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SENATE TRANSPORTATION COMMITTEE MEETS WITH UP RAILOFFICIALS:

On Dec. 12, Joe Bateman, Union Pacific Railroad (UP), said national freight service is expected to increase more than 88 percent over the next thirty years. The reason for this increase will be attributed to the demand on domestic freight and the increase in the transportation of coal. According to Bateman, on an average, forty-five freight trains run daily between St Louis and Kansas City. The typical travel time for a train to cross the state is twenty-four hours because rail lines are at full capacity. Bateman cited a recent Cambridge University study, that recommends the nations rail infrastructure is in need of about \$140 billion in upgrades over thirty years in order to manage the expected future rail usage. Bateman testified that although UP can fund the majority of the \$140 billion investment, the company would still need some sort of federal and state subsidies.

During Mr. Bateman's presentation, several transportation committee members encouraged UP to work harder with members of Missouri's legislature on the negative impact freight traffic has on AMTRAK's daily "on-time" performance between Kansas City and St. Louis.

This Senate Transportation Committee hearing was held as part of the committee's effort to understand the broader impact rail has on Missouri's economy and to plan for future needs that may exist. One of MoDOT's 2008 legislative proposals is to seek legislative approval for \$10 million in state general revenues to help with the upgrade of the state's rail infrastructure system.

OUTDOOR ADVERTISING LEGISLATION INTRODUCED: Sen. Bill Stouffer (R-Napton) has filed two different bills that would address a couple of issues and concerns of the outdoor advertising industry in Missouri. At this time, the department is studying the various outdoor advertising proposals to determine – what if any – impact the legislation could have on MoDOT's current regulation processes. Neither bill has been scheduled for a committee hearing.

SB 872 – This act provides that signs which were legally erected according to legal standards in effect prior to August 28, 2002, but which fail to comply with new legal standards on that date, shall be considered as legal conforming out of standard signs under Missouri law. Such signs shall not be considered nonconforming for failure to comply with subsequently adopted sign standards.

SB 809 – This bill imposes certain outdoor advertising regulations to off-premise billboards within 660 feet of Interstates 70 and 44 during the period (if and when) new construction takes place on such interstates. The regulations applicable to the interstates require spacing between

outdoor advertising structures on the same side of the highway to be 500 feet. Stacked structures are allowed provided the total display area of any sign may not exceed 1,200 square feet in any one direction. Sign structures must be located on commercial or industrially zoned property or be within 750 feet of a commercial business. Outdoor advertising structures may not exceed 1,200 square feet of display area in any one direction. The relocation or rebuilding of existing conforming signs to be displaced by highway construction shall be allowed and shall not require a new sign permit provided the relocation is on the same or adjoining property, the sign would remain conforming under the size and spacing requirements provided in this act and a relocation agreement has been executed between the sign owner and MoDOT.

If MoDOT intends to condemn an existing sign in conjunction with highway improvements on I-70 or I-44, the department shall provide written notice of the proposed condemnation to the sign owner and the landowner upon which the existing sign is located. The owner of existing sign structures which conform to the requirements of the act may voluntarily execute a relocation agreement with the commission which specifies the size, type, and new location of the sign to be relocated or rebuilt as well as the amount of relocation costs to be paid by the department in conjunction with the relocation or rebuilding of the billboard. In the event a conforming sign cannot be relocated or the owner declines to do so, the department shall pay the owner of such sign structure "just compensation". Relocated or rebuilt signs may be increased in size not to exceed 800 square feet in any one direction and may include new or different materials and lighting may be added to existing conforming signs.

Under the act, no local zoning authority may prohibit the relocation or rebuilding, on the same or adjoining premises, of existing signs displaced by I-70 or I-44 construction and which conform to the size and spacing provisions. Local zoning authorities may require a building permit only to assure the rebuilt sign complies with reasonable wind load and electrical safety requirements and may charge a permit fee equal to the cost to review and issue such permit.

Upon the completion of construction on I-70 or I-44, the temporary moratorium on sign permits shall be lifted and new permits shall be issued in accordance with the regulations in effect at that time on other Missouri primary and interstate highways.

