

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, July 14, 2009  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2010-1 8:00 a.m.	*Approving Minutes of the June 9, 2009, Commission Meeting in Cedar Falls  Commission Comments  Staff Comments	Connie Page	1
H-2010-2 8:05 a.m.	*Administrative Rule – Chapter 162 Bridge Safety Fund	Nancy Richardson	2
MV-2010-3	*Administrative Rule – Chapter 620, OWI and Implied Consent	Nancy Richardson	9
PPM-2010-4 8:10 a.m.	*2010-2014 Iowa Highway Program Amendment as a Result of Iowa's Infrastructure Investment Initiative (I-JOBS) Funding	Jon Ranney	19
PPM-2010-5 8:15 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Butler County (Delegation)	Craig Markley	23
PPM-2010-6 8:20 a.m.	*Approval of the FY 2010 State Aviation Program	Kay Thede	26
PPM-2010-7 8:25 a.m.	*Waive Repayment of Remaining 2002 Lamoni Hangar Loan	Kay Thede	31
PPM-2010-8 8:30 a.m.	*Approval of the FY 2010 Transit Program (Public Transit Infrastructure, Job Access/ Reverse Commute, New Freedom)	Peter Hallock	32
8:35 a.m.	Public Input Cedar Rapids	Dave Elgin	
8:45 a.m.	Adjourn		

\*Action Item

On Monday, July 13, 2009, the Commission and staff will meet informally at 3 p.m. in the Materials conference room at the DOT complex in Ames. 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-2010-1  
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date July 14, 2009  
Title Approving Minutes of the June 9, 2009, Commission Meeting in Cedar Falls

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the June 9, 2009, Commission meeting held in Cedar Falls.

**COMMISSION ACTION:**

Moved by Cleaveland Seconded by Blouin

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	_____	_____
Cleaveland	<u>X</u>	_____	_____
Durham	<u>X</u>	_____	_____
Miles	<u>X</u>	_____	_____
Reasner	<u>X</u>	_____	_____
Sawtelle	<u>X</u>	_____	_____
Wiley	<u>X</u>	_____	_____

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Division Director                      Legal                      State Director

## Commission Comments

### 1. Monday Workshop

Chairman Sawtelle noted the Commission held a workshop Monday afternoon and visited in detail about the agenda items.

### 2. Kudos to Department Staff

Commission Blouin said it has been about a year since all the terrible flooding happened across the state. He said nobody - local, state, or federal - did any where near the job that this Department did in terms of responding immediately and properly to that flood. People are still complaining about local, state, and federal response but nobody is complaining about the roads; they have gotten done. He said Ms. Richardson's team just did a phenomenal job. Nancy Richardson, Director, said thank you; we are still working on a few big projects but even those roads can be driven on. Staff did what was needed to be done to help folks so it was a great response by all our team.



ARC Number	
Publication Date	8-12-09
Adoption Date	7-15-09
Effective Date	7-15-09

## TRANSPORTATION DEPARTMENT [761]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, adopts new Chapter 162, "Bridge Safety Fund," Iowa Administrative Code.

2009 Iowa Acts, Senate File 376, section 34 created the Bridge Safety Fund under the authority of the Transportation Commission and required the Department of Transportation to adopt rules. These new rules administer the expenditure of funds appropriated by the General Assembly in 2009 Iowa Acts, Senate File 376, section 13, subsection 6 for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the state's primary road system. The rules describe the purpose and source of funds, provide definitions, provide general information, and establish eligibility requirements.

For good cause and pursuant to Iowa Code section 17A.4(3), the Department of Transportation finds that notice and public participation prior to adoption of these rules pursuant to Iowa Code section 17A.4(1) is impracticable and contrary to the public interest due to the project development and construction time needed to complete the bridge projects and expend funds in accordance with 2009 Iowa Acts, Senate File 376, which became effective on May 14, 2009, and which appropriated funds for the fiscal year beginning July 1, 2009.

Pursuant to Iowa Code section 17A.5(2)"b," the Department of Transportation finds the normal effective date of these rules, 35 days after publication, should be waived and the rules made effective July 15, 2009. These new rules confer a benefit upon the public by providing for the prompt implementation of 2009 Iowa Acts, Senate File 376.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These rules are also published herein under Notice of Intended Action as ARC \_\_\_\_\_ to allow for public comment.

These rules became effective on July 15, 2009.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 34.

The following amendment is adopted.

Adopt the following new 761—Chapter 162:

CHAPTER 162  
BRIDGE SAFETY FUND

761—162.1(83GA,SF376) Purpose and source of funds. This chapter implements 2009 Iowa Acts, Senate File 376, section 34, which creates a bridge safety fund. 2009 Iowa Acts, Senate File 376, section 13, subsection 6 appropriates \$50 million to the department from tax-exempt revenue bonds to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the state's primary road system.

761—162.2(83GA,SF376) Definitions.

"Functionally obsolete" means the classification of a highway structure indicating one or more geometric features of the structure are below the standard required for current traffic. The classification is based on criteria established by the Federal Highway Administration in the "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges."

