



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN JEFFERSON CITY, MISSOURI,
MAY 3, 2019**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Friday, May 3, 2019, at the Department of Transportation building, 105 West Capitol, Jefferson City, Missouri. Michael B. Pace, Chairman, called the meeting to order at 9:30 a.m. The following Commissioners were present: Gregg C. Smith, Michael T. Waters, Jr., John W. Briscoe, Robert G. Brinkmann, P.E., and Terry L. Ecker.

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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Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Friday, May 3, 2019. Patrick McKenna, Director of the Missouri Department of Transportation was absent.

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

The Commission met in closed session on Thursday, May 2, 2019, at 2:00 p.m. and adjourned at 4:00 p.m.

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-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

APPROVAL OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meetings held January 10, 2019, and February 6, 2019, and the special meetings held January 9, 2019, and February 5, 2019. 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 May 3, 2019, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Smith, seconded by Commissioner Ecker, the consent agenda items were unanimously approved by a quorum of Commission members present.

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee and board reports were made during the May 3, 2019, meeting.

Audit Committee – Commissioner Waters stated there was no report. The next audit committee meeting is scheduled for June 2019.

Legislative Committee – Commissioner Smith reported the Commission's satisfaction with the advancement of many transportation related measures through the legislative process this session. It is believed much of this attention to transportation was due to Governor Parson's leadership on his bridge bonding program which has shed a light on the importance of investing additional funding in transportation infrastructure throughout the state. The Governor's leadership on the bonding program has created a lot of conversation among elected officials on how best to address the future transportation needs. The Governor's bridge bonding program is expected to pass by the end of the session. The Missouri Highway and Transportation Commission's revocation of a driver's license for striking a highway worker legislative proposal is near passage also. With one last vote in the Senate, this initiative could be sent to the Governor's desk for approval. Likewise, the budget and many other initiatives that are supportive of the Commission and MoDOT are close to passage at this time. During the June Commission meeting, there will be a legislative report highlighting those proposals that passed or failed during the 2019 legislative session.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated the MTFC Board met earlier today where one loan was approved totaling \$1,176,000 to the City of Warrenton for their share of a cost-share project to construct a sidewalk along Route 47 from the I-70 North Outer Road to Hickory Lake Road. The Board took the following actions: (1) elected officers; (2) approved the fiscal year 2020 budget; and (3) approved a revision to the loan policy. The next MTFC meeting is scheduled for August 2019.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe reported the Board meeting that was tentatively scheduled for April 25 was cancelled; however, the Board has committees,

and the investment committee did meet that day. The investment committee is in the process of reorganizing. The next MPERS Board meeting is scheduled for June 27, 2019.

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DIRECTOR'S REPORT

During the May 3, 2019, Commission meeting, Ed Hassinger, Deputy Director and Chief Engineer, provided the following report on behalf of Director Patrick McKenna:

Vacancies Filled – Mr. Hassinger was pleased to introduce Natalie Roark, formerly from the Central District, as the new State Maintenance Director, and Travis Koestner, formerly the Southwest District Engineer, as the new State Design Engineer. Mr. Hassinger stated MoDOT will move quickly to fill the Southwest District Engineer position that Mr. Koestner is vacating. He reported the department is in the process of filling the Human Resources Director position and is hopeful to report the outcome in the next month.

Commissioner Briscoe congratulated Ms. Roark and Mr. Koestner for being selected for the new leadership role as State Maintenance Director and State Design Engineer. He stated it is good to see the deep leadership that is present in the department and to be able to promote from within. He also stated he appreciated the Director and his executive team, for their continued efforts to structure the department in such a way that will ensure stability to continue to operate even as MoDOT faces significant turnover.

Public Service Recognition Week – Mr. Hassinger reported next week is the national observance of public service recognition week. He recognized the Commission's public service for their time and volunteering to be on the Commission. Mr. Hassinger also recognized the 5,000 plus MoDOT employees that provide outstanding public service every day. Mr. Hassinger reported MoDOT has many second and third generation employees. He shared a video of two MoDOT employees, Mike Belt, Central District Maintenance Superintendent, and his daughter, Bethany Belt, Communications Specialist, which conveyed their thoughts on public service.

