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Commission Minutes

April 12, 2016

IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

April 12, 2016
 Polk Room
 Sheraton West Des Moines Hotel
 1800 50th St, West Des Moines, IA

ITEM NUMBER	TITLE	SUBMITTED BY	Page
D-2016-59	*Approve Minutes of the March 8, 2016 Commission Meeting	Danielle Griggs	3
8:00 a.m.	Commission Comments		
	DOT Comments		
MV-2016-60	*Administrative Rule: 761 IAC Chapter 520, Regulations Applicable To Motor Carriers	Mark Lowe	5
MV-2016-61	*Administrative Rule: 761 IAC Chapter 607, Commercial Driver Licensing	Mark Lowe	9
H-2016-62	*Transfer of Jurisdiction – US 6 and Iowa 192 in Council Bluffs	Mitch Dillavou	21
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PPM-2016-64	*Revitalize Iowa's Sound Economy (RISE) Application - Ellsworth	Craig Markley	29
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PPM-2016-67	*Revitalize Iowa's Sound Economy (RISE) Project Settlement –Urbandale	Craig Markley	41
8:20 a.m.	Adjourn		

*Action Item
 **Power Points

On Monday, April 11, the Commission and staff will meet informally at 3:00 p.m. in the Polk Room at the Sheraton West Des Moines Hotel in West Des Moines. Transportation-related matters will be discussed but no action will be taken.

The April 12, 2016 Iowa Transportation Commission meeting was called to order at 1:30 p.m.

Commission Comments

Commissioner Miles spoke about the tour of District 1 yesterday. Very good tour, thanked the staff and commended the DOT.

Commissioners Boswell noted this was a final meeting for Commissioner Reasner, she has been with us for eight years, and dutifully represented the state in her job and title as a Commissioner. Amy we thank you for your dedicated time and your expertise and your willingness to serve our state. We hope you've enjoyed us and we wish you the best. Commissioner Miles, Huber, Yanney, and Rose spoke in appreciation of Commissioner Reasner's service. Commissioner Reasner thanked both governor's for appointing her to serve and Director Trombino, along with his predecessor each amazing leaders in their own way. Paul has made some changes at the Department that has been innovative and creative and I think a very welcomed new direction, it has been truly a great learning experience for me to serve with him. Amy also took the opportunity to thank all of the staff she's served with, says it has been an honor. Amy went on to say, every lowan in this state should be proud of the very earnest, collaborative, and thoughtful staff at the Department of Transportation. She said these are some of the hardest working people she's ever met and she is truly proud to have served with each and every one. Thanked the commissioners for their friendship, good times, and their service to the state, as well. This job requires some time, energy, and thought and each one of the Commissioners she has served with has given all to this Commission and she has enjoyed her service.

Commissioner Rose recognized Kathy Fehrman who was appointed as new Commissioner newly confirmed yesterday. She will join us officially at the next Commission Meeting.

Commissioner Yanney participated by phone.

DOT Comments

No DOT employees presented topics for discussion.

Boswell: Reminder to those listening we have met yesterday afternoon in workshop and discussed these items in detail and Q & A and lots of information. I would like to thank our staff for presenting, so we will go through these items very quickly.

Commissioner Miles made a motion to approve the March 2016 meeting minutes; Commissioner Rose seconded the motion. The motion carried unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2016-59
Submitted by Danielle Griggs Phone No. 515-239-1242 Meeting Date April 12, 2016
Title Approve Minutes of the March 8, 2016 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the March 8, 2016 Commission meeting.

COMMISSION ACTION:

Moved by Loree Miles Seconded by David Rose

Division Director Legal State Director

	Aye	Vote Nay	Pass
Boswell	<u>x</u>	_____	_____
Huber	<u>x</u>	_____	_____
Miles	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Reasner	<u>x</u>	_____	_____
Rose	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____
		3	

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office MVD - Office of Motor Vehicle Enforcement Order No. MV-2016-60
Submitted by Dave Lorenzen Phone No. 515-237-3219 Meeting Date April 12, 2016
Title Administrative Rule – 761 IAC Chapter 520, Regulations Applicable to Carriers

DISCUSSION/BACKGROUND:

The proposed rule amendments are necessary for the department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Material Regulations (HMR) promulgated under United States Code, found in 49 CFR Parts 385, 390-399. Iowa Code Section 321.450 requires the department to adopt rules consistent with the federal hazardous materials regulations promulgated under United States Code, Title 49, found in 49 CFR Parts 107, 171 to 173, 177, 178, and 180. These rules are intended to implement Iowa Code 321.449 and 321.450 which specify that a person shall not operate a commercial motor vehicle on the highway of this state except in compliance with rules adopted by the department under Iowa Code Chapter 17A. The rules must be consistent with FMCSR and HMR.

The public comment period ended on March 8 and no comments or requests for oral presentations were received.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by Amy Reasner Seconded by Loree Miles

	Aye	Vote Nay	Pass
Boswell	<u>x</u>	<u> </u>	<u> </u>
Huber	<u>x</u>	<u> </u>	<u> </u>
Miles	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Reasner	<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

MV-2016-60

Mark Lowe, Motor Vehicle Division we have two rule packages to discuss with you, the first one is Chapter 520, Regulations Applicable to Carriers. This is our annual update, Section 321.450 of the Iowa Code, which requires us to adopt the most recent Federal Motor Vehicle Safety regulations rules consistent with the federal hazardous materials regulations. We've followed our usual ruling process and received no negative comments. We are recommending these rules for approval by the Commission.

Commissioner Reasner made a motion to approve as recommended; Commissioner Miles seconded the motion. The motion carried unanimously.

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2014~~ 2015).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2014~~ 2015).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office MVD – Office of Driver Services Order No. MV-2016-61
Submitted by Mark D. Lowe Phone No. 515-237-3121 Meeting Date April 12, 2016
Title Administrative Rule – 761 IAC Chapter 607, Commercial Driver Licensing

DISCUSSION/BACKGROUND:

The proposed rule amendments are part of the department’s five-year review of its rules and make changes to bring the chapter up to date with department practices and current state and federal law and regulations. These rule amendments implement third-party testing by Iowa-based motor carriers as authorized by Iowa Code section 321.187 and will increase access to commercial driver’s license skills testing for Iowa-based motor carriers and their trainee drivers. The rule amendments also concern restricted commercial driver’s licenses and change the attribution of the 180-day period of validity from two sets, one during spring planning and one during fall harvest, to a flexible 180-day period that may be taken at any time during the calendar year and may be taken in up to three increments at the election of the driver. This change will be effective on January 1, 2017.

There is one change that will be made to the rulemaking from what was published in the Notice of Intended Action; we will correct a facsimile number.

