



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**October 7, 2009**

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
SIKESTON, MISSOURI, ON WEDNESDAY, OCTOBER 7, 2009**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 7, 2009, at the Clinton Building, 501 Campanella Drive, Sikeston, Missouri. David A. Gach, Chairman, called the meeting to order at 10:30 a.m. The following Commissioners were present at the meeting location: David A. Gach, Rudolph E. Farber, Grace M. Nichols, Stephen R. Miller, and Duane S. Michie. Lloyd J. Carmichael 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 Pamela J. Harlan, Secretary to the Commission were present on Wednesday, October 7, 2009.

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

**-- CLOSED MEETING --**

**VOTE TO CLOSE MEETING**

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

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

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

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

The Commission met in closed session from 7:30 a.m. until 10:15 a.m.

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**-- OPEN MEETING --**

**APPROVAL OF MINUTES**

Upon motion by Commissioner Michie, seconded by Commissioner Nichols, the Commission unanimously approved the minutes of the regularly scheduled meeting held on September 2, 2009. 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 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 October 7, 2009, Consent Agenda**

No items were removed from the consent agenda. Upon motion by Commissioner Michie, seconded by Commissioner Farber, the consent agenda items were unanimously approved by a quorum of Commission members present except that Commissioner Michie abstained from voting on the following “Fiscal Year 2010 Budget Amendment”.

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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 October 7, 2009, meeting.

**Audit Committee** – Commissioner Farber stated there was no report.

**Legislative Committee** – Commissioner Miller reported that Commissioner Carmichael was appointed by Governor Nixon to be Missouri’s representative on the Midwest High-Speed Rail Steering Committee. The committee consists of one representative from eight midwestern states, whose primary purpose is to support the development of high-speed rail in midwestern states. This committee traveled to Washington, D.C. in September to meet with federal officials and to show solidarity among the midwestern states. Commissioner Miller also advised the commission on November 23, 2009 the Joint Committee on Transportation Oversight is scheduled to meet and hear the department’s annual accountability presentation.

**Missouri Transportation Finance Corporation** – Commissioner Gach reported the board held a meeting on October 6, 2009. At this meeting, Williams Keepers, LLC, presented the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2009. The

board received its thirteenth consecutive unqualified opinion with no audit findings. The board also approved one loan totaling \$851,400 to the City of St. Clair for a project that will relocate the I-44 North Outer Road at Route 47 in District 6.

**MoDOT and Patrol Employees Retirement System** – Commissioner Farber reported the board met on September 17, 2009, and closed the year with approximately twenty-five percent diminution in investment results. Funding levels are a concern and will require additional contributions to keep the system going. This means that there is less money for roads or people or both. The retirement systems throughout the state are facing the same problem and it is going to be a very costly and difficult situation to address.

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## **DIRECTOR’S REPORT**

During the October 7, 2009, Commission meeting, Director Pete Rahn provided the following report:

**Federal funding.** When the federal authorization, SAFETELU, expired on September 30, 2009, an \$8.7 billion rescission took affect. As a result of the rescission, Missouri lost approximately \$200 million in federal funds for metropolitan planning organizations, bridge repairs, congestion mitigation and air quality, and transportation enhancements. This loss is compounded as congress passes federal extensions based on the authorization amount less recent rescissions. This means that Missouri will receive approximately \$20 million less in federal funds each month. The department will continue to work with congress to address federal funding.

**Safety.** Director Rahn reviewed an article in the October 7, 2009 issue of USA Today titled “Rural Roads Deadlier Than Urban Ones.” The article reviewed how different states are trying to address this safety issue and highlighted Missouri’s use of rumble stripes on the side and centerlines of rural roads to reduce fatalities.

**A good investment.** Director Rahn provided an example of how investments in transportation provide a great return in economic development. The New Madrid County Port

Authority expended \$3.4 million in public funds, which produced \$50 million in private sector investment.

**Awards.** The department received two awards from Governor Nixon for quality and productivity. The customer service award recognized the online Traveler Information Map, which shows road conditions, work zones, incidents and flooding information. The second award honored MoDOT's use of technology for an online method to increase public participation on projects. MoDOT launched the first virtual public meeting on I-70. These online meetings allow people to comment on plans and projects from the comfort of their own home and at the time that suits them best. As a result, public comments on projects increased tenfold.

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#### **DELEGATION REPRESENTING THE CITY OF SIKESTON**

Mayor Jerry Pullen, thanked the commission for holding its meeting in Sikeston. The Mayor also expressed appreciation for recent improvements to Highway 61 and the city's airport. The improvements to Highway 61 were key to drawing the Orgill Distribution Center to Sikeston. The city is planning to expand the industrial park and would appreciate commission consideration to expand Highway HH to four lanes from Highway 61 to I-55. This improvement will accommodate the increased commercial and residential traffic in the area. The commission thanked Mayor Pullen for his presentation and for Sikeston's hospitality.

