



**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, WEDNESDAY, MARCH 4, 2020**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, March 4, 2020, at the Missouri Department of Transportation, 105 West Capitol Avenue, Jefferson City, Missouri. Michael B. Pace, Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present: Gregg C. Smith, Michael T. Waters, Jr., John W. Briscoe, Terry L. Ecker, and Robert G. Brinkmann, P.E.

The meeting was called pursuant to Section 226.120 of the Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the Revised Statutes of Missouri, as amended.

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Rich Tiemeyer, Chief Counsel for the Commission; Patrick McKenna, Director of the Missouri Department of Transportation; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, March 4, 2020.

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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.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

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

The Commission met in closed session on Wednesday, March 4, 2020, at 12:45 p.m. and adjourned at 1:30 p.m.

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-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

ROTATION/ELECTION OF CHAIR AND VICE CHAIR

In keeping with Section 226.030.2 of the Revised Statutes of Missouri, two members of the Commission from opposing political parties and who have the most seniority in Commission service, shall serve as Commission leadership with one member as chair and the other member as vice chair, respectively. As the most senior members of the Commission, Commissioners Pace and Smith requested to be excused from duty as chair and vice chair. Subsequently, Commissioner Smith nominated Commissioner Briscoe to serve as Chair until March 1, 2021. Commissioner Ecker seconded the nomination, and it was approved unanimously. Commissioner Smith nominated Commissioner Waters to serve as Vice Chair until March 1, 2021. Commissioner Briscoe seconded the nomination, and it was approved unanimously.

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CONSIDERATION OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meeting held January 8, 2020 and February 5, 2020, and Electronic Ballot Meeting on February 7, 2020. 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 Items on the Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Smith, seconded by Commissioner Waters, the consent agenda items were unanimously approved by a quorum of Commission members present with abstentions noted in the minutes.

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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 March 4, 2020, meeting.

Audit Committee – Commissioner Waters stated there was no report. The next meeting will be in April 2020.

Legislative Committee – Commissioner Smith reported with the Governor’s early release of his proposed fiscal year 2021 budget, both the House and Senate budget committees have gotten down to business by diving deeply into various state department budget requests. Over the last couple weeks, the department has already been asked to present its budget before both chambers. The Governor’s proposed budget

includes another general revenue (GR) appropriation of \$50 million for the Governor's transportation cost-share program. The \$50 million of GR funding the Governor received from last year's budget for the cost-share program proved to be successful as twenty applications were selected and approved by the Commission to receive the \$50 million of GR funding which will deliver \$131 million worth of project.

Regarding the Commission's priority legislation for this session, sponsors have been secured. Senate Bill 532 sponsored by Senator Wayne Wallingford and House Bill 1879 sponsored by Representative Nate Tate would prohibit handheld cell phones and other electronic wireless communication devices used while driving. This proposal will allow drivers above the age of 18 to have the ability to use hands free technology while driving. Handheld cell phones used while driving is currently banned in twenty states and the District of Columbia. Missouri and Montana are the only two states that do not prohibit texting while driving for all drivers.

The second proposal relates to registering motor vehicles in the state of Missouri by utilizing a miles per gallon (MPG) concept versus the current horsepower registration fees structure. In short, this proposal would modernize Missouri's motor vehicle registration fee system by imposing a miles per gallon fee that is based on a motor vehicle's miles per gallon rating. Senate Bill 906 sponsored by Senator Doug Libla and House Bill 2301 sponsored by Representative Nate Tate have been filed for this MPG proposal.

We are glad the safety conversation continues regarding the need for everyone to buckle up and put the phone down. We also need to continue the conversation about transportation funding in Missouri with over \$825 million in unfunded transportation needs.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report. The next Board meeting is scheduled for May 2020.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe reported the board met on February 28, 2020, where they re-elected Bill Seibert, MSHP retiree, as Chair and Todd Tyler, MoDOT employee, was re-elected Vice Chair. The Chief Investment Officer and the financial consultant provided reports regarding the investments of the retirement system.

Director McKenna noted it is important to remember MPERS was established by the state legislature back in the 1950s. It provides a benefit of retirement for dedicated public servants that devote a career to public service. The Commission and Missouri State Highway Patrol authorize the benefit being provided through the financial commitment made in their annual budgets.

The Commission members and department director of the MPERS Board have a fiduciary duty to the State Road Fund and the highway users that pay the fees and taxes that support the State Road Fund. They are responsible for making sensible investment choices at sensible costs and are obligated to make sure the financial transactions are transparent and open to the public especially considering it is public funds that are being used to fund the system.

Director McKenna expressed concerns to the Commission that he believes the costs are too high, and the transparency is too low. Currently there is a healthy debate taking place among the members of the MPERS Board and the leadership at MPERS. MPERS management is presently considering the possibility of borrowing against the investment value of the system. Director McKenna believes this to be a grave error and does not believe the MPERS board has express statutory authority to do so. Also, of concern are that there are currently proposals that would dilute the Commission's participation on the

MPERS Board, particularly at a time when the board is considering borrowing money, which the Director believes is risky and unnecessary.

The concerns Director McKenna has been raising and raised again today are the types of things that are of great public interest, as well as a primary responsibility as Director and a legal obligation to protect the benefit so that it may continue into the future.

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DIRECTOR'S REPORT

During the March 4, 2020, Commission meeting, Director Patrick McKenna provided the following report:

Safety – Preliminary numbers show that highway fatalities were down slightly in 2019, from 921 in 2018 to 876 in 2019. That is a reduction of 5 percent, and the third year in a row that the number has fallen. Another year of reductions in traffic fatalities is encouraging, but it's difficult to celebrate considering we still had nearly 900 people killed in Missouri traffic crashes. The frequency with which we are losing people simply traveling from one place to another is unacceptable. We owe it to each other to make better choices behind the wheel and create a safer transportation system for everyone.

The top contributing factors of Missouri traffic fatalities continue to be lack of seat belt use, driving too fast, impairment and distraction. In particular, the number of cell phone related crashes has become increasingly prevalent in the state. All those reasons listed are the result of someone simply making a poor decision – and that makes all of them completely preventable.

While seat belt usage in Missouri is at an all-time high – 87.7 percent – those who don't buckle up account for more than 60 percent of our traffic fatalities. There is a threat to these fatality numbers, too, due to efforts to repeal the motorcycle helmet law. Passage of helmet repeal legislation would result in an increase of 40-45 motorcyclist fatalities each year essentially wiping out the state's recent gains in one fell swoop. A recent report from the Advocates for Highway and Auto Safety listed Missouri as one of twelve states falling dangerously behind in adopting recommended highway safety legislation. Currently, Missouri only complies with 4 of the 16 recommended laws to create a culture that prioritizes highway safety. Only two states (Wyoming and South Dakota) have fewer recommended laws in place. One of the four recommended laws Missouri currently has in place is an all-rider motorcycle helmet requirement. Passage of helmet repeal legislation would be a step backwards and cause Missouri to fall even further behind the recommended state of practice. According to the Community Preventive Services Task Force, an independent body of public health experts supported by the CDC, states that repeal helmet laws see, on average, a 38 percent increase in motorcyclist fatalities. In Missouri, this would equate to 40-45 additional lives lost each year. According to NHTSA, motorcycle helmets saved Missourians nearly \$102 million in economic costs and over \$625 million in comprehensive costs in 2017.

Statewide Planning Partners Meeting – In late January, MoDOT held the annual statewide planning partners meeting. This one was especially meaningful, because for the first time, the Governor attended and spoke to the group. The Director shared a couple of videos. The first was news coverage of the event from a local television station, and the second were comments from Governor Parson.

Missouri Leadership Academy – The Director extended his congratulations to Traffic Liaison Engineer Ashley Buechter and Field Materials Engineer Lori Greer on their recent graduations from the Missouri Leadership Academy! The Leadership Academy is an innovative program that brings together emerging leaders from across all sixteen executive departments to build new skills and become better leaders.

Awards – Two weeks ago, a MoDOT project won an Excellence in Concrete Pavements Award from the American Concrete Pavement Association. It was one of two projects nationwide honored in the “state roads” category. The project was the reconstruction of the U.S. Route 36 Osborn Curve in DeKalb County in MoDOT’s Northwest District. The contractor was Emery Sapp & Sons of Columbia.

Over the weekend, MoDOT and its engineering partners were recognized by the American Council of Engineering Companies-Missouri for quality engineering achievements that were completed last year. The top honor of Grand Conceptor Award was presented for the Poplar Street Bridge Widening and Rehabilitation Project. The engineer was HDR Engineering of St. Louis. The Grand Award was presented for MoDOT’s Statewide LiDAR Program. The engineer was Bartlett & West of Jefferson City. The Director congratulated staff who worked on these award-winning projects!

