



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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February 7, 2007

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, ON WEDNESDAY, FEBRUARY 7, 2007**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, February 7, 2007, in Jefferson City, Missouri. The meeting was called to order at 9:00 a.m. by Bill McKenna, Chairman. The following Commissioners were present: Duane S. Michie, James B. Anderson, Mike Kehoe, and David A. Gach. Vice-Chairman Marjorie B. Schramm 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.

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Pete Rahn, Director of the Missouri Department of Transportation, Rich Tiemeyer, Chief Counsel for the Commission, and Mari Ann Winters, Secretary to the Commission, were present on Wednesday, February 7, 2007.

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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.

Immediately prior to closing its meeting at 8:00 a.m., and upon motion duly made and seconded to convene in closed session, the Chairman asked for a voice vote of the members.

The vote was as follows:

Commissioner McKenna, Aye
Commissioner Michie, Aye
Commissioner Anderson, Aye
Commissioner Kehoe, Aye
Commissioner Gach, Aye

whereupon the Commission closed its meeting. At 9:00 a.m. the Commission adjourned its closed meeting.

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-- OPEN MEETING --

APPROVAL OF MINUTES

Upon motion by Commissioner Anderson, seconded by Commissioner Michie, the Commission unanimously approved the minutes of the regularly scheduled meetings held on January 10, 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 the 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 noncontroversial 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 February 7, 2007, Consent Agenda

Upon motion by Commissioner Anderson seconded by Commissioner Michie, all items on the consent agenda were unanimously approved.

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REPORTS OF 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 February 7, 2007, meeting.

Missouri Transportation Finance Corporation - Commissioner Michie reported that the Missouri Transportation Finance Corporation Board of Directors met on February 6, 2007. During the meeting the Board of Directors approved the Fiscal Year 2008 budget. Anticipated expenses of \$73,700 represent less than two percent of the budgeted loan and account interest earnings. The Board of Directors also approved two loans to the City of Columbia for improvements on Route 740 and Route 63 at Gans Road, a loan to the City of Washington for improvements to Route 100, and a loan to the JAK Spindler Company, LLC, to extend the right- and left-turn lanes at the intersection of Route 60 and Route K, Webster County.

MoDOT and Patrol Employees' Retirement System – Commissioner Michie reported that the MoDOT and Patrol Employees' Retirement System Board of Trustees met on February 1, 2007. During the meeting Commissioner Michie was elected to serve as Chairman and Commissioner Kehoe was elected to serve as Vice Chairman. The rate of return on investments was 15.6 percent to date; the three-year average return was 12.9 percent. Consideration is being given to purchasing a new data processing system.

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DIRECTOR'S REPORT

During the February 7, 2007, Commission meeting, Director Pete Rahn provided the following report:

Winter Storms - Director Rahn praised the continuing efforts of MoDOT staff to improve its response and communications during snowstorms. He reported that the series of storms had negatively impacted the budget; however, he noted that MoDOT's supply of snow and ice removal materials were not depleted.

Primary Safety Belt Legislation - Director Rahn expressed appreciation to the media for its support of primary safety belt legislation.

State of Transportation Address - Director Rahn commended Shane Peck, Director of Community Relations for his work on the State of Transportation address, which Director Rahn would deliver to the Joint Session of the General Assembly later in the day.

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EXPRESSION OF SYMPATHY AND APPRECIATION TO FAMILIES OF BOB EFTINK, KEN HOIERMAN, WILLIAM CRAIN, AND ROBERT MEYER

Chairman McKenna stated that MoDOT employees diligently carry out their assignments to clear the roads and make highway improvements for the betterment of their fellow Missourians. He advised those in attendance that dedicated MoDOT employees Bob Eftink, Ken Hoierman, William Crain, and Robert Meyer lost their lives while serving the public.

Chairman McKenna recognized the families of Bob Eftink, Ken Hoierman, William Crain, and Robert Meyer, who were attending the meeting and expressed appreciation for their willingness to attend the State of Transportation address later in the day to assist Director Rahn in emphasizing the selflessness of highway workers and the tragic impact that accidents have on both the immediate family and the MoDOT family when motorist crashes involve highway workers.

