



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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April 5, 2023

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**MINUTES OF THE REGULARLY SCHEDULED
HIGHWAYS AND TRANSPORTATION COMMISSION MEETING
HELD IN JEFFERSON CITY, MISSOURI,
WEDNESDAY, APRIL 5, 2023**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, April 5, 2023, at the Missouri Department of Transportation, 105 W. Capitol Avenue, Jefferson City, Missouri and was available via live stream. Terry L. Ecker, Chair, called the meeting to order at 9:00 a.m. The following Commissioners were present: W. Dustin Boatwright, P.E., Gregg C. Smith, Robert G. Brinkmann, P.E., and Warren K. Erdman.

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, April 5, 2023.

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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.*

-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

ANNOUNCEMENT OF COMMISSIONER BRIAN TREECE’S RESIGNATION

Chairman Ecker opened the meeting by noting the change in Commission membership. Commissioner Treece submitted his resignation to Governor Parson. Chairman Ecker noted the Commission will miss his contributions to transportation in Missouri and wish him the best.

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COMMISSION REORGANIZATION

Currently, the Commission has two committees: the Audit Committee; and the Legislative Committee. There are also two boards with Commission membership: the MoDOT and Patrol Employees Retirement System Board of Directors (MPERS); and the Missouri Transportation Finance Corporation Board of Directors (MTFC). Periodically, the Commission will need to reorganize the members who serve on committees and boards.

The **Audit Committee** was created by the Commission at its September 4, 1998 meeting and was charged with interacting with internal and external auditors, performing financially related assignments as deemed necessary, and to provide periodic reports to the Commission. The Audit Committee Charter states the committee is composed of not less than two commissioners. Typically, there have been three Commissioners that serve on the committee and are appointed by the Chair of the Commission. Since Commissioner Briscoe’s term ended, his position on the Audit Committee has remained vacant. Commissioners Brinkmann and Ecker continue to serve on this committee. Chairman Ecker appointed Commissioner W. Dustin Boatwright, P.E. to serve on the Audit Committee.

The **Missouri Transportation Finance Corporation** was created by the Commission at its August 9, 1996 meeting. This Board provides direct loans for transportation projects in Missouri. The State Infrastructure Bank (SIB) is a revolving loan fund that can offer loans and credit assistance to public and private entities and funds the loans. The Board has eight members total that are grouped into three groups. One of the groups includes seats for three Commissioners. With Commissioner Waters' resignation as a member of the Commission, there remains a vacancy on this board and the Commission elects the members of the Commission who serve on this board. Commissioner Ecker nominated Commissioner Erdman to serve on the MTFC Board. The nomination was seconded by Commissioner Smith, the Commission unanimously elected Warren K. Erdman to serve on the MTFC Board.

The **MoDOT and Patrol Employee's Retirement System** (MPERS) was founded in 1955. MPERS is the retirement system for both MoDOT and the Missouri State Highway Patrol. The MoDOT and Patrol Employees' Retirement System (MPERS) operates under the direction and control of an eleven-member Board of Trustees. Three members of the Missouri Highways and Transportation Commission serve as trustees on the Board. These trustees are elected by the members of the Commission. Commissioner Ecker stepped down from his position creating a Commission member vacancy on the MPERS Board of Trustees. Commissioners Smith and Boatwright continue to serve on the Board of Trustees. Chairman Ecker nominated Commissioner Erdman as a new member of the MPERS Board of Trustees. Commissioner Smith seconded the nomination, the Commission unanimously elected Warren K. Erdman to serve on the MPERS Board of Trustees.

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APPROVAL OF MINUTES

Upon motion by Commissioner Brinkmann, seconded by Commissioner Smith, the Commission unanimously approved the minutes of the regular meeting held on March 8, 2023, and the special meeting

on March 7, 2023. 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 April 5, 2023, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Smith, seconded by Commissioner Brinkmann, 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 Chairman also serves on the Missouri Coalition for Roadway Safety Executive Committee. The following committee and board reports were made during the April 5, 2023, meeting.

Audit Committee – Commissioner Brinkmann stated there was no report and the next Audit Committee meeting will be held in May 2023.

Legislative Committee – Commissioner Boatwright reported on a few problematic transportation-related measures, these proposals include:

- A measure that lessens the importance of the local planning process by allowing the legislature to direct where and how transportation funds are spent on transportation projects.
- A measure that would require MoDOT to publish its cost estimate and project completion date for any work on the state highway system at the close of a contract's bidding.
- A measure that would allow for MoDOT's fiberoptics to be used as a network to serve unserved and underserved areas of Missouri which is a violation of the MHTC's Constitutional authority.
- An omnibus proposal that makes numerous changes to the use and collection of the 12.5-cent per gallon fuel tax increase passed in 2021 as outlined in SB 262.

