



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN SPRINGFIELD, MISSOURI,  
WEDNESDAY, JULY 11, 2018**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, July 11, 2018, in the Fiji Ballroom of the Oasis Hotel and Convention Center, 2546 North Glenstone Avenue, Springfield, Missouri. Gregg C. Smith, Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present: Michael B. Pace, Michael T. Waters, Jr., John W. Briscoe, Terry L. Ecker, and Robert G. Brinkmann, P.E.

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 was absent; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, July 11, 2018.

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

The Commission met in closed session on Tuesday, July 10, 2018 at 2:00 p.m. and adjourned at 4:30 p.m.

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**-- OPEN MEETING --**

**COMMISSION WORKSHOP – MEDICAL AND LIFE INSURANCE PLAN**

The Commission held a special meeting to review the MoDOT/MSHP Medical and Life Insurance Plan (Plan). The Commission provides a self-insured medical insurance plan that provides coverage for employees, retirees, vested annuitants, and the dependents of these groups, of MoDOT, the Missouri State Highway Patrol, and the MoDOT and Patrol Employees' Retirement System. The Commission has established the MoDOT/MSHP Medical and Life Insurance Plan Board of Trustees (Board) to provide oversight of Plan administration and to provide recommendations to the Commission regarding Plan funding, benefit changes and other issues that may significantly impact the Plan.

Jeff Padgett, Risk and Benefits Management Director, provided an update to the Commission regarding the history, and current status of the Plan. Mr. Padgett reviewed key financial statistics of the medical plan, compared medical and prescription drug claims from prior years, discussed the timing of plan changes and premiums, as well as other post-employment benefit obligations. Mr. Padgett also reviewed with the Commission the Board's recommendations for rates for calendar year 2019. Throughout the presentation, the Commission inquired about and discussed the subjects brought before them. Mr. Padgett explained he would return to the Commission at their August meeting to seek approval of these recommendations.

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**APPROVAL OF MINUTES**

Upon motion by Commissioner Briscoe, seconded by Commissioner Waters, the Commission unanimously approved the minutes of the regular meeting held April 4, 2018 and the special meeting held April 3, 2018. 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 July 11, 2018, Consent Agenda**

No items were removed from the consent agenda. Upon motion by Commissioner Waters, seconded by Commissioner Pace, 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 July 11, 2018, meeting.

**Audit Committee** – Commissioner Waters stated there was no report.

**Legislative Committee** – Commissioner Pace stated there was no report.

**Missouri Transportation Finance Corporation** – Commissioner Smith stated there was no report and the next meeting is tentatively scheduled for August 2018.

**MoDOT and Patrol Employees' Retirement System (MPERS)** – Commissioner Briscoe reported the Board met on June 21. Elections were held and Sgt. Matthew Broniec was re-elected as the active member of the Missouri State Highway Patrol (MSHP), and Todd Tyler was re-elected as the active member of MoDOT. The retiree representatives were uncontested and Sue Cox represents MoDOT retirees and Bill Seibert represents MSHP retirees. He also noted as of March 31, 2018, MPERS fund value was \$2.8 billion. MPERS fiscal year-to-date return (July 1, 2017 – June 13, 2018) stands at 9.5 percent. He explained there were two bills passed this legislative session that impacts MPERS. Senate Revision Bills 975 & 1024 corrected some errors, and Senate Bill 870 changed the education requirements for trustees. He also commended Scott Simon, Executive Director, who reported MPERS received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR).

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## **DIRECTOR'S REPORT**

During the July 11, 2018, Commission meeting, on behalf of the Director, Ed Hassinger, Chief Engineer, provided the following report:

**Pay Raise for State Workers** – Mr. Hassinger reported Governor Parson signed the state budget for Fiscal Year 2019 two weeks ago, and it includes annual pay increases of \$700 beginning in January 2019 for full time and permanent part-time salaried state employees earning less than \$70,000 per year. Salaried employees earning \$70,000 or more will receive a one percent increase. He noted appreciation for the Commission making employee compensation one of its highest priorities, and for adopting a pay strategy two years ago. He also expressed appreciation for the Governor and the Legislature recognizing the need for salary increases for state employees.

**Memorial** – Mr. Hassinger explained the late Bob Hunter served as Chief Engineer from 1970 to 1985, when he retired after a 35-year MoDOT career. Several weeks ago, Mr. Hunter's family, friends, Jefferson City representatives and MoDOT officials dedicated in his memory a bicycle rack that stands in front of the MoDOT headquarters building on West Capitol Avenue. It is a stylized representation of the letters JCMO in the shape of a bicycle.

**St. Louis Arch Grounds** – The Director and Chief Engineer participated in a ribbon-cutting ceremony last week for the renovation of the St. Louis Gateway Arch grounds and new museum. The \$380 million project utilized a blend of public and private funds, and MoDOT played a significant role in that, securing a \$20 million TIGER Discretionary Grant that enabled the most important project in the entire

effort – building the Park over the Highway that was critical to reaching the main goal of connecting the Arch grounds with the Downtown St. Louis core. The project replaced three bridges across Interstate 70 with a land bridge. It also adjusted access to I-70 from various city streets and made improvements to Leonor K. Sullivan Boulevard along the riverfront. Mr. Hassinger shared a time-lapse video that details the entire renovation effort from start to finish.

