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**Rules of**  
**Department of Transportation**  
**Division 10—Missouri Highways and Transportation**  
**Commission**  
**Chapter 26—Arbitration and Mediation of Construction**  
**Disputes**

<b>Title</b>	<b>Page</b>
<b>7 CSR 10-26.010</b> Selection of Arbitrator in Arbitration Proceeding .....	3
<b>7 CSR 10-26.020</b> Mediation.....	3



**Title 7—DEPARTMENT OF  
TRANSPORTATION**

**Division 10—Missouri Highways and  
Transportation Commission**

**Chapter 26—Arbitration and Mediation  
of Construction Disputes**

**7 CSR 10-26.010 Selection of Arbitrator in  
Arbitration Proceeding**

*PURPOSE: This rule provides for the selection of arbitrators in arbitration proceedings.*

(1) Claims arbitrable under section 226.096, RSMo, that exceed twenty-five thousand dollars (\$25,000) but do not exceed seventy-five thousand dollars (\$75,000) shall be arbitrated by one (1) arbitrator using “Fast Track Procedures” available under said section 226.096, RSMo.

(2) Claims arbitrable under section 226.096, RSMo, that exceed seventy-five thousand dollars (\$75,000) shall be arbitrated by one (1) arbitrator using “Regular Track Procedures” available under said section 226.096, RSMo. The monetary cap on claims eligible for arbitration established and required to be annually adjusted pursuant to section 226.096, RSMo, shall be published by an In Addition notice in the *Missouri Register*.

(3) The arbitrator shall be selected according to the procedures provided by the American Arbitration Association’s *Construction Industry Arbitration Rules and Mediation Procedures*, except as otherwise provided in this rule.

(A) Arbitrators shall be registered professional engineers for at least fifteen (15) years or shall be a construction industry professional with a minimum of fifteen (15) years experience in construction.

(B) After filing of the submission or the answering statement or the expiration of the time within which the answering statement is to be filed, the American Arbitration Association shall send each party in the dispute an identical copy of a specially prepared list of proposed arbitrators to resolve the controversy.

(C) The parties will be allowed fifteen (15) days to examine the list, strike names to which they object, number the remaining names in the order of preference, and return the list to the American Arbitration Association.

(D) The lists will be returned to the American Arbitration Association by the two (2) parties. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the American Arbitration Associ-

ation shall invite the acceptance of an arbitrator to serve. If the parties fail to agree on any of the persons named, or if acceptable arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the American Arbitration Association shall have the power to make the appointment from among other members of the National Roster without the submission of additional lists. In no case shall an arbitrator be appointed who was struck from the original lists by either party.

(E) Arbitrators appointed by American Arbitration Association under this provision will meet the qualifications of subsection (3)(A).

*AUTHORITY: sections 226.096, RSMo Supp. 2005 and 226.130 and 536.016, RSMo 2000.\* Original rule filed Nov. 5, 2003, effective June 30, 2004. Amended: Filed Jan. 12, 2006, effective Aug. 30, 2006.*

*\*Original authority: 226.096, RSMo 2003; 226.130, RSMo 1939, amended 1993, 1995; and 536.016, RSMo 1997, amended 1999.*

**7 CSR 10-26.020 Mediation**

*PURPOSE: This rule provides for a mediation process to settle contract disputes.*

(1) Any claim, whether or not it is arbitrable under section 226.096, RSMo, may be mediated by any method agreed to by the parties, if both parties agree, provided such claim shall follow the claims established in section 226.096, RSMo.

*AUTHORITY: sections 226.096, RSMo Supp. 2005 and 226.130 and 536.016, RSMo 2000.\* Original rule filed Nov. 5, 2003, effective June 30, 2004. Amended: Filed Jan. 12, 2006, effective Aug. 30, 2006.*

*\*Original authority: 226.096, RSMo 2003; 226.130, RSMo 1939, amended 1993, 1995 and 536.016, RSMo 1997, amended 1999.*