

**Commission Minutes**  
**August 12, 2019**



# IOWA TRANSPORTATION COMMISSION

## Meeting Agenda / Commission Orders

August 12, 2019  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
11:20 a.m.			
D-2020-8	* Approve Minutes of the July 9, 2019 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	5
IT-2020-9	* Administrative Rules – 761 IAC 4	Stuart Anderson	
PPM-2020-10	* Fiscal Year 2020 State Aviation Program	Shane Wright	
PPM-2020-11	* Revitalize Iowa's Sound Economy (RISE) – Des Moines	Craig Markley	
11:30 a.m.	Adjourn		
*Action Item			

On Monday, July 9, the Commission and staff will meet informally at 3:30 p.m. in Room F at the Mid-America Center, 1 Arena Way, Council Bluffs, IA. 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-2020-8  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date August 12, 2019  
Title Approve Minutes of the July 9, 2019 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by John Putney Seconded by Kathy Fehrman

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

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

D-2020-8

Commissioner Putney made a motion to approve the minutes as written. Commissioner Fehrman seconded the motion. Commissioner Juckette, absent. Motion passed unanimously.

Commission Comments

DOT Comments

Director Lowe; Thank you. First, I did want to mention, Commissioner Juckette is traveling this morning and she was not able to join us for the workshop but was going to try to phone in to the meeting. I'd like to thank all of you for accommodating the change in the schedule, MAASTO (Mid America Association of State Transportation Officials) meeting in Indianapolis is starting this afternoon, a number of us have to travel to Indianapolis for that. Thanks for changing the schedule to this morning and accommodating, we appreciate your flexibility on that.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Information Technology Division Order No. IT-2020-9  
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 12, 2019  
Title Administrative Rules — 761 IAC 4, Public Records and Fair Information Practices

**DISCUSSION/BACKGROUND:**

The proposed rule making amends Chapter 4 to:

- Rescind subrules 4.4(3) and 4.9(23) because the subrules are no longer necessary.
- Conform subrule 4.9(15) to current language in Iowa Code sections 80G.2 and 80G.3.

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

The public comment period ended June 25. 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 Nancy Maher Seconded by Charese Yanney

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

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

IT-2020-9

Stuart Anderson; I'm here to present proposed Iowa Administrative Code amendments to chapter four Public Records and Fair Information Practices. These are minor rule changes to reflect updates to the Iowa code from the 2017 legislative session and also to eliminate one rule that the attorney general's office has determined is not necessary because it is already comprehensively covered by Iowa code language.

Therefore, it is recommended the commissioner approve the rule amendments included in the attach notice of intended action.

Commissioner Maher made a motion to approve the rule amendments included in the Notice of Intended Action. Commissioner Yanney seconded the motion. Commissioner Juckette – absent. Motion passes unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to confidential records  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 4, “Public Records and Fair Information Practices,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 305.15 and 307.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 22.7(50), 80G.2 and 80G.3.

*Purpose and Summary*

The proposed amendments, which are explained more specifically below, rescind subrules 4.4(3) and 4.9(23) because they are no longer necessary, amend subrule 4.9(15) to conform to current Iowa Code language, and update the implementation sentence of rule 761—4.9(22) to include the applicable Iowa Code sections.

Subrule 4.4(3) concerns release of confidential records by the Director of Transportation. After review with the Attorney General’s Office, the Department determined that subrule 4.4(3) is unnecessary and that the procedure for records protected under Iowa Code chapter 22 is already comprehensively addressed in that Iowa Code chapter.

2017 Iowa Acts, chapter 122, sections 3 to 6, created Iowa Code chapter 80G, Undercover Law Enforcement — Privilege — Confidentiality. The proposed amendment to subrule 4.9(15) implements Iowa Code sections 80G.2 and 80G.3.

Subrule 4.9(23) concerns records which contain information relating to security procedures, emergency preparedness and disaster recovery. Iowa Code section 22.7(50) was amended by 2017 Iowa Acts, chapter 156, which removed a paragraph stating that Iowa Code section 22.7(50) only applied to information held by a government body that had adopted a rule or policy which identified the specific confidential records. Therefore, subrule 4.9(23), which includes the Department’s specific confidential records, is no longer needed.

