

Commission Minutes
February 9, 2021



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

February 9, 2021
Teleconference

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2021-49	* Approve Minutes of the January 13, 2021 Commission Meeting Commission Comments DOT Comments	Danielle Madden	2
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1:15 p.m. Adjourn			

*Action Item

On Tuesday, February 9, the Commission and staff will meet informally via teleconference at 9:30 a.m. 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-2021-49
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date February 9, 2021
Title Approve Minutes of the January 13, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the January 13, 2021 Commission meeting.

COMMISSION ACTION:

Moved by Rich Arnold Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u>_____</u>	<u>_____</u>
Fehrman	<u>x</u>	<u>_____</u>	<u>_____</u>
Juckette	<u>x</u>	<u>_____</u>	<u>_____</u>
Maher	<u>x</u>	<u>_____</u>	<u>_____</u>
Putney	<u>x</u>	<u>_____</u>	<u>_____</u>
Rielly	<u>x</u>	<u>_____</u>	<u>_____</u>
Yanney	<u>x</u>	<u>_____</u>	<u>_____</u>

Division Director Legal State Director

D-2021-49

Commissioner Arnold made a motion to approve the minutes as written. Commissioner Juckette seconded the motion. Motion passed unanimously.

Commission Comments

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-50
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date February 9, 2021
Title Transfer of Jurisdiction of portions of old U.S. 67 from approximately 10th Street to 17th Street in Bettendorf, a length of approximately 0.4 miles.

DISCUSSION/BACKGROUND:

District 6 has negotiated the transfer of jurisdiction of portions of old U.S. 67 to the city of Bettendorf. Segments totaling approximately 0.4 miles will be transferred to the city.

The segments are to be transferred in their present condition. The transfer will take place upon notification of the time and date of the state's intention to transfer.

The state will prepare and forward a quitclaim deed to the city for the transfer segment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve this transfer of jurisdiction.

COMMISSION ACTION:

Moved by Kathy Fehrman Seconded by Charese Yanney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

H-2021-50

Mitch Dillavou – Highway Division Director; This is a transfer of jurisdiction of portions of old U.S. 67 to the City of Bettendorf. Segments totaling approximately 0.4 miles will be transferred to the city.

The segments are to be transferred in their present condition. This was discussed at the Commission workshop this morning and it is recommended that the Commission approve the transfer of jurisdiction.

Commissioner Fehrman made a motion to approve the transfer of jurisdiction in Bettendorf. Commissioner Yanney seconded the motion. Motion passes unanimously.

Bettendorf TJ

Former U.S. Highway 67

-  State St to be Transferred
-  State St to be transferred



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Administration, Traffic and Safety Bureau Order No. H-2021-51
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date February 9, 2021
Title Administrative Rules — 761 IAC 118, Logo Signing

DISCUSSION/BACKGROUND:

This proposed rule making concerns Chapter 118 and lowers the qualifying standards for restaurants and expands the attraction category to allow event stadiums to qualify for logo signing. Other changes add a definition of “ramp” and correct the name of the Traffic and Safety Bureau.

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

The public comment period ended on January 5, 2021. 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 John Putney Seconded by Linda Juckette

Division Director Legal State Director

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

H-2021-51

Mitch Dillavou – Highway Administration Director; Rule 118 is Local Signing and proposed little complete changes to chapter one 18, which were discussed in the Commission workshop earlier today. The public comment period in a January 5th, 2021. The Department did not receive any public comments or requests for oral presentations.

It's recommended that the Commission approve the administrative rule, including the attached notice of intention. Commissioner Putney made a motion to approve the rule. Commissioner Juckette seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to logo signing
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 118, “Logo Signing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 306C.11 and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 306C.11.

Purpose and Summary

This proposed rule making adds a definition of “ramp” to aid in the comprehensibility of the three types of signs (mainline, ramp and trailblazing) involved in the logo program, corrects the name of the Traffic and Safety Bureau, lowers the qualifying standards for restaurants, and expands the attraction category to allow event stadiums to qualify for logo signing. The following paragraphs further explain the proposed amendments to Chapter 118.

The proposed amendments reduce the required minimum hours of operation for food service businesses to qualify for logo signing from 48 hours to 40 hours per week. While most food service businesses exceed the current required minimum hours of operation, some smaller businesses in rural areas may benefit from having the minimum qualifying threshold reduced. Motorists are generally accustomed to checking mobile devices for restaurant information before traveling too far off the main highway to a restaurant that is unfamiliar to them.

Additionally, the proposed amendments reduce the minimum number of meals required per day from three to two for food service businesses to qualify for logo signing. Although the primary purpose of the signing program is to provide helpful and reliable motorist service information, most travelers recognize that certain types of restaurants (pizzerias, steakhouses and pubs) may not be open for breakfast, while others (coffee houses and bakeries) may not be open for evening meal service. Furthermore, the use of mobile devices and vehicle-equipped intelligent systems has increased, allowing for instant access to current information about businesses. Aside from these factors, the existing service panels already display a mix of business signs for two- and three-meals-per-day providers due to the availability of the current exceptions within paragraph 118.4(4)“b” and subparagraphs 118.4(11)“a”(4) and 118.4(11)“d”(1) for the two-meal-per-day providers. The proposed amendments eliminate these exceptions because they will be no longer necessary.

Finally, the proposed amendments expand the provision for racetracks within the “attractions” category to include stadiums, coliseums and arenas, provided the seating capacity is at least 5,000. There are times when effective signing options for major event venues are needed, and these facilities often generate significant traffic volumes during events.

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 January 5, 2021. 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 oral presentations will be held on January 8, 2021, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, 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 actions are proposed:

ITEM 1. Adopt the following **new** definition of “Ramp” in rule **761—118.2(306C)**:

“Ramp” means the exit lane which carries decelerating traffic away from the mainline of an interstate or a freeway-primary highway.

ITEM 2. Amend subrule 118.4(4) as follows:

118.4(4) Food.

a. *Qualifications.* To qualify for placement of a business sign on a food specific service sign, the business must:

- (1) No change.
- (2) Operate a minimum of ~~eight~~ 40 hours per ~~day~~ week, six days per week, and serve ~~three~~ at least two of the following meals per day: breakfast, lunch, and or dinner.
 1. to 3. No change.
 - (3) to (5) No change.

~~*b. Exceptions.* A business that serves only two meals per day may be granted an exception, in accordance with subrule 118.4(11), from the requirement to serve three meals per day.~~

e. b. Seasonal operations. Food service may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.

ITEM 3. Amend subparagraph **118.4(7)“a”(5)** as follows:

(5) Maintain normal business hours at least five days per week, totaling at least 40 hours per week. ~~Racetracks~~ Facilities listed in subparagraph 118.4(7)“c”(12) are excepted from this requirement.

ITEM 4. Amend subparagraph **118.4(7)“c”(12)** as follows:

(12) ~~Racetrack for horses, dogs, or motorized vehicles~~ Stadium, coliseum, arena or racetrack with a seating capacity of at least 5,000.

ITEM 5. Rescind subparagraph **118.4(11)“a”(4)**.

ITEM 6. Amend paragraph **118.4(11)“d”** as follows:

d. After the five-year period has expired and at the end of the fiscal year, the department may remove the business sign from the specific service sign if:

(1) An exception was granted for maximum distance from the exit, ~~number of meals served~~ or a card-operated fueling station; an application has been received from a qualified business providing the same type of motorist service as the business granted the exception; and space is not available on that specific service sign.

(2) No change.

ITEM 7. Amend paragraph **118.5(1)“a”** as follows:

a. A business requesting placement of a business sign upon a mainline specific service sign shall submit a completed application form, provided by the department, along with the application fee, to the Advertising Management Section, ~~Office of Traffic and Safety Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-52
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date February 9, 2021
Title Administrative Rules — 761 IAC 136, Lighting

DISCUSSION/BACKGROUND:

This proposed rule making concerns Chapter 136 and removes one of the criteria for determining the candidates for lighting, which has not been used to justify the lighting of any primary-secondary intersection for many years. Other proposed amendments correct Iowa code citations, update a form name, add the department’s website address, and state that the departmental specifications and standard road plans may be found on the department’s website.

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

The public comment period ended on January 19, 2021. 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 Charese Yanney

Division Director Legal State Director

	Aye	Nay	Pass
Arnold	<u>X</u>	_____	_____
Fehrman	<u>X</u>	_____	_____
Juckette	<u>X</u>	_____	_____
Maher	<u>X</u>	_____	_____
Putney	<u>X</u>	_____	_____
Rielly	<u>X</u>	_____	_____
Yanney	<u>X</u>	_____	_____

H-2021-52

Mitch Dillavou – Highway Administration Director; Chapter 136 is Lighting and we discussed the changes being made to 136 at the workshop earlier today at the Commission workshop.

The public comment period ended on January 19, 2021. The department did not receive any public comments or requests for oral presentations. It's recommended that the Commission approve the rule amendments included in the attached notice of intention. Commissioner Rielly made a motion to approve the rule. Commissioner Yanney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to lighting of primary-secondary intersections
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 136, “Lighting,” 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 sections 306.4(1), 318.1, 318.2, 318.4, 318.5, 318.8, 318.9 and 318.12.

Purpose and Summary

The proposed amendments to Chapter 136 remove one of the criteria for determining the candidates for lighting, which has not been used to justify the lighting of any primary-secondary intersection for many years. The method using roadway and traffic factors is proposed to be eliminated because the Department is unable to find the background on this method, and the method is not included in any of the current lighting reference materials.

Other proposed amendments update the Iowa Code sections cited within three implementation sentences to be consistent with the current Iowa Code, update the name of Form 810025, and add the Department’s website so that the form can be easily accessed. Also, this rule making states that the departmental specifications and standard road plans are available on the Department’s website.

