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SENATE APPROVES ACCOUNTABILITY LEGISLATION: A conference committee is working out the details of the MoDOT “accountability” legislation following the Senate’s approval May 7 of House Bill 668, sponsored by Rep. Larry Crawford, R-California.

The Senate made a number of changes to the legislation before approving it, making it necessary for a conference committee, made up of representatives and senators, to agree on changes that will meet with final approval from both chambers.

The conference committee members for the bill are: Sen. Jon Dolan, R-Lake St. Louis; Crawford, Sen. John Cauthorn, R-Mexico; Sen. Gary Nodler, R-Joplin; Sen. Joan Bray, D-St. Louis; Sen. Rita Days, D-St. Louis; Rep. Kevin Threlkeld, R-Washington; Rep. Lanie Black, R-Charleston; Rep. Tim Green, D-St. Louis; and Rep. Terry Young, D-Raytown.

The final version of the bill is expected to include:

- Additional oversight of MoDOT, including the creation of an external inspector general position, which will be appointed by the Joint Committee on Transportation Oversight. In addition, the number of times the committee meets will increase from one to four times per year;
- Staggering of terms of MHTC members;
- Limiting of political fundraising activities for MHTC members;
- Arbitration of claims involving construction contracts with MoDOT;
- Changes to make the formation of transportation development districts easier.

It appears likely some form of transportation accountability legislation will be approved next week during the final days of the legislative session.

GENERAL ASSEMBLY APPROVES BUDGET: The state budget is on its way to the governor’s desk after months of controversy and cuts to numerous programs. Continuing declines in state revenue required sizable reductions to be made in order to balance the budget. The governor must now sign the Fiscal Year 2004 budget or veto it. If he vetoes it, he could call for a special session with the hope of passing a budget more in line with his recommendations.

Appropriations for MoDOT are contained in House Bill 4, which was finalized May 6 by the Budget Conference Committee. The conference committee made several changes, including separating out funds for MoDOT’s Motorist Assist program, making it a separate program with a limit on the amount of funds it can spend.

The following summary of appropriations for MoDOT compares this year's budget (Fiscal Year 2003) with next year's budget (Fiscal Year 2004):

- * Administration - same as approved last year with the following adjustments:
 - Personal Service – \$197,608 addition to fund pay plan (\$600 per year increase for employees that make below \$40,000 annually)
 - Expense and Equipment - \$2 million reduction as requested by MoDOT
 - Fringe Benefits - \$2,380,868 addition to fund increasing costs

- * Construction - same as approved last year with the following adjustments:
 - Personal Service - \$751,725 addition to fund pay plan
 - Expense and Equipment and Construction Program - approximately \$223.2 million reduction to account for lower than expected cash flow
 - Bonding - \$1 million net increase from FY 2004 to FY 2003
 - Debt Service - approximately \$13.5 million for additional payments in FY 2004
 - Transportation Enhancements - \$1.3 million addition to cover projected expenditures
 - Fringe Benefits - \$5,027,844 addition to fund increasing costs

- * Maintenance - same as approved last year with the following adjustments:
 - Personal Service - \$2,177,763 addition to fund pay plan
 - Expense and Equipment - \$10 million addition to incorporate increased R and R funding
 - Fringe Benefits - \$9,206,037 addition to fund increasing costs
 - One Stop Shop - approximately \$33.2 million for Highway Reciprocity and Motor Carrier operations and refunds added directly into MoDOT
 - Highway Safety - \$20,571,910 to fund the transfer of 19 staff, expense and equipment and programs from the Department of Public Safety to MoDOT

- * Service Operations - same as approved last year with the following adjustments:
 - Personal Service - \$201,682 addition to fund pay plan
 - Fringe Benefits - \$965,597 addition to fund increasing costs
 - One Stop Shop - \$310,129 for leases
 - Highway Safety - \$44,180 for leases

- * Multimodal Operations - same as requested with the following adjustment:
 - Personal Service - \$33,100 reduction in General Revenue for elimination of position currently not filled and \$9,432 addition for other funds to cover pay plan
 - Expense & Equipment - \$12,425 cut in General Revenue
 - Fringe Benefits - \$36,796 addition to fund increasing costs
 - Railroad Safety - \$2,181,840 for Railroad Safety operations and Grade Cross Safety program added directly into MoDOT

- * STAR Loan Program - \$190,340 reduction due to a reduction in the amount of funds available to lend

