

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, August 12, 2014
Double Tree by Hilton
Cedar Rapids Convention Complex
350 1st Avenue NE
Cedar Rapids, Iowa

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>SUBMITTED BY</u>	<u>PAGE</u>
D-2015-6 8:00 a.m.	*Approve Minutes of the July 8, 2014, Commission Meeting Commission Comments Staff Comments	Connie Page	1
MV-2015-7 8:05 a.m.	*Administrative Rules – 761 IAC 604, License Examination and 634, Driver Education	Mark Lowe	2
PPM-2015-8 8:10 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application - Primghar (delegation)	Craig Markley	11
8:15 a.m.	Adjourn/Public Input Meeting		

*Action Item

On Monday, August 11, 2014, the Commission and staff will tour transportation projects starting at 9:30 a.m. at the DOT maintenance garage in Tama and ending around 3 p.m. at the Double Tree by Hilton, 350 1st Avenue, NE, in Cedar Rapids. The Commission and staff will hold an informal meeting at the Double Tree/Cedar Rapids Convention Complex beginning at 3:30 p.m. Transportation-related matters will be discussed but no action will be taken.

Commission Comments

1. Welcome

Commissioner Reasner welcomed everyone to her hometown of Cedar Rapids. She said it takes a lot of effort on the part of DOT staff to make a tour like this happen and the Commission very much appreciates that hard work. Thanks to the District 6 staff for putting on the tour and for assuring that the Commission saw many, many projects or proposed projects yesterday. Finally, thanks to all the staff who joined us here yesterday for our workshop. After concluding our tour the Commission and staff met at the Double Tree to review the materials that will be discussed today in our business meetings as well as materials that we may be analyzing and discussing in future meetings.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2015-7
Submitted by Mark Lowe Phone No. 237-3121 Meeting Date August 12, 2014
Title Administrative Rules 761 IAC Chapter 604 and Chapter 634

DISCUSSION/BACKGROUND:

The Department is proposing to adopt a new rule within 761 IAC 634 to implement parent taught driver education as required by Iowa Code section 321.178A (2013 Iowa Acts, Chapter 121, section 100). The changes to 761 IAC 604 relate to the changes needed due to the new requirements of Iowa Code section 321.178A and also eliminate outdated language which provided for the random administration of driving tests according to applicants' birth dates.

The public comment period ended on July 29 and no comments or requests for oral presentations were received.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached rule amendments.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Boswell	_____	_____	_____
Huber	_____	_____	_____
Miles	_____	_____	_____
Putney	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Yanney	_____	_____	_____

Division Director Legal State Director

MV-2015-7

Stuart Anderson, Planning, Programming and Modal Division, said as Mark Lowe, Motor Vehicle Division, thoroughly reviewed in detail with the Commission yesterday at the workshop, this rule package implements parent-taught driver education as required by Code of Iowa section 321.178A. The rules adopt the definitions and requirements for teaching parents and students. The course is set forth in that code section and establishes the procedure for a parent, guardian, or custodian already providing general private instruction to obtain approval to teach driver education to a student in their custody and to obtain a certificate of approval for this student after completing the instruction. The rules also provide that the drive test may not be waived for an applicant that receives parent-taught education. It establishes the procedure for course vendors to receive approval to offer driver education curriculum to teaching parents, and the rules eliminate an outdated provision that called for random drive testing of minor applicants based on their birth date. The DOT has not received any public comments on these proposed rules; therefore, it is recommended the Commission approve the rules as attached to the Commission order.

Commissioner Miles moved, Commissioner Yanney seconded the Commission approve the attached rule amendments. Commissioner Putney absent; remaining Commissioners voted aye.

ITEM 1. Amend paragraph **604.31(2)“a”** as follows:

a. The applicant is applying for the applicant’s first Iowa driver’s license that permits unaccompanied driving following successful completion of the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for a Class C driver’s license other than motorized bicycle; driver education and motorcycle rider education for a Class M driver’s license or motorcycle endorsement; and motorized bicycle education for a motorized bicycle license. However,;

~~(1) The department may select dates and require a driving test of applicants whose birth dates fall on the selected dates. The department shall notify the Iowa department of education quarterly of the dates selected.~~

~~(2) If~~ if an applicant is under the age of 18, a driving test is required if so requested by the applicant’s parent, guardian, or instructor.

ITEM 2. Amend rule **761—604.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.174, 321.178, 321.178A, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.193, 321.196 and 321.198.