Finally, the proposed amendments correct the name of the Traffic and Safety Bureau.

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 January 19, 2021. 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 oral presentations will be held on January 21, 2021, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 19, 2021, 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

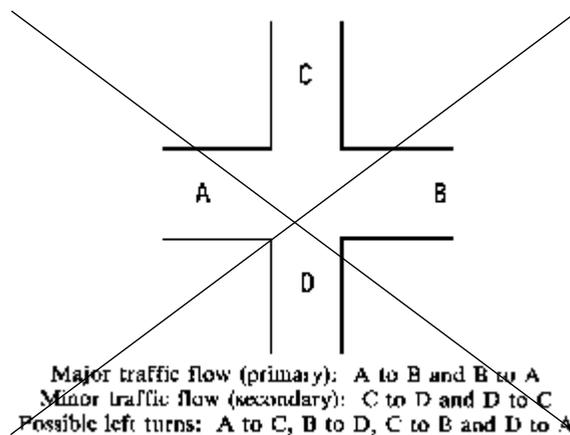
The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's 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 actions are proposed:

ITEM 1. Amend rule 761—136.1(319) as follows:

761—136.1(319 306,318) Lighting of primary-secondary intersections. The purpose of this rule is to establish the qualification criteria ~~for, application procedure~~ the procedures to request, and the financial responsibilities for the placement of roadway luminaires within the limits of the primary road right-of-way at a rural intersection of a primary road and a paved secondary road.

136.1(1) Lighting criteria. A primary-secondary intersection is a candidate for lighting if one of the following is met:



- a. to d. No change.
- e. ~~After making the following calculations, the total in subparagraph (3) below exceeds 3000 points.~~

(1) Determine the “Roadway/Traffic Factors” for traffic at A and for traffic at B, using the following formula and “Standard Sight Distances for Speed”:

$$\text{Roadway/Traffic Factor} = \frac{\text{Standard Passing Sight Distance for Speed}}{\text{Actual Sight Distance}} \times \frac{\text{Actual Approaching Traffic Volume}}{1000}$$

Standard Passing Sight Distances For Posted Speeds

Speed	Distance
55 mph	2000 ft.
50 mph	1800 ft.
45 mph	1700 ft.
40 mph	1500 ft.

(2) Compare the two answers; the larger number is the “Greater Roadway/Traffic Factor.”

(3) Calculate points based on the following formula, using current average daily traffic (ADT):

Greater Roadway/Traffic Factor × Traffic Volume from C to D	= _____
Greater Roadway/Traffic Factor × Traffic Volume from D to C	= _____
Greater Roadway/Traffic Factor × Traffic Volume from C to B × (1.5)	= _____
Greater Roadway/Traffic Factor × Traffic Volume from D to A × (1.5)	= _____
Roadway/Traffic Factor for A × Traffic Volume from B to D × (1.5)	= _____
Roadway/Traffic Factor for B × Traffic Volume from A to C × (1.5)	= _____
TOTAL	= _____

136.1(2) No change.

136.1(3) Procedures.

a. No change.

b. The district engineer shall forward the request to the department’s office of traffic and safety bureau for review.

c. and d. No change.

This rule is intended to implement Iowa Code sections ~~319.1, 319.12, 319.14~~ 306.4(1), 318.1, 318.2, 318.4, 318.5, 318.8, 318.9 and ~~319.14~~ 318.12.

ITEM 2. Amend rule 761—136.2(319) as follows:

761—136.2(319 306,318) Destination lighting. The purpose of this rule is to establish the application procedure and financial responsibilities for the placement of a roadway luminaire within the limits of primary road right-of-way at a rural intersection of a primary road and a minor road.

136.2(1) and 136.2(2) No change.

136.2(3) Procedures.

a. Application shall be made to the appropriate district engineer on Form 810025, “Application and Agreement for Use of Highway Right-of-Way for Utilities Accommodation.” Form 810025 is available on the department’s website at www.iowadot.us. The application shall indicate the type of luminaire and intensity of illumination proposed. A sketch shall accompany the application showing the location of the proposed luminaire and pole and the mounting height of the luminaire.

b. and c. No change.

This rule is intended to implement Iowa Code sections ~~319.1, 319.12, 319.14~~ 306.4(1), 318.1, 318.2, 318.4, 318.5, 318.8, 318.9 and ~~319.14~~ 318.12.

ITEM 3. Amend rule 761—136.6(306) as follows:

761—136.6(306,318) Warrants and design requirements for lighting.

136.6(1) No change.

136.6(2) *Design requirements.* The design of lighting installations shall comply with departmental specifications and standard road plans for highway lighting as they exist at the time of installation of the lighting. The departmental specifications and standard road plans can be found through the department's electronic reference library on the department's website.

This rule is intended to implement Iowa Code ~~subsections~~ sections 306.4(1), 318.1, 318.2, 318.4, 318.8 and ~~669.14(8)~~ 318.9.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Administrative Services Division Order No. AS-2021-53
 Submitted by Lee Wilkinson Phone No. 515-239-1340 Meeting Date February 9, 2021
 Title Administrative Rules — 761 IAC 180, Public Improvement Quotation Process for Governmental Entities for Vertical Infrastructure

DISCUSSION/BACKGROUND:

This proposed rule making amends the definition of “vertical infrastructure” within Chapter 180 to comply with 2020 Iowa Acts, House File 2412, which made changes to the definition of “public improvement.”

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

The public comment period ended on February 2, 2021. 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

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division Director _____ Legal _____ State Director

AS-2021-53

Lee Wilkinson –Administrative Services Director; This rule is in regard to Public Improvement Quotation Process for Governmental Entities for Vertical Infrastructure. The proposed rule-making amends the definition of vertical infrastructure within chapter 180 to comply with 2020, 020 Iowa Acts, House File 2412, which made changes to the definition of public improvement. This was discussed earlier at the workshop and there was no verbal or written comments.

I would recommend the Commission approve the rule for Chapter 180. Commissioner Rielly made a motion to approve the rule. Commissioner Juckette seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the definition of “vertical infrastructure”
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 180, “Public Improvement Quotation Process for Governmental Entities for Vertical Infrastructure,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 314.1A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 26.2.

Purpose and Summary

This proposed rule making updates Chapter 180 to comply with 2020 Iowa Acts, House File 2412, which made changes to the definition of “public improvement” within Iowa Code section 26.2 to amend the exclusions included within the definition. The proposed rule making modifies the definition of “vertical infrastructure” to be consistent with House File 2412 and all of the other exclusions included within the definition of “public improvement.”

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 February 2, 2021. 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 oral presentations will be held on February 4, 2021, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact

Tracy George before 4:30 p.m. on February 2, 2021, 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 actions are proposed:

ITEM 1. Amend rule 761—180.2(314) as follows:

761—180.2(314) Contact information. Questions regarding this chapter may be directed to the Office of Support Services Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1299.

ITEM 2. Amend rule **761—180.3(26,314)**, definition of "Vertical infrastructure," as follows:

"Vertical infrastructure" means buildings, all appurtenant structures, utilities, incidental street improvements including sidewalks, site development features, recreational trails, and parking facilities. Vertical infrastructure does not include any work constructed in conjunction with ~~or ancillary to highway, street, bridge or culvert projects, including but not limited to utilities and sidewalks~~ those matters excluded from the definition of "public improvement" in Iowa Code section 26.2(3) "b"(1) to (6).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-54
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 9, 2021
 Title Administrative Rules — 761 IAC 602, Classes of Driver’s Licenses, 761 IAC 604, License Examination, 761 IAC 605, License Issuance, and 761 IAC 607, Commercial Driver Licensing

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapters 602, 604, 605 and 607 to align with existing legal authority and department practice and implements several efficiencies regarding the driver’s license issuance and examination process. The proposed amendments also conform with 2020 Iowa Acts, House File 2360, section 1, which amended Iowa Code section 321.196 to increase the driver’s license expiration dates for customers aged 66 and older, thus allowing an eight-year credential to be issued, provided that it does not expire past the customer’s 80th birthday.

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

The public comment period ended on February 2, 2021. 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 John Putney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

MV-2021-54

Melissa Gillett – Motor Vehicle Division; The rule amendments to these chapters relate to conformance with House File 2360, which was passed during the legislative session in 2020. These relate to an age change for the expiration date of driver's licenses, allowing an eight year credential to be issued to individuals until age 70 and subsequent licenses, not to exceed age 80 and technical updates regarding special pre examinations driver's license, extensions, and often upgrades or graduated driver's license holders.

It is recommended that the condition of group post rulemakings to you chapter 602, 604, 605 and 607.

Commissioner Rielly made a motion to approve the rule. Commissioner Putney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to driver’s license issuance and examination
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” Chapter 604, “License Examination,” Chapter 605, “License Issuance,” and Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.180B, 321.188, 321.189 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.180B, 321.186, 321.188, 321.189, 321.194 and 321.196.

Purpose and Summary

This proposed rule making implements several efficiencies regarding the driver’s license issuance and examination process and aligns with existing legal authority and Department practice.

The proposed amendments conform the Department’s rules to 2020 Iowa Acts, House File 2360, section 1, which amended Iowa Code section 321.196 to increase the driver’s license expiration dates for customers aged 66 and older, thus allowing an eight-year credential to be issued, provided that it does not expire past the customer’s 80th birthday. Once a person reaches the age of 78, the person is eligible for a driver’s license that is effective for a period of two years. The amendments also align with Iowa Code section 321.186 to provide that a special reexamination may consist of the requirement to provide a medical report or a vision report or screening, in addition to or instead of the other testing and screening requirements.