The Records Commission approved the proposed amendments at its meeting held on February 8, 2019.

*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 June 25, 2019. Comments should be directed to:

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

*Public Hearing*

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

June 27, 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. Rescind and reserve subrule **4.4(3)**.

ITEM 2. Amend subrule 4.9(15), introductory paragraph, as follows:

**4.9(15)** Certain Privileged and personnel records or information of law enforcement officers and undercover law enforcement officers, as specified in Iowa Code sections 80G.2 and 80G.3, as well as certain records regarding undercover driver's licenses issued to certified peace officers employed by a local authority or by the state or federal law enforcement officers, as specified in 761—Chapter 625. (Iowa Code sections 22.7, 80G.2, 80G.3 and 321.189A)

ITEM 3. Rescind and reserve subrule **4.9(23)**.

ITEM 4. Amend rule **761—4.9(22)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapters 22, 553 and 692; Iowa Code sections 17A.2, 17A.3, 21.5, 72.3, 80G.2, 80G.3, 313.10, 321.11, 321.11A, 321.19, 321.186, 321.189A, 321.266, 321.271, 422.20, 452A.63, 622.10, 622.11, 804.29 and 808.13; 5 U.S.C. §§ 552 and 552a; 18 U.S.C. § 2721 et seq.; and 42 U.S.C. § 405.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Aviation Bureau Order No. PPM-2020-10  
Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date August 12, 2019  
Title Fiscal Year 2020 State Aviation Program

**DISCUSSION/BACKGROUND:**

The Office of Aviation requests approval for the fiscal year (FY) 2020 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. The recommended program with project costs is attached.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the FY 2020 State Aviation Program as attached.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Nancy Maher

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

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Division Director                      Legal                      State Director

PPM-2020-10

Shane Wright, Aviation Bureau; last month we presented to you the FY 2020 State Aviation Program, including recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Programs totaling over \$7.6 million in projects at airports across the state.

Therefore, it is recommended, the commission approved the FY20 State Aviation Program as attached to the Commission Order.

Commissioner Fehrman made a motion to approve the FY20 State Aviation Program as presented. Commissioner Maher seconded the motion. Commissioner Juckette – absent. Motion passes unanimously.

## FY 2020 State Aviation Program

<b>Airport Improvement Program</b>	<b>4,521,036</b>
<b>Aviation Safety</b>	546,040
AWOS maintenance and data link, runway marking, immediate safety enhancements, obstruction mitigation, wildlife mitigation, windsocks, education and outreach	
<b>Aviation planning and development</b>	3,974,996
Airport development projects, air service development, statewide planning and research	
<b>Commercial Service Vertical Infrastructure</b>	<b>1,900,000</b>
<b>General Aviation Vertical Infrastructure</b>	<b>1,185,110</b>
<b>Total Aviation Program</b>	<b>\$7,606,146</b>

### Airport Development projects

Airport	Project	Total Project Cost	State Amount
Algona Municipal Airport	3 Stall hangar Approach Paving	65,000	48,750
Clinton Municipal Airport	Reconstruct North Apron	420,500	357,425
Des Moines International Airport	Install Airport Beacon	138,500	55,400
Forest City Municipal Airport	Hangar Site Improvements	95,000	71,250
Fort Dodge Regional Airport	Widen Taxiway	251,500	196,000
Iowa City Municipal Airport	Reconstruct Apron and Taxiway	370,700	315,095
Iowa Falls Municipal Airport	Fuel Facility Improvements	130,000	104,000