**Kathy Harvey’s Retirement** – Mr. Hassinger recognized Kathy Harvey, Assistant Chief Engineer, for her 27-years of service to Missouri. During her career, she worked in two districts as well as in Central Office. As State Design Engineer, she led the culture shift to “practical design” and has championed that philosophy across the country. She’s an advocate for innovation and alternative project delivery methods, like design-build. She’s an expert in the many nuances of the National Environmental Policy Act, and has navigated a number of sensitive environmental issues for the department. In 2013, she became MoDOT’s first female Assistant Chief Engineer. She’s been an excellent leader and a mentor to many, and she’s always looked out for how employees would be impacted by organizational decisions.

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## **MAKING INVESTMENT RECOMMENDATIONS THAT MAKE SENSE**

Matt Morrow, President of the Springfield Chamber of Commerce, and Sara Fields, Executive Director of the Ozarks Transportation Organization (OTO), presented to the commission about the region’s efforts to invest in its future. Mr. Morrow explained the region has outstanding opportunities; more opportunities than there are resources currently. The community is committed to working in partnership with transportation advocates to make sure the resources are available to be able to take advantage of the opportunities. He also described the long history of community collaboration; with MoDOT and the Commission as well as with the Ozark Transportation Organization. It is a cultural expectation in the community to work collaboratively to identify the projects of mutual interest in the region and work together to accomplish them.

Ms. Fields explained the region strives to make recommendations for transportation projects that make sense, and that begins with a good understanding of the existing conditions. She described how the population continues to grow from 250,000 in 2000 to 325,000 in 2016. The region also continues to experience job growth, gaining 40,000 jobs in the last fifteen years. The region has also grown in

housing units by 34,000 in the last fifteen years. The future is projected to continue this slow and steady growth.

This growth is reflected in traffic volume. There has been significant growth on the region's freeway system which includes Highways 65 and 14. The southern area that has seen the highest rate of growth in population, jobs, and housing is also experiencing the highest growth in traffic volume. With this growth transportation needs arise. The region seeks understanding of the conditions by asking how can safety be improved to save lives and reduce serious injuries. How can congestion be reduced? How can reliability be improved? How can future growth be accommodated? Ms. Fields reviewed some data that is used in making decisions. Fatality and serious crashes including those involving pedestrians and bicycles are reviewed. Travel delays are monitored and reviewed. Current capacity compared to the volume of traffic is reviewed as well as projections for future traffic volumes which demonstrate the need for additional capacity.

Alternative solutions are being sought to address traffic growth and congestion. A committee of police, fire, ambulance, and tow truck drivers review reports after an incident and are working together to develop plans to clear congestion and manage traffic due to an incident. Intelligent transportation systems are being used to coordinate signal timing and connectivity to better inform the public on the best routing in case of an incident. Other modes including the bus system, trails and sidewalks are an area of focus for the region. Demand management is being used to get people to work by different ways such as Let's Go Smart website and OzarksCommute.com for carpool options.

The public is incorporated into decision making. Multiple opportunities are offered seeking public comment including social media, a website – GiveUsYourInput.org, press releases, and meetings to get an understanding for the region's transportation priorities. Each spring the prioritization process begins with an update of scoring criteria, then the project list is limited to those of regional significance, the list is then refined as projects are adjusted and costs revised. Then eleven scoring criteria are used,

volume, capacity, safety, economic development, multimodal criteria, environmental impact, and more. These initial scores may not reflect the conditions of the area, so these are reviewed by a committee to make sure all data has been analyzed appropriately. From that a list of priorities is developed. Currently this includes improvements to high-crash corridors focusing on safety. It also includes reducing congestion on the freeway system and improving connections to communities through addressing arterial congestion. Another segment addresses the sidewalk and trail gaps in the system.

Ms. Fields shared the list of high priority projects for the region which include I-44 Expansion, US Routes 60, 160 and 65 for safety and congestion relief, Missouri Routes 14 and MM, and trails and sidewalks along state routes. She also explained where the cities and counties in the region are spending their local transportation funds. These funds are being used to address maintenance, share in the cost of intersection improvements, extension of the Kansas expressway, Grant Avenue Parkway improvements, and regional trails and sidewalks.

Ms. Fields stated the region values partnerships and is making decisions that make sense in terms of maintaining the transportation assets, improving safety and relieving congestion. The OTO is ready to continue to work together toward solutions and projects that build an excellent transportation system. Commissioner Waters thanked them for their presentation and noted when you see population growth and job growth like that, how it is related to infrastructure. He commended the region for partnering with the department on infrastructure in the region.

