

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, June 9, 2009
 Park Place Event Centre
 1521 Technology Parkway, Suite B
 Cedar Falls

| ITEM NUMBER | TITLE | SUBMITTED BY | PAGE |
|--------------------------|--|------------------|------|
| D-2009-64 8:00 a.m. | *Approving Minutes of the May 12, 2009 Commission Meeting Commission Comments Staff Comments | Connie Page | 1 |
| MV-2009-65 8:05 a.m. | *Administrative Rule – Chapter 529 “For-Hire Interstate Motor Carrier Authority” | Nancy Richardson | 2 |
| MV-2009-66 8:10 a.m. | *Administrative Rules: Chapter 601 “Application for License,” Chapter 602 “Classes of Driver’s Licenses,” Chapter 604 “License Examination,” Chapter 605 “License Issuance,” Chapter 607 “Commercial Driver Licensing,” Chapter 610 “Release of Computerized Driver’s License and Nonoperator’s Identification Card Records,” Chapter 611 “Driver’s Privacy Protection-Driver’s License and Nonoperator’s Identification Card,” Chapter 615 “Sanctions,” and Chapter 640 “Financial Responsibility” | Nancy Richardson | 4 |
| D-2009-67 8:15 a.m. | *Administrative Rules: Chapter 1 “Organization of the Department of Transportation,” Chapter 4 “Public Records and Fair Information Practices,” Chapter 801 “Relationship with Iowa Railway Finance Authority,” and Chapter 822 “Railroad Revolving Loan and Grant Fund Program | Nancy Richardson | 22 |
| PPM-2009-68 8:20 a.m. | *Revitalize Iowa’s Sound Economy (RISE) Application – Perry (Delegation) | Stuart Anderson | 26 |
| PPM-2009-69 8:25 a.m. | *2010-2014 Transportation Improvement Program | Jon Ranney | 29 |
| 8:30 a.m. | Public Input Meeting | | |

*Action Item

On Monday, June 8, the Commission and staff will tour transportation projects starting at 9:30 a.m. at the Waterloo airport and ending around 2:30 p.m. at the Wingate Inn, 1614 Technology Parkway in Cedar Falls. The Commission and staff will hold an informal meeting at the Wingate beginning at 3 p.m. 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-2009-64
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date June 9, 2009
Title Approving Minutes of the May 12, 2009, Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the May 12, 2009, Commission meeting.

COMMISSION ACTION:

Moved by Cleaveland Seconded by Wiley

| | 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> | _____ | _____ |

Division Director Legal State Director

Commission Comments:

1. Monday's Commission Tour

On behalf of the Commission, Chairman Sawtelle said expressed appreciation for the hospitality in Cedar Valley. On Monday, the Commission had the opportunity to tour the area in and around Cedar Valley to see projects currently underway or proposed. It is always very informative for the Commission to see the situations that folks come to talk to us about.

Chairman Sawtelle said he finds the most important part of these trips is what we will do today. After the regular business, it is an opportunity for lowans to access the Commission in various regions of the state rather than having to travel to Ames. The Commission certainly appreciates the input. We had a great time as we traveled through the area yesterday, and he expressed appreciation to everyone that had a hand in making that a good day.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. MV-2009-65
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date June 9, 2009
Title Administrative Rule - Chapter 529 "For-Hire Interstate Motor Carrier Authority"

DISCUSSION/BACKGROUND:

This rule adopts the current Code of Federal Regulations, 49 CFR, Parts 365-368 and 370-379, dated October 1, 2008, to register and enforce interstate for-hire authority.

The period for public comment ended on May 12, 2009, and no comments were received.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the rule amendment.

COMMISSION ACTION:

Moved by Reasner Seconded by Cleaveland

| | 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> | _____ | _____ |

Division Director Legal State Director

Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2007~~ 2008, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or through the Internet at <http://www.fmcsa.dot.gov>.

