

Title 7--DEPARTMENT OF TRANSPORTATION
Division 10--Missouri Highways and Transportation Commission
Chapter 8--Disadvantaged Business Enterprise Program

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PROPOSED RULE

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

7 CSR 10-8.011 Definitions

PURPOSE: This rule is being rescinded and readopted to harmonize state rules and federal regulations by incorporating the federal regulations on the DBE Program and provides guidance on the federal regulation and further clarifies state rules.

(1) The Missouri Highways and Transportation Commission (commission) adopts the definitions contained in 49 Code of Federal Regulations Section 26.5 except as such words and phrases are given meaning and definition below. The following words and phrases have the meaning and definition stated below, exclusively for the purpose of administering and regulating the Disadvantaged Business Enterprise (DBE) Program established by the commission in this chapter:

(A) "Commission" means the Missouri Highways and Transportation Commission, a state commission within the executive branch of state government created by statute and vested with authority or the administration of the state highway system by Article IV, Section 29, Missouri Constitution and Section 226.020 of the Revised Statutes of the State of Missouri (RSMo);

(B) "Contractor" means a person or company which receives a contract directly from the commission or another United States Department of Transportation (USDOT) recipient in a USDOT-assisted highway, transit or airport program;

(C) "CSR" means the Code of State Regulations for the state of Missouri, published by the secretary of state of Missouri;

(D) "CUF" means commercially useful function;

(E) "DBE" means a disadvantaged business enterprise;

(F) "Department" means the Missouri Department of Transportation or "MoDOT," a constitutional state department answerable and subordinate to the commission within the executive branch of Missouri government, unless the context and usage of the term clearly indicates that it is referring to the USDOT;

(G) "FTA" means the Federal Transit Administration;

(H) "FHWA" means the Federal Highway Administration;

(I) "Firm" means DBE. Furthermore, the firm and any fictitious name used by the firm must, to the extent required by Missouri law, be properly registered to do business in Missouri with the Missouri Secretary of State and the Missouri Department of Revenue before that firm may perform work or sell materials or supplies in Missouri as a contractor, subcontractor, regular dealer, or as a DBE firm recognized by MoDOT;

(J) "USDOT" refers to the U.S. Department of Transportation, including the Secretary of transportation, the Office of the Secretary, the Federal Highway Administration, the Federal Transit Administration and the Federal Aviation Administration, or any one of these administrative units of the United States Department of Transportation.

AUTHORITY: Sections 226.900-.910 and Section 226.150, RSMo 2000*; Section 226.020, RSMo

JOINT COMMITTEE ON

JAN 12 2018

ADMINISTRATIVE RULES

1939; Title 49 Code of Federal Regulations part 26; Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 105-178, 112 Stat. 107, 113; Moving Ahead for Progress in the 21st Century Act, Public Law 112-141; and MoDOT's approved DBE Program submittals to the U.S. Department of Transportation. Emergency rule filed May 10, 2000, effective May 20, 2000, expired Nov. 6, 2000. Original rule filed May 10, 2000, effective Nov. 30, 2000. Rescinded and Readopted: Filed January 12, 2018.

*Original authority: 226.150, RSMo 1939, amended 1977.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.