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#### **DELEGATION REPRESENTING THE BOOTHEEL REGIONAL PLANNING & ECONOMIC DEVELOPMENT COMMISSION (RPC)**

Steve Duke, Executive Director of the Bootheel RPC, expressed appreciation for the department's cooperation in accomplishing the RPC's priorities. Of the eighteen priority projects, eleven are programmed for scoping, design, or construction. Work is progressing on the Scott City interchange by being moved into scoping along with an economic impact study. In addition to the priority projects, the department has been responsive to other transportation

needs in the area including: a request to change a commercial vehicle restriction on Route 25 north of Highway 60, modification of a functional classification of the road to the New Madrid County Port Authority from an access road to a major intermodal connector, and the construction of a welcome center at Hayti and Marston along I-55.

Mr. Duke expressed concern regarding the shortage of highway funds starting in 2011. The RPC met to discuss several funding scenarios including toll roads, general sales tax increase, gas tax increase, and a regressive gas tax. Mr. Duke stated that the RPC realizes it is time to begin discussions about generating revenues to keep the transportation system in good condition, or the public must lower its expectations.

Following comments and inquiry about the transportation funding shortage, the commission thanked Mr. Duke for his presentation.

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**DELEGATION REPRESENTING THE SOUTHEAST MISSOURI REGIONAL PLANNING & ECONOMIC DEVELOPMENT COMMISSION (SEMORPC)**

Chauncy Buchheit, Executive Director of SEMORPC, thanked the commission for the RPC's number one priority and that was improvements to Highway 67. Mr. Buchheit reviewed the list of priority projects for each county in the RPC and explained the theme of the list is the need for improvements to secondary routes. Mr. Buchheit expressed appreciation for the improvement to the interstates and major routes, and appreciation for some of the scheduled overlay treatments for secondary routes. However, additional secondary route improvements need to be considered including shoulders.

An important transportation project for the area is the construction of the New Bourbon Regional Port Authority in Ste. Genevieve County. This project currently has \$4 million to start construction and two major industries are considering locating at this port. Mr. Buchheit

anticipates the community will come to the commission to request a loan to meet their local match commitment for this project.

Mr. Buchheit expressed the need for funding for ports and rail. In addition, he requested the commission consider access roads to ports as part of the statewide transportation system, especially the two miles of road leading to the New Bourbon Regional Port Authority.

Mr. Buchheit explained that air quality issues are going to impact at least two if not four of the counties in the RPC. An air quality committee is studying how the area will be impacted by the new ozone standards. He also expressed concern for similar impacts across the state.

Following comments and inquiry regarding funding and the new port, the commission thanked Mr. Buchheit for his presentation.

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**DELEGATION REPRESENTING VILLAGE OF GREEN TRAILS REGARDING PROPOSED INTERCHANGE AT ROUTE 141 AND LADUE ROAD**

Emil DeLuca, Trustee, Village of Green Trails Park Board, expressed concerns regarding the proposed design of the interchange at Route 141 and Ladue Road. Mr. DeLuca contends that the proposed interchange is over designed for the area and will impact the residential nature of Ladue Road. Mr. DeLuca outlined safety issues for school buses, pedestrians, and student drivers. Mr. DeLuca reviewed issues with traffic counts, curb cuts, traffic lights, elevation of the roadway, the flood plain, and storm water storage.

Mr. DeLuca shared with the commission a proposed alternative design with standard diamond interchange ramps on the east side of relocated route 141 and a roundabout connecting ramps on the west side of relocated route 141 and Woods Mill Road.

The commission commented on Mr. DeLuca's thorough preparation and ability to present an alternative for the department's consideration. Following inquiry and comments the commission thanked Mr. DeLuca for his presentation.

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**PUBLIC COMMENT – FOUR LANE BRIDGE OVER THE MISSISSIPPI RIVER FROM MISSOURI TO KENTUCKY**

Mike Marshall, shared with the commission how the community has come to change their philosophy and direction on their dream to have a bridge crossing the Mississippi river from Missouri to Kentucky. Mr. Marshall stated that they were aware of the issues with the Corps of Engineers, the levee, and high cost of the project, but it was their dream because they transportation infrastructure is important to the development of southeast Missouri. A citizens group went to Kentucky to discuss their dream project with the Kentucky Transportation Cabinet (KYTC). The KYTC explained that the bridge on Interstate 57 is adequate; the problem is crossing from Cairo, Illinois into Kentucky. The KYTC also explained that they have to address requests for other priority projects including the bridge to Cairo, Illinois. Now, the group from Sikeston has decided to work regionally with other states, and is working with Kentucky to build a four-lane bridge to Cairo, Illinois.

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**PUBLIC COMMENT – CONCERNS ABOUT ROUTE 141 PROJECT IN ST. LOUIS**

Frank Agovino expressed concerns about condemning property for the Route 141 project in St. Louis. There are six hundred twenty five homeowners who are tenants in common of the parkland under consideration for condemnation. If any of the six hundred twenty five homeowners oppose the project or the condemnation, that could keep the project from progressing further. The homeowners need to support the project for condemnation to occur and

to be able to build the intersection. Mr. Agovino encouraged the commission to resolve the concerns expressed about the project as soon as possible so that the condemnation does not cause any delay to the project.

