

**Commission Minutes  
January 14, 2020**



# IOWA TRANSPORTATION COMMISSION

## Meeting Agenda / Commission Orders

January 14, 2020  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:30 p.m.			
D-2020-36	* Approve Minutes of the December 10, 2019 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
MV-2020-37	* Administrative Rules – 761 IAC 401 – Special Registration	Melissa Spiegel	5
MV-2020-38	* Administrative Rules – 761 IAC 634 – Driver Education	Melissa Spiegel	11
H-2020-39	* Transfer of Jurisdiction of old US 65 from Iowa 330 to N. 91 <sup>st</sup> Avenue W.	Mitch Dillavou	21
PPM-2020-40	* Iowa’s Clean Air Attainment Program Funding Recommendations	Deb Arp	23
PPM-2020-41	* Statewide Transportation Alternatives Program Funding Recommendations	Craig Markley	25
PPM-2020-42	* Federal Recreational Trails Program Funding Recommendations	Craig Markley	27
PPM-2020-43	* Revitalize Iowa’s Sound Economy (RISE) – Bondurant	Craig Markley	29
1:40 p.m.			
	Adjourn		
Public Input	Adam Schweers, US 30 Coalition		
*Action Item			

On Tuesday, January 14 at 9:30 a.m. the Commission and staff will meet informally in the Materials Conference Room, at the Iowa DOT Central 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-2020-36  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date January 14, 2019  
Title Approve Minutes of the December 10, 2019 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the December 10, 2019 Commission meeting.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by John Putney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u>          </u>	<u>          </u>
Fehrman	<u>x</u>	<u>          </u>	<u>          </u>
Juckette	<u>x</u>	<u>          </u>	<u>          </u>
Maher	<u>x</u>	<u>          </u>	<u>          </u>
Putney	<u>x</u>	<u>          </u>	<u>          </u>
Rielly	<u>x</u>	<u>          </u>	<u>          </u>
Yanney	<u>absent</u>	<u>          </u>	<u>          </u>

\_\_\_\_\_  
Division Director                      Legal                      State Director

D-2020-36

Commissioner Fehrman made a motion to approve the minutes as written. Commissioner Putney seconded the motion. Commissioner Yanney was absent. Motion passed unanimously.

Commission Comments

We currently have an interim director, Stu Anderson. Mark Lowe resigned as of January 10. We wish him the best, he will be missed.

DOT Comments

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-37  
 Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date January 14, 2020  
 Title Administrative Rules — 761 IAC 401, Special Registration Plates

**DISCUSSION/BACKGROUND:**

This proposed rule making conforms Chapter 401 with 2019 Iowa Acts, Senate File 638, section 35, which provides for new blackout license plates. The department began taking orders for these plates on July 1, 2019. The proposed amendments also make technical changes to correct the bureau name and to accommodate the electronic submission of license plate applications.

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

The public comment period ended on November 26. The department did receive comments from a person who wants to obtain blackout license plates with his amateur radio call letters and asked that the administrative rules authorize blackout plates for amateur radio operators. The department consulted with DOT legal counsel and the department is not able to accommodate this specific request because the Iowa Code requires the radio operator plate to be consistent with the design and color of the regular registration plate (i.e. standard country/city design). The department did offer the person the option to request a personalized blackout license plate with his amateur radio call letters, but because current administrative subrule 401.6(2) prohibits the use of a zero on personalized plates, and this person’s amateur radio call sign contains the character zero, the person was not satisfied with the option to substitute the zero with the letter “O.” Therefore, the department committed to initiating a new rule making to remove the prohibition on using the number zero from personalized plates. Initiating a new rule making to accomplish this change will allow the department to gather sufficient stakeholder input on the change as well as allow for necessary computer programming changes.

**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 Kathy Fehrman Seconded by Nancy Maher

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

MV-2020-37

Melissa Spiegel, Motor Vehicle Division; Earlier this morning during the commission workshop I explained administrative rule updates to chapter 401 Special Registration Plates regarding the implementation of blackout license plates.

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

Commissioner Fehrman made a motion to approve the rule amendments included in the attached Notice of Intended Action. Commissioner Maher seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to special registration plates  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.34 and 321.166.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.34 as amended by 2019 Iowa Acts, Senate File 638, section 35.

*Purpose and Summary*

The proposed amendments conform Chapter 401 to 2019 Iowa Acts, Senate File 638, section 35, which amends Iowa Code section 321.34 to provide for the creation of new blackout license plates. In accordance with Senate File 638, the Department began taking orders for the new blackout license plates on July 1, 2019. The proposed amendments also make technical changes throughout the chapter to update the Vehicle and Motor Carrier Services Bureau’s name and to accommodate electronic submission of license plate applications, which further streamlines the application process.

*Fiscal Impact*

This rule making has no fiscal impact beyond that imposed by its authorizing legislation. 2019 Iowa Acts, Senate File 638, section 35, establishes the fees for the new blackout plates. The fee for initial issuance of one set of standard (nonpersonalized) blackout plates is \$35, and the fee for annual renewal of the plates is \$10. Section 35 allows any blackout plates issued to be personalized and retains the usual fees for personalized plates established in Iowa Code section 321.34(5), which are an additional \$25 for initial issuance of the plates and \$5 for annual renewal of the plates. The authorizing legislation and the rules adopted pursuant to the legislation will have a positive fiscal impact on Iowa’s Road Use Tax Fund, since Senate File 638, section 35, requires that all fees authorized for the blackout plates be deposited in the Road Use Tax Fund. Although it is difficult to predict the long-term ordering and adoption rates, the plates appear to be popular. Between July 1, 2019, and August 31, 2019, the Department issued 10,682 blackout plates, and approximately 54 percent of the plates issued were personalized. Based on those numbers and for that time frame, approximately \$517,000 in additional revenue was collected that will inure to the benefit of the Road Use Tax Fund. This positive impact will grow as additional orders are received in the future.

