



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

May 5, 2010

VOTE TO CLOSE MEETING	3
 COMMISSION/DIRECTOR ITEMS	
Minutes	4
Consent Agenda	4
Commission Committees and Commission Related Boards	5
Interim Director’s Report	6
 PUBLIC PRESENTATIONS	
Jefferson City Delegation Representing the Jefferson City Area Chamber Of Commerce	7
 MoDOT PRESENTATIONS	
Missouri Department of Transportation Proposed Fiscal Year 2011 Budget	9
MoDOT Dual Data Center/Disaster Recovery Site Status	10
 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM	
Draft 2011 – 2015 Statewide Transportation Improvement Program	11
 BUSINESS ISSUES	
Release of Billboard Restriction on Property Conveyed to Drury Development Corporation, St. Louis County, Route 141, Excess Parcel E6-6689	12
 PROPERTY ACQUISITION AND CONVEYANCES	
Change in Access, Break in Access, Business Route 61, Lewis County	13
Disposal of Excess Property, Business Route 18, Bates County, Excess Parcel Number E7-0649	14
Disposal of Excess Property, Route 63, Randolph County, Excess Parcel Number E2-0398	14
 REPORTS	
Financial Report – Year-to-Date, Period Ending March 31, 2010	15
Financial Accountability Report – Quarterly Report	15
Design/Bridge Engineering Consultants Quarterly Report	15

**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, WEDNESDAY, MAY 5, 2010**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, May 5, 2010, at the Department of Transportation Building, 105 West Capitol, Jefferson City, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 10:40 a.m. The following Commissioners were present at the meeting location: Rudolph E. Farber, David A. Gach, Grace M. Nichols, Lloyd J. Carmichael, and Stephen R. Miller. Commissioner Duane S. Michie was absent. 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.

* * * * *

* * * * *

Kevin Keith, Interim Director/Chief Engineer 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, May 5, 2010.

* * * * *

*“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

The Commission met in closed from 8:00 a.m. until 10:30 a.m. and reconvened from 12:30 p.m. until 2:00 p.m.

* * * * *

-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Gach, seconded by Commissioner Nichols, the Commission unanimously approved the minutes of the Commission workshop held on January 27, 2010 and the regularly scheduled meeting held on February 4, 2010. 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.

* * * * *

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 May 5, 2010, Consent Agenda

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

* * * * *

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 May 5, 2010, meeting.

Audit Committee – Commissioner Nichols stated there was no report.

Legislative Committee – Commissioner Carmichael reported the focus of the legislative session has been on the revenue shortfall for the state. MoDOT is closely monitoring the impact reduced revenues will have on multimodal operations. Fortunately, the legislature funded two Amtrak trains a day between Kansas City and St. Louis. There are two unresolved issues, one is the banning of texting while driving for drivers of all ages, and the other issue is proposed changes in retirement benefits.

Director Search – Chairman Farber reported the selection of the executive search firm, Grant Cooper & Associates to conduct the director search. The Commission anticipates the search will take nine months, with the goal of having a new Director on board by December 1, 2010. Although the Commission is conducting a nationwide search, the Chairman encouraged candidates from within MoDOT. The Commission will seek input on a draft job specification from a number of constituencies including the Governor's office, former Commissioners, District Engineers, Division

Leaders, Missouri House and Senate, planning partners, and contractors. The Chairman thanked Kevin Keith for agreeing to serve as the Interim Director during this transition period.

Missouri Transportation Finance Corporation – Commissioner Gach reported the board met on May 4, 2010. Commissioner Miller was appointed to the board to replace Chairman Farber. The board addressed several administrative issues including election of officers, re-election of Larry Webber to the Board, and approval of the fiscal year 2011 budget. Commissioner Gach recognized department staff for earning a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. The award was earned for the MTFC’s fiscal year 2009 Comprehensive Annual Financial Report. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. This is the second consecutive year the MTFC received this award.

MoDOT and Patrol Employees Retirement System – Chairman Farber reported the Board has not met, however the Investment Committee met and is working to develop an investment portfolio with an adequate return but lower risk profile. The committee welcomed the legislative initiative to address funding the retirement system.

