



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**September 12, 2007**

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
RICHMOND, MISSOURI, ON WEDNESDAY, SEPTEMBER 12, 2007**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 12, 2007, at the Ray County Library, 215 East Lexington Street, Richmond, Missouri. James B. Anderson, Chairman, called the meeting to order at 9:30 a.m. The following Commissioners were present: Duane S. Michie, Vice Chairman, David A. Gach, and Mike Kehoe. Commissioners Bill McKenna, and Rudolph E. Farber were absent from the meeting.

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, September 12, 2007.

\* \* \* \* \*

*"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 Anderson, Aye  
Commissioner Michie, Aye  
Commissioner Gach, Aye  
Commissioner Kehoe, Aye

The Commission met in closed session from 8:00 a.m. until 9:30 a.m.

\* \* \* \* \*

**-- OPEN MEETING --**

**APPROVAL OF MINUTES**

Upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission unanimously approved the minutes of the regularly scheduled meeting held on August 8, 2007. 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, 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 the 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 12, 2007, Consent Agenda**

Upon motion by Commissioner Michie, seconded by Commissioner Gach, all items on the September 12, 2007, consent agenda were unanimously approved.

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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 September 12, 2007, meeting.

**Audit Committee** – Commissioner Michie stated no report for this month.

**Legislative Committee** – Commissioner Kehoe reported with the conclusion of the special session in Jefferson City, the legislative fix for the Safe and Sound bridge program passed. We are very appreciative of the General Assembly and the Governor to take up the Safe and Sound bridge program issue and pass the legislation. Jay Wunderlich, Don Hillis, and Ken Warbritton and others were at the Capitol working very hard on our behalf and you can tell how well they did when the bill passed in the Senate thirty-two to zero in about thirty seconds. Commissioner Anderson stated that the Governor signed the legislation around the state and the response from the public and media has been extremely positive for all the right reasons.

**Missouri Transportation Finance Corporation** – Commissioner Gach stated there is no report for this month, however, there is a meeting scheduled next month, and there will be a report when we meet in St. Louis next month.

**MoDOT and Patrol Employees Retirement System** – Commissioner Michie reported we have a meeting coming up on September 20. There has been a disruption in the market due to the issues surrounding sub prime lending; our best estimate through July 30 is that our portfolio is down about two percent.

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## **AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS**

Chairman Anderson stated that the American Association of State Highway Transportation Officials (AASHTO) is the national professional organization for the transportation business. Chairman Anderson reported that Director, Pete Rahn, will become president of AASHTO, and acknowledged that this is a very significant accomplishment. Chairman Anderson reviewed the history of the state of Missouri and its past AASHTO Presidents. There have been four AASHTO presidents from the Missouri Department of Transportation. The first AASHTO President from Missouri was in 1949, Mr. C.W. Brown, who was Chief Engineer from 1936 to 1951. Then Mr. Rex Whitton was AASHTO President in 1956 and was Chief Engineer from 1951 to 1961. Mr. Whitton went on to Washington D.C. and was a great leader. Mr. Bob Hunter, was Chief Engineer from 1970 through 1985, and was AASHTO

President in 1977. Then more recently, Mr. Wayne Muri was AASHTO President in 1993 and was Chief Engineer from 1986 through 1994. So in the entire history of the state of Missouri, Mr. Pete Rahn, is number five in terms of our leaders who have become President of AASHTO. Commissioner Anderson, on behalf of the Commission, stated that they are proud of what Pete does in Missouri but also proud of what he does nationally, Congratulations Pete!

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## **DIRECTOR'S REPORT**

During the September 12, 2007, Commission meeting, Director Pete Rahn provided the following report:

**Corridors of the Future** – U.S. Department of Transportation Secretary, Mary Peters, recently announced the selection of the “Corridors of the Future.” The U.S. Department of Transportation selected five specific corridors that would receive this designation and receive federal funds. Missouri was fortunate that I-70 in coordination with the states of Ohio, Illinois, and Indiana was selected. The ultimate goal of a “Corridor of the Future” is to have dedicated trucking lanes located along the entire corridor. In addition to the designation, Missouri received \$2 million to assist with design of the corridor.

**Safe and Sound Bridge Program** - This program has received national and international recognition. National Public Radio had an excellent story highlighting Missouri’s efforts in replacing our bridges with the Safe and Sound Bridge Program. In addition, in a conversation with the CEO of the English Highway Authority, Pete learned that Missouri and MoDOT recently received a lot of attention in England.

**Promotion recognition** – Kelly Lucas has recently been selected through a competitive process as the new Right of Way Director. Kelly was the Right of Way Manager in District 2. Brenda Morris has been selected as the new Director of Resource Management. Brenda was previously an Audits Administrator with the Audits and Investigations Unit.

**Missouri Quality Award Site Visit** – MoDOT has been selected for a site visit by the Missouri Quality Award program. MoDOT has never received this award before. Although it is unusual for an applicant to receive the award the first year you get a site visit, we are hopeful and we believe we deserve it.