Allan Sheppard declared the proposed design as a grossly oversized intersection that will create traffic problems. Mr. Sheppard explained he believed the department did not consider all the alternatives and requested more time so that alternatives could be considered.

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### **PUBLIC COMMENT – SAFETY ON RURAL ROADS**

Ray Rowland brought to the attention of the commission safety on rural roads. Southeast Missouri is an agricultural region, and agricultural equipment size has grown. Mr. Rowland reviewed the various widths of the pieces of equipment commonly used in the fields. Under state law, farmers are to yield the right of way and need to be able to stay on their side of the road on the secondary roads. Unfortunately, the shoulders on the roads do not allow the farmers to stay on their side of the road, as they should. Secondary blacktops are 9 feet wide for the driving lane; Mr. Rowland requested that a 3 to 4 foot should be added to the roads along with a three to one slope down to the ditch. Mr. Rowland specifically requested consideration of the shoulder width and cable set back for the outer roads along Highway 60 when the road is upgraded to interstate status. Mr. Rowland also solicited consideration for shoulders when installing box culverts.

**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 for bids received on the September 25, 2009 letting, as recommended and noted in Table 1 below. Non-contractual costs for these projects are shown on the below tabulation. (2) New Madrid County Port Authority opened bids on September 2, 2009 for a rail extension, project J0W0002, as noted in Table II below. The New Madrid County Port Authority awarded the project on September 14, 2009; it is recommended the Commission concur in award of this project.

**Table I  
Award of Contracts  
September 25, 2009, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	MM, AA	Harrison	J1B0801I	\$663,276.00	\$0	Chester Bross Const. Co./ C.B. Equipment, Inc.	Bridge Deck Replacement on Three Bridges
201	5	Howard	J2P0428	1,033,570.55	0	Widel, Inc.	Bridge Removal, Grading, Optional Pavement
203	EE	Putnam	J2B0801H	203,820.00	0	Bleigh Construction Company	Bridge Redeck
501	65	Benton	J5P0892D	77,444.00	0	Goolsby, Inc.	Demolition of Various Structures
601	Various	Jefferson	J6S2249	134,296.20	2,869.33	Gerstner Electric, Inc.	Construct a DMS Board at Route M at Catlin Dr. and Install Intersection Lighting at Route 141 at Old MO. State

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
							Road & Route 30 at Main Dr.
602	94	St. Charles	J6P2260	1,186,916.72	637,194.00	Gerstner Electric, Inc.	Network Connect Signals (Fiber and Wireless)
			J6Q2036		0		Installation of its Devices at Various Locations
603	141	Jefferson, St. Louis	J6P2259	1,520,301.16	0	Gerstner Electric, Inc.	Network Connect Signals (Fiber and Wireless)
			J6Q2037				Traffic Signal Networking System and Arterial ITS System
604	Various	Jefferson	J6S1905	2,776,469.95	1,968.00	X-L Contracting, Inc.	Bridge Deck Rehabilitation and Optional Bid Pavement (BP-1 or PCCP) in Three Disconnected Section
	30	Jefferson	J6S1910		0		Bridge Deck Rehabilitation and Optional Bid Pavement (PCCP or Bituminous Pavement BP-1)
701	44	Jasper, Newton	J7I0873	1,975,884.57	656.00	APAC-Missouri, Inc.	Resurfacing with Superpave (Mainline) and Resurfacing with Bituminous Pavement BP-1 (shoulders)
	43, 86	Newton	J7S0858		656.00		Resurfacing with Superpave (Mainline) and Resurfacing with Bituminous Pavement BP-2 (shoulders)

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
702	60	Newton	J7P0866	386,267.25	656.00	APAC-Missouri, Inc.	Resurface with Superpave, Shoulders with BP-2
703	71	Vernon	J1P0863	271,194.15	656.00	APAC-Missouri, Inc.	Placement of Roadside & Median Barrier
704	13	St. Clair	J7P0824D	2,809,879.85	656.00	APAC-Missouri, Inc.	Resurface with Superpave, Shoulders with BP-2
			J7P0824F		328.00		
705	71	Jasper	J7P0824I	2,071,728.02	656.00	Leo Journagan Construction Co., Inc.	Resurfacing of the Driving Lanes with Superpave and Shoulders with BP-1
706	71	Barton	J7P0824E	5,413,547.18	328.00	Leo Journagan Construction Co., Inc.	Resurface with Superpave, Shoulders with BP-1
		Barton, Jasper	J7P0824G		328.00		
707	71	Jasper	J7P0824H	2,877,564.93	328.00	Leo Journagan Construction Co., Inc.	Resurfacing with Superpave
708	66	Jasper	J7S0594	6,777,639.79	656.00	APAC-Missouri, Inc.	Alt Pavement (PCCP or Superpave) Alt Traffic Signal Section, Bridge Rehabilitation, Lighting
709	71	Barton, Bates, Vernon	J7P0824C	7,400,977.38	656.00	Leo Journagan Construction Co., Inc.	Resurfacing of the Driving Lanes with Superpave and Shoulders with BP-1
902	60	Texas	J9B0801I	432,143.00	656.00	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Bridge Deck Rehabilitation
X01	N	Stoddard	J0B0801J	232,072.00	0	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Bridge Redeck
X02	UU	Mississippi	J0B0801I	512,802.50	0	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Bridge Redeck

