



**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, JULY 6, 2022**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, July 6, 2022, at the Missouri Department of Transportation, 105 W. Capitol Avenue, Jefferson City, Missouri. Robert G. Brinkmann, P.E., Chair, called the meeting to order at 1:00 p.m. The following Commissioners were present: Gregg C. Smith, Michael T. Waters, Jr., Terry L. Ecker, and W. Dustin Boatwright, P.E. Commissioner John W. Briscoe was present via teleconference.

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

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Patrick McKenna, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, July 6, 2022.

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

The Commission met in closed session on Wednesday, July 6, 2022, at 9:00 a.m. and adjourned at 11:30 a.m.

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-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

APPROVAL OF MINUTES

Upon motion by Commissioner Waters, seconded by Commissioner Smith, the Commission unanimously approved the minutes of the regular meeting held on May 4, 2022, and special meetings held on May 3, 2022, and May 18, 2022. 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 July 6, 2022, Consent Agenda

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

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The Chairman also serves on the Missouri Coalition for Roadway Safety Executive Committee. The following committee and board reports were made during the July 6, 2022, meeting.

Audit Committee – Commissioner Brinkmann reported the Audit Committee met on June 6, 2022, with the external auditors from RubinBrown LLP regarding the upcoming Fiscal Year 2022 financial statement audit that is required annually, by law. The committee reviewed and approved the Fiscal Year 2023 internal audit plan, which identifies the audits the internal audit staff will be conducting in this next fiscal year. The next audit committee meeting is scheduled for November 2022.

Legislative Committee – Commissioner Briscoe noted that following the conclusion of the 2022 session of the Missouri General Assembly, Governor Parson now has the task of reviewing each of the Truly Agreed to and Finally Passed bills. He must decide which of these he will sign, veto, or take no action on, letting them go into effect.

As of July 1, the governor acted on the 61 bills that were passed this session. Legislation that the Governor signs will go into effect on August 28, unless noted otherwise in the legislation.

For the fiscal year 2023 operating budget, the Governor acted on those proposals by either signing the bills or using his line-item veto authority to sign a balanced budget. MoDOT's budget was approved as passed by the general assembly without any line item vetoes or withholdings. Some of the highlights included in this budget included:

- \$100 million in general revenues for low volume roads;
- \$75 million in general revenues for the continuation of the governor's cost share program; and
- \$67 million for port improvements and operations.

Also, as in years past, the legislature passed two omnibus road and bridge memorial designation bills. These bills contain many important designations. One important designation worthy of mentioning is the naming of the Jefferson City Missouri River bridge that will be named after US Senator Roy Blunt.

Senator Blunt will be retiring from the US Senate later this year and this designation will be a nice honor for him.

Any legislation the Governor vetoes may be overridden by the legislature during their annual “veto” session in mid-September. Very little of the public policy changes passed will have an effect on MoDOT. **Missouri Transportation Finance Corporation (MTFC)** – Commissioner Smith stated there was no report. The next MTFC meeting will be in October 2022.

MoDOT and Patrol Employees’ Retirement System (MPERS) – Commissioner Boatwright reported the Board met June 16, 2022. The board election results were reviewed. The board approved a five-year strategic plan that modified the mission statement and added more staff and resources for MPERS.

Missouri Coalition for Roadway Safety Executive Committee – Commissioner Brinkmann explained the Missouri Coalition for Roadway Safety Executive Committee did not meet in May.

The state has been hosting hands-on driving clinics for new drivers. These clinics give young drivers a hands-on opportunity to learn critical skills for safe driving, such as emergency braking, skid control, and avoiding distractions. The first clinic was hosted in Kansas City by Ford’s Driving Skills for Life program. Another clinic was held in Bridgeton by B.R.A.K.E.S. driving school. A third clinic, also put on by B.R.A.K.E.S., is scheduled for July 9-10 in Jefferson City. The Missouri State Highway Patrol will host the Jefferson City event.

Progress has been made in reducing traffic fatalities this year with a reduction of seven percent year-to-date. The Chairman asked everyone to do their part to keep moving toward zero deaths this summer.

- Buckle up.
- Phone down.
- Slow down.
- Drive sober.

The next Missouri Coalition for Roadway Safety Executive Committee meeting will be in September 2022.

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DIRECTOR’S REPORT

During the July 6, 2022, Commission meeting, Director Patrick McKenna provided the following report:

Safety Policy # 0001 – Employee Safety Empowerment – Safety is MoDOT’s core value, and it is every employee’s responsibility to keep themselves, their co-workers, and the public safe. When the department focuses on safety and quality, everything else falls into place. MoDOT employees have the right and responsibility to take immediate action to stop an unsafe practice.

The Director announced on July 1, 2022, he issued a new policy, Safety Policy #0001, “Employee Safety Empowerment”. It gives employees the right to take immediate action to stop work to address imminent dangers, and/or unsafe practices. Employees are expected to immediately report any imminent danger and/or unsafe practices to their direct supervisor. The employee and supervisor will discuss the stop work action and immediately call the new MoDOT safety line to discuss next steps with the Safety and Operations leadership.

