

Commission Minutes
August 8, 2017



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

August 8, 2017
Edward May Family Community Center
1000 Mustang Drive, Shenandoah, IA

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2018-4	*Approve Minutes of the July 11, 2017 Commission Meeting	Danielle Griggs	3
8:00 a.m.	Commission Comments DOT Comments		
PPM-2018-5	* Administrative Rules – 761 IAC 132, Iowa Scenic Byway Program	Stuart Anderson	5
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8:15 a.m.	Adjourn		
	*Action Item		

On Monday, August 7, the Commission and staff will meet informally at 3:30 p.m. at the Edward May Family Community Center in Shenandoah. 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-2018-4
Submitted by Danielle Griggs Phone No. 515-239-1919 Meeting Date August 8, 2017
Title Approve Minutes of the July 11, 2017 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 11, 2017 Commission meeting.

COMMISSION ACTION:

Moved by Kathleen Fehrman Seconded by David Rose

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	_____	_____
Huber	_____	_____	_____
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

D-2018-4

Commissioner Fehrman made a motion to approve the minutes as written.
Commissioner Rose seconded the motion. The motion passed unanimously.

Commission Comments

Commissioner Maher reviewed Monday's tour route; thanking Scott Suhr and Scott Schram of District 4 for leading the tour. Starting in Shenandoah, we went down Hwy 2, noting a drainage issue outside of Sidney. We then drove to the Sidney bypass which is a nice bypass that has been there for quite some time. We went around Sidney staying on Hwy 2 and went through Waubonsie State Park and there are some issues with the road; then we went onto the new Hwy 2 bridge which leads into Nebraska City. That bridge has been a great asset to our area and the fact that Nebraska is putting in a large overpass right on the other side of the bridge shows how important and valid that bridge is. We came back on Hwy 2 and went up I-29 and several things were pointed out on I-29, including the Weigh-In-Motion. This is a new technology that may determine a truck full or empty as it drives by and if there is a possible weight issue. We then looked at the new interchange on Highways 29 & 34 and I thought the changes were very fluid and important. We went on I-29 to the Council Bluffs interchange in development. We drove I-29 to Missouri Valley, driving through downtown Missouri Valley. Visualizing the needs brings that to the forefront of what the issues are there. We came back down I-29 and then drove over the Highway 34 bridge. As we came down 34, we looked at the new Love's project where they are going to build a new project there. We drove down 34 back east toward 59 we talked about the sensors for the stoplight, saving time for travelers. It was a great trip; I thank the staff from the DOT they did a great job. We appreciate your expertise and greatly appreciate the opportunity to tour southwest Iowa.

DOT Comments

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Planning, Programming and Modal Division
Office of Systems Planning

Division/Bureau/Office _____ Order No. PPM-2018-5
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 8, 2017
 Title Administrative Rules - 761 IAC 132, Iowa Scenic Byway Program

DISCUSSION/BACKGROUND:

The department is proposing to make changes to 761 IAC 132 as described below.

This rulemaking proposes to provide new definitions for department, designation, heritage byway, and scenic byway and to update the office name and website where information, instructions and application forms are obtained. The advisory council role is clarified as a recommending body with the department approving designations.

The rulemaking eliminates the emphasis on scenic byways that is consistent with rebranding of the program as Iowa Byways to be more inclusive of those with a heritage or historic emphasis.

The rulemaking provides additional detail of program eligibility requirements that emphasizes scenic, archaeological, cultural, historic, natural, and recreational qualities of a proposed route. A formal resolution would be required versus a designation approval from the governing body through which byway routes pass through in order to ensure they agree to the responsibility of administering, governing, and marketing designated routes. The mandatory periodic review of existing byways is removed since the desired qualities don't often change; however, the proposed rule amendments allow the department to remove a route or portion of a route if it is no longer considered eligible for the program, or to modify an existing route if an alternative route would better benefit the traveling public.

The rulemaking clarifies byway sign design, fabrication, installation, and maintenance responsibilities of the department and byway jurisdictions. The application cycle is changed to allow more time for review, designation, and installation of signage prior to the next cycle starting.

The public comment period ended July 11, 2017, and the department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Nancy Maher

	Aye <u>x</u>	Vote Nay	Pass
Fehrman	<u>x</u>	_____	_____
Huber	<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-2018-5

Stuart Anderson, Planning, Programming and Modal Division; We have several proposed rule revisions for your consideration this morning. The first are revisions to rules for the Iowa Scenic Byways Program. In addition to normal revisions for updating contact information and other references, these rules eliminate the emphasis to only scenic byways in these rules. Our Iowa Byways Program also includes heritage byways or those byways that connect historic areas in the state.

The rules also provide additional detail on eligibility and the corridor review process.

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

Commissioner Yanney made a motion to approve the rules as proposed. Commissioner Maher seconded the motion. The motion passed unanimously.

ITEM 1. Amend **761—Chapter 132**, title, as follows:

IOWA SCENIC BYWAY BYWAYS PROGRAM

ITEM 2. Amend rule 761—132.1(306D) as follows:

761—132.1(306D) Purpose, overview and information.

132.1(1) Purpose. The purpose of the Iowa ~~scenic byway~~ Byways program is to designate qualifying Iowa roads as ~~scenic~~ byways on the basis of scenic byway, heritage byway, or a combination of scenic and heritage byway qualities. These designations are intended both to preserve the state's scenic, natural, and historic resources and to support economic development through travel and tourism.

132.1(2) Overview. Under the Iowa ~~scenic byway~~ Byways program, proposed routes are identified via an application process. The department inventories and evaluates the proposed routes. The advisory council ~~selects~~ recommends the routes to be designated by the department. The department provides identifying signs for the designated routes. Routes designated as an Iowa Byway are part of Iowa's scenic byway program and are therefore subject to the prohibition set forth in 23 U.S.C. Section 131(s).

132.1(3) Information and forms. Information, instructions and application forms may be obtained from the Office of ~~Location and Environment~~ Systems Planning, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1664; or through the department's Web site at www.iowadot.gov.

ITEM 3. Amend rule **761—132.2(306D)**, definition of “Advisory council,” as follows:

“*Advisory council*” means the ~~scenic byway Iowa Byways~~ Iowa Byways advisory council. This group is responsible for ~~selecting~~ recommending routes for ~~scenic byway Iowa Byways~~ Iowa Byways designation. It is comprised of representatives from the ~~department of transportation, the department of economic development, the department of cultural affairs, and the department of natural resources~~ state agencies with jurisdiction over transportation, tourism, cultural resources, historic resources and natural resources.

ITEM 4. Adopt the following new definitions of “Department,” “Designation,” “Heritage byway,” and “Scenic byway” in rule **761—132.2(306D)**:

“*Department*” means the Iowa department of transportation.

“*Designation*” means department approval of a route as an Iowa Byway.

“*Heritage byway*” means a route that has historic or cultural significance along its length or connects various areas or sites of historic or cultural significance along its length.

“*Scenic byway*” means a route that has naturally scenic features visible along its length.

ITEM 5. Rescind rule **761—132.3(306D)**.

ITEM 6. Renumber rules **761—132.4(306D)** to **761—132.7(306D)** as **761—132.3(306D)** to **761—132.6(306D)**.

ITEM 7. Amend renumbered rule 761—132.3(306D) as follows:

761—132.3(306D) General requirements.

132.3(1) A route eligible for designation as an Iowa Byway must meet the definition of

either a heritage byway or a scenic byway. A route may also be eligible for designation if segments of the route meet a combination of either a heritage byway or a scenic byway along its entire length.

~~132.3(1)~~ **132.3(2)** Primary roads, secondary roads and city streets are eligible for designation as scenic byways Iowa Byways.

~~132.3(2)~~ **132.3(3)** A scenic byway route eligible for designation as an Iowa Byway should be continuous and at least 20 miles in length. Scenic or heritage features in one form or another should exist along the entire route.

~~132.3(3)~~ **132.3(4)** Each city and county through which a route passes must approve the scenic byway designation. The governing body of each city and county through which a route passes must pass a formal resolution endorsing the application for Iowa Byway designation and agreeing to the responsibilities of having jurisdiction over a portion of a designated route.

~~132.3(4)~~ **132.3(5)** Signs designating scenic byways shall be paid for and furnished by the department. Each roadway jurisdiction is responsible for installing scenic byway signs on roads under its jurisdiction in accordance with a signing plan provided by the department. The initial installation of signs identifying an Iowa Byway including the accompanying posts and hardware necessary for installation shall be paid for and furnished by the department. Each roadway jurisdiction is responsible for the inventory, maintenance, and reinstallation of signs provided by the department following the initial installation.

ITEM 8. Amend renumbered rule 761—132.4(306D) as follows:

761—132.4(306D) Application and approval process.

132.4(1) Program cycle. The scenic byway Iowa Byways program shall operate on a two year four-year cycle, with the following steps and timetable: applications due by October 1, 2020, and every fourth year thereafter. Field inventories, evaluation, and rating of proposed routes will follow with designation of any new routes completed by the next application deadline.

~~Subrules 132.5(2) to 132.5(7) further explain each step of the program cycle.~~

132.4(2) Application. Application to designate a route as a scenic byway an Iowa Byway or to propose an extension or loop to an existing route shall be on a form provided by the department and shall be submitted to the office of location and environment received by the department by the stated application deadline. The application must be accompanied by a document indicating approval of the designation from the city council of each city and the board of supervisors of each county through which the proposed route passes formal resolution described in subrule 132.3(4). Applications must provide some discussion of the planned administration and governance of the proposed Iowa Byway as well as how the byway will be marketed to visitors.

132.4(3) Initial review. Applications shall be reviewed by the advisory council to acquaint the council members with the proposed routes ; and to allow the members time an

opportunity to provide any the department with information from their areas of expertise regarding the routes, and to provide guidance to the program. Such input may provide details related to the existence and quality of scenic, archaeological, cultural, historic, natural, and recreational resources along a proposed route.