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
X03	D	Pemiscot	JOS0742	1,940,628.68	883.62	G & M Concrete & Asphalt Co., Inc.	Alternate Paving (PCCP or Superpave), Widen & Resurface
X04	W	Cape Girardeau	JOP2183	2,348,089.63	656.00	Apex Paving Co.	Widening and Resurfacing with Bituminous Pavement (BP-1) and Box Culvert Extension
			<b>TOTAL</b>	<b>\$43,046,513.51</b>	<b>\$650,786.95</b>		

**Table II  
Letting by Others  
September 2, 2009**

County	Job No.	Bid Amount	Contractor	Description
New Madrid	JOW0002	\$623,500.00	Capital Railroad Contracting	Rail Extension into New Madrid County Port Authority

**Commission Consideration and Action**

After consideration, and upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission took the following action:

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on the September 25, 2009 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Concurred in the award of the rail extension for project JOW0002, by New Madrid County Port Authority.

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.

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**2010 – 2014 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM,  
2010 AMENDMENT**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that the 2010-2014 Statewide Transportation Improvement Program (STIP) be amended, as noted in the tabulations below, to add twenty projects, delete two projects, and modify two projects

**Highway and Bridge Construction Schedule  
Projects Added and Deleted  
October Amendment**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Grundy J2P2187	65	Construct turn lanes and entrance upgrades on Route 65, one mile south of Route 6 in Trenton. Cost Share project with the City of Trenton. Project in association with 2P0777.	2010	\$675
Grundy J2P2187Z	65	Payback from the Cost Share program to the City of Trenton for MTFC loan to accelerate 2P2187.	2013	382
Clay J4U1303F	269	Bicycle/pedestrian improvements on the Chouteau bridge. Involves bridge A5817. TEA-21 Earmark for up to \$4.7 million.	2010	2,471
Boone J5S0842	740	Construct additional lanes to reduce congestion and improve safety from Bernadette Dr. to Rte. TT (Broadway) in Columbia. Relates to Job No. 5S0842B & 5S0842C. Cost share project with the City of Columbia.	RW 2012 CN 2013	11,134
Boone J5S0842B	740	Construct additional lanes to reduce congestion and improve safety from I-70 Drive NE to Bernadette Dr. Includes the I-70 interchange ramps. Relates to Job No. 5S0842 & 5S0842B. Cost share project with the City of Columbia.	2014	3,106
Boone J5S0842C	Bernadette Dr.	Payment to City of Columbia for capacity and safety improvements from Rte. 740 (Stadium Blvd.) to Knipp Drive. Relates to Job No. 5S0842 & 5S0842B. Cost share project with the City of Columbia.	2011	81
Franklin J6P2286	47	Relocate north outer road and the signalization of Rte. 47 at the I-44 interchange in St. Clair. Cost share project with the City of St. Clair.	2011 RW 2012 CN	3,017
St. Louis 6U0807D	141	Relocate the Metropolitan St. Louis Sewer District (MSD) sewer facilities from north of St. Luke's Hospital Drive to north of Rte. AB. Funded by MSD.	2010	9,035
Christian, Taney, Webster J8I2229	44 & 65	Pavement treatment at various (asphalt) locations in non-metropolitan District 8.	2010	308
Greene	44	Pavement treatment on westbound lanes from 0.7 mile	2010	103

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
J8I2228		east of Rte. 125 to Webster County line.		
Greene J8I2227	44	SFY 2010 preventive maintenance and concrete repair throughout non-metropolitan District 8.	2010	500
Webster J8P2184	60	Improve intersection safety and capacity at Rte. VV and Rte. B in Rogersville. Cost Share project.	2010	621
Webster J8P2184Z	60	Payback from Cost Share program to the City of Rogersville to accelerate 8P2184.	2013	356
Cape Girardeau, Perry JOI2200	55	Pavement improvements from Rte. 61 interchange in Cape Girardeau County to Rte. B interchange in Perry County. (Alternate Pavement Treatment Project) Incorporates project OI2158.	2010	15,767
Perry JOI2158	55	Pavement improvements from Rte. 61 interchange in Cape Girardeau County to Rte. B interchange in Perry County.	2011	-7,324
Perry JOP2199	51	Bridge rehabilitation over the Mississippi River at Chester in Perry County. Project involves bridge L0135.	2010	475
			<b>TOTAL</b>	<b>\$40,707.00</b>

**Highway and Bridge Construction Schedule  
Major Scope Change  
October Amendment**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Shelby J3P0792	36	Pavement treatments on eastbound lanes from 0.3 mile east of Macon Co. line east to 1.7 miles west of Rte. Z (Previously 0.7 mile west of Bus. 36 west junction at Monroe City) (3 (Previously 4) disconnected sections). Project includes 0.3-mile section of westbound lanes near Salt River. Project also includes bridge A3742.	2010	-\$1,700
Marion, Shelby	36	Pavement treatments on eastbound lanes from 1.7 miles west of Rte. Z (Shelby County) to 0.7 mile west of Bus. 36 West junction at Monroe City (Marion County). (Alternate Pavement Treatment Project)	2010	3,451
			<b>TOTAL</b>	<b>\$1,751.00</b>