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**THE CITY OF RICHMOND,  
PRESENTATION ON LOCAL NEEDS AND ISSUES.**

Mr. Lance Green, Mayor City of Richmond, introduced many local public officials including delegates from MARC and the Pioneer Trails Regional Planning Commission. Mayor Green highlighted a project currently underway to revitalize downtown Richmond through a cooperative effort with local public and private participation and MoDOT. The city has received Transportation and Community and System Preservation Program funds through SAFETEA-LU to improve town square infrastructure. Once the city completes their improvements to the square, MoDOT will finish the project with resurfacing Business Route 10 through the town square. The city's goal is to complete the revitalization project in 2009.

The Mayor presented four projects of local interest. The first project is to be able to provide a safe route to school for the children of Richmond. The city has secured public and private funding for the local match and will reapply for a Safe Routes to School grant later this year. The city will work with MoDOT to obtain this grant.

The second project the city would like is the construction of an additional interchange on Route 210 to Wellington Street. This interchange will provide connectivity to the city street system and direct access to the high school complex.

The third project the city is interested in would allow access to Route 13 for development near Wal-Mart. The city has completed a preliminary traffic study and will continue to work with MoDOT on this project.

The fourth project the city would like to continue to work on is the Kansas City area northern bypass; also know as the 92-10-13 corridor. The rural regional partnership in support of this project has not been as active lately as it has been in the past, but is getting started again.

Commissioner Michie inquired of Harland Mieser, Pioneer Trails Regional Planning Commission representative and Mel Henderson, MARC representative if MoDOT's efforts to partner with the regional planning organizations and including them in the planning process works? Mr. Mieser stated that the process works well, when you have local communities having input on what's needed and when several counties come together and agree on a project, and prioritize that project, it means a lot. We simply need a little bit more money. Mr. Henderson stated that setting priorities is one of the hardest tasks we are asked to do and the more inclusive we are in that process the better off we'll be. Mr. Michie thanked the gentlemen for their comments.

Chairman Anderson thanked the mayor for his presentation.

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#### **PUBLIC COMMENT ON HIGHWAY 266 IN SPRINGFIELD**

Laura and Russ Smith from Springfield spoke about the Highway 266 project in Springfield. Laura and Russ Smith are property owners on historic route 266. They represent the property owners on the south side of the road. They are not pleased with the way they were treated as property owners affected by this project. The Smiths do not believe the project will be safe nor is it good for the community. They look forward to working with the Commission on this project. The Smiths expressed their frustration when they were initially told that the department would review their issues, draw something up, and get back with them. However, when the department got back with them a month later by letter, MoDOT stated they were

staying with their original plans. Other property owners have been given concessions. The department is not offering signage for the life of the highway, which the Smiths feel is important to a business in any community.

Chairman Anderson thanked the Smiths for traveling to the meeting and presenting their concerns.

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**PUBLIC COMMENT ON TRAFFIC IN RICHMOND**

Mr. Jerry O’Neal made comments as it relates to traffic issues in Richmond. Mr. O’Neal stated there is a problem in Richmond on Highway 10 and that is getting access to Wellington Street. He owns Continental Manufacturing on the corner of Wellington and Highway 10. He has to get raw material in and finished products out of his plant with about five to ten large 18-wheelers every day. These large trucks have to pass in front of the school, and he expressed concern for the safety of the school children. In the morning there is considerable traffic congestion from South Street to Wellington in front of his business and the school. Mr. O’Neal asked the Commission to consider funding an exit ramp off of Highway 10 to Wellington to relieve the traffic congestion.

Chairman Anderson thanked Mr. O’Neal for his comments.

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**AMENDMENT 3 BONDS, SERIES 2007 PRICING SUMMARY**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, reported that \$526.8 million of bonds were sold during August and September 2007, with actual proceeds being \$540 million. Almost \$60 million, of the \$526.8 million, were sold at retail, which Ms. Broeker felt reflected confidence of Missouri citizens in MoDOT. The average interest rate on the bonds

over the entire issuance is 4.57 percent. The average life of the bonds is 11.5 years; the longest issuance is 20 years.

Ms. Broecker commended the efforts of the MoDOT staff members Ben Reeser and Amy Binkley; MoDOT's financial advisor, Jeanne Vanda representing Public Financial Managers; and the lead teams involved in the bond sales on their expertise and efforts, which resulted in a successful bond sale.

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## **PROPOSED 2008 STATE LEGISLATIVE INITIATIVES**

On behalf of the Director, Jay Wunderlich, Governmental Relations Director, discussed each of the following proposed legislative initiatives and recommended the staff be authorized to pursue these issues with the members of the General Assembly during the 2008 legislative session.

While MoDOT will continue to educate our elected officials on the need for additional transportation revenues, there are three legislative proposals and one appropriations request the Department would like Commission approval to move forward with during the 2008 legislative session. The proposals are grouped into three categories as follows:

### **Safety**

- a. **Automated Speed Enforcement in Work Zones** – revises Missouri law to allow photographic images generated by an automated speed control device to be introduced as evidence to issue traffic citations for speeding in a state highway system work zone, which will encourage motorists to slow down in work zones.
- b. **Specific Criminal Penalties to Protect Highway Workers** – amends Missouri law to add highway workers working in a construction zone or work zone on the state highway system as public service workers that are protected by the same criminal assault laws that apply to law enforcement officials, emergency personnel and probation and parole officers.

