

Commission Minutes
May 14, 2019



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

May 14, 2019
 Grand Ballroom A
 Double Tree by Hilton
 Cedar Rapids Convention Complex
 350 1st Avenue NE, Cedar Rapids, Iowa

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2019-69 8:00 a.m.	* Approve Minutes of the April 9, 2019 Commission Meeting Commission Comments DOT Comments	Danielle Griggs	3
SP-2019-70	* Administrative Rules – 761 IAC 10, 11, and 12	John Selmer	5
PPM-2019-71	* Revitalize Iowa’s Sound Economy (RISE) –Cedar Rapids	Craig Markley	9
PPM-2019-72	* Linking Iowa’s Freight Transportation System (LIFTS) Program Funding Recommendations	Stuart Anderson	11
PPM-2019-73	Draft 2020-2024 Iowa Transportation Improvement Program (for information only)	Stuart Anderson	13
8:10 a.m.	Adjourn		

*Action Item

On Monday, May 13, the Commission and staff will meet informally at 3:30 p.m. in the Grand Ballroom A at Double Tree by Hilton, Cedar Rapids Convention Complex, 350 1st Avenue NE, Cedar Rapids, 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-2019-69
Submitted by Danielle Griggs Phone No. 515-239-1919 Meeting Date May 14, 2019
Title Approve Minutes of the April 9, 2019 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the April 9, 2019 Commission meeting.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by David Rose

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

Division Director Legal State Director

D-2019-69

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

Commission Comments

Commissioner Juckette gave a briefing on Monday's tour.

DOT Comments

Director Lowe thanked the Commission and Staff for their time, effort, and work. He spoke regarding the highlights of the area.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Strategic Performance Division Order No. SP-2019-70
 Submitted by John Selmer Phone No. 515-239-1333 Meeting Date May 14, 2019
 Title Administrative Rules — 761 IAC 10, Administrative Rules; 761 IAC 11, Waiver of Rules; and
 761 IAC 12, Declaratory Orders

DISCUSSION/BACKGROUND:

The proposed rule making amends Chapters 10, 11 and 12 to update an office name, add email as an option for submitting specific petitions to the Department, and modify language to suggest that persons who have requested an oral presentation provide the Department with the general subject of the presentation.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended April 2. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Charese Yanney

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

Division Director Legal State Director

SP-2019-70

Director Lowe for John Selmer, this proposed rulemaking concerns chapters 10, 11, and 12. These are technical changes, changing office names, adding email submissions as well as written or hard submissions for clerical orders or request for rule wavier. I would like to make one amendment from what was presented yesterday; we are shifting some names from offices to bureau, Strategic Communications & Policy was one that was affected. With your permission, I would request that we include in this rulemaking to show that before submission to rule committee.

It is recommended the Commission approve these amendments as attached to the Commission Order.

Commission Rielly made a motion to approve the proposed changes to the administrative rule. Commissioner Yanney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to updates of administrative procedures and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 10, “Administrative Rules,” Chapter 11, “Waiver of Rules,” and Chapter 12, “Declaratory Orders,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.7, 17A.9, 17A.9A and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 17A.9 and 17A.9A.

Purpose and Summary

The proposed amendments to Chapters 10, 11 and 12 update the office name of the Department’s rules administrator and add email as an option for a person wanting to submit a petition for rule making, petition for waiver, or petition for declaratory order to the Department. The proposed amendments to Chapter 10 also modify language in subparagraph 10.2(2)“a”(2) to suggest that persons who have requested an oral presentation provide the Department with the general subject of the presentation.

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 April 2, 2019. 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:

April 4, 2019
10 a.m.

Department of Transportation
Administration Building, First Floor South
Conference Room
800 Lincoln Way
Ames, 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 subrule 10.1(2) as follows:

10.1(2) Address. The mailing address of the department's rules administrator is: Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department's website at iowadot.gov/administrativerules.

ITEM 2. Amend subparagraph **10.2(2)"a"(2)** as follows:

(2) If an oral presentation is requested, the requester is encouraged to set forth the general content subject of the presentation shall be indicated.

ITEM 3. Amend subrule 10.3(1), introductory paragraph, as follows:

10.3(1) The department shall accept and consider, from any person or agency, petitions for rule making when submitted to the department's rules administrator by mail or email and prepared in conformance with the following:

ITEM 4. Amend **761—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 17A.1 to 17A.9, 17A.19, ~~and~~ 307.12 and ~~section~~ 307A.2 as amended by 2015 Iowa Acts, House File 635, ~~section~~ 20.

ITEM 5. Amend subrule 11.5(3) as follows:

11.5(3) Submission of petition. A petition for waiver from the requirements of a rule shall be submitted to the rules administrator either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

ITEM 6. Amend subrule 11.8(2) as follows:

11.8(2) The ~~operations and finance division~~ department's rules administrator shall, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.

ITEM 7. Amend subrule 12.2(2) as follows:

12.2(2) The petition must be submitted to the ~~department's~~ rules administrator at the following address: either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa

50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2019-71
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date May 14, 2019
Title Revitalize Iowa's Sound Economy (RISE) Application – Cedar Rapids

DISCUSSION/BACKGROUND:

The city of Cedar Rapids submitted a RISE Immediate Opportunity application requesting a grant to assist in the construction of turn lanes on 6th Street SW located on the south side of town. This project is anticipated to be completed by June 2020.

This improvement is necessary to provide improved access to the proposed expansion of West Side Transport, a trucking company. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- The retention of 69 full-time jobs.
- \$9,066,862 in associated capital investment.