**Local Projects Added and Deleted  
Regionally Distributed Economic Recovery Enhancement Funds in Non-MPO Areas  
October Amendment  
Added Projects**

<b>District County</b>	<b>Project Number</b>	<b>Description</b>	<b>Total Cost</b>
2 Chariton	ES02(002)	Replace sidewalk on both sides of Broadway Street (MoDOT Rte. 24), for four blocks (from Polk to Adams street) in downtown Brunswick. Also included are 10 streetlights.	\$318,049

**Deleted Projects**

<b>District County</b>	<b>Project Number</b>	<b>Description</b>	<b>Total Cost</b>
2 Macon	ES02(001)	Macon County Historical Society building renovation in Macon.	\$293,700

**Special ARRA Projects  
Projects Added  
October Amendment**

<b>Project Number</b>	<b>Description</b>	<b>ARRA Funds</b>
FY09(006)	On-the-Job Training and Supportive Services (OJT/SS) funds for Fiscal Year (FY) 2009 for the pre-apprenticeship training programs for the Columbia Builds Youth Program in Columbia, Missouri.	\$190,434
FY09(005)	On-the-Job Training and Supportive Services (OJT/SS) funds for Fiscal Year (FY) 2009 for the pre-apprenticeship training programs for the Construction Prep Center (CPC) in St. Louis, Missouri.	145,000
	TOTAL	\$335,434

Via approval of the consent agenda, the Commission unanimously approved the amendments to the 2010 – 2014 STIP as noted in the tabulations above.

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**REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS**

**Route 13, Stone County  
From South of Branson West To Kimberling City  
Job No. J8P2188  
Public Meeting Held June 25, 2009  
Public Meeting Held September 10, 2009**

The proposed improvement provides for four eleven-foot lanes with six-foot shoulders and center left turn lanes. The project will have partial controlled access. Traffic will be handled on the existing route. This project is 5.5 miles in length.

Mr. Kirk Juranas, District 8 Engineer, recommended approval of the proposed location and design as presented at the public meeting.

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 recommendation.

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

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the approval of the Chief Engineer 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>
Franklin	185	J6S2118	**

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.

\* \* \* \* \*

**SERIES 2009 FEDERAL REIMBURSEMENT STATE ROAD BONDS PRICING SUMMARY**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, reported that the bonds were priced on September 15 and 16, 2009. Of the \$600 million commission approved issuance, \$195 million sold as traditional tax-exempt debt, and the remaining \$405 million sold as Build America Bonds. Build America Bonds were provided under the American Recovery and Reinvestment Act and provides thirty-five percent of the interest costs from federal funds.

The result of this sale was better than expected and the average interest rate for the \$600 million of debt was 3.39%. This great interest rate can be attributed to both the federal government subsidy and the lowest interest rates we have had in a generation.

The department strives to retire debt when the projects still have a lot of life left in them. The average life of the bonds is 14.9 years. The bonds from this sale will primarily fund projects in the Safe and Sound Bridge Program.

Ms. Broeker recognized the underwriting team members that were present and thanked them for their efforts.

\* \* \* \* \*

**RESOLUTION AUTHORIZING THIRD LIEN STATE ROAD BONDS, SERIES 2009**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, recommended adoption of the following Resolution authorizing the issuance of Third Lien State Road Bonds, Series 2009, in an aggregate principal amount not to exceed \$300,000,000 to fund projects for the state highway system. The Resolution further delegates authority for approving certain documents and actions in connection with the issuance of said Series 2009 Bonds. Ms. Broeker also requested authority for the execution of documents related to the Series 2009 Bonds.

## RESOLUTION

**RESOLUTION AUTHORIZING THE ISSUANCE OF THIRD LIEN STATE ROAD BONDS, SERIES 2009, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000,000 TO FUND PROJECTS FOR THE STATE HIGHWAY SYSTEM; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID SERIES 2009 BONDS.**

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1. The Commission is duly organized and existing under Article IV, Section 29 of the Missouri Constitution and Sections 226.005 to 226.191 of the Revised Statutes of Missouri, as amended, and is vested with the powers and duties specified in Chapters 226 and 227 of the Revised Statutes of Missouri, as amended, including authority and supervision over the construction, reconstruction and repairs of state roads, highways and bridges which are constructed, improved and maintained in whole or in part by the aid of state moneys, and of highways constructed in whole or in part by the aid of moneys appropriated by the United States government, so far as such supervision is consistent with the acts of Congress relating thereto (the “**State Highway System**”).

2. The Commission is authorized to issue state road bonds to fund construction and reconstruction projects of the state highway system, which bonds are to be issued and be payable as provided in Article IV, Section 30(b) of the Missouri Constitution, as amended.