132.4(4) *Field inventory.* The department shall conduct a field inventory of proposed routes .The department shall collect the following information for each proposed route which will address the following qualities:

a. *Scenic value.* Types and qualities of views along the proposed route ,including panoramas, scenes and focal points contributing to the scenic quality of the route shall be identified as well as views that distract from or negatively affect the scenic quality of the route. Several elements or items related to material or color are also pinpointed. The field inventory will provide an assessment of the visual character of the proposed route along its length.

b. *Cultural and historic resources.* Quality of the various views along the route, from outstanding to poor or distracting. Known cultural and historic resources will be identified along the length of the proposed route. Such resources may include archaeological, architectural, historical or other cultural sites of national or state significance and may also include interesting or unique local cultures or architecture that may appeal to visitors.

c. *Natural resources.* How long one sees a particular view or element. Resources including but not limited to agricultural lands, forests, river basins, and other distinctive landforms will be identified.

d. *Recreational resources.* Relative ease of seeing the various views and elements as the road is driven. Public lands and facilities providing opportunities for organized sport, outdoor recreation, or other recreation will be identified.

e. *Transportation.* Visual character of the roadway alignment. An assessment will be made of existing and future traffic conditions, planned improvements to the proposed route, and any safety concerns whether existing or anticipated. If the route is being considered for heritage byway designation, historic elements specific to transportation will be identified.

f. *Types of scenic areas or historic sites along the route.*

g. *Variety of views as the route is driven.*

132.4(5) *Evaluation and rating.* The department shall compile and evaluate the field inventory data for each proposed route, calculate an overall quality rating for each proposed route, and prepare a written report documenting these findings. A potential quality rating ranges from “excellent” to “very poor.” The midpoint is “average.” The written report shall also consider the sustainability of the proposed route based on the information provided in the application for planned governance and marketing plans as well as how the proposed route will complement the existing Iowa Byways.

132.4(6) *Selection.* The advisory council shall review the evaluations and ratings and select the recommend routes to be designated as Iowa Byways based on this information

and any other information the council may have obtained regarding the routes. ~~For a route to be designated, it must have an overall quality rating that is above “average.” Also, at least 50 percent of the length of the route must be rated above “average.”~~

~~132.4(7)~~ **132.4(7)** *Designation.* The department will consider designating routes recommended by the advisory council as Iowa Byways.

~~132.4(7)~~ **132.4(8)** *Signing.* The department shall provide the necessary state scenic byway signs and accompanying posts and hardware for the newly designated scenic byways. Upon the designation of Iowa Byways, the department will proceed with the initial design and installation of signage identifying new Iowa Byways.

ITEM 9. Amend renumbered rule 761—132.5(306D) as follows:

761—132.5(306D) Reevaluation. ~~Every four years from the date of designation~~ At its discretion, the department shall may inventory and evaluate the scenic byway designated Iowa Byways or portions of byways to determine its their continued eligibility in for the program. The department reserves the right to remove a route or portion of a route from the scenic byway program if the route no longer meets the designating criteria or if the route signage has not been maintained. The department may modify an existing route if an alternative route would better benefit the traveling public in cases of poor road conditions, closures or changes in available amenities.

ITEM 10. Amend renumbered rule 761—132.6(306D) as follows:

761—132.6(306D) Promotional and tourism efforts. The department is not responsible for economic development, promotional and, or other tourism efforts for ~~scenic byways~~ Iowa Byways.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Planning, Programming and Modal Division
Office of Systems Planning

Division/Bureau/Office _____ Order No. PPM-2018-6
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 8, 2017
 Title Administrative Rules - 761 IAC 163, RISE Program

DISCUSSION/BACKGROUND:

The department is proposing to make changes to 761 IAC 163 as described below.

This rulemaking proposes to update the website address where application instructions and forms can be obtained. Changes in the definition of direct jobs created, direct jobs retained, and economic development were made to state that:

- Direct jobs created refers to new jobs to the state.
- Direct jobs retained refers to jobs existing in Iowa.
- Economic development shall result in a net gain to the state.

A new definition of value-added activities is added and defined as activities that create new wealth in the state. Tourism activities that result in the attraction of out-of-state dollars to the state economy may also be targeted by the program.

The proposed rule amendments provide more detail concerning the Iowa Transportation Commission’s role in monitoring the Revitalize Iowa’s Sound Economy (RISE) Fund cash flow balance to ensure funding is available for proposed projects with an immediate job creation and/or retention component. A complete application will be required prior to being considered by the Commission.

The rulemaking requires all projects to either be let by the applicant or through the department in accordance with all applicable laws and rules. Changes allow for certain public transportation improvements, bicycle and pedestrian infrastructure, permits, right of way, design, and utility costs to be eligible for RISE funding, including advance eligibility for extreme urgency needs to acquire land and prepare preliminary design plans. Changes allow expansion of matching fund options to include funding from other state agencies, programs or in-kind labor, materials, equipment and/or services donated by a third party. A new subrule is added stating project costs, including those related to the local project match may be audited and that force account work costs will be audited. A formal resolution is required versus an official endorsement from the governing body to ensure the roadway is for public use and will be maintained for 20 years.

The public comment period ended July 11, 2017, and the department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by David Rose Seconded by Kathleen Fehrman

	Aye	Vote Nay	Pass
Fehrman	x		
Huber	x		
Maher	x		
Putney	x		
Rielly	x		
Rose	x		
Yanney	x		

Division Director Legal State Director

PPM-2018-6

Stuart Anderson, Planning, Programming and Modal Division; next we have proposed rule revisions to the RISE program. In addition to updating information, these revisions also provide more detail on the Commission's role in monitoring cash flow program balances to assure funding is available for Immediate Opportunity projects. The rule revisions also update eligible activities to cover other transportation needs that are integral to the RISE project.

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

Commissioner Rose made a motion to approve the rules as attached. Commissioner Fehrman seconded the motion. The motion passed unanimously.

ITEM 1. Amend rule **761—163.1(315)**, definitions of “Direct jobs created,” “Direct jobs retained,” “Economic development,” and “Immediate opportunity project,” as follows:

“*Direct jobs created*” refers to ~~new~~ jobs new to the state in firms, developments, or sites specifically assisted by a RISE project.

“*Direct jobs retained*” refers to existing Iowa jobs that would otherwise be lost in firms, developments, or sites specifically assisted by a RISE project.

“*Economic development*” means private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost. For the purposes of this program, economic development shall be viewed from a statewide perspective rather than a local or substate, regional perspective and shall result in a net gain to the state.

“*Immediate opportunity project,*” one of the two types of RISE projects, is a roadway project that needs a funding commitment within a short time period and meets the threshold criteria in subrule ~~463.8(6)~~ 163.10(6). The project primarily provides improved access to ~~either~~ a single economic unit, such as a county, a city, an industrial park, a plant or other business, a development site or a tourist attraction, ~~or to a portion of a metropolitan area.~~

ITEM 2. Rescind the definition of “Metropolitan area” in rule **761—163.1(315)**.

ITEM 3. Adopt the following **new** definition of “Value-adding activities” in rule **761—163.1(315)**:

“*Value-adding activities*” means activities which, through the employment of knowledge or labor, add value to a product, process or service that results in the creation of new wealth to the state.

ITEM 4. Renumber rules **761—163.2(315)** to **761—163.7(315)** as **761—163.3(315)** to **761—163.8(315)**; rules **761—163.8(315)** and **761—163.9(315)** as **761—163.10(315)** and **761—163.11(315)**; and rule **761—163.11(315)** as **761—163.12(315)**.

ITEM 5. Adopt the following **new** rule 761—163.2(315):
761—163.2(315) Information and forms. Information, instructions and application forms may be obtained from the Office of Systems Planning, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1664; or through the department’s Web site at www.iowadot.gov.

ITEM 6. Amend renumbered rule 761—163.3(315) as follows:
761—163.3(315) Purpose of RISE program. The purpose of the RISE program is to promote economic development in Iowa through the establishment, construction, improvement, and maintenance of roads and streets. The RISE program shall be targeted toward value-adding activities to provide maximum economic impact to the state. Value-adding activities feed new dollars into the economy. As these dollars are circulated, the state experiences economic growth. Tourism activities that result in the

attraction of out-of-state dollars to the state economy may also be targeted by the program. Residential development, local government facilities, local public schools, locally oriented business services and personal services are generally not value-adding activities and will rarely meet the intent of the program.

The RISE program shall also be administered to encourage economic diversification, new business opportunities, small business development, exporting, import substitution and tourism in Iowa.

ITEM 7. Amend renumbered rule 761—163.4(315) as follows:

761—163.4(315) Administration of RISE program.

163.4(1) and **163.4(2)** No change.

~~163.4(3) The department's office of systems planning shall be responsible for administering the RISE project selection process. RISE application instructions and forms are available upon request to the Office of Systems Planning, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1664. Application forms and instructions are also available on the Internet at www.dot.state.ia.us/forms.~~

~~163.4(4)~~ **163.4(3)** The department shall annually prepare a written report indicating the amount and percentage of funds expended during the previous year on primary roads, secondary roads, city streets, state park roads and county conservation parkways.

ITEM 8. Amend renumbered rule 761—163.5(315) as follows:

761—163.5(315) Source, allocation, and use of RISE funds.

163.5(1) No change.

163.5(2) *Allocation and use.*

a. to c. No change.

d. Type of projects. The two types of projects which may be funded under the RISE program are immediate opportunity projects and local development projects. The requirements and procedures specifically applicable to the two project types are located in the following rules of this chapter:

(1) Immediate opportunity projects: Rule ~~163.8(315)~~ 761—163.10(315).

(2) Local development projects: Rule ~~163.9(315)~~ 761—163.11(315).

e. No change.

f. Use of repaid funds. RISE funds repaid to the department for any reason may be used for other projects or carried over to the next programming cycle ~~at the discretion of the commission.~~ RISE funds repaid shall be credited to the share of the fund from which the project was originally funded.

g. No change.

h. Reserve for future needs and contingencies. The commission shall ~~hold back from funding commitment an amount of RISE funds sufficient to meet~~ monitor RISE fund commitments and expected RISE fund cash flow and take actions necessary to ensure that funds remain available for anticipated present and future immediate opportunity

project needs and other contingencies. Such actions may include placing a moratorium on the receipt and award of local development RISE applications, placing a limit on RISE dollars awarded to each project, or taking other actions at the discretion of the commission.

ITEM 9. Amend renumbered subrule 163.7(1) as follows:

163.7(1) Applicant eligibility. All incorporated cities and all counties in the state of Iowa are eligible to apply for and receive funds under the RISE program. The department is also eligible to initiate projects and receive funds under this program ; but need not formally apply for funds. Private firms or developers or other agencies may not apply directly for funds ; but are encouraged to work with county or city governments in seeking funding for projects. In any case, all projects must be let by the applicant or through the department's office of contracts and in accordance with all applicable laws and rules.