AASHTO – The AASHTO team has been working on a new report and web site highlighting the benefits that are achieved when state DOT’s invest in projects and programs. This web site is part of AASHTO’s push to generate Congressional support and interest in reauthorizing the current federal surface transportation legislation, commonly known as the FAST Act. AASHTO is working with the theme “Transportation Is Personal” and is trying to connect DOT’s investments in infrastructure projects and programs with the benefits delivered to the people and businesses using the transportation system. MoDOT has 10 projects highlighted on the site – the most of any department of transportation.

When the Director was in Washington, D.C. last week for the annual AASHTO Washington Briefing he testified before the U.S. Senate Banking, Housing and Urban Affairs Committee on surface transportation funding issues focused on the fiscal needs of transit systems across the United States. Director McKenna stated we cannot streamline our way into providing a safe and sound transportation system. We cannot cut our way to buying steel, concrete, asphalt, equipment and labor. We must work together to move transportation policy in the direction of providing safety, service and stability for all. Part of that policy prescriptive involves taking a broader strategic look at how transit systems serve the general public. We’re trying to be more dynamic in meeting the needs of our citizens. He cited examples: access to transit in rural areas helps people age-in-place in our communities; in many cases we find in some of our communities – particularly those ringing the outer edge of our major metropolitan areas, like St. Louis and Kansas City – that housing affordability is a difficult issue and access to vehicles is a difficult issue. So, it is critical to keep in mind the time and the cost of connecting housing with where people are working, seeking medical treatment, and where they are grocery shopping. That is a critical part of what we are incorporating into our transportation planning. The Director’s complete testimony follows:

INTRODUCTION: Chairman Crapo, Ranking Member Brown, and Members of the Committee, thank you for the opportunity to provide the nation’s state departments of transportation’s perspective on the public transportation provisions of the Fixing America’s Surface Transportation or FAST Act and the future of public transportation in the reauthorization of surface transportation programs.

My name is Patrick McKenna. I serve as Director of the Missouri Department of Transportation (MoDOT), and President of the American Association of State Highway and Transportation Officials (AASHTO). Today it is my honor to

testify on behalf of the great State of Missouri and AASHTO, which represents the transportation departments of all 50 States, Washington, DC, and Puerto Rico.

I was appointed to my position by the Missouri Highways and Transportation Commission in December 2015. In this role, I'm responsible for overseeing all operations for the department. Prior to my current role, I served as deputy commissioner of the New Hampshire Department of Transportation.

I appear before you today very near to where I spent 13 years of my career as a staffer with the Secretary of the United States Senate. I am grateful for those years that enhanced my interest in public service and instilled in me a deep respect and admiration for this institution and for the work you perform and the sacrifices you make carrying out your constitutional duties on behalf of the American people.

Public transportation is a vital public service in urban and rural communities throughout the United States, providing more than 10 billion unlinked passenger-trips annually since 2006 (APTA 2019 Public Transportation Fact Book, April 2019). State departments of transportation (DOTs) and transit agencies are key providers of essential mobility services for all users, including seniors, persons with disabilities and low-income individuals. From commuter and fixed-route services to paratransit, on-demand, and other specialized services, public transportation is a critical component of the nation's multimodal transportation infrastructure and services.

Each year, all state DOTs contribute public transportation funding data to AASHTO's *Survey of State Funding in Public Transportation*. A resource for public transportation industry, national associations, and federal and state government agencies, the Survey provides a snapshot of state-by-state investments in public transportation and an understanding of how state DOTs utilize funding and tax mechanisms to support all transit operations and capital projects.

States continue to make significant investments in public transportation, at levels consistently higher than the federal government. In FY 2018, state DOTs invested approximately \$19.2 billion, a slight increase from FY2017 (at \$19 billion) and significantly higher than four years ago (\$17.2 billion). Comparatively, federal funding for transit totaled \$12.9 billion for FY2018, representing a billion dollar increase over FY2017 levels (at \$11.9 billion). States have continued to lead the way on funding increases, with 18 states and the District of Columbia ramping up their public transit funding in 2018 from the previous year. While states are willing to commit more of their funds for public transit, they need to see a significant growth in federal investments in order to improve our nation's public transportation systems.

AASHTO and its member DOTs welcome today's timely discussion related to the public transportation title of the Fixing America's Surface Transportation (FAST) Act which will expire at the end of September. As part of these discussions, I appreciate the opportunity to highlight the importance of federal surface transportation infrastructure investments and the steps that can be taken to further accelerate the delivery of those projects. This morning, I would like to emphasize the following priorities:

- Our Vision for FAST Act Reauthorization
- Our Core Principles for Reauthorization as it relates to Federal Public Transportation Policy
- Specific Public Transportation Policy Recommendations in the Next Surface Transportation Bill

AASHTO'S VISION FOR FAST ACT REAUTHORIZATION:

Safety is the #1 Priority for State DOTs. Ensuring the safety of Americans using our surface transportation system remains the foremost priority for each state department of transportation (state DOT). In 2018, 36,560 lives were lost on our nation's roadways and in our work zones including pedestrians and users of motorized and non-motorized vehicles. **That is a loss of 100 souls a day and we should all find this totally unacceptable. Human behavior on the transportation system is the cause of more than 90 percent of fatalities and serious incidents each year.** And while traffic related fatalities decreased overall in 2018, pedestrian and non-motorized vehicle fatalities continue to rise, up 3.4 percent and 6.3 percent respectively. State DOTs work to provide the highest possible quality of life for all Americans and it starts with safety.

America is poised to enhance the national transportation network in ways that will improve the safety, mobility, health, and economic well-being of all Americans. A safe, well-functioning, and resilient system is the foundation of a strong economy and quality of life that serves all Americans. Public transportation plays an important role in providing access to employment, education, recreational activities, and health services opportunities.

Public transportation provides the safest form of transportation. Rural public transportation—and Missouri has one of the largest rural public transportation systems (by vehicle fleet size) in the nation—is even safer. According to latest data in the National Transit Database (NTD), only three fatalities nationwide for rural public transportation systems were recorded for 2018. In Missouri, thankfully there were no fatalities recorded in NTD for rural public transportation systems since 2016, which includes OATS Transit, the largest rural public transportation provider in Missouri and in the nation.

We want to make sure that people traveling on a highway, on a bus and on any form of public transportation get to and from home safely.

State DOTs Deliver Effective and Efficient Surface Transportation Systems. Every day, state DOTs strive to deliver the most effective and efficient surface transportation system. Our transportation systems serve to strengthen and grow

the economy by increasing productivity, enhancing jobs and labor market accessibility, opening new markets for businesses, and optimizing supply chain efficiency.

Public transportation, however, has an even greater role. Not only is it essential to moving billions of people in rural and urban areas, public transportation is one of the fundamental pillars of society and our nation's economy, along with housing and economic development. Public transportation also helps mitigate traffic congestion, conserve fuel, enhance highway efficiency, addresses air quality issues, and support security and emergency preparedness activities.

In Missouri, public transportation delivers more than \$3 billion in direct and indirect economic impacts. A first-of-its-kind study by the Missouri Public Transit Association, Citizens for Modern Transit and AARP found that Missouri public transit providers provide an annual average of 60.1 million rides, an equivalent of 9.8 rides per year, per Missouri resident. These transit riders are spending \$600 million on goods and services and that translates into a direct economic impact of \$1.3 billion each year in Missouri. The direct spending triggers another \$2.4 billion in statewide economic activity, including \$1 billion in added household earnings for Missourians.

Public transportation is an indispensable part of our interconnected national transportation system—with states as a principal owner and operator of a multimodal surface transportation infrastructure—that has enabled the United States to become the most vibrant and powerful nation in history.

AASHTO's CORE PRINCIPLES FOR REAUTHORIZATION AS IT RELATES TO FEDERAL PUBLIC TRANSPORTATION POLICY: In October 2019, the AASHTO Board of Directors adopted a comprehensive package of policy recommendations for the next six-year, surface transportation authorization bill. The recommendations are a result of an extensive, bottom-up policy development process that included AASHTO's Modal Councils and Committees. I am proud of our work and I would like to share with you AASHTO's Core Principles as they relate to federal public transportation policy, which we believe sets the appropriate federal framework for surface transportation reauthorization.