3. The Commission proposes to issue state road bonds (the “**Series 2009 Bonds**”), in the principal amount not to exceed \$300,000,000 to fund construction and reconstruction projects of the state highway system and to pay certain costs related to the issuance of the Series 2009 Bonds, on the terms and conditions provided for herein and in the Indenture described herein.

4. The Commission finds and determines that it is necessary and desirable in connection with the issuance of the Series 2009 Bonds that the Commission execute and deliver certain documents and that the Commission take certain other actions as herein provided.

**NOW THEREFORE, BE IT RESOLVED BY THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, AS FOLLOWS:**

**Section 1. Authorization of the Series 2009 Bonds.** The Commission is authorized to issue and sell the Series 2009 Bonds in an aggregate principal amount not to exceed \$300,000,000 for purposes aforesaid which shall be issued under and secured by and shall have the terms and provisions set forth in the Master Bond Indenture dated as of July 1, 2005, as supplemented and amended including the amendment by the Supplemental Bond Trust Indenture No. 5 referred to herein (collectively, the “**Indenture**”). The Series 2009 Bonds may be issued in two series designated Tax Exempt Third Lien State Road Bonds, Series C 2009 (the “**Series C 2009 Bonds**”) and Taxable Third Lien State Road Bonds (Build America Bonds), Series D 2009 (the “**Series D 2009 Bonds**,” with the Series C 2009 Bonds together with the Series D 2009 Bonds being collectively, the “**Series 2009 Bonds**”). The Series 2009 Bonds shall bear interest at various interest rates not to exceed a true interest cost of 6.00 percent per annum (with the interest rate for the Series D 2009 Bonds computed net of Build America Bond credits),

and shall mature in principal installments with a final maturity not later than 2029 and a weighted average maturity of not less than 12 years and not more than 19 years. Bonds of each maturity of the Series 2009 Bonds may be issued as Series D 2009 Bonds as long as the true interest cost (net of Build America Bond credits) for bonds of such maturity is less than the true interest cost available for the Series C 2009 Bonds. The Series 2009 Bonds shall have such redemption provisions, including premiums, and other terms to be determined by the authorized officers of the Commission and the Missouri Department of Transportation ("MoDOT") in the manner described herein. The Series 2009 Bonds shall be sold by the Commission to Merrill Lynch, Pierce, Fenner & Smith, Incorporated (the "Underwriter"), as representative of the underwriters of the Series 2009 Bonds under the hereinafter-described Bond Purchase Agreement with an underwriter's discount of not more than 1.00 percent of the aggregate principal amount thereof, plus accrued interest. The final terms of the Series 2009 Bonds shall be specified in the Indenture and Bond Purchase Agreement upon the execution thereof, and the signatures of the officers of the Commission or MoDOT executing such Indenture and Bond Purchase Agreement shall, subject to approval as to form by the Chief Counsel's Office, constitute conclusive evidence of their approval and the Commission's approval thereof.

**Section 2. Limited Obligations.** The Series 2009 Bonds shall be limited obligations of the Commission payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Bond Trustee (herein defined) and in favor of the holders of the Series 2009 Bonds, as provided in the Indenture. The Series 2009 Bonds shall not be deemed to constitute a debt or liability of the State of Missouri or a pledge of the full faith and credit of the State of Missouri, and the payments on such Series 2009 Bonds shall be payable solely from the Trust Estate, and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Indenture. Nothing in the Series 2009 Bonds shall be construed as obligating the State of Missouri to pay or redeem any of the Bonds from, and the owners thereof may not look to, any general or other fund of the State of Missouri or of MoDOT, except as specifically provided in the Indenture.

**Section 3. Authorization and Approval of Documents.** The following documents (the "Financing Documents") are hereby approved in substantially the forms filed in the records of the Secretary to the Commission, and the Commission is hereby authorized to execute and deliver each of such documents (the "Financing Documents") with such changes therein as shall be approved by the officers of the Commission or MoDOT executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Commission's approval thereof, subject to approval as to form by the Chief Counsel's Office:

- (a) Supplemental Bond Trust Indenture No. 5 between the Commission and The Bank of New York Mellon Trust Company, N.A. (the "Bond Trustee"), providing for the issuance of the Series 2009 Bonds pursuant to the Indenture, and setting forth additional terms and provisions applicable to the Series 2009 Bonds.
- (b) Tax Compliance Agreement between the Commission and the Bond Trustee, which sets forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of the Series C 2009 Bonds, to establish and maintain the exclusion of interest on the Series C 2009 Bonds from gross income for federal income tax purposes, and to provide guidance for complying with the arbitrage rebate provisions of §148(f) of the Internal Revenue Code.