*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 November 26, 2019. Comments should be directed to:

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

*Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

December 3, 2019  
10 a.m.

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

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

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **401.2(1)“b”** as follows:

*b.* ~~Collegiate~~ Application for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form submitted to the department in a manner prescribed by the department. Unless otherwise specified, completed ~~application forms~~ applications for these plates shall be submitted to the department at the following address: ~~Office of Vehicle and Motor Carrier Services Bureau~~, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. ~~Application forms~~ Applications may be obtained from the ~~office of vehicle and motor carrier services bureau~~ or from any county treasurer's office. ~~Application forms~~ Applications are also available on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend rule 761—401.4(321) as follows:

**761—401.4(321) Gift certificates.** Gift certificates for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements may be purchased using the

prescribed plate application ~~form~~. Gift certificates for special registration plates that counties have in their inventories may be purchased from county treasurers' offices.

ITEM 3. Amend rule 761—401.5(321) as follows:

**761—401.5(321) Amateur radio call letter plates.** Application for amateur radio call letter plates shall be made to the county treasurer ~~on a form~~ in a manner prescribed by the department. The number of the amateur radio license issued by the Federal Communications Commission shall be listed on the application.

ITEM 4. Amend subrule 401.6(1) as follows:

**401.6(1) Application.** Application for personalized plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 5. Amend subrule 401.7(1) as follows:

**401.7(1) Application.** Application for collegiate plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant may request letter-number designated collegiate plates or personalized collegiate plates. Collegiate plates for motorcycles, autocycles and small trailers are not available.

ITEM 6. Amend subrule 401.8(1) as follows:

**401.8(1) Application for Medal of Honor plates** shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the medal of honor.

ITEM 7. Amend subrule 401.10(1) as follows:

**401.10(1) Application for emergency medical services (EMS) plates** shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant and the applicant's service director shall sign the application ~~form~~ certifying that the applicant is a current member of a paid or volunteer emergency medical services agency. For purposes of this subrule, "service director" means a service director as defined in Iowa department of public health rule 641—132.1(147A).

ITEM 8. Adopt the following new rule 761—401.12(321):

**761—401.12(321) Blackout plates.**

**401.12(1) Application.** Application for blackout plates shall be submitted to the department in a manner prescribed by the department. The applicant may request letter-number designated blackout plates or personalized blackout plates. Blackout plates are available for autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers and travel trailers.

**401.12(2) Characters.** Personalized blackout plates shall be issued in accordance with subrule 401.6(2).

ITEM 9. Amend subrule 401.15(3) as follows:

**401.15(3)** The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning the decal design.

ITEM 10. Amend subrule 401.15(4) as follows:

**401.15(4)** Within 60 days after receiving the application, the ~~office of~~ vehicle and motor carrier services bureau shall advise the organization of the department's approval or denial of the application. The department reserves the right to approve or disapprove any decal design.

ITEM 11. Amend paragraph **401.18(1)"d"** as follows:

*d.* The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning distinguishing processed emblems.

ITEM 12. Amend subrule 401.18(4) as follows:

**401.18(4) Application process.**

*a.* Applications for either letter-number designated or personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge

special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach to the application a copy of an official government document verifying award of the combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal or combat medical badge to the applicant.

b. No change.

c. Applications for personalized civil war sesquicentennial or fallen peace officers special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 13. Amend rule 761—401.19(321) as follows:

**761—401.19(321) Legion of Merit plates.** Application for special plates with a Legion of Merit processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the Legion of Merit. Personalized plates with a Legion of Merit processed emblem are not available. Pursuant to Iowa Code section 321.34, an applicant is eligible for one set of Legion of Merit plates at a reduced annual registration fee of \$15 for one vehicle owned. However, an applicant may obtain additional Legion of Merit plates upon payment of the regular annual registration fee.

ITEM 14. Amend subrule 401.20(1), introductory paragraph, as follows:

**401.20(1) Application.** Application for special plates with a persons with disabilities processed emblem shall be submitted to the county treasurer ~~on a form~~ in a manner prescribed by the department.

ITEM 15. Amend subrule 401.21(1) as follows:

**401.21(1)** Application for special plates with an ex-prisoner of war processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was a prisoner of war. If the document is not available, a person who has knowledge that the applicant was a prisoner of war shall sign a statement to that effect on the application ~~form~~.

ITEM 16. Amend rule 761—401.22(321) as follows:

**761—401.22(321) National guard plates.** Application for special plates with a national guard processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The unit commander of the applicant shall sign the application ~~form~~ confirming that the applicant is a member of the Iowa national guard.

ITEM 17. Amend rule 761—401.23(321) as follows:

**761—401.23(321) Pearl Harbor plates.** Application for special plates with a Pearl Harbor processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

ITEM 18. Amend rule 761—401.24(321), introductory paragraph, as follows:

**761—401.24(321) Purple Heart, Silver Star and Bronze Star plates.** Application for special plates with a Purple Heart, Silver Star, or Bronze Star processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. To verify receipt of the medal, the applicant shall attach a copy of one of the following:

ITEM 19. Amend rule 761—401.25(321), introductory paragraph, as follows:

**761—401.25(321) U.S. armed forces retired plates.** Application for special plates with a United States armed forces retired processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. A person is considered to be retired if the person is recognized by the

United States armed forces as retired from the United States armed forces. To verify retirement from the United States armed forces, the applicant shall attach a copy of one of the following:

ITEM 20. Amend **761—Chapter 401**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 35A.11, 321.34 as amended by 2019 Iowa Acts, Senate File 638, section 35, 321.105, 321.166 and 321L.1 and chapter 17A.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-38  
 Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date January 14, 2020  
 Title Administrative Rules — 761 IAC 634, Driver Education

**DISCUSSION/BACKGROUND:**

This proposed rule making modernizes the certification process for a behind-the-wheel driver education instructor under the authority of the department in Iowa Code section 321.178 and conforms the rules with 2019 Iowa Acts, Senate File 319 which amended Iowa Code section 321.178 and relates to peace officers and retired peace officers who provide behind-the-wheel driver training.

