

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, April 12, 2011  
 Clarion Hotel and Conference Center  
 525 33<sup>rd</sup> Avenue SW  
 Cedar Rapids

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2011-47 8:00 a.m.	*Approve Minutes of the March 8, 2011, Commission Meeting  Commission Comments  Staff Comments	Connie Page	1
MV-2011-48	*Administrative Rules – Chapter 510 Regulations Applicable to Carriers	Nancy Richardson	2
PPM-2011-49 8:05 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Hiawatha (Delegation)	Craig Markley	14
PPM-2011-50 8:10 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Marion (Delegation)	Craig Markley	17
PPM-2011-51 8:15 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Dubuque (Delegation)	Craig Markley	20
PPM-2011-52 8:20 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Palo Alto County (Delegation)	Craig Markley	23
PPM-2011-53 8:25 a.m.	*Revitalize Iowa's Sound Economy (RISE) Default and Proposed Settlement – Urbandale	Craig Markley	26
8:30 a.m.	Adjourn/Public Input		

\*Action Item

On Monday, April 11, the Commission and staff will tour transportation projects in eastern Iowa starting at 9:00 a.m. from The Hotel at Kirkwood Center, 7725 Kirkwood Boulevard, Cedar Rapids and ending around 3:30 p.m. back at the hotel. The Commission and staff will hold an informal meeting at the hotel beginning at 4:00 p.m. 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-2011-47  
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date April 12, 2011  
Title Approve Minutes of the March 8, 2011, Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the March 8, 2011, Commission meeting.

**COMMISSION ACTION:**

Moved by Cleaveland Seconded by Sawtelle

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	_____	_____
Cleaveland	<u>X</u>	_____	_____
Miles	<u>X</u>	_____	_____
Reasner	<u>X</u>	_____	_____
Sawtelle	<u>X</u>	_____	_____
Wiley	<u>X</u>	_____	_____
Yanney	<u>X</u>	_____	_____

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director

## Commission Comments:

### 1. Commission Tour on Monday

Commission Chair Wiley said the Commission and staff took a tour yesterday traveling from Cedar Rapids down I-380 and east on I-80 to Davenport where we looked at the I-74 bridge project. We came back to Iowa City and then drove north on Iowa 1 to Mount Vernon, and then drove U.S. 30 back to Cedar Rapids where we looked at the Iowa 100 project from both ends before ending at the Hotel Kirkwood. He expressed appreciation to Jim Schnoebelen, District 6 Engineer, and staff for the tour preparation. It was good to see projects firsthand.

### 2. Thanks and Farewell to Director Nancy Richardson

Commissioner Cleaveland said this is our last meeting with Director Nancy Richardson. He said he first met Director Richardson in May, 2002, and it has been an honor and pleasure to serve with you. He expressed appreciation for her service to the Department and state.

Commission Chair Wiley said Director Richardson has been the best in leading the Department and working with the Commission. Everywhere he goes, he hears people compliment her and congratulate him for being able to work with her. We wish her the best in her retirement.

Director Richardson said she has really appreciated and enjoyed the Commissioners she has worked with. We need to work together to be effective and that has been easy for her as director because she has had good people to work with.

### 3. Farewell to Commissioner Sawtelle

Commissioner Cleaveland said it is also Commissioner Sawtelle's last meeting. He wished him well and said it was an honor and privilege to serve with him.

Commissioner Sawtelle said he served on the Commission six years, has learned a lot about our state, and has met a lot great folks that are interested in moving our state forward. He appreciated his fellow commissioners. He has learned a lot from the DOT staff and appreciates their professionalism and the insight they have helping the Commission to make decisions for the greater good of our state. It has been a great experience.

On behalf of the Commission, Chair Don Wiley presented Commissioner Sawtelle with a plaque in appreciation of his service. You have been a good commissioner, an excellent chair, and have done a good job of reminding us what has happened in the past which has given the Commission a sense of continuity and consistency which is important. We appreciate your efforts and input.

Director Richardson presented Commissioner Sawtelle with a gift to remind him of the DOT. She said in writing her last column for the Department's newsletter, her parting line was while she will not be an employee after April 28, she will always be a DOTer and she suspect Commissioner Sawtelle feels the same way. Thanks for all your service.

4. Welcome to Commissioners Charese Yanney and David Rose

Commission Chair Wiley introduced Commissioner Charese Yanney. Commissioner Yanney is from Sioux City and he welcomed her to the Commission. In addition, he introduced David Rose from Clinton who will join the Commission next month.

Commissioner Yanney said she appreciates the welcome. She said it has been a pleasure to work with Director Richardson and Commissioner Sawtelle, and she looks forward to seeing them "somewhere on the highway of life."

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2011-48  
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date April 12, 2011  
Title Administrative Rules – Chapter 520 Regulations Applicable to Carriers

**DISCUSSION/BACKGROUND:**

Due to recent changes in the Federal Motor Carrier Safety and Hazardous Materials Regulations, we are amending Iowa Administrative Code (2010) 761--520. This amendment will reflect changes in the 2010 Title 49 Code of Federal Regulations, parts 107, 171-173, 177-178, 180, 385, and 390-399.

The period for public comment ended March 29, 2011, and no oral or written comments were received.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the attached rule amendments.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

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State Director

MV-2011-48

Director Richardson said at the end of the year, the federal government puts out a rule that incorporates into the Federal Motor Carrier regulations any changes that have been made during the year which they then put out for public comment. After public comment, the federal government accepts the new regulations. Following that, the Department, because we incorporate those federal regulations into Iowa Code by reference, does an administrative rule change. The changes are generally clean up, clarifications, or streamlining. The biggest two changes this year are an anti-texting requirement for commercial carriers and a requirement that commercial carriers now submit their medical certificate to the state DOT rather than carrying it in their cab. We received no public comments on these updated rules, and she requested Commission approval.

Commissioner Sawtelle moved, Commissioner Reasner seconded the Commission approve the attached rule amendments. All voted aye.

## TRANSPORTATION DEPARTMENT [761]

### Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation, on April 14, 2011, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the March 9, 2011, Iowa Administrative Bulletin as ARC 9417B.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR), Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year.

