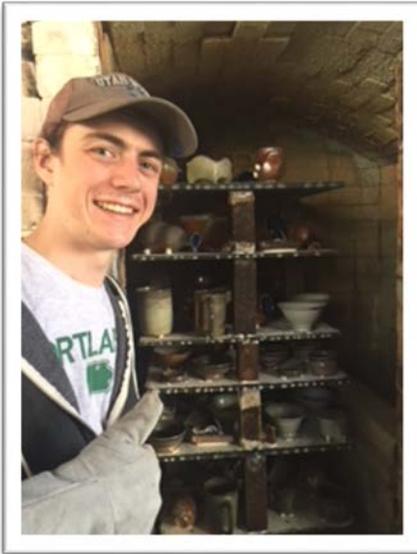


May 2018 Director's Report

Hi, everybody! The answer you have been waiting for is “pink.” Last month I was wondering what color Dan’s (my oldest, ceramic artist son’s) hair was, and the answer is pink. (Or if we were playing “Jeopardy” and the category is “things that are pink and irritate your wife”, the correct question for the \$500 answer would be “What are the ends of Dan Lowe’s hair?”)

Linda’s irritation with Dan’s hair notwithstanding, we had a great time visiting Dan, who’s a senior at Utah State, in Logan, Utah. We got the chance to see his senior ceramics show, spend some time getting to know his girlfriend, watch him work a kiln, and explore the mountains around Logan. (Word to the wise – there are no such things as “skunk suckers.” Even though your son will quickly and with great sincerity answer your question about what those red pods hanging along the trail are, the answer “Skunk suckers – the skunks like to walk up and lick ‘em,” is a fabrication and he will laugh in your face when you say, “I didn’t know skunks were so prevalent in this area.”)



Dan opening the kiln after he was done firing it.



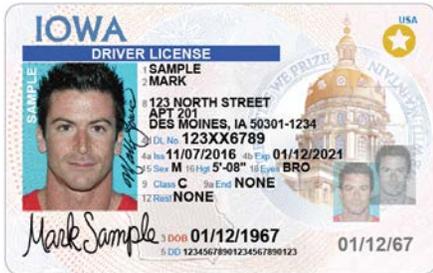
Dan and I near the soda kiln. Linda picked this one because his hair is tucked up under his hat.

In addition to my tour of Utah, I also had some good tours at the DOT this past month. I visited all our highway districts last year, and now I’m working my way through the Ames complex, starting with the Project Delivery Bureau. This past month I visited the Office of Design and the Office of Project Management, and as always, I was blown away by the interesting and cool things we are doing and the smart and talented people that are doing them. In just couple of floors, I learned about things like 3D surveying, the use of drones for surveying and accident reconstruction, photogrammetry, and the complexity of highway project management and the innovative ways we are doing that. I also saw innovative, collaborative workspaces and teams that knew how to make their work fun and engaging. (Pancakes and putt-putt, baby! Although not necessarily at the same

time.) Thank you to Office of Design Director Mike Kennerly and Office of Project Management Director Deanna Maifield for leading these visits; I really enjoyed and appreciated them.

I'll keep working my way around the complex and back through the state. It's definitely some of the best time I spend at work. In the meantime, here's this month's report.

New driver's licenses and ID cards (still) coming soon!



New driver's license and ID card design

Last month I talked about the new card designs for our driver's licenses and ID cards. Again, we update our cards on a regular basis to adopt new and better security features to make sure they remain resistant to and protected against counterfeiting or alteration, and to make sure they continue to meet federal standards for card security promulgated by the American Association of Motor Vehicle Administrators (AAMVA). (The last time we updated our card design was in 2012.) Their key objective is a secure credential that protects Iowans from identity theft or fraud.

We originally expected to switch to the new design for all cards issued on and after April 30, but had to push that date back to May 21 so we could test some software upgrades from our vendor that align the secure-paper temporary cards we print in our service centers to the new design. Otherwise we are still on track and the information I shared last month remains accurate.

Legislative session closes

The 2018 legislative session just ended – both the Senate and House gavelled out this past Saturday afternoon (May 5th). The legislative session is always active, with lots of ideas and information flowing between us and the legislature, and I know that many of you put in a lot of time and effort to represent us and help with proposals and questions. Thank you to everyone that has done that – I think it's safe to say we have a lot of credibility and respect as an agency, and it's because we have so many people that are willing to take the time to listen, problem-solve, and provide good information about what we do and how and why we do it. I would be remiss if I didn't specifically mention Susan Fenton, who joined us as our legislative liaison last December and has been a tireless and highly-effective representative for us throughout the session. Susan and I both agree that it's been a very good session for us.