This proposed rule making also incorporates amendments that align with existing legal authority and department practice, eliminate outdated or irrelevant requirements or options, and promote consistency by organizing the requirements for behind-the-wheel driver education instructors according to whether the instructor is a licensed teacher, a licensed teacher with an expired license, a peace officer or a retired peace officer, or is not a licensed teacher.

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

The public comment period ended December 10. 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 John Putney Seconded by Linda Juckette

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

MV-2020-38

Melissa Spiegel, Motor Vehicle Division; Also during the commission workshop I explained administrative rule updates to chapter 634 Driver Education.

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

Commissioner Putney made a motion to approve the rule amendments included in the attached Notice of Intended Action. Commissioner Juckette seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to driver education  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 634, “Driver Education,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 307.12 and 321.178 as amended by 2019 Iowa Acts, Senate File 319, and Iowa Code section 321.178A.

*Purpose and Summary*

This proposed rule making amends Chapter 634 to incorporate amendments that align with existing legal authority and Department practice, eliminate outdated or irrelevant requirements or options, and promote consistency by organizing the requirements for behind-the-wheel driver education instructors according to whether the instructor is a licensed teacher, a licensed teacher with an expired teaching license, a peace officer or a retired peace officer, or is not a licensed teacher.

The most significant proposed amendments modernize the certification process for a behind-the-wheel driver education instructor under the authority of the Department in Iowa Code section 321.178. A person providing parent-taught driver education under the authority in Iowa Code section 321.178A is not considered a behind-the-wheel driver education instructor and is therefore not subject to the same certification requirements that make up the majority of this rule making. A behind-the-wheel driver education instructor is certified by the Department and authorized by the Iowa Board of Educational Examiners to provide the “street or highway driving” portion of a driver education program and can be a licensed teacher or a person who is not a licensed teacher. This is different than a classroom driver education instructor, who can only be a licensed teacher and is regulated exclusively by the Iowa Board of Educational Examiners.

**Certified behind-the-wheel driver education instructor requirements.** There are approximately 700 behind-the-wheel driver education instructors in Iowa certified by the Department and authorized by the Iowa Board of Educational Examiners. The current rules lack specificity regarding the difference in the requirements a person must meet to provide behind-the-wheel instruction depending on if the person is a licensed teacher, a peace officer or retired peace officer, or is not a licensed teacher. Therefore, the goals of this rule making are to spell out the differences where necessary and to apply the same requirements consistently amongst behind-the-wheel instructors while comprehensively modernizing the behind-the-wheel certification process. Improvements include offering instructor refresher course options that are more tailored to the specific audience’s existing skill set and professional experience, and that provide value and are more convenient, including electronic training options. The proposed amendments also reduce burdens by making the instructor refresher course biennial (rather than annual) and offering a new way for an instructor with an expired behind-the-wheel certification to regain certified status without having to retake the entire instructor preparation course.

The new requirement to complete the instructor refresher course biennially begins January 1, 2021, and will apply to all certified behind-the-wheel instructors. The Department currently offers a robust and well-received annual behind-the-wheel instructor refresher course in person and is actively working on developing additional course opportunities, including via webinar or an online training module.

Currently, a licensed teacher is not required to participate in any behind-the-wheel refresher course if the teacher has maintained a valid teacher's license, whereas a behind-the-wheel instructor who is not a licensed teacher has always been required to attend the refresher course annually. The instructor refresher course provides an excellent opportunity to review trends and improvements in the area of driver education that are specific to behind-the-wheel instruction, as well as identify updates to the laws governing traffic safety and driver education, and therefore is considered a necessary component of the behind-the-wheel certification process to yield consistency in driver education. However, in recognizing that certain categories of behind-the-wheel instructors are required to maintain a specific skill set as part of their profession, for example, a licensed teacher or a peace officer, the Department plans to develop refresher course content that is specifically tailored, rather than subjecting a licensed teacher or peace officer to course content that does not take into account their existing skill sets and specific needs when it comes to behind-the-wheel driver education instruction.

The proposed amendments incorporate the changes made in 2019 Iowa Acts, Senate File 319, which amends Iowa Code section 321.178 to exempt peace officers and retired peace officers from the requirement to be authorized by the Iowa Board of Educational Examiners to provide behind-the-wheel driver education instruction. A peace officer or retired peace officer must still meet other requirements under the rules to be certified by the Department to provide behind-the-wheel driver education, except a peace officer or retired peace officer will not be required to complete the initial behind-the-wheel instructor classroom and behind-the-wheel driving preparation course under subparagraph 634.6(6)“a”(3).

The proposed amendments also align the Department's reasons for disqualification of a behind-the-wheel instructor with the reasons for which the Iowa Board of Educational Examiners may deny an application for licensure, certification or authorization under rule 282—11.35(272). By aligning the Department's disqualification reasons with the Board's requirements, there will be less chance for inconsistency and unequal treatment for persons providing behind-the-wheel driver education instruction.

