



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN KIRKSVILLE, MISSOURI,
WEDNESDAY, OCTOBER 4, 2017**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 4, 2017, at Truman State University, Student Union Building, 100 East Normal, Kirksville, Missouri. Gregg C. Smith, Vice-Chairman, called the meeting to order at 9:00 a.m. The following Commissioners were present: Michael T. Waters, Jr., John W. Briscoe, Terry L. Ecker, and Robert G. Brinkmann. Michael B. Pace participated by teleconference.

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

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Patrick McKenna, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, October 4, 2017.

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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 Vice-Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Pace, Aye
Commissioner Smith, Aye
Commissioner Waters, Aye
Commissioner Briscoe, Aye
Commissioner Ecker, Aye
Commissioner Brinkmann, Aye

The Commission met in closed session on Tuesday, October 3, 2017 at 12:30 p.m. and recessed at 1:30 p.m.; they then reconvened at 3:00 p.m. and adjourned at 4:45 p.m.

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-- OPEN MEETING --

ROBERT G. BRINKMANN QUALIFIED AS A MEMBER OF THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

On September 8, 2017, Governor Eric Greitens announced the appointment of Robert G. Brinkmann of Saint Albans, to the Missouri Highways and Transportation Commission for a term ending March 1, 2023, or until his successor is duly appointed and qualified, vice Edward D. Hillhouse, appointment was withdrawn on January 30, 2017 and whose term would have expired on March 1, 2017. Mr. Brinkmann was duly sworn on October 3, 2017 in Kirksville at the Adair County Courthouse by the Honorable Russell Steele, Presiding Circuit Judge for the 2nd Judicial Circuit Court.

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TERRY L. ECKER QUALIFIED AS A MEMBER OF THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

On September 8, 2017, Governor Eric Greitens announced the appointment of Terry L. Ecker of Elmo, to the Missouri Highways and Transportation Commission for a term ending March 1, 2023, or until his successor is duly appointed and qualified, vice Mary E. Nelson, whose term expired on March 1, 2017. Mr. Ecker was duly sworn on October 3, 2017 in Kirksville at the Adair County Courthouse by the Honorable Russell Steele, Presiding Circuit Judge for the 2nd Judicial Circuit Court.

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APPROVAL OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meeting held June 29, 2017, and the workshop meeting held June 29, 2017. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

Consent Agenda Process

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

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

Consideration of October 4, 2017, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Briscoe, seconded by Commissioner Waters, the consent agenda items were unanimously approved by a quorum of Commission members present.

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of

Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee and board reports were made during the October 4, 2017, meeting.

Audit Committee – Commissioner Waters stated there was no report. The committee will meet again in November.

Legislative Committee – Commissioner Smith stated there was no report.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith reported the MTFC held a meeting earlier today. The external auditor, Williams-Keepers, presented the Comprehensive Annual Financial Report for fiscal year ending June 30, 2017. The MTFC received an unmodified opinion with no audit findings for the twenty-first consecutive year. The board approved one loan totaling \$500,000 to the city of Clinton for roadway improvements on Gaines Drive. The next meeting is scheduled for February 2018.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe stated the MPERS Board met on September 28, 2017. He reported the fiscal year ending investment performance came in at 11.22%. That performance took the fund's overall value to \$2.2 billion. The Board also received the annual valuation from the actuary, which resulted in the employer contribution rate remaining at fifty-eight percent of pay. The good news from the actuary is that MPERS funded status continues to improve and moved up from 55.5% to 57.1%. It should be noted an experience study is underway with the results being delivered in February. That study will examine the various assumptions for the plan. It is likely some of the economic assumptions will be changed as a result of that study. If so, the funded status of the plan will likely drop some, but that is no reason for concern and is expected when those changes occur. The aggressive funding policies for MPERS are working and these changes only serve to reinforce the objective of fully funding the plan.