A new subrule is proposed to address license extensions authorized under Iowa Code section 321.196 to specify that the six-month driver’s license extension period applies to a noncommercial driver’s license. However, federal regulation 49 CFR Section 383.153 allows for a 60-day extension if the person is a commercial driver’s license (CDL) holder. A person whose Iowa driver’s license expires is automatically afforded a 60-day grace period under Iowa Code section 321.196, but the Iowa grace period is not always recognized by other states, which can make the driver’s license extension an important option for customers, especially for CDL holders traveling across state lines.

The proposed amendments implement an online license upgrade process for persons subject to the graduated driver’s license (GDL) requirements under Iowa Code section 321.180B. The GDL program covers drivers younger than 18 years of age and requires them to progress through a series of license class privileges before being issued a full driver’s license. Currently, even though progressing to the next license class privilege under the GDL program is an upgrade, and is not a new license issuance or renewal, the upgrade to an intermediate license or full license still requires an in-person visit. However, with this rule change, the upgrade will be able to occur online if the applicant meets the eligibility criteria, including that the applicant was issued an intermediate license or minor’s school license in person. To comply with federal REAL ID regulations, if the person upgrades the license under the online process to a full driver’s license with an eight-year expiration date, the person will not be eligible to electronically renew the driver’s license at the next renewal period because the federal regulations require an in-person renewal and a new driver’s license photograph at least once every 16 years. Finally, the proposed amendments provide that if the person is upgrading from a minor’s school license and

the person has a secondary address on the driver's license because the person's parents are separated or divorced, the person will not be prevented from using the online system.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond the impact estimated by the Legislative Services Agency for 2020 Iowa Acts, House File 2360.

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 February 2, 2021. 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 oral presentations will be held on February 4, 2021, 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 February 2, 2021, 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 actions are proposed:

ITEM 1. Amend paragraph **602.11(1)“b”** as follows:

b. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 2. Amend paragraph **602.12(1)“c”** as follows:

c. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 18 years of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 3. Amend paragraph **602.13(1)“b”** as follows:

b. The license is issued for either two years or eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~72~~ 78 years of age shall be issued an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~72~~ 78 years of age or older.

(3) No change.

ITEM 4. Amend rule 761—604.50(321) as follows:

761—604.50(321) Special reexaminations.

604.50(1) ~~The~~ As provided in Iowa Code section 321.186, the department may require a special reexamination ~~consisting of a vision of any licensee.~~ The reexamination may consist of one or more of the following:

a. Medical report.

b. Vision report.

c. Vision screening, ~~cognitive.~~

d. Cognitive screening, ~~knowledge.~~

e. Knowledge test ~~and driving.~~

f. Driving test ~~of any licensee.~~

~~**604.50(1)**~~ **604.50(2)** The department may require a special reexamination when a licensee has been involved in a fatal motor vehicle accident and the investigating officer's report of the accident indicates the licensee contributed to the accident.

~~**604.50(2)**~~ **604.50(3)** The department may require a special reexamination when a licensee has been involved in two accidents within a three-year period and the investigating officer's report of each accident lists one of the following “Driver/Vehicle Related Contributing Circumstances” for the licensee:

a. to j. No change.

~~**604.50(3)**~~ **604.50(4)** The department may require a special reexamination when a licensee has been involved in an accident and the investigating officer's report lists a driver condition for the licensee of “fatigue or asleep.”

~~**604.50(4)**~~ **604.50(5)** The department may require a special reexamination when a licensee who is 65 years of age or older has been involved in an accident and information in the investigating officer's or the person's own report of the accident indicates the need for reexamination. A circumstance that may indicate a need for reexamination includes, but is not limited to, any one of the following:

a. to i. No change.

~~**604.50(5)**~~ **604.50(6)** The department may require a special reexamination when the department receives an accident report or a recommendation by a peace officer, a court, or a properly documented

citizen's request. A factor that may indicate a need for reexamination includes, but is not limited to, any one of the following:

a. to g. No change.

This rule is intended to implement Iowa Code sections 321.177, 321.186 and 321.210.

ITEM 5. Amend subrule 605.15(1), introductory paragraph, as follows:

605.15(1) *Six-month extension.* An Iowa resident may apply for a noncommercial six-month extension of a license if the resident:

ITEM 6. Adopt the following new rule 761—605.26(321):

761—605.26(321) Graduated driver's license upgrades. An applicant subject to the graduated driver's license requirements under Iowa Code section 321.180B who is otherwise eligible for a driver's license is eligible to electronically apply to upgrade the applicant's driver's license under this rule.

605.26(1) Except for the requirements in subparagraphs 605.25(7) "a"(1) and 605.25(7) "a"(2), the applicant must meet the eligibility requirements listed in paragraph 605.25(7) "a" to upgrade the license electronically and must also meet the following criteria:

a. The applicant must have been issued an intermediate license under Iowa Code section 321.180B(2) or a minor's school license under Iowa Code section 321.194 in person.

b. The applicant must otherwise be eligible to upgrade a license class privilege under Iowa Code section 321.180B or 321.194.

605.26(2) The requirements in paragraphs 605.25(7) "c" and 605.25(7) "d" shall also apply to a license issued under this rule.

605.26(3) If an applicant upgrades the applicant's driver's license electronically under this rule to a driver's license with an eight-year expiration date, the applicant is ineligible to electronically renew the applicant's full driver's license at the next renewal period.

605.26(4) Notwithstanding any other provision of this rule to the contrary, the department may accept an electronic application to upgrade a license containing a "J" restriction if the "J" restriction is related only to a secondary address.

This rule is intended to implement Iowa Code sections 321.180B and 321.194.

ITEM 7. Amend paragraph **607.16(2)"e"** as follows:

e. A commercial driver's license valid for eight years shall be issued to a qualified applicant who is at least 18 years of age but not yet ~~72~~ 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's ~~74th~~ 80th birthday.

ITEM 8. Amend paragraph **607.16(2)"f"** as follows:

f. A commercial driver's license valid for two years shall be issued to a qualified applicant ~~72~~ 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

ITEM 9. Adopt the following new subrule 607.16(5):

607.16(5) *License extension.*

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

- (1) Has a valid license,
- (2) Is eligible for further licensing, and
- (3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. The person shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver's license service center. The person may also apply by letter to the address in 761—paragraph 605.12(1) "a."

c. A 60-day extension shall be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. The department shall allow only one 60-day extension.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-55
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 9, 2021
 Title Administrative Rules — 761 IAC 615, Sanctions

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapter 615 to conform the chapter with current department practice and legal authority and aligns with 2020 Iowa Acts, Senate File 2268, which amended Iowa Code section 321.216C, and 2020 Iowa Acts, Senate File 457, section 54, which repealed two Iowa Code sections.

Senate File 2268 raised from 18 years to 21 years old the age at which it is illegal for a person to possess fraudulent identification for the purposes of purchasing tobacco products. Senate File 457, section 54, repealed Iowa Code sections 321.218A and 321A.32A to eliminate the civil penalty for non-operating while intoxicated (OWI) driver’s license sanctions.

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

The public comment period ended on February 2, 2021. 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

Division Director Legal State Director

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

MV-2021-55

Melissa Gillett – Motor Vehicle Division; Chapter 615 relates to driver's license sanctions. This relates to Senate files, 2268 and 457 regarding the age increase for tobacco products from age 18 to age 21, and regarding the elimination of his civil penalty for non OWI related sanctions and technical updates for minor school licenses, the driver improvement program and temporary restricted licenses. It is recommended the Commission approve the proposed rule changes to 615.

Commissioner Rielly made a motion to approve the rule. Commissioner Juckette seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to driver’s license sanctions
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 615, “Sanctions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.210.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.210, 321.215, 321.216C, 321.555 and 321J.17.

Purpose and Summary

This proposed rule making conforms Chapter 615 with current Department practice and legal authority and aligns the rules with 2020 Iowa Acts, Senate File 2268, which amended Iowa Code section 321.216C, and 2020 Iowa Acts, Senate File 457, section 54, which repealed two Iowa Code sections. Senate File 2268 raised from 18 years to 21 years old the age at which it is illegal for a person to possess fraudulent identification for the purposes of purchasing tobacco products. Senate File 457, section 54, repealed Iowa Code sections 321.218A and 321A.32A to eliminate the civil penalty for non-operating while intoxicated (OWI) driver’s license sanctions.

The proposed amendments add a nonpublic school authority to the list of persons authorized to report a violation of a minor’s school license because that is the person authorized to certify the need for a minor’s school license for a student attending private school.

The proposed amendments specify that the driver improvement program provider schedules a person’s attendance at a driver improvement program, which is current Department practice, and also clarify that if a person assigned to a driver improvement program fails to attend, that person will be issued a driver’s license suspension equal to the required suspension length for the underlying offense. The current rule requires a 90-day suspension for a person who fails to attend a driver improvement program, but a 90-day suspension could result in a longer or shorter suspension period than what the original underlying offense would have otherwise required. Making the suspension period after a person fails to attend a driver improvement program equal to the length of the original suspension is more equitable than requiring a longer or shorter suspension period than that required for the original offense.

This proposed rule making rescinds the rule which authorizes the Department to conduct a driver improvement interview because that process is no longer used by the Department and was replaced with the informal administrative appeal process.

The proposed amendments addressing temporary restricted licenses (TRLs) issued under Iowa Code section 321.215 align with current Department practice to allow a TRL unless prohibited by Iowa Code section 321.215 or by another Iowa Code section. The proposed amendments more clearly reflect the Department’s existing practice of allowing a TRL when a license is suspended because of nonpayment of court fines, violations of the nonresident violator compact or habitual offender bars if the person’s habitual offender status is determined under Iowa Code section 321.555(1)“c” or 321.555(2). The changes allow a person whose driver’s license is suspended or revoked for driving while under suspension or revocation to be eligible for a TRL if the person’s underlying offense qualifies for a TRL. Allowing a TRL in this case is consistent with how sanctions for driving with a revoked license are treated under Iowa Code chapter 321J when the underlying offense is an OWI.

