

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, May 13, 2008
 Materials Conference Room
 Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2008-64 8:00 a.m.	*Election of Commission Officers	Barry Cleaveland	1
D-2008-65	*Approving Minutes of the April 8, 2008, Commission Meeting in Des Moines	Connie Page	2
	Commission Comments		
	Staff Comments		
MV-2008-66 8:05 a.m.	*Administrative Rule – Chapter 529 Interstate Motor Carrier Authority	Nancy Richardson	3
MV-2008-67	*Administrative Rule – Chapter 520 Regulations Applicable to Carriers	Nancy Richardson	7
H-2008-68	*Administrative Rule – Chapter 117 Outdoor Advertising	Nancy Richardson	15
PPM-2008-69 8:10 a.m.	*Statewide Transportation Enhancement Program Funding – Rails to Trails	Stuart Anderson	31
PPM-2008-70 8:15 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Iowa County (Delegation)	Stuart Anderson	32
PPM-2008-71	*Revitalize Iowa's Sound Economy (RISE) Application – Clarke County (Delegation)	Stuart Anderson	33
PPM-2008-72	*Revitalize Iowa's Sound Economy (RISE) Application – City of Boone (Delegation)	Stuart Anderson	34
PPM-2008-73	*Revitalize Iowa's Sound Economy (RISE) Application – City of Newton (Delegation)	Stuart Anderson	35
PPM-2008-74 8:30 a.m.	Draft 2009 through 2013 Transportation Improvement Program	Jon Ranney	36
8:35 a.m.	Adjourn		

*Action Item

On Monday, May 12, the Commission and staff will meet informally at 3:00 p.m. in the Materials conference room at the DOT complex in Ames. Transportation-related matters may be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2008-65
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date May 13, 2008
Title Approving Minutes of the April 8, 2008, Commission Meeting in Des Moines

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the April 8, 2008, Commission meeting in Des Moines.

COMMISSION ACTION:

Moved by Cleaveland Seconded by Wiley

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	<u> </u>	<u> </u>
Cleaveland	<u>X</u>	<u> </u>	<u> </u>
Crawford	<u>X</u>	<u> </u>	<u> </u>
Durham	<u>X</u>	<u> </u>	<u> </u>
Reasner	<u>X</u>	<u> </u>	<u> </u>
Sawtelle	<u>X</u>	<u> </u>	<u> </u>
Wiley	<u>X</u>	<u> </u>	<u> </u>

Division Director Legal State Director

Note: Commissioner Wayne Sawtelle participated in the meeting by telephone.

Commission Comments:

1. Thanks to Chairman Cleaveland

On behalf of the commission, Chairwoman Crawford presented Commissioner Cleaveland with a gavel in appreciation of his leadership as Commission chairman. She said Commissioner Cleaveland pushed the Commission forward in thinking differently about some of the things we do, and she is pleased Commissioner Cleaveland will continue to serve on the Commission.

2. Welcome to Commissioners Durham and Reasner

Chairwoman Crawford, on behalf of the Commission, introduced and welcomed Debi Durham of Sioux City and Amy Reasner of Cedar Rapids to the Commission. It is always great for the Commission to get new insights into the work we do. We continue to be challenged in regard to funding our transportation initiatives so the more good ideas and best practices we can get from new people is always welcomed.

3. Ribbon Cutting at Remodeled Rest Area/Welcome Center near Underwood

Commissioner Cleaveland said last week he had the privilege of attending a ribbon cutting for a remodeled rest area/welcome center that opened on the western side of the state. It is the first rest area on I-80 when entering the state from the west. It is a very nice facility, and he encouraged people to stop and learn some history about the area.

Ms. Richardson said it was the first time she used a pruning shears to cut a grapevine, instead of a ribbon, that had been donated by a local winery. Commissioner Cleaveland said when he was a child a lot of grapes were grown in the area and there has been a resurgence of wineries in the region. The grapevine "ribbon" was a way to give recognition to those.

4. TIME-21 Bill Signing

Chairwoman Crawford said she and Commissioner Cleaveland attended the signing of the TIME-21 bill. That was a milestone because it was the result of the TIME-21 study that Ms. Richardson and staff put together that precipitated the work we are seeing now. As months go on, the Commission will be talking about some new initiatives and modifications to some existing work that we might be able to do as a result of the funding we will get as a result of TIME-21. The Commission is appreciative the Governor and legislature saw the need that we saw to get this done.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2008-66
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date May 13, 2008
TITLE Administrative Rule - Chapter 529 "Interstate Motor Carrier Authority"

DISCUSSION/BACKGROUND:

This rule adopts the current Code of Federal Regulations, 49 CFR, Parts 365-368 and 370-379, dated October 1, 2007, to register and enforce interstate for-hire authority.

The period for public comment will end on April 29, 2008, and no comments are anticipated.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the rules.

COMMISSION ACTION:

Moved by Blouin Seconded by Wiley

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	<u> </u>	<u> </u>
Cleaveland	<u>X</u>	<u> </u>	<u> </u>
Crawford	<u>X</u>	<u> </u>	<u> </u>
Durham	<u>X</u>	<u> </u>	<u> </u>
Reasner	<u>X</u>	<u> </u>	<u> </u>
Sawtelle	<u>X</u>	<u> </u>	<u> </u>
Wiley	<u>X</u>	<u> </u>	<u> </u>

Division Director Finance (if \$ involved) Legal State Director

Filed Date	
ARC Number	
Publication Date	4-9-08

TRANSPORTATION DEPARTMENT [761]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 529, "For-Hire Interstate Motor Carrier Authority," Iowa Administrative Code.

Because the Code of Federal Regulations (CFR) was updated in October 2007, the Department must cite the current version in the administrative rules. The amendments to the Federal Motor Carrier Safety Regulations (FMCSR) that have become final and effective since the 2006 edition of the CFR are listed in the information below. The parts affected are followed by the Federal Register (FR) citations.

Amendments to the FMCSR

Part 365 (FR Vol. 72, No. 189, Page 55697, 10-1-07)

This final rule makes technical corrections throughout 49 CFR, Subtitle B, Chapter III. In 2007, the Federal Motor Carrier Safety Administration moved to 1200 New Jersey Avenue, SE., Washington, DC 20590. This rule changes obsolete references to the old address in Part 365. Effective date: October 1, 2007.

Part 367 (FR Vol. 72, No. 164, Page 48585, 8-24-07)

This final rule establishes initial fees for 2007 and a fee bracket structure for the Unified Carrier Registration Agreement. This action is required under the Uniform Carrier Registration Act of

2005, enacted as Subtitle C of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Unified Carrier Registration Agreement replaced the Single State Registration System. Effective date: August 24, 2007.

Part 375 (FR Vol. 72, No. 128, Page 36760, 7-5-07)

This final rule adopts certain regulations required by SAFETEA-LU. The changes to Part 375 relate to interstate transportation of household goods. Definitions were amended and other conforming changes were adopted to comply with the statutory directives. Effective date: September 4, 2007.