The public comment period ends on April 5, and as of April 4, we have received positive comments from GROWMARK.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by David Rose Seconded by Loree Miles

Division Director Legal State Director

	Aye	Vote Nay	Pass
Boswell	<u> x </u>	_____	_____
Huber	<u> x </u>	_____	_____
Miles	<u> x </u>	_____	_____
Putney	<u> x </u>	_____	_____
Reasner	<u> x </u>	_____	_____
Rose	<u> x </u>	_____	_____
Yanney	<u> x </u>	_____	_____

MV-2016-61

Mark Lowe, Motor Vehicle Division, the second package is Chapter 607 of the Administrative Rules. This is in regards to Commercial Driver Licensing. As discussed yesterday, this is a 5-year review and update of that chapter. There were a number of non-substantive changes and updated citations and updated webpages. I will point out the three substantive changes; we've increased the early renewal of commercial driver's license from 30 days to 90 days in normal circumstances and 364 in extenuating circumstances to create more flexibility for commercial driver's license holders in renewing driver's license. We put in place regulatory structure for our authority to authorize third party skills testing by community colleges and Iowa based motor carrier's that maintain a training facility in the state of Iowa. We've changed the periods of time and the way that a period of time is managed for issuance for restricted commercial driver license holder for those persons that supply agricultural inputs during spring planting and fall harvest from rigid set periods to 180 day period that could be managed by the driver which will allow more flexibility to respond to changing seasons, as well as give co-op owners that manage these drivers more flexibility and how they deploy their fleet and their drivers. We've received no negative comments for these rules and great favorable comments. I recommend approval of these rules.

Commissioner Rose made a motion to approve as recommended; Commissioner Miles seconded the motion. The motion passes unanimously.

ITEM 1. Amend rule 761—607.2(17A) as follows:

761—607.2(17A) Information.

607.2(1) Information and location. Applications, forms and information about the commercial driver’s license (CDL) are available at any driver’s license examination station. Assistance is also available by mail from the Office of Driver Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (800)532-1121 or (515)244-8725; ~~or~~ by facsimile at (515)~~237-3074~~ 239-2837; or on the department’s Web site at www.iowadot.gov.

607.2(2) Manual. A copy of a study manual for the commercial driver’s license tests is available upon request at any driver’s license examination station and on the department’s Web site.

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

ITEM 2. Amend rule 761—607.3(321), introductory paragraph, as follows:

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44~~, apply to this chapter of rules. In addition, the following definitions are adopted:

ITEM 3. Amend rule **761—607.3(321)**, definition of “CDLIS,” as follows:

“*CDLIS*” means “commercial driver’s license information system” as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44~~.

ITEM 4. Amend rule **761—607.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44~~, 321.174, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~, 321.191, 321.193, 321.207 and 321.208.

ITEM 5. Amend rule **761—607.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 22.11, 321.12 ~~as amended by 2015 Iowa Acts, House File 635, section 46~~, and 321.199.

ITEM 6. Amend paragraph **607.10(1)“c,”** introductory paragraph, as follows:

c. The following portions of 49 CFR Part 383 (October 1, ~~2014~~ 2015):

ITEM 7. Amend rule **761—607.10(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.187, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~, 321.207, 321.208 and 321.208A.

ITEM 8. Amend rule 761—607.15(321) as follows:

761—607.15(321) Application. An applicant for a commercial driver’s license shall comply with the requirements of Iowa Code sections 321.180(2)“*e*,” ~~as amended by 2015 Iowa Acts, House File 635, section 50~~, 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~, and 761—Chapter 601, and must provide the proofs of citizenship or lawful

permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50~~, 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~.

ITEM 9. Amend subrule 607.17(3) as follows:

607.17(3) Tank vehicle. A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44~~. A vehicle transporting a tank, regardless of the tank's capacity, which does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

ITEM 10. Amend rule ~~761—607.17(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44~~, 321.176A, and 321.189.

ITEM 11. Amend rule ~~761—607.18(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.189 and 321.191 ~~as amended by 2015 Iowa Acts, House File 635, section 55~~.

ITEM 12. Amend rule 761—607.20(321) as follows:

761—607.20(321) Commercial learner's permit.

607.20(1) Validity.

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50~~.

b. A commercial learner's permit is valid for 180 days and may be renewed for an additional 180 days without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~.

c. to e. No change.

607.20(2) Requirements.

a. An applicant for a commercial learner's permit must hold a valid Class A, B, C, or D driver's license issued in this state ~~other than~~ that is not an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53~~. However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. No change.

607.20(3) Endorsements. A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." as amended by 2015 Iowa Acts, House File 635, section 50.

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." as amended by 2015 Iowa Acts, House File 635, section 50.

c. No change.

607.20(4) Restrictions. A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.18(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. *Passenger.* The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." as amended by 2015 Iowa Acts, House File 635, section 50.

b. No change.

This rule is intended to implement Iowa Code sections 321.180 as amended by 2015 Iowa Acts, House File 635, section 50, 321.186, and 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 13. Amend rule **761—607.27(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186 and 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 14. Amend subrule 607.28(6) as follows:

607.28(6) Military waiver. The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated from such service in the past year, provided the applicant meets the requirements of Iowa Code subsection 321.188(6) as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 15. Amend rule **761—607.28(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321.186 and ~~section~~ 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 16. Adopt the following **new** rule 761—607.30(321):

761—607.30(321) Third-party testing.

607.30(1) Purpose and definitions. The skills test required by rule 761—607.28(321) may be administered by third-party testers and third-party skills test examiners approved and certified by the department. For the purpose of administering third-party skills testing and this rule, the following definitions shall apply:

“*Community college*” means an Iowa community college established under Iowa Code chapter 260C.

“*Iowa-based motor carrier*” means a motor carrier or its subsidiary that has its principal place of business in the state of Iowa and operates a permanent commercial driver training facility in the state of Iowa.

“*Motor carrier*” means the same as defined in 49 CFR Section 390.5.

“*Permanent commercial driver training facility*” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pre-trip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“*Skills test*” means the skills test required by rule 761—607.28(321).

“*Subsidiary*” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“*Third-party skills test examiner*” means the same as defined in 49 CFR Section 383.5.

“*Third-party tester*” means the same as defined in 49 CFR Section 383.5.

607.30(2) Certification of third-party testers.

a. The department may certify as a third-party tester a community college or Iowa-based motor carrier to administer skills tests. A community college or Iowa-based motor carrier that seeks certification as a third-party tester shall contact the department’s office of driver services and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

b. No community college or Iowa-based motor carrier shall be certified to conduct third-party testing unless and until the community college or Iowa-based motor carrier enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates sufficient ability to conduct skills tests in a manner that consistently meets the requirements of 49 CFR Section 383.75.

c. The department shall issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which skills tests may be administered. The

certificate shall be valid for the duration of the agreement executed pursuant to paragraph 607.30(2)“b,” unless revoked by the department for engaging in fraudulent activities related to conducting skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Section 383.75.