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## **CONDITION OF STATE BRIDGES**

On behalf of the Director, Dennis Heckman, State Bridge Engineer, reported on the condition of state bridges and the employees that work on the bridges. Mr. Heckman explained that MoDOT employs about thirty people to design bridges; the department also uses about 65 consulting engineers to supplement design work. There is a group of employees that work on bridge management, taking care

of the bridges and inventorying the bridges. There are 15 employees that address weight limits on bridges and help with permitting super-loads and over-size load trucks. Bridge inspection is carried out by 15 employees in the central office and 60 district employees who inspect bridges but whose primary position is elsewhere in the department. There are three snooper trucks that are used across the state to inspect bridges, but most bridges can be inspected using ladders. There is also a dive team that inspects the structures underneath the water. MoDOT's dive team is not certified to dive in the currents of the Mississippi and Missouri Rivers, nor to go down as deep as some bridges are built, so consultant divers are hired to conduct those underwater inspections. In addition to inspecting the over 10,000 state bridges, MoDOT is responsible for inspecting the 14,000 city and county bridges in the state.

Missouri currently has 10,385 bridges on the state system. Bridges are categorized as typical or major. A typical bridge is less than 1,000 feet long; a major bridge is over 1,000 feet long. Missouri has 208 major bridges, which tend to be more expensive and have a bigger impact on the traveling public.

Mr. Heckman shared the number of poor bridges is at 922 on the state system. Bridges are rated on a scale from 0 to 9. A brand new bridge is rated a 9, a bridge that has collapsed is rated a 0. Poor bridges range in the 3 and 4 rankings. These bridges are safe, but they take a lot more maintenance, have to be inspected more frequently, and may have weight limits on them. A bridge that is rated a 2 will be closed because it is no longer safe.

For the past six years the number of poor bridges has increased each year even though the department has put about \$400 million worth work into state bridges. Part of the reason for the increase in bridges is due to the decade the bridges were built. The majority of bridges were built in the 1950's and 1960's. This is also around the time the interstates were built. These bridges were designed to last 50 years and those bridges are past that point. The department is fighting the wave of adding 120 poor condition bridges each year while only being able to address 100 bridges each year. Mr. Heckman explained this is not just a problem for the state system, but the local system as well. Cities and counties

have about 1,200 poor condition bridges. The local areas are not able to address all of their poor condition bridges with their limited funds. Bridges, whether on the state or local system, impact Missourians lives.

Many bridges in Missouri are weight restricted, which means it has a posted weight limit sign. About 1,200 weight restricted bridges are on the state system. With weight restricted bridges the department is able to replace the deck on the existing girders in a way that makes them stronger so they can carry heavier traffic and last another thirty years. The number of weight restricted bridges has declined over the past six years because the department has been able to do several of these a year. Mr. Heckman noted there is some overlap between the 922 poor condition bridges and the 1,194 weight restricted bridges, where 450 bridges are on both lists.

Mr. Heckman reported about twenty to twenty-five percent of the construction program in the STIP is bridgework. He noted that bridgework is dropping in the next three years of the STIP for the first time in several years. This is because the department does not have a major bridge replacement in the STIP. It is a challenge to have \$50-\$200 million in funds available for a major bridge replacement and to coordinate with neighboring states who share in the responsibility for connecting bridges. This STIP was going to include improvements for the Chain of Rocks Bridge in St. Louis, but that project has been unexpectedly delayed by Illinois who was in charge of this project. The department is working to add a major bridge project in the STIP next year, but it does take time to get through the environmental process and design phase. The bridge work in the STIP is divided up into 73 percent bridge replacements, 12 percent redecks, 12 percent rehabs, and 4 percent maintenance and painting. The department is working to spend more on fair and good bridges to keep them in fair and good condition so they do not fall into poor condition.

The department also uses some of its operating budget to extend the life of bridges and repair bridges. This includes flushing and washing bridges every year, sealing a bridge deck, responding to

flooding, and designing bridges. The operating budget is also used to hire companies to assist with underwater inspections, on-call deck repairs, and other miscellaneous repairs that may be needed.

Mr. Heckman concluded that the department cannot replace all 922 poor bridges, but should continue to invest in the fair and good condition bridges so they don't fall on the poor list when it gets very costly to do the work to keep them safe and open to the traveling public.

Commissioner Pace asked about how many years can the department get from a rehabilitated bridge. Mr. Heckman explained usually about a half-life, if you get 15 years out of the last rehabilitation then the next rehabilitation will get 7 years, and the next will probably only get 3 or 4 years. Commissioner Waters inquired about how often is a typical bridge inspected. Mr. Heckman explained most bridges are inspected every 24 months. The condition of the bridge could lead to it being inspected more regularly.

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## **TRANSPORTATION LEADERS AGAINST HUMAN TRAFFICKING PLEDGE**

On behalf of the Director, Steve Meystrik, Interim Motor Carrier Services Director, reported on one of the greatest atrocities of the 21<sup>st</sup> century, human trafficking. Human trafficking is defined as the exploitation of human beings through force, fraud or coercion for the purposes of commercial sex or forced labor. Human trafficking is not typically something that is considered in the context of transportation. As many as 20 million men, women, and children around the world are enslaved to prostitution, domestic servitude, or other forced labor. Those committing this awful crime are using roadways, railways, waterways and skies to transport victims. Regardless of how you define it, human trafficking is modern day slavery and must be stopped.

Human trafficking is happening in cities and communities all across America. The National Human Trafficking Hotline reported in 2017 there were 26,884 hotline calls which resulted in the identification of 10,615 victims. Human trafficking is also happening in Missouri. In 2017, there were

420 calls to the National Human Trafficking Hotline referencing potential trafficking victims in Missouri. These calls led to further action being taken in 140 human trafficking cases, enough to rank Missouri sixteenth in the United States.

