

PRELIMINARY COMMISSION AGENDA

September 8, 2020



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

September 8, 2020
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
12:30 p.m.			
D-2021-10	* Approve Minutes of the August 17, 2020 Commission Meeting	Danielle Madden	3
	Commission Comments		
	DOT Comments		
MV-2021-11	* Administrative Rules – 761 IAC 450 Motor Vehicle Equipment	Melissa Gillett	5
MV-2021-12	* Administrative Rules – 761 IAC 625 Driver's Licenses for Undercover Law Enforcement Officers	Melissa Gillett	11
MV-2021-13	* Administrative Rules – 761 IAC 602 and 635	Melissa Gillett	15
H-2021-14	* Administrative Rules – 761 IAC 181, Statewide Standard for Permitting Certain Implements of Husbandry	Mitchell Dillavou	23
PPM-2021-15	* State Recreational Trails Program Funding Recommendations	Craig Markley	27
PPM-2021-16	* Railroad Revolving Loan and Grant Program	Laura Hutzell	29
12:40 p.m.			
	Adjourn		
*Action Item			

On Tuesday, September 8, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference room at the Iowa DOT Ames Campus. 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-2021-10
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date September 8, 2020
Title Approve Minutes of the August 17, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the August 17, 2020
Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-11
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date September 8, 2020
Title Administrative Rules — 761 IAC 450, Motor Vehicle Equipment

DISCUSSION/BACKGROUND:

This rule making concerns Chapter 450 and relates to motor vehicle equipment for specially constructed or reconstructed autocycles to align with existing legal authority and department practice.

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

The public comment period ended August 18, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to specially constructed or reconstructed autocycles and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 450, “Motor Vehicle Equipment,” 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 17A.3 and 321.23.

Purpose and Summary

The proposed amendments relate to motor vehicle equipment for specially constructed or reconstructed autocycles and align with existing legal authority and Department practice.

Iowa Code section 321.1(6A) defines an autocycle as a “three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable.” The definition of autocycle also provides that an autocycle is not considered a motorcycle even if the autocycle bears the vehicle identification number (VIN) or has a manufacturer’s certificate of origin that identifies it as a motorcycle. This distinction is important because while an autocycle is encompassed within the broader definition of a motor vehicle, it has unique characteristics that make it different from a traditional motor vehicle or a motorcycle.

Chapter 450 and Iowa Code section 321.23 outline the requirements to obtain a title to a specially constructed or reconstructed vehicle, which means a vehicle that was not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles. Current Chapter 450 addresses the requirements to obtain a title for specially constructed or reconstructed passenger vehicles and motorcycles, and with these proposed amendments, the rules will also now address the specific requirements for a specially constructed or reconstructed autocycle.

Accordingly, these amendments propose new rule 761—450.5(321), which outlines the minimum requirements for constructing and equipping specially constructed or reconstructed autocycles and requires an application similar to what is required for specially constructed or reconstructed motor vehicles and motorcycles. The rule also specifies the type and nature of the required equipment a specially constructed or reconstructed autocycle must contain to be eligible for title and registration including seatbelt, seat, lighting equipment, warning devices, brakes, horn, exhaust system, mirrors, tires and floor pan.

The proposed amendments also clarify for all vehicles covered under Chapter 450 that addition or removal of parts that modify the external appearance of the vehicle so that it is no longer recognizable as the original make or model will cause the vehicle to be considered a specially constructed, reconstructed, street rod or replica vehicle, as applicable.

Fiscal Impact

This rule making is estimated to have a very minimal fiscal impact to the State of Iowa. As of June 17, 2020, the Department has not received any applications to register a specially constructed autocycle in Iowa. The registration fee for an autocycle is \$20 and is set by Iowa Code section 321.117.

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 August 18, 2020. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 18, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

August 20, 2020
9 to 10 a.m.
(If requested)

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Rescind rule 761—450.1(321) and adopt the following new rule in lieu thereof:

761—450.1(321) Addresses, information and forms. Assistance under this chapter is available as follows:

450.1(1) Information and forms for vehicle registration and certificate of title may be obtained from the county treasurer or by mail from the Vehicle and Motor Carrier Services Bureau, Iowa Department

of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at (515)237-3264; or on the department's website at www.iowadot.gov.

