

Commission Minutes
June 13, 2017



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

June 13, 2017
Coralville Marriott Hotel and Conference Center
300 East 9th Street, Coralville, IA

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2017-74	*Approve Minutes of the May 9, 2017 Commission Meeting	Danielle Griggs	3
8:00 a.m.	Commission Comments DOT Comments		
MV-2017-75	* Administrative Rules – 761 IAC 511 and 513	Christopher Little	5
PPM-2017-76	* Administrative Rules – 761 IAC 920, 921 and 924	Stuart Anderson	21
PPM-2017-77	* Revitalize Iowa's Sound Economy (RISE) Application – Norwalk	Craig Markley	33
PPM-2017-78	* 2018-2022 Iowa Transportation Improvement Program	Stuart Anderson	37
8:10 a.m.	Adjourn		

*Action Item

On Monday, June 12, the Commission and staff will meet informally at 3:30 p.m. at the Coralville Marriott Hotel and Conference Center in Coralville. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2017-74
Submitted by Danielle Griggs Phone No. 515-239-1919 Meeting Date June 13, 2017
Title Approve Minutes of the April 11, 2017 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the May 9, 2017 Commission meeting.

COMMISSION ACTION:

Moved by David Rose Seconded by Charese Yanney

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Huber	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Rose	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division Director Legal State Director

D-2017-74

Commissioner Rose made a motion to approve the minutes as written. Commissioner Yanney seconded the motion. The motion passed unanimously.

Commission Comments

Commissioner Fehrman gave an overview on the tour that was taken on Monday, June 12 and thanked Jim Schnoebelen and Cathy Cutler for their expertise. Commissioner Fehrman wanted to note the most memorable parts of the tour were making a stop at the Eastern Iowa Airport, which was an amazing facility. Two of the major projects tour was the Iowa 100 expansion in the Cedar Rapids area and the Mt. Vernon / Lisbon bypass. Another highlight was the trip down Hwy 1 in the Solon area and the improvements that were done, including cable guard rails, rumble strips, turning lanes in curves and that these improvements have been very effective. The tour was ended at the National Advanced Driving Simulator which is located at the University of Iowa's Research Park. That facility is amazing, and what they are doing with the study between humans and vehicles. This was a very impressive tour.

DOT Comments

Director Lowe thanked the Commission for attending the tour and the staff for putting that together. Special recognition was given to Sandra Larson on her upcoming retirement. Sandra's long tenure and personality is the kind of person that makes the DOT a great place to work.

Attachment A

Commission Order: Administrative Rules – 761 IAC 511 and 513
June 13, 2017

761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight (continued)

The proposed amendments also:

- Add an exemption to subrule 511.3(2) for oversize snow removal equipment so the equipment may be used when roads are not clear of ice or snow and when visibility is poor.
- Update methods used to issue and obtain permits to allow for an electronic format.
- Increase height limit for continuous movement to 14 feet 6 inches to promote interstate commerce and implement internal consistency with the department's revised escort rule.
- Update height and length requirements for vehicles traveling under an annual or all-systems permit with divisible loads of hay, straw, or stover to comply with Iowa Code 321E.29.
- Change the height limit for vehicles traveling under a multitrip permit with indivisible loads to 15 feet, 5 inches to be consistent with other annual permits.
- Remove specific width and length requirements for vehicles traveling under a single-trip permit with indivisible loads and allow movement if the roadway and infrastructure support the vehicle.
- Increase permit fees to coincide with changes made in Iowa Code 321E.14: *annual oversize permit* \$25 to \$50; *annual oversize permit for certain divisible Loads* \$25; *annual oversize/overweight permit* \$300 to \$400; *all-systems permit* \$120 to \$160; *bridge-exempt permit* \$25; *raw milk permit* \$25; *single-trip permit* \$10 to \$35.
- Allow for fees and costs to be paid by credit card. Eliminate inconsistent and outdated language concerning pertinent charge accounts.
- Allow for proof of liability insurance to be either written or electronic.
- Add language concerning using the vertical clearance map, road construction and travel restrictions map, and detour and road embargo information within annual permit and all-systems permit rules.
- Change "construction machinery" to "special mobile equipment" to align with changes to Iowa Code 321E.
- Clarify that a multitrip permit is for unlimited trips along a specific route between one point of origin and destination. Additional routes require a new permit.
- Update language concerning single-trip permits since the department issues only one type of single-trip permit and the permit covers every type of indivisible load.
- Add a new rule concerning compacted rubbish vehicle permits and include the term "compacted rubbish" where applicable within the chapter.
- Make changes to the escort qualifications and responsibilities: clarify that the escorting vehicle shall not be used to tow a trailer while performing escorting duties; remove the candlepower requirements; reduce the minimum visible distance to 500 feet due to new LED lighting technology and Mid America Association of State Transportation Officials' requirements; and replace the table concerning minimum warning devices and escort requirements with a new table for clarity. The references to "sufficient shoulders" and the need for carriers to determine the roadway width have been omitted from the new table, and the new table provides simple two-lane and four-lane road requirements.
- Add a new rule to provide for economic export corridors for transportation of goods or products manufactured in Iowa to or through South Dakota and for the return of unladen semitrailers or unladen full trailers used for transportation of those goods or products to comply with Iowa Code 321.457(2)"n" as amended in 2012.

MV-2017-75

Director Lowe for Chris Little, Policy and Communications Officer in the Motor Vehicle Division: This rule package updates our administrative rules to bring them into alignment both with the Iowa Code and our other administrative rule chapters.

The rules concern amending the size, weight and operation; permitting provisions to allow for the electronic submission of permit requests to streamline the subsequent processes; payments; insurance provisions.

Allow for the movement of snow removal equipment when the roads are not clear of ice or snow.

Bring the permit fee provisions into alignment with the Iowa Code.

Increase the height limit to 14 feet 6 inches to promote interstate commerce and internal consistency with the revised escort vehicle provisions.

Clarify the definitions to provide clear expectations of what a permit will and will not allow. For instance: that a multi-trip permit is for unlimited trips along a given route and that additional routes require a new permit. Remove the width and length requirements for vehicles traveling with an oversize load under a single trip permit and instead allow movement when the roadway and infrastructure support the vehicle.

Encompass chapter 513 compact rubbish administrative rules to provide additional context and clarity.

Clarifying the duties and responsibilities of escort vehicles in that the escort vehicle shall not also tow a trailer; change lighting provisions; replace the table concerning "minimum warning devices and escort requirements with an updated table that provides additional clarity and guidance; and to provide for the movement of goods and services in corporation with the economic export corridors.

We've had these out for public comment, received no comments and are recommending these rules be approved by the Commission.

Commissioner Fehrman made a motion to approve the rule amendments. Commissioner Yanney seconded the motion. The motion passed unanimously.

ITEM 1. Adopt the following **new** definitions of “Compacted rubbish vehicle,” “Indivisible load,” and “Rubbish” in rule **761—511.1(321E)**:

“*Compacted rubbish vehicle*” means any vehicle hauling rubbish that has been mechanically compacted with a hydraulic, electric, or air-operated ram.

“*Indivisible load*” means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

1. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;

2. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or

3. Require more than eight work hours to dismantle using appropriate equipment. The applicant for an indivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

“*Rubbish*” means any unwanted or useless material that has no commercial or practical value or use and that would normally be discarded.

ITEM 2. Rescind the definition of “Sufficient shoulder width” in rule **761—511.1(321E)**.

ITEM 3. Amend rule **761—511.1(321E)**, definition of “Permit-issuing authority,” as follows:

“*Permit-issuing authority*” means the:

1. Department’s office of vehicle and motor carrier services for permits for movement on the primary road system.

2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the office of vehicle and motor carrier services may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 4. Amend rule **761—511.1(321E)**, implementation sentence, as follows:
This rule is intended to implement Iowa Code sections 321E.9, 321E.15, ~~321E.27~~, 321E.29, 321E.30 and 321E.34.

ITEM 5. Amend rule 761—511.2(321E) as follows:

761—511.2(321E) Location and general information.

