

**PRELIMINARY
COMMISSION AGENDA**

August 10, 2021

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

August 10, 2021
 Santa Maria Event Center
 218 W 6th Street, Carroll

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2022-7	* Approve Minutes of the June 8, 2021 Commission Meeting	Danielle Madden	3
	Commission Comments		
	DOT Comments		
C-2022-8	* Commission Guidebook	Linda Juckette	4
MV-2022-9	* Administrative Rules – 761 IAC 380, 400, 524, and 540	Melissa Gillett	5
TO-2022-10	* Fiscal Year 2022 State Aviation Program	Shane Wright	18
TO-2022-11	* Highway-Railroad Crossing Safety Program Amendment	Kris Klop	22
TO-2022-12	* Revitalize Iowa's Sound Economy (RISE) – Audubon County	Craig Markley	24
TO-2022-13	* Revitalize Iowa's Sound Economy (RISE) – Ames	Craig Markley	25
TO-2022-14	* Revitalize Iowa's Sound Economy (RISE) – Grimes	Craig Markley	26
TO-2022-15	* Revitalize Iowa's Sound Economy (RISE) – City of Boone	Craig Markley	27
1:10 p.m.			
*Action Item	Adjourn		
	On Monday, August 9, the Commission and staff will meet informally at 3:30 p.m. 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-2022-7
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date August 10, 2021
Title Approve Minutes of the July 13, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 13, 2021 Commission meeting.

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 Commission Order No. C-2022-8
Submitted by Linda Juckette Phone No. 515-239-1919 Meeting Date August 10, 2021
Title Commission Guidebook

DISCUSSION/BACKGROUND:

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

PROPOSAL/ACTION RECOMMENDATION:

Commissioner Juckette recommends the Commission approve the Commission Guidebook.

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 Motor Vehicle Division Order No. MV-2022-9
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date August 10, 2021
Title Administrative Rules — 761 IAC 380, Motor Vehicles Operated by an Automated Driving System;
761 IAC 400, Vehicle Registration and Certificate of Title; 761 IAC 524, For-Hire Intrastate Motor
Carrier Authority and 761 IAC 540, Transportation Network Companies

DISCUSSION/BACKGROUND:

This proposed rule making newly establishes Chapter 380 and makes conforming changes to existing Chapters 400, 524 and 540. 2019 Iowa Acts, Senate File 302, enacted Iowa Code sections 321.514 to 321.519, authorizing operation of autonomous (driverless-capable) vehicles on Iowa roadways and provided the department with rule-making authority to regulate such vehicles.

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

The public comment period ended on June 8, 2021. The department received public comments from the National Association of Mutual Insurance Companies (NAMIC) suggesting that subrule 380.7(2) be amended to add that a manufacturer or entity applying for a testing permit submit evidence of the vehicle's driving operations to conform to Iowa state traffic laws and regulations. The department will be removing the testing permit in rule 380.7 from the final rule as described in further detail in the attached, so the suggested change is no longer applicable. The department also held an oral presentation and received written comments from the Alliance for Automotive Innovation (AFAI) regarding rules 380.1, 380.2, 380.3, 380.4, 380.5, 380.6, 380.7 and subrules 400.4(10) and 400.21(6). AFAI shared concerns about some of the department's proposed rules and amendments, in particular as related to the department's proposal to establish a driverless-capable vehicle testing permit in rule 380.7. AFAI expressed that the Iowa Code already provides a comprehensive framework for driverless-capable vehicles to operate safely and that creation of an additional testing permit process was unnecessary and would potentially discourage driverless-capable vehicle companies from bringing business to Iowa. AFAI also submitted several suggestions to further align the department's rules with the statute and industry experience, including deleting terminology that is not used in the rule chapter, making definitions and references consistent with existing technology, and removing requirements to submit extra documentation to the department outside of the operational design domain of the vehicle. A description of the changes made by the department in response to AFAI's comments on each of these rules and subrules can be found in the attached.

PROPOSAL/ACTION RECOMMENDATION:

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

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

Item 1. Adopt the following new 761—Chapter 380:

CHAPTER 380

MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

761—380.1(321) Applicability. This chapter applies to driverless-capable motor vehicles operated by an automated driving system ~~and system-equipped driverless-capable vehicles,~~ which shall be regulated exclusively by the department under Iowa Code section [321.519](#).

This rule is intended to implement Iowa Code sections [321.514 to 321.519](#).