450.1(2) Information for inspections may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at (515)237-3050; 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—450.2(321), introductory paragraph, as follows:

761—450.2(321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than autocycles, motorcycles and motorized bicycles. The following standards are minimum requirements for constructing and equipping specially constructed, reconstructed, street rod, and replica motor vehicles other than autocycles, motorcycles and motorized bicycles.

ITEM 3. Amend subrule 450.2(2) as follows:

450.2(2) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica motor vehicle. The removal, addition, or substitution of reconstructed motor vehicle parts that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica motor vehicle.

ITEM 4. Amend subrule 450.4(1) as follows:

450.4(1) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame specified on an application for a specially constructed or reconstructed motorcycle or motorized bicycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed or reconstructed motorcycle or motorized bicycle. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model does constitute a specially constructed, reconstructed, street rod, or replica motorcycle or motorized bicycle. EXEMPTION: The conversion of a manufactured motorcycle from two wheels to three-wheel operation by the addition or substitution of a bolt-on conversion kit shall not constitute a reconstructed motorcycle.

ITEM 5. Rescind rule 761—450.5(321) and adopt the following **new** rule in lieu thereof:

761—450.5(321) Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles. Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles as defined in Iowa Code section 321.1 are as follows:

450.5(1) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the autocycle complies with rule

761—450.5(321), that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the autocycle and certify that the autocycle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica autocycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica autocycle. The removal, addition, or substitution of reconstructed autocycle parts that modifies the autocycle’s external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica autocycle.

450.5(2) *Seatbelt.* A seatbelt for each seat shall be installed in the autocycle in accordance with Federal Motor Vehicle Safety Standard No. 209.

450.5(3) *Seat.* A seat that is firmly attached to the autocycle and does not require the operator to straddle or sit astride shall be provided for the use of the operator.

450.5(4) *Lighting equipment.* Every autocycle shall be equipped with at least one headlamp, at least one taillight, and either a taillight or a separate white light that illuminates the license plate if a taillight does not. All original lamps and lighting equipment provided on the autocycle by the manufacturer shall be maintained in working condition or shall be replaced with equivalent equipment.

450.5(5) *Warning devices.* Every autocycle shall be equipped with at least one red reflector, either separate or as part of the taillight or taillights.

450.5(6) *Brakes.* Every autocycle shall be equipped with a braking system, other than a parking brake, in accordance with Iowa Code section 321.431.

450.5(7) *Horn.* Every autocycle shall be equipped with a horn that shall be electrically actuated and shall emit a sound clearly audible from a distance of 200 feet.

450.5(8) *Exhaust system.* Each autocycle with an internal combustion engine shall be equipped with a muffler and emission control system in accordance with federal regulation 49 CFR 393.83. When a muffler and emission control system is factory equipped, neither may be removed.

450.5(9) *Mirrors.* Every autocycle shall be equipped with a mirror that shall consist of a minimum reflective surface of 10 square inches. All mirrors shall be regular in shape (circular, oval, rectangular, or square) and shall not contain sharp edges or projections capable of producing injury.

450.5(10) *Tires.* Every autocycle shall be equipped with tires that comply with the requirements of Iowa Code section 321.440.

450.5(11) *Floor pan.* Every autocycle shall be equipped with a floor pan under the entire passenger-carrying compartment. The floor pan shall support the weight of the number of occupants that the autocycle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

This rule is intended to implement Iowa Code section 321.23.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-12
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date September 8, 2020
Title Administrative Rules — 761 IAC 625, Driver's Licenses for Undercover Law Enforcement Officers

DISCUSSION/BACKGROUND:

This rule making updates Chapter 625 to align the expiration date for a driver's license issued to an undercover law enforcement officer to the applicable expiration date listed in Iowa Code section 321.196.