* * * * *

INTERIM DIRECTOR’S REPORT

During the May 5, 2010, Commission meeting Kevin Keith, Interim Director/Chief Engineer, provided the following report:

Transportation Investments Generating Economic Recovery grant program II (TIGER II) -

The United States Department of Transportation (USDOT) announced the implementation of the TIGER II grant program. This program will grant \$600 million for a wide range of transportation improvements across the country that departments of transportation, metropolitan planning

organizations, cities, and counties may apply for. MoDOT staff is currently working with partners to identify a project to bring money back to Missouri through a TIGER II grant.

USDOT Report on Transportation’s Role in Reducing Greenhouse Gas Emissions – Congress required the USDOT prepare this report because of a proposed environmental bill that will have dramatic impacts on transportation. MoDOT is hosting a workshop in June on transportation’s role in reducing greenhouse gas emissions to gain a better understanding of the issues and how the department will respond.

Awards – The department recently received six national awards which represent the broad spectrum of MoDOT’s efforts, these awards include:

- Asphalt Pavement Alliance Award for perpetual pavement on six miles of Route 47 in Franklin County. This award is granted based on the long life of asphalt pavement; this section of Route 47 was originally built in 1962.
- Federal Highway Administration (FHWA) Exemplary Eco Systems Initiative Award for building three low water crossings in Camden County. This project saved the department \$2.7 million and was a collaborative effort with the US Fish and Wildlife Service to improve the ecosystem for fish in the stream.
- FHWA Award for Excellence in Right of Way Technical Service for MoDOT’s Realty to Roads program. This program sold excess property and turned it into money to use on the roads, in 2009 the department sold 228 parcels for \$4.2 million.
- Communicator of the Year Award from the National Association of Government was presented to Linda Wilson from District 6 for her work on the New I-64 project.
- Exceptional Performance in Journalism award was presented to the department for KC Scout’s efforts to market the ramp metering pilot program.

* * * * *

JEFFERSON CITY DELEGATION REPRESENTING THE JEFFERSON CITY AREA CHAMBER OF COMMERCE

On behalf of the Jefferson City Area Chamber of Commerce, Mike Bates, Chairman of the Board, commended the department for its efforts to improve safety and reduce fatalities, upgrade the condition of the roads, and gain public trust. Mr. Bates also expressed appreciation for many recent projects including: the rail siding improvement in California that improved freight and passenger

service, the Safe and Sound Bridge Improvement Program that is repairing many local bridges, the improvement at the Route 179 and 50 interchange in Jefferson City, the completion of a four-lane section of Highway 50 from St. Martins to California, and the improvements to the US 54 expressway at the Lake of the Ozarks. The chamber believes in a regional approach and projects that help neighboring communities also brings economic development to the Jefferson City area.

Mr. Bates shared two opportunities to continue the partnership with MoDOT and assist with economic development for the region.

(1) Lafayette Street Interchange. The final Environmental Impact Statement was approved and the final Record of Decision is due in October 2010. The city and county committed \$4 million and there is a \$2 million earmark in federal funds for this project. This project will provide access to 140 acres of redevelopment, the new federal courthouse, the historic prison site, and Lincoln University.

(2) Interstate access to the Capitol. Statistics prove that economic development occurs near interstates. Jefferson City is one of only five state Capitols not connected to an interstate system. The community would like the department to provide guidance as to whether the best way to accomplish this is to upgrade US 54 or US 63 to interstate standards to bring an interstate to the Capitol.

Chairman Farber thanked Mr. Bates for his presentation and encouraged the community to help the department find a funding source so the department can help the community build on these opportunities.

* * * * *

MISSOURI DEPARTMENT OF TRANSPORTATION PROPOSED FISCAL YEAR 2011 BUDGET

On behalf of the Interim Director, Roberta Broeker, Chief Financial Officer, presented the Fiscal Year 2011 budget in the amount of \$2.82 billion. The focus for the Fiscal Year 2011 budget is the implementation of the five year direction. This budget will allow the department to honor commitments, keep major roads in good condition, improve minor roads, and hold our own on bridges. When the five year direction was announced, staff indicated there would be a savings of \$200 million to put on roads and bridges. In this Fiscal Year 2011 budget, \$32.8 million of savings have been identified. The saved money is set aside for the broad category of maintenance and will be distributed once the districts submit their pavement plans that will be used to guide the distribution of the funds.