I've been updating you every month on the proposals that we submitted as an agency, and as I reported last month all our proposals other than the MVE authority bill (more on that below) have been approved and signed by the Governor. That covers all the following proposals:

- **Third-party commercial driver's license (CDL) skills testing by Iowa motor carriers.** [House File 2197](#) eliminates a May 14, 2019, sunset provision and allows Iowa-based motor carriers (or their subsidiaries) that operate a CDL training program to continue to conduct the skills (driving) tests a driver must pass to

get a CDL at their premises and using their own examiners, provided we train and certify those examiners and audit their performance as required by the Federal Motor Carrier Safety Regulations. Governor Reynolds signed this March 7, 2018, and it becomes effective July 1, 2018.

- **Blue/white lights on snow plows.** [Senate File 2163](#) ends a pilot project we started in 2015 and accelerates equipping all our plow trucks with rear-facing white and blue lights to improve their visibility and avoid side-swipe and rear-end collisions during winter operations. Governor Reynolds signed this March 7, 2018, and it becomes effective July 1, 2018.
- **Charges for operating a commercial motor vehicle while texting or while using a handheld mobile device.** [House File 2196](#) assures continued compliance with Federal Motor Carrier Safety Regulations (FMCSRs) that prohibit a person from texting or using a hand-held mobile device (for instance a mobile phone) while driving a commercial motor vehicle, unless the device is being used to make a call and is within the immediate reach of the driver and can be activated by a single touch, by adopting them under a specific and separate code section that can be specifically cited and tracked to the driver's record to assure proper identification of drivers that are subject to disqualification of their CDL for multiple serious offenses. Governor Reynolds signed this March 21, 2018, and it becomes effective July 1, 2018.
- **Transportation Commission terms.** [House File 2195](#) shifts the terms of members of our Transportation Commission from four-year terms beginning May 1 in the year of their appointment and ending April 30 in the year their term expires to July 1 in the year of their appointment and ending June 30 in the year their term expires, to assure that Commissioners who start developing a five-year highway program can see it through to its approval in June, and that new members aren't asked to immediately approve a program they are not familiar with. Governor Reynolds signed this April 2, 2018, and it becomes effective immediately for Commissioners appointed and confirmed during this legislative session. It also applies retroactively to Commissioners appointed in prior years to extend their term to June 30 in the year their term expires so we won't have any gaps between terms of Commissioners appointed under the prior law and Commissioners appointed under the new law.

In addition to bills we submitted as agency bills, there are also a number of bills we didn't submit as an agency but still affect us. Our legislative team will be developing and distributing a comprehensive list and explanation of all the bills from this session that affect us or our work in some way, but I'm going to highlight three bills that I thought were particularly interesting and impactful.

Improvements in temporary restricted license for OWI offenders. Temporary restricted licenses (TRLs) are restricted licenses we are authorized to issue to people whose license has been suspended or revoked. Often called "work permits," they allow people to maintain some level of mobility (and ability to care for themselves) while their license is suspended or revoked, by allowing them to drive for travel to work or school, health care appointments for themselves or dependents, substance abuse treatment, and certain legal appointments, like meetings with parole or probation officers or to complete court-ordered community service.

One of our primary goals for people who have committed OWI (operating while intoxicated) offenses is to keep them from re-offending. Ignition interlock devices (IIDs), which are devices that read blood alcohol content (BAC) and that are installed in the vehicle to prevent the vehicle from being operated by an intoxicated person, are required for some TRLs and help prevent that – an OWI offender must blow into the device to start the vehicle, and then must blow into the device after regular intervals after starting the vehicle (often called “rolling retests”) to assure the person is not under the influence of alcohol while operating the vehicle.

Although IIDs can be effective counter-measures when installed and used, our current OWI law (Chapter 321J of the Iowa Code) doesn't cover all offenders – currently only repeat offenders, offenders that refused to take the chemical BAC test at the time of arrest, and first-time offenders who were in an accident causing personal injury or property damage or that had a BAC of more than .10 (the threshold for OWI is .08) are required to install an IID to get a TRL. Further, some offenders have to wait to get a TRL (with or without an IID) – in many circumstances offenders have to go through a mandatory waiting period (often called a hard suspension) of anywhere from 30 days to a year or more before they can get a TRL, which incentivizes them to keep driving without a license and without an IID.

