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FIRST STATE OF TRANSPORTATION ADDRESS PROVES POSITIVE FOR MoDOT:

The first ever State of Transportation Address before a joint session of the General Assembly proved to be a positive experience for MoDOT. Director Henry Hungerbeeler and department officials received favorable feedback following the speech.

Hungerbeeler's remarks focused on the success MoDOT has achieved in the past several years as well as the growing need to improve Missouri's transportation system and provide more revenue to fund those improvements.

"We are keenly aware that the state of our transportation system is still not as sound as it needs to be. The state of your Department of Transportation, however, is sound – not perfect by any means – but good," Hungerbeeler said.

Hungerbeeler spoke about several legislative issues including the need for laws allowing limited use of toll roads in Missouri and legislation prohibiting open containers of alcohol in most motor vehicles. He also expressed support for a primary seat belt law, which would allow law enforcement officers to stop a driver for a seat belt violation. Current state law allows officers to issue citations to drivers for failing to wear a seat belt only if they are stopped for some other violation.

The director addressed the issue of diversions and said that although MoDOT understands Missouri's current budget limitations, the appropriation of highway funds to other state agencies must be reduced.

"The vital functions of other state agencies should be funded through sources outside of transportation dollars," Hungerbeeler said. "Missourians expect highway revenues to go toward improving our highway system, and that is where they should be used."

Hungerbeeler also said he believed the Missouri Highways and Transportation Commission should be kept in its current form.

The State of Transportation Address was established last year in legislation passed by the General Assembly to increase MoDOT's accountability.

In addition to the speech, MoDOT had a display in the rotunda where information about the department was provided and members of the MHTC and MoDOT district engineers and other officials were on hand to talk with the legislators.

The entire State of Transportation Address can be read on MoDOT's web page.

MoDOT BEGINS BUDGET PROCESS FOR 2005: MoDOT presented its 2005 legislative budget requests to the House Budget Committee and the Senate Appropriations Committee on Jan. 26-27.

MoDOT Director Henry Hungerbeeler provided an overview of the department's operations for 2004, testifying that the department finished 268 projects on time within 2 percent of the project estimates. The accurate estimating continues a four-year trend that saw an overall deviation of only one-third of one percent from the estimates in a more than \$2 billion program. The director also testified that the department had 778 highway and bridge projects in the works during fiscal year 2003 and administered nearly \$50 million in capital, maintenance and operating assistance to aviation, rail, waterway and transit facilities.

Other MoDOT officials testifying before the two committees were Resource Management Director Herbert Wheeler, Resource Management Coordinator Jay Moore, Director of Multimodal Operations Brian Weiler, and Chief Operating Officer Pat Goff.

The legislative budget process will continue for the next several months.

LEGISLATION SEEKS REFORM OF SOVEREIGN IMMUNITY LAWS THAT COULD SAVE MoDOT MONEY: The Senate Judiciary and Civil and Criminal Jurisprudence Committee heard several legislative proposals Jan. 26 that would change Missouri's tort laws. These laws impact the judgments and settlements MoDOT must pay as a result of lawsuits against the department.

While the primary focus of the hearing was reforming medical tort laws, one bill would affect public employers and employees. Senate Bill 957, sponsored by Sen. Delbert Scott, R-Lowry City, would modify the seat belt evidence rule and sovereign immunity for public employees.

Under current law, if a person successfully sues MoDOT due to injuries resulting from an automobile accident, but he or she was not wearing a seat belt when the accident occurred, the monetary award can be reduced only by one percent due to the person's negligence for not wearing a seatbelt. Senate Bill 957 would allow a jury to increase the percentage a jury can reduce a person's settlement if the jury determines the person's injuries are more severe because no seat belt was used.

The proposal also would modify the law regarding exclusive remedy for public employees. Under current law, if a person files a lawsuit against MoDOT, that person also can file a lawsuit against a MoDOT employee. Senate Bill 957 would prohibit a person from suing individual MoDOT employees if they were performing their jobs in a satisfactory manner.