PROPOSAL COULD DISALLOW FUTURE HIGHWAY CLOSINGS: Rep. Scott Muschany (R-St. Louis) has filed a bill in opposition to MoDOT's plan for closing a portion of Hwy. 40/I-64 for two years for reconstruction purposes. Rep. Muschany's concerns focus around the impact the closing of a major highway could have on local businesses and the traveling public. While the legislation will not impact this project, if passed, Rep. Muschany's legislation may impact future highway corridor work.

Specifically, HB 1338 prohibits any state entity from closing a state highway with a weighted average traffic volume exceeding 7,000 for a continuous period exceeding 60 days.

MoDOT opposes this legislative proposal.

HB 1338 has not yet been assigned to a committee for a public hearing.

SCHOOL BUS SAFETY BELTS: Rep. Tim Flook (R- Liberty) has introduced legislation that would require safety belts in school busses.

HB 1356 would impose a \$15 surcharge for each motor vehicle moving traffic violation to be deposited into the newly created School Bus Safety Assistance Fund to assist school districts in equipping new school buses with lap-shoulder safety belts for all passengers. The Department of Elementary and Secondary Education will allocate the funds, and priority will be given to buses used for elementary schools. Beginning Jan. 1, 2009, new buses purchased or buses manufactured after that date must be equipped with lap-shoulder safety belts or other federally approved restraint systems.

HB 1356 has not yet been assigned to a committee for a public hearing.

IGNITION INTERLOCK DEVICES INTRODUCED: Rep. Neal St. Onge (R-Ellisville) has introduced legislation that would allow for the use of ignition interlock devices for first time violators of Missouri's driving and drinking laws.

HB 1423 specifies that anyone who has had his or her driving license and privilege suspended due to an alcohol-related traffic offense will be deemed to have not fulfilled the suspension and a restricted driving privilege will not be issued until the person has completed 30 days of a suspension. The violator will also have to show proof to the Director of the Department of Revenue that his or her motor vehicle is equipped with a functioning, certified ignition interlock device as a required condition of the person's restricted driving privilege. If the person fails to maintain the proof, the restricted driving privilege will be terminated or his or her license suspended, or both.

MoDOT supports this proposal as a way to deter drinking and driving. More detailed information about the concept of ignition interlock and the impact it could have on an offender will be forthcoming in a future *GR Capitol Report* article.

HB 1423 has not yet been assigned to a committee for a public hearing.

SENATE ASSISTANT MINORITY FLOOR LEADER FILES A PRIMARY SEAT BELT BILL: On Dec. 18, Sen. Chuck Graham (D-Columbia) filed SB 884. This bill would require all passengers in a vehicle to be belted and would allow the primary enforcement of such requirement. Another bill filed relating to wearing a seat belt is HB 1428, sponsored by Rep. Will Kraus (R-Raytown). HB 1428 relates to mitigation of damages for failure to wear a seat belt. Current law allows a plaintiff's damage award to be reduced by no more than 1 percent if the plaintiff was not wearing a safety belt. HB 1428 would allow for damages to be reduced by no more than 50 percent where the plaintiff was not wearing a seat belt.

MoDOT continues to support the passage of a primary safety belt law. A primary safety belt law can save 90 lives a year without costing the state of Missouri any tax dollars to implement.

Neither bill has been assigned to a committee for a public hearing.

MODOT LEGISLATIVE PROPOSALS: During its Sept. 12 monthly meeting, the Missouri Highways and Transportation Commission approved the department's 2008 legislative agenda. Two of the three MoDOT legislative proposals have been filed early:

- **Unified Carrier Registration** – Senate Bills 760 and 761, sponsored by Sen. Bill Stouffer (R-Napton), was filed on Dec. 1 and HB 1422, sponsored by Rep. Neal St. Onge (R-Ballwin), was filed on Dec. 13. These proposals would authorize Missouri to participate in the new federal registration program titled “Unified Carrier Registration.” This is a program the federal government has created to replace the Single State Registration program. Unless legislation is adopted this session to participate in this federal program, the state is subject to a loss of \$2.3 million in commercial motor vehicle registration fees to other states who have adopted this UCR program. Missouri commercial motor carriers support this initiative.
- **Increased Penalties to Protect Highway Workers** – On Dec. 13, HB 1422, sponsored by Rep. Neal St. Onge (R-Ballwin), was filed. This bill adds highway workers to the list of public officials where injuring or attempting to kill a highway worker in a work zone will result in increased criminal penalties. It also provides for mandatory jail time for defendants charged with second-degree involuntary manslaughter, a class D felony.