The amendments to the FMCSR and the HMR that have become final and effective since the 2009 edition of the CFR are listed in the information below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR

Parts 107, 171, 172, 173, and 180 (FR Vol. 74, No. 199, Pages 53182-53189), 10-16-09

This final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) adopts editorial corrections and makes minor regulatory changes to improve provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 16, 2009.

Part 172 (FR Vol. 74, No. 200, Pages 53413-53423), 10-19-09

This final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the Hazardous Materials Regulations to clarify requirements governing emergency response information services provided by arrangement with hazardous materials offerors (shippers). In order to preserve the effectiveness of these arrangements for providing accurate and timely emergency response information, PHMSA is requiring basic identifying information (offeror name or contract number) to be included on shipping papers. This information will enable the emergency response information provider to identify the offeror for which the emergency response information provider is accepting responsibility for providing emergency response information in the event of a hazardous materials incident and to obtain additional information about the hazardous material as needed. Effective Date: November 18, 2009\*, with voluntary compliance authorized starting November 18, 2009. (\*The effective date was published erroneously and then corrected on 10-22-09, as noted in the following Federal Register Docket.)

Part 172 (FR Vol. 74, No. 203, Page 54489), 10-22-09

This final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) corrected the erroneous effective date of November 18, 2009, published on Page 53413 of Volume 74, Number 200. The effective date is October 1, 2010. Voluntary compliance remained authorized starting November 18, 2009.

Parts 390, 392, and 396 (FR Vol. 74, No. 248, Pages 68703-68709), 12-29-09

This final rule from the Federal Motor Carrier Safety Administration (FMCSA) amends its December 17, 2008, final rule implementing Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The December 17, 2008, final rule makes intermodal equipment providers (IEPs) subject to certain Federal Motor Carrier Safety Regulations (FMCSRs) and establishes shared safety responsibility among IEPs, motor carriers, and drivers. These amendments create a fifth marking option for identifying the IEP responsible for the inspection, repair, and maintenance of items of intermodal equipment (IME) in response to a petition for reconsideration from the Intermodal Association of North America (IANA); clarify regulatory text and correct an inadvertent error in response to a petition for reconsideration from the Ocean Carrier Equipment Management Association (OCEMA); and extend the deadline for IEPs, motor carriers, and drivers operating IME to comply with certain provisions pertaining to driver-vehicle inspections in response to a petition filed by OCEMA. Effective Date: December 29, 2009.

Implementation Date: IEPs must establish systematic inspection, repair, and maintenance programs, record-keeping systems and identify their operations by submitting Form MCS-150C by December 17, 2009, except for the requirements of Sections 396.9(d), 396.11(a)(2),

396.12(a), 396.12(c), and 396.12(d), which they must comply with by June 30, 2010. IEPs must mark their intermodal chassis with their legal name or a single trade name and a USDOT identification number by December 17, 2010.

Part 390 (FR Vol. 75, No. 20, Pages 4996-5002), 02-01-10

This final rule from the Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers operating commercial motor vehicles (CMVs), designed or used to transport between 9 and 15 passengers (including the driver), in interstate commerce for direct compensation comply with safety regulations regardless of the distance traveled. Specifically, this rule makes FMCSRs applicable to the operation of such vehicles when they are operated within a 75 air-mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work-reporting location. Motor carriers, drivers, and the vehicles operated by them will be subject to the same safety requirements imposed upon such vehicles when they are operated beyond a 75-air-mile radius. This action is required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Effective Date: May 3, 2010, with compliance with this rule required no later than June 1, 2010.

Parts 171, 172, 173, and 178 (FR Vol. 75, No. 21, Pages 5376-5403), 02-02-10

The final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the packaging requirements in the Hazardous Materials Regulations to enhance compliance flexibility, improve clarity, and reduce regulatory burdens. Specifically, the amendments revise several packaging-related definitions; add provisions to allow more flexibility when closure instructions are prepared and transmitted, including conditions under

which closure instructions may be transmitted electronically; add a requirement for shippers to retain packaging closure instructions; incorporate new language that will allow for a practicable means of stenciling the “UN” (United Nations) symbol on packagings; and clarify a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or whether the change in packaging may be considered a variation of a previously tested design. This final rule also incorporates requirements for construction, maintenance, and use of Large Packagings. Effective Date: October 1, 2010. Voluntary compliance is authorized starting March 4, 2010.

Part 172 (FR Vol. 75, No. 45, Pages 10974-10989), 03-09-10

The final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA), in consultation with the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), modifies the current security plan requirements applicable to the commercial transportation of hazardous materials by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the final rule narrows the list of materials subject to security plan requirements and reduces associated regulatory costs and paperwork burdens. The final rule also clarifies certain requirements related to security planning, training, and documentation. Effective Date: October 1, 2010. Voluntary compliance with this final rule is authorized as of April 8, 2010.

Part 107 (FR Vol. 75, No. 60, Pages 15613-15620), 03-30-10

The final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the statutorily mandated registration and fee assessment program for persons

who transport, or offer for transportation, certain categories and quantities of hazardous materials. PHMSA is increasing the annual fee of \$975 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registrants not qualifying as a small business or not-for-profit organization for registration years 2010-2011 and following years. The increase is necessary to fund the national Hazardous Materials Emergency Preparedness (HMEP) grants program at approximately \$28,300,000 in accordance with the Administration's Fiscal Year 2010 budget and proposed Fiscal Year 2011 budget. Effective Date: April 29, 2010.

Parts 385, 395, and 396 (FR Vol. 75, No. 64, Pages 17208-17252), 04-05-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate new performance standards for electronic on-board recorders (EOBRs) installed in commercial motor vehicles (CMVs) manufactured on or after June 4, 2012. On-board hours-of-service (HOS) recording devices meeting FMCSA's current requirements and installed in CMVs manufactured before June 4, 2012, may continue to be used for the remainder of the service life of those CMVs. Motor carriers that have demonstrated serious noncompliance with the HOS rules will be subject to mandatory installation of EOBRs meeting the new performance standards. If FMCSA determines, based on HOS records reviewed during a compliance review, that a motor carrier has a 10 percent or greater violation rate for any HOS regulation listed in the new Appendix C to Part 385, FMCSA will issue the carrier an EOBR remedial directive. The motor carrier will then be required to install EOBRs in all of its CMVs regardless of their date of manufacture and use the devices for HOS record keeping for a period of two years, unless the carrier (i) already equipped its vehicles with automatic on-board recording devices (AOBRDs) meeting the

Agency's current requirements under 49 CFR 395.15 prior to the finding, and (ii) demonstrates to FMCSA that its drivers understand how to use the devices. The FMCSA also changes the safety fitness standard to take into account a remedial directive when determining fitness.

