

**Commission Minutes  
January 13, 2021**



**IOWA TRANSPORTATION COMMISSION**  
Meeting Agenda / Commission Orders

January 13, 2021  
Teleconference

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
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IT-2021-37	* Administrative Rules – 761 IAC 4, Public Records and Fair Information Practices	Bill George	5
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1:20 p.m.			
	Adjourn		
*Action Item			

On Wednesday, January 13, the Commission and staff will meet informally via teleconference at 9:30 a.m. Transportation-related matters will be discussed but no action will be taken.

## Public Input from Congresswoman Ashley Hinson

Congresswoman Ashley Hinson spoke to the Commission remotely to share her interest in working with the Iowa Transportation Commission to accomplish good things for the state of Iowa. She announced that she has been appointed to a seat on the Appropriations Committee and that she's already visited with Iowa's other congressional representatives to discuss opportunities to work together for the state of Iowa and working on an infrastructure package is one of those opportunities. An infrastructure package is also a priority for the Biden administration and she announced she already visited with their legislative liaison along with Secretary-designate Tom Vilsack. Congresswoman Hinson closed that she felt her experience in the Iowa Legislature will help her hit the ground running to support the state of Iowa.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2021-36  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date January 13, 2021  
Title Approve Minutes of the December 8, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the December 8, 2020 Commission meeting.

COMMISSION ACTION:

Moved by John Putney Seconded by Charese Yanney

	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>x</u>	_____	_____

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

D-2021-36

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

Commission Comments

Commissioner Rielly would like to get an update on DC trip.

DOT Comments

Thank you to Congresswoman Ashley Hinson, we look forward to working with her on a National level.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Information Technology Division Order No. IT-2021-37  
 Submitted by Bill George Phone No. 515-233-7783 Meeting Date January 13, 2021  
 Title Administrative Rules — 761 IAC 4, Public Records and Fair Information Practices

**DISCUSSION/BACKGROUND:**

This rule making concerns Chapter 4 and conforms with 2020 Iowa Acts, House File 2627, section 33, which amended Iowa Code section 22.4 to clarify that public records may be requested in person, in writing, by telephone, or by electronic means.

The proposed amendments also comply with 2020 Iowa Acts, House File 2474, section 1, which amended Iowa Code section 804.29 regarding the confidentiality of information filed with the court used to secure an arrest warrant. During the confidentiality period, access to such information can be expressly restricted by court order.

This rule making also clarifies the procedures that must be followed to secure records when a record copy is removed from the place where it is available.

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

The public comment period ended on November 24, 2020. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Tom Rielly Seconded by Kathy Fehrman

	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>x</u>	_____	_____

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

IT-2021-37

Bill George, Information and Technology Division; the rulemaking conforms Public Records and Fair Information practices with HF 2474, section one and HF, 2627, sec 33 that were passed during the 2020 Legislative Session. It is recommended that the commission approve the rule amendments to Chapter four that were discussed during the Commission workshop held this morning.

Commissioner Rielly made a motion to approve the rule as presented. Commissioner Fehrman seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

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

The Department of Transportation hereby proposes to amend Chapter 4, “Public Records and Fair Information Practices,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 305.15 and 307.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 22.4 and 804.29.

*Purpose and Summary*

This proposed rule making conforms Chapter 4 with recent amendments to the Iowa Code. 2020 Iowa Acts, House File 2627, section 33, amends Iowa Code section 22.4 to clarify that public records may be requested in person, in writing, by telephone, or by electronic means. The Department’s practice already allows for these methods. 2020 Iowa Acts, House File 2474, section 1, amends Iowa Code section 804.29 regarding the confidentiality of information filed with the court used to secure an arrest warrant. During the confidentiality period, access to such information can be expressly restricted by court order.

The proposed amendments also clarify subrule 4.3(6) concerning security of records to state that, without permission from the custodian, a record copy may not be removed from the place where it is available and the custodian shall place at least one certified copy in the file if the original record is released.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 24, 2020. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on November 30, 2020, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 24, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **4.3(1)“b”** as follows:

*b.* Notwithstanding paragraph “a” of this subrule, any request that may be related to a potential or an actual tort claim or other litigation shall be submitted to ~~the following address~~: General Counsel, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. If the custodian receives a request of this nature, the custodian shall forward the request to the department's general counsel.

ITEM 2. Amend subrule 4.3(3) as follows:

**4.3(3) Form of request.** A request for access to a record shall reasonably describe the record requested. A request for access to an open record may be made ~~orally or in person~~, in writing, by telephone, or by electronic means. A requester shall not be required to give reasons for requesting an open record.

ITEM 3. Amend subrule 4.3(6) as follows:

**4.3(6) Security of records.** No person may, without permission from the custodian, search agency files or remove any record copy from the place where it is made available. The custodian shall supervise the examination and copying of records and protect the records from damage and disorganization. Original paper records shall be released from department custody only upon court order. ~~At The custodian shall place at least one certified copy shall be retained~~ in the file if the original record is released.