These bills have not yet been assigned to a committee.

The third MHTC/MoDOT legislative proposal for 2008 is a safety initiative that would revise Missouri’s law to allow photographic images generated by an automated speed control device to be introduced as evidence to issue traffic citations for speeding in a state highway system work zone. MoDOT continues to work with its safety partners to draft legislation that is meaningful and workable for all parties involved. It is expected this bill will be filed in the Senate within the first couple of weeks of the ’08 session.

COMMISSIONER MICHIE SPEAKS TO TRANSPORTATION CONFERENCE

AUDIENCE: On Dec. 13, MoDOT and the Missouri Transportation Development Council jointly hosted a transportation and economic development conference. The primary focus of the conference was to discuss how important it is for the state to invest in a transportation system and how that investment, in turn, creates economic benefits in terms of jobs and tax revenues for the state as a whole.

During his presentation at the conference, MHTC Commissioner, Duane Michie (Caruthersville), discussed the decline in transportation funding and impact this will have on economic development in Missouri. According to Mr. Michie, the state of Missouri should be working now to improve the state’s transportation infrastructure system because a good transportation system will mean increased economic development opportunities for the state as a whole. Both issues – transportation and economic development - are intertwined and you cannot have one without the other. Mr. Michie discussed his recent findings on how a four-lane road drives economic growth and gives people freedom of choice as to where they live or work.

Commissioner Michie also presented an overview of transportation from a global perspective and how foreign countries are investing in transportation infrastructure several times over the current money amount the United States is spending. Mr. Michie said our rivers are one of our state’s underutilized assets for providing a method for shipping containerized goods from China and other countries to the U.S. Michie concluded his presentation by stating “We (Missourians) must invest in transportation if we are to grow, prosper and improve our quality of life for all Missourians.”

Also presenting at the conference was MoDOT's Chief Engineer, Kevin Keith. Mr. Keith provided an update on some of the department's high profile projects and programs. These included:

- The I-64 project in St. Louis;
- The building of the KC ICON bridge in Kansas City;
- The Safe and Sound Bridge Improvement program;
- The Better Roads, Brighter Future program;
- Efforts to construct a new Mississippi River Bridge; and
- The recent announcement by the U.S. Department of Transportation on selecting I-70 as part of the federal corridors for the future program. This program will allow Missouri, along with the states of Ohio, Illinois, and Indiana to study separate truck lanes along the I-70 corridor.

Keith further demonstrated MoDOT's progress and was pleased to report that Missouri lead the nation in the most reduced number of traffic related fatalities between 2005 and 2006. Keith gave credit to the passage of Amendment 3 for many of the advancements made over the past couple years and advised that if these advancements are to continue we need to consider addressing the transportation funding decline by 2010.

Others presenting at the conference were the Governor's Chief of Staff Trish Vincent; Senate Transportation Committee Chair Sen. Bill Stouffer (R-Napton); House Transportation Committee Chair Rep. Neal St. Onge (R-Ballwin); Senate Economic Development, Tourism and Local Government Committee Chair Sen. John Griesheimer (R-Washington); Director of Economic Development Greg Steinhoff; University of Missouri-Columbia program director of transportation Charles Nemmers; Kansas City SmartPort President Chris Guterrez; and MoDOT's Organization Performance Administrator Dr. Ernie Perry . Sen. Stouffer and Rep. St. Onge both committed to working towards a solution to the transportation funding crisis. Dr. Perry discussed optimizing ports for development in Missouri.

LEGISLATIVE MATRIX: Attached is Governmental Relations weekly updated matrix, which shows some of the more important transportation bills that the department is tracking. If you should have any questions about these or any other pending legislative proposals, contact GR at 573.522.9284.

UPCOMING TRANSPORTATION EVENTS:

- January 9 – First day of the 2008 Legislative session
- January 15 – Gov. Blunt's State of the State Address
- February 6 – Director Rahn's State of Transportation Address
- January 24 - Annual Transportation Conference sponsored by MoDOT, Missouri Chamber of Commerce, Missouri Farm Bureau, and the Missouri Highway Patrol
- March 14 to March 25 – Legislative Spring Break
- May 16 – Last day of the 2008 legislative session