"Primary road system" means the same as defined in Iowa Code section 306.3.

"Structurally deficient" means the classification of a highway structure indicating one or more elements of the structure are in need of monitoring or repair. The classification is based on criteria established by the Federal Highway Administration in the "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges."

761—162.3(83GA,SF376) General information.

162.3(1) Information regarding this chapter is available from the Office of Bridges and Structures, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1564.

162.3(2) The publication entitled "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges," December 1995, may be obtained from the office of bridges and structures or is available on the Internet at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

761—162.4(83GA,SF376) Eligibility.

162.4(1) In order for a bridge to be eligible for funding under this chapter, it must:

- a. Be on the state's primary road system as defined in rule 761—162.2(83GA,SF376).
- b. Be either functionally obsolete or structurally deficient as defined in rule 761—162.2(83GA,SF376).
- c. Be able to be developed, designed, constructed, completed and paid for within the prescribed time frames of 2009 Iowa Acts, Senate File 376.

162.4(2) The aggregate estimated cost of the projects must fall within the \$50 million that was appropriated to the bridge safety fund in 2009 Iowa Acts, Senate File 376.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 34.

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DATE

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NANCY J. RICHARDSON, DIRECTOR



Filed Date	
ARC Number	
Publication Date	8-12-09

## TRANSPORTATION DEPARTMENT [761]

### Notice of Intended Action

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to adopt new Chapter 162, "Bridge Safety Fund," Iowa Administrative Code.

2009 Iowa Acts, Senate File 376, section 34 created the Bridge Safety Fund under the authority of the Transportation Commission and required the Department of Transportation to adopt rules. These proposed new rules administer the expenditure of funds appropriated by the General Assembly in 2009 Iowa Acts, Senate File 376, section 13, subsection 6 for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the state's primary road system. The proposed rules describe the purpose and source of funds, provide definitions, provide general information, and establish eligibility requirements.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed rules or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.

4. Be addressed to Tracy George, Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).

5. Be received by the Office of Policy and Legislative Services no later than September 1, 2009.

A meeting to hear requested oral presentations is scheduled for Thursday, September 3, 2009, at 10 a.m. at the Administration Building, Third Floor Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed rules may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by September 14, 2009.

These rules were also Adopted and Filed Emergency and are published herein as ARC \_\_\_\_\_. The content of that submission is incorporated by reference.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 34.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2010-3  
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date July 14, 2009  
Title Administrative Rules -- Chapter 620 "OWI and Implied Consent"

**DISCUSSION/BACKGROUND:**

The purpose of this proposed rulemaking is to provide regulation required by changes to Iowa Code section 321J.4(2) made by 2009 Iowa Acts, Senate File 419, section 13.

2009 Iowa Acts, Senate File 419, section 13, amended Iowa Code section 321J.4(2) to reduce the minimum period of ineligibility from one year to 45 days for a temporary restricted license (TRL) for a person convicted of operating while intoxicated (OWI) who has had a previous conviction or revocation under Iowa Code chapter 321J, effective July 1, 2009. This was in response to an amendment to 23 U.S.C. section 164 made by the SAFETEA-LU Technical Corrections Act of 2008. Previously, 23 U.S.C. section 164 required states to issue a repeat offender a one-year hard revocation of driving privileges, and now allows states to impose either a one-year hard revocation or a 45-day hard revocation followed by a period of restricted driving to and from work, school, or alcohol treatment program. The amendment to Iowa Code section 321J.4(2) appears clearly calculated to remain within the requirements of 23 U.S.C. section 164, and requires interpretation of the proper scope during the first year of revocation of a TRL issued to a person whose driving privileges are revoked under Iowa Code section 321J.4(2) not addressed in current rule. Accordingly, a new subrule is needed to address the proper scope of such a TRL. Further, the National Highway Traffic Safety Administration (NHTSA), which enforces compliance with the requirements of 23 U.S.C. section 164, has reviewed the amendment to Iowa Code section 321J.4(2) and advised the department it renders Iowa out of compliance with the requirements of 23 U.S.C. section 164, absent a corresponding administrative rule that makes clear that the department is interpreting and enforcing Iowa Code section 321J.4(2) in compliance with the requirements of 23 U.S.C. section 164. The new subrule will confirm Iowa's compliance with these federal requirements and prevent reallocation of necessary federal highway funds.

The new subrule must become effective as soon after July 1, 2009, as is reasonably practicable to provide for proper enforcement of Iowa Code section 321J.4(2) (as amended) and to confirm to NHTSA Iowa's compliance with 23 U.S.C. section 164 within NHTSA's timeframe for proof/challenge (approximately August 1, 2009) and before reallocation of highway funds on October 1, 2009.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended that the Commission approve the rule amendments.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

\_\_\_\_\_  
Division Director                      Legal                      State Director

ARC Number	
Publication Date	08-12-09
Adoption Date	07-14-09
Effective Date	07-14-09

TRANSPORTATION DEPARTMENT [761]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, adopts an amendment to Chapter 620, "OWI and Implied Consent," Iowa Administrative Code.