These proposed changes to statute and the State's Constitution could mean less available funding for future road and bridge projects. These changes to public policy could also mean reduced flexibility for the Commission and MoDOT to spend resources based upon our planning partners' needs. MoDOT continues to raise great concerns with key members of the legislature, planning partners, and the construction industry that these initiatives could impact the amount of funds collected from the state's fuel tax, which have already been committed in the current 5-Year Statewide Transportation Improvement Program. Several of these legislative measures have been filed this year in response to the Commission's filing of a declaratory judgement in Cole County Circuit Court with the Office of Administration to clarify the Commission's authority to appropriate state road funds. While it is fortunate at this time most of these bills have not yet passed in their respective chambers, the Commission take these proposals very seriously and will continue to engage in conversations with the bill sponsors and House and Senate leadership to explain impacts these proposed changes will have on the distribution of transportation funds.

Commissioner Boatwright was pleased to report that Senator Jason Bean and Senator Greg Razer, were able to debate and pass out of the Senate a version of distracted driving legislation. Senate Bills 56 & 61 promote safety by disallowing drivers of all ages from using an electronic wireless communication device while driving a motor vehicle. As safety advocates, the Commission and the department, are excited to see that a version of this legislation has been debated on the Senate floor this session and will continue to work with "Hands Free-Missouri" to advance this legislation across the finish line this year.

Finally, during the Director’s Report, we will receive more information regarding the budget and on the Governor’s proposal of using \$859 million in general revenues to make systematic improvements along I-70 across the state of Missouri.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report and the next MTFC Committee meeting is scheduled for May 2023.

MoDOT and Patrol Employees’ Retirement System (MPERS) – Commissioner Boatwright reported the next Board meeting is tentatively scheduled for April 28, 2023, if needed.

Missouri Coalition for Roadway Safety Executive Committee – Commissioner Brinkmann shared as of, April 2, 2023, there have been 166 traffic fatalities in Missouri this year. While this is a 22 percent reduction compared to the same time period last year, this still amounts to about 2 lives lost every day on Missouri roadways. As Missouri enters the spring season and more traffic on roadways, including more motorcycles, we must all remain committed to the 4 actions of Show-Me Zero: Buckle Up, Phone Down, Slow Down, Drive Sober. April is Distracted Driving Awareness Month. In a timely move last week, the Missouri Senate gave approval to SB 56 & 61 which would prohibit the use of handheld electronic devices for all drivers. We are hopeful the House will follow suit as passage of the bill would be a significant step forward in changing the culture of highway safety in Missouri. Also last week, the state’s first ever Buckle Up Phone Down Business Showdown wrapped up with nearly 1,300 BUPD pledges from employees across 32 different businesses. On April 24, coalition partners will join AAA to raise awareness of distracted driving and to recognize winners of the BUPD showdowns for both high schools and employers.

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DIRECTOR’S REPORT

During the April 5, 2023, Commission meeting, Director Patrick McKenna provided the following report:

Legislative budget process update – The Director explained conversations are underway regarding the Governor’s proposed budget item for improvements to the I-70 corridor. While the House has modified that request it is anticipated the Senate will restore it. The unfunded needs list is creating robust discussion among policy makers, and the discussion is encouraging. Additionally, the department is pleased by the proposed infusion of general revenue for railroad crossing safety improvements. The department is developing an aggressive plan to address passive railroad crossings with those funds.

New Information Systems Director – The Director asked Brenda Morris, Chief Financial Officer, to introduce the newest member of the Senior Management Team. Ms. Morris announced Jason Volkart is the new Information Systems Director. Jason previously served as the Assistant Information Systems Director for the past 3 years. Jason has over 25 years of experience in the Information Technology (IT) field and prior to joining the department, he served as the Field Solutions Engineer for SHI International and in several IT roles for the Office of Administration. Jason holds a bachelor’s degree in Computer Information Systems from Columbia College, and several other IT professional certifications.

Spring Safety Trainings - The Director reported over the next 4 to 6 weeks, all MoDOT employees will be participating in Spring meetings. This is an annual event focused on safety training with groups of employees gathering in person to review key aspects of safety requirements. This year's training includes instruction on typical applications for working in the lanes of traffic, on the shoulders, and on the roadsides; the use of protective vehicles including truck mounted attenuators; lock out – tag out procedures; emergency preparedness; employee conduct and basic behavior on the job; and drug and alcohol abuse.

Last summer, MoDOT created the Safety Response Team (SRT) modeled after the successes of the Pandemic Response Team. The Safety Response Team enables quick decisions with Executive and Senior Leadership to protect the health of the team. The SRT was the logical next step to tackle multiple safety areas that needed additional attention as the department transitioned out of the pandemic. The six sections of the SRT are led by senior management team members, and the core team is comprised of subject matter experts from across the state including field professionals. This team is the equivalent to having 30 quick action teams going at the same time.