1. Ensure timely reauthorization of a long-term federal surface transportation bill

- Funding stability provided by federal surface transportation program is absolutely crucial to meet states' public transportation needs in small urban and rural communities, including critical mobility needs of persons with disabilities and seniors.
- A long-term transportation bill is needed so that there is no authorization gap upon FAST Act expiration in September 2020. Short-term program extensions cause unnecessary program disruptions and delays safety and mobility benefits to states and communities

State DOTs deliver much needed public transportation programs and projects, but for many states the public transportation funding from the federal government through the United States Department of Transportation (USDOT)'s Federal Transit Administration (FTA) is critical. Without a renewed long-term surface transportation bill that provides multiyear funding stability, many state public transportation programs and projects would fail to meet the needs of small urban and rural communities, including critical mobility needs of persons with disabilities and seniors. Public transportation connects people, enhances quality of life, and stimulates economic growth. Getting the next long-term surface reauthorization completed on time will ensure public transportation service needs are met for all communities and all users.

2. Fix the Highway Trust Fund and enact a long-term, sustainable revenue now

- It is critical to fix the Highway Trust Fund now and ensure its solvency in supporting a new six-year federal surface transportation bill.
- To achieve a state of good repair, USDOT's most recent Conditions and Performance Report estimates transit needs at \$116 billion.
- Federal funding solutions can draw upon the experience of 39 states that have successfully enacted transportation revenue packages since 2013.
- Infrastructure investment is truly bipartisan, "extremely important," the right thing to do and would help guarantee the success of our nation's future.

Despite substantial and recurring funding challenges facing our transportation system, the investment backlog for transportation infrastructure continues to increase—reaching \$786 billion for highways and bridges and \$116 billion for transit according to the United States Department of Transportation. According to the Congressional Budget Office, in order to simply maintain the current Highway Trust Fund (HTF) spending levels adjusted for inflation after the Fixing America's Surface Transportation (FAST) Act, Congress will need to identify about \$100 billion in additional revenues for a six-year bill through 2026.

At the same time, the purchasing power of HTF revenues has declined substantially mainly due to the flat, per-gallon motor fuel taxes that have not been adjusted since 1993, losing over half of its value in the last 26 years. This loss of purchasing power is especially stark when compared to cost of other basic goods and services during the same time period.

EXHIBIT 1: PURCHASING POWER LOSS OF THE GAS TAX RELATIVE TO OTHER HOUSEHOLD EXPENSES

Item	Description	1993	2015	Percent Change
College Tuition	Average Tuition & Fees at Public 4-year Universities	\$ 1,908	\$ 9,145	379%
Healthcare	National Expenditure Per Capita	\$ 3,402	\$ 9,523	180%
House	Median New Home Price	\$118,000	\$292,000	147%
Gas	Per Gallon	\$ 1.08	\$ 2.56	137%
Beef	Per Pound of Ground Beef	\$ 1.97	\$ 4.38	122%
Movie Ticket	Average Ticket Price	\$ 4.14	\$ 8.43	104%
Bread	Per Pound of White Bread	\$ 0.75	\$ 1.48	98%
Income	National Median Household	\$ 31,241	\$ 56,516	81%
Stamp	One First-Class Stamp	\$ 0.29	\$ 0.49	69%
Car	Average New Car	\$ 16,871	\$ 25,487	51%
Federal Gas Tax	Per Gallon	\$ 0.18	\$ 0.18	0%

Source: Bureau of Labor Statistics, Center for Medicare and Medicaid Services, College Board, Federal Reserve Bank of St. Louis, Oak Ridge National Laboratory, Census Bureau, Energy Information Agency, Postal Service

Fortunately, states are answering this call to action for increasing transportation investments, signified by successful enactment of transportation revenue packages in 39 states since 2013. Just this past November, voters in 19 states sent a decisive message of support for transportation investment by approving almost 90 percent of 305 state and local transportation ballot measures according to the American Road and Transportation Builders Association.

Fortunately, infrastructure investment has been one of the top national policy agenda items the last few years, even if significant action is yet to be taken. But Americans get it—they understand the benefits, and they want to see investment in our transportation systems.

We believe this truly is a unique window of opportunity to ensure the continued quality of life and economic vitality that make America a nation we are proud to call home. To do this, the situation demands bold action to invest in our transportation infrastructure at the appropriate level to guarantee the success of our nation’s future. This action has the clear support of the American public, and it is time for the President and Congress to make it happen.

3. Increase and prioritize formula-based federal funding provided to states

- Federal formula dollars for public transportation remain the “heart and soul” supporting state and local investments.
- A separate Mass Transit Account of the Highway Trust Fund provides a stable federal transit investment.
- Congress should maximize and increase formula-based program’s share of the Federal Program for Public Transportation, including funding to address bus and rail modernization and rural transit.

The “heart and soul” of the federal transit program are the formula dollars supporting state and local investment decisions. The stable federal investment enabled by a separate Mass Transit Account of the Highway Trust Fund has allowed states and their local partners to fund public transportation providers in small urban and rural transit communities while also meeting the mobility needs of persons with disabilities, seniors and other who are unable to access or cannot afford a personal automobile.

In Missouri, transit operators would like to increase the Federal Share for transit capital assistance projects to 90% federal share (consistent with the FAA Airport Improvement Program). It has become increasingly more difficult for rural and specialized transit agencies to meet the local share requirement for new vehicles (currently is generally 80% federal and 20% local with accessible vehicles up to 85% Federal share).

As the Senate Banking, Housing, and Urban Affairs Committee begins its work on the transit title of the next surface transportation bill, we urge you to focus on maximizing federal formula-based dollars provided directly to states, prioritize increases in formula-based program funding, including funding to address bus and rail modernization, small urban and rural transit, while also providing robust funds for the Capital Investment Grants program including the New Starts and Small Starts programs.

4. Increase flexibility, reduce program burdens, and improve project delivery

- Increase flexibility and transferability of federal highway and transit funding.
- Reduce regulatory and programmatic burdens associated with federal programs, such as combining certifications for Buy America and Altoona Testing.
- To improve project delivery, states want to streamline and expedite the current approval process for routine and recurring activities, like bus and equipment replacement.

State DOTs are truly appreciative of the flexibility in the federal program included in the FAST Act. That flexibility allows state DOTs to meet their unique investment needs of their own states. To further enhance the effectiveness of federal funding, we recommend increased flexibility and transferability of federal highway and transit funding, which will better enable states to target their scarce resources into the most beneficial programs and projects.

With regard to program burdens, the Buy America program mandates that all recipients of Federal Transit Administration funding, including state DOT and transit providers, must verify that a vehicle manufacturer has complied with program requirements, including pre- and post- award inspections, before the purchase of vehicles. In addition, prior to transferring ownership of the vehicle(s), bus manufacturers must also submit to the Model Bus Testing Program or the Altoona Test (49 CFR Part 665).

While AASHTO remains supportive of the Buy American program and the Altoona Test, these certifications are inefficient, costly, and can significantly delay the delivery of much needed transit vehicles. AASHTO calls on Congress to establish a pilot program that combines the Buy America Program and the Altoona Test into one set of certification requirements to improve the delivery of public transportation vehicles.

Regarding project delivery, it is all too often that the approval of routine and recurring activities, like the replacement of bus and bus related equipment, in a grant are held up while other aspects of the grant are under discussion. To speed project delivery and reduce delays in the procurement of routine and recurring activities, we ask Congress to direct the Government Accountability Office to review and provide recommendations on streamlining/expediting the current approval process.

5. Support and ensure state DOT's ability to harness innovation and technology

- Innovative approaches and technologies, such as Cooperative Automated Transportation (CAT), should be embraced to achieve a safer and more resilient, efficient and secure surface transportation system.
- CAT can enhance mobility alternatives for individuals who may be unable to use or are not served by traditional public transportation services.
- State DOTs, as infrastructure owners and operators, need the 5.9 GHz spectrum for transportation safety and connected vehicle deployment purposes.
- Preserve state and local government authority to regulate operational safety of autonomous vehicles.
- Preserve state and local government authority to responsibly manage data collected from transportation technologies.

Today, the dramatic technological change underway within the transportation arena is no less significant than when the combustion engine was merged with the wagon in the early 1900s. Today, with the merger of technology between the car, truck and other vehicles—and with the roadway itself—we will enable unprecedented improvements to safety and mobility. This will change the way we move goods, services and people on our roads and highways. It is more important now than ever that we respect the roles at local, state and federal levels and work hard to develop a shared vision of this transportation future in order not to be a bottleneck to continued innovation.

