



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN SPRINGFIELD,
MISSOURI, WEDNESDAY, OCTOBER 2, 2013**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 2, 2013, at Springfield-Branson National Airport, Board Room, 2300 N. Airport Boulevard, Springfield, Missouri. Lloyd J. Carmichael, Chairman, called the meeting to order at 1:00 p.m. The following Commissioners were present: Stephen R. Miller, Kenneth H. Suelthaus, Kelley M. Martin, and Gregg C. Smith. Commissioner Bryan T. Scott, was appointed by the Governor on October 1, 2013, and was sworn in after the October 2, 2013 meeting; Commissioner Scott was absent from this meeting.

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

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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, October 2, 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 Suelthaus, Aye
Commissioner Martin, Aye
Commissioner Smith, Aye
Commissioner Scott, Absent

The Commission met in closed session on Wednesday, October 2, 2013 from 9:00 a.m. until 12:00 p.m.

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-- OPEN MEETING --

BRYAN T. SCOTT APPOINTED AS A MEMBER OF THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

On October 1, 2013, Governor Jeremiah (Jay) Nixon appointed Bryan T. Scott of St. Louis to the Missouri Highways and Transportation Commission for a term ending March 1, 2017, or until his successor is duly appointed and qualified. Mr. Scott will fill the position held by Commissioner Joseph J. Hunt whose term expired on March 1, 2017, but his appointment was withdrawn on February 2, 2012 prior to the expiration of his term.

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CONSENT AGENDA

Consent Agenda Process

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

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

Consideration of October 2, 2013, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Smith, 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. The following committee and board reports were made during the October 2, 2013, meeting.

Audit Committee – Commissioner Suelthaus stated there was no report.

Legislative Committee – Commissioner Miller noted the federal government shutdown due to Congress' inability to pass a budget. He noted no impact to transportation if the shutdown is short term, however, if the shutdown were to last longer, there could be impacts to rail and transit. At the state level, the General Assembly convened for a veto session in September. At that time members of the House and Senate elected future leadership for both chambers, these elections depend on some of the legislators being re-elected and for the Republican Party to retain the majority. Commissioner Miller also reported, on September 16, 2013, an organization called Missourians for Safe Transportation and New Jobs, filed language with the Secretary of State for an initiative petition to allow voters to decide on increased funding for Missouri's transportation system. Commissioner Miller said the filing is the first step in a long process that could place a funding initiative in front of the state's voters in November 2014. The new funding would benefit state, county and city networks and cover all modes of transportation.

Missouri Transportation Finance Corporation – Commissioner Miller reported the Missouri Transportation Finance Corporation Board of Directors met on October 1, 2013 and received the annual financial report from the external auditors. For the seventeenth consecutive year, the MTFC has received an unqualified opinion, meaning there were no audit findings. This is another example of MoDOT being a good steward of taxpayer dollars. Since 1998, investment of \$453 million in cost-share

and economic development projects have generated \$1.1 billion in projects through partnering with local communities and businesses. Commissioner Miller noted at this meeting no loan applications were submitted for approval and that there is currently \$36 million available to loan to qualified applicants. He encouraged cities, counties and other entities to apply for this funding for their transportation project.

MoDOT and Patrol Employees' Retirement System – Commissioner Martin reported the Board of Trustees met on September 26, 2013. At this meeting two new trustees were seated, Shawn Rhoads, House of Representatives (West Plains-R), and Dave Nichols, MoDOT Director. The Chief Investment Officer reported the return for Fiscal Year 2013 at 13.42 percent. Some minor adjustments were made to the asset allocation strategy to rebalance the portfolio, and the Board approved the use of vendors to provide information system services. In the past, information system services were provided by MoDOT.

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DIRECTOR'S REPORT

During the October 2, 2013, Commission meeting, Director Dave Nichols provided the following report:

Fall Meetings – Director Nichols stated fall employee meetings have begun and will continue across the state through October. It is a great opportunity for employees to focus on MoDOT priorities, to receive updates on salary and benefit information, statewide initiatives and local issues, and to prepare for winter operations.

Governor's Awards for Quality and Productivity – Director Nichols congratulated the department on winning two Governor's Awards for Quality and Productivity. The Statewide Customer Service Team worked to re-invent MoDOT's customer service process to provide a high-level of service with a reduced staff and won in the Customer Service category. The customer service call distribution process was revised and information aides for customer service representatives were developed. Recognizing that with the right information tools, a customer service representative in Sikeston can answer a customer's question in St. Louis. This allowed a new call routing process that sends callers to the next available representative when all local lines are busy. The team's work has resulted in reduced wait time for callers and customer service representatives are equipped to answer calls from anywhere in the state. The Central District's project team delivered the Shared Four-Lane Highway on Route 5 between

Camdenton and Lebanon won in the Efficiency/Process Improvement category. Both teams will be honored by the Governor in ceremonies at the Capitol on October 16, 2013.

Day of Remembrance – Director Nichols noted a new tradition began in September, an annual “Day of Remembrance” to honor the sacrifice made by 131 MoDOT employees who lost their lives in the line of duty since 1946. Ceremonies were held in each district and in Jefferson City. Observances will be scheduled on the third Thursday of September each year. These events also will help employees re-dedicate themselves to MoDOT’s safety principles. Commissioner Martin said he supports efforts to remind drivers to slow down and observe work zone speed limits.