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

The public comment period ended August 18, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to undercover law enforcement driver's licenses and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 625, "Driver's Licenses for Undercover Law Enforcement Officers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.189A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.189A and 321.196 and 6 CFR Section 37.11(i).

Purpose and Summary

The proposed rule making aligns the expiration date for a driver's license issued to an undercover law enforcement officer to the applicable expiration date listed in Iowa Code section 321.196 and amends the chapter's implementation sentence.

Currently under subrule 625.3(2), the Department issues driver's licenses to undercover law enforcement officers with a two-year expiration date. However, under Iowa Code section 321.196, a non-undercover law enforcement officer applicant may be issued a driver's license with up to an eight-year expiration date.

Federal REAL ID regulation, 6 CFR, Section 37.11(i), provides that states may issue REAL ID driver's licenses to undercover law enforcement officers and specifies that the REAL ID credentials issued to undercover law enforcement officers shall not be distinguishable from other REAL ID credentials issued by the state.

By restricting an applicant who would be otherwise eligible for an eight-year driver's license to a two-year license, just because the applicant is an undercover law enforcement officer, there is a risk of inadvertently identifying the law enforcement officer as undercover just by the credential expiration date. In most cases, an undercover law enforcement officer applying under non-covert status would typically be eligible for an eight-year credential.

By amending this subrule, the Department will bring the credential issuance length in line with other driver's licenses issued to non-undercover law enforcement applicants and avoid the risk of identifying the credential holder as an undercover law enforcement officer just by virtue of the expiration date listed on the credential.

In accordance with Iowa Code section 321.189A, the Department consulted with the Department of Public Safety on this rule making and it was supportive of these proposed amendments.

Fiscal Impact

In FY 2019, the Department issued approximately 24 driver's licenses to undercover law enforcement officers. Each of these licenses has a two-year expiration date. If the licenses were increased to an eight-year expiration date at a cost of \$4 per year of license validity, the Department estimates the proposed rule making will result in approximately \$768 (\$32 x 24) being deposited annually into the Statutory Allocations Fund.

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 in response to this rule making must be received by the Department no later than 4:30 p.m. on August 18, 2020. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 18, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

August 20, 2020
10 to 11 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 625.3(2) as follows:

625.3(2) ~~A two-year~~ The license will be issued with an applicable expiration date as provided in Iowa Code section 321.196. The applicant must pay all fees and meet all requirements for the class of

license applied for, except that rule 761—601.5(321) is waived in accordance with the provisions in 6 CFR ~~Part 37~~ 37.11.

ITEM 2. Amend **761—Chapter 625**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 22.7, 80G.3, ~~and~~ 321.189A ~~and~~, 321.196
and 6 CFR Part 37.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-13
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date September 8, 2020
Title Administrative Rules — 761 IAC 602, Classes of Driver's Licenses, and 761 IAC 635, Motorcycle Rider Education

DISCUSSION/BACKGROUND:

This rule making concerns Chapter 602 and 635 and relates to motorcycle rider education. The proposed amendments align with existing legal authority and department practice; eliminate outdated or irrelevant requirements or options; and accommodate modern, electronic procedures and terminology.

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

The public comment period ended August 18, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to motorcycle rider education and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” and Chapter 635, “Motorcycle Rider Education (MRE),” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.179.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.179 and 321.180B(5).

Purpose and Summary

This proposed rule making relates to motorcycle rider education; aligns with existing legal authority and Department practice; eliminates outdated or irrelevant requirements or options; and accommodates modern, electronic procedures and terminology. The following paragraphs explain the amendments in more detail:

The proposed amendments make a conforming change to subrule 602.2(1) to provide that a certificate of completion of an approved motorcycle rider education course may be submitted electronically through the Department’s online reporting system by a participating Iowa-approved motorcycle rider education provider.

This proposed rule making aligns rule 761—635.2(321), which relates to an approved course in motorcycle rider education, with current Department practice and terminology, including specifying the length of validity of the course approval and renewal procedures, as well as identifying the criteria that a motorcycle must meet to be eligible for use during the on-cycle instruction portion of an approved course.

