

## **PRELIMINARY COMMISSION AGENDA**

**September 14, 2021**



# IOWA TRANSPORTATION COMMISSION

## Meeting Agenda / Commission Orders

September 14, 2021  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2022-16	* Approve Minutes of the August 10, 2021 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
TD-2022-17	* Administrative Rules – 761 IAC 720 and 750	Stuart Anderson	4
MV-2022-18	* Administrative Rules – 761 IAC 602, 604, 605, and 607	Melissa Gillett	10
MV-2022-19	* Administrative Rules – 761 IAC 615 and 620	Melissa Gillett	15
TD-2022-20	* COVID-19 Relief – Trails Funding Recommendations	Craig Markley	19
TD-2022-21	* Public Transit Infrastructure Grant Program Funding Recommendations	Sree Mitra	20
FO-2022-22	* Corridor Preservation Zone Recommendation: Iowa 12 Gordon Drive Viaduct in Sioux City	Dakin Schultz	21
TD-2022-23	* Corridor Preservation Zone Recommendation: Future US 63 Northwest Bypass of Oskaloosa	Bryan Bradley	23
1:10 p.m.			
Adjourn			
*Action Item			

On Tuesday, September 14, 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-2022-16  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date September 14, 2021  
Title Approve Minutes of the August 10, 2021 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the August 10, 2021 Commission meeting.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division/  
Division/Bureau/Office Modal Transportation Bureau Order No. TD-2022-17  
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date September 14, 2021  
Title Administrative Rules — 761 IAC 720, Iowa Airport Registration, and 761 IAC 750, Aircraft Registration

**DISCUSSION/BACKGROUND:**

This proposed rule making amends Chapters 720 and 750.

The proposed amendments to Chapter 720 revise rules concerning repayment of financial assistance associated with airport closings and update references to a Federal Aviation Administration Advisory Circular.

The proposed amendments to Chapter 750 add a definition of “specified minimum level of aviation services to the general public” for the purpose of aircraft registration fee computations and add a new rule requiring aircraft dealer special certificate holders to prove that an aircraft has not been in an inventory for a period of no more than 24 calendar months when making application to the department for a special certificate.

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

The public comment period ended on August 17, 2021. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to airports and aircraft registration and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 720, “Iowa Airport Registration,” and Chapter 750, “Aircraft Registration,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 328.12 and 328.19.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 328.

#### *Purpose and Summary*

This proposed rule making affects Chapters 720 and 750 and reflects the organizational change of the Modal Transportation Bureau.

The proposed amendments to Chapter 720 revise rules concerning repayment of financial assistance associated with airport closings by removing date references that are no longer applicable because only one airport was closed during the time period between July 1, 2015, and October 4, 2017. That airport (the Onawa Municipal Airport) already applied for and received forgiveness of financial assistance from the Department.

Other amendments to Chapter 720 update references to the Federal Aviation Administration (FAA) Advisory Circular 150/5340-1L (Standards for Airport Markings) to the most current version, 150/5340-1M as amended on May 10, 2019. The FAA recommends the standards and guidelines in the advisory circular to establish uniform application of airfield surface markings for runways, taxiways and aprons. Version 150/5340-1M incorporates numerous changes, including:

- Adding a new criterion for centering runway landing designators (common industry practice).
- Adding a new definition of no-taxi islands applicable to this advisory circular.
- Adding a new red safety box that instructs airport operators not to apply preformed thermoplastic markings on runways because these markings significantly reduce pavement friction as compared with bare pavement.
- Making the recommendation for training of personnel who apply surface markings.
- Clarifying that all surface markings painted with the use of stencils are not to leave stencil gaps.
- Clarifying requirements for black borders.
- Adding an explanation of the functions and applications of no-taxi islands to mitigate runway incursions and taxiing excursions.
- Deleting previous criteria for no-taxi islands.
- Adding “Engineered Materials Arresting Systems” as another example of paved areas prior to the runway end.
- Clarifying the functions of a displaced threshold, the location where a displaced threshold begins as compared with where a nondisplaced threshold begins, and the use of arrow shafts.
- Adding criteria for replacing surface marking patterns to protect the approach zones and departure areas of runways.
- Adding criteria for enhancing the visual cues for runway approach zones and runway safety areas.