Winter Operations – Director Nichols reported preparations are under way for winter operations. The department has begun hiring seasonal employees to augment the winter work force and will stage its second statewide “Snow Drill” on November 5, 2013.

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TRANSPORTATION VISION FOR SOUTHWEST MISSOURI

Becky Baltz, Southwest District Engineer, and Sara Fields, Executive Director of the Ozarks Transportation Organization, jointly presented on recent transportation improvements in Southwest Missouri and shared the region’s vision for the future. Ms. Baltz reported the Southwest District encompasses Kaysinger Basin Regional Planning Commission (RPC), Southwest Council of Governments RPC, Harry S. Truman Coordinating Council, Joplin Metropolitan Planning Organization (MPO), Ozarks Transportation Organization (OTO) MPO, and Northwest Arkansas MPO. Ms. Fields stated the Ozarks Transportation Organization includes the communities of Springfield, Willard, Strafford, Republic, Battlefield, Nixa, and Ozark.

Ms. Baltz and Ms. Fields described how the region’s transportation goals go hand-in-hand with those that surfaced across the state during MoDOT’s “On the Move” long-range planning initiative: maintain the existing system and services, keep travelers safe, tie transportation investments to economic development, and provide additional transportation options while integrating Missouri’s total transportation system.

Ms. Baltz noted the vastness of the Southwest District, which covers 21 counties (13,000 square miles) and 6,500 miles of roads. Live streaming and other technologies help supervisors and field employees communicate early and quickly during construction and maintenance operations to take care of the system. Ms. Baltz provided a live look into a local shed where maintenance employees were preparing for winter operations. The OTO Area is looking to Bluetooth technology to improve signal timing and gather origin-destination travel data. Apps developed by Google and others also may be adapted to help operators improve traffic flow. These technologies help the system operate more efficiently in Southwest Missouri. However, much work is still needed to bring rural roads to the condition citizens expect, and Missourians must continue investing in the current good-condition roads so the roads do not degrade. Through good use of technology, the district and the OTO are more efficient when providing the necessary services to maintain the large transportation system.

Ms. Fields stated safety is a component of all transportation projects supported by the OTO and built by the department and local communities. The Route 60/65 interchange reconstruction in Springfield, completed in the fall of 2012, is a recent example. Crashes have been reduced significantly and traffic flows smoother with fewer delays at the area's busiest crossroads. MoDOT is taking a systematic engineering approach to enhance safety, such as adding 2-foot shoulders and rumble stripes on two-lane roads. Safety coalition partners have joined forces in public education campaigns to increase seat-belt use and other initiatives. Law enforcement agencies continue to work on distracted and impaired driving campaigns. Industry partners, from automakers to motor carriers, are making vehicles "smarter" and improving driver training. Ms. Baltz explained the work will not be complete until the ultimate goal of zero fatalities is reached.

Ms. Baltz stressed that partnerships are crucial to transportation infrastructure development and boosting the economy in Southwest Missouri. The Southwest District, regional planners, and local governments work cooperatively to design and build projects that have a positive economic impact.

Recent transportation improvement projects have helped John Deere Remanufacturing, Blue Buffalo (pet food), and Mercy Hospital expand and add jobs. Ozarks Technical Community College, which provides people with two-year degree programs and job-specific training, built a new campus just off an expanded Route 65 in Hollister to serve the Branson-Tri-Lakes region. Transportation plays a major role in creating jobs in Southwest Missouri and improving the economy of the region.

Ms. Fields emphasized an important goal for business, education, and government leaders in Southwest Missouri is keeping the region's "livability" high. People expect to have a say in how this is done and leaders are ready to listen. Citizens want a transportation system with connectivity and options for shipping goods and choices in personal travel. An effort underway in Springfield, called Let's Go Smart, encourages making wise transportation choices whether biking, walking, riding the bus, or driving. OTO has plans in place to improve transit in cooperation with City Utilities, and a bicycle and pedestrian network that is fifty-seven percent complete. The Southwest District and its partners are working to enhance connectivity and choice.

Both presenters acknowledged funding challenges but said the area's transportation partners will continue to work collaboratively and apply new technologies in an effort to maintain the transportation network and make improvements whenever possible.

Representatives of various communities attended the meeting and thanked the Commission and MoDOT for cooperating on recent system improvements, the communities included: City Utilities, Christian County, City of Willard, Springfield Branson National Airport, Ozark Greenways, City of Nixa, City of Strafford, Greene County, City of Ozark, City of Battlefield, City of Republic, and City of Springfield. Springfield Area Chamber of Commerce Regional Development Manager, Jeff Seifried, expressed appreciation for the partnership between the commission and the communities present. He stated a sound transportation system is important to promoting economic activity and creating jobs.

Commissioner Carmichael thanked Ms. Baltz and Ms. Fields for their joint presentation and noted it's more than symbolic as MoDOT and the Ozarks Transportation Organization have really worked well together to deliver many great projects in the region. With limited resources, partnering is one of the ways that needed improvements can continue to be delivered, and the Southwest region has really embraced that concept.

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MISSOURI STATE HIGHWAY PATROL MAJOR CRASH INVESTIGATION TEAM

Major Kemp Shoun reviewed the role of the Patrol's Major Crash Investigation Team. Major Shoun discussed the accident database, new technologies used to improve the team's efficiency and safety in clearing highway incidents and gave examples of highway safety initiatives on which Missouri State Highway Patrol (MSHP) and MoDOT have partnered.