Effective Date: June 4, 2010. Compliance Date: Motor carriers must comply with this final rule by June 4, 2012. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 4, 2010.

Parts 107, 171, 173, and 177 (FR Vol. 75, No. 93, Pages 27205-27216), 05-14-10

The final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations as long as an equivalent level of safety is maintained. The revisions in this final rule are intended to provide greater regulatory flexibility regarding special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety. Effective Dates: October 1, 2010. Voluntary Compliance: Voluntary compliance with the provisions of this final rule is authorized June 14, 2010.

Part 391 (FR Vol. 75, No. 98, Pages 28499-28502), 05-21-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) regulations implementing Section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) relating to medical certification requirements of CMV drivers and the submission of medical certification documents to the State Driver Licensing Agency (SDLA) links medical

qualification information with the Commercial Driver License (CDL). The purpose of this rule is both to make amendments responding to petitions for reconsideration and to make technical corrections to the FMCSA regulations. Effective Date: May 21, 2010. Compliance and implementation date is January 30, 2012.

Part 390 (FR Vol. 75, No. 161, Pages 51419-51420), 08-20-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) extends to June 30, 2011, the June 30, 2010, compliance date of its December 29, 2009, final rule concerning the inspection, repair, and maintenance of intermodal equipment (IME), specifically with respect to the requirement for drivers and motor carriers to prepare a driver-vehicle inspection report (DVIR) on an item of IME even if no damage, defects, or deficiencies are discovered by, or reported to, the driver. (Sec. 390.42(b)). This action is being taken to provide the Agency with sufficient time to address an issue raised in a petition for rule making submitted on March 31, 2010, by the Ocean Carrier Equipment Management Association (OCEMA) and the Institute of International Container Lessors (IICL). The requirements for intermodal equipment providers (IEPs) to have in place inspection, repair and maintenance programs, and a process for receiving and taking appropriate action in response to DVIRs on which damage, defects, or deficiencies are reported remain in effect. Compliance Date: June 30, 2011.

Parts 107, 171, 172, 173, 177, and 180 (FR Vol. 75, No. 169, Pages 53593-53598), 09-01-10

The final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the Hazardous Materials Regulations to correct editorial errors and makes minor regulatory changes to improve clarity. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 1, 2010.

Parts 385 and 395 (FR Vol. 75, No. 176, Pages 55488-55491), 09-13-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) amends its April 5, 2010, final rule that established new performance standards for electronic on-board recorders (EOBRs) installed in commercial motor vehicles (CMVs). FMCSA amended requirements relating to the temperature range in which EOBRs must be able to operate and the connector type specified for the Universal Serial Bus (USB) interface. Effective Date: September 13, 2010.

Part 393 (FR Vol. 75, No. 182, Pages 57393-57396), 09-21-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) makes permanent the existing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that trailers with antilock brake systems (ABS) be equipped with an external malfunction indicator lamp. The existing indicator lamp requirement was originally scheduled to sunset on March 1, 2009, but the National Highway Traffic Safety Administration (NHTSA) published a final rule on August 25, 2009, making permanent the requirement in the Federal Motor Vehicle Safety Standards (FMVSSs) that manufacturers equip trailers with ABS and an external antilock malfunction indicator lamp. This final rule makes the FMCSRs consistent with the August 2009 NHTSA final rule. Effective Date: November 22, 2010.

Parts 390, 391, and 392 (FR Vol. 75, No. 186, Pages 59118-59136), 09-27-10

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) adds texting while driving to the list of disqualifying offenses under state or local traffic laws or ordinances that prohibit texting by CDL drivers while operating a CMV and imposes sanctions, including civil penalties and disqualification from operating CMV for drivers who fail to comply

with this rule. Additionally, motor carriers are prohibited from requiring or allowing their drivers to engage in texting while driving. FMCSA amends its commercial driver's license (CDL) regulations to state or local traffic laws or ordinances that prohibit texting by CDL drivers while operating a CMV, including school bus drivers. Effective Date: October 27, 2010.

Parts 171, 173, and 178 (FR Vol. 75, No. 189, Pages 60333-60340), 09-30-10

On February 2, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule amending the Hazardous Materials Regulations (HMR) to: revise several packaging-related definitions; add provisions to allow more flexibility when closure instructions are prepared and transmitted, including conditions under which closure instructions may be transmitted electronically; add a requirement for shippers to retain packaging closure instructions; incorporate new language that allows for a practicable means of stenciling the United Nations (UN) symbol on packagings; and clarify a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or whether the change in packaging may be considered a variation of a previously tested design. The February 2, 2010, final rule also incorporated requirements for the construction, maintenance, and use of Large Packagings. This final rule responds to one petition for reconsideration and four appeals submitted in response to the February 2, 2010, final rule and also corrects several errors that occurred in that rule making. Because these amendments do not impose new requirements, notice and public comment procedures are unnecessary. Effective Date: October 1, 2010.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways.

These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective June 8, 2011.

Rule-making actions:

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, ~~2009~~ 2010).

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, ~~2009~~ 2010).

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DATE

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NANCY J. RICHARDSON, DIRECTOR

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2011-49  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2011  
 Title Revitalize Iowa's Sound Economy (RISE) Application – Hiawatha (Delegation)

**DISCUSSION/BACKGROUND:**

The city of Hiawatha submitted a RISE Local Development application in the February 2011 round requesting a grant to assist in the reconstruction of approximately 1,314 feet of Stamy Road from Tower Terrace Road south toward Kacena Road on the north central side of town. This project is necessary to provide adequate access to six lots totaling more than 25 acres for industrial, manufacturing and warehouse/distribution purposes.

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 \$351,312 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 \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

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

PPM-2011-49

Craig Markley, Office of Systems Planning, presented a RISE local development application from the city of Hiawatha to reconstruct approximately 1,314 feet of Stamy Road from Tower Terrace Road south toward Kacena Road on the north central side of town. This project is necessary to provide adequate access to six lots totaling more than 25 acres for industrial, manufacturing, and warehouse distribution purposes. Under RISE local development criteria, this project received a rating of 52 points. Total estimated project cost is \$702,624. The city is requesting a RISE grant of \$351,312 and will provide a 50 percent local match. He introduced Alan Merta, Priority One Cedar Rapids Area Chamber of Commerce.