Iowa Code section 321J.4(2) was amended by 2009 Iowa Acts, Senate File 419, section 13 to reduce the minimum period of ineligibility from one year to 45 days for a temporary restricted license (TRL) for a person convicted of operating while intoxicated (OWI) who has had a previous conviction or revocation under Iowa Code chapter 321J. The amendment was effective July 1, 2009. This amendment was undertaken in response to an amendment to 23 U.S.C. § 164, "Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence," effected by the SAFETEA-LU Technical Corrections Act of 2008, Public Law No. 110-244, § 115, 122 Stat. 1572 (June 6, 2008), which previously required states to impose a one-year hard revocation of driving privileges to a repeat offender, and now allows states to impose either a one-year hard revocation or a 45-day hard revocation followed by a period of restricted driving to and from work, school, or alcohol treatment program. (A "hard" revocation means no restricted driving is allowed during the period of revocation.) Because the amendment to Iowa Code section 321J.4(2) appears clearly calculated to remain within the requirements of 23 U.S.C. § 164, and because said intent demands an interpretation of the proper scope during the first year of revocation of a TRL issued to a person whose driving privileges are revoked under Iowa Code section 321J.4(2) that is not addressed in current rule, a new subrule is needed to address the

proper scope of such a TRL. Further, the National Highway Traffic Safety Administration (NHTSA), which enforces compliance with the requirements of 23 U.S.C. § 164, has reviewed the amendment to Iowa Code section 321J.4(2) and communicated to the Department that it renders Iowa out of compliance with the requirements of 23 U.S.C. § 164, absent a corresponding administrative rule that makes clear that the Department is interpreting and enforcing Iowa Code section 321J.4(2) in compliance with the requirements of 23 U.S.C. § 164. The new subrule will clarify Iowa's compliance with these federal requirements and prevent reallocation of necessary federal highway funds.

A new subrule is added to rule 761—620.3(321J) to provide that, any other provision of 761—Chapter 620 of the Department's rules notwithstanding, any TRL issued to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) shall be limited during the first year of the two-year revocation period to driving to and from work when necessary to maintain the person's present employment, and shall not be allowed for any other purpose, including but not limited to transporting dependent children to and from a location for child care. After the first year of the two-year revocation period, a TRL issued to a person revoked under Iowa Code section 321J.4(2) may permit the person to drive to and from work as well as for any other work purpose when necessary to maintain the person's present employment, and may include permission for the person to transport dependent children to and from a location for child care when that activity is essential to continuation of the person's employment. The new subrule also provides that all pleadings and orders submitted by the Department under Iowa Code section 321J.4(9) in regard to a person revoked under Iowa Code section 321J.4(2) will be in accord with the requirements of the new subrule, and the Department shall enforce any order authorizing the Department to issue a TRL to a person revoked under Iowa Code section 321J.4(2) according to the requirements of the new subrule. The new subrule would apply to revocations arising from convictions entered on or after July 1, 2009.

For good cause and pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation prior to adoption of these rules pursuant to Iowa Code section 17A.4(1) is impracticable and contrary to the public interest. The amendment to Iowa Code section 321J.4(2) was effective on July 1, 2009, and therefore demands implementation of a rule regarding its proper enforcement on or as soon as is reasonably practical after that date. Additionally, under NHTSA standard procedure, NHTSA will issue a statement of noncompliance with 23 U.S.C. § 164 on or around July 1, 2009, and will then allow Iowa 30 days in which to challenge that determination. NHTSA will make a final determination of compliance or noncompliance after that challenge is submitted, and if a final determination of noncompliance is entered, NHTSA will, on October 1, 2009, reallocate federal highway construction funds in an amount estimated to be just under \$9 million. Following the standard procedure for notice and public participation set forth in Iowa Code section 17A.4 will place proper enforcement of the amendment to Iowa Code section 321J.4(2) well beyond July 1, 2009 and October 1, 2009. Such delay will prevent Iowa from meeting NHTSA's compliance requirements and deadlines, and it will result in the diversion of substantial and necessary highway construction funds.

Pursuant to Iowa Code section 17A.5(2)"b," the Department finds the normal effective date of these rules, 35 days after publication, should be waived and the rules made effective July 14, 2009. As explained above, the new subrule must become effective on or as soon after July 1, 2009, as is reasonably practicable to provide for proper enforcement of the amendment to Iowa Code section 321J.4(2) and to allow Iowa to confirm compliance with NHTSA's requirements within the timeframe for challenge and before the October 1, 2009, reallocation date.

The Department shall not grant any waivers under the provisions of this new subrule because any waiver would nullify the purpose of this rulemaking and result in a diversion of highway construction funds.

The amendment is also published herein under Notice of Intended Action as ARC \_\_\_\_\_  
to allow for public comment.

This amendment became effective on July 14, 2009.

This amendment is intended to implement Iowa Code section 321J.4(2) as amended by 2009  
Iowa Acts, Senate File 419, section 13.

The following amendment is adopted.

