



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

September 6, 2017

VOTE TO CLOSE MEETING..... 4

COMMISSION/DIRECTOR ITEMS

Approval of Minutes..... 5

Consent Agenda..... 5

Commission Committees and Commission Related Boards 6

Director’s Report 9

PUBLIC PRESENTATIONS

Welcome by City of Excelsior Springs..... 11

Presentation by the City of Kansas City 12

21st Century Missouri Transportation System Task Force Summary of Activities To-Date..... 13

PUBLIC COMMENT

Public Comment by Scenic Missouri regarding Outdoor Advertising 14

MODOT PRESENTATIONS

State of the Kansas City District..... 15

Missouri Department of Transportation Proposed Fiscal Year 2019 Appropriations Request and
Fiscal Year 2018 Supplemental Appropriations Request..... 17

ADMINISTRATIVE RULES / POLICIES

Report and Recommendation Regarding Notice of Proposed Amended Rulemaking – Junkyards..... 21

Report and Recommendation Regarding Notice of Proposed Amended Rulemaking – Outdoor
Advertising 22

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

2018-2022 Statewide Transportation Improvement Program Amendment..... 23

Consideration of Bids for Transportation Improvements 26

Request for Approval of Design of Highways..... 27

Ratification and Approval of Plans for Condemnation 28

REPORTS

Financial – Budget – Reports year-to-Date Financial Report, Period Ending July 31, 2017 30

Consultant Services Contract Report..... 30

**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN EXCELSIOR SPRINGS,
MISSOURI, WEDNESDAY, SEPTEMBER 6, 2017**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 6, 2017, at the Elms Hotel, 401 Regent Street, Excelsior Springs, Missouri. Gregg C. Smith, Vice-Chairman, called the meeting to order at 1:00 p.m. The following Commissioners were present: Michael T. Waters, Jr., Mary E. Nelson, and John W. Briscoe. Michael B. Pace was absent.

On January 30, 2017 Governor Eric Greitens withdrew the appointment of Commissioner Edward D. Hillhouse; at the time of the September 6, 2017 meeting, a replacement had not been appointed.

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, September 6, 2017.

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*“Department” or “MoDOT” herein refers to Missouri Department of Transportation.
“Commission” or “MHTC” herein refers to Missouri Highways and Transportation Commission.*

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(1) – Legal actions and attorney-client privileged communications.
2. Section 610.021(3), (13) – Personnel administration regarding particular employees.
3. Section 610.021(11), (12) – Competitive bidding specs, sealed bids, or negotiated contracts.

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

Commissioner Pace, Absent
Commissioner Smith, Aye
Commissioner Waters, Aye
Commissioner Nelson, Aye
Commissioner Briscoe, Aye

The Commission met in closed session on Wednesday, September 6, 2017 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 Nelson, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meeting held June 7, 2017, and electronic ballot meetings held July 20, 2017 and August 24, 2017. 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 September 6, 2017, Consent Agenda

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

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee and board reports were made during the September 6, 2017, meeting.

Audit Committee – Commissioner Waters stated there was no report.

Legislative Committee – At the request of the Commission, Jay Wunderlich, Governmental Relations Director presented MoDOT's recommended legislative proposals for the 2018 session of the Missouri General Assembly. These legislative proposals align with the department's three core values of Safety, Service and Stability.

Safety. Safety is MoDOT's priority and the department wants to keep customers and its employees and contractors safe when traveling or working on Missouri's transportation system. The importance of highway safety has recently been highlighted in a report released by the National Safety Council who ranked all 50 states' efforts for safety. Missouri ranked last; not on the basis of the safety of the infrastructure, but because of behavioral issues. Three legislative safety proposals have the potential to reduce fatalities and disabling injuries on Missouri's transportation system and were highlighted in the National Safety Council's report. The first safety initiative is the *enforcement of a primary seat belt law*. Missouri's statewide law is known as a secondary enforcement law with regard to wearing a seat belt. A law enforcement officer must have stopped a driver for some other violation in order to also cite the driver for not wearing their seat belt. The proposed legislation will allow a law enforcement officer to stop a driver solely for failure to wear their seat belt if the violation is clearly visible to the officer. The violation is an infraction of a ten-dollar fine. A primary enforcement law is the easiest way to save approximately 41 lives a year without costing the taxpayers a single penny. This isn't the first time we have asked for

the legislature's consideration on this proposal. But it is something that needs to be given serious consideration for protecting persons who operate a motor vehicle on Missouri's highways.

The second safety proposal would *prohibit the use of hand-held electronic communication devices while driving*. Missouri's current law, passed in 2009, prohibits drivers 21 years of age and under from using a hand-held electronic communication device for text messaging and other electronic messaging while driving. The proposed legislation would prohibit all drivers from using a hand-held electronic communication device while driving. This change in law would not only address the dangerous behavior of texting while driving but will also address other dangerous behaviors of using an electronic communication device while driving. Fifteen states and the District of Columbia prohibit all drivers from using a hand-held cell phone. Last year, MoDOT worked with a coalition of special interests' groups to pursue the passage of this legislation. The department hopes to continue working with those groups and a growing number of elected officials to pursue the passage of this legislation. In the meantime, the department continues to do what it can to promote its "Buckle Up - Phone Down" initiative. This program has been designed by MoDOT staff to educate the driving public on the importance of accepting personal responsibility for changing their driving behavior by buckling up and putting their phone down when driving a motor vehicle. The campaign encourages individuals and business to take the Buckle Up - Phone Down challenge. As of September 6, 2017, 626 individuals and 209 corporations and businesses have signed the pledge.

