

PRELIMINARY COMMISSION AGENDA

April 12, 2022



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

April 12, 2022
Mid-America Center
One Arena Way, Council Bluffs

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m. D-2022-68	* Approve Minutes of the March 8, 2022 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
MV-2022-69	* Administrative Rules – 761 IAC 520, 529, 605, and 607	Melissa Gillett	5
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MV-2022-71	*Administrative Rules – 761 IAC 451 – Emergency Vehicle Permits	Melissa Gillett	17
TD-2022-72	* Revitalize Iowa's Sound Economy (RISE) – Audubon County Amendment	Craig Markley	21
TD-2022-73	* Revitalize Iowa's Sound Economy (RISE) – Sioux City	Craig Markley	23
TD-2022-74	* Revitalize Iowa's Sound Economy (RISE) – Altoona	Craig Markley	25
TD-2022-75	* Program Objectives (2023-2027 Highway Program)	Stuart Anderson	27
1:10 p.m.	Adjourn		
*Action Item	On Monday, April 11, the Commission and staff will meet informally at 3:30 p.m. at the Mid America. Transportation-related matters will be discussed but no action will be taken.		

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2022-68
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date April 12, 2022
Title Approve Minutes of the March 8, 2022 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the March 8, 2022
Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Arnold
Fehrman
Juckette
Putney
Rielly
Stutsman
Yanney

Aye	Vote Nay	Pass
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-69
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date April 12, 2022
Administrative Rules – 761 IAC Chapter 520, Regulations Applicable to Carriers, Chapter 529, For-Hire
Interstate Motor Carrier Authority, Chapter 605, License Issuance, and Chapter 607, Commercial Driver
Title Licensing

DISCUSSION/BACKGROUND:

This proposed rule making aligns Chapters 520, 529 and 607 with federal regulation changes that occurred during the 2021 federal fiscal year and are part of the regular annual update in which the department adopts the most recent updates to the federal regulations.

This proposed rule making also amends Chapters 605 and 607 to clarify certain commercial driver's license (CDL) requirements. The proposed amendments specify the type of vehicle that a person with a Class C CDL may operate by relating the rule to the definition of such vehicle in Iowa Code section 321.1(11), and they also outline the process the department will follow if an applicant for a CDL or commercial learner's permit fails to retake a required test upon a determination that the knowledge or skills test was improperly administered. In addition, these amendments clarify that an applicant seeking to add or remove a K (intrastate only) restriction is eligible to renew the applicant's CDL online.

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

The public comment period ended on March 15, 2022. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

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

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to commercial driver's license requirements and adoption of federal regulations and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 520, "Regulations Applicable to Carriers," Chapter 529, "For-Hire Interstate Motor Carrier Authority," Chapter 605, "License Issuance," and Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.188, 321.449 and 321.450.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 307.27, 321.188, 321.449 and 321.450.

Purpose and Summary

This proposed rule making aligns Chapters 520, 529 and 607 with federal regulation changes that occurred during the 2021 federal fiscal year. This proposed rule making also amends Chapters 605 and 607 to clarify certain commercial driver's license (CDL) requirements.

CDL updates. The proposed amendments to Chapters 605 and 607 will align the rules with existing legal authority and current Department practice. In particular, the proposed amendments specify the type of vehicle that a person with a Class C CDL may operate by relating the rule to the definition of such vehicle in Iowa Code section 321.1(11), and they also outline the process the Department will follow if an applicant for a CDL or commercial learner's permit (CLP) fails to retake a required test upon a determination that the knowledge or skills test was improperly administered. In addition, these amendments clarify that an applicant seeking to add or remove a K (intrastate only) restriction is eligible to renew the applicant's CDL online. The current rule language is not clear that a Class C commercial vehicle is either a vehicle designed to transport 16 or more passengers or a vehicle used to transport hazardous materials. The current rule language also does not outline the steps the Department will take to downgrade or cancel a CDL or CLP when a person fails to retake a required test upon a finding that the test was improperly administered. The current rule language also does not account for the fact that a person who is adding or removing a K (intrastate only) restriction from the person's license is eligible to utilize the online CDL renewal process. Making these proposed rule amendments will help clarify these areas for affected parties.