The MSHP and MoDOT share information through a unique system for traffic accident data. The MSHP is the central repository for all accident information within the state. The MSHP database is called the Statewide Traffic Accident Reporting System (STARS). Accident information is entered into STARS through automated reporting used by the patrol officers or manual entry of local police and sheriff accident reports. The MoDOT database is called the Traffic Management System (TMS), which is the sister system to STARS. Both databases are housed at MoDOT. Major Shoun emphasized this team effort allows both agencies to share information that each respectively needs. Accident locations and trends can be identified with these systems. MoDOT can address problem areas by fixing either design or sign issues with the use of safety funding, while MSHP can direct enforcement activities based upon data analysis.

Major Shoun said collection of crash information is critical and can be difficult at times. The Patrol often relies on MoDOT incident management personnel for traffic control and enhanced safety at accident scenes, some of which can be highly complicated. Crash scenes may keep the road closed for a

prolonged period of time. MoDOT incident management personnel have the equipment and signage to reroute traffic. MoDOT personnel are often called out after hours or during holidays and weekends. Secondary crashes are common at large scenes or blocked roadways. While some parts of the investigation can be handled in a secure area, measurements and charting must occur at the scene.

Major Shoun stressed that crash scene safety can be very critical for their major crash teams. The teams consist of twelve officers who handle advanced investigative technologies. Officers in the St. Louis region often work with MoDOT incident management personnel during night hours to chart crash scenes during low traffic periods.

Recently, MoDOT has begun to help the Patrol upgrade equipment used by the major crash teams. Team members depend on total station technology for laser and infrared charting of crash scenes. Measurements must be accurate and diagrams are produced to scale. Through the cooperation with MoDOT, the MSHP hopes to acquire additional Global Positioning System (GPS) total stations in the near future. This is being made possible with safety grant funding processed through MoDOT. This system does not require a line of sight measurement and can be safer in some cases. While line of sight total stations will still be needed in many applications, GPS systems can be extremely beneficial in situations such as rough terrain where hills don't allow for line of sight and high traffic areas of accidents involving commercial motor vehicles.

Major Shoun reported the final crash report contains a variety of information such as pictures, analysis, charts, data, and in some cases animation, much of which was made possible through various grants sources. Major Shoun concluded his presentation by showing two different animations of a highway crossover accident. Accident investigation is now very technical, and the MSHP is able to provide better accident information that helps MoDOT and MSHP make Missouri's roads safer to travel.

Commissioner Suelthaus inquired about the accuracy of the GPS reporting, and Major Shoun responded that is within one-eighth of an inch accurate. Carmichael thanked Major Shoun for his presentation and the patrol's partnership with MoDOT.

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PUBLIC COMMENT – HIGHWAY 41 BRIDGE, COOPER COUNTY

Ted Litton, Cooper County resident, provided comments about the Central District's proposed bridge replacement on Highway 41 in Cooper County near Arrow Rock. The project as proposed involves closing Route 41 at the Lamine River, removing the existing bridge, and constructing a new bridge at the same location. At the August 7, 2013 Missouri Highways and Transportation Commission meeting held in Farmington, Missouri, a group of citizens asked the department to consider replacing the Route 41 bridge over the Lamine River in a location west of the existing bridge, as opposed to building the new bridge at the current location. The residents contended building the bridge along a new alignment would provide better sight distance, while allowing the community to avoid a three-month detour on a route they believe is unsafe and would increase response time for emergency vehicles. Mr. Litton repeated those requests stating this is a once in 80 years opportunity to address the sight distance concern, and avoid life threatening situations due to the three-month detour. He also requested the Commission consider making the bridge the department is proposing to build at least four foot wider to better accommodate the agricultural equipment that routinely cross the bridge.

Commissioner Carmichael thanked Mr. Litton and other area residents for the information they provided over the past few months and said he hopes residents understand the Commission's position that the department cannot afford to spend the extra funds a new alignment would require; however, the department heard the requests and have been able to accommodate some of them.

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MOTOR CARRIER SERVICES PRESENTATION

Jan Skouby, Motor Carrier Services Director, provided an overview of the Motor Carrier Services division, which operates a customer-focused e-business that assists the commercial motor vehicle industry to operate legally and safely in order to advance economic development and the efficient movement of goods.

Ms. Skouby reported during the On the Move process, staff learned that Missourian's expectations for our transportation future could be summarized in four goals: take care of the transportation system and services we enjoy today; keep all travelers safe, no matter the mode of transportation; invest in projects that spur economic growth and create jobs; and give Missourians better transportation choices. Motor Carrier Services (MCS) takes its responsibility to interact, communicate, and assist carriers with safely conducting their business very seriously. Commercial motor vehicles are thirty-five percent of Missouri's interstate traffic. Trucking is the only freight mode that serves every Missouri city, town, and village.

MCS handles 27,000 accounts, ranging in size from a one truck company to a company with thousands of trucks and trailers. Staff issue over 336,000 permits and credentials a year and conduct over 3,600 inspections and safety investigations a year. Motor Carrier Services collects and distributes \$162 million in registration, fuel tax, permits for oversize and overweight loads, and other fees each year.