511.2(1) Applications, forms, instructions and restrictions are available on the department’s Web site at www.iowadot.gov and by mail from the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257. Permits may be obtained electronically upon making application to the office of vehicle and motor carrier services.

511.2(2) and **511.2(3)** No change.

511.2(4) Except as provided in subrule 511.7(6) and rule ~~511.13~~ 761—

511.14(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

a. to c. No change.

511.2(5) and **511.2(6)** No change.

This rule is intended to implement Iowa Code sections 17A.3 and ~~321E.1~~ 321E.2.

ITEM 6. Amend rule 761—511.3(321E) as follows:

761—511.3(321E) Movement under permit.

511.3(1) No change.

511.3(2) Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile. Snow removal equipment operating under permit is exempt from this restriction while snow removal operations are conducted. EXCEPTION: Nothing in this subrule shall be construed to mean that the movement of a compacted rubbish vehicle permitted under rule 761—511.11(321E) shall be subject to this restriction.

511.3(3) and **511.3(4)** No change.

~~**511.3(5)** The permit shall be carried in the cab of the vehicle for which it has been issued and shall be available for inspection at all times.~~

~~**511.3(6)** Vehicles and loads under permit shall be open to inspection by any peace officer or any authorized agent of any permit-issuing authority.~~

~~**511.3(7)**~~ **511.3(5)** Continuous moves. Vehicles and loads may travel by permit between one-half hour after sunset and one-half hour before sunrise if, in addition to the general provisions and general requirements specified by the permit, the following conditions are met.

a. Dimensions shall not exceed:

(1) No change.

(2) Height. 14 feet, 4 6 inches.

(3) and (4) No change.

b. and c. No change.

This rule is intended to implement Iowa Code sections ~~321E.1~~ 321E.2 and 321E.11.

ITEM 7. Amend rule 761—511.4(321E) as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, compacted rubbish or all-systems permits.

511.4(1) Methods of issuance.

a. Permits for movement on the primary road system may be obtained in person, by facsimile, ~~wire service, electronic communication,~~ online, or by mail at the address in subrule 511.2(1).

b. No change.

511.4(2) Forms.

a. Applications for permits for movement on the primary road system shall be made and permits shall be issued on departmental Forms 442009, 442047, 442051, 442058 and 442059 online or on a form prescribed by the department.

b. Any applications to other permit-issuing authorities made upon Forms 442009, 442047, 442051, 442058 and 442059 department forms shall be sufficient and accepted as properly made by these authorities.

c. No change.

511.4(3) Validity.

a. Annual, annual oversize/overweight, compacted rubbish, and all-systems permits shall expire ~~on the last day of the month~~ one year from the date of issuance.

b. and c. No change.

511.4(4) No change.

This rule is intended to implement Iowa Code sections ~~321E.1 and 321E.2~~ and 321E.3.

ITEM 8. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) Annual oversize permit. A fee of ~~\$25~~ \$50 shall be charged for each annual permit issued pursuant to Iowa Code section 321E.8, payable prior to the issuance of the permit. Carriers purchasing annual permits in advance of use cannot return unused permits for refunds.

511.5(2) Annual oversize permit for certain divisible loads. A fee of \$25 shall be charged for each annual permit issued pursuant to Iowa Code section 321E.29, payable prior to the issuance of the permit. Only divisible loads of hay, straw, stover, or bagged livestock bedding are permitted under this permit.

~~511.5(2)~~ **511.5(3) Annual oversize/overweight permit.** A fee of ~~\$300~~ \$400 shall be charged for each annual oversize/overweight permit, payable prior to the issuance of the permit. Transfer of current annual oversize/overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~511.5(3)~~ **511.5(4) All-systems permit.** A fee of ~~\$120~~ \$160 shall be charged for each annual all-systems permit, payable prior to the issuance of the permit.

511.5(5) Bridge-exempt permit. A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

~~511.5(4)~~ **511.5(6) Multitrip permit.** A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit. ~~Additional routes will require a new permit.~~

511.5(7) Raw milk permit. A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

~~511.5(5)~~ **511.5(8) Single-trip permit.** A fee of ~~\$10~~ \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

511.5(9) Compacted rubbish permit. A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~511.5(6)~~ 511.5(10) Duplicate permit. A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(7)~~ 511.5(11) Registration fee. A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(8)~~ 511.5(12) Fair and reasonable costs. Permit-issuing authorities may charge any permit applicant:

a. and b. No change.

511.5(9) 511.5(13) Methods of payment.

~~a.~~ Fees and costs required under this chapter of rules shall normally be paid by credit card, certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority.

~~b.~~ At the discretion of the permit-issuing authority, a payment procedure may be established to allow monthly billing for permits. The following procedures shall apply:

~~(1) Applicants shall deposit sufficient funds with the permit-issuing authority to guarantee payment of fees for the average number of permits ordered monthly. Deposits may be used to pay outstanding fees due when payment is not received upon billing.~~

~~(2) Monthly billings shall be sent to account holders.~~

~~(3) All future permit activity may be suspended after written notice of suspension to the account holder when the following requirements are not met:~~

~~Payment shall be received within 30 days from the date of the billing.~~

~~All information listed on the account holder's permit shall match the information listed on the permit-issuing authority's permit.~~

~~(4) Account privileges may be permanently canceled after written notice to the account holder when the requirements listed in paragraph 511.5(9) "b" are not met.~~

~~(5) Any account holder in good standing may close the account and request return of the deposit. Accounts closed under these circumstances may be reopened.~~

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29, and 321E.29A and 321E.30.

ITEM 9. Amend paragraph **511.6(1)"a"** as follows:

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, all-systems, multitrip or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried

in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 10. Amend rule 761—511.7(321,321E) as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Detour and road embargo information may also be found online at: www.511ia.org. Prior to making the move, the owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, to verify that the owner or operator is using the most recent information. Annual permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the office of vehicle and motor carrier services is not required.

511.7(2) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the office of vehicle and motor carrier services or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.7(3) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.12~~511.13(321,321E).

e. Distance. Trip routes must be obtained from the office of vehicle and motor carrier services.

511.7(4) No change.

511.7(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. to g. No change.

511.7(6) Vehicles with divisible loads of hay, straw ~~or~~, stover, or bagged livestock bedding provided the following are not exceeded:

a. No change.

b. *Length.* ~~Must comply with Iowa Code section 321.457~~ Statutory: 75 feet.

c. *Height.* Statutory: ~~13~~ 14 feet 6 inches.

d. *Weight.* See rule ~~511.12~~ 761—511.13(321,321E).

e. No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, ~~321E.1~~, 321E.2, 321E.3, 321E.8, 321E.10, 321E.28, 321E.29 and 321E.29A and Iowa Code Supplement section ~~321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.~~

ITEM 11. Amend subrule 511.8(1) as follows:

511.8(1) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule ~~511.12~~ 761—511.13(321,321E).

e. *Routing.* The owner or operator shall select a route using a vertical clearance map, kip map, bridge embargo map and detour and road embargo map provided by the department. Detour and road embargo information may also be found ~~on the Internet~~ online at ~~www.511ia.com~~ www.511ia.org. The owner or operator shall contact the department by telephone at ~~1-800-925-6469~~(515)237-3264 between 8 a.m. and ~~4~~ 4:30 p.m., Monday through ~~Thursday~~ Friday, except for legal holidays, ~~or at any other time at~~ (515)237-3206 prior to making the move to verify that the owner or operator is using the most recent information.

ITEM 12. Amend rule ~~761—511.8~~**(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, ~~321E.1,321E.2, 321E.3, 321E.28 and Iowa Code Supplement section~~321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.

ITEM 13. Amend rule ~~761—511.9~~(321,321E) as follows:

761—511.9(321,321E) All-systems permits. All-systems permits are issued by the office of vehicle and motor carrier services for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The office of vehicle and motor carrier services will provide a list of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the office of vehicle and motor carrier services and city and county jurisdictions is not required.

511.9(2) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the office of vehicle and motor carrier services and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.9(3) Vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Trip routes must be obtained from the office of vehicle and motor carrier services and city and county jurisdictions.

