



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

December 6, 2022

COMMISSION/DIRECTOR ITEMS

Approval of Minutes 4
 Consent Agenda 4
 Commission Committees and Commission Related Boards 5
 Director’s Report 6

PUBLIC PRESENTATIONS

Presentation by the Greater Kansas City Chamber of Commerce 7
 Mid-America Regional Council (MARC) 9

MODOT PRESENTATIONS

Third Lien State Road Bonds, Series A 2022 Pricing 11
 Update from MoDOT’s Kansas City District 11
 MoDOT Annual Report 2022 14

ADMINISTRATIVE RULES/POLICIES

Report and Recommendation Regarding Proposed Amended Rulemaking – The Rail
 Fixed Guideway Systems Administrative Rules 17
 Report and Recommendation Regarding Proposed Amended Rulemaking – The Transportation
 Administrative Rules 18

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

Consideration of Bids for Transportation Improvements 19
 Report and Recommendations Regarding the I-70 Corridor Project in Kansas City,
 Including Authority for Design-Build Delegation of Authority 23
 Approval of Plans for Condemnation 24

PROPERTY ACQUISITION AND CONVEYANCES

Consideration of Excess Property Disposal, Interstate 270 in St. Louis County,
 Excess Parcel Number SL-11218 25

REPORTS

Financial Accountability Report – Quarterly Report 26
 MoDOT Briefing Report 26
 Financial - Budget - Reports – Year-to-Date, Financial Report Period Ending October 31, 2022 26
 Consultant Services Contract Report 26

**MINUTES OF THE REGULARLY SCHEDULED
HIGHWAYS AND TRANSPORTATION COMMISSION MEETING
HELD IN KANSAS CITY, MISSOURI,
TUESDAY, DECEMBER 6, 2022**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Tuesday, December 6, 2022, in Salon II at the InterContinental Kansas City on the Plaza, 401 Ward Parkway, Kansas City, Missouri. Robert G. Brinkmann, P.E., Chair, called the meeting to order at 9:00 a.m. The following Commissioners were present: Gregg C. Smith, Terry L. Ecker, W. Dustin Boatwright, P.E., Warren K. Erdman, and Brian Treece.

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 Tuesday, December 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.*

-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

APPROVAL OF MINUTES

Upon motion by Commissioner Smith, seconded by Commissioner Boatwright, the Commission unanimously approved the minutes of the regular meeting held on October 5, 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 December 6, 2022, Consent Agenda

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

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

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

Audit Committee – Commissioner Ecker stated there was no report and the next meeting will be held in April.

Legislative Committee – Commissioner Smith reported December 1 was the first day that members of the Missouri General Assembly could begin pre-filing legislation for the 2023 legislative session. Resulting from the November mid-term elections, the Senate will return with eight new members, while the House will see forty-nine newly elected members. The new term will begin on January 4, the same day all newly elected officials are all sworn into office. As for leadership, it is anticipated that Rep. Dean Plocher (R-Town and Country) will be the Speaker of the House, while Sen. Caleb Rowden (R-Columbia) will be the President Pro Tem of the Senate. For December, MoDOT staff will continue to educate elected officials on the Commission’s 2023 legislative agenda and policy positions. Governmental Relations expects to see progress on the prohibition of handheld electronic wireless communications devices while driving, and on the creation of the Ports and Waterways Trust Fund during the next session. He noted the Commission looks forward to meeting all the newly elected officeholders and are excited on what the new year holds for advancing transportation throughout the state of Missouri.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report this month and the next meeting will be in February.

MoDOT and Patrol Employees’ Retirement System (MPERS) – Commissioner Boatwright reported a Board meeting was held November 17, 2022. The Audit Committee reported the 2022 Annual

Comprehensive Financial Report received a clean or unmodified opinion from the external auditors. The board also set its meeting schedule for 2023. The next board meeting is scheduled for February 17, 2023. **Missouri Coalition for Roadway Safety Executive Committee** – Commissioner Brinkmann reported the Missouri Coalition for Roadway Safety Executive Committee did not meet this month but will meet again on January 5, 2023. He noted as the end of 2022 is near, Missouri is sadly once again on pace to approach 1,000 traffic fatalities for the year. In Missouri, 926 people have lost their lives in a traffic crash in 2022. This includes 108 pedestrians, 8 bicyclists, and 144 motorcyclists. Of those riding in vehicles, fifty-nine percent were unbuckled. The Coalition is currently promoting a campaign during the holiday season reminding all Missourians about increased traffic volumes and the dangers posed by risky driving behaviors such as speeding, distraction, and impairment. He stated as people partake in holiday plans, whatever they may be, always remember to buckle up, put the phone down, slow down, and drive sober.