The division has leveraged technology resources to operate more efficiently in such areas as: telecommuting, paperless environment, and electronic document management. Staff have stopped handling paper through the use of SharePoint technology, directing faxed documents to electronic work list, mailing postcard reminders versus mailing the paper forms, and emailing an electronic newsletter. With the implementation of e-business operations, MCS has received 15,000 fewer phone calls and 125 fewer walk-ins. Technology has also made it easier for a company to transact business 24/7 through

electronic credentialing, automated issuance of permits, and MoDOT Carrier Express. The MoDOT Carrier Express is an online system where customers can submit their own transactions, allowing commercial motor carriers to conduct their business and get on the road quickly. Over sixty-five percent of oversized, overweight permits are issued without human intervention and have a two-second turnaround time. Paperless transactions are submitted with immediate payment, which allows the process to continue quickly, smoothly, and effectively.

Ms. Skouby reported MCS staff provide outstanding customer service. In a recent online survey, MCS had a customer satisfaction rating of 94.5 percent with over 92 percent of customers satisfied with the speed of response time. MCS customer satisfaction has averaged 95 percent for the past five years. The division is very proud of the continued good ratings because they serve as fee collecting regulators of commercial motor carriers.

Ms. Skouby provided an overview of the SafeStart program that helps new carriers start off on the right foot with regulations and programs. Carriers want to be in compliance, so MCS staff try to make compliance easy. Virtual technology, such as virtual weigh stations, keep safe carriers moving while removing economic advantages for unsafe carriers. By also enforcing safety regulations on vehicle maintenance, there are fewer motor carrier breakdowns. By streamlining the oversized, overweight permit process, carriers find it easy to comply.

Industry advocates and various other groups look at MCS as a valued partner. MCS ensures MoDOT and Missouri are represented by committee involvement in national and international organizations such as International Fuel Tax Agreement (IFTA) Inc., International Registration Plan (IRP) Inc., and the Mid America Association of State Transportation Officials (MAASTO).

Ms. Skouby closed her presentation by sharing the MCS future vision of continued efficiencies and maintaining a national leadership role. Ms. Skouby said the department should understand changing

business needs, cross train and level resources, expand telecommuting, share and obtain best practices nationwide, and be prepared to deliver a program twice as large.

Commissioner Carmichael thanked Ms. Skouby for her presentation and also for her years of dedicated service to the State of Missouri. Commissioner Carmichael presented Ms. Skouby with a gift to celebrate her upcoming retirement. Roberta Broeker, Chief Financial Officer, congratulated Ms. Skouby as the e-business operation is a model for the nation.

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UPDATE REGARDING BRIDGE REPLACEMENT ON HIGHWAY 41

Dave Silvester, Central District Engineer, provided an update on a upcoming project to replace the Cooper County Route 41 Bridge over the Lamine River near Arrow Rock. The department proposes to close Route 41 at the Lamine River, remove the existing bridge, and build a new bridge at the same location for \$2.4 million. This bridge is one of three fracture-critical bridges remaining in Cooper County. The project is scheduled to take place during the spring and summer of 2014. Mr. Silvester stated a group of local citizens petitioned the department to replace the bridge on a new alignment west of the existing bridge. The estimated cost of this option is \$4.37 million, almost \$2 million more than MoDOT's proposal.

Mr. Silvester said staff remain committed to the original proposal approved by the Commission as part of the 2014-2018 Statewide Transportation Improvement Program. It is the best, most-cost effective option for Missouri taxpayers, and it remains the right thing to do. The proposal focuses on the true need – replace a structurally deficient bridge – and provides a practical solution in line with the department’s practical design philosophy. The proposed bridge replacement project will significantly improve safety. The new structure will increase sight distance to 650 feet, 220 feet more than what exists there today. The required American Association of State Highway and Transportation Officials (AASHTO) site distance for this roadway is 495 feet. In addition, the new bridge will be wider and

include shoulders. Under the department's proposal, Route 41 will be closed no longer than three months to minimize disruption to the traveling public, and the contract will contain incentives for the work to be completed even earlier. Mr. Silvester ensured the closure would occur at a time that would minimize the impact to residents, businesses, and agricultural interests.

Mr. Silvester reported the cost for the present MoDOT design is \$2.4 million, compared to \$4.37 million for the citizen option. He explained, the department's design option includes approximately \$200,000 that has already been spent on consultant and internal engineering costs. There would be complete redesign costs if the citizen option were pursued. Additionally, the extra \$2 million a revised project would cost could address numerous other transportation needs, not only in the Central District, but statewide. Prime examples of some unfunded needs include replacing the fracture-critical Route M bridge over the Lamine River in Cooper County, and replacing bridges that are in poor condition on Interstate 70 in the Columbia area. The list on where an additional \$2 million could be spent is endless. Mr. Silvester said at a time when Missouri has been in the news for having a high number of deficient bridges, it does not make sense to spend an additional \$2 million on a project when the same benefits – a new bridge that improves safety and ease of travel – can be achieved at a lesser cost.

Following the conclusion of Mr. Silvester's presentation, the Commission stated their agreement with the department's proposal to replace the bridge in its current location and significantly improve the visibility on the curve approaching the bridge. Chairman Carmichael thanked local representative Ted Litton and other area residents for the information they provided over the past few months. Chairman Carmichael said he hopes residents understand the Commission's position that MoDOT cannot afford to spend the extra funds a new alignment would require. Commissioner Martin thanked staff for the additional work it took to review the citizens' issues and the efforts they made to accommodate some of the citizenry's requests.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF AMENDED PROPOSED RULEMAKING – OUTDOOR ADVERTISING

On behalf of the Director, Kelly Lucas, Right of Way Director, presented the notice of proposed rulemaking, 7 CSR 10-6.010 through 7 CSR 10-6.100, Outdoor Advertising. She explained the Missouri Highways and Transportation Commission (MHTC), in accordance with the Highway Beautification Act of 1965, 23 U.S.C. § 131, and Section 226.500, RSMo, is required to develop rules and regulations for outdoor advertising in areas along the interstate and primary highway systems. The General Assembly enacted in 2012, Truly Agreed and Finally Passed House Bill 1402, which requires the Commission to promulgate rules regarding outdoor advertising and the use of digital signs.