511.9(4) No change.

511.9(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to *c.* No change.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. to *g.* No change.

511.9(6) Vehicles with divisible loads of hay, straw ~~or~~, stover, or bagged livestock bedding provided the following are not exceeded:

a. No change.

b. Length. ~~Must comply with Iowa Code section 321.457~~ Statutory: 75 feet.

c. Height. Statutory: ~~13~~ 14 feet 6 inches.

d. Weight. See rule ~~511.12~~ 761—511.13(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the office of vehicle and motor carrier services and city and county jurisdictions is not required.

511.9(7) No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, ~~321E.1, 321E.2, 321E.3, 321E.8, 321E.10, 321E.28~~ and 321E.29 ~~and Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.~~

ITEM 14. Amend rule 761—511.10(321,321E) as follows:

761—511.10(321,321E) Multitrip permits. Multitrip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for unlimited trips along a specific routes route between points one point of origin and one point of destination. Additional routes will require a new permit. Multitrip permits are issued for the following:

511.10(1) Multitrip permits may be issued for vehicles with indivisible loads, including ~~construction machinery~~ special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. and *b.* No change.

c. Height. Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit issuing authority, a written verification may be required from the affected utility 15 feet 5 inches.

d. and *e.* No change.

511.10(2) Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule ~~511.11~~ 761—511.12(321,321E) provided the movement is within the size and weight limitations of subrule 511.10(1).

511.10(3) No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, ~~321E.1, 321E.2, 321E.3 and 321E.9A and 321E.28.~~

ITEM 15. Renumber rules **761—511.11(321,321E)** to **761—511.16(321,321E)** as **761—511.12(321,321E)** to **761—511.17(321,321E)**.

ITEM 16. Adopt the following new rule 761—511.11(321E):

761—511.11(321E) Compacted rubbish vehicle permits. All compacted rubbish vehicle permits issued by the department shall be subject to the following:

511.11(1) Permits issued shall be in writing or in an electronic format, shall be carried in the vehicle for which the permit has been issued and shall be available for inspection by any peace officer or authorized agent of any permit-granting authority.

511.11(2) Movements by permit shall be allowed day and night, seven days a week including holidays.

511.11(3) Vehicles traveling under permit shall be registered for the gross weight or combined gross weight of the vehicle and load.

511.11(4) Vehicles under permit must be in compliance with posted bridge and road embargoes and speed limits.

511.11(5) Maximum axle weight allowed on the interstate system shall be 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

This rule is intended to implement Iowa Code section 321E.30.

ITEM 17. Amend renumbered rule 761—511.12(321,321E) as follows:

761—511.12(321,321E) Single-trip permits. Single-trip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for a specific route between an origin and destination. Single-trip permits are issued for the following:

~~511.12(1) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:~~

- ~~a. *Width.* 14 feet 0 inches.~~
- ~~b. *Length.* 80 feet 0 inches overall.~~
- ~~c. *Height.* Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit issuing authority, a written verification may be required from the affected utility.~~

~~d. *Weight.* See rule 511.12(321,321E).~~

~~e. *Distance.* Unlimited distance over specified routes.~~

~~511.12(2) Rescinded IAB 4/28/93, effective 6/2/93.~~

~~511.12(3) 511.12(1) Vehicles with indivisible loads, including construction machinery special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:~~

~~a. *Width.* 40 feet 0 inches overall Limited to the maximum physical limitations and clearances of the roadway and infrastructure along the intended route of travel.~~

~~b. *Length.* 120 feet 0 inches overall Limited to the maximum physical limitations and clearances of the roadway along the intended route of travel.~~

~~c. No change.~~

~~d. *Weight.* See rule ~~511.12~~ 761—511.13(321,321E).~~

~~e. No change.~~

~~511.12(2) Reserved.~~

~~511.12(4) Vehicles especially designed for the movement of grain bins and vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:~~

~~a. *Width.* Must comply with Iowa Code section 321.454.~~

~~b. *Length.* 120 feet 0 inches overall.~~

~~c. *Height.* Statutory: 13 feet 6 inches.~~

~~d. *Weight.* See rule 511.12(321,321E).~~

~~e. *Distance.* Unlimited distance over specified routes.~~

~~511.12(5) Vehicles with divisible loads of hay, straw or stover provided the following are not exceeded:~~

~~a. *Width.* 12 feet 5 inches.~~

~~b. *Length.* Must comply with Iowa Code section 321.457.~~

- ~~e. Height. Statutory: 13 feet 6 inches.~~
- ~~d. Weight. See rule 511.12(321,321E).~~
- ~~e. Distance. Unlimited.~~

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, ~~321E.1, 321E.2, 321E.3, 321E.9, 321E.28~~ and 321E.29.

ITEM 18. Amend renumbered rule 761—511.13(321,321E) as follows:

761—511.13(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.13(1) Annual and all-systems permits.

a. For movement under an annual or all-systems permit, the axle weight and combined gross weight shall not exceed the limits found in Iowa Code section ~~321.463~~ 321.463(3).

b. See subrule ~~511.12(5)~~ 511.13(5) for exceptions for ~~construction machinery special mobile equipment~~.

511.13(2) Annual oversize/overweight permits.

a. No change.

b. See subrule ~~511.12(5)~~ 511.13(5) for exceptions for ~~construction machinery special mobile equipment~~.

511.13(3) Multitrip permits.

a. No change.

b. See subrule ~~511.12(5)~~ 511.13(5) for exceptions for ~~construction machinery special mobile equipment~~.

511.13(4) Single-trip permits.

a. to c. No change.

d. See subrule ~~511.12(5)~~ 511.13(5) for exceptions for ~~construction machinery special mobile equipment~~.

511.13(5) ~~Construction machinery Special mobile equipment~~. Construction machinery Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A and 321E.32 and ~~Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.~~

ITEM 19. Amend renumbered rule 761—511.14(321,321E) as follows:

761—511.14(321,321E) Movement of vehicles with divisible loads exceeding statutory size or weight limits.

511.14(1) No change.

511.14(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~511.12~~ 761—511.13(321,321E).

511.14(3) No change.

511.14(4) This rule does not apply to divisible loads of hay, straw, ~~or~~ or stover or bagged livestock bedding.

This rule is intended to implement Iowa Code sections 321.463 and 321E.29.

ITEM 20. Amend renumbered subrule 511.16(1) as follows:

511.16(1) *Escort qualification.* An escort shall be a person aged 18 or over who possesses a ~~Class A, B, C or D~~ valid driver's license which allows driving unaccompanied, ~~has a properly equipped vehicle,~~ and who carries proof of public liability insurance in the amounts of \$100,000/\$200,000/\$50,000.

ITEM 21. Amend renumbered subrule 511.16(2) as follows:

511.16(2) *Escorting responsibilities.*

a. The escorting vehicle shall be a mid-size automobile or motor truck with sufficient mobility to be able to assist in an emergency and designed to afford clear and unobstructed vision both front and rear. The escorting vehicle shall not be used to tow a trailer while performing escorting duties. In questionable cases the permit-issuing authority shall determine if a vehicle meets these conditions.

b. The escorting vehicle shall have ~~an amber revolving light at least 7 inches high and 7 inches in diameter with at least a 100-candlepower lamp providing a flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning. A light of smaller dimensions shall not be permitted unless a strobe light is used.~~ While escorting a permit load, the ~~revolving~~ light shall be mounted on top of the escort vehicle and shall be burning. Additional escort vehicle markings may be approved or required by the permit-issuing authority.

c. to i. No change.

j. A pole used for measuring vertical clearances shall be mounted on the front escort vehicle. The escort shall be required to measure all vertical clearances whenever the height of the permitted vehicle exceeds 14 feet 4 6 inches up to and including 20 feet.

ITEM 22. Rescind renumbered subrule **511.16(3)**.

ITEM 23. Adopt the following new subrule 511.16(3):

511.16(3) *Requirements for escorts, flags, signs and lights.* The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit

and on the rear extremity of the vehicle or load.

yes = required

Definitions:

Flags - Red or orange fluorescent flags at least 18" square must be mounted as follows: one flag at each front corner of the towing unit and one flag at each rear corner of the load. In addition, there must be a flag at any additional protrusion in the width of the load.

