



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN BRANSON, MISSOURI,
FRIDAY, DECEMBER 1, 2017**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Friday, December 1, 2017, at Chateau on the Lake, 415 N. State Highway 265, Branson, Missouri. Michael B. Pace, Chairman, called the meeting to order at 10:30 a.m. The following Commissioners were present: Gregg C. Smith, Michael T. Waters, Jr., John W. Briscoe, Terry L. Ecker, and Robert G. Brinkmann.

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 Friday, December 1, 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 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 Friday, December 1, 2017 at 8:00 a.m. and adjourned at 10:30 a.m.

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meeting held September 6, 2017 and electronic ballot meeting held November 13, 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 December 1, 2017, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Smith, 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 December 1, 2017, meeting.

Audit Committee – Commissioner Waters stated there was no report.

Legislative Committee – Commissioner Smith reported today is the first day the Missouri legislature can begin pre-filing legislation for the 2018 session. In September 2017, the commission approved the department's request to begin working with members of the legislature on proposals pertaining to reducing distracted driving; the passage of a primary safety belt law; and proposed legislation that could attract to the state of Missouri manufacturers of the latest autonomous vehicle technologies that promote driving efficiencies and safety. All of the commission-approved legislative proposals for 2018 have secured either House or Senate sponsors who should be filing these initiatives in the very near future.

The commission is also anxiously waiting for a final report of the 21st Century Missouri Transportation System Task Force. This task force was established during the 2017 legislative session to evaluate the current condition of the state's transportation system, and the current level of funding for transportation projects and whether the funding level is adequate to maintain and improve the state's roads and bridges. The panel will then make recommendations regarding ways to improve the condition of Missouri's roads and bridges, and any additional funding that may be necessary to finance the projects. The Task force consists of elected officials and members of the private sector. MoDOT Director Patrick McKenna also participates on the committee. The last and final meeting of the task force is scheduled for December 13, 2017 in Columbia. A final report is due to the Speaker of the House of Representatives by the end of December.

MoDOT's legislative committee will begin meeting on December 15. The purpose of these meetings are to provide an opportunity for MoDOT staff who work closely with elected officials in the state's capitol the chance to provide to the department's executive leadership team and members of the commission's legislative committee an update on the latest legislative activities that have or will occur. These meetings also allow time for the department and commission to develop positions on various transportation-related legislative initiatives that may arise throughout the legislative session.

The 2018 session of the Missouri General Assembly begins at noon, on January 3.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe reported the board met on November 16, 2017. The fund value as of September 30, 2017 was \$2.2 billion, and fiscal year-to-date return was 3.16 %. The audit committee met and received the annual audit report for fiscal year 2017. The audit committee also received a report on MPERS' Enterprise Risk Management Program, the committee will be updated quarterly and the board will be updated annually. The board also held its annual workshop to meet the educational requirements for board members. At this meeting Scott Simon, Executive Director, reported there has been minimal interest in the pension buyout elections, however, he noted the deadline to return elections is not until November 30, so more elections could be submitted. The board also approved the 2018 board meeting dates that are available on MPERS' website.

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DIRECTOR'S REPORT

During the December 1, 2017, Commission meeting, Director Patrick McKenna provided the following report:

Rogersville Project Freeway Team – The Director saluted the Rogersville Project Freeway team again for having won two prestigious national awards. Several weeks ago, they received the Design-Build Institute of America's (DBIA) National Award of Merit and the National Award of Excellence. The DBIA Awards Committee was so impressed with the project, that they created a new award just for them – the first Chairman's Award for Community Impact and Social Responsibility. The team reached out to the community to work with local students to encourage interest in engineering and construction. The team members who were involved in the community outreach activities were Project Director Sean Matlock, Deputy Project Director Greg Chapman, Certified Appraiser Mary Slaughter, Sr. Right of Way

Specialist Andy Ellsworth, Communications Manager Jennifer Williams and Senior Communications Specialist Angela Eden.

National Roadway Safety Award – Missouri is one of nine states to win this year’s National Roadway Safety Award. The award is given by the Federal Highway Administration and the National Roadway Safety Association. It recognizes the nation’s best examples of innovation in highway safety. Missouri was commended for committing to achieve zero roadway fatalities, and for the St. Louis District design-build project currently underway to improve safety at thirty-one locations. The department anticipates this effort will be a national model for distribution of highway safety improvement funds.