In less than a year, the department is already seeing the benefits of this team as several of the spring safety training topics have been developed by sections of the Safety Response Team. MoDOT is committed to continuous safety training and the focus on safety as our top core value.

In Remembrance - The Director shared that it has been a rough month for the MoDOT family. The department lost five active employees to personal illnesses. They were a part of our daily work lives and they were part of the MoDOT family. He took a moment to share information about each employee:

- Dale Hoellering passed away March 4, 2023 at the age of 64. Dale was a Senior Maintenance Worker at the Jefferson City Maintenance building. During his 21 years at MoDOT, he also worked at the Jamestown Maintenance Building.
- Roy Shoemaker passed away March 16, 2023, at the age of 51. Roy was a leader within MoDOT in the St. Louis District for well over 20 years serving as the district support services manager, general services manager and was most recently a supervisor in Planning & Local Programs as a Transportation Project Designer.
- Scott Lyons died March 21 at the age of 62. Scott was a Senior Maintenance Worker at the St. Roberts Maintenance building, where he worked his entire 22 years at MoDOT.
- Lynelle Skouby Luther died surrounded by family and friends on March 25, 2023, in Lee's Summit, Mo., after a short illness. She was 58. Lynelle started as an intern in MoDOT's St. Louis

District in 1986 and went on to hold various roles in the Southeast and Kansas City districts before becoming District Maintenance Engineer in Kansas City in 2016.

- Bryce Gamblin, Senior Administrative Counsel, passed away on Sunday, April 2, 2023. He was employed with the department for over 26 years. He started as a legal intern in the Chief Counsel's Office in May, 1995. He started working full time for the department as an Assistant Counsel in November, 1996. He worked out of the Regional Counsel's Office in St. Louis.

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MODOT PRESENTATIONS

UPDATE ON MODOT'S REALTIME NETWORK

On behalf of the Director, Kevin Vollet, Computer Aided Draft Support Engineer presented a report about MoDOT's Real Time Network (RTN). The RTN was first initiated in 2009 and was fully operational in 2010. MoDOT's RTN consist of 83 base stations. Initial goals of the network were to provide end users with Global Navigation Satellite System (GNSS) corrections, at no cost, utilizing the GPS (US), GLONASS (Russian), and Galileo (European Union) satellite constellations. Currently MoDOT's RTN supports over 1,900 registered users. MoDOT's Central Office Design Division is in the final phase of completing an upgrade for the system with the inclusion of the Galileo (European Union) satellite constellation.

Mr. Vollet described the difference in surveying before and after the establishment of the RTN. The RTN uses a combination of stations and satellites along with a cellular connection to compute a virtual reference station. The RTN has 83 stations total, 73 of which are owned by MoDOT. The remaining 10 are owned by MoDOT's partners that include 7 by the state of Iowa and one each by the City of Jonesboro, Arkansas, state of Tennessee, and one private entity. The base stations were built on MoDOT property and include a concrete pillar with an antenna, a receiver, and lightning suppression system.

The use of RTN has made surveying more efficient and accurate for the department. No daily base set up is required saving the survey crew time. The RTN also allows the use of a mobile or autonomous system, so the virtual base is always near you. Measurements can be survey quality with the right equipment, within a half an inch when on the network. The initial set up of the system was a \$2 million investment. Annual costs to maintain the system are about \$272,000.

Other users of the system include levee and drainage districts, surveyors, agriculture, utilities, mapping, GIS, and more. Mr. Vollet shared how the agricultural department at Mizzou has rovers that use the RTN on some of their cows to help track where the animals are grazing. It was used at Lake St. Louis to layout the course and track boaters for a water-skiing tournament. There are many different uses of the RTN for both private and public benefit.

Commissioner Boatwright thanked Mr. Vollet for his presentation and shared how much money the RTN saves the businesses and other public agencies when surveying, providing a tremendous value.

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MULTIMODAL OPERATIONS DIVISION UPDATE

On behalf of the Director, Jerica Holtsclaw, Multimodal Operations Director, presented a brief overview of the responsibilities and accomplishments of the Multimodal Operations Division. Multimodal includes non-highway modes of transportation such as aviation, transit, rail, freight and waterways. The division works with cities and counties and regional authorities to plan improvements for these four modes of transportation.

For this fiscal year the division focused on three areas: transparent knowledge, expending funds, and finding efficiencies. With turnover of employees being so high these focus areas are crucial to the stability of the division. Over the past couple of years Missouri received a significant increase in federal funds from the pandemic relief, particularly in aviation and transit. The department is also very excited about potentially getting \$25 million of state General Revenue funds to focus on rail crossing safety.

