

Commission Minutes
August 9, 2022



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

August 9, 2022

Sioux City Downtown Convention Center

901 4th Street, Sioux City, IA

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
8:00 a.m. D-2023-8	* Approve Minutes of the July 12, 2022 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
C-2023-9	* Commission Guidebook	Rich Arnold	5
MV-2023-10	* Administrative Rules – 761 IAC 400, Vehicle Registration and Certificate of Title and 431, Vehicle Recyclers	Melissa Gillett	7
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TD-2023-13	* Administrative Rules – 761 IAC 201, Intermodal Pilot Project Program	Stuart Anderson	25
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TD-2023-15	* Calendar Year 2022 Intercity Bus Program Amendment	Rebecca Law	31
TD-2023-16	* Revitalize Iowa’s Sound Economy (RISE) – Buena Vista County	Craig Markley	33
TD-2023-17	* Revitalize Iowa’s Sound Economy (RISE) – Audubon County	Craig Markley	35
TD-2023-18	* Fiscal Year 2023 State Aviation Program	Shane Wright	37
8:15 a.m.	Adjourn		
*Action Item			

On Monday, August 8, the Commission and staff will meet informally at 3:30 p.m.
at the Sioux City Downtown Convention Center. 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-2023-8
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date August 9, 2022
Title Approve Minutes of the July 12, 2022 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 12, 2022 Commission meeting.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaessner	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

D-2023-8

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

Commission Comments

Commissioner Yanney gave a review of the tour and thanked the tour staff.

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Commission Order No. C-2023-9
Submitted by Richard Arnold Phone No. 515-239-1919 Meeting Date August 9, 2022
Title Commission Guidebook

DISCUSSION/BACKGROUND:

The purpose of the guidebook is to provide new and existing Commissioners with reference material regarding roles/responsibilities, conduct of meetings, conduct of Commissioners, relevant Iowa Code statutes, meeting schedules, contact information, and other relevant background information. The guidebook is reviewed, updated, and approved annually.

PROPOSAL/ACTION RECOMMENDATION:

Commissioner Arnold recommends the Commission approve the Commission Guidebook.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

Division Director Legal State Director

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

C-2023-9

Commissioner Rielly made a motion to approve the Commission Guidebook. Commissioner Juckette seconded the motion. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-10
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date August 9, 2022
 Title Administrative Rules – 761 IAC 400, Vehicle Registration and Certificate of Title,
 and 761 IAC 431, Vehicle Recyclers

DISCUSSION/BACKGROUND:

This proposed rule making relates to the licensing and regulation of vehicle recyclers and implements existing legal authority under Iowa Code chapter 321H.

The proposed amendments to Chapter 400 add Iowa Code section 321H.4A to an implementation sentence, make minor technical changes, and adopt new subrule 400.23(2) to implement existing statutory authority to establish the National Motor Vehicle Title Information System (NMVTIS) reporting criteria when a vehicle is being junked or dismantled by a licensed vehicle recycler.

The proposed amendments to Chapter 431 correct the contact information to refer to the Motor Vehicle Division, add Iowa Code section 321H.4A to relevant implementation sentences, and make minor technical changes. Other proposed amendments to Chapter 431 align the subrules governing application requirements and other criteria for a vehicle recycler license with Iowa Code sections 321H.4 and 321H.4A.

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

The public comment period ended on July 5, 2022. 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 Charese Yanney Seconded by Raymond Gaesser

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

MV-2023-10

Stuart Anderson presented for Melissa Gillett, Motor Vehicle Division Director; The proposed rule amendments update chapters 400 and 431 regarding the licensing and regulation of vehicle recyclers. The proposed rule amendments contain technical updates and adds a new subrule that aligns with federal reporting requirements to ensure proper reporting by vehicle recyclers to the National Motor Vehicle Title Information System.

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

Commissioner Yanney made a motion to approve the rule amendment to Chapter 400 and 431. Commissioner Gaesser seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to licensing and regulation of vehicle recyclers
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 431, “Vehicle Recyclers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321H.4A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321H.4A.

Purpose and Summary

This proposed rule making relates to the licensing and regulation of vehicle recyclers and implements existing legal authority under Iowa Code chapter 321H.