- (c) Tax Compliance Agreement for the Series D 2009 Bonds between the Commission and the Bond Trustee, which sets forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of the Series D 2009 Bonds, to establish and maintain the status of the Series D 2009 Bonds as taxable “Build America Bonds” as defined in § 54AA of the Code, and to provide guidance for complying with the arbitrage rebate provisions of §148(f) of the Code.
- (d) Continuing Disclosure Agreement between the Commission and The Bank of New York Mellon Trust Company, N.A., as Dissemination Agent, under which the Commission agrees to provide continuing disclosure of certain financial information, operating data and material events, for the benefit of the owners of the Series 2009 Bonds and to assist the underwriters of the Series 2009 Bonds in complying with Rule 15c2-12 of the Securities and Exchange Commission.
- (e) Bond Purchase Agreement (the “Bond Purchase Agreement”) between the Commission and the Underwriter, under which the Commission agrees to sell and the Underwriter agrees to purchase the Series 2009 Bonds with an underwriter's discount of not more than 1.00 percent of the principal amount thereof, plus accrued interest, upon such terms and conditions thereof as set in the Bond Purchase Agreement.

**Section 4. Approval of Preliminary and Final Official Statement.** The form and substance of the Preliminary Official Statement relating to the Series 2009 Bonds submitted to the Commission is hereby in all respects ratified, confirmed and approved, and the officers of the Commission and MoDOT are hereby authorized, empowered and directed to execute the Preliminary Official Statement and the final Official Statement in the name and on behalf of the Commission. The Commission approves the use and distribution of the Preliminary Official Statement and final Official Statement by the underwriters in connection with the offering and sale of the Series 2009 Bonds. The Preliminary Official Statement and the final Official Statement shall be in substantially the same form as the draft Preliminary Official Statement now on file in the records of the Secretary to the Commission and hereby approved, with such changes therein as shall be approved by the officer of the Commission or MoDOT executing the same, and such execution shall constitute conclusive evidence of such officer’s approval and the Commission’s approval of any departures therein from the form of the Preliminary Official Statement now on file in the records of the Secretary to the Commission. For the purpose of enabling the underwriters to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Commission hereby deems the information contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the Commission and MoDOT are hereby authorized, if requested, to provide the underwriters a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the underwriters to comply with the requirements of such Rule.

**Section 5. Execution of Series 2009 Bonds and Financing Documents.** The Chairman or the Vice Chairman of the Commission, or the Director, the Chief Engineer or the Chief Financial Officer of MoDOT, are hereby authorized and directed to execute the Series 2009 Bonds by manual or facsimile signature and to deliver the Series 2009 Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Commission in the manner provided in the Indenture. The Chairman or Vice Chairman of the Commission, or the Director, the Chief Engineer or the Chief Financial Officer of MoDOT, are hereby authorized and directed to execute and deliver the Financing Documents for and on behalf of and as the act and deed of the Commission subject to approval as to form by the Chief Counsel’s

Office. The Secretary to the Commission is hereby authorized and directed to attest to the Series 2009 Bonds by manual or facsimile signature, to the Financing Documents and to such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 6. Further Authority.** The Commission shall, and the officers, agents and employees of the Commission and MoDOT are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement, liquidity or security documents, arbitrage certificate, closing certificates, redemption notices, and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Commission with respect to the Series 2009 Bonds and the Financing Documents subject to approval as to form by the Chief Counsel's Office.

**Section 7. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Commission.

After consideration, and upon motion by Commissioner Nichols, seconded by Commissioner Farber, the Commission took the following action:

1. Adopted a resolution authorizing the issuance of Third Lien State Road Bonds, Series 2009, in an aggregate principal amount not to exceed \$300,000,000, to fund projects for the state highway system; and authorizing and approving certain documents and actions in connection with the issuance of said Series 2009 Bonds.
2. Authorized the Secretary to the Commission to execute the Resolution confirming its adoption by the Commission, subject to approval as to form by the Chief Counsel's Office.
3. Authorized the Director, Chief Engineer or the Chief Financial Officer to execute the following documents for the Third Lien State Road Bonds, Series 2009: (1) Supplemental Bond Trust Indenture No. 5, (2) Tax Compliance Agreements, (3) Continuing Disclosure Agreement, (4) Bond Purchase Agreement, (5) the Official Statements, and (6) any other ancillary documents, certificates, or instruments necessary to complete the bond issuance, subject to approval as to form by the Chief Counsel's Office.

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## **FISCAL YEAR 2010 BUDGET AMENDMENT**

On behalf of the Director, Brenda Morris, Resource Management Director, recommended approval of a net increase to receipts of \$763.3 million for changes in Federal Reimbursements and Bond Proceeds, with an increase in disbursements of \$4.9 million. In addition, Ms. Morris

recommended adjustments for transfers between appropriations to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities. The amended budget for fiscal year 2010 is \$2,903,315,000.

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

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**KCT INTERMODAL TRANSPORTATION CORPORATION, APPOINTMENT AND REAPPOINTMENT OF BOARD MEMBERS**

On behalf of the Director, Beth Wright, District 4 Engineer, conveyed the following recommendation of the KCT Intermodal Transportation Corporation Board of Directors as it pertains to membership on that board:

- Appoint C.E. Mader to fill the unexpired portion of the six-year term held by W.F. Somervell, which expires June 27, 2014.
- Appoint S.K. Keller and R.W. Lease to fill the unexpired portion of the six-year terms held by J.L. Raffety and C.A. Roberts, respectively, which expire June 27, 2010.
- Reappoint S.K. Keller and R.W. Lease to fill the full six-year terms effective June 28, 2010, which expire June 27, 2016.

