

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, January 15, 2013
Materials Conference Room
Ames DOT Complex

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>SUBMITTED BY</u>	<u>PAGE</u>
D-2013-32 1:30 p.m.	*Approve Minutes of the December 11, 2012, Commission Meeting Commission Comments Staff Comments	Connie Page	1
MV-2013-33 1:35 p.m.	*Administrative Rule – 761 IAC 615.22 – Regulations Ability to Pay	Paul Trombino III	2
PPM-2013-34 1:40 p.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Woodbury County (Delegation)	Stuart Anderson	5
PPM-2013-35 1:45 p.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Sioux Center (Delegation)	Stuart Anderson	9
PPM-2013-36 1:50 p.m.	*Moving Ahead for Progress in the 21 st Century (MAP-21) Implementation Policies	Stuart Anderson	12
1:55 p.m.	Adjourn		

*Action Item

On Tuesday, January 13, the Commission and staff will meet informally at 10 a.m. in the Materials conference room at the DOT complex in Ames. 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-2013-32
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date January 15, 2013
Title Approve Minutes of the December 11, 2012, Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the December 11, 2012, Commission meeting.

COMMISSION ACTION:

Moved by Reasner Seconded by Wiley

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	_____	_____
Cleveland	<u>X</u>	_____	_____
Miles	<u>X</u>	_____	_____
Reasner	<u>X</u>	_____	_____
Rose	<u>absent</u>	_____	_____
Wiley	<u>X</u>	_____	_____
Yanney	<u>X</u>	_____	_____

Division
Director

Legal

State Director

Commission Comment

1. Passenger Rail Lecture

Commissioner Cleaveland announced that on January 31 at 1 p.m. at Bayliss Park Hall in Council Bluffs there will be a guest lecturer on passenger rail service. He also thought there is another lecture in Des Moines that morning.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2013-33
Submitted by Paul Trombino III Phone No. 515-239-1111 Meeting Date January 15, 2013
Title Administrative Rule – 761 IAC 615.22 – Regulations Ability to Pay

DISCUSSION/BACKGROUND:

The proposed administrative rule amendment revises 761 IAC 615.22 to comply with the statutory scheme and requirements of Iowa Code 321.210A, consistent with 2009 Iowa Acts chapter 130, section 11. Persons who are subject to suspension for nonpayment of fine, penalty, surcharge, or court costs may not avoid suspension by demonstrating inability to pay, but may still avoid suspension by entering into installment payment agreements pursuant to Iowa Code 321.210B.

The period for public comment ended December 4, 2012, and no oral or written comments were received.

A listing of the proposed amendments is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendment.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division Director Legal State Director

MV-2013-33

Mark Lowe, Motor Vehicle Division, said this is a rule amendment to 761 Iowa Administrative Code 615.22. This rule deals with suspension for nonpayment of motor vehicle fines. Under Iowa Code 321.210(b) when a person has been convicted of a motor vehicle violation and assessed a fine and fails to pay that fine, the courts can give them notice and after 60 days of nonpayment, they will send the DOT a notice asking us to suspend the person's license. Previously, section 321.210(b) would allow us to consider the person's inability to pay and waive that suspension. That was removed by an amendment in 2009 and this rule amendment is to catch up with the change in legislation and subsequent change in our practice after that change in legislation.

Mr. Lowe said the reasons for that legislative change are to encourage the payment of court debt and because those code sections had been altered so that a person could enter into an installment agreement if they had difficulty in making the full payment.

Commissioner Cleaveland moved, Commissioner Reasner seconded the Commission approve the attached rule amendment. All voted aye; Commissioner Rose absent.

Amend rule 761—615.22(321) as follows:

761—615.22(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.22(1) ~~*Report to the department.*~~ The department shall suspend a person's privilege to operate motor vehicles in Iowa:

~~*a.*~~ ~~When~~ when the department is notified by a clerk of the district court on Form No. 431037 that the person has been convicted of violating a law regulating the operation of motor vehicles, that the person has failed to pay the fine, penalty, surcharge or court costs arising out of the conviction, and that 60 days have elapsed since the person was mailed a notice of nonpayment from the clerk of the district court,~~and.~~

~~*b.*~~ ~~When, in accordance with subrule 615.22(2), the person has not timely raised the defense of inability to pay, or the department determines that the person is able to pay the fine, penalty, surcharge and court costs.~~

615.22(2) ~~*Ability to pay.*~~

~~*a.*~~ The department shall presume that a person is able to pay the fine, penalty, surcharge and court costs when it receives the “Notice to Suspend” copy of Form No. 431037 from the clerk of the district court.