The proposed amendments to Chapter 400 add Iowa Code section 321H.4A to an implementation sentence, make minor technical changes, and adopt new subrule 400.23(2) to implement existing statutory authority to establish the National Motor Vehicle Title Information System (NMVTIS) reporting criteria when a vehicle is being junked or dismantled by a licensed vehicle recycler. The proposed new subrule establishes the responsibility for completing the required NMVTIS reporting and provides three options for compliance. One option is for the vehicle owner or vehicle owner’s authorized representative to provide a copy of the vehicle owner’s or authorized representative’s government-issued photo identification during the initial transaction between the parties and for the licensed vehicle recycler to verify that the owner or authorized representative has completed the required NMVTIS reporting. The second option, if the vehicle owner is another licensed vehicle recycler or is a business regularly engaged in the junking or dismantling of vehicles, is for the licensed vehicle recycler to enter into a written agreement confirming that the owner has completed the required NMVTIS reporting. The third option is for the licensed vehicle recycler to obtain the vehicle owner’s or authorized representative’s name and the vehicle identification number of the vehicle so that the vehicle recycler can complete the NMVTIS reporting. The proposed new subrule also provides that a licensed vehicle recycler is required to cooperate with law enforcement during normal business hours when there is a reasonable belief that fraud has occurred in connection with the junking or dismantling of a vehicle.

The proposed amendments to Chapter 431 correct the contact information to refer to the Motor Vehicle Division, add Iowa Code section 321H.4A to relevant implementation sentences, and make minor technical changes. Other proposed amendments to Chapter 431 align the subrules governing application requirements and other criteria for a vehicle recycler license with Iowa Code sections 321H.4 and 321H.4A, which require a licensed vehicle recycler to submit proof of registration with the NMVTIS and to comply with applicable NMVTIS reporting and record-keeping requirements when a vehicle is purchased by a licensed vehicle recycler.

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 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 July 5, 2022. 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on July 7, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on July 5, 2022, 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 and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—400.23(321) as follows:

761—400.23(321) Junked vehicle.

400.23(1) Junking certificate. The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate ~~in accordance with~~ when required by Iowa Code subsection 321.52(3) section 321.52.

400.23(2) Required verification.

a. One of the following shall satisfy the required verification when a vehicle owner junks or dismantles a vehicle to a licensed vehicle recycler under Iowa Code section 321.52(2)“b” or 321H.4A(2)“b”:

(1) The owner or authorized representative provides information to the licensed vehicle recycler who acquires the vehicle, including, at a minimum, government-issued photo identification and verification of prior reporting to the National Motor Vehicle Title Information System (NMVTIS). For a subsequent transaction with the licensed vehicle recycler, the vehicle owner or authorized representative is not required to provide government-issued photo identification if the licensed vehicle recycler has

retained such information from a prior transaction. A licensed vehicle recycler is not required to report a vehicle verified under this subparagraph to the NMVTIS.

(2) The vehicle's owner is a licensed vehicle recycler or is the authorized representative of an established commercial or industrial business, operating from a fixed location, that is known to the licensed vehicle recycler to be regularly engaged in the junking or dismantling of vehicles or may reasonably be expected to produce vehicles for junking or dismantling and has entered into a written agreement with the licensed vehicle recycler confirming it has reported the vehicles to the NMVTIS. The written agreement shall, at a minimum, contain the owner's or authorized representative's name and address. A licensed vehicle recycler is not required to report a vehicle covered under an agreement under this subparagraph to the NMVTIS.

(3) The licensed vehicle recycler obtains the vehicle owner's or authorized representative's name and the vehicle identification number for the vehicle being junked or dismantled, and the vehicle recycler reports the vehicle to the NMVTIS.

b. A licensed vehicle recycler acquiring a vehicle as described under this subrule shall cooperate with a law enforcement agency during normal business hours when the agency has reason to believe that fraud has occurred in connection with the junking or dismantling of the vehicle. A law enforcement agency shall maintain the information as confidential and shall not disclose the information to a third party, except as may be necessary for the prosecution of a criminal violation.

~~400.23(2)~~ **400.23(3)** *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

a. to c. No change.

This rule is intended to implement Iowa Code ~~subsection 321.52(3)~~ sections 321.52 and 321H.4A.

ITEM 2. Amend rule 761—431.1(321H) as follows:

761—431.1(321H) General.

431.1(1) Information. Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the ~~Office of Motor Vehicle Services Division~~, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Information and forms are also available on the department's ~~Web site~~ website at <http://www.iowadot.gov/mvd> www.iowadot.gov.

431.1(2) Definitions.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the ~~office of motor vehicle services division~~. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 321H.2 and 321H.4.

ITEM 3. Adopt the following **new** paragraph **431.2(1)"d"**:

d. If subject to the requirements of 28 CFR Section 25.56, as adopted in Iowa Code section 321H.4A(2)"a," do all of the following:

(1) Obtain and maintain a registered account with the National Motor Vehicle Title Information System (NMVTIS).

(2) Report, or verify reporting of, inventory to the NMVTIS.

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56 and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56 because the vehicle has been crushed or flattened by mechanical means, as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1)"d"(3), at the vehicle recycler's principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically. Records of compliance shall be open for inspection by any peace officer during normal business hours.