We and others have tried to implement legislation that would address these infirmities over the last several years, but with little success – OWI law can be difficult to understand, and in the heat and hustle of a legislative session it's easy for a proposal to die due to lack of agreement and understanding. This year, however, we took a different approach and before session pulled together a group that represented the many people interested in OWI offenses and offenders, including the Governor's Traffic Safety Bureau, the Department of Public Safety (DPS), various IID industry representatives, MADD (Mothers Against Drunk Driving), the Iowa Peace Officers' Association, the Iowa Sheriffs' and Deputies' Association, criminal defense attorneys, prosecuting attorneys, and social justice representatives, and came up with a proposal we could all agree on. The result was [House File 2338](#), which does the following:

- Increases the use of IIDs and reduces the opportunity for repeat offenses by **requiring all offenders to install an IID on any vehicle owned or operated as a condition of receiving a TRL.**
- Decreases the incentive to drive while suspended and without an IID by **eliminating mandatory waiting periods (hard suspensions) before applying for a TRL.** (The only hard suspension the legislation retained was for offenders that caused a fatality.) The IID industry shared a compelling statistic on the counter-productive impact of hard suspensions, noting that 14 fatalities related to OWI offenses in the last year were committed by people waiting out a hard suspension.
- Decreases the incentive to drive while suspended and without an IID by **eliminating the restrictions on the purposes for which an offender may drive under a TRL.** The restrictions make it hard for people to take care of themselves and their families and add nothing in the way of safety if offenders are driving a vehicle equipped with an IID. Eliminating them makes it more attractive for people to install an IID and get a TRL, and has a side benefit of making the IID program easier and more cost-effective to

administer. (It currently requires a paper application with multiple signatures by employers and other third-parties that slow down the process, prevent electronic processing, and delay approvals that only encourage people to drive while suspended.)

Outside the legislation, we agreed the fourth component should be to improve the integrity of the IID program by **requiring all IIDs installed in Iowa to be equipped with a camera that records an image of the person that provides the breath sample**. This will help prevent an intoxicated offender from circumventing the IID by allowing a sober person to blow in the IID for them. This part of the proposal did not require a legislative change and can be accomplished by a rule change, as Chapter 321J already authorizes DPS to determine the functional requirements for IIDs used in Iowa. (DPS is working on the rules right now, and we think they will be effective later this year.) Although this does not require legislation we thought it was important to recognize this as part of the strategic package.

Governor Reynolds signed this bill April 11, 2018, and it becomes effective July 1, 2018. It applies to all TRLs issued to an OWI offender under Chapter 321J on or after July 1, 2018. It also extends to OWI offenders who obtained a TRL before that date – an OWI offender that was subject to driving restrictions can go to a service center and have those lifted, provided they install an IID in all vehicles owned or operated.

This is an important piece of legislation that strikes a good balance between safety and mobility, and that recognizes our role in driver services and driver sanctions is not to punish people, but to promote both. I'm really pleased this passed; thank you to everyone that helped make it happen!

Drug revocations eliminated. This legislation touches on the intersection between federal highway funding and state licensing and other safety laws. Although the federal government has limited authority to regulate matters that are typically reserved to the states, the U.S. courts have held that it does not violate principles of federalism (or states' rights) to condition receipt of federal funds on passing legislation that the federal government might not otherwise be able to compel in each state – the theory is that states are free to not take the money and therefore the federal government is not exceeding its reach or authority. This has resulted in many state laws we are required to establish, maintain, and enforce to receive certain federal highway funds. Examples include seat belt requirements, minimum drinking age laws, open container laws, OWI laws, and zero-tolerance drinking and driving laws for minors. (This is not to suggest that they are bad laws, but only to explain the connection between certain laws and federal funding.)

Another example affects people who have been convicted of certain drug offenses, and this one is not so great. Federal law (23 U.S.C. § 159) requires states to revoke the driver's license and driving privileges of any person that has been convicted of a drug offense for six months (to start after all other suspensions or revocations have ended) or lose federal highway funding. (For Iowa, the amount conditioned on complying with this law is about \$35M under current allocations.) This has never been consistent with our mission or interests, because the offenses have nothing to do with driving or traffic safety, and imposing the revocations does nothing to promote

driving or traffic safety. Additionally, imposing the revocation after all other suspensions or revocations have ended sets back and discourages people who have done everything they needed to safely return to driving.