Mr. Merta introduced Hiawatha Mayor Tom Theis, City Administrator Gary Rogers, Assistant City Engineer Ken DeKeyser, City Councilman Martin Bruns, and Ace Aossey, property owner impacted by this project. He expressed appreciation for the support the DOT Commission has given Hiawatha. He noted the RISE project the Commission approved last November is currently under construction, and he expressed appreciation for the Commission's consideration of this RISE application.

Mr. Markley reviewed staff's recommendation.

Commissioner Miles moved, Commissioner Cleaveland seconded the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$351,312 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. Commissioner Reasner abstained; remaining Commissioners voted aye. Motion passed.

RISE LOCAL DEVELOPMENT FUNDING  
February 2011  
SUMMARY

Applicant: City of Hiawatha

Multiyear?: No

Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To reconstruct approximately 1,314 feet of Stamy Road from Tower Terrace Road south towards Kacena Road on the north central side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: The roadway will provide improved access to six lots totaling over 25 acres for industrial, manufacturing and warehouse/distribution purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$702,624	Local Match (Total):	\$351,312
RISE (Total):	\$351,312	Up-Front:	\$351,312
Grant:	\$351,312	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:			
Yrs.	0	Up-front Participation Sources:	
Int.:	0 %	Private:	
		Public:	\$351,312
		Local Match (Total):	\$351,312

PROJECT EVALUATION:

Development Potential (35):	20
Economic Impact and Cost Effect. (20):	14
Local Commit. and Initiative (35):	12
Transportation Need (4):	2
Local Economic Need (6):	4

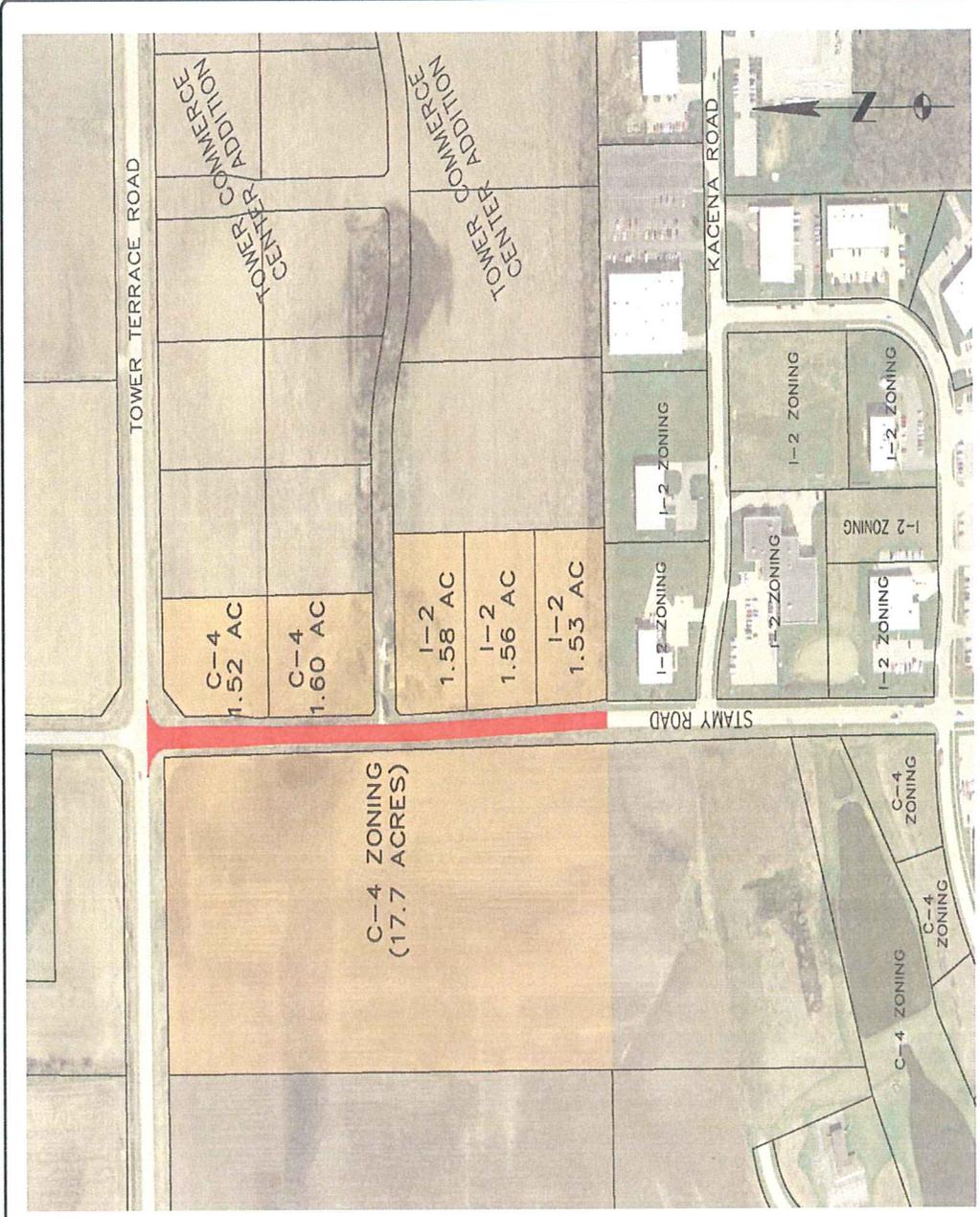
Total Rating: 52

Jobs: 150

STAFF RECOMMENDATION:

Award a grant of \$351,312 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.

