

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, February 14, 2012  
Materials Conference Room  
Ames DOT Complex

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>SUBMITTED BY</u>	<u>PAGE</u>
D-2012-43 1:30 p.m.	*Approve Minutes of the January 10, 2012, Commission Meeting  Commission Comments  Staff Comments	Connie Page	1
D-2012-44 1:35 p.m.	*Approve Commission Meeting Dates from June 2012 through May 2013	Connie Page	2
D-2012-45 1:40 p.m.	*Administrative Rule: 761 IAC 164, Traffic Safety Improvement Program	Paul Trombino III	3
D-2012-46	*Administrative Rule: 761 IAC 520, Regulations Applicable to Carriers	Paul Trombino III	6
D-2012-47	*Administrative Rule: 761 IAC 607, Commercial Driver Licensing	Paul Trombino III	13
PPM-2012-48 1:45 p.m.	*Review the Federal Fiscal Year 2013 Federal Aviation Administration Funding Preapplications	Kay Thede	22
PPM-2012-49 1:50 p.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Nevada (Delegation)	Craig Markley	25
1:55 p.m.	Meeting Adjourn		

\*Action Item

On Tuesday, February 14, the Commission and staff will meet informally at 9 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-2012-43  
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date February 14, 2012  
Title Approve Minutes of the January 10, 2012, Commission Meeting

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**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the January 10, 2012, Commission meeting.

**COMMISSION ACTION:**

Moved by Rose Seconded by Miles

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

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Division  
Director

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Legal

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State Director

## Commission Comments

### 1. Passenger Rail Survey

Commissioner Cleaveland said the Department is conducting a passenger rail survey for the Chicago to Omaha route, and he commended the staff involved in the innovative way that the public outreach is being handled on the internet. He was viewing the website yesterday; it is very efficient and a cool way to get the word out. He encouraged everyone to check out the website and make comments.

### 2. Commission Workshop

Commission Chair Reasner noted that earlier today the Commission held a workshop during which time we spent several hours reviewing a variety of items including some of the things that are on today's agenda.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2012-44  
 Submitted by Connie Page Phone No. 515-239-1242 Meeting Date February 14, 2012  
 Title Approve Commission Meeting Dates from June 2012 through May 2013

**DISCUSSION/BACKGROUND:**

The Commission is requested to approve the following proposed June 2012 through May 2013 meeting dates.

June 11/12, 2012*	Oct. 8/9*	Feb. 12
July 10	Nov. 13	March 12
Aug. 13/14*	Dec. 11	April 8/9*
Sept. 11	Jan. 15, 2013	May 14

\*Tour/public meeting

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the proposed June 2012 through May 2013 meeting dates.

**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>	_____	_____

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Division Director                      Legal                      State Director

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Director Order No. D-2012-45  
 Submitted by Paul Trombino III Phone No. 515-239-1111 Meeting Date February 14, 2012  
 Title Administrative Rule: 761 IAC 164, Traffic Safety Improvement Program

**DISCUSSION/BACKGROUND:**

The proposed rule amendment revised 761 IAC 164, Traffic Safety Improvement Program, to extend the program application deadline date in the administrative rules from June 15 to August 15.

This amendment allows applicants (cities, counties and state agencies) additional time to prepare and submit safety-project funding applications and shortens approval times.

The period for public comment ended January 31, 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 Miles Seconded by Rose

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Division Director                      Legal                      State Director

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

TRANSPORTATION DEPARTMENT [761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on February 16, 2012, adopted amendments to Chapter 164, "Traffic Safety Improvement Program," Iowa Administrative Code.

Notice of Intended Action for amendment was published in the January 11, 2012, Iowa Administrative Bulletin as ARC 9968B.

This amendment changes the application submittal deadline from June 15 to August 15 to allow applicants additional time to prepare applications and to shorten application approval times.

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

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

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective April 11, 2012.