ITEM 4. Amend rule **761—431.2(321H)**, implementation sentence, as follows:
This rule is intended to implement Iowa Code ~~section~~ sections 321H.4 and 321H.4A.

ITEM 5. Adopt the following **new** subrule 431.3(8):
431.3(8) The applicant shall include the unique NMVTIS identification number as proof of compliance with registration requirements.

ITEM 6. Amend rule **761—431.3(321H)**, implementation sentence, as follows:
This rule is intended to implement Iowa Code ~~section~~ sections 321H.4 and 321H.4A.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-11
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date August 9, 2022
 Title Administrative Rules – 761 IAC Chapter 430, Motor Vehicle Leasing Licenses

DISCUSSION/BACKGROUND:

This proposed rule making relates to motor vehicle leasing licenses, which is a requirement under Iowa Code chapter 321F when a person is engaged in the business of leasing motor vehicles in this state.

The proposed amendments correct the department’s contact information and amend the definition of “engage in the business” to mean leasing two or more motor vehicles subject to registration if a lessee is a resident of Iowa and first takes possession of the vehicle in Iowa, or if the lessor’s business address is located in Iowa. The proposed amendments within the definition also state that a person is not considered to be engaged in the business if the business address is located outside Iowa and the lessee first takes possession of the vehicle outside Iowa.

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

The public comment period ended on June 21, 2022. 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 Linda Juckette Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

MV-2023-11

Stuart Anderson presented for Melissa Gillett, Motor Vehicle Division Director; The proposed rule amendments contain technical updates and clarifies the definition of "engaging in the business" of leasing motor vehicles to make it more clear whether a business is subject to the motor vehicle leasing license requirements.

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

Commissioner Juckette made a motion to approve the rule amendment to Chapter 430. Commissioner Rielly seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to motor vehicle leasing licenses
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 430, “Motor Vehicle Leasing Licenses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321F.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321F.

Purpose and Summary

This proposed rule making relates to motor vehicle leasing licenses, which is a requirement under Iowa Code chapter 321F when a person is engaged in the business of leasing motor vehicles in this state.

The proposed amendments correct the Department’s contact information and amend the definition of “engage in the business” to mean leasing two or more motor vehicles subject to registration if a lessee is a resident of Iowa and first takes possession of the vehicle in Iowa, or if the lessor’s business address is located in Iowa. The proposed amendments within the definition further state that a person is not considered to be engaged in the business if the business address is located outside Iowa and the lessee first takes possession of the vehicle outside Iowa. The current definition is not sufficiently clear as to which types of transactions count as being engaged in the business of leasing motor vehicles and are thus subject to the motor vehicle leasing license requirements.

Fiscal Impact

The fiscal impact cannot be determined. Iowa Code section 321F.4 requires a person applying for a motor vehicle leasing license to pay a \$30 application fee for a two-year period of license validity. In fiscal year 2021, the Department issued 53 new leasing licenses, and in calendar year 2020, the Department renewed 426 existing leasing licenses. While this proposed rule making seeks to clarify what constitutes being engaged in the business of leasing motor vehicles, the Department is unable to discern at this time whether this change will result in the Department issuing any more or any fewer leasing licenses.

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 June 21, 2022. 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on June 23, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on June 21, 2022, 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 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—430.1(321F) as follows:

761—430.1(321F) General.

430.1(1) Information. Information and blank forms relating to this chapter may be obtained from ~~and completed forms shall be submitted to the Office of Vehicle and Motor Carrier Services, Vehicle Division, Iowa Department of Transportation, by mail at P.O. Box 9278, Des Moines, Iowa 50306-9278; by telephone at (515)237-3110; by email at vcusto@iowadot.us; or from the department's website at www.iowadot.gov.~~ Completed forms shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, by mail at P.O. Box 9278, Des Moines, Iowa 50306-9278.

430.1(2) Definition. "Engage in the business" means leasing two or more motor vehicles that are subject to registration in a 12-month period if the lessee is a resident of this state and first takes possession of the vehicle in this state, or if the lessor's business address is located in this state. A person shall not be considered to be engaged in the business if the lease for a vehicle subject to registration was originally created in a jurisdiction outside the state of Iowa business address is located outside of this state and the lessee first takes possession of the motor vehicle outside of this state.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-12
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date August 9, 2022
 Title Administrative Rules – 761 IAC Chapter 540, Transportation Network Companies

DISCUSSION/BACKGROUND:

This proposed rule making relates to permitting and regulation of transportation network companies (TNCs) and TNC drivers and aligns with existing legal authority and department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern procedures. Updates are proposed to various rules throughout the chapter to correct the department’s contact and submission information for TNC permits and other required submissions.

The proposed amendments adjust the fee payment methods in subrule 540.4(2) to eliminate outdated language and instead use language that will encompass all acceptable payment methods.