As stated earlier, the top priority for the state DOTs and AASHTO has been—and will always remain—the safety of all transportation system users. CAT deployment is an unprecedented opportunity to improve safety for all users, as well as service delivery. For public transportation, state DOTs are looking to FTA to research, test, fund and safety deploy CAT to enhance mobility alternatives for individuals who may be unable to use or are not served by traditional public transportation services.

Moreover, Connected Vehicles utilizing Vehicle-to-Everything (V2X) communication in the 5.9 GHz spectrum also will save lives by creating a seamless, cooperative environment that significantly improves the safety of our transportation system. This dedicated spectrum is currently at risk due to proposed action by the Federal Communications Commission (FCC) to take away more than half of the safety band away from transportation safety and connectivity purposes.

The FCC's proposed action to reallocate the majority of the 5.9 GHz band for unlicensed devices such as wi-fi will leave only 30 MHz for life-saving V2X technologies. This does not leave enough spectrum for V2X technologies, severely limiting the types of technologies that can be deployed. USDOT's research shows that this proposal would also likely cause significant interference with V2X technologies operating in the remaining spectrum, which could in effect render the spectrum useless for transportation safety. The FCC has ignored this research and took action in the absence of data or analysis of the impacts on V2X technologies.

We recognize that oversight of communications technology may lie outside of your Committee's jurisdiction—but it is important to understand how the FCC's decision could impact the broader transportation sector and the policy priorities of this Committee.

AASHTO's SPECIFIC PUBLIC TRANSPORTATION POLICY RECOMMENDATIONS IN THE NEXT SURFACE TRANSPORTATION BILL: As I mentioned previously, state DOTs went through an extensive process to develop a comprehensive package of policy recommendations for the next six-year, surface transportation authorization bill. AASHTO's Council on Public Transportation, currently led by Chair Roger Millar of Washington State and Vice Chair Ron Epstein of New York, spearheaded the development of the public transportation component.

Here are the specific policy recommendations from the AASHTO Council on Public Transportation:

1. Support the Goals of Safety Management Systems (SMS), the Public Transportation Agency Safety Plan (PTASP), and State of Good Repair (SGR)

In 49 U.S. Code § 5329 outlines U.S. DOT's mandate to implement a public transportation safety program with numerous components including National Public Transportation Safety Plan, Safety Certification Training Program, Agency Safety Plan and State Safety Oversight Program. In 2018, FTA issued a final rule implementing the Public Transportation Agency Safety Plan.

The Public Transportation Agency Safety Plan (PTASP) final rule requires those transit agencies affected by the rule to incorporate SMS policies and procedures into final Safety Plans. While state DOTs support the federal goals of Safety Management Systems (SMS), PTASP, and State of Good Repair, without authorizing a source of funding for implementation, an unfunded mandate has been created and imposed upon states and their sub-recipients particularly requiring state DOTs to develop PTASP plans for transit systems that are not under state DOT jurisdiction.

Thankfully, the PTASP final rule defers FTA Sections 5310 and 5311-only providers from having to comply with the new rule. FAST Act Reauthorization is an opportunity for Congress to eliminate this uncertainty by formally exempting FTA Sections 5310 and 5311 providers from the requirements.

AASHTO recommends codifying the current the PTASP exemption for FTA Section 5310 and 5311 providers and provide funding to support PTASP implementation for systems receiving funding from the Urbanized Area Formula Program (49 U.S.C. 5307) and have "100 or fewer" vehicles in 'peak' revenue service.

2. Retain, Strengthen and Expand the Federal Program for Public Transportation; Retain the Mass Transit Account within the Highway Trust Fund

The FAST Act authorized \$61.1 billion for transit programs with funding provided from both the Mass Transit Account (MTA) of the Highway Trust Fund (HTF) and the General Fund (GF). As of FY 2020, annual HTF outlays are estimated to exceed receipts by \$16 billion in FY 2020, growing to more than \$23 billion by FY 2027.

As I previously stated in my testimony, it is critical to fix the Highway Trust Fund now and ensure its solvency in supporting a new six-year federal surface transportation bill. Coupled with fixing the Highway Trust Fund, Congress must continue its increasing investment in improving our nation's public transportation systems.

AASHTO recommends increasing federal funding for both rural and urban area public transportation services to enhance regional and national economic competitiveness and promote community vitality; prioritizing increases in formula-based program funding, including funding to address bus and rail modernization and rural transit, while also providing funds for the non-formula New Start/Small Start program; implementing a long-term sustainable revenue strategy that (1) addresses the insolvency of the federal Highway Trust Fund; (2) preserves a separate Mass Transit Account; (3) proportionately grows the highway and transit programs and mitigates the current infrastructure deficit; and (4) supports new transformative infrastructure investments; and increasing the flexibility and transferability of federal highway and transit funding.

3. Maintain and grow the Bus/Bus Facility formula and discretionary program, including the Low or No Emission Vehicle discretionary grant program

One major investment in the future of public transportation is the Bus and Bus Facility grant program, Section 5339 in Moving Ahead for Progress in the 21st Century Act or MAP-21, a new hybrid (formula/discretionary) grant program. AASHTO supported the creation of this program, since Congress gave increased weight and emphasis to formula funds, a policy that is consistent with AASHTO policy.

Section 5339 also replaced the previous Section 5309 discretionary grant program, Bus and Bus Facilities program, and provided formula and discretionary funding to address extraordinary needs for the rehabilitation and replacement of buses and bus related equipment; and to rehabilitate existing or construct new bus-related support facilities; transfer stations; and intermodal facilities.

Included in the FAST Act, the Low or No Emission Vehicle Program provides \$55 million per year until FY 2020 for the purchase or lease of zero-emission and low-emission transit buses, as well as the supporting facilities.

In FY2018, \$366 million was awarded in discretionary program funds out of a request of \$2.2 billion. This oversubscription shows the strong need to maintain and grow the overall bus and bus facilities program, both formula and discretionary components.

AASHTO supports the continuation of the Section 5339 program using current federal appropriated funding levels as a baseline for formula and discretionary funds and encourages increases to formula and discretionary funding. Additionally, AASHTO encourages USDOT to consider industry comments, including comments of state DOT's, on criteria for discretionary grants.

4. Maintain the Current Maximum Federal Funding Match Ratios for Public Transit Programs to Support Rural and Urban Communities, Individuals with Disabilities and Seniors and Our Nation's Transit Infrastructure

Nationally, the financial support from state and local entities for public transportation services far exceeds the current federal support. But, as I noted previously, the federal government is a solid – even critical – partner. And the current federal share is essential to ensure that current public transportation services are retained. Moreover, the federal government should

not shift additional costs to states/local governments by reducing the current level of federal participation in operating and capital projects.

In reauthorization, Congress should honor the existing federal shares authorized for transit operating and capital programs, including the transit New Start program. Lowering the federal share for projects also makes it more difficult to compete for discretionary or flexible highway funds, especially those subject to the Metropolitan Planning Organization process.

AASHTO recommends preserving the current federal/non-federal matching ratio requirements for federal-aid eligible transit projects.

5. Establish a New Four-year Pilot Program that Combines Requirement Certification under the Buy America Program with the Altoona Test Requirements, Creating One Set of Certifications with the Federal Transit Administration

As I noted previously, the processes outlined in 49 CFR Part 661 (Buy America) and 49 CFR Part 665 (Model Bus Testing Program) is inefficient, costly for state departments of transportation and bus manufacturers and can significantly delay the delivery of much needed transit vehicles.

AASHTO's Council on Public Transportation is supportive of the Buy America program, which mandates, according to 49 CFR 661 (§ 661.13 Grantee responsibility), that all funding recipients of the Federal Transit Administration (FTA) purchasing vehicles must verify that the manufacturer has complied with Buy America program requirements, including pre- and post- award inspections. However, prior to transferring ownership of the vehicle(s), bus manufacturers must also submit to the Model Bus Testing Program or the Altoona Test (49 CFR Part 665).

AASHTO recommends the Congress establish a new pilot program that would require the manufacturer to directly provide a single certification to the Federal Transit Administration demonstrating compliance with Buy America and Altoona Test requirements.

6. Direct the Government Accountability Office to Study Streamlining the Federal Transit Grant Approval Process

State DOTs are required to submit a unified program of projects to FTA to authorize the use of funds for a wide range of activities. The program of projects may include routine and recurring activities such as the replacement of bus and bus related equipment as well as more complex activities, including but not limited to construction of new facilities or deployment of new technologies.

