



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN WASHINGTON, MISSOURI,
WEDNESDAY, DECEMBER 5, 2018**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, December 5, 2018, at the Washington City Hall, 405 Jefferson Street, Washington, Missouri. Gregg C. Smith, Chairman, called the meeting to order at 8:30 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; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, December 5, 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, December 4, 2018, at 2:00 p.m. and adjourned at 5:00 p.m.

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Briscoe, seconded by Commissioner Waters, the Commission unanimously approved the minutes of the regular meeting held September 5, 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 December 5, 2018, Consent Agenda

Upon motion by Commissioner Waters, seconded by Commissioner Brinkmann, the consent agenda items were unanimously approved by a quorum of Commission members present. Consent agenda item number two titled Commission Policy Review-Financial Category, was pulled from consideration, and tabled for consideration at a future meeting.

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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 5, 2018, meeting.

Audit Committee – Commissioner Waters stated there was no report; the next meeting will be in March 2019.

Legislative Committee – Commissioner Pace reported December 1 was the first day members of the Missouri General Assembly began pre-filing legislation for the 2019 legislative session. This legislative session may be quite lively and somewhat busy as a total of 68 newly elected House and Senate members will take office on January 9, 2019. With this new session and newly elected officeholders, comes new leadership in both the House and Senate. Recently, the House and Senate, respectively, elected new leadership. In the House, Rep. Elijah Haahr (R-Springfield) was elected as Speaker of the House of Representatives by a majority of his caucus. In the Senate, Sen. Dave Schatz (R-Sullivan) was elected by his caucus as President Pro Tem of the Senate. Both leadership positions must be codified by a vote of both chambers in January when session officially begins.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report. The next Board meeting is scheduled for February 2019.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe reported the MPERS Board met on November 29, 2019, for a workshop and regular business meeting. The Board has been looking deeper into the investment and management fee structure of MPERS and will continue this work in the coming months. The Board lowered the expected long-term return assumption from 7.75 percent to 7 percent. The next MPERS board meeting will be in February 2019.

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DIRECTOR'S REPORT

During the December 5, 2018, Commission meeting, Director Patrick McKenna provided the following report:

Proposition D - Although disappointed about the result of the November 6, 2019, election, the people have spoken and the department and Commission respect that. He expressed his appreciation for the leadership and support that was offered for this effort by the Governor and Lt. Governor. MoDOT will continue to focus on safety and asset management, and work with planning partners to identify and address the most pressing needs. The department will do the best it can with what it has for as long as possible.

Accountability Report - Last session, the General Assembly modified the requirement for MoDOT to produce an annual accountability report to the Joint Committee on Transportation Oversight. In the past, the report was a 1,400-page document about 6 inches thick that required a massive amount of staff time to produce. In its place, the legislature directed the department to present four existing publications to them each year by December 31. These four documents include: the Citizen's Guide to Transportation Funding, the Results document, the Financial Snapshot, and the Comprehensive Annual Financial Report (CAFR). This new report is easier to discern and therefore more transparent. Staff in Transportation Planning, Financial Services, Design, and Communications Divisions have recently completed updates of the Citizen's Guide, the Results, and the Financial Snapshot. The Commission accepted the CAFR last month. These documents have proven to be critical pieces to help educate elected officials, policy makers, stakeholders, and the general public about how transportation is funded and how those funds are spent in Missouri.

Washington Bridge – He recognized several members of the team that delivered this wonderful new structure on Route 47 over the Missouri River. From MoDOT: Resident Engineer Tim Hellebusch, Senior Construction Inspectors Brian Lange and Mitch Shaneberger, Project Office Assistant Charlotte Stewart, Material Inspector Stephanie Lemon, Roadway Project Manager Shirley Norris, Bridge Project Manager Mike Harms, Senior Communications Specialist Jessica Hochlan, and Area Engineer Judy Wagner. From Alberici Construction Company: Rob Hartwell, Carlos Polk, Tammy Swyers, Ralph Marti, Nathan Gibson, and Mitch Collins. From HDR Engineering: Kevin Crede, Mike Ecker, Barry Rolle, and Cory Imhoff. All were commended for a job well done.