Many federal, local, and state agencies, including the Missouri State Highway Patrol are working diligently to combat human trafficking. In June 2018, forty-six troopers along with members of the Missouri Human Trafficking Task Force received human trafficking training. MoDOT's Motor Carrier Services Division has worked with Truckers Against Trafficking to get their educational materials into the hands of MoDOT employees, motor carrier customers, partners in the trucking industry, and other interested individuals and groups. Truckers Against Trafficking has also started a new initiative called Busing on the Lookout and MoDOT is working with them to target partners in the busing industry. Also, this fall at MoDOT's Stand Up for Safety Day, all employees will be trained in what to look for in terms of common indicators to help them identify and learn about the issues of human trafficking. This problem requires a broad and multi-faceted response.

The United States Department of Transportation launched a transportation leaders against human trafficking initiative. This initiative is comprised of transportation and travel industry stakeholders working jointly to maximize their collective impact in combatting human trafficking. This group has engaged more than 200 stakeholders across the country including the Mid-America Association of State Transportation Officials of which Missouri is a member. Two other state DOT's have taken the voluntary pledge to commit to employee education, raising public awareness, and measuring the collective impact, Missouri is now the third DOT to sign on for the following:

*We pledge as one voice as national leaders to join with partners across the transportation industry to work together and end human trafficking by educating our employees and organizational members on how to recognize and report signs of human trafficking; raising awareness among the traveling public on human trafficking issues by utilizing common messaging and targeted outreach campaigns; by measuring our collective impact on human trafficking and sharing key data points; and by utilizing our*

*efforts across the transportation sector, we will see greater progress in reaching our ultimate goal of eliminating human trafficking.*

Commissioner Pace commended the department for taking this pledge and doing what it can to stop human trafficking.

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**REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – BREATH ALCOHOL IGNITION INTERLOCK DEVICE CERTIFICATION AND OPERATIONS REQUIREMENTS**

On behalf of the Director, Scott Wilson, Senior System Management Specialist, presented the final orders of rulemaking for 7 CSR 60-2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements. The department reviewed and recommended changes to the rules to comply with the requirements of Executive Order 17-03. At the March 7, 2018 meeting, the Commission authorized the filing and publication of notice of proposed new, amended, and rescinded administrative rulemaking 7 CSR 60-2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements. After Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of Secretary of State, who published the new, amended, and rescinded rules in the *Missouri Register* for public comment. The public had from April 16, 2018 to May 16, 2018, to submit comments in support of or in opposition to the notice of new, amended, and rescinded rulemaking. A total of three entities and one individual submitted public comments; some changes were made as a result of the comments received.

The following is a summary of the significant changes to the standards and specifications for the Ignition Interlock Device Program to ensure integrity of the Program by requiring: near real-time transmission of ignition interlock data between the manufacturer’s server and the driver’s device while the device is in use; provide requirements for calibration of devices; and provide requirements for photo identification when required by statute or by the court. The proposed amended rules also include some

cleanup language, technical corrections, and elimination of unnecessary restrictive wording and outdated language.

The department supports this final order of rulemaking for Breath Alcohol Ignition Interlock Device Certification and Operational Requirements. Upon motion by Commissioner Pace, seconded by Commissioner Briscoe, the Commission unanimously approved the final orders of rulemaking and authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to complete the final rulemaking process.

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## **REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – RAILROADS**

On behalf of the Director, Eric Curtit, Administrator of Railroads, presented the final orders of rulemaking for 4 CSR 265-2.010, 4 CSR 265-2.300 through 4 CSR 265-2.324 and 4 CSR 265-8.010 through 265-8.140 Railroads. The department reviewed and recommended changes to the rules to comply with the requirements of Executive Order 17-03. At the March 7, 2018 meeting, the Commission authorized the filing and publication of notice of proposed amended and rescinded administrative rulemaking 4 CSR 265-2.010, 4 CSR 265-2.300 through 4 CSR 265-2.324 and 4 CSR 265-8.010 through 265-8.140 Railroads. After Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of Secretary of State, who published the amended and rescinded rules in the *Missouri Register* for public comment. The public had from April 16, 2018 to May 16, 2018, to submit comments in support of or in opposition to the notice of amended and rescinded rulemaking. Two entities submitted public comments, and no changes were made as a result of the comments received.

The following is a summary of the significant changes to the rule. The majority of the amendments are minor in scope, such as updates to reflect current editions of materials that are incorporated by reference into the rules, elimination of unnecessary requirements for railroads, and elimination of unnecessary, restrictive words. More substantive rule amendments are necessary due to changes in technology and clarify the administration of rule procedures. Rescissions to four of the rules are necessary due to industry, statute, or procedural changes. Rescissions to two of the current rules are necessary to eliminate duplicate requirements in current federal regulations.