As I noted previously, approval of routine and recurring activities in a grant are held up while other aspects of the grant are under discussion. To speed project delivery and reduce delays in the procurement of routine and recurring activities, AASHTO is proposing that GAO review and provide recommendations on streamlining/expediting the current approval process.

AASHTO recommends that Congress direct the Government Accountability Office to study the federal transit grant approval process for routine and recurring procurements (e.g., buses), provide recommendations to Congress and U.S. DOT on effective strategies for streamlining existing processes/practices, and work with the stakeholder community to take action and implement the study's recommendations.

7. Reauthorize the Transit Cooperative Research Program

The main source of research for public transportation projects and programs is conducted through the Transit Cooperative Research Program (TCRP) and directly by the FTA. This research remains a high priority for state DOTs because we are involved in providing public transportation to small urban and rural communities and have key constituencies who rely on these services, including persons with disabilities, seniors and more.

TCRP activities promote best practices and facilitate the deployment of new technologies, thereby enhancing increases in operational efficiency. In addition, I would like to acknowledge that the National Cooperative Highway Research Program provides additional funding for transit research projects but not at the scale of the TCRP.

In support of these efforts, TCRP, as outlined under “§ 5312 Public transportation innovation” of the 2015 FAST Act, should be reauthorized. AASHTO recommends preserving and enhancing the funding to support the Transit Cooperative Research Program.

8. Enhance Opportunities and Streamline Regulations for State DOTs and Transit Providers to Partner with Technology and Other Companies to Improve the Service Delivery to Communities

State DOTs remain committed to improving public transportation services for our nation's most vulnerable populations, including seniors, persons with disabilities, and disabled veterans. The traditional method of fixed-route or route deviation services, however, may not be the most effective or appropriate service model for individual mobility needs, especially in remote or rural areas.

In cases, some federal regulations are viewed as potential obstacles to such partnerships. To enhance customer-focused access to health care, first-mile/last-mile connectivity and better accessibility the FTA should work with state DOTs and service providers to partner with and integrate the eligibility of app-based transportation services.

AASHTO recommends authorizing the use of new technologies and services (e.g., Transportation Network Companies) to support the provision of federally-aided public transportation services.

9. Expand Research Grants and Funding to Explore Mobility Opportunities Through Cooperative Automated Transportation Technologies

State DOTs hope that the Federal Transit Administration's Strategic Transit Automation Research (STAR) plan results in greater innovation and improvements in transit service delivery to urban and rural communities and for those most in need of mobility assistance. I noted previously that CAT deployment is an unprecedented opportunity to improve service delivery.

Notwithstanding, state DOTs are looking to FTA to research, test and safely deploy these emerging technologies. FTA research should also include an assessment of the impact of CAT on labor; opportunities to retrain existing employees and train the employees needed in the future to maintain and support these technologies; and assess the infrastructure needed to support deployment. State partnerships with FTA are critical to success of the STAR plan's implementation.

AASHTO recommends providing the funding for; expanding research in; and facilitating the deployment of CAT to enhance mobility alternatives for individuals that may be unable to use or are not served by traditional public transportation services.

10. Encourage Ongoing Federal and State Coordination of the Coordinated Council for Access and Mobility

Established in 2004 by Executive Order 13330, the Coordinated Council for Access and Mobility (CCAM) is a federal interagency transportation council that serves to improve mobility, employment opportunities and access to community services for persons who are transportation-disadvantaged. Chaired by Secretary of Transportation, the CCAM is comprised of eight cabinet level departments, the Social Security Administration and the National Council on Disability.

In 2015, Congress codified the CCAM in the FAST Act (Section 3006(c)), calling for a strategic plan that outlines roles and responsibilities of each interagency member, addresses recommendations concerning local coordination of transportation services and proposes changes to federal and regulations that will eliminate barriers to local transportation coordination. CCAM is vital to the future of federal-state coordination of human services transportation and its work has only begun.

AASHTO supports the U.S. DOT's and FTA's efforts to develop and lead the CCAM and encourages Congress to promote the cooperative, ongoing collaborative efforts at the federal and state level in the authorization of surface transportation programs. AASHTO recommends that Congress should encourage other federal agencies, for example the Department of Health and Human Services and the Department of Veterans Affairs, to more fully participate in the CCAM and to work with the Federal Transit Administration and states to develop a cost-allocation methodology that incorporates and recognizes the efficiencies of public transportation services.

11. Support the Commuter Tax Benefit and Restore the Employer Deductible for Transportation Fringe Benefits to Employees

The Commuter Tax Benefit is an employer-provided, transportation fringe benefit that can cover the costs of an employee's commute up to a monthly cap of \$260 (as of 2018) by transit or vanpool or up to \$20 per month by bicycle. The benefit can also be used for the cost of qualified parking (with a separate monthly cap of \$260). The benefit can be offered pretax, as a subsidy, or in combination.

However, Congress limited the benefit in the Tax Cuts and Jobs Act of 2017 by restricting an employer's ability to deduct the cost of providing the benefit. While recognizing the value of the commuter tax benefit by retaining key elements, including the personal deduction for employees and allowing employers the ability not to pay payroll taxes on the amount provided, Congress also created new tax liabilities for tax-exempt entities that offer transportation benefits.

AASHTO recommends restoring the employer-provided tax deduction for offering pre-tax transit benefits (referred to as Qualified Transportation Fringe Benefits); and make permanent at the level of deduction no less than that provided for parking.

12. National Transit Database Reporting

In 2018, FTA issued new policies for the 2018 National Transit Database reporting year. Included in the new reporting policies was a provision that redefined commuter bus, rail, and ferry services of more than 90-minutes in duration as intercity service. The new reporting policies require the sponsor of such services to conduct extensive and expensive statistical analysis to qualify for commuter eligibility/meet NTD reporting thresholds.

The 90-minute trip duration is arbitrary in that it does not take into account the effects of traffic/related congestion; availability of or proximity to affordable housing; and/or other economic factors impacting commute times for individuals that choose to use public transportation services.

AASHTO recommends prohibiting the FTA from implementing National Transit Database (NTD) policy changes and reporting clarifications for Report Year 2018 pertaining to commuter vs. intercity services. This prohibition shall be effective as of October 1, 2018, until repealed.

13. Cooperative Procurements

In procurement of rolling stock and/or equipment, State DOTs include specifications based on a variety of factors when creating a procurement contract. The factors are inherent to the state and its region, including geographic considerations of use.

FAST Act Section 3019 – Innovative Procurement – introduced new language affecting the procurement process when using federal funding. By definition, states that wish to enter into a cooperative procurement contract (State Cooperative Procurement Schedules) initiated under Section 3019, must allow grantees across the United States (regardless of location or proximity to the contract parties) to access and purchase vehicles and equipment off its master schedule contract. This provision can create an efficient and cost-effective method for vehicles and equipment procurement.

However, this provision has created new challenges and concerns for states that enter into cooperative procurements. Some of those challenges include but are not limited to: the ability of vendors to meet the vehicle and equipment needs of sub-recipients in a timely manner within the contracting state. The contracting state is investing significant resources to support out-of-state demand with only the ability to charge no more than one percent for administrative fees, a benefit that provides little benefit to the state’s transportation system. Another challenge/concern involves the procurement rules or regulations of individual states that may prohibit the sale of vehicles and equipment to other states. Also, the vehicles and equipment included in the master schedule contract may include unique, geographical location specifications not suitable for grantees throughout the United States.

AASHTO recommends that Congress clarify the intent of Section 3019 Innovative Procurement and its cost-effective, efficient procurement tools while adding flexibility for states. We recommend changing the mandatory language to permissive language, granting the contracting states the flexibility and ability to prioritize vehicle and equipment needs of (1) in-state sub-recipients, (2) regional grantees and (3) other grantees outside of the contracting state’s region. Region is defined as FTA regions.

CONCLUSION: State DOTs remain committed to assisting Congress in the development of strategies to ensure long-term economic growth and enhanced quality of life through robust investments in public transportation programs and projects, as well as in multimodal transportation options.

This week, hundreds of State DOT leaders from all corners of our country will be just a couple of blocks away attending AASHTO’s 2020 Washington Briefing. Over four days of productive discussions, many of my colleagues will be on Capitol Hill meeting with their respective Congressional delegations. Together, AASHTO and the State DOTs will continue advocating for the reaffirmation of a strong federal-state partnership to address our surface transportation investment needs.