The proposed amendments update rule 761—635.3(321), which governs motorcycle rider education instructors, to specify the length of validity of the instructor’s license and renewal procedures and to allow an instructor an additional way to qualify for an instructor’s license if the instructor teaches at least one course in another state, as long as the other state’s course is the same nationally recognized course that Iowa uses. The proposed amendments also incorporate the clear driving record standards used by the Department for behind-the-wheel driver education instructors and revise subrule 635.3(3) on license suspensions to reflect the Department’s current practice of either canceling or denying the instructor’s license if the instructor does not have a clear driving record or meet other qualifications specified in the rules.

Finally, the proposed amendments revise subrule 635.4(1), encompassing motorcycle rider education sponsors; rule 761—635.5(321), the motorcycle rider education fund; and rule 761—635.7(321), license issuance for sponsors, to align with current Department practice and terminology.

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 August 18, 2020. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 18, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

August 20, 2020
1 to 2 p.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

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

602.2(1) *Certificate of completion.* Form 430036 shall be used to submit proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education or motorized bicycle education, except that proof of successful completion of an Iowa-approved course in driver education or motorcycle rider education may instead be submitted through an online reporting system used by participating Iowa-approved driver education schools or motorcycle rider education providers.

ITEM 2. Amend rule 761—635.2(321) as follows:

761—635.2(321) Approved course in motorcycle rider education.

635.2(1) No change.

635.2(2) A sponsor must receive approval from the department prior to the beginning of the first class offered and annually thereafter. Private or commercial sponsors must also be licensed by the department prior to the beginning of the first class that is offered and annually thereafter. Application for license issuance or renewal shall be made to the department ~~on forms provided~~ in a manner determined by the department. The fee for a license or the renewal of a license is \$25 for a private or a commercial sponsor. The fee must be paid by cash, money order or check unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

635.2(3) A license to provide motorcycle rider education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

635.2(4) The approved course uses a nationally recognized, research-based curriculum. Only persons successfully completing all elements of the approved course shall be issued an Iowa certificate of completion for motorcycle rider education. The certificate of completion shall be submitted to the department by the methods provided in 761—subrule 602.2(1). Issuance of an Iowa certificate of completion to persons who do not successfully complete the approved course is cause for revocation of the instructor's license and denial of reimbursement to the sponsor for each student involved.

635.2(4) 635.2(5) Prior to the beginning of on-cycle instruction, a student enrolled in the approved course must be at least 14 years of age, possess a valid driver's license as defined in Iowa Code section 321.1, be able to touch the ground with the balls of both feet while sitting astride the training motorcycle, and complete the motorcycle safety course waiver form, including the signature of a parent or legal guardian if the student is under the age of 18.

635.2(5) 635.2(6) The scheduled time for instruction—classroom, on-cycle, or a combination of both—shall not exceed eight hours in any one calendar day. During on-cycle instruction, a student shall wear a U.S. DOT-approved helmet, an eye-protective device, and protective clothing, including gloves, a long-sleeved shirt or jacket, long pants, and shoes or boots that cover the feet and ankles.

635.2(6) 635.2(7) The student-instructor ratio for classroom instruction shall not exceed 36 to 1. No more than 12 students may receive on-cycle instruction at one time on a single full-size range. The student-instructor ratio for on-cycle instruction shall not exceed 6 to 1.

635.2(7) 635.2(8) A driving range used for on-cycle instruction must be paved, free of hazards to motorcycle travel, and have an unobstructed, paved runoff of at least 20 feet in all directions.

~~a. and b. Rescinded IAB 9/4/02, effective 10/9/02.~~

635.2(8) 635.2(9) The sponsor shall provide for each student engaged in on-cycle instruction one fully operational motorcycle manufactured for highway use.

a. Each motorcycle must meet two of the following three criteria:

~~a. (1)~~ Have an engine displacement that does not exceed 500 cubic centimeters or less, or an electric motor of 30 kW or less.

~~b. (2)~~ Have an unladen weight that does not exceed 400 pounds a curb (wet) weight of 440 pounds or less.