Rule-making actions:

Amend paragraph **164.9(1)“b”** as follows:

*b.* All complete applications received before ~~June~~ August 15 of each year shall be evaluated for funding.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Director Order No. D-2012-46  
 Submitted by Paul Trombino III Phone No. 515-239-1111 Meeting Date February 14, 2012  
 Title Administrative Rule: 761 IAC 520, Regulations Applicable to Carriers

**DISCUSSION/BACKGROUND:**

The proposed rule amendments revise 761 IAC 520, Regulations Applicable to Carriers. Participation in the federal Motor Carrier Safety Assistance Program (MCSAP) requires regulatory compliance to be maintained by the state, as stipulated in 49 Code of Federal Regulations (CFR) Part 350.

Implementation of the federal MCSAP requires Iowa Code 321.449 and 321.450 to be consistent with 49 CFR, Parts 107, 171-173, 177-178, 180, 385 and 390-399.

This action will update 761 IAC 520, Regulations Applicable to Carriers, to adopt revisions made to the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations that became effective October 2, 2010, through October 1, 2011. This is an annual adoption.

The period for public comment ended January 31, 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 affirm its approval of the attached rule amendments.

		Aye	Vote Nay	Pass
<b>COMMISSION ACTION:</b>	Blouin	X	_____	_____
	Cleaveland	X	_____	_____
	Miles	X	_____	_____
	Reasner	X	_____	_____
	Rose	X	_____	_____
	Wiley	X	_____	_____
	Yanney	X	_____	_____

  

Division Director	Legal	State Director
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Moved by Cleaveland Seconded by Rose



## TRANSPORTATION DEPARTMENT [761]

### Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on February 16, 2012, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for amendment was published in the January 11, 2012, Iowa Administrative Bulletin as ARC 9973B.

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.

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.

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.

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

2010 edition of the CFR are listed below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR

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

The Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations by prohibiting texting on electronic devices by commercial motor vehicle (CMV) drivers and imposed sanctions, including civil penalties and disqualification from operating CMVs. Additionally, motor carriers are prohibited from requiring or allowing their drivers to engage in texting while driving. FMCSA also amended its commercial driver's license (CDL) regulations to add to the list of disqualifying offenses a conviction under state or local traffic laws or ordinances that prohibit texting by CDL drivers while operating a CMV, including school bus drivers. Effective Date: October 27, 2010.

Part 393 (FR Vol. 75, No. 212, Pages 67634-67635), 11-03-10

The Federal Motor Carrier Safety Administration (FMCSA) confirmed the effective date of the direct final rule titled "Parts and Accessories Necessary for Safe Operation: Antilock Brake Systems," published on September 21, 2010, in the Federal Register (75 FR 57393). This rule made permanent the existing requirement in the Federal Motor Carrier Safety Regulations that each trailer with an antilock brake system be equipped with an external malfunction indicator lamp. Effective Date: November 22, 2010.

Parts 171, 172, 173, 178, and 180 (FR Vol. 76, No. 12, Pages 3307-3389), 01-19-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations 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 limited quantities, and vessel stowage requirements. These revisions were necessary to harmonize the Hazardous Materials Regulations with changes made 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--Model Regulations. Effective Date: January 19, 2011.

Parts 171 and 173 (FR Vol. 76, No. 21, Pages 5483-5494), 02-01-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations by incorporating provisions contained in certain widely used or longstanding cargo tank special permits that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations, provided an equivalent level of safety is maintained. Effective Date: March 3, 2011.

Part 177 (FR Vol. 76, No. 39, Pages 10771-10778), 02-28-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations by prohibiting texting on electronic devices by drivers during the operation of a motor vehicle containing a quantity of hazardous materials requiring placards or any quantity of a select agent or toxin listed in the Department of Health and Human Services' "Select Agents and Toxins" regulations. Additionally, in accordance with requirements adopted on September 27, 2010, by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in texting while driving. Effective Date: March 30, 2011.

