

Commission Minutes
October 9, 2018



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

October 9, 2018
Hotel Winneshiek
104 East Water Street, Decorah

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2019-19 8:00 a.m.	* Approve Minutes of the September 11, 2018 Commission Meeting Commission Comments DOT Comments	Danielle Griggs	3
MV-2019-20	* Administrative Rules – 761 IAC 615, Sanctions	Mark Lowe	5
PPM-2019-21	* Railroad Revolving Loan and Grant Program	Stuart Anderson	17
PPM-2019-22	* Fiscal Year 2020 Highway-Railroad Crossing Safety Program	Stuart Anderson	19
PPM-2019-23	* 2020 Highway-Railroad Crossing Surface Repair Program	Stuart Anderson	21
PPM-2019-24	* State Recreational Trails Program Funding Recommendations	Craig Markley	23
PPM-2019-25	* Revitalize Iowa's Sound Economy (RISE) – City of Burlington	Craig Markley	25
PPM-2019-26 8:15 a.m.	* Revitalize Iowa's Sound Economy (RISE) – Story City Adjourn	Craig Markley	27

*Action Item

On Monday October 8, the Commission and staff will meet informally at 3:30 p.m. at Hotel Winneshiek, 104 East Water Street, Decorah, Iowa. 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-2019-19
Submitted by Danielle Griggs Phone No. 515-239-1919 Meeting Date October 9, 2018
Title Approve Minutes of the September 11, 2018 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the September 11, 2018 Commission meeting.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Nancy Maher

Division Director Legal State Director

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Paulsen	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Rose	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

D-2019-19

Commissioner Rielly made a motion to approve the minutes as written. Commissioner Maher seconded the motion. Motion passes unanimously. Commissioner Rose, absent.

Commission Comments

Commissioner Putney gave a summary on Monday's tour.

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2019-20
 Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date October 9, 2018
 Title Administrative Rules — 761 IAC 615, Sanctions

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 615 incorporate requirements related to driver’s license sanctions. In general, the amendments improve clarity, remove requirements that no longer match current business practices, make corrections that update rules to statutory requirements, implement legislation that affects sanctions for violations of Iowa’s “slow down, move over” law, and implement legislation that ends the practice of imposing driving sanctions for drug convictions unrelated to the operation of a motor vehicle.

The public comment period ended Sept. 18. The department did not receive any public comments or requests for oral presentations, but did receive a comment from a member of the Administrative Rules Review Committee at its meeting on Sept. 11, 2018.

The comment related to the implementation of the proposed amendment to rule 761—615.32(321), and specifically the extension of a habitual offender bar under Iowa Code 321J—see Item 15 in the attached Notice of Intended Action. It is not department practice to extend habitual offender bars under Iowa Code 321J, nor was it the intent to change that practice with the proposed rule amendments, rather the intent was to delineate between the extension of license sanctions under Iowa Code 321 and 321J, and align the rule with implementing language in the authorizing statute. Because the proposed amendment to rule 761—615.32(321) implies that the department will begin extending habitual offender bars under Iowa Code 321J, which was not the intent, the department will revise the proposed rule amendment to only refer to extension of license suspensions and revocations under Iowa Code 321J.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action. The following is how the department is proposing to amend Item 15:

761—615.32(321) Extension of suspension or, denial, revocation period, or bar under Iowa Code chapter 321J. ~~The Anything in rule 761—615.11(321) notwithstanding, the department shall extend the period of license suspension, denial, or revocation, or bar for an additional like period when the person is convicted of operating a motor vehicle while the person’s license is suspended, denied, or revoked, or barred under Iowa Code chapter 321J.~~

This rule is intended to implement Iowa Code ~~sections 321.218 and~~ section 321J.21.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action and the revision to Item 15 included in this order.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Kraig Paulsen

	Aye	Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	x		
Rielly	x		
Rose	absent		
Yanney	x		

Division Director Legal State Director

MV-2019-20

Director Lowe for Melissa Spiegel, Motor Vehicle Division; We have before the Commission, approval of amendments to chapter 615 of the Iowa Department of Transportation's administrative code. Chapter 615 deals with sanctions that are involved in driver's license suspensions and revocations for various traffic violations or accommodations of traffic violations. We've made a number of improvements to the clarity and alignment of the rules with our existing statutory authority that were not substantive in nature. We added two specific sections that corresponded to legislative changes that came in last year. One including suspensions for violations of the state's "slow down move over law" and one eliminating what we call drug revocations for people who convicted of non-driving drug sanctions.

As discussed yesterday our public comment period for these rules ended September 18. We did not receive any public comments. We did present these to the Iowa Legislature and the Administrative Rules Review Committee on September 11, and they had one comment that we will correspond to as recognized in the order. Making a change in language to make sure that our intent on that rule is clear.

It is recommended that the Commission approve the rule amendments attached to the Commission Order.

Commissioner Rielly made a motion to approve the rule amendment. Commissioner Paulsen seconded the motion. Commissioner Rose, absent; motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to sanctions and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 615, “Sanctions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.210, 321.210A, 321.210D and 321A.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.177, 321.210, 321.210A, 321.210C, 321.210D, 321.218, 321.276, 321.372, 321A.2 and 321J.21; section 321.212 as amended by 2018 Iowa Acts, House File 2502, section 96; section 321.215 as amended by 2018 Iowa Acts, House File 2502, section 97; and section 321.323A as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4.

Purpose and Summary

This rule making proposes amendments to Chapter 615, which addresses the Department’s rules regarding driver’s license sanctions. In general, the amendments update an outdated office name, contact information, form references and legal references; eliminate irrelevant and redundant language to improve clarity; remove requirements that no longer match current business practices; make corrections that update rules to statutory requirements; implement legislation that affects sanctions for violations of Iowa’s “slow down, move over” law; and implement legislation that ends the practice of imposing driving sanctions for drug convictions unrelated to the operation of a motor vehicle. The proposed amendments do not otherwise change any existing sanction or appeal processes. The following paragraphs describe the proposed amendments in more detail.