DATE

NANCY J. RICHARDSON, DIRECTOR

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-20090-66
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date June 9, 2009

Administrative Rule - Chapter 601 "Application for License," Chapter 602 "Classes of Driver's Licenses," Chapter 604 "License Examination," Chapter 605 "License Issuance," Chapter 607 "Commercial Driver Licensing," Chapter 610 "Release of Computerized Driver's License and Nonoperator's Identification Card Records," Chapter 611 "Driver's Privacy Protection-Driver's License and Nonoperator's Identification Card,"
TITLE Chapter 615 "Sanctions," and Chapter 640 "Financial Responsibility"

DISCUSSION/BACKGROUND:

These rule amendments are the results of legislative changes and technical updates, including terminology changes and changes to comply with Federal Regulation 49 CFR, Chapter 383.95, regarding air brakes.

The period for public comment ended May 12, 2009, and two comments were received. Please refer to attached letters.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the rule amendments.

COMMISSION ACTION:

Moved by _____ Seconded by _____

| | Aye | Nay | Pass |
|------------|-------|-------|-------|
| Blouin | _____ | _____ | _____ |
| Cleaveland | _____ | _____ | _____ |
| Durham | _____ | _____ | _____ |
| Miles | _____ | _____ | _____ |
| Reasner | _____ | _____ | _____ |
| Sawtelle | _____ | _____ | _____ |
| Wiley | _____ | _____ | _____ |

Division Director Legal State Director

ITEM 1. Amend paragraph 601.5(1)"c" as follows:

c. Document issued by the Internal Revenue Service or a state tax agency. Form W-2 ~~and tax forms~~ form completed by the ~~taxpayer are not~~ employer is acceptable.

ITEM 2. Amend subrule 601.5(2) as follows:

601.5(2) Proof of age and identity. An applicant shall submit one primary document and one secondary document from the following lists as proof of age and identity. The documents must be issued in the United States unless otherwise specified.

a. Acceptable primary documents include:

(1) ~~Photo~~ An Iowa photo driver's license ~~or a certified copy of the license. The license cannot be expired for more than one year.~~

(2) ~~Photo~~ An Iowa photo identification card ~~or a certified copy of the card. The agency that issued the card must be the same agency that issues drivers' licenses in the state of issuance. The card cannot be expired for more than one year.~~

(3) Birth certificate issued in the United States ~~or Canada~~. It must be ~~an original~~ or a certified copy, have the stamp or raised seal of the issuing authority, and be issued by the state bureau of vital statistics, the state board of health, or a comparable agency. A hospital-issued certificate is not acceptable.

(4) ~~Immigration and Naturalization~~ United States Citizenship and Immigration Service document from the following list:

1. Certificate of Naturalization (N-550, N-570 or N-578).

2. Certificate of Citizenship (N-560, N-561 or N-645).

~~3. Northern Mariana Card (I-551).~~

~~4. American Indian Card (I-551).~~

~~5. U.S. Citizen Identification Card (I-179 or I-197).~~

~~6~~ 3. Permanent Resident Alien Card (I-151, I-551, AR-3, AR-3A or AR-103).

~~7. Temporary Resident Identification Card (K-688).~~

~~8. Nonresident Alien Canadian Border Crossing Card (I-185 or I-586).~~

~~9~~ 4. Record of Arrival and Departure (I-94) with attached photo that is stamped "Temporary Proof of Lawful Permanent Resident."

~~10~~ 5. "Processed for I-551" stamp in a valid foreign passport.

~~11. Permanent Resident Re-entry Permit (I-327).~~

~~12. Refugee Travel Document (I-571).~~

6. Travel Document indicating Permit to Re-enter (I-327) or Refugee Travel Document (I-571).

~~13~~ 7. Record of Arrival and Departure (I-94) in a Certificate of Identity.

~~14~~ 8. Employment Authorization Card (I-688A, I-688B, or I-766).

~~15~~ 9. Record of Arrival and Departure (I-94) stamped "Refugee," "Parole," "Parolee," or "Asylee."

~~16~~ 10. Record of Arrival and Departure (I-94) coded Section 207 (Refugee), Section 208 (Asylum), Section 209 (Refugees), Section 212d(5) (Parolee), HP (Humanitarian Parolee), or PIP (Public Interest Parolee).