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DIRECTOR'S REPORT

During the October 4, 2017, Commission meeting, Director Patrick McKenna provided the following report:

Hurricane Irma – Director McKenna noted the nation has witnessed the power of Mother Nature recently, in Missouri with flooding and in Florida and Texas with hurricanes. Florida recently called for help from other departments of transportation with cleaning up after Hurricane Irma. MoDOT put out a call for volunteers and 600 MoDOT employees responded to the call. As a result MoDOT put together

seven self-contained crews made up of 58 MoDOT employees and 18 Department of Natural Resources employees. In addition to Missouri the states of Maryland and Delaware responded to the call for assistance. Missouri's crews worked to clear debris off roads from downtown Miami through Coral Gables to Homestead in southwest Florida. The crews left from Sikeston on September 12, worked very hard for 10 days and returned home on September 23. Director McKenna recognized some of the volunteers in attendance at the meeting.

Stand Up for Safety Day – Director McKenna reported MoDOT is going to observe the third Stand Up for Safety Day, a time for the department to step away from normal duties and focus on the things that need to be done to remember and ensure that everyone goes home safe every day. He recalled that Chairman Pace challenged the organization to focus on safety and to continually do so, and was instrumental in starting this tradition of safety.

AASHTO President's Award – Director McKenna was delighted to share the department won the AASHTO President's Award for administration in recognition of the development of the Citizen's Guide to Transportation and Funding in Missouri. The Director explained a cross-functional team that included employees from Communications, Information Systems, Financial Services, and Transportation Planning worked together to develop the guide and communicate the needs of Missouri's transportation system, funding for the system, and how the funds are allocated. This award winning document is being replicated by other states. Director McKenna expressed his appreciation to the employees that were instrumental in producing the guide.

Transportation Task Force – Director McKenna acknowledged the Transportation Task Force's recent review of funding for transportation and the allocation of those funds. Since 2003, the Commission has used a formula to distribute construction program funds for road and bridge improvements to each MoDOT district. It allocates funds for safety improvements, taking care of the system, and flexible funds that districts may use to take care of the system or invest in major projects that relieve congestion and spur economic growth. Director McKenna explained the fairness in the distribution and how a balance has been reached between urban and rural investment. While every region of the state is worthy of and needs additional investment, to solve the problem Missouri is going to need to invest more in transportation, not reshuffle the distribution of the funds.

Recognition of Employee – Director McKenna called upon Ed Hassinger, Chief Engineer, who announced that Tom Blair had been selected to serve as the St. Louis District Engineer. Since 2006, Mr. Blair served as Assistant District Engineer in St. Louis, where he was responsible for maintenance, traffic engineering, and Gateway Guide's Intelligent Transportation Operation. In 2015, he led

MoDOT's Road to Tomorrow team, exploring innovations that could generate new revenue for transportation in Missouri. Mr. Blair has distinguished himself in several roles since joining MoDOT in 1993, and has served as a Construction Inspector, Resident Engineer and Area Engineer. He has a Civil Engineering degree from Iowa State University and a Masters in Engineering Management from Missouri S&T, and he is a registered Professional Engineer in Missouri.

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THE CITY OF KIRKSVILLE

Phil Biston, Mayor; Mari Macomber, City Administrator; and Glenn Balliew, Public Works Director and Airport Director, shared with the commission a long history of working together on transportation in Kirksville and the Northeast Missouri region. Ms. Macomber described some partnerships where the city took over former state assets including former U.S. 63 which is now Franklin Street and a roadside park which is now a community dog park. The history of cooperation is also reflected in the accomplishment of funding and constructing four lanes of U.S. 63 from Kirksville to Macon in 2002 to improve safety for the region. Kirksville is the only community in Missouri to pay for a roadway that is not within its city limits. Additionally, the community contributed to the construction of the U.S. 63 alternate route project in 2008.

The Kirksville Regional Airport is an asset to the community that generates \$6 million in economic output and twenty full-time jobs. With the recent expenditures for improvements of a high intensity runway lighting system in 2014 and a parking apron in 2017 revenues continue to increase at the airport. The city continues to invest in the airport and is currently working with MoDOT to improve the fuel system in 2018. The community values all modes of transportation and recent sidewalk projects have improved safety for pedestrians along N. Baltimore Street and Cottage Grove Place.