**Parent-taught driver education.** A parent providing parent-taught driver education under Iowa Code section 321.178A is not subject to the behind-the-wheel certification requirements as an instructor who teaches at a school-offered or commercial driver education program, so the majority of this rule making does not apply to parent-taught driver education. However, the Department did identify an improvement to the rules governing parent-taught driver education that will provide a teaching parent and the student greater flexibility. The proposed amendments remove the requirement for a student and parent to restart the course if the student and parent start an approved course before they receive Departmental approval to begin the course. Making this change will help avoid situations where a student is required to retake an approved course that the student had already started or completed simply because the student began too soon, and instead allows the focus to remain on whether the course is approved and appropriate and the remaining requirements are properly met.

#### *Fiscal Impact*

The proposed amendments alter the application and certification process for behind-the-wheel driver education instructors but do not impose any fees and, therefore, do not have a fiscal impact.

#### *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 December 10, 2019. Comments should be directed to:

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

*Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

December 12, 2019  
10 a.m.

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

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

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—634.1(321) as follows:

**761—634.1(321) Information and location.** Applications, forms and information regarding this chapter are available by mail from the ~~Office of Driver and Identification Services Bureau~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3153~~ [\(515\)244-8725](tel:(515)244-8725); or by facsimile at ~~(515)237-3074~~ [\(515\)239-1837](tel:(515)239-1837); or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend rule 761—634.2(321) as follows:

**761—634.2(321) Definition Definitions.**

"Behind-the-wheel instruction" means the street or highway driving instruction component of an approved driver education course.

"Instructor," for purposes of this chapter, means a person certified to provide behind-the-wheel instruction.

“*Laboratory instruction*” includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.4(2) “c” and 634.4(2) “d” and may also include range or simulation as referred to in paragraphs 634.4(2) “h” and 634.4(2) “i.”

“*Serious injury*” means the same as defined in Iowa Code section 702.18.

“*Teacher*” means the same as defined in Iowa Code section 272.1.

ITEM 3. Amend subrule 634.4(1) as follows:

**634.4(1) *Course approval.*** Any school district, area education agency, merged area school, other agency or individual person planning to offer a driver education course must receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual person shall complete a form provided by the department to apply for course approval in a manner determined by the department. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually. The approval is valid for one calendar year or a remaining calendar year and expires on December 31. The application for course renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

ITEM 4. Amend subrule 634.4(2) as follows:

**634.4(2) *Course requirements.*** Driver education courses provided by approved programs must comply with the following:

a. No change.

b. Each student shall be scheduled to receive classroom ~~and~~ or laboratory instruction each week of the course but in no case shall laboratory instruction conclude later than 30 days after classroom instruction is completed.

c. to j. No change.

k. The driver education teacher or instructor shall verify at the beginning of each course that each student possesses a valid instruction permit or driver’s license. Each student shall be responsible for possessing an instruction permit or driver’s license throughout all laboratory instruction and report any suspension, revocation or cancellation of the instruction permit or driver’s license to the driver education teacher or instructor prior to attending laboratory instruction.

ITEM 5. Amend rule 761—634.6(321) as follows:

**761—634.6(321) Teacher Instructor qualifications, application and certification.**

**634.6(1) *Behind-the-wheel instructor qualifications.*** To qualify to ~~be a driver education teacher, the teacher~~ provide behind-the-wheel instruction, the person must:

**634.6(1) a.** Hold a valid driver’s license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

**634.6(2) b.** Have a clear driving record for the previous two years. A clear driving record means the individual person has:

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

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

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

~~d.~~ (4) No record of an accident for which the individual was convicted of a moving traffic violation a contributive motor vehicle accident that caused the death or serious injury of another person.

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

c. Meet the requirements for either a licensed teacher in 282—subrule 13.28(4) or a certified behind-the-wheel instructor in this chapter.

**634.6(2) *Behind-the-wheel instructor’s certification requirements.*** Except as otherwise provided in this chapter, the following requirements shall apply to a behind-the-wheel instructor:

a. An applicant for an initial behind-the-wheel instructor's certification or a renewal shall apply to the department in a manner determined by the department.

(1) If the application is for an initial behind-the-wheel instructor's certification, instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date.

(2) If the application is to renew a behind-the-wheel instructor's certification, a person shall do all of the following:

1. Apply to the department annually. Instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date. An application for renewal of instructor approval shall be submitted within 60 days of the expiration date, unless otherwise approved by the department.

2. Provide behind-the-wheel instruction for a minimum of 12 clock hours during each calendar year.

b. Beginning January 1, 2021, a person shall complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. The state-sponsored or state-approved course may include electronic completion or remote attendance options, as approved by the department. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.6(3) or 634.6(5), which shall be reserved only for licensed teachers or peace officers who qualify as behind-the-wheel instructors.

c. Upon certification, but prior to providing behind-the-wheel instruction, the person shall be:

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction.

(2) Employed by a public or licensed commercial or private provider of the approved driver education course.

**634.6(3) Instructor's certification for licensed teachers.** A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) shall be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.4(1) and 634.8(1), and except for the requirements in paragraphs 634.6(2) "a" and 634.6(2) "c," a teacher shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

**634.6(4) Instructor application and certification for a teacher with an expired teacher's license.** A teacher who holds an expired initial, standard, exchange, or master educator license with an endorsement for driver education as provided in 282—subrule 13.28(4) shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

**634.6(5) Instructor application and certification for active peace officers and retired peace officers.**

a. A person who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

(1) Be at least 25 years of age.

(2) Submit Form 431233 certifying the person's status as an active or retired peace officer.

(3) Meet all other requirements of subrule 634.6(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.6(2) "c"(1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.6(5) "a," to the department once unless the form is otherwise invalid or not accepted by the department.