The subrule addressing supporting documentation for a TNC permit is proposed to be amended to clarify that a current copy of the TNC’s certificate of good standing must be submitted with the application if the TNC is incorporated or organized.

The proposed amendments add a new rule to implement existing statutory authority regarding review of TNC records by the department.

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

The public comment period ended on May 24, 2022. The department received written comments from Lyft, Inc. (Lyft) suggesting the department expressly incorporate the confidentiality requirements from Iowa Code section 321N.2(5) into rule 761—540.11(321N), limit the random sample of drivers to 20 or in the alternative, provide more time for Lyft to provide the records in subrule 540.11(1), and remove the phrase “negative reports” from subparagraph 540.11(2)“a”(5). In response, the department added the requested confidentiality language and removed the phrase “negative reports.” The department also extended the time frame in subrule 540.11(1) to 30 days.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments as explained above and included within the attached document.

COMMISSION ACTION:

Moved by Ray Gaesser Seconded by Charese Yanney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Gaesser	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Stutsman	<u>absent</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

 Division Director Legal State Director

MV-2023-12

Stuart Anderson presented for Melissa Gillett, Motor Vehicle Division Director; The proposed amendments to chapter 540 relate to permitting and regulation of transportation network companies (such as Uber and Lyft) and transportation network company drivers. In addition to technical updates regarding contact information for the department, the proposed rule amendments clarify what is to be provided by a transportation network company when applying for their permit and when participating in the record review process with the department.

It is recommended that the Commission approve the rule amendments as explained above and included within the attached document.

Commissioner Gaesser made a motion to approve the rule amendment to Chapter 540. Commissioner Yanney seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to transportation network companies
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 540, “Transportation Network Companies,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321N.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321N.

Purpose and Summary

This proposed rule making relates to permitting and regulation of transportation network companies (TNCs) and TNC drivers. The proposed amendments align with existing legal authority and Department practice, eliminate outdated or irrelevant requirements or options, and accommodate modern procedures.

Updates are proposed to various rules throughout the chapter to correct the Department’s contact and submission information for TNC permits and other required submissions. The proposed amendments adjust the fee payment methods in subrule 540.4(2) to eliminate outdated language and instead use language that will encompass all acceptable payment methods.

The subrule addressing supporting documentation for a TNC permit is proposed to be amended to clarify that a current copy of the TNC’s certificate of good standing must be submitted with the application if the TNC is incorporated or organized.

Finally, the proposed rule making adds a new rule to implement existing statutory authority regarding review of TNC records by the Department. Pursuant to Iowa Code section 321N.2(5), the Department is authorized to examine TNC records for the purposes of enforcing the requirements of Iowa Code chapter 321N. The proposed rule outlines the types of records that will be requested by the Department and how those records may be submitted.

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 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 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 May 24, 2022. 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on May 26, 2022, via conference call at 1 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on May 24, 2022, 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 and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—540.3(321N) as follows:

761—540.3(321N) General information.

540.3(1) Information and location. Applications, forms, electronic or otherwise, and information regarding transportation network company permits are available by mail from the ~~Office of Vehicle and Motor Carrier Services~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3268~~ (515)237-3156; by email at ~~omes@iowadot.us~~ central.vehicle@iowadot.us; ~~by facsimile at (515)237-3225~~; or on the department's website at www.iowadot.gov.

540.3(2) Complaints. Complaints against transportation network companies pertaining to the provisions of Iowa Code chapter 321N and this chapter that are within the regulation and jurisdiction of the department shall be submitted in writing to the ~~office of motor vehicle and motor carrier services~~ division via the methods listed in subrule 540.3(1).

ITEM 2. Amend rule 761—540.4(321N) as follows:

761—540.4(321N) Application for transportation network company permit and supporting documents.

540.4(1) Application. An application for a transportation network company permit shall be made to the ~~office of motor vehicle and motor carrier services on a~~ division in the form designated and manner prescribed by the department; ~~electronic or otherwise, and prescribed for that purpose.~~ The form shall require all of the following:

a. to i. No change.

j. Such other information as may be required by the department.

540.4(2) Application fee. An application for a transportation network company permit shall be accompanied by the fee required by Iowa Code section 321N.2. The fee shall be made payable to the

Iowa Department of Transportation in the form and manner prescribed by ~~cash, check, money order, or other means acceptable to, and offered by,~~ the department.

540.4(3) Supporting documents. An application for a transportation network company permit shall be accompanied by the following:

a. to h. No change.

i. If incorporated or organized, a current copy of the transportation network company's certificate of good standing from the transportation network company's state of incorporation or organization.

j. and k. No change.