The third legislative proposal is to *protect the appropriations of state funding for sobriety checkpoint programs*. Last legislative session, the legislature limited MoDOT's spending authority to use federal safety funds for local sobriety checkpoint programs to only one-dollar. This action was in response to some elected officials who believe sobriety checkpoints are an inconvenience to the driving public when stopped without individualized reasonable suspicion. However, others, such as law enforcement and safety advocates, believe federal grant money for sobriety checkpoints have a significant, positive impact on the safety of state and local highways as these checkpoints have proven to be successful and effective in deterring drunk driving.

Service. Under MoDOT's value for Service, one of the tangible results is to deliver transportation solutions of great value. MoDOT wants to accelerate the opportunity for drivers of this state to participate and enjoy the latest technologies offered in newer vehicles with greater safety features and automated options. The use and implementation of automated vehicles and connected vehicle technology is ever increasing in states that legislatively support and entice drivers to use the latest technological advances in automobiles. Implementation of new technologies can lead to transportation solutions that benefit

Missourians. This session, MoDOT would like to pursue legislation that would align Missouri with national policies on the use and implementation of automated vehicles and connected vehicle technologies. MoDOT would like to introduce legislation that outlines those elements that should be included in autonomous vehicle legislation such as insurance requirements, licensing, law enforcement responsibilities and safety inspections. This is new legislation the department will pursue, but is very similar to action taken in other states such as Michigan and Ohio.

One technology we hope the legislature will want to debate and the department supports is platooning; a wireless connectivity between two commercial trucks to run in tandem with one another that could allow for better fuel economy and provide a more efficient way to transport goods across the state. The commercial trucking industry supports this proposal as well.

Exciting times are unfolding right in front of us, as it relates to self-driving and automated vehicles, and the department realizes it doesn't have all the answers to the questions surrounding the latest technologies available. However, we want to lead this conversation and work closely with special interest groups such as the automobile industry, safety advocates and other state agencies as we get closer each day to these ever-changing advances.

Finally, our third core value **Stability**. In an effort to keep roads and bridges in good condition; operate a reliable and convenient transportation system and advance economic development throughout the state of Missouri; the department will continue to work with any and all legislators who are interested in advancing the conversation for increasing revenues for transportation. The 21st Century Missouri Transportation System Task Force (created by legislative action last session) has been leading public discussions across the state to identify possible funding solutions for increasing revenues for our state's transportation system. Director McKenna serves on that committee, and the commission and MoDOT want to assist in the on-going conversation by providing any information that is helpful for creating recommendations for the General Assembly to consider during the 2018 legislative session.

The department sought and received the commission's consensus on these initiatives; with the understanding these proposals will be shared with Governor Eric Greitens to be considered as part of his legislative agenda for 2018.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated there was no report.

MoDOT and Patrol Employees' Retirement System – Commissioner Briscoe stated there was no report. The next meeting is scheduled for September 28, 2017.

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DIRECTOR'S REPORT

During the September 6, 2017, Commission meeting, Director Patrick McKenna provided the following report:

U.S. Department of Transportation Meeting – Director McKenna recounted what took place during a meeting within Washington D.C. with U.S. Department of Transportation Secretary Elaine Chao, Office of Management and Budget Director Mick Mulvaney, and White House staff. Many aspects of infrastructure were discussed. One topic included actions associated with regulatory process reform to accelerate project delivery in transportation. For example, instead of applying for a permit from one resource agency and waiting for that process to complete before applying for the next one, to allow applications to be sought concurrently rather than sequentially. This would reduce the time and duration to bring a project from concept to construction. Another topic of discussion included funding at the federal level. AASHTO supports increasing the federal gas tax. The administration is taking a long-term strategy for funding; rather than using general revenue to support the Highway Trust Fund as is what has happened in the recent past, the administration has placed the onus upon Congress to identify revenue to maintain funding at the current level. The administration is also considering additional investment in infrastructure, this includes transportation, water, sewer, broadband, electric and many other elements of infrastructure. The investment would be approximately \$200 billion over a ten-year period, with about sixty percent available for transportation. In an effort to encourage private investment, seek innovation, and participation from state and local entities, the federal government would provide 20 percent of the funds and the other entity would need to provide an 80 percent match for the proposed projects. The federal funds would be issued on a discretionary grant basis. Proposals for these funds will need to include the life cycle costs, this is the cost to operate and maintain the facility or its life cycle. The innovations could include not only innovative procurement such as public-private partnerships, but also the use of new technologies such as automated and connected vehicles. The administration will also want to know what the return on investment will be and this includes a return from transportation, economic and social perspectives as well. Missouri is participating and encouraging further investment and additional discussions.

Total Eclipse – Director McKenna reported the total eclipse in August was a dramatic event. He noted his appreciation for the team, under the leadership of Chris Englebrecht and Matt Hiebert for doing a phenomenal job in planning for the eclipse both in the areas of operations and communications over the

course of several months leading up to the event. Despite the projections of mass congestion problems, there were very few problems across the state.

Missouri State Employees Charitable Campaign – The Missouri State Employees Charitable Campaign begins in September. Director McKenna commented on how proud he is to be a part of team MoDOT when it comes to this charitable effort. MoDOT has led all state agencies in total giving for 10 straight years because of its compassionate employees.