**634.6(6) Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.**

a. A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.28(4), who does not hold an expired teacher's license as referenced in subrule 634.6(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178, shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

(1) Be at least 25 years of age.

(2) Meet the requirements in subrule 634.6(2), except that a person certified under this subrule shall complete the instructor refresher course referenced in paragraph 634.6(2) “b” annually until January 1, 2021, and thereafter shall complete the course biennially.

(3) Have successfully completed the instructor preparation requirements of this subrule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind-the-wheel observer. The person seeking a behind-the-wheel certification must apply to the department within 12 months of completion of the instructor preparation course. The department-approved instructor preparation course shall:

1. Consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind-the-wheel instruction.

2. Include, at a minimum, classroom instruction on topics including the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program that is approved by the Iowa board of educational examiners. The duration of a classroom instruction section shall not exceed four hours. Video-conferencing may be used for course delivery.

3. Include observation of behind-the-wheel instruction provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program that is approved by the Iowa board of educational examiners and that is designed to observe, coach, and evaluate behind-the-wheel instructor candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-controlled motor vehicle must be used.

b. Reserved.

**634.6(7) Behind-the-wheel certification—reissuance.**

a. A person whose behind-the-wheel certification has expired and is past the renewal period may be reissued a behind-the-wheel certification without having to retake the behind-the-wheel instructor preparation course only if the person meets all of the following criteria:

(1) The person held a valid behind-the-wheel certification within the two years immediately preceding the application.

(2) The person provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.

(3) The person completed at least one state-sponsored or state-approved behind-the-wheel instructor refresher course within the two calendar years immediately preceding the application unless otherwise exempt under this chapter.

(4) The person completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon certification, but prior to providing behind-the-wheel instruction, the person shall do all of the following:

(1) Be authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless otherwise exempt under this chapter.

(2) Be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4).

ITEM 6. Amend rule 761—634.7(321) as follows:

**761—634.7(321) Behind-the-wheel instructor’s certification Instructor disqualification, investigation and cancellation.** The following applies to departmental certification of a person who is qualified to provide the street or highway driving component of an approved driver education course.

**634.7(1) Qualifications.** To qualify for the behind-the-wheel driving instructor certification, the applicant must:

a. Be at least 25 years of age.

~~b. — Hold a valid driver’s license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.~~

~~c. — Have a clear driving record for the previous two years. — A clear driving record means the individual has:~~

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

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

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

~~(4) — No record of an accident for which the individual was convicted of a moving traffic violation.~~

~~d. — Have successfully completed the instructor preparation requirements of this rule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind the wheel observer.~~

~~**634.7(2)** **634.7(1)** *Disqualifications.* An individual A person shall be disqualified for the by the department from certification as a behind-the-wheel driving instructor ~~certification~~ for any of the following reasons: for which the executive director of the Iowa board of educational examiners would deny an application for licensure, certification or authorization as provided in rule 282—11.35(272).~~

~~a. — The individual has been convicted of child abuse or sexual abuse of a child.~~

~~b. — The individual has been convicted of a felony.~~

~~c. — The individual’s application is fraudulent.~~

~~d. — The individual’s teaching license or behind-the-wheel instructor’s certification from another state is suspended or revoked.~~

~~**634.7(3)** **634.7(2)** *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor’s certification or an instructor to determine if the applicant or instructor meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant’s or instructor’s criminal history from the department of public safety.~~

~~**634.7(4)** *Certification.*~~

~~a. — To obtain a behind the wheel instructor’s certification, an individual meeting the qualifications shall apply to the department on a form provided by the department. The certification shall be issued for a calendar year or remainder of a calendar year. The certification expires on December 31 but remains valid for an additional 30 days after the expiration date. The certification shall be renewed within 30 days of the expiration date.~~

~~b. — To renew a behind the wheel instructor’s certification, a person meeting the qualifications must:~~

~~(1) — Provide behind the wheel instruction for a minimum of 12 clock hours during the previous calendar year.~~

~~(2) — Participate in at least one state-sponsored or state-approved behind-the-wheel instructor refresher course.~~

~~**634.7(5)** *Instructor preparation requirements.* The department shall develop the curriculum in consultation with the Iowa driver education teacher preparation programs approved by the board of educational examiners and in consultation with the American Driver and Traffic Safety Education Association. Instructor preparation shall meet the following requirements:~~

~~a. — Instructor preparation shall consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind the wheel instruction.~~

~~b. — At a minimum, classroom instruction shall focus on topics such as the psychology of the young driver, behind the wheel teaching techniques, and route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program approved by the board of educational examiners. The duration of a classroom session shall not exceed four hours. Video conferencing may be used for course delivery.~~

~~c. — Observation of behind the wheel instruction shall be provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program approved by the board of educational examiners to observe, coach, and evaluate behind the wheel instructor~~

candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-control motor vehicle must be used.

*d.*—The individual seeking a behind-the-wheel certification must apply to the department within 12 months of the completion of the course.

~~634.7(6)~~ **634.7(3) Cancellation.** The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under paragraph 634.7(1)“e” or who no longer meets the qualifications for a behind-the-wheel instructor's certification this chapter.

~~634.7(7) Approved driver education course.~~ To provide the street or highway driving component of an approved driver education course, an individual holding a behind-the-wheel instructor's certification must be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed to teach driver education.