ITEM 3. Reserve rules **761—634.9** and **761—634.10**.

ITEM 4. Adopt the following new rule 761—634.11(321):

761—634.11(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

634.11(1) Definitions. As used in this rule:

“*Approved course*” means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related street or highway driving instruction.

“*Clear driving record*” means the individual currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver’s license under the

habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver’s license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

“*Course vendor*” means a third-party vendor that makes available commercially an approved course.

“*Student*” means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

“*Teaching parent*” means the same as defined in Iowa Code section 321.178A.

634.11(2) *Application to serve as a teaching parent.*

a. A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form.

b. The department shall review the application and shall deny the application for any of the following reasons:

(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.

(2) The person does not have a clear driving record.

(3) The application does not properly identify a student eligible to be instructed in driver education by the person.

(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.

634.11(3) *Instruction by a teaching parent.*

a. A person approved to serve as a teaching parent shall instruct the student using an approved course.

b. The teaching parent shall select the course to be used from the list of approved courses posted on the department’s Internet site and shall purchase the course directly from the applicable course vendor.

c. No person shall provide driver education as a teaching parent until approved by the department, and the department shall not recognize driver education that was:

- (1) Provided by a person before the person's approval as a teaching parent.
- (2) Provided by a person who has not been approved as a teaching parent.
- (3) Provided to a person who is not a student as defined in subrule 634.11(1).
- (4) Offered under a course other than an approved course.

634.11(4) Course completion—certificate of completion.

a. Upon the student's completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the office of driver services at the address indicated on the form.

b. The department shall review the application and evidence submitted and shall deny certification of completion if:

(1) The course was not conducted by a person approved by the department to serve as a teaching parent for the student for whom certification is sought.

(2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.

(3) The application and evidence do not demonstrate the student's successful completion of an approved course.

(4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.

(5) The department has determined that the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the teaching parent explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a certificate of completion to the student identified in the application. A certification of completion issued by the department

under this subrule shall constitute proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

634.11(5) *Course approval.*

a. A vendor that wishes to offer a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form, along with a copy of all proposed curriculum materials. A vendor that wishes to offer an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials but must also provide physical copies of the proposed materials.

b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.

c. The department shall review the application and proposed curriculum and shall issue a letter of denial to the course vendor explaining the reason or reasons for denial if the proposed curriculum does not meet the requirements for an approved course.

d. If the proposed curriculum is approved, the department shall issue a certificate of approval to the vendor designating the curriculum as an approved course and shall list the approved course on the department's Internet site. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date. Notwithstanding this paragraph, a course approval issued before December 31, 2014, shall not expire until December 31, 2015.

ITEM 5. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, 321.178A, 321.180B and 321.194.

ITEM 6. Adopt the following new appendix in **761—Chapter 634**:

Appendix to Rule 761—634.11(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent in a motor vehicle operated by the student.
 - a. Classroom instruction shall consist of at least 30 clock hours of classroom instruction and shall include all of the following:
 - i. Four hours of instruction concerning substance abuse.
 - ii. A minimum of 20 minutes of instruction concerning railroad crossing safety.
 - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
 - iv. Instruction providing awareness about sharing the road with bicycles and motorcycles.
 - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
 - a. Traffic law – *classroom instruction*
 - i. Introduction to driver education and driving laws and privileges.

- ii. Understanding your license to drive.
 - iii. Right-of-way.
 - iv. Traffic control devices.
 - v. Controlling traffic flow.
 - vi. Alcohol and other drugs.
 - vii. Cooperating with other roadway users.
- b. Driver preparation – *classroom and behind-the-wheel instruction*
- i. Pre-drive tasks.
 - ii. Occupant protection.
 - iii. Symbols and devices.
 - iv. Starting tasks.
 - v. Vehicle operation and control tasks.
 - vi. Post-drive tasks.
 - vii. In-car progress assessment.
 - viii. Driving plan (*classroom instruction*).
- c. Vehicle movements – *classroom and behind-the-wheel instruction*
- i. Visual attention, mental attention and communication.
 - ii. Reference points.
 - iii. Vehicle balance.
 - iv. Vehicle maneuvers.
 - v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
- i. Driving practices.
 - ii. Fatigue.
 - iii. Aggressive driving.
 - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
- i. Risk factors.
 - ii. Space management.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

