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<th>ITEM NUMBER</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>8:00 a.m.</td>
<td>D-2021-17 * Approve Minutes of the September 8, 2020  Commission Meeting</td>
<td>Danielle Madden</td>
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<td>Commission Comments</td>
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<td>DOT Comments</td>
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<td>MV-2021-19 * Administrative Rules – 761 IAC 480 Abandoned Vehicles</td>
<td>Melissa Gillett</td>
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<td>MV-2021-20 * Administrative Rules – 761 IAC 602 and 636</td>
<td>Melissa Gillett</td>
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<td>PPM-2021-21 * Revitalize Iowa’s Sound Economy (RISE) – Sioux City</td>
<td>Craig Markley</td>
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<td>PPM-2021-22 * Fiscal Year 2022 Highway-Railroad Crossing Safety Program</td>
<td>Kris Klop</td>
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<td>PPM-2021-23 * 2022 Highway-Railroad Crossing Surface Repair Program</td>
<td>Kris Klop</td>
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<td>PPM-2021-24 *Federal Fiscal Year (FFY) 2020 Federal Bus Replacement Discretionary Funding</td>
<td>Sree Mitra</td>
<td>24</td>
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<td>8:10 a.m.</td>
<td>Adjourn</td>
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*Action Item

On Monday, October 12, the Commission and staff will meet informally at 3:30 p.m. at the Hotel Blackhawk. 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-2021-17
Submitted by: Danielle Madden
Phone No.: 515-239-1919
Meeting Date: October 13, 2020
Title: Approve Minutes of the September 8, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the September 8, 2020 Commission meeting.

COMMISSION ACTION:

Moved by: Tom Rielly
Seconded by: Rich Arnold

Arnold: x
Fehrman: x
Juckette: x
Maher: x
Putney: x
Rielly: x
Yanne: x

Aye: x
Nay: ______
Pass: ______

Division Director: Legal: State Director: 3
Commissioner Rielly made a motion to approve the minutes as written. Commissioner Arnold seconded the motion. Motion passed unanimously.

Commission Comments
Commissioner Rielly gave a summary of Monday's tour.

DOT Comments
DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office: Administrative Services Division  
Order No.: AS-2021-18
Submitted by: Lee Wilkinson  
Phone No.: 515-239-1340  
Meeting Date: October 13, 2020

Title: Administrative Rules — 761 IAC 25, Competition with Private Enterprise

DISCUSSION/BACKGROUND:
This rule making concerns Chapter 25 to remove “rest area sponsorship” from the list of department activities that are exempted from the provisions of Iowa Code section 23A.2(1) because the department no longer has a rest area sponsorship program.

A complete summary explaining the proposed amendment is included in the attached Notice of Intended Action.

The public comment period ended September 1, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:
It is recommended that the Commission approve the rule amendment included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by: Linda Juchette  
Seconded by: Tom Rielly

Arnold  
Fehrman  
Juchette  
Maher  
Putney  
Rielly  
Yanney

Aye  
Nay  
Pass

Division Director  
Legal  
State Director
Lee Wilkinson – Administrative Services Division Director; The proposed amendment revises chapter 25 of the Iowa Administrative Code to update the Department’s activities that are exempt from provision of Iowa code 23A.2 (1) to remove rest area sponsorships as the department no longer has a rest area sponsorship program. This amendment was discussed yesterday at the workshop and recommend adoption.

Commissioner Juckette made a motion to approve rule amendment. Commissioner Rielly seconded the motion. Motion passes unanimously.
TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to highway program acknowledgment signs
and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 25, “Competition with Private Enterprise,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 23A.2(1) and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 23A.2(1).

Purpose and Summary

The proposed amendment revises Chapter 25 to update the Department activities that are exempted from the provisions of Iowa Code section 23A.2(1) and to remove “rest area sponsorship.” The Department no longer has a rest area sponsorship program.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

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.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 1, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 1, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.
Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department’s rules administrator, and advise of specific needs. The public hearing will be canceled without further notice if no oral presentation is requested.

**Review by Administrative Rules Review Committee**

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 25.2(8) as follows:

25.2(8) Design, construction, reconstruction, inspection and maintenance of highways including, but not limited to, signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway, rest area sponsorship and highway helper sponsorship programs.
DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office  Motor Vehicle Division  Order No.  MV-2021-19
Submitted by  Melissa Gillett  Phone No.  515-237-3010  Meeting Date  October 13, 2020
Title  Administrative Rules — 761 IAC 480, Abandoned Vehicles

DISCUSSION/BACKGROUND:
This rule making concerns Chapter 480 and relates to the processing of abandoned vehicles by a police authority or a private entity and aligns with existing legal authority and department practice. The intent of this rule making is to clarify the process for disposal of abandoned vehicles and to protect lienholders or others with a legal interest in the abandoned vehicle.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended September 29, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:
It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:
Moved by  Charese Yanney  Seconded by  Rich Arnold

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Division Director  Legal  State Director
Melissa Gillett – Motor Vehicle Division Director; Yesterday at the workshop we discussed the disposal process.