ITEM 7. Amend rule 761—634.8(321) as follows:

**761—634.8(321) Private and commercial driver education schools.** The department licenses private and commercial driver education schools as follows:

~~634.8(1) Instructor and course~~ **Course approval.** Prior to licensing Before becoming licensed, a driver education school, the department shall approve the school's course, classroom instructors and laboratory instructors must receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. Street or highway driving Behind-the-wheel instruction must be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners who meets the instructor requirements in rule 761—634.6(321). Written evidence Evidence of these the approvals and certifications must be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

**634.8(2) Application and fees.** Application for license issuance or renewal shall be made to the department ~~on forms provided~~ in a manner determined by the department. The fee for a license or the renewal of a license is \$25. The fee must be paid by cash, money order or check, unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

**634.8(3) Issuance and renewal.** A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The license shall be renewed application for renewal shall be submitted to the department within ~~30~~ 60 days of the expiration date, unless otherwise approved by the department.

**634.8(4) Cancellation.** A license to teach driver education shall be canceled if the course, teacher, or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the Iowa board of educational examiners.

ITEM 8. Amend rule 761—634.11(321) as follows:

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

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

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

“*Clear driving record*” means the individual person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject

to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

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

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

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

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

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

b. to d. No change.

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

a. No change.

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

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

(1) ~~Provided by a person before the person's approval as a teaching parent.~~

(2) (1) Provided by a person who ~~has not been~~ is not approved as a teaching parent.

(3) (2) Provided to a person who is not a student as defined in subrule 634.11(1).

(4) (3) Offered under a course other than an approved course.

**634.11(4) Course completion—certificate of completion.**

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

b. to d. No change.

**634.11(5) Course approval.**

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

b. and c. No change.

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

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Highway Administration Order No. H-2020-39  
 Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date January 14, 2020  
 Title Transfer of Jurisdiction of that portion of old U.S. 65 from Iowa 330 north 0.72 miles to N. 91st Avenue W.

**DISCUSSION/BACKGROUND:**

District 1 has negotiated the transfer of jurisdiction of old U.S. 65 to Jasper County. Segments totaling approximately 0.72 miles will be transferred to the county.

The road segment will be transferred in its present condition. The DOT will transfer \$300,000 to Jasper County for future rehabilitation costs. The proposed transfer will take place upon written notification by the state to the county of the time and date of the official transfer.

The state will prepare and forward a quitclaim deed to the county for the transfer segment.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended that the Commission approve this transfer of jurisdiction.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Nancy Maher

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

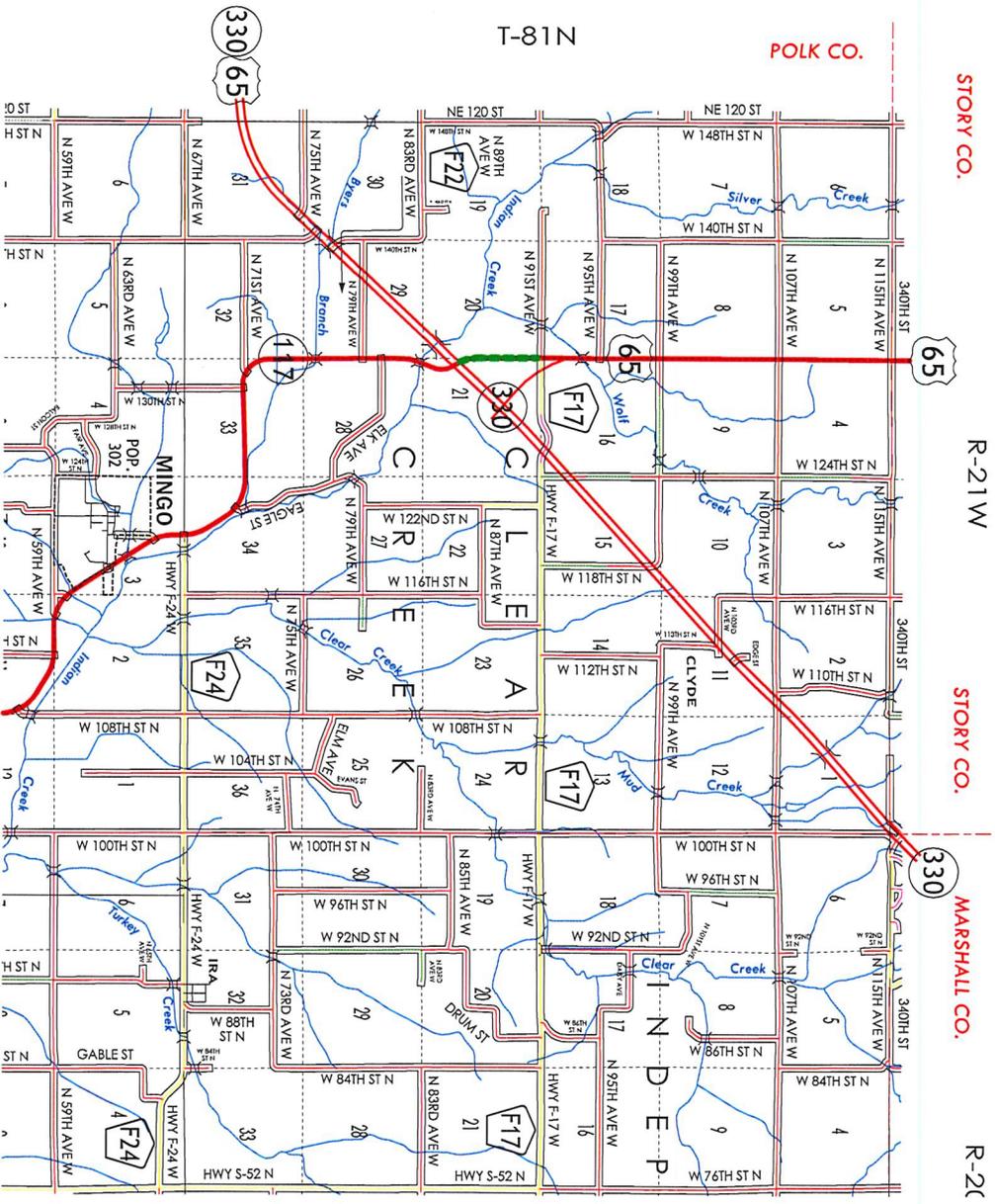
H-2020-39

Tony Gustafson, District 1; District 1 has negotiated the transfer of jurisdiction of old U.S. 65 to Jasper County. Segments totaling approximately 0.72 miles will be transferred to the county. The road segment will be transferred in its present condition. The DOT will transfer \$300,000 to Jasper County for future rehabilitation costs. The proposed transfer will take place upon written notification by the state to the county of the time and date of the official transfer.