INFRA Grants – The Director provided an update on MoDOT’s efforts to secure federal grants for transportation improvement projects. In the last month and a half, MoDOT has submitted five grant applications: three TIGER Grants in collaboration with local partners, and two INFRA Grants that address high priority projects that improve the safe and efficient flow of freight in Missouri. The TIGER Grant applications were for projects in West Plains, Kirksville, and on the Union Pacific railroad at Bonnots Mill. The INFRA Grant applications were for an eight project package that will eliminate freight bottlenecks in the state, and for replacement of the 127-year-old Merchants Railroad Bridge in St. Louis. That application was in collaboration with the Terminal Railroad Association of Missouri and Bi-State Development. Director McKenna noted the two INFRA Grant applications together address the freight-ways top regional priorities for the state. He commended staff for preparing these applications quickly and giving Missouri an opportunity to make significant improvements to its transportation system. All five grant applications are posted on the MoDOT website. Award announcements will be made sometime in the spring.

Citizens Guide to Financial Snapshot – Staff in Transportation Planning, Financial Services and Communications Divisions have recently completed updates of the Citizen’s Guide to Transportation Funding and the annual Financial Snapshot. These have proven to be critical pieces to help the department educate elected officials, policy makers, stakeholders and the general public about how transportation is funded and how those funds are spent in Missouri. The timing of these new editions is good, too, as the 21st Century Transportation Task Force wraps up its work this month and prepares its recommendations to the Legislature.

Highway Fatalities – The director was pleased to report, at the approach to the end of the year, that highway fatalities are down four percent from a year ago. It looks like that at year’s end, for the first time in four years, Missouri could have a decrease in fatalities on roadways in 2017. However, sixty-three percent of Missouri’s traffic crash fatalities were unbelted, and there were fifteen fatalities during the Thanksgiving reporting period, compared to fourteen a year ago. The director stated that sadly Missouri has a long way to go to improve driving behaviors that will save lives. He noted the legislative efforts underway, as well as the department’s Buckle Up Phone Down education effort that is encouraging individuals to take a pledge and corporations to adopt policies to put their phones down when driving and to buckle up can make a tremendous difference and will save lives.

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TANEY COUNTY DEVELOPMENT UPDATE

Jonas Arjes, Executive Director, expressed his appreciation for the collaborative partnerships and relationships with the department and for the successful transportation projects that the county has been able to participate in. He described how the county has grown from a population of about 11,500 in the 1960's to about 55,000 today. He explained that the county is a tourism market that has experienced record tax growth in sales tax from the tourism market and other industries as well. It has been a record year for tourists to visit the county; last count was in excess of 9 million visitors.

Mr. Arjes noted that transportation and transportation improvements are critical to the region's success. A public private partnership of villages, towns, cities, the county, and private industry meet regularly to focus on economic development, business retention and expansion, small business and entrepreneurial development, industry and business attraction and marketing, project management, and workforce development. All of these areas benefit from the transportation system that has been improved in recent years. For example the construction of the diverging diamond at US 65 and Highway 248 led to the construction of a shopping center, and improved traffic flow and access to the Branson Landing development. More recently, Mercy Hospital is constructing a super clinic near this interchange.

Mr. Arjes noted that construction of the new bridge to Hollister across Taneycomo Lake and the expansion of US 65 to four lanes all the way south to the Arkansas state line have led to better access to the region and economic development that includes the retail and hotel industries. The department's work with the city of Branson for improvements on Route 76 has led to four new tourism related businesses locating on that route. A roundabout improvement on Highway 86 led to the development of golf courses nearby.

Mr. Arjes stated there is not a bigger catalyst for economic development than infrastructure and transportation improvement and expansion. He explained that the Taney County Partnership, investors,

and members of the community make sure to lobby for transportation funding solutions when visiting legislators in Jefferson City because the economic development from transportation investment is significant.

Mr. Arjes share some potential projects that will be considered by partners and the department in the future. These projects include Highway 465 going to Highway 376, Highway 86 going toward the new golf courses, and Taney County Expressway/East-West Corridor Road improvements. While he realizes all of the projects will need funding, he assured the Commission the Taney County Partnership will continue to work to encourage elected officials to seek opportunities for additional transportation funding. Commissioner Brinkmann thanked Mr. Arjes for his presentation and noted how impressed he is with the recent growth and development in the region.