Winter Weather Update - In November, there were three winter weather events that tested the department's resources. Ironically, the first winter storm was November 8, a day after the annual winter weather drill. The Kansas City area was hit the hardest. MoDOT also responded to another weather event on November 14 and 15. That storm dumped more than six inches of snow in the St. Louis area. The most recent storm hit Missouri on November 25, the Sunday after Thanksgiving, one of the busiest travel days of the year. That storm produced whiteout conditions in the northern part of the state and closed I-29 from St. Joseph to the Iowa border for seven hours. He thanked the crews for rising to the challenge and providing a quick response, and for their efforts while working long hours in tough conditions.

Downtown St. Louis Projects - By the end of this month, all lanes on the expanded Poplar Street Bridge will be open to traffic. That milestone will put the cap on a whole series of projects on the St. Louis Riverfront that have been planned, designed, and constructed over the past three decades. Director McKenna called upon Ed Hassinger, Chief Engineer, to elaborate on the projects. Mr. Hassinger noted the tremendous coordination with the Illinois Department of Transportation to transform downtown St. Louis. He also commended the MoDOT team as well as the companies from the private sector that worked on these projects that included the construction of the Stan Musial Bridge, the park over the highway at the Arch, and additional lanes on the Poplar Street Bridge. Mr. Hassinger shared a video that captured the decades of work and the results of those projects.

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LEADERSHIP IN ACTION COIN

Chairman Gregg Smith presented Judy Wagner, St. Louis District Area Engineer, with a leadership coin. Chairman Smith thanked Ms. Wagner for her leadership on the Route 47 bridge over the Missouri River at Washington and for all she does for MoDOT. He recognized her for her tremendous relationships she has built throughout the community and the region.

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MAYOR LUCY WELCOMING REMARKS

Sandy Lucy, Mayor for the City of Washington, reminded the Commission back in 2014 when the Commission last met in Washington, Rosemary Hershel had the idea to have the children at school collect pennies for a new Missouri River Bridge on Highway 47. At the meeting the children brought in a wheel barrow filled with \$1,400 pennies. A picture was taken with the children and the Commission and the wheelbarrow of pennies. Many of the children that were present in 2014 are present at this meeting to help recreate that photo with an empty wheel barrow this time, which is symbolic for the completion of the new Missouri River Bridge on Highway 47.

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NEW ROUTE 47 MISSOURI RIVER BRIDGE

Sandy Lucy, Mayor, and Bob Zick, Chairman of the Route 47 Bridge Committee, thanked the Commission and the department for the construction of the new Route 47 Bridge over the Missouri River at Washington. Mayor Lucy thanked the department for its part in the ribbon cutting ceremony and encouraged everyone who was in attendance to make sure they signed the guest book. Mr. Zick explained the bridge needed to be replaced to provide safe passage for its citizens. The new bridge is a huge asset for the community and will continue to be so for a long time. L.B. Eckelkamp also spoke in appreciation for the new Route 47 Bridge and for a past project that expanded Route 100 from I-44 to Washington from two to four lanes. He also expressed his concern regarding the traffic between Washington and Union on Route 47. Union is the county seat and Washington is the largest community in Franklin County. There is significant traffic between the two communities on about a six-mile stretch of highway. He explained there is a need for this road to be improved from two to four lanes. He explained that it may be necessary to do this project as a cost-share project and work is under way to seek funding from the county as well as both cities. Commissioner Brinkmann inquired if there is enough right of way available to expand the roadway, and Mr. Eckelkamp responded that right of way may need to be acquired for this project.

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CONNECTING PEOPLE AND INFORMATION

Chief Daniel Isom, Executive Director of the Regional Justice Information Service (REJIS) Commission, explained the REJIS Commission was established in 1974 by the City of St. Louis and St. Louis County and now serves many different municipal, county, state, and federal agencies to help meet their information and infrastructure needs. The REJIS Commission provides information technology services and products for the criminal justice community and government agencies in Missouri, Kansas, and parts of Illinois.

For more than 40 years, REJIS has developed innovative and cost-effective technology solutions to enhance public safety. REJIS' proven solutions are critical for law enforcement, government, quasi-government, and attorneys. They provide full integration of police, jail, and court systems. REJIS customers eliminate costly paperwork and gain access to comprehensive local, state, and national data - all in a secure online environment.