Every activity should be fully discussed and vetted before employees head out to the field each day. Employees should know what they are doing that day, their specific task, and how to do it safely. The morning safety muster provides the opportunity for any employee to stop and ask to clarify these procedures. Employees need to be clear on safety protocols before the team heads out to do the work.

In addition, several changes are being made at the statewide level to help with rapid response and consistency with safety. A new Safety Response Team (SRT) has been established under the leadership of the Chief Safety and Operations Officer to quickly make organizational and policy decisions focused on expediting approvals related to safety.

In addition, the District Health and Safety Managers (DSHM) will report directly to the Central Office Safety and Emergency Management section under the direction of the Chief Safety and Operations Officer. This reporting change takes effect July 1. It will also assist in the consistency of training, safety protocols, reviews, and accountability. Violations of safety policy will be handled swiftly up to the potential of termination.

Finally, the project development process needs to adjust and adapt by asking the right questions to integrate safety enhancements during the planning and development stages. The department has developed a new tool named SAFER that incorporates the elements of the Safe System Approach. The department acknowledges people will make mistakes that lead to crashes, but it is the department's shared responsibility to design a transportation system where those mistakes do not lead to death or serious injuries. The SAFER tool will be developed further, shared with MoDOT's partners for input, and incorporated into the department's standards in project development as the department strives for zero transportation network fatalities for Missouri.

MoDOT has an important job to do to build and maintain Missouri's transportation system. But it must be done safely. The most important thing is for employees to go home safe every day. The department will not cut corners. Shortcuts lead to lives being cut short.

Governor's Award for Quality and Productivity – MoDOT teams won two of the six categories for this year's Governor's Awards for Quality and Productivity.

A team of Kansas City employees received the award for innovation for their work on the new displaced left interchange on Interstate 35 and Missouri Route 152 in Liberty.

The goal of this team was to replace the Missouri Route 152 bridge over I-35 and to widen the corridor to create better traffic flow. The team designed the displaced left-turn interchange - the first of its kind in the world. As a result of this interchange, the community will save over \$1.8 million per year in congestion costs. Pedestrian accommodations were also added, making it easier than ever before for pedestrians to use the bridge and cross the street with added safety.

The I-270 North team in St Louis received the award for customer service for their work on their Real-Time Mapping project.

The primary goal was to fully update maps in two months. By partnering with companies directly to update GPS, they were able to make these quick updates, which before took up to six months. With quicker external and internal mapping, MoDOT can provide a better product for travelers and commercial drivers. From July to December 2020, the average number of crashes per day dropped from 3.15 to 3.03, a 2.8 percent improvement.

State Employee of the Month / Awards of Distinction – Director McKenna shared that at a ceremony June 21, Lt. Governor Mike Kehoe presented all the 2021 State Employee of the Month awards. MoDOT employees were the award recipients for three of those months.

Southeast District Construction and Materials Engineer Jason Williams was the July 2021 employee of the month. He was recognized for managing multiple projects including a \$140 million bridge project while he took over his new role leading construction for the district.

St. Louis Maintenance Supervisor Amir Ghaidi was the August 2021 employee of the month. He was recognized for providing lifesaving first response to a driver injured in a crash on I-70.

Northwest District Maintenance Crew Leader Jordan Delameter was awarded the September 2021 employee of the month. He was recognized for quickly assisting two people in a vehicle in rising flood waters and helping them to safety.

MoDOT employees also received one of the five Governor Award of Distinctions. Transportation Planning’s Intermediate Organizational Performance Analyst Kate Bax and Central Office Communications Manager Taylor Brune received the Innovations Award for their work to convert Tracker to an online document.

I-70 Bridge Impact – Director McKenna reported on Thursday, June 23, a tractor-trailer flipped on its side and slid into the bridge over Interstate 70 at High Hill in Montgomery County. The impact damaged the center bridge support. Working with a contractor, the team quickly installed falsework to support the bridge. Replacement of the center bridge support began yesterday and should be completed next week.

MoDOT Summer Interns – Director McKenna thanked Chairman Brinkmann for attending MoDOT’s summer intern conference last week. Chairman Brinkmann gave an inspiring presentation on how to be innovative to more than 100 MoDOT interns from across the state. The Director thanked the Chairman and expressed his appreciation for sharing his knowledge and wisdom with these aspiring engineers and other young professionals.

Largest STIP – Director McKenna stated today’s agenda contains a presentation on the final Statewide Transportation Improvement Program (STIP) following the comment period held in June. At approximately \$10 billion, this is the largest STIP in the department’s history. This is an exciting time to be able to deliver on so many transportation needs across the state. It’s amazing to think that the STIP six years ago totaled just \$2.6 billion. Director McKenna noted he is pleased with the increased funding at the state and federal level, which will allow the department to work on so many much-needed transportation improvements.