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MISSOURI-ARKANSAS I-49 CONNECTION

Tim Conklin, Transportation Programs Manager for the Northwest Arkansas Regional Planning Commission, and Lorie Tudor, Deputy Director and Chief Operating Officer for the Arkansas Department of Transportation, reported to the Commission about Interstate 49. Ms. Tudor explained that Interstate 49 is a congressionally designated high priority corridor that is almost 300 miles from Kansas City, Missouri to New Orleans, Louisiana. This corridor provides a north/south interstate from the Gulf of Mexico to Canada along I-49 from Kansas City south and I-29 and I-35 from Kansas City north. The presentation today is regarding two segments of this corridor that remains to be completed and is called the Missouri-Arkansas connector. In 2000, the alignment for I-49 was selected and approved by the Federal Highway Administration. Unfortunately at that time Missouri had the funding but Arkansas did not. Then Arkansas had the funding and Missouri didn't and it has gone back and forth. Arkansas was fortunate to pass a sales tax recently that has allowed the state to work on their portion of the project in phases. Three projects have been completed, another project was let in

November, and the last two projects to connect to the Missouri state line are on the books, however the state of Arkansas will not proceed with the remaining projects until Missouri is able fund their portion of the connector.

Mr. Conklin described how the Northwest Arkansas Regional Planning Commission's area actually extends into southern Missouri and includes the I-49 corridor. He reported the planning commission applied for an INFRA grant to complete the 4.8 miles of I-49 in Missouri and Arkansas would fund the 14.1 miles in Arkansas to complete the total 18.9 mile gap in the corridor. He explained both MoDOT and ARDOT have the respective projects in their respective Statewide Transportation Improvement Programs (STIPs) however; MoDOT has a funding gap of about \$32.4 for its portion of the project. If the INFRA grant is awarded Arkansas would be able to fund the remaining cost of the project to complete the connector.

Commissioner Waters thanked the Arkansas representatives for their presentation and expressed appreciation for the collaborative effort between both states to move this project forward.

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STATE OF THE SOUTHWEST DISTRICT

On behalf of the Director, Travis Koestner, Southwest District Engineer, reviewed with the Commission the transportation system in the southwest district. This district includes twenty-one counties with a population over 950,000. The district takes care of over 6,500 miles of roadway and 657 culverts. The district maintains over 1,100 bridges; of those twenty-seven are major bridges. The district has 150 poor condition bridges, and 160 weight restricted bridges. Mr. Koestner explained it is a continual struggle to keep up with the funding for the bridges and roads and meet the asset management goals.

Mr. Koestner explained the district has not experienced a reduction in fatalities that has occurred at the statewide level. In the Southwest District unbuckled crashes are just above seventy percent; this is

also above the statewide average. The district has been working on reducing fatalities and encouraging seat belt use. The district has been meeting with local trucking companies to encourage their participation in the Buckle Up Phone Down education effort currently underway. Many of these companies have adopted policies like MoDOT that requires seat belt usage and prohibits the use of phones while driving. Additionally, the traffic section is working with regional planning groups to find ways to make the best use of the funds available for projects to improve safety and communicate safety messages to motivate people to change bad driving behaviors. The area engineers have been sharing county-specific accident data with their county commissioners. When the information is broken down to the local level, it is more likely the local leaders will know the people who were in the crash or their families; making it more personal to local leaders encourages sharing important safety messages. The district keeps up its efforts constantly to do what it can to reduce fatalities and serious injuries due to crashes on roadways.

The district continues to take care of the system through both the STIP and operating budget. The STIP budget provides about \$135 to \$140 million per year to the district. Of that, about \$95 million is used for asset management. The district is using its asset management plan to maintain the roads and bridges, such as the Bull Shoal's bridge that is currently being replaced. However, there are many district needs including bridges along I-44, all of these bridges were built around the same time and are wearing out at the same time. There is going to be a lot more effort to get the bridges on I-44 replaced over the next few years.

Mr. Koestner then shared information regarding staffing concerns for district design. He explained the distribution of staffing in the project manager, project designer, technician, and production staff. He shared there are eleven engineers with less than three years of experience, however, the District Design Engineer Stacy Reese does a wonderful job getting the newer staff up to speed and moving forward getting millions of dollars of projects prepared and produced for the district. He also

noted there are eight senior design staff and three project managers that are currently eligible for retirement in the next five years. There is concern about having enough experienced professional engineers to fill critical roles for the district in the near future. It is important to maintain a high level of expertise so a high level of projects can continue to be produced for the district.

Construction and materials is critical to delivering quality projects to the taxpayers. In the construction and materials unit, there are sixty-two employees inspecting projects for the southwest district. There are currently eight vacancies that have been vacant for almost one year. The district has made offers to twelve recent engineering graduates and none have accepted MoDOT's offer at this time. The department is competing with neighboring DOTs from Arkansas and Oklahoma, as well as the cities and counties in the district. The district is at risk of not having enough civil and professional engineers to fill critical roles and it is likely the district will need to use consultants to help with design and inspections over the next few years in order to accomplish the \$95 million in projects currently programmed in the STIP.