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DIRECTOR’S REPORT

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

New State Construction and Materials Engineer – Assistant Chief Engineer, Eric Schroeter, introduced Brandi Baldwin as the new State Construction and Materials Engineer. Ms. Baldwin will work with construction and materials partners to deliver the state’s largest Statewide Transportation Improvement Program (STIP) averaging approximately \$1.5 billion per year. Ms. Baldwin has 17 years of experience in construction, utilities, and design-build work with the department. Since 2019, Ms. Baldwin has served as the project director responsible for delivering the design-build project for the new Missouri River bridge on Interstate 70 at Rocheport. She is a graduate of the University of Missouri and a state licensed professional engineer.

Unfunded Needs – The Director reported MoDOT, and its regional planning partners are currently completing their work for the new high-priority unfunded needs list. Several months ago, Metropolitan Planning Organizations (MPO) and Regional Planning Commissions (RPC) identified needs in their respective regions through their planning processes. Next, MoDOT District staff worked with MPOs and RPCs to prioritize regional needs, collectively. This requires multiple planning entities within a MoDOT district to work collectively to create priorities among all needs identified, regardless of location. Safety, traffic volume, and asset condition data are used to help select the highest priorities within a MoDOT district boundary. The list includes multiple tiers of needs. The first tier represents the highest priorities which could be delivered with additional funds in the Statewide Transportation Improvement Program horizon (five years). Public meetings were held around the state, and the public’s input will be reviewed and considered, and the final document will be presented to the Commission for consideration at the January commission meeting.

Last year, the department in collaboration with planning partners, moved 113 projects, worth \$1.25 billion, from the unfunded list to the STIP. This year’s unfunded priorities generated project-specific lists of \$4.7 billion in road and bridge project needs in three tiers. The State Design Engineer’s report will later show, inflation continues to be a problem and the monthly bids have been coming in approximately

thirty percent over budgeted amounts. This takes away capacity to add projects in the future years of the STIP. On this pace, there may not be much if any room to add new projects from this year's unfunded needs list to the funded STIP. The department will continue to work through this process with the planning partners and the Commission over the coming months.

Annual Report – The Annual Report is an important document that is used to highlight achievements and results but also to educate citizens on transportation funding, answer common questions, and share the condition of infrastructure. This report simply and transparently describes what the department does, where the funding comes from, and how funds are invested to meet needs. Director McKenna highlighted a few things from the Year in Review and the Results document.

Most importantly, over the last 15 years, investments in safety enhancements like guard cables and high-friction surface treatments saved an estimated 951 lives on Missouri roadways. Missouri also saw a reduction in the 2022 state roadway fatalities compared to 2021. A lack of seat belt use continues to be a common denominator in fatal crashes. MoDOT continues its education efforts centered on buckling up and putting the phone down every trip (BUPD). The BUPD program is spreading as other states are joining this effort.

Additionally, he highlighted a few internal safety focuses. First, MoDOT implemented the Employee Safety Empowerment policy. It gives employees the right and responsibility to take immediate action to stop work to address imminent dangers and/or unsafe practices. Part of this safety effort was to implement the Safety Response Team to quickly make organizational and policy decisions focused on approvals related to safety items. In addition, the department implemented a new SAFER process to further incorporate safety measures in project design.

The department has celebrated groundbreakings and marked project milestones on major projects like the Rocheport Bridge, Buck O'Neil Bridge, and I-270 North project and the completion of the majority of the Governor's Focus on Bridge projects. The Director noted these are just a few highlights and Assistant Chief Engineer, Eric Schroeter, will report on the full document later in the meeting. The department also worked on a report regarding Supply Chain issues and developed the first combined State Freight and Rail plan.

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PUBLIC PRESENTATIONS

PRESENTATION BY THE GREATER KANSAS CITY CHAMBER OF COMMERCE

Scott Smith, Co-Chair of the Big 5 Initiative, welcomed the Commission to the city. The Greater Kansas City Chamber of Commerce is a membership organization that serves 13 counties, representing 2,000 companies and 300,000 employees in Missouri and Kansas. They have a significant interest in successes of implementing the fuel tax increase and the bipartisan infrastructure bill, continued regional collaboration and partnerships to advance transportation priorities, and what their goals are going forward, particularly with upcoming events, such as the World Cup, as major economic drivers.