ITEM 4. Amend subrule 4.9(6) as follows:

**4.9(6)** Unless otherwise ordered by the court, all information filed with the court for the purpose of securing a warrant for an arrest including, but not limited to, a citation and affidavits, until such time as a peace officer has made the arrest and has made the officer's return on the warrant, or the defendant has made an initial appearance in court. (Iowa Code section 804.29)

*a.* However, the information in the record may be disseminated without court order during the course of official duties to the persons authorized in Iowa Code section 804.29 unless access to such information is expressly denied by court order.

*b.* Reserved.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-38  
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date January 13, 2021  
Title Administrative Rules — 761 IAC 121, Adopt-A-Highway Program

**DISCUSSION/BACKGROUND:**

The proposed amendments to Chapter 121 reflect the department’s current electronic application process for prospective sponsors to participate in the Adopt-A-Highway Program and specify that sponsors are responsible for litter pickup for a designated segment of highway. Other work in the right-of-way, such as landscaping activities, is approved through a different process.

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

The public comment period ended on November 24, 2020. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Charese Yanney Seconded by John Putney

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

	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>x</u>	_____	_____

H-2021-38

Mitchell Dillavou, Highway Administration Division: Chapter 121 is included in the updates as part of the five-year review process also reflects the Department's current electronic application process for prospective sponsors to participate in Adopt-a-Highway program. This was discussed this morning at the Commission workshop and is recommended the commission approve the rule amendments included in the Chapter121.

Commissioner Yanney made a motion to approve the rule as presented. Commissioner Putney seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to the adopt-a-highway program  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 121, “Adopt-A-Highway 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, Iowa Code section 307.24.

*Purpose and Summary*

The proposed amendments to Chapter 121 include references to the Department’s website and the Maintenance Bureau for information on the Adopt-A-Highway Program. Other proposed amendments reflect the Department’s current electronic application process for prospective sponsors to participate in the Adopt-A-Highway Program and specify that the sponsors are only responsible for litter pickup for a designated segment of highway because work in the right-of-way, such as installation and maintenance of native plants or other landscape activities, is approved through a different process.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 24, 2020. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on November 30, 2020, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 24, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—121.2(307) as follows:

**761—121.2(307) Information and location.** ~~Information and application forms relating to the adopt-a-highway program may be obtained by contacting the local maintenance office for the name of the person administering the program in the local area, or: Office of~~ online at [www.iowadot.gov](http://www.iowadot.gov). Assistance is available by mail from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010 or by telephone at (515)239-1971. Applications shall be submitted to the person administering the program in the local area.

ITEM 2. Amend rule 761—121.3(307) as follows:

**761—121.3(307) Program guidelines.**

**121.3(1)** The adopt-a-highway program allows individuals or groups to assume responsibility for performing litter pickup for a specific segment of highway.

**121.3(2)** All primary roads, including interstate highways, under the jurisdiction of the department shall be eligible for participation in the adopt-a-highway program.

ITEM 3. Rescind and reserve rule **761—121.5(307)**.

ITEM 4. Amend subrule 121.6(1) as follows:

**121.6(1) Application.** ~~Form 810105, "Application to Adopt A Highway," includes the agreements to be signed by the sponsor and the department and lists the responsibilities of both the sponsor and the department.~~ The adopt-a-highway webpage located on the department's website at [www.iowadot.gov](http://www.iowadot.gov) contains a link to an online adopt-a-highway permit application form. After a prospective sponsor applies online, the department will review the application and contact the prospective sponsor by telephone or email.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-39  
 Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date January 13, 2021  
 Title Administrative Rules — 761 IAC 150, Improvements and Maintenance on Primary Road Extensions

**DISCUSSION/BACKGROUND:**

This rule making concerns Chapter 150 and continues the requirement that a city shall still be responsible for providing, without cost to the department, all necessary rights-of-way that involve dedicated streets or alleys. The proposed amendments modify the requirement that a city provide all necessary rights-of-way that involve other city-owned lands, except parklands, to state that a city “may” (rather than “shall”) be responsible for providing them. Other proposed amendments add references to Iowa Code section 306.42, clarify terminology regarding road type, correct the bureau name, and reflect the current version of an AASHTO publication.

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

The public comment period ended on November 24, 2020. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Tom Rielly

	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>x</u>	_____	_____

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

H-2021-39

Mitchell Dillavou, Highway Administration Division: this proposed amendment modifies the requirement that a city provide all necessary rights-of-way to state that a city *may* rather than *shall* be responsible for providing them, in addition to the five-year review process. This was discussed this morning at the Commission workshop and it is recommended the commission approve the rule amendments Chapter 150.

Commissioner Fehrman made a motion to approve the rule as presented. Commissioner Rielly seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to rights-of-way and primary road extensions  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 150, “Improvements and Maintenance on Primary Road Extensions,” Iowa Administrative Code.

*Legal Authority for Rule Making*

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

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 306.4 and 306.42.