Any person or agency may submit written comments concerning this proposed amendment or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than April 29, 2008.

A meeting to hear requested oral presentations is scheduled for Thursday, May 1, 2008, at 9 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendment may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by May 12, 2008.

This amendment is intended to implement Iowa Code chapter 327B.

Proposed rule-making action:

Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2006~~ 2007, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or through the Internet at <http://www.fmcsa.dot.gov>.

DATE

NANCY J. RICHARDSON, DIRECTOR

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2008-67
Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date May 13, 2008
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 Administrative Rule 761, Chapter 520. This amendment will reflect changes in the 2007 Title 49 Code of Federal Regulations, Parts 107, 171-173, 177-178, 180, 385, and 390-399.

The period for public comment will end on April 29, 2008, and no comments are anticipated.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by Blouin Seconded by Wiley

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	<u> </u>	<u> </u>
Cleaveland	<u>X</u>	<u> </u>	<u> </u>
Crawford	<u>X</u>	<u> </u>	<u> </u>
Durham	<u>X</u>	<u> </u>	<u> </u>
Reasner	<u>X</u>	<u> </u>	<u> </u>
Sawtelle	<u>X</u>	<u> </u>	<u> </u>
Wiley	<u>X</u>	<u> </u>	<u> </u>

Division Director Legal State Director

Filed Date	
ARC Number	
Publication Date	4-9-08

TRANSPORTATION DEPARTMENT [761]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

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. Although revised editions of 49 CFR are usually dated October or November, the publication is not actually available in Iowa for several months after that date.

The amendments to the FMCSR and the HMR that have become final and effective since the 2006 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

Part 173 (FR Vol. 71, No. 242, Page 75679, 12-18-06)

This CFR correction to Section 173.302a in 49 CFR, Parts 100 to 185, reinstates the second sentence of paragraph "d" pertaining to the maximum filling density of a cylinder containing diborane, which was inadvertently omitted from the original text. Effective date: December 18, 2006.

Parts 171, 172, 173, 178 and 180 (FR Vol. 71, No. 250, Pages 78596-78635, 12-29-06)

This final rule revised the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. These revisions will harmonize the HMR with changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods. Effective date: January 1, 2007.

Part 393 (FR Vol. 72, No. 43, Pages 9855-9871, 03-06-07)

This final rule amends the FMCSR to allow the use of automatic hydraulic inertia brake systems

(surge brakes) on trailers when the ratios of gross vehicle weight ratings (GVWR) for the towing vehicle and trailer are within certain limits. A surge brake is a self-contained, permanently closed hydraulic brake system activated in response to the braking action of the towing vehicle. The amount of braking force developed by the trailer surge-brake system is proportional to the ratio of the towing vehicle to trailer weight and deceleration rate of the towing vehicle. Effective date: April 5, 2007.

Part 107 (FR Vol. 72, No. 85, Pages 24536-24539, 05-03-07)

This final rule amends the statutorily mandated registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. This final rule eliminated a 24-hour, seven-days-per-week telephonic expedited registration system and adopted an exception from registration requirements for Indian tribes. There was no increase in registration fees in this final rule. Effective date: June 30, 2007.

Parts 171, 172, and 173 (FR Vol. 72, No. 85, Pages 25162-25177, 05-03-07)

This final rule amends the HMR to revise and consolidate the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the International Maritime Dangerous Goods Code, Transport Canada's Transportation of Dangerous Goods Regulations, and the International Atomic Energy Agency's Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. The revisions and reformatting provide a user-friendly format to promote understanding of the conditions and limitations on the use of international standards and regulations. In addition, the Pipeline and Hazardous Materials Safety Administration authorizes the use in domestic transportation of portable tanks, cargo tank motor vehicles, and rail tank cars manufactured in accordance with Transport Canada's Transportation of Dangerous Goods Regulations. Effective date: October 1, 2007.

Part 393 (FR Vol. 72, No. 111, Pages 32011-32014, 06-11-07)

This final rule amends the FMCSR in response to a petition for reconsideration filed by the Truck Manufacturers Association. As requested by the petitioner, this amendment resolves an inconsistency between the Federal Motor Carrier Safety Administration's FMCSR and the National Highway Traffic Safety Administration's FMCSR regarding the location and placement of identification lamps on commercial motor vehicles. Effective date: July 11, 2007.

Part 393 (FR Vol. 72, No. 116, Page 33562, 06-18-07)

This CFR correction relates to a typographical error in the final rule issued on June 11, 2007. Effective date: July 11, 2007.

Parts 385, 390, and 395 (FR Vol. 72, No. 128, Pages 36760-36791, 07-05-07)

This final rule relates to certain regulations required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These regulations govern state compliance plans under the Motor Carrier Safety Assistance Program; withholding of federal-aid highway funds based on state noncompliance with the Commercial Driver's License Program; intrastate operations of interstate motor carriers; civil penalties and disqualifications for violations of out-of-service orders; civil penalties for denial of access to records and property and for violations of statutes and regulations governing hazardous materials transportation; exemption from the federal hours-of-service regulations for operators of commercial motor vehicles engaged in certain defined operations; exemption of drivers of propane service or pipeline emergency vehicles during emergency conditions requiring immediate response; and interstate transportation of household goods. The SAFETEA-LU provisions requiring these rules became effective on August 10, 2005. Adoption of the rules is a nondiscretionary ministerial action that was taken without

issuing a notice of proposed rule making and receiving public comment, in accordance with an exception available to federal agencies under the Administrative Procedure Act. Effective date: September 4, 2007

Part 393 (FR Vol. 72, No. 151, Pages 44035-44036, 08-07-07)

This final rule amends Part 393 of the FMCSR concerning parts and accessories necessary for safe operation in response to a petition for rule making filed by JHT Holdings, Inc. The petitioner requested that the previous provision excepting driveaway-towaway operations from supplying each power unit with a fire extinguisher be reinstated. This amendment is intended to correct that inadvertent omission in the final rule issued on August 15, 2005, by reinstating the exception language which was omitted during a previous revision. Effective date: September 6, 2007.

Part 171 (FR Vol. 72, No. 188, Pages 55090-55091, 09-28-07)

This final rule provides correction to errors in the final rule issued on May 3, 2007, by the Pipeline and Hazardous Materials Safety Administration which revised HMR Parts 171-180 to be consistent with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the International Maritime Dangerous Goods Code, Transport Canada's Transportation of Dangerous Goods Regulations, and the International Atomic Energy Agency Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. Effective date: September 28, 2007.

Parts 107, 171, 172, 173, 178 and 180 (FR Vol. 72, No. 189, Pages 55678-55697, 10-01-07)

This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. 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 that do not impose new requirements. Effective date: October 1, 2007.