ITEM 10. Amend renumbered rule 761—163.8(315) as follows:

761—163.8(315) Project activities eligible and ineligible for RISE funds.

163.8(1) Eligible activities. Project activities or costs eligible for RISE funding, and which may be counted as part of the non-RISE participation in immediate opportunity and local development roadway projects, include only the following:

a. to *c.* No change.

d. Public transportation system improvements, including but not limited to bus shelters, bus turnouts, and passenger information signage, when they are integral to the roadway improvement.

e. Bicycle and pedestrian infrastructure improvements, including but not limited to sidewalks, at-grade pedestrian crossings, bike lanes, and separated bike lanes, when they are integral to the roadway improvement.

~~*d.*~~ *f.* Right-of-way purchase acquisition costs, including but not limited to appraisals, negotiation, compensation, and cultural resources surveys necessary to comply with applicable local, state and federal laws, rules and regulations.

~~*e.*~~ *g.* Construction or improvement of motorist rest areas, welcome centers, and information centers.

~~*f.*~~ *h.* Design engineering costs leading to construction plan development and construction inspection costs associated with RISE-financed projects.

~~*g.*~~ *i.* County and city bond principal and interest payments associated with RISE projects. No financing expenses incurred prior to funding commitment shall be eligible.

~~*h.*~~ *j.* Storm drainage and storm sewer costs to the extent needed for draining the roadway.

k. Reconstruction or adjustment of utilities, including but not limited to water, sanitary sewer, electric, telephone, and natural gas, when utilities are located on private property and require replacement or relocation due to project construction; or said

utilities are located in the public right-of-way and the utility is not required to relocate at its own expense.

l. Costs associated with the acquisition of local, state and federal permits required for roadway construction.

163.8(2) Ineligible activities. Activities or costs ineligible for RISE funding, and which may not be counted as part of the non-RISE participation in immediate opportunity or local development roadway projects, include but are not limited to the following:

~~a. Any and all costs incurred prior to a funding commitment by the commission except for advance right of way acquisition costs necessary to protect or preserve a project corridor. If there is an extreme urgency involving right of way acquisition, a potential applicant may formally request from the department written approval to acquire the right of way immediately without jeopardizing the eligibility of the acquisition costs for future RISE funding. Granting of this approval does not imply or guarantee that a subsequent application which includes the acquisition costs will be funded. The request must include justification regarding the urgency of the acquisition, a description of the land to be acquired, and a map showing its location. Approval to acquire right of way immediately must be requested from and granted by the department prior to the applicant's acquisition of the land in question. The RISE application which includes the acquisition costs must be received by the department within two years following the granting of this approval, or the approval is not valid notwithstanding rule 761—163.9(315).~~

b. Routine roadway, bridge and culvert maintenance, including but not limited to pothole filling, crack sealing, seal coating, patching, shoulder maintenance, gravel or earth roadway maintenance, and bridge painting.

c. Winter roadway and bridge maintenance, including but not limited to snow plowing, sanding, and salting.

d. No change.

e. Expenses associated with the preparation and submission of applications for RISE funding.

f. Pre-design engineering, feasibility or alignment studies, and other planning expenses.

g. and h. No change.

~~i. Electric, water, natural gas, telephone and other utility~~ Utility construction, reconstruction or adjustment ~~when utilities located on private property are replaced or relocated for project construction~~ for those activities or costs described in subrule 163.8(1).

j. to m. No change.

n. Parking expenditures, including those for structures, lots, meters, paving, and marking whether for on-street or off-street parking.

o. to q. No change.

~~r. Sanitary sewers.~~

~~s. Water mains.~~

~~t. r.~~ Donated right-of-way.

ITEM 11. Adopt the following **new** rule 761—163.9(315):

761—163.9(315) Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission.

163.9(1) *Need for advance eligibility.* If there is extreme urgency involving land acquisition or preliminary design and a necessity to protect or preserve a project corridor or to proceed with the preparation of project construction plans prior to a RISE funding commitment, a potential applicant may submit a written request to the department for a determination of advance eligibility to incur costs for land acquisition or preliminary design immediately. A determination of advance eligibility by the department will allow specified costs incurred prior to a funding commitment by the commission to be eligible for reimbursement with RISE funding without jeopardizing the project’s eligibility for funding approval, but does not imply or guarantee that the commission will commit RISE funding to a subsequent application.

163.9(2) *Request, justification and review.* The request must be received by the department prior to the expenditure and must include justification regarding the extreme urgency and necessity to incur costs prior to a RISE funding commitment. A request for land acquisition must also include a description of the land to be acquired, a summary of the estimated costs, and a map showing the parcels to be acquired. Preliminary design requests must include a description of the project scope, location map, and proposed cross section. If the request will include consultant design costs, a draft agreement between the jurisdiction and the consultant must be submitted which includes the scope of services to be rendered. Costs for RISE application preparation and submission or project feasibility, route alignment studies or other planning expenses as cited in paragraphs 163.8(2) “e” and “f” remain ineligible for RISE funding and shall not be included in a request for determination of advance eligibility. The department will review the submittal. If the requirements of this rule are met, the department will provide written confirmation of the determination of advance eligibility.

163.9(3) *Requirements.* Any cost incurred before the request is received by the department will be ineligible for reimbursement. Costs receiving a determination of advance eligibility must be noted in the subsequent RISE funding application submitted to the department. Land acquired or design work completed following a determination of advance eligibility will not be eligible for reimbursement with RISE funds if the property acquired or design work completed is not necessary to construct the proposed RISE project included in the subsequent application. Design costs receiving a determination of advance eligibility may not exceed 10 percent of the total construction costs for the project. An application for funding which includes the expenditure must be received by the department within two years following the determination of advance eligibility, or the

costs may become ineligible for RISE funding.

ITEM 12. Amend renumbered rule 761—163.10(315) as follows:

761—163.10(315) Immediate opportunity projects.

163.10(1) No change.

163.10(2) *Contents of applications.* Each application for an immediate opportunity project must contain the following:

a. to e. No change.

~~*f.* For a road or street which is not currently dedicated to public use, written assurance of future dedication from the jurisdiction responsible or to be responsible for the road or street to be constructed or improved.~~

~~*g.* An official endorsement~~ A formal resolution passed by the governing body of the project proposal from the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The jurisdiction must also provide written assurance The resolution shall state that it the project will be adequately maintained the new or improved road or street. maintained and dedicated to public use for a minimum of 20 years after completion of the project. The resolution must also certify that the project meets the threshold criteria cited in paragraph 163.10(6) "a."

~~*h.* *g.* Documentation showing that the threshold criteria of subrule 163.8(6) 163.10(6) have been met.~~

~~*i.* Rescinded IAB 8/8/01, effective 7/20/01.~~

163.10(3) *Submission of applications.* ~~Application instructions and forms for immediate opportunity projects are available from the office of systems planning or on the Internet at www.dot.state.ia.us/forms.~~ An original and one copy of each completed application shall be submitted to the ~~office of systems planning~~ department. Applications may be submitted at any time.

Once an application has been submitted, no further information concerning that application shall be accepted by the department from the applicant unless specifically requested by the department. Applications may be withdrawn by the applicant and resubmitted at any time. Resubmitted applications shall be dated accordingly.

163.10(4) *Incomplete applications.* An applicant must satisfy the application requirements outlined in this chapter ~~of rules~~ and must fully complete the official application form before ~~its applications~~ the application will be reviewed considered by the commission. ~~An applicant shall be notified if an application is incomplete. An incomplete application shall be reviewed when it is resubmitted in a complete form by the applicant.~~

163.10(5) No change.

163.10(6) *Threshold criteria.* Funding commitment decisions for immediate opportunity projects shall be made on an individual basis. There is no competitive ranking of project applications. In order to gain a funding commitment, an application must meet all of the following threshold criteria:

a. The project must be related to an immediate, nonspeculative opportunity for permanent job creation or retention. The applicant county or city (or its agent) should be in the process of negotiating a location or retention decision with a developer or firm. ~~This criterion may be satisfied by a resolution from the applicant county or city stating that it is involved in negotiations with a developer or firm.~~

b. and c. No change.

d. There must be at least 20 percent non-RISE financial participation in the roadway project, ~~except as indicated in subparagraph (2) of this paragraph~~ the commission may approve a participation amount that is less than 20 percent if it determines that the applicant city or county is economically distressed.

~~(1) This participation shall include only those items listed as eligible for RISE funding, and may be in the form of cash, the value of design engineering and construction inspection services, or the cost of eligible advance right of way acquisitions pursuant to paragraph 163.7(2)“a.” The applicant shall provide documentation to the department supporting the value of any noncash contribution to the project.~~

~~(2) The commission may approve a participation amount that is less than 20 percent if it determines that the applicant city or county is economically distressed.~~

e. There must be a strong likelihood that the total development, including the roadway project, can be completed in a timely manner. It is up to the applicant to identify a time schedule and maintain it. This time schedule may be adjusted ~~when agreed to by the commission if~~ for such reasons including but not limited to the project involves unusually complex engineering studies, extensive real estate negotiations, extensive analysis for environmental clearances, or unusually complex planning for associated development. The commission may withdraw funding if time schedules have been misrepresented or have not been maintained.

163.10(7) Review and funding of applications.

a. The staff of the department shall review complete immediate opportunity project applications and may consult with other organizations with economic development responsibilities. As part of the review, the staff shall evaluate the effect of the proposed project on the state economy using the following factors: consistency with the state economic development plan; diversification of the state economy; the impact on in-state suppliers, competitors, and import substitution; percentage of out-of-state sales; the quality of employment positions; and the record of law violations. This review shall be performed within a reasonable period of time after receipt of the application. Following this review, complete applications meeting the threshold criteria of subrule ~~163.8(6)~~ 163.10(6) shall be forwarded to the commission for action at their next meeting.

b. and c. No change.

d. Immediate opportunity project applications may, at the discretion of the commission, be considered as applications for local development projects. These applications shall be included in the current round of local development project

programming, regardless of the deadlines stated in subrule ~~463.9(3)~~ 163.11(3). However, immediate opportunity project applications submitted solely to circumvent the deadlines for local development project applications shall not be considered in this manner.