The Chamber places a very high priority on having accessible, well-maintained twenty-first century infrastructure as it is critical for the region and for the state's economic growth. Kansas City has a long history as a freight and logistics hub of national and global significance. Investing to ensure that multimodal transportation systems are state-of-the-art, safe, and efficient is vital to the success of businesses. Kansas City's workforce helps ensure that Kansas City is a great place to have inclusive economic opportunity and a great quality of life.

There are a lot of exciting events on the horizon in Kansas City that are going to make the most of the city's transportation systems. In March 2023, the new state-of-the-art terminal at KCI is going to be opening just in time for the NFL draft that is going to be held at Union Station in April 2023. Then looking down the road, the World Cup Soccer matches in 2026 are really going to put the city on a global stage.

Mr. Smith recognized and celebrated some recent transportation achievements. Coordination among local, state, and federal partnerships have led to the replacement of a 65-year-old bridge. The new state-of-the-art Buck O'Neil bridge will serve the region for decades to come. The successful passage of the fuel tax revenue increase is a long overdue investment that is already bringing benefits such as allowing previously unfunded projects to move up into the Statewide Transportation Improvement Program (STIP) for completion. This revenue helped Missouri be in a good position to benefit from the funding opportunities in the bipartisan infrastructure bill from the federal government

He then provided an overview of the chamber's Big Five transportation initiative that lays the groundwork for the next generation of multimodal improvements for the region's future. About ten years ago, the greater Kansas City Chamber of Commerce launched its Big Five Initiative and focused on five community-based areas that have evolved over time, but they have included things like the animal health corridor, early childhood education, making Kansas City a world-class center for entrepreneurship, and transportation. Transportation initiatives look at innovative solutions to solve transportation shortcomings. It is important to the business community that transportation enables trade, powers businesses, and

connects workers to their jobs. There are two active subcommittees working on these areas. One has to do with transit access to jobs, and the second has to do with the overall level of regional infrastructure investment. This business lens focus on projects has the most impact on job creation, economic development, freight logistics, reliability, safety, supporting long-term strategies, equity throughout all communities, and alignment with federal funding opportunities. As a result of the committees' efforts, the region has applied for grants for projects to: replace the Centennial Bridge, address the bi-state transit corridor, and implement micro transit to help connect employers with their employees.

Mr. Smith concluded noting there is a lot going on in Kansas City over the next few years, and the chamber looks forward to keeping the Commission apprised of what is going on and hopes to be a resource to the Commission and MoDOT as transportation work moves forward

Commissioner Erdman thanked Mr. Smith for his presentation and noted that the key to the successes in this region is the exemplary collaboration in Kansas City.

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MID-AMERICA REGIONAL COUNCIL (MARC)

Ron Achelpohl, Director of Transportation and Environment, welcomed the Commission to the Kansas City region, and thanked them for working together with Mid-America Regional Council (MARC) to successfully accomplish projects. MARC is the Kansas City Region's Metropolitan Planning Organization (MPO) for Platte, Clay, Jackson, and Cass Counties, as well as the city governments in those counties. MARC provides a forum for the region to work together to advance social, economic, and environmental progress. MARC's role in transportation is to bring together state and local transportation stakeholders and decision makers to develop long range transportation plans for the region and to develop the region's transportation improvement program.

Mr. Achelpohl highlighted a couple of long-standing partnerships with MARC and MoDOT, Destination Safe and Operation Green Light. Destination Safe is the regional safety coalition that works

with stakeholders on education, engineering, and enforcement to improve safety on the region's transportation system. Operation Green Light is a traffic signal coordination system that saves people time and fuel, and improves safety. The coordinated effort started with the city of Kansas City and MoDOT for the signals at their intersections and has grown to include parts of Ray and Cass counties and has even expanded into Kansas.

The goals of the unfunded needs list are to create a pipeline of projects for anticipated funding, being able to react quickly with deliverable projects if new funding becomes available, and demonstrate where additional funding could be used. As a result of this planning effort, the region has had success in being able to move some projects from Missouri's High Priority Unfunded Needs list into the STIP. MARC has begun working with the department to develop the next unfunded needs list for the region. Mr. Achelpohl then shared some of the regions unfunded needs.

He then concluded by sharing with the commission some future partnership opportunities including the Bistate Sustainable Reinvestment Corridor application for a RAISE Grant, carbon reduction program and planning, electric vehicles, and freight planning.

Commissioner Smith thanked Mr. Achelpohl for his presentation and for working with MoDOT through the planning process to bring the right projects to the region. Commissioner Erdman thanked Mr. Achelpohl for his tenured leadership at MARC and the success he has brought to the region through his leadership.