Parts 385, 390, 391, 392, 393, 395, and 397 (FR Vol. 72, No. 189, Pages 55697-55704, 10-01-07)

This final rule makes technical corrections throughout 49 CFR, Subtitle B, Chapter III. In 2007, the Federal Motor Carrier Safety Administration moved to 1200 New Jersey Avenue, SE, Washington, DC 20590. This rule changes obsolete references to the old address. In addition, the rule makes minor editorial changes to correct errors and omissions and improve clarity. This rule does not make any substantive changes to the affected parts of the FMCSR. Effective date: October 1, 2007.

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. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address:

tracy.george@dot.iowa.gov.

5. Be received by the Office of Policy and Legislative Services no later than April 29, 2008.

A meeting to hear requested oral presentations is scheduled for Thursday, May 1, 2008, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by May 12, 2008.

These amendments are intended to implement Iowa Code chapter 321.

Proposed 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
the
Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2006~~2007).

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, ~~2006~~2007).

DATE

NANCY J. RICHARDSON, DIRECTOR

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. H-2008-68

Submitted by Nancy J. Richardson Phone No. 515-239-1111 Meeting Date May 13, 2008

Title Administrative Rules 761 IAC Chapter 117, Outdoor Advertising

DISCUSSION/BACKGROUND:

Rule 761- 117 "Outdoor Advertising" is being amended. A brief summary of the changes is as follows.

Development directory signs

Last year the Iowa Legislature amended Iowa Code chapter 306C. This amendment allowed on-premise signs (traditionally restricted to the same property as the activity advertised on the sign) to be located on any of the properties within a commercial or industrial development, regardless of land ownership. This amendment has caused some concern with FHWA and needs to be clarified in order for the State of Iowa to remain in compliance with the National Standards to keep our full Annual Federal Aid Highway Apportionment. FHWA headquarters in Washington, D.C. has approved the language we proposed for this new rule.

Clarify the word "area"

In 2002 the Iowa Legislature amended Iowa Code Chapter 306B, eliminating an outdated requirement that restricted outdoor advertising signs along interstates to areas zoned commercial or industrial prior to Sept. 21, 1959. The amendment required outdoor advertising signs to be limited to an "area zoned and used for commercial or industrial purposes." Unfortunately, the word "area" is too vague and has been the subject of contested case hearings. Subrule 117.5(5) is amended to clarify that outdoor advertising signs be restricted to locations within 750 feet of the regularly used portion of a commercial or industrial activity visible from the interstate and on the same property as the sign. This is to avoid unnecessary proliferation of outdoor advertising on properties that may have commercial zoning but lack the presence of commercial activity in the vicinity of the proposed outdoor advertising sign.

LED displays allowed

Last September FHWA issued guidance to the states regarding the use of light-emitting-diodes (LED) as an acceptable method of displaying copy on a conforming outdoor advertising sign. The use of flashing, intermittent or moving lights has been prohibited and continues to be prohibited on outdoor advertising signs. However, if the message is held static for at least eight seconds and the transition to the following message takes place within one second (absent any scrolling or movement), the signs are not to be considered in violation of this prohibition. Our language in subrule 117.3(1) is patterned after the guidance issued by FHWA.

Eliminate municipal, county and school district recognition signs

2006 Iowa Code changes eliminated permit requirements for these sign programs. Recognition signs are official signs and notices that may be erected without department approval.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rules.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

Division Director Legal State Director

D-2008-68

Nancy Richardson, Director, said this administrative rule has four changes pertaining to outdoor advertising:

- On-premise signs. Ms. Richardson said a code change a year ago expanded the opportunities for on-premise signs to be located on properties within a commercial or industrial development regardless of land ownership rather than being restricted to the business that the advertisement was about. There was some concern by the Federal Highway Administration (FHWA) regarding the way that was written in Code so we clarified that to make sure we were in compliance with federal requirements and that our funding was not jeopardized.
- Prior to 1959 outdoor advertising signs were restricted to an area zoned commercial or industrial. An effort a few years ago eliminated the 1959 requirement. When that change was made, the term “area” was used to define the zoned piece which created some confusion and resulted in a number of contested case hearings. This is an effort to clarify the language and defines the area by number of feet.
- LED (light-emitting-diodes) signs can now be used as an acceptable method of displaying copy on outdoor advertising signs. Like all states, we received guidance from FHWA last fall regarding the use of LED signs so we are updating our rules to be in concert with what is allowable. The use of flashing, intermittent or moving lights is still prohibited. The rules will require that messages be held static for at least eight seconds and the transfer from one message to another needs to occur within a second without blinking or scrolling. Our language is patterned after the guidance provided by the federal government.
- Eliminate the need for permitting municipal, county, or school district recognition signs. Those can be done without Department approval and no longer require a permitting process.

Ms. Richardson said this proposed rule change received one comment from a sign company expressing some concern; however, the outdoor advertising organization of the state that represents all of the companies has been working on this with us and supports it.

Commissioner Blouin moved, Commissioner Wiley seconded the Commission approve the administrative rules. All voted aye.

ITEM 1. Amend rule 761—117.1(306B,306C) as follows:

761—117.1(306B,306C) Definitions. The definitions in Iowa Code section 306C.10 are adopted. In addition:

“Abandoned sign” means an advertising device for which the owner has failed to timely apply for the required outdoor advertising permit(s) or has failed to timely pay the required fee(s).

“Area zoned and used for commercial or industrial purposes” means an area zoned for commercial or industrial purposes in accordance with Iowa Code chapter 414~~2~~, in the case of city zoning, or in accordance with Iowa Code chapter 335, in the case of county zoning, in which one or more commercial or industrial activities, as defined under the city or county zoning ordinance, are located.

“Billboard control Act” means Iowa Code chapter 306C, division II.

“Bonus Act” means Iowa Code chapter 306B.

“Daylight area” means a triangular area formed by a line connecting two points each back (50 feet in city, 100 feet in unincorporated area) from the point where the right of way lines of the main traveled way and an intersecting street meet or would meet if extended.

“Development directory sign” means the same as defined in rule 761—117.15(306C).

“Directional and official signs and notices” means official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs,~~and municipal, county and school district recognition signs.~~

“Directional sign” means a sign governed by 761—Chapter 120.

“Face” means that part of an advertising device that is devoted to the display of advertising and that is visible to traffic proceeding in any one direction.

“Interchange” means the entire area constructed for a junction of two or more public streets

or highways by a system of separate levels that permit traffic to pass from one level to another without the crossing of traffic streams. This includes all acceleration and deceleration lanes constructed to accommodate this movement of traffic.

“Lease” means an agreement, oral or written, by which possession or use of land or interests therein are given by the owner or other person to another person for a specified purpose.

“LED display” means a face, as defined herein, displaying a message that is formed by light emitting diodes and that is changed by an electronic process. An LED display is a single face.

“Modification” means any addition to or change in dimensions, lighting, structure or advertising face, except as incidental to the customary maintenance of an advertising device.