- Revising text to align with the FAA criterion for enhanced taxiway centerline surface markings that are collinear with on-centered surface painted holding position signs.
- Adding an instructional green box with guidance on how to relocate surface painted holding position signs between the two taxiway width categories (off-taxiway centerline placement and on-taxiway centerline placement).
- Adding a new criterion for when a taxiway edge marking is located at a runway holding position to read “a 6-inch (12 cm) gap is left between the holding position marking and the taxiway edge marking.”
- Revising the criterion for a 600-foot runway visual range to a 500-foot runway visual range.
- Adding more guidance regarding when to remove existing runway markings for a runway that has been closed or for an intersecting runway that has been closed.
- Clarifying the design criteria for building taxiways and taxiway intersections with cockpit-over centerline fillets and the marking criteria for using curved taxiway centerline markings.
- Emphasizing the design criteria for the standard width of taxiway entrances with a no-taxi island between entrance taxiways to a runway.
- Reinforcing placement of a vertical sign at runway holding position locations.
- Removing taxiway centerline marking between the surface painted holding position sign and the runway holding position marking.
- Making minor editorial changes throughout.

The proposed amendments to Chapter 750 add a definition of “specified minimum level of aviation services to the general public” for the purpose of aircraft registration fee computations. The definition includes the use of aircraft providing nonagricultural aviation services, including aircraft rental, flight training, or passenger and cargo air carrier operations.

An aviation business that owns and operates aircraft at a publicly owned, public-use airport and that provides, under agreement with the governing body of that airport, a specified minimum level of aviation services to the general public may be eligible for a special annual aircraft registration fee of \$100 pursuant to Iowa Code section 328.21(8). In recent years, a small number of Iowa-resident aerial applicators have sought to make agreements, or had already made agreements, with publicly owned airports to provide services such as airport management, fueling, aircraft maintenance, flight training, and air charter operations in order to qualify for this special registration fee for aerial application aircraft. At the same time, all nonresident owners and most resident owners of aerial application aircraft pay standard aircraft registration fees for business use based on standard fee computations. The result has been the development of an uneven playing field for aerial applicator registration fees, the creation of what appear to be inappropriate operating agreements in an attempt to qualify for the special fee, and the loss of revenue from aircraft registration fees going into the State Aviation Fund.

The State Aviation Fund directs 100 percent of aircraft registration fees and aviation fuel taxes to aviation safety programs and airport infrastructure programs providing critical support to aerial application operations in Iowa. The loss of revenue from aerial applicators trying to utilize the special fee has reduced revenue flow into aviation system programming, and the losses are increasing every year.

Other proposed amendments to Chapter 750 add a new rule requiring aircraft dealer special certificate holders to prove that an aircraft has not been in an inventory for a period of more than 24 calendar months when making application to the Department for a special certificate. The 24-month limit removes the considerable incentive for an aircraft owner to carry an aircraft in a special certificate dealer inventory in lieu of properly registering an aircraft. For several years, the Department has seen a pattern of aircraft owners applying for and using aircraft dealer special certificates in order to avoid paying annual aircraft registration fees and the one-time 6 percent use tax levied against the purchase price of an aircraft. The Department believes 24 calendar months is a reasonable time period for bona fide aircraft dealers to hold aircraft in a special certificate inventory. Aircraft held for longer periods of time are likely being held as investments or restoration projects and should be ineligible for the special certificate.

### *Fiscal Impact*

The proposed amendments related to aircraft registration fee computations will have a fiscal impact to the State of Iowa of \$27,575 annually or \$137,875 over five years. The increased fee collections will be deposited into the State Aviation Fund for investment into Iowa's air transportation system, which includes facilities and services used by aerial applicators. The assumption is that 25 of the 350 aerial application aircraft registered with the Department will become ineligible for the special fee and owners of these aircraft will begin paying a standard business fee computation averaging \$1,203, instead of a \$100 special fee.

Estimates of increased revenue to the State Aviation Fund related to the proposed 24-month limit for aircraft dealer special certificate inventories vary widely because they are dependent on the value of individual aircraft that will need to be registered because the affected aircraft will no longer be eligible to be held in an aircraft dealer special certificate inventory and the aircraft will become subject to the standard business fee computation. It is therefore difficult to estimate the fiscal impact of limiting the time that aircraft can be held in special certificate inventories.

### *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 17, 2021. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on August 19, 2021, at 1 p.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 17, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 720.4(1) as follows:

**720.4(1) Application for site approval.** The sponsor shall complete Iowa Department of Transportation Form 300025, "Airport Site Approval and New Registration Application," and submit it to the ~~office of aviation~~ modal transportation bureau. This form is available from the ~~Office of Aviation~~ Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1468; or through the department's ~~Web site~~ website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend rule 761—720.5(328) as follows:

**761—720.5(328) Private-use airport.** This rule applies to a proposed, new airport to be maintained for private use. The sponsor shall complete an application for a certificate of site approval on Form 300025 and submit it to the ~~office of aviation~~ modal transportation bureau. In the application, the sponsor shall certify that the airport, when completed, will be safe and adequate for the sponsor's intended use.