I’d like to leave you with what I believe is a critical consequence of inaction when it comes to investing in public transportation, highway infrastructure and accelerating project delivery. No matter what we might think, we cannot streamline our way into providing a safe and sound transportation system. We cannot cut our way to buying steel, concrete, asphalt, equipment and labor. We must work together to move transportation policy in the direction of providing safety, service and stability for all.

Thank you again for the honor and opportunity to testify today, and I am happy to answer any questions.

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PUBLIC PRESENTATION

NATIVE VEGETATION ALONG STATE RIGHTS-OF-WAY: INNOVATION IN SUSTAINABLE AND RESILIENT TRANSPORTATION CORRIDORS

The Missouri Prairie Foundation is a private non-profit prairie conservation organization whose mission is to protect and restore prairie and other native grassland communities. The Missouri Prairie

Foundation promotes the use of native plantings through its Grow Native! Program and supports the identification and control of invasive plant species through its Missouri Invasive Plant Task Force. The Missouri Prairie Foundation has partnered with MoDOT and the Missouri Department of Conservation in targeting invasive species through vegetative management and wishes to continue partnering with MoDOT in the future.

Carol Davit, Executive Director of Missouri Prairie Foundation, and Bill Straatmann, President/Owner of Straatmann Toyota, requested the Commission consider further use of native vegetation along MoDOT managed right of way. Use of native vegetation promotes natural habitat for pollinators. Ms. Davit expressed concern regarding the decline of pollinators and the impact it will have on agriculture and the food supply in the United States. She also shared the many benefits of native vegetation including the ability of native plants to adapt to the climate and soils in Missouri.

Ms. Davit encouraged the Commission's consideration to change or reduce mowing practices, expand roadside native plantings, and increase MoDOT's treatment of invasive plants. While mowing is necessary in areas for safety, reducing mowing to allow expansion of native plantings will reduce mowing costs, improve pollinator habitat, manage water runoff and prevent erosion, as well as beautify the roadsides. To assist with expanding the use of native plants, MoDOT can invest long term in community engagement with Adopt-A-Highway native plantings and that there are resources available to the department regarding long term planning for native roadside vegetation. MoDOT can minimize the spread of invasive plants that threaten neighboring properties with targeted treatment and shifting the timing of mowing.

Mr. Straatmann noted the cooperative effort Grow Native! is a great program. He explained it takes time for native plants to get established and encouraged the department to expand their use of native plants gradually over time. The use of native plants along Missouri's roadsides is a positive service to the State of Missouri. Ms. Davit concluded that the goal of the Missouri Prairie Foundation is to encourage

the Commission to develop a comprehensive long-term plan to use native vegetation along its roadsides throughout the state.

Commissioner Brinkmann thanked Ms. Davit and Mr. Straatmann for their presentation. He noted his desire to see more roadside adoptions for native plantings and stated he would like to adopt Highway F in St. Charles County.

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MODOT PRESENTATIONS

ANNUAL PRESENTATION TO THE JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

On January 28, 2020, Patrick McKenna, Director, presented MoDOT’s 2019 Annual Report to the Joint Committee on Transportation Oversight. This committee is composed of seven members of the standing transportation committees for both the senate and the house of representatives along with three ex officio members. The ex officio members include the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration.

State law requires the annual report be presented to the joint committee each year prior to February 15. At this meeting the Director reviewed the highlights of the year and shared a copy of the report which includes the Citizen’s Guide to Transportation Funding, Financial Snapshot, Comprehensive Annual Financial Report, and MoDOT Results documents.

Becky Allmeroth, Chief Safety and Operations Officer, explained MoDOT’s response to winter events is one of the highest profile customer service endeavors and the level of service has remained unchanged, which is a 24-hour response until all objectives are met despite challenges such as the ability to recruit and retain winter response operators. Ms. Allmeroth explained the department continues to get questions about its operations. To educate the public regarding the department’s operations and to answer those questions, MoDOT has prepared a video regarding its winter operations. She shared the video with

the joint committee at this annual meeting and with the commission. Ms. Allmeroth explained this video is the first in a series of educational videos that the department is working on. She also said the department continually strives to improve its practices. Through participation in national organizations, and researching best practices around the world, the department is learning how to innovate and optimize its winter operations while providing a great level of service. Commissioner Ecker thanked Director McKenna and Ms. Allmeroth for their presentation and encouraged them to continue to develop these educational videos to share with the legislature and the public.

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MODOT'S RESEARCH PROGRAM

On behalf of the Director, Jen Harper, Research Director, provided an overview of the research performed by MoDOT and the recent partnership formed with the University of Missouri System to create the Missouri Center for Transportation Innovation (MCTI). Ms. Harper explained the research section administers and supervises research studies performed by consultants, universities, MoDOT staff, and the MCTI. She explained the department's research is focused on ways to do the jobs we do safer or more efficiently. She explained there are funds available at the federal and state level for transportation research in Missouri, those resources combined total \$5.8 million in 2020. She also explained how those funds are disbursed through different research programs. The department identifies and prioritizes its research needs and issues requests for proposals to acquire the research services. Contracts that are awarded have a budget and timeline to meet project goals. On average, there are about thirty-two research contracts being administered at a time with a range in cost from \$50,000 to over \$500,000 per agreement. Ms. Harper shared some successful research projects have included the Geotech research on drilled shafts, and how that has resulted in estimated savings of \$45,000 per bridge project. The research section also conducted a port impact study, and one year after the study was completed, general revenue to ports

increased over five hundred percent. She also shared examples of research projects underway in the areas of safety, work zones, construction, bridges, materials, emergency management, and maintenance.

MCTI was launched in 2019 as a partnership with MoDOT to perform research studies that will combine the collective knowledge of the University of Missouri System's four campuses located at Columbia, Rolla, Kansas City, and St. Louis. MCTI will be managed by a board with representatives from each campus and MoDOT. MCTI has awarded its first project to study national bridge data to identify trends that will assist DOT's with planning for bridge repair and replacement. MCTI should help keep Missouri's transportation research funds in Missouri and will eventually draw other state transportation research projects and funds to Missouri. Additionally, MCTI should increase the development of future transportation engineers, a benefit to MoDOT and the state.

Commissioner Brinkmann thanked Ms. Harper for her presentation and was encouraged by the cooperation among the universities and the department.

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GOVERNOR'S TRANSPORTATION COST SHARE PROGRAM

On behalf of the Director, Ed Hassinger, Deputy Director/Chief Engineer provided an update on the status of the Governor's Transportation Cost Share program. He reminded the Commission of their action at the January 8, 2020 Commission meeting which approved the award of nineteen projects totaling \$47.9 million of General Revenue funds and authorized staff to request from the General Assembly any funds not spent in state fiscal year 2020 to be available in state fiscal year 2021. He also acknowledged receipt of the Commission's correspondence dated February 14, 2020 that requested the department to initiate a process through the Cost Share Committee to review the applications received to determine if any of the applicants would be able to modify the scope of their project to fit within the fiscal restraints of the available balance of the program. Additionally, if during Fiscal Year 2020 other project sponsors

choose not to move forward with a project, to also follow a similar process to identify replacement projects to fully utilize available budget resources for the program.

Subsequently, the department reviewed the projects and determined the City of Sikeston's project could be an opportunity to make full use of the funds available. The department needs more time to work with the city and will be prepared to make a recommendation for their consideration soon. Chairman Pace thanked Mr. Hassinger for the update.

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ADMINISTRATIVE RULES/POLICIES

REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – SKILL PERFORMANCE EVALUATION CERTIFICATES FOR COMMERCIAL DRIVERS ADMINISTRATIVE RULES

On behalf of the Director, Jerica Holtsclaw, Motor Carrier Services Director, presented to the Commission notice of proposed amended administrative rulemaking 7 CSR 10-25.010 – Skill Performance Evaluation Certificates for Commercial Drivers, to align the rule with federal exemption for persons with hearing deficiency. The proposed amendments include: allowing persons with a hearing deficiency or impairment to apply for an exemption from the hearing requirement in order to drive a commercial motor vehicle in intrastate commerce, specify the physician specialties whose opinions will be accepted for the skill performance evaluation application process, and clarify Missouri will not grant an exemption for a seizure condition in Missouri intrastate operations. The public will have an opportunity to submit comments in support of or in opposition to this proposed amended rulemaking. All comments received from the public will be considered and summarized in the order of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of Section 622.555 RSMo that grant the Commission's rulemaking authority; authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on

Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*; and authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, Assistant Chief Engineer, Chief Safety and Operations Officer, or Chief Administrative Officer to execute documents to initiate the rulemaking process.