The district will be able to accomplish several bridge replacements in 2018. A lot of the "easier" bridges were repaired or replaced under the Safe and Sound Bridge Program, now the district is working on the bridges that are a little bit bigger and cost a little more to repair or replace. Counties and cities have expressed concern about bridges that have been reduced to one lane; however, the district is trying to get the full life from each bridge before it is replaced.

There are many transportation needs in the district, and the future project priorities will address asset management as well as safety and congestion improvements. These projects include I-44 bridge replacements, creation of Loop 244 around Springfield, creation of a West Corridor in Joplin, six-laning Route 65, connector completion between Missouri and Arkansas on I-49, Route 160 safety and capacity improvements, expressway upgrades for Routes 60, 65, and 13, and addressing safety concerns on

higher volume routes by addressing at-grade intersections through the use of reduced conflict intersections or J-turns.

The district continues to take care of its part of the transportation system while working with the region on the next plans to keep traffic and commerce flowing in the southwest part of Missouri. Commissioner Briscoe thanked Mr. Koestner for his presentation and the district's efforts to continue to take the best possible care of the roads and bridges in southwest Missouri.

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PRESENTATION REGARDING MISSOURI'S FREIGHT CORRIDOR – CONNECTING PROSPERITY IN AMERICA

On behalf of the Director, Eric Schroeter, State Design Engineer, discussed how Missouri's freight corridors connect to prosperity in America. Mr. Schroeter explained his presentation will include a little background on what INFRA Grant is, an overview of the department's grant application, and a review of the process the department went through to put the grant application together.

Mr. Schroeter explained that INFRA Grant stands for Infrastructure for Rehabilitating America Grant. This program replaced the FAST lane grants that were part of the federal FAST Act. The INFRA Grant program has \$1.5 billion available nationwide that is administered by the U.S. Department of Transportation. This will be a competitive grant process that states, local agencies, metropolitan planning organizations, and others are able to apply for. It is anticipated there will be billions of dollars in requests more than the funding that is available.

Missouri's grant request includes eight projects that will address freight bottlenecks across the state and are listed below:

- 1) I-270 north in St. Louis from I-70 to the Chain of Rocks Mississippi River Bridge. This section of interstate was built in the 1960s and has been expanded several times. It is a majorly congested corridor that needs to be updated; overpasses and interchanges need to be reconstructed.

- 2) Incident management along the entire I-70 corridor from Kansas City to St. Louis. This will include connecting some outer roads and adding emergency slip ramps to help the department manage the system as well as address and resolve incidents so traffic can flow and emergency responders can get to the incident.
- 3) Incident management along the entire I-44 corridor from Joplin to St. Louis. This will include projects that focus on technology and fill in some gaps with cameras to help the department detect incidents more quickly and change message signs to communicate with the traveling public about incidents to improve traffic flow.
- 4) I-70 at High Hill. This area has a curve and a railroad overpass. The overpass restricts the size of freight that can be shipped and often causes over-dimension loads to take detours that are quite lengthy.
- 5) I-70 six lanes at Wentzville. This area is a bottleneck currently as the interstate reduces from six lanes to four lanes. Extending six lanes of traffic through this area will improve the flow of freight to and from St. Louis.
- 6) I-44 at U.S. 65 in Springfield. This will address the I-44 westbound exit ramp to go south on U.S. 65. Currently there is a tight loop ramp that requires traffic to slow to 20 miles per hour. This project will address congestion and safety concerns for the large truck traffic that is prevalent in Springfield.
- 7) I-70 at Mineola. This location is the steepest grade on I-70 and causes freight to slow down due to the steep grade. This project would add climbing lanes so slower freight can move over and allow faster freight to keep moving with traffic.
- 8) Missouri River Bridge on I-70 at Rocheport. This bridge is original to the interstate, built in the late 1950's and was rehabilitated once in the 1990's. This project will replace the bridge.

Mr. Schroeter reported that all of these projects together total \$969 million. Missouri's grant request is for \$194 million in federal funds and Missouri will pay the remaining \$775 million with state funds. This is a 20 percent federal match for 80 percent state funding which is different from traditional funding where federal funds are 80 percent and state funds are 20 percent. One of the desired outcomes of the INFRA Grant is that states leverage more of their funds for federal funds.