ITEM 13. Amend renumbered rule 761—163.11(315) as follows:

761—163.11(315) Local development projects.

163.11(1) No change.

163.11(2) Contents of applications. Each application for a local development project must contain the following:

a. to *e.* No change.

~~*f.* For a road or street which is not currently dedicated to public use, written assurance of future dedication from the jurisdiction responsible or to be responsible for the road or street to be constructed or improved.~~

~~*g.* *f.* An official endorsement of the project proposal from~~ A formal resolution passed by the governing body of the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The jurisdiction must also provide written assurance that it The resolution shall state that the project will be adequately maintain the new or improved road or street maintained and dedicated to public use for a minimum of 20 years after completion of the project.

~~*h.* Rescinded IAB 8/8/01, effective 7/20/01.~~

163.11(3) Submission of applications. ~~Application instructions and forms for local development projects are available from the office of systems planning or on the Internet at www.dot.state.ia.us/forms.~~ An original and one copy of each completed application shall be submitted to the office of systems planning department.

a. Applications may be submitted at any time. However, in order to be considered in the current round of programming, complete applications must be received by the department or postmarked no later than February 1 or September 1.

b. No change.

163.11(4) Incomplete applications. An applicant must satisfy the application requirements outlined in this chapter ~~of rules~~ and must fully complete the official application form before ~~its~~ the application will be ~~reviewed~~ considered by the commission. An applicant shall be notified if an application is incomplete. ~~An incomplete application shall be reviewed when it is resubmitted in a complete form by the applicant.~~

163.11(5) No change.

163.11(6) Rating factors. The following factors and potential rating points shall be used in assessing applications for local development projects; ~~assessment.~~ Assessment of these factors shall be the responsibility of the department.

a. to *e.* No change.

163.11(7) No change.

ITEM 14. Amend renumbered rule 761—163.12(315) as follows:

761—163.12(315) Project administration.

~~163.12(1) Projects located on primary roads or state park roads.~~ RISE projects located on primary roads or state park roads shall be administered by the department in conformance with the requirements of Iowa Code chapter 315. The department may delegate part or all of this responsibility to another participating jurisdiction.

~~163.12(2) Projects located on secondary roads, city streets or county conservation parkways.~~

~~a. 163.12(1) Agreement.~~ After a funding commitment has been made for a project located on secondary roads, city streets or county conservation parkways, the department shall enter into a project agreement with ~~those local jurisdictions whose roads, streets or parkways are a part of the project~~ the applicant. The agreement shall delineate responsibilities for project planning, design, right-of-way, contracting, construction and materials inspection, and documentation. The agreement shall require that a business assisted by the project which acquires or merges with an Iowa corporation within three years following the RISE application shall make a good-faith effort to hire the workers of the merged or acquired company. The agreement shall require the applicant to comply with all local, state, and federal laws, rules and regulations that may apply to the project.

~~b. 163.12(2) Project payments.~~ Payments from the RISE fund to counties or cities shall be made on a cost reimbursement basis, and financial participation shall be limited to the maximum percentage allowed by the funding commitment. All known required environmental permits must be granted and regulations met before moneys are released. The non-RISE financial participation shall include only those items listed as eligible for RISE funding and may be in the form of cash, the value of design engineering and construction inspection services, or the cost of eligible advance right-of-way acquisitions or preliminary design pursuant to rule 761—163.9(315). Grants from other state agencies or programs may also contribute to the non-RISE financial participation if their laws and rules allow. The applicant shall provide documentation to the department supporting the value of any noncash contribution to the project. The department has the sole authority to determine the value of noncash contributions. Contributions made by a third party may be allowed.

~~c. 163.12(3) Project expenditures incurred prior to agreement.~~ Project expenditures incurred after the commission has made a funding commitment, but before execution of the agreement, ~~may be~~ are eligible for reimbursement if ~~prior written authorization is obtained from the department and an a project~~ agreement is subsequently executed. However, under no circumstances shall any reimbursement be paid until the agreement has been executed.

~~d. 163.12(4) Remedies for noncompliance with project agreement.~~ The commission may revoke funding commitments, require repayment of RISE funds loaned or granted, or take both actions when the county or city has not fulfilled the terms of the project agreement.

~~163.12(3)~~ **163.12(5)** *Cost overruns.* RISE funds committed for projects are for a maximum dollar amount. Cost overruns shall be the responsibility of the administering jurisdiction.

163.12(6) *Audit.* The department may audit all project costs incurred for compliance with the agreement, including costs that are part of the matching contribution. All force account work performed by a county or city on the project shall be audited.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2018-7
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 8, 2017
Title Administrative Rules - 761 IAC 165, Recreational Trails Program

DISCUSSION/BACKGROUND:

The department is proposing to make changes to 761 IAC 165 as described below.

The proposed rule amendments add definitions for Commission, department, and recreational trail; and corrects the implementation statutes from Iowa Code 312, Road Use Tax Fund, to Iowa Code 465B, Recreation Trails. Changes update the office name and website where information, application instructions, and forms are obtained.

Proposed rule amendments allow for certain right of way, design, and utility costs to be eligible for State Recreational Trails (SRT) Program funding, including advance eligibility for extreme urgency needs to acquire land and prepare preliminary design plans. Matching funds are clarified to be at least 25 percent; however, changes allow expansion of match options to include funding from other state agencies, programs or in-kind labor, materials, equipment, and/or services donated by a third party. The rulemaking eliminates the ability to provide loans since this option has not been utilized for over 15 years. Up to 25 evaluation points is added for projects planned to be completed in three years. A formal resolution is required versus an official endorsement from the governing body to ensure the trail is for public use and will be maintained for 20 years. Flexibility is provided for additional application deadlines beyond the required first day of the state fiscal year in which funding is provided to the program. Noncompliance decisions concerning unfulfilled agreement requirements and/or misrepresented applications will be handled administratively by the department and consistent with Iowa Transportation Commission award decisions.

The public comment period ended July 11, 2017. The department received written and oral comments from the Iowa Farm Bureau. The Iowa Farm Bureau's comments concern condemnation of land for trails and prioritizing nonstate grant cash match over in-kind contributions in application scoring. The department is proposing to address these concerns by modifying the following subrules.

- 165.15(1) to add "and as allowed by Iowa Code section 6A.21" so project applicants know certain agricultural land cannot be condemned for SRT purposes; and
- 165.26(2) to add "Projects with cash match (5 points)."

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

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

Moved by Kathleen Fehrman Seconded by Charese Yanney

Division Director Legal State Director

PPM-2018-7

Stuart Anderson, Planning, Programming and Modal Division; next are proposed rule revisions to Chapter 165, Recreational Trails Program. The proposed changes cover updates to contact information and code citations, along with changes to provide more flexibility for advance eligibility, match requirements, and agreement administration.

We did receive some comments on these rules during the rule making public review process and public input process. Those comments came from the Iowa Farm Bureau Federation and in response we've made two additional changes that are outlined in the Commission Order. One of the changes documents the code restrictions on the use of eminent domain for trail construction. We also added the addition of a local cash match as project evaluation criteria.

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

Commissioner Fehrman made a motion to approve the rules as attached. Commissioner Yanney seconded the motion. The motion passed unanimously.

ITEM 1. Strike “(312)” wherever it appears in **761—Chapter 165** and insert “(465B)” in lieu thereof.

ITEM 2. Adopt the following **new** definitions of “Commission,” “Department,” and “Recreational trail” in rule **761—165.1(312)**:

“*Commission*” means the state transportation commission.

“*Department*” means the Iowa department of transportation.

“*Recreational trail*” means a thoroughfare or track across land or snow, used for recreational purposes such as pedestrian activities including wheelchair use; skating or skateboarding; equestrian activities, including carriage driving; nonmotorized snow trail activities, including skiing; bicycling or use of other human-powered vehicles; providing access to aquatic or water activities; and motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

ITEM 3. Amend rule **761—165.1(312)**, definition of “Recreational trails fund,” as follows:

“*Recreational trails fund funds*” means ~~the fund created~~ funds appropriated for the acquisition, construction, and improvement of recreational trails ~~pursuant to Iowa Code section 312.2.~~

ITEM 4. Amend rule 761—165.2(312) as follows:

761—165.2(312) Information and forms. Information, instructions and application forms may be obtained from ~~÷~~ the Office of Project Systems Planning, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1225(515)239-1664; or through the department’s Web site at www.iowadot.gov. ~~All inquiries regarding the recreational trails program should be directed to this office.~~

ITEM 5. Amend paragraph **165.5(2)“a”** as follows:

a. The ~~transportation~~ commission is solely responsible for all funding commitments and shall determine the projects to be funded, subject to the availability of recreational trails funds. The commission may approve, modify, or deny an application. The commission may fund all or part of a project and may make funding conditional upon adherence to a time schedule or to fulfillment of an agreement.

ITEM 6. Amend subrule 165.12(2) as follows:

165.12(2) Criteria. A proposed recreational trails project shall meet all of the following requirements:

a. and b. No change.

c. The project shall include a contribution of at least 25 percent matching funds. ~~Notwithstanding, at the discretion of the department, funds may be granted up to a maximum of 80 percent. Except as provided in subrule 165.22(3), matching funds shall be from sources other than the recreational trails program.~~

d. Matching funds ~~shall not~~ may include ~~other~~ grants from other state agencies or ~~the~~

provision programs if their laws and rules allow and the donation of in-kind labor, materials, equipment, and services from a third party. The department has the sole authority to determine the value of noncash contributions. The value of donated land may be an eligible matching contribution if:

(1) and (2) No change.

ITEM 7. Amend rule 761—165.15(312) as follows:

761—165.15(312) Eligible project costs.

165.15(1) Land. Land acquisition costs including, but not limited to, ~~appraisal costs appraisals, negotiation costs, compensation and the required cultural resources survey pursuant to Iowa Code chapter 305A surveys necessary to comply with applicable local, state and federal laws, rules and regulations~~ are eligible project costs. Land may be acquired by lease, easement or fee simple and as allowed by Iowa Code section 6A.21. ~~Except for primary road projects, the~~ The performance of land negotiation and acquisition activities shall not be the responsibility of the department although the department may provide advisory services.