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PUBLIC COMMENTS

APPRECIATION FOR PARTNERSHIP

Sandy Lucy, former Mayor of Washington, Missouri, noted it is a lot more fun to attend Commission meetings when there is money to spend. She thanked the Commission for their partnership in the ongoing and completed transportation projects in Washington. She noted this relationship began

with the cost share on Highway 100 and continued with the replacement of the Route 47 bridge over the Missouri River at Washington. She introduced their new Mayor, Doug Hagendorn, and City Administrator, Darren Lamb. She also noted the city appreciated hosting the Commission in years past and hope that opportunity is available again soon!

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CONCERNS ABOUT COMMISSION TRANSPARENCY

Arnie Dienoff expressed his concern on several fronts with the Commission. He believes the Commission is run by out of state bureaucrats and in violation of the statutes and the constitution and that this Commission, Commission Secretary, and Director lack transparency. He expressed his frustration with pending record requests, and the inability to view meeting documents online. He made a verbal request for June and July commission meeting documents, documents regarding the Director and his salary and benefits. He expressed displeasure in his inability to comment on the STIP. He commented on the gasoline tax increase and stated all citizens can request a refund. He requested a sweep of illegal political signs on state right of way. He expressed his displeasure with the numerous ticket requests in MoDOT's transportation center that have received no response.

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MODOT PRESENTATIONS

2023-2027 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

On behalf of the Director, Eric Curtit, Transportation Planning Director, presented the 2023-2027 Statewide Transportation Improvement Program (STIP), which is developed in coordination with the budget and financial forecast. Mr. Curtit explained the STIP is MoDOT's proposed list of transportation projects for the next five years; this document describes how transportation dollars are being invested and represents MoDOT's commitment to Missourians.

Mr. Curtit reviewed the four program areas: highways and bridges, operations and maintenance, multimodal, and local and other programs. In fiscal year 2023, the highway and bridge construction

program is \$1.638 billion of awards. The maintenance and operations plan is funded at \$567 million. The local and other programs are funded at \$220 million. The multimodal program is funded at \$132 million.

The STIP was developed using an open and engaging public involvement process called the planning framework process. MoDOT district staff work closely with nine metropolitan planning organizations and nineteen regional planning commissions. Across the state that process includes about 1,200 individuals who are regional leaders providing input to the final STIP. Additionally, a thirty-day public comment period took place. There were 317 comments received on this year's STIP that came from 270 sources. Two hundred fifty-three of the comments supported projects. Forty-two comments were requests for additional improvements. Nine comments were regarding project implementation. Ten comments were made regarding multimodal operations. Three requests were made to add projects to the STIP. Three comments were regarding system condition. Two comments opposed projects. One comment requested additional project information. Each comment was responded to and shared with the districts and corresponding planning organization.

Missouri's transportation system is very large including nearly 34,000 miles and almost 10,400 bridges, which takes a combination of highway and bridge construction along with the operations and maintenance plan to take care of the system. Most of the work on 5,500 miles of major highways and roughly 17,500 miles of minor roads is accomplished through the highway and bridge portion of the STIP. There are also nearly 11,000 miles of low volume minor roads. The bridges on low volume roads are taken care of with the highway and bridge construction program, but the pavements are taken care of through the maintenance and operations budget. Taking care of this \$145 billion asset has been a priority and MoDOT has been able to focus some funding on the lower volume routes through the asset management deficit program, and the Governor's Rural Route Program. During the life of this STIP that equates to \$228 million being spent on low volume routes.

Mr. Curtit explained the changes for the 2023-2027 STIP. There are 781 projects added to the STIP in comparison to the existing STIP, and that includes 721 asset management projects, 30 system improvement projects, and 30 other projects. There were 25 projects deleted from the STIP due to the project either no longer being a priority of the public, or work is being accomplished in another way, or no bids were received. This STIP has a total of 1,803 projects and 421 scoping projects. The multimodal section of the STIP added 48 projects: these include 10 aviation projects, 18 rail projects, 15 waterway projects, and 5 freight projects. There were four multimodal projects deleted; two aviation projects were removed, one rail project was removed, and one transit project was removed. This STIP has a total of 113 transit projects, 45 aviation projects, 20 railroad projects, and 16 waterway projects.

Mr. Curtit reported there were some project changes made to the STIP between the draft that was presented at the May Commission meeting and the final STIP being presented for consideration at this meeting. There were 14 major changes to add the Governor's Rural Route Funding project bundles. There were 15 minor changes, 2 changes to address the Governor's Rural Route Funding, and other technical changes, and one address correction.

Mr. Curtit then recommended the Commission:

- approve the 2023-2027 STIP;
- certify to the Federal Highway Administration and the Federal Transit Administration that the transportation planning process used in the development of the STIP complies with the requirements listed in 23 CFR 450.220;
- delegate to the Deputy Director/Chief Engineer the authority to approve the addition of scoping projects, hardship right of way purchases, and urgent or emergency projects;
- and delegate to the Deputy Director/Chief Engineer authority to approve fiscally constrained revisions to projects.