### **Multimodal**

- a. **Improvements in Multimodal Transportation Services** – with no dedicated funding source for multimodal programs, an investment in state general revenue is needed to make improvements in port, rail, and transit modes. Targeted rail

capacity projects would improve the reliability of state-supported passenger rail service. Port capital projects are needed to improve modal connectivity and advance economic development. There is a need for expanded rural and specialized (elderly/handicapped) services and to maintain general public transportation for job access purposes (This is an appropriations request).

**Federal Mandate**

- a. **Unified Carrier Registration** – would put into place statutory authorization to implement a new interstate motor carrier registration program referred to as the Unified Carrier Registration Program. This program replaces the current Single State Registration system and would modify the registration requirements for these interstate motor carriers and mirrors recent federal law changes. Because Missouri did not enact Unified Carrier Registration legislation in the 2007 legislative session, Missouri is not authorized to collect \$2.3 million in interstate motor carrier registration fees that it was previously authorized to collect under the Single State Registration System.

Mr. Wunderlich further recommended the staff be authorized to pursue other legislative initiatives identified to be of interest by the Commission and MoDOT as the opportunity arises resulting from other legislation being considered by the General Assembly during the 2008 legislative session.

After discussion and upon motion by Commissioner Michie, seconded by Commissioner Kehoe, the Commission unanimously adopted the above 2008 legislative agenda.

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**FISCAL YEAR 2009 APPROPRIATIONS REQUEST**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, and Brian Weiler, Multimodal Operations Director, presented the Missouri Department of Transportation Fiscal Year 2009 appropriations request in the amount of \$2,396,279,000 in projected revenue and \$2,510,181,000 in expenditures.

Ms. Broeker reported on the completion of the one budget process. Ms. Broeker explained that in the past they had parallel budget processes for legislative and operating budgets. Ms. Broeker explained that in the past few years they have been working toward a

process that was more circular, where one budget leads into the other. The appropriations request that is presented today will be revised during the coming months to accommodate changing priorities or updated information, but will be the basis for the operating budget request that the Commission will approve next June. Ms. Broeker reported we have implemented the one budget process that the Commission requested.

Ms. Broeker explained that revenue would show slow but steady growth. While both state revenues and federal reimbursements are expected to grow, we do not plan to issue Amendment 3 bonds in fiscal year 2009, therefore, bond proceeds are less than fiscal year 2008. Ms. Broeker estimated a \$74 million increase in state funds, most of which is due to increased Amendment 3 funds. Ms. Broeker anticipated a four percent (\$37 million) increase in federal reimbursements.

Ms. Broeker noted that projected expenditures had increased from the prior year and that existing cash balances in the State Road Fund offset the deficiency of receipts under disbursements. The personal services and fringe benefits requests increased \$17 million. The personal services increase was due to career ladder adjustments, job studies, and equity adjustments. This request does not include a cost of living increase. The fringe benefit increase was due to a 10 percent increase in medical plan contributions, and an increase in the workers' compensation program. The expense and equipment accounts remained nearly constant with the fiscal year 2008 request. The construction program request reflects an increase of \$156 million (thirteen percent) and is possible through the proceeds from the Amendment 3 bonds. The debt service request increased by \$17 million due to additional bonds maturing in fiscal year 2009.

Brian Weiler reported on the appropriations request for Multimodal Programs. Mr. Weiler recommended approval of an aggressive budget request including a \$37 million increase

in state general revenue support for Multimodal Programs. Mr. Weiler reported that aviation is the one area of Multimodal that has dedicated funding through a portion of the sales tax on jet fuel sold in Missouri. That is a stable source of revenue and there are no significant changes in aviation.

Mr. Weiler requested an increase of \$600,000 for operating assistance to Amtrak to continue twice daily service, which represents an 8% increase over fiscal year 2008. MoDOT is proposing a Passenger Rail Revitalization Proposal made up of three components: (1) \$10 million request for general revenue for two targeted rail capacity projects on the Union Pacific line to improve freight flow and Amtrak reliability. These projects are siding extensions near California and Strasburg. (2) \$450,000 for real time passenger information displays at the unmanned stations. Union Pacific has offered \$50,000 as seed money toward this effort. (3) Restore promotional funding of \$125,000 to promote Amtrak service and raise public awareness about passenger rail.

Mr. Weiler explained that the request for ports includes the \$4 million request that did not pass last legislative session; and that the requested amount of \$450,000 for port operating assistance, and \$160,000 for ferryboat operating assistance remains the same.