Definitions. The proposed amendments make changes to definitions currently included in Chapter 615. First, the proposed amendments strike redundant language and establish a single definition for the terms “contributive accident” and “contributed to an accident.” These terms are relevant to whether a person should be sanctioned as a habitually reckless or negligent driver after being involved in multiple motor vehicle accidents under Iowa Code section 321.210 and rule 761—615.12(321) or for a serious conviction after being involved in a fatal motor vehicle accident under Iowa Code section 321.210 and 761—paragraph 615.17(2)“b,” or should be referred to remedial driver improvement after being involved in a motor vehicle accident as a young driver under Iowa Code section 321.180B and rule 761—615.42(321). The proposed amendments do not change the meaning of the terms or the standards by which the sanctions are imposed, but only eliminate repeating the same definition in several places throughout the chapter.

Second, the proposed amendments rescind the definition of the term “conviction free.” As the current definition indicates, the definition is only relevant to terms used in Iowa Code section 321.180B, which governs graduated driver’s licenses issued to persons aged 14 to 17. The term is not used in or relevant to any other provisions in Chapter 615, and removing the definition will have no impact on any sanction imposed under this chapter.

Periods of suspension or revocation. The proposed amendments clarify that rule 761—615.11(321) regarding the length of time a sanction may be imposed applies both to suspensions and to revocations. The current version of this rule refers only to suspensions, but the authorizing Iowa Code sections the rule implements (Iowa Code sections 321.212 and 321.218) govern both suspensions and revocations. The

words “or revocation” are added throughout the rule to accurately reflect the statute, but the sanctions or periods of sanctions otherwise imposed under this chapter do not change. The proposed amendments also update rule 761—615.11(321) to properly reflect the content of Iowa Code section 321.218, which provides that the Department, upon receiving notice that a person has been convicted of operating a motor vehicle while the person’s license is suspended or revoked, shall extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter. Although the Department has been properly implementing this part of Iowa Code section 321.218, the rule did not properly reflect that the extension should be limited to the shorter of an additional like period or one year. The proposed amendment corrects this.

In conjunction with this change, the proposed amendments also clarify that rule 761—615.11(321) does not apply to the extension of operating while intoxicated (OWI) sanctions, which is instead governed by rule 761—615.32(321). Rule 761—615.32(321) implements Iowa Code section 321J.21, which requires the Department to extend the period of license suspension, denial, revocation, or bar for an additional like period and which prohibits the Department from issuing a person a new license during the additional like period when the person is convicted of operating a motor vehicle while the person’s license is suspended, revoked, denied or barred for an OWI offense under Iowa Code chapter 321J. Iowa Code section 321J.21, unlike Iowa Code section 321.218, does not limit the extension of the additional like period to the shorter of the like period or one year, and accordingly it should remain clear that rule 761—615.32(321) separately governs extensions of sanctions for OWI offenses. Again, the Department has been correctly implementing Iowa Code section 321J.21, but the proposed amendment will ensure that the content of the rule properly aligns to the content of Iowa Code section 321J.21.

Suspension of habitual violators. Consistent with Iowa Code section 321.276(4)“b,” which provides that convictions for use of an electronic communication device under Iowa Code section 321.276 shall not be considered a moving violation for purposes of Iowa Code chapter 321 or rules adopted under Iowa Code chapter 321, the proposed amendments add violations of Iowa Code section 321.276 to the list of violations that shall not be used to determine whether a person should be deemed a habitual violator under Iowa Code section 321.210 and rule 716—615.13(321).

Violations of corresponding municipal ordinances. Under Iowa Code section 321.235, local authorities may adopt traffic regulations which are not in conflict with the provisions of Iowa Code chapter 321. Under this authority, many municipalities have, by ordinance, established traffic codes that include traffic regulations that correspond to traffic regulations established in Iowa Code chapter 321, and when a driver is cited in a municipality with such an ordinance, the citation and conviction are entered under the local ordinance rather than the corresponding section of Iowa Code chapter 321. Under Iowa Code section 321.491, the clerk of court is required to report to the Department all records of convictions for violations of Iowa Code chapter 321 or other laws regulating the operation of vehicles on highways, and under Iowa Code section 321.200, the Department is required to enter each conviction reported on the corresponding driver’s record and to consider each conviction when determining whether a driver is eligible for a driver’s license or should be sanctioned. Under this authority, the clerk of court reports to the Department all convictions for traffic violations, regardless of whether convictions are written under Iowa Code chapter 321 or under a corresponding municipal ordinance, and the Department then enters each conviction on the driver’s record and considers each conviction accordingly.

Despite this, in certain instances the manner in which the Department has phrased its administrative rules regarding sanctions has caused administrative law judges to disregard convictions for traffic violations written under a corresponding municipal ordinance and rescind an otherwise appropriate sanction, under the rationale that the administrative rule specified that the sanction only applied to a person convicted of violating a specified section of Iowa Code chapter 321 and a conviction written under a corresponding municipal ordinance was not a conviction under the specific section of Iowa Code chapter 321. To ensure that licensing and sanction decisions for like conduct and violations remain consistent regardless of whether the conviction was entered under a section within Iowa Code chapter 321 or a corresponding municipal ordinance, the proposed amendments specify that the sanction may be imposed if a person is convicted of the specified section of Iowa Code chapter 321

“or a similar ordinance of any political subdivision.” The proposed amendments affect rules imposing sanctions for illegally passing a stopped school bus, as required by Iowa Code section 321.372(3), and for violating Iowa’s “slow down, move over” law, as required by Iowa Code section 321.323A. The proposed amendments do not change the required sanctions and do not in any way implicate civil penalties entered against a vehicle owner under automated traffic enforcement ordinances, which are not criminal traffic convictions and are not reported to Iowa’s courts or to the Department.