The Commission and Director Rahn expressed their heartfelt sympathy to the Eftink, Hoierman, Crain, and Meyer families.

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ADMINISTRATIVE RULES – NOTICE OF PROPOSED AMENDED RULEMAKING, 7 CSR 10-6.070, PERMITS FOR OUTDOOR ADVERTISING

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented proposed amended rulemaking for Section 10-6.070 of Chapter 7 of the Code of State Regulations, which outlines the Commission’s authority to issue outdoor advertising permits. Mr. Nichols reported that MoDOT had received notice of deficiency letters from the Federal Highway Administration advising that prior court rulings, which prevent MoDOT from voiding an outdoor advertising permit under any circumstance, cause MoDOT to be in noncompliance with the requirements for effective control of outdoor advertising outlined under Title 23, Code of Federal Regulations, Part 750.705(d), (h), and to be in violation of Missouri’s federal/state

agreement to effectively control outdoor advertising. The Federal Highway Administration advised MoDOT that in order to avoid the possibility of sanctions, it should seek state statutory or regulatory changes to clearly give MoDOT the authority to void such permits. Mr. Nichols noted that both statutory and regulatory revisions are being pursued in an effort to comply with the federal regulations and to avoid the possible withholding of federal-aid highway construction funds.

Under the notice of proposed rulemaking, Section 7 CSR 10-6.070 will be amended to allow the Commission to void outdoor advertising permits without compensation to the permit holder in the following specific circumstances:

1. When there has been any misrepresentation of a material fact by the applicant on a permit application that allows the sign to be removed under Section 226.580, RSMo.
2. When the Commission determines a change has been made to a conforming sign that allows the sign to be removed under Section 226.580, RSMo;
3. When the Commission determines a substantial change has been made to a nonconforming sign by the sign owner such that the sign's nonconforming status was terminated and the sign was removed under the Commission's administrative rules for maintenance of nonconforming signs.

In addition to the three circumstances noted above, the administrative rules will continue to allow the Commission to void permits without compensation to permit holders when the sign, complete with message, is not in existence within two years of the date the permit was issued by the Commission.

The proposed amended rule will further allow the Commission to void outdoor advertising permits with compensation to the permit holder when the Commission determines that an outdoor advertising permit has been erroneously issued by MoDOT staff in violation of any state law or administrative rule, thereby rendering the outdoor advertising sign subject to removal. Compensation for the sign removal will be paid pursuant to Section 226.570, RSMo.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of the proposed rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, or Chief Financial Officer to execute documents to initiate the rulemaking process.

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**ADMINISTRATIVE RULES – NOTICE OF PROPOSED
AMENDED RULEMAKING AND EMERGENCY RULEMAKING,
7 CSR 10-25.030, APPORTION REGISTRATION**

On behalf of the Director, Jan Skouby, Motor Carrier Services Director, presented proposed amended rulemaking for Section 10-25.030 of Chapter 7 of the Code of State Regulations, pertaining to commercial motor carrier Apportion Registration. She advised the Commission that on September 30, 2006, the International Registration Plan (IRP) Dispute Resolution Committee expanded the list of forms that can be used to provide proof of Apportion Registrations (Cab Card). The proposed rules and emergency rulemaking will allow Missouri's requirements for proof of apportion registration to be consistent with other IRP jurisdictions.

The proposed amended rules allow copies (e.g., electronically issued, photocopies, and facsimile transmission) of the Cab Card to be accepted as evidence of apportioned registration. The amended rules further permit operators electing to remove or withdraw a vehicle from his fleet to either (1) return the original cab card or (2) certify that the cab card has been lost, stolen, or destroyed. The proposed change will save time and resources for both the motor carriers and MoDOT.

After consideration, the Commission, via approval of the consent agenda, unanimously authorized the Secretary to the Commission to file the notice of proposed amended rulemaking

and the emergency rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*, and authorized the Director, Chief Engineer, or Chief Financial Officer to execute documents to initiate the rulemaking process.

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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 during the past month.

Award of Contracts January 26, 2007, Bid Opening

Mr. Nichols recommended (1) awards be made to the lowest responsive and responsible bidders noted in Table I below and (2) rejection of all bids on Call 602 because they were considered to be excessive.

