

Commission Minutes
October 12, 2021



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

October 12, 2021
Courtyard Waterloo Cedar Falls Hotel
250 Westfield Avenue
Waterloo, Iowa

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
8:00 a.m.			
D-2022-24	* Approve Minutes of the September 14, 2021 Commission Meeting Commission Comments DOT Comments	Danielle Madden	2
SO-2022-25	* Administrative Rules – 761 IAC 117 and 120	Dave Lorenzen	3
TD-2022-26	* Revitalize Iowa's Sound Economy (RISE) – City of Clinton	Craig Markley	9
TD-2022-27	* Revitalize Iowa's Sound Economy (RISE) – Rural Housing Pilot Program	Craig Markley	10
TD-2022-28	* State Recreational Trails Program Funding Recommendations	Craig Markley	11
TD-2022-29	* Railroad Revolving Loan and Grant Program Recommendations	Tamara Nicholson	12
TD-2022-30	* Fiscal Year 2023 Highway-Railroad Crossing Safety Program	Kris Klop	13
TD-2022-31	* 2023 Highway-Railroad Crossing Surface Repair Program	Kris Klop	16
8:10 a.m. Adjourn			
*Action Item			

On Monday, October 11, the Commission and staff will meet informally at
3:30 p.m. at the Courtyard Waterloo Cedar Falls Hotel.
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-2022-24
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date October 12, 2021
Title Approve Minutes of the September 14, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the September 14, 2021 Commission meeting.

COMMISSION ACTION:

Moved by Rich Arnold Seconded by Sally Stutsman

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

D-2022-24

Commissioner Arnold made a motion to approve the minutes as written.
Commissioner Stutsman seconded the motion. Motion passed unanimously.

Commission Comments

Commission Chair Juckette thanked the City of Waterloo and the City of Cedar Falls; also noted was the tour of the museum, and appreciation of staff for the tours and meetings.

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division/
Traffic and Safety Bureau Order No. SO-2022-25
Submitted by David Lorenzen Phone No. 515-239-1205 Meeting Date October 12, 2021
Title Administrative Rules — 761 IAC 117, Outdoor Advertising, and 761 IAC 120, Private Directional
Signing

DISCUSSION/BACKGROUND:

This proposed rule making amends Chapter 117 and rescinds Chapter 120.

This proposed rule making amends Chapter 117 and rescinds Chapter 120 to conform with 2021 Iowa Acts, Senate File 548, which amends Iowa Code chapters 306B and 306C. Senate File 548 redefines “advertising device” and strikes several exceptions listed in Iowa Code section 306C.11. These exceptions have been applied unequally and are based on the content of signs, which are expressions of speech. It is likely that the practice of basing these exceptions on content abridges the right to freedom of speech as protected by the First Amendment of the U.S. Constitution. The proposed amendments to Chapter 117 continue the process of eliminating these exceptions. The rescission of Chapter 120 is necessary following the repeal of Iowa Code section 306C.11(4), which contained another content-based exception for “directional signs.”

Many states have been addressing similar constitutional issues following a decision by the U.S. Supreme Court in 2015 [Reed v. Town of Gilbert].

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

The public comment period ended on August 31, 2021. 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
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

SO-2022-25

Dave Lorenzen, Systems Operations Division Director; this proposed rulemaking amends Chapter 117 rescinds Chapter 120 to conform with the 2021 Iowa Acts, Senate File 548 which amends Iowa Code chapters 306B and 306C. Senate File 548 redefines "advertising device" and strikes several exceptions listed in Iowa Code section 306C.11.

The public comment period ended on August 31st, 2021. The department did not receive any public comments or requests for oral presentations.

It is recommended that the Commission approve the rule amendment included in the notice of intended action, which is attached to your Commission order.

Commissioner Rielly made a motion to approve the amendments to Chapter 117 and rescind Chapter 120. Commissioner Yanney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the control of outdoor advertising devices
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 117, “Outdoor Advertising,” and to rescind Chapter 120, “Private Directional Signing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 306C.11 and 307.12, 23 CFR Section 750.705, and 23 U.S.C. Section 131.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 306B and 306C as amended by 2021 Iowa Acts, Senate File 548; 23 CFR Section 750.705; and 23 U.S.C. Section 131.