Senate Bill 1094, also sponsored by Scott, would change the law addressing the doctrine of joint and several liability. Under current law, if MoDOT is named in a lawsuit with a co-defendant, and an accident is ruled to be partly MoDOT's fault and partly the fault of the co-defendant, but the co-defendant is unable to pay its share of the judgment, MoDOT could be required to pay the entire judgment. Senate Bill 1094 would require MoDOT to pay only the judgment against the department.

Jay Smith, assistant chief counsel to the Missouri Highways and Transportation Commission, testified in support of these measures as a way to possibly reduce the judgment and settlement costs the department is required to pay from the state road fund.

The committee took no action on the bills.

SENATE TRANSPORTATION COMMITTEE HEARS SEVERAL BILLS: The Senate Transportation Committee heard several transportation-related bills. MoDOT Director of Governmental Affairs Jay Wunderlich testified in favor of Senate Bill 955, which would clarify how MHTC leadership is selected. Legislation passed last year modified the way the chairman and vice chairman of the commission are selected. Senate Bill 955 contains “clean up” language to make it clear that the two longest-serving commissioners would serve as chairman and vice-chairman for a year and then switch leadership positions for the next year.

The committee also heard Senate Joint Resolution 34, sponsored by Sen. Matt Bartle, R-Lee’s Summit. The proposal would abolish the MHTC and create the position of secretary of transportation who would be appointed by the governor. Because the legislation would make a change to the state constitution, the proposal would have to be approved by Missouri voters. No one testified in favor or against the bill.

No action was taken on either of these bills.

The committee also heard several highway naming bills. Those bills include:

- Senate Bill 770, sponsored by Sen. Gary Nodler, R-Joplin, would remove the designation of a portion of I-44 in Jasper County as the George Washington Carver Memorial Highway. This portion of Interstate 44 had previously been designated the "Congressman Gene Taylor Highway" prior to the creation of the George Washington Carver Memorial Highway. The bill was voted out of committee and now awaits floor debate.
- Senate Bill 845, sponsored by Sen. Anita Yeckel, R-St. Louis, would establish the Grand Army of the Republic Veterans' Memorial Highway on the portion of Interstate 44 from the intersection of Highway 100 at the city limit of Gray Summit west to the Franklin/Crawford County line. No action was taken on the bill.
- Senate Bill 767, sponsored by Sen. Dan Clemens, R-Marshfield, would designate the portion of Interstate 44 within Webster County as the Edward P. Hubble Memorial Highway. The bill was voted out of committee and now awaits floor debate.
- Senate Bill 1006, sponsored by Sen. Wayne Goode, D-St. Louis, would designate a portion of Missouri Route 364 in St. Louis County as the Buzz Westfall Memorial Highway. John Bardgett, lobbyist for St. Louis County Government testified for the bill. The bill was passed out of committee and now awaits floor debate.

HOUSE TRANSPORTATION COMMITTEE HEARS HEADLIGHT BILL: The House Transportation Committee heard testimony on a bill that would require motorists to use their vehicles’ headlights during inclement weather. House Bill 921, sponsored by Rep. Gina Walsh, D-St. Louis, would require drivers to turn on their headlights whenever weather conditions require the use of windshield wipers or in foggy conditions.

Vicky Williams from MoDOT's Highway Safety office, and Captain Bret Johnson from the Missouri Highway Patrol testified in favor of the bill. House Transportation Committee Chairman Larry Crawford recommended the bill be amended to House Bill 1105, an omnibus transportation bill voted out of committee last week.

MODOT PRESENTS INFORMATION ON DISADVANTAGED BUSINESS

ENTERPRISE PROGRAM: Sharon Taegel, director of MoDOT's Disadvantaged Business Enterprise Program, presented information about the program to the House Small Business Committee on Jan. 28. MoDOT was invited by the committee chairman, Rep. Neal St. Onge, R-Ballwin, to present information about the program to the committee.

