

Commission Minutes
February 14, 2023

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

February 14, 2023
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2023-49 1:00 p.m.	* Approve Minutes of the January 11, 2023 Commission Meeting (action) Commission Comments DOT Comments	Cindy Dorhout	2
TD-2023-50	* Administrative Rules – 761 IAC 132, Iowa Byways Program	Stuart Anderson	4
TD-2023-51	* Administrative Rules – 761 IAC 163, RISE Program	Stuart Anderson	9
MV-2023-52	* Administrative Rules – 761 IAC 400, Vehicle Registration and Certificate of Title	Melissa Gillett	16
TD-2023-53	* State Transit Assistance Special Projects	Kristin Haar	20
TD-2023-54	* Federal Fiscal Year (FFY) 2024 Federal Aviation Administration Funding Preapplications (action)	Shane Wright	22
1:10 p.m.	Adjourn		

*Action Item

On Tuesday, February 14, 2023, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference Room at the DOT complex in Ames. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2023-49
Submitted by Cindy Dorhout Phone No. 515-239-1067 Meeting Date February 14, 2023
Title Approve Minutes of the January 11, 2023 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the January 11, 2023 Commission Meeting.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Linda Juckette

Division Director Legal State Director

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

D-2023-49

Commissioner Yanney called the meeting to order. She began by asking for approval of the minutes of the January 11, 2023 Commission meeting.

Commissioner Rielly moved, and
Commissioner Juckette seconded a motion to approve.
The vote to approve was unanimous.

Commission Comments: There were none.

DOT Comments: There were none.

Commissioner's present - Charese Yanney, Kathy Fehrman, Tom Rielly,
Linda Juckette, Sally Stutsman and by telephone Richard Arnold.

Not Present - Ray Gaesser

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Transportation Development Division Order No. TD-2023-50
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date February 14, 2023
 Title Administrative Rules – 761 IAC Chapter 132, Iowa Byways Program

DISCUSSION/BACKGROUND:

This proposed rule making makes various updates within Chapter 132 to clarify the purpose of the Iowa Byways program so that prospective byway applicants will better understand the program’s intent prior to seeking designation.

The defined evaluation process is proposed to be modified from a formal review process to a stakeholder review and Department evaluation to provide for more flexibility for representatives of existing byways and other stakeholders to participate in the process in order to leverage their expertise in reviewing proposed new routes. This proposed change includes removal of the definition of “advisory council” and the addition of the definition of “stakeholder.”

The Department’s and roadway jurisdiction’s responsibilities for sign replacement costs are proposed to be clarified for signs, materials, and labor.

The proposed amendments also remove a formal four-year application cycle and move to a discretionary solicitation so that the Department is not administratively burdened and potential applicants meeting the purpose of the program may not need to wait four years to apply.

The public comment period ended on January 3, 2023. The department did not receive any public comments or requests for oral presentations.

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

PROPOSAL/ACTION RECOMMENDATION:

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

		Aye	Vote Nay	Pass
COMMISSION ACTION:	Arnold	x	_____	_____
	Fehrman	x	_____	_____
	Gaesser	_____	_____	_____
Moved by <u>Sally Stutsman</u>	Juckette	x	_____	_____
Seconded by <u>Linda Juckette</u>	Rielly	x	_____	_____
	Stutsman	x	_____	_____
	Yanney	x	_____	_____
_____ Division Director	_____ Legal			_____ State Director

Stuart Anderson, Director, Transportation Development Division

As was discussed at the workshop this morning, we are recommending Administrative Rule Amendments to Chapter 132 for the Iowa Byways program. Proposed rule amendments were identified as part of our regular Five Year Review of rule chapters. In summary, our proposed amendments provide applicants for flexibility in the application process. We remove the definition of an advisory council and add the definition of a stakeholder. We clarified some responsibilities for sign replacement costs and we eliminated the four year application cycle so we can take applications at any time.

Public comment period ended January 3rd and we did not receive any public comments or requests for oral presentations.

Therefore, it is recommended that the Commission approve the rule amendments included in the Notice of Intended Action attached to the Commission Order.

Commissioner Stutsman moved, and
Commissioner Juckette seconded a motion to approve.
Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the Iowa byways program
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 132, “Iowa Byways Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 306D.4 and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 306D.