Purpose and Summary

This proposed rule making amends Chapter 117 and rescinds Chapter 120 to conform with 2021 Iowa Acts, Senate File 548, which amends Iowa Code chapters 306B and 306C. Senate File 548 redefines “advertising device” and strikes several exceptions listed in Iowa Code section 306C.11. These exceptions have been applied unequally and are based on the content of signs, which are expressions of speech. It is likely that the practice of basing these exceptions on content abridges the right to freedom of speech as protected by the First Amendment of the U.S. Constitution. The proposed amendments to Chapter 117 continue the process of eliminating these exceptions. The rescission of Chapter 120 is necessary following the repeal of Iowa Code section 306C.11(4), which contained another content-based exception for “directional signs.”

The proposed amendments to Chapter 117 strike all rules and subrules that pertain to definitions, provisions, and restrictions associated with different categories or types of signs based on message content. If a sign qualifies as an “advertising device,” as defined in Iowa Code sections 306B.1 and 306C.10 as amended by 2021 Iowa Acts, Senate File 548, sections 1 and 4, the sign will be subject to one set of standards for advertising devices, rather than standards based on the content of the message. The determining factor on whether to regulate the sign as an advertising device will be whether remuneration (compensation) is being paid or earned in exchange for the erection, display or existence of the sign.

A new subrule 117.2(2), concerning “rebuttable presumption,” is proposed to be added to provide the Department with the ability to regulate a sign as an advertising device, if sufficient documentation is not forthcoming from individuals involved with the sign. Without this ability, the opportunity exists for a person to claim that a sign is not an advertising device, while refusing to offer any information for the Department to make a determination. The process used to determine remuneration will not be overly intrusive. A simple form may be used for individuals involved with the sign to certify that no remuneration is being exchanged for the sign. If one of the parties opts to not have the forms completed, it is assumed that remuneration exists, and the sign will qualify as an “advertising device.” Advertising devices may still be permitted, but the standard permitting requirements (zoning, spacing, etc.) will apply to them.

A new subrule 117.2(7) is proposed to be added in order to grandfather in signs that are currently permitted through the private directional signing program. Current provisions exist for these signs in Chapter 120, but this chapter is being proposed to be rescinded because this program relies upon content-based factors. The effect of rescinding Chapter 120 will be minimal, because the Department has not received an application for this program in over two years.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. The fiscal note for 2021 Iowa Acts, Senate File 548, explains the potential for a loss of \$53.2 million in federal highway funding because of inaction. The proposed amendments implement the legislative changes to ensure that the Department is not put in a position of risk regarding federal highway funds.

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 August 31, 2021. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 2, 2021, at 1 p.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 31, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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. Rescind the definitions of “Development directory sign,” “Directional and official signs and notices,” “Directional sign,” “Obsolete sign,” “Official sign or notice,” “On-premises sign,” “Public utility sign,” and “Service club or religious notice” in rule 761—117.1(306B,306C).

ITEM 2. Amend rule 761—117.2(306B,306C) as follows:

761—117.2(306B,306C) General provisions.

117.2(1) Scope. This chapter of rules pertains to all advertising devices which are visible from the main traveled way of any primary highway, with the following exceptions:

a. No change.

b. ~~Except where specified otherwise, this~~ This chapter does not apply to official traffic control devices, logo signing, or tourist-oriented directional signing, ~~or private directional signing.~~

117.2(2) Rebuttable presumption. The department may regulate signs as advertising devices except when sufficient documentation from persons reasonably identified as potential payors or receivers of remuneration is available to the department showing or certifying that remuneration does not exist.

~~117.2(2)~~ **117.2(3) Contact information.** Inquiries, requests for forms, and applications regarding this chapter shall be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

~~117.2(3)~~ **117.2(4) Unauthorized signs, signals, or markings.** Any sign, signal, marking or device prohibited by Iowa Code section 321.259 is a public nuisance and shall be removed by the department if it is within the department’s jurisdiction.