The department supports this final order of rulemaking for Railroads. Upon motion by Commissioner Briscoe, seconded by Commissioner Waters, the Commission unanimously approved the final orders of rulemaking and authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to complete the final rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING –  
TRANSPORTATION CORPORATION TOLL ENFORCEMENT**

On behalf of the Director, Brenda Morris, Financial Services Director, presented the final orders of rulemaking for 7 CSR 10-21.010, Transportation Corporation Toll Enforcement. The department reviewed and recommended changes to the rules to comply with the requirements of Executive Order 17-03. At the March 7, 2018 meeting, the Commission authorized the filing and publication of the proposed amended rules 7 CSR 10-21.010, Transportation Corporation Toll Enforcement. After Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of the Secretary of State, who published the amended rules in the *Missouri Register* for public comment. The

public had from April 16, 2018 to May 16, 2018, to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

The following is a summary of the significant changes to the rule. Deletion of unnecessary definitions, deletion of requirements that are redundant with the existing statutory toll enforcement laws in sections 238.362 through 238.367, RSMo, and deletion of unnecessary restrictive wording.

The department supports this final order of rulemaking for Transportation Corporation Toll Enforcement. After consideration, the Commission via approval of the consent agenda, unanimously approved the final order of rulemaking and authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to complete the final rulemaking process.

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### **MHTC POLICY – COMMISSION – SOCIAL EVENTS**

The Commission desires to interact with the public. On occasion the Commission is invited to attend social events to provide additional opportunity to interact with the public. The Commission desires to have a policy in place to provide guidance for the Commission and the department regarding social events. MoDOT employees are prohibited from receiving anything of value for their personal use or benefit in accordance with Personnel Policy 2514 – Employee Conduct – Conflict of Interest. The Governor issued Executive Order 17-02 on January 9, 2017 establishing a code of ethics that prohibits state employees of the executive branch from receiving anything of value. On behalf of the Commission, Pamela J. Harlan, Secretary to the Commission, recommended the new Social Events policy be adopted with the green text for new language as follows:

**Category:** COMMISSION  
**Sub-Category:** Members  
**Sub-Sub-Category:** Social Events

**RECEPTIONS**

Stakeholders, Community Organizations, Chambers of Commerce and other interested parties may host a reception or event for the members of the Missouri Highways and Transportation Commission to provide opportunities for the Commissioners to learn more about the wants and needs of local communities, stakeholders and members of the public.

Those wishing to host a reception must make arrangements with the Secretary to the Commission, who will coordinate the scheduling of the event in alignment with the Commission meeting schedule.

The following requirements must be met for each event:

- A request must be submitted to the Secretary to the Commission.
- The event must be open to members of the public.
- Commissioners must pay for the expenses associated with their participation in the event. Expenses include event space, food, beverages, and the like.
- If alcohol is served all attendees must pay for their own drinks.
- MoDOT staff **will not** be required to attend the event.
  - MoDOT Staff that are invited will notify the Secretary to the Commission of the invitation, where upon they may request from the Secretary to the Commission the expense for attending the event, and inform the Secretary to the Commission whether or not they will attend.
  - MoDOT Staff attending must pay the expenses associated with their participation in the event. Expenses include event space, food, beverages, and the like.
- The event host will coordinate with the Secretary to the Commission on Commission member payment for expenses. The Secretary to the Commission will confirm with each Commission member the expense for and their attendance at the event prior to finalizing any plans with the host.

Effective Date: July 11, 2018  
 Supersedes Policy Dated:  
 Last Reaffirmed:  
 Date of Origin: July 11, 2018  
 Related Commission Actions: July 11, 2018 new policy adopted.

After consideration, the Commission unanimously approved the Social Events policy as recommended.

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**RESOLUTION EXPRESSING APPRECIATION TO THE BOLAND FAMILY FOR TOM BOLAND’S OUTSTANDING SERVICE TO THE STATE OF MISSOURI**

Via approval of the consent agenda, the Commission unanimously approved the following resolution:

**WHEREAS**, Thomas M. “Tom” Boland was appointed to a six-year term on the Missouri Highways and Transportation Commission by Governor John Ashcroft on January 6, 1992; and

**WHEREAS**, Commissioner Boland served as Chairman from April 1994 through December 1997 performing his duties with vision, dedication, dignity, and firmness, while exhibiting a genuine

compassion for the best interests of all Missourians, without regard to their area of residence or station in life; and

**WHEREAS**, Commissioner Boland brought to the Commission a long, varied, and distinguished background of civic service and business expertise which merited acceptance and respect throughout the state, as well as an astute understanding of fiduciary responsibility, and respect for the perspectives and input of Missouri’s diverse populace; and

**WHEREAS**, Mr. Boland gave unselfishly of his personal time to consistently and persistently pursue innovative means to accomplish many needed transportation improvements, including, but certainly not limited to, construction of major river bridges at Hannibal, Cape Girardeau, and Kansas City; and

**WHEREAS**, during his tenure, Mr. Boland consistently championed infrastructure improvements to encourage new and expanded economic development in Missouri; and

**WHEREAS**, Commissioner Boland passed away on May 25, 2018; and

**WHEREAS**, Commissioner Boland’s legacy of civic engagement will live on through the people he inspired; and

**NOW, THEREFORE, BE IT RESOLVED** that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to the family of Commissioner Boland for his outstanding service to the State of Missouri.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the family of Commissioner Boland so they will have a permanent record of the high esteem and affection in which he is held by the members of the Missouri Highways and Transportation Commission and MoDOT staff.