- * Transit Program - approximately \$1.3 million addition for increases to federal programs

- * Rail Program - same as last year

* Aviation Program - same as last year

* Waterways Program - Switched Ferryboat Operating Assistance in the amount of \$150,000 from being funded with General Revenue to being funded out of the State Transportation Fund and used \$150,000 in General Revenue to provide operating assistance to port authorities, which will result in a net increase of approximately \$60,000 to the port authorities

In other funding-related action, the Senate passed a bill that would authorize a “fund sweep” and allow the General Assembly to transfer money from numerous state funds and deposit it into the state’s General Revenue Fund. Senate Bill 675 is sponsored by Sen. Chuck Gross.

The bill would affect two MoDOT funds, the STAR Fund and the Aviation Trust Fund. Both funds are used for multi-modal transportation projects.

The bill will now be considered by the House where it has been assigned to the House Tax Policy Committee.

GENERAL ASSEMBLY PASSES HAZARDOUS MATERIALS BILL: “Clean-up” legislation to bring Missouri into compliance with federal regulations for hauling hazardous materials has been approved by the General Assembly. The legislation, House Bill 371, sponsored by Rep. Gary Dusenberg, R-Blue Springs, makes Missouri’s law consistent with Federal Motor Carrier Safety Administration regulations.

The bill now goes to the governor for his signature.

HIGHWAY TO HONOR AMERICAN LEGION: A bill designating Highway 65 the American Legion Memorial Highway was approved May 7 by the General Assembly. The legislation, House Bill 261, sponsored by Rep. James Whorton, R-Trenton, applies to the entire highway except where otherwise designated.

The bill now goes to Gov. Bob Holden to be signed.

HOUSE APPROVES COMMERCIAL DRIVER’S LICENSE BILL: The House passed a bill May 6 that would make numerous changes to Missouri’s commercial driver’s license laws. The changes were made in order to comply with the rules of the Federal Motor Carrier Safety Administration.

House Bill 702, sponsored by Rep. Charles Schlottach, R-Owensville, would:

- Require courts to forward to the Department of Revenue a record of any guilty conviction involving a moving violation by a commercial driver’s license holder;
- Prevent those holding commercial driver’s licenses from having limited driving privileges to operate a commercial motor vehicle if the driving privileges are suspended, revoked, canceled, denied or disqualified;
- Add to the list of serious violations: driving a commercial motor vehicle without a commercial driver’s license;

- Require applicants for commercial driver's licenses to report the names of all states that have issued them a commercial driver's license in the past 10 years;
- Require the department director to obtain driving record information from any state licensing system that has licensed a person before a commercial driver license is issued in Missouri;
- Require the driving record of a person who has a commercial driver's license to include a complete history of the driver, including information and convictions from previous states of licensure;
- Require a person to be disqualified from driving a commercial motor vehicle if the U.S Secretary of Transportation has determined that driver to be a hazard by driving any motor vehicle under the influence of alcohol or a controlled substance; driving a commercial motor vehicle that causes a fatality due to negligent operation of the vehicle, leaving the scene of an accident involving any type of vehicle; and using any type of vehicle to commit a felony.

The bill also would require anyone operating a school bus to meet requirements set by the U.S. Secretary of Transportation.

Under the bill, no federal, state, county, municipal or local court could defer imposition of judgement, suspend imposition of sentence or allow an individual who possesses a commercial driver's license to enter into a program that would prevent a conviction for any traffic law violation from appearing on the driver's record maintained by the department director.

If approved, the bill would take effect Sept. 30, 2005.

The bill now goes to the Senate for consideration where it has been referred to the Senate Transportation Committee.

LEGISLATION ADDRESSES RETIREMENT AND HEALTH INSURANCE ISSUES:

Several bills that could affect MoDOT's retirement system are still progressing in the General Assembly. The Senate has passed Senate Bill 248, sponsored by Rep. Chuck Gross, R-St. Charles, which would change the retirement eligibility age from 50 to 48 years of age for members of the Highway and Transportation Employees and Highway Patrol Retirement System and the Missouri State Employees Retirement System.

The bill also would allow employees who retire between Jan. 1, 2003 and Jan. 1, 2004 who are eligible for medical coverage to have a portion of the cost of insurance covered by the state after they retire. Under the legislation, the state would continue to contribute the same dollar amount toward insurance coverage as the amount being paid for active employees at the date of retirement until the retiree turns 65 or becomes eligible for Medicare.