Ms. Holtsclaw began her review of the modes of transportation with aviation. Missouri has 120 public use airports around the state, 77 of those are eligible for federal and state funds, and 30 of those are only eligible for state funds. Missouri has nine large federally funded airports around the state which include Lambert in St. Louis, Kansas City International, and Springfield. These larger airports receive their federal funds directly from the Federal Aviation Administration (FAA), so the department does not manage their federal funding.

Missouri has a dedicated revenue stream for airports from the jet fuel tax proceeds that are deposited into the Aviation Trust Fund. These funds are primarily used for aviation projects and support the aviation section within the division. This section manages both state and federal funded projects with eight employees. Airports also use asset management for programming projects, they measure their assets from the center line of the runway and out. Asset management projects may include full pavement reconstruction, pavement maintenance, and lighting along the runway. The department's aviation staff serve in a project management role and oversee projects from planning, environmental, land acquisition, all the way through construction, while working very closely with the airport and its consultants. MoDOT staff also conduct safety inspections at all 120 public use airports once every three years.

Ms. Holtsclaw shared how the dollar amount and number of federal programs have drastically increased over the past decade. In 2012, MoDOT had three federal programs and about \$15 million for Missouri, whereas today, MoDOT has ten programs with over \$80 million dollars in federal funds to manage. Keeping up with this significant increase has been a challenge for the division with current staffing levels. She also reported the FAA is going through its reauthorization process and the department is hopeful the reauthorization will include some administrative funds to assist with administering the increase in programs and funding.

The last time the department conducted an economic impact study was in 2012. This study found that airports support over 100,000 jobs in the state and have a significant impact on the state's economy.

The department is preparing to update this economic impact study and will share the results with the commission when the report is completed.

The transit section provides financial and technical assistance to public transit and special mobility providers around the state. There is some form of transit in every county in Missouri. The unit works with 200 providers and manages state and federal funds for general public transportation, along with specific programs for senior citizens and persons with disabilities. Transit has also seen a significant rise in federal funds from the pandemic relief but has struggled with securing transit vehicles with those funds due to supply chain shortages. Transit in Missouri delivered over 46 million trips last year, which indicates Missourians rely heavily on public transportation for various needs.

The Freight and Waterways section provides technical and financial assistance to develop and operate Missouri's 17 ports. Missouri has over a thousand miles of navigable rivers, and there are two ferries that operate in Southeast Missouri. The freight and waterways section manages mainly state funds with a very small federally funded ferry boat program. On a typical year, ports receive \$800,000 for administrative costs that are distributed by a formula, and \$11 million of State General Revenue for capital improvements. Projects for capital improvements are selected through a collaborative process that involves the port directors who rank each project and develop a fiscally constrained project list. The freight enhancement program is also managed by this section, and it receives \$3.25 million per year for capital improvements for all non-highway modes.

This year, legislation was introduced to create a Waterways and Ports Trust Fund. The department supports this legislation because it will allow a longer period for design and construction of capital improvement projects over multiple construction seasons. Currently, the general revenue received for capital improvements must be used within that fiscal year significantly reducing the time for construction.

The rail section of the division is split into two sections: operations and projects. The operations section has six federally certified inspectors in charge of rail safety by providing state and federal

inspections. The team also manages Amtrak coordination for the state of Missouri for the state supported Missouri River runner from Kansas City to St Louis. The operations section also provides the federally required state safety oversight for the rail fixed guideway public transportation systems which includes Metrolink, KC streetcar, and the Del Mar Loop Trolley in St Louis.

The projects team manages the state and federal rail grade crossing safety improvements and coordinates with rail companies and MoDOT's road and bridge program. Each year MoDOT receives about \$1.5 million from the grade crossing safety account and those funds are generated by a 25 cent Motor Vehicle Tax and renewal fees. In addition, MoDOT receives \$6 million of federal funds for rail safety. This \$7.5 million total is to focus on rail safety for over 3,300 public crossings around the state. Currently there are 1,422 passive crossings which means they do not have lights or gates. To upgrade a single passive crossing to an active crossing costs approximately \$500,000. Missouri needs \$700 million to address all passive crossings. MoDOT was thrilled when Governor Parson announced in his State of the State address the \$25 million of potential State General Revenue funds to go toward focusing on this issue to supplement the federal funds for this program. Ms. Holtsclaw explained there are 47 passive crossings on a passenger rail line. The department secured a consultant to take an independent look and recommend how to improve safety at the 47 locations. The consultants are using a corridor approach to this safety implementation. The department wants the corridor approach to be a repeatable process so that there can be a focus on freight rail corridors moving into the future.