The community has a history of cooperation and planning with MoDOT. In 2006 the community conducted a planning study for N. Baltimore Street. This study outlined several tasks the community needed to accomplish. Ms. Macomber reported those tasks have been completed and now the

community looks forward to working with MoDOT and developers to assist in moving the remaining parts of the plan forward. In 2016 MoDOT's Traffic Engineering Assistance Program helped the city study its downtown streets. Through the implementation of the results of this study, the city has changed the way downtown is accessed and improved traffic flow with the removal of one way streets and other changes to traffic control.

The community continues to prepare for the future in cooperation with MoDOT. The city is working on replacing water main lines and addressing drainage issues along Baltimore Street. The city is seeing significant growth on the north end of town. The city is working with MoDOT on projects to improve tractor trailer parking near the industrial park. The city continues to monitor traffic congestion in the north to be prepared to address transportation needs as that area continues to grow and be heavily traveled. Mr. Balliew noted the city recently purchased an asphalt plant as part of a new street program in an effort to keep the city streets in good repair and be able to work with MoDOT on future road projects in the region.

The mayor and city leaders thanked the commission and the department for their partnership and cooperation and expressed their hope the good working relationship will continue in the future. Commissioner Smith thanked the presenters and commented on the recent airport improvements.

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THE HIGHWAY 63 CORRIDOR COALITION

Harriett Beard, leader of the Highway 63 Corridor Coalition in Missouri, and Joy Evans, leader of the Highway 63 Corridor Coalition in Iowa, shared with the commission the strategic plan for U.S. 63 is to have four lanes from I-70 in Missouri to I-80 in Iowa. Ms. Beard described how the city of Kirksville was challenged back in the 1990's to address safety concerns and economic development when fatal accidents were occurring all too often, and an article in the St. Louis Post-Dispatch said Kirksville has everything a community needs except a good highway. The community rallied and

passed a ½ cent sales tax for economic development and funded \$11.5 million for the four lane improvement from Kirksville to Macon. As a result of this improvement fatalities have been reduced significantly and economic growth has occurred with the construction of a new dental school, and a \$250 million expansion at Kraft Foods. Ms. Evans explained the remaining section to be completed includes 22 miles from Ottumwa to the state line and 24 miles from the state line to Kirksville. She commented while that is a lot to bite off, this is a joint venture that can be accomplished. What will need to be done is to work on smaller improvements. Ms. Evans reported that Iowa is investing in four lanes in Ottumwa from a roundabout to the River Road. She noted while this is one small portion of the roadway she believes that working together the two states will be able to meet in the middle someday. Ms. Beard noted that cooperation pays off and thanked the Commission for the cost share program which has made many transportation improvements possible in Missouri. Commissioner Smith thanked Ms. Beard and Ms. Evans for their presentation and commended Iowa for the recent passage of the 10 cent increase to their gas tax.

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WESTERN'S MEAT MARKET

Sam Western, Owner of Western's Meat Market, reported on the need for improvements on U.S. 63. He described his family owned business that started 40 years ago with 2 employees and now has almost 90 employees. The business evolved from a butchering business to a manufacturing facility for shelf-stable meat snacks. The company receives 10 to 15 semi-trucks per day. He expressed safety concerns for U.S. 63 and noted while ideally it would be best to have a four-lane facility, he is currently working with MoDOT through its cost-share program to construct a turn-lane. He also expressed concern about the need for additional signs on the alternate U.S. 63 to make sure people know that there are 3 exits to Kirksville. He expressed appreciation for the alternate route despite his concern about the need for signing to generate traffic in the community. Commissioner Waters thanked Mr. Western for

his presentation and expressed appreciation for a family business that is unique and will have a lasting legacy.