*Purpose and Summary*

This proposed rule making amends subrules 150.2(1) and 150.3(1) to continue the requirement that a city shall still be responsible for providing, without cost to the Department, all necessary rights-of-way that involve dedicated streets or alleys. However, the proposed amendments to the subrules modify the requirement that a city provide all necessary rights-of-way that involve other city-owned lands, except parklands, by stating that a city “may” (rather than “shall”) be responsible for providing them. This will enable a city to negotiate the transfer of parcels of land, instead of donating them outright to the Department.

Other proposed amendments to Chapter 150 update two implementation sentences to add a reference to Iowa Code section 306.42, clarify terminology regarding road type, reflect the current version of an American Association of State Highway and Transportation Officials (AASHTO) publication, and correct a bureau name.

*Fiscal Impact*

The fiscal impact cannot be determined. The proposed amendments that may incur some fiscal impact to the Department and cities are subrules 150.2(1) and 150.3(1). The level of fiscal impact will depend on three highly variable factors: the number of projects that would be likely to have an impact on city land in any given period, the size and value of the parcels in question, and the decision of the affected city as to whether the city would choose to donate the parcels to the Department or negotiate a sale with the Department instead. The potentially negative fiscal impact to the Department and potentially positive impact to cities depend on how those three variables interact.

*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 24, 2020. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on November 30, 2020, via conference call from 10:30 to 11:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 24, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 150.2(1) as follows:

**150.2(1) Construction.** Except as otherwise provided, the department shall be responsible for all right-of-way and construction costs associated with the construction of ~~freeways and their~~ freeway extensions.

*a.* The city shall be responsible for providing, without cost to the department, all necessary ~~right-of-way which involves:~~

(1) ~~Dedicated rights-of-way that involve dedicated streets or alleys, and.~~

(2) *b.* ~~Other~~ The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

~~*b. c.*~~ *c.* Outside the access control limits, the department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction in the proportion that the street right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be responsible for the remaining portion of ~~storm sewer~~ storm-sewer costs not paid for by the department.

~~*e. d.*~~ *d.* The department shall be responsible for all storm-sewer related costs within the access control limits.

ITEM 2. Amend subrule 150.2(2), introductory paragraph, as follows:

**150.2(2) Maintenance.** The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate

line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance responsibilities of freeway extensions within the corporate city limits, including corporate line roads, shall be as follows:

ITEM 3. Amend rule ~~761—150.2(306)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 306.4, 306.42, 313.4, 313.5, 313.21 to 313.24, 313.27, 313.36, 314.5 and 314.6 and chapter 306A.

ITEM 4. Amend subrule 150.3(1) as follows:

**150.3(1) Construction.**

a. The department shall be responsible for all right-of-way and construction costs to construct nonfreeway primary ~~highways and their~~ highway extensions to the minimum design criteria as established by the department. Construction improvement costs beyond minimum design criteria shall be the responsibility of the city, as specified in the project agreement. Minimum design criteria shall be in accordance with “A Policy on Geometric Design of Highways and Streets, ~~2011~~ 2018” (~~Sixth~~ Seventh Edition AASHTO Green Book).

b. The city shall be responsible for providing, without cost to the department, all necessary ~~right-of-way which involves:~~

(1) ~~Dedicated rights-of-way that involve dedicated streets or alleys, and~~

(2) ~~c. Other~~ The city may be responsible for providing, without cost to the department, all necessary rights-of-way that involve other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

~~e. d.~~ The city shall take all necessary legal action to discontinue and prohibit any past or present use of project ~~right-of-way~~ rights-of-way for private purposes. The city shall prevent any future encroachment or obstruction within the limits of project ~~right-of-way~~ rights-of-way.

~~d. e.~~ The department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes in the proportion that the right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be responsible for the remaining portion of ~~storm-sewer~~ storm-sewer costs not paid for by the department.

~~e. f.~~ Unless otherwise mutually agreed to and specified in the project agreement, the department shall be responsible for the cost of ~~right-of-way~~ acquiring rights-of-way and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes.

ITEM 5. Amend subrule 150.3(2), introductory paragraph, as follows:

**150.3(2) Maintenance.** The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, the maintenance responsibilities of nonfreeway primary highway extensions within the corporate city limits, including corporate line roads, shall be as follows:

ITEM 6. Amend rule ~~761—150.3(306)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 306.4, 306.42, 313.5, 313.21 to 313.24, 313.27, 313.36, 314.5, 314.6 and 321E.3 and chapter 306A.

ITEM 7. Amend subrule 150.5(1) as follows:

**150.5(1) Waivers.** The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the Rules Administrator, Strategic Communications and Policy Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator’s email address listed on the department’s website at iowadot.gov/administrativerules.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2021-40  
 Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date January 13, 2021  
 Title Administrative Rules — 761 IAC 131, Signing on Primary Highways

**DISCUSSION/BACKGROUND:**

This rule making concerns Chapter 131 and complies with 2020 Iowa Acts, Senate File 388. This legislation requires the department to adopt rules to define the procedures and requirements for private entities to purchase and pay for the installation of signs designating the Iowa Medal of Honor Highway (U.S. Highway 20).

Other proposed amendments correct a bureau name and make editorial changes to several introductory paragraphs for consistency within the chapter.