**Table I
Award of Contracts
January 26, 2007, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	I-35	Harrison	J1I0926	\$5,089,100.24	\$77,656.00	Chester Bross Const. Co./C.B. Equipment Inc.	Grading, Alternate Bid Pavement to Construct Welcome Center
102	H	Gentry	J1S0878 J1S0933	477,427.75	0	Boone Construction Co.	Replace Bridge Deck
103	6	Daviess	J1P0760	6,660,838.55	656.00	Chester Bross Const. CO./C.B. Equipment Inc.	Grading, Alternate Bid Pavement, and 3 Bridge Replacements
104	71	Nodaway	J1P0915	1,399,019.47	656.00	Norris Asphalt Paving Company	Resurfacing with Bituminous Pavement (BP-1)
105	13 W 13 13 13	Harrison Harrison Daviess Harrison Harrison	J1S0884 J1S0887 J1S0936 J1S0938 J1S0939	1,476,599.50	0	Cramer and Associates, Inc.	Replace Bridge Deck
201	63	Macon	J2P0748	5,133,423.00	1,897.08	Emery Sapp & Sons Inc.	Grading and Alternate Bid Pavement
202	36	Linn	J2P0750	3,549,072.07	656.00	Chester Bross Const. CO./C.B. Equipment Inc.	Grading, Paving with Superpave and 3 Bridge Rehabilitations

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
203	36	Macon	J2P0769	3,643,332.39	328.00	Chester Bross Const. CO./C.B. Equipment Inc.	Grading, Resurfacing w/ Superpave and Bridge Rehabilitation
401	40	Jackson	J4S1872	93,927.50	144.00	R. A. Knapp Construction, Inc.	Curb Replacement
	350		J4S1873		144.00		
403	I-29	Platte	J4I1827	859,792.82	656.00	APAC-Kansas, Inc.	Microsurfacing Ramps
	I-29 OR		J4I1924		0		Thin-Lift Overlay (SL)
404	291	Jackson	J4P1882	749,677.30	288.00	Comanche Construction, Inc.	Bridge Rehabilitation
501	50	Pettis	J5P0833B	77,400.00	0	Wayne Brown Enterprises, Inc.	Building Demolition
502	F	Callaway	J5S0504	378,711.53	107.92	Kevin Rackers Excavating LLC	Optional Pavement and Bridge Replacement
503	BUS. 54	Callaway	J5P0882	719,900.00	656.00	Pace Construction Company, LLC	Coldmilling and Resurfacing with Superpave
504	54	Camden	J5P0901	900,000.00	72.00	Thomas Industrial Coatings, Inc.	Bridge Painting
601	I-55	St. Louis City	J6I1887	2,519,610.00	144.00	Thomas Industrial Coatings, Inc.	Bridge Painting on 5 Structures
603	I-270, I-70	St. Louis	J6M0116	45,079.50	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
604	141 OR	Jefferson	J6L0700H	357,425.24	0	N.B. West Contracting Company	Thin-Lift Overlay Seal Coat & Pavement Repair
605	180 SPUR	St. Louis	J6P1728	505,000.00	656.00	Pace Construction Company, LLC	Coldmill & Resurface with Superpave
606	94	St. Charles	J6S1599	1,180,997.75	1,108.56	Magruder Construction Co., Inc.	Grading, Optional Pavement and Bridge Concrete Girder
607	D	St. Louis City	J6P1971	2,840,000.00	144.00	Pace Construction Company, LLC	Coldmilling, Resurfacing with Superpave, and Pavement Repair
608	ZZ	Franklin	J6S1676	299,403.99	0	All Type Excavating Inc./DBA L. Krupp Construction, Inc.	Bridge Rehabilitation and Bituminous Pavement
609	I-270	St. Louis	J6M0117	43,980.00	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
610	I-270	St. Louis	J6M0118	39,999.92	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
611	40	St. Charles	J6M0119	14,499.89	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
612	40	St. Charles	J6M0120	20,949.90	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
613	I-170	St. Louis	J6M0121	43,980.00	0	Millgoal Enterprises II, LLC	Mowing & Trimming Right of Way
801	360,60	Greene	J8M0079	43,635.03	0	Lyness Landscaping, LLC	Contract Mowing