Adopt the following new subrule 620.3(6):

620.3(6) Issuance of temporary restricted license to repeat offender revoked under Iowa Code section 321J.4(2).

a. It is the opinion of the department that the amendment of Iowa Code section 321J.4(2) by 2009 Iowa Acts, Senate File 419, section 13 was undertaken in response to changes to 23 U.S.C. § 164, "Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence," effected by the SAFETEA-LU Technical Corrections Act of 2008, Public Law No. 110-244, § 115, 122 Stat. 1572 (June 6, 2008), and that Iowa Code section 321J.4(2), as amended by 2009 Iowa Acts, Senate File 419, section 13 is intended to remain and be interpreted in conformance with the requirements of 23 U.S.C. § 164, including the requirements for restricted driving privileges after 45 days.

b. Accordingly, any provision in subrules 620.3(1) to 620.3(5) notwithstanding, any temporary restricted license issued to a person whose driving privileges are revoked under Iowa Code section 321J.4(2) shall be limited during the first year of the two-year revocation period to driving to and from work when necessary to maintain the person's present employment, and shall not be allowed for any other purpose, including but not limited to transporting dependent children to and from a location for child care. After the first year of the two-year revocation period, a temporary restricted license issued to a person whose driving privileges are revoked under Iowa Code section 321J.4(2) may permit the person to drive to and from work as well as for any other work purpose when necessary to maintain the person's present employment, and may permit the person to transport dependent children to and from a location for child care when that activity is essential to continuation of the person's employment.



c. All pleadings and orders submitted by the department under Iowa Code section 321J.4(9) in regard to a person revoked under Iowa Code section 321J.4(2) will be in accord with the requirements of this subrule, and the department shall enforce any order authorizing the department to issue a temporary restricted license to a person revoked under Iowa Code section 321J.4(2) according to the requirements of this subrule.

d. The department interprets 2009 Iowa Acts, Senate File 419, section 13 as applying to convictions entered on or after July 1, 2009, and accordingly this subrule shall apply to revocations arising from convictions entered on or after July 1, 2009.

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DATE

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NANCY J. RICHARDSON, DIRECTOR

Filed Date	7-14-09
ARC Number	
Publication Date	8-12-09

## TRANSPORTATION DEPARTMENT [761]

### Notice of Intended Action

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 620, "OWI and Implied Consent," Iowa Administrative Code.

Iowa Code section 321J.4(2) was amended by 2009 Iowa Acts, Senate File 419, section 13 to reduce the minimum period of ineligibility from one year to 45 days for a temporary restricted license (TRL) for a person convicted of operating while intoxicated (OWI) who has had a previous conviction or revocation under Iowa Code chapter 321J. The amendment was effective July 1, 2009. This amendment was undertaken in response to an amendment to 23 U.S.C. § 164, "Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence," effected by the SAFETEA-LU Technical Corrections Act of 2008, Public Law No. 110-244, § 115, 122 Stat. 1572 (June 6, 2008), which previously required states to impose a one-year hard revocation of driving privileges to a repeat offender, and now allows states to impose either a one-year hard revocation or a 45-day hard revocation followed by a period of restricted driving to and from work, school, or alcohol treatment program. (A "hard" revocation means no restricted driving is allowed during the period of revocation.) Because the amendment to Iowa Code section 321J.4(2) appears clearly calculated to remain within the requirements of 23 U.S.C. § 164, and because said intent demands an interpretation of the proper scope during the first year of revocation of a TRL issued to a person whose driving privileges are revoked under Iowa Code section 321J.4(2) that is not addressed in current rule, a new subrule is needed to address the proper scope of such a TRL. Further, the National Highway Traffic Safety Administration

(NHTSA), which enforces compliance with the requirements of 23 U.S.C. § 164, has reviewed the amendment to Iowa Code section 321J.4(2) and communicated to the Department that it renders Iowa out of compliance with the requirements of 23 U.S.C. § 164, absent a corresponding administrative rule that makes clear that the Department is interpreting and enforcing Iowa Code section 321J.4(2) in compliance with the requirements of 23 U.S.C. § 164. The new subrule will clarify Iowa's compliance with these federal requirements and prevent reallocation of necessary federal highway funds.

A new subrule is added to rule 761—620.3(321J) to provide that, any other provision of 761—Chapter 620 of the Department's rules notwithstanding, any TRL issued to a person whose driving privilege is revoked under Iowa Code section 321J.4(2) shall be limited during the first year of the two-year revocation period to driving to and from work when necessary to maintain the person's present employment, and shall not be allowed for any other purpose, including but not limited to transporting dependent children to and from a location for child care. After the first year of the two-year revocation period, a TRL issued to a person revoked under Iowa Code section 321J.4(2) may permit the person to drive to and from work as well as for any other work purpose when necessary to maintain the person's present employment, and may include permission for the person to transport dependent children to and from a location for child care when that activity is essential to continuation of the person's employment. The new subrule also provides that all pleadings and orders submitted by the Department under Iowa Code section 321J.4(9) in regard to a person revoked under Iowa Code section 321J.4(2) will be in accord with the requirements of the new subrule, and the Department shall enforce any order authorizing the Department to issue a TRL to a person revoked under Iowa Code section 321J.4(2) according to the requirements of the new subrule. The new subrule would apply to revocations arising from convictions entered on or after July 1, 2009.

