



EAST-WEST GATEWAY Council of Governments

Creating Solutions Across Jurisdictional Boundaries

AGENDA

INTER AGENCY CONSULTATION

GROUP Monday, July 26, 2021

2:00 pm – 3:00 pm

Virtual Meeting

DUE TO COVID-19 OUTBREAK, EAST-WEST GATEWAY'S OFFICES ARE CURRENTLY CLOSED TO THE PUBLIC AND WILL BE UNTIL FURTHER NOTICE

You can listen/talk and/or view the meeting via:

Computer, tablet, or smartphone:

<https://global.gotomeeting.com/join/938961917>

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United States: +1 (646) 749-3122

Access Code: 938-961-917

- 1. Call to Order**
 - Carol Lawrence, East-West Gateway Council of Governments
- 2. Update on Status of HB 661**
 - Carol Lawrence, East-West Gateway Council of Governments
- 3. Reclassification of Jefferson and Monroe Counties and Conformity Determination Requirements**
 - Carol Lawrence, East-West Gateway Council of Governments
- 4. Modeling Approach for Regional Emissions Analysis**
 - Lubna Shoaib, East-West Gateway Council of Governments
- 5. Conformity Determination Schedule**
 - East-West Gateway Council of Governments
- 6. Other Business**
- 7. Adjournment**

Chair

Kurt Prenzler
Chairman
Madison County Board

Vice Chair

Dennis Gannon
County Executive, Jefferson County

2nd Vice Chair

Mark A. Kern
Chairman, St. Clair County Board

Executive Committee

Tim Brinker
Presiding Commissioner
Franklin County
Steve Ehlmann
County Executive
St. Charles County

Tishaura Jones
Mayor
City of St. Louis

Vicki Koerber
County Board Chairman
Monroe County

Dr. Sam Page
County Executive, St. Louis County

Members

Terry Briggs
President
Municipal League of Metro St. Louis

Ron Counts
Mayor, City of Arnold
Jefferson County

Honorable Rita Heard Days
Councilwoman, 1st Council District
St. Louis County

Robert Eastern III
Mayor, City of East St. Louis

Mark Kupsky
President, Southwestern Illinois
Council of Mayors

Roy Mosley
St. Clair County

Lewis Reed
President, Board of Aldermen
City of St. Louis

Herbert Simmons
President, Southwestern Illinois
Metropolitan & Regional
Planning Commission

Seth Speiser
Vice President, Southwestern Illinois
Council of Mayors

Donald R. Summers, Jr.
St. Louis County

Michael Walters
Madison County

John White
St. Charles County

Regional Citizens

Barbara Geisman
C. William Grogan

John A. Laker
Ron Williams

Non-voting Members

Holly Bieneman
Illinois Department of Transportation

Vacant
Illinois Department of Commerce
and Economic Opportunity

Patrick McKenna
Missouri Department of Transportation

Taulby Roach
Bi-State Development

Aaron Willard
Missouri Office of Administration

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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

July 9, 2021

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Senate Substitute 2 for House Bill 661, entitled:

AN ACT

To repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, and a delayed effective date for a certain section.

I disapprove of Senate Substitute 2 for House Bill 661. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing transportation, I cannot approve this bill as presented to me.

Section 21.795 would allow the Joint Committee on Transportation to regulate towing rates, investigate towing complaints, and regulate how law enforcement agencies determine towing rotations for commercial vehicles. This proposal is legally problematic for several reasons. First, this section over-regulates rates and practices in an open market that are already legally addressed under the Missouri Merchandising Practices Act and state tort law. RSMo. ch. 407; ch. 537. Second, the Committee's potential to prevent towing companies from doing business would create separation of powers and attainder problems beyond the constitutional authority granted to the General Assembly. MO. CONST. art. II, § 1; art. III, §§ 36–53. Third, this section is void for vagueness because it does not establish sufficient due process protections for towing companies. MO. CONST. art. I, § 10. As a practical matter, the Committee cannot legally function as this proposal suggests.