Finally, the proposed amendments strike outdated requirements related to requesting an interview with a driver's license hearing officer and appearing before a driver's license examiner to obtain a TRL. Current Department practice does not require an interview or personal appearance before a specific classification of employee to obtain a TRL.

Fiscal Impact

There is no fiscal impact to the State of Iowa because of this rule making beyond what was estimated in the fiscal note for 2020 Iowa Acts, Senate File 457.

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 February 2, 2021. 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 oral presentations will be held on February 4, 2021, via conference call from 10:30 to 11:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on February 2, 2021, 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 actions are proposed:

ITEM 1. Amend rule 761—615.3(17A) as follows:

761—615.3(17A) Information and address. Applications, forms and information concerning license sanctions are available at any driver’s license service center. Assistance is also available by mail from the 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)244-8725; by facsimile at (515)239-1837; or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend rule 761—615.15(321) as follows:

761—615.15(321) Suspension for unlawful use of a license.

615.15(1) The department may suspend a person’s license when the person has been convicted of unlawful or fraudulent use of the license or if the department has received other evidence that the person has violated Iowa Code section 321.216, 321.216A₂, ~~or~~ 321.216B or 321.216C.

615.15(2) and 615.15(3) No change.

This rule is intended to implement Iowa Code sections 321.210, 321.212, 321.216, 321.216A₂, ~~and 321.216B and 321.216C~~.

ITEM 3. Amend paragraph **615.21(1)“b”** as follows:

b. The department may also suspend a minor’s school license when the department receives written notice from a peace officer, parent, custodian or guardian, school superintendent, ~~or~~ superintendent’s designee or nonpublic school authority that the licensee has violated the restrictions of the license.

ITEM 4. Amend rule 761—615.26(321) as follows:

761—615.26(321) Suspension ~~or revocation~~ for violation of a license restriction. The department may suspend ~~or revoke~~ a person’s license when the department receives satisfactory evidence of a violation of a restriction imposed on the license. The suspension ~~or revocation~~ period shall be at least 30 days.

This rule is intended to implement Iowa Code section 321.193.

ITEM 5. Amend paragraph **615.38(2)“b”** as follows:

b. A request for an informal settlement, a request for a contested case hearing, or an appeal of a presiding officer’s decision shall be submitted to the director of the driver and identification services bureau at the address in rule 761—615.3(17A).

ITEM 6. Amend paragraph **615.38(3)“c,”** introductory paragraph, as follows:

c. A request for an informal settlement or a request for a contested case hearing shall be deemed timely submitted if it is delivered to the director of the driver and identification services bureau or postmarked within the time period specified in the department’s notice of the sanction.

ITEM 7. Amend subrule 615.40(2) as follows:

615.40(2) Paid the civil penalty when required by Iowa Code section 321J.17. ~~The civil penalty is specified in Iowa Code section 321.218A or 321A.32A.~~

ITEM 8. Amend rule **761—615.40(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186, 321.191, 321.195, 321.208, 321.212, ~~321.218A, 321A.17 and 321A.32A~~ 321J.17.

ITEM 9. Amend subrule 615.43(2) as follows:

615.43(2) Scheduling. The department shall ~~schedule attendance at a program nearest~~ forward the person’s contact information to the approved driver improvement program provider nearest the person’s last known address. The provider will schedule the person’s attendance at the provider’s next available program opening.

a. One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

b. No change.

ITEM 10. Amend subrule 615.43(4) as follows:

615.43(4) Failure to attend. The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period shall be at least 90 days for the length of the original underlying suspension.

ITEM 11. Rescind and reserve rule **761—615.44(321)**.

ITEM 12. Amend rule 761—615.45(321) as follows:

761—615.45(321) Temporary restricted license (work permit).

615.45(1) Ineligibility. The department shall not issue a temporary restricted license under Iowa Code section ~~321.215(1)~~ 321.215 to an applicant:

a. to d. No change.

~~e. Whose license has been suspended for failure to pay a fine, penalty, surcharge or court costs.~~

~~f. e.~~ Whose period of suspension or revocation has been extended for operating a motor vehicle while under suspension or revocation unless the underlying suspension or revocation qualifies for issuance of a temporary restricted license.

~~g. f.~~ Whose license has been mandatorily revoked under Iowa Code section 321.209, subsections 1 to 5 4 or subsection 7, or for a second or subsequent conviction for drag racing.

~~h. Whose license has been suspended under the nonresident violator compact.~~

~~i. g.~~ Whose license is barred under Iowa Code section 321.560 unless the applicant is declared to be a habitual offender under Iowa Code section 321.555(1) “c” or 321.555(2).

~~j. h.~~ Whose license has been suspended due to receipt of a certificate of noncompliance from the child support recovery unit.

~~k. Reserved.~~

~~l. i.~~ Whose license has been suspended for a charge of vehicular homicide.

~~m. j.~~ Whose license has been suspended under Iowa Code section 321.180B(3).

615.45(2) Application.

a. To obtain a temporary restricted license, an applicant shall complete and submit a written request for an interview with a driver’s license hearing officer. The request shall be submitted Form 430100 and any supporting documentation to the driver and identification services bureau at the address in rule 761—615.3(17A).

~~b. If the driver’s license hearing officer approves the issuance of a temporary restricted license, the officer shall furnish to the applicant application Form 430100, which is to be completed and submitted to driver and identification services.~~

~~e. b.~~ A temporary restricted license issued for employment may include permission for the licensee to transport dependent children to and from a location for child care when that activity is essential to continuation of the licensee’s employment.

615.45(3) No change.

615.45(4) Additional requirements. An applicant for a temporary restricted license shall also:

a. and b. No change.

c. Pay the ~~required~~ civil penalty specified in when required by Iowa Code section ~~321.218A or 321A.32A~~ 321J.17.

615.45(5) Issuance and restrictions.

a. When the application is approved and all requirements are met, the applicant shall be notified by the department ~~to appear before a driver’s license examiner.~~ The applicant shall pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license. An Iowa resident shall also pay the reinstatement and license fees.

b. No change.

615.45(6) No change.

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218, ~~321.218A~~, 321.513₂ and 321.560 and 321J.17.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-56
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 9, 2021
 Title Administrative Rules — 761 IAC 500, Interstate Registration and Operation of Vehicles

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapter 500 to align the chapter with existing legal authority and department practice and relates to the administration of the International Registration Plan for fleet vehicles operated within the United States and the provinces of Canada.

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

The public comment period ended on January 19, 2021. 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

	Aye	Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director _____ Legal _____ State Director

MV-2021-56

Melissa Gillett – Motor Vehicle Division; Chapter 500 relates to the international registration. We had changes updating the chapter regarding terminology, IRP renewals, fees and refund clarifications and records retention requirements.

It is recommended the Commission approved the changes to chapter 500.

Commissioner Rielly made a motion to approve the rule. Commissioner Juckette seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to the International Registration Plan for fleet vehicles and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 500, “Interstate Registration and Operation of Vehicles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 326.15, 326.19A and 326.33.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 326.

Purpose and Summary

This proposed rule making aligns with existing legal authority and Department practice and relates to the administration of the International Registration Plan (IRP) for fleet vehicles operated within the states of the United States and the provinces of Canada. Chapter 500 and Iowa Code chapter 326 outline the specific requirements and procedures for registration under the IRP process. A description of the specific, proposed amendments is provided below:

Terminology updates. Several updates are proposed to terminology used throughout the chapter and within the definitions rule. The term “apportioned registration” will replace the term “prorate registration” throughout the chapter as that is the current terminology used in Iowa Code chapter 326 and the IRP. Rules that accommodate a set month renewal deadline are revised to incorporate implementation of a staggered registration process in which fleet registration renewals are staggered throughout the year rather than all expiring at the same time. Several current definitions are merely duplicative of the definitions already included in Iowa Code chapter 326; therefore, those definitions are removed, and definitions for “distance schedule,” “vehicle schedule,” “IRP,” “qualified fleet owner,” “self-certification of IRP credential destruction,” and “temporary evidence of apportioned registration” are added or amended.

IRP renewals. Several rules related to the IRP registration renewal process are updated to provide flexibility in the renewal process, including accommodating electronic notification and simplified submission methods for required documentation, as well as clarifying the process for adding or deleting a vehicle from the fleet, both at the time of registration renewal and during nonrenewal periods.

Fees and refunds. The rules addressing fees and refunds are updated to align with the Iowa Code, the IRP requirements and current Department practice. Specifically, the late filing penalty fee rule specifies the approved payment methods and deadlines for payment as well as the process for sending a delinquency notice for invoices that are 30 days overdue as required by Iowa Code section 326.10A. The rule addressing the mailing fee for a replacement cab card or plate is revised to align with current Department practice that a mailing fee applies when the Department issues a replacement cab card or plate. A motor carrier does have the option to print its own replacement cab card, in which case the fee would not apply. The rules governing IRP refunds are amended to clarify that plates and cab cards must be returned to the Department if the carrier is seeking a refund of IRP registration. These rules only apply to a refund of Iowa’s portion of the IRP fees, as the Department has the authority under the IRP only to refund Iowa fees.

IRP credentials. IRP credentials include vehicle plates, cab cards and validation stickers that are evidence of a vehicle’s compliance with IRP requirements. Several updates are made to the rules

addressing IRP credentials, including striking outdated language referring to a nonexpiring plate and providing flexibility by not requiring the IRP credentials to be turned in if a vehicle is being deleted at the time of renewal. This is because deletion at the time of renewal will not affect the fees the Department collects, and the Department has the authority to assess fees if it is discovered a vehicle was operating under deleted credentials. The current rule relating to a carrier's self-certification of destruction of IRP credentials remains unchanged but is renumbered.