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

The public comment period ended on December 22, 2020. The department received one response asking for clarification of the term “applicant.” The use of “applicant” in the rule is not intended to be associated with any organization, agency or person. The intent of the rule is that anyone can apply to purchase a sign for installation on the Iowa Medal of Honor Highway.

**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 Kathy Fehrman

	Aye	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>x</u>	_____	_____

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

H-2021-40

Mitchell Dillavou, Highway Administration Division: Signing on Primary Highways this rule requires the Department to adopt rules to define the procedures and requirements for private entities to purchase and pay for the installation of signs designating U.S. Highway 20 the Iowa Medal of Honor Highway. This is to comply with 2020 Iowa Acts, Senate File 388.

This was discussed this morning at the Commission workshop and is recommended Commission approve the rule amendments as outlined in chapter 131, the Iowa code.

Commissioner Juckette made a motion to approve the rule as presented. Commissioner Fehrman seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

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

The Department of Transportation hereby proposes to amend Chapter 131, “Signing on Primary Highways,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 314.31.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 314.31 and 321.252.

*Purpose and Summary*

This proposed rule making updates Chapter 131 to comply with 2020 Iowa Acts, Senate File 388, sections 1 and 2; corrects the name of the Traffic and Safety Bureau; and makes editorial changes to the introductory paragraphs of several rules for consistency within the chapter.

2020 Iowa Acts, Senate File 388, adds section 314.31 to the Iowa Code. This section requires the Department to adopt rules to define the procedures and requirements for private entities to purchase and pay for the installation of signs designating the Iowa Medal of Honor Highway. This highway is defined as the segment of United States Highway 20, as designated as of June 17, 2020, which crosses Iowa from Sioux City to Dubuque.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. The number of signs that will be installed on the Iowa Medal of Honor Highway is limited, and the cost and installation of the signs will be paid for by private entities.

*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 22, 2020. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 28, 2020, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 22, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Strike "office of traffic safety" wherever it appears in rules **761—131.1(321)** to **761—131.3(321)** and **761—131.6(321)** to **761—131.8(321)** and insert "traffic and safety bureau" in lieu thereof.

ITEM 2. Amend rule 761—131.2(321), introductory paragraph, as follows:

**761—131.2(321) Erection of signs for numbered business routes.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes signing requirements, responsibilities and procedures for the erection of signs for numbered business routes.

ITEM 3. Amend rule 761—131.3(321), introductory paragraph, as follows:

**761—131.3(321) Erection of signs for schools.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes requirements and procedures for the erection of signs for schools.

ITEM 4. Amend rule 761—131.4(321), introductory paragraph, as follows:

**761—131.4(321) Erection of camping service signs on interstate highways.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes requirements and procedures for the erection of camping service signs.

ITEM 5. Amend rule 761—131.5(321), introductory paragraph, as follows:

**761—131.5(321) Erection of signs for sanitary landfills.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes requirements and procedures for the erection of signs for sanitary landfills.

ITEM 6. Amend rule 761—131.6(321), introductory paragraph, as follows:

**761—131.6(321) Erection of signs for special events.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes requirements, procedures and responsibilities for the erection of signs for special events.

ITEM 7. Amend rule 761—131.7(321), introductory paragraph, as follows:

**761—131.7(321) Erection of signs for organized off-highway camps.** ~~The purpose of this~~ This rule is to establish ~~establish~~ establishes requirements, procedures and responsibilities for the erection of signs for organized off-highway camps.

ITEM 8. Amend rule 761—131.8(321), introductory paragraph, as follows:

**761—131.8(321) Erection of signs for county conservation parks.** ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements, procedures and responsibilities for the erection of signs for county conservation parks.

ITEM 9. Amend rule 761—131.9(321), introductory paragraph, as follows:

**761—131.9(321) Erection of no parking signs.** ~~The purpose of this~~ This rule is to establish ~~establishes~~ procedures and conditions for the erection of no parking signs on rural primary highways.

ITEM 10. Adopt the following new rule 761—131.11(314):

**761—131.11(314) Signing for Iowa medal of honor highway.** This rule establishes the procedures and requirements for private entities to purchase and pay for the installation of signs designating the Iowa medal of honor highway.

**131.11(1) Definition.** “*Iowa medal of honor highway*” means the segment of the highway known as United States Highway 20, as designated as of June 17, 2020, which crosses this state from Sioux City to Dubuque.

**131.11(2) Requirements.**

*a.* The number of signs within the highway right-of-way shall be limited to one sign at each end of the Iowa medal of honor highway for traffic entering the state and one sign at each entry point of the corporate limits of each city through which the Iowa medal of honor highway passes.

*b.* Each sign shall match the design approved and provided by the department, and the sign materials shall comply with departmental standard specifications as they exist at the time of fabrication. The departmental standard specifications can be found through the department’s electronic reference library available on the department’s website at [www.iowadot.gov](http://www.iowadot.gov).

*c.* Once signs are installed at one of the approved locations, no additional requests will be accepted for that location. When signs have been installed at all locations identified in paragraph 131.11(2)“*a.*,” no further requests will be accepted.