~~c. (3)~~ Have a seat height that does not exceed 30 inches or less.

b. A motorcycle that has been modified or contains aftermarket equipment for the purposes of meeting the criteria under paragraph 635.2(9) "a" shall not be used for instruction under this subrule.

635.2(9) 635.2(10) The driving test for a Class M driver's license or a motorcycle endorsement may be waived under 761—subrule 604.31(2) provided the applicant has successfully completed the approved course.

ITEM 3. Amend rule 761—635.3(321) as follows:

761—635.3(321) Instructors.

635.3(1) License. An instructor of the approved course must be licensed by the department. However, an individual who meets the qualifications for a license except for paragraph 635.3(2) “d” or ~~who is suspended~~ whose license is denied under paragraph 635.3(3) “c” may teach the approved course as provided in those paragraphs.

~~a. and b. Rescinded IAB 9/4/02, effective 10/9/02.~~

635.3(2) Licensing provisions. A motorcycle rider education instructor’s license shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date of the year it is issued. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department. To obtain and retain an MRE instructor’s license, an individual must:

a. to d. No change.

e. After the year in which a license is granted, teach at least one class nationally recognized, research-based motorcycle rider preparation course approved by the department in Iowa or another state each calendar year.

f. No change.

g. ~~Possess a high school diploma or equivalent. This is not required for a licensed instructor who trained as an MRE instructor before July 1, 1998, and who has taught for an Iowa sponsor after January 1, 1996.~~ Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

(2) No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

635.3(3) License ~~suspension~~ cancellations and denials.

a. The department shall ~~suspend~~ cancel or deny the MRE license of an MRE instructor ~~whose driving privilege is suspended, revoked, canceled, denied or barred.~~ who does not have a clear driving record under paragraph 635.3(2) “g.” The ~~suspension~~ cancellation or denial shall remain in effect until the ~~individual’s driving privilege is restored.~~ individual has a clear driving record, as defined in paragraph 635.3(2) “g.”

b. The department shall ~~suspend~~ cancel or deny the MRE license of an MRE instructor who fails to maintain a current instructor certification from a nationally recognized motorcycle safety organization approved by the department. The ~~suspension~~ cancellation or denial shall remain in effect until the certification is current.

c. Each January, the department shall review each MRE instructor’s teaching activity and update completion. The department shall ~~suspend~~ deny renewal of the MRE license of an MRE instructor who fails to meet these licensing provisions. The ~~suspension~~ denial shall remain in effect until the individual has done one of the following:

(1) ~~Taught two classes of the approved course under the guidance of an experienced, licensed instructor approved by the department.~~

(2) ~~Attended the first instruction component of an instructor preparation weekend.~~

(3) ~~Completed an Iowa technical assistance review with an instructor trainer.~~

(1) Obtained instructor certification from a nationally recognized motorcycle safety organization approved by the department.

(2) Taught one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

ITEM 4. Amend subrule 635.4(1) as follows:

635.4(1) Sponsors shall:

a. No change.

b. Use only instructors licensed by the department to teach the approved course. However, an individual who meets the qualifications for a license except for paragraph 635.3(2)“d” or ~~who is suspended~~ whose license is denied under paragraph 635.3(3)“c” may teach the approved course as provided in those paragraphs.

c. Maintain liability insurance in an amount of not less than \$1 million, combined single limit, with an aggregate limit of not less than \$2 million, and file a certificate of this insurance with the department. The certificate shall verify coverage for scheduled courses of instruction. The certificate shall name the department and its officers, agents, representatives and employees as additional insureds with respect to all work, deliveries or services performed for them by the named insured, and shall specify that the department of transportation, ~~office of driver and identification services bureau~~, shall be given at least 30 days’ prior notice of any material change in or cancellation of the insurance.

A sponsor who is a state agency or public educational institution shall provide written verification of self-insurance to the department.

d. Maintain complete instructional accident report files and furnish this information to the department ~~on forms provided~~ in a manner determined by the department.

e. No change.

f. Allow the department or the department’s designee to audit any class of the approved course, either announced or unannounced.

g. No change.