Unlike any of the other federal laws that affect our highway funding, however, this one has an out – it allows states to opt out of the revocations, but only if the state's legislature adopts a resolution stating that it is opposed to the law, and the state's governor sends a written certification to the secretary of the U.S. Department of Transportation (U.S. DOT) that confirms the legislature has adopted the resolution and states that the governor is also opposed to the enactment and enforcement of such a law. With those things, a state may avoid imposing drug revocations without losing federal highway funding. Most of the states have done this and do not impose drug revocations.

We have been sharing and encouraging this option for several years, and this year we were fortunate to find sponsors in both the House and Senate that helped make this a reality. The Senate and House adopted a joint resolution opposing the imposition of drug revocations on March 21, 2018 (it's filed as [Senate Joint Resolution 2007](#)), and on the very last day of the session passed the legislation needed to end the practice in Iowa, by including it in what is known as the standings bill ([House File 2502](#), you can find it in division XXV of the bill beginning on page 34. This legislation was necessary because the resolution and letter from the governor only state opposition to the law – to stop imposing the revocations we have to eliminate the language in the Iowa Code that imposes the revocations.)

Because of the unusual way in which the federal law functions, the legislation does not have a defined effective date (like July 1, 2018). Rather, it has a contingent effective date, and will not be effective unless and until Governor Reynolds submits the required written certification to the secretary of the U.S. DOT and then notifies the editor of the Iowa Code that has been done. We will work with the governor's staff to complete these tasks and to coordinate an effective date that allows us to complete programming necessary to implement this change, likely July or August. The legislation prohibits imposing any drug revocation that would otherwise have been effective on or after the effective date, and also authorizes us to end any drug revocation that was imposed before the effective date and to reinstate the person's driving privileges if they are otherwise eligible.

Much like the TRL bill, this bill strikes a good balance between safety and mobility, eliminates unnecessary impediments to re-entering the driving system, removes incentives to drive while suspended, promotes effective use of state resources, and improves the employability of the people that would otherwise be affected by these revocations. I'm equally excited to see this move forward, and equally thankful to everyone that made this happen.

Electric vehicle studies. Electric vehicles have the capacity to change our work and the transportation system, both from a highway funding standpoint, by decreasing fuel tax revenue that would otherwise flow to the Road Use Tax Fund (the overall fund that supports road and bridge funding at the state, county, and city levels) and the Primary Road Fund (the portion of the Road Use Tax Fund – 47.5% -- specifically allocated by the Iowa Code to support the state system of roads and bridges we maintain), and from an infrastructure standpoint, by

creating demand for a charging infrastructure that supports the use of electric vehicles throughout the highway system.

Right now there are just over 500 all-electric vehicles registered in Iowa (out of about 4.4 million total vehicles registered), but a recent [report](#) indicates ownership and use of electric vehicles will increase – last year global sales of electric vehicles topped one million units for the first time, and that number is projected to reach 4.5 million units (around five percent of the global light-vehicle market) by 2020. (As I am sitting here writing this, KCCI is running a story about how the demand for electric vehicles is growing and will accelerate in the next few years.) And the growth is not just happening in the smaller, lighter passenger vehicles we tend to think of as electric vehicles. Beyond Tesla's full-size sedans, manufacturers such as Tesla and Thor are developing full-sized electric semi-tractors capable of hauling up to 80,000 pounds. Larger electric vehicles have even turned up in Iowa news, with Ruan Transportation in Des Moines announcing it would [add five electric semi-tractors](#) to its fleet and Winnebago in Forest City announcing it would [start manufacturing electric RVs](#).

Against that backdrop, two pieces of legislation that passed this year will help us prepare for the increased production and use of electric vehicles.