Ms. Broeker estimates receipts for Fiscal Year 2011 at \$2.25 billion. The revenues are stagnant at both the federal and state levels. There is concern about federal revenues; projections are based on the Fiscal Year 2009 funding levels that are only extended through December 2010. Congress will have to act when that reauthorization extension expires in order to maintain that funding level. When reviewing the trend line for receipts, Ms. Broeker explained bond proceeds have been a large source of revenue for an expanded construction program; however, no additional bond sales are planned. Although the trend line reflects a slight growth in revenue, the growth does not keep up with increased costs and needs.

The disbursement request for Fiscal Year 2011 is \$2.82 billion with the largest portion of this disbursement attributed to the program delivery category at \$2 billion for building roads and bridges. The next largest category is \$519 million for system management which pays for the maintenance and repair of roads and bridges. The multimodal category will receive \$107 million for aviation,

ports, transit and rail. The fleet, facilities, and information systems category will receive \$105 million. The smallest category, administration, is allocated \$54 million.

The draft fiscal year 2011 budget is presented for Commission review; staff will request approval at the June 2010 commission meeting.

* * * * *

MoDOT DUAL DATA CENTER/DISASTER RECOVERY SITE STATUS

On behalf of the Interim Director, Mike Miller, Information Systems Director, provided an update on the status of the dual data center. Construction began in August 2009 in Kansas City, located on the District 4 campus, and the center has been operating since February 2010.

When building the dual data center the department considered the need to reduce costs and take advantage of efficiencies where possible. The department decided to build rather than lease a commercial site because cost savings are realized within three years of construction. The dual data center was built in conjunction with two resident engineer offices for District 4, taking advantage of the efficiency of sharing a building. By locating at the District 4 campus, the dual data center is close to MoDOT fiber optic cable that is used to connect MoDOT's information systems around the state, reducing the cost for connections because of the proximity to the fiber optic cable. Following an impact analysis, the department determined it could also save money through limited use of the more expensive automated fail over system for mission critical components, and using a manual fail over system for less critical components.

The dual data center is secure and equipped with a backup generator to keep the center powered during a disaster. MoDOT's data is safeguarded by having the backup center running, so in the event of a disaster the department can act quickly and continue to operate. Work is in progress to provide more storage and servers which are expected to be in place by next fiscal year.

Chairman Farber inquired about testing of the system, Mr. Miller explained that some of it has been tested and regular testing of the entire system will occur to ensure its operation. Commissioner Nichols inquired about whether a disaster could happen in both Jefferson City and Kansas City, Mr. Miller responded that the Kansas City location was selected because natural disasters such as earthquake, flooding, and tornadoes were not likely to occur at both locations; unfortunately, a manmade disaster is unknown. Chairman Farber thanked Mr. Miller for his presentation.

* * * * *

DRAFT 2011 – 2015 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

On behalf of the Interim Director, Dave Nichols, Director of Program Delivery and Machel Watkins, Director of Transportation Planning, presented the 2011-2015 draft Statewide Transportation Improvement Program (STIP). Mr. Nichols explained there are many outstanding needs for transportation around the state, but the department is facing a funding challenge. In light of the funding challenge the department has adopted the five year direction to address four priority areas that will help maintain customer satisfaction. The four priority areas are: (1) honor our commitments, (2) keep good roads in good condition, (3) improve minor road conditions, and (4) hold our own on bridges. With limited resources, the department will lose the ability to deliver corridor improvements, make significant safety improvements, address congestion, assist and support economic development, use longer term treatments, or address major bridge replacements.

Ms. Watkins explained the 2011-2015 STIP provides MoDOT's direction for all modes of transportation. The department is required to prepare the STIP by law and it outlines the work the department will do and the resources that will be used to accomplish the work in that five year period, it also outlines the work that is planned for future projects. The STIP is the department's

commitment for what the public is going to receive for their transportation dollars, and is developed through a collaborative effort with the public. The 2011-2015 STIP totals \$5.7 billion, which is \$1 billion less than last year's program. There are three parts to the STIP: (1) local programs receive \$700 million, (2) multimodal programs receive \$1 billion, and (3) highways and bridges receive \$4 billion.