Innovations Challenge – Mr. Hassinger introduced Sarah Kleinschmit, Policy and Innovations Engineer, to report on this year's Innovations Challenge. There were 138 total innovations submitted this year. Twenty-one were from central office, and 117 were from the districts. Fifty-two of those innovations went to the showcase. There were 100 employees involved with those twenty-one innovations submitted from the central office. Three hundred and fifty employees were involved with the 117 innovations submitted from the districts. Along with the annual Director of Safety award, the Director of Stability award and the Director of Service award were added this year. All the innovations submitted this year aligned with one of those awards. This year's recipients of the Director's Awards were Buckle Up Phone Down for safety; the divergeabout for service; and the Missouri Road and Bridge Program for stability. The winner of the Dixon's People's Choice award was Northeast District's tailgate Clever Lever. All of the districts and central office were well represented. There were four winners in each category, with the categories being tool and equipment, projects, and productivity. The top winners were Central Office, Northeast District, Kansas City District, and the Southwest District, all of which took home two prizes in the categories. Two innovations crossed over those divisional and district lines. Virtual pre-bid and the electronic physical inventory count system included employees from Central Office and from the Southeast and Northwest Districts. The next step is to implement those innovations. Ms. Kleinschmit stated the innovations have increased productivity, saved money

from streamlined processes, and increased safety and lives saved through less exposure to hazards. She also reported that other states are following MoDOT's innovations program. MoDOT employees keep coming up with great innovations and submitting those every year. Those innovations make their jobs a little easier, save a little money, and make things safer for everyone. Ms. Kleinschmit shared a video to highlight the innovations from the showcase.

After discussion about which states want to follow MoDOT's program and following inquiry from members of the Commission, Chairman Pace thanked Ms. Kleinschmit for her presentation.

2018 Innovations Implementations – Mr. Hassinger reported that MoDOT has set aside one million dollars to implement production of the product-type innovations from the prior year Innovations Challenge, and to date, spent about \$660,000 for innovations implementation from 2018. The department allowed the districts and divisions to place an order for the items they wanted to implement and orders were coordinated centrally. The department realized a twenty-five percent cost savings by making statewide bulk purchases on some items. MoDOT also secured State Transportation Innovation Council funding in the amount of \$79,041 from the Federal Highway Administration for the implementation of the JAWS debris pickup innovation. The savings for 2018 was approximately \$340,000, which is money that can be put toward the 2019 innovations implementation.

Governor's Award for Quality and Productivity – Mr. Hassinger reported Maintenance Supervisors Travis Teter and David Eppright, Maintenance Crew Leader Russell Fisher, and Equipment Technician Supervisor Chris Zurn, employees from the Kansas City District, won the Governor's Award for Quality and Productivity. Their award was from the "Pinnacle" category for their development of the TMA Flagger which is an innovation that won both the Director's Safety Award and the People's Choice Award at the 2017 Innovations Challenge. The TMA Flagger allows a TMA driver to remotely operate a stop-slow paddle, a digital message, and a panic air horn from the safety of the truck's cab.

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MODOT PRESENTATIONS

2018-2019 WINTER UPDATE

On behalf of the Director, Todd Miller, Maintenance Liaison Engineer, presented to the Commission the 2018-2019 winter update. He noted the 2018-2019 winter is over and MoDOT spent \$64.1 million with more expenditures coming in. The average winter cost is \$43 million. The winter season started in November with a major storm over Thanksgiving weekend. The total for that storm was \$3.25 million. From the first weekend of January through the first weekend of March, there was a continuous winter event. The materials used were 182,932 tons of salt; 4,397,046 gallons of salt brine; 153,435 tons of abrasives; 531 tons of calcium chloride; 109,187 gallons of liquid calcium chloride; 181,130 gallons of liquid magnesium chloride; and 684,763 gallons of beet juice. The activities

included 730,695 of labor hours, 7 million miles plowed, and 130 emergency operations center activations. Mr. Miller noted that stronger messaging by social media and the traveler information map; post storm debriefing meetings; a strong partnership with Highway Patrol, State Emergency Management, and the National Weather Service; and streamlined conference calls are a few examples of winter event response improvement initiatives. He reported that some of the challenges that were faced during this winter season were the high amounts of snow in the Northwest District over Thanksgiving weekend and the timing of a January snow storm during rush hour in St. Louis.

Commissioner Pace thanked Mr. Miller for his presentation and commended his team on their work during the 2018-2019 winter season.