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

Commissioner Yanney made a motion to approve rule amendment. Commissioner Arnold seconded the motion. Motion passes unanimously.
TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to abandoned vehicles
and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 480, “Abandoned Vehicles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.89.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.71, 321.89 and 321.90.

Purpose and Summary

The proposed rule making relates to the processing of abandoned vehicles by a police authority or a private entity and aligns with existing legal authority and Department practice. Chapter 480 and Iowa Code section 321.89 provide a specific process for taking possession and disposing of an abandoned vehicle. The intent of this rule making is to clarify the process for disposal of abandoned vehicles and to protect lienholders or others with a legal interest in the abandoned vehicle. The following paragraphs further explain the proposed amendments:

Definitions. A new definition of “bidder registry” is added and the definition of “public auction” is amended to reflect the current options for conducting a public auction, including by electronic means, and to remove the requirement that the highest bidder is awarded the property if the bid represents the fair market value of the property. The intent of this proposed amendment is to encourage use of a public auction to get the most value for the vehicle without necessarily requiring the bid to reach the vehicle’s fair market value.

Abandoned vehicle records. The proposed amendments specify the required abandoned vehicle records that a police authority or private entity must maintain to be available for inspection by a peace officer or employee of the Department if the vehicle is auctioned off or transferred to a demolisher. The required records to be available for inspection include the lien results, the National Motor Vehicle Title Information System (NMVTIS) report when no Iowa owner or lienholders are identified, the impound report, the abandoned vehicle notice, the proof of advertisement of a public auction, the certificate of disposal, a copy of the bidder registry and a copy of the affidavit of sale. Maintenance of these records will help ensure compliance with the steps for processing abandoned vehicles, which will reduce fraud and protect consumers.

Preconditions of sale. A new subrule is added to require a private entity or police authority to verify that the preconditions of selling an abandoned vehicle required under Iowa Code section 321.89 have been met prior to the sale of an abandoned vehicle. The intent of this subrule is to clarify who is responsible for verifying the preconditions of sale under Iowa Code section 321.89 prior to the sale.

Public auction. The proposed amendments address the following requirements related to conducting a public auction of an abandoned vehicle:

- Clarifying that an initial bid at a public auction for the abandoned vehicle may be set at the amount that equals the actual cost of storage and towing of the vehicle.
- Limiting a police authority or private entity to two attempts at selling an abandoned vehicle at auction. If the vehicle cannot be sold at auction after two attempts, or if a sale cannot otherwise be made with enough proceeds to cover expenses associated with processing the abandoned vehicle, then the abandoned vehicle shall be transferred to a vehicle demolisher. This provision will help reduce

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the incentive to commit fraud. Because a police authority or private entity is entitled to recoup any unreimbursed costs for processing an abandoned vehicle from the Road Use Tax Fund in accordance with Iowa Code section 321.89(4)“b,” the Department wants to ensure everything possible is being done to achieve the highest sale price for the abandoned vehicle.

- Ensuring that interested members of the public are aware that a vehicle is being offered for sale by adopting certain advertising requirements, which will reduce claims that no one showed up at the public auction to bid on an abandoned vehicle.
- Complying with the requirements under Iowa Code section 321.89 that a public auction, if one was held, actually took place by requiring a bidder registry.
- Requiring a seller of an abandoned vehicle at auction to complete an odometer disclosure statement when an odometer statement is required under Iowa Code section 321.71.
- Clarifying that the costs of advertising the public auction to sell an abandoned vehicle, when submitted with the abandoned vehicle report, are reimbursable in accordance with Iowa Code section 321.89(4)“c” and Chapter 480.

**Good-faith purchaser.** New subrules are added to create consistency with Iowa Code section 321.89(4)“a” by protecting good-faith purchasers of abandoned vehicles that might otherwise be encumbered by liens. The proposed amendments provide that despite any noncompliance on the part of the police authority or private entity with the requirements for disposing of an abandoned vehicle, a good-faith purchaser of an abandoned vehicle takes title free and clear of all liens and a county treasurer shall process the registration and issue a title for an abandoned vehicle accordingly.

**Fiscal Impact**

In fiscal year 2019, the Department reimbursed approximately $309,519 to police authorities and private entities for the processing of abandoned vehicles under Iowa Code section 321.89. This breaks down to an average of $300 in reimbursement of costs for approximately 1,032 abandoned vehicles. The proposed amendments are not anticipated to result in a significant amount of additional abandoned vehicles being processed each fiscal year because the amendments mostly clarify the process. However, if more public auctions were held because of the proposed amendments authorizing the use of electronic public auctions, the Department might assume that 20 additional vehicles may be sold at public auctions each fiscal year, which translates to an additional $6,000 (20 x $300) of reimbursement being paid out of the Road Use Tax Fund each fiscal year.