“Slow down, move over” law. The proposed amendments add convictions for violations of Iowa Code section 321.323A that result in damage to the property of another person or bodily injury to or death of another person, as a qualifying serious violation under rule 761—615.17(321). Iowa Code section 321.323A, often referred to as Iowa’s “slow down, move over” law, requires a driver approaching a stationary vehicle displaying authorized flashing lights or emergency signal lamps to approach the vehicle with due caution and, absent any other direction by a peace officer, either make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions, or, if a lane change would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop. The proposed amendments conform the rules to Iowa Code section 321.323A as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4, which requires the Department to suspend the license of a person convicted of a violation of Iowa Code section 321.323A for 90 days if the violation caused only property damage to another person, for 180 days if the violation caused bodily injury to another person, and for one year if the violation caused the death of another person.

Suspension for moving violations during driving probation. Iowa Code section 321.210C provides that a person who has lost driving privileges for a moving violation under Iowa Code chapter 321 or a comparable moving violation in another jurisdiction, or for an OWI violation under Iowa Code chapter 321J, must satisfactorily complete a 12-month probation period beginning immediately after the end of the period of suspension, revocation, or bar of the person’s driving privileges. Under Iowa Code section 321.210C, if the person is convicted of another moving violation committed during the driving probation (excluding the first two speeding violations that are 10 miles per hour or less in speed zones of 35 miles per hour to 55 miles per hour), the Department may suspend the person’s driver’s license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period. The proposed amendments clarify that the Department’s rule implementing Iowa Code section 321.210C applies only to the period of driving probation required under Iowa Code section 321.210C (as opposed to a criminal period of probation imposed by the Iowa courts) and add language that specifies a suspension for violation of a driving probation shall be equal in duration to the original period of suspension, revocation or bar, or for one year, whichever is the shorter period, to ensure the implementing rule matches the content and requirements of Iowa Code section 321.210C.

Drug revocations. 2018 Iowa Acts, House File 2502, division XXV, section 102, repealed Iowa Code section 901.5(10), which required the Department to revoke the driver’s license or motor vehicle operating privileges of a defendant convicted of certain nondriving drug offenses for a period of 180 days or to delay the issuance of a driver’s license for 180 days after the person is first eligible if the defendant has not been issued a driver’s license. The legislation also eliminated all references to Iowa Code section 901.5(10). To conform the rules with this legislation, the proposed amendments remove all provisions in the Department’s rules that implement or reference drug revocations previously required by Iowa Code section 901.5(10). This legislation became effective July 1, 2018, and consistent with its provisions, the Department has ended all drug revocations previously imposed and still in effect as of July 1, 2018, and discontinued the practice of imposing these revocations beginning July 1, 2018.

Appearance before an examiner. The Department’s rules regarding reinstatement or reissuance of a driver’s license following a period of sanction require a person to “appear before an examiner” to obtain or reinstate the license. This provision is not necessary, as any properly trained issuance staff may help a person reinstate or reissue a license. The proposed amendment strikes outdated language, and the conditions for reinstatement or reissuance remain unchanged.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 18, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

September 20, 2018	Department of Transportation
10 a.m.	Motor Vehicle Division
	6310 SE Convenience Boulevard
	Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **761—615.1(321)**, definitions of “Contributive accident” and “Moving violation,” as follows:

“*Contributive accident*” or “*contributed to an accident*” means the driver was involved in an accident for which there is evidence in departmental records that the driver performed an act which resulted in or contributed to the accident; or failed to perform an act which would have avoided or contributed to the avoidance of the accident.

“*Moving violation*,” unless otherwise provided in this chapter, means any violation of motor vehicle laws except:

1. Violations of equipment standards to be maintained for motor vehicles.
2. Parking violations as defined in Iowa Code section 321.210.
3. Child restraint and safety belt and harness violations under Iowa Code sections 321.445 and 321.446.
4. Violations of registration, weight and dimension laws.
5. Operating with an expired license.
6. Failure to appear.
7. Disturbing the peace with a motor vehicle.
8. Violations of Iowa Code ~~Supplement~~ section 321.20B for failure to provide proof of financial liability coverage.

ITEM 2. Rescind the definition of “Conviction free” in rule **761—615.1(321)**.

ITEM 3. Amend rule 761—615.3(17A) as follows:

761—615.3(17A) Information and address. Applications, forms and information concerning license sanctions are available at any driver’s license ~~examination station or at the address in 761—600.2(17A)~~ service center. Assistance is also available by mail from Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 4. Amend rule 761—615.9(321) as follows:

761—615.9(321) Habitual offender.

615.9(1) The department shall declare a person to be a habitual offender under Iowa Code ~~subsection~~ section 321.555(1) in accordance with the following point system:

- a. Points shall be assigned to convictions as follows:

<u>Conviction</u>	<u>Points</u>
Perjury or the making of a false affidavit or statement under oath to the department of public safety	2 points
Driving while under suspension, revocation or denial (except Iowa Code chapter 321J)	2 points
Driving while under Iowa Code chapter 321J revocation or denial	3 points
Driving while barred	4 points
Operating a motor vehicle in violation of Iowa Code section 321J.2	4 points
An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used	5 points
Failure to stop and leave information or to render aid as required by Iowa Code sections 321.261 and 321.263	5 points
Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279	5 points
Serious injury by a vehicle in violation of Iowa Code subsection 707.6A(3) <u>section 707.6A(4)</u>	5 points
Manslaughter resulting from the operation of a motor vehicle	6 points

b. No change.

615.9(2) No change.

615.9(3) A person declared to be a habitual offender under Iowa Code Supplement section 321.560; ~~unnumbered paragraph 2~~, shall be barred from operating a motor vehicle on the highways of this state beginning on the date the previous bar expires.