The multimodal transportation system is an economic engine for the state. Providing transportation options is an essential public service that helps improve the quality of life for many Missourians. The MoDOT Multimodal team helps promote safety, service, and stability by partnering with agencies statewide to deliver multimodal transportation options.

Commissioner Erdman thanked Ms. Holtsclaw for her presentation. He expressed his appreciation for the Governor’s funding for rail crossing safety and for the department’s advance work to prepare for this along with the corridor approach for these improvements.

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WORK ZONE AWARENESS WEEK PREVIEW

On behalf of the Director, Nicole Hood, State Highway Safety and Traffic Engineer, previewed plans for Work Zone Awareness Week. MoDOT’s 2023 Work Zone Awareness Week is April 17-21, which coincides with the National Work Zone Awareness Week. Missouri is going to have a record number of work zones this year due to the increased program, estimates are there will be over 20,000 work zones this year including construction and maintenance operations.

MoDOT’s goal is zero fatalities in work zones. Only through continued improvement from everyone will that happen. This year’s Work Zone Awareness theme is “Work with Us: You Play a Role in Work Zone Safety,” highlighting the important role workers and motorists each play in work zone safety. The department will continue to emphasize the Buckle Up Phone Down initiative, educating the public to put their phones down and wear their seat belts in work zones. The department is also working internally to reduce fatalities in work zones with innovation and new equipment for training and safety purposes. Missouri is hosting the National Work Zone Awareness Week kickoff event at the I-70/Missouri river bridge project near Rocheport.

The reality of work zone safety is grim. Over the last four years, 4,373 people have been injured in work zone crashes. Last year Missouri lost 15 people, and according to preliminary data, 95 people were seriously injured in work zone crashes. MoDOT’s TMAs—or protective vehicles—continue to get hit. Drivers crashed into these TMAs 36 times. These protective vehicles are designed to get your attention to slow down and move over. They are the only thing between workers making road improvements or repairs and the traveling public.

The reality for highway workers can be scary. They're relying on the drivers around them to make safe decisions. Their lives are often in the hands of others. The top five contributing circumstances for work zone crashes in Missouri in 2022 were: improper lane usage, following too close, distracted/inattentive driving, failing to yield, and driving too fast for conditions. Last year, distracted driving contributed to 411 work zone crashes in Missouri. The flashing lights and large message boards can only do so much good when a driver's face is buried in the lights of their cellphone. And we see time and time again how that plays out in our work zones. So, we're urging drivers to always stay alert and expect the unexpected behind the wheel. Speeding remains one of the top contributors to work zone crashes, last year speeding was the contributing factor in 13 percent of work zone crashes last year. Asking drivers to stay alert and slowing down is not only for the safety of our crews but to protect the drivers too. This includes buckling your seat belt, 71 percent of those killed in work zones last year were not wearing a seat belt. It's only a two-second commitment when you get into a vehicle, and it's your best defense in any crash.

Ms. Hood shared some of the strategies the department is using to make work zones safer including messaging, law enforcement, and new equipment and technology. In slow-moving maintenance operations, MoDOT will continue to emphasize the Move Over Law requiring motorists to move over one lane or slow down to give highway workers room to operate. Safety and visibility of MoDOT's slow moving operations, such as patching, striping, and sweeping will continue to be a focus.

MoDOT will work with law enforcement and its contractors to develop work zone plans for each project, paying special attention to managing the queue on high-speed rural interstates and divided highways. MoDOT will partner with the Missouri State Highway Patrol to slow traffic down in work zones and provide advance warning of work zones.

MoDOT continues to develop and test new work zone equipment, such as Automated Truck-mounted Attenuators (ATMA), Automated Flagger Assistance Devices (AFAD), real-time digital alerts, smart message boards and predictive analytics.

Commissioner Brinkmann noted the work zone safety messages to slow down, move over and pay attention are even more critical than ever. He appreciated the theme of “Work with Us”. MoDOT and our contractor partners are out on the roads every day working to make the roads and bridges better. Motorists need to do their part, so we all go home safe every day. He reminded everyone to Buckle Up Phone Down!

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ADMINISTRATIVE RULES / POLICIES

REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – RAIL FIXED GUIDEWAY SYSTEMS

On behalf of the Director, Eric Schroeter, Assistant Chief Engineer, presented to the Commission the final orders of rulemaking for 7 CSR 265-9, Rail Fixed Guideway Systems. The department reviewed and recommended changes to the rules to comply with the requirements of section 536.175 RSMo, which requires all rules to be reviewed on a rolling five-year cycle.

At the December 6, 2022 meeting, the Commission authorized the filing and publication of proposed amended rules for 7 CSR 265-9. Following Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of the Secretary of State, who published the proposed amended rules in the *Missouri Register* for public comment. The public had from January 17, 2023 to February 16, 2023 to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

After consideration, the Commission, via approval of the consent agenda, 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, Deputy Director/Chief Engineer, Chief Financial Officer, Assistant Chief Engineer, Chief Administrative Officer, or Chief Safety and Operations Engineer to execute documents to complete the final rulemaking process.