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
802	32	Laclede	J8P0785	1,094,908.14	1,116.35	Willard Asphalt Paving, Inc.	Resurfacing, Widening & Drainage
803	215	Polk	J8S0727	763,848.60	5,306.00	Columbia Curb & Gutter Co.	Bridge Deck Replacement
901	63	Phelps, Texas	J9P0587	1,262,138.64	656.00	Ozark Asphalt Company	Resurfacing with Superpave
902	60	Howell	J9P0364	23,990,681.32	2,135.66	Chester Bross Const. CO./C.B. Equipment Inc.	Grading, Drainage, Alternate Bid Pavement & Bridges
			J9P0364L		1,502.20		
X01	102	Mississippi	J0P0937B	73,800.00	656.00	Robertson Contractors, Inc.	Bridge Rehabilitation – Replace Rail with Lowe Profile Rail
				\$66,348,160.04	\$97,341.77		

**Table II
Rejection of Bids
January 26, 2007 Bid Opening**

Call No.	Route	County	Project No.	Description
602	I-270, I-255, I-44	St. Louis	J6M0115	Mowing and Trimming Right of Way

Commission Consideration and Action

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

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on January 26, 2007, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected all bids on Call No. 602, as noted in Table II above, because they were considered excessive.

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

Mr. Nichols reminded the Commission that January 26, 2007, marked the first opportunity for contractors to submit bids for road and bridge improvements electronically: 44 percent of the bids were submitted using this process. Contractors may continue to submit bids using the traditional paper process.

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**2007-2011 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
AMENDMENTS**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that fourteen right-of-way and construction projects totaling \$23,335,000 be added to the Highway and Bridge Construction Schedule of the 2007-2011 Statewide Transportation Improvement Program (STIP), as noted in the tabulation below.

Highway and Bridge Construction Schedule

County	Route	Job No.	Description of Location/Improvement
Various	Various	1P1031	On call contract to repair damaged sections of guardcable and guardrail on all major routes in District 1. \$400,000
Saline	65	2P0786	Install permanent signals at intersection, add turn lanes to College Street and right turn lanes to Route 65 at intersection within city limits of Marshall. \$403,000
Jackson	70	4I1402	Replace bridge and reconstruct interchange with a tight urban diamond design at Noland Road at Independence. \$353,000
Morgan	135	5L0700Z	Thin Lift resurfacing form Route BB to Rte. 50 \$348,000
Cole	50	5P0844	Interchange at City View Drive in eastern Jefferson City. \$11,686,000
Camden	54	5P0946	Rebuild median crossover at intersection with Route A, 1 mile east of Linn Creek. \$432,000
Gasconade	50	5P0948	Safety improvements at Wehmeyer Road intersections 3.5 miles east of Route 19. \$207,000
St. Louis	44	6I2114	Installation of temporary ITS devices at Six Flags exit approaches at I-44 and Business Loop 44. \$200,000
Franklin	44	6Q2102	Dynamic message signs at various locations statewide on I-44 and I-70. Funded by Central Office Traffic Division (\$1.6 million) and an Amber Alert Grant (\$400,000). \$1,800,000
St. Louis	270	6I2103	Modify existing dynamic message signs (DMS) structures from I-64 to I-55. \$102,000
Vernon	54 & T	7P0826	Grading and paving to add westbound left-turn lane at Route T and resurfacing Route T from Route 54 to 0.6 mile south of Route 54. \$307,000
Greene	Bus. 65	8P0789	Add dual left turn lanes, improve right turn lane capacity at Primrose Street intersection with Glenstone Avenue in Springfield. \$850,000
Laclede	LP 44	8U0576	Improve Business Loop 44 west Interchange in Lebanon. \$6,082,000
Perry	51	0P0964	Signalize intersection at Edgemont Street located approximately one mile east of I-55 in Perryville. \$165,000

Via approval of the consent agenda, the Commission unanimously approved the amendments to the 2007-2011 STIP as noted in the tabulation above.