761—380.2(321) Definitions. The definitions in Iowa Code section [321.514](#) are adopted and incorporated herein. In addition:

~~“ADS-equipped vehicle” means the same as a driverless-capable vehicle as defined in this chapter.~~

“Conventional human driver” means the same as defined in Iowa Code section [321.514](#) but does not include a driverless-capable vehicle user.

“Driverless-capable vehicle” as defined in Iowa Code section [321.514](#) means the vehicle meets one of the following classifications:

1. Level 3—conditional driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 3 vehicle ~~must have a conventional human driver present in the vehicle capable of responding~~ requires a human operator to respond to a request to intervene issued by the automated driving system, as well as to dynamic driving task performance-relevant system failures in other vehicle systems. However, a driverless-capable Level 3 vehicle can be remotely operated without a human operator present in the vehicle.

2. Level 4—high driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 4 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user present in the vehicle or performing remote operation to respond to a request to intervene issued by the automated driving system. A Level 4 vehicle is capable of fallback to a minimal risk condition without human intervention.

3. Level 5—full driving automation. The vehicle is capable of achieving the sustained and unconditional performance of the entire dynamic driving task. An SAE Level 5 vehicle is capable of performing all driving functions under all conditions. A Level 5 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user present in the vehicle. A Level 5 vehicle is capable of fallback to a minimal risk condition without human intervention.

“Driverless-capable vehicle user” means a natural person who does not control the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle and who is not otherwise expected to respond to a request to intervene issued by the automated driving system of a driverless-capable vehicle.

“Functional highway classifications” means the process by which streets and highways are grouped into classes, or systems, according to the character of service the street or highway is intended to provide, and may include but not be limited to a functional highway classification established under 23 CFR Section 470.105.

“Operational design domain” means the same as defined in Iowa Code section [321.514](#) ~~and can be either a specific document or set of documents, including electronic documentation, defining the domain under which an automated driving system is designed to properly operate.~~

“Public highways” means the same as “street” or “highway” as defined in Iowa Code section [321.1](#).

“SAE” means society of automotive engineers, which is an international association reputed for its standards development efforts, including its efforts to standardize definitions of driving automation systems.

This rule is intended to implement Iowa Code sections [321.1](#) and [321.514](#) and 23 CFR Section 470.105.

761—380.3(17A) Information and addresses. Information and forms pertaining to driverless-capable vehicle ~~testing permits exemptions~~ and vehicle registration and operational restrictions issued by the department or a county treasurer for a driverless-capable vehicle may be obtained in the form and manner prescribed by the department 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)237-3264; by email at vcusto@iowadot.us; or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section [17A.3](#).

761—380.4(321) Identification of driverless-capable vehicles in registration. The ~~classification level~~ SAE level of automation of a driverless-capable vehicle subject to registration under [761—Chapter 400](#) shall be listed in the department’s records system established under Iowa Code section [321.31](#) subject to possible changes to the SAE level of automation if the vehicle’s automated driving system is subsequently upgraded .

This rule is intended to implement Iowa Code sections [321.20](#), [321.31](#), [321.515](#) and [321.519](#).

761—380.5(321) Operational restrictions. The department may impose operational restrictions on a driverless-capable vehicle as provided in rule [761—400.21\(321\)](#) as a condition of registration of the vehicle. The manufacturer shall provide information regarding the vehicle’s operational design domain and associated operational restrictions to the department. The manufacturer may provide subsequent information showing changes to the vehicle’s operational design domain and associated operational restrictions if there are subsequent automated driving system design upgrades and the department shall update the department’s records accordingly.

This rule is intended to implement Iowa Code sections [321.515](#) and [321.519](#).

761—380.6(321) Identification of driverless-capable vehicle networks. A person seeking to operate a for-hire, driverless-capable vehicle network in Iowa, including an on-demand driverless-capable vehicle network, may be required to submit to the department the operational design ~~domain or any other documentation required by the department to assess the operational capabilities for any driverless-capable vehicle to be used in the driverless-capable vehicle network~~ as part of the application for the applicable permit under rule [761—524.3\(325A\)](#) or [761—540.4\(321N\)](#).

This rule is intended to implement Iowa Code sections [321.518](#) and [321.519](#).

761—380.7(17A,321) Driverless-capable vehicle ~~testing permit~~ exemption.

380.7(1) Application. If a driverless-capable vehicle does not meet the standards set forth in Iowa Code section 321.515(1)“b,” a driverless-capable vehicle manufacturer or entity may apply in the form and manner prescribed by the department for an exemption to allow driverless operation of the vehicle. A manufacturer or entity seeking an exemption under this rule shall do all of the following:

a. Disclose in the application which traffic or motor vehicle safety law the driverless-capable vehicle is seeking an exemption from under Iowa Code section 321.515(1)“b.”

b. Submit information describing how the manufacturer or entity intends to operate under the exemption without posing a safety risk to the public.