*d.* The applicant may purchase a sign from the department’s sign shop or any other private sign shop. If an applicant chooses to obtain a sign from a private sign shop, the department will furnish the sign design and approve the construction prior to purchase. The department will also inspect the sign as stated in subrule 131.11(5).

*e.* Signs designating the Iowa medal of honor highway shall be furnished and paid for by the applicants, including any replacements needed due to sign deterioration or damage. The applicant is responsible for providing the traffic and safety bureau with the applicant’s current contact information so the applicant can be contacted when a replacement sign is needed. Failure to comply with this requirement may result in removal of all signs the applicant purchased. This would allow a new private entity to sponsor the signing.

*f.* The applicant shall be responsible for the cost to install the sign, including the posts and hardware. Payment to the department must be received prior to the installation of the sign.

*g.* The department shall install the sign.

**131.11(3) Procedures.**

*a.* A written request to purchase or install a sign shall be submitted to the traffic and safety bureau.

*b.* The request shall contain the following:

(1) The applicant’s name and contact information.

(2) A description of the location where the sign is to be installed.

(3) If the sign will be purchased from the department or a private sign shop.

**131.11(4) Approval.** If the request complies with this rule, the traffic and safety bureau shall respond to the applicant with approval of the proposed location or modified location and an estimate of the costs for the sign and installation. Following inspection of the sign in compliance with subrule 131.11(5) and receipt of payment, the department shall install the sign.

**131.11(5) Inspection.** If a sign is not purchased from the department sign shop, the applicant shall deliver the sign to the department sign shop for inspection. Upon receipt of the sign, the department shall inspect the sign for compliance with the approved sign design and departmental specifications and notify the applicant.

ITEM 11. Amend rule 761—131.15(321) as follows:

**761—131.15(321) Information and address.** Information regarding the signing addressed in this chapter is available from: ~~Office of~~ Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Submissions to the ~~office of~~ traffic and safety bureau shall also be sent or delivered to this address.

ITEM 12. Amend **761—Chapter 131**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 314.31, 321.252 and 321.253.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-41  
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date January 13, 2021  
 Title Administrative Rules — 761 IAC 620, OWI and Implied Consent

**DISCUSSION/BACKGROUND:**

This rule making concerns Chapter 620 and conforms with 2020 Iowa Acts, House File 2411, sections 1 to 3, which amended Iowa Code section 321J.20 to remove participation in the 24/7 sobriety and drug monitoring program as a condition of obtaining a temporary restricted license (TRL) while serving a driver’s license revocation for an operating while intoxicated offense or as a condition of reinstatement after an OWI renovation. The legislation now provides the court with the authority to require an eligible OWI offender to participate in the 24/7 program regardless of whether that offender is also eligible for a TRL.

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

The public comment period ended on January 5, 2021. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Charese Yanney Seconded by Kathy Fehrman

	Aye	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>x</u>	_____	_____

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

MV-2021-41

Melissa Gillett, Motor Vehicle Division: The proposed administrative rule changes to chapter 620 that were discussed during the workshop this morning will bring the rules into compliance with recent changes made to Iowa code chapter 321J relating to the state's 24/7 sobriety monitoring program.

It is recommended the commission approve the proposed changes to administrative rule chapter 620.

Commissioner Yanney made a motion to approve the rule as presented. Commissioner Fehrman seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to OWI and implied consent  
and providing an opportunity for public comment**

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

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321J.20.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321J.20.

*Purpose and Summary*

This proposed rule making amends Chapter 620 to conform the rules with 2020 Iowa Acts, House File 2411, sections 1 to 3, which amend Iowa Code section 321J.20 to remove participation in the 24/7 sobriety and drug monitoring program (24/7 program) as a condition of obtaining a temporary restricted license (TRL) while serving a driver’s license revocation for an operating while intoxicated (OWI) offense or as a condition of reinstatement after an OWI revocation. The purpose of the legislation is to improve the effectiveness of the 24/7 program. Prior to the 2020 legislation, a person could avoid being subject to the requirement to participate in the 24/7 program by declining to obtain a TRL, which also unintentionally resulted in fewer OWI offenders seeking a TRL. The 2020 legislation now provides the court with the authority to require an eligible OWI offender to participate in the 24/7 program regardless of whether that offender is also eligible for a TRL.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa as the rule making conforms with 2020 Iowa Acts, House File 2411, sections 1 to 3, which remove participation in the 24/7 sobriety and drug monitoring program as a condition of obtaining a TRL while under driver’s license revocation for or reinstating a driver’s license due to an OWI offense.

*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 January 5, 2021. 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*

If requested, a public hearing to hear requested oral presentations will be held on January 7, 2021, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Rescind paragraph **620.3(1)“c.”**

ITEM 2. Rescind subrule **620.5(8)**.

ITEM 3. Rescind and reserve rule **761—620.17(321J)**.