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MODOT PRESENTATIONS

THIRD LIEN STATE ROAD BONDS, SERIES A 2022 PRICING

On behalf of the Director, Brenda Morris, Chief Financial Officer, reminded the Commission at the November 2, 2022, Commission meeting they authorized the sale of bonds to fund projects in the Statewide Transportation Improvement Program. Ms. Morris was pleased to report the competitive sale of the Third Lien State Road Bonds, Series A 2022 took place on November 15, 2022. The Commission issued \$453 million of bonds to receive proceeds of \$500.6 million.

The bonds were sold at a premium because investors were willing to pay more for the bonds to ensure they received the coupon rate that was on the bonds. The bond proceeds will be deposited on December 14, 2022. The interest rate on the bonds was 2.991 percent which is a good rate given the current market environment.

The financing attracted significant attention with 8 bids received. While some banks placed individual bids, some formed syndicates and bid as a group. Altogether, 32 banks placed bids, this included all but one of the banks from the Commission's pre-qualified investment banking pool. Of the banks participating, nine disadvantaged business enterprise firms and four veteran owned firms participated. Competition was tight with the winning bid coming from Jeffrey's LLC. The newly issued debt is in compliance with the parameters established in the Commission's Debt Management Policy.

Commissioner Treece commended the department for the interest rate they received and for the competition on this bond sale.

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UPDATE FROM MODOT'S KANSAS CITY DISTRICT

On behalf of the Director, Chris Redline, Kansas City District Engineer, described the district with some statistics including the district has 9 counties with a population of 1.33 million. While the district

has just over 3,000 state highway miles, the district maintains almost 8,000 lane miles with all the six lane (and multi-lane) sections of road.

Mr. Redline described the different challenges the district is facing currently which include turnover and retention of the workforce, the upcoming winter season, homeless population, and litter. While turnover and retention are a statewide issue, the district has a turnover rate of eighteen percent, but it appears the attrition rate is slowing so that is helping close the gap slowly. The vacancies are not spread evenly, the district currently has 157 vacancies, of which 75 are in maintenance for the urban areas. Operations accounts for 106 of those vacancies. Some of the maintenance buildings have lost so many employees, they can no longer work effectively, and the district made the tough decision to temporarily consolidate four buildings down to two buildings. The district consolidated Platte City and Northmoor which should have 24 people combined, but now they have only 10; Mulberry and Stadium North which should have 34 employees combined currently only have 15 employees.

The upcoming winter season will be a challenge that the state is preparing for. Strike teams are being readied to move around the state as needed to address winter storms. The employees are ready and dedicated to help where needed whether in a different district or different maintenance area within the district.

Litter and homeless calls have increased over time. It spiked in 2020 during the peak of the COVID-19 pandemic. It is compounded by fewer maintenance workers being able to pick up litter and reduced prison crews available to help with litter. A contractor has been hired who picks up 1,000 pounds of trash every day along 62 miles of interstate in the district. Getting the city cleaned up will be important for the NFL draft and World Cup Soccer events that are coming up.

Mr. Redline described several recent emergency responses for the district. These responses take an incredible amount of resources and involve a total or partial highway closure until the mitigation strategies can be put in place. These events included I-29 bridge expansion joint, I-29 / I-35 Bond Bridge

expansion joint, I-435 bridge expansion joint, US 169 / Barry Road Bridge strike, and I-70 Bridge fire. Temporary fixes were put in place, while permanent solutions are being prepared. He explained in detail the I-70 Bridge fire near 19th street over a railroad track on January 13, 2022. The fire damaged the bridge causing the girder to warp and damaging the deck. Staff quickly came up with a traffic control plan, put barriers in place, and then a snowstorm hit. Through a massive response effort, repairs took place, and by January 16, 2022, the road was opened back up to traffic in time for the Kansas City Chiefs football game.

Mr. Redline then described major projects underway or completed that will help maintain the district's assets and improve traffic congestion when the project is complete. The first project he described is the Buck O'Neil design build project that will replace the bridge on Highway 169 over the Missouri River. The project to replace Highway 50 bridges at Chipman Road in Lee's Summit went well even with its traffic impacts and was opened in September 2022. The district is working on a stretch of I-70 between The Paseo and US 40 in Jackson County to improve this vital section of interstate. The district is working on a PEL study (planning an environmental linkages) for I-29 / I-35 and US 169.