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REPORT AND RECOMMENDATION REGARDING FINAL ORDERS OF RULEMAKING – TRANSPORTATION

On behalf of the Director, Eric Schroeter, Assistant Chief Engineer, presented to the Commission the final orders of rulemaking for 7 CSR 10-7, Transportation. The department reviewed and recommended changes to the rules to comply with the requirements of section 536.175 RSMo, which requires all rules to be reviewed on a rolling five-year cycle.

At the December 6, 2022 meeting, the Commission authorized the filing and publication of proposed amended rules for 7 CSR 10-7. Following Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of the Secretary of State, who published the proposed amended rules in the *Missouri Register* for public comment. The public had from January 17, 2023 to February 16, 2023 to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

After consideration, the Commission, via approval of the consent agenda, 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, Deputy Director/Chief Engineer, Chief Financial Officer, Assistant Chief Engineer, Chief Administrative Officer, or Chief Safety and Operations Engineer to execute documents to complete the final rulemaking process.

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BUSINESS ISSUES

MEDICAL AND LIFE INSURANCE PLAN: APPOINTMENT OF BOARD CHAIRMAN

On behalf of the Director, Lester Woods, Chief Administrative Officer, recommended approval of the appointment of Mr. Brandon Denkler as a MoDOT active employee representative, and as board chairman, for a term of six years or until a successor is named. Mr. Denkler will replace Ashley Halford, who has served as the Board Chairman since March 2019. Ms. Halford was hired as the Human Resources Director in December 2022, and may no longer serve as Chair. The Commission established and approved guidelines for a self-insured Medical and Life Insurance Plan for employees of the Department and the State Highway Patrol on November 9, 1977. The guidelines established a board of trustees to manage the operations of the Plan. Potential board members, and the board chairman, are recommended by either the Department Director or the State Highway Patrol Superintendent and are subject to Commission approval.

Via approval of the consent agenda, the Commission unanimously approved the appointment of Mr. Brandon Denkler as a MoDOT active employee representative and as board chairman, for a term of six years or until a successor is named.

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**THE OLD TOWN SQUARE TRANSPORTATION DEVELOPMENT DISTRICT,
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Thomas Blair, St. Louis District Engineer, advised the Commission that in response to a petition filed by Bryan 364 Junction, LLS, The Villas on the Prairie, LLC, A.C.C. Properties, LLC, and Dardenne Luxury Apartments on the Prairie, LLC, on May 17, 2022, with the Circuit Court of St. Charles County established the Old Town Square Transportation Development District (TDD) as a new political subdivision on August 25, 2022. The proposed project includes signal improvements and roadway widening to Route N and Bryan Road including the construction of an entrance with associated deceleration lane and tapers; addition of the fourth leg of the intersection at Town Square Ave

and the private roadway; associated stormwater improvements; construction of two public roadways; construction of storm sewer improvements; and traffic signal improvements. The Commission does not own any real property and no state roadway is located within the proposed TDD boundaries.

In keeping with Sections 238.220.4 and 238.225.1, RSMo, the Commission via approval of the consent agenda, (1) appointed the St. Louis District Engineer, or his designee, as the Commission advisor to the Old Town Square TDD board of directors, and (2) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions on the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project. In keeping with the Commission’s Execution Documents Policy, and Financial – Project Funding and Financing Alternatives – Transportation Development Districts Policy, any member of the Executive Committee may execute the related agreements.

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STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

On behalf of the Director, Travis Koestner, 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. Koestner recommended: (1) Award of contracts to the lowest responsive bidders for bids received at the March 17, 2023, letting, as recommended, and noted in Table I below; and (2) Rejection of Call F06 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II below; and (3) Concur in award for the cost share project on

Route 76 for intersection improvements at Indian Point Road, Silver Dollar City received the bids at a letting on February 28, 2023, as noted in Table III below.