**Jobs Impact**

After analysis and review of this rule making, no impact on jobs has been found.

**Waivers**

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.

**Public Comment**

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 29, 2020. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: tracy.george@iowadot.us
Public Hearing

If requested, a public hearing to hear requested oral presentations will be held on October 1, 2020, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 29, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs. The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following new definition of “Bidder registry” in rule 761—480.1(321):

“Bidder registry” means a record of all persons who have registered to bid at a public auction.

ITEM 2. Amend rule 761—480.1(321), definition of “Public auction,” as follows:

“Public auction,” when used in Iowa Code section 321.89, means a conventional oral auction setting open to the general public. A public auction may be by electronic means, by sealed bid, or a conventional oral auction. The highest bidder is awarded the property. When the auction is a conventional oral auction, bidders shall register and bring the required bid deposit with them to the auction on the day and at the location and time specified for the sale, if a bid deposit is required. Bidders bid against each other one another until bidding stops. The high bidder is awarded the property provided the bid represents the fair market value of the property.

ITEM 3. Amend rule 761—480.2(321) as follows:

761—480.2(321) Location. Information, forms and instructions are available from: Office of Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278 or the department’s Web site at http://www.iowadot.gov/mvd www.iowadot.gov.

ITEM 4. Amend rule 761—480.3(321) as follows:

761—480.3(321) General requirements.

480.3(1) and 480.3(2) No change.

480.3(3) To request reimbursement, the police authority or private entity shall complete and submit to the department an abandoned vehicle report on a form and in the manner prescribed by the department. Other forms may be accepted if they contain all information deemed necessary by the department.

480.3(4) A police authority shall also complete and submit the prescribed abandoned vehicle report form when remitting unclaimed profits pursuant to rule 761—480.7(321).

480.3(5) to 480.3(7) No change.

480.3(8) A police authority or a private entity designated by a police authority holding a public auction may set the initial bid at an amount that equals the actual cost of storage and towing.

480.3(9) A police authority or private entity processing an abandoned vehicle shall maintain records for three years from the sale at a public auction or transfer of a motor vehicle to a demolisher. The
records shall be open to inspection by any peace officer or any employee of the department. The required
documents to be made available for inspection shall include:

a. The motor vehicle record request results letter issued by the department with lien information;
or evidence that a motor vehicle record was reviewed for owners and liens through other legal means.
b. The National Motor Vehicle Title Information System (NMVTIS) report when no Iowa owner
or lienholders are identified.
c. The impound report with the date of abandonment.
d. One copy of the dated notice sent by the police authority or private entity to each owner and
lienholder or proof of publication of notice with the publication date visible.
e. One copy of actual newspaper page advertising each public auction with advertisement and
date visible.
f. A copy of the certificate of disposal for the private entity.
g. The bidder registry for the police authority or private entity designated by a police authority
holding a public auction.
h. A copy of affidavit of sale on a form prescribed by the department.

480.3(10) A police authority or private entity shall verify that the provisions of this chapter have
been executed, prior to the sale of the abandoned vehicle, on a form prescribed by the department.

480.3(11) A police authority or private entity shall be limited to two attempts at selling an abandoned
vehicle at a public auction. If the police authority or private entity cannot make a satisfactory sale at two
public auctions, or if a sale cannot otherwise be made with enough proceeds to cover the expenses and
costs in carrying out the abandoned vehicle process, the police authority or private entity shall sell or
dispose of the vehicle to a demolisher for junk.

480.3(12) A purchaser in good faith of a motor vehicle sold as a result of the abandoned vehicle
process takes the motor vehicle free of all rights of all persons, including holders of preexisting liens,
notwithstanding any police authority or private entity’s noncompliance with this chapter.

480.3(13) Upon presentation of a sales receipt, a county official shall process the registration and
issuance of title to the purchaser free of all rights of all persons, including holders of preexisting liens,
notwithstanding any police authority or private entity’s noncompliance with this chapter.

Item 5. Renumber rules 761—480.4(321) and 761—480.5(321) as 761—480.7(321) and
761—480.8(321).

Item 6. Adopt the following new rule 761—480.4(321):

761—480.4(321) Advertising.

480.4(1) A public auction shall be advertised at least seven days in advance within the county where
the auction will take place or where the vehicle is physically located. At minimum, the manner of the
advertising shall be:

a. Published in a newspaper which meets the requirements set forth in Iowa Code section 618.3;
and

b. Posted in a conspicuous manner viewable to the public at the location where the public auction
will occur. If the public auction is to be conducted by electronic means, the location shall be the specific
website to be used for the auction.