Ms. Lucas reported the department analyzed Federal Highway Administration guidelines and industry research and met extensively with stakeholders and legislators to develop the new rules. The proposed rules governing digital billboards would set message duration at ten seconds and establish a maximum brightness level of 300 candelas per square meter in full-white mode. The following information comprises substantial evidence on the record to support the recommended Commission finding that these proposed rules are necessary to carry out the purposes of Section 226.541 RSMo.

Ad Copy Duration

On September 25, 2007, the Federal Highway Administration (FHWA) issued a guidance memorandum relating to digital billboards throughout the nation. The purpose of the memorandum was to document reasonable and safe standards that would serve to protect the motoring public. Based on FHWA's research, it identified certain ranges of acceptability that have been adopted by States that allow digital billboards. That acceptable range is between 4 and 10 seconds.

In April 2009, Jerry Wachtel submitted a report titled, "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs." Jerry Wachtel is a Human Factors Expert and Engineering Psychologist with more than 30 years of experience providing consulting services to

government, nonprofit and corporate clients in the fields of human factors. The report discusses the human factors relating to the distractions associated with digital billboards. Among other areas, the report addresses an acceptable method for determining the ad copy duration of digital billboards as a means to minimize driver distraction. The report suggests that an average driver will spend more time viewing a digital billboard display whose message changes as the driver approaches. In order to minimize “eyes off the road,” it is recommended that the digital display remain static for the duration of view time from the driver. Given that a driver may approach a digital billboard at any time, the message could potentially change at the same time the driver first views the billboard. Therefore, it is reasonable for a single driver to merely view one message change from the time the billboard comes into view to the time the driver passes the digital billboard. In order to implement this recommendation, the author provides a formula for calculating a minimum acceptable ad copy duration. That equation is as follows:

$$\textit{Sight distance to billboard (ft)} / \textit{Speed Limit (ft/sec)} = \textit{Minimum display duration (sec)}$$

Based on MoDOT’s field research, drivers will begin to perceive that they are approaching a digital billboard at approximately 1,000 feet away from the billboard. Therefore, the sight distance applied to the above formula is 1,000 feet. There are varying speeds along outdoor advertising controlled routes throughout Missouri ranging from 35 miles per hour to 70 miles per hour. MoDOT considers routes with speed limits of 45 miles per hour and less to be more consistent with city type streets. On the other hand, roadways with speed limits of 50 miles per hour and greater are considered to be highways. In looking at the existing digital billboard inventory in Missouri, the majority of digital billboards are located along routes with a 65 mile per hour speed limit. According to members of the outdoor advertising industry, 65 mile per hour and greater highways are the most effective locations to erect digital billboards. Since this is the location that most digital billboards will likely be located throughout Missouri, the speed limit applied to the above formula is 65 miles per hour. With a sight

distance of 1,000 feet and a speed limit of 65 miles per hour, the minimum ad copy duration is 10 seconds.

In researching requirements for digital billboards adopted by other states throughout the nation, the following states have a minimum ad copy duration of 10 seconds: Delaware, Georgia, Illinois, Maryland, Massachusetts and Nebraska. The remaining states have minimum ad copy durations ranging from 4 seconds to a complete ban on all billboards.

Based on the desire to minimize driver distraction for the safety of the traveling public, guidance provided by FHWA, and information gathered from other States, a minimum ad copy duration of 10 seconds is in the best interest of Missouri's traveling public.

Maximum Brightness Level

While digital billboards are becoming more popular throughout the nation, States are beginning to consider maximum brightness level standards. Six states have established brightness levels for digital billboards to date. Two of those states, Arizona and West Virginia, use the luminance (candela) level method, while Massachusetts, Michigan, Oregon and Wyoming use the illuminance (foot candle) level method. Following research conducted by MoDOT staff into the two different methods for measuring brightness levels of digital billboards, measuring the luminance (candela) level is the most appropriate method to use in Missouri. This determination was based on several factors, with the safety of the traveling public and MoDOT employees being the main factors.

West Virginia elected to adopt a maximum luminance level based on candelas per square foot, which is not an industry accepted measure for candelas. Since the industry accepted measure for candelas is square meters, West Virginia's adopted standards are not relevant to Missouri's determination. Arizona adopted maximum luminance levels of 342 candelas per square meter in full white mode for billboard faces less than 672 square feet, and 300 candelas per square meter in full white

mode for billboard faces equal to or greater than 672 square feet. Arizona also requires that all digital billboards be shut down no later than 11:00 p.m. each evening.

In 2008, Ian Lewin finalized a report titled, “Digital Billboard Recommendations and Comparisons to Conventional Billboards.” Ian Lewin holds a PH.D in Illumination Engineering and is a nationally recognized lighting expert, who has written over 144 technical papers related to various aspects of lighting. Based on his research, the author recommends that billboard faces containing 672 square feet be set at 300 candelas per square meter. In order to arrive at this recommendation, the research was based on a full white mode for digital billboards. The author concludes that using this setting as a brightness level for digital billboards will cause the billboards to be only slightly brighter than the maximum luminance level of conventional billboards. This report was provided to MoDOT by the outdoor advertising industry and is considered an acceptable report from the industry perspective. Current state statutes in Missouri limit the size of a sign face to a maximum of 800 square feet. As such, a billboard face set at 300 candelas per square meter in full white mode will provide an appropriate level of brightness for digital billboards in Missouri.