Commissioner Waters thanked Mr. Curtit for the presentation. Commissioner Waters commented it is exciting to see \$10 billion worth of work in this program, and what a massive amount of work accomplished by the team! He further noted the department has certainly come a long way in the past few

years. There are many projects in the STIP that people around the state have been waiting for. After further discussion and consideration, and upon motion by Commissioner Waters, seconded by Commissioner Smith, the Commission unanimously approved the recommendations as outlined above.

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STATE OF THE CENTRAL DISTRICT

On behalf of the Director, Machelle Watkins, Central District Engineer, provided to the Commission an overview of the current state of roads, bridges, and safety improvements in the Central District. The central district includes 18 counties with a population of 650,000. The district currently has 558 employees.

The system condition for the Central district includes: 2,508 miles of major routes that are in 91.3 percent good condition; 6,333 miles of minor routes that are in 77.6 percent good condition; and 2,730 miles of low volume routes that are in 70.6 percent good condition. The district also maintains 1,297 bridges, of which there are 94 in poor condition.

Ms. Watkins then highlighted some key projects under way in the district. She explained that with additional funding recently made available the district has been able to start delivering on those long-awaited high priority unfunded needs. Ms. Brandi Baldwin, Project Director for the I-70 Rocheport Bridge project, reminded the Commission the Lunda Team was selected in July 2021. The project is underway with the new westbound bridge to be completed in Spring 2023, and the new eastbound project to be completed in December 2024. Randy Albur, Assistant District Engineer, explained an oversize load took out a bridge over I-70 just west of Columbia in October 2021, the bridge was demolished in November 2021 and the new bridge opened in May 2021. The teamwork in the department helped make this a quick and successful unplanned replacement. The district is reconstructing pavement between Rolla and St. James on Interstate 44, and excited to be able to make that long term investment. A safety audit on

Highways 63 and 54 led to ongoing projects to improve intersections, and a safety improvement at the intersection of Route 50 and Highway 5 just west of Tipton.

There are good projects scheduled for the future. The I-70 and US 63 interchange in Columbia is scheduled for award in fiscal year 2023. The I-70 and Route 54 interchange improvements will occur in fiscal year 2026 to address traffic congestion. There is a Route 54/63 expansion project planned for just north of Jefferson City to improve traffic flow and is scheduled for fiscal year 2024. In Columbia at the Route 63 interchange with Grindstone Parkway improvements will be made to address traffic flow in fiscal year 2024. On Route 63 from Route 50 toward Rolla has been a high priority need and there is excitement to move forward with the first segment that will make a shared four lane improvement on the first segment from Route 50 through Westphalia in fiscal year 2027. The last expansion project is on Route 54; it is a short two lane segment, and will remove the bottleneck in Camdenton and is scheduled for fiscal year 2025.

Commissioners Smith and Boatwright thanked Ms. Watkins and her team for the presentation and commented the Central District has a lot going on. They are excited to watch the continuing progress on the I-70 bridge at Rocheport, and the future plans for I-70 in Columbia, as well as the start of improvements on Highway 63, and that her team is doing great work.

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CONDITION OF STATE BRIDGES AND BRIDGE DIVISION

On behalf of the Director, Bryan Hartnagel, State Bridge Engineer, provided to the Commission a presentation regarding the continual investment and effort to minimize the deterioration of the state's 10,387 bridges. Using MoDOT's Asset Management Plan, investments are being made in bridge replacements, rehabilitations, and preventive maintenance.

Mr. Hartnagel reviewed the health of Missouri's bridge inventory. Bridges are rated good, fair, or poor. Poor bridges are safe, but they take a lot more maintenance, must be inspected more frequently, and

may have weight limits on them. Currently, there are 823 poor bridges on the state system compared to 837 one year ago. The decrease is attributed to several influences including the Focus on Bridges program, a very productive 2020 construction season, some successful bridge bundle projects, and more investment in preventive maintenance recently. When reviewing the wave of bridges by decade, the department was able to reduce the number of bridges older than their intended useful life of 50 years by sixty-seven bridges. Mr. Hartnagel shared some examples of bridges in poor condition including Chester Bridge on Route 51 over the Mississippi River, the Route 62 bridge over the St. Francis River in Dunklin County, and the Route 52 bridge over Flat Creek in Pettis County. The department has 961 weight restricted bridges and those are the bridges that have a sign on them stating the weight that can be hauled across the structure. This number is likely to increase as the department implements a program with the Federal Highway Administration (FHWA) to review and load rate all state and local bridges over the next fifteen years. Mr. Hartnagel explained there are 318 bridges that are considered both in poor condition and weight restricted.