Annual Day of Remembrance – MoDOT’s annual Day of Remembrance is September 21, 2017. MoDOT will hold remembrance ceremonies in every district and at Central Office to remember the sacrifice that was made by the 132 MoDOT employees (since 1932) who have lost their lives while performing their duties for the benefit of the citizens of Missouri. In their honor, a moment of silence will be observed at 1:32 p.m. This day reinforces MoDOT employee dedication to do – every single day – whatever it takes to help customers and co-workers make it home safely. MoDOT is committed to do everything it can to never add another name to the Fallen Workers memorial that is outside the Central Office building.

1033 Benevolent Fund Golf Tournament – The thirteenth annual 1033 Benevolent Fund Golf Tournament, will take place on September 18, 2017, in Columbia. Former Governor Roger Wilson does a great job hosting MoDOT for a day that is very special to him – an opportunity to raise funds for the 1033 Benevolent Fund. His grandfather was sheriff of Boone County and was killed in the line of duty, shot after stopping two bank robbery suspects. The fund provides immediate benefits to families of public servants who are killed in the line of duty. MoDOT employees, our partners, suppliers, and others turn out every year.

Awards – A few weeks ago, the Communications Division won a pair of awards in the TransComm skills competition. TransComm is the American Association of State Highways and Transportation Official’s sub-committee on communications. The “Road to Tomorrow” website was named the best created by a department of transportation without the use of a consultant. Communications Director, Fay Fleming, received the “Vanguard Award” which goes to a newcomer in the transportation communications field. Director McKenna expressed his appreciation for the award-winning talent of the Communications Division.

Citizen’s Guide to Transportation Funding - Director McKenna reported that he will present the Citizen’s Guide to Transportation Funding in Missouri at the Governor’s Conference on Economic Development on September 7, 2017. This is a great opportunity to talk about the needs of the transportation system, the way funding is allocated, and what investment needs are for the future.

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PUBLIC PRESENTATIONS

WELCOME BY CITY OF EXCELSIOR SPRINGS

Brad Eales, Mayor of the City of Excelsior Springs, provided remarks about the history of the city. He noted the city has a rich history from its mineral waters and its healing properties, the Hall of Waters, and its historic hotels. The Elms hotel was built in 1912 and has had notable guests that have included the Roosevelts and the Rockefellers, but also Al Capone. On election night in 1948 Harry S. Truman was a guest of the hotel. This hotel is currently on the National Register of Historic Places.

Mr. Eales thanked the Commission and MoDOT for the project in 2015 that replaced two aging bridges over the Missouri River on Route 10. This project was completed in partnership with the city who shared in the cost, paying for the aesthetic features. He also expressed appreciation for the project that is currently underway to make ADA improvements and resurface Route 10 throughout town.

Mr. Eales noted a road relinquishment agreement also helps both the city and MoDOT in the future maintenance of several routes through town. The city accepted 6 miles of minor road systems which allows the state to concentrate more on their efforts on the major road systems in and around the city.

The mayor reported the city recently replaced and reconstructed the entire runway for the city airport. The city continues to operate three transit buses providing an alternative means of travel for its citizens. The city continues to seek ways to improve sidewalks, infrastructure, and connect the aging and disabled residents and provide access to medical care, jobs, grocery stores and other destinations.

The city is focused on creating jobs in the city. Economic development is critical. The city is referred to as a bedroom community as many residents are employed in the city of Kansas City. However, the City of Excelsior Springs is working hard to attract new businesses and residents.

The city appreciates the Commission and department for partnering together on past successful projects and looks forward to the successful completion of future projects.

Commissioner Briscoe thanked the Mayor for speaking at the meeting and commended the mayor for having a really special city to visit. Commissioner Waters expressed appreciation for the city sharing in the cost for the transportation improvements that have been constructed. The city partnering with the state helps everyone accomplish more.

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PRESENTATION BY THE CITY OF KANSAS CITY

Sly James, Mayor of the City of Kansas City, addressed the commission regarding the future of the Buck O’Neil Bridge. He noted that this bridge impacts not only the City of Kansas City but the region and introduced mayors and other community leaders from the region. The Buck O’Neil Bridge carries over 40,000 cars per day on Route 169 over the Missouri River. He noted the bridge is a critical connector for the economy and growth of the region.

The mayor noted that Kansas City has focused on turning challenges into opportunities. When a regional challenge like the Buck O’Neil Bridge arises and presents itself, the city looks to find a way to solve the problem as a team. He noted the many supporters of this collaborative effort. He stated the region is committed to working with MoDOT on an innovative funding strategy for a new Buck O’Neil bridge. This is an opportunity to be pro-active and innovative with a finance plan that is creative, resourceful, and innovative and will not require a two-year closure of the existing structure. He expressed his concern that a closure would have on regional businesses. He asked the Commission to move forward with an immediate short-term repair and environmental process to work with the region to form a best case long-term solution. The mayor also invited MoDOT to join the task force that has formed to figure out a solution for the bridge, stating the region wants to work together by turning this challenge into an opportunity.

Commissioner Smith noted that the commission is pleased the city has applied for a cost-share project. The temporary repair project could buy the department and the community enough time to design

and construct a new bridge before the next unexpected closure, but there is no guarantee. However, he noted the timing is an issue because MoDOT needs to rehabilitate the bridge now, while the community wants to build a new one in its place at some undetermined time in the future. The condition of the bridge is truly concerning. The bridge can be replaced but someone has to pay for it, and the department does not have the funds to build a new bridge. Commissioner Smith encouraged the communities who support building a new bridge to commit the needed resources to the project. In the meantime, the commission and the department will continue to work with the community to try and find a satisfactory solution.