ITEM 3. Amend paragraph **720.10(2)"b"** as follows:

*b. Marking.*

(1) Paved runways. Paved runways shall be marked in accordance with FAA Circular ~~150/5340-1L~~ 150/5340-1M (Standards for Airport Markings) as amended through ~~September 27, 2013~~ May 10, 2019.

(2) Nonpaved runways. Airport markers shall be approved by the ~~office of aviation~~ modal transportation bureau. Markers shall be placed 200 feet apart outlining the length of the landing surface. Thresholds shall be marked using six markers placed perpendicular to the runway heading.

ITEM 4. Amend paragraph **720.10(3)"a"** as follows:

*a.* Approaches shall be clear of obstructions above a glide path of 20:1 from the ends of each usable runway. If an obstruction exists in an approach zone, the runway threshold on a paved runway shall be displaced in accordance with FAA Advisory Circular ~~150/5340-1L~~ 150/5340-1M (Standards for Airport Markings) as amended through ~~September 27, 2013~~ May 10, 2019. On a nonpaved runway, the runway end markers shall be relocated to provide the prescribed obstruction clearance. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

ITEM 5. Amend rule 761—720.15(328) as follows:

**761—720.15(328) Airport closing.**

**720.15(1)** No change.

**720.15(2) Marking.** All marking indicating a usable runway shall be obliterated. The sponsor shall place at a central location a yellow X in accordance with FAA Advisory Circular ~~150/5340-1L~~ 150/5340-1M (Standards for Airport Markings) as amended through ~~September 27, 2013~~ May 10, 2019.

**720.15(3) Temporary closing.** When conditions require the temporary closing of a runway, it shall be marked on both ends with a yellow X in accordance with FAA Advisory Circular ~~150/5340-1L~~ 150/5340-1M (Standards for Airport Markings) as amended through ~~September 27, 2013~~ May 10, 2019.

**720.15(4) Repayment of financial assistance.**

*a. Review of closure on or after October 4, 2017.* Within 30 days of closing an airport (other than temporary closing), the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of



how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

~~b. Review of closure after July 1, 2015, and before October 4, 2017. An airport that closed after July 1, 2015 (other than temporary closing), but before October 4, 2017, is eligible to request forgiveness for repayment of financial assistance from the department. By November 3, 2017, the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than two equal annual installments, beginning one year from October 4, 2017. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.~~

ITEM 6. Amend rule 761—750.1(328) as follows:

**761—750.1(328) Purpose.** This chapter establishes the procedures for registration of civil aircraft pursuant to Iowa Code chapter 328.

This rule is intended to implement Iowa Code chapter 328.

ITEM 7. Amend rule 761—750.2(328) as follows:

**761—750.2(328) Definitions.** The definitions in Iowa Code section 328.1 apply to this chapter of rules. In addition, the following definition is established for the purpose of Iowa Code section 328.21(8) and subrule 750.10(3):

“Specified minimum level of aviation services to the general public” means the use of aircraft that provide nonagricultural aviation services including aircraft rental, flight training, or passenger and cargo air carrier operations.

This rule is intended to implement Iowa Code ~~section~~ sections 328.1 and 328.21(8).

ITEM 8. Amend rule 761—750.3(17A) as follows:

**761—750.3(17A) Information and forms.** Information, instructions and forms are available from the ~~office of aviation~~ modal transportation bureau or on the department's ~~Web site~~ website at [www.iowadot.gov](http://www.iowadot.gov). Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is: Iowa Department of Transportation, ~~Office of Aviation~~ Modal Transportation Bureau, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

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

ITEM 9. Renumber rule ~~761—750.30(328)~~ as **761—750.31(328)**.

ITEM 10. Adopt the following new rule 761—750.30(328):

**761—750.30(328) Application for special certificate.** When applying to the department for a special certificate, the applicant must submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. Dealer applicants must verify that no aircraft have been held in a dealer special certificate inventory for a period of more than 24 calendar months.

This rule is intended to implement Iowa Code section 328.29.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-18  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date September 14, 2021  
Title Administrative Rules – 761 IAC 602, Classes of Driver’s Licenses, 761 IAC 604, License Examination, 761 IAC 605, License Issuance, and 761 IAC 607, Commercial Driver’s Licensing

**DISCUSSION/BACKGROUND:**

This proposed rule making amends Chapters 602, 604, 605 and 607.

The proposed amendments to Chapter 602 conform the rules with 2021 Iowa Acts, Senate File 231, sections 1 and 2, which amend the permitted operations of a minor’s school license to include driving for farm-related purposes if the person resides on or is employed by a farm, provided that the driving distance between the point of origin and destination is no greater than 50 miles.