480.4(2) If a vehicle is not sold at the scheduled public auction, any subsequent attempt to sell the
vehicle by auction must be preceded by advertising pursuant to this rule.

Item 7. Adopt the following new rule 761—480.5(321):

761—480.5(321) Bidder registry.

480.5(1) A police authority or private entity designated by a police authority shall maintain for three
years the bidder registry for each auctioned vehicle sold or offered for sale at a public auction. The bidder
registry shall be open for inspection by any peace officer or department employee. For each auctioned
vehicle, the bidder registry shall contain:

a. The full name of the bidder.
b. The bona fide address of the bidder.

c. A telephone number of the bidder.

d. The date of the auction.

e. The auctioned vehicle’s make, model, model year, and vehicle identification number.

f. The location of the auction.

480.5(2) Reserved.

ITEM 8. Adopt the following new rule 761—480.6(321):

761—480.6(321) Odometer statement.

480.6(1) When a vehicle is sold at a public auction and the seller cannot attest to the true mileage reading of the vehicle’s odometer, the seller shall complete the odometer disclosure statement, when required pursuant to Iowa Code section 321.71, in the following manner:

a. The odometer statement shall reflect the odometer mileage reading at the time of sale; and

b. The odometer statement shall be marked indicating “odometer discrepancy,” certifying the odometer mileage reading is not the actual mileage.

480.6(2) The subsequent title issued for the vehicle shall record the vehicle’s mileage is “not actual.”

ITEM 9. Amend renumbered subrule 480.7(4) as follows:

480.7(4) Receipts. The police authority or private entity shall submit with the abandoned vehicle report detailed receipts showing payment for each expense incurred. A receipt must identify the date(s) of occurrence of the expense; for example, a receipt for storage must identify the beginning and ending dates. A receipt for both towing and storage must show separately the towing charge and the storage charge per day. Reimbursement shall be limited as follows:

a. to c. No change.

d. Advertising—up to $20 per auction, or advertising receipt totals for two auctions, whichever is less, not to exceed $40 total.

e. Auction expenses—10 percent of the vehicle’s sale price or $10 per vehicle, whichever is less. A receipt is not required for auction expense reimbursement.

ITEM 10. Amend 761—Chapter 480, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.71, 321.89 and 321.90.
DISCUSSION/BACKGROUND:

This rule making concerns Chapters 602 and 636 and relates to motorized bicycle (moped) rider education.

The proposed amendments align Chapter 636 with existing legal authority and department practice, eliminate outdated or irrelevant requirements or options, and accommodate modern electronic procedures and terminology. A conforming change is made within Chapter 602 to provide that a certificate of completion of an approved course may be submitted electronically through the department’s online reporting system.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended September 15, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

Arnold Fond x x x
Fehrman x x x
Juckette x x x
Maher x x x
Putney x x x
Rielly x x x
Yanney x x x

Division Director Legal State Director
MV-2021-20

Melissa Gillett – Motor Vehicle Division Director; It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

Commissioner Rielly made a motion to approve rule amendment. Commissioner Juckette seconded the motion. Motion passes unanimously.
TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to motorized bicycle education and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” and Chapter 636, “Motorized Bicycle Rider Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.189.

Purpose and Summary

This proposed rule making relates to motorized bicycle (moped) rider education and aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern electronic procedures and terminology.

Rule 761—636.4(321) is amended to consolidate instructor and course approval requirements into a single rule because those requirements are the same for all programs seeking to provide a motorized bicycle rider education course, regardless of whether the provider is a school district or a private/commercial sponsor. However, an application fee only pertains to private/commercial sponsors. The proposed amendments to this rule also specify the length of validity of the course approval and renewal procedures.

This proposed rule making includes a conforming change to subrule 602.2(1) to provide that a certificate of completion of an approved course may be submitted electronically through the Department's online reporting system by a participating Iowa-approved motorized bicycle rider education provider. ARC 5102C, which was published in the Iowa Administrative Bulletin as a Notice of Intended Action on July 29, 2020, also proposed an amendment to subrule 602.2(1). The proposed amendment included in this rule making will supersede the proposed amendment within ARC 5102C. This proposed rule making also includes an amendment to update the implementation sentence for rule 761—602.26(321).

Current terminology within Chapter 636 is amended to refer to program approval rather than a license, and an instructor rather than a teacher, and further specifies that the instructor must be listed on the program application to be approved.

