



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

November 13, 2017

COMMISSION/DIRECTOR ITEMS

Consent Agenda..... 3

ADMINISTRATIVE RULES/POLICIES

Report and Recommendation Regarding Notice of Proposed Amended Rulemaking –
Uniform Relocation Assistance 4

Report and Recommendation Regarding Notice of Proposed Amended Rulemaking –
Utility and Private Line Location and Relocation 5

**MINUTES OF THE SPECIAL HIGHWAYS AND TRANSPORTATION COMMISSION
MEETING HELD BY ELECTRONIC BALLOT ON MONDAY, NOVEMBER 13, 2017**

A special meeting of the Missouri Highways and Transportation Commission was held by electronic ballot on Monday, November 13, 2017, to consider notice of proposed amended administrative rules. 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.

The following members of the Commission submitted ballots: Chairman Michael B. Pace, Vice-Chairman Gregg C. Smith, Michael T. Waters, Jr., John W. Briscoe, Robert G. Brinkmann, and Terry L. Ecker.

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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.*

-- OPEN MEETING --

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 November 13, 2017, Consent Agenda

No items were removed from the consent agenda. Via electronic ballots received by the Secretary to the Commission, the Commission approved the consent agenda as submitted.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – UNIFORM RELOCATION ASSISTANCE

On behalf of the Director, Patrick K. McKenna, Eric Schroeter, State Design Engineer, presented to the Commission proposed amended rulemaking for Title 7, Code of State Regulations, 10-4.010 and 10-4.020 – Uniform Relocation Assistance. These rules are being amended to remove unnecessary restrictive language, update the rule to note that the Design Division is responsible for the *Relocation Assistance Program*, and update the administrative hearing process for applicants denied relocation assistance benefits by the Department to be consistent with current practice, clarify when the appeal board has no jurisdiction to hear an appeal request and that the hearing shall be conducted at the MoDOT Building in Jefferson City, Missouri, and update the members of the appeal board. These rule changes are due to Executive Order 17-03, which requires the Commission to review each of its rules in the *Code of State Regulations*.

The public will have an opportunity to submit comments in support of or in opposition to the proposed amended 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 electronic ballot, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of sections 226.150 and 523.210, 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 – UTILITY AND PRIVATE LINE LOCATION AND RELOCATION

On behalf of the Director, Patrick K. McKenna, Eric Schroeter, State Design Engineer, presented to the Commission proposed amended administrative rulemaking for Title 7, Code of State Regulations (CSR), 10-3.010 through 7 CSR 10-3.030 - Utility and Private Line Location and Relocation that eliminates unnecessary language restrictions within the rules, corrects the address of the Commission in order for permit applicants to obtain information, corrects the number of Department districts from ten to seven, updates the utility location administrative hearing process to be consistent with the Missouri Administrative Procedures Act in Chapter 536, RSMo, updates antiquated information and clarifies emergency permit and other requirements. These rule changes are due to Executive Order 17-03, which requires the Commission to review each of its rules in the *Code of State Regulations*.

The public will have an opportunity to submit comments in support of or in opposition to the proposed amended 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 electronic ballot, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of 227.240 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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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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