Annual update. The remaining proposed amendments are part of the regular annual update in which the Department adopts the most recent updates to the federal regulations. Iowa Code section 321.188 requires the Department to adopt rules to administer CDLs in compliance with certain portions of 49 Code of Federal Regulations (CFR) Part 383. Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to

the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

The proposed amendments to Chapter 520 adopt the CFR dated October 1, 2021, for 49 CFR Parts 107, 171, 172, 173, 177, 178, 180, 385 and 390 to 399. The proposed amendment to Chapter 529 adopts the CFR dated October 1, 2021, for 49 CFR Parts 365 to 368 and 370 to 379. The proposed amendment to Chapter 607 adopts the CFR dated October 1, 2021, for certain portions of 49 CFR Part 383.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR. To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

The following paragraphs provide a specific description of the amendments to the FMCSR and the HMR that have become final and effective since the 2021 edition of the CFR that affect Chapters 520, 529 and 607:

Amendments to the FMCSR and HMR

Part 180 (FR Vol. 85, No. 211, Pages 68790-68798, 10-30-20)

This final rule amends the requirements in the HMR relating to the requalification periods for certain U.S. Department of Transportation 4-series specification cylinders in noncorrosive gas service in response to a petition for rule making submitted by the National Propane Gas Association. Effective date: November 30, 2020.

Part 395 (FR Vol. 85, No. 227, Pages 74909-74919, 11-24-20)

This final rule clarifies the definitions of the terms “any agricultural commodity,” “livestock,” and “non-processed food,” as the terms are used in the definition of “agricultural commodity” for the purposes of the “Hours of Service (HOS) of Drivers” regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA). Under the current regulations, drivers transporting agricultural commodities, including livestock, from the source of the commodities to a location within 150 air miles of the source, during harvest and planting seasons as defined by each state, are exempt from the HOS requirements. Furthermore, the HOS requirement for a 30-minute rest break does not apply to drivers transporting livestock in interstate commerce while the livestock are on the commercial motor vehicle. This interim final rule clarifies the meaning of these existing definitional terms to ensure that the HOS exemptions are utilized as Congress intended. Effective date: December 9, 2020.

Parts 107, 171-173, 178 and 180 (FR Vol. 85, No. 228, Pages 75680-75717, 11-25-20)

This final rule amends the HMR in response to 24 petitions for rule making submitted by the regulated community between February 2015 and March 2018. This final rule updates, clarifies, or provides relief from various regulatory requirements without adversely affecting safety. The Pipeline and Hazardous Materials Safety Administration (PHMSA) also, as of the effective date of this final rule, withdraws its September 28, 2017, enforcement discretion regarding the phase-out of mobile refrigeration systems. Effective date: December 28, 2020.

Parts 107, 171-173, 177, 178 and 180 (FR Vol. 85, No. 245, Pages 83366-83403, 12-21-20)

This final rule amends the HMR to correct editorial errors and improves the clarity of certain provisions in the regulations and PHMSA program and procedural regulations. The intended effect of this final rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this final rule are nonsubstantive changes and do not impose new requirements. Effective date: January 20, 2021.

Parts 107, 171, 173, 178 and 180 (FR Vol. 85, No. 248, Pages 85380-85437, 12-28-20)

This final rule amends the HMR to revise certain requirements applicable to the manufacture, use, and requalification of U.S. Department of Transportation specification cylinders. The PHMSA is taking this action in response to petitions for rule making submitted by stakeholders and agency review of compressed gas cylinder regulations. Specifically, the PHMSA is incorporating by reference or updating the references to several Compressed Gas Association publications, amending the filling requirements for compressed and liquefied gases, expanding the use of salvage cylinders, and revising and clarifying the manufacture and requalification requirements for cylinders. Effective date: January 27, 2021.

Parts 107 and 171 (FR Vol. 86, No. 83, Pages 23241-23260, 5-03-21)

This final rule amends the HMR and provides the 2021 inflation adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation regulations. Effective date: May 3, 2021.

Part 107 (FR Vol. 86, No. 104, Pages 29528-29529, 6-02-21)

This final rule amends the HMR and makes a technical correction to the effective date listed in an appendix, which was originally amended by a final rule published on May 3, 2021, providing the 2021 inflation adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation regulations. Effective date: June 2, 2021.