This rule is intended to implement Iowa Code sections 321.555, 321.556 and 321.560.

ITEM 5. Amend rule 761—615.11(321) as follows:

761—615.11(321) Periods of suspension or revocation.

615.11(1) Length. The department shall not suspend or revoke a person’s license for less than 30 days nor for more than one year unless a statute specifies or permits a different period of suspension or revocation.

615.11(2) Extension of suspension or revocation. The department shall extend the period of license suspension or revocation for an additional like period or for one year, whichever period is shorter, when the person is convicted of operating a motor vehicle while the person’s license is suspended or revoked, unless a statutory exception applies. If the person’s driving record does not indicate what the original grounds for suspension or revocation were, the period of license suspension or revocation shall not exceed six months.

This rule is intended to implement Iowa Code sections 321.212 and 321.218.

ITEM 6. Amend rule 761—615.12(321) as follows:

761—615.12(321) Suspension of a habitually reckless or negligent driver.

615.12(1) The department may suspend a person’s license if the person is a habitually reckless or negligent driver of a motor vehicle.

a. “Habitually reckless or negligent driver” means a person who has accumulated a combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.

b. ~~“Contributive or contributed” means that there is evidence in departmental records that the driver performed an act which resulted in or contributed to an accident, or failed to perform an act which would have avoided or contributed to the avoidance of an accident.~~

615.12(2) In this rule, ~~the~~ speeding violations specified in Iowa Code ~~paragraph~~ section 321.210(2)“d” and violations under Iowa Code section 321.276 are not included.

615.12(3) No change.

This rule is intended to implement Iowa Code section 321.210.

ITEM 7. Amend subrule 615.13(3) as follows:

615.13(3) In this rule, ~~the~~ speeding violations specified in Iowa Code ~~paragraph~~ section 321.210(2)“d” and violations under Iowa Code section 321.276 are not included.

ITEM 8. Amend paragraph **615.14(1)“c”** as follows:

c. Ineligibility for licensing under Iowa Code ~~subsections~~ sections 321.177(4) to 321.177(7).

ITEM 9. Amend rule 761—615.17(321) as follows:

761—615.17(321) Suspension for a serious violation.

615.17(1) No change.

615.17(2) “*Serious violation*” means that:

a. No change.

b. The person was convicted of a moving violation which contributed to a fatal motor vehicle accident. ~~“Contributed” is defined in paragraph 615.12(1)“b.”~~ The suspension period shall be at least 120 days.

c. No change.

d. The person was convicted of violating Iowa Code ~~subsection~~ section 321.372(3) or a similar ordinance of any political subdivision. The suspension period shall be:

(1) 30 days for a first conviction ~~under Iowa Code subsection 321.372(3)~~.

(2) 90 days for a second conviction ~~under Iowa Code subsection 321.372(3)~~.

(3) 180 days for a third or subsequent conviction ~~under Iowa Code subsection 321.372(3)~~.

e. The person was convicted of violating Iowa Code section 321.323A as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4, or a similar ordinance of any political subdivision. The suspension period shall be:

(1) 90 days for a violation causing property damage only to the property of another person.

(2) 180 days for a violation causing bodily injury to another person.

(3) One year for a violation causing death.

This rule is intended to implement Iowa Code sections 321.210; 321.323A as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4; 321.372; ~~as amended by 2012 Iowa Acts, Senate File 2218,~~ sections 2 and 5; and 321.491.

ITEM 10. Amend rule 761—615.20(321) as follows:

761—615.20(321) Suspension for moving violation during driving probation. The department may suspend the license of a person convicted of a moving violation pursuant to Iowa Code section 321.210C. The suspension period shall not exceed be equal in duration to the original period of suspension, revocation or bar, or for one year, whichever is the shorter period.

This rule is intended to implement Iowa Code section 321.210C.

ITEM 11. Amend subrule 615.22(1), introductory paragraph, as follows:

615.22(1) The department shall suspend a person’s privilege to operate motor vehicles in Iowa when the department is notified by a clerk of the district court ~~on Form No. 431037~~ that the person has been convicted of violating a law regulating the operation of motor vehicles, that the person has failed to pay the fine, penalty, surcharge or court costs arising out of the conviction, and that 60 days have elapsed since the person was mailed a notice of nonpayment from the clerk of the district court.

ITEM 12. Amend rule **761—615.23(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections ~~232.52(2)“a”(4)~~ 232.52(2), 299.1B, 321.213, 321.213A, 321.213B; and 321.215.

ITEM 13. Amend rule 761—615.29(321) as follows:

761—615.29(321) Mandatory revocation.

615.29(1) The department shall revoke a person's license upon receipt of a record of the person's conviction for an offense listed under Iowa Code section 321.209 ~~or upon receipt of an order issued pursuant to Iowa Code subsection 901.5(10).~~

615.29(2) No change.

615.29(3) The revocation period shall be at least one year except:

a. and *b.* No change.

~~*e.* The revocation period for an order issued pursuant to Iowa Code subsection 901.5(10) is 180 days.~~

This rule is intended to implement Iowa Code sections 321.209; 321.212; as amended by 2018 Iowa Acts, House File 2502, section 96; 321.261; and 707.6A.

ITEM 14. Amend rule 761—615.30(321) as follows:

761—615.30(321) Revocation for out-of-state offense.

615.30(1) The department may revoke an Iowa resident's license when the department is notified by another state that the person committed an offense in that state which, if committed in Iowa, would be grounds for revocation. The notice may indicate either a conviction or a final administrative decision. The period of the revocation shall be the same as if the offense had occurred in Iowa.

~~**615.30(2)** Rescinded IAB 11/20/96, effective 12/25/96.~~

This rule is intended to implement Iowa Code section 321.205.