The proposed amendments update Chapters 602, 604, 605 and 607 to conform the rules with 2021 Iowa Acts, House File 389, which amends the definition of “chauffeur” within Iowa Code section 321.1(8). This legislation eliminates the need for a person to obtain a Class D-1 or D-2 chauffeur’s license.

The proposed amendments update Chapter 605 to conform the rules with 2021 Iowa Acts, House File 280, sections 1 and 2. This legislation authorizes the department to renew commercial driver’s licenses electronically.

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

The public comment period ended on August 17, 2021. The department received written comments from the Iowa Farm Bureau Federation concerning the inability for some minors who are homeschooled to be able to receive a minor’s school license that includes driving for farm-related purposes. The department is unable to make any changes to the rules or waive existing rules based on these comments due to language that is included within Iowa Code section 321.194. This Iowa Code section requires the person’s school of enrollment to complete a certificate of need for the minor’s school license and requires the signature of a specified school official. The department will continue to accept a certificate of need for homeschool students who are dual-enrolled and who do obtain a certificate of need from the public or accredited nonpublic school with which they are dual-enrolled.

**PROPOSAL/ACTION RECOMMENDATION:**

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

			Aye	Vote Nay	Pass
<b>COMMISSION ACTION:</b>		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Juckette	_____	_____	_____
		Putney	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
		Yanney	_____	_____	_____
Moved by _____	Seconded by _____				
_____ Division Director	_____ Legal	_____ State Director			

## TRANSPORTATION DEPARTMENT[761]

## Notice of Intended Action

**Proposing rule making related to minor's school licenses and chauffeur's and commercial driver's licenses and providing an opportunity for public comment**

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

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182, 321.188 and 321.196.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.1 as amended by 2021 Iowa Acts, House File 389; 321.188 as amended by 2021 Iowa Acts, House File 280, section 1; 321.194 as amended by 2021 Iowa Acts, Senate File 231, sections 1 and 2; and 321.196 as amended by 2021 Iowa Acts, House File 280, section 2.

*Purpose and Summary*

This proposed rule making amends Chapters 602, 604, 605 and 607. The following paragraphs explain the proposed amendments.

**Minor's school license for farm work.** The proposed amendments update Chapter 602 to conform the rules with 2021 Iowa Acts, Senate File 231, sections 1 and 2, which amend the permitted operations of a minor's school license to include driving for farm-related purposes if the person resides on or is employed by a farm, provided that the driving distance between the point of origin and destination is no greater than 50 miles. Prior to the 2021 legislation, driving for farm-related purposes was not a permitted operation of a minor's school license.

**Chauffeur's driver's license.** The proposed amendments update Chapters 602, 604, 605 and 607 to conform the rules with 2021 Iowa Acts, House File 389, which amends the definition of "chauffeur" within Iowa Code section 321.1(8). This legislation eliminates the need for a person to obtain a Class D-1 or D-2 chauffeur's license. A noncommercial Class C license will now be sufficient to operate commercial driver's license (CDL)-exempt truck-tractor semitrailer combination vehicles for farm work and large noncommercial straight trucks (26,000 pounds gross vehicle weight rating or less). A person still needs a Class D-3 chauffeur's license if that person operates a motor vehicle to transport 15 or fewer persons (including the driver) for wages, compensation, or hire and does not meet one of the exemptions in Iowa Code section 321.1(8).

**Online commercial driver's license renewal.** The proposed amendments update Chapter 605 to conform the rules with 2021 Iowa Acts, House File 280, sections 1 and 2. This legislation authorizes the Department to renew CDLs electronically. Prior to the 2021 legislation, holders of CDLs were prohibited from renewing their driver's licenses electronically even though online renewal has been an option for holders of noncommercial driver's licenses for several years. The proposed amendments align the online CDL renewal rules with the existing online renewal rule for noncommercial driver's licenses and add a few additional requirements that are specific to CDLs. Namely, a person who holds a CDL with a hazardous material or combination hazardous material and tank endorsement will not be permitted to renew the CDL online. This is because federal regulations require a person with a CDL hazardous material or combination hazardous material and tank endorsement to retake the hazardous materials knowledge test at each renewal. The proposed amendments also prevent a person holding a commercial

learner's permit (CLP) from renewing a CLP online. This is because CLPs are already issued for the federally authorized maximum validity period of one year and therefore cannot be renewed. Rather, if a CLP holder needs the CLP beyond one year, a new CLP must be issued.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found beyond any impact anticipated by the statutory change in 2021 Iowa Acts, Senate File 231.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 17, 2021. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

#### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on August 19, 2021, at 9 a.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 17, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

#### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

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

b. The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation, as listed in 761—subrule 605.7(3). ~~The gross vehicle weight rating shall be determined pursuant to rule 761—604.35(321).~~

ITEM 2. Amend rule **761—602.12(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 as amended by 2021 Iowa Acts, House File 389, 321.177, 321.189, and 321.196.