ITEM 3. Amend rule 761—540.6(321N) as follows:

761—540.6(321N) Amendment to transportation network company permit. If during the period the permit is valid any information required and presented in the application under paragraph 540.4(1) "*a*," "*b*," "*c*," "*f*," "*g*" or "*i*" changes, the transportation network company shall notify the ~~office of~~ motor vehicle and motor carrier services division of the change in writing, within 30 days after the change. Notification shall include the permit number and a recitation of the information that has changed and that should be updated in the department's records. Submission of amended information is not a request for a new permit or for permit approval and shall not extend the period the permit is valid. Upon determination that the information submitted is complete and correct, the department shall update its records and issue an amended permit, if the department determines it is necessary.

ITEM 4. Amend subrule 540.9(2) as follows:

540.9(2) The request shall be submitted in writing, to the director of the ~~office of~~ motor vehicle and motor carrier services, division at the address indicated in subrule 540.3(1), and may be submitted electronically by facsimile, email or other means prescribed by the department. To be timely, the request must be submitted within 20 days of service of the notice of suspension, revocation, or denial. Failure to contest denial of a permit application does not preclude the transportation network company from submitting a new application for a permit at any time after the denial.

ITEM 5. Adopt the following new rule 761—540.11(321N):

761—540.11(321N) Record review.

540.11(1) When the department examines the records of a transportation network company as authorized under Iowa Code section 321N.2(5), the department may request the transportation network company to provide a list of all prearranged rides for a seven-day period or all transportation network company drivers in Iowa for a specific date. The transportation network company shall provide the required information to the department within two weeks of the request.

540.11(2) For the records provided under subrule 540.11(1), the department may identify a random sample of rides or drivers, or rides and drivers, for review for the specified period. The transportation network company shall provide additional information for each driver and each rider for each ride as requested by the department.

a. Additional information requested for the transportation network company driver shall include the following:

(1) A copy of the driver's license for the transportation network company driver.

(2) A copy of the driver's state-issued vehicle registration, including year, make, model, VIN and license plate number.

(3) A copy of proof of the driver's financial liability coverage. The copy shall include the driver's insurance company name, address, and policy number. In addition, a copy of proof of financial liability coverage maintained to comply with Iowa Code sections 321N.4(2) and 321N.4(3) that includes coverages and limits may be satisfied by any of the following:

1. Insurance maintained by the transportation network company driver.

2. Insurance maintained by the transportation network company.

3. A combination of numbered paragraphs 1 and 2.

(4) A copy of or a verification that all necessary disclosures were supplied to the driver by the transportation network company, including the lienholder, vehicle owner, insurance and motor vehicle equipment requirements.

(5) A copy of all complaints or negative reports received by the transportation network company from any rider who received a ride from the driver. This includes, but is not limited to, complaints related to drug or alcohol use, vehicle safety, motor vehicle equipment safety, driver behavior, driver ability or operation of the vehicle.

(6) A summary or other documentation that shows how the transportation network company resolved any complaint from a rider.

(7) Documentation or verification of the background and sex offender registry check on the driver.

b. Additional information for each transportation network company rider shall include the electronic ride receipt provided to the rider.

540.11(3) Notwithstanding any provision of subrule 540.11(1) to the contrary, the department and the transportation network company may agree to an alternative process or format for the transportation network company to provide the requested records if the records otherwise include the information required in subrule 540.11(2).

ITEM 1. Amend rule 761—540.3(321N) as follows:

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540.3(1) Information and location. Applications, forms, electronic or otherwise, and information regarding transportation network company permits are available by mail from the ~~Office of Vehicle and Motor Carrier Services~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3268~~ (515)237-3156; by email at ~~omes@iowadot.us~~ central.vehicle@iowadot.us; by facsimile at ~~(515)237-3225~~; or on the department's website at www.iowadot.gov.

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a. to i. No change.

j. Such other information as may be required by the department.

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540.4(3) Supporting documents. An application for a transportation network company permit shall be accompanied by the following:

a. to h. No change.

i. If incorporated or organized, a current copy of the transportation network company's certificate of good standing from the transportation network company's state of incorporation or organization.

j. and k. No change.

ITEM 3. Amend rule 761—540.6(321N) as follows:

761—540.6(321N) Amendment to transportation network company permit. If during the period the permit is valid any information required and presented in the application under paragraph 540.4(1) "a," "b," "c," "f," "g" or "i" changes, the transportation network company shall notify the ~~office of motor vehicle and motor carrier services~~ division of the change in writing, within 30 days after the change. Notification shall include the permit number and a recitation of the information that has changed and that should be updated in the department's records. Submission of amended information is not a request for a new permit or for permit approval and shall not extend the period the permit is valid. Upon determination that the information submitted is complete and correct, the department shall

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540.11(2) For the records provided under subrule 540.11(1), the department may identify a random sample of rides or drivers, or rides and drivers, for review for the specified period. The transportation network company shall provide additional information for each driver and each rider for each ride as requested by the department.

a. Additional information requested for the transportation network company driver shall include the following:

- (1) A copy of the driver's license for the transportation network company driver.
- (2) A copy of the driver's state-issued vehicle registration, including year, make, model, VIN and license plate number.