~~(5) Court order. It must contain the full name, date of birth, and court seal. This does not include an abstract of criminal or civil conviction.~~

~~(6) (5) Military identification card. This does not include a military dependent identification card.~~

~~(7) (6) Valid United States passport issued by the United States or Canada. If the passport is Canadian, the appropriate Immigration and Naturalization Service document is also required.~~

~~(8) Identification card issued by Canadian Department of Indian Affairs. A card issued by the United States Bureau of Indian Affairs is not acceptable. A tribal identification card is not acceptable.~~

(9) (7) Inmate Descriptor Inquiry, Client Information Inquiry or Offender Snapshot document issued by the Iowa department of corrections. The document must contain the full name and date of birth and be notarized.

b. Acceptable secondary documents include:

(1) Any primary document.

(2) Bureau of Indian Affairs or Indian Treaty Card. A tribal identification card is not acceptable.

(3) Photo driver's license or state-issued photo identification card that has not been expired for more than one year.

(4) Court order that does not contain the applicant's date of birth but does contain the full name.

(5) Foreign birth certificate. It must be translated by an approved translator, if translation is necessary.

(6) Military discharge, military orders or separation papers.

(7) Military dependent identification card.

(8) Employer identification card.

(9) Health insurance card.

(10) Document issued by the Internal Revenue Service or a state tax agency. Form W-2 ~~and~~ tax forms form completed by the ~~taxpayer are not~~ employer is acceptable.

(11) Marriage ~~license or~~ certificate.

~~(12) Medical records from a doctor or hospital, original or authenticated.~~

~~(13)~~ (12) Gun permit.

~~(14)~~ (13) Pilot's license.

~~(15)~~ (14) School record or transcript. It must be certified.

~~(16)~~ (15) Social security card issued by the Social Security Administration. A metal version of the card is not acceptable.

~~(17)~~ (16) Social insurance card issued by the Canadian government.

(18) (17) Photo student identification card.

(19) ~~Vehicle certificate of title. A vehicle registration is not acceptable.~~

(20) (18) Voter registration card.

(21) (19) Welfare card.

(22) (20) Prison release document.

(23) (21) Parent or guardian affidavit. The parent or guardian must appear in person, submit proof of the parent's or guardian's age and identity, and submit a certified or notarized affidavit regarding the child's identity. This applies only to minors.

c. The department may require additional documentation if the department believes that the documentation submitted is questionable or if the department has reason to believe that the person is not who the person claims to be.

ITEM 3. Amend paragraph 601.5(3)"c" as follows:

c. ~~Marriage license or certificate.~~

ITEM 4. Amend rule 761—601.6(321) as follows:

761—601.6(321) Parental consent. An unmarried person under the age of 18 who applies for an Iowa license shall submit parental consent and birth date confirmation on Form 430018, "Parents Consent Form." The parent's signature must be notarized; however, in lieu of notarization it may be witnessed by a ~~driver~~ driver's license examiner or clerk. No exception shall be made for parental absence from Iowa. A married person under the age of 18 shall submit ~~documentation of marriage~~ an original or certified copy of a marriage certificate to avoid submission of the consent form.

This rule is intended to implement Iowa Code section 321.184.

ITEM 5. Amend paragraph 602.2(3)"c" as follows:

c. The form must be signed by the licensee's parent or guardian. However, the parent's or guardian's signature is not required if the licensee is married and the original or a certified copy of the marriage ~~license~~ certificate is in the licensee's possession when the licensee is driving during the hours to which the waiver applies.

ITEM 6. Amend paragraph 604.31(2)"e" as follows:

e. The applicant is applying for a Class C Iowa driver's license that permits unaccompanied driving and has an equivalent out-of-state license that is valid or has expired within the past ~~six months~~ year.

ITEM 7. Amend paragraph 604.31(2)"f" as follows:

f. The applicant is applying for a Class D Iowa driver's license and has an equivalent out-of-state license that is valid or has expired within the past ~~six months~~ year.