Part 395 (FR Vol. 76, No. 87, Pages 25588-25590), 05-05-11

The Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations to adopt regulatory language regarding hours of service (HOS) consistent with the statutory exemption authorized for certain railroad signal employees operating commercial motor vehicles (CMVs) in connection with railroad signal work. This action is in accordance with the Rail Safety Improvement Act of 2008 (RSIA of 2008), which took effect July 16, 2009. Effective Date: May 5, 2011.

Part 390 (FR Vol. 76, No. 98, Pages 29169-29170), 05-20-11

The Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations to extend until June 30, 2012, the compliance date of the requirement for drivers and motor carriers to prepare a driver-vehicle inspection report (DVIR) on an item of intermodal equipment (IME) when no damage, defects, or deficiencies are discovered by, or reported to, the driver. The previous compliance date was June 30, 2011. As a result of this action, drivers and carriers are not required to prepare no-defect DVIRs until June 30, 2012. This action is being taken to provide the FMCSA with sufficient time to address, through a notice-and-comment rule-making proceeding, a petition to rescind the requirement for no-defect DVIRs on intermodal equipment. Effective Date: May 20, 2011.

Parts 171 and 177 (FR Vol. 76, No. 109, Pages 32867-32873), 06-07-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) in coordination with the Federal Motor Carrier Safety Administration (FMCSA) approved the use of the National Fire Protection Association Standard (NFPA) 498—Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives (2010 Edition) for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. Effective Date: July 7, 2011.

Part 172 (FR Vol. 76, No. 123, Pages 37283-37285), 06-27-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations by removing saccharin and its salts from the list of hazardous substances and reportable quantities. The U.S. Environmental Protection Agency (EPA) recently removed saccharin and its salts from its list of hazardous substances through notice-and-comment rule making, and this final rule harmonizes the lists to better enable shippers and carriers to identify the affected hazardous substances and comply with all applicable regulatory requirements. Effective Date: June 27, 2011.

Parts 107, 171, 172, 173, 177, 178, and 180 (FR Vol. 76, No. 139, Pages 43510-43532), 07-20-11

The Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations to update and clarify certain regulatory requirements. These amendments are intended to promote safer transportation practices, eliminate unnecessary regulatory requirements, finalize outstanding petitions for rule making, facilitate international commerce, and simplify the regulations. Effective Date: August 19, 2011.

Part 393 (FR Vol. 76, No. 177, Pages 56318-56322), 09-13-11

The Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations to eliminate the requirement for operational brakes on the last saddle-mounted truck or tractor in a triple saddle-mount combination, except when a full mount is present. This action is in response to a petition for rule making from the Automobile Carriers Conference (ACC) of the American Trucking Associations (ATA), which stated that this requirement degrades the braking performance of these combinations because the lightly loaded axle of the last vehicle tends to lock up under heavy braking. Effective Date: October 13, 2011.

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

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

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective April 11, 2012.

Rule-making actions:

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

*a. Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2010~~ 2011).

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, ~~2010~~ 2011).

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Director Order No. D-2012-47  
 Submitted by Paul Trombino III, P.E. Phone No. 515-239-1111 Meeting Date February 14, 2012  
 Title Administrative Rule: 761 IAC 607, Commercial Driver Licensing

**DISCUSSION/BACKGROUND:**

The administrative rules in 761 IAC 607 will be amended to reflect changes made to the following Iowa Code sections by 2011 Iowa Acts, Senate File 205, effective July 1, 2011.