1. A change in the number or type of support posts is a modification. A change in dimensions, ~~other than the addition of extensions or cutouts (including forward projecting) for a period of 90 days or less,~~ is a modification. However, the addition of extensions or cutouts, including forward projecting, is not a modification if the extensions or cutouts are added for a period of 90 days or less and if they are illuminated only by existing sign lighting and do not contain internal lighting.

2. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.

3. On an advertising device that conforms to all current requirements, the replacement of one metal-framed face with another metal-framed face of the same size, using dissimilar component parts or assembly methods or both, is not a modification.

4. The addition of LED display capabilities to an advertising device is a modification.

~~“Municipal, county or school district recognition sign” means an official recognition sign erected and maintained by a city, county or school district within its territorial or zoning jurisdiction. The recognition sign is limited to displaying a message that identifies the city,~~

~~county or school district and its boundaries, public services, and noncommercial attractions of a scenic, historical, cultural, scientific, educational or recreational nature that are located therein.~~

“Nonconforming sign” means an advertising device that was lawfully erected and continues to be lawfully maintained, but that does not comply fully with current size and spacing requirements due to changed conditions, such as a change in zoning, establishment of a new highway, or a similar change that affects compliance.

“Obsolete sign” means an advertising device displaying information pertaining to activities that are no longer conducted or products or services that are no longer available at the advertised location.

“Official sign or notice” means a sign or notice lawfully erected and maintained by a city, county or public agency within its territorial or zoning jurisdiction for the purpose of carrying out an official duty or responsibility. The definition includes a historical marker lawfully erected by a state or local government agency or a nonprofit historical society.

“On-premises sign” or “on-property sign” means an advertising device advertising the sale or lease of, or activities being conducted upon, the property where the sign is located. The criteria to be used to determine if an advertising device qualifies as on-premises signing, excluding development directory signing, include but are not limited to the following:

1. to 7. No change.

“Public utility sign” means a warning or informational sign, notice or marker that is customarily erected and maintained by a publicly or privately owned utility to mark the location of a utility facility.

“Regularly used” means open for business and staffed by an owner or employee for at least 20 hours per week, on property assessed as commercial or industrial by the jurisdiction having authority; the hours of operation must be visibly posted on the premises. The department may delay action on the permit application for up to 180 days from the date of the application in

order to conduct periodic checks on the site as necessary to determine whether the purported commercial or industrial activity meets this definition. A rental storage business is excepted from the staffing requirement if it has 24-hour access for customers and a minimum of 50 units, each occupying at least 50 square feet, individually separated, and enclosed by walls.

“Scenic area” means any area of particular scenic beauty or historical significance, as determined by the federal, state or local officials having jurisdiction of the area. It includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

“Service club or religious notice” means a sign displaying a message that is limited to the name of a nonprofit service club, charitable association, ~~or~~ church or religious group or cemetery, the location and hours of its meetings or services or the hours it is open to the public, and an appropriate emblem.

“Tri-face device” means an advertising device with three singular faces attached to one common structure in a triangular configuration. The maximum area of any face is 750 square feet. The inside angle formed by any two faces may not exceed 60 degrees.

“Tri-vision device” means an advertising device that has an advertising face with a mechanical device that allows three advertising messages to be alternately visible to traffic proceeding in any one direction. Each message is attached to individual vertical or horizontal louvers, which are mechanically rotated to change the message.

ITEM 2. Amend subrules 117.2(3) to 117.2(5) as follows:

117.2(3) Unauthorized signs, signals, or markings (~~321.259~~). ~~In addition to the provisions of these rules, any~~ Any sign, signal, marking or device prohibited by Iowa Code section 321.259 is a public nuisance and shall be removed by the department if it is within ~~its~~ the department's jurisdiction.

117.2(4) ~~Obstruction of Advertising devices obstructing the view of a highway or railway (319.10, 657.2(7)). In addition to these rules, any~~ Any advertising device, any other provision to the contrary notwithstanding, which that obstructs the view of any portion of a public highway, public street, avenue, boulevard, alley, street, railroad, or railway track as to render dangerous the use of a public highway track in violation of Iowa Code section 319.10 and subsection 318.11(2) or 657.2(7); is a public nuisance, ~~and shall be enforced accordingly which shall be abated as provided in Iowa Code chapter 657.~~

117.2(5) Advertising devices within the right of way ~~(319.12). In addition to these rules, any~~ Any advertising device placed or erected within the right of way of any primary interstate, freeway-primary, or interstate primary highway, except signs or devices authorized by law or approved by the department, in violation of is an obstruction in the highway right of way and violates Iowa Code section 319.12 318.3 and subsection 318.11(1) shall be removed and the costs assessed against the owner of the sign or device as provided by Iowa Code section 319.13. In accordance with Iowa Code sections 318.4 and 318.5, the department shall remove the advertising device and assess the cost of removal against the owner of the device.

ITEM 3. Amend subrule 117.3(1), paragraphs "e," "f" and "m," as follows:

e. No off-premises sign shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. No on-premises sign located within the adjacent area of an interstate highway but outside an area zoned and used for commercial or industrial purposes, as defined in rule 761—117.1(306B,306C), shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information ~~shall be~~ is subject to department approval by the department. This paragraph does not prohibit an LED display,

provided:

(1) Each change of message is accomplished in one second or less.

(2) Each message remains in a fixed position for at least eight seconds.

(3) No traveling messages (e.g., moving messages, animated messages, full-motion video, scrolling text messages) or segmented messages are presented.

f. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any highway, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle. This paragraph does not prohibit an LED display provided the light intensity presented does not exceed that allowed for other illuminated displays.

m. An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if the advertising device is visible from the main traveled way of any interstate, freeway-primary, or primary highway except for on-premises signs and ~~municipal, county and school district recognition signs~~ official signs and notices.

ITEM 4. Amend paragraphs 117.3(1)“h,” 117.6(4)“d,” 117.6(5)“c,” and 117.6(9)“b” and subrules 117.6(7) and 117.6(8) by striking the phrase “subrule 117.8(2) or 117.8(3), as applicable” and inserting the phrase “subrule 117.8(1)” in lieu thereof.

ITEM 5. Amend subrule 117.5(5) as follows:

117.5(5) Advertising devices erected after July 1, 1972. Except as otherwise provided in this chapter, an advertising device which is visible from the main traveled way of any interstate, freeway-primary, or primary highway shall not be erected after July 1, 1972, or subsequently maintained within the adjacent area unless the advertising device complies with the following:

a. No change.

b. Commercial or industrial area.

(1) An advertising device visible from the main traveled way of an interstate highway must be located within an area zoned and used for commercial or industrial purposes, as defined in rule 761—117.1(306B,306C); within 750 feet of the regularly used portion of a commercial or industrial activity visible from the main traveled way; and on the same, individual, platted parcel of land as that commercial or industrial activity. The commercial or industrial activity must be one defined under the city's or county's, as applicable, zoning ordinance.