~~*b.*~~ The department shall not consider inability to pay as a defense to license suspension unless the person files Form No. 431038 with the department within 45 days after the clerk of the district court mailed notice of nonpayment to the person.

~~*c.*~~ If the department determines that the person is unable to pay, the department shall notify the person and the clerk of the district court of that decision and shall take no further action. If the department determines that the person is able to pay, the department shall suspend the person's privilege to operate motor vehicles in Iowa as outlined in subrule 615.22(1).

~~615.22(3)~~ *Suspension.*

- a.* The suspension period shall begin 30 days after the notice of suspension is served.
- b.* The suspension shall continue until the department has issued a notice terminating the suspension. The department shall terminate the suspension when it receives evidence that all appropriate payments have been made.
- c.* An informal settlement, hearing or appeal to contest the suspension shall be limited to a determination of whether the facts required by Iowa Code section 321.210A and this ~~rule~~ subrule are true. The merits of the conviction shall not be considered.

615.22(2) Reserved.

This rule is intended to implement Iowa Code section 321.210A.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-34
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date January 15, 2013
 Title Revitalize Iowa's Sound Economy (RISE) Application – Woodbury County (Delegation)

DISCUSSION/BACKGROUND:

Woodbury County submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of approximately 9,860 feet of roadway. This includes improvements to 260th Street (Woodbury County Road D-51) from a point near the Interstate 29 interchange west to Port Neal Road; intersection and turn-lane improvements along Port Neal Road from 259th Street to 260th Street; and construction of 259th Street. The requested improvements are necessary to provide access to the proposed expansion facility of CF Industries Inc. and 535 acres for future manufacturing and industrial development. Therefore, the application was evaluated as both a RISE Immediate Opportunity and a RISE Local Development application. This project is anticipated to be completed by November 2014.

Expansion of the CF Industries Inc. facility will support:

- The retention of 110 full-time jobs and creation of 100 full-time jobs.
- \$1.7 billion in associated capital investment.

Total cost of the project is \$4,432,378 and a RISE grant of \$3,003,689 is recommended. The Immediate Opportunity funding amount is derived from a maximum \$10,000 RISE cost per job assisted for a total of \$2,100,000. With a 20 percent local match requirement, this portion requires \$525,000 of local funding. This results in a total capital investment of \$809.52 for each RISE Immediate Opportunity dollar recommended.

Because this project also opens up additional land for RISE-eligible development, of the remaining \$1,807,378 project cost, \$903,689 (50 percent of remaining project cost) is recommended for a RISE Local Development grant.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for job creation and retention, consider the project as both a RISE Immediate Opportunity and a RISE Local Development and award a RISE grant of \$3,003,689 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:			Aye	Vote Nay	Pass
			_____	_____	_____
Moved by _____	Seconded by _____		_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
_____ Division Director	_____ Legal	_____ State Director			

PPM-2013-34

Stuart Anderson, Planning, Programming and Modal Division, reviewed a RISE Immediate Opportunity application from Woodbury county to construct approximately 9,860 feet of roadway. This includes improvements to County Road D-51 and Port Neal Road and construction of new 259th Street west to serve a proposed expansion facility of CF Industries Inc. In addition, the roadway improvements will provide access to 535 acres for future manufacturing and industrial development. Using a power point map, he reviewed the location of the project.

Mr. Anderson said this application was evaluated for both RISE Immediate Opportunity and Local Development. The proposed project will result in the retention of 100 full-time jobs and creation of 110 new jobs within three years along with an associated capital investment of \$1.7 billion. The total project cost is \$4,432,378 and a RISE (immediate opportunity and local development) grant of \$3,003,689 is recommended. The immediate opportunity piece is based on \$10,000 of RISE funding per job created and retained to provide a total of \$2.1 million. That money requires a 20 percent local match which would equal \$525,000 resulting in a total capital investment of \$809.52 for each RISE immediate opportunity dollar recommended. Immediate opportunity funding is contingent on job creation and retention. Those jobs have an average wage rate of \$25.33 per hour which is 151 percent of the Woodbury county laborshed average wage rate. Because this project also opens additional land for development, the remaining project cost of approximately \$1.8 million is considered a local development project and a 50 percent local development grant would equate to \$903,689 which would be combined with the immediate opportunity grant for a total RISE recommendation of \$3,003,689. He introduced Mark Nahra, Woodbury County Engineer.