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MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2020 BUDGET

On behalf of the Director, Brenda Morris, Chief Financial Officer, presented the Fiscal Year 2020 budget in the amount of \$2,208,337,000. This proposed budget is \$78.9 million, or 3.5 percent, less than the fiscal year 2019 amended budget. The primary reason for the decrease is due to the reduction in the amount of outstanding senior lien bonds. Even with a smaller budget the department expects the disbursements to exceed receipts by \$111,799,000, which demonstrates the department's plan to spend down the State Road Fund balance.

Ms. Morris explained there are three important financial documents that are the blueprint for MoDOT's spending: the financial forecast, the Statewide Transportation Improvement Program (STIP), and the operating budget. While each of these three documents serves different purposes, they are related. The focus of her presentation today is the operating budget.

The estimated total receipts for fiscal year 2020 are \$2,421,677,000. Total state receipts are expected to increase \$11.7 million, compared to the fiscal year 2019 amended budget. The largest part of revenues comes from highway user fees that include the motor fuel tax, the motor vehicle sales tax,

and the motor vehicle and driver's license fees. Slight growth is expected from the motor fuel tax and motor vehicle and driver's license fees. Federal revenue is projected to decrease by almost \$28.2 million primarily due to the timing of payouts related to construction projects. In addition, federal funding for multimodal is expected to decrease by about \$10 million as funds have been expended for the implementation of positive train control. The last revenue source is a very small amount of general revenue totaling \$12 million for other modes of transportation. In total, state and federal receipts are projected to be \$16.5 million less compared to the fiscal year 2019 amended budget.

Before the department develops its internal budget, it must account for planned expenditures made by other state agencies from the highway user fees and for disbursements associated with reissuing license plates. Through legislative appropriations two other state agencies will receive funds from State Road Fund revenue sources and the cost of license plate reissuance will reduce the revenues available to the department by \$325,139,000. The Department of Revenue receives three percent of the cost of collection of the road fund revenues (\$23 million), and the Missouri State Highway Patrol receives road funds for the enforcement of motor vehicle laws (\$293 million). In addition, MoDOT will pay for the cost associated with the state's bicentennial license plate reissuance in accordance with state law. The amount included for fiscal year 2020 is \$9 million. The Department of Revenue will impose and collect an additional license plate fee to reimburse the State Road Fund for these costs. These reductions leave a total of just under \$2.1 billion in receipts available for MoDOT in fiscal year 2020.

MoDOT's disbursement request for fiscal year 2020 is \$2,208,337,000. The first disbursement made is for debt service. From 2000 through 2010 MoDOT sold bonds to provide additional resources for highway improvements. Three kinds of bonds were issued: senior bonds that were authorized by the General Assembly in 2000; Amendment 3 bonds that were authorized by Missouri voters in 2004; and the federal grant anticipation revenue vehicle bonds or GARVEE bonds. In fiscal year 2020, the amount

of debt repayment is budgeted at \$240,665,000, which is \$50 million less than fiscal year 2019, and all debt is scheduled to be completely paid off in fiscal year 2033.

The amount budgeted for roads and bridges is \$1,842,000,000. These funds are divided into four categories: administration; maintenance operations; program delivery; and fleet, facilities, and information systems. Administration is a small part of the budgeted disbursements at \$57,914,000. The maintenance operations category is budgeted at \$517,544,000 in disbursements for maintenance activities that includes incident management, snow and ice removal, flood response, mowing, striping, and maintenance of pavement and bridges. The motor carrier services and highway safety categories are included with the maintenance operations disbursements to ensure efficient movement of goods, enforcement of safety regulations in the motor carrier industry, and promote good behaviors to ensure safe travel on the transportation system. A very small, yet critical investment is \$79,767,000 for fleet, facilities, and information systems category to help ensure MoDOT has the right fleet that is needed to accomplish the department's maintenance operations and the information technology to support the work that is done and to assist the public with having the best information possible to travel safely.

The largest portion of the roads and bridges disbursement is attributed to program delivery category at \$1,186,700,000. Program delivery includes contractor payments to build roads and bridges, consultant payments to design roads and bridges, payments to purchase right-of-way, federal funds that pass through to local entities, as well as the expenses for MoDOT employees engaged in construction activities. The construction program is the capital investment in roads and bridges. Contractor awards in fiscal year 2020 are anticipated to be just under \$1.1 billion. Contractor payments represent the actual cash out the door for the contractor awards that were made in previous years as well as the current year and those contractor payments lag behind those contractor awards. Contractor payments are budgeted at \$832,174,000 and is reflective of the lower contractor awards MoDOT has had in previous years.