The legislation would apply to employees retiring under the State of Missouri Retirement System and the Highways and Transportation Commission and Conservation Commission retirement systems.

The bill is now being considered by the House and has been referred to the House Retirement Committee.

The Senate Rules, Joint Rules, Resolutions and Ethics Committee has approved a resolution to create a Senate interim committee to conduct a study to determine the feasibility of streamlining state medical insurance programs for all state employees in order to decrease health insurance costs. Senate Resolution 900, sponsored by Sen. Jim Mathewson, D-Sedalia, calls for the President Pro Tem of the Senate to appoint seven members of the Senate to serve on the committee.

The resolution now goes to the entire Senate for consideration.

ONE WEEK REMAINS IN SESSION: The capitol will see a flurry of activity next week as lawmakers wrap up the final week of the 2003 legislative session. Session ends at 6 p.m. Friday, May 16. A GA report summarizing the transportation-related bills passed during the session will be published the following week.

Federal Transportation Update—

SENATE TRANSPORTATION REAUTHORIZATION BILL MOVING FORWARD: Senate Environment and Public Works Committee Chairman James M. Inhofe (R-OK) recently said he was moving forward with his reauthorization bill that would authorize \$255 billion for highways and \$56 billion for transit over the next six years.

President George Bush's reauthorization bill, titled "SAFTEA," has not yet been formally introduced. The draft bill sets the funding level considerably lower than bills in the House and the Senate. Specifically, the proposed funding over the next six years is set at a total of \$247 billion.

With differing funding levels being proposed for the new transportation bill, there is growing concern that Congress may be unable to enact a multi-year reauthorization bill before the Sept. 30 expiration of TEA-21.

SENATE COMMITTEE APPROVES AVIATION REAUTHORIZATION BILL: The Senate Commerce, Science and Transportation Committee recently approved a bill reauthorizing Federal Aviation Administration funding for three years.

The bill, S. 824, titled the "Aviation Investment and Revitalization Vision Act" (AIR-V) would reauthorize appropriations for the Federal Aviation Administration for fiscal years 2004 through 2006. Specifically, it funds the Airport Improvement Program (AIP) at \$3.4 billion in FY 2004, \$3.5 billion in FY 2005, and \$3.6 billion in FY 2006. The current funding level is \$3.4 billion annually. The legislation also includes \$8.9 billion to upgrade the air traffic control system and establish a funding mechanism to pay for airport security capital costs.

The Senate bill differs from the proposal previously released by the U.S. Department of Transportation (USDOT). The USDOT sets the funding level at \$3.4 billion each year over the four-year act.

PRESIDENT SIGNS AMBER ALERT BILL: President George Bush last week signed into law the federal child safety legislation that includes the "Amber Alert" measure that uses highway information signs to advise people of possible child abductions. The new law will supply states and communities with federal matching grants for equipment and training to create

a national network of Amber Alerts.

FEDERAL TOLL LEGISLATION INTRODUCED: Representatives Mark Kennedy (R-MN) and Adam Smith (D-WA) and Sen. Wayne Allard (R-CO) introduced a bill that would allow tolls on new Interstate highways. The bill, H.R. 1767, titled the "Freeing Alternatives for Speedy Transportation (FAST)" bill, would repeal a 1958 federal prohibition on placing tolls or fees on a roadway within the Interstate highway system.

The legislation proposes an electronic toll collection system to keep traffic moving. Also, the tolls would be discontinued when the transportation infrastructure was paid off.

FHWA LAUNCHES WEB SITE ABOUT PROTECTING WILDLIFE ON ROADWAYS:

The Federal Highway Administration (FHWA) recently unveiled a web site titled "Keeping it Simple, Easy Ways to Help Wildlife Along Roads." The site presents ways that state transportation agencies are protecting wildlife along highways and other state transportation property. For example, MoDOT bridge projects on the Meramec River near St. Louis included leaving the endangered pink mucket mussels and other mussel species that are located in the region.

The site is intended not only as a means for sharing best practices within transportation agencies but also as a way of letting the public know that transportation agencies are working proactively to protect wildlife, according to Ginny Finch, from FHWA's Office of Natural and Human Environment, who compiled the examples and put the site together.

FHWA's wildlife protection website can be found at <http://www.fhwa.dot.gov/environment/wildlifeprotection/> .