The RISE cost per job assisted will be \$12,000 and there will be a total capital investment of \$10.95 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job retention commitments, award a RISE grant of \$828,000 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 Charese Yanney Seconded by David Rose

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

Division Director Legal State Director

PPM-2019-71

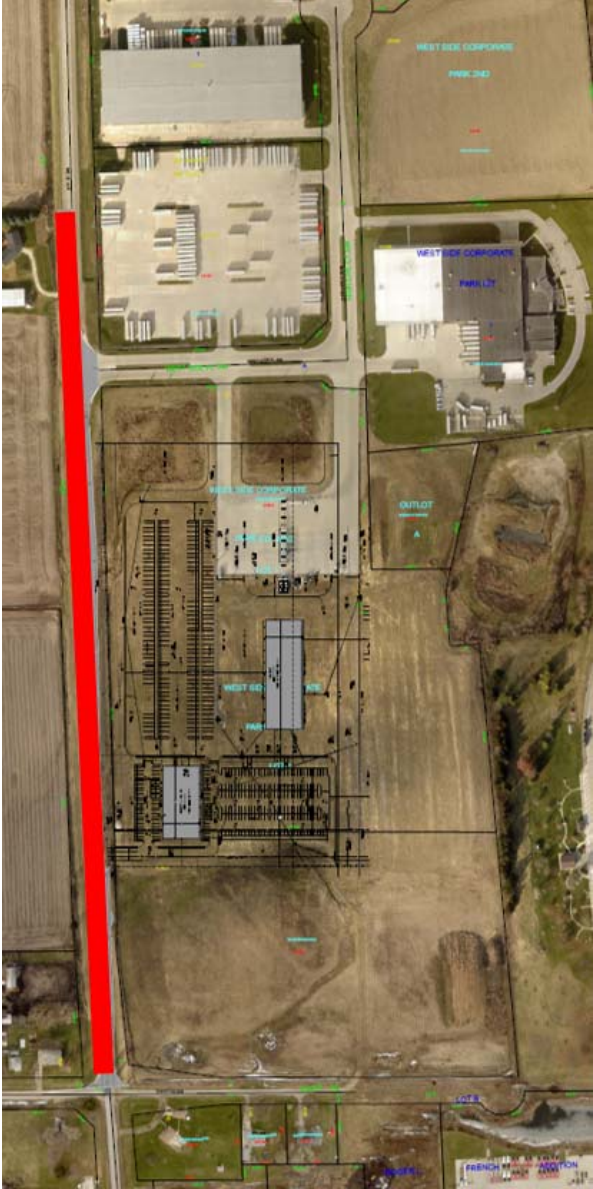
Craig Markley, Systems Planning Bureau; The city of Cedar Rapids submitted a RISE Immediate Opportunity application request to assist in the construction of turn lanes on 6th Street SW located on the south side of town. The proposed improvements will result in the retention of 69 full-time jobs at West Side Trucking within three years of roadway construction completion. Along with \$9,066,862 in associated capital investment. The average wage of retained positions is \$28.49 per hour, which is 132% of the average labor shed wage rate.

The RISE grant recommended is \$828,000; local participation is 56% or \$1,050,098 for a total cost of \$1,878,098. Total cost per job assisted is \$12,000 and total capital investment per RISE dollar is \$10.98

Brenna Fall from the City of Cedar Rapids made a brief comment regarding the encouragement of West Side Trucking to stay in Cedar Rapids due to these improvements and adding of turn lanes.

It is recommended the Commission, based on the capital investment and job retention commitments, award a RISE grant of \$828,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

Commission Yanney made a motion to award the RISE grant as recommended. Commissioner Rose seconded the motion. Motion passes unanimously.



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Rail Transportation Order No. PPM-2019-72
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date May 14, 2019
 Title Linking Iowa's Freight Transportation System (LIFTS) Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the LIFTS program applications for funding has been completed. The following recommendations will be presented.

Project	Grant
Eastern Iowa Airport	\$925,000
Mt. Pleasant/BJRY Transload Facility	\$536,000
Total recommended funding	\$1,461,000

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the LIFTS program funding recommendations as listed.

COMMISSION ACTION:

Moved by Nancy Maher Seconded by Tom Rielly

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

Division Director Legal State Director

PPM-2019-72

Stuart Anderson, Program, Planning, and Modal Division director; last month we presented a recommendation to award \$1.461 million of Federal National Highway Freight Program funding through the Linking Iowa's Freight Transportation System Program. This LIFTS program is an application based program to support rail freight and inter-modal freight across the state.

The recommended as listed on the Commission is to award funding to two projects. The first is \$925,000 grant to support a new cargo facility at the Eastern Iowa Airport, here in Cedar Rapids. The second is a \$536,000 grant to support a transload facility in Mt. Pleasant. We haven't received any questions or comments on the recommendation. Therefore, it is recommended the Commission approve the LIFTS program funding recommendations as listed.

Commissioner Maher made a motion to approve LIFTS program funding recommendations as listed on the Commission Order. Commissioner Rielly seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Program Management Order No. PPM-2019-73
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date May 14, 2019
Title Draft 2020-2024 Iowa Transportation Improvement Program

DISCUSSION/BACKGROUND:

The draft 2020-2024 Iowa Transportation Improvement Program will be reviewed.

PROPOSAL/ACTION RECOMMENDATION:

For information only.

COMMISSION ACTION:

No action taken. For information only.

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Rose	_____	_____	_____
Yanney	_____	_____	_____

Division Director Legal State Director