- 321.174 Operators licensed – operation of commercial motor vehicles
- 321.188 Commercial driver’s license requirements
- 321.207 (New) Downgrade of commercial driver’s license

The Iowa DOT must begin compliance with the federal rules found in 49 CFR Parts 383.71 and 383.73 on January 30, 2012, when issuing to first-time applicants of a commercial driver’s license (CDL), or drivers who upgrade or transfer a CDL. Applicants must certify to the type of driving they engage in or expect to engage in. Those drivers who certify to nonexcepted interstate commerce must provide a copy of a valid Medical Examiner’s Certificate. All other CDL holders must comply before January 30, 2014. Iowa DOT must adhere to mandatory recordkeeping requirements. A noncompliant driver’s commercial privilege must be downgraded to a noncommercial status.

States that fail to comply face withholding of federal-aid highway funds per 49 CFR Part 384.401.

On December 13, 2011, the Iowa Transportation Commission approved the emergency filing of these rule amendments. The Iowa DOT simultaneously filed a Notice of Intended Action to allow for public comment. The public comment period ended on January 31, 2012, and no comments were received. The attached rule amendments are identical to the ones that were published as an emergency filing in the Iowa Administrative Bulletin except the references to 2011 Iowa Acts, Senate File 205, were updated to reference the 2011 Iowa Code Supplement.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission reaffirm its approval of the attached rule amendments.

<b>COMMISSION ACTION:</b>			Aye	Vote Nay	Pass
			<u>X</u>	_____	_____
			<u>X</u>	_____	_____
			<u>X</u>	_____	_____
Moved by	<u>Rose</u>	Seconded by	<u>Miles</u>	<u>X</u>	_____
				<u>X</u>	_____
				<u>X</u>	_____
				<u>X</u>	_____
				<u>X</u>	_____

  

_____ Division Director	_____ Legal	_____ State Director
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ITEM 1. Adopt the following **new** definitions in rule **761—607.3(321)**:

*“Commercial driver’s license”* or *“CDL”* means a license issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR Part 383, which authorizes the individual to operate a class of a commercial motor vehicle.

*“Commercial driver’s license downgrade”* or *“CDL downgrade”* means either:

1. The driver changes the driver’s self-certification of type of driving from non-excepted interstate to excepted interstate, non-excepted intrastate, or excepted intrastate driving, or
2. The department removed the CDL privilege from the driver’s license.

*“Commercial driver’s license information system driver’s record”* or *“CDLIS driver’s record”* means the electronic record of the individual’s CDL driver’s status and history stored by the state-of-record as part of the commercial driver’s license information system established under 49 U.S.C. Section 31309.

*“Medical examiner”* means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced registered nurse practitioners, and doctors of chiropractic.

*“Medical examiner’s certificate”* means a certificate completed and signed by a medical examiner under the provisions of 49 CFR Section 391.43.

*“Medical variance”* means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

1. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 CFR Part 381, Subpart C, or 49 CFR Section 391.62, or 49 CFR Section 391.64.
2. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 CFR Section 391.49.



“*Self-certification*” means a written certification of which category of type of driving an applicant for a commercial driver’s license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391, and is required to obtain a medical examiner’s certificate by 49 CFR Section 391.45.

2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR Part 391, and is therefore not required to obtain a medical examiner’s certificate by 49 CFR Section 391.45.

3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.

4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

ITEM 2. Amend rule **761—607.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.188 as amended by 2011 Iowa Acts, Senate File 205, sections 13 and 14, 321.191, 321.193 and 321.208 and 2011 Iowa Acts, Senate File 205, section 17.

ITEM 3. Amend rule 761—607.10(321) as follows:

**761—607.10(321) Adoption of federal regulations.**

**607.10(1)** *Code of Federal Regulations.* The department adopts the following portions of the Code of Federal Regulations which are referenced throughout this chapter of rules:

a. 49 CFR Section 391.11 as adopted in 761—Chapter 520.

b. 49 CFR Section 392.5 as adopted in 761—Chapter 520.

c. The following portions of 49 CFR Part 383 (October 1, ~~2008~~ 2011):

(1) Section 383.51(b), Disqualification for major offenses, and Section 383.51(a)(5), Reinstatement after lifetime disqualification.