The Department shall not grant any waivers under the provisions of this new subrule because any waiver would nullify the purpose of this rulemaking and result in a diversion of highway construction funds.

Any person or agency may submit written comments concerning these proposed rules or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than September 1, 2009.

A meeting to hear requested oral presentations is scheduled for Friday, September 4, 2009, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

These rules were also Adopted and Filed Emergency and are published herein as ARC \_\_\_\_\_. The content of that submission is incorporated by reference.

These rules are intended to implement Iowa Code section 321J.4(2) as amended by 2009 Iowa Acts, Senate File 419, section 13.

MV-2010-3

Nancy Richardson, Director, said the legislature included some language in a bill that changed a one-year hard suspension to a 45-day hard suspension with a temporary restricted license. There was an issue with the way that Iowa law reads as a result of that change which put us in jeopardy for about \$9 million in road construction funds according to the National Highway Traffic Safety Administration. This administrative rule fixes that concern until we can deal with it during the next legislative session.

Commissioner Durham moved, Commissioner Miles seconded the Commission approve the rule amendments. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Program Management Order No. PPM-2010-4  
Submitted by E. Jon Ranney Phone No. 515-239-1500 Meeting Date July 14, 2009  
Title 2010-2014 Iowa Highway Program Amendment as a Result of Iowa's Infrastructure Investment Initiative (I-JOBS) Funding

DISCUSSION/BACKGROUND:

Iowa's Infrastructure Investment Initiative (I-JOBS) provides \$50 million for a new Bridge Safety Fund for functionally obsolete and structurally deficient bridges on the primary system.

The attached list of projects will be recommended for addition to, or rescheduling in, the 2010-2014 Iowa Highway Program as a result of I-JOBS funding. These projects total \$50 million.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the changes to the 2010-2014 Iowa Highway Program as listed.

COMMISSION ACTION:

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

\_\_\_\_\_  
Division Director                      Legal                      State Director

PPM-2010-4

Jon Ranney, Office of Program Management, presented a list of projects totaling \$50 million recommended to be added to or rescheduled in the 2010-2014 Iowa Highway Program as a result of I-JOBS funding. Commission approval is requested.

Commission Cleaveland moved, Commissioner Reasner seconded the Commission approve the changes to the 2010-2014 Iowa Highway Program as listed. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2010-5  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date July 14, 2009  
Title Revitalize Iowa's Sound Economy (RISE) Application – Butler County (Delegation)

**DISCUSSION/BACKGROUND:**

Butler County submitted a RISE Local Development application in the February 2009 round requesting a grant to assist in the reconstruction of approximately 7,750 feet of 220th Street located just west of Iowa 3 west of Shell Rock. The project will provide access to 83 acres for industrial and manufacturing development.

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, award a RISE grant of \$388,407 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the county share of the RISE funds.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

\_\_\_\_\_  
Division Director                      Legal                      State Director



PPM-2010-5

Craig Markley, Office of Systems Planning, said Butler county submitted a RISE local development funding request to reconstruct approximately 7,750 ft. of 220<sup>th</sup> Street located west of Iowa 3 west of Shell Rock. This will provide improved access to 83 acres for industrial and manufacturing development. The project received a rating of 38 points. The total RISE eligible estimated project cost is \$776,813, and the county is requesting a RISE grant of \$338,407 and will be providing a 50 percent local match. He introduced John Riherd, Butler County Engineer.

Mr. Riherd expressed appreciation for the Commission's consideration of this exciting project in Butler county. They are looking to retain some good paying jobs and add additional jobs.

Mr. Markley reviewed the recommendation of staff.

Commissioner Durham moved, Commission Reasner seconded the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$388,407 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the county share of the RISE funds. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Planning, Programming and Modal Division  
Division/Bureau/Office Office of Aviation Order No. PPM-2010-6  
Submitted by Kay Thede Phone No. 515-239-1048 Meeting Date July 14, 2009  
Title Approval of the FY 2010 State Aviation Program

**DISCUSSION/BACKGROUND:**

Approval is requested for the fiscal year 2010 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. A copy of the recommended projects with estimated costs is attached.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the FY 2010 State Aviation Program be approved as provided to the Commission.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

\_\_\_\_\_  
Division Director                      Legal                      State Director

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

# **Recommended FY 2010 State Aviation Programs**

**Commercial Service Vertical Infrastructure**    \$1,500,000

**General Aviation Vertical Infrastructure**         \$ 975,069

**Airport Improvement Program**                     \$2,449,338

- **Aviation Safety**     \$450,000
  - AWOS maintenance and data link
  - Runway marking
  - Runway pavement maintenance
  - Emergency operational repairs
  - Wildlife mitigation
  - Windsocks
  - Education and outreach
  
- **Aviation Planning and Development**             \$1,999,338
  - Airfield and security projects
  - Air service development
  - Statewide planning