Purpose and Summary

This proposed rule making makes various updates within Chapter 132 to clarify the purpose of the Iowa Byways program so that prospective byway applicants will better understand the program’s intent prior to seeking designation.

The defined evaluation process is proposed to be modified from a formal review process to a stakeholder review and Department evaluation to provide for more flexibility for representatives of existing byways and other stakeholders to participate in the process in order to leverage their expertise in reviewing proposed new routes. This proposed change includes removal of the definition of “advisory council” and the addition of the definition of “stakeholder.”

The Department’s and roadway jurisdiction’s responsibilities for sign replacement costs are proposed to be clarified for signs, materials, and labor.

The proposed amendments also remove a formal four-year application cycle and move to a discretionary solicitation so that the Department is not administratively burdened and potential applicants meeting the purpose of the program may not need to wait four years to apply.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on January 5, 2023, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 3, 2023, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—132.1(306D) as follows:

761—132.1(306D) Purpose, overview and information.

132.1(1) Purpose. The purpose of the Iowa Byways program is to designate and support qualifying Iowa roads as byways on the basis of scenic byway, heritage byway, or a combination of scenic and heritage byway qualities. These designations are intended ~~both~~ to preserve the state's scenic, natural, and historic resources; ~~and~~ to support economic development through travel and tourism; to highlight distinctive experiences; and to maintain the integrity of the Iowa Byways program.

132.1(2) Overview. Under the Iowa Byways program, proposed routes are identified via an application process. The department inventories ~~and evaluates~~ the proposed routes. ~~The advisory council recommends the routes to be designated by the department and consults with program stakeholders before evaluating those routes for designation.~~ The department provides identifying signs for the designated routes. Routes designated as an Iowa Byway are part of Iowa's scenic byway program and are therefore subject to the prohibition set forth in 23 U.S.C. Section 131(s).

132.1(3) Information and forms. Information, instructions and application forms may be obtained from the ~~Office of Systems Planning Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at (515)239-1664; or through the department's website at www.iowadot.gov.

ITEM 2. Rescind the definition of "Advisory council" in rule **761—132.2(306D)**.

ITEM 3. Adopt the following new definition of "Stakeholder" in rule **761—132.2(306D)**:

"Stakeholder" means a group, state agency, local jurisdiction or organization with a vested interest in the Iowa Byways program or that may be impacted by the designation of a route. Examples may include but are not limited to an adjacent scenic, natural or historic resource or other tourism attraction; other

designated Iowa Byways; private associations related to economic development or outdoor advertising; and organizations charged with the marketing of the state, regions or localities for tourism purposes.

ITEM 4. Amend subrule 132.3(5) as follows:

132.3(5) The initial installation of signs identifying an Iowa Byway including the accompanying posts and hardware necessary for installation shall be paid for and furnished by the department. Each roadway jurisdiction is responsible for the inventory, and maintenance, ~~and reinstallation~~ of signs provided by the department following the initial installation. The department will provide replacement signs for those that are damaged or missing and will be responsible for reinstallation on primary roads. The roadway jurisdiction will be responsible for reinstallation on secondary roads and city streets.

ITEM 5. Amend rule 761—132.4(306D) as follows:

761—132.4(306D) Application and approval process.

132.4(1) *Program cycle.* ~~The Iowa Byways program shall operate on a four-year cycle, with applications due by October 1, 2020, and every fourth year thereafter~~ department may periodically announce a solicitation of applications for designation as demand and interest requires. Field inventories, evaluation, and rating of proposed routes will follow with precede the designation of any new routes completed by the next application deadline.

132.4(2) *Application.* Application to designate a route as an Iowa Byway or to propose an extension or loop to an existing route shall be on a form provided by the department and shall be received by the department by the stated application deadline included in the solicitation. The application must be accompanied by a formal resolution described in subrule 132.3(4). Applications must provide some discussion of the planned administration and governance of the proposed Iowa Byway as well as how the byway will be marketed to visitors.

132.4(3) *Initial review.* ~~Applications shall be reviewed by the advisory council to acquaint the council members with the proposed routes and to allow the members an opportunity to provide the department with information from their areas of expertise. Such input may provide details related to~~ Program stakeholders will be consulted to gather information on the existence and quality of scenic, archaeological, cultural, historic, natural, and recreational resources along a proposed route; the proposed route's contribution to a diversity of experiences along designated routes; and the overall impact of the proposed route on the program's integrity.