REJIS and MoDOT have co-developed three programs for the department's use: Drug Recognition Expert System (DRE), Grant Management System (GMS), and the Law Enforcement Traffic Systems (LETS). The DRE system was built to evaluate behaviors and attitudes in highway safety, focusing on drivers, passengers, pedestrians, and motorcyclists. The identification and measure of behaviors involved in crashes, and development of countermeasures to deter unsafe behaviors can now be easily measured with statistics, as evaluations are saved. Compliant with the NHTSA (National Highway Traffic Safety Administration) collection of data requirements, this system is designed for use by an investigator, regional coordinator, and state coordinator. The system will track evaluations, officer certification, reporting data, toxicology results, and agency identified skills in one location.

GMS was developed to manage a large volume of highway safety grant applications. These applications are spread over many program areas which in turn are supported by one of several funding sources. It is designed to support program management activities throughout the budget year, benefiting grantee agencies as well as MoDOT.

LETS was developed to support Missouri law enforcement agencies management of crash reports. Available over a secure internet connection, LETS is a powerful field and administrative tool with customized functions that address local requirements, crash diagramming, and GPS mapping of crash coordinates. The application also is interfaced with the Missouri Department of Revenue for seamless retrieval of driver and vehicle registration information. The system allows for creation,

transmission, and retrieval of electronic crash reports. Following inquiry from members of the Commission, Chairman Smith thanked Mr. Isom for his presentation.

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PUBLIC COMMENT REGARDING HIGHWAY 47 IN FRANKLIN COUNTY

Tim Brinker, Presiding Commissioner for Franklin County, described the need to expand Highway 47 to four lanes. He explained that Highway 47 is a vital north-south route through Franklin County. It connects Interstate 44 to Interstate 70. The county along with the cities of Washington and Union paid for a study to expand this two lane corridor between the communities to four lanes. The communities are also exploring future cost share methods in an effort to accomplish this project earlier. Chairman Smith thanked Mr. Brinker for his comments.

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PUBLIC COMMENT REGARDING HIGHWAY 47 IN WARREN COUNTY

Chad Eggen, Executive Director of Boonslick Regional Planning Commission, and Bill Straatman, described the need to improve Highway 47 from the connection to the new Missouri River Bridge at the Warren and Franklin county border north to Interstate 70. They explained that Highway 47 is prone to flooding and were concerned that the region would have a wonderful new bridge but be unable to use it because the approach to the bridge would be flooded. They reported they have applied to the federal government for a grant to help pay for the improvements to this portion of Highway 47. They also asked for the Commission’s assistance with this project. Chairman Smith thanked the gentlemen for their comments.

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PUBLIC COMMENT REGARDING HIGHWAY 47 IN FRANKLIN AND WARREN COUNTIES

Ray Frankenberg, President of BFA Civil Engineering and Land Surveying, explained that Highway 47 is a vital north-south route for the region. He stated there is a need for an improved

corridor for the connection of Interstate 44 to Interstate 70 and the cities of Washington and Union will have a tremendous economic impact for the region and the entire state of Missouri. Transportation is critical to being able to grow communities. Chairman Smith thanked Mr. Frankenberg for his comments.

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FISCAL YEAR 2020 SIGNIFICANT LEGISLATIVE BUDGET REQUESTS

On behalf of the Director, Brenda Morris, Financial Services Director; Micki Knudsen, Human Resources Director; and Debbie Rickard, General Services Director, highlighted a few items that were part of the Fiscal Year 2020 appropriations request.

Pay continues to be a concern for all state employees including MoDOT employees. The fiscal year 2020 appropriations request includes \$15.5 million of personal services and related fringe benefits to implement the first three years of the Commission approved pay strategy. The pay strategy includes a 1.1 percent cost of living adjustment, a one-step pay increase for all eligible employees, and a one-step pay increase for employees within steps 1-9 of their salary grade. The department is faced with challenges when hiring maintenance workers because the pay MoDOT offers is not competitive. The department implemented an emergency operations stabilization and market adjustment. The adjustment will pay an increase up to market pricing for emergency operations like snow, ice storms, and flooding. The fiscal year 2020 appropriation request includes \$2.7 million for personal services and fringe benefits to implement the market adjustment.