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NORTHEAST MISSOURI RURAL ROADS

Dr. Larry Wiggins and Dr. Jeff Davis, Scotland county citizens, expressed their concern for rural roads in Northeast Missouri. Dr. Wiggins described the 10 mile stretch of road from Memphis north to the Iowa state line as being in bad condition with edge drop offs. He expressed concern for recent crashes that resulted in fatalities. He explained he didn't know what he could do to get the roadway fixed so he gathered 700 signatures on a petition. He also noted that due to the condition of Highway 15 the county lost the opportunity for a large feed plant that decided to locate in Iowa where the roads are in better condition. He also expressed concern for other rural roads in the area, specifically Route N north of Downing. Dr. Davis lives on Highway 15 and also serves as the coroner for the county. He noted the condition of the roadway was improved in the early 2000's but has deteriorated, most likely due to the agricultural traffic and heavy equipment that use the road. He also expressed concern for the one lane bridges on Highway 15. Dr. Davis described the accidents that are occurring are where the drivers are losing control on the right side of the road and over-correcting which leads to rollover crashes. These accidents are resulting in fatalities and serious injuries. He acknowledged while there is a funding problem for pavement surfaces and bridges, they are hopeful there are programs that can get something done so that they do not have to see more of their friends and family die on the roads in the county. Commissioner Briscoe thanked the doctors for their commitment to safety and encouraged them to work with the district staff and regional planning commission to raise the priority for this transportation need to address the condition of Highway 15.

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STATE OF THE NORTHEAST DISTRICT

On behalf of the Director, Paula Gough, Northeast District Engineer, described the Northeast District includes seventeen counties bordered by the Iowa state line to the north, the Mississippi River to the east, the Missouri River to the south, and U.S. 63 to the west. The system the district maintains includes about 1,800 miles of interstates and major highways, 13 major bridges, and another 670 bridges and 400 culverts. The northeast region has a population of just under 300,000 and a mix of large communities and very rural areas.

Ms. Gough reviewed the condition of the system in northeast Missouri. She reported ninety-six percent of the interstates are in good condition, the district has Interstate 70 and a portion of I-72. About ninety percent of the major highways are in good condition, the major highways include US 63 and Highway 36. There are seventy-six percent of the minor roadways that are in good condition. There are seventy-two percent of low volume minor roads in good condition. There are 114 poor condition bridges, 137 bridges are weight restricted, and 90 bridges are both in poor condition and weight restricted.

Fatalities in northeast Missouri are increasing. In 2014 there were 45 fatalities, this increased to 60 in 2015, and increased again to 70 in 2016. Speed, substance impairment, improper lane usage, failure to yield, and distraction are the top five reasons why these fatal crashes occurred. While the department continues to do what it can with engineering and education, it is also working with law enforcement. However, seat belt usage continues to be low even though buckling up can save lives. In Schuyler County there were four fatal crashes and one hundred percent of them were unbuckled. The district has a lot of work to do to get people to buckle up.

Ms. Gough described the districts efforts to work with partners to address transportation needs that will improve safety and pavement conditions. The Northeast Missouri Regional Planning Commission and the district are working to address safety concerns, reduce poor and one-lane bridges,

improve pavement condition and make improvements to minimize flooding. There are many unmet needs of expanding the system; four laning US 63 from Kirksville north to Iowa is one of those unmet needs.

Ms. Gough provided an overview of the work that is included in the 2018-2022 Statewide Transportation Improvement Program (STIP) for the district which includes 111 projects totaling \$241 million. She noted those numbers are skewed because a large portion of the STIP includes the Champ Clark Bridge project the district recently broke ground on. In addition the city of Warrenton broke ground on a project to construct a new interchange on I-70 that is one hundred percent funded by the city. This STIP included nearly 1,400 miles of resurfacing or surface treatment to improve pavement conditions. There are 28 bridge projects for the district in this STIP. This STIP also includes the maintenance operations pavement and bridge work plan that is funded by the operating budget. The operating budget is often overlooked but is key to keeping the system in good condition.

Ms. Gough then shared with the Commission some of the needs in Kirksville, highlighting Baltimore Street which is also Business 63. This roadway has a mixed use of traffic from automobiles to concrete trucks. There are challenges on this roadway that include ADA, drainage, and curb repairs. The department is currently working with the city to put together a TIGER grant application to assist with funding for this project.