132.4(4) and **132.4(5)** No change.

132.4(6) *Selection.* ~~The advisory council shall review the evaluations and recommend routes to be designated as Iowa Byways based on this information and any other information the council may have obtained regarding the routes.~~

132.4(7) ~~**132.4(6)**~~ *Designation.* The department shall review the evaluations and will consider designating routes recommended by the advisory council as Iowa Byways based on this information.

132.4(8) ~~**132.4(7)**~~ *Signing.* Upon the designation of Iowa Byways, the department will proceed with the initial design and installation of signage identifying new Iowa Byways.

TD-2023-51

Stuart Anderson, Director, Transportation Development Division

Also as discussed this morning, we are recommending some rule amendments to chapter 163 for the RISE Program. These also are identified through our Five Year Review of the rules. The changes that we're recommending are intended to clarify recording requirements, also to clarify eligible activities for reimbursement, and also further define the information required as part of the application that's submitted for RISE funding.

The public comment period ended on January 3rd and we did not receive any public comments or requests for oral presentations.

Therefore, it is recommended that the Commission approve the rule amendments included in the Notice of Intended Action that's attached to the Commissioner Order.

Commissioner Juckette moved, and
Commissioner Rielly seconded a motion to approve.
Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the RISE program
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 163, “RISE Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 315.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 315.

Purpose and Summary

This proposed rule making adds a definition for “traffic impact analysis,” which is often a necessary part of a project transportation justification required at the time of application, and clarifies the Department’s annual reporting requirements to state that the report will indicate the amount and percentage of funds committed during the previous year, which is consistent with current accounting practice. The proposed rule making explains that only the city portion of uncommitted Revitalize Iowa’s Sound Economy (RISE) funds is carried over from year to year, whereas uncommitted county RISE funds are credited to the Secondary Road Fund annually.

The proposed amendments make modifications to the eligible costs associated with principal and interest payments to explicitly exclude any administrative or legal expenses and to clarify that the term of a bond associated with a RISE project may not exceed the useful life of the roadway consistent with Iowa Code section 315.4A. New eligible costs are proposed to be added to include certain modifications to railroad facility adjustments required by construction of a RISE roadway, which require an executed agreement between the railroad and the roadway jurisdiction.

Application requirements are proposed to be added consistent with current practice to require that economic development efforts, zoning, platting, subdivision boundaries, corporate limits, and future development plans be identified in narratives or through the submittal of maps. A detailed description of what is required for a transportation justification is also proposed to be added, noting that a traffic impact analysis may be required by the Department.

The proposed amendments also add a requirement in subrule 163.11(2) for applications to summarize nonroadway factors, such as utility provision, fire protection or permits, for consistency with subrule 163.10(6); move to subrules 163.10(2) and 163.11(2) the requirement that any business that is assisted by the project and acquires or merges with an Iowa corporation within three years of the RISE application make a good-faith effort to hire existing workers of the merged or acquired corporation; and add that a formal resolution is required to state that land provided access by the improvement will be developed consistent with the purpose of the RISE program.

Finally, the application format is proposed to be changed for consistency with current Department practice in order to allow more flexibility rather than require hard-copy submission of the application and the identification of job creation or other development contingencies and procedures for compliance in the project agreement.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on January 5, 2023, via conference call at 10:00 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 3, 2023, 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 the Department and advise of specific needs.

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Traffic impact analysis” in rule **761—163.1(315)**:
“*Traffic impact analysis*” means an analysis identifying system and immediate impacts associated with a proposed development to allow an assessment of the existing and future highway system’s safety, performance, maintenance, and capacity needs and includes all necessary information as required by the department.

ITEM 2. Amend rule 761—163.2(315) as follows:

761—163.2(315) Information and forms. Information, instructions and application forms may be obtained from the ~~Office of~~ Systems Planning Bureau, Iowa Department of Transportation, 800 Lincoln

Way, Ames, Iowa 50010; by telephone at (515)239-1664; or through the department's website at www.iowadot.gov.