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21ST CENTURY MISSOURI TRANSPORTATION SYSTEM TASK FORCE SUMMARY OF ACTIVITIES TO-DATE

State Representative Kevin Corlew explained the 21st Century Missouri Transportation System Task Force was created during the 2017 regular legislative session by House Concurrent Resolution 47 approved during the 2017 regular legislative session. There are 23 members of the task force: five members of the House of Representatives, five members of the Senate, the Governor or his designee, the Director of the Missouri Department of Transportation or his designee, the Director of the Department of Economic Development or his designee, the Superintendent of the State Highway Patrol or her designee, and nine Missouri residents – three appointed by the Speaker of the House, three appointed by the President Pro Tempore of the Senate and three appointed by the Governor. The task force has held three public meetings and has four additional meetings scheduled for the year.

Representative Corlew is chairman of the task force and provided a summary of activities with regard to the task force. He explained the mission of the task force is outlined in five steps. The first includes evaluating the condition of Missouri's transportation system, including roads and bridges. The second is to evaluate current transportation funding in Missouri. The third is to evaluate whether current transportation funding in Missouri is sufficient to not only maintain the transportation system in its current state but also to ensure that it services the transportation needs of Missouri's citizens as we move forward

in the 21st century. The fourth is to make recommendations regarding the condition of the state transportation system. The fifth is to make recommendations regarding transportation funding. In addition, Representative Corlew discussed his plans for preparing a final report and recommendations for legislation due to be submitted to the General Assembly by January 1, 2018.

Commissioner Waters thanked Representative Corlew for his presentation but questioned the diverse task force’s ability to come up with a funding solution that will reach some common ground with all members. Representative Corlew explained that the task force is looking at several options including changes to the fuel tax, increasing fees and perhaps putting an index on the fees, tolling, and even leveraging and monetizing data. Commissioner Waters encouraged continuing to use MoDOT as a source of information and guidance as the task force continues to meet around the state and prepare its report.

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PUBLIC COMMENT

PUBLIC COMMENT BY SCENIC MISSOURI REGARDING OUTDOOR ADVERTISING

Thomas Robbins, Scenic Missouri, voiced concerns regarding the proposed changes to the administrative rules for outdoor advertising. He noted the section regarding trimming of vegetation should include a definition for vegetation. He expressed concern about reducing the interval for digital billboards from 10 to 8 seconds, stating this will draw drivers’ attention from the roads and will lead to an increase in accidents. While he believes the Governor has good intentions to reduce regulations, he believes there may be some unintended consequences with how the reductions are being implemented. Changing words from shall to may reduces the state’s regulatory authority and simply deleting words to have fewer regulations is undermining the state’s ability to enforce its regulations.

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MODOT PRESENTATIONS

STATE OF THE KANSAS CITY DISTRICT

On behalf of the Director, Brian Kidwell, Kansas City District Engineer, described the Kansas City District as being distinctly urban and distinctly rural. While the population of the nine county district is 1.3 million, ninety percent of the population lives in the four eastern counties, while a population of 175,000 live in the five western counties. The district has 7,700 miles of roads and 1,422 bridges. The Missouri river travels through six out of the nine counties in the district. Consequently, the district has thirty percent of the major river crossings in the state. The district has a total of 49 major bridges. He stated that major bridges typically last about 75 years; the district needs to be completing one of these major bridges and starting another one every 18 months just to keep the system in its current condition.

Because of the number of bridges in the district, the bridges control how the district plans its projects when preparing for the STIP. The district first addresses the asset management plan and then safety improvements. After that the district works on capacity projects. This year the biggest project in the STIP is the \$64.5 million fixed price design build project on I-435 on the south side of the metro area. This section of roadway carries 144,000 cars a day. It is the heaviest traveled corridor in the Kansas City District. The district will return to the commission at its December meeting seeking approval of the best value proposer for this project.

Mr. Kidwell noted the most discussed project in the STIP is the Buck O'Neil Bridge on US 169. It is a three arch truss bridge that was built in the 1950s that adds to the city's skyline. This is a major thoroughfare for people to get in and out of downtown for work. However, underneath the bridge is major deterioration of the riveted connections. The department must get out there and rehabilitate the structure. Currently the district has a \$51 million rehabilitation project scheduled that will extend the life of the bridge for decades. This solution is very unpopular with the region because it would require a two-year closure of the structure. This closure is necessary because you can only repair a portion of the bridge at a

time; it is not possible to take the entire bridge apart. The region would prefer to have a new bridge that connects further west with I-35. Mr. Kidwell stated the department does not have the \$200 million it takes to replace the bridge; however, it is excited to work with the region to see a new bridge built, however, he expressed concern that it will be difficult for the department and the region to come up with enough funds to build a new bridge.

Mr. Kidwell reported on the district's employees and how they are a cross section of the people from the region, a very diverse, very dynamic work force that he is very proud of. He noted however, while a lot of employees enjoy what they do – serving the public – staff are leaving in record numbers. Currently the district is experiencing 17.5 percent turnover. The primary reason these employees are leaving are due to compensation, they are happy with the work and their supervisors but they are being enticed away for more pay. The department is working through this and has a Maintenance Academy in place to help train new employees safely on the operation of equipment in the maintenance field. The employees must demonstrate they can safely operate the equipment before they are allowed to use it in the field. While turnover is high there are many employees that say because they want to contribute to society and feel good about their public service. They also like being part of a team that celebrates together. Mr. Kidwell shared how this year the district celebrated employee appreciation day and bring your child work day together and brought all district employees together.