Mr. Nahra introduced Robert Marqusee, Economic Development Director. He said their board has worked with the Department of Economic Development in developing this project which will bring the largest economic development investment ever made in Iowa to their area, and they are looking forward to accommodating that development.

Commission Chair Miles noted the Commission had a workshop this morning and spent a great deal of time discussing this. Mr. Anderson was helpful in helping us understand the complexity of this project. Mr. Anderson reviewed staff's recommendation.

Commissioner Wiley moved, Commissioner Reasner seconded the Commission, based on the capital investment commitment and potential for job creation and retention, consider the project as both a RISE Immediate Opportunity and a RISE Local Development and award a RISE grant of \$3,003,689 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; Commissioner Rose absent.

**RISE Immediate Opportunity Funding
Economic Analysis Summary**

GENERAL INFORMATION

Applicant: Woodbury County

Project Location and Description: Construction and improvement of approximately 9,860 feet of roadway. This includes improvements to 260th Street (County Road D-51) from a point near the Interstate 29 interchange west to Port Neal Road; intersection and turn lane improvements along Port Neal Road from 259th Street to 260th Street; and construction of 259th Street.

Associated Economic Development: The project provides access to the proposed expansion facility of CF Industries, Inc. and 535 acres for future manufacturing and industrial development. The project will result in the retention of 110 jobs and creation of 100 jobs and capital investment of \$1,700,000,000.

ECONOMIC IMPACT

Total Roadway Project Cost: \$2,625,000

RISE Funds Requested: \$2,100,000; **Grant:** \$2,100,000; **Loan \$----**

Effective Project Cost to RISE Program: \$2,100,000

Local Participation: \$525,000; **Sources:** Woodbury County

Non-RISE Total Capital Investment: \$1,700,000,000

(**Public:** \$0; **Private:** \$1,700,000,000)

Direct Jobs Created: 100; (**Other, Potential Future Jobs:** 0)

Direct Jobs Retained: 110; **Total Direct Jobs Assisted, Short-Term:** 210

Number of Existing Jobs: 110

Project Average Wage Rate of Created/Retained Jobs: \$25.33/hr.

100% Woodbury County Average Wage Rate: \$16.76/hr.

KEY RATIOS

Local Match Ratio: 20% ($\$525,000/\$2,625,000$)

RISE Cost Per Job Assisted (Created and Retained): $\$2,100,000/210 = \$10,000$

Total Capital Investment Per RISE Dollar: $\$1,700,000,000/\$2,100,000 = \$809.52$

CONCLUSIONS

Narrative: Based on the capital investment and job creation and retention commitments, staff recommends a grant of \$2,100,000 or up to 80 percent of total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

RISE LOCAL DEVELOPMENT FUNDING
September 2012
SUMMARY

Applicant: Woodbury County

Multiyear?: No
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct and improve approximately 9,860 feet of roadway. This includes improvements to 260th Street (County Road D-51) from a point near the Interstate 29 interchange west to Port Neal Road; intersection and turn lane improvements along Port Neal Road from 259th Street to 260th Street; and construction of 259th Street.

ASSOCIATED ECONOMIC DEVELOPMENT: This project provides access to the proposed expansion facility of CF Industires, Inc. and 535 acres for future manufacturing and industrial development.