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BUSINESS ISSUES

DELEGATION OF SETTLEMENT AUTHORITY FOR PROPERTY DAMAGE

On behalf of the Director, Todd Grosvenor, Financial Services Director, stated in April 2015, the Missouri State Auditor released an audit recommending privatization of property damage collection to maximize property damage revenues. Collection of those funds was performed by MoDOT staff. A competitive procurement process was completed for property damage collection services and Claims Management Resources, Inc. (CMR) was selected.

Providing settlement authority to a private administrator will allow for efficiency in the property damage collection process by eliminating the need for MoDOT staff to approve settlements that meet specified criteria. MoDOT staff will continue to identify claims for collection, establish and maintain records in the financial accounting system, and refer to CMR for collection. Once referred, CMR will handle the collection process from contacting the responsible party to receipt of reimbursement. The administrator will retain a percentage of most collections, so they will be incentivized to collect as much reimbursement as possible. CMR will retain 17.05 percent of collections, up to a maximum fee, per claim, of \$8,000. The percent of collections retained increases to 17.50 percent for the first one-year extension, 17.75 percent for the second one-year extension, and 17.95 percent for the third and fourth one-year extensions. Total property damage collections have averaged \$6.2 million annually for the last three years of which CMR has collected \$5.9 million or 95 percent. Any settlements outside the specific parameters outlined in this recommendation will require MoDOT staff or MHTC approval, in accordance with current

MHTC policy. The Commission will retain sole authority regarding any and all legal action related to property damage collection. Privatization of this function may increase revenue from property damage claims, which would provide additional funding for road and bridge improvements.

Mr. Grosvenor recommended approval of delegation of limited settlement authority to Claims Management Resources, Inc. (CMR). This delegation of authority shall be limited to no less than 75 percent of the total value of the claim and shall apply only to claims valued at \$25,000 or less. Potential settlements not meeting these criteria will require MoDOT staff or Commission approval, in accordance with Commission policy. He further recommended ratification of a one-year (with four one-year extensions) contract services agreement with CMR, and authorization of the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to independently exercise, without Commission approval, the four one-year extension options, subject to approval as to form by the Chief Counsel's Office.

Via approval of the consent agenda, the Commission unanimously approved the delegation of settlement authority for property damage, ratified the contract services agreement, and delegated authority for execution of the agreement extensions as described above.

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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. He noted Calls A04, and H01 have local funding, as noted in Table I below, and the department received all the necessary concurrences.

Mr. Koestner recommended (1) Award of contracts to the lowest responsive bidders for bids received at the February 21, 2020, letting, as recommended and noted in Table I below. (2) Rejection of

bids received on Calls A12, F03, G09, and H01 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) Delay of action on Call B02 due to pending review. (4) Concurrence in award of contract to the lowest responsive bidder for bids received by the City of Wentzville on February 13, 2020 for the paving of Route I-70 and David Hoekel Parkway Interchange in St. Charles County, as recommended and noted in Table III below.

Table I
Award of Contracts
February 21, 2020, Bid Opening

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01^	D	Dekalb	J1S0588	\$1,824,358.65	\$193.76	Emery Sapp & Sons, Inc.	Bridge Replacement
	48	Andrew	J1S3133		\$83.04		
A04*	6	Grundy	J1P3144	\$4,322,039.06	\$0.00	Emery Sapp & Sons, Inc.	Resurface and ADA Improvements
	69, 6	Daviess, Grundy	J1P3199				Resurface
A05	6	Daviess, Grundy	J1P3250	\$688,181.79	\$0.00	Vance Brothers, Inc.	Scrub Seal
A13	13	Caldwell	J1S3359	\$335,954.65	\$0.00	Comanche Construction, Inc.	Bridge Rehabilitation
B01^	C	Pike	J3S2219	\$1,897,582.51	\$0.00	Bleigh Construction Company	Bridge Replacement
	U	Pike	J2S3120				
			J2S3177				
B02	J	Macon	J2S3235	\$284,867.00	\$0.00	Omega Coatings & Construction, LLC	Bridge Painting
	DD		J2S3232				
	M		J2S3234				
	151	Shelby	J2S3233				
C01^	41	Saline	J3P3125	\$1,525,911.00	\$0.00	Lehman Construction, LLC	Bridge Replacement
			J3P3126				
C02^	D	Pettis	J3S3115	\$1,657,926.40	\$0.00	Lehman Construction, LLC	Bridge Replacement
			J3S3116				
C03	2	Cass	J4P3212D	\$542,688.19	\$1,800.00	Geromini Concrete Paving, LLC dba GC Paving	Intersection Improvements
C04	RA	Jackson	J4S3356	\$249,330.02	\$0.00	Capital Paving & Construction, LLC	Resurface
C05	P	Cass	J4S3364	\$1,070,868.20	\$0.00	Capital Paving & Construction, LLC	Resurface
	Z		J4S3362				
D01	I-44	Various	J5I3302	\$178,260.00	\$0.00	Ewing Signal Construction, LLC	Safety Improvements

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
D02^	DD	Cooper	J5S3260	\$2,119,669.44	\$170.50	Lehman Construction, LLC	Bridge Replacement
	K		J5S3251		\$0.00		Bridge Rehabilitation
F01	I-55	Jefferson, St Louis	J6I3341	\$1,484,074.05	\$0.00	Parking Lot Maintenance, LLC	Crack Sealing and Guardrail
F04	141	St Louis	J6M0279	\$124,573.32	\$0.00	SWATA Group, LLC	Sound Wall Repair
F05	180	St Louis	J6S3267	\$1,532,407.56	\$0.00	Microsurfacing Contractors, LLC	Microsurface
	364		J6P3422				
	D		J6S3406				
F06	Various	St Louis	J6Q3472	\$1,329,745.00	\$0.00	Gerstner Electric, Inc.	ITS Improvements
F06	Various	St Louis City	J6Q3467				
F08	TT	Franklin	J6S3387	\$2,496,782.69	\$0.00	N.B. West Contracting Company	Resurface and Add Shoulders
G01	I-44	Various	J0I3006N	\$270,500.00	\$0.00	Hutchens Construction Company, LLC	Job Order Contracting for Asphalt Pavement Repair
G02	I-44	Greene	J0I3006O	\$269,000.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Job Order Contracting for Asphalt Pavement Repair
G03	I-44	Webster	J0I3006P	\$123,000.00	\$0.00	Willard Asphalt Paving, Inc.	Job Order Contracting for Asphalt Pavement Repair
G04	I-49	Various	J0I3006W	\$74,000.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Job Order Contracting for Asphalt Pavement Repair
G05	I-49	Various	J0I3006X	\$202,875.00	\$0.00	Hutchens Construction Company, LLC	Job Order Contracting for Asphalt Pavement Repair
G06	I-49	McDonald	J0I3006Y	\$85,140.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Job Order Contracting for Asphalt Pavement Repair
G07^	CC	Newton	J7P3190B	\$356,505.00	\$0.00	Bennett, Inc.	Culvert Replacement

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
G08	64	Hickory	J7S3359	\$0.00	\$0.00	No bidders	Bridge Rehabilitation
	7	Benton	J7P3360				8 Bridge Rehabilitations
	7	Benton, Cedar, Dade, Henry, St. Clair	J7P3299				
H02	76	Douglas, Howell	J9S3377	\$6,975,000.00	\$0.00	Pace Construction Company	Resurface
	160	Oregon	J9P3427				
	142	Howell	J9S3412				
	AM	Wright	J9S3417				
	Z	Howell	J9S3419				
	MM	Texas	J9S3416				
	M	Oregon	J9S3422				
	JJ	Douglas	J9S3424				
J	Ozark	J9S3423					
H03 [^]	142	Ripley	J9S3209	\$801,563.60	\$0.00	Robertson Contractors, Inc.	Bridge Replacement
H04	153	Various	J9S3257	\$4,639,320.29	\$0.00	Apex Paving Co.	Resurface
	C	Mississippi	J9S3402				Resurface and Add Shoulders
	E	Dunklin	J9S3291				
H05 [^]	J	Ozark	J9S3385	\$1,481,739.65	\$0.00	Phillips Hardy, Inc.	Bridge Replacement
H06 [^]	P	Bollinger	J9S3439	\$1,890,400.09	\$96.88	Robertson Contractors, Inc.	Bridge Replacement
	AA	Cape Girardeau	J9S3393		\$110.72		
	ZZ	Scott	J9S3395		\$110.72		
			TOTAL:	\$40,834,263.16	\$2,565.62		