607.30(3) *Certification of third-party skills test examiners.*

a. A certified third-party tester shall not employ or otherwise use as a third-party skills test examiner a person who has not been approved and certified by the department to administer skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party skills test examiners on a form provided by the department. The department shall not approve as a third-party skills test examiner a person who does not meet the requirements, qualifications and standards of 49 CFR Sections 383.75 and 384.228, including but not limited to all required training and examination and a nationwide criminal background check. The criteria for passing the nationwide criminal background check shall include no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department shall issue a certificate of authority for each person certified as a third-party skills test examiner that identifies the certified third-party tester for which the person will administer skills tests and the classes and types of vehicles for which the person may administer skills tests. The certificate shall be valid for a period of four years from the date of issuance of the certificate.

c. The department shall revoke the certificate if the person holding the certificate does not administer skills tests to at least ten different applicants per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting skills tests; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Sections 383.75 and 384.228.

d. A third-party skills test examiner who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party skills test examiner.

607.30(4) *Bond.* As a condition of certification, an Iowa-based motor carrier must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party skills test examiners is involved in fraudulent activities related to conducting skills tests of applicants for a commercial driver’s license.

607.30(5) *Limitation applicable to Iowa-based motor carriers.* An Iowa-based motor carrier certified as a third-party tester may only administer the skills test to persons who are enrolled in the Iowa-based motor carrier’s commercial driving instruction program, and shall not administer skills tests to persons who are not enrolled in that program.

607.30(6) *Training and refresher training for third-party skills test examiners.* All training and refresher training required under this rule shall be provided by the department, in a form and content that meets the recommendations of the American Association of Motor Vehicle Administrators’ International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.

ITEM 17. Adopt the following **new** subrule 607.31(4):

607.31(4) Skills test results from certified third-party testers. A third-party skills tester certified under rule 761—607.30(321) shall transmit the skills test results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a skills test administered by a certified third-party tester if it appears to the department that the skills test administered by the third-party tester was administered fraudulently or improperly, and as needed to meet the third-party skills test examiner oversight requirements of 49 CFR Section 383.75(a)(5).

ITEM 18. Amend rule **761—607.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321.186, 321.187 and ~~section~~ 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 19. Amend rule 761—607.35(321) as follows:

761—607.35(321) Issuance of commercial driver’s license and commercial learner’s permit.

A commercial driver’s license or commercial learner’s permit issued by the department shall include the information and markings required by Iowa Code section 321.189(2) “b₂” as amended by 2015 Iowa Acts, House File 635, section 54.

This rule is intended to implement Iowa Code section 321.189 as amended by 2015 Iowa Acts, House File 635, section 54.

ITEM 20. Amend rule 761—607.37(321) as follows:

761—607.37(321) Commercial driver’s license renewal. The department shall administer commercial driver’s license renewals as required by 49 CFR Section 383.73.

607.37(1) Licensee requirements. To renew a commercial driver’s license, the licensee shall apply at a driver’s license examination station and complete the following requirements:

a. ~~Make~~ The licensee shall make a written self-certification of type of driving as required by rule 761—607.50(321) and provide a current medical examiner’s certificate if required.

b. No change.

c. ~~Provide~~ The licensee shall provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.15(321) and ~~49 CFR 383.71(d)(7)~~ 49 CFR 383.73(d)(7). Proof of citizenship or lawful permanent residency is not required if the licensee provided such proof at initial issuance or a previous renewal or upgrade of the license and the department has a notation on the licensee’s record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the ~~applicant~~ licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver’s license, the ~~applicant~~ licensee must provide a document required by 49 CFR 383.71(f) at each renewal.

607.37(2) Early renewal. A valid commercial driver’s license may be renewed ~~30~~ 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed ~~one year~~ 364 days prior to the expiration date. The department may

allow renewal earlier than ~~one year~~ 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ and 321.196.

ITEM 21. Amend subrule 607.39(2) as follows:

607.39(2) Notice. A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code subsection ~~321.208(9)~~ 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

ITEM 22. Amend subrules 607.49(5) and 607.49(6) as follows:

607.49(5) Good driving record. A “good driving record” means a driving record showing:

a. and *b.* No change.

c. No convictions in any type of motor vehicle for:

(1) to (4) No change.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) and (7) No change.

(8) ~~Accident-connected traffic law violations~~ A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

d. No record of ~~at fault accidents~~ contributive accidents, as defined in rule 761—615.1(321).

607.49(6) Issuance.

a. No change.

b. A restricted commercial driver’s license shall be coded with restriction “W” on the face of the driver’s license, with the restriction explained in text on the back of the driver’s license. In addition, the license shall be issued with a restriction stating the license’s period of validity.

c. to *e.* No change.

f. ~~There~~ On or before December 31, 2016, there are two periods of validity for commercial motor vehicle operation: March 15 through June 30, and October 4 through December 14. These are referred to as “seasonal periods.” Validity shall not exceed 180 days in any 12-month period. Any period of validity authorized previously by another state’s license shall be considered a part of the 180-day maximum period of validity.

g. On or after January 1, 2017, a licensee may have up to three individual periods of validity for a restricted commercial driver’s license, provided the cumulative period of validity for all individual periods does not exceed 180 days in any calendar year. An individual period of validity may be 60, 90, or 180 consecutive days, at the election of the licensee. A licensee may add 30 days to an individual period of validity by applying for an extension, subject to the 180-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date shall be treated as a request for a new individual period of validity. An extension shall be calculated from the date of expiration of the individual period

of validity for which an extension is requested. Any period of validity authorized previously by another state's license shall be considered a part of the 180-day cumulative maximum period of validity.

~~g-~~ h. A restricted commercial driver's license must be validated for commercial motor vehicle operation for each ~~seasonal~~ individual period of validity. This means that the applicant/licensee must ~~appear at a driver's license examination station during the current seasonal period or not more than 30 days before the beginning of the period to have the person's good driving record confirmed~~ at each application for an individual period of validity. Upon confirmation, the department shall issue a replacement license with a restriction validating the license for that ~~seasonal~~ individual period of validity, provided the person is otherwise eligible for the license. The fee for a replacement license shall be as specified in Iowa Code section 321.195.

~~h-~~ i. The same process must be repeated for each ~~seasonal~~ individual period of validity within a calendar year.

ITEM 23. Amend rule 761—607.50(321) as follows:

761—607.50(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.50(1) No change.

~~—607.50(2) Enrollment of existing CDL holders. Every person who holds a commercial driver's license on or after January 30, 2012, and up to January 30, 2014, and who has not otherwise made a self-certification of type of driving under subrule 607.50(1) shall make to the department a self-certification of type of driving. The self-certification may be made on or after January 30, 2012, but must be made no later than January 29, 2014.~~

~~607.50(3)~~ **607.50(2)** *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate. A person who fails to provide a required medical examiner's certificate shall not be allowed to proceed with an initial issuance, transfer, renewal, or upgrade of a license until the person gives the department a medical examiner's certificate that complies with the requirements of this subrule, or changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. For persons submitting a current medical examiner's certificate, the department shall post a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate shall have no medical certification status on the CDLIS driver's record.