The majority of the existing digital billboards in Missouri are located in the St. Louis, Kansas City, Springfield, and Lake of the Ozarks areas. MoDOT staff conducted field research on many of the existing digital billboards in these areas to identify the current luminance levels of the various billboards. In all 4 areas, the majority of billboards measured below 250 candelas per square meter, with a few measuring slightly above 300 candelas per square meter. Establishing a maximum brightness limit of 300 candelas per square meter in full white mode will most generally result in a brightness level of approximately 250 candelas per square meter in all color mode.

Based on information obtained from Arizona, research and recommendations from the Lewin report, and the status of the existing digital billboards in Missouri, establishing a maximum brightness

level of 300 candelas per square meter in full white mode is in the best interest of Missouri's traveling public.

A summary of the proposed changes include:

7 CSR 10-6.010 Added provisions regarding highway safety, and simplified where to obtain information and materials.

7 CSR 10-6.015 Defined automatic changeable display, digital technology, and support poles; removed definitions of area permit specialist, chief engineer, director of transportation, exempt billboard, federal or state law, landmark signs, local, outdoor advertising permit informal review committee, readily accessible, regular intervals, secretary of transportation, state, and urban area.

7 CSR 10-6.020 Modified provisions relating to the approval process for directional signs, and added provisions regarding highway safety.

7 CSR 10-6.030 Removed size, lighting, spacing and rental income provisions for on-premises signs, and added provisions regarding highway safety.

7 CSR 10-6.040 Modified provisions of the primary use test for zoned and unzoned commercial and industrial areas regarding spacing, visibility, building code, utility, and mobile home or recreational vehicle requirements; removed provisions for standards for allowed signs and multiple face structures; added provisions regarding highway safety; modified permit provisions for automatic changeable displays and digital technology by establishing a minimum static display time of ten (10) seconds for each message; modified permit provisions for digital technology by establishing an instantaneous transition time with no discernible time gap between displays; modified permit provisions for digital technology by establishing luminance standards and upgrade criteria regarding conforming out of standard signs; added provisions for written requests to upgrade with digital technology and an established approval process; added provisions regarding the reconstruction and repair of conforming out of standard signs, moratorium of new outdoor advertising permits in areas of construction or reconstruction, and the sign reset agreement program.

7 CSR 10-6.050 Removed provisions regarding maps depicting urban areas; and added provisions regarding highway safety.

7 CSR 10-6.060 Added provisions regarding highway safety; modified provisions for temporary cutouts or extensions; modified provisions prohibiting the repair and unlawfulness of deteriorated or damaged nonconforming signs; removed provisions for permit holders to contact the area permit specialist prior to making changes to permitted structures.

7 CSR 10-6.070 Added provisions regarding highway safety; modified provisions regarding outdoor advertising subject to permit requirements and outdoor advertising not

eligible for permits; modified provisions relating to obtaining and submitting permit applications, and biennial inspection fees and voiding of permits without compensation.

7 CSR 10-6.080 Modified provisions for the removal of unlawful and nonconforming signs.

7 CSR 10-6.085 Added provisions regarding highway safety; modified provisions for the cutting and trimming of vegetation on right of way relating to application information, fees, liability insurance, approved herbicides, indemnification, trimming of trees, and the informal hearing process.

7 CSR 10-6.090 Modified provisions relating to the final decision of the Commission for notices to remove outdoor advertising.

Upon motion by Commissioner Martin, seconded by Commissioner Smith, the Commission, based on substantial evidence on the record and its finding that these proposed rules are necessary to carry out the purposes of Section 226.541 RSMo, unanimously authorized the Secretary to the Commission, to file the notice of proposed amended rulemaking, 7 CSR 10-6.010 through 7 CSR10-6.100, with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute any documents appropriate to initiate this rulemaking process.

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FISCAL YEAR 2014 BUDGET AMENDMENT

On behalf of the Director, Brenda Morris, Financial Services Director, recommended increasing disbursements \$8.6 million for the Fiscal Year 2014 budget. Ms. Morris also recommended transfers between operating budget categories to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities.

Via approval of the consent agenda, the Commission unanimously approved the Fiscal Year 2014 budget amendment described above.

* * * * *

MEDICAL AND LIFE INSURANCE PLAN: APPOINTMENT OF BOARD MEMBER

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

On behalf of the Director, Jeff Padgett, Risk and Benefits Management Director, recommended approval of the appointment of Roger Schwartz as the MoDOT retiree representative for a term ending December 2016 or until a successor is named. Mr. Schwartz served as District Engineer in the former District Five, retired in 2012. Mr. Schwartz's appointment has been recommended by Director Dave Nichols. Via approval of the consent agenda, the Commission unanimously approved the appointment of Roger Schwartz as the MoDOT retiree representative for a term ending December 2016 or until a successor is named.

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CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

On behalf of the Director, Eric Schroeter, State Design Engineer, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month. He noted Call G08 has local funding, as noted in Table I below, and the department received the necessary concurrence.