~~h. Participate in the department’s centralized motorcycle rider education master schedule.~~

~~i. h.~~ Provide and maintain adequate instructional facilities and equipment to accommodate all components—lecture, audio-visual, and on-cycle—of the approved course.

ITEM 5. Amend rule 761—635.5(321) as follows:

761—635.5(321) Use of motorcycle rider education fund. The motorcycle rider education fund may be used for the following purposes:

635.5(1) Course development. New or current sponsors may apply to the department for funds to establish delivery of the approved course at an unserved site. Current sponsors may apply for funds to expand delivery at an existing site.

a. No change.

b. Application for funds shall be ~~on forms provided~~ made in a manner determined by the department. Departmental approval shall be based on the geographical area, the number of students to be served and the availability of moneys in the motorcycle rider education fund. The number of students to be served is determined by range size, the number of courses to be offered, and the number of sponsors providing the course.

c. No change.

635.5(2) Instructor preparation. The department shall sponsor ~~beginning~~ initial instructor preparation courses.

a. and b. No change.

c. Applications for enrollment shall be made ~~on forms provided~~ in a manner determined by the department.

635.5(3) and 635.5(4) No change.

635.5(5) Reimbursement of per pupil costs. The department shall reimburse a sponsor for each student who completes the approved course contingent upon the availability of moneys in the motorcycle rider education fund.

a. and b. No change.

c. Claims for reimbursement shall include a summary of courses taught with site, date, and instructor information, and a report for each class taught that provides the name, age, and driver's license number and gender of each student, and any other information required by the department. Claims for reimbursement shall be submitted ~~on forms provided~~ in a manner determined by the department.

d. No change.

ITEM 6. Amend rule 761—635.6(321) as follows:

761—635.6(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the ~~Office of Driver and Identification Services Bureau~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3153~~ (515)244-8725; ~~or~~ by facsimile at ~~(515)237-3071~~ (515)239-1837; or by email at mre.dot@iowadot.us.

ITEM 7. Amend rule 761—635.7(321) as follows:

761—635.7(321) License issuance. To be licensed to ~~teach~~ provide MRE, the sponsor's course and instructors must be approved by the department in accordance with this chapter.

635.7(1) Issuance and renewal. A license to ~~teach~~ provide MRE shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 and must be renewed annually.

635.7(2) Cancellation. A license to ~~teach~~ provide MRE shall be canceled if the course or instructors are no longer approved. Also, a license to ~~teach~~ provide MRE shall be canceled if the sponsor does not comply with this chapter.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-14
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date September 8, 2020
Title Administrative Rules — 761 IAC 181, Statewide Standard for Permitting Certain Impacts of Husbandry

DISCUSSION/BACKGROUND:

This rule making implements 2019 Iowa Acts, Senate File 555, section 1, which amended Iowa Code section 321.463(4). The proposed amendment allows a local authority to issue a special permit letting a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals to operate over a bridge within the local authority's jurisdiction with a weight in excess of weight limitations established by the local authority but within the weight limitations imposed by Iowa Code chapter 321. Before issuing a special permit, the local authority must evaluate the affected bridge according to the American Association of State Highway and Transportation Officials Manual for Bridge Evaluation.

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

The public comment period ended August 4, 2020. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to a statewide standard for permitting certain implements of husbandry and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 181, “Statewide Standard for Permitting Certain Implements of Husbandry,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.463(4).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.463(4) as amended by 2019 Iowa Acts, Senate File 555, section 1.

Purpose and Summary

This proposed rule making implements the change made to Iowa Code section 321.463(4) within 2019 Iowa Acts, Senate File 555, section 1. The proposed amendment allows a local authority to issue a special permit letting a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals to operate over a bridge within the local authority’s jurisdiction with a weight in excess of weight limitations established by the local authority but within the weight limitations imposed by Iowa Code chapter 321. Before issuing a special permit, the local authority must evaluate the affected bridge according to the American Association of State Highway and Transportation Officials Manual for Bridge Evaluation. The proposed amendment also makes a correction to the name of the Bridges and Structures Bureau.