(2) Subpart E—Testing and Licensing Procedures, which contains Sections 383.71-383.77.

(3) Subpart G—Required Knowledge and Skills, which contains Sections 383.110-383.123.

(4) Subpart H—Tests, which contains Sections 383.131-383.135.

**607.10(2)** *Copies of regulations.* Copies of the federal regulations may be reviewed at the state law library or through the Internet at <http://www.fmcsa.dot.gov>.

This rule is intended to implement Iowa Code sections 321.187, 321.188, 321.208 and 321.208A and 2011 Iowa Acts, Senate File 205, section 17.

ITEM 4. Adopt the following **new** rule 761—607.50(321):

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

**607.50(1)** *Applicants for new, transferred, renewed or upgraded CDL.*

a. A person shall provide to the department a self-certification of type of driving if the person is applying for:

(1) An initial commercial driver's license,

(2) A transfer of a commercial driver's license from a prior state of domicile to the state of Iowa,

(3) Renewal of a commercial driver's license, or

(4) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license.

b. The self-certification shall be on a form or in a format, which may be electronic, as provided by the department.

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

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

**607.50(4)** *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the

department a copy of each subsequently issued medical examiner's certificate valid for the person. The copy must be given to the department at least ten days before the previous medical examiner's certificate expires.

**607.50(5) CDL downgrade.** If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of "not certified" to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule 607.50(4) shall be deemed to be expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

*a.* The department shall give the person written notice that the person's medical certification status is "not certified" and that the commercial driver's license privilege will be removed from the person's driver's license 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the person submits to the department a current medical certificate or medical variance or self-certifies to a type of driving other than non-excepted interstate.

*b.* If the person submits a current medical examiner's certificate or medical variance before the end of the 60-day period, the department shall post a medical certification status of "certified" on the person's CDLIS driver's record and shall terminate the downgrade of the person's commercial driver's license.

c. If the person self-certifies to a type of driving other than non-excepted interstate before the end of the 60-day period, the department shall not remove the commercial driver's license privilege from the person's driver's license, and the person will have no medical certification status on the person's CDLIS driver's record.

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

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

**607.50(7)** *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may establish or reestablish the status as "certified" by submitting a current medical examiner's certificate or medical variance to the

department. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of “certified” on the person’s CDLIS driver’s record.

**607.50(8) *Reestablishment of the CDL privilege.*** A person whose commercial driver’s license privilege has been removed from the person’s driver’s license under the provisions of paragraph 607.50(5)“d” may reestablish the commercial driver’s license privilege to the person’s driver’s license by either of the following methods:

*a.* Submitting a current medical examiner’s certificate or medical variance to the department. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of “certified” on the person’s CDLIS driver’s record and reestablish the commercial driver’s license privilege to the person’s driver’s license, provided that the person otherwise remains eligible for a commercial driver’s license.

*b.* Self-certifying to a type of driving other than non-excepted interstate. The department shall then reestablish the commercial driver’s license privilege to the person’s driver’s license, provided that the person otherwise remains eligible for a commercial driver’s license; the person will have no medical certification status on the driver’s CDLIS driver’s record.

**607.50(9) *Change of type of driving.*** A person may change the person’s self-certification of type of driving at any time. As required by subrule 607.50(3), a person certifying to non-excepted interstate driving must give the department a copy of the person’s current medical examiner’s certificate prepared by a medical examiner.

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

This rule is intended to implement Iowa Code section 321.182; section 321.188 as amended by 2011 Iowa Acts, Senate File 205, sections 13 and 14; and 2011 Iowa Acts, Senate File 205, section 17.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Planning, Programming and Modal Division  
Division/Bureau/Office Office of Aviation Order No. PPM-2012-48  
Submitted by Kay Thede Phone No. 515-239-1048 Meeting Date February 14, 2012  
Title Review the Federal Fiscal Year (FFY) 2013 Federal Aviation Administration (FAA) Funding Preapplications

**DISCUSSION/BACKGROUND:**

The Office of Aviation requests the Iowa Transportation Commission approve the prioritization of FFY 2013 FAA funding preapplications submitted by Iowa airports that are eligible for federal funding. The prioritized list of projects is attached.