Bridges are categorized as typical or major and subsequently have different impacts on cost, detours, and public convenience. A typical bridge is less than 1,000 feet long; a major bridge is over 1,000 feet long. Missouri has 204 major bridges. Mr. Hartnagel reviewed the major bridge replacement projects funded in the current STIP. These projects include: the Route 86 bridge over Table Rock Lake in fiscal year 2022; Route 79 bridge over Lyon Street/Warren Barrett Drive/BNSF Railroad/Bear Creek in the Northeast district for fiscal year 2023; Chester Bridge on Route 51 over the Mississippi River in the Southeast district for fiscal year 2023, and the I-270 Chain of Rocks bridge over the Mississippi River in St. Louis in fiscal year 2024. He then reviewed the top unfunded major bridge replacements which includes: the Liberty Bend Bridge on Route 291 bridge over Missouri River in Kansas City, Route 62 bridge over the St. Francois River in the Southeast District, the Interstate 29 north and south approaches

to the Kit Bond/KCIcon bridge over the Missouri River in Kansas City, and the Centennial Bridge on Route 92 bridge over the Missouri River in Kansas City.

The presentation also provided an overview of the responsibilities and accomplishments of the Bridge Division. Mr. Hartnagel explained the Bridge Division is divided into two areas. One area is Bridge Management, which conducts inspections, produces the national bridge inventory report for Missouri, addresses load rating and permitting, and works with local public agencies. In the Bridge Management section, employees work closely with the Motor Carrier Services employees to analyze super loads. The department averages about 200 super load permits per month. During the pandemic in 2020 and 2021 there was a significant increase in super load permits due to the installation of windmills in the northern part of the state. The other area is Project Delivery, which completes preliminary and hydraulic designs, produces plans, provides reviews for project work, develops standards for Missouri, liaisons with consulting engineers, and conducts fabrication inspections. The Project Delivery section has been providing about \$50 million worth of project work on in house structures.

The department uses MoDOT employees and consultants to conduct bridge inspections. All bridges are inspected every two years; however, bridges in poor condition may be inspected more frequently while good condition may be inspected less frequently. The department uses snooper trucks to assist with their inspections. In central office there are employees dedicated to bridge inspections. In addition, there are employees in the districts who assist with inspections. A minimal number of consultants are hired to assist with specialty bridge inspections.

With limited resources available to spend on bridges, funds are distributed to keep the good and fair bridges in those conditions while trying to address the poor bridges. Resources are distributed with fifty-six percent to replace bridges, twenty-six percent for rehabilitation projects, twelve percent for preventive maintenance projects, and six percent for bridge deck replacement. The department also looks for innovations to help extend the life of bridges and stretch the available resources. For example, the use

of clear deck forms that allows visual inspection of the underside of the bridge during construction. The innovative simple for dead load and continuous for live load is being used in rural locations, specifically for the Fixing Access to Rural Missouri (FARM) Bridge program.

Commissioner Smith thanked Mr. Hartnagel for the presentation and commented that Missouri's bridges are such an important asset, but they also come with a big price tag. The Commission appreciates the work the Bridge team does to continue working on the list of bridge needs.

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LOCAL BRIDGE PROGRAM UPDATE

On behalf of the Director, Travis Koestner, State Design Engineer, provided to the Commission a presentation with information on MoDOT's changes to how the Federal Bridge Replacement Off-system (BRO) funds will be distributed to counties from a per county allotment to a regional distribution. In addition, a new Federal Bridge Formula Program (BFP) also provides funding opportunity for local bridges considered to be "off-system." Off-system bridges are on roadways that are off the federal system of roadways.

The prior system of distribution of federal local bridge funds to each of Missouri's 114 counties based upon the condition of the bridges in each county was established in the 1970s. At that time, the funding available was adequate that individual county allotments would be sufficient to replace or make bridge improvements. Over time, the funding level was not adequate to provide many counties with enough funds to replace a bridge, leaving counties to have to wait several years to build up balances until there was enough to do a project. This method left anywhere from \$10-20 million of unspent federal dollars spread out over the state. The new regional distribution method will ensure counties are getting approval to replace bridges and keep balances spent.

Mr. Koestner explained the federal rules changed in 2021, as the federal funds come in those funds flow through to the cities and counties for use only on poor condition rated bridges. The Bipartisan

Infrastructure Law (BIL) provides more funding through the Federal Bridge Formula Program, for state and local bridges. Staff estimated that the local entities will have about \$106.5 million available through this program and there is no requirement for a local match to draw down the federal funds. The remaining funds from this program will be applied to state bridges. The department estimates addressing an additional 30 local bridges per year as a result of this program. Mr. Koestner then described the gradual increase in funding allotted to cities and counties in order to allow the construction industry to gradually build capacity for this additional work.