Signs - A sign reading "Oversize Load" must be used. The sign must be at least 18" high by 7' long with a minimum of 10" black letters, with a 1½" stroke, on a yellow background, and mounted on the front bumper and on the rear of the load. The rear sign for mobile homes and factory-built structures must be mounted at least 7' above the highway surface, measuring from the bottom of the sign.

Lights - A flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning must be mounted on the towing unit and be visible from front and rear. More than one light may be necessary.

The permit-issuing authority may require additional escorts when deemed necessary. The signs or warning devices must be removed or covered when the vehicle is within legal dimensions.

This rule is intended to implement Iowa Code sections 321E.14, 321E.24 and 321E.34.

ITEM 24. Amend renumbered rule 761—511.17(321,321E) as follows:

761—511.17(321,321E) Permit violations.

511.17(1) Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the office of vehicle and motor carrier services may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20.

~~**511.17(2)** Rescinded IAB 1/15/97, effective 4/30/97.~~

~~**511.17(3)** Rescinded IAB 1/15/97, effective 4/30/97.~~

~~**511.17(4)** Rescinded IAB 10/12/05, effective 11/16/05.~~

This rule is intended to implement Iowa Code sections 321.492, 321E.16 and 321E.20.

ITEM 25. Adopt the following **new** rule 761—511.18(321):

761—511.18(321) Movement of combination vehicles on economic export corridors.

511.18(1) *Designation of economic export corridors.*

a. The department may in its discretion establish economic export corridors for the transportation of goods or products manufactured in Iowa to or through the state of South Dakota and for the return of unladen semitrailers or unladen full trailers used for the transportation of those goods or products. An economic export corridor shall not include any segment of the interstate system or any part of the national network of highways identified pursuant to 23 CFR Part 658. However, if appropriate, the department may petition the Federal Highway Administration to remove a road or road segment from the national network of highways for the purpose of including it in an economic export

corridor.

b. The department may initiate designation of economic export corridors, or a request for economic export corridor designation may be submitted to the department by an interested party. If a proposed economic export corridor includes any roads or road segments that are under the jurisdiction of a city or a county, a resolution from all relevant local jurisdictions must be submitted to the department indicating their support for economic export corridor designation. The resolution must include a description of the proposed economic export corridor under local jurisdiction.

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule 511.18(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

d. The department will post established economic export corridors on the department's Web site.

511.18(2) *Combination vehicles that may be operated on an economic export corridor.*

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule 511.18(1) if the combinations of vehicles meet the requirements in paragraph 511.18(2)“b”:

(1) A truck tractor-semitrailer-semitrailer converted to a full trailer by use of a dolly equipped with a fifth wheel which is considered a part of the trailer for all purposes, and not a separate unit; or

(2) A truck tractor-semitrailer-full trailer; or

(3) A truck tractor-semitrailer-semitrailer combination, where the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

b. The combination of vehicles shall meet all of the following requirements:

(1) The length of the combination of vehicles, excluding the length of the truck tractor, shall not exceed 81½ feet.

(2) The length of either semitrailer or full trailer shall not exceed 45 feet.

(3) The weight of the second semitrailer or full trailer shall not exceed the weight of the first semitrailer by more than 3,000 pounds.

(4) The gross weight of the combination of vehicles shall not exceed 80,000 pounds and the combination of vehicles shall not exceed the gross axle weight limits of Iowa Code section 321.463(2).

(5) The load on each semitrailer or full trailer in the combination shall be an indivisible

load. For the purpose of issuing permits for height or width under Iowa Code chapter 321E, the combination of vehicles shall be considered an indivisible load so long as the load on each semitrailer or full trailer in the combination remains an indivisible load.

c. The length of the frame extension shall not be included when determining the overall length of the first semitrailer in a truck tractor-semitrailer-semitrailer combination in which the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

d. For purposes of this subrule, “full trailer” means as defined in 49 CFR Section 390.5.

This rule is intended to implement Iowa Code section 321.457(2) “*n.*”

ITEM 26. Rescind and reserve **761—Chapter 513.**

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Planning, Programming and Modal Division
Office of Public Transit

Division/Bureau/Office Office of Public Transit Order No. PPM-2017-76
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date June 13, 2017
 Title Administrative Rules – 761 IAC 920, 921, and 924

DISCUSSION/BACKGROUND:

As part of the required five-year review of Iowa Department of Transportation’s rule chapters, the department is proposing the following rule amendments.

761 IAC 920, State Transit Assistance

- Increase the state assistance for capital special projects funded through this program to 85 percent to match the federal transit capital program, and the operating support was increased to 80 percent for the first year of a project and 50 percent for the second year as these funds are intended to assist with project startup costs.
- Remove heavy rail transit expenses from the list of items not eligible for assistance.
- Reserve \$300,000 each year from the State Transit Assistance (STA) fund for special projects. It is proposed to set aside this amount annually, removing the qualifier concerning if appropriations top \$500,000 as annual appropriations now total more than \$14 million.

761 IAC 921, Advanced Allocations of State Transit Assistance Funding

- Changes the advanced allocation from quarterly to monthly. The department receives deposits to the STA account monthly based on previous month new vehicle and accessory equipment sales. A quarterly advanced allocation would be based on motor vehicle sales projections rather than actual sales. The STA allocations are also held from transit systems that are late on fulfilling reporting requirements therefore the monthly allocations allow more flexibility in this deadline enforcement mechanism.

761 IAC 924, Public Transit Infrastructure Grant Program

- Removes the requirement to review the applications with an industry advisory committee. The industry advisory committee would potentially consist of transit agencies applying for the funds or peer agencies of those applying.
- Added a section on ownership to ensure the designated transit agency retains ownership of the program funded facility for its useful life or repays the state the prorated state interest if sold or ownership is transferred.

The public comment period ended on May 16, 2017, and the department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Nancy Maher

	Aye x	Vote Nay	Pass
Fehrman	x	_____	_____
Huber	x	_____	_____
Maher	x	_____	_____
Putney	x	_____	_____
Rielly	x	_____	_____
Rose	x	_____	_____
Yanney	x	_____	_____

Division Director _____ Legal _____ State Director

PPM-2017-76

Stuart Anderson, Planning, Programming and Modal Division; as part of our five-year required rule review process we are bringing you these three Transit related chapters.

Chapter 920 deals with State Transit Assistance; Chapter 921 is for Advanced Allocations of State Transit Assistance Funding, and Chapter 924 is for the Public Transit Infrastructure Grant Program. These proposed rule amendments update general information, definitions, and contact information for these funding programs and activities. In addition, the proposed rules are updated to reflect current processes and procedures as summarized in the Commission Order.

We are here this morning to recommend the Commission approve the rule amendments as attached to the Commission Order.

Commissioner Yanney made a motion to approve the rule amendments attached to the Commission Order. Commissioner Maher seconded the motion. The motion passed unanimously.

ITEM 1. Amend subrule 920.1(1) as follows:

920.1(1) Development, maintenance and improvement of transit services for the general public and for transportation disadvantaged persons, ~~as defined in Iowa Code section 324A.1.~~

ITEM 2. Amend rule 761—920.2(324A) as follows:

761—920.2(324A) General information. The department shall ~~send~~ post annually ~~to each public transit system in Iowa~~ the required forms and instructions for applying for state transit assistance to the department's Web site at www.iowadot.gov and notify each public transit system in Iowa of the availability. Requests for assistance and questions about application preparation should be directed to: Office of Public ~~Transportation~~ Transit, Air and Transit Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870.

ITEM 3. Rescind rule 761—920.3(324A) and adopt the following **new** rule in lieu thereof:

761—920.3(324A) Definitions. The definitions in Iowa Code section 324A.1 apply to this chapter. In addition:

“*Formula assistance*” means state transit assistance appropriations minus funds reserved for special projects.

“*Joint participation agreement*” means a contract between the department and a public transit system for either operations or capital assistance needed for implementation of a transit service project or projects. Each agreement shall include, but not be limited to, a project budget, method of payment, and period of performance.