Fiscal Impact

The Department is unable to determine the fiscal impact of allowing a local authority to issue a special permit granting operation over a bridge within its jurisdiction of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals with excess weight. Special permits cost \$35 for single trip and \$200 for multitrip. Unladen self-propelled implements of husbandry typically do not exceed legal axle loads. Fully laden self-propelled implements of husbandry are estimated to have axle loads that will not permit them to cross many bridges. It is difficult to estimate how many operators will apply for a special permit to operate these self-propelled implements of husbandry partially laden.

Jobs Impact

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

Waivers

This rule does not provide for waivers because issuance of permits is at the discretion of local authorities.

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 August 4, 2020. Comments should be directed to:

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

Public Hearing

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

August 6, 2020
10 a.m.

Department of Transportation
800 Lincoln Way
Ames, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend rule 761—181.1(321) as follows:

761—181.1(321) Statewide standard.

181.1(1) Special permits.

a. A local authority may issue a special permit, based on this rule, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon or tracked implement of husbandry with a weight in excess of the weights allowed under Iowa Code chapter 321.

b. A local authority may issue a special permit, based on this rule, allowing the operation over a bridge within its jurisdiction of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone or agricultural chemicals with a weight in excess of weight limitations established by the local authority by ordinance or resolution but within the weight limitations imposed by Iowa Code chapter 321.

181.1(2) A local authority shall evaluate a bridge according to section 6 of the American Association of State Highway and Transportation Officials (AASHTO) Manual for Bridge Evaluation (MBE), Third Edition (2018). The operating level shall be used for the evaluation of the bridge with only one fence-line feeder, grain cart, tank wagon, self-propelled implement of husbandry as fully described in paragraph 181.1(1) "*b.*" or tracked implement of husbandry on the bridge at a time. The live load to be used in the

analysis for permit decisions should be the actual vehicle crossing the bridge, together with a dynamic load allowance in accordance with section 6A.4.4.3 or 6A.4.5.5 of the AASHTO MBE, Third Edition (2018).

181.1(3) No change.

181.1(4) The AASHTO ~~publications~~ publication may be ordered from the website www.transportation.org. ~~They~~ The publication may be inspected at the department's ~~office of bridges and structures~~ bureau.

This rule is intended to implement Iowa Code sections 321.1, 321.463(4) and 321.471.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-15
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date September 8, 2020
Title State Recreational Trails Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the State Recreational Trails Program has been completed. The following recommendations will be presented.

Flint River Trail – Bluff Road Connector (Burlington)	\$ 165,000
High Trestle Trail Extension to Oralabor Road (Ankeny)	\$ 295,060
Little River Scenic Pathway – Phase I (Decatur County Conservation Board)	\$ 161,800
Raccoon River Valley Trail to High Trestle Trail Connector Phase IV Construction (Dallas County Conservation Board)	\$ 201,618
Tatanka Ska Trace Rail Trail Phase III(c) (Dickinson County)	\$ 176,522
Total	\$1,000,000

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the State Recreational Trails Program funding recommendations, as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Planning, Programming and Modal Division
Division/Bureau/Office Rail Transportation Bureau Order No. PPM-2021-16
Submitted by Laura Hutzell Phone No. 515-239-1066 Meeting Date September 8, 2020
Title Railroad Revolving Loan and Grant Program Recommendation

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Railroad Revolving Loan and Grant Program has been completed. The following recommendations will be presented.

<u>Targeted job creation projects</u>	<u>Loan</u>	<u>Grant</u>
CRANDIC – AW2235	----	\$2,700,000
<u>Rail network improvement projects</u>		
BJRY Passing Track	\$228,207	----
IANR Bridge Replacement	\$487,500	----
Western Iowa Energy Rail Expansion	\$500,000	----
<u>Rail port planning and development studies</u>		
River Cities Business Park Rail Spur	----	\$80,000
Dallas County/Dexter Railport Development Study	----	\$100,000
Total Recommended Funding	\$1,215,707	\$2,880,000

Total recommended funding: \$4,095,707

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Railroad Revolving Loan and Grant Program funding recommendations, as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Maher	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director