The state will prepare and forward a quitclaim deed to the county for the transfer segment.

It is recommended the Commission approve the transfer of jurisdiction.

Commissioner Fehrman made a motion to approve the transfer of jurisdiction. Commissioner Maher seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.



Transfer to Jasper County

Transfer of Jurisdiction for  
US 65 Relocation

FILE NO.	ENGLISH	DESIGN TEAM	COUNTY	PROJECT NUMBER	SHEET NUMBER
935544 AR 1/14/2019	asmyth	p:\proj\project\wse.doc\int\map\Main\Documents\Projects\50085020\2\Drawings\Map_A01.shx	MINNAPOLIS		Map

2020-TJ-001\_JasperCo

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2020-40  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 14, 2020  
 Title Iowa's Clean Air Attainment Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the current round of applications for funding from Iowa's Clean Air Attainment Program has been completed. The following funding recommendations will be presented.

#6 Brown, Add Night Service – Year 1 (Ames Transit Agency)	\$ 29,108
#11 Cherry, Add Night Service – Year 1 (Ames Transit Agency)	\$ 32,562
#12 Lilac, Add Midday Service – Year 1 (Ames Transit Agency)	\$ 30,728
Euclid/Douglas Avenue Crosstown (Route 50) - Year 3 (Des Moines Area Regional Transit Authority)	\$ 313,749
First Phase Deployment Ames Traffic Signal Master Plan (Ames)	\$1,176,518
Iowa 17 (S. Avenue) Railroad Overpass and 200th St. Connection (Boone County)	\$ 800,000
Roundabout at Warrior Lane, Ashworth Dr., and Northview Dr. (Waukee)	\$1,277,370
West Ames Changes: (New Expansion Route #12 Lilac& Bus; Added frequency (#1 Red, #11 Cherry, #7 Purple) – Year 2, (Ames Transit Agency)	\$ 339,965
<b>Total</b>	<b>\$4,000,000</b>

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve Iowa's Clean Air Attainment Program funding recommendations as listed.

**COMMISSION ACTION:**

Moved by Nancy Maher Seconded by Linda Juckette

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

PPM-2020-40

Craig Markley, Systems Planning Bureau; Iowa's Clean Air Attainment Program came as a result of the creation of the Federal Congestion Mitigation and Air Quality Improvement Program in ISTEA legislation 1991. We have \$4 million in funding set aside annually for the ICAP program. This is an application-based program that awards funds to projects with the highest potential for reducing transportation related congestion and air pollution. Project priorities include reducing vehicle miles of travel and single occupant vehicle travel priorities also include improving vehicle travel flow or the projects and improve air quality or reduce traffic congestion. Projects are also evaluated based on their cost effectiveness. In this round we received 10 applications costing over 6 million in funding. Last month we shared with you our recommendation to fund eight of those projects with \$4 million.

We recommend you approve Iowa's Clean Air Attainment Program funding recommendation as listed on the commission order.

Commissioner Maher made a motion to approve Iowa's Clean Air Attainment Program funding recommendation as presented. Commissioner Juckette seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2020-41  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 14, 2020  
 Title Statewide Transportation Alternatives Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the current round of applications for funding from the statewide Transportation Alternatives Program has been completed. The following funding recommendations will be presented.

Iowa Safe Routes to School Partnership (Iowa Northland Regional Council of Governments and Upper Explorerland Regional Planning Commission)	\$ 201,055
Manning Safe Routes to School – South Phase I (Manning)	\$ 49,200
UNI Integrated Roadside Vegetation Management (University of Northern, Iowa and UNI Integrated Roadside Vegetation Management)	\$ 541,400
US 65 Underpass (Bondurant)	\$ 536,000
 Total	 \$1,327,655

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the Statewide Transportation Alternatives program funding recommendations as listed.

<b>COMMISSION ACTION:</b>			Vote	
			Aye	Nay
			Pass	
Moved by <u>John Putney</u>	Seconded by <u>Kathy Fehrman</u>	Arnold	<u>x</u>	_____
		Fehrman	<u>x</u>	_____
		Juckette	<u>x</u>	_____
		Maher	<u>x</u>	_____
		Putney	<u>x</u>	_____
		Rielly	<u>x</u>	_____
		Yanney	<u>absent</u>	_____
_____ Division Director	_____ Legal	_____ State Director		

PPM-2020-41

Craig Markley, Systems Planning Bureau; The Transportation Alternatives Program was first authorized by the Federal Transportation Funding Act Moving Ahead For Progress in the 21st Century (MAP-21) and replaced the former Transportation Enhancements, Safe Routes to School, and several other discretionary programs such as the National Scenic Byway. This funding supports community-based projects that expand travel choices and enhances the transportation experience by supporting bicycle, pedestrian, cultural, historic, aesthetic, and environmental projects related to surface transportation infrastructure. By Transportation Commission decision the department has reserved \$1 million for statewide projects with the remainder of the funding reserved for local projects and consultation with Iowa's nine metropolitan planning organizations and 18 regional planning affiliations through a regional project selection process administered by the department. In this round, we receive five applications requesting over \$1.7 million in funding. Last month, we reviewed with you our recommendation to fund four of those projects for a total of \$1,327,655.