ITEM 3. Amend rule 761—602.26(321) as follows:

**761—602.26(321) Minor’s school license.**

**602.26(1) Validity and issuance.**

a. and b. No change.

c. The type of motor vehicle that may be operated is controlled by the class of driver’s license issued, except that Iowa Code section 321.194 as amended by 2021 Iowa Acts, Senate File 231, section 1, prohibits a licensee from operating a motor vehicle with more than two axles or a motor vehicle towing another vehicle. A Class C minor’s school license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A minor’s school license is valid for operating a motorized bicycle.

d. No change.

**602.26(2) Requirements.**

a. No change.

b. An applicant who attends a public school shall submit a statement of necessity signed by the chairperson of the school board, the superintendent of the school, or the principal of the school if authorized by the superintendent. An applicant who attends an accredited nonpublic school shall submit a statement of necessity signed by an authority in charge of the accredited nonpublic school or a duly authorized representative of the authority. The statement shall be on Form 430021. The requirements of this paragraph apply to any applicant seeking to use the license for the purposes set forth in Iowa Code section 321.194(2) “a” as amended by 2021 Iowa Acts, Senate File 231, section 2.

c. and d. No change.

**602.26(3) No change.**

**602.26(4) Multiple residences.**

a. and b. No change.

c. A minor’s school license approved for travel to and from two residences for the purposes set forth in Iowa Code section 321.194 shall not be valid for travel directly between each residence unless the licensee is accompanied in accordance with Iowa Code section 321.180B(1) or unless the travel is for the purposes set forth in and subject to the limitations of Iowa Code section 321.194(2) “a” as amended by 2021 Iowa Acts, Senate File 231, section 2.

d. No change.

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 as amended by 2021 Iowa Acts, Senate File 231, and 321.196.

ITEM 4. Amend paragraph **604.21(1)“c”** as follows:

c. *Chauffeur’s test.* A chauffeur’s knowledge test is required for all:

(1) ~~Chauffeur’s~~ chauffeur’s instruction permits.

(2) ~~Class D driver’s licenses except those with an endorsement for “passenger vehicle less than 16-passenger design.”~~

ITEM 5. Amend rule **761—604.21(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.196 and 321.198.

ITEM 6. Amend subrule 605.7(3) as follows:

**605.7(3) For a Class D driver’s license (chauffeur).** The following ~~endorsements~~ endorsement may be added to a Class D driver’s license using ~~these~~ this number ~~codes~~ code:

- 1—~~Truck-tractor-semitrailer combination~~
- 2—~~Vehicle with 16,001 pounds gross vehicle weight rating or more. Not valid for truck-tractor semitrailer combination~~

- 3—Passenger vehicle less than 16-passenger design

ITEM 7. Amend rule **761—605.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.180, and 321.189.

ITEM 8. Amend subrule 605.25(7), introductory paragraph, as follows:

**605.25(7)** The department may determine means or methods for electronic renewal of a noncommercial driver's license.

ITEM 9. Adopt the following **new** subrule 605.25(8):

**605.25(8)** The department may determine means or methods for electronic renewal of a commercial driver's license.

*a.* An applicant who is otherwise eligible to renew a commercial driver's license must meet the same eligibility requirements for renewing a noncommercial driver's license listed in paragraph 605.25(7) "*a*" to renew the license electronically and must also meet the following criteria:

- (1) The applicant is not subject to any of the following restrictions or endorsements:

H—Hazardous material

X—Hazardous material and tank

- (2) The applicant does not also hold a valid commercial learner's permit under Iowa Code section 321.180(2) as documented by restriction 3 on the commercial driver's license.

- (3) An applicant self-certifying to non-excepted interstate driving has a valid medical certificate on file with the department as required under rule 761—607.50(321).

*b.* The requirements in paragraphs 605.25(7) "*c*" and 605.25(7) "*d*" shall also apply to a license issued under this subrule.

ITEM 10. Amend rule **761—605.25(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186; 321.188 as amended by 2021 Iowa Acts, House File 280, section 1; and 321.196; as amended by 2021 Iowa Acts, House File 280, section 2; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note); and 6 CFR Part 37.

ITEM 11. Amend paragraph **607.16(2)“c”** as follows:

*c.* A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code paragraph 321.189(1) "*c*." With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a ~~truck-tractor-semitrailer combination as a chauffeur (Class D)~~ or a vehicle requiring a Class A or Class B commercial driver's license.