Ms. Knudsen explained there is a high cost of turnover. By the end of fiscal year 2019 MoDOT's turnover rate will be 13.8 percent, which is the highest it has ever been. That equates to \$40.3 million in turnover costs; that breakdowns to \$38 million in lost productivity and \$2.3 million in true costs. The primary issue driving this high turnover is pay. The pay strategy will improve employee retention and lead to a reduction in the costs associated with employee turnover. MoDOT's employees

are below market across the entire grid by as much as 10 to 16 percent. In addition to being below market, there is high compression within the structure. There are 80 percent of employees with 10 or more years of service that are below step 10. These are people that love what they do, they do it well, and they deserve more pay. MoDOT is also in direct competition with other employers. Ms. Knudsen shared the example that across the street from a Kansas City maintenance facility there is a U.S. Postal Service hub that has a sign posted showing they pay \$21.94 per hour which is higher than the starting hourly rate for full-time salaried maintenance employees at \$14.25 per hour.

MoDOT has a significant investment in its fleet. The current replacement cost is nearly \$450 million for the department's fleet of 4,900 different units statewide. The age and condition of the fleet has fallen behind and there have been no significant increases in the fleet budget for several years. The fiscal year 2020 appropriation request includes \$10 million of additional funds to increase fleet investment. Ms. Rickard reported in 2017 a statewide fleet and equipment team comprised of district and central office employees reviewed current fleet practices to identify ways for the department to save fleet while operating within the current budget. A consultant was engaged to review the age of the fleet and identify what the long-term fleet budget needs are. For each category of equipment, the actual age of the equipment was determined as well as what the targeted age of the equipment should be. At the end of fiscal year 2018, there were 859 units that had exceeded the thresholds based on age. While the budget has remained relatively flat, replacement costs continue to increase. The consultant estimated it takes an average of \$32-50 million per year for the next ten years to bring the age of the fleet into the targeted area. The department plans to use the asset management concept of replacing fleet statewide.

Commissioner Pace inquired about leasing versus purchase of fleet and Ms. Rickard explained the department's approach to determine when to lease or purchase vehicles and equipment. Chairman Smith thanked everyone for their presentation.

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COMMISSION AND MODOT 2019 LEGISLATIVE AGENDA REVIEW

On behalf of the Director, Jay Wunderlich, Governmental Relations Director; Becky Allmeroth, State Maintenance Engineer; Nicole Hood, State Highway Safety and Traffic Engineer; and Michael DeMers, Innovative Partnerships and Alternative Funding Director, reported on three proposals that are the focus of the department's efforts this legislative session.

Ms. Allmeroth reviewed the proposal that would authorize the Department of Revenue to revoke a driver's license upon receiving notice from law enforcement that a physical accident occurred where a highway worker was struck by a motor vehicle in a work zone. Currently, the law provides for revocation of the driver's license after the completion of the judicial process. Unfortunately the judicial process can be very lengthy. In April 2016, Lyndon Ebker, a highway worker was struck and killed by a motorist. The judicial process took over two years, and during that time the driver was allowed to continue driving. This driver, that the department believes is incompetent, was still a danger to everyone on the roadway. Allowing the revocation of the driver's license earlier reduces the risk of future accidents.

Ms. Hood reported that Missouri is on pace to exceed 900 traffic fatalities for the third year in a row. People continue to make poor choices when driving and one of those poor choices is using their cell phone. People are choosing to text while driving or talk while driving and their distraction is leading to more crashes. Ms. Hood shared photos and stories of crashes where drivers were on their cell phones and drove into the back end of semi-trucks. One of these drivers realized the error of his ways and shared a safety message on his Facebook page asking people to put their phones down while driving. She noted there are a lot of similarities between cell phone data usage and the number of fatalities on roadways. As data usage increases similarly the number of fatalities increase. Ms. Hood reminded the Commission that the department continues to do what it can through engineering solutions, education efforts like the buckle up phone down challenge, and use of law enforcement; however, there

comes a time when legislation is needed to help change these behaviors. These crashes that have occurred could have been prevented.