ITEM 8. Amend paragraph 604.31(2)"g" as follows:

g. The applicant is applying for a Class M driver's license or a motorcycle endorsement and has an equivalent out-of-state Class M driver's license or motorcycle endorsement that is valid or has expired within the past ~~six months~~ year.

ITEM 9. Amend subparagraph 605.11(2)"c"(3) as follows:

(3) Marriage ~~license or~~ certificate.

ITEM 10. Amend rule 761—607.3(321), definition of "Air brake system," as follows:

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver's control to the service brake. "Air brake system" ~~does not include a system that~~

~~uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic, electrical or mechanical components~~ shall include any braking system operating fully or partially on the air brake principle.

ITEM 11. Amend paragraph 607.10(1)"c," introductory paragraph, as follows:

c. The following portions of 49 CFR Part 383 (October 1, ~~2004~~ 2008).

ITEM 12. Adopt the following new definitions in rule 761—610.2(321):

"Certified abstract of operating record" means the same as described in Iowa Code subsection 321A.3(1).

"Highly restricted personal information" means an individual's photograph or image, social security number, or medical or disability information.

"Person" means an individual, organization or entity.

"Personal information" means the same as defined in 761—Chapter 611.

"Recipient" means an individual who has obtained a certified abstract of operating record from the department.

ITEM 13. Amend rule 761—610.4(321) as follows:

761—610.4(321, 321A) Certified ~~driver~~ abstract of operating records.

610.4(1) In accordance with Iowa Code section 321A.3, a printed, certified ~~driver~~ abstract of the operating record of an individual is available. The record includes the information that is on the face of the individual's driver's license, plus information on the individual's sanctions, reportable vehicle accidents, and convictions. The certified ~~driver~~ abstract of operating record does not include the individual's photograph, social security number, or medical or disability information.

610.4(2) To obtain a certified ~~driver~~ abstract of operating record, a ~~requester~~ requestor shall

complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit a written request it to the office of driver services. Form 431069 must be completed with all required attachments before the department will consider a request for a certified abstract of operating record. A requestor must attach a legible photocopy of the requestor's driver's license or nonoperator's identification card to the form. The statutory fee, if applicable, shall accompany the request form. The request must include sufficient information to identify the individual whose record is requested.

610.4(3) Personal information and highly restricted personal information protected by Iowa Code section 321.11 and the Driver's Privacy Protection Act may be released only in the following situations:

a. ~~The personal information was included in the request.~~ The requestor has complied with each of the following requirements:

(1) Completed Form 431069 and submitted it to the office of driver services;

(2) Included all required attachments with the form, including a photocopy of the requestor's driver's license or nonoperator's identification card; and

(3) Paid the fee, if applicable, for the requested record.

b. ~~The requester is authorized by the Driver's Privacy Protection Act to use the information. In this situation, the department may require the requester to:~~ The department is satisfied that the requestor provided adequate and truthful information on Form 431069 and in the documents that the requestor attached to Form 431069.

~~(1) Provide proof of identity and authority to secure access to the information.~~

~~(2) Sign a certified statement or affidavit listing the specific reasons justifying access to the information and provide any proof necessary to establish relevant facts.~~

e. ~~The requester demonstrates to the department that the requester has obtained the express written consent of the individual to whom the personal information pertains. See 761—Chapter 611 for requirements regarding express written consent.~~

d. ~~The requester is the individual to whom the personal information pertains. The department shall require the requester to provide proof of identity.~~

610.4(4) The single-use restriction in Iowa Code subsection 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code subsection 321A.3(1).

610.4(5) Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

ITEM 14. Amend rule 761—611.3(321), definition of "Personal information," as follows:

"Personal information" means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. § 2725 of the Driver's Privacy Protection Act adopted in rule 761—611.2(321). "Personal information" also includes information on an individual's nonoperator's identification card ~~number~~.