The multimodal disbursement is another small portion of the operating budget, at \$125,770,000 and supports the other modes of transportation including aviation, waterways, transit, rail, and freight. The biggest funding source for multimodal comes from federal funds. The fiscal year 2020 budget amount for multimodal is \$18,668,000 less than last year. The biggest reason for that difference is with the implementation of positive train control, spending of federal funds for that purpose is declining. Additionally, Ms. Morris explained MoDOT has not yet added the money for port capital improvement projects, but that will be added before the June budget is brought to the Commission. Currently the legislature is deciding at what level that is going to be funded.

Ms. Morris reminded the Commission that the legislature has until May 10, 2019 to complete their work on appropriations and send their budget bills to the Governor. Applicable changes will be incorporated into this budget and a final budget will be presented at the June Commission meeting for approval. Ms. Morris anticipates this proposed budget may be revised to include any approved pay plan, additional funding for bridges, and funding for port capital improvement projects once legislative action is complete for this session. Ms. Morris recognized the Financial Services team for their work in preparing the proposed budget for Commission consideration.

Commissioner Smith expressed appreciation for continued efforts to include the department's pay plan increase in the legislative budget. Commissioner Waters made inquiry regarding multimodal revenue. Chairman Pace thanked Ms. Morris for her presentation.

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FEDERAL REIMBURSEMENT REFUNDING STATE ROAD BONDS, SERIES A 2019 PRICING SUMMARY

On behalf of the Director, Brenda Morris, Chief Financial Officer, reported the competitive sale of the Federal Reimbursement Refunding State Road Bonds Series A 2019 took place on April 9, 2019, and as a result the Commission refunded \$111.3 million of federal reimbursement bonds by issuing

\$102.7 million of refunding bonds. The Series A 2019 Bond proceeds will refinance the Commission's Federal Reimbursement State Road Bonds Series A 2008 and the Commission's Federal Reimbursement State Road Bonds Series A 2009. All refunding costs will be paid from bond proceeds. Principal and interest on the Series A 2019 Bonds will be paid as provided in the Master Bond Indenture dated December 1, 2008, from the Federal Highway Reimbursement Revenues as a first lien, and from State Road Fund Revenues and State Road Bond Fund Revenues subordinate to the Series 2000 Master Indenture Bonds and the Series 2005 Master Indenture Bonds.

The newly-issued Series A 2019 Bonds received credit ratings of 'AA+', 'Aa1' and 'AA' from Standard & Poor's, Moody's, and Fitch, respectively. The financing attracted significant attention with eleven bids received and the winning bid from Goldman Sachs & Co., LLC. The debt service savings through 2025 is \$9,976,175 in the aggregate, providing net present value savings of \$9,494,900. The principal amount of bonds outstanding will be decreased by \$8,595,000 and the true interest cost on the new debt will be reduced to 1.67 percent. The refinanced debt is in compliance with the parameters established in the Commission's Financial-Debt Management Policy.

Chairman Pace thanked Ms. Morris for her presentation.

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RESOLUTIONS

RESOLUTION EXPRESSING APPRECIATION TO REPRESENTATIVE AARON GRIESHEIMER FOR OUTSTANDING SUPPORT TO THE STATE OF MISSOURI

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

WHEREAS, Aaron Griesheimer was elected to the Missouri House of Representatives in November 2018, representing the citizens of the 61st legislative district; and

WHEREAS, Representative Griesheimer has performed his duties with vision, dedication and genuine compassion for the best interests of highway workers and the citizens of Missouri; and

WHEREAS, Representative Griesheimer serves on the House Transportation Committee and devotes a great deal of time and energy to many important transportation issues; and

WHEREAS, Representative Griesheimer is the sponsor of House Bill 499, that authorizes driver's license revocation when a driver strikes a highway worker or utility worker in a construction or work zone and when a driver strikes an emergency responder in an emergency zone; and

WHEREAS, Representative Griesheimer worked diligently with members of the General Assembly to better ensure the safety of highway workers and the safety of all motorists from potentially dangerous drivers; and

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Representative Griesheimer, for the work he has performed for the citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Representative Griesheimer so he will have a permanent record of the high esteem in which he is held by the members of the Missouri Highways and Transportation Commission.