~~117.2(4)~~ **117.2(5) Advertising devices obstructing the view of a highway or railway.** Any advertising device that obstructs the view of any portion of a public highway or railway track in violation of Iowa Code ~~subsection~~ section 318.11(2) or 657.2(7) is a public nuisance, which shall be abated as provided in Iowa Code chapter 657.

~~117.2(5)~~ **117.2(6) Advertising devices within the right-of-way.** Any advertising device placed or erected within the right-of-way of any primary highway in violation of Iowa Code chapter 318 is subject to removal in the manner specified in Iowa Code chapter 318.

117.2(7) Advertising devices permitted under the private directional sign program between May 26, 1983, and July 1, 2021.

a. Any advertising device permitted as a private directional sign by the department between May 26, 1983, and July 1, 2021, may continue to exist, even if nonconforming to this chapter, with the following conditions:

(1) The permit is renewed each year by payment of a \$15 fee on or before July 1.

(2) The permit may not be transferred to an entity representing a different activity or site.

(3) The advertising device is not modified or destroyed.

(4) The advertising device is properly maintained with legible copy.

(5) The design or display of the advertising device does not violate any federal or state laws or regulations.

b. Advertising devices which fail to meet any of the conditions in this subrule shall be subject to removal as provided for in rule 761—117.8(306B,306C).

ITEM 3. Amend subrule 117.3(1) as follows:

117.3(1) Prohibition. Advertising devices shall not be erected, maintained or illuminated unless they comply with the following:

a. No change.

b. No advertising device shall interfere with, imitate or resemble any official sign, signal or device erected by the department within the right-of-way of any primary highway.

c. and d. No change.

e. ~~No off-premises~~ advertising device shall include any flashing, intermittent or moving light or lights ~~except those signs giving public service information such as time, date, temperature, weather and news. No on-premises sign located within the adjacent area of an interstate highway but outside an area zoned and used for commercial or industrial purposes, as defined in rule 761—117.1(306B,306C),~~

shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information is subject to department approval. This paragraph does not prohibit an LED display, provided:

(1) to (3) No change.

f. No change.

g. No advertising device subject to the more restrictive controls of the bonus Act shall be obsolete.

h. to *k.* No change.

l. No off-premises advertising device may be erected within the adjacent area of any primary highway that has been designated a scenic highway or scenic byway if the advertising device will be visible from the highway. However, if the off-premises advertising device was in existence at the time of the designation, subsequent permitting may occur in accordance with Iowa Code section 306C.18.

m. An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if the advertising device is visible from the main traveled way of any primary highway except for on-premises signs and official signs and notices.

ITEM 4. Rescind and reserve rule **761—117.4(306B,306C)**.

ITEM 5. Amend rule 761—117.5(306B,306C), introductory paragraph, as follows:

761—117.5(306B,306C) Location, size and spacing requirements. This rule does not apply to on-premises signs.

ITEM 6. Rescind and reserve paragraph **117.5(5)“j.”**

ITEM 7. Amend rule 761—117.6(306C), introductory paragraph, as follows:

761—117.6(306C) Outdoor advertising permits and fees required. The owner of an advertising device must apply to the department for an outdoor advertising permit if the device is visible from the main traveled way of any primary highway and the device is regulated by subrule 117.4(1) or rule 761—117.5(306B,306C) subject to subrule 117.2(1).

ITEM 8. Amend paragraph **117.6(9)“a”** as follows:

a. A blank sign is:

(1) No change.

(2) An advertising device that does not display copy. “This space for rent” or a similar message is not copy.

~~(3) An advertising device that qualifies as an obsolete sign.~~

ITEM 9. Rescind and reserve rule **761—117.7(306C)**.

ITEM 10. Amend subrule 117.8(2) as follows:

117.8(2) Removal from right-of-way and other state-owned property. The department shall remove advertising devices erected upon the right-of-way of any primary highway; see subrule ~~117.2(5)~~ 117.2(6). Unauthorized advertising devices erected upon other property owned by the state of Iowa are subject to removal by the agency, board, commission or department having control or jurisdiction of the property.

ITEM 11. Amend subrule 117.10(2) as follows:

117.10(2) The owner of an outdoor advertising permit which has been revoked or canceled by the department may contest the decision in accordance with 761—Chapter 13. The request for a contested case hearing shall be submitted in writing to the director of the traffic and safety bureau at the address in subrule ~~117.2(2)~~ 117.2(3). The request shall be deemed timely submitted if it is delivered or postmarked within 30 days of the owner’s receipt of the revocation notice issued by the department.