Mr. DeMers reminded the Commission that one of the recommendations from the Twenty-first Century Missouri Transportation Task Force was for government to consider revenue options that were more congruent with twenty-first century automotive technology. Currently, about 75 percent of MoDOT's revenues come from motor fuel tax on diesel and gasoline. Since 1996 the fuel tax has been 17 cents per gallon. Missouri has the seventh largest highway system in the nation but ranks only 47th in terms of revenue per mile. The impact of inflation on MoDOT's revenues means that 17 cents per gallon is worth about half of what it was in 1996. Additionally, consumers are choosing more fuel efficient vehicles and consuming less gas which results in less revenue. As a result, the department has studied what the impacts of a registration fee policy would mean for transportation revenue in Missouri. Missouri is the only remaining state in the nation to assess a registration fee based on horsepower; this proposal would construct a registration fee based on fuel efficiency. The incremental fee would be set at \$6 per mile per gallon with a different fee paid by electric vehicles in lieu of the fuel efficiency fee.

Commissioner Brinkmann expressed appreciation for the department's efforts to pass this important safety legislation, but in the meantime he encouraged business owners to implement the buckle up phone down program for their employees in coordination with the department. Commissioner Waters inquired if the miles per gallon proposal would net more revenue. Mr. DeMers explained in the long term it would; the first year MoDOT would lose a little bit of revenue but the cities and counties would gain that money, in the second year it would break even, then in the third year and beyond it would increase revenues. The mile per gallon registration fee is sustainable as a revenue source as fuel efficiencies are expected to increase up to 60 miles per gallon over the next several decades. Chairman Smith thanked the presenters for sharing the details about these legislative proposals.

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

On behalf of the Director, Brenda Harris, Assistant to the State Design Engineer, presented to the Commission administrative rules 7 CSR 10-4.020 Uniform Relocation Assistance Program. This rule is proposed for amendment to incorporate the September 25, 2018, version of the Engineering Policy Guide's *Relocation Assistance Program Manual* which was amended to comply with changes in the federal regulations, including, but not limited to, the following:

- Length of occupancy reduced from 180 days to 90 days and is defined as the length of time a homeowner must live in the primary residence to be eligible for relocation benefits.
- Business Reestablishment payment is increased to \$25,000 and is defined as the maximum payment a business can receive to cover expenses incurred to alter a new business location to make it conducive to its services;
- Fixed Moving Cost Payments in lieu of actual moving and reestablishment is increased to \$40,000 and is defined as the maximum payment a relocatee can receive to move personal items to a new residence and reimbursement for costs incurred for necessary alterations to the new home;
- Replacement Housing for Homeowner is increased to \$31,000 and is defined as the maximum amount paid to a relocatee for a new, comparable residence in addition to the cost received for the acquisition of the primary residence;
- Replacement Housing for Tenants is increased to \$7,200 and is defined as the maximum cost tenants can receive to rent a new residence in addition to moving expenses; and
- Definition updates and the elimination of redundant information.

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

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of Sections 226.150 and 523.230, RSMo, that grant the Commission's rule authority; authorized the Secretary to the Commission to file the notice of proposed amended rulemakings with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the

Missouri Register, and authorized the Director or Chief Engineer to execute documents to initiate the rulemaking process.

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COMMISSION POLICY REVIEW – FINANCIAL CATEGORY

This item was pulled from the Consent Agenda and tabled for a future meeting. No action was taken on this item.

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CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

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

Mr. Schroeter recommended (1) award of contracts to the lowest responsive bidders for bids received at the November 16, 2018, letting, as recommended and noted in Table I below, (2) Rejection of Calls A10 and D02 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction.