**Table I
Award of Contracts
March 17, 2023, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A02	36	Linn, Livingston	J1P3333	\$116,183.20	\$0.00	Vance Brothers, Inc.	Microsurfacing
A05	71	Andrew, Nodaway	J1P3283	\$15,942,976.24	\$0.00	Herzog Contracting Corp.	Coldmill and Resurface
	Bus. 71	Andrew	JNW0012				Resurface
A06	136	Atchison	JNWM0037	\$191,294.00	\$0.00	Phillips Hardy, Inc.	Bridge Repair
B01	M	Monroe	J2S3147	\$1,182,615.70	\$0.00	Bleigh Construction Company	Bridge Replacement
B02	J	Monroe	J2S3257	\$2,486,413.55	\$0.00	Emery Sapp & Sons, Inc.	Bridge Deck Replacement
	D		J2S3244				
	Z		J3S2164				
B03	54	Pike	JNE0001	\$1,023,629.55	\$0.00	Emery Sapp & Sons, Inc.	Turn Lane Additions
C01	92	Clay	J4P3323C	\$296,056.99	\$0.00	JK Concrete & Hauling, LLC	Culvert Replacement
C02	I-435, I-35	Clay, Jackson	J4P3468	\$0.00	\$0.00	No Bidders	7 Bridge Rehabilitations
C04	I-49 OR	Cass	J4S3449	\$699,000.00	\$0.00	Phillips Hardy, Inc.	Bridge Deck Replacement
C05	Various	Cass, Jackson	JKU0048	\$7,407,919.00	\$0.00	Custom Lighting Services, LLC dba Black & McDonald	Fixed Price Variable Scope Lighting Improvements
C06	WW	Johnson	J3S3173	\$1,066,863.03	\$0.00	Mera Excavating, LLC	Bridge Replacement
D01*	54, OO	Callaway	J5P3576	\$1,124,421.80	\$0.00	Sam Gaines Construction, Inc.	Grading and Pavement for New Roundabout
D02	I-44	Various	JCD0081	\$2,155,432.10	\$0.00	Gerstner Electric, Inc.	Dynamic Message Sign Replacement
	I-70		JCD0080				
F03	364	St Charles	JSL0056	\$531,895.00	\$0.00	Raising Solutions, LLC	Approach Slab Lifting
F07	I-44	Franklin, St Louis, St Louis City	JSL0114	\$1,409,996.10	\$0.00	STF, LLC dba Traffic Control Company	Pavement Marking

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F08	I-70	St Charles, St Louis, St Louis City	JSL0115	\$1,182,368.80	\$0.00	STF, LLC dba Traffic Control Company	Pavement Marking
G01	174, P	Greene	J8S3200	\$2,914,867.50	\$0.00	D & E Plumbing and Heating, Inc.	ADA Improvement
	Various	Lawrence	J7P3527				
G04**	13	Greene	J8P3087E	\$13,325,351.73	\$0.00	D & E Plumbing and Heating, Inc.	Grading and Pavement
			J8P3087F		\$135.12		Resurface
			J8S3165		\$0.00		ADA Improvement
			J8S3173		\$30,000.00		
H01	63	Howell	J9P3683	\$6,864,000.00	\$1,282.00	West Plains Bridge & Grading, LLC dba West Plains Bridge & Grading	Bridge Replacement
H03	162	Dunklin, New Madrid	J9S3326	\$8,566,286.74	\$0.00	Apex Paving Co.	Resurface and Bridge Rehabilitation
	84	Pemiscot	J9S3528				Resurface
	C	Pemiscot	JSE0084				
	J	Dunklin	J9S3403				
H06	Various	Various	J9S3752	\$160,000.00	\$0.00	Putz Construction, LLC	Job Order Contract for ADA Improvements
H07	Various	Various	J9S3761	\$1,791,274.00	\$0.00	J M Scheidle, LLC	Guardrail and Bridge Railing Replacement
H08	I-55, I-57, I-155	Various	JSE0142	\$1,859,695.43	\$0.00	James H. Drew Corporation	Sign Installations
H09	I-55	Scott	JSE0166	\$1,363,612.92	\$0.00	Missouri Petroleum Products Company, LLC	Microsurfacing
TOTAL:				\$73,662,153.38	\$31,417.12		

^Focus on Bridges

*Call D01 - Funding by City of Holts Summit - \$10,659.90

**Call G04 - Funding by City of Springfield - \$1,127,670.35 (J8P3087E)
Funding by City of Springfield - \$1,365,537.90 (J8P3087F)
Funding by City of Springfield - \$753,376.45 (J8S3173)

**Table II
Rejection of Bid
March 17, 2023, Bid Opening**

Call No.	Route	County	Job No.	Description
F06*	367	St. Louis City	J6S3279	Coldmill, Resurface, & ADA

*Call F06 - Funding by City of St. Louis - \$487,451.40

**Table III
Concur in Award
February 28, 2023, Bid Opening**

Route	County	Bid Amount	Contractor	Description
76	Stone	\$2,010,460.34	Emery Sapp & Sons, Inc.	Intersection Improvements at Indian Point Road

MoDOT Cost Share Maximum Contribution \$1,202,033.00

Commission Consideration and Action

After consideration, and upon motion by Commissioner Boatwright, seconded by Commissioner Smith, the Commission took the following action with abstentions listed below.