A representative from the Office of Administration also attended the committee hearing to present information about its Minority Business Enterprise and Women Business Enterprise programs.

HEARING ON EMINENT DOMAIN DRAWS CROWD: A hearing on legislation that would change the way eminent domain can be used to acquire property attracted a large crowd to the capitol this week. The legislation, House Bill 1085, sponsored by Rep. Merrill Townley, R-Chamois, was heard by the House Committee on Conservation and Natural Resources on Jan. 28.

Nathan Briggs, MoDOT right of way liaison, testified against the bill. The department's concerns include changing the way condemnation commissioners are appointed, requiring the department to use property acquired through eminent domain within ten years of the sale of the property and changing the way attorney fees and costs are paid.

Individuals representing The Missouri Family Network, Standing Our Ground Committee, Kansas City Downtown Development, Missouri Cattleman's Association, Missouri Farm Bureau and other concerned citizens spoke in favor of the bill. Most of their concerns focused on cities using Tax Increment Financing grants to develop areas and using eminent domain to acquire property necessary for those developments. There also was a great deal of concern about private companies having the power to use eminent domain. Another common complaint was that property owners are not being given a chance to negotiate on the sale of their property.

In addition to MoDOT, a number of organizations and business testified against the bill including Ameren UE, Missouri Energy, Missouri Land and Title, Missouri Municipal League, City of Kansas City, and the St. Louis Homebuilders Association. Many other groups submitted written comments to the committee.

There was some concern about a possible decline of economic development resulting from limiting the use of eminent domain and the fact that those acquiring property through eminent domain would no longer be able to lease the property to individuals until the purchaser of the property can use it.

The committee took no action on the bill.

CLARIFICATION: MoDOT is opposing a measure in House Bill 946 that would have the chief counsel report to the director of MoDOT instead of the MHTC. Last week's GA Capitol report stated MoDOT was neutral on the legislation.

HEARING NOTICES:

Monday, Feb. 4

Committee: Senate Financial, Governmental Organizations, Veterans and Elections

Time: 12:30 p.m.

Location: Senate Lounge

Bills to be heard:

SB 718 - Yeckel - Relating to small businesses

SB 860 - Cauthorn - Relating to state officials and employees

Committee: Senate Government Accountability & Fiscal Oversight

Time: 2:30 p.m.

Location: Bingham Gallery

Bills to be heard:

SB 739 - Klindt -Relating to environmental regulation

Tuesday, Feb. 3

Committee: Senate Commerce and the Environment

Time: 8:15 a.m.

Location: Senate Lounge

Bills to be heard:

SB 989 - Gross - Relating to environmental protection

Committee: Senate Transportation

Time: 8:30 a.m.

Location: Senate Committee Room 1

Bills to be heard:

SJR 44 - Dolan - Relating to the Department of Transportation

SB 956 - Scott - Relating to operating animal-driven vehicles

SB 1088 - Steelman - Operation of all-terrain vehicles

SB 840 - Goode - Relating to motor vehicles

SB 894 - Goode - Relating to maximum bumper heights for motor vehicles

SB 825 - Griesheimer - Relating to weigh stations

SB 772 - Bray - Warning signals on certain vehicles

SB 731 - Gross - Sales tax exemption for highway materials

Committee: House Financial Services

Time: Noon

Location: Hearing Room 6

Bills to be heard:

HB 1278 - Luetkemeyer - Modifies various provisions regarding insurance

Committee: Senate Education Committee

Time: 2 p.m.

Location: Senate Committee Room 1

Bills to be heard:

SB 1080 - Nodler - Education accountability standards

Wednesday, Feb. 4

Committee: House Judiciary Time: 12p.m.

Location: Hearing Room 1

Bills to be heard:

HB 1304 - Byrd - Claims for damages and the payment of such claims

Committee: Senate Small Business, Insurance and Industrial Relations

Time: 2 p.m.

Location: Senate Committee Room 1

Bills to be heard:

SB 736 - Loudon - Establishes the Open Contracting Act

SB 737 – Loudon - Relating to employees