



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

April 7, 2010

VOTE TO CLOSE MEETING ----- 3

COMMISSION/DIRECTOR ITEMS

Consent Agenda ----- 4

Appointment of Committee/Board Members and Chairs ----- 5

Commission Committees and Commission Related Boards ----- 5

Director’s Report ----- 7

MODOT PRESENTATIONS

MoDOT Tracker Update ----- 7

MoDOT Motor Carrier Services Update ----- 8

Human Resources and Equal Opportunity and Diversity Divisions Annual Update ----- 10

2010 Work Zone Awareness Campaign ----- 12

Report on MHTC Assessment Survey ----- 13

Resolution Expressing Appreciation to Pete K. Rahn for His Outstanding
Service as the Director, Missouri Department of Transportation ----- 13

BUSINESS ISSUES

Fiscal Year 2010 Budget Amendment ----- 14

Agreement Between MHTC and the International Union of Operating Engineers ----- 15

Medical and Life Insurance Plan – Appointment of Board Member ----- 15

INNOVATIVE FINANCE

The Lindbergh East Concord Transportation Development District,
Consideration of the Project and Appointment of an Advisor ----- 16

POLICIES/ADMINISTRATION RULES

Report and Recommendation Regarding Notice of Proposed Permanent and Emergency
Amended Rulemaking – Breath Alcohol Ignition Interlock Device Certification
and Operational Requirements ----- 16

PROPERTY ACQUISITION AND CONVEYANCES

Disposal of Excess Property, Business Route 36/Route 79,
Marion County, Excess Parcel Number E3-0298 ----- 17

Disposal of Excess Property, Route 47, Warren County,
Excess Parcel Number E3-0436 ----- 18

REPORTS

Financial Report – Year-to-Date, Period Ending February 28, 2010 ----- 19
Medical and Life Insurance Plan – Missouri Department of Transportation
and Missouri State Highway Patrol Medical and Life Insurance Report ----- 19

**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, WEDNESDAY, APRIL 7, 2010**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, April 7, 2010, at the Department of Transportation Building, 105 West Capitol, Jefferson City, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 11:00 a.m. The following Commissioners were present at the meeting location: Rudolph E. Farber, David A. Gach, Grace M. Nichols, Lloyd J. Carmichael, Stephen R. Miller, and Duane S. Michie.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, 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, April 7, 2010.

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

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 Farber, Aye
Commissioner Gach, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Miller, Aye
Commissioner Michie, Aye

The Commission met in closed session from 9:00 a.m. until 11:00 a.m.

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-- OPEN MEETING --

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, the 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 on 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 April 7, 2010, Consent Agenda

Upon motion by Commissioner Michie, seconded by Commissioner Nichols, the consent agenda items were unanimously approved by a quorum of Commission members present, except that the Report and Recommendation Regarding Notice of Proposed Amended Rulemaking – Rest Areas, was removed and action postponed for a later time.

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APPOINTMENT OF COMMITTEE/BOARD MEMBERS AND CHAIRS

Chairman Farber made the following appointments to the Commission committees/board:

Audit Committee - Commissioner Nichols was appointed as the chair and Commissioners Gach and Michie were appointed to serve on the committee.

Legislative Committee – the Commission as a whole will continue to serve on this committee and Commissioners Carmichael and Miller were reappointed as co-chairs.

Missouri Transportation Finance Corporation – Commissioner Gach was reappointed as the chair of this board, and Commissioner Nichols was reappointed to the board, Commissioner Miller was appointed to serve on the board.

MoDOT and Patrol Employees Retirement System – Commissioners Farber, Michie, and Carmichael will continue to serve on this board.

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two 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 reports were made during the April 7, 2010, meeting.

Audit Committee – Commissioner Farber reported the committee met on April 6, 2010 with the independent auditing firm BKD and discussed the next financial audit and the scope of the audit. In addition, Debbie McCoy with BKD introduced the new audit staff for the fiscal year 2010 audit. The committee reviewed and approved an internal audit report about subscriber and dependent eligibility for medical insurance coverage.

Legislative Committee – Commissioner Miller reported the Commission visited with legislators at the Capitol on April 6, 2010 and explained the focus of the General Assembly is on the budget and making budget cuts in order to keep expenditures in line with projected state revenues. MoDOT, like other agencies, reduced the request for General Revenues by five percent for transit, rail, and

ports. Commissioner Carmichael requested Jay Wunderlich, Governmental Relations Director, provide an update on the high impact legislation that is pending. Mr. Wunderlich focused his remarks on the pending pension proposal, SB714. This bill will create an investment group for both MPERS and MOSERS retirement systems. It will also eliminate the back drop program and increase the retirement age to 67 for new hires. Commissioner Carmichael then requested Pete Rahn, Director, provide an update on the status of reauthorization. Mr. Rahn reported that the Senate intends to pass a reauthorization proposal by the end of 2010. The reauthorization proposal will likely have a greater emphasis on transit in urban centers.