ITEM 3. Amend subrule 163.4(3) as follows:

163.4(3) The department shall annually prepare a written report indicating the amount and percentage of funds ~~expended~~ committed during the previous year on primary roads, secondary roads, city streets, state park roads and county conservation parkways.

ITEM 4. Amend paragraph **163.5(2)“g”** as follows:

g. Carryover of funds. The commission need not commit the spending of all RISE funds available during a programming cycle. Uncommitted city funds may be carried over to the next programming cycle or used for immediate opportunity projects. On June 30 of each year, all uncommitted county funds shall be credited to the secondary road fund.

ITEM 5. Amend subrule 163.8(1) as follows:

163.8(1) Eligible activities. Project activities or costs eligible for RISE funding, and which may be counted as part of the non-RISE participation in immediate opportunity and local development roadway projects, include only the following:

a. to h. No change.

i. County and city bond principal and interest payments associated only with RISE projects. No financing expenses incurred prior to funding commitment shall be eligible, and no administrative or legal expenses may be reimbursed. The bond term may not exceed the expected useful life of the roadway.

j. to l. No change.

m. Costs of modifications to railroad facilities required to construct the RISE roadway, including but not limited to construction, hiring flaggers, and engineering performed by the railroad or the railroad's contractor, that are consistent with an executed agreement between the railroad and the roadway jurisdiction.

ITEM 6. Amend subrule 163.10(2) as follows:

163.10(2) Contents of applications. Each application for an immediate opportunity project must contain the following:

a. General information, including ~~applicant~~ the applicant's name, contact person, mailing address, telephone number, local economic development area and history of efforts in the area, and other information of a general nature about the project proposal and the associated economic development activity.

b. and c. No change.

d. A preliminary project concept statement for the roadway project, including ~~a location map,~~ maps showing site characteristics, such as zoning, platting, subdivision boundaries, and corporate limits; a sketch plan; and a justification for the transportation improvement. In most cases, a sketch plan should include a simple plan and profile defining the horizontal and vertical geometrics and a typical roadway cross section defining pavement, shoulders, foreslope, and backslope or border treatment. The transportation justification should address topics such as the current condition of existing roadways or bridges, the relationship of the project to connecting roads, and ingress to and egress from the site, as well as the current flow of traffic on the development site, anticipated total traffic and large truck traffic, proposed major design features of the proposed improvement, the intended roadway function, how the proposed improvement is consistent with other local plans, and the reason the proposed alternative was selected over other alternatives. In consultation with the department, a traffic impact analysis may be required to supplement the transportation justification.

e. No change.

f. A formal resolution passed by the governing body of the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The resolution shall state that the project will be adequately maintained and dedicated to public use for a minimum of 20 years after completion of the project and that land provided access by the proposed improvement will be developed according to rule 761—163.3(315). The resolution must also certify that the project meets the threshold

criteria cited in paragraph ~~163.10(6) “a.”~~ 163.10(6) “a” and that any business assisted by the project which acquires or merges with an Iowa corporation within three years following the RISE application shall make a good-faith effort to hire the workers of the merged or acquired company.

g. No change.

ITEM 7. Amend subrule 163.10(3) as follows:

163.10(3) *Submission of applications.* ~~An original and one copy of each completed application~~ Applications shall be submitted to on a form provided by the department. Applications may be submitted at any time.

Once an application has been submitted, no further information concerning that application shall be accepted by the department from the applicant unless specifically requested by the department. Applications may be withdrawn by the applicant and resubmitted at any time. Resubmitted applications shall be dated accordingly.

ITEM 8. Amend subrule 163.11(2) as follows:

163.11(2) *Contents of applications.* Each application for a local development project must contain the following:

a. General information, including ~~applicant~~ the applicant’s name, contact person, mailing address, telephone number, local economic development program and history of efforts in the area, and other information of a general nature about the project proposal and the associated economic development activity.

b. and c. No change.