165.15(2) Other eligible costs. Other project costs that are eligible for funding are limited to the following:

a. to d. No change.

e. Design engineering costs leading to construction plan development and construction inspection costs directly associated with the project.

f. No change.

g. ~~Utility relocation costs necessary for trail construction or improvement if the utility is not located on public right-of-way.~~ Reconstruction or adjustment of utilities including but not limited to water, sanitary sewer, electric, telephone, and natural gas when utilities are located on private property and require replacement or relocation due to project construction; or said utilities are located in the public right-of-way and the utility is not required to relocate at its own expense.

h. No change.

ITEM 8. Amend rule 761—165.17(312) as follows:

761—165.17(312) Ineligible project costs.

165.17(1) Before commission approval. Any and all costs incurred prior to a funding commitment by the commission approval of funding for a project are ineligible for funding ~~under the recreational trails program notwithstanding rule 761—165.19(465B).~~

165.17(2) Other ineligible costs. Other project costs that are ineligible for funding include, but are not limited to, the following:

a. Routine maintenance of a trail, bridge, culvert, fence or sign; winter maintenance of a trail or bridge, including but not limited to snow plowing, sanding, and salting.

b. No change.

c. Expenses associated with the preparation and submission of a project application.

d. Predesign engineering , feasibility, or alignment studies and other planning

expenses.

~~e. Utility costs other than those listed in rule 165.15(312) construction, reconstruction or adjustment except for those activities or costs described in subrule 165.15(2).~~

~~f. No change.~~

~~g. Purchases of office furnishings or equipment, construction or maintenance equipment, or personal property.~~

~~h. Sanitary sewers or water mains except as necessary for rest room construction.~~

~~i. h.~~ General government expenses and expenses associated with the provision of any public service that are not otherwise eligible for project funding.

ITEM 9. Rescind rule 761—165.19(312) and adopt the following **new** rule in lieu thereof:

761—165.19(465B) Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission.

165.19(1) *Need for advance eligibility.* If there is extreme urgency involving land acquisition or preliminary design and a necessity to protect or preserve a project corridor or to proceed with the preparation of project construction plans prior to a recreational trails program funding commitment, a potential applicant may submit a written request to the department for a determination of advance eligibility to incur costs for land acquisition or preliminary design immediately. A determination of advance eligibility by the department will allow specified costs incurred prior to a funding commitment by the commission to be eligible for reimbursement with recreational trails program funding without jeopardizing the project's eligibility for funding approval, but does not imply or guarantee that the commission will commit recreational trails program funding to a subsequent application.

165.19(2) *Request, justification and review.* The request must be received by the department prior to the expenditure and must include justification regarding the extreme urgency and necessity to incur costs prior to a recreational trails program funding commitment. A request for land acquisition must also include a description of the land to be acquired, a summary of the estimated costs, and a map showing the parcels to be acquired. Preliminary design requests must include a description of the project scope, location map, and proposed cross section. If the request will include consultant design costs, a draft agreement between the jurisdiction and the consultant must be submitted which includes the scope of services to be rendered. Costs for recreational trails program application preparation and submission or project feasibility, route alignment studies or other planning expenses as cited in paragraphs 165.17(2) "c" and "d" remain ineligible for recreational trails program funding and shall not be included in a request for determination of advance eligibility. The department will review the submittal. If the requirements of this rule are met, the department will provide written confirmation of the determination of advance eligibility.

165.19(3) *Requirements.* Any cost incurred before the request is received by the department will be ineligible for reimbursement. Costs receiving a determination of

advance eligibility must be noted in the subsequent recreational trails program funding application submitted to the department. Land acquired or design work completed following a determination of advance eligibility will not be eligible for reimbursement with recreational trails program funds if the property acquired or design work completed is not necessary to construct the proposed recreational trails program project included in the subsequent application. Design costs receiving a determination of advance eligibility may not exceed 10 percent of the total construction costs for the project. An application for funding which includes the expenditure must be received by the department within two years following the determination of advance eligibility, or the costs may become ineligible for recreational trails program funding.

ITEM 10. Amend rule 761—165.22(312) as follows:

761—165.22(312) Application.

165.22(1) *Submission.* An eligible applicant shall complete and submit an ~~original and four copies of a project~~ application on a form and in the quantity prescribed by the department.

a. and *b.* No change.

c. ~~The deadlines are January 2 and July 1 or the first workdays following those dates.~~ The application deadline shall be on the first day of the fiscal year for which funding has been provided to the program and any additional stated deadline as deemed necessary by the department to fully award program funding.

d. ~~Applications shall be submitted to the office of project planning. To be considered in the current funding cycle, an application must be received by project planning by 4:30 p.m. on the day of the deadline received by the department or postmarked by the stated application deadline.~~

165.22(2) *Contents of application.* Each application shall contain the following:

a. No change.

b. A project concept statement including a location map, a cross section and a sketch of the project intended to be constructed with program funds. The proposed project need not be designed before applying, but the concept must be reasonable from a transportation engineering standpoint and detailed enough to generate project cost estimates.

c. An itemized cost estimate for the total project to be constructed showing for each item the cost and funding source. When a project is part of a larger multiphase project, the application shall differentiate the costs and scope of the proposed construction project from the costs and scope of the overall multiphase project.

d. A time schedule for ~~the total trail project with the applicant's written assurance of project completion as scheduled.~~ A time schedule adjustment may be approved by the department if the project involves unusually complex studies, extensive real estate negotiations, extensive analyses for environmental clearances, complex planning for associated developments, or another compelling reason.

e. No change.

~~f. An official endorsement of the application from the responsible authority and written assurance from that authority that the total trail used to justify the project. A formal resolution passed by the governing body of the responsible authority endorsing the application and the timeline for project completion provided therein. The resolution shall also state that the proposed trail project will be adequately maintained and made available for the intended public use for a minimum of 20 years after completion of the project except as approved by the commission.~~

165.22(3) Funding requests.

~~a. An applicant shall specify in the application the amount of the grant funding grant requested from the recreational trails fund program and may offer a matching fund contribution larger than is required.~~

~~b. In lieu of a grant request, an applicant may request alternative funding, such as a loan at below market interest rate, a no interest loan, or a partial repayment of principal.~~

~~c. If recreational trails funds are loaned as matching funds, the value of the loan repayments for matching fund purposes shall be based on net present value.~~

ITEM 11. Amend rule 761—165.23(312) as follows:

761—165.23(312) Application procedure.

~~165.23(1) An application may be submitted at any time and shall be dated when received in the office of project planning. Once an application has been submitted, no further information shall be accepted from the applicant unless specifically requested by the department.~~

~~165.23(2) 165.23(1) If an application is incomplete, the~~ All applications for funding shall be complete. The department shall reserves the right to return the an incomplete application to the applicant to be resubmitted when complete without further consideration for funding. A resubmitted application shall be dated when it is received in the office of project planning. An applicant may then submit a completed application for the next available funding cycle.

~~165.23(3) 165.23(2) An application that is considered but not funded in one funding cycle may be resubmitted by the applicant for consideration in the next cycle.~~

~~165.23(4) 165.23(3) An applicant may withdraw an application at any time.~~

ITEM 12. Amend rule 761—165.26(312) as follows:

761—165.26(312) Evaluation and approval.

165.26(1) No change.

165.26(2) The department shall evaluate each complete application primarily on the basis of whether the predicted use of the trail justifies the construction and maintenance costs including, but not limited to, the following criteria:

a. to e. No change.

f. Special facilities for ~~the~~ handicapped persons with disabilities (5 points).

g. Project is shovel-ready and planned to be completed within three years of award of funding (25 points).

h. Projects with cash match (5 points).

165.26(3) Completed applications shall be reviewed by a committee composed of one representative from ~~each of these departments: natural resources, economic development, cultural affairs, and transportation~~ state agencies with jurisdiction over transportation, tourism, cultural resources and natural resources. The committee shall recommend applications to the department by ranking them in order of funding priority.

165.26(4) The department shall prepare a list of applications and funding recommendations and present it to the commission for final approval and award of funding.

ITEM 13. Amend rule 761—165.30(312) as follows:

761—165.30(312) Project agreement.

165.30(1) After the commission has approved funding for a recreational trails project, the department and the applicant shall execute a project agreement.

~~*a.* The department shall administer a project located on a primary road; however, the department by agreement may delegate part or all of this responsibility.~~

~~*b. a.* For all other projects, the The agreement shall specify the responsibilities for project planning, design, land acquisition, contracting, construction and materials inspection, and documentation and the criteria for each. The agreement shall also specify the overall funding level approved and contain an estimated budget for eligible work items.~~

b. The agreement shall require the applicant to comply with all local, state and federal laws, rules and regulations that may apply to the project.

165.30(2) No change.

165.30(3) Project expenditures incurred after the commission has made a funding commitment, but before execution of the agreement, ~~may be~~ are eligible for reimbursement if ~~prior written authorization is obtained from the department and~~ a project agreement is subsequently executed. However, under no circumstances shall any reimbursement be paid until the project agreement has been executed.

165.30(4) No change.

ITEM 14. Amend rule 761—165.33(312), introductory paragraph, as follows:

761—165.33(312) Noncompliance. The ~~commission~~ department may revoke funding commitments, seek repayment of funds ~~loaned or granted~~ already reimbursed, or take both actions if:

ITEM 15. Amend **761—Chapter 165**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter ~~312~~ 465B.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Planning, Programming and Modal Division
Office of Aviation

Division/Bureau/Office _____ Order No. PPM-2018-8
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 8, 2017
 Title Administrative Rules - 761 IAC 720 (Iowa Airport Registration) and 750 (Aircraft Registration)

DISCUSSION/BACKGROUND:

The department is proposing to make changes to two aviation rule chapters as described below.

761 IAC Chapter 720 – Iowa Airport Registration is being amended to update the phone number, website address, and references to the Federal Aviation Administration’s advisory circular concerning standards for airport markings. The department is also adding a new subrule within rule 761— 720.15(328) in compliance with 2016 Iowa Acts, Chapter 1131, section 3, which required the department to adopt a process for an airport sponsor closing an airport to request forgiveness of grant repayments that may be owed to the state as a result of closure. New subrule 720.15(4) outlines the process for repayment of financial assistance, as well as the process for seeking forgiveness of those payments for airports closed on or after July 1, 2015. As required in 2016 Iowa Acts, Chapter 1131, section 3, the subrule allows forgiveness of repayment to the department if an alternative use of airport property will create jobs and expand the economy and the sponsoring political subdivision identifies the alternative use, provides a cost-benefit analysis, and secures private investment twice the amount owed to the state.

