

Commission Minutes
December 14, 2021



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

December 14, 2021
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2022-40	* Approve Minutes of the November 9, 2021 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
SO-2022-41	* Administrative Rules – 761 IAC 135, Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones	Dave Lorenzen	4
TD-2022-42	* Revitalize Iowa's Sound Economy (RISE) – Polk County	Craig Markley	7
TD-2022-43	* Revitalize Iowa's Sound Economy (RISE) – Davenport	Craig Markley	8
TD-2022-44	* RISE Project Settlement – West Des Moines	Craig Markley	9
SO-2022-45	* FY 2023 Traffic Safety Improvement Program Recommendations	Jan Laaser-Webb	10
TD-2022-46	* Calendar Year (CY) 2022 Intercity Bus Program	Rebecca Law	14
1:10 p.m.			
Adjourn			
*Action Item			

On Tuesday, December 14, the Commission and staff will meet informally at 9:30 a.m. at the Ames DOT Complex, Materials Conference Room. 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-2022-40
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date December 14, 2021
Title Approve Minutes of the November 9, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the November 9, 2021 Commission meeting.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Kathy Fehrman

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

Division Director Legal State Director

D-2022-40

Commissioner Rielly made a motion to approve the minutes as written.
Commissioner Fehrman seconded the motion. Motion passed unanimously.

Commission Comments

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Systems Operations Division/
Division/Bureau/Office Construction and Materials Bureau Order No. SO-2022-41
Submitted by David Lorenzen Phone No. 515-239-1205 Meeting Date December 14, 2021
Title Administrative Rules – 761 IAC 135, Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones

DISCUSSION/BACKGROUND:

This proposed rule making adopts new Chapter 135 in accordance with 2021 Iowa Acts, House File 654, section 5. This proposed new chapter allows non-state-owned vehicles and equipment to display flashing white lights within road work zones. The white lights are needed to help reduce the number of crashes involving construction vehicles and equipment on or adjacent to the roadway.

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

The public comment period ended on November 23, 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 John Putney Seconded by Sally Stutsman

Division Director Legal State Director

	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>	_____	_____

SO-2022-41

David Lorenzen, Systems Operations Division Director; This proposed rule making adopts new Chapter 135 in accordance with 2021 Iowa Acts, House File 654, section 5. This proposed new chapter allows non-state-owned vehicles and equipment to display flashing white lights within road work zones. The white lights are needed to help reduce the number of crashes involving construction vehicles and equipment on or adjacent to the roadway.

The public comment it ended on November 23rd. The Department did not receive any comments or request for oral presentations.

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

Commissioner Putney made a motion to approve the rule amendments as presented. Commissioner Stutsman seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to warning lights on non-State-owned vehicles or equipment used in road work zones and providing an opportunity for public comment

The Transportation Department hereby proposes to adopt new Chapter 135, “Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

Purpose and Summary

This proposed rule making adopts new Chapter 135 in accordance with 2021 Iowa Acts, House File 654, section 5. This proposed new chapter allows non-State-owned vehicles and equipment to display flashing white lights within road work zones. The white lights are needed to help reduce the number of crashes involving construction vehicles and equipment on or adjacent to the roadway. The white lights will make non-State-owned vehicles and equipment more visible to other road workers and roadway users.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because of the legislation. Allowing non-State-owned vehicles and equipment to display flashing lights within road work zones will potentially increase the safety of road workers.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 November 23, 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 November 29, 2021, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 23, 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 action is proposed:

Adopt the following **new** 761—Chapter 135:

CHAPTER 135

WARNING LIGHTS ON VEHICLES OR EQUIPMENT NOT OWNED AND OPERATED BY THE DEPARTMENT WHEN USED IN ROAD WORK ZONES

761—135.1(321) Warning lights on vehicles or equipment in road work zones.

135.1(1) Purpose. The purpose of this rule is to establish the eligibility of vehicles or equipment that are not owned or operated by the department to use flashing white lights in accordance with Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

135.1(2) Eligibility. A vehicle or other equipment that is not owned or operated by the department may use a flashing white light while the vehicle or other equipment is being used in road work zones on state or local highways.