Finally, the proposed amendments incorporate the clear driving record standards used by the Department for behind-the-wheel driver education instructors and motorcycle rider instructors and clarify the Department’s current practice of either canceling or denying the instructor’s approval if the instructor does not meet the instructor qualifications under the chapter.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.
Waivers

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.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 15, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

September 17, 2020
10 to 11 a.m.
Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department’s rules administrator, and advise of specific needs.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 602.2(1), introductory paragraph, as follows:

602.2(1) Certificate of completion. Proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education, or motorized bicycle education shall be submitted to the department on Form 430036 shall be used to submit proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education or motorized bicycle education, except that proof of successful completion of an Iowa-approved course in driver education may instead be submitted or through an online reporting system used by participating Iowa-approved driver education schools, motorcycle rider education, or motorized bicycle rider education providers.
ITEM 2. Amend rule 761—602.26(321), implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 as amended by 2019 Iowa Acts, Senate File 140, sections 1 and 2, and 321.196.

ITEM 3. Amend rule 761—636.1(321) as follows:

761—636.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Office of Driver and Identification Services Bureau, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3153 (515)244-8725; or by facsimile at (515)237-3071 (515)239-1837.

ITEM 4. Adopt the following new definitions of “Instructor” and “Program approval” in rule 761—636.2(321):

“Instructor” means a person approved by the department to instruct a motorized bicycle rider education course.

“Program approval” means department approval of an entity’s motorized bicycle rider education course and instructors.

ITEM 5. Amend rule 761—636.4(321) as follows:

761—636.4(321) Agencies or institutions Approved program in motorized bicycle rider education.  

636.4(1) Program approval. Any school district, area education agency, merged area school, other agency or individual entity planning to offer a motorized bicycle rider education course must receive program approval from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual shall complete a form provided by the department to apply for course approval. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually.

636.4(2) Application and fees. Application for initial program approval or annual program approval renewal shall be made to the department in a manner determined by the department. The application fee is $25 for a private or commercial sponsor. The fee must be paid by cash, money order or check unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

636.4(3) Initial program approval and annual renewal. Program approval to provide motorized bicycle rider education shall be issued for a calendar year or remainder of a calendar year. The program approval expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

636.4(4) Cancellation and denial. The department shall cancel or deny program approval if the course or instructors are no longer approved.

ITEM 6. Rescind rule 761—636.5(321).

ITEM 7. Renumber rules 761—636.7(321) to 761—636.9(321) as 761—636.5(321) to 761—636.7(321).

ITEM 8. Amend renumbered subrule 636.5(1) as follows:

636.5(1) Classroom instruction. An approved course shall consist of a minimum of six clock hours of classroom instruction which includes the instructional components contained in subrule 636.7(2) 636.5(3).

ITEM 9. Amend renumbered rule 761—636.6(321) as follows:

761—636.6(321) Teacher qualifications Instructor approval. A teacher shall be trained in the delivery of course content and be qualified to instruct in a motorized bicycle rider education course. The instructor must be approved by the department.
636.6(1) **Instructor qualifications.** An instructor of an approved course shall possess a valid driver’s license allowing unaccompanied driving other than a temporary restricted license and shall be able to operate a motorized bicycle. A teacher an instructor must also have a clear driving record for the previous two years. A clear driving record means the teacher instructor has:

- **636.6(1) a.** Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).
- **636.6(2) b.** No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.
- **636.6(3) c.** Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.
- **636.6(4) d.** No record of an accident for which the individual was convicted of a moving traffic violation a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.
- **636.6(4) e.** No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

**636.6(2) Cancellation and denial.** When an instructor of an approved program does not meet the qualifications under this chapter, the department shall remove the instructor from the approved program and cancel or deny the approval of the program unless the entity has submitted an application for or secured approval of an alternate instructor from the department.

**ITEM 10.** Amend renumbered rule 761—636.7(321) as follows:

**761—636.7(321) Evaluation.** Each student shall be evaluated by the instructor to determine successful completion of the course.
DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office: Planning, Programming and Modal Division
System Planning Bureau

Order No. PPM-2021-21

Submitted by Craig Markley
Phone No. 515-239-1027
Meeting Date October 13, 2020

Title Revitalize Iowa’s Sound Economy (RISE) Application – Sioux City

DISCUSSION/BACKGROUND:

Sioux City submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 2,700 feet of Andrew Avenue located on the south side of town. This project is anticipated to be completed by December 2021.

Because this project will provide improved access to more than 102 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 September 2020 round of applications and award a RISE grant of $228,047 from the city share of the RISE Fund and $443,031 from the county share of the RISE Fund for a total of $671,078 or up to 50 percent of the total RISE-eligible project cost, whichever is less.