IRP records. The rules related to record retention are updated to comply with the IRP, including requiring record retention for the current registration year and the three preceding registration years; requiring a motor carrier to make records available for audit upon request; setting standards for records maintained by the motor carrier to allow the Department to verify IRP requirements; replacing outdated terminology referring to source records with current terminology referring to summaries, which are documents required to be maintained under the IRP to verify distances traveled; and removing a subrule relating to reaudit and assessment as that subrule was inconsistent with IRP requirements. The proposed amendments also align with the current Department process of obtaining trip permits through the Department's website, by mail or in person, and they remove an outdated provision indicating that a truck permit could be obtained at a truck stop as that is no longer an option. Finally, the rule promoting electronic maintenance of required IRP forms and records is amended to clarify that the federal heavy use tax form is maintained in accordance with Federal Highway Administration and Internal Revenue Service requirements and to remove the requirement to collect and submit Federal Highway Administration Form MCS-150. Because Form MCS-150 is already required to be filed with the federal government, the Department no longer needs to collect the form or forward it to the federal government.

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 January 19, 2021. 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 oral presentations will be held on January 21, 2021, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 19, 2021, 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 actions are proposed:

ITEM 1. Amend rule 761—500.1(326) as follows:

761—500.1(326) Definitions. The definitions in Iowa Code ~~section~~ sections 326.2 and 326.3 apply to this chapter. In addition:

~~“Cab card” means a registration receipt that describes the vehicle and reflects the weight in each jurisdiction in which a vehicle is registered for operation.~~

~~“Credential” means a plate, validation sticker, cab card or temporary authority.~~

~~“International Registration Plan (IRP)” means a vehicle prorated registration reciprocity agreement among jurisdictions.~~

~~“Power unit” for registration purposes means a bus, truck, truck tractor, road tractor or tractor.~~

~~“Distance schedule” means the department form used to report fleet distance.~~

~~“IRP” means the International Registration Plan as defined in Iowa Code section 326.2.~~

~~“Qualified fleet owner registrant” means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.~~

~~1. The motor carrier must meet the following requirements to receive department approval:~~

~~● A minimum of five years' experience with IRP registration in any jurisdiction;~~

~~● A satisfactory IRP payment history. A satisfactory payment history includes, but is not limited to, no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds; and~~

~~● A satisfactory rating from the U.S. Department of Transportation in the previous five years.~~

~~2. A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years shall not be eligible to self-certify IRP credential destruction.~~

~~“Registrant” means a person, firm or corporation in whose name or names a vehicle is properly registered.~~

~~“Registration year” means the period January 1 through December 31 for vehicles registered under the International Registration Plan.~~

~~“Self-certification of IRP credential destruction” means a signed statement that is completed by a qualified fleet owner registrant certifying all the date the IRP credentials have been destroyed.~~

~~“Temporary authority evidence of apportioned registration” means a document issued by the department that allows describes the vehicle to be operated until a plate and cab card are issued. “Temporary authority” describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.~~

~~“Vehicle schedule” means the department form used to report vehicle registration information.~~

~~This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.~~

ITEM 2. Amend rule 761—500.2(17A,326) as follows:

761—500.2(17A,326) General information.

500.2(1) Information and location. Applications, forms and information on interstate registration and operation of vehicles are available on the department's website at www.iowadot.gov, by mail from the Office of Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3268; or by facsimile at (515)237-3225; or by email at omcs@iowadot.us.

500.2(2) Method of operation. The operations of the department's motor vehicle division relating to reciprocity and ~~prorate~~ apportioned registration shall be conducted in accordance with the ~~International Registration Plan IRP~~ and the Code of Iowa Code chapters 321 and 326.

500.2(3) Organizational data. The ~~office of vehicle and motor carrier services bureau~~ of the motor vehicle division is authorized pursuant to Iowa Code chapter 326 to:

~~a. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.~~

~~b. a. Enter into reciprocity ~~prorate~~ apportioned registration agreements with other jurisdictions. The department joined the International Registration Plan (IRP) is a member of the IRP. Such plan The IRP and any revisions thereto are hereby incorporated into this chapter. A copy of the agreement may be obtained by contacting the office of vehicle and motor carrier services bureau or at www.irponline.org. Under this agreement, the office of vehicle and motor carrier services bureau shall do all of the following:~~

~~(1) Compute and collect registration apportionable fees due this state under ~~prorate~~ apportioned registration agreements; and~~

~~(2) Issue registration plates, validation stickers, cab cards, temporary authority evidence of apportioned registration, and trip permits to qualified registrants.~~

~~(3) Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.~~

This rule is intended to implement Iowa Code sections 17A.3, 326.5 and 326.6.

ITEM 3. Amend rule 761—500.4(326) as follows:

761—500.4(326) Renewal for IRP registration. ~~Renewal forms for the coming year are prepared automatically and distributed in November to all registrants who maintained an active IRP fleet with Iowa during that year. If the registrant does not receive a renewal application by December 1, the registrant is responsible for informing the office of motor carrier services and for making the necessary arrangements for renewal of the registration. Renewal applications should be submitted to the office of motor carrier services no later than January 1 to ensure adequate time for processing. A renewal is considered timely filed when it is received by the office of motor carrier services or postmarked on or before January 31 reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. A registrant may request a renewal reminder notice to be sent by mail. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.~~

500.4(1) The renewal must include:

~~a. A completed and signed mileage distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.~~

~~b. An updated Federal Highway Administration motor carrier identification information report (MCS 150).~~

~~c. Necessary title documentation, if necessary.~~

~~d. A schedule of heavy highway vehicles (Form 2290).~~

~~c. One of the following:~~

~~(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.~~

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include, but is not limited to, a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax, and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

~~a. Units being removed from the fleet shall be deleted on the renewal vehicle schedule and the plates, cab cards and stickers must be returned. In lieu of returning the plates, cab cards and stickers, a qualified fleet owner may submit a self-certification of IRP credential destruction to the office of motor carrier services on or before December 31. Registration renewal fees for deleted units shall be assessed unless the self-certification of IRP credential destruction or the plates, cab cards and stickers are received by the office of motor carrier services or postmarked on or before December 31. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted shall result in the registrant being responsible for any fees assessed including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed shall result in suspension of the self-certification privilege.~~

~~b. Units being stored shall be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).~~

~~c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.~~

~~d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted at the time of renewal, the annual and permanent registration plates and validation stickers must be returned to the vehicle and motor carrier services bureau.~~

~~This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.~~

ITEM 4. Amend rule 761—500.5(321) as follows:

761—500.5(321) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the ~~office of vehicle and~~ motor carrier services bureau. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before ~~January 31~~ the registration expiration date to stop the registration fee from being assessed for the renewal year. The ~~office of vehicle and~~ motor carrier services bureau shall destroy the plate and return the cab card to the registrant with the word "stored" stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle shall be assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126 and 321.134.

ITEM 5. Amend rule 761—500.6(321,326) as follows:

~~**761—500.6(321,326) Penalty for late filing of renewal Payment, delinquency and suspension.** Renewals postmarked or received in the office of motor carrier services after January 31 are filed late and a 5 percent penalty shall be assessed. An additional 5 percent penalty shall be assessed on the first of each month thereafter until the renewal is filed. The penalty is calculated based on the following:~~

~~**500.6(1)** If the renewal is filed on or before May 19, the penalty shall be calculated on all trailer fees for the current year, on the first half of the Iowa power unit registration fees (both permanent and nonpermanent plated vehicles), and all registration fees due the other jurisdictions. Payment shall be made payable to the Iowa Department of Transportation by cash, check, credit card, or any other means offered by the department. Payment shall be due 30 calendar days from the invoice date. However,~~

renewal invoices shall be due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) If the renewal is filed on or after May 20, the penalty shall be calculated on all registration fees due all jurisdictions for the current year only. Invoices not paid by the due date shall be assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice shall be sent on invoices 30 calendar days overdue. The department shall send a delinquency notice stating the IRP registration shall be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension shall be sent to the registrant. When a registrant is under suspension, all of the registrant's Iowa-based IRP vehicles shall be suspended.

This rule is intended to implement Iowa Code sections ~~321.134 and~~ 326.10A, 326.14 and 326.16.

ITEM 6. Amend rule 761—500.7(326) as follows:

761—500.7(326) IRP payment methods Self-certification of IRP registration plate and validation sticker destruction. ~~A registrant with a good Iowa payment history may pay by cash, check, wire transfer or any other means offered by the department. Payment should be made payable to the Iowa Department of Transportation. All other registrants must submit fees by guaranteed funds. Examples of guaranteed funds are: money order, cashier's check, certified check or cash.~~

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant must meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years' experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes, but is not limited to, no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years shall not be eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code section ~~326.10A~~ 326.15.

ITEM 7. Amend rule 761—500.8(326) as follows:

761—500.8(326) IRP plate credentials. ~~Upon payment of appropriate fees and submission of all required documentation, the office of vehicle and motor carrier services bureau shall issue one IRP nonexpiring plate for each power unit to be mounted on the front of the power unit, and one nonexpiring trailer plate to be mounted on the rear of the trailer, and one cab card for each power unit. The cab card may be in either a physical or electronic format.~~

This rule is intended to implement Iowa Code sections ~~section~~ section 326.14 and 326.17.