(3) A copy of proof of the driver's financial liability coverage. The copy shall include the driver's insurance company name, address, and policy number. In addition, a copy of proof of financial liability coverage maintained to comply with Iowa Code sections 321N.4(2) and 321N.4(3) that includes coverages and limits may be satisfied by any of the following:

1. Insurance maintained by the transportation network company driver.
2. Insurance maintained by the transportation network company.
3. A combination of numbered paragraphs 1 and 2.

(4) A copy of or a verification that all necessary disclosures were supplied to the driver by the transportation network company, including the lienholder, vehicle owner, insurance and motor vehicle equipment requirements.

(5) A copy of all complaints ~~or negative reports~~ received by the transportation network company from any rider who received a ride from the driver. This includes, but is not limited to, complaints related to drug or alcohol use, vehicle safety, motor vehicle equipment safety, driver behavior, driver ability or operation of the vehicle.

(6) A summary or other documentation that shows how the transportation network company resolved any complaint from a rider.

(7) Documentation or verification of the background and sex offender registry check

on the driver.

b. Additional information for each transportation network company rider shall include the electronic ride receipt provided to the rider.

540.11(3) Notwithstanding any provision of subrule 540.11(1) to the contrary, the department and the transportation network company may agree to an alternative process or format for the transportation network company to provide the requested records if the records otherwise include the information required in subrule 540.11(2).

540.11(4) Records submitted by the transportation network company to the department pursuant to this rule shall maintain the same status, including confidentiality and disclosure requirements as provided in Iowa Code section 321N.2(5).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division/Modal
 Division/Bureau/Office Transportation Bureau Order No. TD-2023-13
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 9, 2022
 Title Administrative Rules – 761 IAC Chapter 201, Intermodal Pilot Project Program

DISCUSSION/BACKGROUND:

This proposed rule making rescinds Chapter 201 because 2008 Iowa Acts, chapter 1126, section 32, repealed Iowa Code section 473.11, which created the Energy Conservation Trust. The Energy Conservation Trust Fund moneys appropriated to the department for the Intermodal Pilot Project Program have all been used.

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

The public comment period ended on July 19, 2022. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rescission of 761 IAC Chapter 201. Please see the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2023-13

Stuart Anderson, Transportation Development Division Director; Regarding Chapter 201, which is the Intermodal Pilot Project Program. This proposed rule making recommends rescinding that chapter. The source of funding for this program, the Energy Conservation Trust fund was rescinded by the legislature back in 2008. This rule making just follows up with that legislative action to rescind the corresponding chapter from the Iowa administrative code. Therefore it is recommended that the Commission approved the rescission of 761 Iowa administrative Chapter 201 for the Intermodal Pilot Project Program.

It is recommended that the Commission approve the rescission of 761 IAC Chapter 201. Please see the attached Notice of Intended Action.

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

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the intermodal pilot project program
and providing an opportunity for public comment**

The Transportation Department hereby proposes to rescind Chapter 201, “Intermodal Pilot Project Program,” 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, 2008 Iowa Acts, chapter 1126, section 32; 1987 Iowa Acts, chapter 230, sections 1 and 4; and 1998 Iowa Acts, chapter 1211, section 1.

Purpose and Summary

This rule making proposes to rescind Chapter 201 because 2008 Iowa Acts, chapter 1126, section 32, repealed Iowa Code section 473.11, which created the Energy Conservation Trust. The Energy Conservation Trust Fund moneys appropriated to the Department for the Intermodal Pilot Project Program have all been used.

This program began in 1989 with a transfer of \$725,000 in overcharge funds for energy efficiency from the Department of Natural Resources (DNR). In 2000, an additional \$725,000 was received from the DNR. A number of projects were completed under this program with grants or loans. However, eligibility for projects was very narrow and exclusively dependent on energy savings benefits as a criterion. In 2008, the last project was funded. The Intermodal Pilot Project Program is no longer active, and any funds have either been expended or returned to the DNR, the original source of the funding.

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 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 July 19, 2022. 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on July 21, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on July 19, 2022, 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 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:

Rescind and reserve **761—Chapter 201**.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Field Operations Division Order No. FO-2023-14
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date August 9, 2022
Title Transfer of Jurisdiction of Iowa 192, a length of approximately 0.4 miles.

DISCUSSION/BACKGROUND:

District 4 has negotiated the transfer of jurisdiction of the remaining portion of Iowa 192 to the city of Council Bluffs. Segments totaling approximately 0.4 miles will be transferred to the City.