Parts 383 and 391 (FR Vol. 86, No. 117, Pages 32643-32651, 6-22-21)

This final rule amends the FMCSR to extend the compliance date from June 22, 2021, to June 23, 2025, for several provisions of the FMCSA's April 23, 2015, Medical Examiner's Certification Integration final rule. The FMCSA issued an interim final rule on June 21, 2018, extending the compliance date for these provisions until June 22, 2021. On April 22, 2021, the FMCSA published a supplemental notice of proposed rule making that proposed further extending the compliance date to June 23, 2025. This final rule will provide the FMCSA time to complete certain information technology (IT) system development tasks for its National Registry of Certified Medical Examiners (National Registry) and to provide the State Driver's Licensing Agencies (SDLAs) sufficient time to make the necessary IT programming changes when the new National Registry system is completed and available. Effective date: June 22, 2021.

Part 383 (FR Vol. 86, No. 123, Pages 34631-34636, 6-30-21)

This final rule amends the FMCSR to finalize the FMCSA's final interim final rule revising a December 8, 2016, final rule regarding "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" (ELDT final rule). This final rule finalizes the extension of the compliance date for the ELDT final rule from February 7, 2020, to February 7, 2022. This action provides the FMCSA additional time to complete development of the Training Provider Registry (TPR) and provides SDLAs time to modify their IT systems and procedures, as necessary, to accommodate their receipts of driver-specific ELDT data from the TPR. Effective date: July 30, 2021.

Parts 383, 385, 390 and 391 (FR Vol. 86, No. 127, Pages 35633-35653, 7-07-21)

This final rule amends the FMCSR by making technical changes to correct inadvertent errors and omissions, to remove or update obsolete references, and to improve the clarity and consistency of certain regulatory provisions. The final rule also makes nondiscretionary, ministerial changes that are statutorily mandated and changes that merely align regulatory requirements with the underlying statutory authority. Finally, the final rule contains two minor changes to the FMCSA's rules of agency procedure or practice that relate to separation of functions and allow the FMCSA and state personnel to conduct off-site compliance reviews of motor carriers following the same safety fitness determination criteria used in on-site compliance reviews. Effective date: July 7, 2021.

Part 385 (FR Vol. 86, No. 164, Pages 48038-48044, 8-27-21)

This final rule amends the FMCSR to incorporate by reference the Commercial Vehicle Safety Alliance's (CVSA) "Operational Policy 4: Inspector Training and Certification," as required by the Fixing America's Surface Transportation Act (FAST Act). The CVSA policy provides the current policy and practices for FMCSA employees, state or local government employees, and contractors to obtain and maintain certification for conducting driver or vehicle inspections. Consistent with the requirements of the FAST Act, this final rule substitutes the most recent version of the CVSA policy, reflecting revisions to the version referenced in the July 8, 2019, notice of proposed rule making. The revisions include availability of inspector certification extensions under declared emergency situations adopted in response to the COVID-19 national emergency. This final rule also replaces an interim final rule in place since 2002. Effective date: August 27, 2021.

Fiscal Impact

The fiscal impact statement cannot be determined. The federal regulations to be adopted by this rule making were subject to fiscal impact review by either the FMCSA or the PHMSA when the regulations were enacted and were determined not to be cost-prohibitive.

Jobs Impact

The proposed amendments may have a slight impact on CDL holders and motor carrier operations. However, the amendments should not negatively impact jobs or employment opportunities because the regulations align the rules to federal regulations and clarify that an applicant seeking to add or remove a K (intrastate only) restriction is eligible to renew the applicant's CDL online. These amendments will bring uniformity and consistency to the industry, which should have a positive impact on employment.

Waivers

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

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 March 15, 2022. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on March 17, 2022, via conference call at 1 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on March 15, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2020~~ 2021).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2020~~ 2021).

ITEM 3. Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2020~~ 2021, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

ITEM 4. Amend paragraph **605.25(8)“a,”** introductory paragraph, as follows:

a. An applicant who is otherwise eligible to renew a commercial driver’s license must meet the same eligibility requirements for renewing a noncommercial driver’s license listed in paragraph 605.25(7)“a” to renew the license electronically ~~and~~, except that numbered paragraph 605.25(7)“a”(9)“3” shall not apply if the applicant is adding or removing the K restriction from the license at the time of renewal. The applicant must also meet the following criteria:

ITEM 5. Amend paragraph **607.10(1)“d”** as follows:

d. The following portions of 49 CFR Part 383 (October 1, ~~2020~~ 2021):

- (1) Section 383.51, Disqualification of drivers.
- (2) Subpart E—Testing and Licensing Procedures.
- (3) Subpart G—Required Knowledge and Skills.
- (4) Subpart H—Tests.