ITEM 8. Amend rule 761—500.9(326) as follows:

761—500.9(326) Fleet Nonrenewal vehicle additions and temporary authority. ~~A registrant may submit add a vehicle schedule to change the fleet operations at any time after the commencement of the registration year. A Upon payment of required fees, temporary authority evidence of apportioned registration may be issued to operate a the vehicle(s) for the period of time required to process the vehicle schedule. The temporary authority evidence of apportioned registration shall not exceed 60 45 days. However, at the discretion of the permitting authority, the 60-day department may extend the temporary authority may be extended evidence of apportioned registration for up to a total of 60 days if there are extenuating circumstances. Once temporary authority evidence of apportioned registration is generated~~

issued and used, fees shall be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code section 326.11 as amended by 2005 Iowa Acts, House File 216, section 41.

ITEM 9. Amend rule 761—500.10(326) as follows:

761—500.10(326) Fleet Nonrenewal vehicle deletions. A registrant may ~~remove~~ delete vehicles from the fleet at any time after the commencement of the registration year ~~or from the second half invoice.~~ ~~Vehicles shall be deleted on the vehicle schedule, and the~~ The plates, cab cards and validation stickers must be returned to the ~~office of vehicle and motor carrier services bureau~~ at the time of deletion. In lieu of returning the plates, cab cards and validation stickers, a qualified ~~fleet owner~~ registrant under rule 761—500.7(326) may submit a self-certification of IRP credential destruction on or before the vehicle(s) deletion date to the ~~office of vehicle and motor carrier services bureau.~~ Second half fees for deleted vehicles shall be assessed unless the self-certification of IRP credential destruction or the plates, cab cards and stickers are received by the office of motor carrier services or postmarked on or before June 30. Operating a vehicle with credentials that were self-certified as destroyed shall result in suspension of the self-certification privilege, and the registrant shall be responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.

ITEM 10. Amend rule 761—500.11(326) as follows:

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel an application for IRP registration (~~the IRP vehicle schedule~~) if the registrant notifies the ~~office of vehicle and motor carrier services bureau~~ within 15 days of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 15 days or, if a temporary ~~permit~~ evidence of apportioned registration was issued in accordance with 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6 and 326.11.

ITEM 11. Amend rule 761—500.12(326) as follows:

761—500.12(326) Policy on registration credit. If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle. The vehicle schedule identifying the added and deleted vehicles must be submitted to the ~~office of vehicle and motor carrier services bureau.~~ The deletion must take place on or before the effective date of the replacement unit's vehicle's registration fees are required to be effective by law. ~~In accordance with Iowa Code section 326.12, credit shall not be allowed if the registrant is filing late.~~ Allowance for credit of deleted vehicles shall be subject to the conditions set forth in Iowa Code section 326.12.

This rule is intended to implement Iowa Code section 326.12.

ITEM 12. Amend rule 761—500.13(326) as follows:

761—500.13(326) Penalty for late filing of vehicle schedule.

500.13(1) ~~A As~~ provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent shall be assessed to the vehicle if a vehicle schedule is not filed within 30 days of:

- a. The purchase of a new or used vehicle;
- b. ~~A vehicle's being brought into Iowa from out of state to be registered; or~~ The date a vehicle is brought across state borders into Iowa to be registered; or
- c. A vehicle's vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) ~~The 5 percent penalty is calculated based on the following:~~

~~a. If the vehicle schedule is filed on or before May 19, the penalty shall be calculated on all trailer fees for the current year, on the first half of the Iowa power unit registration fees (both permanent and nonpermanent plated vehicles) and all registration fees due the other jurisdictions.~~

~~b. If the vehicle schedule is filed on or after May 20, the penalty shall be calculated on all registration fees due all jurisdictions for the current year only.~~

~~500.13(3) 500.13(2)~~ An additional 5 percent penalty shall be assessed on the first of each month thereafter until the vehicle schedule is filed.

~~500.13(4) 500.13(3)~~ The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code ~~section 326.11~~ sections 321.20A, 326.11, 326.14 and 326.16.

ITEM 13. Rescind and reserve rules ~~761—500.14(326) to 761—500.16(321,326).~~

ITEM 14. Amend rule 761—500.17(326) as follows:

761—500.17(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.17(1) A replacement cab card is \$3.

500.17(2) A replacement plate including the cab card is \$8. ~~If applicable, a mailing fee will also be assessed.~~

500.17(3) ~~A validation sticker replacement including the cab card is \$3.50~~ If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code section 326.22.

ITEM 15. Rescind and reserve rules ~~761—500.18(326) and 761—500.19(326).~~

ITEM 16. Amend rule 761—500.20(326) as follows:

761—500.20(326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, ~~321.173~~ 321.129 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32. A claim for refund ~~on an IRP registered vehicle(s) form~~ may be obtained from the office of vehicle and motor carrier services bureau. In lieu of returning the plates, a qualified ~~fleet owner~~ registrant may submit a self-certification of IRP credential destruction on or before the vehicle's deletion date to the ~~office of vehicle and motor carrier services bureau~~.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129 and 326.15 as amended by 2004 Iowa Acts, chapter 1013, section 32.

ITEM 17. Rescind and reserve rule ~~761—500.21(326).~~

ITEM 18. Amend rule 761—500.22(326) as follows:

761—500.22(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the office of vehicle and motor carrier services bureau with the application or payment as specified in rule 761—500.7(326) either a ~~photocopy~~ copy of the non-Iowa title or a copy of the title application if the title has not been issued. If a jurisdiction does not issue titles, a ~~photocopy~~ copy of the bill of sale or a copy of the Canadian registration shall accompany the application or payment.

This rule is intended to implement Iowa Code section ~~326.45~~ 326.11.

ITEM 19. Amend rule 761—500.23(326) as follows:

761—500.23(326) Record retention.

500.23(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP ~~and Iowa Code section 326.19~~ for the current registration year and the three preceding registration years. On request, the registrant shall make such

records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.23(2) Mileage Adequacy of records. ~~Mileage~~ The records shall be preserved for the current registration year and the three preceding registration years. Mileage summaries must be supported by individual vehicle mileage records to provide an auditable system. ~~maintained by a registrant shall be adequate to enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.~~

a. The following records produced by a means other than a vehicle-tracking system shall be considered adequate:

- (1) The beginning and ending dates of the trip to which the records pertain.
- (2) The origin and destination of the trip.
- (3) The route of travel.
- (4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction.

(7) The vehicle identification number or vehicle unit number.

b. The following records produced wholly or partly by a vehicle-tracking system, including a system based on a global positioning system (GPS) shall be considered adequate under this subrule:

(1) The original GPS or other location date for the vehicle to which the records pertain.

(2) The date and time of each GPS reading or other system reading.

(3) The location of each GPS reading or other system reading.

(4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the period to which the records pertain.

(5) The calculated distance between each GPS reading or other system reading.

(6) The route of the vehicle's travel.

(7) The total distance traveled by the vehicle.

(8) The distance traveled in each jurisdiction.

(9) The vehicle identification number or vehicle unit number.

500.23(3) Source documents Summaries. ~~Individual vehicle mileage records as specified in the IRP audit guidelines shall be acceptable to verify fleet mileage. The individual vehicle mileage record must include all of the following~~ following summaries shall be maintained:

a. Date of trip (starting and ending dates); A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.

b. Trip origin and destination; A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

c. Routes of travel;

d. Total trip miles;

e. Mileage by jurisdiction; and

f. Unit number or vehicle identification number.

~~Odometer readings may be substituted for routes of travel if the substitution is approved by the department.~~

500.23(4) Reaudit and assessment. ~~If an audit determines that a registrant has not maintained adequate mileage records, the following procedures shall apply:~~

a. The department shall send an audit report to the registrant, detailing the areas of noncompliance.

b. After a three-month grace period, the department shall reaudit the registrant's records to monitor improvement. If the registrant's record-keeping system is not in compliance at the time of the reaudit, the

department shall assess an audit penalty. The penalty shall equal 20 percent of the registrant's projected full Iowa fees for the registration year audited.

e.—After an initial billing, the registrant shall be subject to periodic reaudits, and penalties may be assessed for up to three full years of subsequent noncompliance, pursuant to the IRP agreement.

This rule is intended to implement Iowa Code sections ~~326.19~~ and section 326.19A.

ITEM 20. Amend rule 761—500.24(326) as follows:

761—500.24(326) Trip permits. The registrants may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, moves that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E shall not be allowed. ~~Trip permits may be obtained as follows:~~

~~500.24(1) The registrant, permit service or process agent may request trip permits by facsimile, telephone, the Internet or mail~~ Trip permits may be obtained through the department's website, by mail, or in person from the office of vehicle and motor carrier services bureau. Such requests shall include the appropriate permit fee remittance. ~~Registrants purchasing trip permits in advance of use may not return unused permits for a refund.~~

~~500.24(2) Permits may be purchased directly from truck stops in several locations across the state that have executed a "Trip Permit Agreement." The registrant may obtain a list of participating truck stops by contacting the office of motor carrier services~~ Registrants purchasing trip permits in advance of use may not return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23 and 326.46.

ITEM 21. Amend rule 761—500.25(326) as follows:

761—500.25(326) Electronic information. To the greatest extent possible, the ~~office of vehicle and motor carrier services bureau~~ shall maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

~~500.25(1) IRP vehicle transaction.~~ The ~~office of vehicle and motor carrier services bureau~~ shall destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

~~500.25(2) Heavy highway vehicle schedule Federal heavy use tax (Form 2290 Schedule 1).~~ The ~~office of vehicle and motor carrier services bureau~~ shall ~~destroy paper copies of the heavy highway vehicle schedule once the electronic record is updated~~ maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9.