“*Project*” means a concerted set of actions that will develop, maintain, or improve one or more elements of the public transit system's service.

ITEM 4. Amend rule 761—920.4(324A) as follows:

761—920.4(324A) Types of projects.

920.4(1) ~~Programmed~~ Formula projects. A ~~programmed formula~~ project may involve operations assistance, capital assistance, ~~or both~~ planning, or any combination of the three. These projects are developed, analyzed and ranked through the transit planning process which involves the following steps:

a. No change.

b. Each public transit system shall submit its ranked list of proposed projects to the ~~air and transit division~~ department.

920.4(2) Special projects.

a. Special projects are extraordinary, emergency or innovative in nature, and may include, but are not limited to, the following purposes:

(1) No change.

~~(2) Improving the performance or fiscal viability of the transit system~~ Increasing the public's awareness and understanding of transit.

(3) and (4) No change.

(5) Increasing the cooperation and coordination between private and public sectors.

~~(6) Providing incentives for increased commitment of private or public support.~~

~~(7) (6)~~ Developing, demonstrating, or refining ~~some a~~ technical, procedural, or mechanical innovation ~~so that it may be successfully employed~~ utilized by other public transit systems in Iowa.

~~(8) (7)~~ Responding to an emergency situation that places an extraordinary and unforeseen strain on the resources of a public transit system.

b. Proposals for special projects may be submitted to the ~~air and transit division~~ department at any time. ~~However, because of limited funding, special projects should be submitted with the programmed projects, if possible.~~

~~*e.* A special project may either involve assistance to an individual public transit system or to several systems as a group.~~

ITEM 5. Amend rule 761—920.5(324A) as follows:

761—920.5(324A) Standards for projects.

920.5(1) Requirements for transit system. A public transit system is eligible for project assistance if the system is in compliance with all of the following criteria:

a. ~~It uses a centralized accounting system that maintains primary documentation for all revenues and expenses~~ The transit system abides by all applicable state and federal laws and regulations.

b. ~~One person is responsible for managing the assets, operations and funding of the system~~ The transit system maintains primary documentation for all revenues and expenses for a period of at least three years.

c. ~~It maintains its~~ The transit system maintains the system's policies, routes, schedules, fare structure, and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation, and fiscal solvency.

d. ~~It has received~~ The transit system received departmental approval of ~~its~~ the system's plan or schedule for repayment of any loan administered by the department.

e. The transit system accurately reports all services to be supported with project formula assistance and ensures that all services are open to the general public.

920.5(2) Project conditions. The department shall obligate state transit assistance for joint projects that meet the following criteria:

a. ~~Each special project shall have a preestablished basis for determining success using a specified means of performance measurement, and a detailed budget of the resources available and the assistance necessary for implementation~~ must be included in the current year of the locally adopted transportation improvement program.

b. Each project shall contain payment criteria, through the joint participation agreement, which are mutually agreed upon by the department and the contracting officer

of the transit system.

~~c. A project may involve either capital assistance or operations assistance but a separate joint participation agreement is required for each type of assistance funded. Each special project shall have a preestablished basis for determining success using a specified means of performance management and shall have a detailed budget of the resources available and the assistance necessary for implementation.~~

~~d. State assistance for a special project involving capital expense shall not exceed 13.3 85 percent of the project's total capital expense. State assistance for a special project involving operating support shall not exceed 50 80 percent of the project's total operating expense in the first year and 50 percent of the project's total operating expense in the second year. In special or emergency situations, these requirements may be waived by the director of the air and transit division to permit a fiscal year maximum of \$5000 for any one system.~~

920.5(3) Items not eligible for assistance.

~~a. Any expense related to heavy rail transit service, including planning, capital, or operations.~~

~~b. a. Administrative, operations, or capital expense expenses which is are determined by the department to be inconsistent with department policies, public law, officially approved planning and programming documents, or inconsistent with the purpose of improving the effectiveness and quality of transit services.~~

~~c. b. Development of managerial, administrative, or operational systems which duplicate programs made available at no charge to the transit system by the department.~~

920.5(4) Determination of system eligibility for ~~programmed project formula~~ assistance.

~~a. Prior to the beginning of each fiscal year, each state-designated public transit system's ~~programmed eligibility~~ formula percentage shall be determined through the process shown in the appendix located at the end of this chapter of rules and included as part of this chapter.~~

~~(1) Transit system data used in determining ~~programmed eligibility~~ formula percentage is based only on services which are open to the general public and is derived from the last fiscal year for which complete information is available.~~

~~(2) No change.~~

~~b. If a known dollar amount of state transit assistance has been appropriated for the fiscal year, the The amount of each system's eligibility for ~~programmed project formula~~ assistance from this appropriation shall be determined by multiplying the system's ~~programmed eligibility formula percentage~~ by the amount of the appropriation not reserved for special projects.~~

~~c. If the dollar amount of state transit assistance is not known until the funds are actually deposited in the state transit assistance fund account, the amount of each system's eligibility for ~~programmed project formula~~ assistance from these funds shall be determined~~

as follows: At the beginning of each ~~fiscal quarter month~~, the system's ~~program-med eligibility formula percentage~~ shall be multiplied by the amount of new funds not reserved for special projects that were deposited in the state transit assistance ~~fund account~~ during the previous ~~quarter month~~.

d. No change.

920.5(5) Determination of amount reserved for special projects. Each fiscal year, ~~up to at least \$300,000 may will~~ be reserved from state transit assistance appropriations for special projects if the ~~appropriations for the year are expected to equal or exceed \$500,000~~. Any special project funds not obligated in the previous fiscal year and any funds made available through closeout of previously approved projects may also be reserved for special projects. Special project funds are distributed by the department on a discretionary basis in accordance with subrule 920.4(2) ~~of this chapter~~.

ITEM 6. Amend rule 761—920.6(324A) as follows:

761—920.6(324A) Processing.

920.6(1) Review. The department, ~~through its air and transit division and planning and research division~~, shall review the proposed projects.

920.6(2) Program. Based on available funds and the project priorities established by the transit systems, the ~~air and transit division~~ department shall prepare a list of ~~both programmed and special projects recommended for funding approval~~ set of funding recommendations.

920.6(3) Approval. The ~~air and transit division~~ shall submit the list to the transportation commission for approval.

920.6(4) ~~920.6(3) Agreement~~ Approval and agreement. Upon approval ~~of the projects~~ by the transportation commission, the ~~air and transit division~~ department shall prepare a joint participation agreement and send it to the ~~each~~ public transit system for ~~signing execution~~. The agreement shall be returned to the ~~air and transit division~~ for signing by the ~~department~~.

920.6(4) Advance payment allowed. Each transit system with a signed joint participation agreement may be paid formula assistance monthly, in advance of project expenditures, if all of the following conditions are met:

a. The transit system included in its application a request for advance allocations as set forth in Iowa Code section 324A.6.

b. The transit system is current on all reporting required by the department.

c. The transit system is current on all scheduled repayments under loan contracts from the department.

ITEM 7. Amend **761—Chapter 920**, implementation sentence, as follows:

~~Rules 920.1(324A) to 920.6(324A)~~ These rules are intended to implement Iowa Code chapter 324A.

ITEM 8. Amend **761—Chapter 920**, appendix, as follows:

APPENDIX TO
761—920.5(324A)

- FP Formula percentage. The percentage of any state transit assistance appropriation that a public transit system is eligible to receive from the nondiscretionary portion of the appropriation. Determination of a public transit system’s formula percentage shall be made using the method diagrammed in this appendix.
- FY Fiscal year. The 12-month period beginning July 1 of one year and ending June 30 of the following year.
- LDI Locally determined income. All transit system revenue dedicated for operations expense during a fiscal year, minus federal operating assistance from the U.S. Department of Transportation and minus all special project operating support and ~~programmed eligibility formula assistance~~ funds received from the Iowa Department of Transportation.
- OpExp Operations expense. All eligible transit system expenses related to operating, maintaining, and administering transit operations.
- Pass Passenger. A person boarding a transit vehicle for the purpose of making a trip. A passenger is counted each time a that person boards a vehicle, even though the person may be on the same journey from origin to for travel to a destination.
- ~~PE~~ ~~Programmed eligibility. The percentage of any state transit assistance appropriation that a public transit system is eligible to receive from the nondiscretionary portion of the appropriation. Determination of a public transit system’s “programmed eligibility” shall be made using the method~~

diagrammed in this appendix.