Mr. Weiler noted that an increase for rural public transportation has been requested in the amount of \$12.6 million. The goal is to increase the average level of statewide service from two days a week to three days a week. In addition, the general operating assistance request for public transit increased to \$3.7 million to soften the impact of reduced federal job access funding. A request for Missouri Elderly and Handicap Transportation Assistance Program (MEHTAP) has increased to \$3.9 million to allow a twenty five percent reimbursement rate to service providers

rather than the current ten percent reimbursement rate. State statutes governing this program allow up to a fifty percent reimbursement rate.

Ms. Broeker noted that the goal of this budget process was to emphasize three areas: (1) put as much money as possible into the construction program, (2) maximize the revenues provided to the maintenance function, and (3) give flexibility to the districts. Ms. Broeker presented a trend line that reinforces those areas of emphasis. The line for maintenance continues to slowly but steadily climb. The line for construction went down a little bit in fiscal year 2008 due to timing for Amendment 3 projects, but goes back up in fiscal year 2009 as element three of the Amendment 3 projects begin.

After explanation and discussion, and upon motion by Commissioner Michie, seconded by Commissioner Kehoe, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2009 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.



**Fiscal Year 2009 Appropriation Request  
(Dollars in thousands)**

|   | Fiscal Year                |                            |                          |                             |
|---|----------------------------|----------------------------|--------------------------|-----------------------------|
|   | Fiscal Year<br>2006 Actual | Fiscal Year<br>2007 Actual | 2008 Operating<br>Budget | Fiscal Year<br>2009 Request |
| <b>Receipts</b>   |                            |                            |                          |                             |
| State Revenue   | \$1,160,793                | \$1,248,016                | \$1,258,161              | \$1,332,344                 |
| Less Motor Carrier Refunds                                      | (30,594)                   | (32,887)                   | (30,800)                 | (30,800)                    |
| Less Miscellaneous Refunds                                      | (11,543)                   | (11,144)                   | (12,205)                 | (12,205)                    |
| Federal Reimbursement   | 758,400                    | 887,812                    | 921,054                  | 958,539                     |
| Bond Proceeds   | 370,175                    | 829,994                    | 400,000                  | 148,401                     |
| <b>Total Receipts</b>   | <b>2,247,231</b>           | <b>2,921,791</b>           | <b>2,536,210</b>         | <b>2,396,279</b>            |
| <b>Disbursements</b>  |                            |                            |                          |                             |
| Construction  |                            |                            |                          |                             |
| Operations <sup>1</sup>   | 142,439                    | 158,355                    | 160,671                  | 165,785                     |
| Contractor Payments   | 1,009,360                  | 1,111,850                  | 1,009,558                | 1,202,179                   |
| Design and Bridge Consultant Payments                           | 49,616                     | 50,016                     | 30,000                   | 20,000                      |
| Accelerated Program (Reimbursements)                            | 15,167                     | 23,030                     | 14,094                   | 8,860                       |
| Right of Way Land Acquisitions                                  | 60,676                     | 83,891                     | 65,000                   | 40,000                      |
| Federal Pass-Through  | 96,442                     | 112,076                    | 105,540                  | 109,728                     |
| Debt Service on Bonds   | 112,397                    | 155,399                    | 186,984                  | 204,211                     |
|   | <u>1,486,097</u>           | <u>1,694,617</u>           | <u>1,571,847</u>         | <u>1,750,763</u>            |
| Maintenance Operations <sup>1</sup>                             | 388,575                    | 405,449                    | 432,051                  | 440,245                     |
| Fleet, Facilities and Information Systems                       |                            |                            |                          |                             |
| Fleet and Other   | 53,638                     | 55,990                     | 63,434                   | 64,245                      |
| Capital Improvements  | 11,970                     | 10,661                     | 12,700                   | 12,700                      |
| Information Systems   | 33,816                     | 41,372                     | 37,861                   | 38,437                      |
|   | <u>99,424</u>              | <u>108,023</u>             | <u>113,995</u>           | <u>115,382</u>              |
| Administration Operations <sup>1</sup>                          | 43,073                     | 45,086                     | 50,270                   | 52,191                      |
| Highway Safety  |                            |                            |                          |                             |
| Operations <sup>1</sup>   | 2,611                      | 1,753                      | 3,154                    | 3,141                       |
| Programs  | 25,046                     | 33,977                     | 29,900                   | 34,925                      |
|   | <u>27,657</u>              | <u>35,730</u>              | <u>33,054</u>            | <u>38,066</u>               |
| Motor Carrier Operations <sup>1</sup>                           | 6,741                      | 6,899                      | 7,869                    | 7,892                       |
| Motorist Assistance Operations <sup>1</sup>                     | 3,246                      | 3,457                      | 3,709                    | 3,763                       |
| Multimodal  |                            |                            |                          |                             |
| Operations <sup>1</sup>   | 2,795                      | 2,785                      | 3,821                    | 4,261                       |
| Programs  | 58,636                     | 69,054                     | 60,959                   | 97,618                      |
|   | <u>61,431</u>              | <u>71,839</u>              | <u>64,780</u>            | <u>101,879</u>              |
| <b>Total MoDOT Disbursements</b>                                | <b>2,116,244</b>           | <b>2,371,100</b>           | <b>2,277,575</b>         | <b>2,510,181</b>            |
| Disbursements by Other State Agencies                           | 169,872                    | 188,470                    | 213,573                  | 212,534                     |
| Total Disbursements for MoDOT and Other Agencies                | <u>2,286,116</u>           | <u>2,559,570</u>           | <u>2,491,148</u>         | <u>2,722,715</u>            |
| Excess (Deficiency) of Receipts Over Disbursements <sup>2</sup> | (\$38,885)                 | \$362,221                  | \$45,062                 | (\$326,436)                 |

<sup>1</sup>Operations include personal services, fringe benefits, and expense and equipment.