Mr. Schroeter described the steps the department took to determine the projects that were included in the grant request. He explained that a diverse team of experts from a variety of divisions in the department was led by Jon Nelson, Design Liaison Engineer. The team was given four guidelines to follow when putting together their proposal. The first guideline was the proposal could not have a negative impact on the department's ability to operate and meet asset management goals. The second

guideline was the focus for projects was to address freight bottlenecks in Missouri. Freight is the economy in motion and directly correlates to jobs. The third guideline was to make sure the grant application addressed all components of the INFRA grant requirements. One of those components was that the projects had to be delivered in a short period of time. The grant was not to be used to fund studies for projects that would be completed far off in the future, the grant was for projects that could be designed and constructed quickly. The last guideline was to start with the 2014 Missouri State Freight Plan.

Working within these guidelines the team compiled a variety of statistics and data into a matrix. The six areas where data was collected include safety, reliability, travel time, economics, critical path failures, and connectivity. The safety aspect includes crash types, crash rates, and strategies to address those crashes. Reliability is ensuring a four hour trip is a four hour trip every time. For reliability, the team reviewed detours, impacts of the detours, density of freight, density of traffic, and daily speed variances. For travel time the team reviewed where recurring delays and congestion occurs which includes the morning and evening peak travel times but also when bridge clearance requires traffic to be rerouted. The economics of freight movement was reviewed to include a detailed cost benefit analysis to ensure that every dollar Missouri invests gets the best return possible. The team reviewed critical path failures and that is where projects like the Missouri River Bridge at Rocheport arose. Connectivity is a key component that was reviewed and included information regarding freight generators, freight destinations, connectivity to other states and the nation, as well as connectivity to ports and rail.

Mr. Schroeter described that Missouri's INFRA Grant application as very bold. He emphasized how Missouri's freight story has national significance. Today there is 500 million tons of freight traveling through and around Missouri annually. This freight has a value of \$710 billion annually and includes food, fighter jets, pharmaceuticals, fuel and more. Missouri's freight is \$260 billion of the

nation's gross domestic product. Missouri's freight corridors connect Missouri to the nation and the world.

Director McKenna commended the team for completing this difficult intellectual exercise. He noted the use of the freight plan included the public planning process that had already occurred around the state and saved the department time in preparing this very competitive application that will remove freight bottlenecks in Missouri. Commissioner Waters thanked Mr. Schroeter for his presentation and commended the team for the way they set the criteria and reviewed the data to pick the right projects for this grant application. He noted that is one of the things that continue to impress him about MoDOT and the people that work at MoDOT, how the department is able to justify how it selects projects and determines the spending on those projects.

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CONSIDERATION OF PROPOSALS FOR I-435 SOUTH CORRIDOR PROJECT DESIGN-BUILD PROJECT IN JACKSON COUNTY, MISSOURI

On behalf of the Director, Brian Kidwell, Kansas City District Engineer, and Perry Allen, Project Director, described the project that will take care of the I-435 South Corridor in Jackson County and address safety and congestion along the route by replacing and rehabilitating bridges, resurfacing the corridor, and improve mobility by adding lanes and modifying an interchange.

Project Goals

The goals of the design-build project are to deliver the project utilizing a diverse workforce within the program budget of \$74.8 million by May 1, 2020; minimize the impacts to the traveling public during construction; maximize safety and peak period travel speeds on the I-435 South Corridor; and minimize future maintenance needs.

MoDOT's External Civil Rights Division established a 12 percent disadvantaged business enterprise goal for construction work and an 18 percent disadvantaged business enterprise goal for

professional services for the project. The best value proposer will be required to meet federal workforce goals per trade of 12.7 percent minority and 6.9 percent female.

Procurement Process

By Commission action on May 3, 2017, the Commission approved the use of design-build for the I-435 South Corridor Design Build Project. Since then, MoDOT's design-build team has been working through the procurement process. Four teams were prequalified on July 14, 2017 to compete for the contract. The Request for Proposals was issued August 4, 2017. The MoDOT Design-Build team held bi-weekly confidential discussions with each team over a period of ten weeks to discuss their proposal ideas. During that time one team dropped out of the procurement process. Final proposals were submitted by the three remaining teams on October 27, 2017. The MoDOT design-build team reviewed and evaluated the proposals. The three teams that submitted proposals include:

- Clarkson/Burns & McDonnell Joint Venture – major participants include Clarkson Construction Company, and Burns & McDonnell Engineering Company, Inc.
- SLL Constructors, LLC – major participants include Ideker, Inc./Millstone Weber, LLC Joint Venture and HDR Engineers.
- Radmacher-Wilson Team – major participants include Radmacher Brothers Excavating, Inc. and Wilson & Company Inc.