Mr. Schroeter recommended (1) Award of contracts to the lowest responsive bidders for bids received at the September 20, 2013, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Call A02, as noted in Table II below, due to the bids being excessive per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction. (3) Concurrence in award

of the bidder for bids received at the September 5, 2013 letting conducted by the Nebraska Department of Roads as noted in Table III below.

**Table I
Award of Contracts
September 20, 2013, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	29	Atchison	J1I2180	\$1,580,069.12	\$0.00	Herzog Contracting Corp.	Resurfacing (UBAWS) & Optional Overlay
A03	WW	Linn	J2S2158	\$320,950.80	\$0.00	Lehman Construction, LLC	Bridge Replacement
A04	CC	Daviess, Caldwell	J1S3036C	\$1,946,344.60	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Thin Lift Overlay (SL), Seal Coat
	F	Daviess, Grundy	J1S3036D				
	W	Carroll	J1S3036B				
A05	35	Harrison	J1I3050	\$217,002.50	\$0.00	APAC-Missouri, Inc.	Bridge Repair
A06	B	Linn	J1S3080	\$1,217,023.00	\$0.00	L. F. Krupp Construction, Inc.	Replace Bridge
B01	A	Randolph	J3L1400H	\$774,563.99	\$0.00	Vance Brothers, Inc.	Seal Coat
	BU 63		J3L1400G				
	C		J3L1400B				
	DD		J3L1400D				
	EE		J3L1400E				
	JJ		J3L1400C				
	M		J3L1400F				
C01	D	Cass	J4S3049	\$739,513.28	\$0.00	Ideker, Inc.	Add Shoulders
D01	63	Boone	J5P3067	\$319,012.20	\$0.00	PCiRoads, LLC	Concrete Pavement Repair
D02	44	Phelps	J5I3034	\$391,954.88	\$0.00	N.B. West Contracting Company	Pavement Replacement (PCCP)
D03	U	Miller, Pulaski	J5S3066	\$866,323.79	\$0.00	Willard Asphalt Paving, Inc.	Thin Lift Overlay (SL)
F01	Various	Various	J9P2264C	\$727,272.72	\$0.00	Collins & Hermann, Inc.	Guardrail
G01	49	Bates, Cass	J7P2175B	\$11,295,119.16	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Coldmill, Resurfacing (SP & BP)
G02	44	Newton	J7I2214	\$4,102,205.46	\$13,912.00	Blevins Asphalt Construction Company, Inc.	Coldmill, Resurfacing (SP & BP)
G03	44	Webster	J8I2359	\$1,743,948.80	\$0.00	APAC-Missouri, Inc.	Coldmill, Resurfacing (SP)
G04	171	Jasper	J7P2198	\$1,548,610.93	\$0.00	APAC-Missouri, Inc.	Grading, Drainage and Optional Pavement

G05	D	Greene	J8P2263	\$2,138,734.96	\$0.00	APAC-Missouri, Inc.	Coldmill, Resurface (SP) w/1 Add Alt (SP)
	BU 65		J8P3001				Coldmilling, Resurfacing (SP) and Add Shoulders
G06	13	Greene	J8P2263B	\$4,758,330.35	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface (SP & BP)
		Polk, Greene	J7P3005				
G07	76	Stone, Taney	J7P3004	\$2,790,862.44	\$0.00	APAC-Missouri, Inc.	Coldmill, Resurface (SP & BP)
G08 *	14	Christian	J8P0588G	\$1,848,611.07	\$0.00	Blevins Asphalt Construction Company, Inc.	Add Turn Lanes, Signals
			J8P3000				Coldmilling, Resurfacing (SP & BP)
G09	413	Greene	J8S3003	\$2,704,380.58	\$0.00	Blevins Asphalt Construction Company, Inc.	Coldmill, Resurface (SP & BP)
	60		J8P3004				
			TOTAL:	\$42,030,834.63	\$13,912.00		

* Call G08 – Funding by the City of Nixa – \$2,861.20

**Table II
Rejection of Bids
September 20, 2013, Bid Opening**

Call No.	Route	County	Job No.	Description
A02	Various	Various	J9P2264D	Guardrail

**Table III
Concurrence in Award of Contract
September 5, 2013, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Contractor	Description
100*	159	Holt	BRD-159-7(109)	\$1,730,250.00	Jensen Construction Company	Rulo Bridge Removal
			TOTAL:	\$1,730,250.00		

* Call 100 – Funding by Nebraska Department of Roads – \$692,100.00

Commission Consideration and Action

After consideration, and upon motion by Commissioner Suelthaus, 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 September 20, 2013, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.

2. Rejected the bids received on Call A02, as noted in Table II above, because they were considered excessive.
3. Concurred in the award of the contract to the bidder for bids received at the September 5, 2013 letting conducted by the Nebraska Department of Roads as noted in Table III above.
4. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Carmichael abstained from voting on Calls A05, A09, G01, G03, G04, G05, G07, and G09. Commissioner Miller abstained from voting on Calls A01 and F01.

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REQUEST FOR APPROVAL OF LOCATION AND/OR DESIGN OF HIGHWAYS

**Route I-49 and 211th Street Intersection
Cass County
Job No. J4P2247 and J4P2247B
Public Hearing Held August 20, 2013
On-Line Public Hearing August 20, 2013-September 3, 2013**

The proposed improvement provides for a new diverging diamond interchange (DDI) and connection to 211th Street between Peculiar Drive and School Road. There will be three 11 foot lanes with curb and gutter in each direction through the interchange. The project will have controlled access right of way and normal right of way. Traffic will be maintained on the existing facilities for the majority of the project. Short term single lane closures will be required on I-49 to construct the new bridge and ramps. The project is 1.1 miles in length.