<sup>2</sup>Cash balances from the prior years will offset any deficiencies.

## **REVISED AUDIT COMMITTEE CHARTER**

On behalf of the Director, Bill Rogers, Director of Audits and Investigations, conveyed the recommendation of the Audit Committee to revise the Audit Committee Charter to clean up language and make minor revisions.

Via approval of the consent agenda, the Commission unanimously revised the audit charter to read as follows:

### **Missouri Highways and Transportation Commission Audit Committee Charter**

Pursuant to the unanimous decision of the Missouri Highways and Transportation Commission at its meeting of September 4, 1998, an Audit Committee was established and charged with interacting with internal and external auditors and performing specific financially related assignments as the Committee and Commission deem appropriate, and with providing periodic reports to the Commission. This Charter is hereby adopted to clarify the responsibilities of the Audit Committee and delegate to the Audit Committee the authority necessary to accomplish its mission.

1. The Audit Committee is a standing committee composed of not less than two commissioners, appointed by the Chairman of the Missouri Highways and Transportation Commission, to serve for such terms as agreed to by the Chairman and the members of the Audit Committee. The Audit Committee shall select its chairman from its membership, to serve for such term as determined by the Committee. The Audit Committee shall meet at least annually or as often as deemed necessary by the Audit Committee or the Director of Audits and Investigations (AI). The number of Audit Committee members that must be present to hold a meeting is at the discretion of the Audit Committee Chairman.
2. The Audit Committee shall be responsible for the following:
  - a. Recommend to the Missouri Highways and Transportation Commission the appointment of the independent auditor.
  - b. Meet with the independent auditor to review the results of the independent audit, including the auditor's recommendations for improvement and management's responses.
  - c. Meet privately with the independent auditor, as deemed necessary by the Audit Committee or the independent auditor.

- d. Resolve any issues between management and the independent auditor.
- e. Meet with the Chief Financial Officer and/or Controller for a briefing and analysis of the department's system of internal controls, as deemed necessary by the Audit Committee or the Chief Financial Officer.
- f. Periodically meet with the Director of AI to review and accept the results of internal audits, including management's response.
- g. Meet privately with the Director of AI, as deemed necessary by the Audit Committee or the Director of AI.
- h. Meet with the State Auditor to discuss audit findings and management's response, as deemed necessary by the Audit Committee or the State Auditor.
- i. Report the results of the Audit Committee meetings to the Commission.

\* \* \* \* \*

**RESOLUTION EXPRESSING APPRECIATION TO MARI ANN WINTERS FOR  
OUTSTANDING SERVICE TO THE MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION**

The Commission unanimously adopted the following resolution.

WHEREAS, Mari Ann Winters began her career at MoDOT on February 9, 1970 as a stenographer in the Maintenance and Traffic Division; and

WHEREAS, Mari Ann Winters continued to serve the public during the 1970s as she was promoted to secretary in the Personnel division, Executive Secretary to Chief Engineer Robert Hunter, and Manager of the Main Office Credit Union;

WHEREAS, Mari Ann Winters was appointed as the Secretary to the Missouri Highways and Transportation Commission by the Commission on January 10, 1981, and served in that capacity for more than twenty-six years; and

WHEREAS, Mari Ann Winters brought to the Commission a distinguished background in public service and respect for the perspectives and input of Missouri's diverse populace; and

WHEREAS, during her service to the Commission, Mari Ann Winters performed her duties with extraordinary professionalism, integrity, dignity, and the desire for her actions to reflect the best interest of all Missourians; and

WHEREAS, during her service with MoDOT and the Commission, Mari Ann Winters witnessed many notable changes, among them the Missouri Highway Department becoming the Missouri Highway and Transportation Department in 1979 after Missouri voters approved Amendment 2; and

WHEREAS, Mari Ann Winters also saw the Commission become a more diverse entity with the appointment of the first female and first minority commissioners; and

WHEREAS, Mari Ann Winters encouraged the Commission to be more accessible to the public and to promote its statewide influence by holding Commission meetings throughout the state and by encouraging community presentations at Commission meetings; and

WHEREAS, Mari Ann Winters was instrumental in making the department open and accessible to the general public by developing an open meetings and records policy; and

WHEREAS, during her service to the Commission, Mari Ann Winters worked for 34 appointed Commissioners; and

WHEREAS, during her service to the Commission, Mari Ann Winters worked with seven Chief Engineers and Directors; and

WHEREAS, Mari Ann Winters' interest in, and concern about, others endeared her to her cohorts on the Missouri Highways and Transportation Commission and to the MoDOT staff; and

WHEREAS, Mari Ann Winters recognized the importance of balancing family and career and worked hard to be a loving wife, devoted mother of two and doting grandmother of six while performing her job duties with drive, dedication and pride:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Mari Ann Winters for the service she has performed for the citizens of Missouri and bestows on her the title of Commission Secretary Emeritus.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mari Ann Winters so she will have a permanent record of the admiration and affection in which she is held by the members of the Missouri Highways and Transportation Commission and MoDOT staff.