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RESOLUTION EXPRESSING APPRECIATION TO SENATOR DAVE SCHATZ FOR OUTSTANDING SERVICE TO THE STATE OF MISSOURI

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

WHEREAS, Dave Schatz was elected to the Missouri Senate in November 2014, representing the citizens of the 26th senatorial district, after having served two terms in the Missouri House of Representatives; and

WHEREAS, Senator Schatz has performed his duties with vision, dedication and genuine compassion for the best interests of highway workers and the citizens of Missouri; and

WHEREAS, in 2017 and 2018 Senator Schatz served as Chair of the Senate Transportation, Infrastructure, and Public Safety Committee, and in 2015 and 2016 served as the Vice-Chair of the Committee; and

WHEREAS, Senator Schatz serves as President Pro Tem and devotes a great deal of time and energy to many important transportation issues; and

WHEREAS, Senator Schatz is the Senate champion for House Bill 499, that authorizes driver's license revocation when a driver strikes a highway worker or utility worker in a construction or work zone and when a driver strikes an emergency responder in an emergency zone; and

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Senator Schatz, for the work he has performed for the citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator Schatz so he will have a permanent record of the high esteem in which he is held by the members of the Missouri Highways and Transportation Commission.

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ADMINISTRATIVE RULES/POLICIES

COMMISSION POLICY REVIEW-ADMINISTRATIVE SETTLEMENTS CATEGORY

Following a comprehensive review of all Commission policies, on November 7, 2013, the Commission formally compiled and adopted the Commission policies that the department currently operates under today. Since this initial action some policies have been updated as necessary.

As part of the Commission’s desire to periodically review Commission policies, the department and Commission have conducted a thorough review of the policies in the Administrative Settlements Category. As a result of this review process recommendations were made to reaffirm with updates the policies in the Administrative Settlements Category, the modifications are noted in green text for new language and red strikethrough text for deleted language.

Category: ADMINISTRATIVE SETTLEMENTS
Subcategory: Contractor Claims

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS - Contractor Claims

See Highways - Construction – Contractor Claims

Category: ADMINISTRATIVE SETTLEMENTS
Subcategory: Employees

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS - EMPLOYEES

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

~~a.~~ **Equal Employment Opportunity and Civil Rights Conciliation or Settlements:** Prior to a complaint being filed in federal court, a petition being filed in state court, or a notice of public hearing being issued by the Missouri Commission on Human Rights, conciliation agreements and settlement agreements with the Missouri Commission on Human Rights and/or the Equal Employment Opportunity Commission, and/or employees regarding Equal Employment Opportunity and Civil Rights charges or complaints may be executed by **any member of the Executive Committee** ~~the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.~~

~~b.~~ **Employment Grievances:** Settlements as a result of employment grievances filed through MoDOT's internal grievance process, except those where the employee requests a ~~formal termination~~ ~~or~~ whistle-blower hearing, may be executed by **any member of the Executive Committee** ~~the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.~~

Effective Date: ~~November 7, 2013~~ May 3, 2019

Supersedes Policy Dated: ~~November 7, 2013 April 3, 2012~~ EOD, Paragraph H3

Last Reaffirmed:

Date of Origin: June 5, 1987

Related Commission Actions: June 5, 1987-EEO and Civil Rights; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; **May 3, 2019 – Comprehensive Policy Review.**

Category: ADMINISTRATIVE SETTLEMENTS

Subcategory: Insurance Claims

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS - INSURANCE CLAIMS

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

~~a.~~ **Insurance Claims (not the subject of a lawsuit) against Others - Receipts/Payments:** Claims against insurance companies or others, partial payment agreements, and receipts or releases for payments to the Commission in satisfaction of amounts owed to the Commission, which are not the subject of a lawsuit, may be executed by **any member of the Executive Committee.** **The Chief Administrative Officer or Chief Financial Officer may delegate authority to others by written advisory to the Commission Secretary and the Financial Services Division. This authority is limited to the amounts noted below:** ~~the Director, Chief Financial Officer, Chief Engineer, Assistant Chief~~

~~Engineer, the Risk and Benefits Management Director, or an assistant to the Risk and Benefits Management Director.~~

- a. **Greater than \$100,000** - All single transactions greater than \$100,000 shall be approved by a member of the Executive Committee.
- b. **\$100,000 or Less** – A member of the Executive Committee, or others as delegated by the Chief Administrative Officer (any one), are authorized to approve single transactions of \$100,000 or less.