- f. Environmental factors – *classroom and behind-the-wheel instruction*
 - i. Environmental characteristics.
 - ii. Environmental risk factors.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
 - i. Distractions.
 - ii. Multi-task performances.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
 - i. Introduction of alcohol and other drug problems.
 - ii. Nature of alcohol-related crash problems.
 - iii. Physiological effects of alcohol.
 - iv. Psychological effects of alcohol.
 - v. Other drug effects on the driving task.
 - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
 - i. Vehicle movements and reference points (entering and exiting traffic and parking).
 - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
 - i. Adverse weather and reduced visibility conditions.
 - ii. Traction loss.
 - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
 - i. Vehicle malfunctions (*classroom instruction*).
 - ii. Vehicle maintenance (*classroom instruction*).
 - iii. Trip planning (*classroom instruction*).
 - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
 - v. In-car progress assessments (*behind-the-wheel instruction*).

- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
 - i. Vehicle use and ownership (*classroom instruction*).
 - ii. Vehicle insurance (*classroom instruction*).
 - iii. Environmental protection and litter prevention (*classroom instruction*).
 - iv. Anatomical gift Act – organ donor (*classroom instruction*).
 - v. Trip planning (*behind-the-wheel instruction*).
 - vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
 - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
 - ii. Driver licensing (*classroom instruction*).
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2015-8
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 12, 2014
 Title Revitalize Iowa's Sound Economy (RISE) Application – Primghar (Delegation)

DISCUSSION/BACKGROUND:

The city of Primghar submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of an approximately 840-foot section of Metcalf Avenue and 700 feet of Industrial Park Street in an industrial park on the southeast side of town. This project is anticipated to be completed by September 2015.

Because this project will provide access to more than 7.5 acres for industrial development and to maximize RISE support, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2014 round of applications and award a RISE grant of \$295,656 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Boswell	_____	_____	_____
Huber	_____	_____	_____
Miles	_____	_____	_____
Putney	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

PPM-2015-8

Craig Markley, Office of Systems Planning, said the city of Primghar submitted an Immediate Opportunity RISE funding request to construct an approximately 840 foot section of Metcalf Avenue and 700 feet of Industrial Park Street in an industrial park on the southeast side of town. Because this project will provide access to more than 7.5 acres for industrial purposes and to maximize RISE support for the project, staff evaluated the application as a RISE local development project. Under RISE Local Development criteria, the project scored 45 points. The total estimated cost of this project is \$591,312. The city is requesting a RISE grant of \$295,656 and will provide a 50 percent local match. He introduced Marlene Anderson, Primghar City Clerk.

Ms. Anderson said it is important for the city to move forward with this RISE grant. They anticipate over \$2.1 million will be invested in the site. As with all small communities, their budget is stressed with other community needs and infrastructure so it is critical for them to get this financial assistance. She noted there are utilities adjacent to the property which will be extended to the site. Primghar Advancement Corporation is working with Mid-American to purchase lot one and they will begin construction as soon as the infrastructure is completed.

Mr. Markley reviewed staff's recommendation.

Commissioner Yanney moved, Commissioner Boswell seconded the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2014 round of applications and award a RISE grant of \$295,656 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. Commissioner Putney absent; remaining Commissioners voted aye.

Meeting adjourned at 8:15 a.m.

RISE LOCAL DEVELOPMENT FUNDING
February 2014
SUMMARY

Applicant: City of Primghar

Multiyear?: No
Multijurisdiction?: No

ROAD PROJECT LOCATION AND DESCRIPTION: To construct an approximately 840-foot section of Metcalf Avenue and 700 feet of Industrial Park Street in an industrial park on the southeast side of town.

ASSOCIATED ECONOMIC DEVELOPMENT: This project will provide access to over 7.5 acres for future industrial development.

PROJECT FINANCING:

Roadway Project Cost:	\$591,312	Local Match (Total):	\$295,656
RISE (Total):	\$295,656	Up-Front:	\$295,656
Grant:	\$295,656	NPV of Loan Repayment:	0
Loan:	0	Effective Match Percent:	50
Loan Terms:	Yrs. 0	Up-front Participation Sources:	
	Int.: 0 %	Private:	
		Public:	\$295,656
		Local Match (Total):	\$295,656

PROJECT EVALUATION:

Development Potential (35):	20
Economic Impact and Cost Effect. (20):	5
Local Commit. and Initiative (35):	15
Transportation Need (4):	3
Local Economic Need (6):	2

Total Rating: 45

Jobs: 1

STAFF RECOMMENDATION:

Award a grant of \$295,656 or up to 50 percent of the RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Primghar