(2) An advertising device visible from the main traveled way of a freeway-primary or primary highway must be located within a ~~zoned~~ commercial or industrial zone or an unzoned commercial or industrial area, as defined in Iowa Code section 306C.10.

c. Spacing within city—interstate and freeway-primary highway. Within the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from an interstate or a freeway-primary highway:

(1) The advertising device shall not be located within 250 feet of another advertising device when both are visible to traffic proceeding in ~~the same~~ any one direction. If the advertising device has an LED display, the advertising device shall not be located within 500 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.

(2) and (3) No change.

d. Spacing outside city—interstate and freeway-primary highway. Outside the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from an interstate or a freeway-primary highway:

(1) The advertising device shall not be located within 500 feet of another advertising device when both are visible to traffic proceeding in ~~the same~~ any one direction. If the advertising

device has an LED display, the advertising device shall not be located within 1000 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.

(2) and (3) No change.

e. Spacing within city—nonfreeway-primary highway. Within the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from a nonfreeway-primary highway:

(1) The advertising device shall not be located within 100 feet of another advertising device when both are visible to traffic proceeding in ~~the same~~ any one direction. If the advertising device has an LED display, the advertising device shall not be located within 500 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.

(2) No change.

f. Spacing outside city—nonfreeway-primary highway. Outside the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from a nonfreeway-primary highway:

(1) The advertising device shall not be located within 300 feet of another advertising device when both are visible to traffic proceeding in ~~the same~~ any one direction. If the advertising device has an LED display, the advertising device shall not be located within 1000 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.

(2) No change.

g. to j. No change.

k. Sizes and types. Only the following types of advertising devices are permitted: single-face, side-by-side, double-deck, tri-vision, back-to-back, v-type, and tri-face.

(1) The multiple faces or panels of an advertising device must be contiguous or on a common structure. Side-by-side ~~structures~~ configurations are contiguous if the faces are not more than two feet apart and they are owned by the same permit holder. Side-by-side ~~structures~~ configurations must be on the same vertical and horizontal planes.

(2) No change.

(3) For an advertising device with one face, the maximum display area of the face is 1200 square feet. This applies to single-face, side-by-side, double-deck and tri-vision devices. For permit purposes, side-by-side and double-deck configurations are considered one face with the surface areas combined into one square footage.

(4) and (5) No change.

1. No change.

ITEM 6. Amend rule 761—117.7(306C) as follows:

761—117.7(306C) Official signs and notices, public utility signs, and service club and religious notices, ~~and municipal recognition signs~~. This rule does not pertain to on-premises signs.

~~117.7(1) Rescinded, effective 7/8/87.~~

~~117.7(2) Rescinded, effective 7/8/87.~~

~~117.7(3)~~ 117.7(1) Official signs and notices. Official signs and notices regulated by the “Manual on Uniform Traffic Control Devices for Streets and Highways,” as adopted in ~~rule 761—130.1(321)~~ 761—Chapter 130, shall comply with its provisions. All other official signs and notices shall comply with applicable state law, local ordinance or administrative authority. Historical markers ~~shall be~~ are subject to the approval of the department if they are erected within the right of way of any interstate, freeway-primary or primary highway.

~~117.7(4)~~ 117.7(2) Public utility signs. Public utility signs shall be erected no larger than

required to adequately convey the necessary message, and only at such places as are required to adequately mark the location of the utility; ~~and~~ Public utility signs are subject to the approval of the department if ~~located~~ they are erected within the right of way of any interstate, freeway-primary or primary highway ~~under its jurisdiction.~~

~~117.7(5)~~ 117.7(3) Service club and religious notices.

a. and b. No change.

c. Service club and religious notices may be placed outside the right of way of a freeway-primary or primary highway and outside the adjacent area of an interstate highway. Notices in these locations may be grouped upon a common panel ~~or on a municipal, county or school district recognition sign~~ and shall comply with the following:

(1) to (4) No change.

~~117.7(6)~~ Municipal, county and school district recognition signs:

a. ~~Municipal, county and school district recognition signs shall not be placed within the right of way.~~

b. ~~Municipal, county and school district recognition signs may be placed within the adjacent area of an interstate highway only if they are eligible for issuance of an outdoor advertising permit. All permit provisions apply, including but not limited to the size and spacing requirements of subrule 117.5(5) and permit fees.~~

c. ~~A municipal, county or school district recognition sign may be placed outside the right of way of a freeway primary or primary highway and outside the adjacent area of an interstate highway if the following conditions are met:~~

(1) ~~The recognition sign shall comply with the definition of “Municipal, county or school district recognition sign” in rule 761—117.1(306B,306C).~~

(2) ~~The recognition sign shall comply with rule 761—117.3(306B,306C).~~

(3) ~~The recognition sign shall not display advertising.~~

~~(4) The recognition sign may identify no more than two sponsors of the sign. Each sponsor's message is limited to eight square feet in area and is limited to identifying the sponsor. No advertising or product logos are allowed.~~

~~(5) The department's approval of the recognition sign and its proposed location shall be obtained prior to the sign's erection. A special application form shall be filed with the department, but no fees are required.~~

ITEM 7. Amend rule 761—117.8(306B,306C) as follows:

761—117.8(306B,306C) Removal procedures. The department shall cause to be removed every advertising device illegally erected or maintained and every abandoned sign.

~~117.8(1) Advertising devices lawfully in existence within 660 feet of the right of way not in zoned and unzoned commercial or industrial areas. Rescinded IAB 11/27/02, effective 1/1/03.~~

~~117.8(2)~~ 117.8(1) Removal of illegal and abandoned advertising devices ~~under billboard control Act.~~ Any In accordance with Iowa Code sections 306B.5 and 306C.19, an advertising device erected or maintained ~~after July 1, 1972,~~ in violation of Iowa Code chapter 306B or 306C; or these rules is a public nuisance and may be removed by the department upon 30 days' notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the advertising device has not been removed or made to conform with the provisions of these rules, the advertising device is deemed to be forfeited and the department ~~shall~~ may enter upon the land and remove the advertising device, aided by injunction to abate the nuisance and to ensure peaceful entry, if necessary.

c. Costs of removal, including fees and costs or expenses as may arise out of any action

brought by the department to ensure peaceful entry and removal, shall be assessed against the owner of the advertising device. Should the owner of the advertising device fail to promptly pay such fees, costs, or expenses within 30 days after assessment, the department shall proceed to advertise and sell the advertising device for purposes of collecting the same may commence an action to collect them.

d. ~~Any balance from the total receipts of the sale after deducting all fees, costs, and expenses, including those of the sale, shall be paid to the owner of the advertising device; however, if in the opinion of the department the proceeds of the sale will not be sufficient to justify the expense involved, the~~ The advertising device may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the department as it sees fit.