Ms. Gough then reported on the workforce in the district explaining there are 441 employees, however in the past fiscal year the district has hired and trained 55 new maintenance employees and 12 non-maintenance employees. That equates to about fifteen percent of the district workforce. It is a challenge for supervisors and crew leaders across the district to continually be training and ensuring employees know how to do their jobs safely. Recruitment and retention of qualified staff is an issue for the district and MoDOT statewide. Commissioner Briscoe thanked Ms. Gough for her presentation and

commended the district team for doing the best possible job they can to take care of the system in northeast Missouri.

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GASCONADE RIVER BRIDGE UPDATE

On behalf of the Director, Dave Silvester, Central District Engineer, reminded the Commission about the 93 year old truss bridge with four spans that is 526 feet long over the Gasconade River in Laclede County. This bridge carries Route 66 so there are a lot of passionate supporters of Route 66 interested in what happens to this structure. The department closed the bridge in December 2014 due to structural concerns. The Commission toured this bridge in November 2016 after several comments were shared from the public with the Commission at a few Commission meetings. There are three different groups interested in this project. One group just wants to get the road back open, another group is very passionate about rehabilitating and keeping this bridge, and the third group wants a new bridge to look like this bridge.

Mr. Silvester reported the district has \$6 million programmed in fiscal year 2018 for this bridge. In December 2016 the district held a public meeting in the city of Lebanon to share six options that were considered regarding this structure: (1) do nothing, (2) rehabilitate the existing structure which would not raise the weight limit enough to provide good functionality, (3) build a new standard bridge in the same location, this would require demolition of the existing structure, (4) construct a new truss bridge in the same location, this is the most expensive option, (5) construct a new bridge nearby leaving the existing structure in place for someone to take over, this is the preferred option, and (6) build a new bridge and slide it into place using the existing bridge piers. The project is scheduled to be let in April 2018 and construction will begin in the summer of 2018.

The department went through the Section 106 NEPA process of advertising the structure for reuse or finding a company or organization that would be interested in taking over the structure. That

process just closed at the end of September 2017. There is one group that expressed an interest in the old structure, called Workin' Bridges, a non-profit agency that is based out of Holt, Michigan. They have engineers that want to inspect the bridge and they want to start doing a fund raising campaign. Workin' Bridges would like to do some work on the bridge so that it can be opened at a minimum for pedestrian traffic, and possibly be able to hold special events on occasion to allow old cars from the Route 66 era to drive across the bridge. Workin' Bridges would like some right-of-way that would be available to sell once the road is relocated to the new structure. There are many details being worked on currently with the district and Workin' Bridges, but Mr. Silvester noted he is hopeful this is a solution that meets the department's needs for a structure near I-44 that will provide an incident bypass route when necessary while meeting the public's desire to preserve the history of Route 66. Commissioner Briscoe inquired about the new bridge being located between the old bridge and I-44 and about whether there was concern about future flooding. Mr. Silvester responded that is possible but the department plans to work with Workin' Bridges to make sure the old bridge is in good enough condition to resist future flooding incidents.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – CAUSES OF CONTRACTOR DISQUALIFICATION

On behalf of the Director, Dave Ahlvers, State Construction and Materials Engineer, presented to the Commission administrative rule 7 CSR 10-18.020, Contractor Disqualification for Misconduct. This rule is proposed for amendment to add a preponderance of the evidence must be met to determine collusion exists among bidders on state highway system contracts. The rule is also amended to add Occupational Safety and Health Administration (OSHA) violations categorized as willful, and/or a documented history of serious and/or repeated violations that resulted in serious injury or death, as a reason for which a contractor may be disqualified from bidding on state highway construction contracts.