# City of Hiawatha



RISE GRANT EXHIBIT <b>STAMY ROAD</b> CITY OF HIAWATHA LINN COUNTY		HALL & HALL ENGINEERS, INC. 1519 205th Ave SW Wadena, MN 56601 Phone: 218-835-4848 Fax: 218-835-9333 www.hallandhall.com
Sheet Title:	RISE GRANT EXHIBIT	
Date:	3/7/11	
Field Book No:	FBK	
Scale:	1"=300'H	
Sheet:	1 of 1	
Project Number:	4089-10-15	
CAD File: I:\projects\4089-10-15\dwg\RISE Grant Exhibit 2.dwg Date Plotted: Mar 06, 2011 - 8:10am Plotted By: KEN DEYSEK Checked by: KWD		

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2011-50  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2011  
Title Revitalize Iowa's Sound Economy (RISE) Application – Marion (Delegation)

**DISCUSSION/BACKGROUND:**

The city of Marion submitted a RISE Local Development application in the February 2011 round requesting a grant to assist in the construction of approximately 1,700 feet of Tower Terrace Road from Third Street east to 10th Street on the northwest side of town. This project is necessary to provide access to three lots totaling almost 12 acres for business office purposes.

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 \$363,868 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund.

<b>COMMISSION ACTION:</b>			Aye	Vote Nay	Pass
Moved by _____	Seconded by _____	Blouin	_____	_____	_____
		Cleveland	_____	_____	_____
		Miles	_____	_____	_____
		Reasner	_____	_____	_____
		Sawtelle	_____	_____	_____
		Wiley	_____	_____	_____
		Yanney	_____	_____	_____
_____ Division Director	_____ Legal	_____ State Director			

PPM-2011-50

Craig Markley, Office of Systems Planning, reviewed a RISE local development application from the city of Marion to construct approximately 1,700 feet of Tower Terrace Road from Third Street east to 10<sup>th</sup> Street on the northwest side of town. This project is necessary to provide access to three lots totaling almost 12 acres for business office purposes. Under RISE local development criteria this project received a rating of 53 points. The total estimated project cost is \$727,735. The city is requesting a RISE grant of \$363,868 and will provide a 50 percent local match. He introduced Lon Pluckhahn, Marion City Manager.

Mr. Pluckhahn introduced Mayor Paul Rehn along with several representatives from ESCO (Energy Services Corporation) which is locating a little west of what is shown in the diagram. This project represents the first major commercial project in Marion north of 10<sup>th</sup> Avenue. Marion has grown quite a bit residentially but they haven't kept up commercially and this property is their first real opportunity to create jobs. He expressed appreciation for the Commission's consideration of their RISE application.

Mr. Markley reviewed the recommendation of staff.

Commissioner Yanney moved, Commissioner Reasner seconded the Commission, based on the capital investment commitment and potential for future job creations, award a RISE grant of \$363,868 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

RISE LOCAL DEVELOPMENT FUNDING  
February 2011  
SUMMARY

Applicant: City of Marion

Multiyear?: No  
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct approximately 1,700 feet of Tower Terrace Road from 3rd Street to 10th Street on the northwest side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: The roadway will provide improved access to three lots totaling almost 12 acres for business office purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$727,735	Local Match (Total):	\$363,867
RISE (Total):	\$363,868	Up-Front:	\$363,867
Grant:	\$363,868	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0		
	Int.: 0 %	Up-front Participation Sources:	
		Private:	
		Public:	\$363,867
		Local Match (Total):	\$363,867

PROJECT EVALUATION:

Development Potential (35):	20
Economic Impact and Cost Effect. (20):	15
Local Commit. and Initiative (35):	12
Transportation Need (4):	2
Local Economic Need (6):	4