761 IAC Chapter 750 – Iowa Aircraft Registration is being amended to update the website address where aircraft registration information is obtained. Changes also include removal of a reference to issuing certificates of registration for unairworthy aircraft. 2015 Iowa Acts, Chapter 123, section 2, repealed Iowa Code section 328.38 that required certificates to be exhibited since aircraft registration records are now checked electronically.

The public comment period ended July 11, 2017, and the department did not receive any comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:		Aye	Vote Nay	Pass
	Fehrman	<u>x</u>	_____	_____
	Huber	_____	_____	_____
	Maher	<u>x</u>	_____	_____
Moved by <u>David Rose</u>	Putney	<u>x</u>	_____	_____
Seconded by <u>Kathleen Fehrman</u>	Rielly	<u>x</u>	_____	_____
	Rose	<u>x</u>	_____	_____
	Yanney	<u>x</u>	_____	_____
_____ Division Director	_____ Legal	_____ State Director		

PPM-2018-7

Stuart Anderson, Planning, Programming and Modal Division; our final rule amendment chapter for this morning are for two aviation chapters.

The first is the Iowa Airport Registration, Chapter 720; in that chapter we are updating contact information in reference to Federal Aviation Administration circulars. In addition, we are added rules regarding forgiveness of repayment of funds in the event an airport is closed per legislation from 2016.

The Aircraft Registration rules are being updated to reflect changes in contact information and to eliminate reference to certificates of registration, due to a legislative change from 2015 that eliminated the requirement to display those certificates of registration.

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

Commissioner Rose made a motion to approve the rules as attached. Commissioner Fehrman seconded the motion. The motion passed unanimously.

ITEM 1. Amend subrule 720.4(1) as follows:

720.4(1) Application for site approval. The sponsor shall complete Iowa Department of Transportation Form 300025, “Airport Site Approval and New Registration Application,” and submit it to the office of aviation. This form is available from the Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone ~~(515)239-1691~~(515)239-1468; or through the ~~Internet~~ department’s Web site at ~~http://www.iawings.com~~ www.iowadot.gov.

a. and b. Rescinded IAB 7/4/07, effective 8/8/07.

ITEM 2. Amend subparagraph **720.10(2)“b”(1)** as follows:

(1) Paved runways. Paved runways shall be marked in accordance with FAA Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

ITEM 3. Amend paragraph **720.10(3)“a”** as follows:

a. Approaches shall be clear of obstructions above a glide path of 20:1 from the ends of each usable runway. If an obstruction exists in an approach zone, the runway threshold on a paved runway shall be displaced in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013. On a nonpaved runway, the runway end markers shall be relocated to provide the prescribed obstruction clearance. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

ITEM 4. Amend rule 761—720.15(328) as follows:

761—720.15(328) Airport closing.

720.15(1) No change.

720.15(2) Marking. All marking indicating a usable runway shall be obliterated. The sponsor shall place at a central location a yellow X in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(3) Temporary closing. When conditions require the temporary closing of a runway, it shall be marked on both ends with a yellow X in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(4) Repayment of financial assistance.

a. Review of closure on or after [insert effective date of this subrule]. Within 30 days of closing an airport (other than temporary closing), the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than five equal annual installments, beginning one year from the airport’s closure date. If an

alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

b. Review of closure after July 1, 2015, and before [insert effective date of this subrule]. An airport that closed after July 1, 2015 (other than temporary closing), but before [insert effective date of this subrule], is eligible to request forgiveness for repayment of financial assistance from the department. By [insert effective date of this subrule, plus 30 days], the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than two equal annual installments, beginning one year from [insert effective date of this subrule]. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

ITEM 5. Amend **761—Chapter 720**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 328.1, 328.12, 328.19 and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

ITEM 6. Amend rule 761—750.3(17A) as follows:

761—750.3(17A) Information and forms. Information, instructions and forms are available from the office of aviation or on the department's Web site at <http://www.iawings.com> www.iowadot.gov. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is: Iowa Department of Transportation, Office of Aviation, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

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

ITEM 7. Amend rule 761—750.15(328) as follows:

761—750.15(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department shall ~~issue a certificate and shall~~ mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Aviation Order No. PPM-2018-9
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 8, 2017
Title Fiscal Year 2018 State Aviation Program

DISCUSSION/BACKGROUND:

The Office of Aviation requests approval for the fiscal year (FY) 2018 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. A copy of the recommended program with project costs is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2018 State Aviation Program as attached.

*Amended motion, see minutes.

COMMISSION ACTION:

Moved by Kathleen Fehrman Seconded by Nancy Maher

	Aye	Vote Nay	Pass
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Huber	<u> </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-2018-9

Stuart Anderson, Planning, Programming and Modal Division; last month we presented a funding recommendation for the fiscal year 2018 state Aviation Program. This recommendation covers three different components of the program; the Commercial Service Vertical Infrastructure Program, General Aviation Vertical Infrastructure Program, and the Airport Improvement Program.

It is recommended the Commission approve FY 2018 State Aviation Program as attached to the Commission Order.

Commissioner Fehrman proposed an amendment to the recommendation based on the fact that some of the Commissioners have questions that have not yet been answered regarding the Marion airport application. Commissioner Fehrman moved that the recommendation exclude the Marion Airport request from the Aviation Program and be considered separately at the October meeting. Commissioner Reilly seconded this motion. A roll call vote was taken; this motion passed unanimously.

Commissioner Fehrman made a motion to approve the amended Fiscal Year 2018 State Aviation Program. Commissioner Maher seconded the motion. The motion passed unanimously.

FY 2018 State Aviation Program

Airport Improvement Program	4,202,487
Aviation safety	505,814
Automated weather observation system (AWOS) maintenance and data link, runway marking, immediate safety enhancements, obstruction mitigation, wildlife mitigation, windsocks, education and outreach	
Aviation planning and development	3,696,673
Airport development projects, air service development, statewide planning and research	
Commercial Service Vertical Infrastructure	900,000
General Aviation Vertical Infrastructure	500,000
Total Aviation Program	\$5,602,487

Airport Development projects

Airport	Project	Total project cost	State amount
Albia Municipal Airport	Develop Airport Zoning Ordinance	20,000	17,000
Ankeny Regional Airport	Drainage and Channel Improvements	171,000	76,950
Centerville Municipal Airport	Develop Airport Zoning Ordinance	15,000	12,750
Clarinda Municipal Airport	Reconstruct Taxilane/Apron	48,020	36,015
Council Bluffs Municipal Airport	100LL Fuel Storage Expansion	462,076	200,000
Forest City Municipal Airport	Replace Rotating Beacon	53,000	45,050
Fort Dodge Regional Airport	Reconstruct Air Carrier Apron	94,683	66,278
Fort Dodge Regional Airport	Reconstruct Hangar A Taxilanes	215,000	150,500

Airport Development projects (continued)

Airport	Project	Total project cost	State amount
Grinnell Regional Airport	75x75 Hangar Approach Paving	235,000	141,000
Grinnell Regional Airport	Fuel Dispenser Improvement	210,000	157,500
Humboldt Municipal	Construct Fencing Improvements	130,000	104,000
Iowa Falls Municipal Airport	Fuel Facility Improvements	37,500	31,500
Le Mars Municipal Airport	Terminal Area Fencing	72,650	58,120
Marion Municipal Airport	Runway 17/35 Widening/Partial Reconstruction	499,533	424,620
Muscatine Municipal Airport	Phase II T-Hangar Apron Expansion	239,490	203,567
Newton Municipal Airport	Replace Fuel System Cabinets	265,000	198,750
Northeast Iowa Regional Airport	Security Lighting Improvements	30,000	22,500
Ottumwa Regional Airport	Apron Improvements	335,500	285,175
Rock Rapids Municipal Airport	Asphalt Pavement Overlay	350,000	262,500
Rockwell City Municipal Airport	Obstruction Removal	433,000	300,000
Sioux County Regional Airport	Fuel Facility Construction	329,100	150,000
Southeast Iowa Regional Airport	Hangar Apron Construction	11,000	8,500
Spirit Lake Airport	Asphalt Overlay and Taxiway Construction	37,425	26,198
The Eastern Iowa Airport	Airfield Improvements - Storm Sewer	716,000	358,000
Total		\$5,009,977	\$3,336,473

General Aviation Vertical Infrastructure projects

Airport	Project	Total project cost	State amount
Sioux County Regional Airport	10 Unit T-Hangar	526,680	150,000
Grinnell Regional Airport	75x75 Hangar Construction	550,000	150,000
Muscatine Municipal Airport	T-Hangar Building Construction	343,000	150,000
Red Oak Municipal Airport	Rehab Hangar - New Bifold Doors	63,000	47,250
Waverly Municipal Airport	Bulk Hangar Insulation Renovation	51,000	22,950
Total*		\$1,533,680	\$520,200

* Total state amount includes \$20,200 of AIP funds.

Commercial Service Vertical Infrastructure projects

Airport	Project	Total project cost	Allocated state share
Des Moines International Airport	Fixed-Base Operator Construction/Relocation	13,878,000	348,769
Des Moines International Airport	Construct T-Hangar	3,619,000	
Dubuque Regional Airport	Terminal Fuel Facility	89,125	63,793
Dubuque Regional Airport	Guidance Signage	120,000	
Dubuque Regional Airport	GA Terminal Renovation	165,000	
Dubuque Regional Airport	Relocate Airfield Infrastructure	186,000	
Dubuque Regional Airport	Terminal Wash Facility	400,000	
Fort Dodge Regional Airport	Hangar Construction	100,000	57,281
Fort Dodge Regional Airport	Flight Service Station Reconfiguration	100,000	
Fort Dodge Regional Airport	Rehabilitate Hangar Roofing	22,000	
Mason City Municipal Airport	Construct 10 Unit T-Hangar	770,500	57,581
Sioux Gateway Airport	Rehabilitate Terminal and Hangar	110,000	61,397
Southeast Iowa Regional Airport	Terminal Improvements	97,000	58,024
The Eastern Iowa Airport	Terminal Modernization PH. 3 Security Doors	650,000	191,592
Waterloo Regional Airport	Hangar Improvements	80,220	61,563
Total		\$20,386,845	\$900,000

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2018-10
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 8, 2017
 Title Revitalize Iowa's Sound Economy (RISE) Application – North Liberty

DISCUSSION/BACKGROUND:

The city of North Liberty submitted a RISE Immediate Opportunity application requesting a grant to assist in the reconstruction of approximately 5,220 feet of Kansas Avenue and a roundabout at Kansas Avenue and St. Andrews Drive located on the southwest side of town. This project is anticipated to be completed by December 2018.