~~607.50(4)~~ **607.50(3)** *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person. The copy must be given to the department at least ten days before the previous medical examiner's certificate expires.

~~607.50(5)~~ **607.50(4)** *CDL downgrade.* If the medical examiner's certificate or medical

variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of "not certified" to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule ~~607.50(4)~~ 607.50(3) shall be deemed to be expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. to c. No change.

d. If the person fails to take the action in either paragraph ~~607.50(5)~~ 607.50(4) "b" or "c" before the end of the 60-day period, the department shall remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and shall leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

~~—607.50(6) CDL downgrade of existing CDL holders who fail to enroll before January 30, 2014. Every person subject to subrule 607.50(2) who fails to make a self-certification of type of driving or fails to give the department a copy of the person's medical examiner's certificate as required by subrule 607.50(3) before January 30, 2014, shall be subject to a CDL downgrade. The department shall post a medical certification status of "not certified" to the CDLIS driver's record and shall initiate a downgrade of the driver's commercial driver's license following the procedure set forth in subrule 607.50(5). In such cases, the 60-day period shall begin January 30, 2014, and the person shall be required to make an initial self-certification of type of driving to terminate the CDL downgrade and to avoid removal of the commercial driver's license privilege. The person's status and privilege under subrule 607.50(5) shall be determined according to the certification made or not made.~~

~~607.50(7)~~ 607.50(5) *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may establish or reestablish the status as "certified" by submitting a current medical examiner's certificate or medical variance to the department. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of "certified" on the person's CDLIS driver's record.

~~607.50(8)~~ 607.50(6) *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph ~~607.50(5)~~ 607.50(4) "d" may reestablish the commercial motor vehicle privileges by either of the following methods:

a. and b. No change.

~~607.50(9)~~ 607.50(7) *Change of type of driving.* A person may change the person's self-

certification of type of driving at any time. As required by subrule ~~607.50(3)~~ 607.50(2), a person certifying to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate prepared by a medical examiner.

~~607.50(10)~~ 607.50(8) *Record keeping*. The department shall comply with the medical record-keeping requirements set forth in 49 CFR Section 383.73.

This rule is intended to implement Iowa Code sections 321.182, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ and 321.207 ~~as amended by 2015 Iowa Acts, House File 635, section 60.~~

ITEM 24. Amend rule ~~761—607.51(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44.~~

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Division Order No. H-2016-62
 Submitted by Mitch Dillavou Phone No. 515-239-1124 Meeting Date April 12, 2016
 Title Transfer of Jurisdiction of Portions of U.S. 6 and Iowa 192 in Council Bluffs

DISCUSSION/BACKGROUND:

District 4 has negotiated the transfer of jurisdiction of segments of U.S. 6 and Iowa 192 to the city of Council Bluffs. The transfer segments lie within the corporation limits of Council Bluffs of U.S. 6 from 36th Street east to Sixth Street and Iowa 192 from Sixth Street to Big Lake Road for a total length of 4.95 miles.

The state shall transfer funds to the city in the amount of \$20 million, which represents the estimated costs to perform improvements on the proposed roadway segments, including, but not limited to, milling and resurfacing, patching, reconstruction, and American with Disabilities Act compliant curb ramps.

The proposed transfer to the city shall be made in two equal annual installments of \$10 million. The first transfer will take place no sooner than May 1, 2016, and the final transfer will take place no sooner than July 1, 2016. The proposed transfer to the city will take place upon the state's payment to the city and upon written notification by the state to the city of the time and date of official transfer.

The state will prepare and forward a quitclaim deed to the city for the proposed U.S. 6 and Iowa 192 transfer segments.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the transfer of jurisdiction of portions of U.S. 6 and Iowa 192 as described above to the city of Council Bluffs.

COMMISSION ACTION:

Moved by John Putney Seconded by Loree Miles

	Aye	Vote Nay	Pass
Boswell	<u>X</u>	<u> </u>	<u> </u>
Huber	<u>X</u>	<u> </u>	<u> </u>
Miles	<u>X</u>	<u> </u>	<u> </u>
Putney	<u>X</u>	<u> </u>	<u> </u>
Reasner	<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

H-2016-62

Mitch Dillavou, Highway Division Director, Yesterday I presented to you a proposal to transfer jurisdiction of segments U.S. 6 and Iowa 192 to the City of Council Bluffs.

The transfer segments lie within the corporation limits of Council Bluffs of U.S. 6 from 36th Street east to Sixth Street and Iowa 192 from Sixth Street to Big Lake Road for a total length of 4.95 miles.

The state shall transfer funds to the city in the amount of \$20 million, and this will take place two equal annual installments of \$10 million, the first one will happen this fiscal year, no sooner than May 1, 2016, and the second \$10 million installment will happen in 2017.

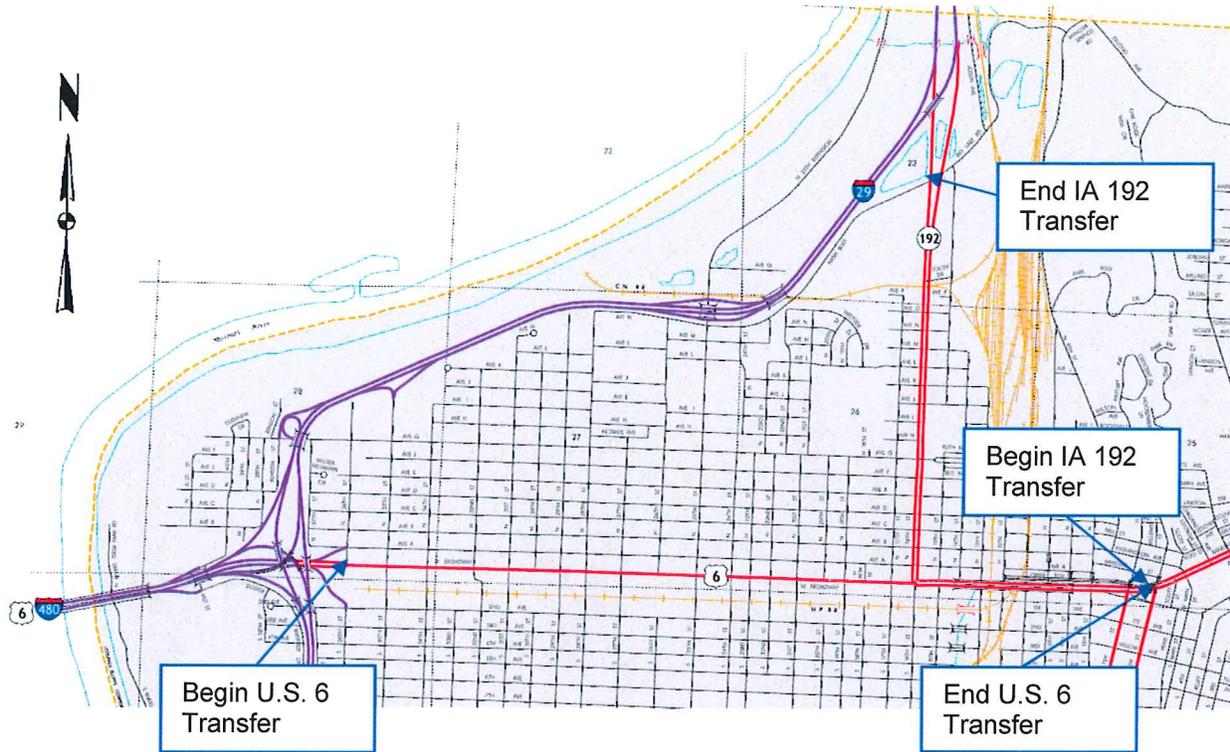
It is recommended that the commission approve the transfer of jurisdiction of portions of U.S. 6 and Iowa 192 to the City of Council Bluffs.