ITEM 12. Rescind and reserve rule **761—117.15(306C)**.

ITEM 13. Amend **761—Chapter 117**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 306B and 306C as amended by 2021 Iowa Acts, Senate File 548, and section 306D.4, 23 U.S.C. 131, and 23 CFR 750.705(h).

ITEM 14. Rescind and reserve **761—Chapter 120.**

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2022-26
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 12, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Clinton

DISCUSSION/BACKGROUND:

The city of Clinton previously was awarded a RISE Local Development grant to assist in the reconstruction of approximately 5,000 feet of South 54th Street, construction of approximately 4,000 feet of 36th Avenue South and turn lanes on U.S. 30 located on the southwest side of town. A modification to the scope and grant award was requested to construct an additional 2,000 feet of 36th Avenue South.

This project is necessary to provide improved access to Lincolnway Industrial Rail and Air Park, an Iowa Economic Development Authority certified site of 345 acres. This project is anticipated to be completed by September 2023.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on potential capital investment and future job creation, approve modification of the previously awarded certified site RISE grant to include \$1,200,000 of additional costs for a new total cost of \$5,987,500 and the estimated RISE grant increasing \$720,000 to \$3,592,500 from the city share of the RISE Fund or up to 60 percent of the total RISE-eligible project cost, whichever is less. Since this is a certified site project, the actual award amount is subject to change as the project plans are finalized. Any additional changes to the scope or approved funding will be submitted by the department to the Commission for consideration as a modification to the award.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Tom Rielly

	Aye	Nay	Pass
Arnold	x		
Fehrman	x		
Juckette	x		
Putney	x		
Rielly	x		
Stutsman	x		
Yanney	x		

Division Director Legal State Director

TD-2022-26

Craig Markley, Systems Planning Bureau; The city of Clinton was awarded a RISE funding on 4/13 of 2021 for an Iowa Certified Site Program, Local Development project. That project was to assist in the reconstruction of approximately 5,000 feet of South 54th Street, construction of approximately 4,000 feet of 36th Avenue South and turn lanes on US 30 located on the Southwest side of town. A modification to the scope and grant award was requested to construct an additional 2,000 feet of 36th Avenue South. This project is necessary to provide improved access to Lincolnway Industrial Rail and Air Park and Economic Development Authority certified site of 345 acres.

Under RISE, Local Development criteria, this project received a rating of 61 points. Total estimated cost for the modification is \$1.2 million. The city of Clinton is requesting an additional RISE grant of \$720,000 and will be providing 40% in local match.

It is recommended the Commission, based on potential capital investment and future job creation, approve modification of the previously awarded certified site RISE grant to include \$1,200,000 of additional costs for a new total cost of \$5,987,500 and the estimated RISE grant increasing \$720,000 to \$3,592,500 from the city share of the RISE Fund or up to 60 percent of the total RISE-eligible project cost, whichever is less. Since this is a certified site project, the actual award amount is subject to change as the project plans are finalized. Any additional changes to the scope or approved funding will be submitted by the department to the Commission for consideration as a modification to the award.

Commissioner Yanney made a motion to approve the RISE grant amendment.
Commissioner Rielly seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2022-27
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 12, 2021
 Title Revitalize Iowa's Sound Economy (RISE) - Rural Housing Pilot Program

DISCUSSION/BACKGROUND:

In 2018, Governor Reynolds created an Empower Rural Iowa initiative and one of the focus areas is to address Iowa's rural housing shortage. In order to support that initiative, as well as supporting needs identified in an Iowa Department of Transportation survey of cities and counties, a RISE Rural Housing Pilot Program is proposed with a focus on in-fill and new sub-division development for areas with a housing shortage. A maximum of \$2,000,000 in RISE funding will be set-aside for street construction applications to be submitted for Transportation Commission approval of up to 70 percent RISE participation.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve a RISE Rural Housing Pilot Program.

COMMISSION ACTION:

This program discussion was tabled until further notice.