Missouri Transportation Finance Corporation – Commissioner Gach stated there was no report.

MoDOT and Patrol Employees Retirement System – Commissioner Farber reported the board met in March and welcomed Colonel Ron Replogel to the board. The new computer system is scheduled to go live on July 1, 2010 and will be a great improvement for employees and retirees to access their retirement information. The board also met with the actuary who reported another \$7 million per year increase will be needed for funding the retirement system. The MPERS Audit Committee recommended, and the board agreed, to enter into a new three-year contract with the current actuarial firm. The Chief Investment Officer reported the return on investments through March was approximately 14.8 percent. The board also decided to support proposed pension legislation pending with the General Assembly and agreed to support a defined contribution plan if proposed.

Director Search Committee – Commissioner Farber reported the Commission will serve on this committee as a whole. The commission will seek input from legislators, the Governor's office, former commissioners, planning partners, and employees. A request for proposal was issued seeking an executive search firm with the goal to have a contract in place at the next Commission meeting.

The search is estimated to take approximately nine months. Commissioner Farber encouraged candidates from MoDOT to apply.

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DIRECTOR'S REPORT

During the April 7, 2010, Commission meeting, Director Pete Rahn explained that he normally would use this opportunity to report significant improvements from the department or express concerns about events. However, today he simply thanked the commission for their service to the state of Missouri, for their friendship, and for the close working relationship that he had with the Commission during his tenure with the department.

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MoDOT TRACKER UPDATE

On behalf of the Director, Mara Campbell, Organization Results Director, briefed the Commission on the status of the Tracker, a performance management system that led the department to organizational excellence during the past five years. Ms. Campbell highlighted several performance measures to demonstrate the success of the program. A few of the measures discussed were:

Fast projects that are of great value – percent of projects completed on time. Delivering results has driven performance. Getting jobs done on time is critical to MoDOT's customers and reputation. MoDOT improved from eighty-eight percent in 2007 to ninety-seven percent in 2010.

Smooth and unrestricted roads and bridges – percent of major highways that are in good condition. The Smooth Roads Initiative and Better Roads Brighter Future Program changed MoDOT's position from one of the worst in the nation to one of the best. In 2006 MoDOT had sixty percent of major highways in good condition which improved to eighty-six percent in 2009.

Safe Transportation System – number of fatalities. Through collaborative efforts with enforcement agencies, engineering enhancements, and public education Missouri now has the lowest number of fatalities since the 1950s. In 2009 there were 868 fatalities compared to 1,257 fatalities in 2005.

The success of Tracker is the ability to manage at all different levels within MoDOT. This performance management system has cascaded throughout MoDOT with each division and district having a Tracker. Tracker changed the way business is done at the department, and MoDOT's Tracker is a national model for other DOTs and government agencies. MoDOT is well positioned for reauthorization because it will have some reporting and performance requirements at the national level. Congress is looking at Missouri for guidance on performance measures as they draft the reauthorization proposal.

Following inquiry from the Commission, Chairman Farber thanked Ms. Campbell for sharing this success.

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MoDOT MOTOR CARRIER SERVICES UPDATE

On behalf of the Director, Jan Skouby, Motor Carrier Services Director, explained that commercial motor vehicles make up thirty-five percent of the traffic on Missouri interstates. The Motor Carrier Services Division (MCS) is a customer centered business that serves 24,000 accounts, issues over 350,000 permits and credentials, conducts thousands of safety inspections, issues license plates for carriers, and issues IFTA fuel tax stickers.

MCS has a unique history because it was created from four state agencies into one division at MoDOT in 2002. MCS developed a business plan and sought Commission approval for an integrated computer system to better serve the carriers and create efficiencies. In 2005 MCS became an E-business with the new MoDOT Carrier Express system that provides carriers with 24-hour

access. When the business plan was created, it was estimated it would take seven years to pay back the cost of developing the online program, but it only took five years to pay back and provides great value for every dollar spent.

MCS encouraged the use of MoDOT Carrier Express. This is evident by the number of fuel tax filings that tripled online in 2009, the number of registration applications doubled online, and over seventy percent of the oversize applications are applied for online.

A safe transportation system is enhanced by MCS conducting compliance reviews and safety audits with a carrier at the same time, providing roadside information for MoDOT and the highway patrol, and training new carriers.