On behalf of the Director, Dan Niec, Kansas City District Engineer, recommended approval of the location and design as presented at the design public hearing.

**Route 160 and Plainview Road
Greene County
Job No. J8S0690B
Public Hearing Held October 30, 2012**

The proposed improvements provide intersection improvements at Route 160 (Campbell Avenue) and Plainview Road consisting of widening for right turn lanes and new backage roads. The turn lane width will be 12 feet with curb and gutter. The backage roads will be 12 foot lanes with curb and gutter. The project will have controlled access right of way. Construction will be completed under traffic and at times will require a reduction in lanes. The project is 0.3 miles in length.

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 designs would best serve the interest of the public and approved the recommendation.

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REPORT AND RECOMMENDATION REGARDING THE ROUTE 60 PROJECT IN THE CITY OF ROGERSVILLES, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Becky Baltz, Southwest District Engineer, recommended the Rogersville Route 60 project be designated as a design-build project, and that authority be delegated to the Chief Engineer or his designee to approve and execute documents and expend funds on behalf of the Missouri Highways and Transportation Commission for the following items on the Rogersville Route 60 Design-Build Project:

- **Escrow of Bid Documents** –execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents on the project.
- **Agreements** –execute agreements with local governments including other entities for cost-share, enhancements, use of property, environmental mitigations, utilities, etc. on the project, subject to approval as to form by CCO and CS attestation.
- **Railroad Agreements** –execute agreements pertaining to railroads, subject to approval as to form by CCO and CS attestation.

- **Construction Change Orders** - approve construction change orders on the project.
- **Consultant Engineering Services** –execute contracts for engineering services needed subject to approval as to form by CCO and CS attestation and in keeping with the Brooks Act, 40 USC 1101 et seq. and 23 CFR 172.5 as well as Section 8.285 RSMo.
- **Other** –expend funds for the project, as well as approve, execute, sign and seal project specific documents.
- **Design Exceptions** –sign design exceptions specific to the design of the project currently delegated to the State Design Engineer and the State Bridge Engineer, subject to consultation with the department’s technical experts.

Project changes resulting from this delegation will not exceed the cap of 2 percent over the programmed cost or those changes will be taken back to the Commission. The Rogersville Route 60 procurement process will begin in fall 2013. Via approval of the consent agenda, the Commission unanimously approved the delegation of authority as recommended and noted above.

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 100 IN ST. LOUIS COUNTY, EXCESS PARCEL E6-1148, FILE NO. 10316

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, Greg Horn, Interim St. Louis District Engineer, recommended conveyance of 8.02 acres of land located along the East side of Center Avenue, ¼ mile East of the intersection of Route 109 and Manchester Road in the town of Wildwood, that once served as the Grover Maintenance Facility, to Lombardo Homes of St. Louis, LLC, for a consideration of \$280,000.

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

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CONSIDERATION OF A SUPPLEMENTAL AGREEMENT WITH THE CITY OF WILLOW SPRINGS

The Commission's April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding use of Commission-owned property or property rights authorizes staff to execute leases and agreements for use of real property and its appurtenances. However, the policy further requires that all unique, sensitive and/or controversial transactions be submitted to the Commission for consideration. The proposed supplemental agreement is unique because of the nature of the original agreement previously approved by Commission action.

On February 1, 2012, the Commission approved the execution of the initial Lease with Option to Purchase Agreement with the City of Willow Springs. The initial agreement was fully executed on March 30, 2012. The terms of the initial agreement required the City of Willow Springs to achieve economic development through the creation of new jobs and/or increase student enrollment at an institution of higher education generating tuition revenues within a ten year period in lieu of payment. To date, the City of Willow Springs has achieved \$20,520 toward the \$1,305,630 economic development goal established by the initial agreement.

Currently, the Willow Springs preschool activities are conducted in a temporary trailer facility on the Willow Springs Public School Campus. Additional funding received by the Willow Springs R-4 School District has allowed the construction of a permanent building on the campus for the purpose of ultimately housing the preschool. The new permanent building will be constructed within the footprint where the existing trailer is located. The City of Willow Springs has very limited space available within the city to accommodate the temporary relocation of the preschool. The City of Willow Springs requested the Willow Springs R-4 School District occupy a portion of the facility for preschool activities for a temporary period beginning October 2, 2013, and ending June 30, 2014, and finds it would benefit the local community.

Via approval of the consent agenda, the Commission unanimously authorized the Director, Chief Engineer, or Chief Financial Officer to execute the First Supplemental Lease with Option to Purchase Agreement with the City of Willow Springs. The First Supplemental Lease with Option to Purchase Agreement will authorize the Willow Springs R-4 School District to occupy a portion of the former Willow Springs District Office for preschool activities as a sublessee of the City of Willow Springs for a temporary period beginning October 2, 2013, through June 30, 2014.

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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 August 31, 2013, MoDOT has vacated 123 facilities. Of that total, 99 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 August 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 AUGUST 31, 2013**

Brenda Morris, Financial Services Director, provided to the Commission the financial report for fiscal year-to-date ended August 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 August 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. Eight engineering consultant services contracts were executed in August 2013, for a total cost of \$7,580,895. Eight non-engineering consultant contracts were executed in August 2013, for a total cost of \$2,260,680.

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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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