**TOTAL    \$ 4,924,407**

## FY 2010 Commercial Service Vertical Infrastructure (CSVI) Projects

Airport	Type of Improvement	Total Project Cost	State Share
Des Moines	Construct sand chemical storage building, install self-service fuel facility	\$674,286	\$566,730
Dubuque	Develop terminal design and prepare construction document	\$600,000	\$110,646
Eastern Iowa - Cedar Rapids	Renovate terminal building - airline ticket office area	\$550,000	\$319,672
Fort Dodge	Rehabilitate T-hangars, install security system, rehabilitate terminal	\$115,000	\$96,339
Mason City	Construct FBO office addition	\$500,000	\$98,021
Sioux City	Renovate terminal building (nonfederal eligible portions)	\$375,000	\$109,759
Southeast Iowa - Burlington	Construct aircraft hangar	\$464,000	\$94,457
Waterloo	Rehabilitate hangars A and B - replace doors	\$117,000	\$104,376
		<b>\$3,395,286</b>	<b>\$1,500,000</b>

## FY 2010 General Aviation Vertical Infrastructure (GAVI) Recommended Projects

Airport	Type of Improvement	Total Project Cost	State Share
Atlantic Municipal Airport	Construct 3 unit T-hangar	\$174,700	\$148,495
Boone Municipal Airport	Construct two unit aircraft hangar	\$177,166	\$141,733
Clarion Municipal Airport	Rehabilitate hangar - Phase 1	\$152,000	\$76,706
Davenport Municipal Airport	Rehabilitate T-hangar doors	\$140,000	\$91,000
Fairfield Municipal Airport	Rehabilitate hangar	\$80,000	\$68,000
Independence Municipal Airport	Construct hangar extension	\$390,000	\$195,000
Maquoketa Airport	Rehabilitate hangar	\$26,053	\$22,145
Osceola Municipal Airport	Rehabilitate maintenance hangar	\$40,000	\$28,000
Ottumwa Industrial Airport	Rehabilitate hangar structure for new door installation	\$75,000	\$60,000
Red Oak Municipal Airport	Rehabilitate hangar roof	\$35,000	\$28,000
Shenandoah Airport	Rehabilitate hangar - construct PCC floor	\$29,400	\$24,990
Tipton Municipal Airport	Construct hangar	\$140,000	\$91,000
		<b>\$1,459,319</b>	<b>\$975,069</b>

## FY 2010 Airfield and Security Recommended Projects

Airport	Type of Improvement	Total Project Cost	State Share
Atlantic Municipal Airport	Construct taxiway for new t-hangar	\$23,950	\$20,358
Boone Municipal Airport	Construct apron/taxiway for new hangar	\$33,334	\$26,667
Cherokee County Regional Airport	Upgrade existing fuel facility	\$154,000	\$123,200
Davenport Municipal Airport	Rehabilitate T-hangar taxiway and storm sewer	\$22,000	\$15,400
Fairfield Municipal Airport	Rehabilitate hangar taxiway - Phase 1	\$119,450	\$101,530
Fort Dodge Regional Airport	Replace airfield signs	\$20,000	\$17,000
Humboldt Airport	Relocate electrical vault	\$60,000	\$51,000
Iowa City Municipal Airport	Rehabilitate taxiway and apron pavement and improve taxiway drainage	\$214,300	\$182,155
Le Mars Municipal Airport	Rehabilitate T-hangar access	\$20,000	\$17,000
Marshalltown Municipal Airport	Conduct drainage study for future construction projects	\$15,000	\$12,750
Mason City Airport	Rehabilitate FBO apron area	\$73,346	\$62,344
Muscatine Municipal Airport	Construct hangar access road	\$115,915	\$98,528
Newton Municipal Airport	Replace wind indicator	\$18,200	\$15,470
Perry Municipal Airport	Replace fuel system	\$185,000	\$148,000
Pocahontas Airport	Rehabilitate taxiway	\$74,820	\$63,597
Red Oak Municipal Airport	Upgrade fuel facility	\$19,000	\$15,200
Shenandoah Airport	Reconstruct hangar taxiway	\$68,000	\$57,800
Sioux Gateway Airport/Col. Bud Day Field	Rehabilitate runway - friction tests and rubber build-up removal	\$50,000	\$42,500
Southeast Iowa Regional Airport - Burlington	Expand apron for hangars	\$61,000	\$51,850
Spencer Municipal Airport	Install self-fueling system with card reader	\$20,000	\$14,000
Spirit Lake Dickinson County Airport Authority	Resurface runway, taxiway and hangar approaches	\$201,600	\$171,360
The Eastern Iowa Airport - Cedar Rapids	Rehabilitate runway 13/31 (fog seal - asphalt emulsion spray)	\$95,000	\$80,750
Tipton Municipal Airport	Resurface ramp area	\$25,000	\$16,250
Vinton Airport	Install Jet A fuel system	\$185,000	\$148,000
Vinton Airport	Install airport entrance sign	\$10,000	\$5,000
Waverly Municipal Airport	Install Jet A fuel system	\$55,000	\$46,750
Winterset Airport	Rehabilitate fuel farm	\$52,800	\$44,880
		<b>\$1,991,715</b>	<b>\$1,649,339</b>

PPM-2010-6

Kay Thede, Office of Aviation, said last month and yesterday we discussed the fiscal year (FY) 2010 State Aviation Program which includes the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and Airport Improvement Program. The total is \$4.9 million, and she requested Commission approval of the FY 2010 State Aviation Program.