It is also amended so that a contractor cannot avoid disqualification by the Department by asserting that work performed by any person on behalf of the contractor under a Commission contract cannot be imputed to such contractor. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found that there is substantial evidence that the proposed amendment rulemaking is necessary to carry out the purposes of sections 226.150, 227.030, and 227.210 RSMo; and authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*; and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED
RULEMAKING – ORGANIZATIONAL RULE**

On behalf of the Director, Micki Knudsen, Human Resources Director, presented to the Commission administrative rule 7 CSR 10-1.010, Description, Organization, and Information. This rule is proposed for amendment to change the name of the “Traffic and Highway Safety” division to the “Highway Safety and Traffic” division, and include the new “Innovative Partnerships and Alternative Funding” division. Under Executive Order 17-03, the Commission is required to review each of its rules

in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of section 536.023 RSMo, authorized the Secretary to the Commission to file the notice of proposed amended rulemaking(s) with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED AND RESCINDED RULEMAKING – RAIL FIXED GUIDEWAY SYSTEMS

On behalf of the Director, Michelle Teel, Multimodal Operations Director, presented to the Commission the twelve administrative rules in 7 CSR 265-9.010 thru 265-9.150 Rail Fixed Guideway Systems. Seven of the rules are proposed for amendment and five are proposed for rescission. The majority of the amendments are minor in scope such as updates to reflect current editions of materials that are referenced in the rules. The more substantive amendments are necessary due to federal statutory and regulatory changes. The requirements currently contained in the rules proposed for rescission will instead be incorporated in the state safety oversight program standard required in federal regulations. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

The public will have an opportunity to submit comments in support of or in opposition to the proposed amended and rescinded rulemaking. In addition, a public hearing regarding these rules is scheduled for Thursday December 7, 2017 in Jefferson City. All comments received from the public will be considered and summarized in the order of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended and rescinded rulemaking is necessary to carry out the purposes of section 208.265, RSMo, authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – TRANSPORTATION RULES

On behalf of the Director, Michelle Teel, Multimodal Operations Director, presented to the Commission administrative rule 7 CSR 10-7.010, Distribution of Funds Appropriated to the Missouri Elderly and Handicapped Transportation Assistance Program (MEHTAP), which is being amended to reflect the Department’s current practice of allocating fifty percent of available MEHTAP funding to Area Agencies on Aging and removing unnecessary restrictive language in the rule. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of Section 208.265 RSMo, authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – DAVID’S LAW SIGN PROGRAM

On behalf of the Director, Nicole Hood, Highway Safety and Traffic Engineer, presented to the Commission administrative rules 7 CSR 10-27.020 and 7 CSR 10-27.040 for the David’s Law Sign Program. The proposed amendments to these rules reduce excessive use of unnecessary restrictive words and makes editorial changes for rule clarity. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found that there is substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of Section 227.295 RSMo that granted the rule authority, authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to

execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – SUPPLEMENTAL GUIDE SIGN PROGRAM

On behalf of the Director, Nicole Hood, Highway Safety and Traffic Engineer, presented to the Commission administrative rules 7 CSR 10-17.020 through 7 CSR 10-17.060 for the Supplemental Guide Sign Program. The proposed amendments to these rules reduces excessive use of unnecessary restrictive language, modifies the college signing program to comply with new legislation and adds categories to the tourist attraction category to allow additional participation in the program. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found there is substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of sections 226.525, 226.535, 226.801, 227.220, and 227.230 RSMo that grant the Commission’s rule authority, authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – SCENIC BYWAYS

On behalf of the Director, Eric Schroeter, State Design Engineer, presented to the Commission administrative rules 7 CSR 10-12.010 through 7 CSR 10-12.030 Scenic Byways. This rule is proposed for amendment to remove unnecessary restrictive language, ensure the rules reflect current statutory requirements and processes, streamlines the application requirements and makes the application available online, and eliminates the biennial review process. Under Executive Order 17-03, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review these rule changes are being proposed for consideration.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found there is substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of Sections 226.130, 226.797, and 226.799 RSMo that grants the Commission’s rule authority; authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*; and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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CITY OF MARYVILLE - NORTHWEST MISSOURI REGIONAL AIRPORT, STATE TRANSPORTATION ASSISTANCE REVOLVING (STAR) LOAN REQUEST

On behalf of the Director, Brenda Morris, Financial Services Director, and Michelle Teel, Multimodal Operations Director, presented to the Commission the City of Maryville-Northwest Missouri Regional Airport State Transportation Assistance Revolving (STAR) fund loan request to

finance an airport improvement project at the Northwest Missouri Regional Airport. The project rehabilitates the east apron and the Runway Safety Area on the south end of the runway to meet Federal Aviation Administration design standards.