d. A preliminary project concept statement for the roadway project, including a location map, maps showing site characteristics such as zoning, platting, subdivision boundaries, and corporate limits; a sketch plan; and a justification for the transportation improvement. In most cases, a sketch plan should include a simple plan and profile defining the horizontal and vertical geometrics and a typical roadway cross section defining pavement, shoulders, foreslope, and backslope or border treatment. The transportation justification should address topics such as the current condition of existing roadways or bridges, the relationship of the project to connecting roads, and ingress to and egress from the site, as well as the current flow of traffic on the development site, anticipated total traffic and large truck traffic, proposed major design features of the proposed improvement, the intended roadway function, how the proposed improvement is consistent with other local plans, and the reason the proposed alternative was selected over other alternatives. In consultation with the department, a traffic impact analysis may be required to supplement the transportation justification.

e. No change.

f. A formal resolution passed by the governing body of the jurisdiction responsible or to be responsible for the road or street to be constructed or improved. The resolution shall state that the project will be adequately maintained and dedicated to public use for a minimum of 20 years after completion of the project and that land provided access by the proposed improvement will be developed according to rule 761—163.3(315). The resolution must also certify that any business assisted by the project which acquires or merges with an Iowa corporation within three years following the RISE application shall make a good-faith effort to hire the workers of the merged or acquired company.

g. A summary showing that necessary arrangements have been made for nonroadway factors (e.g., zoning, sewer, water, police and fire protection, financing, and permits) essential for the proposed economic development activity.

ITEM 9. Amend subrule 163.11(3), introductory paragraph, as follows:

163.11(3) *Submission of applications.* ~~An original and one copy of each completed application~~ Applications shall be submitted to on a form provided by the department.

ITEM 10. Amend subrule 163.12(1) as follows:

163.12(1) *Agreement.* After a funding commitment has been made for a project, the department shall enter into a project agreement with the applicant. The agreement shall delineate responsibilities for project planning, design, right-of-way, contracting, construction and materials inspection, and

documentation. The agreement shall ~~require that a business assisted by the project which acquires or merges with an Iowa corporation within three years following the RISE application shall make a good faith effort to hire the workers of the merged or acquired company~~ identify any additional requirements for the project relating to specific jobs to be created or retained and land identified as being required to be developed consistent with rule 761—163.3(315). Procedures for documenting compliance with these requirements will also be identified in the agreement. The agreement shall require the applicant to comply with all local, state, and federal laws, and rules and regulations that may apply to the project.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-52
 Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 14, 2023
 Title Administrative Rules – 761 IAC Chapter 400, Vehicle Registration and Certificate of Title

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapter 400 to conform the rules with 2022 Iowa Acts, House File 2341. This legislation creates a new exception from the requirement that a holder of a foreign certificate of title with an Iowa nontransferable registration must first obtain an Iowa title before transferring the vehicle. Iowa Code section 321.23 requires that an owner who has registered a foreign vehicle in Iowa, but has a foreign certificate of title, cannot transfer the vehicle before applying for and receiving an Iowa certificate of title. The new exception will allow an owner to transfer the foreign certificate of title to an insurance carrier authorized to do business in Iowa if at the time of transfer the foreign certificate of title is held by a secured party and the insurance carrier has forwarded to the secured party the sum necessary to discharge the security interest. This same exception currently exists for motor vehicle dealers who have forwarded the funds to discharge the security interest in these situations. The proposed amendment expands the exception to insurance carriers authorized to do business in Iowa as authorized in the legislation.

The public comment period ended on January 17, 2022. The department did not receive any public comments or requests for oral presentations.

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

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 Sally Stutsman

	Aye	Vote Nay	Pass
Arnold	x	_____	_____
Fehrman	x	_____	_____
Gaesser	_____	_____	_____
Juckette	x	_____	_____
Rielly	x	_____	_____
Stutsman	x	_____	_____
Yanney	x	_____	_____

Division Director Legal State Director

Melissa Gillett - Motor Vehicle Division

The proposed rule amendments to chapter 400 align the chapter to changes made during the 2022 legislative session that allow a vehicle owner with an out-of-state vehicle title to transfer the vehicle to their insurance carrier without first having to obtain an Iowa title.

It is recommended the Commission approve the rule amendments to chapter 400 that were attached to the Commission Order.

Commissioner Rielly moved, and
Commissioner Stutsman seconded a motion to approve.
Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to foreign certificates of title
and providing an opportunity for public comment**

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

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.23(3) as amended by 2022 Iowa Acts, House File 2341.