135.1(3) Information. Information regarding this rule is available from the Construction and Materials Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at (515)239-1352.

This rule is intended to implement Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2022-42
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date December 14, 2021
 Title Revitalize Iowa's Sound Economy (RISE) Application – Polk County

DISCUSSION/BACKGROUND:

Polk County submitted a RISE Local Development application in the September 2021 round requesting a grant to assist in reconstruction of approximately 4,725 feet of NE Broadway Avenue located north of Des Moines.

This project is necessary to provide improved access to two lots totaling more than 71 acres for warehousing and industrial purposes. This project is anticipated to be completed by November 2023.

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 \$2,829,548 from the county share of the RISE Fund and \$1,278,781 from the city share of the RISE Fund for a total of \$4,108,329 or up to 50 percent of the total RISE-eligible project cost, whichever is less.

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

TD-2022-42

Craig Markley, Systems Planning Bureau; Polk County submitted a Local Development RISE funding request to assist in reconstruction of approximately 4,725 feet of NE Broadway Avenue located north of Des Moines. This project is necessary to provide improved access to two lots, totaling more than 71 acres for warehousing and industrial purposes. Under RISE Local Development criteria, this project received a rating 43 points. The total estimated cost to the project is \$8,216,658. Polk county is requesting a rise grant at \$4,108,329 and will be providing 50% in local match.

It is recommended the Commission based on capital investment commitment and potential for future job creation award a RISE grant of \$2,829,548 from the county share of the RISE fund and \$1,278,781 from the city share of the RISE fund for a total of \$4,108,329 or up to 50% of the total RISE eligible project costs; whichever is less.

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

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2022-43
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date December 14, 2021
 Title Revitalize Iowa's Sound Economy (RISE) Application – Davenport

DISCUSSION/BACKGROUND:

Davenport submitted a RISE Immediate Opportunity application requesting a grant to assist in roadway improvements to Hillandale Road, Research Parkway, Northwest Boulevard, 76th Street, North Division Street and a 1,000-foot acceleration lane on the westbound I-80 on-ramp located on the northwest side of town. A revision to the previously awarded certified site grant was requested to include the final scope and total costs to the Davenport project.

This project is necessary to provide improved access to the Eastern Iowa Industrial Center, which is now a new and recertified Iowa Economic Development Authority certified site of more than 177 acres. The certification for this site expires October 21, 2026. To maximize RISE support for this project, staff evaluated the application as an Iowa's Certified Site Program RISE Local Development application

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 the modification of the previously awarded certified site RISE grant to include the final scope and costs and award a RISE grant of \$2,940,887 or up to 60 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE funds.

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

TD-2022-43

Craig Markley, Systems Planning Bureau; Davenport submitted a RISE Immediate Opportunity application requesting a grant to support a potential Iowa certified site location. The commitment would assist in roadway improvements to Hillandale Road, Research Parkway, Northwest Boulevard, 76th street, North Division Street and a 1000 foot acceleration lane on the westbound I- 80 on-ramp located on the northwest side of town. A revision to the previously awarded certified site grant was requested to include the final scope and total cost for the Davenport project.

This project is necessary to provide improved access to the Eastern Iowa Industrial Center, which is now a new and re-certified Iowa Economic Development Authority certified site of more than 177 acres. To maximize RISE support for this project, staff evaluated the application as an Iowa Certified Site Program RISE Local Development application. Under RISE Local Development criteria this project received a rating of 79 points. Total estimated cost of the project is \$4,901,478. The city of Davenport is requesting a RISE grant of \$2,940,887 and will be providing 40% on local match.

It is recommended the Commission, based on potential capital investment and future job creation, award the modification of a previously awarded certified site RISE grant to include the final scope and cost and award a RISE grant of \$2,940,887 or up to 60% of the total RISE eligible project cost, whichever less. This would come from the city share the RISE funds.