Commissioner Wiley moved, Commission Blouin seconded the Commission approve the FY 2010 State Aviation Program as presented. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Aviation Order No. PPM-2010-7  
Submitted by Kay Thede Phone No. 515-239-1048 Meeting Date July 14, 2009  
Title Waive Repayment of Remaining 2002 Lamoni Hangar Loan

**DISCUSSION/BACKGROUND:**

Approval is requested to waive repayment of the remaining hangar loan balance from the city of Lamoni. In 2002 the city of Lamoni was granted a hangar loan for \$40,000 at three percent interest for ten years. The program was then changed by the Legislature from a loan program to a grant program. Lamoni is the only airport that received a loan in the short existence of the program and has repaid 67 percent of the loan. The current principal balance is \$13,263.99. Because the program is now set up as a grant program, staff recommends the Lamoni project be treated as a grant from this point forward and the requirement to repay the remaining balance of the loan be waived.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the remaining hangar loan balance for the city of Lamoni be waived.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

\_\_\_\_\_  
Division Director                      Legal                      State Director



PPM-2010-7

Kay Thede, Office of Aviation, said in 2002 the city of Lamoni received a hangar loan and has repaid 67 percent of that loan. The program has changed to a grant program, and staff recommends the remaining \$13,263.99 be waived and that the loan be considered paid in full.

Commissioner Cleaveland moved, Commissioner Blouin seconded the remaining hangar loan balance for the city of Lamoni be waived. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Planning, Programming and Modal Division

Division/Bureau/Office Office of Public Transit Order No. PPM-2010-8

Submitted by Peter Hallock Phone No. 515-239-1765 Meeting Date July 14, 2009

Approval of the FY 2010 Transit Program (Public Transit Infrastructure,

Title Job Access/Reverse Commute, New Freedom)

**DISCUSSION/BACKGROUND:**

Approval is requested for the three discretionary portions of the FY 2010 Transit Program. Specific project recommendations for the Public Transit Infrastructure, Job Access Reverse Commute and the New Freedom programs are listed on the attachment with estimated costs projections.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the FY 2010 Transit Program be approved as provided to the Commission.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Durham	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

\_\_\_\_\_  
Division Director                      \_\_\_\_\_ Legal                      \_\_\_\_\_ State Director

PPM-2010-8

Peter Hallock, Office of Public Transit, said at the workshop last month, we talked about the discretionary portion of the transit program for the coming year. There are three programs. The Public Transit Infrastructure Grant Program is state money, and Job Access/Reverse Commute and New Freedom are federal programs. He requested Commission approval for the first round of projects for those programs at this time. There will be a second round of applications this fall.

Commissioner Miles moved, Commission Wiley seconded the Commission approve the FY 2010 Transit Program as presented. All voted aye.

8:10 a.m. Cedar Rapids

Dave Elgin, Public Works Director  
Ray Dochterman, Linn County Conservation Board  
Justin Shields, City Council  
Brian Fagan, Mayor Pro Tem  
Linda Langston, Linn County Supervisor  
Sara Mentzer, Cedar Rapids Area Chamber of Commerce  
Kay Halloran, Mayor

Synopsis: Requested the Iowa 100 extension project be added to the Iowa Transportation Improvement program for the years 2010-2014.

Brian Fagan, Mayor Pro Tem, said everyone is familiar with the background of the Iowa 100 project; it is a critical link between U.S. 151 and Iowa 13 and planning has been going on since 1969. He said their request is that the Iowa 100 extension be added to the list of priority transportation projects to be completed. They want to develop a revised funding plan for the approximately \$163 million project cost to immediately place the Iowa 100 final phase in the Iowa Transportation Improvement program for the years 2010-2014. Subject to reviewing and updating the available preliminary project cost estimates, approximately \$26.5 million is needed and could be programmed immediately for the next two to three fiscal years to finalize design, acquire right of way, and obtain bids. Construction contracts could be phased in two to three fiscal years with an approximate total of \$136.5 million.

Mayor Pro Tem Fagan said the purpose of this project is to provide an efficient connection for traffic between the westerly and northeasterly side of the metro area. This accommodates planned and responsible growth management as associated travel demand increases on an already growing area in the southwest metro area of Cedar Rapids. This also provides an alternate route for through traffic to alleviate capacity and safety issues on other highway routes and significantly reduce congestion and associated transportation problems on the existing metropolitan area network. It allows them to safely re-route commercial traffic hauling hazardous materials and provide a safe and effective detour when I-380 is reconstructed.