Employee recognition is very important in the district, with 205 employees awarded in the district in 2022. Some of the recognitions included: outstanding response to the I-70 fire, delivering eight projects in one letting, review of a p-card statement and caught a significant mistake, safety observer program, outstanding response to the emergency responses noted earlier, employees taking on extra roles, outstanding teamwork, environmental issue that was mitigated quickly, addressing a permit issue with a contractor, and addressing safety concerns. Service anniversaries are recognized on 5-year increments, this year the district was able to catch up for the past two years when recognitions were postponed due to the COVID-19 pandemic. Mr. Redline recognized the following employees who were present for their 35 years of service: Brad Brunk, John VanWinkle, and Judy Magruder.

Commissioner Boatwright thanked Mr. Redline for his presentation and commended him for his leadership in working through all of the challenges. He also expressed his appreciation for recognizing

how the districts help each other out during winter events. Commissioner Erdman commended staff for their response to the I-70 fire. He noted he had an opportunity to attend a roadcrew training session and was thoroughly impressed, great job on safety!

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MODOT ANNUAL REPORT 2022

On behalf of the Director, Eric Schroeter, Assistant Chief Engineer, shared the department's annual report with the Commission. Mr. Schroeter explained the Missouri Department of Transportation's Annual Report is a collection of five comprehensive documents which include the Year in Review, the Citizen's Guide to Transportation Funding, the MoDOT Results Document, the Financial Snapshot, and the Annual Comprehensive Financial Report. MoDOT's Year in Review looks back on the highlights of the year, from the completion of major projects to national awards won by the department. The department delivers this report in December and the Director will formally present the annual report to the Joint Committee on Transportation Oversight in February 2023.

Mr. Schroeter began with some highlights of 2022. The 2023-2027 Statewide Transportation Improvement Program (STIP) includes a record high of \$10 billion in funding for projects. This is a tremendous amount of transportation improvements across the state. The Commission celebrated its 100th anniversary. It is noteworthy that elected officials and policy makers put in place this Commission, which still serves the state of Missouri today. MoDOT earned two Governor's awards, it is very unusual for a state agency to win two awards in one year. The Supply Chain Task Force developed recommendations on actions that can be taken to make freight and commerce in Missouri continue to move forward. Major projects currently under construction include the FARM design build project to repair or replace rural bridges in northern Missouri, the Rocheport Bridge on I-70 over the Missouri River in central Missouri, the Buck O'Neil Bridge on US 169 in Kansas City, and the I-270 design build project in St. Louis.

The Citizen's Guide serves as the core document of the Accountability Report. The document is updated each year through a collaborative effort by Financial Services, Transportation Planning, Communications, and others. The Citizen's Guide reports transportation funding totals \$2.8 billion from many sources including state, federal, and bond proceeds. These funds are then distributed to not only MoDOT but also cities, counties, other state agencies, and to make debt payments.

This is the seventh year the department has prepared the Citizen's Guide to help educate legislators, partners, and the general public on the challenges faced by the department. One of the challenges the department is facing is inflation. The department ended fiscal year 2022 a little over eleven percent over budget or \$138 million over budget for \$1.33 billion worth of contracts. Fiscal year 2023 is about halfway through and is approximately thirty percent over budget. The department is doing what it can to manage the impact which will affect future years of project planning.

Another challenge is excessive employee turnover that significantly impacts MoDOT's productivity. In fiscal year 2022, there were 900 employees who left employment with the department. That is a burden on Human Resources, supervisors, training teams, and everyone who are diligently working to recruit and retain employees. Unfortunately, there is also a significant cost to this turnover, which exceeded \$50 million for the year.

The Citizen's Guide gives comparisons of Missouri to surrounding states and details where the state stands nationally in terms of system size and revenue. Missouri has the seventh largest system in the United States but ranks 48th in revenue per mile. This helps illustrate where Missouri is with transportation funding compared to the rest of the country. An example of how the document helps people understand the situation and challenges when it comes to the value of the department's operations budget is how it describes the vast majority of the state's system is maintained by MoDOT's own workforce. Last year, MoDOT invested nearly \$591 million in the operations budget. Operations includes services such as

repair and seal pavement, winter operations, bridge maintenance, striping, traffic signals and signs, and mowing and litter pick up.