Evaluation

The items that were evaluated by the MoDOT design-build team included maintenance of traffic (400 points available), maximize mobility and safety (275 points available), minimize future maintenance (275 points available), and optional improvements (50 points available) for a total of 1000 points. Mr. Allen provided a summary of the proposals submitted by each team and the total points awarded to each team as outlined below.

- Clarkson/Burns & McDonnell Joint Venture – 736 points
- SLL Constructors – 722 points
- Radmacher-Wilson Team – 878 points

Commission Consideration and Action

Mr. Allen recommended Radmacher-Wilson Team as the best value proposer. Their proposal included:

- \$64.5 million fixed price project completed by May 1, 2020
- Provides four lanes in each direction for the duration of the project, minimizing impacts to the traveling public
- Provides optimum mobility and safety features to current standards while providing the most durable combination of bridge and pavement treatments
- Their approach sets the maintenance cycle for the corridor to like new conditions thereby reducing future maintenance needs

Chairman Pace thanked Mr. Allen for his presentation and the MoDOT design-build team for their work on this project to date.

After consideration, Commissioner Smith moved that the Commission adopt staff recommendations to approve the Radmacher-Wilson design-build team for submitting the best value proposal for the I-435 South Corridor design-build project; authorize the director, chief engineer, chief financial officer, assistant chief engineer or their designee to negotiate and execute a contract with Radmacher-Wilson subject to approval as to form by the Chief Counsel's Office; and authorize payment of the agreed stipend to the two unsuccessful proposing teams. This motion was seconded by Commissioner Briscoe. The Commission unanimously approved the motion.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – DESIGN-BUILD PROJECT CONTRACTS ADMINISTRATIVE RULES

On behalf of the Director, Eric Schroeter, State Design Engineer, presented to the Commission notice of proposed amended administrative rulemaking 7 CSR 10-24.010 through 7 CSR 10-24.330 - Design-Build Project Contracts, which would eliminate unnecessary language restrictions throughout, update and incorporate references to the United States Code and Code of Federal Regulations throughout, update the definitions of terms used throughout the rules, including an expanded definition

of the methods of design-build procurements the Commission may use, correct titles to match the current Department organizational structure, and update the rules to remove outdated processes and guidance. 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 this proposed amended rulemaking. All comments received from the public will be considered and summarized in the order of rulemaking.

This administrative rule was brought to the Commission for consideration at the November 1, 2017 meeting and conditional approval was granted. Since then, the department has collaborated with the Governor's office on the proposed amended rulemaking and revisions were made. As a result, this rulemaking is being brought back to the Commission for its consideration.

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 227.107 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*, authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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AUDIT SERVICES AGREEMENT FOR FISCAL YEARS 2018-2022 FINANCIAL STATEMENT AUDIT

On behalf of the Director, Brenda Morris, Financial Services Director, recommended approval of BKD, LLP to provide audit services to the Commission and Department for the fiscal years 2018-2020

financial statement audit with two one-year renewal options. She also recommended the Commission authorize the Director, Chief Engineer, Chief Financial Officer or Assistant Chief Engineer to exercise a three-year (with two one-year extensions) audit services agreement with BKD, LLP, with approval as to form by the Chief Counsel's Office. She also recommended the Commission authorize the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to independently exercise, without Commission approval, the two one-year audit service contract extension options through the fiscal year 2022 audit, with approval as to form by the Chief Counsel's Office.

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

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KCT INTERMODAL TRANSPORTATION CORPORATION, APPOINTMENT OF BOARD MEMBER

The KCT Intermodal Transportation Corporation requested the Commission appoint one member to its board of directors. Pursuant to state statute, Section 238.315, RSMo, the Commission appoints all directors to the transportation corporation board of directors. On behalf of the Director, Brian Kidwell, Kansas City District Engineer, recommended that the Commission appoint Roger D. Lambeth to fill the unexpired portion of the six-year term held by Thomas A. Lischer, which is set to expire June 27, 2022.

Via approval of the consent agenda, the Commission unanimously approved the appointment of Roger D. Lambeth to fill the unexpired portion of the six-year term held by Thomas A. Lischer, for a term ending June 27, 2022.

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WESTSIDE INTERMODAL TRANSPORTATION CORPORATION, APPOINTMENT OF BOARD MEMBER

The Westside Intermodal Transportation Corporation requested the Commission appoint one member to its board of directors. Pursuant to state statute, Section 238.315, RSMo, the Commission

appoints all directors to the transportation corporation board of directors. On behalf of the Director, Brian Kidwell, Kansas City District Engineer, recommended that the Commission appoint Roger D. Lambeth to fill the unexpired portion of the six-year term held by Thomas A. Lischer, which is set to expire December 26, 2021.