Commissioner Putney made a motion to approve as recommended; Commissioner Miles seconded the motion. The motion passes unanimously.

Transfer of Jurisdiction Location

Council Bluffs, Iowa

That portion of U.S. 6 from 36th Street east to 6th Street, a length of approximately 2.75 miles; and that portion of Iowa 192 from U.S. 6 north to Big Lake Road including the shared route portion with U.S. 6, a length of approximately 2.2 miles.



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Public Transit Order No. PPM-2016-63
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date April 12, 2016
Title Federal Fiscal Year (FFY) 2016 Transit Program (vehicle replacement)

DISCUSSION/BACKGROUND:

Staff will present the proposed FFY 2016 Transit Program (vehicle replacement) funding recommendation.

The specific vehicle replacement recommendations are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FFY 2016 Transit Program (vehicle replacement) recommendations.

COMMISSION ACTION:

Moved by David Rose Seconded by Amy Reasner

Division Director Legal State Director

	Aye	Vote Nay	Pass
Boswell	<u> x </u>	_____	_____
Huber	<u> x </u>	_____	_____
Miles	<u> x </u>	_____	_____
Reasner	<u> x </u>	_____	_____
Rose	<u> x </u>	_____	_____
Putney	<u> x </u>	_____	_____
Yanney	<u> x </u>	_____	_____

PPM-2016-63

Stuart Anderson, Planning, Programming and Modal Division; Last month we presented to you our recommendation for FFY 2016 Transit Program Vehicle Replacement. This recommendation allocates just over \$5.7 million to purchase 54 replacement public transit vehicles at 20 different public transit agencies across the state of Iowa. This funding comes from Federal Bus and Bus Facilities formula funding allocated to the state of Iowa and also Federal Congestion Mitigation and Air Quality Improvement funding that you have allocated to transit vehicle replacement on an annual basis.

It is recommended that the Commission approve the FFY 2016 Transit Program vehicle replacement recommendations for the vehicles listed on the attachment to the Commission Order.

Commissioner Rose made a motion to approve as recommended; Commissioner Reasner seconded the motion. The motion passes unanimously.

FFY 2016 Transit Program

(Vehicle Replacement)

Transit system	Vehicle ID	Replacement vehicle type	Public transit management system points	Total cost	Federal participation
Fort Dodge	FD 58	176" light-duty bus (fixed-route, video surveillance system)	169.15	\$99,000	\$84,150
Mason City	37	176" light-duty bus (diesel, fixed-route)	158.92	\$104,000	\$88,400
Region 5 (Fort Dodge)	00-2	176" light-duty bus (video surveillance system)	146.82	\$92,000	\$78,200
Region 3 (Spencer)	7896	176" light-duty bus (video surveillance system)	137.98	\$92,000	\$78,200
Region 3 (Spencer)	4541	158" light-duty bus (video surveillance system)	131.92	\$87,000	\$73,950
Region 12 (Carroll)	0207	176" light-duty bus (video surveillance system)	128.48	\$92,000	\$78,200
Marshalltown	922	30' heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)	127.81	\$411,000	\$349,350
Region 12 (Carroll)	0205	176" light-duty bus (video surveillance system)	122.21	\$92,000	\$78,200
Region 11 (Des Moines)	7638	176" light-duty bus (video surveillance system)	118.14	\$89,000	\$75,650
Region 3 (Spencer)	1793	Minivan (video surveillance system)	112.93	\$52,500	\$44,625
Region 9 (Davenport)	117	158" light-duty bus (video surveillance system)	108.89	\$85,000	\$72,250
Region 11 (Des Moines)	7639	158" light-duty bus (video surveillance system)	107.43	\$84,000	\$71,400
Region 3 (Spencer)	1480	176" light-duty bus (video surveillance system)	105.93	\$92,000	\$78,200
Region 9 (Davenport)	298	176" light-duty bus (video surveillance system)	101.44	\$90,000	\$76,500
Region 11 (Des Moines)	1137	176" light-duty bus (video surveillance system)	100.63	\$89,000	\$75,650
Region 3 (Spencer)	1511	158" light-duty bus (video surveillance system)	100.48	\$87,000	\$73,950
Region 16 (Burlington)	974D	176" light-duty bus	100.43	\$86,000	\$73,100
Region 14 (Creston)	82	176" light-duty bus (video surveillance system)	100.21	\$92,000	\$78,200
Region 3 (Spencer)	2482	176" light-duty bus (video surveillance system)	99.65	\$92,000	\$78,200
Region 11 (Des Moines)	6524	176" light-duty bus (video surveillance system)	99.21	\$89,000	\$73,766
Iowa City	6640	176" light-duty bus (fixed-route, video surveillance system)	95.03	\$99,000	\$84,150
Iowa City	6610	176" light-duty bus (fixed-route, video surveillance system)	91.47	\$99,000	\$84,150
Iowa City	6630	176" light-duty bus (fixed-route, video surveillance system)	91.24	\$99,000	\$84,150
Sioux City	1337	40' heavy-duty bus (diesel, video surveillance system, low-floor)	87.65	\$439,000	\$373,150
Sioux City	1334	40' heavy-duty bus (diesel, video surveillance system, low-floor)	85.21	\$439,900	\$368,703
Region 3 (Spencer)	9962	158" light-duty bus (video surveillance system)	97.47	\$87,000	\$69,600
Region 11 (Des Moines)	6525	176" light-duty bus (video surveillance system)	97.03	\$89,000	\$71,200
Region 14 (Creston)	81	176" light-duty bus (video surveillance system)	96.52	\$92,000	\$73,600
Region 3 (Spencer)	9964	158" light-duty bus (video surveillance system)	96.30	\$87,000	\$69,600
Fort Dodge	FD41	30' medium-duty bus (diesel, fixed-route, video surveillance system)	93.46	\$190,000	\$152,000
Region 4 (Sioux City)	7460	176" light-duty bus (video surveillance system)	93.15	\$92,000	\$73,600
Region 1 (Decorah)	05163	176" light-duty bus (video surveillance system)	91.76	\$90,000	\$72,000
Region 1 (Decorah)	05164	176" light-duty bus (video surveillance system)	90.07	\$90,000	\$72,000
Region 11 (Des Moines)	1138	176" light-duty bus (video surveillance system)	89.85	\$89,000	\$71,200
Region 10 (Cedar Rapids)	383	138 " light-duty bus (video surveillance system)	89.50	\$83,000	\$66,400
Region 10 (Cedar Rapids)	244	138 " light-duty bus (video surveillance system)	89.02	\$83,000	\$66,400
Region 6 (Marshalltown)	404D	138 " light-duty bus (video surveillance system)	88.77	\$82,000	\$65,600
Region 1 (Decorah)	05165	176" light-duty bus (video surveillance system)	88.66	\$90,000	\$72,000
Region 1 (Decorah)	05161	176" light-duty bus (video surveillance system)	87.70	\$90,000	\$72,000
Region 9 (Davenport)	128	158" light-duty bus (video surveillance system)	87.36	\$85,000	\$68,000
Clinton	0150	158" light-duty bus (BioDiesel, video surveillance system)	87.25	\$98,000	\$78,400
Region 10 (Cedar Rapids)	231	176" light-duty bus (video surveillance system)	86.04	\$90,000	\$72,000
Region 10 (Cedar Rapids)	243	138 " light-duty bus (video surveillance system)	85.67	\$83,000	\$66,400
Iowa City	6650	176" light-duty bus (fixed-route, video surveillance system)	85.08	\$99,000	\$79,200
Region 5 (Fort Dodge)	05-4	176" light-duty bus (video surveillance system)	84.75	\$92,000	\$73,600
Coralville	6532	176" light-duty bus (fixed-route, video surveillance system)	84.53	\$99,000	\$79,200
Region 10 (Cedar Rapids)	241	138 " light-duty bus (video surveillance system)	83.83	\$83,000	\$66,400
Region 7 (Waterloo)	0501	176" light-duty bus (diesel, video surveillance system)	83.79	\$101,000	\$80,800
Iowa City	653	40' heavy-duty bus (fixed-route, video surveillance system, low-floor)	83.73	\$455,000	\$364,000
Region 10 (Cedar Rapids)	251	35' medium-duty bus (diesel, video surveillance system)	83.50	\$201,000	\$160,800
Region 2 (Mason City)	G015	176" light-duty bus (diesel, video surveillance system)	83.15	\$101,000	\$80,800
Sioux City	1336	40' heavy-duty bus (diesel, video surveillance system, low-floor)	83.11	\$439,900	\$351,920
Region 2 (Mason City)	D061	176" light-duty bus (diesel, video surveillance system)	82.68	\$101,000	\$80,800
Region 10 (Cedar Rapids)	250	35' medium-duty bus (diesel, video surveillance system)	82.50	\$201,000	\$158,938
Total = 54 vehicles				\$6,935,300	\$5,702,902

