

Recommendations for Statutory or Regulatory Changes **21.795. 3(7) RSMo**

The information in this section is in accordance with the following section of the reporting statute. “Specific Recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department;...”
Section 21.795.3(7) RSMo 2002 (L. 2003 TAFP HB 668).

The Missouri Department of Transportation (MoDOT) is striving to maintain its existing transportation system, and continues to work with the available funding for construction and rehabilitation of the state road system. MoDOT is committed to working with the Governor’s Office and the General Assembly in the 2004 legislative session to explore ways to enhance transportation programs and operations and to accelerate project completion.

Last year, the General Assembly considered a number of legislative proposals that affect Missouri’s transportation system. Some of the legislative proposals were: transportation accountability act, township reporting, and the transfer of the division of highway safety from the department of public safety to MoDOT.

The Missouri Department of Transportation will work on a number of legislative proposals next year that could generate more revenue for transportation improvements, make the state’s highways safer and help the department operate more efficiently.

The Missouri Highways and Transportation Commission approved the department’s legislative agenda at its September meeting. In the coming months, MoDOT will be working on the legislative proposals, which are grouped into four main areas: revenue, safety, efficiency and other (miscellaneous.)

Generating Revenue

Additional transportation funding could be generated by a proposal that would give the MHTC and MoDOT the constitutional and statutory authority to use state road funds to build and maintain toll roads and bridges.

Currently, Missouri’s constitution prohibits the use of state funds for toll facilities. Changing the constitution requires a public vote. The toll road proposal, if approved by the General Assembly and Missouri voters, would allow the MHTC and MoDOT to fund, build and operate toll facilities in Missouri and along or across state borders.

The toll-road proposal could result in accelerated highway construction and would allow MoDOT to respond more quickly to the demand for road improvements, especially major highway projects.

Improving Transportation Safety

Safer highways is the goal of open-container legislation that would prohibit the possession and consumption of open containers of alcohol in most vehicles on state highways and rights of way. In addition to improving highway safety, the legislation also would prevent

MoDOT from having to transfer federal highway funds to safety programs. Federal law requires states that have not passed strict open-container legislation to transfer a percentage of their federal construction funds to highway-safety programs.

Since 2001, MoDOT has had to transfer approximately \$23.8 million in federal highway funds to safety programs. That penalty would continue each year until open-container legislation is approved.

Possible alternative legislation would require the legislature to appropriate general revenue funds to replace the federal highway funds transferred to safety programs if the General Assembly doesn't approve the open-container legislation.

MoDOT also is proposing legislation that would allow law enforcement officials to stop drivers for failing to wear their seat belts. This is known as primary seat belt enforcement. Current state law allows officers to issue citations to drivers for failing to wear a seat belt only if they are stopped for some other violation.

Another safety-related proposal would allow law enforcement officers to submit certified police reports rather than notarized reports when making arrests for driving while intoxicated. This change would make it easier for officers to complete the necessary paperwork involved in DWI arrests.

The proposed Airport Protection Act would require a permit for all tall structures erected near airports. This would allow aviation personnel to review the proposed construction of tall structures near airports to ensure they would not pose a significant safety hazard to airplanes departing and arriving at the airport.

Promoting Efficiency

A proposal to allow motor carriers to register their vehicles throughout the year would more evenly distribute the workload involved in the registration process. Currently, motor-carrier registration can be done only during the last quarter of the year so all licensing work must be handled in the last three months of the year.

Another proposal would allow MoDOT to insure its leased vehicles through the department's self-insurance program or accept bids for insurance coverage. Existing state law does not authorize the commission to provide automobile insurance coverage for rented or leased vehicles that are used to conduct department or commission business. Statutory authorization for the commission's self-insurance fund to provide such automobile coverage for leased or rented vehicles would likely reduce the department's motor vehicle insurance costs.

Miscellaneous Proposals

A tort reform proposal could help reduce the number of legal claims against MoDOT, possibly lowering the financial settlement costs the department is required to pay from the state road fund. This proposal would address the issues of joint and several liability, exclusive remedy, and 1% comparative fault for seat belt use.

Another group of legislative proposals include “clean up language” that would make necessary corrections to the state statutes as a result of changes made in recent years at MoDOT. The proposals would correct references in the laws governing the department to accurately reflect the transfer of agencies, services and responsibilities to MoDOT, including motor carrier services and highway- safety programs.

While these are the issues for which MoDOT is specifically requesting General Assembly approval during the 2004 legislative session, there are other legislative proposals that the department has supported in previous sessions and will continue to support if they are brought up for consideration in 2004. These proposals include safety initiatives for the traveling public and MoDOT employees, additional funding, and CDL and SATOP provisions. MoDOT will continue to provide information on these and all transportation related initiatives in 2004.