

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, March 12, 2013
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2013-43 1:30 p.m.	*Approve Minutes of the February 12, 2013, Commission Meeting Commission Comments Staff Comments	Connie Page	1
MV-2013-44 1:35 p.m.	*Administrative Rule – 761 IAC 520 – Regulations Applicable to Carriers	Paul Trombino III	2
MV-2013-45 1:40 p.m.	*Administrative Rule – 761 IAC 4, 600 and 605 – Nurse Practitioner	Paul Trombino III	4
PPM-2013-46 1:45 p.m.	*Approval of the FY 2014 Transit Program (Vehicle Replacement, New Freedom, and Job Access and Reverse Commute programs)	Pam Lee	8
PPM-2013-47 1:50 p.m.	*Revitalize Iowa’s Sound Economy (RISE) Policies	Craig Markley	11
PPM-2013-48 1:55 p.m.	*Revitalize Iowa’s Sound Economy (RISE) Application – Marshalltown (Delegation)	Craig Markley	13
PPM-2013-49 2:00 p.m.	*Revitalize Iowa’s Sound Economy (RISE) Application – Dubuque County (Delegation)	Craig Markley	16
2:05 p.m.	Adjourn		

*Action Item

On Tuesday, March 12, 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-2013-43
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date March 12, 2013
Title Approve Minutes of the February 12, 2013, Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the February 12, 2013, Commission meeting.

COMMISSION ACTION:

Moved by Cleaveland Seconded by Rose

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

Division Director Legal State Director

Commission Comments

1. Kudos to DOT Staff

Commission Chair Miles gave a “shout out” to all the snowplow drivers and DOT staff who have worked so hard the last couple of weeks and, in particular, last week dealing with the snow. They are out at all hours of the morning and night doing all of the things that keep us safe, and she expressed her personal appreciation for all they do.

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

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2011~~ 2012).

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, ~~2011~~ 2012).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2013-45
Submitted by Paul Trombino III Phone No. 515-239-1111 Meeting Date March 12, 2013
Title Administrative Rule – 761 IAC 4, 600 and 605 – Nurse Practitioner

DISCUSSION/BACKGROUND:

The proposed administrative rules amendment revises 761 IAC 4.9(25). These amendments will promote conformity with Iowa Code 321.186(4), which allows Advanced Registered Nurse Practitioners (ARNPs) and physician assistants (PAs) to submit confidential reports to the department of drivers they deem to be incapable, and will give persons identified as incapable drivers better access to health care professionals that can assist in determining or reassessing their fitness to drive by expanding the professionals that may submit medical reports relevant to that determination from physicians and optometrists to ARNPs and PAs when practicing within the scope of their professional license.

The period for public comment ended on Feb. 12, 2013. No oral comments were received. Twenty-three supporting written comments and one concerned written comment 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 Reasner Seconded by Wiley

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

Division Director Legal State Director

ITEM 1. Amend subrule 4.9(25) as follows:

4.9(25) A report received by the department from a ~~physician or optometrist~~ physician licensed under Iowa Code chapter 148, an advanced registered nurse practitioner licensed under Iowa Code chapter 152 and registered with the board of nursing, a physician assistant licensed under Iowa Code chapter 148C or an optometrist licensed under Iowa Code chapter 154 regarding a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. (Iowa Code section 321.186)

ITEM 2. Amend rule ~~761—600.1(321)~~, definitions of “Medical report” and “Physician,” as follows:

“*Medical report*” means a report from a ~~physician~~ qualified medical professional attesting to a person’s physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031, “Medical Report.” In lieu of Form 430031, a report signed by a ~~physician~~ qualified medical professional on the ~~physician’s~~ qualified medical professional’s letterhead may be accepted if it contains all the information specified on Form 430031.

“*Physician Qualified medical professional*” means a person licensed to ~~practice medicine and surgery or osteopathic medicine and surgery~~ as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and registered with the board of nursing, or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person’s professional licensure.

ITEM 3. Amend paragraph **600.4(4)“c”** as follows:

c. If an episode occurs when medications are withdrawn by a ~~physician~~ qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

ITEM 4. Amend paragraph **600.4(4)“d”** as follows:

d. If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, and the ~~physician~~ qualified medical professional is not treating the person for the episode and believes it is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a ~~physician~~ qualified medical professional.

ITEM 5. Amend paragraph **605.5(5)“b”** as follows:

b. *Loss of consciousness or voluntary control.*

(1) and (2) No change.