Commissioner Arnold made a motion to approve the RISE modification for Davenport. Commissioner Stutsman seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
 Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-44
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date December 14, 2021
 Title Revitalize Iowa's Sound Economy (RISE) Project Settlement – West Des Moines

DISCUSSION/BACKGROUND:

On July 8, 2014 and March 10, 2015, West Des Moines was awarded a RISE Local Development grant to construct Maffitt Lake Road from Veterans Parkway southeast approximately 3,500 feet to South 8th Street, the reconstruction of South 8th Street approximately 1,600 feet north under Iowa 5 and construction of White Crane Road east approximately 2,300 feet to the development site of a new Microsoft data center facility. The city received a \$3,519,375 grant for this project.

West Des Moines recently advised the department that the 3,265 feet of Maffitt Lake Road has been acquired for private use. Because RISE funding cannot be used for private roads, West Des Moines is required to repay a pro-rated amount of RISE funding for the remaining portion of the 20-year agreed upon time-period for the road to be open for public use. West Des Moines has agreed to repay the proposed settlement of \$1,405,990.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the project settlement and proposed payment to the city share of the RISE Fund of \$1,405,990 for the city of West Des Moines.

COMMISSION ACTION:

Moved by Kathy Fehrman 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-2022-44

Craig Markley, Systems Planning Bureau; For RISE Local Development projects there are road use requirements associated with receiving the funds. If the roadway is vacated and no longer open to public use, the Department will seek a prorated revocation of the grant.

Today we are presenting a proposed settlement with West Des Moines for a RISE project awarded on July 8th, 2014. The city received a grant of \$3,519,375 for roadway improvements contingent on their remaining open for public use for 20 years. West Des Moines recently advised the Department that the 3,265 feet of Maffitt Lake Road portion of that project will not be used for public use. Based on RISE settlement policy, the city has agreed to a repayment of \$1,405,990 through a lump sum.

It is recommended that Commission approved the proposed settlement for the West Des Moine RISE project.

Commissioner Fehrman made a motion to approve the rule amendments as presented. Commissioner Putney seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Systems Operations Division/Traffic & Safety Bureau Order No. SO-2022-45
 Submitted by Jan Laaser-Webb Phone No. 515-239-1349 Meeting Date December 14, 2021
 Title FY 2023 Traffic Safety Improvement Program Projects

DISCUSSION/BACKGROUND:

In 1987 the Iowa Legislature provided that one-half percent of the Road Use Tax Fund be used for traffic safety improvements, studies, or education initiatives to reduce traffic safety fatalities and major injuries on public roads under city, county or state jurisdiction.

The program provides three funding areas for candidate safety projects:

1. Site-specific improvements;
2. Traffic control devices; and
3. Studies and outreach.

The candidate projects and the recommendations from Department staff and the state/county/city safety program advisory committee have been presented to the Commission for review and approval.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2023 Traffic Safety Improvement Program.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Charese Yanney

Division Director Legal State Director

	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>	_____	_____

SO-2022-45

Jan Laaser-Webb, Traffic & Safety Bureau; In 1987, the Iowa legislature provided that one-half percent of the road use tax fund be used for traffic safety improvement and initiatives to reduce traffic safety fatalities and major injuries. The program provides three funding areas for candidate safety projects: site-specific improvements, traffic control devices, and studies and outreach. The candidate projects and the recommendations from Department staff and the state/county/city safety program advisory committee have been presented to the Commission for review and approval. There are 23 separate projects totaling \$7,679,852 in grants.

It is recommended the Commission approve the FY 2023 Traffic Safety Improvement Program.

Commissioner Rielly made a motion to approve the FY 2023 Traffic Safety Improvement Program. Commissioner Yanney seconded the motion. Motion passes unanimously.