The department has launched a call for projects from the local entities to create a three-year schedule. Setting up a schedule will help with project development and allow the construction industry to plan their work accordingly. The local entities are going to be able to use their remaining existing balances and the new money to move forward. The department also prepared a list of eligible local bridges along with a construction estimate to help the local entities know the cost and apply for it themselves. The BRO and BFP programs will be combined to lower the match requirements so that the federal funds may be expended. The districts have a regional bridge selection team comprised of county commissioners from regional planning commission (RPC) areas. After the first three-year schedule is established, it will be updated annually. There will also be some funds set aside to address emergency needs or to allow local entities to apply for a larger bridge project. Applications are due July 22, 2022, and the final bridge project list will be prepared on September 16, 2022.

Counties rely on this program to get poor bridges replaced as many do not have the resources to pay for this type of bridge work. Revision of the program has been met with generally positive response though any change of this type generates questions as to what it means for an individual county. MoDOT staff have met and are available to discuss with any county or their representative to explain how it affects them and the benefits of the revised program. Some of the bridges also are owned by cities and this change gives them more opportunity to work with their respective county to get poor bridges replaced. Modifying

how the federal off-system bridge funds are administered through MoDOT will establish a continual program schedule of locally owned bridges ensuring that the federal funds are spent in a timely fashion and poor bridges are getting replaced.

Commissioner Ecker thanked Mr. Koestner for the presentation and commented this is a good change as the BRO program is used a lot in Northwest Missouri.

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ADMINISTRATIVE RULES / POLICIES

REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING – ORGANIZATIONAL ADMINISTRATIVE RULE

On behalf of the Director, Lester Woods, Chief Administrative Officer, presented the final order of rulemaking for 7 CSR 10-1.010, Description, Organization, and Information. The department reviewed and recommended changes to the rule to comply with the requirements of Section 536.175, RSMo, which requires all rules to be reviewed on a rolling five-year cycle.

At the March 1, 2022, meeting, the Commission authorized the filing and publication of proposed amended rule 7 CSR 10-1.010, Description, Organization, and Information. Following Commission approval, staff filed this rule with the Joint Committee on Administrative Rules and the Office of Secretary of State, who published the proposed rule in the *Missouri Register* for public comment. The public had from April 15, 2022, through May 15, 2022, to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

The following is a summary of the significant changes to the rule. This rule is proposed for amendment to reflect the Department’s current organizational structure and current business practices.

After consideration, the Commission, via approval of the consent agenda, unanimously approved the final order of rulemaking and authorized the Secretary to the Commission to file the final order of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State,

and authorized the Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, or Chief Administrative Officer to execute documents necessary to complete the final rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING –
PROCUREMENT OF SUPPLIES ADMINISTRATIVE RULE**

On behalf of the Director, Brenda Morris, Chief Financial Officer, presented the final order of rulemaking for 7 CSR 10-11.020, Procurement of Supplies. The department reviewed and recommended changes to the rule to comply with the requirements of Section 536.175, RSMo, which requires all rules to be reviewed on a rolling five-year cycle.

At the March 1, 2022, meeting, the Commission authorized the filing and publication of proposed amended rule 7 CSR 10-11.020, Procurement of Supplies. Following Commission approval, staff filed this rule with the Joint Committee on Administrative Rules and the Office of Secretary of State, who published the proposed rule in the *Missouri Register* for public comment. The public had from April 15, 2022, through May 15, 2022, to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

The following is a summary of the significant changes to the rule. The amended rulemaking to increase the threshold for single feasible source purchases to match the \$10,000 statutory competitive bid threshold and revise the bid protest rule to match the Office of Administration rule in Title 1 CSR 40.

After consideration, the Commission, via approval of the consent agenda, unanimously approved the final order of rulemaking and authorized the Secretary to the Commission to file the final order of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State, and authorized the Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, or Chief Administrative Officer to execute documents necessary to complete the final rulemaking process.

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**REPORT AND RECOMMENDATION REGARDING PROPOSED AMENDED RULEMAKING –
MOTOR CARRIER OVERSIZED PERMITTING**

On behalf of the Director, Becky Allmeroth, Chief Safety and Operations Officer, presented to the Commission proposed changes to administrative rule 7 CSR 10-250020 Oversize/Overweight Permits to align with current Motor Carrier division practices and industry practices. Under Section 536.175 RSMo, the Commission is required to review each of its rules in the *Code of State Regulations*, as a result of this review, the rule changes are being proposed for consideration.

The public will have an opportunity to submit comments in support of or in opposition to the proposed amendments. All comments received from the public will be considered and summarized in the final orders 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 Sections 226.020, 226.130, 227.030, and 227.210, RSMo, that grant the Commission’s rulemaking authority, and authorized the Secretary to the Commission to file the notices 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 Administrative Officer, or Chief Safety and Operations Engineer to execute documents to initiate the rulemaking process.

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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 B01 and F04 have local funding, as noted in Table I below, and the department received all the necessary concurrences. Call A07 received no bids.

Mr. Koestner recommended: (1) Award of contracts to the lowest responsive bidders for bids received at the June 17, 2022, letting, as recommended, and noted in Table I below; (2) Rejection of Call A09 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II below.