PPM-2016-64

Craig Markley, Systems Planning Office Director, We have four RISE items for your review this morning. First we have an application from the city of Ellsworth. There is a delegation present if you have any questions following my presentation of background information.

The city submitted an Immediate Opportunity RISE funding request to construct approximately 1,400 feet of Industrial Park Road and roadway improvements, including turn lanes on Iowa 175 located on the northeast side of town.

Because this project will provide access to more than 15 acres for industrial purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

Under our RISE Local Development criteria, the project scores 65 points. The total estimated cost of the project is \$2,075,039. The city is requesting a RISE grant of \$1,037,520 and will be providing 50 percent in local match.

Before I proceed to staff's recommendation, I would like to check and see if you have any questions for the delegation.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the September 2015 round of applications and award a RISE grant of \$1,037,520 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

Commissioner Miles made a motion to approve as recommended; Commissioner Rose seconded the motion. The motion passes unanimously.

RISE LOCAL DEVELOPMENT FUNDING
September 2015
SUMMARY

Applicant: Ellsworth

Multiyear?: No

Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct approximately 1,400 feet of Industrial Park Road, and roadway improvements including turn lanes on Iowa 175 located on the northeast side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: These improvements are necessary to provide access to more than 15 acres for industrial purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$2,075,039	Local Match (Total):	\$1,037,519
RISE (Total):	\$1,037,520	Up-Front:	\$1,037,519
Grant:	\$1,037,520	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:			
Yrs.	0	Up-front Participation Sources:	
Int.:	0 %	Private:	
		Public:	\$1,037,519
		Local Match (Total):	\$1,037,519

PROJECT EVALUATION:

Development Potential (35):	30
Economic Impact and Cost Effect. (20):	13
Local Commit. and Initiative (35):	16
Transportation Need (4):	3
Local Economic Need (6):	3

Total Rating: 65

Jobs: 8

STAFF RECOMMENDATION:

Award a grant of \$1,037,520 or up to 50 percent of the RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2016-65
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2016
Title Revitalize Iowa's Sound Economy (RISE) Application – Garner

DISCUSSION/BACKGROUND:

The city of Garner submitted a RISE Local Development application in the February 2016 round requesting a grant to assist in construction of approximately 410 feet of Touchstone Drive and 775 feet of new roadway located on the north side of town.

These improvements are necessary to provide access to eight lots totaling more than 19 acres for industrial purposes. This project is anticipated to be completed by June 2017.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$239,497 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by David Rose Seconded by Daniel Huber

	Aye	Vote Nay	Pass
Boswell	<u>X</u>	<u> </u>	<u> </u>
Huber	<u>X</u>	<u> </u>	<u> </u>
Miles	<u>X</u>	<u> </u>	<u> </u>
Putney	<u>X</u>	<u> </u>	<u> </u>
Reasner	<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-2016-65

Craig Markley, Systems Planning Office Director, next is an application from the city of Garner. There is a delegation present that I will introduce following my presentation of background information.

The city submitted a Local Development RISE funding request to assist in construction of approximately 410 feet of Touchstone Drive and 775 feet of new roadway located on the north side of town.

This project is necessary to provide access to eight lots totaling more than 19 acres for industrial purposes.

Under our RISE Local Development criteria, this project received a rating of 41 points. The total estimated cost of the project is \$478,994. The city is requesting a RISE grant of \$239,497 and will be providing 50 percent in local match.

Before I proceed to staff's recommendation, I would like to invite Ken Mick, Garner Mayor, to introduce the rest of the delegation and offer some comments.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$239,497 or up to 50 percent of the total RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Commissioner Rose made a motion to approve as recommended; Commissioner Huber seconded the motion. The motion passes unanimously.