These improvements are necessary to provide improved access to the proposed site of GEICO's national auto insurance claims processing facility. This company conforms to the legislative requirements of the RISE program.

These improvements will support:

- The creation of 307 new full-time jobs.
- \$11,939,340 in associated capital investment.

The RISE cost per job assisted will be \$10,000 and there will be a total capital investment of \$3.89 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$1,412,200 from the city share of the RISE Fund and \$1,657,800 from the county share of the RISE Fund for a total of \$3,070,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less.

COMMISSION ACTION:				Aye	Vote	
				x	Nay	Pass
			Fehrman	x	_____	_____
			Huber	x	_____	_____
			Maher	x	_____	_____
Moved by	<u>Charese Yanney</u>	Seconded by	<u>David Rose</u>	x	_____	_____
			Putney	x	_____	_____
			Rielly	x	_____	_____
			Rose	x	_____	_____
			Yanney	x	_____	_____
_____	_____	_____				
Division Director	Legal	State Director				

PPM-2018-10

Craig Markley, Office of Systems Planning; we have one RISE project from North Liberty for your review this morning. There is a delegation present, if you have any questions following my presentation of background information.

The city of North Liberty submitted a RISE Immediate Opportunity RISE funding request to reconstruct of approximately 5,220 feet of Kansas Avenue and construct a roundabout at Kansas Avenue and St. Andrews Drive located on the southwest side of town.

The proposed improvements will result in the creation of 307 new full-time jobs within three years, along with \$11,939,340 in associated capital investment. The average wage of created positions is \$20.78 / hour. This is 103 percent of the average laborshed wage rate.

The RISE grant recommended is \$3,070,000; the local participation is \$1,647,250 for a total cost of \$4,717,250. The RISE cost per job assist is \$10,000 and the total capital investment per RISE dollar is \$3.89.

Before I proceed to the staff's recommendation I'd like to see if you have any questions for the delegation.

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$1,412,200 from the city share of the RISE Fund and \$1,657,800 from the county share of the RISE Fund for a total of \$3,070,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less.

Commissioner Yanney made a motion to approve as recommended. Commissioner Rose seconded the motion. The motion passed unanimously.

**RISE Immediate Opportunity Funding
Economic Analysis Summary**

GENERAL INFORMATION

Applicant: North Liberty

Project Location and Description: The city of North Liberty submitted a RISE Immediate Opportunity application requesting a grant to assist in the reconstruction of approximately 5,220 feet of Kansas Avenue and a roundabout at Kansas Avenue and St. Andrews Drive located on the southwest side of town.

Associated Economic Development: The project provides improved access to the proposed site of GEICO's national auto insurance claims processing facility.

ECONOMIC IMPACT

Total Roadway Project Cost: \$4,717,250

RISE Funds Requested: \$3,070,000; **Grant:** \$3,070,000; **Loan \$---**

Effective Project Cost to RISE Program: \$3,070,000

Local Participation: \$1,647,250; **Sources:** North Liberty

Non-RISE Total Capital Investment: \$11,939,340

(**Public:** \$2,039,340; **Private:** \$9,900,000)

Direct Jobs Created:307; (**Other, Potential Future Jobs:** 0)

Direct Jobs Retained: 0; **Total Direct Jobs Assisted, Short-Term:** 0

Number of Existing Jobs:420

Project Average Wage Rate of New Jobs: \$20.78/hr.

100% Average Laborshed Wage Rate: \$20.27/hr.

KEY RATIOS

Local Match Ratio: 35% (\$1,647,250/\$4,717,250)

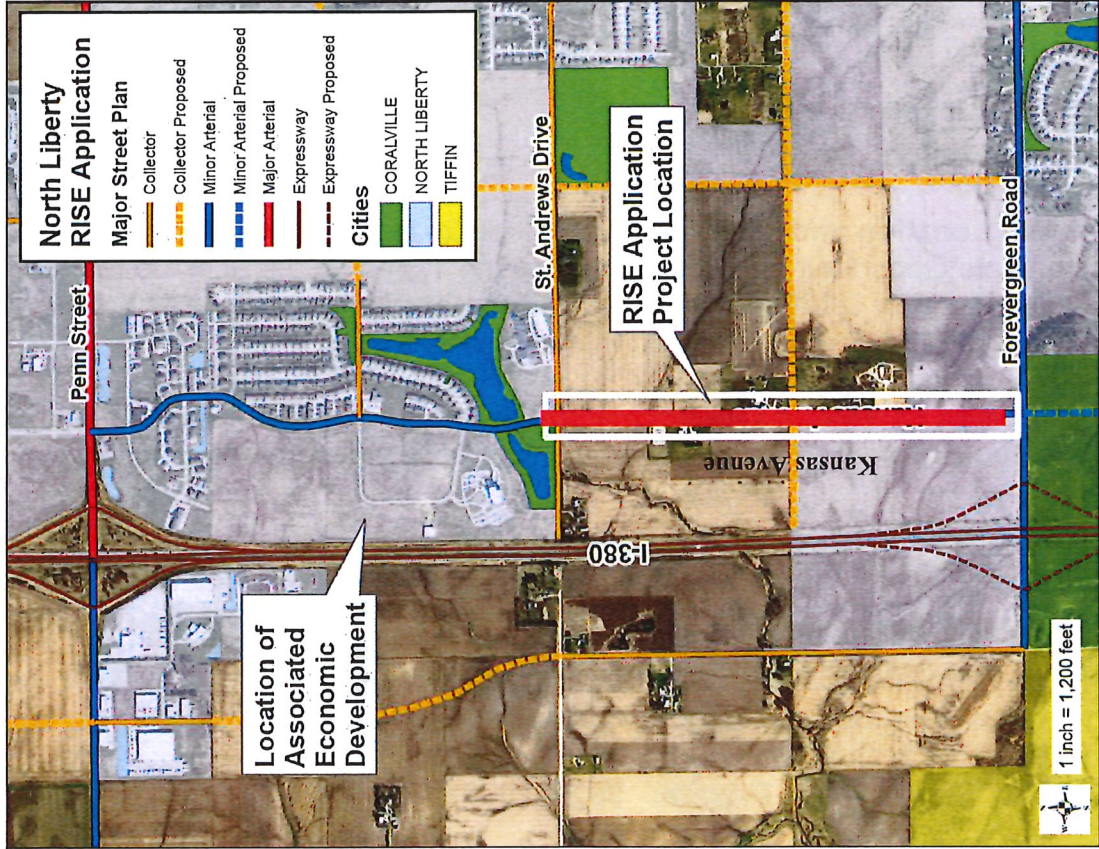
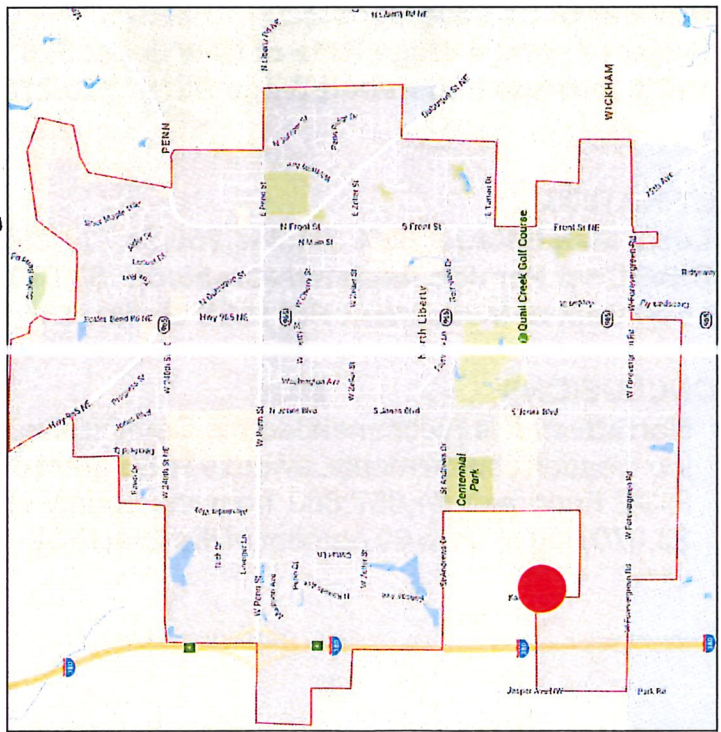
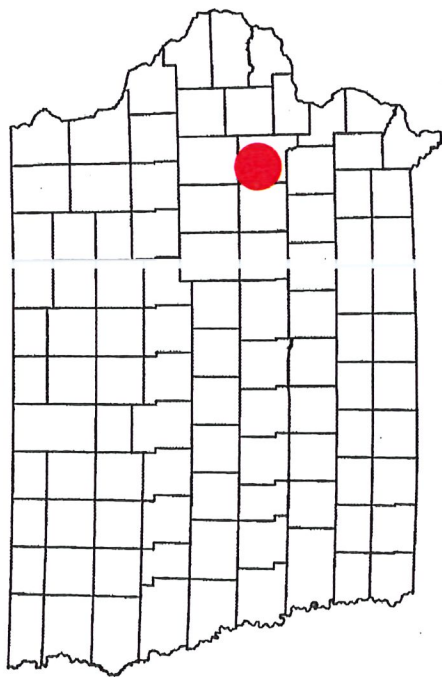
RISE Cost Per Job Assisted (Created): \$3,070,000/307 = \$10,000

Total Capital Investment Per RISE Dollar: \$11,939,340/\$3,070,000= \$3.89

CONCLUSIONS

Narrative: It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$1,412,200 from the city share of the RISE Fund and \$1,657,800 from the county share of the RISE Fund for a total of \$3,070,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less.