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**RESOLUTION EXPRESSING APPRECIATION TO KATHRYN HARVEY FOR OUTSTANDING SERVICE TO THE STATE OF MISSOURI**

Via approval of the consent agenda, the Commission unanimously approved the following resolution:

**WHEREAS**, Kathryn P. “Kathy” Harvey, will be retiring on August 1, 2018, with 27 years of service to the State of Missouri; and

**WHEREAS**, Kathy Harvey began her distinguished career with the Missouri Department of Transportation serving as a summer intern in 1977 and 1978. After working in the private sector she returned to public service with MoDOT in October 1991 as an intermediate highway designer. Kathy Harvey served in a variety of capacities in two districts including the former Districts Seven and Eight, and also with the Design Division and Director’s Office moving through increasingly responsible assignments culminating in her career with MoDOT as Assistant Chief Engineer; and

**WHEREAS**, Kathy Harvey was a strong supporter of women in the engineering field and for the advancement of women in leadership at MoDOT. She led by example when she became the State

Design Engineer in 2005, then in 2013 she became the first female Assistant Chief Engineer for MoDOT; and

**WHEREAS**, throughout her career, Kathy Harvey served admirably, diligently, tirelessly, and collaboratively on behalf of the Department of Transportation and the State of Missouri, as evidenced by her ability to establish and maintain excellent relations with organizations in Missouri for the betterment of Missouri's transportation system and Missouri's future. Kathy Harvey was an expert in the interpretation and application of the National Environmental Policy Act (NEPA), and showed tremendous leadership in navigating and negotiating on numerous environmental issues with the Department of Natural Resources and the Environmental Protection Agency. Kathy Harvey was also instrumental in the development of the environmental and historic preservation unit of the Design division; and

**WHEREAS**, her inspiring leadership and engineering knowledge brought her much success with the completion of the department's first tiered environmental impact statement. Kathy Harvey led the studies of Interstate 70, beginning in 1998 with an internal feasibility study that proceeded to the department's first tier I-70 Improvement Study that was completed in 2001 and determined the solution for the entire corridor. The department took the next step and conducted second tier studies that reviewed the location, design, cost and environmental impacts of improvements to I-70 by local area across the 200 mile corridor. The second tier studies set the stage for future design and construction of the I-70 corridor; and

**WHEREAS**, Kathy Harvey believed in the use of innovation to design and build projects and conduct work more efficiently and for less cost. She was an outstanding and passionate advocate for practical design which later became a best practice recognized by the Federal Highway Administration. She worked relentlessly to engrain this in the culture at MoDOT and championed it across the country through her leadership of the AASHTO Subcommittee on Design that adopted national practical design standards; and

**WHEREAS**, her work ethic, integrity, expertise, and caring for others have earned her the respect, admiration, and friendship of department employees and the public she served. Kathy Harvey always had a good sense of the impact of organizational decisions on employees, and was willing to speak on behalf of the employees as difficult decisions were deliberated. Kathy Harvey also served as a mentor and contributed to the development of many leaders for the department; and

**WHEREAS**, Kathy Harvey recognized the importance of balancing family and career and is a loving wife to Dennis; and devoted mother and grandmother while performing her job duties with compassion, dedication, and pride;

**NOW, THEREFORE, BE IT RESOLVED** that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Kathy Harvey for her service to the citizens of Missouri and extends to her best wishes for her future endeavors.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Kathy Harvey so she will have a permanent record of the high esteem in which she is held by the members of the Missouri Highways and Transportation Commission and the Missouri Department of Transportation staff.

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**MEDICAL AND LIFE INSURANCE PLAN: APPROVAL OF HEALTH SAVINGS ACCOUNT AGREEMENT RECOMMENDATION**

On behalf of the Director, Jeff Padgett, Director of Risk and Benefits Management, explained the Medical and Life Insurance Plan (Plan) contracts with an administrator to offer a Health Savings Account (HSA) for Plan members enrolled in the High Deductible Health Plan. The current provider of HSA services is Pay Flex Bank. The Plan has utilized Pay Flex Bank since 2017 when the Plan migrated to Aetna as the medical plan administrator. There are currently 335 Plan members enrolled in the High Deductible Health Plan with HSA access.

A Request for Proposal (RFP) was issued in January 2018 for the required HSA services, resulting in ten responses being received. The following criteria were used to evaluate the two most competitive bids: cost of service; account management team; file feed/data transmission; customer service and access and engagement; carrier integration; enrollment education; compliance education; and online/mobile participant experience. Since the concept of an HSA is still relatively new to Plan members the enhanced customer service experience and ease of use bore more weight than the lowest cost option in this situation.

Mr. Padgett recommended the Commission approve the recommendation of the Plan Board of Trustees to contract with Anthem's integrated solution PNC Bank. The contract would begin January 1, 2019, and expire December 31, 2021. Additionally, two one-year extension periods would be available, potentially extending the expiration date through December 31, 2023.

Via approval of the consent agenda, the Commission unanimously approved the health savings account agreement described above.