[^]Focus on Bridges Program

*Call A04 – Funding by City of Trenton – \$321,569.15

**Table II
Rejection of Bids
February 21, 2020, Bid Opening**

Call	Route	County	Job No.	Description
A12	D, FF	Sullivan	J1S3243	Resurface and ADA Improvements
	6		J1P3239	
F03	I-44	Franklin	J6I3506	Slide Repair
G09	65	Greene	J8M0261	DMS Board
H01*	Elephant Rocks	Iron	J9L20ELE	Seal Coat
	Johnson's Shut-Ins		J9L20JOH	
	Pilot Knob		J9L20BAT	
	Sam A Baker	Wayne	J9L20SAM	
	Lake Wappapello		J9L20LAK	

*Call H01 – Funding by Department of Natural Resources – 100%

**Table III
Concurrence of Award
February 13, 2020, Bid Opening by City of Wentzville**

Route	County	Job No.	Bid Amount	Contractor	Description
70	St. Charles	J6I3201	\$12,237,828.23	Lehman Construction LLC	New Interchange – Phase II

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received on the February 21, 2020, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected the bids received on Calls A12, F03, G09, and H01 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. Delayed action on Call B02 due to pending review.
4. Concurred in award of contract to the lowest responsive bidder for bids received by the City of Wentzville on February 13, 2020 for the paving of Route I-70 and David Hoekel Parkway Interchange in St. Charles County, as recommended and noted in Table III above.
5. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Smith abstained from voting on Call G01. Commissioner Brinkmann abstained from voting on call D01.

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2020-2024 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT

On behalf of the Director, Ed Hassinger, Chief Engineer, requested approval to revise the 2020-2024 Statewide Transportation Improvement Program (STIP) that was approved in July 2019, for the

implementation of fourteen highway and bridge projects, as noted in Table I below and seven multimodal project, as noted in Table II below.

**2020 – 2024 STIP
Highway and Bridge Construction Schedule
March Amendment
Project Changes**

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
KC Clay J4P3213	MO 92	Adding shoulders and culvert extensions, intersection improvements, left turn lanes and pavement resurfacing from Route DD to Nation Rd. Includes drainage improvements at Marimack Gold Course. \$470,000 Open Container funds.	2021 CN	\$1,569	\$160
KC Jackson J4S3085	US 169	Environmental Study and engineering for Buck O'Neil bridge over the Missouri River in Kansas City. \$785,000 Cost Share and \$2,050,000 city of Kansas City funds.	9999 CN 9999 RW	-\$131,067	\$870
KC Jackson J4S3085 C	US 169	Bridge replacement of Buck O'Neil bridge over the Missouri River and bridge/road improvements from Richards Rd. to 12th St. in Kansas City. Design-Build. Bridges A4649, A1128, A4646, A1130, A4648. \$34.918M STBG, \$5.082M HIP/Omnibus, \$70.450M Kansas City, \$25M BUILD funds.	2021 CN 2021 RW	\$254,990	\$10,316
KC Jackson J4I3475	IS 70	Repair drainage structure in median 0.5 mile east of Oak Grove.	2021 CN	\$426	\$36
CD Various J5S3435	Various	Upgrade pedestrian facilities at various locations in Bourbon, Bland, Hermann, Rosebud and Potosi..	2021 CN 2021 RW	\$722	\$384
CD Various J5S3434	Various	Upgrade pedestrian facilities to comply with the ADA Transition Plan at various locations in Ashland, Hallsville, Harrisburg, Columbia, Lone Elm, Tipton, California and Syracuse including pavement repair at various locations in Ashland. \$241,000 Statewide Transportation Alternative funds.	2021 CN 2021 RW	\$1,953	\$1,088
SL St. Charles J6S3507	OR 64	Payment to St. Charles County for construction of Interstate Drive from east of Quail Ridge Park to Prospect Road. \$1,524,500 Cost Share funds.	2022 CN	\$1,525	\$15

SL St. Charles J6I3515	IS 70	Pavement preservation treatment from east of Mid Rivers Mall Drive to Fifth Street. \$160,000 District Operation funds.	2020 CN	\$163	\$11
SL St. Charles J6S3509	RT DD	Payment to O'Fallon to add turn lanes and construct a roundabout from Winghaven Boulevard and Technology Drive to 0.2 mile east of Castlewood Estates Drive. \$929,078 Cost Share funds.	2021 CN	\$929	\$30
SL St. Louis J6I3525	IS 270	Box culvert cleanout and ditch repairs northeast of Route180, on Route D east and west of Schuetz Road and on Route370 east of Harry S. Truman Boulevard. \$600,000 District Operation funds.	2020 CN	\$612	\$67
SL St. Louis J6S3528	OR 44	Payment to Fenton Land Investors, L.L.C. to add intersection turn lanes and enhancements from Mraz Lane to west of Bowles Avenue. \$2,814,674 Governor's Cost Share Program.	2020 CN	\$2,815	\$10
SL St. Louis J6S3513	US 61	Pavement marking from I-64 to Barracksview Road. \$550,000 District Operation funds.	2021 CN	\$566	\$38
SL St. Louis J6S3514	OR 64	Pipe replacement on south outer road east of Timberlake Manor Drive and on north outer road east of Mason Road. \$181,000 District Operation funds.	2020 CN	\$306	\$21
SL St. Louis J6P3523	US 67	Pavement resurfacing and sign truss replacement from I-70 to 0.3 mile south of Route D.	2021 CN	\$615	\$78
			Total:	\$136,124	\$13,124

**2020 - 2024 STIP
Multimodal Operations
March Amendment
Project Changes**

District County	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Project Funds (Dollars in Thousands)
NE Pike	Reconstruct and Widen Runway 13/31, Reconstruct Connecting Taxiway and Apron, Replace Runway and Taxiway Lighting	2020 Aviation	\$6,400
NE Scotland	Apron Expansion	2020 Aviation	\$350
NW Buchanan	Operate Air Traffic Control Tower	2020 Aviation	\$75
SL Franklin	Construct Taxiway	2020 Aviation	\$375

District County	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Project Funds (Dollars in Thousands)
NW Atchison	Reconstruct Runway and Taxiway, Install New Lighting System	2020 Aviation	\$9,000
		Total:	\$16,200

Via approval of the consent agenda, the Commission unanimously approved the amendment to the 2020–2024 STIP as noted in the tabulations above. Commissioner Brinkmann abstained from voting on Route 61, St. Louis County, J6S3513.

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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.

<u>County</u>	<u>Route</u>	<u>Job Number</u>
St. Louis	I-64	J6I2222

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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REQUEST FOR APPROVAL OF LOCATION AND/OR DESIGN ON HIGHWAYS

Route 100, St. Louis County
Job No. J6S3259
Public Hearing Held January 9, 2020
Virtual public meeting online January 9-23, 2020

The proposed improvements will provide for resurfacing and upgrades of the existing pedestrian facilities to comply with MoDOT's ADA Transition Plan. The project will have normal access right of way. Most of the resurfacing work will take place overnight, with up to two lanes closed and traffic will shift to either side. During most days, all lanes will remain open. During sidewalk construction, crews may require some

short lane closures. In addition, crews may rebuild many of the entrances to businesses or subdivisions; however, they will make sure residents and customers can always access the business or subdivision. The project is 2.468 miles in length.

On behalf of the Director, Tom Blair, St. Louis District Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission via approval of the consent agenda unanimously found and determined the recommended location and design would best serve the interest of the public and approved the recommendation. Commissioner Brinkmann abstained from voting on this item.

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PROPERTY ACQUISITION AND CONVEYANCES

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

In keeping with the Commission’s policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Tom Blair, St. Louis District Engineer, recommended conveyance of 1.81 acres of land located in the northeast quadrant of Route 141 and Big Bend Boulevard in St. Louis County, to Gracor Development, LLC for a consideration of \$570,000.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

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-- **REPORTS** --

REPORTS

The Commission received the following written reports.

MODOT BRIEFING REPORT

Patrick McKenna, Director, provided to the Commission the written monthly Issue Brief(s) that are sent from the department to the Governor since the previous MoDOT Briefing Report. There were two briefing reports for the past month.

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**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING JANUARY 31, 2020**

On behalf of the Director, Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date January 31, 2020, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

On behalf of the Director, Travis Koestner, State Design Engineer, submitted a written report of consultant contracts executed in the month of January 2020, 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 400 active contracts held by individual engineering consultant firms prior to January 1, 2020. Nine engineering consultant services contracts were executed in January 2020, for a total of \$3,982,204. There was one non-engineering consultant contract executed in January 2020, for a total of \$38,700.

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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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