Moved by _____ Seconded by _____

Division Director Legal State Director

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

TD-2022-27

Commission Chair Linda Juckette; At this time, we are going to table this program discussion until further notice from the DOT.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2022-28
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 12, 2021
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.

Heart of Iowa Nature Trail: Paving Skunk River Bridge to 610 th Avenue (Story County Conservation Board)	\$ 384,000
Raccoon River Valley Trail to High Trestle Trail Connector: S Avenue to Iowa 210 (Woodward)	\$ 220,080
Grant Wood Trail: Paving Waldo's Rock Park to Oxley Road (Linn County Conservation Board)	\$ 400,000
Keokuk Riverfront Trail (Keokuk)	\$ 493,595
 Total	 \$1,497, 675

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by Tom Rielly Seconded by John Putney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2022-28

Craig Markley, Systems Planning Bureau; The State Recreational Trail 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 cities, counties, state agencies, local governments, or non-profit organizations through an annual application program. In the current round of applications due on July 1st of this year, we received 37 recreational trail applications requesting or \$14.5 million.

Based on the background material provided in September and our workshop discussion yesterday, we recommend you approve the State Recreational Trails Program projects, totaling \$1,497,675 as listed on the Commission order.

Commissioner Rielly made a motion to approve the State Recreational Trails Program projects. Commissioner Putney seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division
Modal Transportation Bureau

Division/Bureau/Office _____ Order No. TD-2022-29

Submitted by Tamara Nicholson Phone No. 515-239-1052 Meeting Date October 12, 2021

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>
Clinton Connecting Track, Wabash Cannonball, LLC	-----	\$550,000
Charles City Terminal, Charles City Rail Terminal, LLC	\$900,000	\$240,000
Project Peony, City of Sioux City	-----	\$2,000,000
CP Unit Train Expansion, Pattison Sand Company	\$200,000	\$180,000
<u>Rail Network Improvement projects</u>	<u>Loan</u>	<u>Grant</u>
Railport Expansion and upgrades, Ten D/Merchants Distribution Service	\$1,500,000	-----
RR Expansion and upgrade, Boone & Scenic Valley Railroad	\$551,112	-----
<u>Rail Port Planning & Development projects</u>	<u>Loan</u>	<u>Grant</u>
Oskaloosa Industrial Park Transload Facility, Mahaska Chamber and Development Group	-----	\$76,500
Total Awarded Funding:	\$3,151,112	\$3,145,600

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by Sally Stutsman Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Arnold	x	_____	_____
Fehrman	x	_____	_____
Juckette	x	_____	_____
Putney	x	_____	_____
Rielly	x	_____	_____
Stutsman	x	_____	_____
Yanney	x	_____	_____

Division Director Legal State Director

TD-2022-29

Tamara Nicholson, Modal Transportation Bureau; A review of the current round of applications for funding from the Railroad Revolving Loan and Grant Program was completed and presented to the Commission at the workshop in September. These projects include the project in Clinton from the Wabash Cannonball LLC. In September, I wanted to point out that that project was called project MG and now we have the applicant's name is Wabash Cannonball, LLC.

The second project is to Charles City Terminal by the Charles City Rail Terminal, LLC.

The third project is Project Peony by the City of Sioux City.

The fourth project CP Unit Train Expansion, Pattison Sand Company

There are two rail network improvement projects recommended. Railport Expansion and upgrades, Ten D/Merchants Distribution Service. The second one is a railroad expansion and upgrade from the Boone & Scenic Valley Railroad.

The last project to be recommended is the Oskaloosa Industrial Park Transload Facility, Mahaska Chamber and Development Group.

We are recommending that the Commission approve \$6.2 million in funding for these seven rail infrastructure and rail related developments under the Railroad Revolving Loan and Grant Program. The projects are expected to support the creation and retention of 285 jobs within three years of completion.

Commissioner Stutsman made a motion to approve the Railroad Revolving Loan and Grant 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 Transportation Development Division/Modal
Transportation Bureau Order No. TD-2022-30
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 12, 2021
Title Fiscal Year 2023 Highway-Railroad Crossing Safety Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2023 Highway-Railroad Crossing Safety 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 2023 Highway-Railroad Crossing Safety Program as attached.