~~b. Insurance Claims (not the subject of a lawsuit) against MoDOT and/or the Commission:~~

Settlement of claims against MoDOT and/or the Commission or an employee of the department or Commission, or a Commission member through its self-insurance programs for claims alleging the dangerous condition of Commission property or the negligent operation of a motor vehicle operated by a department or Commission employee or Commission member in which the amount to be paid by the Commission is equal to or less than the liability limits under the state sovereign immunity statutes or \$1,000,000 per claimant/\$2,000,000 for all claims from an occurrence, whichever is less may be executed by any member of the Executive Committee. The Chief Administrative Officer or Chief Financial Officer may delegate authority to others by written advisory to the Commission Secretary and the Financial Services Division. This authority is limited to the amounts noted below: ~~the Director, Chief Financial Officer, Chief Engineer, Assistant Chief Engineer, or others designated by written advisory from the Chief Financial Officer to the Risk and Benefits Management Director.~~

- a. **Greater than \$100,000** - All single transactions greater than \$100,000 shall be approved by a member of the Executive Committee.
- b. **\$100,000 or Less** – A member of the Executive Committee, or others as delegated by the Chief Administrative Officer (any one), are authorized to approve single transactions of \$100,000 or less.

Effective Date: ~~November 7, 2013~~ May 3, 2019
Supersedes Policy Dated: ~~April 3, 2012 – EOD, Paragraph H4~~ November 7, 2013
Last Reaffirmed:

Date of Origin: January 13, 1989-paragraph a; July 10, 2001-paragraph b
Related Commission Actions: January 13, 1989 (paragraph a) July 10, 2001 (paragraph b); January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review, [May 3, 2019 comprehensive policy review](#).

Category: ADMINISTRATIVE SETTLEMENTS
Subcategory: Motor Carrier Industry

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS - MOTOR CARRIER INDUSTRY

Pre-suit settlement agreements with motor carriers pertaining to alleged violations of safety regulations or economic laws by such motor carriers may be executed by any member of the Executive Committee ~~the Director, Chief Financial Officer, Chief Engineer, Assistant Chief Engineer,~~ Motor Carrier Services Director, Assistant Motor Carrier Services Director, or the Motor Carrier [Investigations Administrator Services Enforcement Manager](#). This authority is limited to the amounts noted below:

- a. Greater than 100,000 – All transactions greater than \$100,000 shall be executed by a member of the Executive Committee.
- b. \$100,000 or less – A member of the Executive Committee, Motor Carrier Services Director, Assistant Motor Carrier Services Director, or the Motor Carrier [Investigations Administrator](#) (any one), are authorized to approve transactions of \$100,000 or less.

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: ~~April 3, 2012—EOD, Paragraph H6~~ May 3, 2019
Supersedes Policy Dated: ~~January 12, 2011—EOD~~ April 3, 2012 – EOD, Paragraph H6
Last Reaffirmed: November 7, 2013
Date of Origin: July 9, 2004
Related Commission Actions: July 9, 2004-Motor Carriers; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review, [May 3, 2019 comprehensive policy review](#).

Category: ADMINISTRATIVE SETTLEMENTS
Subcategory: Rail Industry Safety

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS – RAIL INDUSTRY SAFETY

Pre-suit settlement agreements with railroad carriers pertaining to alleged safety violations by the railroad industry may be executed by [any member of the Executive Committee](#) ~~the Director, Chief Financial Officer, Chief Engineer, Assistant Chief Engineer,~~ or the Multimodal Operations Director. This authority is limited to the amounts noted below:

- a. **Greater than \$100,000** - All single transactions greater than \$100,000 shall be approved by a member of the Executive Committee.
- b. **\$100,000 or Less** – A member of the Executive Committee, or the Multimodal Operations Director, are authorized to approve single transactions of \$100,000 or less.