The road segment is to be transferred in its present condition. The transfer will take place upon written notification to the City of the time and date of the State's intention to transfer. The State will prepare and forward quitclaim deeds to the City for the transfer segment

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the transfer of jurisdiction of Iowa 192, as described above and shown on the attached map, to the city of Council Bluffs.

COMMISSION ACTION:

Moved by Linda Juckette Seconded by Raymond Gaesser

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

FO-2023-14

Mitchell Dillavou, Field Operations Division; District 4 has negotiated the transfer of jurisdiction and the remaining portion of Iowa 192 to the city of Council Bluffs, the segment totals 0.4 of a mile. We transferred in its present condition.

It is recommended the Commission approve the transfer of jurisdiction of Iowa 192, as described above and shown on the attached map, to the city of Council Bluffs.

Commissioner Juckette made a motion to approve the transfer of jurisdiction. Commissioner Gaesser seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
 Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-15
 Submitted by Rebecca Law Phone No. 515-239-1765 Meeting Date August 9, 2022
 Title Calendar Year 2022 Intercity Bus Program Amendment

DISCUSSION/BACKGROUND:

The Modal Transportation Bureau requests approval to amend the calendar year (CY) 2022 Intercity Bus Program that was approved in December 2021. This amendment is requested due to a change in Intercity Bus needs this calendar year and the availability of additional funding. The following changes are recommended:

Remove from the original award

Burlington Trailways – Operational assistance	\$ 196,110
Jefferson Lines – Operational assistance	\$ 154,554
Total:	\$ 350,664

Add to the original award

Burlington Trailways - Purchase of an additional over-the-road coach	\$ 496,932
Jefferson Lines - Purchase of an additional over-the-road coach	\$ 450,500
Total:	\$ 947,432

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the amendment to the CY 2022 Intercity Bus Program as listed above.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2023-15

Rebecca Law, Modal Transportation Bureau; Last month we presented on the calendar year 2022 Intercity Bus Program amendment.

It is recommended the Commission approve the amendment to the CY 2022 Intercity Bus Program as listed above.

Commissioner Rielly made a motion to approve the CY 2022 Intercity Bus Program. Commissioner Juckette seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division
Systems Planning Bureau Order No. TD-2023-16
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 9, 2022
Title Revitalize Iowa's Sound Economy (RISE) Application – Buena Vista County

DISCUSSION/BACKGROUND:

Buena Vista County submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 6,020 feet of 70th Avenue and 2,640 feet of 600th Street and construction of turn lanes at Iowa 7 and 70th Avenue located northwest of Storm Lake. This project is anticipated to be completed by August 2024.

Because this project will provide improved access to more than 650 acres for industrial purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2022 round of applications and award a RISE grant of \$3,282,991 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Tom Rielly

	Aye	Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2023-16

Craig Markley, Systems Planning Bureau; Buena Vista county submitted an Immediate Opportunity RISE fund request to pave approximately 6,020 feet of 70th Avenue pave 2,640 feet of 600 Street and construct turn lanes at Iowa 7 and 70th Avenue located Northwest of Storm Lake. Because this project will provide access to more than 650 acres for industrial purposes and maximize RISE support for the project, staff evaluated the application as a RISE Local Development project. Under RISE Local Development criteria, the project scores 73 points. Total estimated cost of the project is \$6,565,982. The county is requesting a RISE grant of \$3,282,991 and will be providing 50% in local match.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2022 round of applications and award a RISE grant of \$3,282,991 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

Commissioner Yanney made a motion to approve the RISE grant reclassification. Commissioner Rielly seconded the motion. Motion passes unanimously.

TD-2023-17

Craig Markley, Systems Planning Bureau; Audubon County submitted an Immediate Opportunity RISE funding request to pave approximately 815 feet of Lark Avenue located Northeast of Hamlin. Because this project will provide access to more than 27 acres for industrial purposes and to maximize RISE score for the project, staff evaluate the application of the RISE Local Development project. Under RISE Local Development criteria this project scored 67 points. Total estimated cost of the project is \$736,139. The county is requesting a RISE grant of \$368,070 and will be providing 50% in local match

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2022 round of applications and award a RISE grant of \$368,070 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

Commissioner Gaesser made a motion to approve the RISE grant for Audubon County. Commissioner Yanney seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
 Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-18
 Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date August 9, 2022
 Title Fiscal Year 2023 State Aviation Program

DISCUSSION/BACKGROUND:

The Modal Transportation Bureau requests approval for the fiscal year (FY) 2023 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. The recommended program with project costs is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2023 State Aviation Program as attached.