Mr. Kidwell also recognized several employees for their recent actions that demonstrated the qualities of safety and caring of all MoDOT employees. He recognized Floyd Barrett, Vanessa Clark, Dennis Evans, Quincy Livingston, and Tony Martin a crew that worked together and acted quickly and safely to assist a citizen who had fallen unconscious while operating a lawn mower on a hill. He commended Travis Branch for administering first aid to a co-worker that was choking. He thanked Bo Walker, Lerita Morrow, Mike Ashby, Chris Osborne, and Seth Jones for responding to an accident that took place next to them while preparing to work on the roadway. This crew assisted the people injured in

the crash as well as maintained traffic control around the incident to ensure the safety of the traveling public.

Commissioner Nelson thanked Mr. Kidwell for his presentation and recognized the wonderful people that he gets to work with in the district. She commented it is these employees that the commission and the department rely on to provide the real service to the community and they are doing an outstanding job. She noted that the commission wants to be able to properly compensate MoDOT's employees for the work that they do, and that is a goal the commission is committed to.

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MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2019 APPROPRIATIONS REQUEST AND FISCAL YEAR 2018 SUPPLEMENTAL APPROPRIATIONS REQUEST

On behalf of the Director, Brenda Morris, Financial Services Director, presented the fiscal year 2019 appropriations request for \$3.1 billion, the fiscal year 2018 supplemental appropriations request for \$2.8 million, and the fiscal year 2019 capital improvements request for \$7.6 million.

Ms. Morris explained the department is required by law to submit an appropriations request to the Office of Administration (OA) by October 1 of each year. This appropriations request is the basis of the Governor's recommendation, which is submitted to the Missouri General Assembly within thirty days of when the legislature convenes the regular session. She also explained the supplemental appropriations request is due by October 1 to OA, and that OA has requested the capital improvements request be submitted by September 15.

Ms. Morris briefly explained the fiscal year 2019 budget timeline. In March 2017, the districts and divisions submit their budget requests. The Financial Services division then reviews and compiles the appropriations request. In September 2017, the Commission potentially approves the fiscal year 2019 appropriations request. From October 2017 to May 2018, the budget is submitted to the Office of Administration and the Missouri General Assembly and Governor review and authorize appropriations.

In May 2018, the Commission will review the fiscal year 2018 budget request. In June 2018, the fiscal year 2019 budget request is submitted to the Commission for final approval. On July 1, 2018, the 2019 fiscal year begins.

Over the past several years the department has discussed with the Commission the estimated appropriations, or appropriations with an “E”. The E appropriation designation allows state agencies to increase appropriation authority without going back to the General Assembly. The General Assembly eliminated all estimated appropriations from the state budget for fiscal year 2018 for MoDOT as well as all other state agencies. With this request, MoDOT is seek the E designation on all state road fund appropriations and personal service, fringe benefit and transfer appropriations from other funds.

She then reviewed some of the significant items that are included in these requests including pay plan, construction program, state transit assistance, Amtrak, and port capital improvements.

Even though the state of Missouri provides good benefits, those benefits are not enough to make up for the lack of pay. Pay continues to be a concern voiced by MoDOT employees and is the largest contributing factor to the rising turnover rate at MoDOT. Turnover comes with hard and soft costs that totaled \$28 million for the department in fiscal year 2017. Ms. Morris provided the example of the St. Louis District that has lost 24 of its 45 licensed engineering professionals since February 2016. As part of a long-term pay strategy, this request for fiscal year 2019 includes the personal service and fringe benefit dollars that would allow the implementation of a one-step pay increase and a 2 percent cost of living adjustment for all eligible employees. The cost is \$14.6 million and includes \$9.2 million for personal services and \$5.4 million of related fringe benefits. This increase would seek to mitigate salary compression issues and improve over-all employee morale and satisfaction as it relates to pay. The desired outcome from this increase would be higher employee retention and a reduction in the cost associated with employee turnover. Any actual pay increase would be approved as part of the Commission’s approval of that operating budget in June of 2018.

The construction program is the largest appropriation and it totals just under \$1 billion. This appropriation is used to pay consultants to design projects, purchase right-of-way, pass federal monies through to local entities, and pay contractors who build the construction projects. MoDOT is requesting an increase in the construction program in the amount of \$163 million for anticipated increases in contractor payments. This increase will right size the appropriation for the anticipated increases associated with contractor payments as construction awards increase through fiscal year 2022. MoDOT's STIP presents a multi-year plan that spends down State Road Fund cash balances to match available federal funds.

The state transit assistance program includes a \$3 million increase from General Revenue. If appropriated, these funds will be passed on to local public transit agencies to help defray operating costs. There are a total of 34 transit providers in Missouri and this includes both rural and urban operators. For example, OATS is a rural service provided in many areas, and there is the St. Louis Metro. For fiscal year 2018 the General Assembly appropriated no general revenue for this program, however in fiscal year 2002 the General Assembly appropriated \$8.8 million for this program. The state transit assistance program also receives \$1.7 million of funding from the State Transportation Fund.