ITEM 4. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A; and 321J as amended by 2019 Iowa Acts, Senate File 364, section 1; and 901D as amended by 2019 Iowa Acts, Senate File 364, section 2; and sections 321.193, 321.201, 321.376 and 707.6A.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-42  
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date January 13, 2021  
 Title Administrative Rules — 761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight

**DISCUSSION/BACKGROUND:**

This rule making updates Chapter 511 to align the rules with existing legal authority, department practice and Iowa Code chapters 321 and 321E as amended by 2020 Iowa Acts, House File 2310, sections 1 to 4. This legislation relates to the elimination of the permit for vehicles of excessive size and weight transporting hay, straw, stover or bagged livestock bedding.

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

The public comment period ended on December 22, 2020. The department did not receive any public comments or requests for oral presentations.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Rich Arnold Seconded by Kathy Fehrman

	Aye	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>x</u>	_____	_____

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

MV-2021-42

Melissa Gillett, Motor Vehicle Division: The proposed administrative rule changes to chapter 511 that were discussed during the workshop this morning will bring the rules into compliance with recent changes made during Iowa's 2020 legislative session to Iowa code relating to oversize loads of hay, straw, stover, or bagged livestock bedding, which no longer requiring special permit.

It is recommended the commission approve the proposed changes to administrative rule chapter 511.

Commissioner Arnold made a motion to approve the rule as presented. Commissioner Fehrman seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

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

The Department of Transportation hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321E.15.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.454, 321.456, 321.457 and 321E.29.

*Purpose and Summary*

This proposed rule making updates Chapter 511 to align the rules with existing legal authority, Department practice, and Iowa Code chapters 321 and 321E as amended by 2020 Iowa Acts, House File 2310, sections 1 to 4.

The proposed amendments strike references to the permit for divisible loads of hay, straw, stover, or bagged livestock bedding since that permit was eliminated by the Legislature and clarifies that a permit for special or emergency circumstances is also authorized under Iowa Code section 321E.29(1). The proposed amendments also add a reference to the fee for a special alternative energy permit, which is set forth in Iowa Code section 321E.14 but was not previously included in Chapter 511. A technical change is proposed to the payment methods accepted by the Department so that the rule will align with current Department procedures.

The proposed amendments conform with the current Department practice of permittees accessing the most up-to-date route and detour information from the [511ia.org](http://511ia.org) website, rather than having to call a person at the Department to receive the information.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 22, 2020. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 28, 2020, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 22, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 511.2(4), introductory paragraph, as follows:

**511.2(4)** Except as provided in ~~subrule 511.7(6) and~~ rule 761—511.15(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 2. Amend paragraph **511.4(2)“a”** as follows:

a. Applications for permits for movement on the primary road system shall be made online or ~~on~~ in the form and manner prescribed by the department.

ITEM 3. Amend rule 761—511.5(321,321E) as follows:

#### **761—511.5(321,321E) Fees and charges.**

**511.5(1)** No change.

**511.5(2)** ~~Annual Special or emergency oversize permit for certain divisible loads.~~ A fee of \$25 ~~shall~~ may be charged for each ~~annual~~ single-trip permit issued pursuant to Iowa Code section 321E.29, payable prior to the issuance of the permit. ~~Only divisible loads of hay, straw, stover, or bagged livestock bedding are permitted under this permit.~~

**511.5(3) to 511.5(9)** No change.

**511.5(10)** Special alternative energy multitrip permit. A fee of \$600 shall be charged for each special alternative energy multitrip permit issued pursuant to Iowa Code section 321E.9B, payable prior to the issuance of the permit.

~~511.5(10)~~ **511.5(11)** Compacted rubbish permit. A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~511.5(11)~~ **511.5(12)** *Duplicate permit.* A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(12)~~ **511.5(13)** *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(13)~~ **511.5(14)** *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

*a.* A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

*b.* A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

~~511.5(14)~~ **511.5(15)** *Methods of payment.* Fees and costs required under this chapter shall normally be paid by credit card, certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority in the form and manner prescribed by the department.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 4. Amend rule 761—511.7(321,321E), introductory paragraph, as follows:

**761—511.7(321,321E) Annual permits.** Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. ~~Detour~~ Route, detour and road embargo information may also be found online at: [www.511ia.org](http://www.511ia.org). ~~Prior to making the move, the owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, to verify that the owner or operator is using the most recent information.~~ Annual permits are issued for the following:

ITEM 5. Rescind subrule **511.7(6)**.

ITEM 6. Amend rule **761—511.7(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, ~~321E.29~~ and 321E.29A.

ITEM 7. Amend paragraph **511.8(1)“e”** as follows:

*e. Routing.* The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. ~~Detour~~ Route, detour and road embargo information may be found online at [www.511ia.org](http://www.511ia.org). ~~The owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, prior to making the move to verify that the owner or operator is using the most recent information.~~

ITEM 8. Rescind and reserve subrule **511.9(6)**.

ITEM 9. Amend rule **761—511.9(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, and 321E.10 ~~and 321E.29~~.

ITEM 10. Amend rule **761—511.12(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, and 321E.9 ~~and 321E.29~~.