PROJECT FINANCING:

Roadway Project Cost:	\$1,807,378	Local Match (Total):	\$903,689
RISE (Total):	\$903,689	Up-Front:	\$903,689
Grant:	\$903,689	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0	Up-front Participation Sources:	
	Int.: 0 %	Private:	
		Public:	\$903,689
		Local Match (Total):	\$903,689

PROJECT EVALUATION:

Development Potential (35):	30
Economic Impact and Cost Effect. (20):	18
Local Commit. and Initiative (35):	17
Transportation Need (4):	4
Local Economic Need (6):	4

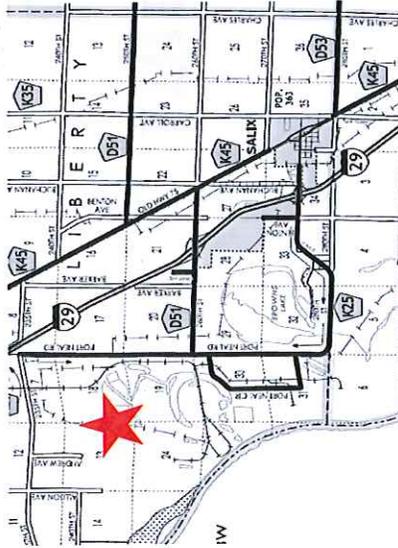
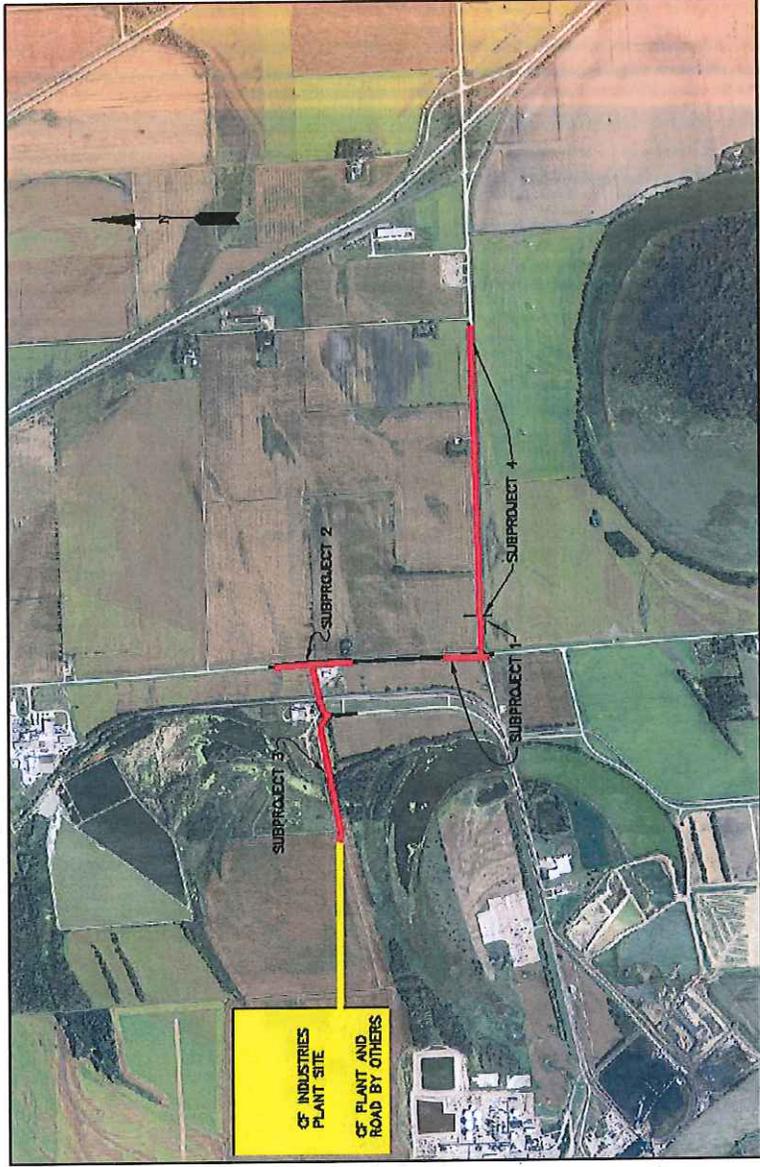
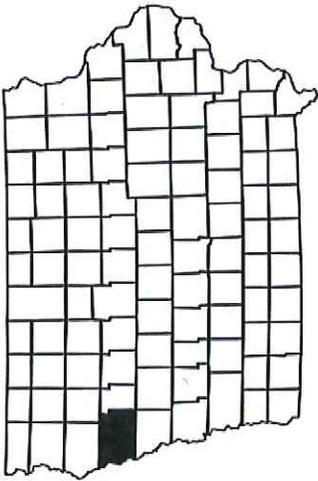
Total Rating: 73

Jobs: 210

STAFF RECOMMENDATION:

Award a grant of \$903,689 or up to 50 percent of the RISE-eligible project cost, whichever is less. Funding will come from the county share of the RISE Fund.