- [Senate File 2311](#) (in section 19) requires a **study of electric vehicle infrastructure support**. It directs the Iowa Economic Development Authority (IEDA), in collaboration with us and with the Iowa utility industry, to “conduct a study of electric vehicle infrastructure support for both commercial and noncommercial vehicles and make recommendations to the general assembly regarding electric vehicle charging infrastructure.” It also states that the study “shall evaluate the relative costs and benefits associated with various options for electric vehicle infrastructure support.” (Governor Reynolds signed this bill May 4, 2018.) This study is due to the legislature no later than June 30, 2019. We have worked closely with IEDA on the Iowa Energy Plan in the past and I think this will be a very natural extension of that work. As with the energy plan I expect our contribution to this will be led by our Planning, Programming & Modal Division and that they will engage other areas as needed.
- [House File 2256](#) (in section 3) requires a **study of electric vehicle revenue impacts**. It directs us to “estimate the impact of increased usage of electric, hybrid, and other high-efficiency motor vehicles in this state on future revenues to the road use tax fund,” and authorizes us to evaluate and recommend “the creation of alternative funding mechanisms or the alteration of existing funding mechanisms to mitigate any estimated decrease in future revenues to the road use tax fund related to increased usage of electric, hybrid, and other high-efficiency motor vehicles.” (Governor Reynolds signed this bill on April 4, 2018.) This report is due to the legislature by December 31, 2018. As with the infrastructure study, our Planning, Programming & Model Division will lead this and will of course collaborate with our Vehicle & Motor Carrier Services office and the Motor Vehicle Division.

Participating in and completing these reports will be a good opportunity to refine our own thinking about how we support the growth in use of electric vehicles without undermining the critical funding needed to support our

highway and bridge infrastructure over time, and to engage with the legislature in the conversation and proactive solutions that flow from them. I'm anxious to see what they will reveal!

Motor Vehicle Enforcement authority

Over the course of the year I've been reporting on legislation clarifying the authority and operational focus of our Motor Vehicle Enforcement officers. As you may recall, last year we were successful in securing legislation that clarified and confirmed the authority of our MVE officers to intervene with operators of non-commercial motor vehicle operators and engage in other non-commercial motor vehicle enforcement when necessary for public safety, by making explicit that they have the same powers as all other peace officers in the state. That legislation included a "sunset" provision that makes the legislation expire June 30, 2018 (again I think to give the legislature the opportunity to revisit the legislation and refine it if necessary) and this year we proposed removing the sunset. As I reported last month, that resulted in a bill filed as [Senate File 2326](#), which maintained our authority and added some new language that assured our operational focus remains solidly on our core missions of size and weight enforcement and commercial motor vehicle enforcement (refinements we were actively involved in and very comfortable with).

Last month I reported the bill had passed the full Senate and was pending action by the House, which we thought would come quickly. Unfortunately, that did not happen, so to preserve the status quo the legislature amended our budget bill to continue the legislation it passed last year, by extending the sunset an additional year, to June 30, 2019.

I'm admittedly disappointed we didn't get this completed this year, but I also understand – the legislature faces myriad issues and proposals every session (some of them very large and time-consuming) and it sometimes takes more than one session to work through a proposal to everyone's mutual satisfaction (as our recent success with IID reform shows). This solution allows us to keep functioning as we need and should during the next fiscal year, and it gives us the opportunity to work in the off-season with the groups and parties that are interested in this to develop a proposal that will succeed. We're going to take a very collaborative approach on this and I expect to be very involved. In the meantime, I want each and every one of our MVE officers to know how much we appreciate, respect, and value the work you do every day, and to know that you are critical part of our mission of safe mobility. Keep your heads high – we are proud of you!

FY2019 Budget approved

I gave a detailed overview of our proposed budget in my November report, and I'm very happy to report that the legislature approved our budget as proposed. That includes the capital funding for renovation of the Waterloo maintenance garage, and salary and support commensurate with 2,722 FTEs (full-time equivalents, an FTE equals one full-time position), which is a consistent number from where we were in FY2017 and FY2018. This is a very stable budget for the coming fiscal year and will allow us to continue operations without any reductions in FY2019.

Traffic Management Center featured in new video

We often talk about the Traffic Management Center (TMC) and what an important role it plays in traffic incident management and our TSMO (transportation system management and operations) strategy, but unless you have been there it can be hard to get a sense of what it is and what we do there.

Now, however, you can tour the TMC from anywhere in the state. (Or world, for that matter. I guess it depends on your provider and coverage.) Mark Lane in Strategic Communications & Policy and Bonnie Castillo, manager of the TMC, teamed up to make this [great](#)

[YouTube video about the TMC](#). Give it a

look when you have a moment – you'll get an insider's look at all the cool ways we monitor the highway system and proactively engage in traffic incident management. Great video, and great work in the TMC!