Via approval of the consent agenda, the Commission unanimously approved the appointments and reappointments to the KCT Intermodal Transportation Corporation Board of Directors as recommended and noted above.

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**WESTSIDE INTERMODAL TRANSPORTATION CORPORATION, APPOINTMENT AND REAPPOINTMENT OF BOARD MEMBERS**

On behalf of the Director, Beth Wright, District 4 Engineer, conveyed the following recommendation of the Westside Intermodal Transportation Corporation Board of Directors as it pertains to membership on that board:

- Appoint C.E. Mader to fill the unexpired portion of the six-year term held by W.F. Somervell, which expires December 26, 2013.
- Appoint S.K. Keller and R.W. Lease to fill the unexpired portion of the six-year terms held by J.L. Raffety and C.A. Roberts, respectively, which expire December 26, 2009.
- Reappoint S.K. Keller and R.W. Lease to fill the full six-year terms effective December 27, 2009, which expire December 26, 2015.

Via approval of the consent agenda, the Commission unanimously approved the appointments and reappointments to the Westside Intermodal Transportation Corporation Board of Directors as recommended and noted above.

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**CHANGE IN ACCESS, BREAK IN ACCESS,  
CROSSROADS WEST SHOPPING CENTER, LTD., ROUTE 740, BOONE COUNTY**

On behalf of the Director, Roger Schwartz, District 5 Engineer, recommended approval of a request from Crossroads West Shopping Center, Ltd., to construct a 60-foot right-in/right-out only entrance centered at the westerly right of way line of Route 740, opposite Station 47+16.22. MoDOT and the City of Columbia have approved cost share projects to expand Route 740 to six lanes from I-70 through Broadway. The requested break in access and the proposed right turn lane will be allowed to be constructed before the cost share projects are completed. The proposed entrance is a non-arterial connection constructed to accommodate a commercial development and will not provide traffic relief to the state system; therefore, the request does not comply with the Commission's action of February 13, 1997, and Commission approval of the proposal is needed to proceed.

Via approval of the consent agenda, the Commission unanimously approved the break in limited access request of Crossroads West Shopping Center, Ltd., City of Columbia, and Stadium Corridor Transportation Development District A, contingent on the City's execution of the Cost Participation Agreement with the Commission.

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**CHANGE IN ACCESS, BREAK IN ACCESS,  
STADIUM PLAZA SHOPPING CENTER, LLC, ROUTE 740, BOONE COUNTY**

On behalf of the Director, Roger Schwartze, District 5 Engineer, recommended approval of a request from Stadium Plaza Shopping Center, LLC, to construct a 45-foot right-in/right-out only entrance centered at the easterly right of way line of Route 740, opposite Station 20+79.85. MoDOT and the City of Columbia have approved cost share projects to expand Route 740 to six lanes from I-70 through Broadway. The requested break in access and the proposed right turn lane will be allowed to be constructed before the cost share projects are completed. The proposed entrance is a non-arterial connection constructed to accommodate a commercial development and will not provide traffic relief to the state system; therefore, the request does not comply with the Commission's action of February 13, 1997, and Commission approval of the proposal is needed to proceed.

Via approval of the consent agenda, the Commission unanimously approved the break in limited access request of Stadium Plaza Shopping Center, LLC., City of Columbia, and Stadium Corridor Transportation Development District A, as recommended and noted above.

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**REPORT AND RECOMMENDATION REGARDING ORDERS OF RULEMAKING,  
PROCUREMENT OF SUPPLIES**

On behalf of the Director, Beth Ring, General Services Director, reminded the Commission that at the June 3, 2009 meeting the Commission authorized the filing and publication of the notice of proposed amended administrative rule Title 7, Code of State Regulations (CSR) 10-11.010, and notice of proposed rescission and readoption of administrative rules 7 CSR 10-11.020, and 7 CSR 10-11.030, that update MoDOT's policies and

procedures for procurement of all materials, goods and services necessary for the construction and maintenance of the state highway system. The proposed, amended and rescinded rules were published in the *Missouri Register* on July 15, 2009, and MHTC received a total of two (2) comments during the 30 days following the publication. Ms. Ring recommended approval of the final orders of rulemaking for filing with the Joint Committee on Administrative Rules and the Office of the Secretary of State. She further recommended that the Director, Chief Engineer, or Chief Financial Officer be authorized to execute any document appropriate and necessary to complete this final rulemaking process.

The commission, by approval of the consent agenda, approved the final orders of rulemaking as noted above.

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**-- REPORTS --**

The Commission received the following written reports.

**FINANCIAL – BUDGET - REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, August 31, 2009**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending August 31, 2009, with budget and prior year comparisons.

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

Mr. Jeff Padgett, Director of Risk and Benefits Management and Chairman-Medical and Life Insurance Plan Board of Trustees, presented reports on the financial status of the Medical and Life Insurance Plan covering the period from January through June 2009. The report indicated that the number of claims continues to increase, which was primarily attributable to increased utilization. The Medical and Life Insurance Plan Board of Trustees continues to closely monitor increases in utilization and trends.

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

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