e. No compensation shall be paid to the owner of any advertising device which is illegally erected or maintained, ~~except as may result pursuant to sale as provided for in paragraph 117.8(2)“d.”~~

~~117.8(3) Removal of illegal advertising devices under bonus Act. Any advertising device erected or maintained in violation of the more strict provisions of Iowa Code chapter 306B is a public nuisance and may be removed by the department upon 30 days' notice, by certified mail, to the owner of the device and to the owner of the land on which the advertising device is located.~~

a. ~~The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.~~

b. ~~If the landowner or owner of the device fails to act within 30 days as required in the notice, the department may file a petition in the district court of the county where the advertising device is located to abate the nuisance.~~

c. ~~If the court finds a violation exists as alleged in the petition, the court shall enter an order in abatement against the person or persons erecting and maintaining the advertising device and~~

against the person or persons owning the land on which it is located.

d. ~~If the landowner or owner of the sign fails to act within the time required in the order of abatement, the department may give 30 days' notice to the landowner or owner of the sign and at the end of 30 days the department may enter upon the land and remove the sign.~~

e. ~~The department may be aided by injunction to abate the nuisance and to ensure peaceful entry.~~

f. ~~Such entry after notice shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to ensure peaceful entry.~~

g. ~~The cost of removal, including any fees and costs or expenses as may arise out of any action brought by the department to ensure peaceful entry and removal, shall be assessed against the owner of the sign.~~

h. ~~Should the owner of the sign fail to promptly pay such fees, costs or expenses, the department shall proceed to advertise and sell the sign for purposes of collecting the same.~~

i. ~~Any balance from the total receipts of the sale after deducting the fees, costs and expenses, including those of the sale, shall be paid to the owner of the sign; however, if in the opinion of the department the proceeds of the sale will not be sufficient to justify the expense involved, the sign may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the department as it sees fit.~~

~~117.8(4) Misdemeanor. Whoever erected or maintains an advertising device in violation of Iowa Code chapter 306B or in violation of these rules pertaining to the more strict provisions applicable thereto shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$100.~~

~~117.8(5)~~ 117.8(2) Removal from right of way and other state-owned property. Advertising
The department shall remove advertising devices erected upon the right of way of any public
interstate, freeway-primary or primary highway; shall be removed pursuant to Iowa Code

~~section 319.13~~ see subrule 117.2(5). Unauthorized advertising devices erected upon other property owned by the state of Iowa ~~shall be~~ are subject to removal by the agency, board, commission or department having control or jurisdiction of the ~~same~~ property. ~~[Intended to implement Iowa Code chapter 319.]~~

ITEM 8. Adopt the following new rule:

761—117.15(306C) Development directory signing.

117.15(1) Definition. "Development directory sign" means a type of on-premises sign displaying a message that is limited to the names of two or more businesses located within a commercial or industrial development. The sign may also display the name of the development. The sign must be located within the limits of the development but may be located anywhere within the development regardless of land ownership.

117.15(2) Limitation. Each business within the development is limited to its name appearing on not more than two development directory signs visible to traffic proceeding in any one direction on any interstate, freeway-primary or primary highway.

117.15(3) Commercial or industrial development. A development directory sign must be located within a commercial or industrial development. For the purposes of this rule, a commercial or industrial development is a single premises that meets all of the following requirements:

- a. All of the lots, regardless of whether they are individually owned, are contiguous, except for roadways or driveways providing access to lots or common areas within the development.
- b. No part of the development is separated from another part by an interstate, freeway-primary, or primary highway.
- c. The development is approved for the establishment of commercial or industrial activities by an authorized governing authority, and is occupied by commercial or industrial activities.

The term "commercial or industrial activities" is defined in Iowa Code section 306C.10.

d. The development is subject to a common development and common use plan that provides for common areas such as sidewalks, roadways, parking, storage, and service areas, to which all businesses within the development have irrevocable shared use and shared property rights, and for which they have irrevocable shared obligations.

e. The development operates through an association or other entity, actively managed and maintained, through which all lot owners have irrevocable rights and obligations with respect to the development and its common areas.

f. The development and the businesses within the development present themselves to the public as a common development through signage or other marketing efforts.

g. The common areas of the development have necessary and true value to the regular operations of the businesses within the development, and were created for purposes other than establishing eligibility for development directory signing.

DATE

NANCY J. RICHARDSON, DIRECTOR

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2008-69
Submitted by Stuart Anderson Phone No. 515-239-1312 Meeting Date May 13, 2008
Title Statewide Transportation Enhancement Program Funding - Rails to Trails

DISCUSSION/BACKGROUND:

On May 11, 2004, the Commission awarded \$300,000 of transportation enhancement funding to purchase the Belmond to Thornton and Sheffield to Chapin abandoned rail line right of way from the Union Pacific Railroad.

On February 14, 2006, the Commission approved \$300,000 of transportation enhancement funding to purchase the Thornton to Mason City and Eddyville to Maxon abandoned rail line right of way from the Union Pacific Railroad.

The Belmond to Thornton, Thornton to Mason City and Sheffield to Chapin corridors were purchased in July 2006 for \$422,268.60, and ownership was transferred to local jurisdictions to maintain as trails. The Eddyville to Maxon corridor was not purchased due to lack of a local jurisdiction to own and maintain the corridor as a trail.

On February 10, 2004, the Commission approved \$282,646 of transportation enhancement funding for the 31.75 mile Rolling Prairie Trail - Allison to Coulter rail-to-trail acquisition. However, cost of this corridor has increased due to the length of time necessary for the acquisition from the Union Pacific Railroad. The local jurisdictions have requested use of the \$177,731.40 remaining from the other rail to trail corridor purchases.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve use of the \$177,731.40 remaining rail-to-trail corridor purchase funding on the Allison to Coulter corridor.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

Division Director Legal State Director

PPM-2008-69

Stuart Anderson, Office of Systems Planning, said over the last four years, the Commission has awarded the Department \$600,000 of Statewide Transportation Enhancement funding to start the acquisition of several abandoned rail lines for trail usage. These corridors included Belmont to Thornton, Thornton to Mason City, Sheffield to Chapin, and Eddyville to Maxon. On behalf of local jurisdictions along those corridors, we were successful in acquiring all but the Eddyville to Maxon corridor.

Mr. Anderson said of the total amount awarded, \$177,731.40 remains, and he requested Commission consideration to allocate that funding to assist in the acquisition of the Allison to Coulter corridor. Funding was previously awarded to support the acquisition of that corridor in 2004 but through the negotiation process it is evident additional funding is needed. Therefore, it is recommended the Commission approve the use of the \$177,731.40 remaining enhancement funding allocated for rail-to-trail corridor acquisition on the Allison to Coulter corridor.

