

IN January 2017, in accordance with Executive Order 17-03, MoDOT launched a comprehensive review of more than 200 rules it administers in an attempt to reduce any unnecessary restrictions within these rules by one-third. Restrictions were defined to include rule provisions that contained the words must, shall, may not, required and prohibited.

A preliminary count revealed approximately 2,630 restrictions, which meant 870 restrictions needed to be eliminated to meet MoDOT’s goal. MoDOT exceeded their goal and eliminated approximately 1,545 restrictions.

On April 6, 2017, MoDOT opened 60 days of public comment on the internet and by telephone and mail. Our charge was to identify regulations that are ineffective, unnecessary or unduly burdensome. Comments from stakeholders and the public were essential to this effort.

Commission Rule Review Conclusions

Under the Executive Order 17-03 rule review process conducted thus far, the Commission has reviewed the original 214 Commission administrative rules and reached the following conclusions:

- 118 rules amended;
- 39 rules rescinded;
- 8 rules rescinded and then readopted; and
- 49 rules received no changes.

The Commission is in the process of promulgating one new rule relating to the Disadvantaged Business Enterprise Program, Title 7, Code of State Regulations (**CSR**), 10-8.005, Scope of Rules.

Social Media performance; Flood Impact

The Department’s administrative rule review was posted on April 6, April 21 and May 25 in 2017. The post on April 21 was only posted to Facebook. The April 21 post was originally scheduled to go out on that Friday through Hootsuite but for reasons unknown, didn’t post. Subsequent posts were cancelled due to flooding and the need to communicate during and following the extensive 2017 flooding to maximize reach.

Performance for the social media posts follows:

Social Media	Reach	Engagement	Clicks to Site
Facebook	28,238	81	281
Twitter	9,304	225	39

Motor Carrier Services Division streamlines its rules to provide interstate continuity, small business benefits

Nearly one-third of Motor Carrier Services' (MCS) 44 rules were completely rescinded while another one-third remained unchanged. The remaining rules were streamlined and updated to clarify the language and guidance within.

Rules reviewed by MCS	44
Rules wholly rescinded	15
Rules changed and moved from Chapter 4 to Chapter 7	3
Rules changed	10
Rules not changed	16
Restrictive words added	10
Restrictive words removed	218

Skill Performance Evaluation Certificates - For example, one Department rule outlines the issuance of skill performance evaluation (SPE) certificates to commercial motor vehicle drivers who are unable to obtain medical clearance to operate in interstate commerce because they lack physical qualification.

Through this rule, Missouri offers those who live with vision impairment, insulin-dependent diabetes, and/or limb impairment or amputation the opportunity to prove the ability to safely operate a commercial motor vehicle in intrastate travel. A potential driver must apply, submit to medical examination and a field test of skill, then await the results of a 60-day public comment period. During its administrative rule analysis, MCS discovered that no person has ever commented on an SPE application published in the Missouri Register.

The rule was amended to eliminate the waiting period, which allows those who wish to continue or begin an intrastate driving career to have little delay in doing so. Small businesses that often have difficulty recruiting drivers also benefit from this change.

Oversize/Overweight Permits - MCS also updated the Oversize/Overweight (OSOW) rule based on requests and suggestions received since the last time the rule was amended about 10 years ago. The result is a cleaner, updated rule that more closely harmonizes with the rules of other states in the region. Shippers and motor carriers benefit greatly when multiple states' rules are similar.

Changes made to the OSOW rule resulted in the removal of more restrictive language than any other rule that was amended by MCS. In fact, the text of the updated rule is several pages less.

Other Impacts - Highlights of impactful changes, which had full industry support, include:

- Removing of proof of insurance/surety bond/insurance waiver. MCS does not verify insurance.

- Removing of the Lake Ozark Route 54 weekend travel restriction. Highway realignment made this restriction obsolete.
- Removing of differential speed requirement.
- Adding truck-trailer combination length to the over length permit list.
- Updating 6-axle configurations.
- Removing OSOW axle group schematic drawing language from the rule as it is unnecessary.
- Clarifying the emergency permit section that verbal approval is necessary for immediate emergency issuance, to be followed up with an official permit.
- Removing the multi-state permit section (non-existent for the foreseeable future).
- Clarifying that milk is a non-reducible load consistent with the 2015 federal Fixing America's Surface Transportation (**FAST**) Act.
- Changing the requirement to a single civilian escort for super-heavy loads on two-lane highways (with exceptions).