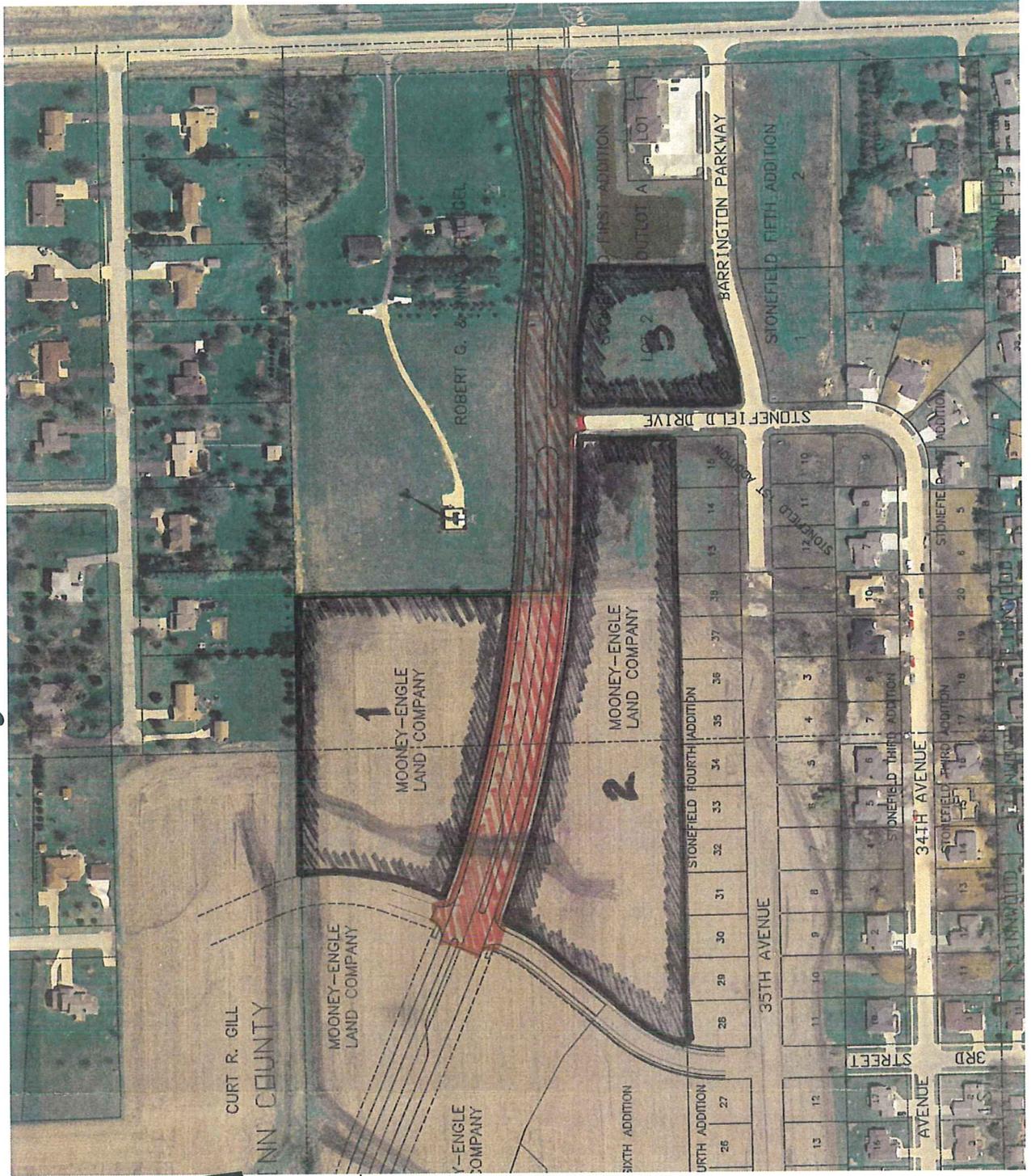
Total Rating: 53

Jobs: 210

STAFF RECOMMENDATION:

Award a grant of \$363,868 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.

# City of Marion



**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2011-51  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2011  
 Title Revitalize Iowa's Sound Economy (RISE) Application – Dubuque (Delegation)

**DISCUSSION/BACKGROUND:**

The city of Dubuque submitted a RISE Local Development application in the February 2011 round requesting a grant to assist in the construction of left- and right-turn lanes on U.S. 61 and approximately 500 feet of new roadway to provide access to 50 acres for industrial and manufacturing purposes in the Dubuque Regional Airport Industrial Park located on the south side of town.

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 \$287,891 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 \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

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

PPM-2011-51

Craig Markley, Office of Systems Planning, presented at RISE local development application from the city of Dubuque to construct left- and right-turn lanes on U.S. 61 and approximately 500 feet of new roadway. This project is necessary to provide access to 50 acres for industrial and manufacturing purposes in the Dubuque Regional Airport Industrial Park located on the south side of town. Under our RISE local development criteria, this project received a rating of 36 points. The total estimated project cost is \$575,781. The city is requesting a RISE grant of \$287,891 and will provide a 50 percent local match. He introduced Todd Dalsing, Airport Manager.

Mr. Dalsing introduced Jerry Schroeder, East Central Intergovernmental Association. On behalf of the Dubuque mayor, city council, airport commission and staff, he expressed appreciation for the Commission's consideration of this project. Mr. Markley reviewed staff's recommendation.

Commissioner Miles moved, Commissioner Sawtelle seconded the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$287,891 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

RISE LOCAL DEVELOPMENT FUNDING  
February 2011  
SUMMARY

Applicant: City of Dubuque

Multiyear?: No

Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct left- and right-turn lanes on U.S. 61 and approximately 500 feet of new roadway in the Dubuque Regional Airport Industrial Park located on the south side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: The roadway will provide access to 50 acres for industrial and manufacturing purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$575,781	Local Match (Total):	\$287,890
RISE (Total):	\$287,891	Up-Front:	\$287,890
Grant:	\$287,891	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0	Up-front Participation Sources:	
	Int.: 0 %	Private:	
		Public:	\$287,890
		Local Match (Total):	\$287,890

PROJECT EVALUATION:

Development Potential (35):	10
Economic Impact and Cost Effect. (20):	8
Local Commit. and Initiative (35):	11
Transportation Need (4):	3
Local Economic Need (6):	4