**Table I
Award of Contracts
June 17, 2022, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	I-29	Atchison	J113436	\$2,211,791.53	\$0.00	Vance Brothers, Inc.	Seal Coat
A03	Various	Buchanan, Clinton	J1P3323	\$6,114,984.35	\$0.00	Vance Brothers, Inc.	Scrub Seal
		Various	J1P3388				
A05	46, 136	Gentry, Nodaway	J1S3429	\$3,459,856.04	\$0.00	Herzog Contracting Corp.	Pavement and Guardrail Improvements
A06	FF, U, J, NN, Y	Gentry, Harrison, Worth	JNW0001	\$3,802,815.00	\$0.00	Herzog Contracting Corp.	Resurface
A08	Various	Various	J1P3328	\$3,958,716.64	\$0.00	Vance Brothers, Inc.	Scrub Seal
B01*	19	Montgomery	J2P3090	\$14,655,400.40	\$0.00	Emery Sapp & Sons, Inc.	Bridge Replacement and Interchange Improvement
			J2S3452				Resurface
C01	I-29	Clay, Jackson	J4I3458B	\$3,350,271.40	\$0.00	Clarkson Construction Company	2 Bridge Rehabilitations
C02	Various	Jackson, Clay, Platte	J4Q3481	\$940,571.00	\$1,420,000.00	Capital Electric Line	KC Scout Device Replacements
C03	169	Clay	JKU0225	\$391,380.00	\$0.00	Built Right Construction, LLC.	Bridge Repair
F02	141, I-64	St. Louis	J6M3420	\$307,141.64	\$0.00	SWATA Group, LLC	Sound Wall Repair
F03	47, FF, EE, WW	Franklin, Jefferson	J6MAMD04	\$1,924,759.44	\$0.00	Asphalt Stone, Co.	Microsurface

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F04**	N	St. Charles	J6S3312	\$1,389,245.00	\$0.00	Pace Construction Company	Resurface, Signals, and ADA
	Z		J6S3491				Resurface
F05^	141	St. Louis	J6P3062B	\$2,207,799.00	\$0.00	Gershenson Construction Co., Inc.	2 Bridge Replacements
G01	52	Henry	J7P3499	\$1,410,394.82	\$0.00	Mera Excavating, LLC	Bridge Replacement
H01	I-55, I-57, I-155	Various	J9I3619	\$291,250.00	\$0.00	Fronabarger Concreters, Inc.	Job Order Contract for Concrete Pavement Repair
			TOTAL:	\$46,416,376.49	\$1,420,000.00		

^Focus on Bridges

*Call B01 – Funding by Love’s Travel Stop – \$443,195.00 (J2P3090)

**Call F04 – Funding by the City of O’Fallon – \$54,100.00 (J6S3312)

**Table II
Rejection of Bids
June 17, 2022, Bid Opening**

Call No.	Route	County	Job No.	Description
A09	Various	Buchanan	JNWM0013	Mowing Contract

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received at the June 17, 2022, bid opening, as recommended, and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected Call A09 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II above.
3. Authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Brinkmann abstained from Call F02. Commissioner Boatwright abstained from Call H01.

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REPORT AND RECOMMENDATIONS REGARDING THE I-70 AND US 63 INTERCHANGE AND PAVEMENT PROJECT IN BOONE COUNTY, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Mabelle Watkins, Central District Engineer, recommended the Commission approve the I-70 and US 63 Interchange and Pavement Project as a Design-Build project and approve authority be delegated to the Deputy Director/Chief Engineer or his designee to approve and execute documents and expend funds on behalf of the Missouri Highways and Transportation Commission for the following items on the I-70 and US 63 Interchange and Pavement Design-Build Project:

- **Escrow of Bid Documents** – Approve authority to execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents on the project.
- **Agreements** – Approve authority to execute agreements with local governments including other entities for cost-share, enhancements, use of property, environmental mitigations, utilities, etc. on the project, subject to approval as to form by the Chief Counsel’s Office (CCO) and the Commission Secretary’s (CS) attestation.
- **Railroad Agreements** – Approve authority to execute agreements pertaining to railroads, subject to approval as to form by CCO and CS attestation.
- **Construction Change Orders** – Approve authority to approve construction change orders on the project.
- **Consultant Engineering Services** – Approve authority to execute contracts for engineering services needed subject to approval as to form by CCO and CS attestation and in keeping with the Brooks Act, 40 USC 1101 et seq. and 23 CFR 172.5 as well as Section 8.285 RSMo.
- **Other** – Approve authority to expend funds for the project, as well as approve, execute, sign and seal project specific documents.
- **Design Exceptions** – Approve authority to sign design exceptions specific to the design of the project currently delegated to the State Design Engineer and the State Bridge Engineer, subject to consultation with the department’s technical experts.