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: ~~April 3, 2012 – EOD, Paragraph H5~~ May 3, 2019
 Supersedes Policy Dated: ~~January 12, 2011 – EOD~~ April 3, 2012 – EOD, Paragraph H5
 Last Reaffirmed: November 7, 2013
 Date of Origin: March 10, 2004
 Related Commission Actions: March 10, 2004-Rail Industry; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review, **May 3, 2019 comprehensive policy review.**

Category: ADMINISTRATIVE SETTLEMENTS
Subcategory: ~~Administrative Settlements~~ – Right-of-Way

AUTHORITY TO APPROVE AND EXECUTE ADMINISTRATIVE SETTLEMENTS - Right-of-Way

See Highways – Right-of-Way – Acquisition

Via approval of the consent agenda, the Commission unanimously approved the policy revisions described above.

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STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)
CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

On behalf of the Director, Eric Schroeter, Assistant Chief 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 April, 19, 2019, letting, as recommended and noted in Table I below; (2) Rejection of

Calls B01, B05, D03, D04, and H02 from the April 19, 2019, bid letting due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table II below; (3) Ratify award of contracts to the lowest responsive bidders for bids received at the emergency April 24, 2019, letting, as recommended and noted in Table III below; (4) Ratify rejection of Call A03 from the April 24, 2019, letting due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table IV below; and (5) Award of contract to the lowest responsive bidder for bids received at the emergency April 30, 2019, letting, as recommended and noted in Table V below.

**Table I
Award of Contracts
April 19, 2019, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	169	Clinton	J1P3103	\$1,570,736.58	\$0.00	L.G. Barcus and Sons, Inc.	Bridge Replacement
A02	I-29	Andrew, Atchison, Buchanan, Holt	J113238	\$163,668.00	\$0.00	James H. Drew Corporation	Sign installation
A04	65, M	Linn, Livingston	J2P2217	\$1,145,938.93	\$0.00	Missouri Petroleum Products Company	Resurface
A05	Various	Various	J1P3198	\$399,000.00	\$0.00	Superior Rail System, LLC	Job Order Contract for Guardrail and Guard Cable Repair
A06	YY	Buchanan	J1S3222	\$484,278.42	\$0.00	Emery Sapp & Sons, Inc.	Coldmill and Resurface
B02	I-70	Montgomery	J3I2195	\$5,416,751.55	\$0.00	Phillips Hardy, Inc.	Bridge Replacement
B03	I-70	Montgomery, Warren	J013005J	\$0.00	\$0.00	No Bidders	Job Order Contract for Asphalt Pavement Repairs
C01	50	Johnson	J3P3113	\$3,957,709.32	\$5,000.00	Lehman Construction, LLC	Intersection Improvements
D01	I-70, 61, 63	Montgomery, Warren	J2I3225	\$257,303.27	\$0.00	CSD Environmental Services, Inc.	Sign Improvements
	I-70, 63	Boone, Callaway, Cooper	J5I3303				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
D02	54	Camden	J5P3376	\$93,000.00	\$0.00	St. Louis Bridge Construction Company	Bridge Rehabilitation
D05	I-44	Various	J0I3005Q	\$494,550.00	\$0.00	N.B. West Contracting Company	Job Order Contract for Asphalt Pavement Repairs
D06	I-44	Various	J0I3005R	\$181,875.00	\$0.00	N.B. West Contracting Company	Job Order Contract for Concrete Pavement Repair
F01	94	St Charles	J6S3379	\$713,681.70	\$10,000.00	R. V. Wagner, Inc.	Add J-Turns
F02	H	Jefferson	J6S3394	\$382,502.74	\$0.00	Pavement Solutions, LLC	Scour Repair
	K	Franklin	J6S3393				
F03	115	St Louis	J6S3265	\$1,175,547.61	\$12,000.00	Reinhold Electric, Inc.	Signal and ADA Improvements
F04	Various	St Louis, St Louis City	J6Q3285	\$586,543.21	\$1,000.00	Gerstner Electric, Inc.	ITS Improvements
		St Charles, St Louis	J6Q3286		\$129,500.00		
F06	D	St Louis, St Louis City	J6S3411	\$546,442.50	\$0.00	TraMar Contracting, Inc.	Pavement Marking
G01	160	Barton	J7P2228D	\$3,555,990.00	\$0.00	Hartman and Company, Inc.	Bridge Replacement
G03	LP44	Greene	J8S3110	\$1,267,148.89	\$0.00	Lehman Construction, LLC	Bridge Rehabilitation
G04	60, 65	Christian, Greene	J8P3137	\$877,889.25	\$0.00	Ewing Signal Construction, LLC	Add Intelligent Transportation System Equipment
G06	TT	Greene	J7S3168	\$641,737.90	\$0.00	Lehman Construction, LLC	Bridge Replacement
H01	77	Scott	J9S3281	\$1,289,872.52	\$166.08	Joe's Bridge & Grading, Inc.	Bridge Replacement
	DD	Stoddard	J9S3275		\$0.00		
H03	32	Ste Genevieve	J0S3019J	\$1,996,481.80	\$0.00	Fronabarger Concreters, Inc.	ADA Improvements
			TOTAL:	\$27,198,649.19	\$157,666.08		