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Tom Rielly

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	_____	_____
Fehrman	<u>x</u>	_____	_____
Gaesser	<u>x</u>	_____	_____
Juckette	<u>x</u>	_____	_____
Rielly	<u>x</u>	_____	_____
Stutsman	<u>absent</u>	_____	_____
Yanney	<u>x</u>	_____	_____

Division Director Legal State Director

TD-2023-18

Shane Wright, Modal Transportation Bureau; Last month we presented the FY 2023 State Aviation Program recommendations for the State Airport Improvement Program, General Aviation Vertical Infrastructure Program, and Commercial Service Vertical Infrastructure Program consisting of 35 projects across the state for \$8.3 million.

It is recommended the Commission approve the FY 2023 State Aviation Program as attached. Commissioner Yanney made a motion to approve the FY 2023 State Aviation Program. Commissioner Rielly seconded the motion. Motion passes unanimously.



FY 2023 State Aviation Program

Airport Improvement Program	5,388,345
Aviation Safety AWOS maintenance and data link, runway marking, immediate safety enhancements, obstruction mitigation, wildlife mitigation, windsocks, education and outreach	509,622
Aviation Planning and Development Programs Air service development, statewide planning and research	468,000
Airport Development Projects	4,410,723
General Aviation Vertical Infrastructure	1,021,450
Commercial Service Vertical Infrastructure	1,900,000
Total Aviation Program	\$8,309,795

Airport Development projects

Airport	Project	Total Project Cost	State Amount
Ankeny Regional Airport	Box Hangar Site Work and Utilities	442,000	265,200
Clinton Municipal Airport	Reconstruct Taxilane - Phase 2	243,504	204,543
Council Bluffs Municipal Airport	Aviation Fuel Underground Storage Tank Removal	60,000	27,000
Davenport Municipal Airport	Reconstruct South Apron	619,579	400,000
Denison Municipal Airport	Extend Taxilane for New Hangar	147,600	125,460
Des Moines International Airport	Runway Visual Aid Relocation	7,888,791	400,000
Estherville Municipal Airport	Apron and Taxiway Reconstruction	300,000	255,000
Fort Dodge Regional Airport	Widen Taxiway A	651,100	400,000
Grinnell Regional Airport	Taxiway and Apron Rehabilitation	460,000	368,000
Iowa City Municipal Airport	Monument Sign	15,000	7,500
Lamoni Municipal Airport	Construct Taxiway	275,000	234,175
Mason City Municipal Airport	Reconstruct Taxilane	310,000	217,000

Muscatine Municipal Airport	New Fuel System	500,000	385,000
Sheldon Regional Airport	Fuel System Improvements - Phase 2	86,000	39,900
Shenandoah Regional Airport	Fuel System Improvements	70,000	35,000
Sioux County Regional Airport	Airport Entrance Sign	63,500	30,000
Sioux Gateway Airport	North Ramp Taxilane Overlay	300,000	150,000
Southeast Iowa Regional Airport	Reconstruct Row D (South Side) Taxilane	130,070	109,258
Spencer Municipal Airport	Fuel System Improvements	240,000	144,000
The Eastern Iowa Airport	Northwest T-Hangar Taxiway Replacement	871,000	400,000
Waverly Municipal Airport	Reconstruct South T-Hangar Taxilane	328,750	213,687
Total		\$14,001,894	\$4,410,723

General Aviation Vertical Infrastructure projects

Airport	Project	Total Project Cost	State Amount
Ankeny Regional Airport	Construct Two Box Hangars	685,000	300,000
Cherokee County Regional Airport	Corporate Hangar Improvements	90,000	63,000
Decorah Municipal Airport	Corporate Hangar and Attached Terminal Building	418,286	300,000
Denison Municipal Airport	Construct Box Hangar	633,500	300,000
Iowa City Municipal Airport	Terminal Building Improvements	21,000	17,850
Mount Pleasant Municipal Airport	Box Hangar Door Replacement	58,000	40,600
Total		\$1,905,786	\$1,021,450

Commercial Service Vertical Infrastructure projects

Airport	Project	Total Project Cost	Allocated State Share
Des Moines International Airport	Building 9 Improvements, Terminal Design	710,748	710,748
Dubuque Regional Airport	Airfield Equipment Storage and Hangar	127,603	127,603
The Eastern Iowa Airport	Construct West FBO Facility	7,009,622	441,749
Fort Dodge Regional Airport	Construct Hangar and Maintenance Building Renovation	125,000	121,599
Mason City Municipal Airport	Equipment Storage Building - Design and Construct	121,446	121,446
Sioux Gateway Airport	Rehabilitate and Build Hangars	131,896	131,896
Southeast Iowa Regional Airport	Corporate Community Hangar	125,000	120,813
Waterloo Regional Airport	Hangar Rehabilitation	124,200	124,145
Total		\$8,475,515	\$1,900,000