**Table I
Award of Contracts
November 16, 2018, Bid Opening**

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	129	Chariton	J1S3170B	\$2,814,770.38	\$0.00	Capital Paving & Construction, LLC	Resurface
	5		J1P3024				Resurface and Shoulder Widening
A02	59	Buchanan	J1P3188	\$2,650,694.41	\$0.00	Herzog Contracting Corp.	Coldmill and Resurface
A03	Various	Various	J1P3291	\$2,787,136.68	\$0.00	Vance Brothers, Inc.	Scrub seal with 2 Add Alternates
A04	Various	Various	J1P3292	\$2,666,479.61	\$0.00	Vance Brothers, Inc.	Scrub Seal with 2 Add Alternates

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A05	129	Chariton	J1S3170	\$640,095.25	\$0.00	Vance Brothers, Inc.	Scrub Seal
	M	Linn	J1S3167				
A08	E	Mercer, Sullivan	J1S3191	\$774,691.26	\$0.00	Vance Brothers, Inc.	Seal Coat
B01	6	Adair, Sullivan	J2P3132	\$2,595,497.37	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Resurface and Add Shoulders
B02	79	Pike	J2P3134	\$2,892,264.70	\$0.00	Magruder Paving, LLC	Resurface and Add Shoulders
B03	81	Clark, Lewis	J2S3250	\$1,727,109.04	\$0.00	W. L. Miller Company	Resurface
C01	23	Johnson	J3S3087	\$1,226,046.59	\$0.00	Capital Paving & Construction, LLC	Resurface
C02	I-29	Clay	J4I3120	\$2,538,234.22	\$0.00	Ideker, Inc.	Coldmill and Resurface
C03	D	Platte	J4S3277	\$5,911,174.15	\$0.00	Ideker, Inc.	Coldmill and Resurface
	I-435		J4I3122				
C04	Various	Various	J4P3118	\$199,998.00	\$0.00	TNR Construction, LLC	Job Order Contract for Fence Repair
C05	Various	Various	J4P3245	\$141,000.00	\$0.00	Vance Brothers, Inc.	Job Order Contract for Microsurface
C06	Various	Clay, Platte	J4Q3234	\$2,861,033.30	\$82,300.00	Capital Electric Line Builders, Inc.	ITS Improvements
D01	63	Maries, Phelps	J5P3114	\$5,433,795.55	\$0.00	Capital Paving & Construction, LLC	Coldmill and Resurface
		Osage, Maries	J5P3233				
D10	63, 133	Osage	J5P3186		\$41.52		Intersection Improvements
D03	63	Boone	J5P3235	\$4,432,377.24	\$0.00	Capital Paving & Construction, LLC	Coldmill and Resurface
	763		J5S3159B				
D04	O	Callaway	J5S3231	\$3,599,321.41	\$0.00	Capital Paving & Construction, LLC	Resurface and Add Shoulders
D05	Various	Boone, Callaway	J5S3257	\$4,448,174.26	\$0.00	Christensen Construction Co.	Chip Seal and Add Shoulders
D06	Various	Camden, Miller	J5S3271	\$1,619,312.56	\$0.00	Magruder Paving, LLC	Coldmill, Resurface, Microsurface and Shoulder Widening

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
D07	17	Miller, Pulaski	J5P3197	\$2,325,494.38	\$0.00	Vance Brothers, Inc.	Microsurface
D09	124	Boone	J5S3053	\$1,089,712.85	\$255.75	Phillips Hardy, Inc.	Bridge Replacement
D11	M	Callaway	J5S3177	\$396,789.39	\$0.00	Lehman Construction, LLC	Bridge Deck Replacement
D12	E	Moniteau	J5S3168	\$478,170.20	\$0.00	Lehman Construction, LLC	Bridge Deck Replacement
F01	I-70	St Louis	J6I3251	\$870,643.00	\$0.00	Elite Industrial Painting, Inc.	Bridge Painting
F02	Various	Various	J6P3310	\$2,075,000.00	\$0.00	Concrete Strategies, LLC	Job Order Contract for Bridge Repair
F03	61	Jefferson	J6P3371	\$1,493,250.00	\$0.00	Above And Below Contracting, LLC	Job Order Contract for Concrete Pavement Repairs
F04	C	Franklin	J6S3247	\$3,197,114.99	\$0.00	N.B. West Contracting Company	Resurface
F05	DD	St Charles	J6S3330	\$1,799,000.00	\$0.00	N.B. West Contracting Company	Resurface and Guardrail
G01	I-44	Jasper, Newton	J7I3084	\$8,824,375.00	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G02	249	Jasper	J7P3355	\$602,887.50	\$0.00	Leavenworth Excavating & Equipment Company, Inc.	Job Order Contract for Slide Repair
G03	160	Christian	J8P3051D	\$5,811,836.89	\$0.00	APAC-Central, Inc.	Resurface
	160, 13	Christian, Stone	J7S3133				
G04	Various	Various	J7S3377	\$2,548,034.91	\$0.00	Hutchens Construction Co.	Seal Coat
G05	I-49	McDonald	J7P3376	\$156,984.10	\$0.00	Lehman Construction, LLC	Demolition of Structures
H01	61	Scott	J9S3438	\$1,812,545.04	\$0.00	Chester Bross Construction Company/C.B. Equipment, Inc.	Resurface
	E		J9S3406				
	H		J9S3240				