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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 plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Madison	67	J0P0928	May 10, 2006
Dallas	65	J8P0779	Fewer than 5 parcels
St. Louis	I-64	J6I0978	October 14, 2005 (4 th Amended)
Wayne/Butler	67	J0P0930	May 10, 2006
Pettis	50/65	J5P0833	January 14, 2005

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

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ROADWAY DESIGN APPROVAL

On behalf of the Director, the respective District Engineers recommended approval of the design of the following projects as presented on the preliminary plans and exhibits shown to the public at the noted hearings with modifications noted below, if any.

**Route 71, McDonald County
1.0 mile south of the Route H/Route 71 Intersection
to the Missouri/Arkansas border (Bella Vista Bypass)
Job No. J7P0601/J7P0601L**

Hearing Held November 15, 2006, and November 16, 2006

This 5.0-mile proposed improvement will provide a four-lane divided freeway on controlled access right-of-way. The freeway will consist of two 12-foot lanes in

each direction with 4-foot inside and 10-foot outside shoulders. Traffic will remain on existing Route 71 during construction of the improvement.

As a result of public comments received at the hearings, the design was modified to include an interchange at Route 90.

**Route 67, Wayne County
Madison/Wayne County Line to 1.6 miles south of Route F
Job No. J0P0929/J0P0931/J0P0931C
Hearing Held December 19, 2006**

This 22.6-mile proposed improvement consists of grading, paving, and bridges to upgrade to a four-lane facility with controlled access right-of-way. The new lanes will include two 12-foot lanes, with 4-foot inside and 8-foot outside shoulders. Traffic will be maintained on the existing roadway during construction.

As a result of comments received at the public hearing, (1) an additional access will be constructed across the median between Greenville and Silva, (2) an interchange will be constructed at Route 34, and (3) access concerns and impacts to individuals will be addressed, where possible, during the design process. In addition, the project will be designed with a minimum road elevation of 405 feet, as requested by the U.S. Army Corps of Engineers, in order to be consistent with the latest Wappapello Lake Master Plan.

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.

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ROADWAY LOCATION AND DESIGN APPROVAL

On behalf of the Director, the respective District Engineers recommended approval of the location and design of the following projects as presented on the preliminary plans and exhibits shown to the public at the noted hearings with modifications noted below, if any.

**Route 65, Dallas County
North of Route EE (Foose) to Buffalo
Job No. J8P0833
Hearing Held December 21, 2006**

This 4.4-mile proposed improvement includes grading, drainage, and paving to construct a new four-lane controlled access divided facility on relocation. The roadway will consist of two 12-foot lanes in each direction with 4-foot inside and 8-foot outside shoulders. Traffic will remain on the existing roadway during construction.

As a result of comments received at the public hearing, access concerns and impacts to individuals and businesses will be addressed, where possible, during the final design process. Following completion of the project, Dallas County will assume responsibility for the portion of existing Route 65 replaced by the new improvement.

Route 72, Madison County
Approximately 0.4 mile east of Route 67 to
0.5 mile north of the intersection of Route OO and Route 72
Job No. JOP0884/JOP0884B/JOP0884C
Hearing Held November 16, 2006

This 2.1-mile proposed improvement consists of grading, paving, and bridges to relocate a section of Route 72 north of Fredericktown. The controlled access improvement will include two 12-foot lanes and 6-foot shoulders. Traffic will be maintained on the existing roadway during construction.

As a result of comments received at the public hearing, access concerns and impacts to individuals and businesses will be addressed, where possible, during the final design process. Following completion of the project, the City of Fredericktown will assume responsibility for the portions of existing Route 72 replaced by the new improvement.

Route 164, Dunklin County
1.4 miles west of Route TT to 0.3 miles west of Route TT
Job No. JOP0376B
Hearing Held September 12, 2006

This 0.5-mile proposed improvement will replace the existing bridge over Elk Chute Ditch and make minor improvements to the bridge over Ditch 79 and the bridge over Ditch 18. The new bridge over Elk Chute Ditch will have two 12-foot lanes and 4-foot shoulders on new alignment. The new bridge will be constructed on new alignment to allow Route 164 to remain open to traffic during construction.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended locations and designs, the Commission, via approval of the Consent Agenda, unanimously found and determined the recommended locations and designs would best serve the interest of the public and approved the recommendations.