ITEM 6. Amend subrule 607.16(2) as follows:

607.16(2) Validity.

a. A Class A commercial driver’s license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code ~~section 321.189(1)“a.”~~ sections 321.1(11) and 321.189(1)“a”(1). With the required endorsements and subject to the applicable restrictions, a Class A commercial driver’s license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver’s license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver’s license allows a person to operate a commercial motor vehicle as specified in Iowa Code ~~section 321.189(1)“b.”~~ sections 321.1(11) and 321.189(1)“a”(2). With the required endorsements and subject to the applicable restrictions, a Class B commercial driver’s license is valid to operate any vehicle except a truck-tractor semitrailer combination as a chauffeur (Class D) or a vehicle requiring a Class A commercial driver’s license. Before the department administers the skills test for a Class B commercial driver’s license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. A Class C commercial driver’s license allows a person to operate a commercial motor vehicle as specified in Iowa Code ~~section 321.189(1)“c.”~~ sections 321.1(11) and 321.189(1)“a”(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver’s license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver’s license.

d. to h. No change.

ITEM 7. Amend rule 761—607.31(321) as follows:

761—607.31(321) Test results.

607.31(1) to 607.31(4) No change.

607.31(5) *Downgrade or cancellation when retesting is required.*

a. When retesting is required under subrule 607.31(2) or 607.31(4), the department shall notify the person of the requirement to retake the applicable knowledge or skills test.

b. If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department shall, in accordance with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

c. When a person's commercial driver's license or commercial learner's permit has been downgraded or canceled under this subrule, the person must comply with all applicable retesting requirements in order to regain the license or permit, in addition to any other applicable requirements for licensure.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, ~~and~~ 321.188 and 321.201.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-70
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date April 12, 2022
Title Administrative Rules – 761 IAC Chapter 601, Application for License, and Chapter 630,
Nonoperator's Identification

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapters 601 and 630 to conform the rules with 2021 Iowa Acts, House File 435, which amended Iowa Code section 321.197.

House File 435 requires the department to request emergency contact information from every customer during a driver's license or nonoperator's identification card transaction. Providing emergency contact information is strictly voluntary. The legislation also gives customers the option of providing the department with emergency contact information outside of during a driver's license or nonoperator's identification card transaction. The proposed amendments outline the process for customers to submit emergency contact information to the department to be used by law enforcement in the event of an accident or other emergency.

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

The public comment period ended on March 15, 2022. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

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

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to emergency contact information and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 601, “Application for License,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.197.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.197.

Purpose and Summary

This proposed rule making updates Chapters 601 and 630 to conform the rules with 2021 Iowa Acts, House File 435, which amended Iowa Code section 321.197. House File 435 requires the Department to request emergency contact information from every customer during a driver’s license or nonoperator’s identification card transaction. The legislation also gives customers the option of providing the Department with emergency contact information outside of during a driver’s license or nonoperator’s identification card transaction.

The proposed amendments outline the process for customers to submit emergency contact information to the Department to be used by law enforcement in the event of an accident or other emergency. Submission of emergency contact information is voluntary and is not a mandatory condition of processing a driver’s license or nonoperator’s identification card transaction. The proposed amendments allow the customer to submit information for up to two emergency contacts and require one of the emergency contacts to be the customer’s parent, guardian, or custodian if the customer is an unemancipated minor. Additionally, the amendments lay out the steps that a customer can take to change the customer’s emergency contact information or to request to opt out of being listed as an emergency contact for another person.

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 March 15, 2022. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on March 17, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on March 15, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** rule 761—601.3(321):

761—601.3(321) Emergency contact information. Pursuant to Iowa Code section 321.197, a person may voluntarily provide the department with emergency contact information.

601.3(1) Form and submission.

a. Emergency contact information provided to the department shall meet the requirements and be used in the circumstances set forth in Iowa Code section 321.197(2) “*b.*”

b. Emergency contact information may be provided to the department through any of the following methods:

(1) By submitting Form 430305 via mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by email at emergencyinfo.contact@iowadot.us; or on the department's website at www.iowadot.gov.

(2) In person at a driver's license service center.

(3) In person at a county treasurer's office that issues driver's licenses under Iowa Code chapter 321M.

c. Pursuant to Iowa Code section 321.197(2) “*c.*,” an unemancipated person under 18 years of age choosing to provide emergency contact information shall include a parent, guardian or custodian as an emergency contact.

d. The department shall not require submission of emergency contact information as a condition of issuing, renewing or replacing a driver's license.

e. In accordance with Iowa Code section 321.197(2) “b,” the department will not verify the emergency contact information provided.