Mayor Pro Tem Fagan said the delegation here today represents a broad-based community support. They understand this project has been met with some delay in the past 15 years but that is in the past. Moving forward, the community is united behind this project, and the need for the project became more present during the flood last year when there was only one bridge open. He said the delegation represents the second largest tax paying metropolitan statistical area in the state. They are a patient community but are also a disappointed community that they didn't make it in the most recent five-year plan. The comments they received at a local level when it was announced that they weren't in that five-year were universal dismay. Because of the flood and the public's memory of having one way to get across the Cedar Rapids during that event, it is hard for the public to understand why this was not a critical need so they continue to press the Commission to include Iowa 100 in the five-year plan.

Mayor Pro Tem Fagan said the need for the project is based on three areas:

- Economic development. The Cedar Rapids metropolitan area is over 250,000 individuals (2008 estimate) and the city of Cedar Rapids has increased over 16 percent since 1990 to an estimated 127,000 individuals. Continued growth is dependent on being able to provide an efficient and safe transportation system. The current 2010-2014 plan includes traffic signs and pavement rehabilitation funding estimated at \$600,000 for highways in the metro area. Amending the plan to include funding for Highway 100 extension will help mitigate the economic distress caused by the economy and the June 2008 flooding event and encourage more responsible development, strategic growth, create jobs, and promote related economic benefits.
- Safety. The recent safety audit for I-380 reaffirmed the need for the Iowa 100 project to be included in the plan as quickly as possible. The increasing number of accidents on I-380 adds to the potential of hazardous materials creating more serious problems with traffic obstructions. Accidents involving hazardous chemicals create a real threat to the corridor, particularly with the area's major industries. An Iowa 100 extension would provide an efficient and convenient route and would reduce traffic volumes on I-380 out of downtown Cedar Rapids.
- Return on investment. Population growth is expected to continue in Cedar Rapids. Encouraging this growth by completing the Iowa 100 extension would suggest a similar percentage increase in transportation funding contributions to the state and federal coffers providing a potential of an additional \$16 million per year. The Iowa DOT's investment goal for capacity and economic development numbers in the highway program criteria would be met with the Iowa 100 extension.

Mayor Pro Tem Fagan expressed appreciation for the work and service the Commissioners provide this state and for the challenging decisions you have to make when balancing state affordability with the investment level needed to make Iowa competitive. He said he also has an obligation to convey their disappointment that they were not included in the five-year plan and they hope the Commission consider at some point amending that plan to include this project.

Mayor Pro Tem Fagan said they continue to look for available funding. They intend to submit a \$5 million application through I-JOBS to assist with right of way to increase the readiness of the project, and they will continue to look at submitting an application through the federal TIGER program. They are being creative and looking at all avenues. One challenge is when they go to Washington D.C. and request an appropriation for this project, they are asked where the state DOT is on this and if it is in the five-year plan. They have to get this project in the five-year plan to make it happen. He requested the Commission's continued support, consideration, and commitment to returning tax dollars to Cedar Rapids for projects like Iowa 100.

Linda Langston said they know the needs are many in the state and that there is not enough money to go around. She has been working on this for seven years. They have tried to do what the DOT Commission has asked. They have gained the community's support. They have the support of the County Conservation Board. They have completed the SEIS studies. They have sought federal funding and have \$950,000 that Senator Harkin was helpful in getting for them. They are applying for I-JOBS money, TIGER grants, and are looking for more earmarks. She asked what else they can do. They have invested \$9 million plus in this project and have spent ten years working on this. They believe this is a necessary project for the community, region, and the state. For them to continue to develop effectively as a community, they need this transportation plan. They will continue to support the Commission's effort in getting funding and will continue their efforts to get funding as well. Ms. Langston said the alternatives in the western part of Cedar Rapids are beginning to narrow. Their ability to secure right of way and keep that ground open will ultimately close because of the development that is occurring. If Iowa 100 is not done, they face going farther north where they will have significant environmental hurdles. She said they look forward to getting direction from the Commission.

Ray Dochterman said if there is something they are missing or not doing right, he would appreciate hearing that. He has spent five years on the Linn County Conservation Board fighting hard for this and he does not plan to give up because he thinks it is the right thing to do. He expressed appreciation for the Commission's consideration.

Justin Shields said for over 40 years they have been talking about building Iowa 100. It makes no sense when you have a city like Cedar Rapids that pays for a lot of other communities in Iowa with their tax base and the money they send out, that what comes back is almost a shame. I-380 through Cedar Rapids is unsafe and is a disgrace. He has looked at Iowa 100 for more years than what he wants to remember and they keep saying "maybe next year." With what happened in Cedar Rapids, they don't have that many good years left. If they don't start a drastic improvement in Cedar Rapids, their economy is going to go down. They don't have the transportation hub they once had. Mr. Shields asked the Commission to consider this. Now is the time to do something.

Sara Mentzer reiterated the support of the business community. Every trip to Washington, D.C., has Iowa 100 as a priority project for their area. They continue to advocate in any way possible funding for this road. It is critical for their work force. Workers from Benton county come in on U.S. 30 then up Edgewood Road and I-380; Iowa 100 would be a loop for them to come right into Cedar Rapids. They can't reiterate enough how much Iowa 100 has been and continues to be a priority.

Meeting adjourned at 8:32 a.m.