Amtrak, also called the Missouri River Runner, is Missouri's twice daily passenger rail service between St. Louis and Kansas City. MoDOT is requesting \$15.5 million of general revenue for Amtrak. This is a \$6.4 million increase; \$5.06 million is needed to cover arrears at the end of fiscal year 2018 and a shortage of \$.135 million between the estimated fiscal year 2019 contract amount and the existing appropriation. Since 2010, the state of Missouri has not been current in its payments to Amtrak for passenger rail service. Amtrak has worked with MoDOT over the years; however, it doesn't change the fact that Missouri still owes Amtrak for these services.

Ms. Morris explained Missouri has fourteen ports and one tri-state port commission. The St. Louis port is the second largest inland port in the United States. The department is requesting \$7.6 million from

General Revenue for port capital improvements which includes \$5 million for new port capital improvement projects and \$2.6 million for the re-appropriation of fiscal year 2018 planned port capital improvement projects.

Ms. Morris recommended approval of the proposed fiscal year 2019 appropriations request totaling \$3.1 billion, the proposed fiscal year 2019 capital improvements appropriations request totaling \$7.6 million for capital improvements, and approve the proposed fiscal year 2018 supplemental appropriations request totaling \$2.8 million. Following discussion, and upon motion by Commissioner Waters, seconded by Commissioner Briscoe, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2019 Appropriations Request, as noted in the table below, and authorized staff to release the request to the Office of Administration – Division of Budget and Planning; approved the proposed Fiscal Year 2019 Appropriations Request totaling \$7.6 million for capital improvements, and approved the Fiscal Year 2018 Supplemental Appropriations Request totaling \$2.8 million.



Fiscal Year 2019 Appropriations Request
(Dollars in Thousands)

	<u>Fiscal Year 2017</u> <u>Actual Expenditures</u>	<u>Fiscal Year 2018</u> <u>TAFP¹ Budget</u>	<u>Fiscal Year 2019</u> <u>Appropriations</u> <u>Request</u>
<u>Appropriations</u>			
Administration	\$49,459	\$65,019	\$69,435
System Management²	\$458,114	\$511,085	\$519,949
Program Delivery^{2,3}	\$1,347,280	\$1,452,892	\$1,714,196
Fleet, Facilities and Information Systems (FFIS)⁴	\$74,254	\$95,227	\$101,006
Multimodal^{2, 5}	\$92,625	\$156,041	\$166,994
Refunds and Transfers^{5, 6}	\$484,214	\$540,035	\$540,035
Total MoDOT Appropriations Request	\$2,505,946	\$2,820,299	\$3,111,615

¹ Fiscal year 2018 Truly Agreed and Finally Passed (TAFP) budget.

² Includes federal funds MoDOT pays to our contractors and providers for goods and services, as well as law enforcement agencies to support enforcement activities.

³ Includes Contractor Payments, Design and Bridge Consultant Payments, Accelerated Program, Right of Way and Federal Pass-Through.

⁴ Includes investments for fleet, capital improvements and information systems.

⁵ Includes disbursements for American Recovery and Reinvestment Act (ARRA). All projects have been completed.

⁶ Appropriation request amount is estimated at \$1 in the event the appropriation is needed.

The Commission thanked Ms. Morris for her presentation.

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ADMINISTRATIVE RULES / POLICIES

REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – JUNKYARDS

On behalf of the Director, Eric Schroeter, State Design Engineer, presented to the Commission proposed changes to administrative rule 7 CSR 10-5.010, Licensing of Junkyards. This rule is proposed for amendment to issue licenses to regulate the establishment, operation, and maintenance of junkyards along the interstate and primary state highway system. The proposed amendments remove duplications with Sections 226.650 through 226.720, RSMo, and remove unnecessary restrictive language. Under Executive Order 17-03, 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 amended rulemaking. All comments received from the public will be considered and summarized in the final order of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that the proposed amended rulemaking is necessary to carry out the purposes of the state junkyard laws in Sections 226.650 through 226.720, RSMo, and authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AMENDED RULEMAKING – OUTDOOR ADVERTISING

On behalf of the Director, Eric Schroeter, State Design Engineer, presented to the Commission proposed changes to administrative rule 7 CSR 10-6.010 through 10-6.100, Outdoor Advertising, which govern the erection and maintenance of outdoor advertising in areas adjacent to the National Highway System and Federal Aid Primary System of 1991. This rule is proposed for amendment to remove unnecessary restrictive language, modify the static display time for an automatic changeable display or digital technology, and modify provisions relating to the cutting and trimming of vegetation on right of way to clear a billboard’s visibility zone. Under Executive Order 17-03, 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 amended rulemaking. All comments received from the public will be considered and summarized in the final order of rulemaking.

After consideration, the Commission, via approval of the consent agenda, unanimously found substantial evidence that amended rules are necessary to carry the purpose of sections 226.500, 226.573, and 226.585, and authorized the Secretary to the Commission to file the notice of proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute documents to initiate the rulemaking process.

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STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

2018-2022 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT

On behalf of the Director, Ed Hassinger, Chief Engineer, requested approval to revise the 2018-2022 Statewide Transportation Improvement Program (STIP) that was approved in July 2017, for the implementation of thirty-three projects, as noted in the tabulation below.