~~System programmed eligibility is reduced by 25 percent for each quarter of any fiscal year in which no joint participation agreement with the department has been executed. The director of the air and transit division may waive this reduction.~~

RevMi Revenue Miles miles. Total vehicle miles traveled by revenue vehicles of public transit systems while in revenue service. Excludes miles traveled to and from storage facilities and other deadhead travel.

ITEM 9. Amend **761—Chapter 920**, second appendix, title, as follows:
FORMULA FOR DETERMINATION OF PROGRAMMED ELIGIBILITY FORMULA
PERCENTAGE

ITEM 10. Amend **761—Chapter 920**, second appendix, to change the acronym “PE” to “FP.”

ITEM 11. Amend rule 761—921.1(324A) as follows:

761—921.1(324A) Scope of chapter. This chapter shall apply only to those transit systems eligible for and having or proposing to have a ~~“Joint Participation Agreement”~~ joint participation agreement in force with the Iowa department of transportation for state transit assistance funding as set forth in rules—761—Chapter 920. This chapter implements provisions for advance allocations of state transit assistance funding as set forth in Iowa Code ~~subsection 324A.6(5)~~ section 324A.6(4). The definitions in Iowa Code section 324A.1 apply to this chapter. The requirements for the award of state funds for state transit assistance and subsequent procedures are found in rules 761—Chapter 920.

ITEM 12. Amend rule 761—921.2(324A) as follows:

761—921.2(324A) Basic types of advance Advance allocations. Advance allocations of state transit assistance are paid prior to the time actual expenditures are incurred. ~~Three~~ basic types of advance allocations shall be available:

921.2(1) Payment of ~~one-fourth on e-twelfth~~ (or ~~25~~ 8.33 percent) of the total ~~“Joint Participation Agreement”~~ joint participation agreement amount is made prior to or during each ~~fiscal quarter~~ month, starting on the execution date of the ~~“Joint Participation Agreement.”~~ joint participation agreement.

921.2(2) Payment of an amount to be denoted in the ~~“Joint Participation Agreement”~~

~~prior to or during each fiscal quarter, starting on the execution date of the “Joint Participation Agreement.”~~

~~921.2(3) Payment of the total “Joint Participation Agreement” amount prior to or during the project period, starting on the execution date of the “Joint Participation Agreement.”~~

ITEM 13. Amend rule 761—921.3(324A) as follows:

761—921.3(324A) Application for advance allocations.

~~921.3(1) Transit systems having or proposing to have a “Joint Participation Agreement” joint participation agreement with the department for state transit assistance funding may make written application for advance allocations of the “Joint Participation Agreement” joint participation agreement amount. The application shall be directed to: Office of Public Transportation, Air and Transit Division Transit, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010 ; telephone (515)233-7870. Applications are available on the department’s Web site at www.iowadot.gov or by telephone at (515)233-7870.~~

~~921.3(2) Transit systems applying for state transit assistance funding, pursuant to 761—Chapter 920, may make written application for advance allocations of a proposed or existing “Joint Participation Agreement” joint participation agreement amount as part of the application for state transit assistance.~~

~~921.3(3) No application for advance allocation shall be complete without:~~

~~a. and b. No change.~~

~~c. A statement from the transit system which indicates the specific existing or proposed “Joint Participation Agreement” joint participation agreement from which advance allocations are to be derived.~~

~~d. and e. No change.~~

~~f. If varied advance allocations per quarter are requested pursuant to subrule 921.2(2), the following shall also be included in the application:~~

~~(1) A statement denoting the proposed advance allocations for each quarter, including the dollar amounts and the percentage of each quarter’s proposed advance allocation to the total “Joint Participation Agreement” amount.~~

~~(2) A statement of justification for the varied allocation amounts requested.~~

~~(3) A detailed transit system cash flow analysis projected for the performance period of the “Joint Participation Agreement.”~~

~~921.3(4) Rescinded, effective April 16, 1986.~~

ITEM 14. Amend rule 761—921.4(324A) as follows:

761—921.4(324A) Application approval. ~~The air and transit division of the Iowa department of transportation shall review all applications for advance allocations of state transit assistance. # The department shall also approve, disapprove or defer all such applications. Provisions of applications which are approved shall be written into and made a part of the transit system’s state transit assistance “Joint Participation Agreement,” joint participation agreement, if it is in effect, or written into such “Joint Participation~~

~~Agreement~~²² joint participation agreement when awarded by the department pursuant to ~~rules~~ 761—Chapter 920. The transit system shall be so notified of such action. Transit systems whose applications for advance allocations are disapproved or deferred shall be so notified by the department, including the reason(s) for such actions.

ITEM 15. Amend rule 761—921.5(324A) as follows:

761—921.5(324A) Consideration in determining the approval of advance allocation application. The ~~air and transit division~~ department shall give consideration to the following items in determining the approval, disapproval or deferment of advance allocation applications:

921.5(1) No change.

921.5(2) Previous experience of the ~~air and transit division~~ department in dealing with the transit system making application including but not limited to the following:

a. Timeliness of contract and application materials, as assessed by the ~~air and transit division~~ department.

b. Fiscal management capability of the transit system, as assessed by the ~~air and transit division~~ department.

ITEM 16. Amend rule 761—921.7(324A) as follows:

761—921.7(324A) Reports, and suspension and termination of allocations.

921.7(1) Transit systems receiving advance allocations shall provide quarterly and end-of-the-year financial and statistical reports to the ~~air and transit division~~ department in the manner and within the time limits described in the state transit assistance ~~“Joint Participation Agreements.”~~ joint participation agreements. These reports shall be made ~~on forms prescribed for that purpose and through~~ an online portal furnished to the transit systems by the ~~air and transit division~~ department.

921.7(2) Failure to file quarterly and end-of-the-year financial and statistical reports by any transit system with the ~~air and transit division~~ department in the manner and within the time limits described in the state transit assistance ~~“Joint Participation Agreement.”~~ joint participation agreement shall be cause for suspension or termination of those provisions of the ~~“Joint Participation Agreement,”~~ joint participation agreement, and therefore, suspension or termination of advance allocation payments made by the ~~Iowa department of transportation~~. The ~~air and transit division~~ department shall notify any transit system of such actions.

921.7(3) Payment of eligible ~~“Joint Participation Agreement.”~~ joint participation agreement expenses to a transit system that has had advance allocation contract provisions suspended or terminated by the ~~air and transit division~~ department shall be by the method of reimbursement payments as described in the state transit assistance ~~“Joint Participation Agreements.”~~ joint participation agreements.

ITEM 17. Amend rule 761—921.9(324A) as follows:

761—921.9(324A) “~~Joint Participation Agreement~~” Joint participation agreement close and audits.

921.9(1) Each transit system receiving advance allocations shall, as part of the end-of-the-year financial and statistical report, calculate the total ~~“Joint Participation Agreement”~~ joint participation agreement amount eligible for payment by the Iowa department of transportation within the limits stated in the ~~“Joint Participation Agreement.”~~ joint participation agreement. This eligible ~~“Joint Participation Agreement”~~ joint participation agreement amount shall be compared to the total amount of the advance allocations for that ~~“Joint Participation Agreement.”~~ joint participation agreement. If the advance allocations’ total is greater than the eligible ~~“Joint Participation Agreement”~~ joint participation agreement amount, the transit system must repay the Iowa department of transportation the difference. After verification of these calculations, the department shall issue to the public transit system an invoice for the amount of the required repayment. Failure to make this repayment shall be grounds for:

- a. Termination of other transit assistance ~~“Joint Participation Agreements”~~ joint participation agreements with that transit system,
- b. Suspension or termination of further advance allocations made on future ~~“Joint Participation Agreements,”~~ joint participation agreements,
- c. Reduction of Iowa department of transportation participation in existing or future ~~“Joint Participation Agreements,”~~ joint participation agreements, or
- d. Reducing future ~~“Joint Participation Agreement”~~ joint participation agreement reimbursement requests of the transit system by an amount not to exceed the unpaid debt owed the Iowa department of transportation and crediting the outstanding debt of the project being closed out.