~~500.25(3) MCS 150.~~ The office of motor carrier services shall forward the updated Federal Highway Administration's motor carrier identification information (MCS 150) to the Federal Motor Carrier Safety Administration office after the update is marked on the electronic record. ~~The office of motor carrier services shall not retain paper copies of this form.~~

This rule is intended to implement Iowa Code section 326.33.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Public Transit Bureau Order No. PPM-2021-57
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date February 9, 2021
Title Administrative Rules — 761 IAC 920, State Transit Assistance

DISCUSSION/BACKGROUND:

This proposed rule making concerns Chapter 920 and specifies that applications for training fellowships may be submitted to the department at any time throughout the year and applications for special projects are due annually on October 1. Currently, all special project funding is issued on a first-come, first-served basis. However, because special projects are increasing in size and funds are limited, the Department is proposing to implement a deadline to allow for competition for funding for special projects. Other proposed changes add a definition of “urban transit system” and update the bureau name.

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

The public comment period ended on January 5, 2021. 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 John Putney

Division Director Legal State Director

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

PPM-2021-57

Stuart Anderson – Planning, Programming and Modal Division; Rule amendments are proposed to chapter 920 regarding state transit assistance funding. Including some minor amendments, this rulemaking turns our special projects component of state transit assistance funding into an annual competitive application-based program instead of a first come first served the training funding through the fellowship program will continue on an as requested basis.

The public comment period ended January 5th and we did not receive any comments or requests for oral presentations. Therefore, it is recommended that the Commission approve the rule amendments included in the Notice of Intended Action attached to the commission order.

Commissioner Rielly made a motion to approve the rule. Commissioner Putney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to applications
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 920, “State Transit Assistance,” 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 chapter 324A.

Purpose and Summary

The proposed amendments modify subrule 920.4(2) to specify that applications for training fellowships may be submitted to the Department at any time throughout the year and add a new paragraph to state that applications for special projects are due annually on October 1. Currently, all special project funding is issued on a first-come, first-served basis. However, because special projects are increasing in size and funds are limited, the Department is proposing to implement a deadline to allow for competition for funding for special projects.

The proposed amendments also correct the name of the Public Transit Bureau and add a definition of “urban transit system” to include a population threshold of 20,000.

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 January 5, 2021. 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 oral presentations will be held on January 7, 2021, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, 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 actions are proposed:

ITEM 1. Amend rule 761—920.2(324A) as follows:

761—920.2(324A) General information. The department shall post annually the required forms and instructions for applying for state transit assistance to the department's ~~Web site~~ [website](#) at [www.iowadot.gov](#) and notify each public transit system in Iowa of the availability. Requests for assistance and questions about application preparation should be directed to: ~~Office of Public Transit Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870.

ITEM 2. Amend rule 761—920.3(324A), introductory paragraph, as follows:

761—920.3(324A) Definitions. The definitions in Iowa Code section 324A.1, except for the definition of "urban transit system," apply to this chapter. In addition:

ITEM 3. Adopt the following **new** definition of "Urban transit system" in rule **761—920.3(324A)**:
"Urban transit system" means a system designated by the department which meets the requirements of Iowa Code section 324A.1(8). To be designated as an urban transit system for the purposes of this chapter, the system must serve a city or urbanized area with a population of 20,000 or more. The system also must be managed by a board of local officials who have either been elected by the public or appointed by elected officials, and who are responsible for policy and oversight of transit services for one or more incorporated areas within Iowa.

ITEM 4. Amend subrule 920.4(2) as follows:

920.4(2) Special projects.

- a. No change.
- b. ~~Proposals~~ Applications for ~~special projects~~ training fellowships may be submitted to the department at any time.
- c. Applications for special projects are due to the department by October 1 each year. The department may announce to the public transit systems the acceptance of special project applications at other times of the year if unobligated funds are available.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Public Transit Bureau Order No. PPM-2021-58
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date February 9, 2021
 Title Administrative Rules — 761 IAC 923, Capital Match Revolving Loan Fund, and 761 IAC 924, Public Transit Infrastructure Grant Program

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 923 clarify that primary documentation must be kept for a period of three years following contract closeout. The other changes update the bureau name and concern the project eligibility criteria.

The proposed amendments to Chapter 924 state that no public transit system may receive more than 40 percent of the funding available in one year and adds an explanation of where the useful life thresholds of transit structures and facilities can be found. Other changes to this chapter amend the definition of “public transit system” and update the bureau name.

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

The public comment period ended on January 5, 2021. 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 Rich Arnold

	Aye	Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director _____ Legal _____ State Director

PPM-2021-58

Stuart Anderson – Planning, Programming and Modal Division; For chapter 923, this is the chapter dealing with the Capital Match Revolving Loan Fund. We clarified that the project documentation retained each period is based on the contracts close out. So it's three years following contract close out. For chapter 924 Public Transit Infrastructure Grant Program, we clarified with this policy that no more than 40% of the available funding can be awarded to any transit agency in a round. In addition, there were some other minor comments like updating Bureau names and other editorial changes.

The public comment period ended January 5th and we did not receive any comments or requests for oral presentations. Therefore, it's recommended that the commission approve the rule amendments included in the notice of intended action attached to the commission order.

Commissioner Rielly made a motion to approve the rule. Commissioner Arnold seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to public transit
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 923, “Capital Match Revolving Loan Fund,” and Chapter 924, “Public Transit Infrastructure Grant Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and 1985 Iowa Acts, chapter 265.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 324A and 1985 Iowa Acts, chapter 265.

Purpose and Summary

The proposed amendments to Chapter 923 correct the name of the Public Transit Bureau and clarify that primary documentation must be kept for a period of three years following contract closeout. The other proposed amendments to this chapter concern the project eligibility criteria. The project must be included in the public system’s adopted transportation improvement program, and the criterion requiring that the project be part of a statewide program is stricken because it is no longer needed. If the project was included by the transit agency in its adopted transportation improvement program, the project is then automatically included in the statewide program of transit projects.

The proposed amendments to Chapter 924 amend the definition of “public transit system” so that it means the same as the definition in Iowa Code chapter 324A, correct the name of the Public Transit Bureau, add a new subrule stating that no public transit system may receive more than 40 percent of the funding available in one year to match the guidance the Department has given the public transit agencies for years, and add an explanation of where the useful life thresholds of transit structures and facilities can be found to ensure applicants are aware of long-term commitment.

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 January 5, 2021. 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 oral presentations will be held on January 7, 2021, via conference call from 2:30 to 3:30 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, 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 actions are proposed:

ITEM 1. Amend subrule 923.1(2) as follows:

923.1(2) Information. Requests for information about and for assistance with the preparation and submission of loan requests should be directed to the ~~Office of Public Transit Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870. Information is also available on the department's website at www.iowadot.gov.

ITEM 2. Amend subrule 923.3(2) as follows:

923.3(2) The transit system maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

ITEM 3. Amend rule 761—923.4(71GA,ch265) as follows:

761—923.4(71GA,ch265) Project eligibility.

923.4(1) A project is eligible if it meets all of the following criteria:

- a. No change.
- b. The project meets an identifiable transit need that has been included in the public transit system's ~~planning or programming document~~ adopted transportation improvement program.
- ~~c. The project is part of a statewide program of transit projects which has been adopted by the transportation commission.~~
- ~~d. c.~~ The local funding needed for the project justifiably exceeds the public transit system's annual capital match funding capability.

923.4(2) No change.

ITEM 4. Amend rule **761—924.2(324A)**, definition of "Public transit system," as follows:

"Public transit system" means ~~one of the regional transit systems or urban transit systems designated under~~ same as defined in Iowa Code section 324A.1.

ITEM 5. Amend rule 761—924.3(324A) as follows:

761—924.3(324A) Information and forms. Information, instructions, and application forms are available from the ~~Office of~~ Public Transit Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870; or the department's ~~Web site~~ website at www.iowadot.gov.

ITEM 6. Adopt the following **new** subrule 924.10(4):

924.10(4) No single public transit system may receive more than 40 percent of the funding available in one year.

ITEM 7. Amend subrule 924.16(3) as follows:

924.16(3) Ownership. The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred to a subcontracted entity or is sold before the useful life has expired, the transit system must repay the prorated state interest to the department. Useful life thresholds can be found in the department's transit manager's handbook, available on the department's website at www.iowadot.gov.

PPM-2021-59

Craig Markley – Systems Planning Bureau; Sioux Center submitted at Immediate Opportunity RISE Funding request to construct approximately 1000 feet 15th Street NW located on the Northwest side of town. This project will provide access five lots, totaling more than 14 acres for industrial purposes and to maximize RISE support for the project staff evaluated the application as a RISE Local Development Project. Under RISE Local Development criteria that project scored 57 points. Total estimated cost of the project of \$780,981. The city is requesting a RISE grant of \$390,491 will be providing 50% in local match.

It is recommended a Commission, based on the capital investment commitment and potential future job creation re-classify the project as a RISE Local Development project the September 2020 round of applications and award a RISE grant \$390,491 or a 50% of the total RISE eligible project cost, whichever's less from the city share of the RISE fund.

Commissioner Fehrman made a motion to re-classify the project and approve the grant as recommended. Commissioner Yanney seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-60
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 9, 2021
 Title Revitalize Iowa's Sound Economy (RISE) Application – Pella

DISCUSSION/BACKGROUND:

The city of Pella submitted a RISE Immediate Opportunity application requesting a grant to assist in the paving of approximately 600 feet of 250th Avenue located on the southeast side of town. This project is anticipated to be completed by September 2021.

This improvement is necessary to provide improved access to the proposed site of Lely North America, a leader in designing and manufacturing automated systems for dairy farmers. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the creation of 15 new full-time jobs and 6 retained full-time jobs out of 68 RISE eligible created/retained jobs.
- \$23,781,150 in associated capital investment.