Section 227.101 would require the Missouri Department of Transportation to publish the Department's cost estimate for any construction, maintenance, or repair work on the state highway systems at the time of the bidding on a contract for the work first closes. The Department of Transportation currently publishes its cost estimates and completion dates online pursuant to federal regulation in 23 CFR 450.218. This bill, however, would require publication of engineer's estimates, which are strictly confidential. Publishing engineer's estimates may result in fixed prices substantially above the prices currently paid by the state, and result in bid rigging and bidder collusion. This outcome endangers not only our state revenue, but also the future of our infrastructure as a whole. This provision creates adverse consequences for the taxpayers of Missouri.

Section 643.010 would exclude Franklin, Jefferson, and St. Charles counties from mandated motor vehicle emission inspections performed to comply with the federal Clean Air Act. By exempting such noncompliant counties, Missouri would violate the federal Clean Air Act and would lose significant funding for certain highway projects and grants in the St. Louis area in the amount of \$52 million annually. Further, the Missouri Department of Natural Resources has already submitted a plan to the Environmental Protection Agency requesting approval to remove the vehicle inspection program from Franklin and Jefferson Counties. At this time, the plan is still being reviewed. The Department is continuing to review options to scale back the requirements of the vehicle inspection program to reduce the burden on citizens while avoiding detrimental impacts to transportation funding. My administration has repeatedly expressed its support of Missouri's transportation infrastructure and related funding. House Bill 661 undermines those efforts and the state's ability to provide reliable transportation infrastructure into the future.

There are many provisions contained within this bill of which I approve. Fortunately, many of those provisions also appear in Senate Bill 176 and House Bill 271, which I have signed, as well as other legislation I support. I hope to work with the General Assembly next session to continue addressing transportation issues facing the state without jeopardizing the state's highway funds.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute 2 for House Bill 661 without my approval.

Respectfully Submitted,

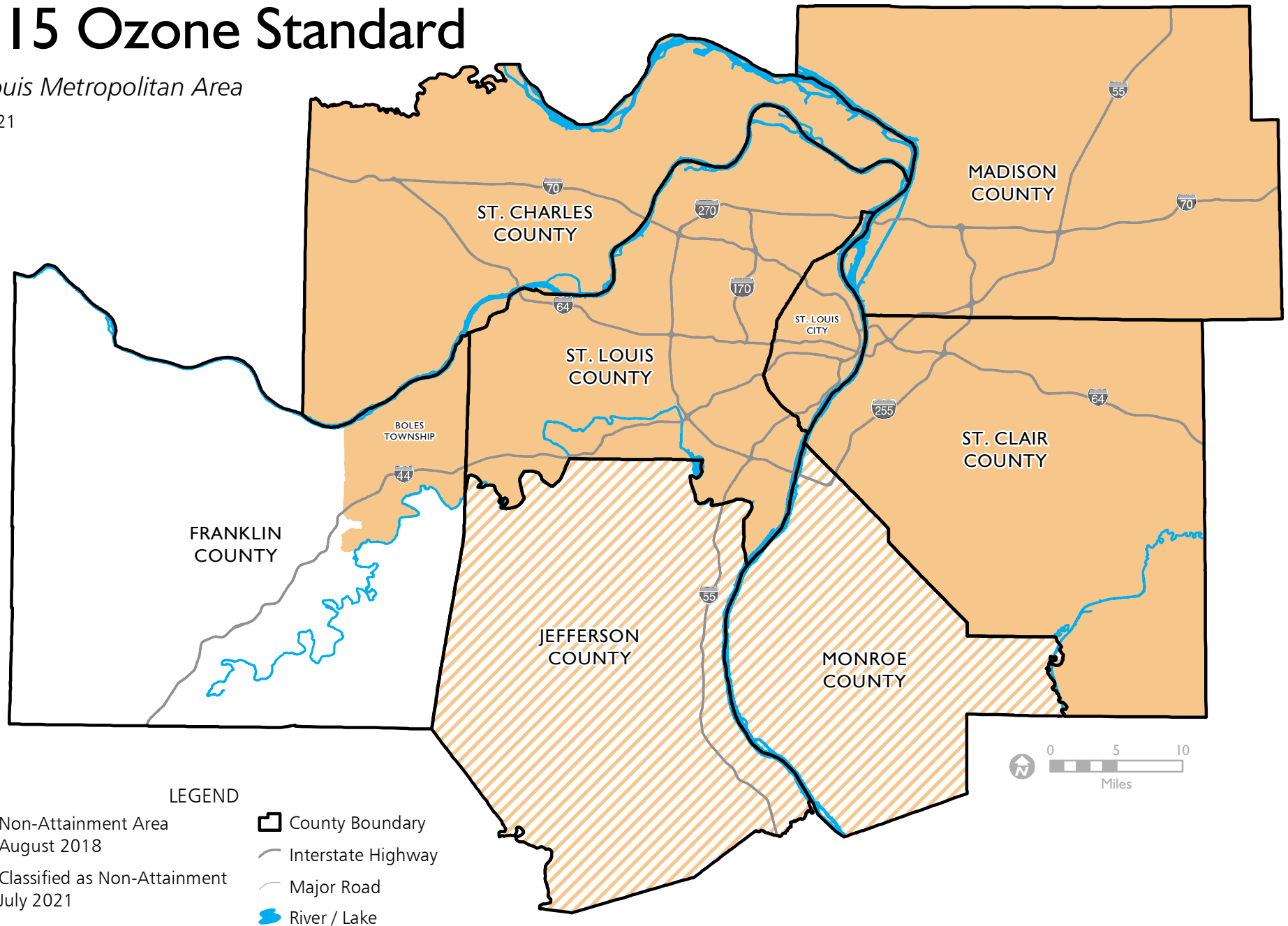
A handwritten signature in blue ink, appearing to read "Michael L. Parson", is written in a cursive style.