921.9(2) The ~~air and transit division~~ department may institute any such action (s) as stated in subrule 921.9(1) above and shall notify any transit system of such action taken against ~~them~~ the transit system.

921.9(3) After the repayment and end-of-the-year financial and statistical reports are submitted, or after the ~~air and transit division~~ department has instituted any action (s) for failure to do so, the Iowa department of transportation shall audit the transit system’s books, accounts, records and other material and information necessary to determine ~~“Joint Participation Agreement”~~ joint participation agreement compliance. The advance allocations paid to the transit system shall be taken into consideration and made part of the amount to be audited.

ITEM 18. Amend **761—Chapter 921**, implementation sentence, as follows:

~~Rules 921.1 to 921.9~~ These rules are intended to implement Iowa Code chapter 324A.

ITEM 19. Amend rule **761—924.2(324A)**, definition of “Vertical infrastructure,” as follows:

“Vertical infrastructure” ~~is~~ means the same as defined in Iowa Code section 8.57, ~~subsection 6~~ 8.57(5).

ITEM 20. Amend rule 761—924.3(324A) as follows:

761—924.3(324A) Information and forms. Information, instructions, and application forms ~~may be obtained~~ are available from the Office of Public Transit, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239—~~1875~~(515)233-7870; or the department’s Web site at www.iowadot.gov. ~~Information and forms are also available through the Internet at <http://www.iatransit.com>.~~

ITEM 21. Rescind and reserve rule **761—924.5(324A)**.

ITEM 22. Amend subrule 924.11(1) as follows:

924.11(1) Project applications shall be submitted to the ~~office of public transit department~~.

ITEM 23. Amend paragraph **924.11(2)“c”** as follows:

c. Documentation of project ~~feasibility and costs~~ justification.

ITEM 24. Amend rule 761—924.15(324A) as follows:

761—924.15(324A) Review and approval. Department staff shall review project applications ~~with an industry advisory committee~~ and shall submit recommendations to the transportation commission. The transportation commission is responsible for approving the projects to be funded.

ITEM 25. Amend rule 761—924.16(324A) as follows:

761—924.16(324A) Project agreement, and administration and ownership.

924.16(1) and **924.16(2)** No change.

924.16(3) Ownership. The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred to a subcontracted entity or is sold before the useful life has expired, the transit system must repay the prorated state interest to the department.

ITEM 26. Amend **761—Chapter 924**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 8.57, ~~and~~ 324A.1 and ~~2006 Iowa Acts, chapter 1179, section 55~~ 324A.6A.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2017-77
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date June 13, 2017
 Title Revitalize Iowa's Sound Economy (RISE) Application – Norwalk

DISCUSSION/BACKGROUND:

The city of Norwalk submitted a RISE Immediate Opportunity application requesting a grant to assist in the grading and paving of approximately 1,403 feet of Delaware Street, including a left-turn lane and construction of a southbound deceleration lane on Iowa 28 located on the south side of town.

Because this project will provide improved access to the Ancell/Knox Property's general industrial site, an Iowa Economic Development Authority certified site of more than 55 acres, and to maximize RISE support for this project, staff evaluated the application as an Iowa's Certified Site Program RISE Local Development application. This project is anticipated to be completed by August 2018.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2017 round of applications and award a RISE grant of \$473,322 from the city share of the RISE Fund and \$371,897 from the county share of the RISE Fund for a total of \$845,219 or up to 60 percent of the total RISE-eligible project cost, whichever is less. Since this is a certified site project, the actual award amount is subject to change as the project plans are finalized. Any changes to the scope or approved funding will be submitted by the department to the Commission for consideration as a modification to the award.

COMMISSION ACTION:

Moved by Kathleen Fehrman Seconded by Nancy Maher

	Aye x	Vote Nay	Pass
Fehrman	x		
Huber			
Maher	x		
Putney	x		
Rielly	x		
Rose	x		
Yanney	x		

Division Director _____ Legal _____ State Director

PPM-2017-77

Craig Markley, Office of Systems Planning; We have one RISE project from Norwalk for your review this morning. There is a delegation present if you have any questions following my presentation of background information.

The city submitted an Iowa's Certified Site Program Immediate Opportunity RISE funding request to assist in the grading and paving of approximately 1,403 feet of Delaware Street, including a left-turn lane and construction of a southbound deceleration lane on Iowa 28 located on the south side of town.

This project is necessary to provide improved access to the Ancell/Knox Property's general industrial site, an Iowa Economic Development Authority certified site of more than 55 acres. To maximize RISE support for this project, staff evaluated the application as an Iowa's Certified Site Program RISE Local Development application. This project is anticipated to be completed by August 2018.

Under our RISE Local Development criteria, this project received a rating of 64 points. The total estimated cost of the project is \$1,408,698. The city of Norwalk is requesting a RISE grant of \$845,219 and will be providing 40 percent in local match. Since this is a certified site project, the actual award amount is subject to change as the project plans are finalized. Any changes to the scope or approved funding will be submitted by the department to the Commission for consideration as a modification to the award.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2017 round of applications and award a RISE grant of \$473,322 from the city share of the RISE Fund and \$371,897 from the county share of the RISE Fund for a total of \$845,219 or up to 60 percent of the total RISE-eligible project cost, whichever is less.

Delegation:

Luke Nelson – Norwalk City Manager – In-person

Commissioner Fehrman made a motion to, reclassify the project as a RISE Local Development project in the February 2017 round of applications and award a RISE grant of \$473,322 from the city share of the RISE Fund and \$371,897 from the county share of the RISE Fund for a total of \$845,219 or up to 60 percent of the total RISE-eligible project cost, whichever is less. Commissioner Yanney seconded the motion. Motion passes unanimously.

RISE LOCAL DEVELOPMENT FUNDING
February 2017
SUMMARY

Applicant: City of Norwalk

Multiyear?: No
Multijurisdiction?: Yes

ROAD PROJECT LOCATION AND DESCRIPTION: Grading and paving of approximately 1,403 feet of Delaware Street including a left turn lane and construction of a right deceleration lane on Iowa 28 located on the south side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: This project is necessary to provide improved access to the Ancell/Knox Property General Industrial Site, an Iowa Economic Development Authority certified site of more than 55 acres for future industrial purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$1,408,698	Local Match (Total):	\$563,479
RISE (Total):	\$845,219	Up-Front:	\$563,479
Grant:	\$845,219	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	40
Loan Terms:	Yrs. 0		
	Int.: 0 %	Up-front Participation Sources:	
		Private:	
		Public:	\$563,479
		Local Match (Total):	\$563,479

PROJECT EVALUATION:

Development Potential (35):	30
Economic Impact and Cost Effect. (20):	13
Local Commit. and Initiative (35):	14
Transportation Need (4):	3
Local Economic Need (6):	4