North Liberty



**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Highway Division Order No. H-2018-11
 Submitted by Mitch Dillavou Phone No. 515-239-1124 Meeting Date August 8, 2017
 Title Transfer of Jurisdiction - U.S. 61 and Iowa 92 in Louisa County

DISCUSSION/BACKGROUND:

District 5 has negotiated the transfer of jurisdiction of a portion of existing U.S. 61 to Louisa County. The transfer segment extends from near 145th Street north to near 170th Street, a length of approximately 2.7 miles; and a portion of existing Iowa 92 from the new U.S. 61 interchange east to existing U.S. 61, a length of approximately 0.05 mile.

The county and state have examined the physical condition of the roadway segments proposed for transfer and have agreed that the segments will be transferred in their present condition. The state will transfer funds to the county in the amount of \$296,558, which represents the estimated costs to perform improvements on the proposed roadway segments, including, but not limited to, resurfacing, granular shouldering, and pipe culverts.

The proposed transfer to the county including the transfer of funds will take place after July 1, 2017, following final acceptance by the Iowa DOT's District 5 resident construction engineer of the relocated U.S. 61 Grandview bypass, and upon the state's payment to the county and written notification by the state to the county of the time and date of official transfer.

The state will prepare and forward a quitclaim deed to the county for the proposed U.S. 61 and Iowa 92 transfer segments.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the transfer of jurisdiction for a portion of U.S. 61 and Iowa 92 as described above to Louisa County.

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

H-2018-11

Mitch Dillavou, Highway Division; this is a proposed transfer of jurisdiction of a portion of existing U.S. 61 and existing Iowa 92 to Louisa County for 2.75 miles.

The state will transfer funds to the county in the amount of \$296,558, which represents the estimated costs to perform improvements on the proposed roadways.

The proposed transfer to the county including the transfer of funds will take place after July 1, 2017. The state will prepare and forward a quitclaim deed to the county for the proposed U.S. 61 and Iowa 92 transfer segments.

It is recommended that the Commission approve the transfer of jurisdiction for a portion of U.S. 61 and Iowa 92 as described above to Louisa County.

Commissioner Maher made a motion to approve the transfers of jurisdiction.
Commissioner Fehrman seconded the motion. The motion passed unanimously.

C-2018-12

Commissioner Rose; I would like to recommend the following segments be identified by the Commission as priority corridors. Those are: Missouri Valley bypass; Ogden to Jefferson; Lisbon to Stanwood; Calamus to De Witt.

Commissioner Rose made a motion the Commission identify the segments listed on the Commission Order as priority corridors. Commissioner Maher seconded the motion.

Commissioner Yanney said she is not ready to vote on this today. Missouri Valley is very important and Highway 30 is important as a whole. There are many issues that we need to look at, as in Missouri Valley, what is the best situation for you. That will bring you the most economic development because as I told you, when we went through Missouri Valley yesterday there was quite a bit of the truck traffic, as well as car traffic. We know that you have issues with some of your buildings, we know you have some issues with economic development. So I think those are the kinds of things I would like to look at in further detail, I know something needs to be done and I have been pushing for something to be done but I think there are a lot of highways in this state that are very important and I am not willing to say that these sections named today are at the top of the list. I would like to study further.

Commissioner Fehrman would like to thank the Highway 30 Coalition very much for all of the information that you have provided to us over the last year, at least, that I've been on the Commission. Based on that information and the sections of Highway 30 that I've traveled, we are very aware there are some needs, especially in the Missouri Valley area with our tour yesterday. Where I'm at right now is struggling with this prioritization process. I feel that every mile of road in the state of Iowa is important and I feel that the Department at this time has tools that prioritize the projects in the most fiscally way possible.

Commissioner Huber would also like to thank the Highway 30 Coalition, as one of the most active groups in the state and very capable and dedicated advocates for the Highway 30 corridor. I view Highway 30 as a series of projects just like Highway 61, just like Highway 34, Highway 63, the interstates 35, 80, 380. So they aren't an event, you don't just declare that one day you are going to do them all. It is a process that takes time. Presently we are investing \$200M four-laning US 30 between Tama and Benton counties. That is more than we are investing on Interstate 80, and slightly less than we are investing on the Interstate 380 interchange. I don't think it is using the declaration of establishing priority corridors outside of our 5-year plan is prudent. If we were going to get in the business of declaring certain corridors as priorities, I think we have to look at a whole series of both highway and interstate projects that could receive that declaration, as well. I will not be supporting this motion at this time. But I do think

C-2018-12 continued

Highway 30 is important. I think our normal process shows that. We are already investing in four-laning Highway 30 and will be more to come in the future.

Commissioner Putney would like to say that a vote for this motion means that this is considered by the Commission as a priority, but we need to make sure that everybody understands, this is not of a commitment. This is a little bit of a wish list. The DOT is not committed definitely to put these segments in the Five Year Program. But if there is an affirmative vote on this, it means that we would like it to be strongly considered, as well as a lot of other projects in Iowa.

Commissioner Reilly said I've had a good history with Highway 30 and a lot of the other coalitions. I have to say I'm very impressed, we need partners like this at the table. In addition to 30, 20, 63, a lot of the other coalitions. I was taken yesterday that this coalition brought, not just one community, it was a number of different communities working together. I think we need to encourage that. In a few years down the road, we are going to have revenue adjustments. We need partners, we need active partners and I think Highway 30 has done a great job of that. This could be a good model of how communities can partner together under a common goal of getting Highway 30 four-laned. I think it is more than just getting congestion off I-80. I think it is a quality of life, I think it is ease of travel, it is economic development. It is also supporting good partners. I'll be supporting this.

A roll call vote was taken. Nays: Fehrman, Huber, and Yanney; all remaining Commissioners voted yes; Motion passes by a vote of four to three.



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Date: August 8, 2017

Public Input Meeting

Delegation: ~~Unscheduled Delegations~~

~~US 30~~
Workshop

Spokesperson:

NAME/OCCUPATION	REPRESENTING
Al De Moria Economic Develop	Mania, IA - Mania Airport
Adam Schreier - US Hwy 30	Carroll, IA
Km Tiefenbacher US Hwy 30	Carroll IA
Chris Whitaker	Carroll IA
Dean Schetter	Carroll, Ia, Carroll Co.
Mike Fosse Weaver	Carroll IA
Maurice Phelan	Clinton, IA
Brian Best Rep Dist 12	Glidden IA
SCOTT SCHRAM	IDOT
Rebecca Castle	Goldentails Re:D



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www.iowadot.gov

Date: August 8, 2017

Commission Meeting Media/General Public Registration

NAME/OCCUPATION	REPRESENTING
Nick Stew, President Marion Economic Development Corp	Marion Airport
Adam Schuman, Carroll IA	US Hwy 30 Coalition
COLE NORTON MARION AIRPORT MANAGER	MARION AIRPORT
Twila Larson FREMONT County	FREMO- 4-Lane 34
Shaunee Miller Highway 30	Hwy 30 Coalition
Will Sharp - Transportation Eng.	HDR
Marty Lense	CID
Tom Shipley State Senate Dist. 11	34 Coalition
Edith Puffen	US 30
Clyde Beakley	Hwy 30
Carolyn K. Tallett	Hwy 30
Tom Nelson	US 30
Michael Blankenship	Hwy 34

Date: August 8, 2017

Public Input Meeting

Delegation: ~~Unscheduled Delegations~~ General Public

Spokesperson:

NAME/OCCUPATION	REPRESENTING
Jay Burdic	Malvern Bank
Kris Sherman	Shenandoah Bicyclists
Sherman Stumbo	
Leonard Johnson	Mo Valley Co.
Shawn Z. Linn	Montgomery Co. Develop Corp.
MIKE OSEN	KIRKHAM MICHAEL
Rebecca Castle	Loess Hills National Scenic Byway, Western Scies: Glacial Trail Scenic Byways
Ri	



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Date: August 8, 2017

Commission Meeting Delegation Registration

Revitalize Iowa's Sound Economy – North Liberty

NAME/OCCUPATION	REPRESENTING
Tracey Mulcahey	North Liberty
Mark Nolte	North Liberty
Kevin Mayberry	Mills County - US 34
Car	

Date: August 8, 2017

Public Input Meeting

Delegation: City of Missouri Valley

Spokesperson: Mayor Clint Sargent

NAME/OCCUPATION	REPRESENTING
Annette Deakins	Chamber
Sheeman Stebbins	Mo. Valley
Clint Sargent	Missouri Valley
Bob Miller	Missouri Valley
Russell Kunch	Harrison County Supervisor
Bob Thompson	Missouri Valley
Roger Gundersen	Mo. Valley
RANDALL BEHM	USACE - OMAHA / MO VALLEY
Greg Johnson	USACE - OMAHA / MO VALLEY

Date: August 8, 2017

Public Input Meeting

Delegation: Southwest Iowa Coalition
Spokesperson: Steve Adams

NAME/OCCUPATION	REPRESENTING
Steve Adams - Economic Dev.	SWIKO
Tylen Christensen - TS Bank	Lenox Dev. Corp.
Mike Custer - AgriVision Equipment	Lenox City Council
Tom Borland - SWCC Instructor	Lenox Dev. Corp.
Rebecca Bissell - Co. Auditor	Adams Co.
Letand Shipley - ^{Chair} Board of Supervisors	Adams Co.
Dick L. Alley - ^{Mills Co} Ec Dev	Mills Co
Kate McGann	Mills Co.
Mike Taylor	City of Creston



SMARTER | SIMPLER | CUSTOMER DRIVEN

www.iowadot.gov

Date: August 8, 2017

Public Input Meeting

Delegation: **Unscheduled Delegations** *US 30*

Spokesperson:

NAME/OCCUPATION	REPRESENTING
<i>Clint Sargent</i>	<i>City of Missouri Valley</i>
<i>Bob Miller</i>	<i>City of Missouri Valley</i>
<i>Leonard Johnson</i>	<i>Missouri Valley</i>
<i>Sherman Struble</i>	<i>Mo. Valley</i>
<i>Carolyn Tallett</i>	<i>Clinton</i>
<i>Edith Jeffers</i>	<i>Clinton</i>
<i>Cole Norton</i>	<i>Marion</i>
<i>Terry Lupton</i>	<i>Jefferson</i>
<i>Clyde Bradley</i>	<i>Clinton</i>
<i>Roger Gundersen</i>	<i>Mo. Valley</i>
<i>Jan DeLuna</i>	<i>CLINTON COUNTY SUPERVISOR</i>