Unlike previous years, the first three years of the STIP are not fully programmed due to the recent adoption of the five year direction. In March 2010, the department stepped back from the draft STIP and regrouped with the planning partners to reconsider any project that did not meet a goal of the five year direction. In light of this reconsideration, the STIP is not fully programmed and there will be changes to the STIP when the department returns for Commission approval in July 2010. Staff and the partners are reviewing how to program projects and meet the goals for the five year direction throughout the state. There is a lot of work to do to align the STIP with the five year direction. At the same time the department is conducting the public comment period for the draft STIP May 5 through June 4, 2010, by traditional means as well as through new social media outlets such as Twitter and Facebook. The department will collect the comments received and recommend action. Any changes to the STIP will be presented to the Commission at its July 1, 2010 meeting for consideration and approval.

* * * * *

RELEASE OF BILLBOARD RESTRICTION ON PROPERTY CONVEYED TO DRURY DEVELOPMENT CORPORATION, ST. LOUIS COUNTY, ROUTE 141, EXCESS PARCEL E6-6689

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer, recommended removal of the billboard restriction from Excess Parcel Number E6-6689. In keeping with the Commission's August 9, 1996, policy regarding the restriction of outdoor advertising on excess property

conveyances, all excess property conveyances included a restriction against the use of property for outdoor advertising, if the property is located on an interstate, primary route, National Highway System, or designated Scenic Byway. Excess Parcel E6-6689 was held by the Commission in less than fee simple title and was conveyed to Drury Development Corporation on February 23, 2000, with the billboard restriction.

Via approval of the consent agenda, the Commission unanimously approved the removal of the billboard restriction as described above.

* * * * *

**CHANGE IN ACCESS, BREAK IN ACCESS,
BUSINESS ROUTE 61, LEWIS COUNTY**

On behalf of the Interim Director, Paula Gough, District 3 Engineer, recommended approval of a request from Ayers Oil Company, to construct a forty foot entrance centered at the northerly right of way line of Business Route 61, opposite Station 75+63. Ayers Oil Company shall provide geometric improvements at the intersection of Business Route 61 and Brose Avenue. The improvements shall include, but are not limited to, widening the above-mentioned intersection to allow for the movement of large semi-trucks. The proposed entrance is a non-arterial connection constructed to accommodate a commercial development and will not provide traffic relief to the state system; therefore, the request does not comply with the Commission's action of February 13, 1997, and Commission approval of the proposal is needed to proceed.

Via approval of the consent agenda, the Commission unanimously approved the request of Ayers Oil Company, as described above with \$900 compensation due to the Commission for the change.

* * * * *

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 18, Bates County, Excess Parcel Number E7-0649

On behalf of the Interim Director, Becky Baltz, District 7 Engineer, recommended conveyance of 0.36 acre of land located in Bates County, lying between the intersections of Route 18 and Lexington and Kentucky Avenues to the City of Adrian, for the consideration of \$1.

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

Business Route 63, Randolph County, Excess Parcel Number E2-0398

On behalf of the Interim Director, Dan Niec, District 2 Engineer, recommended conveyance of 0.024 acre of land located in Randolph County at the southeast corner of the intersection of Business Route 63 and McKinsey Street to the City of Moberly for the consideration of \$1.

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

* * * * *

-- REPORTS --

The Commission received the following written reports.

**FINANCIAL – BUDGET - REPORTS
YEAR-TO-DATE FINANCIAL REPORT, March 31, 2010**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending March 31, 2010, with budget and prior year comparisons.

* * * * *

FINANCIAL ACCOUNTABILITY REPORT - QUARTERLY REPORT

Deborah S. Rickard, Controller, provided to the Commission the written Quarterly Financial Accountability Report for the period ending March 31, 2010.

* * * * *

DESIGN/BRIDGE ENGINEERING CONSULTANTS – QUARTERLY REPORT

Dave Nichols, Director of Program Delivery, provided to the Commission the Design/Bridge Engineering Consultants Report as of March 31, 2010. The report reflects current active consultant work on projects contained in the State Transportation Improvement Program.

* * * * *

* * * * *

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

* * * * *