COMMISSION ACTION:

Moved by Charese Yanney
Seconded by Tom Rielly

Arnold
Fehrman
Juckette
Maher
Putney
Rielly
Yanney

Aye

Nay

Pass

x

x

x

x

x

x

x
Craig Markley – Systems Planning Bureau Director; Sioux City submitted an Immediate Opportunity RISE funding request to pave approximately 2,700 feet of Andrew Avenue this located on the south side of town. This project will provide access to more than 102 acres for industrial purposes. To maximize RISE support for this project, staff evaluated the application as a RISE Local Development. Under RISE Local Development criteria, the project scored 66 points. The total estimated cost of the project is $1,342,156. The city is requesting RISE grant of $671,078 and they will be providing 50% local match.

It was recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify by the project, as a RISE Local Development projects in the September 2020 round of applications and award a RISE grant of $228,047 from the city share of the RISE Fund and $443,031 from the county share of the RISE Fund for a total of $671,078 or up to 50 percent of the total RISE-eligible project cost, whichever is less.

Commissioner Yanney made a motion to approve as recommended. Commissioner Rielly seconded the motion. Motion passes unanimously.
DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2022 Highway-Railroad Crossing Safety Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2022 Highway-Railroad Crossing Safety Program as attached.
Kris Klop – Rail Transportation Bureau; The Highway-Railroad Crossing Safety Section
130 Program funds are used to upgrade active warning devices to railroad crossings across the state. The program is funded by the Federal Highway Administration and allocation varies annually, last month we presented a recommendation to upgrade the active warning devices at 15 railroad crossings across the state, as well as the pedestrian fencing project and two crossing closures.

We did not receive any comments after the recommendation was presented. Therefore, it is recommended the Commission approve of the Fiscal Year 2022 Highway Railroad crossing safety repair projects list attached to the Commission Order.

Commissioner Juckette made a motion to approve the FY 2022 Highway-Railroad Crossing Safety Program as attached. Commissioner Arnold seconded the motion. Motion passes unanimously.
# List of Applications Recommended

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>SPONSOR</th>
<th>SCORE</th>
<th>TOTAL PROJECT COST</th>
<th>REQUESTED AMOUNT (% of Total Project Cost)</th>
<th>RECOMMENDED AMOUNT (% of Total Project Cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 18, City of Spencer 385716S</td>
<td>DME Railroad • Iowa DOT</td>
<td>7.0</td>
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<td>$292,500 (90%)</td>
<td>$292,500 (90%)</td>
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<tr>
<td>Jones Street, 911770M</td>
<td>CCP Railroad • City of Dubuque</td>
<td>4.3</td>
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<td>$157,500 (90%)</td>
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<tr>
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<td>DME Railroad • City of Clinton</td>
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<td>$400,000</td>
<td>$360,000 (90%)</td>
<td>$360,000 (90%)</td>
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<tr>
<td>Spruce Avenue, 380021P</td>
<td>DME Railroad • Cerro Gordo County</td>
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<td>$325,000</td>
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<td>$292,500 (90%)</td>
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<tr>
<td>IA 39, City of Odebolt 190945U</td>
<td>CCP Railroad • Iowa DOT</td>
<td>0.8</td>
<td>$280,000</td>
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<td>$252,000 (90%)</td>
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<tr>
<td>Ortho Way, 078050W</td>
<td>BNSF Railroad • Lee County</td>
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<td>$270,000 (90%)</td>
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<tr>
<td>155th Street, 074970K</td>
<td>BNSF Railroad • Fremont County</td>
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<td>$369,000 (90%)</td>
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<tr>
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<td>DME Railroad • City of Clinton</td>
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<td>$369,000 (90%)</td>
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<td>IA 110, City of Storm Lake 307518K</td>
<td>CCP Railroad • Iowa DOT</td>
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<td>$270,000 (90%)</td>
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<tr>
<td>4th Street, 097445U</td>
<td>BNSF Railroad • Sioux County</td>
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<td>$283,500 (90%)</td>
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<tr>
<td>Project Description</td>
<td>Percentage</td>
<td>Total Cost</td>
<td>FHWA Share</td>
<td>City Share</td>
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<td>----------------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>-----------------------</td>
<td>--------------------</td>
<td></td>
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<tr>
<td>32nd Ave. North, 376045W</td>
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<td>$475,000</td>
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<tr>
<td>County Road C-16, 097429K</td>
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<td>9th Ave. North, 376027Y</td>
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<td>Washington Street, 074503X</td>
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<td>$315,000 (90%)</td>
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<td>220th Street, 074962T</td>
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<td>$369,000 (90%)</td>
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<tr>
<td>Main Street, 074504E</td>
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<td>$369,000 (90%)</td>
<td>$369,000 (90%)</td>
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<tr>
<td>US 69, City of Osceola 074046T</td>
<td>0.0*</td>
<td>$55,000</td>
<td>$49,500 (90%)</td>
<td>$49,500 (90%)</td>
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</tr>
<tr>
<td>2 projected closure incentive payments at various locations ($7,500 each location)</td>
<td>N/A</td>
<td>$15,000</td>
<td>$15,000 (100%)</td>
<td>$15,000 (100%)</td>
<td></td>
</tr>
</tbody>
</table>

* Fencing project designed to keep pedestrians on the sidewalks and out of the railroad right-of-way and off of the AMTRAK station platforms. This is being incorporated into a multi-faceted project in Osceola at US 69 and the AMTRAK station.