\* \* \* \* \*

**REPORT AND RECOMMENDATION REGARDING NOTICE OF PROPOSED AND EMERGENCY RULEMAKING FOR HOUSEHOLD GOODS MOVERS**

On behalf of the Director, Jan Skouby, Motor Carrier Services Director, presented proposed permanent, amended and rescission rulemaking, 4 CSR 265-6.020, 7 CSR 265-10.015,

7 CSR 265-10.050, 7 CSR 265-10.080 and 7 CSR 265-10.120 and emergency rulemaking 4 CSR 265-6.020, 7 CSR 265-10.015, 7 CSR 265-10.050, 7 CSR 265-10.080 and 7 CSR 265-10.120. The rulemaking will streamline the application process by consolidation of four, separate, state operating authority application forms into one form. It also eliminates a household goods mover from filing with the Commission any agreements with other motor carriers to provide household goods moving services on the mover's behalf and a form for exclusive use or space reservation. It will also correct state agency references from the Motor Carrier and Railroad Safety Division to the Missouri Highways and Transportation Commission and from Administrative Law Judge to either the Commission or the Administrative Hearing Commission, as appropriate. An antiquated administrative rule relating to tariff filing requirements is rescinded and replaced by new rulemaking 7 CSR 265-10.120 to update and simplify the tariff filing requirements for household goods movers.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed permanent, amended, rescission and emergency rulemaking with the Small Business Regulatory Fairness Board, 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, or Chief Financial Officer to execute documents to initiate these permanent and emergency rulemaking processes.

\* \* \* \* \*

## **CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS**

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month.

Mr. Nichols recommended (1) award of contracts to the lowest responsive and responsible bidders noted in Table I below, and (2) acknowledge that call 801 is a cost share project with the City of Springfield and there is a requirement of concurrence in the award and the city has concurred with the award of this project.

**Table I**  
**Award of Contracts**  
**August 31, 2007, Bid Opening**

| Call No. | Route   | County                       | Job No.             | Bid Amount     | Non-Contractual Costs | Contractor  | Description   |
|----------|---------|------------------------------|---------------------|----------------|-----------------------|---|---|
| 101      | 69      | Clinton                      | J1S0869             | \$1,918,572.58 | \$0                   | Herzog Contracting Corp.                                    | Resurfacing with BP-1 and Shoulder Improvements.                                |
| 301*     | 36      | Marion/<br>Shelby            | J3P0409C            | 22,847,487.81  | 4,481.00<br>3,120.87  | Progressive Contractors Incorporated                        | Grading, Alternate Bid Pavement (PCC or Superpave) and Bridge - Concrete Girder |
|          |         | Marion                       | J3P0410             |                |                       |   | Grading, Alternate Bid Pavement (PCC or Superpave) and Bridge - Box Culvert     |
| 403      | 69      | Clay                         | J4S1840             | 595,847.38     | 0                     | APAC-Kansas, Inc.   | Resurfacing with Ultrathin Bonded Wearing Surface                               |
| 404      | 70 SOR  | Jackson                      | J4I2031             | 440,458.79     | 144.00<br>0           | James H. Drew Corporation                                   | Replace signals and Install Video Detection System                              |
|          | Various | Jackson                      | J4P1850/<br>J4P1998 |                |                       |   | Video Detection System Installation   |
| 405      | 1       | Clay                         | J4S1843             | 238,745.39     | 252.68                | APAC-Kansas, Inc.   | Resurface Driving Lanes with Superpave & Shoulders with BP-2                    |
| 501      | 54      | Camden                       | J5P0309A            | 30,581,555.60  | 1,559.76<br>2,534.08  | McAninch Corporation  | Grading, Bridges - Concrete Girder, and Alternate Bid PCC or Superpave          |
|          |         | Camden/<br>Miller            | J5P0648A            |                |                       |   |   |
| 502**    | 124     | Boone                        | J5S0839             | 109,920.86     | 14.24                 | APAC-Missouri, Inc.   | Widen and Resurface with BP-1   |
| 503      | 135     | Cooper                       | J5S0516             | 1,647,029.38   | 918.96                | Lehman Construction, LLC                                    | Grading, Bridge Replacement and Optional Pavement                               |
| 601      | 44      | St. Louis                    | J6M0122C            | 42,690.57      | 0                     | R. V. Wagner, Inc.  | Optional Pavement for Widening  |
| 602***   | 55      | Jefferson                    | J6I2108             | 779,280.50     | 0                     | D & S Fencing Company                                       | Median Guard Cable Installation   |
| 603      | Various | St. Louis/<br>St. Louis City | J6S2156             | 929,278.25     | 0                     | T.G.B., Inc.  | Removal and Replacement of Highway Lighting and Signing                         |
| 604      | 100     | St. Louis                    | J6P1951B            | 40,801.35      | 144.00                | K & D Moor, Inc. dba/Southern Ditching & Excavating Company | Drainage Improvement  |