Intro to the new TMC video

Driver Education conference a team success

I had the chance to attend the 2018 Driver Education Conference on April 21st in Des Moines, and I was really impressed with the way the conference pulled together and drew on experience, knowledge and talent throughout the Iowa DOT to provide a valuable experience for participants. The conference is annual event for people that provide driving (often referred to as behind-the-wheel) instruction for driver education student, and this year the almost 230 instructors and volunteers that attended enjoyed information that crossed traffic operations, law enforcement, instructional learning, safety design, and new vehicle technology. Presentations included the following:

- **Donna Matulac from our Traffic Operations office** gave an overview of traffic operations and the Traffic Management Center (TMC) that included the TMC video highlighted above.
- **MVE Sergeants Joe Nickell and Mike Rada and Ames Fire Shift Commander Dough Allen** gave a presentation on how to safely engage with emergency vehicle and to negotiate emergency situations

led by, including details of Iowa's "Move Over" and "Steer It/Clear It" laws and other strategies to avoid secondary crashes.

- **Willy Sorenson from Traffic & Safety** gave a presentation on safety design and helped participants understand why we choose certain designs or traffic control solutions and how to properly navigate them. This included features such as yellow flashing arrows, merge lanes, roundabouts, diverging diamond interchanges and J-turns.
- **Jan Laser Webb from Traffic & Safety** led participants through a survey for the State Highway Improvement Plan using a very cool app (PollEverywhere) that allows participants to answer poll questions from their mobile phone and see the groups' poll responses in real time through a Power Point presentation.

In addition, the conference brought in expertise from outside the Iowa DOT, including a panel discussion from driving instructors who shared advice and best practices, a presentation by Mark Wyatt of the Iowa Bicycle Coalition about safely sharing the road with cyclists, and a presentation on automated vehicles and technologies by researchers from the University of Iowa that helped participants understand how changes in vehicle technology are changing driving and driving instruction.

I was very proud of the team effort this conference represented – the planning team included representatives from the Motor Vehicle, Highway, Strategic Performance, and Planning, Programming & Modal divisions, with



Joe Nickell, Mike Rada, and Doug Allen talk about avoiding secondary crashes.

support from the Information Technology Division – and I was very pleased with the way the conference introduced our operational, enforcement and design practices and strategies to drivers and driving instruction. The work we do and the systems in which we operate are all for people, and we perform best when we engage people in our work. Thank you to everyone that contributed and made this conference a success, and **a special thank you to Kala Shipley, our driver education program manager, and Kathleen Meradith-Eyers, our driver education administrative assistant.** This was their first driver education conference and they did a great job organizing and leading it.

Song of the month

Last month as I was writing this I was lamenting the April blizzard, this month as I was writing this I took a break to have a blizzard (the new Twix one – as Ferris Bueller says, if you have the means, I highly recommend it). And

I was also hoping the weather this month would give me an excuse to choose a song that said warm sun and blue skies. Well, May didn't disappoint – Sunday morning I ran 14 miles under a sky so brilliantly blue it almost hurt to look at it. In honor of that sky, this month's song is "Blue Skies for Everyone" by Bob Schneider. I hope you all had a chance to enjoy the blue skies this weekend. (As well as, as the song suggests, setting suns, cherry pies, and bubble gum. Just maybe not all at one time.)

Wellness tip

Warm sun and blue skies are a great thing, but they also bring the opportunity for overexposure to the sun. Be smart in the sun and protect your skin from premature wrinkles, spots, and skin cancer. If you can, avoid sun during the peak hours (generally 10AM to 2PM), wear protective clothing and hats, and apply sunscreen generously and reapply frequently. One thing I didn't know is that SPF (sun protection factor) only measures how well a sunscreen protects against UVB rays, but UVA protection isn't rated. To protect yourself against all UV rays, look for a broadband sunscreen.

The other thing I didn't know is that sunscreen with an SPF of 30 is not twice as good or strong as sunscreen with an SPF of 15 – manufacturers calculate SPF based on how long it will take skin that's been treated with sunscreen to burn as compared to skin that hasn't been treated with sunscreen. A sunscreen with an SPF of 30 is slightly more protective than a sunscreen with an SPF of 15, but it's not twice as protective. (The same thing is true of sunscreens of more than 50 – the protective benefits are incremental.) The key is to pick broadband protection and apply it thoroughly, thickly, and often. The Mayo Clinic has an excellent web page on sun safety and how to choose sunscreen you can find [here](#).

* * * * *

Well, my friends, we have again reached the end of the report. As always, I hope it has been helpful and informative, and I invite questions and suggestions. Have a great and safe month and we will talk again next month. Be well and safe!

Mark