Woodbury County



**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-35
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date January 15, 2013
 Title Revitalize Iowa's Sound Economy (RISE) Application – Sioux Center (Delegation)

DISCUSSION/BACKGROUND:

The city of Sioux Center submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of an approximate 894-foot extension of St. Andrews Way and construction of approximately 156 feet of St. Andrews Circle located on the southeast side of town. This project is anticipated to be completed by October 2013.

Because this project will provide access to 10 lots totaling more than six acres for industrial, manufacturing, warehousing and professional office purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

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, reclassify the project as a RISE Local Development project in the September 2012 round of applications and award a RISE grant of \$261,572 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	_____	_____	_____
Rose	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

 Division Director Legal State Director

PPM-2013-35

Stuart Anderson, Planning, Programming and Modal Division, presented a RISE immediate opportunity application from the city of Sioux Center to construct an 894 feet extension of St. Andrews Way and also construct approximately 156 feet of St. Andrews Circle located on the southeast side of town. Because this project will provide access to ten lots totaling more than six acres for industrial, manufacturing, warehousing, and professional office purposes and to maximize support for this project, staff evaluated this application as a RISE local development project. Under RISE local development criteria, this project received a rating of 46 points. The total estimated project cost is \$523,144. The city is requesting a RISE grant of \$261,572 and will provide a 50 percent local match. He introduced Dennis Dokter, Assistant City Manager.

Mr. Dokter said he is also the community development director for the city of Sioux Center. He expressed appreciation for the Department's recent participation on the U.S. 75 widening project. They are working through that right now and look forward to getting that project completed in 2015.

Mr. Dokter said between 2000 and 2010 Sioux Center experienced about a 17 percent population growth along with many new businesses, industries, and retail services. The mission of their Sioux Center Land Development group and city council is to keep that growth going. They tackle projects like developing their industrial and commercial parks and certainly appreciate the Commission's consideration of the RISE grant project. It is a key component of their developments and keeping progress going in northwest Iowa.

Mr. Anderson reviewed the recommendation of staff.

Commissioner Cleaveland moved, Commissioner Wiley seconded the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the September 2012 round of applications and award a RISE grant of \$261,572 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; Commissioner Rose absent.

RISE LOCAL DEVELOPMENT FUNDING
September 2012
SUMMARY

Applicant: City of Sioux Center

Multiyear?: No
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct an approximately 894-foot extension of St. Andrews Way and approximately 156 feet of St. Andrews Circle located on the southeast side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: This project will provide access to ten lots totaling more than six acres for industrial, manufacturing, warehousing and professional office purposes.

PROJECT FINANCING:

Roadway Project Cost:	\$523,144	Local Match (Total):	\$261,572
RISE (Total):	\$261,572	Up-Front:	\$261,572
Grant:	\$261,572	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0		
	Int.: 0 %	Up-front Participation Sources:	
		Private:	
		Public:	\$261,572
		Local Match (Total):	\$261,572

PROJECT EVALUATION:

Development Potential (35):	15
Economic Impact and Cost Effect. (20):	10
Local Commit. and Initiative (35):	16
Transportation Need (4):	3
Local Economic Need (6):	2