ITEM 11. Rescind subrule **511.15(4)**.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-43  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 13, 2021  
Title Revitalize Iowa's Sound Economy (RISE) Application – Altoona

**DISCUSSION/BACKGROUND:**

The city of Altoona submitted a RISE Local Development application in the September 2020 round requesting a grant to assist in construction of approximately 1,680 feet of Ziegler Drive NW located on the northwest side of town.

This project is necessary to provide access to four lots totaling more than 34 acres for light industrial purposes. This project is anticipated to be completed by December 2024.

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, award a RISE grant of \$1,058,041 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Tom Rielly

	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>x</u>	_____	_____

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

PPM-2021-43

Craig Markley, Planning, Programming and Modal Division - Systems Planning Bureau; Altoona submitted a Local Development RISE funding request to assist in construction of approximately 1,680 feet of Ziegler Drive NW located on the northwest side of town.

This project is necessary to provide access to four lots totaling more than 34 acres for light industrial purposes.

Under our RISE Local Development criteria, this project received a rating of 40 points. The total estimated cost of the project is \$2,116,081. The city of Altoona is requesting a RISE grant of \$1,058,041 and will be providing 50 percent in local match.

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$1,058,041 or up to 50 percent of the total RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund.

Commissioner Fehrman made a motion to approve the rule as presented. Commissioner Rielly seconded the motion. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-44  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 13, 2021  
Title Revitalize Iowa's Sound Economy (RISE) Application – Farley

**DISCUSSION/BACKGROUND:**

The city of Farley submitted a RISE Local Development application in the February 2020 round and was awarded RISE funds on May 12, 2020. The city submitted a revised request to reduce the grant to assist in construction of approximately 1,514 feet of 9<sup>th</sup> Avenue NW located on the northwest side of town.

The revised project is necessary to provide access to eight lots totaling more than 24 acres for industrial purposes. This project is anticipated to be completed by November 2021.

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, award a revised RISE grant of \$381,089 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

**COMMISSION ACTION:**

Moved by Rich Arnold 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>x</u>	_____	_____

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

PPM-2021-44

Craig Markley, Planning, Programming and Modal Division - Systems Planning Bureau; Farley submitted a Local Development RISE funding request to assist in construction of approximately 1,514 feet of 9th Avenue NW. This is a revision to the previously awarded RISE grant on May 12, 2020 and removes 400 feet of 4th Street NW which was to serve two lots and 17 additional acres.

This project is necessary to provide access to eight lots totaling more than 24 acres for industrial purposes.

Under our RISE Local Development criteria, this project received a rating of 44 points. The total estimated cost of the project is \$762,179. The city of Farley is requesting a RISE grant of \$381,089 and will be providing 50 percent in local match.

Note, if this application is approved then they will rescind the May 12, 2020 grant of \$476,607

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$381,089 or up to 50 percent of the total RISE-eligible project cost, whichever is less. Funding will come from the city share of the RISE Fund. And, Farley will rescind their May 12, 2020 grant of \$476,607.

Commissioner Arnold made a motion to approve the rule as presented. Commissioner Juckette seconded the motion. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-45  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 13, 2021  
Title Revitalize Iowa's Sound Economy (RISE) Application – Cedar Rapids

**DISCUSSION/BACKGROUND:**

The city of Cedar Rapids submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of turn lanes and a roundabout on 6<sup>th</sup> Street SW located on the southwest side of town. This project is anticipated to be completed by October 2022.

This improvement is necessary to provide improved access to the proposed site of BAE Systems Inc., an international defense, aerospace and security company. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the retention of 232 full-time jobs out of 650 RISE eligible retained jobs.
- \$177,353,371 in associated capital investment.

The RISE cost per job assisted will be \$12,989.16 and there will be a total capital investment of \$58.85 for each RISE dollar requested.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$3,013,485 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by John Putney

	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>x</u>	_____	_____

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

PPM-2021-45

Craig Markley, Planning, Programming and Modal Division - Systems Planning Bureau; Cedar Rapids submitted an Immediate Opportunity RISE funding request to assist in construction of turn lanes and a roundabout on 6th Street SW located on the southwest side of town.

The proposed improvements will result in the retention of 232 full-time jobs out of 650 RISE eligible retained jobs within three years along with \$177,353,371 in associated capital investment.

The average wage of the retained positions is \$52.21 per hour which is 225 percent of the average laborshed wage rate. The company's turnover rate is 10%. The company's benefit package is expected to be good with medical, dental and vision coverages, paid holidays, 401K, educational benefits.

RISE grant recommended is \$3,013,485; Local participation is 20% or \$753,371 and Total cost is \$3,766,856. The RISE cost per job assisted is \$12,989.16. Total Capital Investment per RISE dollar is \$58.85.

It is recommended the Commission, based on the capital investment and job retention commitments, award a RISE grant of \$3,013,485 or up to 80 percent of total RISE-eligible project cost, whichever is less, from the city share of the RISE fund.

Commissioner Fehrman made a motion to approve the rule as presented. Commissioner Putney seconded the motion. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-46  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 13, 2021  
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.