ITEM 12. Amend rule **761—607.16(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449 and 2013 Iowa Acts, chapter 104, section 2.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-19  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date September 14, 2021  
Title Administrative Rules – 761 IAC 615, Sanctions, and 761 IAC 620, OWI and Implied Consent

**DISCUSSION/BACKGROUND:**

This proposed rule making amends Chapters 615 and 620 to comply with 2021 Iowa Acts, House File 757, sections 1 to 7.

House File 757 authorizes a person with no previous operating while intoxicated conviction or revocation to install an ignition interlock device only on the vehicle(s) the person intends to operate while driving on a temporary restricted license. This legislation also eliminated the prohibition against issuing a temporary restricted license to a person serving a driver's license sanction for driving while the license was revoked or suspended under Iowa Code sections 321.218 and 321J.21.

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

The public comment period ended on August 31, 2021. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

COMMISSION ACTION:			Aye	Vote Nay	Pass
Moved by _____ Seconded by _____	Arnold	_____	_____	_____	_____
	Fehrman	_____	_____	_____	_____
	Juckette	_____	_____	_____	_____
	Putney	_____	_____	_____	_____
	Rielly	_____	_____	_____	_____
	Stutsman	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Division Director	Legal	State Director	Yanney	_____	_____

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to ignition interlock devices and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 615, “Sanctions,” and Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

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

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, and chapter 321J as amended by 2021 Iowa Acts, House 757, sections 2 to 7.

#### *Purpose and Summary*

This proposed rule making updates Chapters 615 and 620 to comply with 2021 Iowa Acts, House File 757, sections 1 to 7.

House File 757 authorizes a person with no previous operating while intoxicated (OWI) conviction or revocation to install an ignition interlock device (IID) only on the vehicle(s) the person intends to operate while driving on a temporary restricted license (TRL) rather than on every vehicle the person owns or operates. Prior to this legislative change, any person serving a driver’s license sanction for an OWI offense was required to install an IID on every vehicle the person owned or operated as a condition of obtaining a TRL, even if it was the person’s first OWI offense. The law continues to require a person serving a second or subsequent OWI offense to install an IID on every vehicle the person owns or operates as a condition of obtaining a TRL. The legislation also eliminated the prohibition against issuing a TRL to a person serving a driver’s license sanction for driving while the license was revoked or suspended under Iowa Code sections 321.218 and 321J.21.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by 2021 Iowa Acts, House File 757.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 31, 2021. Comments should be directed to:



Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 2, 2021, at 9 a.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 31, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve paragraph **615.45(1)“e.”**

ITEM 2. Amend rule **761—615.45(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, 321.513, 321.560 and 321J.17.

ITEM 3. Amend rule 761—620.2(321J) as follows:

**761—620.2(321J) Information and location.** Applications, forms, information, assistance, and answers to questions relating to this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; or by facsimile at (515)239-1837.

ITEM 4. Strike “driver and identification services bureau” wherever it appears in rules **761—620.3(321J)** and **761—620.4(321J)** and insert “motor vehicle division” in lieu thereof.

ITEM 5. Amend subrule 620.3(2) as follows:

**620.3(2) Additional requirements.** A person applying for a temporary restricted license shall also comply with all of the following requirements:

a. Provide a description of all motor vehicles ~~owned or~~ operated under the temporary restricted license if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide a description of all motor vehicles owned by such person or operated under the temporary restricted license.

- b.* No change.
- c.* Provide certification of installation of an approved ignition interlock device on every motor vehicle ~~owned or~~ operated if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide certification of installation of an approved ignition interlock device on every motor vehicle owned by such person or operated under the temporary restricted license.
- d.* No change.

ITEM 6. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapters~~ chapter 17A and; chapter 321J as amended by 2021 Iowa Acts, House File 757, sections 2 to 7; and sections 321.193, 321.201, 321.376 and 707.6A.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-20  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date Sept. 14, 2021  
Title COVID-19 Relief Recreational Trails Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the recent round of applications for funding from the COVID-19 Relief Recreational Trails Program has been completed. The following funding recommendations will be presented.

Great Western Trail Renovation Phase 1 (Warren County Conservation Board)	\$ 637,000
Prairie River Trail System Fort Dodge to Badger Connection (Webster County Conservation Board)	\$ 940,228
Prairie Springs and Prairie Farmer Recreational Trails Rehabilitation (Howard County Conservation Board)	\$1,061,832
Raccoon River Valley Trail Rehabilitation from Redfield to Linden (Dallas County Conservation Board)	\$ 776,000
Reconstruction of American Discovery Trail in George Wyth State Park from Kreig's Crossing to George Wyth Shelter (Iowa Department of Natural Resources)	\$ 684,754
Sauk Rail Trail Rehabilitation from Swan Lake State Park to Kittyhawk Avenue (Carroll County Conservation Board)	\$ 900,186
Total	\$5,000,000

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the COVID-19 Relief Recreational Trails Program funding recommendations as listed.