Commissioner Cleaveland moved, Commissioner Durham seconded the Commission approve use of the \$177,731.40 remaining rail-to-trail corridor purchase funding on the Allison to Coulter corridor. All voted aye.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2008-70
Submitted by Stuart Anderson Phone No. 515-239-1312 Meeting Date May 13, 2008
Title Revitalize Iowa's Sound Economy (RISE) Application – Iowa County (Delegation)

DISCUSSION/BACKGROUND:

Iowa County, on behalf of the Amana Colonies, submitted a RISE Local Development application in the February 2008 round requesting a grant to assist in grading and paving an access road east from 38th Avenue and construct turning lanes on Iowa 220 at the intersection of 38th Avenue and at the south entrance to the proposed ALB-GOLD facility.

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 \$629,671, or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE funds.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

Division
Director

Legal

State Director

PPM-2008-70

Stuart Anderson, Office of Systems Planning, presented a RISE local development application from Iowa county on behalf of the Amana Colonies. As per Code of Iowa section 312.8, the Amana Colonies are considered an incorporated city for road use tax fund purposes; therefore, although we are not accepting county local development applications at this time, we are able to accept this application from Iowa county because it is for city RISE funding for the Amana Colonies. RISE funding has been requested to assist construction of an access road; and using a power point map, he reviewed the location of the project. This roadway would provide initial access to 66 acres. Funding is also requested to support the construction of turn lanes on Iowa 220 at two locations; to the west at the intersection of 38th Avenue and at the entrance of a proposed development for ALB-GOLD/Bionade. ALB-GOLD/Bionade is a joint venture of two German companies. ALB-GOLD produces German pastas and Bionade produces an organic, fermented, non-alcoholic refreshment.

Mr. Anderson said this project received a rating of 49 points in staff's evaluation. The total estimated cost of the project is \$1,259,342; and the county is requesting a RISE grant of \$629,671 and will provide a 50 percent local match. He introduced Allen Merta, Vice President of Economic Development for Priority One.

Mr. Merta said Priority One is a regional economic development organization located in Cedar Rapids, and Iowa county is their client. He introduced Linda Yoder and Bill Keegan, Iowa County Board of Supervisors; JinYeene Neumann, Iowa County Engineer; John Peterson, President and CEO of the Amana Society; Victor Rathje, Amana Society Board of Directors; and Kari Stillman, Priority One.

Mr. Merta said A&B Food and Beverage, the name of the joint venture, is the culmination of a huge investment in the Amanas in terms of time, energy, and money by a lot of people and organizations including the Amana Society, Iowa County, Priority One, Department of Economic Development (DED), Iowa City Area Development group, the Amana Convention and Visitors Bureau, Kirkwood Community College, and the residents of the Amanas and Iowa County. Mr. Merta said they have been recruiting ALB-GOLD for more than four years. A year ago they were introduced to Bionade which produces a beverage that is replacing soft drinks in Europe and has been the target of Coca Cola for a long time. They are now recruiting other German companies to the Amana Colonies so the spin off has been very good.

Mr. Merta said A&B Food and Beverage is a \$40 million investment in Iowa county in the Amanas and is their first venture in the United States. Great results are expected from this project including 99 new manufacturing jobs for the Amanas, a boost in the tax base for Iowa county, and an additional attraction venue for the Amana Society and the colonies. Mr. Merta said infrastructure is either in place or will be in place when

construction starts. Other organizations are investing about \$7.2 million in this project including DED at about \$3.5 million in direct financial assistance and tax credits, the Amana Society in land valued at \$1.2 million, Iowa county with about \$2 million, and Kirkwood Community College with \$633,000 in job training and tax credits. On behalf of ALB-GOLD, Bionade, Iowa county, Amana Society and the entire community, Mr. Merta expressed appreciation for the Commission's consideration of their application.

Mr. Anderson reviewed the recommendation of staff.

Commissioner Cleaveland moved, Commissioner Reasner seconded the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$629,671 or up to 50 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE funds. All voted aye.

PPM-2008-71

Stuart Anderson, Office of Systems Planning, said Clarke county has requested funding to assist the construction of 1,800 ft. of new roadway from U.S. 69 west to Iowa 152. Using a power point map, he reviewed the location of the project north of Osceola. This project is necessary to provide access to a proposed Southern Iowa Bioenergy, LLC bio-diesel facility which is within the city of Osceola on the north side.

Mr. Anderson said Southern Iowa Bioenergy is a new Iowa company that is considering locating a 40 million gallon per year bio-diesel plant in this area. This project will result in the creation of 44 new jobs within two years of project completion and has an associated capital investment of approximately \$52.3 million. The average starting wage of the positions to be created is \$17.30 per hour which is 140 percent of the Clarke county average wage rate.

Mr. Anderson said consistent with past practice for ethanol and bio-diesel facilities, we will recommend RISE funding of \$6,000 per job which, with 44 jobs, equates to a RISE grant of \$264,000 that will go toward a total road cost of \$622,075. RISE funding will be contingent on the creation of 44 jobs within two years of project completion, and that results in a capital investment per RISE dollar of \$198.13. He introduced Bill Trickey, Clarke County Economic Development Corporation.

Mr. Trickey introduced Fred Diehl, Mayor of Osceola; Bill Kelly, Osceola City Administrator; J. R. Cornett, Decatur County Supervisor, and Jack Cooley, Clarke County Supervisor and members of the Southern Iowa Bioenergy Board of Directors; and Becky Nardy, Southern Iowa Council of Governments. They appreciate the Commission's consideration of their request. Iowa is well on its way to becoming the center of sustainable energy for the world and this plant is especially exciting because it goes to the next generation of bio-diesel which means they don't use soybean oil entirely in this process. It is a blended process and a major part of the feed stock will be algae oil. The RISE project allows them to open up transportation to this facility. He said 44 jobs and a \$53 million investment in Osceola is a big deal but along with that is access to another 200 acres of a business park that has been under development and a rail spur. It is a first step that allows a number of things to happen.

Mr. Anderson reviewed staff's recommendation.

Commissioner Wiley moved, Commissioner Durham seconded the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$264,000 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.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2008-72
Submitted by Stuart Anderson Phone No. 515-239-1312 Meeting Date May 13, 2008
Title Revitalize Iowa's Sound Economy (RISE) Application – Boone (Delegation)

DISCUSSION/BACKGROUND:

The city of Boone submitted a RISE Immediate Opportunity application requesting a grant to assist the construction of 1,830 feet of new roadway east of Snedden Drive in the Airport Industrial Park.

The improvements are necessary to provide access to the site of the proposed new Gates Corporation facility. This company conforms to the legislative requirements of the RISE program.

The roadway will support:

- The retention of 195 existing jobs at Gates Corporation's Boone facility.
- The creation of 28 new jobs at this facility.
- \$6,593,858 in associated capital investment.