Finally, one of the most important messages shared by the Citizen's Guide addresses unfunded needs. There are no shortage of transportation needs across the state. In fact, Missouri has \$1 billion per year in unfunded high-priority needs. Last year, working with regional partners, the department moved 113 projects worth \$1.25 billion from the unfunded list to the STIP. For this year's unfunded priorities, the department generated project-specific lists of \$4.7 billion in road and bridge project needs in three tiers. Tier one includes \$528 million and includes project needs that could be accomplished in the time frame of the current five-year STIP as federal and state funding levels increase. These projects have more refined estimates. Tier two is worth \$2 billion and includes project needs beyond the current STIP timeframe with broader estimates. Tier three includes \$2.2 billion of project needs also beyond the current STIP timeframe with broader estimates. In addition, staff worked with the planning partners to identify \$1 billion in multimodal needs. There is also an additional nearly \$4 billion in identified statewide unfunded needs, primarily focused on improving Interstate 70.

Mr. Schroeter then explained the Financial Snapshot document provides answers to frequently asked questions regarding MoDOT's finances. The first section is entitled transportation funding. It provides historical five-year revenue and expenditure tables, overviews of federal aid and bonding programs, and revenues shared with local governments. He noted the Snapshot includes interesting facts on Missouri vehicle statistics. There are 4.2 million licensed drivers in Missouri and 3.1 billion gallons of fuel were purchased last year. There are 3.7 million passenger cars, 1.5 million trucks, and 16,000 recreational vehicles licensed in Missouri. Additionally, Missouri has 23,000 buses and 141,000 motorcycles licensed in Missouri. Interesting information to know about the users of Missouri's transportation system.

Mr. Schroeter then described how the MoDOT Results document helps citizens and partners understand how MoDOT delivers results through accountability, innovations, and efficiency. The publication shows the department delivers these measurable results while being good stewards of the state's transportation dollars. It shares this information under the three pillars of the organization: Safety, Service, and Stability. In the last 15 years, reinvestment in safety enhancements resulted in an estimated 951 lives saved. In the last 10 years MoDOT completed 4,430 projects totaling \$10.8 billion worth of work completed on time and on budget. Since 2007, MoDOT has documented more than \$5.5 billion in one-time or on-going savings.

Commissioner Smith stated the annual report is so helpful and so easy for the citizens to look at and know how transportation funds are spent to improve the state's transportation system.

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ADMINISTRATIVE RULES/POLICIES

REPORT AND RECOMMENDATION REGARDING PROPOSED AMENDED RULEMAKING – THE RAIL FIXED GUIDEWAY SYSTEMS ADMINISTRATIVE RULES

On behalf of the Director, Eric Schroeter, Assistant Chief Engineer, presented to the Commission proposed changes to 7 CSR 265-9, Rail Fixed Guideway Systems administrative rules. These rules are proposed for amendment to update references to the latest editions of manuals and changes in the Code of Federal Regulations. 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, these 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, found substantial

evidence that the proposed amended rulemaking is necessary to carry out the purposes of section 389.1005, RSMo, that grant the Commission’s rulemaking authority, and authorized the Secretary to the Commission to file the notices of proposed amended rules 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. Commissioner Erdman abstained from voting on this agenda item.

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**REPORT AND RECOMMENDATION REGARDING PROPOSED AMENDED RULEMAKING
– THE TRANSPORTATION ADMINISTRATIVE RULES**

On behalf of the Director, Eric Schroeter, Assistant Chief Engineer, presented to the Commission proposed changes to 7 CSR 10-7, Transportation administrative rules. These rules are proposed for amendment to add clarification and reduce regulatory burden. Section 7 CSR 10-7.010 is amending the term "handicapped" to “disabled” except where referencing the statutory program name; removing and simplifying the regulatory burden of varying match requirements to a consistent dollar-for-dollar; removing dates for applications, awards, and disbursements; and removing the monthly disbursement requirement to reduce regulatory burden to align with 7 CSR 10-7.030. Section 7 CSR 10-7.030 is being amended to remove the application paragraph to remain consistent with 7 CSR 10-7.010 and remove the monthly disbursement requirement to reduce regulatory burden. 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, these 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 208.265 and 226.195, RSMo, that grant the Commission’s rulemaking authority, and authorized the Secretary to the Commission to file the notices of proposed amended rules 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 G04, G06, and H02 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 November 18, 2022, letting, as recommended, and noted in Table I below; (2) Award of contract to the lowest responsive bidder for bids received at the November 18, 2022, letting for Call H02 contingent upon receiving additional deposit from the City of Sikeston as recommended and noted in Table I below; and (3) Rejection of Calls A01, B05, and H01 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II below.*