COMMISSION ACTION:

Moved by Rich Arnold Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2022-30

Kris Klop, Modal Transportation Bureau; Highway-Railroad Crossing Safety Program funds are used to upgrade active warning devices at railroad crossing across the state. The program is funded by the Federal Highway Administration and the allocation varies annually.

Last month we presented a recommendation to upgrade the active warning devices at 16 railroad crossings across the state, as well as, fund two crossing closure incentive matches.

We did not receive any comments after the funding request was presented. Therefore it is recommended the Commission approve the FY23 Highway-Railroad Crossing Safety Program repair projects as listed to the Commission order.

Commissioner Arnold made a motion to approve the Highway-Railroad Crossing Safety Program. Commissioner Rielly seconded the motion. Motion passes unanimously.

List of Applications Recommended

PROJECT NAME	SPONSOR	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
NE Broadway 876012P	• Polk County	N/A *	\$555,555.56	\$500,000 (90%)	\$500,000 (90%)
IA 3, 067357C	• BNSF Railroad • Iowa DOT	4.46	\$35,000	\$31,500	\$31,500 (90%)
115 th Street, 190461F	• UP Railroad • Cedar County	3.35	\$375,000	\$337,500 (90%)	\$337,500 (90%)
185 th Avenue, 608572K	• UP Railroad • Kossuth County	1.35	\$325,000	\$292,500 (90%)	\$292,500 (90%)
E Street 385427R	• DME Railroad • City of Charles City	1.47	\$475,000	\$427,500 (90%)	\$427,500 (90%)
440 th Street, 608579H	• UP Railroad • Kossuth County	1.35	\$325,000	\$292,500 (90%)	\$292,500 (90%)
8 th Avenue SE, 190501B	• UP Railroad • City of Cedar Rapids	1.24	\$375,000	\$337,500 (90%)	\$337,500 (90%)
42 nd Street, 607858A	• IANR Railroad • City of Cedar Rapids	1.22	\$225,000	\$202,500 (90%)	\$202,500 (90%)
Linwood Avenue 190734X	• UP Railroad • Greene County	1.19	\$375,000	\$337,500 (90%)	\$337,500 (90%)
Wilson Avenue SW, 376730N	• CRANDIC Railroad • City of Cedar Rapids	1.0	\$325,000	\$283,500 (90%)	\$292,500 (90%)

PROJECT NAME	SPONSOR	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
32 nd Avenue, 190547P	<ul style="list-style-type: none"> UP Railroad Benton County 	0.97	\$375,000	\$337,500 (90%)	\$337,500 (90%)
Tombstone Trail, 607175J	<ul style="list-style-type: none"> DME Railroad Muscatine County 	0.75	\$475,000	\$427,500 (90%)	\$427,500 (90%)
22 nd Avenue, 922467W	<ul style="list-style-type: none"> UP Railroad Benton County 	0.67	\$375,000	\$337,500 (90%)	\$337,500 (90%)
William Street, 380054C	<ul style="list-style-type: none"> DME Railroad City of Carpenter 	0.66	\$475,000	\$427,500 (90%)	\$427,500 (90%)
US 6, 606843G	<ul style="list-style-type: none"> IAIS Railroad Iowa DOT 	0.61	\$375,000	\$337,500 (90%)	\$337,500 (90%)
220 th Street 607399G	<ul style="list-style-type: none"> IANR Railroad Butler County 	0.14 **	\$220,000	\$198,000 (90%)	\$198,000 (90%)
2 projected closure incentive payments at various locations (\$7,500 each location)	<ul style="list-style-type: none"> TBD 	N/A	\$15,000	\$15,000 (100%)	\$15,000 (100%)

Total project costs: \$5,700,556
Total FHWA project costs: \$5,130,500
Annual Apportionment: \$5,051,497

* There is no modeling for a grade separation, (elimination of a railroad crossing via a bridge) within the project selection formulas. Polk County has a \$5 million project to replace the at-grade railroad crossing with a roadway-under bridge. This funding request will make the project possible.