Total project costs: $5,715,000  
Total FHWA project costs: $5,143,500  
Annual Apportionment: $5,195,890
DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2022 Highway-Railroad Crossing Surface Repair Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2022 Highway-Railroad Crossing Surface Repair Program as attached.
Kris Klop – Rail Transportation Bureau; The Highway-Railroad Crossing Surface Repair program serves to repair the railroad crossing surfaces at railroad crossings across the state. This program is funded through the state Road Use Tax Fund with an annual allocation of $900,000.

Last month I presented a recommendation to replace the crossing surfaces at 14 railroad crossings across the state. We did not receive any comments after the recommendation was presented and therefore, it is recommended the Commission approve the fiscal year 2022 Railroad Crossing Surface Repair projects list attached to the commission order.

Commissioner Arnold made a motion to approve the FY 2022 Railroad Crossing Surface Repair Program recommendation as attached. Commissioner Rielly seconded the motion. Motion passes unanimously.
# List of Applications Received and Recommended Award

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>SPONSORS</th>
<th>$SCORE</th>
<th>TOTAL PROJECT COST</th>
<th>REQUESTED AMOUNT (% of Total Project Cost)</th>
<th>RECOMMENDED AMOUNT (% of Total Project Cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ontario Street, 307447R</td>
<td>• CCP Railroad</td>
<td>N/A Order Received</td>
<td>$227,000</td>
<td>$136,200 (60%)</td>
<td>$136,200 (60%)</td>
</tr>
<tr>
<td></td>
<td>• City of Pomeroy</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Buddy Holly Place, 385516H</td>
<td>• DME Railroad</td>
<td>N/A Order Received</td>
<td>$122,000</td>
<td>$73,200 (60%)</td>
<td>$73,200 (60%)</td>
</tr>
<tr>
<td></td>
<td>• City of Clear Lake</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Underwood Avenue (T-66), 385422G</td>
<td>• DME Railroad</td>
<td>N/A Order Received</td>
<td>$70,000</td>
<td>$42,000 (60%)</td>
<td>$42,000 (60%)</td>
</tr>
<tr>
<td></td>
<td>• Floyd County</td>
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<tr>
<td>Roosevelt Avenue (B-20), 385762T</td>
<td>• DME Railroad</td>
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<td>$94,600</td>
<td>$56,760 (60%)</td>
<td>$56,760 (60%)</td>
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<td>• O’Brien County</td>
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<tr>
<td>220th Street (B-57), 385301J</td>
<td>• DME Railroad</td>
<td>N/A Order Received</td>
<td>$123,000</td>
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<td>$73,800 (60%)</td>
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<td>• Chickasaw County</td>
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<tr>
<td>19th Street SW, 874095Y</td>
<td>• Iowa Traction Railroad</td>
<td>N/A Order Received</td>
<td>$132,333</td>
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<td>$79,400 (60%)</td>
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<td>• City of Mason City</td>
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<tr>
<td>19th Street SW, 874104V</td>
<td>• Iowa Traction Railroad</td>
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<td>$168,814</td>
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<td>$101,288 (60%)</td>
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<td></td>
<td>• City of Mason City</td>
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<tr>
<td>Washington Street, 307615U</td>
<td>• Farmer’s Cooperative</td>
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<td>$236,665</td>
<td>$141,999 (60%)</td>
<td>$141,999 (60%)</td>
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<td>• City of Remsen</td>
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</table>
List of Applications Received and Recommended Award

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>SPONSOR</th>
<th>SCORE</th>
<th>TOTAL PROJECT COST</th>
<th>REQUESTED AMOUNT (% of Total Project Cost)</th>
<th>RECOMMENDED AMOUNT (% of Total Project Cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twin Rivers Drive, 072519M</td>
<td>Keokuk Junction Railway</td>
<td>29</td>
<td>$82,200</td>
<td>$49,320 (60%)</td>
<td>$49,320 (60%)</td>
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<td></td>
<td>City of Keokuk</td>
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<tr>
<td>2nd Street, 095331A</td>
<td>BNSF Railroad</td>
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<td>$194,871</td>
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<td>$116,923 (60%)</td>
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<td></td>
<td>Adams County</td>
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<tr>
<td>490th Avenue, 385645X</td>
<td>DME Railroad</td>
<td>25</td>
<td>$66,000</td>
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<td>$39,600 (60%)</td>
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<tr>
<td></td>
<td>Palo Alto County</td>
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<tr>
<td>South Gilbert Street, 607299C</td>
<td>CRANDIC Railroad</td>
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<td>$70,400</td>
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<td>$42,240 (60%)</td>
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<td>City of Iowa City</td>
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<tr>
<td>Oasis Avenue, 079161S</td>
<td>BNSF Railroad</td>
<td>24</td>
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<td>$86,400 (60%)</td>
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<tr>
<td></td>
<td>Henry County</td>
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<td></td>
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<tr>
<td>McPherson Street, 603291J</td>
<td>IAIS Railroad</td>
<td>23</td>
<td>$108,045</td>
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<td></td>
<td>Guthrie County</td>
<td></td>
<td></td>
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</tbody>
</table>