**2018 – 2022 STIP
Highway and Bridge Construction Schedule
September Amendment
Project Changes**

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
NW Grundy J1P3185B	MO 6	Microsurfacing from Iowa Boulevard to bridge over No Creek, near Trenton. To be let in combination with 1P3185.	2018 CN	\$180	\$17
KC Cass J4P3081E	MO 58	Pavement, ADA Transition Plan and sidewalk improvements from Route D to Dean Avenue/Clint Drive in Belton.	2018 CN 2018 RW	\$54	\$0
KC Clay J4P3144	US 169	Coldmill, resurfacing, sidewalks and erosion control from Barry Road to I-29.	2018 CN	-\$814	-\$56
KC Johnson J3S3117B	MO 131	ADA Transition Plan sidewalk improvements within the city of Holden from McKossick to 10th Street. On Route U from Pine to Crittenden Street.	2019 CN 2019 RW	\$445	\$149
KC Johnson J3S3117	MO 58	ADA Transition Plan sidewalk, drainage and pavement improvements within City of Holden from Charles Street to 9th Street.	2019 CN 2019 RW	\$905	\$128
KC Lafayette J3I3128	IS 70	Replace exit signs and upgrade pre-built trusses on I-70 westbound in Odessa.	2018 CN	\$149	\$36
KC Platte J4S3202	MO 9	Signal improvements at Mattox Rd. and Route 9 in Riverside.	2019 CN	\$410	\$0
KC Various J4I3173	Various	Job Order Contracting for lighting repair at various locations in the urban Kansas City District.	2018 CN	\$306	\$22
CD Camden J5P3210	MO 5	Pavement overlay from Route 7 to Route 64 at Lebanon.	2018 CN	\$2,160	\$204

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
CD Cole J5P3128	US 54	Microsurfacing on the eastbound and westbound lanes from Miller County to Route E.	2018 CN	-\$2,065	-\$160
CD Crawford J5P3301	MO 8	Urgent flood repairs at Whittenburg Creek. Includes flood repairs in Washington County on Route 185 at Courtois Creek and Route A at Indian Creek.	2018 CN 2018 RW	\$218	\$32
CD Dent J5P3196	MO 32	Microsurfacing from Salem to Route 63 in Texas County. Includes Route 119 from Route 32 to end of state maintenance and pavement improvements for 3 miles on Montauk State Park road. Includes offset turn lane at Route 72.	2018 CN 2018 RW	\$609	\$36
CD Gasconade J5S3299	MO 100	Urgent slide repair 0.1 mile west of Route J.	2018 CN 2018 RW	\$207	\$31
CD Gasconade J5S3275	MO 19	Chip Seals from Route 50 to Route 28. Includes pavement improvements on Route 28 from Route 63 to I-44 and on Route 100 from Route N to Route 19 and east of Hermann to Franklin County. Includes bridge repairs due to flooding on Route 28 and Route T at the Gasconade River.	2018 CN 2018 RW	\$149	\$1
SL St. Louis J6S3353	MO 180	Pavement marking improvements for Route 180, Route 141, and Route 340 in St. Louis County.	2018 CN	\$1,428	\$223
SL St. Louis J6S3220	MO 231	Signal and ADA Transition Plan improvements at Jeffersonian Drive, Kingston Drive/Telegraph Road, Ripa Avenue, and Hoffmeister Avenue intersections.	2018 CN	\$1,206	\$154
SL St. Louis J6P3355	MO 364	Drainage improvements at Bennington Place in Maryland Heights.	2018 CN	\$510	\$110
SW Greene J7I3342	IS 44	Eastbound bridge replacement over Pickerel Creek.	2018 CN	\$2,287	\$672
SW Greene J8P0850B	OR 65	Relocate Eastgate Avenue south of Mill Street and east of Route 65.	2018 CN	-\$2,062	-\$15
SW Greene J8I3146	I-44	Safety improvements for wrong way countermeasures at various ramp locations.	2020 CN	\$239	\$40

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
SW Jasper J7P3187C	RT FF	Intersection modifications to improve traffic flow and provide ADA improvements on 32nd Street at Connecticut Avenue in Joplin.	2019 CN 2018 RW	\$1,168	\$115
SW Jasper J7S3143	RT HH	ADA Transition Plan improvements on Fir Road at Route 571 (Grand Avenue) in Carthage and at various locations on Route P (Schifferdecker Avenue) from Perkins Street to Route 66 (7th Street) in Joplin.	2018 CN	\$418	\$186
SW Lawrence J7I3199	IS 44	Bridge replacements on westbound lanes over Route H.	2019 CN	\$1,679	\$250
SW Lawrence J7I3344	IS 44	Eastbound and westbound bridge replacements over Route 96.	2019 CN	\$5,036	\$1,377
SW Newton J7P3065	MO 43	Intersection modifications to improve traffic flow and provide ADA improvements on Hearnese Boulevard at 32nd Street in Joplin.	2019 CN 2018 RW	\$595	\$25
SW Newton J7S3173	CST Connecticut Avenue	Bridge replacement on Connecticut Avenue over I-44.	2018 CN	\$1,167	\$0
SW Various J7I3343	I-44	Safety improvements for wrong way countermeasures at various ramp locations.	2020 CN	\$430	\$72
SE Cape Girardeau J9S3452	MO 177	Drainage repairs from County Road 651 to County Road 643.	2019 CN 2018 RW	\$2,408	\$315
SE Cape Girardeau J9S3503	RT OO	Bridge embankment repairs due to flooding at various locations in Southeast District.	2018 CN	\$657	\$60
SE Douglas J9P3502	MO 14	Bridge embankment repairs due to flooding at various locations in Southeast District.	2018 CN	\$636	\$59
SE Perry J9S3499	RT A	Drainage repairs 0.2 miles west of County Road 446 to County Road 446.	2019 CN 2018 RW	\$848	\$123
SE Scott J9S3500	RT N	Repair culvert 0.3 mile north of Route K.	2019 CN 2018 RW	\$194	\$30