(3) If the latest medical report indicates the person experienced only a single nonrecurring episode, the cause has been identified, and the ~~physician~~ qualified medical professional is not treating or has not treated the person for the episode and believes it is unlikely to recur, the department may waive the medical report requirement upon receipt of a favorable recommendation from a ~~physician~~ qualified medical professional.

(4) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a ~~physician~~ qualified medical professional and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.

(5) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a ~~physician~~ qualified medical professional and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control during the 10-year period immediately preceding application for a license.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Public Transit Order No. PPM-2013-46
 Submitted by Pam Lee Phone No. 515-239-1872 Meeting Date March 12, 2013
 Title Approval of the FY 2014 Transit Program (Vehicle Replacement, New Freedom, and Job Access and Reverse Commute programs)

DISCUSSION/BACKGROUND:

Approval is requested for the fiscal year (FY) 2014 Transit Program. Specific project recommendations for vehicle replacement and the New Freedom and Job Access and Reverse Commute programs are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2014 Transit Program recommendations as attached.

COMMISSION ACTION:

Moved by Wiley Seconded by Cleaveland

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

 Division Director Legal State Director

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-47
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 12, 2013
 Title Revitalize Iowa's Sound Economy (RISE) Policies

DISCUSSION/BACKGROUND:

Annually, the maximum RISE funding per job policy is reviewed. Based on analysis of construction costs over the past year, staff has determined an adjustment to the policy is warranted. The attached document of RISE policies reflects the proposed change to the maximum RISE funding per job from \$10,000 to \$11,000. Changes to the RISE policies will take effect on RISE projects approved by the Commission in March 2013 or later.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached RISE policies.

COMMISSION ACTION:

Moved by Reasner Seconded by Rose

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

 Division Director Legal State Director

Revitalize Iowa's Sound Economy (RISE) Policies
Effective March 12, 2013, Iowa Transportation Commission Business Meeting

Annual laborshed wage rate

- A company's ability to meet 100 percent of the annual laborshed rate for their area will be used to assist in determining RISE participation.

Project Completion Settlement Process

- First 50 percent of RISE funding not subject to settlement calculation.
- Settlement prorated against RISE funding beyond first 50 percent.
- In evaluating job contingency requirements, consideration will be given to jobs created from a different company that locates at the site of the original RISE-supported development. These jobs are subject to the same monitoring period as the original RISE development and will be evaluated based on wage rate, benefits and other RISE eligibility requirements.
- If at least 90 percent of the job creation and/or retention contingency is met at the wage rate established at the time of project approval, the project is considered substantially complete.
- Settlement installment payments calculated based on the prime interest rate minus 3 percent.

Monitoring process

- In monitoring job contingency requirements, initial payroll is required to establish baseline data.
- Three years after the roadway is open to traffic, the job creation and/or retention along with the wage rate contingencies must be met. Review and calculate average number of jobs created and/or retained using payrolls from the beginning and end of any six-month period from the time funding is awarded to three years after the RISE infrastructure improvement is complete.
- Submittal of documentation in cases of job turnover for establishing compliance with agreement contingency is allowable.

RISE cost per job increase

- \$11,000 per job maximum.

Local development funding

- Funding used for speculative RISE-eligible (nonretail) development.
- RISE participation held to 50 percent of eligible project costs.

Double access issue

- Interpretation has been to not fund RISE projects that create more than one access unless necessary to support additional entrances to a business or the project is the last link in the street/highway network. RISE funding will not be provided for more than one access unless necessary to support RISE-eligible development.

Loan interest rate

- RISE loan installment payments calculated using an interest rate between zero percent and the 10-year U.S. Treasury bond rate based on the quality of the RISE project.

Addition of RISE funding to a previously awarded project

- Allow the addition of RISE funding by Iowa Transportation Commission approval if the road construction has not started yet or the RISE-supported company construction has not been completed.

Roads/streets previously improved with RISE funding

- Additional funding for previously RISE-funded projects not allowed. However, new projects for capacity improvements necessary to support immediate job creation decision will be considered.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-48
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 12, 2013
 Title Revitalize Iowa's Sound Economy (RISE) Application – Marshalltown (Delegation)

DISCUSSION/BACKGROUND:

The city of Marshalltown submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of approximately 1,000 feet of South Street located on the southeast side of town in their industrial park. This project is anticipated to be completed by August 2013.