ITEM 15. Amend rule 761—615.32(321) as follows:

761—615.32(321) Extension of suspension, denial, revocation period, or bar under Iowa Code chapter 321J. ~~The~~ Anything in rule 761—615.11(321) notwithstanding, the department shall extend the period of license suspension, denial, revocation, or bar for an additional like period when the person is convicted of operating a motor vehicle while the person's license is suspended, denied, revoked, or barred under Iowa Code chapter 321J.

This rule is intended to implement Iowa Code sections ~~321.218 and~~ section 321J.21.

ITEM 16. Amend paragraph **615.38(1)“a”** as follows:

a. License denials, cancellations and suspensions under Iowa Code sections 321.177 to 321.215 and 321A.4 to 321A.11 ~~except denials under Iowa Code subsection 321.177(10) and suspensions under Iowa Code sections 321.210B, 321.210D, 321.213A and 321.213B.~~

ITEM 17. Amend paragraph **615.38(2)“b”** as follows:

b. A request for an informal settlement, a request for a contested case hearing, or an appeal of a presiding officer's decision shall be submitted to the director of ~~the office of driver and identification services~~ at the address in 761—600.2(17A) rule 761—615.3(17A).

ITEM 18. Amend subrule 615.38(3) as follows:

615.38(3) *Informal settlement or hearing.*

a. No change.

b. Notwithstanding paragraph “*a*” ~~of this subrule, 615.38(3) “*a*,”~~ a request received from a person who has participated in a driver improvement interview on the same matter shall be deemed a request for a contested case hearing.

c. A request for an informal settlement or a request for a contested case hearing shall be deemed timely submitted if it is delivered to the director of ~~the office of driver and identification services~~ or postmarked within the time period specified in the department's notice of the sanction.

(1) and (2) No change.

ITEM 19. Amend rule 761—615.40(321) as follows:

761—615.40(321) License reinstatement or reissue. ~~A person who becomes eligible for a license after a denial, cancellation, suspension, revocation, bar or disqualification shall be notified by the department to appear before a driver license examiner to obtain or reinstate the license. The license may be issued if the person has:~~ The department may reinstate the license when the denial, cancellation, suspension, revocation, bar or disqualification has ended if the person has:

615.40(1) No change.

615.40(2) Paid the civil penalty when required. The civil penalty is specified in Iowa Code Supplement section 321.218A or 321A.32A.

615.40(3) to 615.40(6) No change.

This rule is intended to implement Iowa Code sections 321.186, 321.191, 321.195, 321.208, 321.212, and 321.218A, 321A.17 and ~~Iowa Code Supplement sections 321.218A and 321A.32A.~~

ITEM 20. Amend rule 761—615.41(321) as follows:

761—615.41(321) Investigation of convictions based on fraud. A person requesting investigation of fraudulent use of a person's name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049, ~~Identity Theft Complaint~~. The department shall review the application and may investigate, if appropriate, as required by Iowa Code section 321.200A. Form 420049 may be obtained by contacting the ~~bureau of investigation and identity protection by mail at Bureau of Investigation and Identity Protection, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa;~~ or on the department's ~~Web site~~ website.

This rule is intended to implement Iowa Code section 321.200A.

ITEM 21. Amend rule 761—615.45(321) as follows:

761—615.45(321) Temporary restricted license (work permit).

615.45(1) Ineligibility. The department shall not issue a temporary restricted license under Iowa Code ~~subsection section~~ section 321.215(1) as amended by 2018 Iowa Acts, House File 2502, section 97, to an applicant:

a. to i. No change.

~~*j.* Whose license has been suspended or revoked for a drug or drug-related offense.~~

~~*k.*~~ *j.* Whose license has been suspended due to receipt of a certificate of noncompliance from the child support recovery unit.

~~*l.*~~ *k.* Whose license has been suspended due to receipt of a certificate of noncompliance from the college student aid commission.

~~*m.*~~ *l.* Whose license has been suspended for a charge of vehicular homicide.

~~*n.*~~ *m.* Who has been suspended under Iowa Code ~~subsection section~~ section 321.180B(3).

615.45(2) Application.

a. To obtain a temporary restricted license, an applicant shall submit a written request for an interview with a driver's license hearing officer. The request shall be submitted to ~~the office of driver and identification services~~ at the address in ~~761—600.2(17A)~~ rule 761—615.3(17A).

b. If the driver's license hearing officer approves the issuance of a temporary restricted license, the officer shall furnish to the applicant application Form 430100, which is to be completed and submitted to ~~the office of driver and identification services.~~

c. No change.

615.45(3) No change.

615.45(4) Additional requirements. An applicant for a temporary restricted license shall also:

a. and b. No change.

c. Pay the required civil penalty specified in Iowa Code Supplement section 321.218A or 321A.32A.

615.45(5) and **615.45(6)** No change.

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218, 321.218A, 321.513 and 321.560.

ITEM 22. Rescind the chapter implementation sentence in **761—Chapter 615**.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Rail Transportation Order No. PPM-2019-21
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date October 9, 2018
 Title Railroad Revolving Loan and Grant Program Recommendation

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Railroad Revolving Loan and Grant Program has been completed. The following recommendations will be presented.

<u>Targeted job creation projects</u>	<u>Loan</u>	<u>Grant</u>
Heartland Goodwill Enterprises	\$462,456	\$48,000
UP Rail Improvements at Quaker Oats	----	\$1,028,000
Pattison Sand Company	\$271,732	\$564,000
Total Recommended Funding	\$734,188	\$1,640,000
<u>Rail network improvement projects</u>		
Farmers Feed and Grain Rail Improvement	\$660,750	----
KJRY Yard Enhancements	\$151,925	----
Total Recommended Funding	\$812,675	----

Total recommended funding: \$3,186,863

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Railroad Revolving Loan and Grant Program funding recommendations, as listed.