We recommend you approve the Statewide Transportation Alternatives Program funding recommendation as listed on the commission order.

Commissioner Putney made a motion to approve the Statewide Transportation Alternatives Program funding recommendation. Commissioner Fehrman seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2020-42  
 Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 14, 2020  
 Title Federal Recreational Trails Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

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

Bluff Creek OHV Park Bridge Replacements (Iowa Department of Natural Resources)	\$ 326,560
Cedar Valley Nature Trail-Phase 5, Segment 2 (Linn County Conservation Board)	\$ 500,000
Raccoon River Valley Trail to High Trestle Trail Connector Phase IV (Dallas County Conservation Board)	\$ 328,175
Support for Program and Bicycle Summit (Iowa Department of Transportation)	\$ 7,000
Tatonka Ska Trace Rail Trail Phase IV(a) (Dickinson County Trails Board)	\$ 221,750
 Total	 \$1,383,485

**PROPOSAL/ACTION RECOMMENDATION:**

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

		Vote		
COMMISSION ACTION:		Aye	Nay	Pass
	Arnold	<u>x</u>	_____	_____
	Fehrman	<u>x</u>	_____	_____
	Juckette	<u>x</u>	_____	_____
Moved by <u>Linda Juckette</u> Seconded by <u>Kathy Fehrman</u>	Maher	<u>x</u>	_____	_____
	Putney	<u>x</u>	_____	_____
	Rielly	<u>x</u>	_____	_____
	Yanney	<u>absent</u>	_____	_____
_____ Division Director	_____ Legal		_____ State Director	

PPM-2020-42

Craig Markley, Systems Planning Bureau; The Federal Recreational Trails Program was also created under ISTEA legislation in 1991 and provides funding to develop and maintain recreational trails and trail related facilities for both non-motorized and motorized users. Examples include hiking, bicycling, water trails, equestrian, cross country skiing, snowmobiling, all-terrain vehicles, and many others. We received 21 applications requesting over \$7 million in funding. Last month we share with you our recommendation to fund five of those projects for total of \$1,393,485.

We recommend you approve the Federal Recreational Trails Program recommendation that is listed on the commissioner.

Commissioner Juckette made a motion to approve the Federal Recreational Trails Program funding recommendation. Commissioner Fehrman seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2020-43  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 14, 2020  
Title Revitalize Iowa's Sound Economy (RISE) Application – Bondurant

**DISCUSSION/BACKGROUND:**

Bondurant submitted a RISE Immediate Opportunity application requesting a grant to assist in reconstruction of approximately 4,600 feet on 32<sup>nd</sup> Street SW and 1,250 feet on Grant Street and signal and intersection improvements along U.S. 65 and 32<sup>nd</sup> Street SW on the south side of town. A revision to the previously awarded certified site grant was requested to include the final scope and total costs to the Bondurant project.

This project is necessary to provide improved access to a warehouse, distribution and fulfillment center, to be located on the Fortner-Eshelman property, which is now an Iowa Economic Development Authority certified site of more than 175 acres. The certification for this site expires March 29, 2021. To maximize RISE support for this project, staff evaluated the application as an Iowa's Certified Site Program RISE Local Development application.

The evaluation and rating for the project will be discussed.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission, based on potential capital investment and future job creation, approve the modification of the previously awarded certified site RISE grant to include the final scope and costs and award a RISE grant of \$8,565,283 or up to 60 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE funds.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Nancy Maher

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

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Craig Markley, Systems Planning Bureau; There is a delegation present in case you have any questions following my presentation of background information. The city of Bondurant submitted a RISE Immediate Opportunity application requesting a grant to assist in reconstruction of approximately 4,600 feet of 32nd Street SW, 1,250 feet on Grant Street and signal and intersection improvements along US 65 and 32nd Street SW on the south side of town. A revision to the previously awarded Certified Site Grant was requested to include the final scope and total cost for this project in Bondurant. This project is necessary to provide approved access to a warehouse distribution and fulfillment center to be located on the Fortner Eshelman property, which is now an Iowa Economic Development Authority certified site of more than 175 acres. To maximize RISE support for this project, staff evaluated the application as an Iowa Certified Site Program RISE Local Development application.

Under RISE Local Development criteria the project received a rating of 74 points, total estimated cost of the project of \$14,275,472 the city of Bondurant is requesting a RISE grant of \$8,555,283 and we'll be providing 40% local match. Before I proceed to staff recommendation, I'd like to check to see if you have any questions for the delegation.

It's recommended the Commission based on potential capital investment and future job creation approve the modification of the previously awarded certified site RISE grant to include the final scope and costs and award a RISE grant of \$8,565,283 or up to 60% of the total RISE eligible project costs, whichever is less. Funding would come from the city share the RISE fund.

Commissioner Juckette: I just want to again comment on, I believe that 600 feet between the two stoplights is not enough distance for all the cars that they're going to have in and out of there. I would be concerned that there's going to be a real backup. I would encourage the city to re-look at that, even though that's been engineered, unless they're going to stagger their, hours that employees are coming in and out of there on a 24 hour basis. I just, that's still a concern of mine that that's not enough distance 600 feet.

Craig Markley: That is a good point. They did share with me, during the workshop break that the company is planning to stagger work hours for employees. Sorry I didn't mention that sooner.

Commissioner Fehrman made a motion to modify the previously awarded certified site RISE grant as recommended. Commissioner Maher seconded the motion. Commissioner Yanney was absent. The motion passed unanimously.