MCS promotes uninterrupted traffic flow through the use of virtual technology including a Pre-pass system and virtual weigh stations which allows carriers in good standing to drive on down the road without stopping. MCS enforces vehicle maintenance so there are fewer breakdowns on the road. The over dimension and overweight permitting process was streamlined, this process is important to ensure the department protects its infrastructure.

Customer involvement in transportation decision making is key to the valued partnerships that MCS has with many associations and other state agencies. An advisory group meets to promote good working relationships and improve MCS products and processes. Customer satisfaction hit an all time high of ninety five percent and was obtained even during the division's busiest time of year.

MCS will continue to seek efficiencies as business needs change, carriers change and the department implements the five-year direction. MCS will also continue to share and obtain best practices nationwide to continue to provide excellent customer centered service.

Commissioner Michie complimented Ms. Skouby and her division for starting the system from scratch and achieving phenomenal success, and for becoming a valued partner with the

trucking industry that was not an easy industry to work with in the beginning. Following inquiry from the Commission, Chairman Farber thanked Ms. Skouby for her presentation.

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**HUMAN RESOURCES AND EQUAL OPPORTUNITY AND DIVERSITY DIVISIONS
ANNUAL UPDATE**

On behalf of the Director, Micki Knudsen, Human Resources Director, explained that employee satisfaction and engagement increased in 2009 despite no salary increases and rising out-of-pocket expenses for employees. Ms. Knudsen reviewed the number of full-time equivalent employees decreased to 6,266 with the recent implementation of the five-year direction which included the hiring freeze on seventy-five percent of department positions.

The number of retirement eligible employees continues to increase, the two biggest areas of retirement eligible employees is in the maintenance supervisor/superintendent group and senior management. The department implemented the Accelerated Leadership Development program to help middle managers prepare for senior leadership positions through a number of leadership activities. There are eighty participants in the program.

Ms. Knudsen reviewed the separation rates and the department's focused effort of dealing with poor performers. She also reviewed workforce capacity that addresses the number of hours available to work compared to those actually being worked and how the department manages leave and overtime. The department received the Optimas Award, a national award from Workforce Magazine, for reducing the amount of sick leave usage.

The department continues to work to support and develop employees through in-house technical training programs for the maintenance workforce; and encourage work-life balance through lunch and learn events and work-life centers. The human resources division is using

technology with an integrated on-line application program for internal applications, and providing new hires with information and support online.

Rudy Nickens, Equal Opportunity and Diversity Director, explained the division's focus is on inclusion to ensure the department gets the best result from its diverse workforce. Mr. Nickens explained that an inclusive workforce: provides equal access to all parts of the organization; appreciates, recognizes, and celebrates cultural differences; identifies what might be a barrier to full access and work to remove those barriers; holds all employees to the highest standards of performance; continually works on inclusion; and allows employees to behave authentically.

In his six months with the department, Mr. Nickens worked to develop a new direction for the Equal Opportunity and Diversity Division, conducted diversity training and awareness sessions, and implemented quarterly regional diversity conferences. In addition, the division continues to work with the Employee Advisory Council, the mentoring program, the Cooperative Education Program, and the Annual Youth Transportation Conference.

The challenge for the department will be to retain its diverse employment statewide by developing and promoting the people that are working at MoDOT due to the implementation of the five-year direction and the hiring freeze. Keeping diversity has to be a priority for the department and it is necessary to find ways to weave it into the daily values and decisions.

Commissioner Farber inquired about the lunch and learn sessions and how it was made available to employees. Ms. Knudsen explained the seminars take place during the lunch hour and some have been taken on the road to reach field employees. Commissioner Carmichael inquired about the business hours of the department. Ms. Knudsen explained that the traditional business hours are 7:30 a.m. to 4:00 p.m. but with flex hours most offices have coverage from 6:30 a.m. to

5:00 p.m. Following inquiry from the Commission, Chairman Farber thanked Ms. Knudsen and Mr. Nickens for their presentations.

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2010 WORK ZONE AWARENESS CAMPAIGN

On behalf of the Director, Don Hillis, System Management Director, explained there are two reasons that work zones are important: ensure travelers get where they need to go safely and quickly, and safety of the workers. Work Zone Awareness week is April 19 through 23, 2010. There are many efforts underway to bring awareness of work zones including: operation orange where buildings and landmarks are lit orange at night; education and outreach through signs, radio, internet, and gas pump toppers; and a television public service announcement titled “What Have I Done?”.