Purpose and Summary

This proposed rule making updates Chapter 400 to conform the rules with 2022 Iowa Acts, House File 2341. This legislation creates a new exception from the requirement that a holder of a foreign certificate of title with an Iowa nontransferable registration must first obtain an Iowa title before transferring the vehicle. Iowa Code section 321.23 requires that an owner who has registered a foreign vehicle in Iowa, but has a foreign certificate of title, cannot transfer the vehicle before applying for and receiving an Iowa certificate of title. The new exception will allow an owner to transfer the foreign certificate of title to an insurance carrier authorized to do business in Iowa if at the time of transfer the foreign certificate of title is held by a secured party and the insurance carrier has forwarded to the secured party the sum necessary to discharge the security interest. This same exception currently exists for motor vehicle dealers who have forwarded the funds to discharge the security interest in these situations. The proposed amendment expands the exception to insurance carriers authorized to do business in Iowa as authorized in the legislation.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 17, 2023. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on January 19, 2023, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 17, 2023, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **400.4(3)“d”** as follows:

d. A person who registers a foreign vehicle under Iowa Code ~~subsection~~ section 321.23(3) shall be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as follows: If ownership is transferred to an Iowa licensed motor vehicle dealer or an insurance carrier authorized to do business in Iowa as provided in Iowa Code ~~subsection~~ section 321.23(3) as amended by 2022 Iowa Acts, House File 2341, the foreign certificate of title may be assigned to the dealer or the insurance carrier; the owner is not required to obtain an Iowa title. The dealer may then reassign the foreign title, as provided in Iowa Code ~~subsection~~ section 321.48(2) and rule 761—400.27(321,322).

ITEM 2. Amend rule **761—400.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.23 as amended by 2022 Iowa Acts, House File 2341, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, 321.515, 321.519, 322.3 and 633A.4604.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division

Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-53

Submitted by Kristin Haar Phone No. 515-233-7875 Meeting Date February 14, 2023

Title State Transit Assistance Special Projects

DISCUSSION/BACKGROUND:

Approval is requested for the following State Transit Assistance Special Projects:

System/Sponsor	Project	Amount recommended
Iowa DOT	Low-No Bus Program grant project administration (SFY23)	\$60,000
Des Moines Area Regional Transit Authority (DART)	Enhanced Transportation Access for Low-Income Region (SFY24)	\$150,000
	Total	\$210,000

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the SFYs 2023-2024 State Transit Assistance Special Project funding recommendations as listed above.

COMMISSION ACTION:

Moved by Sally Stutsman Seconded by Tom Rielly

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

Division Director Legal State Director

Kristin Haar - Modal Transportation Bureau

There are two projects for your consideration and approval. For SFY 23 we have the Low No Bus Grant Project Administration for \$60,000 from our State Transit Assistance Special Project Fund and for Fiscal 24, we have Des Moines Area Regional Transit Authorities Enhanced Transportation Access for Low Income Region Projects in the amount of \$150,000.

We request your approval today.

Commissioner Stutsman moved, and
Commissioner Rielly seconded a motion to approve.
The vote to approve was unanimous.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division

Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-54

Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date February 14, 2023

Title Federal Fiscal Year (FFY) 2024 Federal Aviation Administration Funding Preapplications

DISCUSSION/BACKGROUND:

The Modal Transportation Bureau requests the Iowa Transportation Commission approve the submittal of FFY 2024 FAA funding preapplications prepared by Iowa airports that are eligible for federal funding. The list of preapplications is attached.

Preapplications will be submitted to FAA for review and action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the submittal of the FAA funding preapplications as presented.

COMMISSION ACTION:

Moved by Linda Juckette Seconded by Sally Stutsman

	Aye	Vote Nay	Pass
Arnold	x	_____	_____
Fehrman	x	_____	_____
Gaesser	_____	_____	_____
Juckette	x	_____	_____
Rielly	x	_____	_____
Stutsman	x	_____	_____
Yanney	x	_____	_____

Division Director Legal State Director

Shane Wright- Modal Transportation Bureau

We presented to you the fiscal year 2024 Federal Aviation Administration funding pre-applications prepared by Iowa airports that are eligible for federal funding. These pre-applications included 66 projects at airports across the state totaling over \$34 million.