Total program funding request: $1,103,957
In order received: $704,648 / 64%
Scored: $399,309 / 36%
DISCUSSION/BACKGROUND:

The proposed FFY 2020 Federal Bus Replacement discretionary funding recommendation will be presented.

The specific vehicle replacement recommendations are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FFY 2020 Federal Bus Replacement discretionary funding recommendations as attached.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Linda Juckette

Arnold Fehrman Juckette Maher Putney Rielly Yanney

Aye Nay Pass
Sreeparna Mitra Public Transit Bureau; The Federal Transit Administration Bus Replacement Grant is a program that's competitive in discretionary funding to replace vehicles that had exceeded federal youth for life thresholds. Last month, we presented details of this program and this year’s grant that would fund 26 replacement vehicles for a total award of $5.5 million.

We did not receive any comments after that presentation. Therefore, it is recommended that the Commission approve the FFY 20 Federal Bus Replacement funding as listed attached to the commission order.

Commissioner Yanney made a motion to approve the FFY 2020 Federal Bus Replacement discretionary funding recommendations as they were presented. Commissioner Juckette seconded the motion. Motion passes unanimously.
## FFY 2020 Federal Bus Replacement Discretionary Funding
### (vehicle replacement)

<table>
<thead>
<tr>
<th>Transit system</th>
<th>Vehicle ID</th>
<th>Replacement vehicle description</th>
<th>Public transit management system points</th>
<th>Total cost</th>
<th>Federal portion</th>
<th>Local participation</th>
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<tbody>
<tr>
<td>Ames</td>
<td>01140</td>
<td>40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)</td>
<td>83.13</td>
<td>$513,032</td>
<td>$436,077</td>
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<td>Ames</td>
<td>00958</td>
<td>40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)</td>
<td>58.94</td>
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<td>Ames</td>
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<td>40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)</td>
<td>58.25</td>
<td>$513,032</td>
<td>$436,077</td>
<td>$76,955</td>
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<td>Ames</td>
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<td>40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)</td>
<td>57.60</td>
<td>$513,032</td>
<td>$436,077</td>
<td>$76,955</td>
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<tr>
<td>Ames</td>
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<td>40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)</td>
<td>57.49</td>
<td>$513,032</td>
<td>$436,077</td>
<td>$76,955</td>
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<tr>
<td>Clinton</td>
<td>1256</td>
<td>158&quot; light-duty bus (video surveillance system)</td>
<td>16.27</td>
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<td>$77,435</td>
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<td>Clinton</td>
<td>1255</td>
<td>176&quot; light-duty bus (video surveillance system)</td>
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<td>Dubuque</td>
<td>2660</td>
<td>26' to 29' heavy-duty bus</td>
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<td>$338,300</td>
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<td>Dubuque</td>
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<td>26' to 29' heavy-duty bus</td>
<td>19.48</td>
<td>$398,000</td>
<td>$338,300</td>
<td>$14,475</td>
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<tr>
<td>Dubuque</td>
<td>2655</td>
<td>26' to 29' heavy-duty bus</td>
<td>13.09</td>
<td>$398,000</td>
<td>$338,300</td>
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<tr>
<td>Sioux City</td>
<td>1331</td>
<td>35' to 39' heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)</td>
<td>6.95</td>
<td>$459,200</td>
<td>$390,320</td>
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<tr>
<td>Waterloo</td>
<td>412</td>
<td>176&quot; light-duty bus (video surveillance system)</td>
<td>16.68</td>
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<td>$76,925</td>
<td>$13,575</td>
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<tr>
<td>Waterloo</td>
<td>902</td>
<td>30' to 34' heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)</td>
<td>10.11</td>
<td>$451,800</td>
<td>$384,030</td>
<td>$8,325</td>
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<tr>
<td>Waterloo</td>
<td>901</td>
<td>30' to 34' heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)</td>
<td>8.50</td>
<td>$451,800</td>
<td>$384,030</td>
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<tr>
<td>Region 4 (Sioux City)</td>
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<td>Minivan (video surveillance system)</td>
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Total = 26 vehicles

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