RISE LOCAL DEVELOPMENT FUNDING
February 2016
SUMMARY

Applicant: Garner

Multiyear?: No
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct approximately 410 feet of Touchstone Drive and 775 feet of new roadway located on the north side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: These improvements are necessary to provide access to eight lots totaling more than 19 acres for industrial purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$478,994	Local Match (Total):	\$239,497
RISE (Total):	\$239,497	Up-Front:	\$239,497
Grant:	\$239,497	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms: Yrs.	0	Up-front Participation Sources:	
Int.:	0 %	Private:	
		Public:	\$239,497
		Local Match (Total):	\$239,497

PROJECT EVALUATION:

Development Potential (35):	20
Economic Impact and Cost Effect. (20):	2
Local Commit. and Initiative (35):	14
Transportation Need (4):	3
Local Economic Need (6):	2

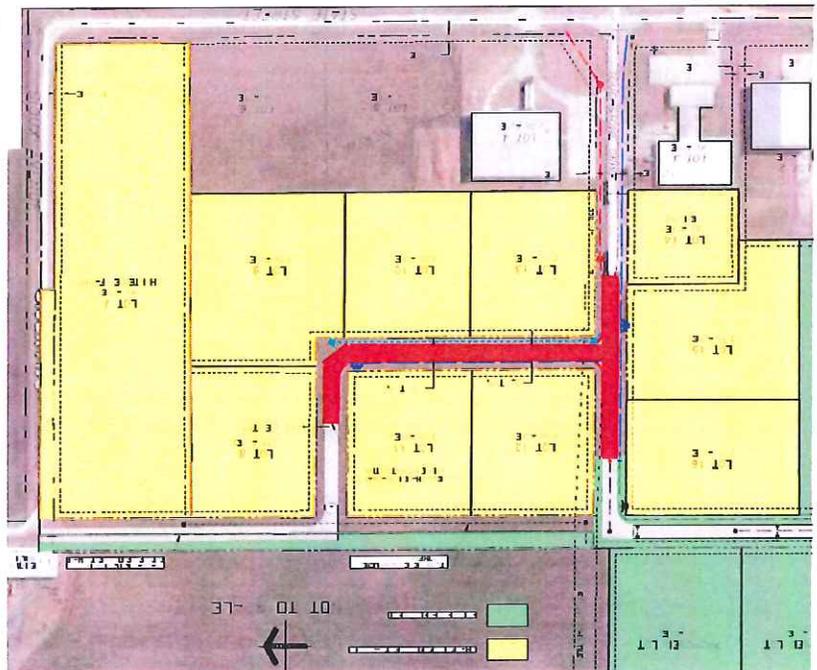
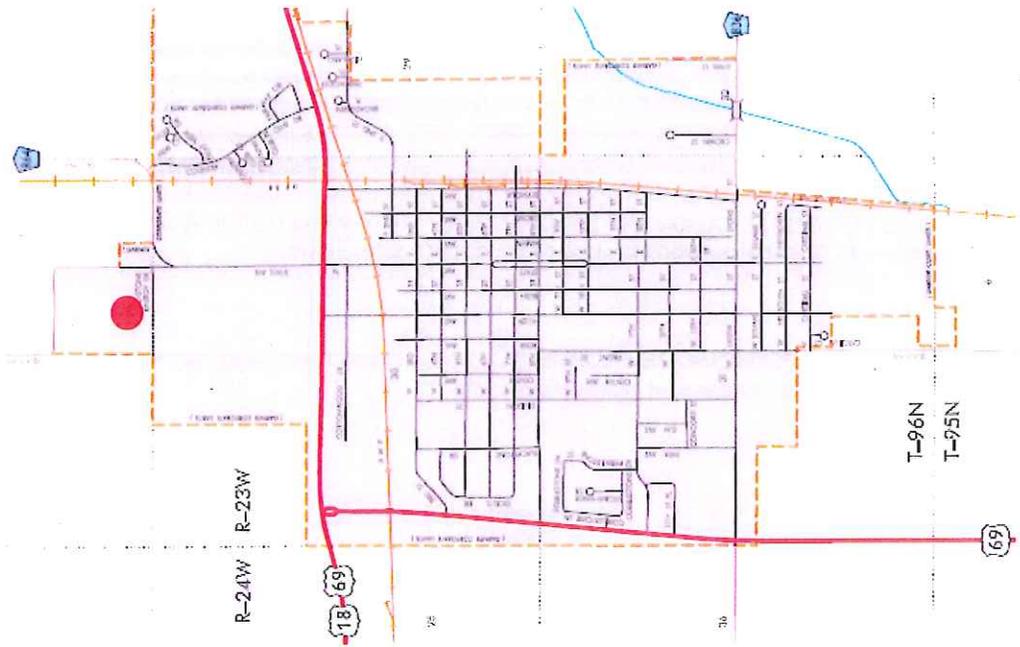
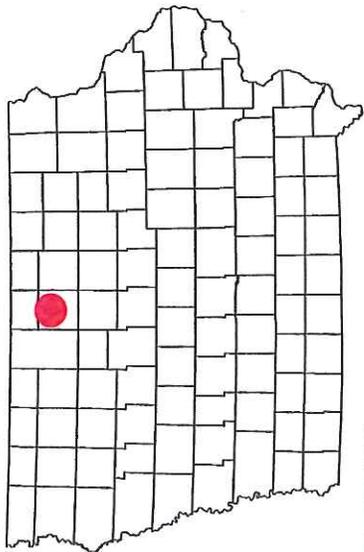
Total Rating: 41

Jobs: 0

STAFF RECOMMENDATION:

Award a grant of \$239,497 or up to 50 percent of the RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Garner



PPM-2016-66

Craig Markley, Systems Planning Office Director, next is an application from the City of Oelwein. There is not a delegation participating either in-person or on the phone.

The city submitted an Immediate Opportunity RISE funding request to construct approximately 2,825 feet of 14th Street Southeast and turn lanes on Outer Road located on the southeast side of town.

The proposed improvements will result in the creation of 181 full-time jobs within three years along with nearly \$67 million in associated capital investment.

Average wage of the created positions is \$17.20 per hour which is 118 percent of the average laborshed wage rate.

The RISE grant recommended is \$2,170,584. Local participation is 20% or \$542,646. Total cost is \$2,713,230. The RISE cost per job assisted is \$11,992.18 Total Capital Investment per RISE dollar is \$30.86.

It is recommended the Commission based on capital investment and job creation commitments award a rise grant of \$2,170,584 or up to 80% of the total RISE eligible project cost, whichever is less with funding coming from the city share rise fund. It is also important to note, that if this application is approved then the previous August 2015 award of \$1,669,870 will be rescinded.

Commissioner Reasner made a motion to approve as recommended; Commissioner Rose seconded the motion. The motion passes unanimously.

**RISE Immediate Opportunity Funding
Economic Analysis Summary**

GENERAL INFORMATION

Applicant: City of Oelwein

Project Location and Description: The city of Oelwein submitted a RISE Immediate Opportunity application requesting a grant to assist in the construction of approximately 2,825 feet of 14th Street SE and turn lanes on Outer Road located on the southeast side of town.