Table II
Rejection of Bids
April 19, 2019, Bid Opening

Call No.	Route	County	Job No.	Description
B01	149	Macon	J2S3223	ADA Improvements
	C		J2S3172	Pavement and ADA Improvements
B05*	O	Macon	J2S3155	Resurface
D03	I-70	Boone, Callaway, Cooper	J0I3005Z	Job Order Contract for Concrete Pavement Repair
D04	I-70	Callaway, Boone, Cooper	J0I3005I	Job Order Contract for Asphalt Pavement Repair
H02	Various	Ste. Genevieve	J0I3005T	Job Order Contract for Asphalt Pavement Repair

* Call B05 - Funding by Love's Travel Stop - \$125,000.00

Table III
Concurrence in Award
April 24, 2019, Emergency Bid Opening

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	136	Atchison	J1P3335	\$3,490,800.96	\$0.00	Phillips Hardy, Inc.	Debris removal
			J1P3337				Emergency repair
A02	159	Holt	J1P3336	\$3,589,253.87	\$0.00	Phillips Hardy, Inc.	Debris removal
			J1P3338				Emergency repairs
			TOTAL:	\$7,080,054.83	\$0.00		

Table IV
Rejection of Bids
April 24, 2019, Emergency Bid Opening

Call No.	Route	County	Job No.	Description
A03	118	Holt	J1S3339	Debris Removal
			J1S3340	Emergency Repair

Table V
Award of Contract
April 30, 2019, Emergency Bid Opening

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	118	Holt	J1S3339	\$1,193,014.06	\$0.00	Phillips Hardy, Inc.	Debris removal
			J1S3340				Emergency repair
			TOTAL:	\$1,193,014.06	\$0.00		

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received at the April 19, 2019, 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 Calls B01, B05, D03, D04, and H02 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table II above.
3. Ratified award of contracts to the lowest responsive bidders for bids received at the emergency April 24, 2019, letting, as recommended and noted in Table III above.
4. Ratified rejection of bid for Call A03 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table IV above.
5. Awarded contract to the lowest responsive bidder for bids received at the emergency April 30, 2019, bid opening, as recommended and noted in Table V above.
6. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Brinkmann abstained from voting on Calls D03, D05, and D06.

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APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Eric Schroeter, Assistant Chief 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
St. Louis

Route
AB

Job Number
J6S2211

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.

CONTRACTOR PERFORMANCE REPORT

On behalf of the Director, David Ahlvers, State Construction and Materials Engineer, presented the annual contractor performance report for 2018. Project performance evaluations were completed by the resident engineers and provided to the contractors for review and comment. Performance summaries will be mailed to the contractors the week of May 10, 2019. Pursuant to 7 CSR 10-10.070, Procedure for Annual Rating of Contractors, no contractors are being placed on probation as a result of the 2018 performance ratings. Contractors receiving the top ratings for the 2018 construction season will be recognized at the MoDOT/AGC Coop meeting in the fall of 2019.

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FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Todd Grosvenor, Financial Services Director, provided to the Commission the written Quarterly Financial Accountability Report for the period ending March 31, 2019.

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**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING MARCH 31, 2019**

Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date March 31, 2019, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Eric Schroeter, Assistant Chief Engineer, submitted a written report of consultant contracts executed in the month of March 2019, 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 349 active contracts held by individual engineering consultant firms prior to March 1, 2019. Fifteen engineering consultant services contracts were executed in March 2019, for a total of \$8,205,830. There were two non-engineering consultant contracts executed in March 2019, for a total of \$60,340.

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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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