Preapplications and the recommended prioritization will be submitted to FAA for review and final funding approval.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the FAA funding preapplications prioritization be approved as presented.

**COMMISSION ACTION:**

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

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

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



PPM-2-12-48

Kay Thede, Office of Aviation, said this morning we reviewed the federal preapplications from those Iowa airports eligible for federal funding that are not primary airports. She requested Commission approval for the prioritization of those projects to submit to the Federal Aviation Administration (FAA).

Commissioner Cleaveland moved, Commissioner Rose seconded the Commission approve the FAA funding preapplications prioritization as presented. All voted aye.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Office of Systems Planning Order No. PPM-2012-49  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 14, 2012  
Title Revitalize Iowa's Sound Economy (RISE) Application – Nevada (Delegation)

**DISCUSSION/BACKGROUND:**

The city of Nevada submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of left- and right-turn lane improvements on Lincoln Highway and approximately 1,300 feet of 590<sup>th</sup> Avenue north of Lincoln Highway located on the west side of town. This project is anticipated to be completed by October 2013.

These improvements are necessary to provide access to the proposed site for the DuPont-Danisco Cellulosic Ethanol, LLC facility, a producer of cellulosic ethanol.

The roadway will support:

- The creation of 60 new jobs at this facility.
- \$236,179,000 in associated capital investment.

The RISE cost per job assisted will be \$10,000, and there will be a total capital investment of \$393.63 for each RISE dollar requested.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$300,000 from the county share of the RISE Fund and \$300,000 from the city share of the RISE Fund or up to 80 percent of the total RISE-eligible project cost, whichever is less.

**COMMISSION ACTION:**

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

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

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

\_\_\_\_\_  
Legal

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

PPM-2012-49

Craig Markley, Office of Systems Planning, said today we have a RISE Immediate Opportunity application from Nevada to construct left- and right-turn lane improvements on Lincoln Highway and approximately 1,300 feet of 590<sup>th</sup> Avenue north of Lincoln Highway on the west side of town. This improvement is necessary to provide access to the proposed site of the new DuPont-Danisco Cellulosic Ethanol, LLC facility. The proposed improvement will result in the creation of 60 jobs within three years along with an associated capital investment of more than \$236 million. The average starting wage of the positions to be created is \$22.54 which is 138 percent of the Story County average wage rate of \$16.34.

Mr. Markley said the RISE grant recommended is \$600,000. Local participation is 63 percent or \$1,042,500. Total cost is \$1,642,500. The RISE cost per job assisted is \$10,000 and total capital investment per RISE dollar is \$393.63. He introduced Elizabeth Hansen, Nevada City Administrator.

Ms. Hansen said the city of Nevada is thrilled to land this project in collaboration with the state and their economic development council. It is creating 60 high-quality jobs. The total investment is \$235 million but the state has also put in incentives of \$14 million (infrastructure) and the city has come close to the \$10 million mark. With this plant DuPont will license their product so this is the first of many cellulosic ethanol plants. She said they believe this is a perfect project to be eligible for RISE grant dollars. She noted the city is currently working with a spinoff company that will use the byproducts from the DuPont plant, and they anticipate coming back a year from now to tell the Commission about that project which will create another 130 high quality jobs.

Mr. Markley reviewed staff's recommendation.

Commissioner Miles moved, Commissioner Rose seconded the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$300,000 from the county share of the RISE fund and \$300,000 from the city share of the RISE fund or up to 80 percent of the total RISE-eligible project cost, whichever is less. All voted aye.

Meeting adjourned at 1:41 p.m.