Via approval of the consent agenda, the Commission unanimously approved the appointment of Roger D. Lambeth to fill the unexpired portion of the six-year term held by Thomas A. Lischer, for a term ending December 26, 2021.

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MEDICAL AND LIFE INSURANCE PLAN: APPOINTMENT OF BOARD CHAIRMAN

Patrick McKenna, Director, recommended approval of the re-appointment of Mr. Jeff Padgett as a MoDOT active employee representative, and as board chairman, for a term ending November 2023 or until a successor is named. Mr. Padgett has served as an active employee representative and board chairman since July 2000. His current term expired November 2017. 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.

Via approval of the consent agenda, the Commission unanimously approved the re-appointment of Mr. Jeff Padgett as a MoDOT active employee representative and as board chairman, for a term ending November 2023 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. He noted Calls B03, G07 and G08 have local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Mr. Schroeter recommended (1) award of contracts to the lowest responsive bidders for bids received at the November 17, 2017, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Calls D06 and F02 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
November 17, 2017, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	752	Buchanan	J1P3184	\$2,522,953.91	\$0.00	Herzog Contracting Corp.	Resurface
	I-229		J1I0904				Coldmill and Resurface
A03	36	Linn	J1P3219	\$108,914.50	\$0.00	Klocke, Inc.	Scour Repair
B01	61	Lincoln	J2P3097	\$4,136,856.29	\$0.00	Magruder Paving, LLC	Coldmill and Resurface
			J2P3098				Guard Cable
			J2P3166				
B03*	19	Audrain, Montgomery	J2P3101	\$4,745,317.77	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Coldmill and Resurface
B04	61	Lewis, Marion	J2P3102	\$5,891,154.31	\$0.00	Magruder Paving, LLC	Resurface and Bridge Rehabilitation
			J2P3154				
B06	54	Audrain	J2P3174	\$1,137,589.55	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Resurface
C01	W	Johnson	J3S3094	\$595,646.70	\$0.00	E & C Bridge, LLC	Bridge Replacement
C02	I-70	Jackson	J4I3113	\$4,755,291.56	\$0.00	Superior Bowen Asphalt Company, LLC	Coldmill and Resurface
C03	I-435	Jackson	J4I3115	\$7,059,473.35	\$0.00	Superior Bowen Asphalt Company, LLC	Coldmill and Resurface

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
C04	291	Clay, Jackson	J4P3130	\$5,763,764.37	\$0.00	Clarkson Construction Company	Bridge Rehabilitation
D02	5	Laclede	J5P3123	\$1,391,640.54	\$0.00	APAC-Central, Inc.	Resurface and Add Shoulders
D03	32	Laclede, Texas	J5P3124	\$2,920,186.84	\$0.00	Willard Asphalt Paving, Inc.	Resurface and Add Shoulder
D05	32, 119	Dent, Texas	J5P3196	\$1,963,591.47	\$0.00	Missouri Petroleum Products Company	Microsurface
F01	I-70	St Charles, St Louis	J6I3109	\$4,529,850.00	\$0.00	Pace Construction Company	Coldmill, Resurface and Bridge Rehabilitation
G01	44	Various	J7I3290	\$660,000.00	\$0.00	Branco Enterprises, Inc.	JOC - Bridge Repair
G02	Various	Jasper, Newton	J7P3127	\$3,891,812.18	\$0.00	Blevins Asphalt Construction Company, Inc.	Resurface and Add Shoulders
G03	43	Newton	J7S2227D	\$416,957.98	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G04	HH, AA	Jasper	J7S3055	\$998,245.42	\$0.00	APAC-Central, Inc.	Resurface and Add Shoulders
	VV		J7S3257				Resurface
G05	66	Jasper	J7S3118	\$739,125.86	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G06	TT	Jasper	J7S3162	\$378,351.95	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G07**	44	Newton	J7S3173	\$1,997,450.00	\$0.00	Hartman and Company, Inc.	Bridge Replacement
G08***	OR 65	Greene	J8P0850B	\$341,797.00	\$0.00	APAC-Central, Inc.	Grading and Pavement
G10	160	Greene	J8P3051B	\$907,242.53	\$0.00	Leo Journagan Construction Co., Inc.	Coldmill and Resurface
	CC	Christian	J8S3074				
	M		J8S3075				
H02	53	Butler, Dunklin	J9P3071	\$5,711,458.85	\$283.80	Millstone Weber, LLC	Grading, Paving and Bridge
H06	B	New Madrid	J9S3033	\$1,513,048.40	\$0.00	Joe's Bridge & Grading, Inc.	Bridge Replacement
	W		J9S3060				
	P	Stoddard	J9S3269				Bridge Rehabilitation
H07	60	Wright	J9P3004	\$2,675,000.01	\$0.00	Pace Construction Company	Resurface
H08	60	Howell	J9P3195	\$1,128,000.01	\$0.00	Pace Construction Company	Resurface