Therefore, it is recommended that Commission approve the submittal of the FAA funding pre-applications as presented.

We request your approval today.

Commissioner Juckette moved, and
Commissioner Stutsman seconded a motion to approve.
The vote to approve was unanimous.

FFY 24 Federal Airport Funding Preapplications

Safety projects				
Airport	Project description	Federal AIP	Federal BIL	Total amount
Mapleton Municipal	Airport Drainage and Levee Repairs	\$513,900		\$571,000
Total safety projects		\$513,900	\$0	\$571,000

Planning projects				
Airport	Project description	Federal AIP	Federal BIL	Total amount
Ankeny Regional	Design Runway 18/36 Reconstruction	\$828,000		\$920,000
Creston Municipal	ALP Update		\$36,000	\$40,000
Davenport Municipal	Design Taxiway A Reconstruction	\$126,000		\$140,000
Estherville Municipal	Environmental Assessment	\$57,500	\$100,000	\$175,000
Grinnell Regional	Environmental Assessment - Parallel Taxiway		\$150,000	\$166,666
Iowa DOT	PCI Study	\$216,000		\$250,000
Mount Pleasant Municipal	ALP Update		\$180,000	\$200,000
Northeast Iowa Regional	ALP Update		\$225,000	\$250,000
Ottumwa Regional	Apron Reconstruction - Design	\$109,278		\$121,420
Perry Municipal	Parallel Taxiway Design	\$300,000		\$333,333
Sheldon Regional	Partial ALP Update	\$162,000		\$180,000
Washington Municipal	Environmental Assessment - Parallel Taxiway	\$180,000		\$200,000
		\$513,900		\$571,000
Total planning projects		\$2,492,678	\$691,000	\$3,547,419

Maintenance and development projects				
Airport	Project description	Federal AIP	Federal BIL	Total amount
Algona Municipal	Runway 12/30 reconstruction and Runway 30 Turnaround	\$1,170,000		\$1,300,000
Algona Municipal	Runway 12 Turnaround Construction	\$405,000		\$450,000
Algona Municipal	Replace REILS and PAPIs on Runway 12/30	\$180,000		\$200,000
Algona Municipal	New Electrical Vault and Circuits	\$396,000		\$440,000
Algona Municipal	Acquire Snow Removal Equipment		\$360,000	\$400,000
Ames Municipal	Construct Wildlife Fence	\$1,935,000		\$2,150,000
Ankeny Regional	Remove and Replace Pavement - Entrance Drive		\$504,640	\$531,200
Ankeny Regional	Remove and Replace Pavement - Terminal Building Parking Lot		\$458,820	\$509,800
Boone Municipal	Replace Jet A and Avgas Fuel Systems	\$300,000	\$477,000	\$863,333
Cherokee County Regional	Runway 18/36 Lighting Reconstruction	\$219,200	\$244,300	\$515,000
Cherokee County Regional	Terminal Building Improvements - ATP		\$180,000	\$220,000
Clarinda Municipal	Design and Construct Six Unit Hangar and Paving	\$378,000	\$477,000	\$950,000
Clarion Municipal	Relocate Terminal Building - ATP		\$944,300	\$994,000
Clinton Municipal	Runway 14/32 Joint Seal and Remark	\$205,350	\$174,000	\$595,500
Clinton Municipal	Reconstruct Entrance Road - ATP		\$608,190	\$640,200
Decorah Municipal	Terminal/Hangar Construction	\$150,000	\$159,000	\$343,300
Denison Municipal	Install New Above Ground Fuel System	\$184,800	\$330,000	\$572,000
Emmetsburg Municipal	Fuel Farm Replacement	\$455,000	\$220,000	\$750,000
Estherville Municipal	Rehabilitate Runway 16/34 Crack and Joint Seal		\$360,000	\$400,000
Forest City Municipal	Rehabilitate Runway 15/33	\$3,117,555		\$3,463,950
Fort Dodge Regional	Rehabilitate Taxiway F	\$593,820		\$659,800
Fort Dodge Regional	Reconstruct T-Hangar C		\$876,150	\$973,500
Fort Madison Municipal	Airside Pavement Rehabilitation	\$278,700	\$592,000	\$929,900
Greenfield Municipal	Runway Pavement Patching	\$300,000		\$333,333