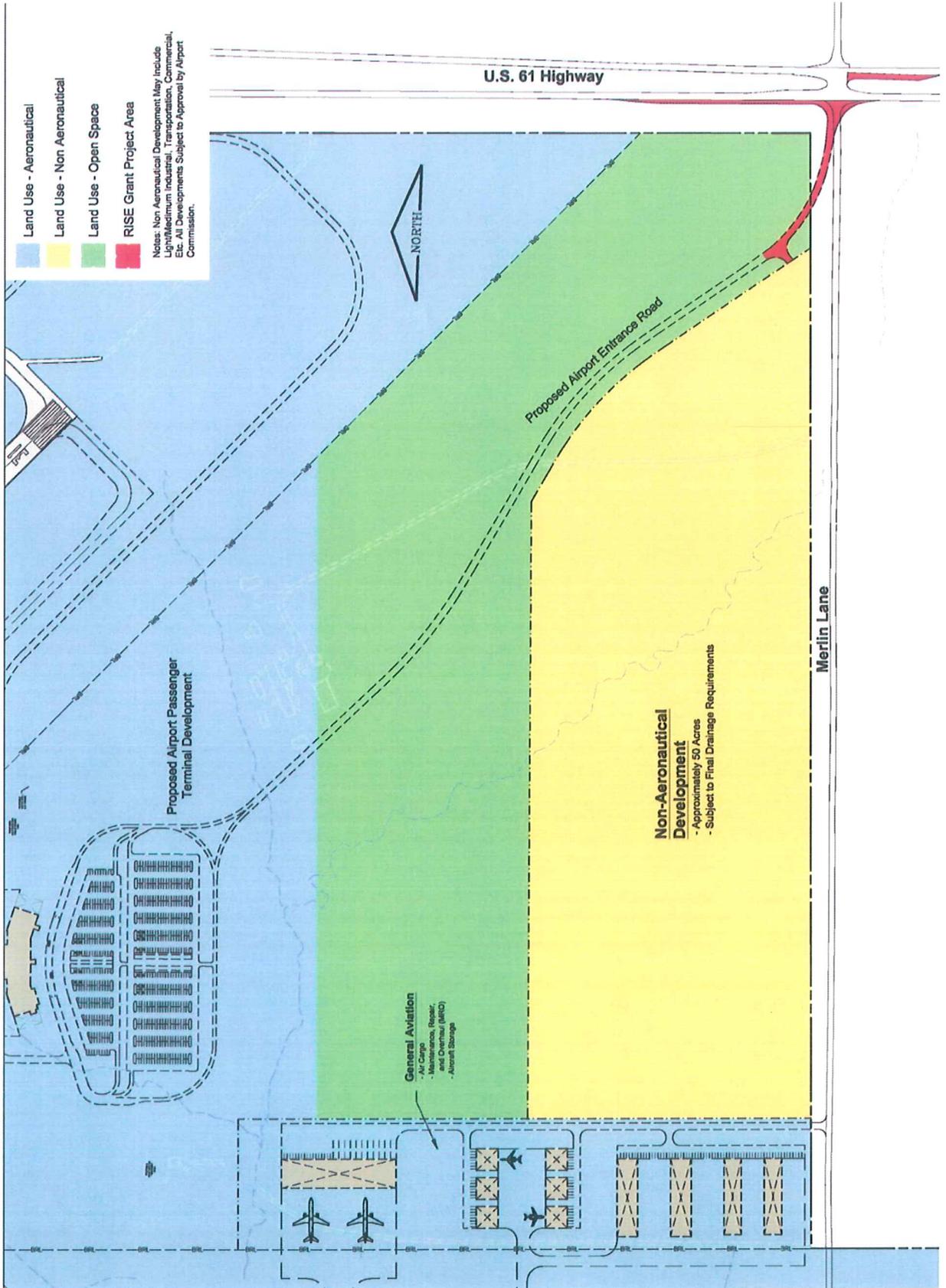
Total Rating: 36

Jobs: 0

STAFF RECOMMENDATION:

Award a grant of \$287,891 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.

# City of Dubuque



**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2011-52  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2011  
 Title Revitalize Iowa's Sound Economy (RISE) Application – Palo Alto County (Delegation)

**DISCUSSION/BACKGROUND:**

Palo Alto County submitted a RISE Immediate Opportunity application requesting a grant to assist in the reconstruction of approximately 5,277 feet of 390<sup>th</sup> Street east from Iowa 4 and 2,784 feet of 470<sup>th</sup> Avenue north to the project site located just south of Emmetsburg.

These improvements are necessary to provide access to the site of the proposed POET - Project LIBERTY cellulosic ethanol facility. This company conforms to the legislative requirements of the RISE program.

The roadway will support:

- The creation of 35 new jobs at this facility.
- \$250 million in associated capital investment.

The RISE cost per job assisted will be \$10,000, and there will be a total capital investment of \$714.29 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 \$350,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE fund.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

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

PPM-2011-52

Craig Markley, Office of Systems Planning, reviewed a RISE immediate opportunity application from Palo Alto county to reconstruct approximately 5,277 feet of 390<sup>th</sup> Street east from Iowa 4 and 2,784 feet of 470<sup>th</sup> Avenue north to the project site located just south of Emmetsburg. The completed improvements will provide necessary access to the proposed POET – Project LIBERTY cellulosic ethanol facility. The proposed improvements will result in the creation of 35 jobs within two years along with \$250 million in associated capital investments. The average starting wage of the positions to be created is \$17.40 which is 137 percent of the Palo Alto county wage rate of \$12.73 per hour.

Mr. Markley said the RISE grant recommended is \$350,000. Local participation is 80 percent or \$1,417,098 with a total cost of \$1,767,098. RISE cost per job assisted is \$10,000, and total capital investment per RISE dollar is \$714.29. He introduced Joe Fantz, Palo Alto County Engineer.

Mr. Fantz noted Jim Sturdeuant, is participating by phone. Mr. Sturdeuant is in charge of the overall corporate project development with responsibility for both the cellulosic ethanol plant which is Project LIBERTY and the adjacent ethanol plant project. The success of ethanol from corn stover has implications for Palo Alto county and they want to see it succeed as well as for the state and nationally. One of the legs to that success is a good transportation system, and he expressed appreciation for the Commission's consideration of their RISE application.

Mr. Markley reviewed staff's recommendation.

Commissioner Cleaveland moved, Commissioner Reasner seconded the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$350,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE fund. All voted aye.

**RISE Immediate Opportunity Funding  
Economic Analysis Summary**

**GENERAL INFORMATION**

**Applicant:** Palo Alto County

**Project Location and Description:** The project is located on the north central part of Palo Alto County just south of Emmetsburg. The county proposes to reconstruct approximately 5,277 feet of 390<sup>th</sup> Street east from Iowa 4 and 2,784 feet of 470<sup>th</sup> Avenue north to the project site.

**Associated Economic Development:** The project provides necessary access to support the proposed POET - Project LIBERTY cellulosic ethanol facility. The project will result in the creation of 35 new jobs and a capital investment of \$250 million.

**ECONOMIC IMPACT**

**Total Roadway Project Cost:** \$1,767,098

**RISE Funds Requested:** \$350,000; **Grant:** \$350,000; **Loan \$----**

**Effective Project Cost to RISE Program:** \$350,000

**Local Participation:** \$1,417,098; **Sources:** Palo Alto County

**Non-RISE Total Capital Investment:** \$250,000,000

(**Public:** \$4,600,000; **Private:** \$245,400,000)