The RISE cost per job assisted will be \$3,255.16, and there will be a total capital investment of \$9.08 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

Based on the capital investment and job creation commitments, it is recommended the Commission award a RISE grant of \$725,900 or up to 80 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	_____	_____	_____
Cleaveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

Division
Director

Legal

State Director

PPM-2008-72

Stuart Anderson, Office of Systems Planning, reviewed an immediate opportunity application from the city of Boone for funding to assist the construction of 1,830 feet of new roadway east of Snedden Drive in the Airport Industrial Park. Using a power point map, he reviewed the location of the project.

Mr. Anderson said this project is necessary to provide adequate access for a proposed site for a new Gates Corporation facility. Gates Corporation is headquartered in Denver, Colorado, and produces automotive parts. They have had a facility in Boone for 30 years that produces hydraulic parts. This proposed development will result in the retention of 195 jobs in Boone and the creation of 28 new jobs within two years of project completion along with a capital investment of approximately \$6.6 million. The average starting wage of the positions to be created and retained is \$14.36 per hour which is 101 percent of the Boone county average wage rate.

Mr. Anderson said staff recommends a RISE grant of \$725,900 which is 80 percent of the total project cost of \$907,900. Funding will be contingent on the retention of 195 jobs and creation of 28 jobs within two years of project completion. This results in a RISE cost per job assisted ratio of \$3,255.16 and a capital investment per RISE dollar of \$9.08. He introduced Darrel Rensink, Director of Economic Development for Boone.

Mr. Rensink introduced Luke Nelson, Boone City Administrator, and Molly Long, consultant engineer. He expressed appreciation to Mr. Anderson and members of his staff who have assisted them in answering technical questions and putting this application together. The city is pleased that Gates Corporation which has been in Boone for 30 years has chosen Boone as the site for their expansion project. In cooperation with Boone's Future Organization, city of Boone, and DED which is assisting this project with \$900,000 (\$700,000 for site preparation and \$200,000 for machinery), this has been a team effort. Gates will be the first occupant in the R.L. Fisher Airport Business Park and there will be opportunities for future endeavors. They will continue their marketing efforts in hopes that other companies may be attracted to the city and become a part of their community. He requested the Commission's approval of this RISE application.

Mr. Anderson reviewed the recommendation of staff.

Commissioner Wiley moved, Commissioner Durham seconded the Commission, based on the capital investment and job creation commitment, award a RISE grant of \$725,900 or up to 80 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2008-73
Submitted by Stuart Anderson Phone No. 515-239-1312 Meeting Date May 13, 2008
Title Revitalize Iowa's Sound Economy (RISE) Application – Newton (Delegation)

DISCUSSION/BACKGROUND:

The city of Newton submitted a RISE Immediate Opportunity application requesting a grant to assist the construction of 2,150 feet of E. 8th Street N., south of N. 19th Avenue E.

The improvements are necessary to provide access to the site of the proposed new Trinity Structural Towers, Inc. facility. This company conforms to the legislative requirements of the RISE program.

The roadway will support:

- The creation of 140 new jobs at this facility.
- \$21,414,489 in associated capital investment.

The RISE cost per job assisted will be \$4,500.00, and there will be a total capital investment of \$33.99 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

Based on the capital investment and job creation commitments, it is recommended the Commission award a RISE grant of \$630,000 or up to 80 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	_____	_____	_____
Cleaveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

Division Director Legal State Director

PPM-2008-73

Stuart Anderson, Office of Systems Planning, said the city of Newton submitted a RISE immediate opportunity application requesting funding to assist in the construction of 2,150 feet of East 8th Street North. This roadway relocation is necessary to provide access to a site for Trinity Structural Towers, Inc., which is headquartered in Texas and produces towers for wind turbines. This proposed development will result in the creation of 140 new jobs within two years of project completion and an associated capital investment of \$21.4 million. The average starting wage of the positions to be created is \$13.75 per hour which is 101 percent of the Jasper county average wage rate. Staff will recommend a RISE grant of \$630,000 toward the total road cost of \$1,045,275. RISE funding will be contingent on the creation of 140 jobs within two years of project completion, resulting in a RISE cost per job assisted ratio of \$4,500 and a capital investment per RISE dollar of \$33.99. He introduced Bryan Friedman, Newton Community Development Director.

Mr. Friedman introduced Tom Wardlow, Interim City Administrator and Chief of Police; and David Stewart, Public Works Director and City Engineer, Newton. He said Newton was home to the Maytag Company for 113 years. Maytag closed the doors of its main plant in October. How does a town of 16,000 cope with losing 4,000 jobs? Newton has pursued the strategy of diversification, adding new companies to its local economy. Transportation infrastructure has been key to Newton's recovery. They have a new airport terminal located near I-80 and an intermodal rail facility. These assets have helped to leverage such projects as the Iowa Speedway, which greatly benefited from a RISE grant, and the new TPI Wind Blade Factory going up on the north side of town.

Mr. Friedman said Trinity Structural Towers is proposing to manufacture wind towers in the former Maytag manufacturing plant. They will hire at least 140 workers and invest at least \$21 million in Newton. This two million square foot Maytag plant was designed for a single user and is well served by utilities and infrastructure but modifications are needed to the building and surrounding infrastructure, and that is the proposal before the Commission today. He expressed appreciation for the Commission's consideration of this application. This RISE assistance would greatly help Newton's recovery from the loss of Maytag and increase their presence in the rapidly growing wind industry.

Chairwoman Crawford asked if the city anticipates other related industries filling some of the space. Mr. Friedman said they do; the owner of the building has said the first tenant is the hardest to land and others often spin off from that making it easier to fill the space. The difficulties associated with that is to retrofit the building and the space around it so it is usable and this RISE grant will greatly help with that. Mr. Anderson reviewed the recommendation of staff.

Commissioner Cleaveland moved, Commissioner Durham seconded the Commission, based on the capital investment and job creation commitment, award a RISE grant of \$630,000 or up to 80 percent of the total RISE eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Program Management Order No. PPM-2008-74
Submitted by E. Jon Ranney Phone No. 515-239-1500 Meeting Date May 13, 2008
Title Draft 2009-2013 Transportation Improvement Program

DISCUSSION/BACKGROUND:

The draft 2009-2013 Transportation Improvement Program will be reviewed.

PROPOSAL/ACTION RECOMMENDATION:

For information only.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Division Director Legal State Director

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Crawford	_____	_____	_____
Durham	_____	_____	_____
Reasner	_____	_____	_____
Sawtelle	_____	_____	_____
Wiley	_____	_____	_____

PPM-2008-74

Jon Ranney, Office of Program Management, said the Commission has received the draft 2009 through 2013 Transportation Improvement Program. The draft program will be posted on the Department's website after this meeting and copies are available today. It is anticipated the Commission will be requested to approve the 2009 through 2013 program at the June commission meeting. This is being presented as an information item only.

Commissioner Cleaveland expressed appreciation to DOT staff on the preparation of this draft plan. A lot of preparation work, thought and consideration went into this.

Meeting adjourned at 8:40 a.m.