FY 2023 Traffic Safety Improvement Program

Site-Specific Projects Recommended for Award

Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
V62 - Edge Treatments	Buchanan County	\$2,514,521	\$362,485	\$362,485
2nd Ave - Left Turn Lanes	City of Des Moines	\$16,000,000	\$500,000	\$500,000
Boyson Rd and N 12th Ave - Roundabout	City of Hiawatha	\$530,900	\$500,000	\$500,000
US 75 and C-38 - Offset Right Turn Lane	Iowa DOT -District 3	\$407,000	\$407,000	\$407,000
US 63 and Chillicothe Rd - Offset Right Turn Lane	Iowa DOT -District 5	\$300,000	\$270,000	\$270,000
NE Broadway, E38th and E 46th St - Roundabouts	Polk County	\$46,800,000	\$500,000	\$500,000
Bluff Blvd, 7th Ave S, Thorwaldsen Pl - Realignment	City of Clinton	\$600,000	\$500,000	\$500,000
Prairie View Dr and Ashworth Rd - Left Turn Lanes	City of West Des Moines	\$379,900	\$280,000	\$280,000
US 30 and Mill Creek Pkwy - Widen Pavement	Iowa DOT -District 6	\$82,000	\$82,000	\$82,000
E34 - Edge Treatments	Jones County	\$1,750,000	\$500,000	\$500,000
Middle Rd and Forest Grove Dr - Roundabout	City of Bettendorf	\$9,371,160	\$500,000	\$500,000
Main St - Lane Conversion	City of Cedar Falls	\$11,829,675	\$500,000	\$500,000
Mt Vernon Rd/8th Ave and 10th St SE – Roundabout	City of Cedar Rapids	\$1,522,980	\$500,000	\$500,000
Bowling St and Wilson Ave SW– Roundabout	City of Cedar Rapids	\$894,000	\$500,000	\$280,000
Albia Rd and N Quincy Ave - Roundabout	City of Ottumwa	\$515,340	\$500,000	\$500,000
NE Delaware Ave - Lane Conversion/Signals	City of Ankeny	\$10,511,260	\$500,000	\$500,000

\$6,681,485

FY 2023 Traffic Safety Improvement Program

Traffic Control Devices Recommended for Award

Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
Temporary Portable Traffic Signals	Cerro Gordo/Hancock County	\$50,520	\$38,121	\$38,121
Temporary Portable Traffic Signals	Dubuque County	\$55,450	\$55,450	\$55,450
Temporary Portable Traffic Signals	Hamilton County	\$41,795	\$41,795	\$41,795
Sign Replacement Program	Iowa DOT – Local Systems	\$200,000	\$200,000	\$200,000
Temporary Portable Traffic Signals	Madison County	\$63,000	\$63,000	\$63,000
Flashing Yellow Arrow Conversion - 7 Intersections	City of Pleasant Hill	\$244,500	\$200,000	\$100,000

\$498,366

FY 2023 Traffic Safety Improvement Program

Studies & Outreach Recommended for Award

Traffic Safety Research Program			\$500,000	\$500,000

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division
Modal Transportation Bureau Order No. TD-2022-46
Submitted by Rebecca Law Phone No. 515-239-1765 Meeting Date December 14, 2021
Title Calendar Year (CY) 2022 Intercity Bus Program

DISCUSSION/BACKGROUND:

Approval is requested for the CY 2022 Intercity Bus Program. Specific project recommendations are listed below.

System	Project	Amount recommended
Burlington Trailways	Existing service support	\$196,110
	Over-the-road coach	\$496,932
	Marketing of existing service	\$6,000
	Over-the-road coach security cameras	\$69,316
Jefferson Lines	Existing service support	\$154,554
	Two over-the-road coaches	\$901,000
	Call center operations	\$18,151
	Marketing of existing service	\$7,500
City of Fort Dodge	Marketing of existing service	\$7,500
	Total	\$1,857,063

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the CY 2022 Intercity Bus Program funding recommendations as listed above.

COMMISSION ACTION:

Moved by Kathy Fehrman 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

TD-2022-46

Rebecca Law, Modal Transportation Bureau; Intercity Bus Assistance Program is a federally funded grant program that provides financial assistance to support intercity bus services that includes stops at non advertised location and it makes meaningful connections to the nationwide network.

It is recommended that the Commission approved the CY2022 Intercity Bus Assistance Program funding recommendations as listed on the Commission order.

Commissioner Fehrman made a motion to approve the CY2022 Intercity Bus Assistance Program funding recommendations. Commissioner Yanney seconded the motion. Motion passes unanimously.