COMMISSION ACTION:

		Aye	Vote Nay	Pass
	Fehrman	x	_____	_____
	Maher	x	_____	_____
	Paulsen	x	_____	_____
Moved by <u>Nancy Maher</u>	Putney	x	_____	_____
Seconded by <u>John Putney</u>	Rielly	x	_____	_____
	Rose	<u>absent</u>	_____	_____
	Yanney	x	_____	_____

Division Director	Legal	State Director
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PPM-2019-21

Stuart Anderson, Planning, Program, and Modal Division; Last month, presented a recommendation to award approximately \$3.2 million in grants and loans to five projects from the Railroad Revolving Loan and Grant Program. These rail related investments will support the creation and retention of 136 jobs and millions of additional capital investments across Iowa.

We haven't received any questions or comments; therefore, it is recommended the Commission approve the Railroad Revolving Loan and Grant Program funding recommendations, as listed on the Commission Order.

Commissioner Maher made a motion to approve the Railroad Revolving Loan and Grant Program Recommendations. Commissioner Putney seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

PPM-2019-22

Stuart Anderson, Planning, Program, and Modal Division; Last month we presented a recommendation to award approximately \$5.1 million in federal funding to improve highway-rail crossing safety protection at 18 crossings across the state. These crossings are recommended based on an evaluation of the benefits and cost of each project.

We haven't received any questions or comments; therefore, it is recommended the Commission approve the FY 2020 Highway-Railroad Crossing Safety Program as shown on the list attached to the Commission Order.

Commissioner Rielly made a motion to approve the FY 2020 Highway-Railroad Crossing Safety Program. Commissioner Maher seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

List of Applications Received and Recommended Award

PROJECT NAME	SPONSOR	SCORE *	REQUESTED AMOUNT	RECOMMENDED AMOUNT
V Avenue, 190587M	<ul style="list-style-type: none"> Union Pacific Tama County 	2.8	\$350,000	\$350,000
Bowling Street, 840206T	<ul style="list-style-type: none"> Cedar Rapids & Iowa City Railway Co. City of Cedar Rapids 	2.8	\$150,000	\$150,000
2 nd Avenue, 191136M	<ul style="list-style-type: none"> Union Pacific City of Council Bluffs 	2.4	\$50,000	\$50,000
Iowa Highway 9, 608576M	<ul style="list-style-type: none"> Union Pacific Iowa DOT 	2.3	\$230,000	\$230,000
S 88 th Street, 603326H	<ul style="list-style-type: none"> Iowa Interstate Railroad City of West Des Moines 	2.3	\$325,000	\$325,000
Kermit Place, 191082J	<ul style="list-style-type: none"> Union Pacific Harrison County 	1.9	\$350,000	\$350,000
N 2 nd Street, 608101V	<ul style="list-style-type: none"> Union Pacific City of Estherville 	1.5	\$250,000	\$250,000
260 th Street, 201768B	<ul style="list-style-type: none"> Union Pacific Webster County 	1.5	\$250,000	\$250,000
4 th Avenue, 190435R	<ul style="list-style-type: none"> Union Pacific City of Clarence 	1.4	\$350,000	\$350,000
266 th Avenue, 385243R	<ul style="list-style-type: none"> DME Railroad Winneshiek County 	1.1	\$250,000	\$250,000
H Avenue, 307845V	<ul style="list-style-type: none"> Chicago Central & Pacific Railway Co. City of Cedar Rapids 	1.0	\$450,000	\$450,000
S Wine Street, 307013D	<ul style="list-style-type: none"> Chicago Central & Pacific Railway Co. City of Earlville 	0.9	\$230,000	\$230,000
E 14 th Street, 376125P	<ul style="list-style-type: none"> DME Railroad City of Dubuque 	0.7	\$225,000	\$225,000
Canfield Road, 190676E	<ul style="list-style-type: none"> Union Pacific Marshall County 	0.7	\$350,000	\$350,000
720 th Avenue, 190682H	<ul style="list-style-type: none"> Union Pacific Story County 	0.7	\$350,000	\$350,000
Three Bridges Road, 190616V	<ul style="list-style-type: none"> Union Pacific Marshall County 	0.6	\$375,000	\$375,000
W 3 rd Street, 307541E	<ul style="list-style-type: none"> Cedar Rapids & Iowa City Railway Co. City of Aurelia 	0.6	\$200,000	\$200,000
Washington Street, 196993E	<ul style="list-style-type: none"> Union Pacific City of Story City 	0.3 *	\$400,000	\$400,000

Total: \$ 5,135,000
Total Appropriation: \$5,345,898

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Rail Transportation Order No. PPM-2019-23
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date October 9, 2018
Title 2020 Highway-Railroad Crossing Surface Repair Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2020 Highway-Railroad Crossing Surface Repair Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2020 Highway-Railroad Crossing Surface Repair Program as attached.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by John Putney

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Paulsen	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Rose	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

PPM-2019-23

Stuart Anderson, Planning, Program, and Modal Division; Also last month, we presented a recommendation to award over \$900,000 to improve the surface at 13 highway-railroad crossings across the state. Up to half of the funding is prioritized to crossings based on an evaluation of need and the remaining is awarded based on when the applications were received. There is one change to the recommendation presented last month. We became aware last week that one of the recommended crossings is already under construction.

Therefore, we are recommending replacing that project with the next highest scoring project and it is recommended the Commission approve the FY 2020 Highway-Railroad Crossing Surface Repair Program as listed with the Commission order.