### Airport Development projects (continued)

Airport	Project	Total Project Cost	State Amount
Marshalltown Municipal Airport	Terminal and Hangar Site Improvements	400,000	320,000
Mason City Municipal Airport	Construct Hangar Taxilane Grading	240,000	168,000
Milford Municipal Airport	Runway Overlay	285,862	230,862
Mount Ayr Municipal Airport	Prepare Airport Layout Plan	30,000	21,000
Ottumwa Regional Airport	Apron Improvements	350,000	297,500
Red Oak Municipal Airport	Fuel System Upgrade	172,500	129,375
Shenandoah Regional Airport	Construct 6 Unit T-Hangar Taxilanes	120,000	90,000
Sioux Gateway Airport	Rehabilitate Taxiway A	3,294,000	425,000
Southeast Iowa Regional Airport	Reconstruct Taxilane	125,080	28,318
Southeast Iowa Regional Airport	Update Zoning Ordinance	30,000	25,000
The Eastern Iowa Airport	Construct Support Pavement at air cargo facility	433,670	368,619
Waukon Municipal Airport	Reconstruct Apron	46,500	34,875
Waverly Municipal Airport	Obstruction Removal	174,150	148,027
<b>Total</b>		<b>\$7,172,962</b>	<b>\$3,434,496</b>

## General Aviation Vertical Infrastructure projects

Airport	Project	Total Project Cost	State Amount
Algona Municipal Airport	3 Stall Hangar Extension	360,000	150,000
Atlantic Municipal Airport	Hangar Rehabilitation	168,750	75,000
<del>Carroll—Arthur N Neu</del>	<del>Construct New Hangar</del>		
Forest City Municipal Airport	Hangar Building	55,000	30,250
Harlan Municipal Airport	Install Hangar Doors	101,140	75,000
Iowa City Municipal Airport	Fuel Facility Expansion	177,900	150,000
Knoxville Municipal Airport	Construct T-Hangar	300,000	150,000
Marshalltown Municipal Airport	Terminal Building Improvements	1,050,000	150,000
Perry Municipal Airport	New Fuel Facility	149,800	104,860
Shenandoah Regional Airport	Construct 6 Unit T-Hangar	250,000	150,000
Sibley Municipal Airport	Construct New Hangar	233,500	150,000
<b>Total</b>		<b>\$2,846,090</b>	<b>\$1,185,110</b>

## Commercial Service Vertical Infrastructure projects

Airport	Project	Total Project Cost	Allocated State Share
Des Moines International Airport	South Quadrant FBO Site Development	11,312,438	727,692
Dubuque Regional Airport	Equipment Wash Facility	500,000	134,372
Fort Dodge Regional Airport	Renovate Hangars and AFSS Building, Construct Hangar A and IT Room	125,000	121,513
Mason City Municipal Airport	Terminal Upgrades and Roadway Lighting	231,000	121,653
Sioux Gateway Airport	Terminal and Hangar Repair	155,000	134,923
Southeast Iowa Regional Airport	Terminal Upgrades	121,752	121,752
The Eastern Iowa Airport	Air Cargo Logistics Facility	15,866,250	408,752
Waterloo Regional Airport	Hangar and Terminal Improvements	132,950	129,342
<b>Total</b>		<b>\$28,444,390</b>	<b>\$1,900,000</b>

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2020-11  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 12, 2019  
Title Revitalize Iowa's Sound Economy (RISE) Application – Des Moines

**DISCUSSION/BACKGROUND:**

The city of Des Moines and the Des Moines Airport Authority submitted a RISE Local Development application in the February 2019 round requesting a grant to assist in construction of approximately 1,600 feet of SW 28<sup>th</sup> Street located on the southwest side of town.

This project is necessary to provide access to the expanded Des Moines International Airport for industrial and airport purposes. This project is anticipated to be completed by June 2020.

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 and retention, award a RISE grant of \$1,288,406 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 Kathy Fehrman Seconded by Charese Yanney

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

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

PPM-2020-11

Craig Markley, Systems Planning Bureau; The City of Des Moines and Des Moines Airport Authority submitted a Local Development RISE funding request to assist in construction of approximately 1600 feet of SW 28th Street located on the southwest side of town.

This project is necessary to provide access to expand the Des Moines International Airport for industrial and airport purposes. Under RISE Local Development criteria this project a rating of 60 points. Total estimated cost of the project is \$2,576,812 and Des Moines and the Airport Authority requests the RISE grant of \$1,288,406 and will be providing 50% local match.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation and retention, award a RISE grant of \$1,288,406 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

Commissioner Fehrman made a motion to award a RISE grant of \$1,288,406 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund. Commissioner Yanney seconded the motion. Commissioner Juckette – absent. Motion passes unanimously.