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AUDITS AND INVESTIGATIONS ANNUAL REPORT

On behalf of the Director, Bill Rogers, Director of Audits and Investigations, presented the 2006 Annual Report of the Audits and Investigations Division.

Investigations of Fraud, Waste, or Abuse

During 2006, the Audits and Investigations Division opened 67 investigations of fraud, waste, or abuse. As a result 14 employees were terminated, seven employees were suspended, three employees resigned, seven employees received written warnings, and nine employees received verbal warnings. In addition, two cases were referred to law enforcement and one contractor pled guilty to one felony count and paid restitution of \$14,500. The 2006 investigations resulted in approximately \$279,447 being recovered, and payment of a \$10,000 fraudulent invoice was prevented.

Employee Issues

During 2006, 134 EEO internal and external complaints, grievances, termination hearing requests, inquiries, and Title VI complaints were received, compared to 114 in 2005. Of the 38 grievances and internal EEO investigations conducted by the Audits and Investigations Division, all were denied. Audits and Investigations successfully mediated four cases during 2006.

External Audits Section

As a result of final invoice engagements conducted on design consultant agreements, utility relocations, railroad crossing upgrades, and agreements with counties and cities where federal funds are passed through for local projects, the External Audit Section recovered \$500,303, of which \$287,582 was associated with work completed in calendar year 2006 and \$212,721 represented recoveries for prior years.

Internal Audits Section

During 2006, the Internal Audits Section delivered six audits and assisted in the delivery of special projects. Assistance provided to MoDOT’s external independent auditor in conducting the annual financial statement audit saved MoDOT approximately \$45,000. The Internal Audits Section also partnered with the Controller’s Office to form the Audit Committee Toolkit Team to make presentations to the Audit Committee for consideration in carrying out the committee’s roles and responsibilities, and it began using Automated Command Language (ACL), an audit software package that helps extract and analyze data and detect possible fraud.

Motor Carriers Audit Section

During the past year, the Motor Carrier audit functions and 12 auditors transferred from the Department of Revenue to MoDOT.

Conclusion

During 2006, peer reviews of the External Audit Section, Internal Audit Section, and the Motor Carriers Audit Section were conducted. All three sections received the best report possible from the peer review teams.

Mr. Rogers reported that in an effort to ensure that Missouri taxpayers receive the best value for every MoDOT dollar spent, the Audits and Investigations Division had established a three-pronged approach: deterrent, detection, and investigation. He recognized his staff and commended them for their hard work and dedication.

The Commission and Director Rahn applauded the auditing staff for its professionalism in conducting its assignments with knowledge, objectivity, and a sincere desire to cite issues that will result in better internal and external processes and operations.

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**HORSESHOE BEND TRANSPORTATION DEVELOPMENT DISTRICT,
CONSIDERATION OF PROJECT AND APPOINTMENT OF ADVISOR**

On behalf of the Director, Roger Schwartz, District 5 Engineer, and Kirk Boyer, Resource Management Director, advised the Commission that in response to a petition filed by the Lon Stanton Trust, et al., the Court, on April 13, 2006, established the Horseshoe Bend Transportation Development District (TDD) as a political subdivision for the purpose of constructing a new roadway between Route HH and Route 54 (the Horseshoe Bend Parkway Extension), a connection to Route 54, and a connection to the Lake Ozark Community Bridge in Lake Ozark. Route 54 is a part of the state highway system and, therefore, under the jurisdiction of the Commission. The Commission does not own any real property within the proposed Transportation Development District; however, the proposed transportation project includes the connection of the new roadway to Route 54 and connections of secondary roadways to Business Route 54.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found that the improvements to Route 54 are 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, (2) appointed the District 5 Engineer or his designee as the Commission advisor to the Horseshoe Bend TDD's board of directors, and (3) authorized the Director or Chief Engineer to enter into a three-party cooperative agreement with the TDD and the City of Lake Ozark, subject to approval as to form by the Chief Counsel's Office.