601.3(2) Disclosure and use. Information provided to the department under subrule 601.3(1) shall be provided to and used by law enforcement in accordance with the provisions of Iowa Code section 321.197.

601.3(3) Modifications.

a. A person may request changes to the person’s emergency contact information by entering those changes on the department’s website or by submitting Form 430305 to the department using any of the methods provided in paragraph 601.3(1) “b.”

b. A person may request to be removed from being listed as an emergency contact by submitting Form 430306 to the department via mail at Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or by email at emergencyinfo.contact@iowadot.us. Any person removed from being listed as an emergency contact shall not be re-added as a potential emergency contact unless such person follows the opt-in process in paragraph 601.3(3) “c.”

c. A person who requested to be removed from being listed as an emergency contact under paragraph 601.3(3) “b” may request to again be listed as a person’s emergency contact by submitting Form 430306 to the department via mail at Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or by email at emergencyinfo.contact@iowadot.us.

This rule is intended to implement Iowa Code section 321.197.

ITEM 2. Amend subrule 630.2(2) as follows:

630.2(2) The applicant shall present proof of identity, date of birth, social security number, Iowa residency, current residential address and lawful status as required by rule 761—601.5(321). ~~Submission~~ If applicable, submission of a parent’s, guardian’s or custodian’s consent is also required in accordance with rule 761—601.6(321). The applicant or a current cardholder may provide the department with emergency contact information in accordance with rule 761—601.3(321).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-71
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date April 12, 2022
Title Administrative Rules – 761 IAC 451, Emergency Vehicle Permits

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapters 451 to align with existing legal authority and department practice and eliminate outdated or irrelevant requirements or options.

The proposed amendments revise the title, correct contact information and application submission information, specify the method of serving denial notices, address limitations of the emergency vehicle certificate to align with Iowa Code, and clarify what constitutes a scene of emergency for a towing or recovery vehicle displaying illuminated emergency lights.

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

The public comment period ended on February 1, 2022. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

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

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

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to the emergency vehicle certificate and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 451, “Emergency Vehicle Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.16 and 321.451.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.16, 321.231 and 321.451.

Purpose and Summary

This proposed rule making relates to Chapter 451, which allows for the designation of a privately owned vehicle as an authorized emergency vehicle pursuant to Iowa Code section 321.451. The proposed amendments align with existing legal authority and Department practice and eliminate outdated or irrelevant requirements or options.

The following paragraphs further explain the proposed amendments:

- The title of the chapter is revised to reference emergency vehicle certificates rather than emergency vehicle permits, which more closely aligns with the terminology used in the Iowa Code.
- Updates are made throughout the chapter to correct contact and application submission information for emergency vehicle certificates and to specify that emergency vehicle certificate denial notices are served by first-class mail as permitted by Iowa Code section 321.16.
- Subrule 451.2(3) is amended in order to address the limitations of the emergency vehicle certificate to align with Iowa Code section 321.231. This amendment also clarifies what constitutes a scene of emergency for the purposes of a towing or recovery vehicle displaying illuminated emergency lights, because the current rule language is not clear regarding what qualifies as a scene of emergency.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa because there is no fee associated with obtaining an emergency vehicle certificate and this rule making will not cause the Department to issue any more or any fewer certificates.

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 February 1, 2022. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on February 3, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on February 1, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend **761—Chapter 451**, title, as follows:

EMERGENCY VEHICLE PERMITS CERTIFICATE

ITEM 2. Amend rule 761—451.1(321) as follows:

761—451.1(321) Information. Information about certificates of designation for authorized emergency vehicles is available ~~from the office of vehicle and motor carrier services. The address is: Office of Vehicle and Motor Carrier Services,~~ by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at vscusto@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 321.2 and 321.3.

ITEM 3. Amend rule 761—451.2(321) as follows:

761—451.2(321) Authorized emergency vehicle certificate.

451.2(1) Application. Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the ~~office of vehicle and motor carrier services on a vehicle division~~ in the form and manner prescribed by the department. The department shall deny an application if the ~~department~~ applicant does not establish ~~for the department~~ that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451, or that the vehicle does not otherwise demonstrate necessity for the designation.

451.2(2) No change.