Associated Economic Development: The project provides access to East Penn Manufacturing, a manufacturer of lead-acid batteries.

ECONOMIC IMPACT

Total Roadway Project Cost: \$2,713,230

RISE Funds Requested: \$2,170,584; **Grant:** \$2,170,584; **Loan \$----**

Effective Project Cost to RISE Program: \$2,170,584

Local Participation: \$542,646; **Sources:** Oelwein

Non-RISE Total Capital Investment: \$66,992,646

(Public: \$1,802,646; **Private:** \$65,190,000)

Direct Jobs Created: 181; **(Other, Potential Future Jobs:** 169)

Direct Jobs Retained: 0; **Total Direct Jobs Assisted, Short-Term:** 350

Number of Existing Jobs: 82

Project Average Wage Rate of New Jobs: \$17.20/hr.

100% Average Laborshed Wage Rate: \$14.55/hr.

KEY RATIOS

Local Match Ratio: 20% ($\$542,646/\$2,713,230$)

RISE Cost Per Job Assisted (Created): $\$2,170,584/181 = \$11,992.18$

Total Capital Investment Per RISE Dollar: $\$66,992,646/\$2,170,584 = \$30.86$

CONCLUSIONS

Narrative: It is recommended the Commission, based on the capital investment and job creation commitments; award a RISE grant of \$2,170,584 from the RISE fund or up to 80 percent of the total RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

PPM-2016-67

Craig Markley, Systems Planning Office Director, last, for RISE Immediate Opportunity projects there are job creation commitments associated with receiving the funds. The Department monitors these contingencies to assure that they are met within three years of the roadway being open to traffic. If the contingencies are not met, the Department will seek partial or full revocation of the grant.

Today we are presenting a proposed settlement with Urbandale for a RISE project awarded in March of 2008. The city received a grant of \$525,000 for roadway improvements contingent on the creation of 150 new jobs by Marsh & McLennan Companies, Inc. within three years of project completion. In September of 2009 the roadway was opened to traffic. However, the company associated with this project was not able to produce payrolls showing job creation. Based on the settlement policy the city has agreed to a repayment of \$152,953.

Staff recommends the Commission approve the proposed settlement for the Urbandale RISE project.

Commissioner Rose made a motion to approve as recommended; Commissioner Reasner seconded the motion. The motion passes unanimously.



Marsh & McLennan Companies - Expansion Project RISE Application

RISE Project Completion Settlement for:

RECIPIENT : City of Urbandale
 PROJECT # : RM-7875(626)--9D-77
 AGREEMENT #: 2008-R-028

Reimbursable Maximum : \$525,000

To bring this project agreement to a close, in accordance with the procedure adopted by the Iowa Department of Transportation Commission (Commission), the Recipient (as identified above) is required to repay a portion of the RISE grant funds received.

<p>The amount to be repaid is calculated in the following manner, according to the method approved by the Commission, all amounts are rounded to the nearest whole dollar or percentage point.</p>																					
Step 1	<p>Determine the difference between the RISE grant funds actually reimbursed and 50% of the total eligible costs. The resulting amount is referred to as the "RISE differential"</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td style="text-align: right; font-weight: normal;">Actual</td> <td></td> </tr> <tr> <td>a. RISE grant funds reimbursed:</td> <td style="text-align: right;">525,000.00</td> <td></td> </tr> <tr> <td>b. FINAL eligible project costs:</td> <td style="text-align: right;">744,094.90</td> <td></td> </tr> <tr> <td>c. 50% of FINAL eligible costs:</td> <td style="text-align: right;">372,047.45</td> <td></td> </tr> <tr> <td>d. "RISE differential" (a) - (c) =</td> <td style="text-align: right;">152,952.55</td> <td style="text-align: right; border: 1px solid black; padding: 2px;">\$152,953</td> </tr> </table>		Actual		a. RISE grant funds reimbursed:	525,000.00		b. FINAL eligible project costs:	744,094.90		c. 50% of FINAL eligible costs:	372,047.45		d. "RISE differential" (a) - (c) =	152,952.55	\$152,953					
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Step 2	<p>Determine average number of jobs.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td style="width: 30%;"></td> <td style="width: 30%; text-align: right;">0</td> </tr> <tr> <td>a. FTE Jobs at beginning of 6 months:</td> <td></td> <td style="text-align: right;">0</td> </tr> <tr> <td>b. + FTE Jobs at end of 6 months:</td> <td></td> <td style="text-align: right; border-top: 1px solid black;">0</td> </tr> <tr> <td></td> <td style="text-align: right;">Average number of jobs [(a+b)/2]</td> <td style="text-align: right;">0</td> </tr> </table>			0	a. FTE Jobs at beginning of 6 months:		0	b. + FTE Jobs at end of 6 months:		0		Average number of jobs [(a+b)/2]	0								
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Step 3	<p>Determine the amount of the contingency unfulfilled.</p> <p>0 FTE new jobs were created by Marsh & McLennan Companies Inc. The funding contingency required that 150 FTE new jobs be created.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td style="width: 30%;"></td> <td style="width: 30%; text-align: right;">1065</td> </tr> <tr> <td>a. Existing Jobs at time of Commission:</td> <td></td> <td style="text-align: right;">150</td> </tr> <tr> <td>b. Contingency total # of jobs created:</td> <td></td> <td style="text-align: right;">0</td> </tr> <tr> <td>c. Actual total # of jobs created:</td> <td></td> <td style="text-align: right; border: 1px solid black; padding: 2px;">150</td> </tr> <tr> <td>d. Contingency unfulfilled (enter contingent if negative):</td> <td></td> <td style="text-align: right;">100.00%</td> </tr> <tr> <td></td> <td style="text-align: right;">Determine percentage = (d/b)</td> <td style="text-align: right;">100%</td> </tr> </table> <p>Therefore the percentage of contingency still unfulfilled is: 100% Rounded</p>			1065	a. Existing Jobs at time of Commission:		150	b. Contingency total # of jobs created:		0	c. Actual total # of jobs created:		150	d. Contingency unfulfilled (enter contingent if negative):		100.00%		Determine percentage = (d/b)	100%		
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Step 4	<p>Determine the prorated amount by multiplying the RISE differential amount by the percentage of the contingency still unfulfilled.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">=</td> <td style="width: 10%;"></td> </tr> <tr> <td>Prorated amount = (Step 1.d)</td> <td style="text-align: center;">X</td> <td>(Step 3 %) = Prorated Amount</td> <td style="text-align: center;">=</td> <td></td> </tr> <tr> <td style="text-align: right;">\$152,953</td> <td style="text-align: center;">X</td> <td style="text-align: right;">100%</td> <td style="text-align: center;">=</td> <td style="text-align: right; border: 1px solid black; padding: 2px;">\$152,953</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Rounded</td> </tr> </table>		X		=		Prorated amount = (Step 1.d)	X	(Step 3 %) = Prorated Amount	=		\$152,953	X	100%	=	\$152,953					Rounded
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