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**MEDICAL AND LIFE INSURANCE PLAN: APPROVAL OF LIFE INSURANCE AGREEMENT RECOMMENDATION**

On behalf of the Director, Jeff Padgett, Director of Risk and Benefits Management, reported the Medical and Life Insurance Plan (Plan) contracts with an administrator to offer basic and optional life insurance coverage for active and retired employees. Minnesota Life Insurance Company is the incumbent provider of basic and optional life insurance coverage for Plan members. The original agreement took effect January 1, 2013.

A Request for Proposal (RFP) was issued in January 2018 for the required services, resulting in fourteen responses being received. The bid proposal from Minnesota Life Insurance Company was the lowest cost bid submitted while meeting all of the coverage requirements outlined in the RFP.

Mr. Padgett recommended the Commission approve the recommendation of the Plan Board of Trustees to contract with Minnesota Life Insurance Company. The contract would begin January 1, 2019, and expire December 31, 2021. Additionally, two one-year extension periods would be available, potentially extending the expiration date through December 31, 2023.

Via approval of the consent agenda, the Commission unanimously approved the life insurance agreement described above.

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**2019-2023 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

On behalf of the Director, Machel Watkins, Transportation Planning Director, presented the 2019-2023 Statewide Transportation Improvement Program (STIP) which is developed in coordination with the budget and financial forecast. Ms. Watkins explained the STIP is MoDOT’s proposed list of transportation projects for the next five years, this document describes how transportation dollars are being invested, and represents MoDOT’s commitment to Missourians.

Missouri's transportation system is very large including nearly 34,000 miles and almost 10,400 bridges that take a combination of highway and bridge construction program portion of the STIP and the operations and maintenance plan portion of the STIP to take care of the system. The 5,500 miles of major highways and roughly 17,500 miles of higher volume minor roads, most of the work on these roads is accomplished through the highway and bridge portion of the STIP. There are also nearly 11,000 miles of low volume minor roads that are taken care of through a combination of highway and bridge program and the maintenance and operations plan. The bridges are taken care of with the highway and bridge construction program, but the pavements are taken care of through the maintenance and operations budget with our maintenance forces.

Ms. Watkins reported this STIP does implement some changes that were approved by the Commission this year. It implements the increased cost share program; beginning in 2021, it increases \$5 million per year up to \$45 million in 2024. That is the level the cost-share program was at before it was suspended back in 2014. It also implements the changes for the distribution of safety funds, beginning in 2021 those funds are distributed to districts based on fatalities and serious injuries. This focuses the funding on the areas where it can make the most impact saving lives. It also includes an expanded maintenance and operations plan. Last year it included only one year, this year it is a two-year plan. This provides the citizens a more complete view of the work that will be taking place over the next few years by including both the construction program and the maintenance and operations plan.

Ms. Watkins reviewed the four program areas: highways and bridges, operations and maintenance, multimodal, and local programs. In 2019, the highway and bridge construction program is \$900 million of awards. This is higher than last year because the department continues to deficit spend; over the horizon of the STIP, deficit spending is not sustainable. The maintenance and operations plan represents a little over one third of the funding for the STIP at \$569 million. The local programs are

about ten percent of the STIP at \$172 million. The multimodal program is about five percent of the STIP at \$94 million.

The STIP was developed using an open and engaging public involvement process called the planning framework process. MoDOT District staff work closely with nine metropolitan planning organizations and nineteen regional planning commissions. Across the state that process includes about 1,200 individuals who are regional leaders providing input to the final STIP. Additionally, a thirty day public comment period took place in June. There were 40 comments on this year's STIP that came from 28 sources. Eight of the comments conveyed support for the I270 project that is in the STIP. Three comments requested information on Route 63 right of way acquisition for correcting flooding. Four comments were related to resurfacing or some kind of pavement treatment on various routes. Six comments were related to the need for bridge improvements on various routes. Five comments were related to the need for safety on various routes. Six were unique suggestions including expanding the street car in Kansas City, closing and removing a ramp in Jefferson City, widening lanes, straightening highways, sidewalk work, and other improvements. Each comment was responded to and shared with the districts and corresponding planning organization.

Ms. Watkins explained the changes for the 2019-2023 STIP. There are 459 projects added to the STIP in comparison to the existing STIP; and that includes 367 preservation projects, 79 safety and system management projects, and 13 expansion projects. There were 56 projects deleted from the STIP, the work from all but one of the projects is being accomplished in another way. Those projects are either incorporated into another project, or addressed by an existing contract. One project was deleted at the request of the public. The multimodal section of the STIP added 75 projects; these include 23 transit, 11 aviation, and 41 rail projects.

Ms. Watkins reported there are no changes between the draft and final version of the STIP. Ms. Watkins then recommended the Commission

- approve the 2019-2023 STIP;
- certify to the Federal Highway Administration and the Federal Transit Administration that the transportation planning process used in the development of the STIP complies with the requirements listed in 23 CFR 450.218(a) and 23 CFR 450.334(a);
- delegate to the Chief Engineer the authority to approve the addition of scoping projects, hardship right of way purchases, and urgent or emergency projects;
- and to delegate to the Chief Engineer authority to approve fiscally constrained revisions to projects.

Commissioner Waters thanked Ms. Watkins for her presentation and expressed his concern on the lower number of comments received during the public comment period. Ms. Watkins explained the number of comments is cyclical and then described the efforts that were made to seek the public’s input. After further discussion and consideration, and upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the recommendation as outlined above.