Total Rating: 46

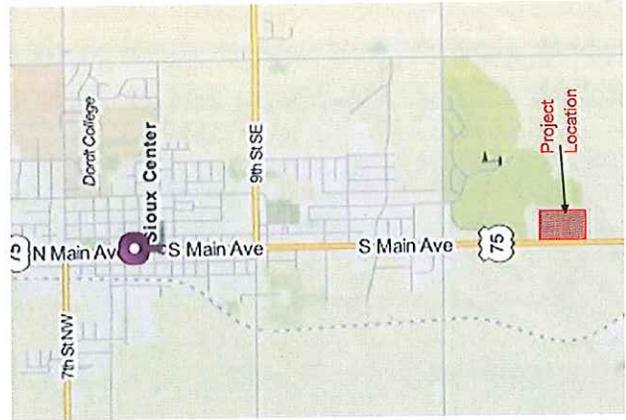
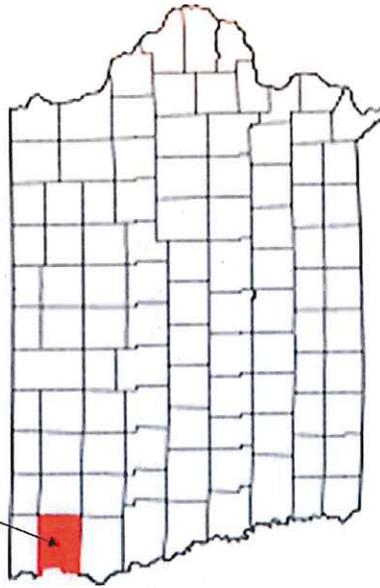
Jobs: 10

STAFF RECOMMENDATION:

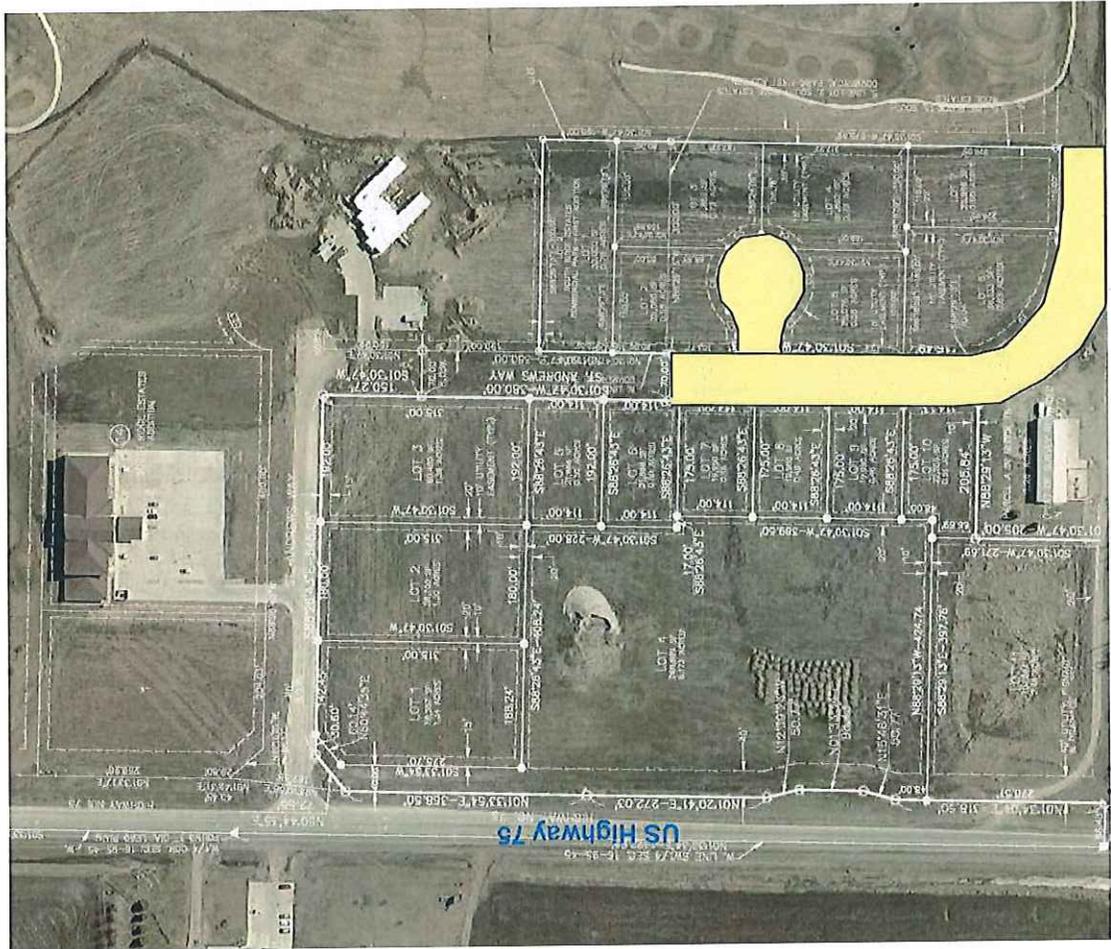
Award a grant of \$261,572 or up to 50 percent of the RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Sioux Center