Commissioner Rielly made a motion to approve the FY 2020 Highway-Railroad Crossing Surface Repair Program as listed with the Commission order. Commissioner Putney seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

List of Applications Received and Recommended Award

PROJECT NAME	SPONSOR	SCORE	REQUESTED AMOUNT	RECOMMENDED AMOUNT
Wagner Road, 307177U	<ul style="list-style-type: none"> CCP Railroad City of Waterloo 	N/A Order application received	\$71,400	\$71,400
Nathan Bethel Avenue, 307064N	<ul style="list-style-type: none"> CCP Railroad Buchanan County 	N/A Order application received	\$51,600	\$51,600
Osage Avenue, 307112B	<ul style="list-style-type: none"> CCP Railroad City of Waterloo 	N/A Order application received	\$123,000	\$123,000
Golf Course Blvd., 307075B	<ul style="list-style-type: none"> CCP Railroad Buchanan County 	N/A Order application received	\$51,600	\$51,600
Airport Blvd., 307181J	<ul style="list-style-type: none"> CCP Railroad City of Waterloo 	N/A Order application received	\$82,200	\$82,200
Main Street, 307671B	<ul style="list-style-type: none"> Union Pacific Railroad City of Hinton 	N/A Order application received	\$54,184	\$54,184
Main Street, 307671B	<ul style="list-style-type: none"> Central Valley AG City of Hinton 	N/A Order application received	\$54,184	\$54,184
Main Street, 067334V	<ul style="list-style-type: none"> BNSF Railroad City of Hinton 	N/A Order application received	\$79,517	\$79,517
Main Street, 067334V	<ul style="list-style-type: none"> Central Valley AG City of Hinton 	N/A Order application received	\$50,792	\$50,792
Clinton Street, 082328E	<ul style="list-style-type: none"> Lester Feed & Grain Lyon County 	31	\$55,328	\$55,328
1 st Street SW, 376717A	<ul style="list-style-type: none"> Cedar Rapids & Iowa City Railroad City of Cedar Rapids 	26	\$147,900	\$147,900
South Monroe Street, 201859G	<ul style="list-style-type: none"> UP City of Mason City 	25	\$102,900	\$102,900
Main Street 385696H	<ul style="list-style-type: none"> Max Yield Co-op Clay County 	22	\$39,720	\$39,720
Main Street 385696H	<ul style="list-style-type: none"> Canadian Pacific Railroad Clay County 	23	\$39,720	\$39,720

TOTAL: \$921,844.40

In order received: \$536,277 or 58%
Scored: \$385,568 or 42%

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2019-24
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 9, 2018
Title State Recreational Trails Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the State Recreational Trails Program has been completed. The following recommendations will be presented.

Cedar Valley Nature Trail Wolf Creek Bridge Replacement (Black Hawk County Conservation Board)	\$ 360,000
Connecting Fort Madison! Phase 3-Community Hospital Connector (Fort Madison)	\$ 91,100
Davis County Regional Trail Construction-Phase 3 (Davis County and Davis County Trails Council)	\$ 230,000
Heart of Iowa Nature Trail-Slater to Huxley Hard Surfacing and Trail Improvements (Story County Conservation Board)	\$ 300,000
Lake Belva Deer Area Trail-Phase 3 (Keokuk County and Keokuk County Highway Department)	\$ 328,000
Total	\$1,309,100

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the State Recreational Trails Program funding recommendations, as listed.

COMMISSION ACTION:		Aye	Vote Nay	Pass
	Fehrman	x	_____	_____
	Maher	x	_____	_____
	Paulsen	x	_____	_____
Moved by <u>Tom Rielly</u>	Putney	x	_____	_____
Seconded by <u>Nancy Maher</u>	Rielly	x	_____	_____
	Rose	<u>absent</u>	_____	_____
	Yanney	x	_____	_____
_____ Division Director	_____ Legal			_____ State Director

PPM-2019-24

Craig Markley, Office of Systems Planning; The State Recreational Trails program was created in 1988 with the purpose of developing and maintaining recreational trails and trail-related facilities for both motorized and non-motorized trail users. This funding is available to cities, counties, state agencies, local governments or non-profit organizations through an annual application program.

The current round of applications was due on July 1st of this year. We received 39 recreational trails applications requesting over \$11.4 million. We presented a recommendation to you at the September workshop to award funding to 5 projects for a total of \$1,309,100.

We recommend you approve the State Recreational Trails program funding recommendations as listed on the Commission Order.

Commissioner Rielly made a motion to approve the State Recreational Trails program funding recommendations as listed on the Commission Order. Commissioner Maher seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2019-25
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 9, 2018
Title Revitalize Iowa's Sound Economy (RISE) Application – Burlington

DISCUSSION/BACKGROUND:

The city of Burlington submitted a RISE Local Development application in the September 2018 round requesting a grant to assist in construction of approximately 1,062 feet of new roadway located on the west side of town.

This project is necessary to provide access to two lots totaling more than 18 acres for industrial purposes. This project is anticipated to be completed by September 2019.

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 \$418,643 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Kraig Paulsen

	Aye	Nay	Pass
Fehrman	x	_____	_____
Maher	x	_____	_____
Paulsen	x	_____	_____
Putney	x	_____	_____
Rielly	x	_____	_____
Rose	<u>absent</u>	_____	_____
Yanney	x	_____	_____

Division Director Legal State Director

PPM-2019-25

Craig Markley, Office of Systems Planning; We have two RISE projects for your review this morning. First, we have an application from the city of Burlington. There is a delegation present if you have any questions following my presentation of background information.

The city submitted a Local Development RISE funding request to assist in construction of approximately 1,062 feet of new roadway located on the west side of town.

This project is necessary to provide access to two lots totaling more than 18 acres for industrial purposes.