** Shell Rock Soy Processing announced that they would be opening a new soybean processing facility immediately to the west of the IANR main track and south of 220th Street. The plant location is directly south of new projects: Trinity Rail Maintenance Services, Butler Intermodal Terminal, Zinpro Corporation, and American Colloid Company, due west of Flint Hills Resources ethanol plant. There is significant industrial and job growth in this area.

The current roadway average daily traffic factored into the project selection formula does not represent the anticipated growth in this area, nor the number of vehicles anticipated to traverse this railroad crossing.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division/Modal
Transportation Bureau Order No. TD-2022-31
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 12, 2021
Title 2023 Highway-Railroad Crossing Surface Repair Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2023 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 2023 Highway-Railroad Crossing Surface Repair Program as attached.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Sally Stutsman

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2022-31

Kris Klop, Modal Transportation Bureau; The Highway-Railroad Crossing Surface Repair Program serves to repair the railroad crossing surfaces at railroad crossings across the state. This program is funded through the state road use tax on with an annual allocation of \$900,000.

Last month, we presented a recommendation to replace to crossing surfaces at 13 railroad crossings. We did not receive any comments after the funding request was presented. Therefore it is recommended the Commission approve the Fiscal Year 23 Highway-Railroad Crossing Surface Repair projects. This list attached to the Commission order.

Commissioner Rielly made a motion to approve the Fiscal Year 23 Highway-Railroad Crossing Surface Repair projects list. Commissioner Stutsman seconded the motion. Motion passes unanimously.

List of Applications Recommended

PROJECT NAME	SPONSORS	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
5 th Avenue, 607878L	<ul style="list-style-type: none"> IAIS Railroad City of Altoona 	N/A Order Received	\$127,701	\$76,621 (60%)	\$76,621 (60%)
9 th Ave./ 5 th Ave., 607880M	<ul style="list-style-type: none"> IAIS Railroad City of Altoona 	N/A Order Received	\$136,562	\$81,937 (60%)	\$81,937 (60%)
Smith Street 607937L	<ul style="list-style-type: none"> IANR Railroad City of Shellsburg 	N/A Order Received	\$57,600	\$34,560 (60%)	\$34,560 (60%)
9 th Street SW 840212W	<ul style="list-style-type: none"> CRANDIC Railroad City of Cedar Rapids 	N/A Order Received	\$63,850	\$38,310 (60%)	\$38,310 (60%)
305 th Street, 608544G	<ul style="list-style-type: none"> DME Railroad Cerro Gordo County 	N/A Order Received	\$79,500	\$47,700 (60%)	\$47,700 (60%)
W. Cedar Street, 307576F	<ul style="list-style-type: none"> CCP Railroad City of Cherokee 	N/A Order Received	\$142,000	\$85,200 (60%)	\$85,200 (60%)
9 th Street SW., 376726Y	<ul style="list-style-type: none"> CRANDIC Railroad City of Cedar Rapids 	N/A Order Received	\$344,000	\$206,400 (60%)	\$206,400 (60%)

PROJECT NAME	SPONSORS	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
86 th Street, 377207A	<ul style="list-style-type: none"> IAIS Railroad City of Clive 	35	\$286,123	\$171,674 (60%)	\$171,674 (60%)
20 th Street NW, 067362Y	<ul style="list-style-type: none"> BNSF Railroad City of Sioux Center 	28	\$138,000	\$82,800 (60%)	\$82,800 (60%)
4 th St. NW, 067359R	<ul style="list-style-type: none"> BNSF Railroad City of Sioux Center 	27	\$113,000	\$67,800 (60%)	\$67,800 (60%)
3 rd St. NW 067358J	<ul style="list-style-type: none"> BNSF Railroad City of Sioux Center 	26	\$117,000	\$70,200 (60%)	\$70,200 (60%)
3 rd St. NW, 067358J	<ul style="list-style-type: none"> Farmer's Co-op City of Sioux Center 	26	\$74,000	\$44,400 (60%)	\$44,400 (60%)
4 th St. NW, 067359R	<ul style="list-style-type: none"> Farmer's Co-op City of Sioux Center 	25	\$74,000	\$44,400 (60%)	\$44,400 (60%)

Total program funding request: \$1,052,001
In order received: \$570,727 / 54%
Scored: \$481,274 / 46%