Motor Fuel Tax Returns - MCS also updated a rule establishing procedures a licensee of the International Fuel Tax Agreement program must follow regarding fuel tax returns. Instead of requiring all interstate motor carriers based in Missouri to file quarterly fuel tax returns, the rule now states that licensees who travel fewer than 5,000 miles interstate annually can file all quarterly reports at one time.

This change benefits businesses for which transportation is not a main focus and is particularly helpful for farmers and producers who own and operate their own trucks but use them sparingly on an interstate basis.

Construction and Materials Division incorporates required federal safety mandates for contractors

MoDOT administers an estimated 400 road and bridge projects annually, ranging in costs from \$100,000 to some nearing \$100 million. Construction of these projects involves working around heavy traffic, large equipment, hot materials, heights and over water that are risks to both drivers and workers. The safety of workers and travelers can be impacted by how a contractor performs its construction operations and MoDOT contractors are under the jurisdiction of the Occupational Safety and Health Administration (**OSHA**) when working on our projects. In order to improve project safety, the state rule, 7 CSR 10-18 "Contractor Disqualification for Misconduct" was changed to incorporate OSHA findings as one of the potential reasons that a contractor could be disqualified by the Department from bidding on future state highway system contracts.

Highway Safety and Traffic Division more clearly outlines requirements for Missouri's Ignition Interlock program to improve safe driving

Highway Safety has proposed rule changes to the Commission's Breath Alcohol Ignition Interlock Device Certification and Operational Requirements (Ignition Interlock) program to more clearly outline the requirements, update statutory references, delete unnecessary terms, and improve the safety and welfare of the public traveling on Missouri roadways.

Highlights include:

- Phasing in new technology that will allow state officials and court-supervising authorities quicker access to data collected on ignition interlock devices to expedite action on driving while intoxicated (**DWI**) offenders who may have violated their ignition interlock restrictions;
- Updating language to meet best practice recommendations by the National Highway Traffic Safety Administration, Association of Ignition Interlock Program Administrators and the American Association of Motor Vehicle Administrators;
- Clarifying insurance requirements between device manufacturers and authorized service providers;
- Clarifying the authority to suspend, remove, or revoke an ignition interlock device from the list of those approved for use in the state;
- Requiring laboratories and facilities manufacturing, testing or assembling ignition interlock devices to meet international standards established by the International Organization of Standardization; and
- Establishing new standards for device calibration, photo identification, real-time reporting, data storage, and records retention.

Multimodal Operations Division eliminates outdated rules

Of the 40 Railroads, Rail Fixed Guideway Systems and Transit rules reviewed, 11 were rescinded.

Notable highlights include:

- Rescinding a redundant rule regarding employee railroad employee facilities that covers many of the same items covered with OSHA federal rules.
- Removing the requirement for railroads to notify MoDOT before using reflective signs instead of oil lamps. Oil lamps have not been used for decades.

- Rescinding a rule on “railroad motor cars”. These vehicles have almost entirely been replaced by hi-rail vehicles (standard trucks with rail wheels on them).

Scenic Byways rules simplified

In addition to removing restrictive language from the state’s Scenic Byways regulations, amendments to rules concerning the application procedure and nomination review process received support from the public comment phase of the review.

Missouri Farm Bureau President Blake Hurst voiced agreement on the department’s proposal to require the inclusion of an action plan in corridor management for a scenic byway. He also wrote in support of MoDOT requiring support from all governing bodies to continue the scenic byway status of nominated roadways.

Amendments include:

- Simplifying the application procedure and directing interested parties to MoDOT’s website to obtain information on the application submission process.
- Removing the unnecessary requirement in the nomination review process not found in state statute and eliminating the requirement of a biennial review.

Design-Build rules updated

The biggest benefit to updating the Commission Design-Build rules was the ability to amend the regulations to better align with the Federal design-build guidelines. These Design-Build rules were not updated when the 2015 federal FAST Act was signed into law, so this was a good opportunity to revisit these rules.

Three major changes were made to the Design-Build rules:

- Amending the definition of design-build contract to include alternative project delivery methods, such as: design-build-operate-maintain; design-build-operate; design-build maintain; design-build-finance; design-build-finance-operate-maintain; engineer-procure-construct; and other contracts that include services in addition to design and construction;
- Eliminating the dollar thresholds for projects that are deemed “qualified” for delivering design-build; and
- Maintaining the authority to award a design-build contract prior to the completion of the National Environmental Policy Act (NEPA).

These changes give the Commission more flexibility to deliver the right state highway system construction projects with alternative contracting and allow for our private industry partners to get under contract and provide information to the state to complete the NEPA process.