The department is also going to focus on managing work zones. The department will continue to self monitor to ensure that the messages about the work zones and speed limits in the work zones make sense to the drivers. If the message is clear and consistent, drivers will appreciate and respect work zones. The department is also promoting more customer surveys to allow the traveling public to evaluate work zones. In 2009, the department received 2,100 surveys and eighty six percent of the surveys said the work zone met their expectation. The department wants to improve that percentage. In addition there will be increased law enforcement in work zones.

Mr. Hillis reviewed the statistical information about work zone crashes since 2005 and serious injuries have declined, but more work needs to be done to reduce fatalities. There will be challenges ahead as the department shifts from a construction program to a maintenance program. There will be more work zones that the traveling public needs to be aware because more of the work on the road will be with traffic.

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REPORT ON MHTC ASSESSMENT SURVEY

Chairman Rudolph Farber presented a brief review of the annual Commission assessment. For the past three years, the Commission evaluated itself and senior management evaluated the Commission. The survey measures working strategically, responsibly, and together. Compared to last year, there was a slight drop in the overall score. There were three areas where the Commission will work to improve, including: focusing on MoDOT's future, empowering MoDOT staff to make decisions and not micro-manage, and provide clear feedback on performance.

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RESOLUTION EXPRESSING APPRECIATION TO PETE K. RAHN FOR HIS OUTSTANDING SERVICE AS THE DIRECTOR, MISSOURI DEPARTMENT OF TRANSPORTATION

WHEREAS, Pete K. Rahn was hired as the director of the Missouri Department of Transportation by the Missouri Highways and Transportation Commission and took the reins of a department battered in the court of public opinion on September 15, 2004; and

WHEREAS, Mr. Rahn immediately called on senior staff to set a new direction for MoDOT and to establish the foundation for the TRACKER, a performance-based management tool that has effectively guided department operations; and

WHEREAS, upon the passage of Amendment 3 in November 2004, he quickly launched the Smooth Roads Initiative to make two-thousand two-hundred miles of Missouri's most highly traveled roads smoother and safer by December 2007, and later successfully challenged employees to complete the massive project one year ahead of schedule; and

WHEREAS, under Mr. Rahn's direction and with approval of the Commission, Missouri awarded its first design build contract on the reconstruction of a ten-mile segment of Interstate 64 through the heart of St. Louis. Mr. Rahn initiated two more design build projects: the forward thinking Safe and Sound Bridge Improvement Program to fix eight hundred and two of the state's worst bridges in a five-year period; and the kcICON project that will reconstruct and rehabilitate four miles of Interstate 29/35 into downtown Kansas City and construct a new iconic cable-stayed river bridge to replace the existing Paseo Bridge; and

WHEREAS, through his intense focus on safety improvements, such as the installation of median guard cable, rumble stripes, bigger and brighter pavement markings and signs, fatalities have decreased significantly and now are the lowest they have been since 1950; and

WHEREAS, his adoption of the practical design concept and other radical cost control measures have enabled the department to deliver projects on time and under budget, saving taxpayers hundreds of millions of dollars over his tenure as director.

NOW, THEREFORE, BE IT RESOLVED that members of the Missouri Highways and Transportation Commission do hereby formally express their heartfelt respect, admiration, and appreciation to Pete K. Rahn.

BE IT FURTHER RESOLVED that the Highways and Transportation Commission proclaims in its official records that Pete K. Rahn is an exemplary leader and public servant whose performance has not only led to a vast improvement of the state's transportation system, but has also restored MoDOT's credibility with the legislature and citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Pete K. Rahn so he will have a permanent record of the admiration and affection in which he is held by the members of the Missouri Highways and Transportation Commission and Missouri Department of Transportation employees.

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FISCAL YEAR 2010 BUDGET AMENDMENT

On behalf of the Director, Brenda Morris, Resource Management Director, recommended approval of a net increase to disbursements of \$16 million. In addition, Ms. Morris recommended adjustments for transfers between appropriations to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities. The amended budget for fiscal year 2010 is \$2,932,713,000.

Via approval of the consent agenda, the Commission unanimously approved the amendments and adjustments to the fiscal year 2010 budget as noted above.

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AGREEMENT BETWEEN MHTC AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS

On behalf of the Director, Micki Knudsen, Human Resources Director, recommended approval of an agreement with Local 148 of the International Union of Operating Engineers. This document serves as the foundation for MoDOT and the union to address labor relations issues.

Ms. Knudsen reported that significant changes from the previous agreement include (1) MoDOT authorizes up to forty hours of paid leave per fiscal year for Union officers or stewards to conduct official business with MoDOT management; (2) eliminating, when possible, routine roadway surface maintenance work on the Interstate system on Fridays during the summer months; (3) continue piloting changes to the grievance procedure with adding one dues-paying member of the Union to any grievance panels that are assembled; (4) MoDOT agrees to allow one dues-paying member of the Union to attend certain department meetings when appropriate; (5) MoDOT agrees to use newly established guidelines to bring about greater consistency in overtime administration.