Because this project will provide access to more than 32 acres for industrial 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 February 2013 round of applications and award a RISE grant of \$237,616 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	_____	_____	_____
Cleaveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

Division Director _____ Legal _____ State Director

Craig Markley, Office of Systems Planning, said the city of Marshalltown submitted an Immediate Opportunity RISE funding request to construct approximately 1,000 feet of South Street located on the southeast side of town in their industrial park. Because this project provides access to more than 32 acres for industrial purposes and to maximize RISE support for the project, staff evaluated the application as a RISE Local Development project. Under RISE Local Development criteria, the project received a rating of 42 points. Total estimated project cost is \$475,232, and the city is requesting a RISE grant of \$237,616 and will provide a 50 percent local match. He introduced Tom Deimerly, President, Marshall Economic Development Impact Committee.

Mr. Deimerly introduced Randy Wetmore, City Administrator; Ken Anderson, President, Chamber of Commerce; Matt Garber, President, and Mark Crawford, Clappsaddle Garber Associates. Mr. Deimerly said this is an exciting project with a lot of opportunity. As of about six months ago, they sold the last shovel-ready site in their industrial park which necessitated the need to open these additional acres. In addition, TIG Distributing is considering a significant capital investment, a potential 40,000 square foot distribution facility in this general area. TIG is a young company that works with an agricultural manufacturer in Iowa, and they recently had the opportunity to add some assembly and manufacturing lines that are being phased out and being brought back from Mexico which has really necessitated the need for them to expand their current facility which is packed to the rafters. This really solidifies their presence in Iowa; they have three other locations around the country. He noted this is an infill site that currently has sewer. They will be putting in storm sewer, water, electric, gas, fiber and everything else necessary to consider it shovel ready. He expressed appreciation to the Commission for their consideration of this project.

Mr. Markley reviewed staff's recommendation.

Commissioner Wiley moved, Commissioner Yanney 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 February 2013 round of applications and award a RISE grant of \$237,616 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.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-49
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 12, 2013
 Title Revitalize Iowa's Sound Economy (RISE) Application – Dubuque County (Delegation)

DISCUSSION/BACKGROUND:

Dubuque County submitted a RISE Immediate Opportunity application requesting a grant to assist in the realignment and reconstruction of approximately 2,560 feet of Herber Road that connects the John Deere Construction and Forestry Division's manufacturing facility to their test facility proving grounds located north of Dubuque. This project is anticipated to be completed by December 2014.

The improvements will support:

- The retention of 50 full-time jobs and creation of 80 new full-time jobs.
- \$7.2 million in associated capital investment.

The RISE cost per job assisted will be \$11,000, and there will be a total capital investment of \$5.03 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job retention and creation commitments, award a RISE grant of \$1,430,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division Director _____ Legal _____ State Director

Craig Markley, Office of Systems Planning, said Dubuque County submitted an Immediate Opportunity RISE funding request to realign and reconstruct approximately 2,560 feet of Herber Road that connects the John Deere Construction and Forestry Division's manufacturing facility to their test facility proving grounds located north of Dubuque. The proposed improvements will result in the retention 50 full-time jobs and creation of 80 new full-time jobs within three years with \$7.2 million in associated capital investment. Average wage of the retained and created positions is \$20.51 per hour which is 127 percent of Dubuque County's average labor shed wage rate of \$16.09 per hour.

Mr. Markley said the RISE grant recommended is \$1,430,000, local participation is 49 percent or \$1,396,677, total estimated project cost is \$2,826,677, RISE cost per job assisted is \$11,000, and total capital investment per RISE dollar is \$5.03. He introduced Mike Van Milligen, Dubuque City Manager.

Mr. Van Milligen introduced DMATS Director of Transportation Chandra Ravada and Assistant City Manager Teri Goodmann. Mr. Van Milligen said Dubuque County is three percent of the state's population, and they have created 21 percent of all the new jobs in the state. One reason for that is John Deere. In the last three years John Deere has gone from 1,450 employees to 2,500 employees, and they've moved two new lines to Dubuque, one from Germany and one from Canada. In Dubuque John Deere makes construction equipment, not agricultural equipment, and Dubuque is the headquarters for all the design and engineering so over 600 employees at John Deere Dubuque works are engineers. They need access to their testing grounds and Herber Road provides that access but because of deteriorating bridge conditions and other issues, they have had, over the last several years, to take a huge detour to get their equipment to the testing grounds. The road is not conducive to access as it has a tremendous curve which requires some fancy driving and this project will allow them better access. He expressed appreciation for the Commission's consideration of this grant.

Mr. Markley reviewed staff's recommendation.

Commissioner Rose moved, Commissioner Reasner seconded the Commission, based on the capital investment and job retention and creation commitments, award a RISE grant of \$1,430,000 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.