| Call No.    | Route   | County                       | Job No.  | Bid Amount      | Non-Contractual Costs | Contractor                           | Description  |
|-------------|---------|------------------------------|----------|-----------------|-----------------------|--------------------------------------|--|
| 605         | Various | St. Louis                    | J6S2061  | 894,775.00      | 52,250.00             | Gerstner Electric Inc.               | Traffic Signal Interconnect System Installation              |
| 607         | 270     | St. Louis                    | J6I2029  | 607,607.60      | 0                     | Collins & Hermann, Inc.              | Guardrail Upgrades   |
| 608         | Various | St. Louis/<br>St. Louis City | J6M0123  | 1,363,166.97    | 0                     | Collins & Hermann, Inc.              | On Call Guardrail  |
| 609         | Various | St. Charles                  | J6M0123B | 294,503.36      | 0                     | Collins & Hermann, Inc.              | On Call Guardrail  |
| 610         | Various | Franklin/<br>Jefferson       | J6M0123C | 331,199.72      | 0                     | Freedom Fence, LLC                   | On Call Guardrail  |
| 701         | 249     | Jasper                       | J7U0436H | 6,667,006.49    | 656.00                | APAC-Missouri, Inc.                  | Grading, Drainage, Alternate Bid (PCC or Superpave) Pavement |
| 801<br>**** | 60      | Greene                       | J8P0692C | 5,222,401.74    | 747.96                | Leo Journagan Construction Co., Inc. | Grading, Drainage, Alternate Bid (PCC or Superpave) Pavement |
|             |         | <b>TOTAL</b>                 |          | \$75,552,329.34 | \$66,823.55           |                                      |  |

\*Call 301 - Funding by US Highway 36 - Interstate 72 Corridor TDD \$9,824,548.76.

\*\*Call 502 - Funding by City of Hallsville \$30,000.

\*\*\*Call 602 - Funding by Citizens for Safe Medians \$55,000.

\*\*\*\*Call 801 - Funding by City of Springfield \$3,288,008.05.

### Commission Consideration and Action

After consideration, and upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission unanimously took the following actions:

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on August 31, 2007, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Acknowledge that bid 801 is a cost share project with the City of Springfield and there is a requirement of concurrence in the award and the city has concurred with the award of this project.

In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

\* \* \* \* \*

## **ROADWAY DESIGN APPROVAL**

On behalf of the Director, the respective District Engineers recommended approval of the designs of the following projects as presented on the preliminary plans and exhibits shown to the public at the noted hearings.

**Route I-70, Jackson County  
Noland Road Interchange Improvements  
Job No. J4I1402  
Public Hearing Held April 3, 2007**

The proposed improvement consists of replacement of the existing bridge over I-70 at Noland Road. The bridge roadway width will provide four 12-foot through lanes and three 11-foot turn lanes and 2-foot shoulders. Existing right of way is controlled and no new right of way will be acquired for this project. The existing Noland Road Bridge will be removed and traffic across I-70 will be closed during construction of the bridge replacement, but the ramps to I-70 will remain open. This project is 0.7 mile in length.

Ms. Beth Wright, District 4 Engineer, recommended approval of the design of the project as presented at the public hearing.

**Route 13, Lafayette County  
Relocation of Route 13 from Route 24 to Burns School Road  
Job No. J4P1103  
Public Hearing Held May 31, 2007**

The proposed improvement will relocate a portion of Route 13 from Route 24 to the intersection of Burns School Road. The roadway will consist of four 12-foot lanes and 4-foot paved shoulders for a section of new Route 13 just south of Route 24 to two 12-foot lanes, 4-foot paved shoulders for the remaining length of new Route 13. This project will have controlled access right of way. Traffic will remain on the existing route during construction. This project is 3.1 miles in length.

Ms. Beth Wright, District 4 Engineer, recommended approval of the design as presented at the public hearing.

**Route 50, Franklin County  
From Route 47 (S) to East of Denmark Road/Progress Parkway  
Job No. J6P2075  
Public Hearing Held July 12, 2007**

The proposed improvement consists of widening from a two-lane to a five-lane roadway

on existing alignment. The roadway will consist of four 12-foot lanes and a 12-foot center turn lane with 6-foot shoulders. This project will have controlled access right of way. Two-way traffic will be maintained along Route 50 for the duration of the project with temporary lane closures used during nighttime hours. This project is 2 miles in length.

Mr. Ed Hassinger, District 6 Engineer, recommended approval of the proposed improvement as presented at the public hearing.