The STAR fund loan would not exceed \$108,643 with a fixed interest rate of 2.22 percent for a term of ten years. The City of Maryville will make annual principal and interest payments of \$12,264.49 on January 15 of each year, beginning on January 15, 2019 through January 15, 2028. The City pledges to repay the loan from revenues generated by its one cent sales tax (no sunset) and five cent franchise tax (no sunset). The City also pledges to do all things lawfully within its power to budget and appropriate debt service annually from all available revenues to make all loan payments when due. The loan was reviewed and approved by the Cost Share Committee, consisting of the Chief Financial Officer, Chief Engineer, and Assistant Chief Engineer, on August 22, 2017.

Via approval of the consent agenda, the Commission unanimously approved the City of Maryville's STAR fund loan request described above, and authorized the execution of the loan agreement pursuant to the Commission's policy.

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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 Retired Lieutenant Colonel Richard Coffey as the Missouri State Highway Patrol retiree representative for a term beginning November 2017 and ending November 2022

or until a successor is named. Mr. Coffey will replace Mr. Burl “Chris” Baker, who has served on the Medical Board of Trustees for two full terms. Mr. Coffey has been recommended by Colonel Sandra Karsten, Superintendent of the Missouri State Highway Patrol.

Via approval of the consent agenda, the Commission unanimously approved the appointment of Retired Lieutenant Colonel Richard Coffey as the Missouri State Highway Patrol retiree representative for a term ending November 2022 or until a successor is named.

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CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

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

Mr. Schroeter recommended (1) award of contracts to the lowest responsive bidders for bids received at the September 22, 2017, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Call C03 due to the bids being excessive per Section 102.15 of the Missouri Standard Specifications for Highway Construction and noted in Table II below.

**Table I
Award of Contracts
September 22, 2017, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	129	Sullivan	J1L1801C	\$2,667,116.30	\$0.00	Herzog Contracting Corp.	Resurface
	J	Carroll	J1L1801F				
	69	Daviess	J1L1801D				
	H	Livingston	J1L1801E				
	69	Daviess, Harrison	J1L1801B				
A02	136	Mercer	J1P3100	\$1,149,909.30	\$83.04	Boone Construction Co.	Bridge Replacement
A03	C	Clay	J4P3051B	\$3,750,692.36	\$0.00	Ideker, Inc.	Resurface and Add Shoulders
		Clay, Clinton	J1S3088				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A04	EE	Harrison	J1S3123	\$1,013,212.00	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Bridge Deck Replacement
	AA/H		J1S3124				
C01	DD	Johnson	J3S3084	\$923,829.45	\$0.00	Boone Construction Co.	Bridge Replacement
C02	I-49	Cass	J4I3112	\$5,823,616.60	\$0.00	Ideker, Inc.	Coldmill and Resurface
C04	Various	Various	J4P3232	\$957,000.00	\$0.00	Mar-Jim Contracting, LLC	JOC – Grading at Guardrail Ends
C05	I-470 / I-49	Jackson	J4Q3190	\$387,951.12	\$0.00	Capital Electric Line Builders, Inc.	ITS Improvements
C06	I-470	Jackson	J4S3132	\$2,338,341.88	\$0.00	Radmacher Brothers Excavating Co., Inc.	Bridge Rehabilitation
D01	I-70	Cooper, Callaway	J0I3003Z	\$662,998.12	\$0.00	Capital Paving & Construction, LLC	Pavement Repair
D02	I-70	Cooper, Boone, Callaway	J0U3004I	\$976,250.00	\$0.00	Capital Paving & Construction, LLC	JOC – Asphalt Pavement Repair
			J0I3004Z				JOC – Concrete Pavement Repair
D03	EE, ZZ, DD, A	Gasconade, Osage, Crawford	J5P3201	\$1,430,650.58	\$0.00	Capital Paving & Construction, LLC	Seal Coat
D04	D	Phelps	J5S3141	\$1,441,099.00	\$0.00	Lehman Construction, LLC	Bridge Replacement
D05	J	Phelps, Pulaski	J5S3193	\$994,736.26	\$0.00	Willard Asphalt Paving, Inc.	Seal Coat
D06	B	Cooper	J5M0279	\$49,523.50	\$0.00	Mera Excavating, LLC	Box Culvert Replacement
G01	13	St. Clair	J7S2232	\$3,781,766.10	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G02	T	Polk	J7S3126	\$2,518,860.68	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface and Add Shoulders
	123	Greene, Polk	J7S3125				
G03	Various	Jasper	J7S3144	\$2,311,871.90	\$0.00	Blevins Asphalt Construction Company, Inc.	Coldmill, Resurface and Add Shoulders
	66		J7S3129				Coldmill and Resurface
G04	43	Newton	J7S3177	\$2,062,259.58	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface and Add Shoulders
G05	AA, JJ	Christian	J8S3076	\$537,289.79	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface
			TOTAL:	\$36,476,895.18	\$83.04		