City of Sioux Center
Sioux County



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**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-36
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date January 15, 2013
 Title Moving Ahead for Progress in the 21st Century (MAP-21) Implementation Policies

DISCUSSION/BACKGROUND:

Policies to implement the Moving Ahead for Progress in the 21st Century (MAP-21) transportation authorization bill have been developed by department staff after extensive stakeholder outreach and input. The attached document describes those policies.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached MAP-21 implementation policies.

COMMISSION ACTION:			Aye	Vote Nay	Pass
Moved by _____	Seconded by _____		_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____
			_____	_____	_____

_____	_____	_____
Division Director	Legal	State Director

**Moving Ahead for Progress in the 21st Century (MAP-21) Transportation Authorization Bill
Implementation Policies
Jan. 15, 2013, Iowa Transportation Commission's Business Meeting**

Transportation Alternative Program (TAP)

- Additional funding will not be transferred to TAP to match historic funding levels.
- The 50 percent of TAP funding allocated by population will be distributed to the metropolitan planning organizations (MPOs) and regional planning affiliations (RPAs) for them to program on TAP-eligible projects. This funding will be distributed based on each RPAs/MPOs share of total statewide population.
- Of the 50 percent of TAP funding available for any area of the state, \$1 million will be retained for discretionary programming by the Iowa Transportation Commission for statewide projects. This funding is also available for up to 30 percent funding for byway-related projects.
- The remaining TAP funding available for any area of the state will be provided to the MPOs and RPAs to program on eligible TAP, highway, bridge and/or transit projects. This funding will be distributed based on each RPAs/MPOs share of total statewide population.

Congestion Mitigation and Air Quality (CMAQ)

- Allocate \$3 million of CMAQ funding for transit bus replacement administered by the Office of Public Transit.
- Allocate \$4 million of CMAQ funding for Iowa's Clean Air Attainment Program to be administered by the Office of Systems Planning.
- Remaining CMAQ funds are allocated to the department for eligible CMAQ activities to be programmed by the Iowa Transportation Commission.

Surface Transportation Program (STP)

- The 50 percent of STP allocated to areas of the state based on population will be allocated to RPAs and MPOs.
- The 50 percent of STP available to any area of the state will be allocated as:
 - 8 percent for the department to, among other things, support local initiatives such as asset management implementation through collection of pavement condition data, administration of bridge inspection training and funding the Statewide Urban Design and Specifications program.
 - 92 percent for local programs to be split as:
 - 26 percent will be allocated to RPAs and MPOs.
 - 74 percent will be allocated for city and county bridge programs.
- STP funds are allocated to three categories: 1) Transportation Management Areas (TMAs) – MPOs with more than 200,000 population; 2) MPOs with population less than 200,000; and 3) RPAs. Each category is allocated STP funding based on each categories share of total statewide population.
- Within the RPA category of STP funding, 50 percent of STP funds are allocated based on each RPA's share of total statewide RPA population and 50 percent based on each RPA's share of farm-to-market distribution factors.
- Within the TMA category, each TMA is allocated STP funds based on their share of total statewide TMA population.
- Within the MPOs with less than 200,000 population category, each MPO is allocated STP funds based on their share of total statewide non-TMA MPO population.

Highway Safety Improvement Program

- Allocate \$2 million for a High Risk Rural Road Program to be administered by the Office of Traffic and Safety.

PPM-2013-36

Stuart Anderson, Planning, Programming and Modal Division, said after several months of workshop discussion and stakeholder input MAP-21 implementation policies have been developed. Staff recommends the Commission approved the policies as shown on the attachment.

Commission Chair Miles said there have been public hearings, numerous discussions about it here, and we are moving ahead with staff's recommendation with the understanding that it is a one-year proposal and we are going to monitor it after the first six months to see how it is going.

Commissioner Reasner moved, Commissioner Cleaveland seconded the Commission approve the attached MAP-21 implementation policies. All voted aye; Commissioner Rose absent.