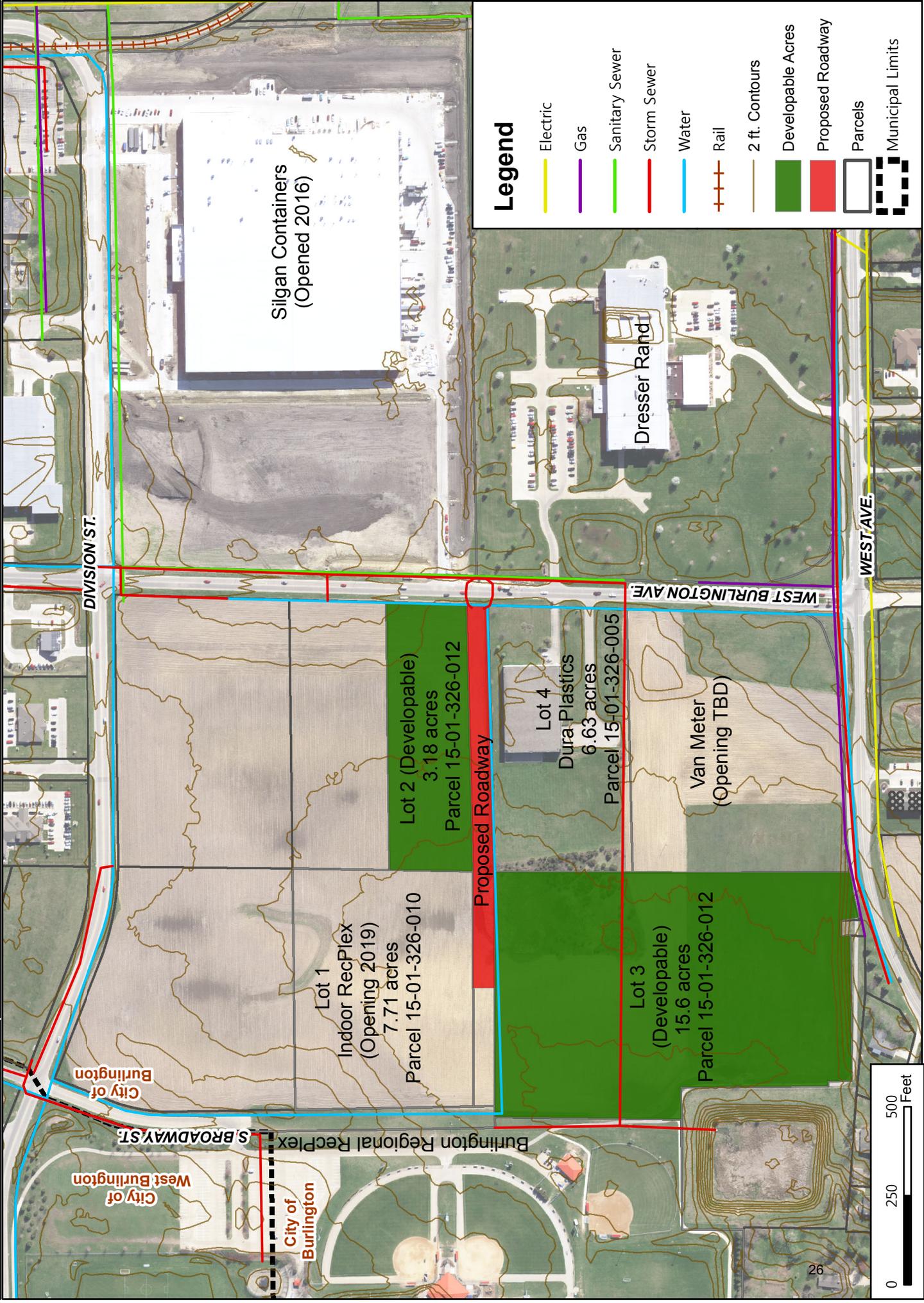
Under our RISE Local Development criteria, this project received a rating of 45 points. The total estimated cost of the project is \$837,286. The city of Burlington is requesting a RISE grant of \$418,643 and will be providing 50 percent in local match.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$418,643 or up to 50 percent of the total RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Commissioner Rielly made a motion to award a RISE grant of \$418,643 or up to 50 percent of the total RISE-eligible project cost, whichever is less. Commissioner Paulsen seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

FLINT RIDGE BUSINESS PARK ROADWAY EXTENSION

Attachment D-2: Area Map



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2019-26
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 9, 2018
Title Revitalize Iowa's Sound Economy (RISE) Application – Story City

DISCUSSION/BACKGROUND:

Story City submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of approximately 350 feet of Auestad Avenue located on the east side of town. This project is anticipated to be completed by October 2019.

This project is necessary to provide improved access to the proposed expanded site of M.H. Eby, Inc., a manufacturer of truck and trailer bodies. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- The creation of 23 new full-time jobs.
- \$7,339,603 in associated capital investment.

The RISE cost per job assisted will be \$7,485.26 and there will be a total capital investment of \$42.63 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$172,161 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Kraig Paulsen

	Aye	Nay	Pass
Fehrman	x		
Maher	x		
Paulsen	x		
Putney	x		
Rielly	x		
Rose	<u>absent</u>		
Yanney	x		

Division Director Legal State Director

PPM-2019-26

Craig Markley, Office of Systems Planning; Last, we have an application from Story City.

The city submitted an Immediate Opportunity RISE funding request to construct approximately 350 feet of Auestad Avenue located on the east side of town.

The proposed improvements will result in the creation of 23 full-time jobs within three years along with \$7,339,603 in associated capital investment.

Average wage of the created positions is \$21.86 per hour which is 100 percent of the average laborshed wage rate.

RISE grant recommended is \$172,161. Local participation is 20% or \$34,432. Total cost is \$215,201. The RISE cost per job assisted is \$7,485.26 (RISE avg. is \$7,500 - range is \$1,000 to \$12,000). Total Capital Investment per RISE dollar is \$42.63. (RISE avg. \$100 - range is \$5-\$800)

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$172,161 or up to 80 percent of total RISE-eligible project cost, whichever is less, from the city share of the RISE fund.

Commissioner Rielly made a motion to award a RISE grant of \$172,161 or up to 80 percent of total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. Commissioner Paulsen seconded the motion. The motion passed unanimously. Commissioner Rose, absent.