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
H02	D	Dunklin, New Madrid	J9S3250	\$2,062,903.35	\$0.00	Apex Paving Co.	Resurface
	U	New Madrid	J9S3255				
H03	N	Ste. Genevieve	J9S3432	\$3,074,000.00	\$0.00	Pace Construction Company	Pavement Improvements
	T	Perry	J9S3260				Resurface and Add Shoulder Rumblestrips
H04	49	Wayne	J9S3294	\$1,274,000.00	\$0.00	Pace Construction Company	Resurface
H05	AC	Dunklin	J9S3318	\$1,374,000.00	\$0.00	Pace Construction Company	Resurface
	F		J9S3319				
	N		J9S3336				
	WW		J9S3338				
			TOTAL:	\$93,225,947.58	\$82,597.27		

**Table II
Rejection of Bids
November 16, 2018, Bid Opening**

Call No.	Route	County	Job No.	Description
A10	65, M	Livingston, Linn	J2P2217	Resurface
D02	Various	Iron, Crawford	J5P3214	Microsurface and ADA Improvements

Commission Consideration and Action

After consideration, and upon motion by Commissioner Briscoe, seconded by Commissioner Pace, the Commission took the following action with abstentions noted below:

1. Awarded contracts to the lowest responsive bidders for bids received at the November 16, 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 for Call A10 and D02 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction.

3. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Smith abstained from voting on calls D06 and G01. Commissioner Ecker abstained from voting on call A04.

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REQUEST FOR APPROVAL OF LOCATION AND/OR DESIGN ON HIGHWAYS

Route 37, Jefferson Street to Gallagher Road, Barton County Job No. J7P3244 Public Hearing Held October 18, 2018

The proposed improvement provides for sidewalk improvements by replacing and improving existing sidewalks that are substandard or in disrepair. The sidewalks will be 6-foot wide in areas of curb and gutter and 5-foot wide when not immediately adjacent to the roadway. The project will have normal access right of way. Traffic will be maintained along Route 37 during construction. The project is 0.3 miles in length.

On behalf of the Director, Travis Koestner, Southwest District Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission via approval of the consent agenda unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

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APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Eric Schroeter, State Design Engineer, recommended the Commission approve the following detailed project plans, approved by the Chief Engineer, for filing as necessary for the condemnation of right of way.

County	Route	Job Number
Franklin	47	J6S3207

In accordance with Section 227.050 RSMo, the Commission via approval of the consent agenda, approved the detailed project plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 141 IN ST. LOUIS COUNTY, EXCESS PARCEL NUMBER E6-0863

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, Tom Blair, St. Louis District Engineer, recommended conveyance of 1.81 acres of land located at the northeast quadrant of Route 141 and Big Bend Boulevard in St. Louis County, to WB Properties, LLC for a consideration of \$575,000.

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.

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

Ed Hassinger, 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 December 5, 2018, no rules were presented to the Commission for impetus approval, nor for Governor’s Office review and approval, nor for Commission approval, nor filed with the Secretary of State and Joint Committee on Administrative Rules, nor for a public comment period, nor for filing final orders of rulemaking, no final orders were filed with the Secretary of State, nor published in the Missouri Register. One set of rules was published in the Code of State Regulations: Procurement of Supplies. One set of rules became effective: Financial Assistance (State Transportation Assistance Revolving Fund).

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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, 2018.

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

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year to date October 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 October 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 342 active contracts held by individual engineering consultant firms prior to October 1, 2018. Four engineering consultant services contracts were executed in October 2018, for a total of \$1,096,870. There was one non-engineering consultant contract executed in October 2018, for a total cost of \$42,351.

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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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