**please see minutes of December 15 and December 19, 2023 for subsequent Commission action.*

**Table I
Award of Contracts
November 18, 2022, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A02	E	Gentry	J1S3216	\$843,377.65	\$0.00	North Central Bridge, LLC	Bridge Replacement
A03	C	Livingston	J1S3362	\$2,260,124.03	\$0.00	L. G. Barcus and Sons, Inc.	Bridge Replacement
A04	W	Grundy	J1S3361	\$1,860,363.25	\$0.00	Phillips Hardy, Inc.	2 Bridge Replacements
A08	5, N, Y, VV	Sullivan	J1S3392	\$15,498,029.44	\$0.00	Capital Paving & Construction, LLC	Grading, Pavement, and 3 Bridges
B01	136	Clark	J2P3335	\$9,737,007.42	\$0.00	W. L. Miller Company	Resurface
	81		J2S3338				
B02	147	Lincoln	J2S3375	\$2,996,811.21	\$0.00	Magruder Paving, LLC	Resurface
	47		J2P3393				Coldmill and Resurface
B03	F	Lincoln	JNE0007	\$1,378,437.29	\$0.00	Mid-River Asphalt, Inc.	Resurface
	JJ		J2S3387				
C01	I-435	Clay	J4I3334	\$7,757,617.87	\$0.00	Ideker, Inc.	Resurface
C02	I-435	Clay, Platte	J4I3335	\$7,329,948.51	\$0.00	Ideker, Inc.	Resurface
C03	Various	Clay, Jackson, Platte	J4P3402	\$1,058,174.09	\$0.00	James H. Drew Corporation	Replace Guide Signs
C04	291	Jackson	J4P3404	\$7,709,630.76	\$0.00	Ideker, Inc.	Coldmill and Resurface
	7		J4S3348				
			J4S3429				
C05	210	Clay	J4S3350	\$6,649,855.19	\$0.00	Ideker, Inc.	Coldmill and Resurface
			J4S3414				
C06	Various	Clay, Jackson	JKU0051	\$546,471.30	\$0.00	STF, LLC dba Traffic Control Company	Pavement Marking
D01	5	Camden, Moniteau, Morgan	J5P3044	\$16,388,165.46	\$0.00	Capital Paving & Construction, LLC	Coldmill and Resurface
	52	Morgan	JCD0131				
D02	54	Cole	J5P3507B	\$2,444,011.13	\$0.00	Capital Paving & Construction, LLC	Add J-Turns
D03	N	Cooper	J5S3445	\$458,614.62	\$0.00	Widel, Inc.	Bridge Deck Replacement
D04	B	Gasconade	J5S3446	\$800,804.10	\$0.00	Gene Haile Excavating, Inc.	Bridge Deck Replacement
D05	D, Truman Blvd	Cole	J5S3457	\$665,875.75	\$0.00	E & C Bridge, LLC	2 Bridge Rehabilitations
D06	J, DD	Howard	J5S3469	\$1,469,625.87	\$0.00	Christensen Construction Co.	Resurface

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
D07	F, TT, P, FF	Benton, Camden, Morgan	J5S3475	\$455,723.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Seal Coat
D08	I-70	Cooper	J5S3512	\$581,779.55	\$0.00	E & C Bridge, LLC	Bridge Deck Replacement
D09	50	Cole	JCD0039	\$635,000.00	\$0.00	West Plains Bridge & Grading, LLC dba West Plains Bridge & Grading	Bridge Rehabilitation
D10	I-70, I-44, 63, 54	Boone, Callaway, Camden, Cole, Cooper	JCD0134	\$185,000.00	\$0.00	Mar-Jim Contracting, LLC	Job Order Contract for Sign Repair
F01	Ramp	St Louis	J6I3326	\$3,706,765.90	\$0.00	Concrete Strategies, LLC	2 Bridge Rehabilitations
F02	I-64, I-70, 370, 21	Jefferson, St Charles, St Louis	J6I3542	\$474,000.00	\$0.00	AAD Contracting, Inc.	Bridge Washing
F03 And F08	79 364	St Charles	J6P3483 J6P3555 J6M3417	\$7,485,350.00	\$0.00 \$14,650.00 \$0.00	Pace Construction Company	Resurface Grading and Pavement Slide Repairs
F04	50	Franklin	J6P3436	\$6,939,185.00	\$0.00	K.J.U., Inc. dba K.J. Unnerstall Construction Co.	Coldmill and Resurface
F06	M	Jefferson	J6S3432	\$4,584,390.50	\$0.00	R. V. Wagner, Inc.	Add J-Turns
G01	I49	Bates, Vernon	J7I3385	\$11,142,000.00	\$0.00	APAC-Central, Inc.	Coldmill and Resurface
G04*	OR 60 US60	Greene	J7S3488 J8P0683E	\$20,428,705.01	\$0.00	Capital Paving & Construction, LLC	Grading and Paving Construct Interchange
G05	T	Vernon	J7S3535	\$2,256,470.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Pavement Replacement and Resurfacing
G06**	BUS 65/OR 60 H, LP44, BUS65 H, LP44/BUS65 BUS 65 OR 60	Greene	J8S3112 J8S3160 J8P3050B J8S3117 J8S3175	\$14,895,000.00	\$0.00 \$29,800.00 \$0.00 \$0.00 \$0.00	KCI Construction Company	Coldmill and Resurface Traffic Signal and ADA Improvement Coldmill and Resurface Coldmill and Resurface ADA Improvements