ITEM 15. Amend subrule 611.4(2) as follows:

611.4(2) Form ~~411069~~ 431069, "Privacy Act Agreement for Request of Motor Vehicle ~~Record(s)~~ Records," must be completed by an applicant and approved by the department before the department may disclose personal information to the applicant without the express written consent of the individual to whom such information applies. On the form, the applicant shall indicate the provision of law that allows the release of personal information to that applicant. For the purpose of this subrule, "applicant" means a person who is not an authorized employee of the department.

ITEM 16. Amend rule 761—615.24(252J,261), parenthetical implementation statute, as follows:

761—615.24(252J,261,272D) Suspension upon receipt of a certificate of noncompliance.

ITEM 17. Adopt the following new subrule 615.24(3):

615.24(3) From department of revenue.

a. The department shall suspend a person's Iowa-issued driver's license upon receipt of a certification of noncompliance from the department of revenue.

b. The suspension shall begin 30 days after the department's notice of suspension is served.

c. The suspension shall continue until receipt of a withdrawal of the certificate of noncompliance from the department of revenue.

d. The filing of an application pursuant to Iowa Code section 272D.9 stays the suspension pending the outcome of the district court hearing.

ITEM 18. Amend rule 761—615.24 (252J,261,272D), implementation sentence, as follows:

This rule is intended to implement Iowa Code sections [252J.1](#), [252J.8](#), [252J.9](#), [261.126](#), ~~and~~ [261.127](#), [272D.8](#) and [272D.9](#).

ITEM 19. Amend subrule 615.40(1) as follows:

615.40(1) Filed proof of financial responsibility under Iowa Code chapter 321A, when required, for all vehicles to be operated. The class of license issued will depend on the examinations passed and other qualifications of the applicant. Regardless of the class of license issued, the license shall be valid only for the operation of the ~~specific~~ motor vehicles covered under the proof of financial responsibility filed by the applicant.

ITEM 20. Amend rule 761—615.42(321) as follows:

761—615.42(321) Remedial driver improvement action under Iowa Code section 321.180B.

615.42(1) The department shall require remedial driver improvement action when a person holding an instruction permit, an intermediate license or a full-privilege driver's license under Iowa

Code section 321.180B is convicted of a moving violation or has a contributive accident and the violation or accident occurred during the term of the instruction permit or intermediate license.

~~615.42(2) Completion of remedial driver improvement action means completion of a driver improvement interview with the department plus any suspension ordered by the department as a result of the interview~~ any or all of the following as determined by the department: suspension, safety advisory letter, additional restriction(s), vision screening, knowledge examination, and driving examination.

~~615.42(3) Participation in the driver improvement interview by both the licensee and the licensee's parent or guardian may be required. The interview shall be held by a reviewing officer appointed by the director of the office of driver services. The interview may include one or more of the following: a discussion of motor vehicle laws, a discussion of driving behavior, a vision screening, a knowledge examination, and a driving examination.~~

~~615.42(4) The department may take one or more of the following actions after the interview and shall take one or more of the following actions if the licensee fails to appear for or does not otherwise complete the interview:~~

~~a. Execute an agreement with the licensee and the parent or guardian, setting out a plan to improve the licensee's driving behavior.~~

~~b. Add appropriate license restrictions.~~

~~c. Suspend the licensee's driving privilege.~~

~~615.42(5)~~ 615.42(3) A suspension period under this rule shall be for no less than 30 days nor longer than one year. A person whose driving privilege has been suspended under this rule is not eligible for a temporary restricted license.

~~615.42(6)~~ 615.42(4) Remedial driver improvement action or suspension under this rule terminates when a person attains the age of 18.

This rule is intended to implement Iowa Code section 321.180B

ITEM 21. Amend subrule 640.6(4) as follows:

640.6(4) Terminating the suspension upon filing of proof. When future proof of financial responsibility is shown and the person is otherwise eligible for licensing, the department shall issue Form 431009, a suspension termination notice, to the person whose privileges were suspended under Iowa Code sections 321A.13, 321A.14, 321A.16 or 321A.17 or rules 640.5(321A) and 640.6(321A). To regain operating privileges, the person shall appear before an Iowa driver license examiner, pass the required examinations, and pay the required fees. The person's operating and registration privileges are restricted to the motor vehicles and coverage described in the notice covered under the proof of financial responsibility filed by the applicant.