Integrated Roadside Vegetation Management (University of Northern Iowa and Tallgrass Prairie Center)	\$ 586,037
Iowa Safe Routes to School Partnership (Iowa Northland Regional Council of Governments and Upper Explorerland Regional Planning Commission)	\$ 221,050
NE 2nd Street Safe Routes to School Sidewalk Project (Stuart)	\$ 81,000
3rd Avenue Middle/High School Rec Central Trail Link (Audubon)	\$ 42,000
<b>Total</b>	<b>\$ 930,087</b>

**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>Tom Rielly</u>	Seconded by	<u>Charese Yanney</u>	<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____
				<u>x</u>	_____	_____

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

Craig Markley, Planning, Programming and Modal Division - Systems Planning Bureau; The Transportation Alternatives Program was first authorized by the federal transportation funding act, Moving Ahead for Progress in the 21st Century and replaces the former Transportation Enhancements, Safe Routes to School and several other discretionary programs such as the National Scenic Byway program. This funding supports community-based projects that expand travel choices and enhance 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 in consultation with Iowa's 9 Metropolitan Planning Organizations and 18 Regional Planning Affiliations through a regional project selection process administered by the Department.

In this round we received 5 applications requesting over \$1.2 million in funding. Last month we reviewed with you our recommendation to fund 4 projects with \$930,087.

We recommend you approve the Statewide Transportation Alternatives program funding recommendation as listed on the Commission order.

Commissioner Rielly made a motion to approve the rule as presented. Commissioner Yanney seconded the motion. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-47  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 13, 2021  
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.

Bridge Installation at Gypsum City OHV Park (Iowa Department of Natural Resources and Iowa Off-Highway Vehicle Association)	\$ 96,720
Building Replacement at Bluff Creek OHV Park (Iowa Department of Natural Resources and Iowa Off-Highway Vehicle Association)	\$ 110,800
Carlisle Connection Multi-use Trail (Des Moines)	\$ 400,000
Clay County Connection Phase I (Dickinson County)	\$ 285,690
Iowa River's Edge Trail Paving from Radio Tower Road towards the Iowa River (Marshalltown)	\$ 300,000
Support for Program and Bicycle Summit (Iowa Department of Transportation)	\$ 7,000
Wapsipinicon Trail Phase 2 (Jones County Conservation Board)	\$ 138,127
<b>Total</b>	<b>\$1,338, 337</b>

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by Charese Yanney Seconded by Tom Rielly

	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>x</u>	_____	_____

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Division Director                      Legal                      State Director

Craig Markley, Planning, Programming and Modal Division - Systems Planning Bureau; The Federal Recreational Trails program was 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 20 applications requesting over \$5 million in funding. Last month, we shared with you our recommendation to fund 7 projects with \$1,338,337.

We recommend you approve the Federal Recreational Trails program recommendations as listed on the Commission Order.

Commissioner Yanney made a motion to approve the rule as presented. Commissioner Rielly seconded the motion. Motion passed unanimously.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division  
Systems Planning Bureau Order No. PPM-2021-48  
 Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date January 13, 2021  
 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, Night Service – Year 2 (Ames Transit Agency)	\$ 29,984
#11 Cherry, Add Night Service – Year 2 (Ames Transit Agency)	\$ 33,544
#12 Lilac, Midday Service – Year 2 (Ames Transit Agency)	\$ 31,655
Grand Avenue (U.S. 71) Signal Equipment Upgrades (Spencer)	\$ 219,708
Iowa 28 Traffic Signal System (Norwalk)	\$ 706,400
Logan Avenue (U.S. 63) Adaptive Traffic System (Waterloo)	\$ 112,392
Route 17 Extension to Bondurant - Year 1 (Des Moines Area Regional Transit Authority)	\$ 50,745
Traffic Signal Communication Network – Phase 2 (Ames)	\$1,400,000
Traffic Signal Network Communication Project (Grimes)	\$ 875,200
Traffic Signal System Timing Update – Phase 4 (Des Moines)	\$ 220,000
West Ames Changes: (New Expansion Route #12 Lilac & Bus; Added Frequency (#1 Red, #11 Cherry, #7 Purple) – Year 3, (Ames Transit Agency)	\$ 320,372
<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 Kathy Fehrman Seconded by Rich Arnold

	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>x</u>	_____	_____

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Division Director                      Legal                      State Director

Debra Arp, Planning, Programming and Modal Division - Systems Planning Bureau; Iowa's Clean Air Attainment Program was created in 1994 and is modeled after the federal Congestion Mitigation and Air Quality improvement program established in 1991. We have \$4 million in CMAQ funding set-aside annually for the ICAAP 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 traffic flow or other projects that improve air quality or reduce traffic congestion. Projects are also evaluated based on their cost effectiveness.

In this round, we received 17 applications requesting almost \$11 million in funding. Last month we shared with you our recommendation to fund 11 projects with \$4 million. We recommend you approve Iowa's Clean Air Attainment Program funding recommendation as listed on the Commission order

Commissioner Fehrman made a motion to approve the rule as presented. Commissioner Arnold seconded the motion. Motion passed unanimously.