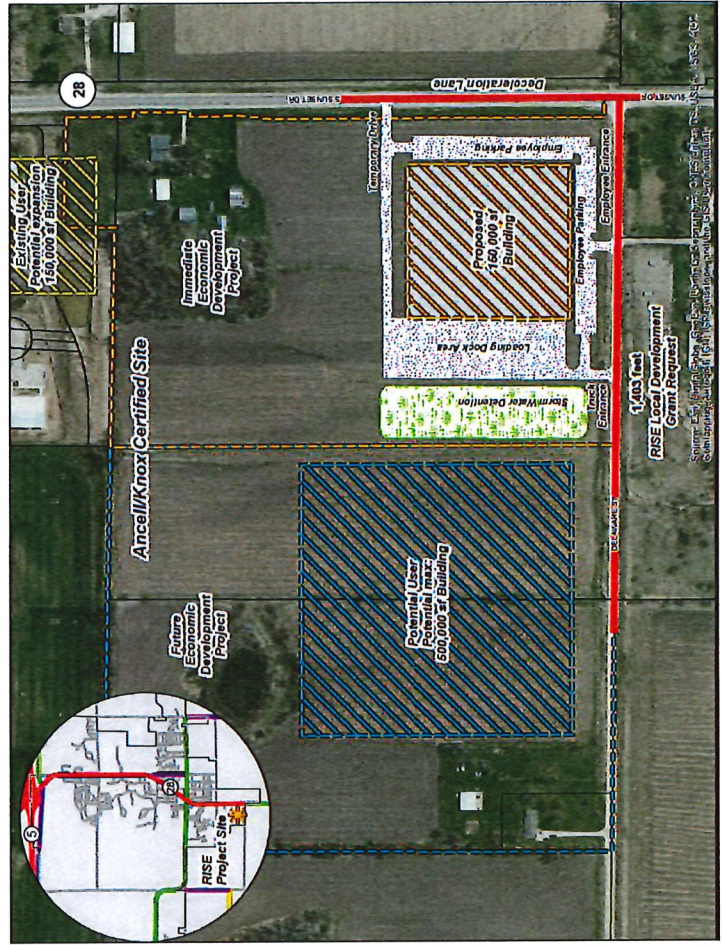
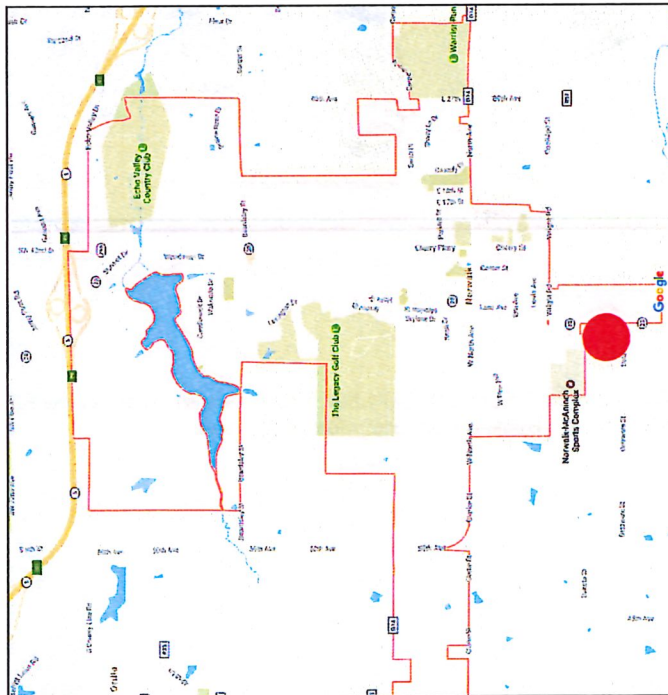
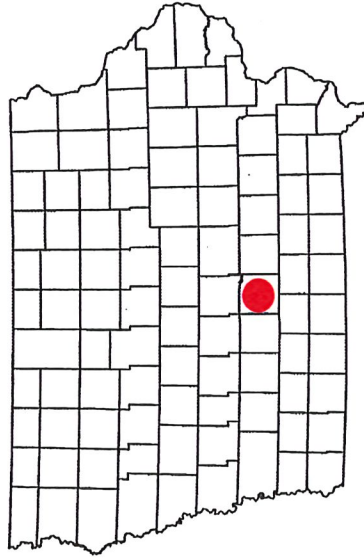
Total Rating: 64

Jobs: 110

STAFF RECOMMENDATION:

Award a grant of \$473,322 from the city share of the RISE Fund and \$371,897 from the county share of the RISE Fund, for a total of \$845,219 or up to 60 percent of the RISE-eligible project cost, whichever is less.

Norwalk



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Program Management Order No. PPM-2017-78
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date June 13, 2017
 Title 2018-2022 Iowa Transportation Improvement Program

DISCUSSION/BACKGROUND:

The 2018-2022 Iowa Transportation Improvement Program will be presented for final review and action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve and authorize distribution of the 2018-2022 Iowa Transportation Improvement Program. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects listed in the highway section.

COMMISSION ACTION:

			Vote	
			Aye	Nay
			x	_____
Moved by	<u>Dan Huber</u>	Seconded by	<u>Charese Yanney</u>	
			Fehrman	_____
			Huber	_____
			Maher	_____
			Putney	_____
			Rielly	_____
			Rose	_____
			Yanney	_____
_____	_____	_____		
Division Director	Legal	State Director		

PPM-2017-78

Stuart Anderson, Planning, Programming and Modal Division; I'm here this morning to present to you the 2018-2022 Iowa Transportation Improvement Program for your final review and consideration for approval. As with last year's program, the highway section of this program includes approximately \$3.5 billion of highway and bridge projects across the state of Iowa over that five-year period. Of course this program also documents your investments and past decisions over the last year of investments in Iowa's multi-modal transportation system including aviation, public transit, rail, and bicycle and pedestrian modes of transportation. The major change to this final document from the draft that was presented to you last month is the inclusion of approximately \$45 million of pavement and bridge rehabilitation projects in FY '18, the first year of the Five-Year Program. As was discussed last month at the workshop, these projects are able to be added because of the current program balances in terms of revenue and letting results in FY '17 year-to-date.

Therefore, it is recommended the Commission approve and authorize distribution of the 2018-2022 Iowa Transportation Improvement Program. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects listed in the Highway Section.

Commissioner Huber made a motion to approve and authorize distribution of the 2018-2022 Iowa Transportation Improvement Program. Commissioner Yanney seconded the motion. A roll call vote was taken; the motion passed unanimously.



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www.iowadot.gov

Date: June 13, 2017

Commission Meeting Media/General Public Registration

NAME/OCCUPATION	REPRESENTING
Melanie Carlson - City Engineer	City of Fairfield
MARK PIERSON	HNTB
Stephanie Hemberger	HNTB
Dawn DeWitte	CBJ
Monty Ralston	MPOSC
Stacy Woodson	HR Green
Andy Swisher	HR Green
Tina DuBuis	HACAP
John Adam	Knight E/A
Penny Vacek	Senator Grassley
Aaron Graungvist	HR Green
SEN. BOB DIVERSY	SENATE DIST # 37
MICHAEL J. KEEFER	U.S. REP. ROD BLUM



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www.iowadot.gov

Date: June 13, 2017

Commission Meeting Delegation Registration

Revitalize Iowa's Sound Economy – Norwalk

NAME/OCCUPATION	REPRESENTING
LUKE NELSON CITY MANAGER	NORWALK

Date: June 13, 2017

Public Input Meeting

Delegation: Dubuque Metropolitan Area Transportation Study

Spokesperson: Mayor Roy D. Buol

NAME/OCCUPATION	REPRESENTING
BOB SCHIESL	CITY OF DUBUQUE
Roy D. Buol	City of Dubuque
Teri Goodman	City of Dubuque
Shu Pihoyos	" " "
Rick Dickinson	Greater Dubuque Dev.
Molly Ayer	DBQ Chamber
Barry Henry	DBQ Chamber



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www.iowadot.gov

Date: June 13, 2017

Public Input Meeting

Delegation: City of Cedar Rapids

Spokesperson: Mayor Ron Corbett

NAME/OCCUPATION	REPRESENTING
Ron Corbett	Cedar Rapids
Jeff Komerantz	Cedar Rapids
Nate Kampman	Cedar Rapids
John Witt	Cedar Rapids
Matty Lenz	PID
Jen Winter	CR
Breanna Pell	CR



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Date: June 13, 2017

Public Input Meeting

Delegation: **Unscheduled Delegations**

US 30

Spokesperson:

NAME/OCCUPATION	REPRESENTING
Roger Gunderson	Hwy 30 development
Angela Rheingans	Hwy 30
Maureen Miller	Hwy 30
Edith Pfeiffer	Hwy 30
Norlin Momanen	Hwy 30
TOM D'ETERA	CURTIS COUNTY
Adam Schweers	Hwy 30