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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 D01 and H02 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 June 22, 2018, letting, as recommended and noted in Table I below, (2) Rejection of bids received on Call D04 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction and noted in Table II below.

**Table I  
Award of Contracts  
June 22, 2018, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A02	O	Andrew	J1S0559	\$1,360,168.84	\$0.00	Widel, Inc.	Bridge Replacement
D01*	63	Phelps	J5P3116	\$4,098,888.89	\$0.00	Capital Paving & Construction, LLC	Coldmill and Resurface
			J5P3129				ADA Improvements
D02	54	Cole, Miller	J5P3185	\$3,702,897.22	\$0.00	Capital Paving & Construction, LLC	9 Bridge Rehabilitations
D03	BB, E, F	Phelps	J5P3215	\$4,163,762.66	\$0.00	Magruder Paving, LLC	Resurface, Add Shoulders, and Seal Coat
F01	I-64	St Louis City	J6I3170	\$3,432,597.65	\$0.00	St. Louis Bridge Construction Company	7 Bridge Rehabilitations
F02	T, TT	Jefferson	J6S3241	\$1,684,850.00	\$0.00	Pace Construction Company	Resurface
F04	I-55, I-44	St Louis City	J6M3409	\$236,150.00	\$0.00	R. V. Wagner, Inc.	Inlet Top Replacements
G02	13	Henry	J7M0264	\$232,222.76	\$0.00	Young's General Contracting, Inc.	Slide Repair
H01	19	Shannon	J9P3428	\$2,720,000.00	\$0.00	Pace Construction Company	Resurfacing and Add Shoulders
H02**	67	St. Francois	J9P3505	\$1,315,647.11	\$0.00	Pavement Solutions, LLC	Intersection Improvements
			<b>TOTAL:</b>	<b>\$22,947,185.13</b>	<b>\$0.00</b>		

\* Call D01 – Funding by City of Rolla – \$245,756.82

\*\* Call H02 – Funding by City of Farmington – \$200,000.00

**Table II  
Rejection of Bids  
June 22, 2018, Bid Opening**

Call No.	Route	County	Job No.	Description
D04	AA	Washington	J5M0281	Scratch Coarse and Seal Coat

**Commission Consideration and Action**

After consideration, and upon motion by Commissioner Briscoe, seconded by Commissioner Waters, the Commission took the following action:

1. Awarded contracts to the lowest responsive bidders for bids received on the June 22, 2018, 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 D04 due to excessive bids 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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**-- REPORTS --**

The Commission received the following written reports.

**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.

As of July 11, 2018 no rules were presented to the Commission for impetus approval. No rules have received impetus approval, are pending Governor's office review, nor Commission approval. All rules under this order have been filed with the Secretary of State and Joint Committee on Administrative Rules. One set of rules are in the public comment period: Procurement of Supplies. One set of rules recently completed the public comment period: Financial Assistance (STAR). Additionally, three sets of rules were approved for filing final orders of rulemaking: Ignition Interlock, Railroad, and Transportation Corporations. Final Orders were filed with the Secretary of State for four sets of rules: Disadvantaged Business Enterprise, Plant Collection, Rest Areas, and Traffic Regulation. One set of rules was published in the Code of State Regulations: Design Build. Two rules became effective: Uniform Relocation Assistance and Utility Private Line Location and Relocation.

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## **DEBT MANAGEMENT REPORT**

Brenda Morris, Financial Services Director, provided an update on Missouri Highways and Transportation Commission outstanding debt. The Commission's Debt Management Policy ensures each long-term financing is completed in compliance with laws and industry standards and in an efficient manner. The policy helps to attain the goal of maintaining optimum credit ratings and minimizing borrowing costs. The Debt Management Policy limits the amount of debt the MHTC can issue by capping annual debt service to no more than twenty percent of federal and state revenues available for roads and bridges. MHTC's estimated debt obligations are projected to be below the twenty percent limitation and the MHTC is in compliance with the policy.

Between December 2000 and June 2014, the MHTC issued \$3,812,195,000 in new money bonds and \$1,426,250,000 in refunding bonds. As of June 30, 2018, the amount of outstanding bonds is \$1,832,370,000. The current outstanding bonds are projected to be paid in full on May 1, 2033. Bond-financing allowed the Missouri Department of Transportation to provide much needed infrastructure improvements to the traveling public sooner than pay-as-you-go funding allowed. Building projects sooner results in cost savings by reducing project inflation costs, while advancing economic development, improving safety and addressing congestion. MoDOT staff will continue to work with the Bond Trustee to ensure: (1) bondholders are paid on time, (2) certain financial and operational information is disclosed on an ongoing basis as required and (3) the MHTC stays in compliance with its Master Bond Indentures.

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**FINANCIAL – BUDGET – REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING MAY 31, 2018**

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year to date May 31, 2018, 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 May 2018, 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 354 active contracts held by individual engineering consultant firms prior to May 1, 2018. Eight engineering consultant services contracts were executed in May 2018, for a total of \$2,376,171.

There were three non-engineering consultant contract executed in May 2018, for a total cost of \$399,937.

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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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