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
			TOTAL:	\$68,880,721.35	\$283.80		

* Call B03 – Funding by City of Wellsville – \$29,943.00
 ** Call G07 – Funding by City of Joplin – \$998,725.00
 *** Call G08 – Funding by City of Springfield – \$85,449.25
 Funding by County of Greene – \$85,449.25

**Table II
 Rejection of Calls
 November 17, 2017, Bid Opening**

Call No.	Route	County	Job No.	Description
D06	OR 50	Cole	J5P3200	Coldmilling, Resurface, and Pavement Repair
F02	I-64	St. Louis City	J6I3111	Coldmill and Resurface

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received at the November 17, 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 Calls D06 and F02 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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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, LOOP 44 AND ROUTE 744 IN GREENE COUNTY, EXCESS PARCEL NUMBER E8-89724

In keeping with the Commission’s 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, Travis Koestner, Southwest District Engineer, recommended conveyance of 2.91 acres of property located southeast of the Loop 44 (North Glenstone Avenue) and Route 744 (east Kearney Street) interchange in Springfield, to CDI Development Services, LLC for the consideration of \$1,200,000.

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

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-- REPORTS --

The Commission received the following written reports.

2017 REPORT TO THE JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Patrick McKenna, Director, presented to the Commission the 2017 Report to the Joint Committee on Transportation Oversight, which will be filed with the committee by December 31, 2017. This report is also known as the accountability report and provides a comprehensive account of MoDOT's projects and finances from July 1, 2016 to June 30, 2017, and demonstrates the Commission and department's commitment to fiscal responsibility and wise use of taxpayer dollars. In addition to explaining the project planning process, the report lists the projects included in the 2018-2022 Statewide Transportation Improvement Program and a summary of changes made to the 2017-2021 Statewide Transportation Improvement Program. This report shows the department is delivering projects on time and within budget. A formal presentation of the annual report by Director Patrick McKenna to the Joint Committee on Transportation Oversight is required prior to February 15, 2018.

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FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Brenda Morris, Financial Services Director, provided to the Commission the written Quarterly Financial Accountability Report for the period ending September 30, 2017.

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

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

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REPORT REGARDING EXECUTIVE ORDER 17-03 ADMINISTRATIVE RULE REVIEW PROCESS UPDATE

Kathy Harvey, Assistant Chief Engineer, submitted a report that provides a status update on administrative rules. By enacting Section 536.175 RSMo, the general assembly required state agencies to periodically review their administrative rules and repeal those rules that are obsolete or unnecessary and amend those rules to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork. MoDOT started its periodic administrative rule review process as required by law on July 1, 2016, and had prepared amendments and rescissions deemed necessary in order to complete the report to the Secretary of State that was submitted on June 30, 2017.

On January 10, 2017, Governor Eric Greitens issued Executive Order 17-03 that requires all state agencies to review all of its rules in the Code of State Regulations and to provide a report to the Governor by May 31, 2018. The executive order stated Missouri government has codified an excessive amount of administrative rules and Missouri citizens and businesses deserve efficient, effective and necessary rules but that such rules should not reduce jobs, limit innovation, or impose costs far in excess of the rule's benefits. It says rules that are ineffective, unnecessary or unduly burdensome must be repealed to attract businesses to Missouri and encourage job growth. The executive order prohibits the Commission from putting proposed new rules, or amended current rules, for notice and comment until approved by the Governor's Office. The executive order requires the Commission to review all of its rules and provides a list of items the department must consider during this review process.

As a result of the Governor's executive order all rulemaking was temporarily suspended until February 28, 2017. The rule review process under the Governor's executive order is separate from and in addition to the Section 536.175 RSMo periodic rule review process and report. Consequently, the continual review of administrative rules led to the Commission's desire for a better understanding of where each rule is at in the review and rulemaking process. This report was prepared in response to the

Commission's request and provides a summary of the status of administrative rules currently under review and in the rulemaking process.

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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 October 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 302 active contracts held by individual engineering consultant firms prior to October 1, 2017. Thirteen engineering consultant services contracts were executed in October 2017, for a total of \$3,626,305. Three non-engineering consultant contracts were executed in October 2017, for a total of \$686,592.

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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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