The RISE cost per job assisted will be \$11,647.62 and there will be a total capital investment of \$97.22 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 \$122,300 from the city share of the RISE Fund and \$122,300 from the county share of the RISE Fund for a total of \$244,600 or up to 80 percent of the total RISE-eligible project cost.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Kathy Fehrman

	Aye	Nay	Pass
Arnold	x		
Fehrman	x		
Juckette	x		
Maher	x		
Putney	x		
Rielly	x		
Yanney	x		

Division Director Legal State Director

PPM-2021-60

Craig Markley – Systems Planning Bureau; Pella submitted an Immediate Opportunity RISE fund request to pave approximately 600 feet of 250th Avenue located on the Southeast side of town. The proposed improvement will result in the commitment of the creation of 15 new full-time jobs and six retained full-time jobs out of 68 RISE eligible and created and retained jobs in three years. Along one \$23,781,150 and associated capital investment. The average wage of the created and retained positions is \$30.36 cents per hour, which is 161% of the average labor shed wage rate.

The RISE grant recommended it's \$244,600. Local participation at 20% or \$61,150 for total cost of \$305,705. RISE cost per job assisted is \$11,652.62. Total capital investment of RISE dollars \$97.22.

It is recommended the Commission, based on the capital investment and job creation and retention commitments, award a RISE grant of \$122,300 from the city share of the RISE fund and \$122,300 county share of the RISE fund for a total of \$244,600 or up to 80% of the RISE eligible total project costs.

Commissioner Rielly made a motion to award a RISE grant as recommended to Pella. Commissioner Fehrman seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Aviation Bureau Order No. PPM-2021-61
Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date February 9, 2021
Title Federal Fiscal Year (FFY) 2022 Federal Aviation Administration Funding Preapplications

DISCUSSION/BACKGROUND:

The Aviation Bureau requests the Iowa Transportation Commission approve the submittal of FFY 2022 FAA funding preapplications prepared by Iowa airports that are eligible for federal funding. The list of preapplications is attached.

Preapplications will be submitted to FAA for review and action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the submittal of the FAA funding preapplications as presented.

COMMISSION ACTION:

Moved by Kathy Fehrman Seconded by Rich Arnold

	Aye	Nay	Pass
Arnold	X		
Fehrman	X		
Juckette	X		
Maher	X		
Putney	X		
Rielly	X		
Yanney	X		

Division Director Legal State Director

PPM-2021-61

Shane Wright – Aviation Bureau; earlier today the FY 2022 FAA funding pre-applications prepared by Iowa airports was presented, including 47 projects at 40 airports for over \$27 million. These pre applications will be submitted to the FAA for review and action.

Therefore, it is recommended the Commission approve the submittal as the FAA pre-applications as presented.

Commissioner Fehrman made a motion approve the submittal as the FAA pre-applications as presented. Commissioner Arnold seconded the motion. Motion passes unanimously.

FFY 22 Federal Airport Improvement Program Preapplications

Safety projects			
Airport	Project description	90 percent federal level	Total amount
Bloomfield Municipal	Eliminate North Pond	\$270,900	\$301,000
Total safety projects		\$270,900	\$301,000

Planning projects			
Airport	Project description	90 percent federal level	Total amount
Clarinda Municipal	Update ALP	\$160,000	\$178,000
Davenport Municipal	Design North Apron Reconstruction	\$131,400	\$146,000
Grinnell Regional	Taxiway Rehabilitation - Phase 1 - Design	\$150,000	\$166,667
Iowa Falls Municipal	Conduct Airport Master Plan Study	\$202,500	\$225,000
Mapleton Municipal	Airport Drainage & Levee Repairs - Design	\$59,400	\$66,000
Maquoketa Municipal	Reconstruct Runway 15 End - Design	\$210,600	\$234,000
Red Oak Municipal	Runway 5/23 and Taxiway Edge Lighting Upgrade Design Only	\$108,000	\$120,000
Iowa DOT	Pavement Condition Study	\$135,000	\$150,000
Total planning projects		\$1,156,900	\$1,285,667

Maintenance and development projects			
Airport	Project description	90 percent federal level	Total amount
Algona Municipal	Runway 12 Displacement and Runway 30 Extension (Grading)	\$504,000	\$560,000
Ames Municipal	Runway 1/19 and Taxiway A (north portion) Lighting	\$150,000	\$166,667
Atlantic Municipal	Runway 12/30 and Runway 2/20 Electrical Upgrade	\$1,235,106	\$1,372,340
Atlantic Municipal	Runway 12/30 PAPI/REIL Equipment Replacement	\$138,510	\$153,900
Belle Plaine Municipal	Pavement Rehabilitation - Runway and Taxiway	\$90,000	\$100,000
Belle Plaine Municipal	Pavement Rehabilitation - Apron	\$180,000	\$200,000
Belle Plaine Municipal	Entrance Road Improvements	\$103,500	\$115,000
Southeast Iowa Regional	Reconstruct Taxiway B	\$1,910,610	\$2,122,900
Chariton Municipal	Jet-A Aviation Fuel Facility with Card Reader	\$261,000	\$290,000
Northeast Iowa Regional	Runway Pavement Maintenance	\$148,500	\$165,000
Clarion Municipal	Replace Fuel System	\$322,753	\$640,000
Decorah Municipal	Taxiway Lighting	\$207,000	\$230,000
Fairfield Municipal	Reconstruct Taxiway to T-Hangars - Phase 3	\$444,627	\$494,030
Hampton Municipal	Runway Pavement Rehabilitation	\$246,582	\$273,980
Hampton Municipal	Taxiway and Apron Rehabilitation	\$139,410	\$154,900
Humboldt Municipal	Runway Pavement Rehabilitation, Line of sight correction and lighting	\$306,000	\$340,000
Iowa City Municipal	Runway 12 Threshold Displacement - Runway 30 Threshold Relocation	\$433,800	\$482,000
Jefferson Municipal	100'x100' Hangar	\$600,000	\$958,900
Knoxville Municipal	Expand Apron	\$450,000	\$500,000
Osceola Municipal	Turnarounds for Runway 18/36	\$612,504	\$680,560
Oskaloosa Municipal	Taxiway & Tee Hanger Taxiway Rehabilitation	\$360,000	\$400,000
Pella Municipal	Replace AWOS facility at existing location	\$150,000	\$166,667
Perry Municipal	Runway 14/32 Construction	\$6,242,040	\$6,935,600
Pocahontas Municipal	Regrade and Improve Drainage for Turf Runway 18/36	\$198,000	\$220,000
Shenandoah Regional	Rehabilitate Runway 12/30	\$209,700	\$233,000

Vinton Municipal	Runway 9/27 Rehabilitation - Phase II	\$216,000	\$240,000
Washington Municipal	Runway 18/36 Lighting	\$385,632	\$814,112
Washington Municipal	New PAPIs and REILs - Runway 18/36	\$202,644	\$225,160
Waverly Municipal	Construct Connector Taxiway	\$329,310	\$365,900
West Union Municipal	Airfield Pavement Rehabilitation	\$468,000	\$520,000
	Total maintenance and development projects	\$17,245,228	\$20,120,616

Land acquisition projects

Airport	Project description	90 percent federal level	Total amount
Ankeny Regional	Land Acquisition	\$150,000	\$150,000
Rockwell City Municipal	Acquire Tract 7 and Adjacent Ultimate RPZ	\$55,800	\$62,000
Sheldon Regional	Construct/Extend/Improve Runway 33 Safety Area	\$290,520	\$322,800
Winterset Municipal	Land Acquisition for Future Runway 18/36	\$1,656,000	\$1,840,000
South Central Regional	Land Acquisition	\$904,604	\$1,005,116
South Central Regional	Land Acquisition	\$1,397,470	\$1,552,116
South Central Regional	Land Acquisition	\$297,865	\$330,961
South Central Regional	Land Acquisition	\$247,500	\$275,000
	Total land acquisition projects	\$4,999,759	\$5,537,993
47 Total projects	Total preapplications	\$23,672,787	\$27,245,276

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Aviation Bureau Order No. PPM-2021-62
 Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date February 9, 2021
 Title Fiscal Year 2021 State Aviation Program – Commercial Service Vertical Infrastructure Amendment

DISCUSSION/BACKGROUND:

The Aviation Bureau requests approval for an amendment to the Commercial Service Vertical Infrastructure program of the fiscal year (FY) 2021 State Aviation Program. The FY 2021 State Aviation Program was approved August 11, 2020. However, due to weather events and COVID-19 impacts, the Dubuque and Sioux City airports are requesting to amend their project requests and reallocate past year awards on the amended FY 2021 applications.

Airport	Previous Award			FY 2021 Projects
	Year	Project	Award Amount	
Dubuque	2019	Equipment wash facility	\$105,815	Relocate airfield generator and aviation fuel tank
Dubuque	2020	Equipment wash facility	\$134,132	Relocate airfield generator and aviation fuel tank
Dubuque	2021	Equipment wash facility	\$ 69,958	Relocate airfield generator and aviation fuel tank
Sioux City	2019	Terminal and hangar improvements	\$105,330	Terminal improvements and hangar demolition
Sioux City	2020	Terminal and hangar improvements	\$134,923	Terminal improvements and hangar demolition
Sioux City	2021	Terminal and hangar improvements	\$ 71,104	Terminal improvements and hangar demolition

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Commercial Service Vertical Infrastructure amendment to the FY 2021 State Aviation Program as described above.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Maher	<u>x</u>	_____	_____
Putney	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

PPM-2021-62

Shane Wright – Aviation Bureau; Earlier today I presented the request for an amendment to the Commercial Service Vertical Infrastructure Program of the FY 21 State Aviation Program. Due to weather events and COVID 19 impacts the Dubuque and Sioux City airports are requesting to amend their projects and reallocate past year's awards on the amended FY 21 applications.

Therefore, it is recommended the Commission approved the Commercial Service Vertical Infrastructure amendment to the FY 2021 State Aviation Program as requested.

Commissioner Yanney made a motion approve the amendment as recommended. Commissioner Juckette seconded the motion. Motion passes unanimously.