Project changes resulting from this delegation will not exceed the cap of two percent over the programmed cost or those changes will be taken back to the Commission. The I-70 and US 63 Interchange and Pavement Project procurement process will begin in Spring 2023. Funds for this project are included

in the Statewide Transportation Improvement Program. The project is estimated at \$140 million total for right of way, utility relocation, and the design-build contract. Via approval of the consent agenda, the Commission unanimously approved the delegation of authority as recommended and noted above.

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REQUEST FOR APPROVAL OF LOCATION AND/OR DESIGN OF HIGHWAYS

Route AC and US 63 Interchange, Boone County
Job No. J5P3433
Virtual Public Hearing Held June 9, 2022
Online Public Comments Received Until June 19, 2022

The proposed improvement includes an interchange improvement project for the Route AC and US 63 interchange on the southeast side of Columbia in Boone County. The project proposes adding a northbound loop ramp to the southeast quadrant of the interchange allowing for all traffic on AC seeking to go north on US 63 to make a right turn to do so. Route AC/New Haven Road will be widened to better accommodate existing traffic loads, and the existing off-ramp and signal will be shifted to the east to meet Lemone Industrial Blvd. All private entrances through the project will be adjusted to fit the new roadway width and functions. The existing US 63 outer road, Lenoir St, will be realigned further to the east to meet up directly with New Haven Elementary at a new signal. Sidewalks and bike lines will be constructed both north and south of Route AC/New Haven Road, and a shared use will be constructed alongside the relocated Lenoir St. The existing commuter lot on the southeast quadrant of the interchange will require removal. The project will have fully controlled and normal access right of way. Construction will be phased, and significant portions of the project can be built without impacting the travel way. Short-term ramp closures will be required for final construction of the ramp tie-ins. Single lane drops on northbound US 63 will be required for work performed under the overpass, and along new ramp acceleration lanes. The project is 0.419 mile in length.

On behalf of the Director, Mabelle Watkins, Central District Engineer, recommended the Commission approve the location and design of the proposed project 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.

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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>
Greene	744	J8S3190
Greene	744	J8S3149
Greene	744	J8S3172
Greene	60	J8P0683E
St. Louis	100	J6S3259
St. Louis	100	J6S3259C

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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PROPERTY ACQUISITION AND CONVEYANCES

CONSIDERATION OF EXCESS PROPERTY DISPOSAL, ROUTE 370 IN ST. LOUIS COUNTY, EXCESS PARCEL NUMBER E6-1153

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 4.67 acres of excess property located at southwest quadrant of Route 370 and Taussig Road in the City of Bridgeton, in St. Louis County, to R.C. Byrne 2012 Family Gift Trust for a consideration of \$275,000.

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.

DEBT MANAGEMENT REPORT

Todd Grosvenor, Financial Services Director, provided an update on Missouri Highways and Transportation Commission outstanding debt. The Commission's Debt Management Policy ensures each long-term financing is completed in compliance with laws and industry standards and in an efficient manner. The policy helps to attain the goal of maintaining optimum credit ratings and minimizing borrowing costs. The Debt Management Policy limits the amount of debt the MHTC can issue by capping annual debt service to no more than five percent of annual total road and bridge revenue. New or additional funding sources, such as Amendment 3, may be designated for the exclusive purpose of covering debt service to advance construction projects and these may be considered beyond and apart from the five percent limit in the policy. MHTC's estimated debt obligations are projected to be below the five percent limitation and the MHTC is in compliance with the policy.

Between December 2000 and December 2021, the MHTC issued \$4,079,520,000 in new money bonds and \$1,631,660,000 in refunding bonds. As of June 30, 2022, the amount of outstanding bonds is \$1,265,170,000. The current outstanding bonds are projected to be paid in full on May 1, 2033. Bond-financing allowed the Missouri Department of Transportation to provide much needed infrastructure improvements to the traveling public sooner than pay-as-you-go funding allowed. Building projects sooner results in cost savings by reducing project inflation costs, while advancing economic development, improving safety, and addressing congestion. MoDOT staff will continue to work with the Bond Trustee to ensure: (1) bondholders are paid on time; (2) certain financial and operational information is disclosed on an ongoing basis as required; and (3) the MHTC stays in compliance with its Master Bond Indentures.

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MODOT BRIEFING REPORT

Patrick McKenna, Director, provided to the Commission the written monthly Issue Briefs that are sent from the department to the Governor since the previous MoDOT Briefing Report. There were no briefing reports for the past month.

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

Todd Grosvenor, Financial Services Director, provided to the Commission the Financial Report for fiscal year to date, May 31, 2022, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Travis Koestner, State Design Engineer, submitted a written report of consultant contracts executed in the month of May 2022, 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 415 active contracts held by individual engineering consultant firms prior to May 1, 2022. Nineteen engineering consultant services contracts were executed in May 2022, for a total of \$6,624,863. There were zero non-engineering consultant contracts executed in May 2022.

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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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