COMMISSION ACTION:		Aye	Vote Nay	Pass
Moved by _____ Seconded by _____	Arnold	_____	_____	_____
	Fehrman	_____	_____	_____
	Juckette	_____	_____	_____
	Putney	_____	_____	_____
	Rielly	_____	_____	_____
	Stutsman	_____	_____	_____
_____	Yanney	_____	_____	_____
Division Director	Legal	State Director		

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Modal Transportation Bureau Order No. TD-2022-21  
Submitted by Sreeparna Mitra Phone No. 515 239-1806 Meeting Date September 14, 2021  
Title Public Transit Infrastructure Grant Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

The Modal Transportation Bureau requests approval for the fiscal year (FY) 2022 Public Transit Infrastructure Grant program. The following funding recommendations are listed below:

New HVAC system (CyRide-Ames)	\$ 331,548
Sliding door replacement (Sioux City Transit-Sioux City)	\$ 32,000
Rehabilitate office building (MIDAS Regional Transit-Fort Dodge)	\$ 158,640
Bus storage Facility (Corridor Rides-Washington County)	\$ 472,456
Bus storage facility (SEIBUS-Burlington)	\$ 400,000
Transit fleet maintenance facility (Cedar Rapids Transit-Cedar Rapids)	\$ 105,356
Total	\$1,500,000

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the FY 2022 Public Transit Infrastructure Grant program funding recommendations as listed.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Field Operations Division/District 3 Order No. FO-2022-22  
Submitted by Dakin Schultz Phone No. 515-276-1451 Meeting Date September 14, 2021  
Title IA 12/Gordon Drive Viaduct in Sioux City, Corridor Preservation Zone (CPZ) -- New

**DISCUSSION/BACKGROUND:**

The department is developing a replacement project for the Iowa 12/Gordon Drive Viaduct and Bacon Creek conduit in Sioux City to replace a structurally deficient bridge and large storm drain conduit.

Iowa 12/Gordon Drive is a vital commercial corridor and entrance into Downtown. Several of the properties within the corridor are development and redevelopment candidates and are likely to be targets in the near future for commercial, industrial and residential development within the corridor. Establishing this CPZ will help preserve the necessary right of way for the future reconstruction project of Iowa 12/Gordon Drive Viaduct and Bacon Creek conduit.

The area of the corridor preservation zone is north and south of Iowa 12/Gordon Drive from Court Street to Rustin Street, 1.25 miles in length and is shown on the attached map. All procedures per Iowa Code 306.19 will be followed to implement corridor preservation. If a decision is made to acquire property within the corridor preservation zone, the department will use emergency and contingency funds in the Five-Year Program or funds that are programmed for project right of way acquisition. Commission approval of this corridor preservation will provide condemnation authority for the department within this area.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission establish the implementation of corridor preservation along Iowa 12/Gordon Drive in Sioux City from Court Street to Rustin Street in Sioux City.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