Michael L. Parson
Governor

Non-Attainment Area 2015 Ozone Standard

St. Louis Metropolitan Area

July 2021



Sources: East-West Gateway Council of Governments

Schedule for Conformity Determination for FY 2022-2025 TIP	
November 6, 2020	EWG releases STP-S and CMAQ applications
January 27, 2021	IACG meeting. Date Conformity Determination began
March 30	IACG Meeting
April 2	Partner programs due (MoDOT, IDOT, Metro, MCT)
April 14	Transportation TIP Group to send list of new local STP-S and CMAQ projects to Transportation Systems Analysis Group, as well as new MoDOT, Metro, MCTD, IDOT and non-federally funded local projects for modeling (April 16 at latest)
May 25	IACG meeting
June-July	Internal discussions on approach to/timing for Conformity – taking into consideration MO HB 661 & reclassification of Jefferson & Monroe Counties
June 24	List of new projects with AQ classifications sent to IACG for consensus (deadline July 9)
June 29	IACG meeting
June – September 8	Transportation Systems Analysis group prepares inputs for travel demand and emissions models, conducts model runs and performs post-processing (need minimum of five to six weeks to complete)
July 26	IACG meeting
August 24	IACG Meeting
August 30	Appendix A to Jason and Appendices BCD to Lubna
September 8	Appendices back from Jason and Lubna
September 8	Preview Draft in some form provided to IACG
September 9/10	Draft Conformity Determination pdf ready to be posted and included in September EAC/Board packet
Sept 10 – Oct 11	Comment period for Draft Conformity Determination and Draft FY 2022 – 2025 Transportation Improvement Program (details to be determined)
Sept 21/Sept 29	Draft Conformity Determination and Draft FY 2022 - 2025 TIP presented to EWG EAC & Board of Directors
October 12	Presented for Approval Conformity Determination pdf ready to be included in October EAC/Board packet
Oct 18	Presented for Approval Conformity Determination document sent to FHWA MO
Oct 26	IACG Meeting
Oct 19/Oct 27	Conformity Determination and FY 2022 – 2025 TIP presented to EWG EAC & Board of Directors for approval
October 28	Board Approved Conformity Determination pdf ready for transmittal to MoDOT

MoDOT sends Conformity Determination to FHWA/FTA who then send it to EPA for review. EPA typically can use a maximum of two weeks (nine days) to complete review and send concurrence letter to FHWA/FTA. (Have maximum of 30 days.)