District County Job No.	Route	Description of Improvement/Location	Tentative Award State Fiscal Year and Change by Type	Change in Construction and Right of Way Funds (Dollars in Thousands)	Change in Engineering Funds (Dollars in Thousands)
SE Wayne J9P3501	US 67	Repair slides in various locations along Route 67 from Frazier Creek to Route 34 in Wayne County.	2018 CN 2018 RW	\$1,878	\$213
			TOTAL:	\$23,635	\$4,449

Via approval of the consent agenda, the Commission unanimously approved the amendment to the 2018–2022 STIP as noted in the tabulation above.

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CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

On behalf of the Director, Eric Schroeter, 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 Call B01 has local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Mr. Schroeter recommended (1) award of contracts to the lowest responsive bidders for bids received at the August 18, 2017, letting, as recommended and noted in Table I below.

**Table I
Award of Contracts
August 18, 2017, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	I-29	Andrew, Holt	J1I3020	\$2,116,284.53	\$0.00	Emery Sapp & Sons, Inc.	Bridge Rehabilitation
A02	36	Caldwell, Dekalb	J1P0918	\$7,777,271.10	\$0.00	Herzog Contracting Corp.	Coldmill and Resurface
			J1P3105				Grading and Pavement
		J1P3086					
B01*	I-70	Warren	J2I3160	\$8,551,941.42	\$1,005.32	Emery Sapp & Sons, Inc.	Grading, Pavement, and Bridge
F01	I-44	Franklin, St Louis	J6I3348	\$662,220.00	\$0.00	Gershenson Construction Co., Inc.	2 Slide Repairs

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F02	M	Jefferson	J6S3349	\$880,220.00	\$0.00	Gershenson Construction Co., Inc.	Slide Repair
F03	100	St Louis City	J6M0267	\$233,954.89	\$0.00	STF, LLC dba Traffic Control Company	Pavement Marking
G02	Various	Various	J8M0258	\$378,352.72	\$0.00	James H. Drew Corporation	Guardrail Improvements
			TOTAL:	\$20,600,244.64	\$1,005.32		

* Call B01 – Funding by the City of Warrenton – \$8,551,941.42.

Commission Consideration and Action

After consideration, and upon motion by Commissioner Briscoe, seconded by Commissioner Nelson, and no abstentions noted, the Commission took the following action:

1. Awarded contracts to the lowest responsive bidders for bids received at the August 18, 2017, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

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REQUEST FOR APPROVAL OF DESIGN OF HIGHWAYS

**Route 14, Christian County
Fort Street to Tiffany Boulevard
Job No. J8P0588H
Public Hearing Held June 27, 2017**

The proposed improvement provides widening Route 14 from a two- or three-lane facility to a five-lane facility. The proposed typical section provides for two lanes in each direction with a two way left turn lane. The through lanes from Fort Street to Main Street will be ten feet, and the two way left turn lane will be 11 feet. The through lanes from Main Street to Tiffany Boulevard will be 11 feet, and the two way left turn lane will be 12 feet. Curb and gutter sections will be constructed along with ADA facilities. Construction will be completed under traffic and will require nighttime lane shifts and closures. The project is 1.30 miles in length.

On behalf of the Director, Travis Koestner, Southwest District Engineer, recommended approval of the design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended design, the Commission via approval of the consent agenda unanimously found and determined the recommended design would best serve the interest of the public and approved the recommendation.

**Route 14, Christian County
Westminster Drive to Estes Street
Job No. J8P3093
Public Hearing Held June 27, 2017**

The proposed improvement provides widening Route 14 from a three-lane facility to a five-lane facility. The proposed typical section provides for two lanes in each direction with a two way left turn lane. The through lane widths will be 11 feet. The two way left turn lane will be 12 feet. Curb and gutter sections will be constructed along with ADA facilities. Construction will be completed under traffic and will require nighttime lane shifts and closures. The project is 1.34 miles in length.

On behalf of the Director, Travis Koestner, Southwest District Engineer, recommended approval of the design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended design, the Commission via approval of the consent agenda unanimously found and determined the recommended design would best serve the interest of the public and approved the recommendation.

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RATIFICATION AND APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Eric Schroeter, State Design Engineer, recommended the Commission ratify and approve the following detailed project plans, approved by the Chief Engineer, which have been filed for condemnation.

County
Franklin

Route
I-44 BL

Job Number
J6M0265

In accordance with Section 227.050 RSMo, the Commission via approval of the consent agenda, approved the detailed project plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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-- REPORTS --

The Commission received the following written reports.

REPORTS

FINANCIAL – BUDGET – REPORTS YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING JULY 31, 2017

Brenda Morris, Financial Services Director, submitted a written financial report for fiscal year-to-date ended July 31, 2017, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Eric Schroeter, State Design Engineer, submitted a written report of consultant contracts executed in the month of July 2017, 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 234 active contracts held by individual engineering consultant firms prior to July 1, 2017. Seven engineering consultant services contracts were executed in July 2017, for a total of \$2,983,045. There were two non-engineering consultant contracts reported in July 2017.

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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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