and designs would best serve the interest of the public and approved the recommendation.

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**CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 413/60 IN GREENE COUNTY, EXCESS PARCEL NUMBER E8-0694**

In keeping with the Commission’s April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Becky Baltz, Southwest District Engineer, recommended conveyance of 4.14 acres of land located near the intersection of Routes 413/60 and Route 160 in Greene County that once served as the Sunshine Maintenance Facility, to Northern States Investments, LLC for a consideration of \$335,000.

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

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**-- REPORTS --**

The Commission received the following written reports.

**A BOLDER FIVE-YEAR DIRECTION REPORT**

Dave Nichols, Director, provided to the Commission the monthly update of the Bolder Five-Year Direction. On June 8, 2011, the Commission approved the Bolder Five-Year Direction which will reduce staff by nearly 1,200 employees, close 131 facilities, and reduce MoDOT's fleet by more than 740 units.

As of July 31, 2013, MoDOT has vacated 123 facilities. Of that total, 92 facilities have been conveyed, which includes the termination of five leases and the establishment of long-term leases with other parties for five facilities that MoDOT previously occupied. The department is successfully operating in a seven-district configuration, has a significant presence in every county in the state, and has put the right people in the right jobs. As of July 31, 2013, the department realized a total savings of \$474 million.

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**FINANCIAL – BUDGET – REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING JULY 31, 2013**

Brenda Morris, Financial Services Director, provided to the Commission the financial report for fiscal year-to-date ended July 31, 2013, with budget and prior year comparisons.

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**CONSULTANT SERVICES CONTRACT REPORT**

Eric Schroeter, Interim State Design Engineer, provided to the Commission the report of consultant contracts executed in the month of July 2013, 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. Ten engineering consultant services contracts were executed in July 2013, for a total cost of \$1,247,382. Nineteen non-engineering consultant contracts were executed in July 2013, for a total cost of \$2,430,719.

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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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