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
G07	76, 376	Stone, Taney	J7S3234	\$2,839,738.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Coldmill and Resurface
H02***	US 60	New Madrid	J9P3584	\$4,229,868.28	\$0.00	Penzel Construction Company, Inc.	Grading, Paving and Bridge
H03^	ZZ	Howell	J9S3565	\$1,071,000.00	\$0.00	West Plains Bridge & Grading, LLC dba West Plains Bridge & Grading	Bridge Replacement
H04	114	Stoddard	JSE0087	\$5,118,310.05	\$0.00	Apex Paving Co.	Resurface
H05^	FF	Wayne	J9S3568	\$838,391.47	\$0.00	Joe's Bridge & Grading, Inc.	Bridge Replacement
			TOTAL:	\$175,719,621.70	\$44,450.00		

^Focus on Bridges

*Call G04 – Funding by City of Rogersville – \$1,342,571.00 (J8P0683E)

– Funding by Greene County – \$1,000,000.00 (J8P0683E)

**Call G06 – Funding by City of Springfield – \$593,067.54 (J8S3160)

***Call H02 – Funding by City of Sikeston – \$2,854,868.28

**Table II
Rejection of Bids
November 18, 2022, Bid Opening**

Call No.	Route	County	Job No.	Description
A01	71	Andrew, Nodaway	J1P3283	Coldmill and Resurface
B05	EE	Clark	J2MAMD09	Resurface
	Z	Lewis	J2MAMD02	
H01	72	Cape Girardeau	J9P3121B	Coldmill and Resurface

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive bidders for bids received at the November 18, 2022, bid opening, as recommended, and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Awarded contract for call H02 to the lowest responsive bidder for bids received at the November 18, 2022, bid opening contingent upon receiving additional deposit from the City of Sikeston, as

recommended, and noted in Table I above. Non-contractual costs for this project are shown on the above tabulation.

3. Rejected Calls A01, B05, and H01 due to excessive bids per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction as noted in Table II above. *
4. Authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Smith abstained from Calls D01, D05, and G06. Commissioner Brinkmann abstained from Call F01. Commissioner Boatwright abstained from Call H04.

**please see minutes of December 15 and December 19, 2023 for subsequent Commission action.*

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REPORT AND RECOMMENDATIONS REGARDING THE I-70 CORRIDOR PROJECT IN KANSAS CITY, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Chris Redline, Kansas City District Engineer, recommended the Commission approve the Improve I-70 KC Corridor Project in Kansas City 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 Improve I-70 KC Corridor Project in Kansas City 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 Improve I-70 KC Corridor Project in Kansas City procurement process will begin Summer 2023. Funds for this project are included in the Statewide Transportation Improvement Program. The project is estimated at \$149 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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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	109 / CC	J6S3351
Clay	92	J4P3323C
Christian	160 / CC	J8S3138

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, INTERSTATE 270 IN ST. LOUIS COUNTY, EXCESS PARCEL NUMBER SL-11218

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 23,628 square feet of land located at the northeast quadrant of I-270 and Dorsett Road, adjoining the east line of Old Dorsett Road in the City of Maryland Heights, to BWWP, LLC for a consideration of \$130,000.

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.

FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Todd Grosvenor, Financial Services Director, provided the Commission the written Quarterly Financial Accountability Report for the period ending September 30, 2022.

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MODOT BRIEFING REPORT

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

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

Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date October 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 October 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 480 active contracts held by individual engineering consultant firms prior October 1, 2022.

Seventeen engineering consultant services contracts were executed in October 2022, for a total of \$7,817,996. There were zero non-engineering consultant contract executed in October 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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