451.2(3) Limitation. ~~A certificate issued to a towing or recovery vehicle is valid only when the vehicle is at the scene of an emergency, unless otherwise authorized by a law enforcement officer. In addition to the provisions of Iowa Code section 321.231(2), a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:~~

a. When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

b. When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code ~~section~~ sections 321.231 and 321.451.

ITEM 4. Amend rule 761—451.3(17A,321) as follows:

761—451.3(17A,321) Application denial or certificate revocation.

451.3(1) No change.

451.3(2) The department shall send notice by certified mail to a person whose certificate of designation is to be revoked ~~or denied~~. The department shall send notice by first-class mail when an application is denied. The notice shall be mailed to the person's mailing address as shown on departmental records, and the revocation or denial shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of vehicle and motor carrier services~~ vehicle division. The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.16, 321.231 and 321.451.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-72
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2022
Title Revitalize Iowa's Sound Economy (RISE) Application – Audubon County

DISCUSSION/BACKGROUND:

Audubon County previously was awarded a RISE Immediate Opportunity grant to assist in the paving of approximately 285 feet of 100th Street, grading 173 feet of 100th Street and intersection improvements to County Road M-66 and 100th Street located south of Manning. The city submitted a revised request to reduce the grant, remove 100th Street improvements and construct additional intersection improvements to County Road M-66 and 100th Street.

This amendment is necessary to provide improved access to the proposed expansion of Puck Enterprises, a liquid manure application equipment manufacturer. This project is anticipated to be completed by October 2023.

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 job creation commitments, approve a revised scope and award a reduced RISE grant of \$238,020 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-73
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2022
Title Revitalize Iowa's Sound Economy (RISE) Application – Sioux City

DISCUSSION/BACKGROUND:

Sioux City submitted a RISE Immediate Opportunity application requesting a grant to assist in paving approximately 2,470 feet of Alicia Avenue and construction of a left-turn lane on 225th Street located on the south side of town. This project is anticipated to be completed by August 2023.

Because this project will provide access to 37 acres for warehousing purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2022 round of applications and award a RISE grant of \$665,264 from the city share of the RISE Fund and \$665,264 from the county share of the RISE Fund for a total of \$1,330,528 or up to 50 percent of the total RISE-eligible project cost, whichever is less.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-74
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date April 12, 2022
Title Revitalize Iowa's Sound Economy (RISE) Application – Altoona

DISCUSSION/BACKGROUND:

The city of Altoona submitted a RISE Local Development application in the February 2022 round requesting a grant to assist in reconstruction of approximately 1,960 feet of 9th Street NE located on the northeast side of town.

This project is necessary to provide improved access to six lots totaling more than 78 acres for warehousing and industrial purposes. This project is anticipated to be completed by November 2023.

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 \$1,509,207 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 _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2022-75
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date April 12, 2022
Title Program Objectives (2023-2027 Highway Program)

DISCUSSION/BACKGROUND:

Through ongoing workshop discussions, review of funding forecasts, review of project cost/schedule updates, and analysis of system and project level data, the Commission has identified program objectives to guide their development of the 2023-2027 Highway Program. These objectives are consistent with, and organized by, the four principal investment areas identified by the Commission in their adopted State Transportation Plan – Iowa in Motion 2045. Below is the list of program objectives:

- Projects in the 2023-2026 Highway Program will continue to be programmed with cost and schedule updates
- **Investment Area: Stewardship through maintaining a state of good repair**
 - Provide a targeted increase and then maintain increasing funding levels for safety
 - Maintain increasing interstate funding levels for pavement reconstruction, modernization, bridges, pavement patching/maintenance, rest areas, and other miscellaneous projects
 - Provide a targeted increase and then maintain increasing funding levels for non-interstate pavement modernization
 - Provide a targeted increase and then maintain increasing funding levels for non-interstate bridge modernization
 - Invest in additional stewardship projects
- **Investment Area: Modification through rightsizing the system**
 - Transfer of jurisdiction for portions of primary roadways to cities and counties
- **Investment Area: Optimization through improving operational efficiency and resiliency**
 - Invest in intelligent transportation systems infrastructure
 - Invest in Super-2 improvements
 - Invest in operational and Integrated Corridor Management improvements
 - Invest in additional truck parking at Interstate Rest Areas
- **Investment Area: Transformation through increasing mobility and travel choices**
 - Invest in corridor improvements

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the program objectives listed above for the 2023-2027 Highway Program.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director