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**U.S. HIGHWAY 50/63 AND CITY VIEW TRANSPORTATION
DEVELOPMENT DISTRICT, CONSIDERATION OF PROJECT
AND APPOINTMENT OF ADVISOR**

On behalf of the Director, Roger Schwartze, District 5 Engineer, and Kirk Boyer, Resource Management Director, advised the Commission that in response to a petition filed by Donald and Velma Renkemeyer, the Court, on September 25, 2006, established the U.S. Highway 50/63 and City View Transportation Development District (TDD) as a political subdivision for the purpose of constructing a new interchange at Route 50/63 and City View Drive in Jefferson City, Cole County. Route 50/63 is a part of the state highway system and, therefore, under the jurisdiction of the Commission. The improvements to be made by the TDD on the state system include constructing acceleration and deceleration auxiliary lanes as required by the interchange, removing the existing at-grade intersections at Eastwood Drive and Lepage Road, and removing the median crossover pavement at Schott Road and Rolling Hills Road, thereby creating right-in, right-out only movements.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, (1) found the proposed improvements to Route 50/63 to be necessary and desirable extensions 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 U.S. Highway 50/63 and City View TDD's board of directors. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

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**LAKE OF THE OZARKS COMMUNITY BRIDGE CORPORATION,
DISPOSAL OF EXCESS PARCEL, CAMDEN COUNTY**

In keeping with Section 238.332, of the Missouri Revised Statutes, a transportation corporation may, subject to Missouri Highways and Transportation Commission approval, sell and convey excess right-of-way for fair market value to any person or entity. Therefore, on behalf of the Director, Roger Schwartze, District 5 Engineer, reported that the Lake of the Ozarks Community Bridge Board of Directors had determined the fair market value of an excess parcel of land adjoining its property to be \$5,500, and had requested Commission approval to sell the excess parcel to Cliffside Centre Office Condominium Association, Inc., for that amount. The LOCB Board of Directors has placed restrictions on the warranty deed limiting the use of the tract to a parking lot only; therefore, it cannot be used as a building site or sign location.

Via approval of the consent agenda, the Commission unanimously approved the sale of the excess parcel as requested by the Lake of the Ozarks Community Bridge Corporation as outlined above. The Commission holds no ownership interest in the subject property.

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BREAK IN ACCESS, ROUTE 24, MONROE COUNTY

On behalf of the Director, Kirk Juranas, District 3 Engineer, recommended approval of a request from William A. McClintic, to construct a 20-foot wide entrance located at the southerly right-of-way line opposite Station 1701+80 on Route 24, Monroe County. The proposed entrance is a non-arterial driveway constructed to provide access to private property and will not provide traffic relief to the state system; therefore, in accordance with the February 13, 1997, Commission policy, "Changes in Access on Limited Access Roadways," specific Commission action is needed to proceed. The Value Determination Schedule was used to determine the \$450 compensation due from Mr. McClintic for the change in access.

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

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BREAK IN ACCESS, ROUTE 50, FRANKLIN COUNTY

On behalf of the Director, Ed Hassinger, District 6 Engineer, recommended approval of a request from William J. and Mary Lou Schicker to construct a 35-foot wide entrance centered at the southerly right-of-way line opposite Station 1291+40 on Route 50, Franklin County. The proposal includes (1) closing a 40-foot access on Route 47 where the Commission does not currently own access limitations, (2) deeding additional access limitations to the Commission along Route 47, and (3) constructing an auxiliary left-turn lane for the entrance on Route 50. 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, in accordance with the February 13, 1997, Commission policy, "Changes in Access on Limited Access Roadways," specific Commission Action is needed to proceed. The Value Determination Schedule was used to determine the \$2,500 compensation due from the Schickers for the change in access.

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

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--- REPORTS ---

The Commission received the following written reports.

**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, DECEMBER 31, 2006**

Deborah S. Rickard, Controller, presented the Fiscal Year 2007 monthly financial report for the period ending December 31, 2006, with budget and prior year comparisons.

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FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Deborah S. Rickard, Controller, presented the written Quarterly Financial Accountability Report for the period ended December 31, 2006.

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

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