1. Awarded contracts to the lowest responsive bidders for bids received at the March 17, 2023, bid opening, as recommended, and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected Call F06 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II above.
3. Concurred in award for bids received by Silver Dollar City’s February 28, 2023 bid letting, as noted in Table III above.
4. Authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Boatwright abstained from calls H03, and H08. Commissioner Erdman abstained from Call C02

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SUPPLEMENTAL AGREEMENT WITH ST. CHARLES COUNTY FOR THE ROUTE I-64 / I-70 / US 61 INTERCHANGE STUDY

On behalf of the Director, Thomas Blair, St. Louis District Engineer, requested approval of a supplemental agreement. At the Commission’s January 6, 2021 Commission meeting the original cost apportionment agreement was presented and approved. The Route I-64/I-70/US61 interchange in St.

Charles County is a project of local and regional significance that carries over 147,000 vehicles per day in all directions. The existing interchange is insufficient for local and regional demands. The St. Louis District and St. Charles County initiated a conceptual design study to determine future improvements to the interchange that will improve safety and congestion. The Commission and St. Charles County entered into an agreement that included St. Charles County receiving a credit for the cost of the study on a future Commission cost share project that would have been the outcome of either the previous study for the railroad bridge over I-70 in Wentzville (J6I0624) or this study (J6I3527). The St. Louis District and St. Charles County desire to revise the original agreement to include a provision to payback St. Charles County \$985,210.02 for the cost of the study.

It is recommended that the Commission approve the supplemental agreement, which includes a provision to pay back \$985,210.02 to the County in State Fiscal Year 2023 for the Route I-64 / I-70 / US 61 interchange study, and authorize the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the agreement, subject to approval as to form by the Chief Counsel’s Office.

Via approval of the consent agenda, the Commission unanimously approved the supplemental agreement with St. Charles County for the Route I-64/I-70/US61 interchange study described above, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the agreement, subject to approval as to form by the Chief Counsel’s Office.

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APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Travis Koestner, 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
St. Louis	D	J6S3215
Jefferson	61/67	J6S3289

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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-- **REPORTS** --

REPORTS

The Commission received the following written reports.

MEDICAL AND LIFE INSURANCE PLAN: MISSOURI DEPARTMENT OF TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND LIFE INSURANCE PLAN REPORT

On behalf of the Director, Brandon Denkler, Assistant to the Chief Administrative Officer, and Medical and Life Insurance Plan Board Chairman, provided financial and claims data reports for the period July 2022 through December 2022, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan.

Mr. Denkler reviewed the number of claims processed monthly. There was a decrease of 17.6 percent in the total number of claims processed when compared to the calendar year 2021. There was an increase of 38.6 percent in medical claims, and a decrease of 3.6 percent in pharmacy claims processed.

A review of the claim costs indicates an increase of 7.7 percent in total claims expense when compared to calendar year 2021. Medical claim costs increased 5.4 percent while pharmacy claims increased 14.2 percent when compared to the same time frame in 2021. The specialty drug cost has increased to 57.56 percent over the past calendar year, while the volume continues to account for just under 1 percent of all pharmacy claims.

The total operating revenues decreased 0.31 percent compared to 2021. This is primarily the result of there being no change in medical premiums in 2022, and an increase in Medicare reimbursements due to some timing delays. The medical plan had a loss of \$11,904,001 in 2022, resulting in a net position of \$37,477,066 as of December 31, 2022.

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STATE SAFETY OVERSIGHT ANNUAL REPORT

Jerica Holtsclaw, Multimodal Operations Director, provided to the Commission the 2022 MoDOT State Safety Oversight Program Annual Safety Status Report of Missouri's rail fixed guideway systems. The report provided a review of oversight activities for calendar year 2022 of Missouri's three light rail systems: KC Streetcar in Kansas City, and Loop Trolley, and MetroLink in St. Louis.

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MODOT BRIEFING REPORT

Patrick McKenna, Director, provided to the Commission the written monthly Issue Briefs that are sent from the department to the Governor since the previous MoDOT Briefing Report. There was one briefing report for the past month.

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FINANCIAL - BUDGET - REPORTS – YEAR-TO-DATE, FINANCIAL REPORT PERIOD ENDING JANUARY 31, 2022

Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date February 28, 2023, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Travis Koestner, State Design Engineer, submitted a written report of consultant contracts executed in the month of February 2023, 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 533 active contracts held by individual engineering consultant firms prior to February 1, 2023.

Nineteen engineering consultant services contracts were executed in February 2023, for a total of \$8,743,762. There were zero non-engineering consultant contracts executed in February 2023.

Mr. Koestner noted that the budget for consultants is \$70 million. As of this report expenditures are at \$70.9 million. The department acknowledges that is over budget with four months of the fiscal year remaining. The department is working to identify a source for the additional funds that will be needed for engineering services for the rest of the fiscal year.

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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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