DATE

NANCY J. RICHARDSON, DIRECTOR

MV-2009-66

Nancy Richardson, Director, said this administrative rule is for a series of changes through a number of Code sections related to activities of the Motor Vehicle Division. She noted the original notice included a change to another section that we received comments on relative to accessing abstracts of driving records by companies that broker them. We have pulled that section and will work with folks from that industry to see how we might improve that Code section. None of the other items received public comments. The changes are, for the most part, clarifying outdated language about what a person must show to prove identity and age in order to get a drivers license. We are positioning for Real ID and a more secure license.

Chairman Sawtelle noted at the end of the tour yesterday, the Commission held its monthly workshop meeting and, at that time, had the opportunity to review and be briefed on all the agenda items.

Commissioner Blouin moved, Commissioner Cleaveland seconded the Commission approve the rule amendments. All voted aye.

ITEM 1. Amend rule 761—1.7(17A, 307), introductory paragraph, as follows:

761--1.7(17A,307) Director of transportation. The director of transportation is based in Ames and serves as the chief administrative officer of the department ~~and the secretary of the Iowa railway finance authority~~. The director is responsible for the management of the department and for statutory duties including but not limited to those listed in Iowa Code section 307.12. The following units report to the director:

ITEM 2. Amend subrule 1.8(7) as follows:

1.8(7) Rail and water division. The rail and water division is based in Ames; telephone (515)239-1367. The division administers state and federal funds for railroad track and grade crossing improvements, reviews and develops policy position recommendations on rail abandonments and mergers, performs track safety inspections, reviews and recommends financing projects to the ~~Iowa railway finance authority~~ transportation commission, promotes river transportation and coordinates river programs with other transportation modes, and administers other railroad and river related Iowa Code responsibilities assigned to the department.

ITEM 3. Amend paragraph 4.1(1)"a" as follows:

a. This chapter describes the provisions governing public access to records that are owned by or in the physical possession of the department, ~~including records of the Iowa railway finance authority~~. However, access to personnel and payroll records may also be subject to the rules of the department of administrative services.

ITEM 4. Rescind and reserve 761—Chapter 801.

ITEM 5. Rescind 765—Chapter 1.

ITEM 6. Rescind 765—Chapter 2.

ITEM 7. Rescind 765—Chapter 3.

ITEM 8. Rescind 765—Chapter 4.

ITEM 9. Transfer 765—Chapter 5 to 761—Chapter 822.

ITEM 10. Amend 761—Chapter 822 by removing 327I from the implementation statutes.

ITEM 11. Amend 761—Chapter 822 by replacing all references of "IRFA staff" with "department staff," replacing all references of "IRFA Board" with "transportation commission" and replacing all references of "board" with "commission."

ITEM 12. Amend rule 761—822.1(327H) as follows:

761—822.1(327H) Introduction. The railroad revolving loan and grant fund program provides funding in the form of loans and grants for railroad-related improvement projects that spur economic development and job growth. The railroad revolving loan and grant fund is established in Iowa Code section 327H.20A as amended by ~~2005~~ 2009 Iowa Acts, ~~House~~ Senate File ~~875~~ 151, section ~~31~~ 11, and is under the control of the ~~Iowa railway finance authority (IRFA)~~ department.

ITEM 13. Amend rule 761—822.3(327H) as follows:

761—822.3(327H) Information. Information may be obtained ~~from IRFA staff~~ at the following

address: ~~Iowa Railway Finance Authority Coordinator~~, Office of Rail Transportation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1140. Completed applications shall be submitted to this address.

ITEM 14. Amend rule 761—822.5(327H) by rescinding subrule 822.5(3).

ITEM 15. Amend paragraph 822.10(1)"a" as follows:

a. The applicant shall submit an original and two copies of a project application to the address in rule ~~765—5.3(327H,327I)~~ 761—822.3(327H).