**Direct Jobs Created:** 35; (**Other, Potential Future Jobs:** 0)

**Direct Jobs Retained:** 0; **Total Direct Jobs Assisted, Short-Term:** 35

**Number of Existing Jobs:** 0

**Project Average Wage Rate of New Jobs:** \$17.40/hr.

**100% Palo Alto County Average Wage Rate:** \$12.73/hr.

**KEY RATIOS**

**Local Match Ratio:** 80% (\$1,417,098/\$1,767,098)

**RISE Cost Per Job Assisted (Created):** \$350,000/35 = \$10,000.00

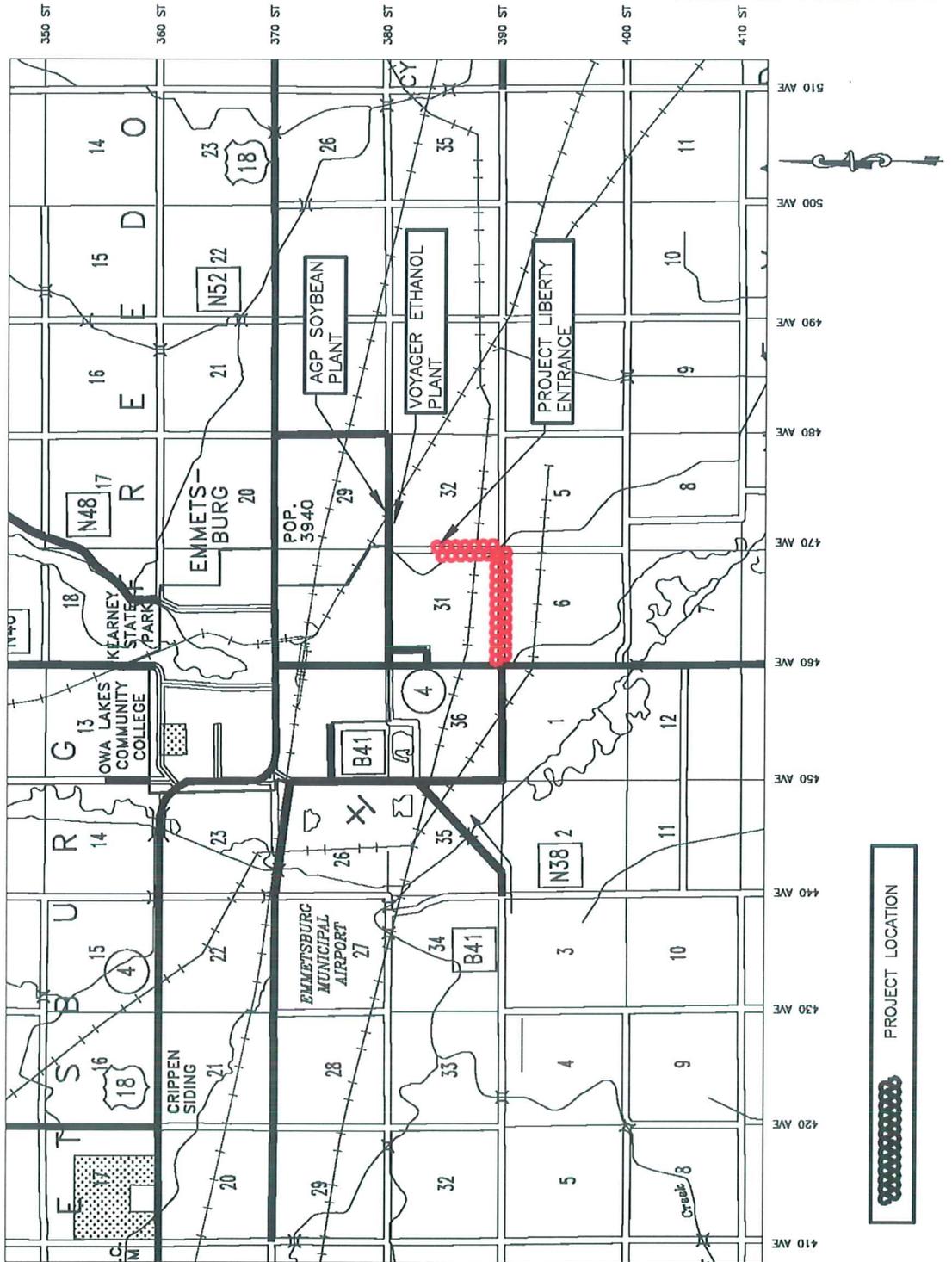
**Total Capital Investment Per RISE Dollar:** \$250,000,000/\$350,000= \$714.29

**CONCLUSIONS**

**Narrative:** Based on the capital investment and job creation commitments, staff recommends a grant of \$350,000 or up to 80 percent of total RISE-eligible project costs, whichever is less, from the county share of the RISE fund.

# Palo Alto County

## ITEM D: AREA MAP



**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2011-53  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2011  
 Title Revitalize Iowa's Sound Economy (RISE) Default and Proposed Settlement – Urbandale

**DISCUSSION/BACKGROUND:**

On Aug. 3, 1999, the city of Urbandale was awarded a RISE grant of \$2 million to reconstruct the I-35/80 and Douglas Avenue interchange and the improvement of 109<sup>th</sup> Street and 111<sup>th</sup> Street intersections with Douglas Avenue.

Commission approval of this project was contingent on the number of acres to be developed. The RISE project enhanced access to a 374-acre area, of which up to 59 acres would be allowed for non-RISE eligible activities. In January 2011, the city notified staff that a potential non-RISE eligible development was under consideration that would exceed the maximum allowable acreage of non-RISE eligible development by 18.481 acres. This is equivalent to 5.87 percent of the acreage committed to RISE eligible development; therefore, the default amount proposed is \$117,340, which is 5.87 percent of the RISE grant awarded. The city of Urbandale has requested a default to permit this non-RISE eligible development and has agreed to repay the proposed \$117,340 default settlement by lump sum payment.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the default and proposed settlement of \$117,340 for the city of Urbandale.

**COMMISSION ACTION:**

Moved by Sawtelle Seconded by Miles

	Aye	Vote Nay	Pass
Blouin	X		
Cleveland	X		
Miles	X		
Reasner	X		
Sawtelle	X		
Wiley	X		
Yanney	X		

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

**IOWA DEPARTMENT OF TRANSPORTATION**  
**PUBLIC INPUT MEETING**  
Clarion Hotel & Convention Center  
525 33<sup>rd</sup> Avenue, SW, Cedar Rapids  
April 12, 2011

<u>TIME</u>	<u>DELEGATION</u>	<u>SPOKESPERSON</u>
8:30 am	Opening Remarks	Don C. Wiley, Commission Chair
8:30 am	Cedar Rapids	Mayor Ron J. Corbett
8:50 am	East Central Iowa Council of Governments	Doug Elliott
8:55 am	Tower Terrace Corridor	Lon Pluckhahn
9:10 am	Mount Vernon	Dan Boggs
9:15 am	Lisbon	Chris Yancey
9:20 am	Cedar County	Rob Fangmann
9:25 am	Iowa City	Jeff Davidson
9:40 am	Coralville	Dan Holderness
9:50 am	Bi-State Regional Commission	Denise Bulat
10:05 am	Break	
10:15 am	South Central Iowa Transportation Coalition	Beth Danowsky
10:25 am	Amtrak	Derrick L. James
10:40 am	U.S. 30 Coalition	Edith Pfeffer
10:55 am	Dyersville Economic Development Corporation	Mayor Jim Heavens/ Jacque Rahe
11:10 am	Nevada	Elizabeth Hansen
11:25 am	Fort Dodge	Chad Schaeffer/ Stephanie Houk Sheetz
11:40 am	Unscheduled Delegations Clinton Economic Development Corp. L.L. Pelling Company U.S. 30 1,000 Friends of Iowa	Mike Kearney Chuck Finnegan Joe Aussey Shearon Elderkin