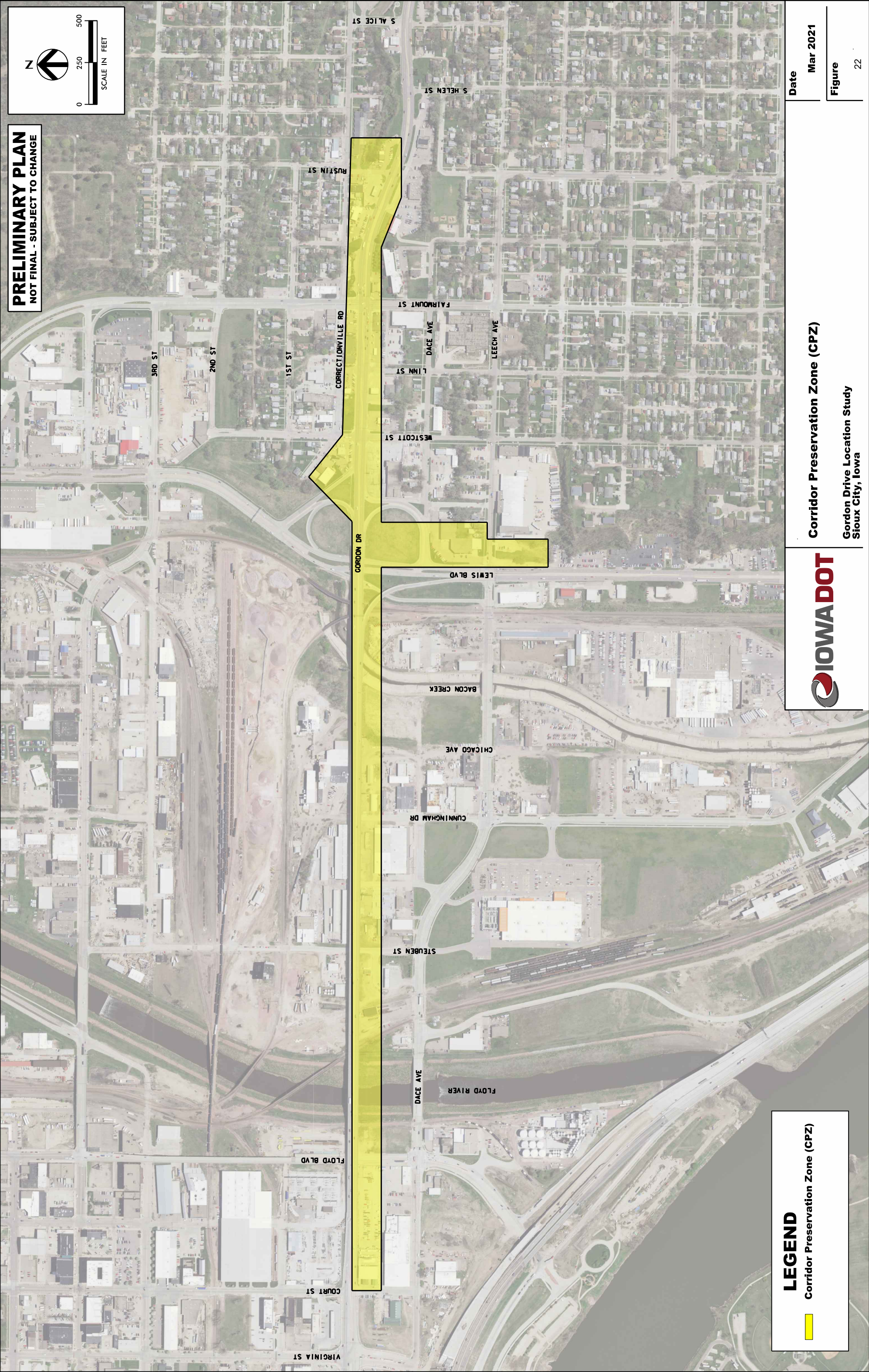
	Aye	Vote Nay	Pass
Arnold	_____	_____	_____
Fehrman	_____	_____	_____
Juckette	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

\_\_\_\_\_  
Division  
Director

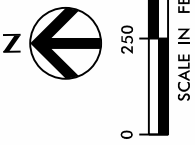
\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director





**PRELIMINARY PLAN**  
NOT FINAL - SUBJECT TO CHANGE



**LEGEND**  
Corridor Preservation Zone (CPZ)



**Corridor Preservation Zone (CPZ)**

Gordon Drive Location Study  
Sioux City, Iowa

Date

Mar 2021

Figure

22



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Location and Environment Order No. TD-2022-23  
Submitted by Bryan Bradley Phone No. 515-239-1787 Meeting Date September 14, 2021  
Title US 63 Mahaska County Corridor Preservation Zone (CPZ) -- Renewal

**DISCUSSION/BACKGROUND:**

Iowa DOT is developing an overall improvement strategy for U.S. 63 bypassing Oskaloosa. The strategy will improve safety and traffic operations along the existing route through town, sending freight traffic more directly to Iowa 163, in lieu of a circuitous route through Oskaloosa.

There is potential for development pressure throughout the corridor, but this potential is higher near the proposed interchange location between Iowa 163 and U.S. 63 west of Oskaloosa. The location of this interchange is somewhat inflexible due to gas lines and an airport in the vicinity of the project area. Establishing this CPZ will help preserve the necessary ROW for future expansion of I-380.

The area of the proposed Corridor Preservation Zone for Mahaska County is shown on the attached aerial display encompassed in red. Procedures per Iowa Code 306.19 will be followed and if a decision is made to acquire property under the Corridor Preservation Zone, the DOT will use Emergency and Contingency Funds in the transportation improvement program or funds that are programmed for project right-of-way acquisition. Commission approval of the Corridor Preservation Zone will provide condemnation authority for this area to the DOT.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve a Corridor Preservation Zone encompassing the proposed relocation of U.S. 63 north and west of Oskaloosa in Mahaska County between 200th Street north of Oskaloosa to Iowa 163 west of Oskaloosa.

		Aye	Vote Nay	Pass
<b>COMMISSION ACTION:</b>	Arnold	_____	_____	_____
	Fehrman	_____	_____	_____
	Juckette	_____	_____	_____
	Putney	_____	_____	_____
	Rielly	_____	_____	_____
	Stutsman	_____	_____	_____
Moved by _____	Seconded by _____	Yanney	_____	_____
_____ Division Director	_____ Legal	_____ State Director		