Via approval of the consent agenda, the Commission unanimously approved the recommendation, which will become effective April 11, 2010, and it will remain effective until April 10, 2013.

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MEDICAL AND LIFE INSURANCE PLAN: APPOINTMENT OF BOARD MEMBER

On behalf of the Director, Jeff Padgett, Director of Risk and Benefits Management, recommended approval of the re-appointment of Captain Sandra Karsten as a Missouri State Highway Patrol active employee representative to the Board of Trustees for a six-year term ending May 2016, or until a successor is named.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**THE LINDBERGH EAST CONCORD TRANSPORTATION DEVELOPMENT DISTRICT,
CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR**

On behalf of the Director, Ed Hassinger, District 6 Engineer, advised the Commission that in response to a petition filed by FJB, L.L.C., on December 15, 2009, the Circuit Court of St. Louis County established the Lindbergh East Concord Transportation Development District (TDD) as a political subdivision on February 9, 2010. The proposed project includes constructing a dedicated left turn lane for southbound Lindbergh Boulevard at East Concord Road. The Commission does not own any real property within the proposed TDD and has no financial participation in the project.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions in the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project, and (2) appointed the District 6 Engineer, or his designee, as the Commission advisor to the Lindbergh East Concord TDD board of directors. In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

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**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED
PERMANENT AND EMERGENCY AMENDED RULEMAKING – BREATH ALCOHOL
IGNITION INTERLOCK DEVICE CERTIFICATION AND OPERATIONAL
REQUIREMENTS**

On behalf of the Director, Leanna Depue, Highway Safety Director, presented to the Commission notice of proposed permanent amended and emergency administrative rules 7 CSR 60-

2, Breath Alcohol Ignition Interlock Device Certification and Operational Requirements, which will correct inconsistencies in the definition of a violations reset feature and require an ignition interlock device to be programmed to include a violations reset message when the device registers three non-consecutive refusals to submit to a rolling retest of the person's breath within a thirty-day period.

Ms. Depue recommended approval of the proposed permanent amended and emergency rulemaking for filing with the Joint Committee on Administrative Rules and the Office of the Secretary of State. She further recommended the Director, Chief Engineer, or Chief Financial Officer be authorized to execute any document appropriate and necessary for initiating this rulemaking process.

Via approval of the consent agenda, the Commission unanimously approved the rulemaking recommendations.

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DISPOSAL OF EXCESS PROPERTY

In keeping with the Commission's October 11, 2006 Delegation of Authority policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission to a governmental entity at no cost or exchange interest in land must be approved by specific Commission action. The following sales are to governmental entities.

Business Route 36/Route 79, Marion County, Excess Parcel Number E3-0298

On behalf of the Director, Paula Gough, District 3 Engineer, recommended conveyance of 0.052 acre of land located in Marion County, south of the intersection of Business Route 36/Route 79 and Fulton Avenue, to Hannibal Public School No. 60 for the consideration of \$1.00.

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

Route 47, Warren County, Excess Parcel Number E3-0436

On behalf of the Director, Paula Gough, District 3 Engineer, recommended conveyance of 0.059 acre of land located in Warren County, along Warrior Avenue, just east of Route 47, to the City of Warrenton for the consideration of \$1.00.

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

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-- REPORTS --

The Commission received the following written reports.

**FINANCIAL – BUDGET - REPORTS
YEAR-TO-DATE FINANCIAL REPORT, February 28, 2010**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending February 28, 2010, with budget and prior year comparisons.

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**MEDICAL AND LIFE INSURANCE PLAN: MISSOURI DEPARTMENT OF
TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND
LIFE INSURANCE PLAN REPORT**

Mr. Jeff Padgett, Director of Risk and Benefits Management and Chairman-Medical and Life Insurance Plan Board of Trustees, presented reports on the financial status of the Medical and Life Insurance Plan covering the period from June through December 2009 and for the most recent five calendar years. The report indicated that the number of claims continues to increase, which was primarily attributable to increased utilization. The Medical and Life Insurance Plan Board of Trustees continues to closely monitor increases in utilization, and the balance of the premium stabilization reserve. Contributions have increased from 2005 through 2009. The Commission paid the entire amount for the contribution increase from 2005 through 2007. In 2008 the employee contribution increased as well, with the Commission still providing for the majority of the increase.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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