**Route 72, Madison County  
Route J to 0.3 Mile East of Saline Creek  
Job No. J0P0933  
No Public Hearing Held**

This proposed improvement includes replacing the existing bridge over Saline Creek and relocating the Route J intersection. The new bridge will consist of two 12-foot lanes with 6-foot shoulders. This project will have normal access right of way. Route 72 will remain open during construction using temporary bypasses. This project is 0.5 mile in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the design of this project as advertised for the opportunity for a public hearing.

**Route 61, Ste. Genevieve County  
Approximately 1.0 mile South of Route Y  
Job No. J0P0673  
Public Hearing Held March 27, 2007**

This proposed improvement consists of the replacement of the existing bridge over Establishment Creek. The new bridge will consist of two 12-foot lanes with 4-foot shoulders. This project will have normal access right of way. Route 61 will be closed for approximately four months during the construction of the project. This project is 0.1 mile in length.

Mr. Mark Shelton, District 10 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 designs, the Commission via approval of the Consent Agenda

unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendations.

\* \* \* \* \*

**RATIFICATION OF APPROVAL OF RIGHT-OF-WAY PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the Chief Engineer’s approval of the following right of way plan, which has been filed for condemnation.

| <u>County</u>     | <u>Route</u> | <u>Job Number</u> | <u>Date Commission Approved Design</u> |
|-------------------|--------------|-------------------|--|
| Jasper/<br>Newton | FF           | J7S0770           | July 11, 2006                          |

In accordance with Section 227.050 RSMo, the Commission, via approval of the Consent Agenda, approved the right-of-way plan for the above noted project and directed it be filed as necessary for the condemnation of right-of-way.

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**CORNERSTONE POINTE TRANSPORTATION DEVELOPMENT DISTRICT, CONSIDERATION OF PROJECT AND APPOINTMENT OF ADVISOR**

On behalf of the Director, Beth Wright, District 4 Engineer, and Roberta Broeker, Chief Financial Officer, advised the Commission that in response to a petition filed by Belton Business Park, LLC, on July 24, 2006, the Circuit Court of Cass County established the Cornerstone Pointe Transportation Development District (TDD) as a political subdivision for the purpose of constructing a new public street named Cornerstone Drive and intersection improvements at U.S. 71 and 163<sup>rd</sup> Street (Route Y) in Belton, Missouri. 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 that the construction of a new street named Cornerstone Drive and intersection improvement at U.S. 71 and 163<sup>rd</sup> Street (Route Y) 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 4 Engineer, or her designee, as the Commission advisor to the Cornerstone Pointe TDD's 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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**CROSSCREEK CENTER TRANSPORTATION DEVELOPMENT DISTRICT,  
CONSIDERATION OF PROJECT AND APPOINTMENT OF ADVISOR**

On behalf of the Director, Roger Schwartze, District 5 Engineer, and Roberta Broeker, Chief Financial Officer, advised the Commission that in response to a petition filed by Stadium 63 Properties, LLC, on December 13, 2006, the Circuit Court of Boone County established the Crosscreek Center Transportation Development District (TDD) as a political subdivision for the purpose of extending Route 740 (Stadium Boulevard), construct ramp improvements at the intersection of route 740 and U.S. 63, connect a relocated Cinnamon Hill Lane to Route 740 and extend Lemone Industrial Boulevard to Route 740 in Columbia, Missouri. 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 that the extension of Route 740 (Stadium Boulevard), construction of ramp improvements at the intersection of route 740 and U.S. 63, connection of a relocated Cinnamon Hill Lane to Route 740 and extension of Lemone Industrial Boulevard to Route 740 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 5 Engineer, or his designee, as the Commission advisor to the Crosscreek Center TDD's 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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**CHANGE IN ACCESS, RELINQUISHMENT OF ACCESS LIMITATION,  
ROUTE I-70 SOUTH OUTER ROAD, LAFAYETTE COUNTY**

On behalf of the Director, Beth Wright, District 4 Engineer, recommended relinquishing access limitations on a parcel adjacent to the southerly right of way line of I-70 South Outer Road which will enable Ritchie Bros. Properties, Inc. to obtain access to I-70 South Outer Road. The access limitations on this segment of road were originally established to protect operations of the Odessa Weigh Station, the Station has been relocated and the access controls are no longer necessary.

Via approval of the consent agenda, the Commission unanimously approved the relinquishment of access as described above.

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**--- REPORTS ---**

The Commission received the following written reports.

**FINANCIAL – BUDGET – REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, JULY 31, 2007**

Deborah S. Rickard, Controller, presented the Fiscal Year 2007 monthly financial report for the period ending July 31, 2007, with budget and prior year comparisons.

\* \* \* \* \*

**DELEGATION OF AUTHORITY FOR EXECUTION OF DOCUMENTS,  
OPERATING BUDGET APPROPRIATIONS**

In keeping with the Commission’s delegation of authority for specific staff members to execute documents in keeping with its approved budget, and in keeping with the Commission’s desire to be apprised of all single purchases over \$200,000, Beth Ring, General Services Director, submitted a report showing the purchase orders issued and contracts executed that exceeded \$200,000 in the fourth quarter of Fiscal Year 2007.

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

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