ITEM 16. Amend 761—Chapter 822 implementation clause as follows:

These rules are intended to implement Iowa Code section 327H.20A as amended by ~~2005~~ 2009 Iowa Acts, ~~House~~ Senate File 151, section ~~31 11~~, and section ~~327I.8~~ as amended by ~~2005~~ Iowa Acts, ~~House~~ File 875, section 33.

DATE

NANCY J. RICHARDSON, DIRECTOR

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2009-68
Submitted by Stuart Anderson Phone No. 515-239-1027 Meeting Date June 9, 2009
Title Revitalize Iowa's Sound Economy (RISE) Application – Perry (Delegation)

DISCUSSION/BACKGROUND:

The city of Perry submitted a RISE Immediate Opportunity application requesting a grant to assist in the construction of approximately 600 feet of 26th Street north of Iowa Avenue.

Because this project will provide access to two lots totaling more than 17 acres of RISE eligible development and in order to maximize RISE support for the project, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

Based on the capital investment commitment and potential for future job creation, it is recommended the Commission reclassify the project as a RISE Local Development project in the February 2009 round of applications and award a RISE grant of \$120,188 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city 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-2009-68

Stuart Anderson, Planning, Programming and Modal Division, reviewed a RISE immediate opportunity application from the city of Perry to construct approximately 600 feet of 26th Street. Using a power point map he reviewed the location of the roadway just to the north of Iowa 141 on the east side of Perry. This project will support a multi-tenant development in their proposed industrial park. However, based on staff's review of the capital investment, job creation, and potential to access additional lots, it was determined it is better suited as a RISE local development application.

Using RISE local development criteria, Mr. Anderson said staff evaluated the project and it scored 50 points. The total estimated project cost is \$240,375. The city is requesting a RISE grant of \$120,188 and will provide a 50 percent local match. He introduced Butch Niebuhr, Perry City Administrator.

Mr. Niebuhr said the city of Perry is seeing a lot of diverse growth. This area of town has a commercial park and a business park which are visible coming in from the metropolitan area to Perry. He said they would appreciate the Department's help and partnership on this project as they think there is potential for a lot of growth in this area.

Mr. Anderson reviewed staff's recommendation.

Commissioner Cleaveland moved, Commissioner Miles seconded 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 2009 round of applications and award a RISE grant of \$120,188 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE funds. All voted aye.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Program Management Order No. PMM-2009-69
 Submitted by E. Jon Ranney Phone No. 515-239-1500 Meeting Date June 9, 2009
 Title 2010-2014 Transportation Improvement Program

DISCUSSION/BACKGROUND:

The Iowa Transportation Improvement Program for Fiscal Years 2010-2014 will be presented for final review and approval.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve and authorize distribution of the Fiscal Years 2010-2014 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:

Moved by _____ Seconded by _____

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

 Division Director _____ Legal _____ State Director

PPM-2009-69

Chairman Sawtelle said one of the more important events we have each year is when the Commission approves the next five-year program. He wanted to recognize the fact that while this is the day the approval happens, a lot of work has been done over many, many months by staff. This year was especially over the top with the Recovery Act projects that were thrown in the mix in the same planning cycle. He expressed appreciation, on behalf of the Commission, for the amount of work staff did to keep "all those balls in the air" as we went through the programming process.

Jon Ranney, Office of Program Management, said this morning the Iowa Transportation Improvement Program for fiscal years 2010-2014 is being presented for final review and approval. The draft 2010-2014 program was presented to the Commission last month and based on Commission comments, two changes were made. The lowan's letter was included and a project on U.S. 20 in Dubuque county was added. He requested Commission approval of the program and the use of condemnation, if necessary, to acquire property for projects listed in the highway section.

Commissioner Wiley moved, Commissioner Cleaveland seconded the Commission approve and authorize distribution of the Fiscal Years 2010-2014 Iowa Transportation Improvement Program and approve the use of condemnation, if necessary, to acquire property for projects listed in the highway section. All voted aye.