**Table II
Rejection of Calls
September 22, 2017, Bid Opening**

Call No.	Route	County	Job No.	Description
C03	Various	Various	J4P3228	Pavement Markings

Commission Consideration and Action

After consideration, and upon motion by Commissioner Briscoe, seconded by Commissioner Waters, and no abstentions noted, the Commission took the following action:

1. Awarded contracts to the lowest responsive bidders for bids received at the September 22, 2017, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected bids received on Call C03 due to the bids being excessive per Section 102.15 of the Missouri Standard Specifications for Highway Construction and noted in Table II above.
3. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

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RATIFICATION AND APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Eric Schroeter, State Design Engineer, recommended the Commission ratify and approve the following detailed project plans, approved by the Chief Engineer, which have been filed for condemnation.

<u>County</u> Iron	<u>Route</u> 21	<u>Job Number</u> J9P3128
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In accordance with Section 227.050 RSMo, the Commission via approval of the consent agenda, approved the detailed project plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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-- **REPORTS** --

The Commission received the following written reports.

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

Jeff Padgett, Risk and Benefits Management Director, provided financial and claims data reports for the period January 2017 through June 2017, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan. The number of claims processed monthly in the first six months of calendar year 2017 increased 7.1 percent compared to the first half of the 2016 calendar year. Medical claims increased 15.9 percent and pharmacy claims increased .2 percent when compared with the same timeframe in 2016. There was an increase of 16.5 percent in 2016 total claims expense when compared to 2015, and a more than 12 percent increase in pharmacy spending from 2015 to 2016. This increase can be attributed to an increase in the cost of specialty drug claims. The total operating revenues increased 10.8 percent, which can be attributed to the increase in medical premiums in 2017, and an increase in Medicare reimbursements. Operating revenues have outpaced operating expenses thus far in the calendar year, resulting in a decrease in net income of \$3.2 million.

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FINANCIAL – BUDGET – REPORTS YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING AUGUST 31, 2017

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year-to-date ended August 31, 2017, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Eric Schroeter, State Design Engineer, submitted a written report of consultant contracts executed in the month of August 2017, for both engineering and non-engineering related projects. The department utilizes consultants to efficiently manage workload and provide specialized expertise to supplement and support department staff. Expenditures for consultant services are funded from the Commission approved Statewide Transportation Improvement Program and MoDOT Operating Budget. There were 239 active contracts held by individual engineering consultant firms prior to August 1, 2017. Eight engineering consultant services contracts were executed in July 2017, for a total of \$1,318,701. There were no non-engineering consultant contracts reported in August 2017.

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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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