380.7(2) Issuance and display of exemption. If all requirements of subrule 380.7(1) are met, and the department has sufficient information to determine a public safety risk does not exist, the department may issue the driverless-capable vehicle exemption. The exemption may include operational restrictions as provided under rule 761—400.21(321). The manufacturer or entity shall keep a physical or electronic copy of the exemption and carry it in the driverless-capable motor vehicle that is subject to the exemption at all times. The copy may be in either a physical or an electronic format as prescribed by the department. The exemption shall be available for display to any peace officer upon request.

380.7(3) Suspension or revocation and reinstatement. The department may suspend or revoke a driverless-capable vehicle exemption if the exemption has been issued in conflict with the statutes or rules governing the exemption’s issuance, if the exemption was issued based on false information, for a violation of Iowa Code sections 321.515 to 321.519, 761—Chapter 400 or this chapter, or if the vehicle operating under the exemption is involved in a contributive motor vehicle accident attributable to the automated driving system performance in this or any state that results in death or serious injury or violation of any of the motor vehicle laws of this or any state that results in death or serious injury. For incidents occurring outside of the state of Iowa, revocation may only occur once the investigation of the incident is completed, and the vehicle automated driving system performance was found to be involved in or contributive to a motor vehicle accident that resulted in a death or serious injury. The effective date of the suspension or revocation shall be 20 days after the department has mailed notice of the revocation to the manufacturer or entity by first class mail.

380.7(4) Hearings. A manufacturer or entity whose driverless-capable vehicle exemption has been suspended or revoked may contest the suspension or revocation in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the director of the motor vehicle division. The request shall include, as applicable, the manufacturer’s or entity’s name, exemption number, complete address, and telephone number. The request must be submitted within 20 days after the date of the notice of the suspension or revocation. The department shall stay the suspension or revocation of an exemption for the period that the manufacturer or entity is contesting the suspension or revocation under this rule.

This rule is intended to implement Iowa Code sections 321.381, 321.482, 321.515 and 321.519.

~~The department may issue a driverless-capable testing permit, valid for one year, to a manufacturer or other entity seeking to test one or more driverless-capable vehicles that meet the operation standards set forth in Iowa Code section 321.515. A testing permit is not required for a vehicle that meets all of the criteria set forth in Iowa Code section 321.515. However, if a driverless-capable vehicle does not meet the standards set forth in Iowa Code section 321.515(1)“b,” the department may issue a testing permit allowing operation of that vehicle within the terms of this rule. The department reserves the right to consult with any expert in the field of driverless-capable vehicle technology, including but not limited to any educational institution, in evaluating any application for a testing permit under this chapter.~~

~~———— **380.7(1) Application.** An application for a driverless-capable vehicle testing permit shall be made to the department on a form designated by the department, electronic or otherwise, and prescribed for that purpose. The form shall require all of the following:~~

- ~~———— a. ——— The full legal name and the federal employer identification number of the manufacturer or entity.~~
- ~~———— b. ——— The address of the manufacturer’s or entity’s principal place of business.~~
- ~~———— c. ——— If incorporated or otherwise organized, the manufacturer’s or entity’s state of incorporation or organization.~~
- ~~———— d. ——— The name, address, telephone number, and email address of the person submitting the application on behalf of the manufacturer or entity.~~
- ~~———— e. ——— A statement signed by the manufacturer’s or entity’s authorized representative confirming the manufacturer’s or entity’s agreement to comply with all applicable requirements of the Iowa Code, including Iowa Code sections 321.515 to 321.519, and this chapter.~~
- ~~———— f. ——— A statement signed by the manufacturer’s or entity’s authorized representative confirming that the vehicle or vehicles do not exceed the limits set forth in Iowa Code sections 321.454, 321.456, 321.457, and 321.463 and acknowledging that a separate permit would be required under Iowa Code chapter 321E and 761—Chapter 511 if otherwise applicable.~~
- ~~———— g. ——— The name and address of the manufacturer’s or entity’s agent for service of process in the state of Iowa.~~

~~380.7(2) Supporting documents. An application for a driverless-capable vehicle testing permit shall be accompanied by the following:~~

~~a. Copy of the manufacturer's or entity's testing plan, including the goal of the proposed testing.~~

~~b. Vehicle specific information for all vehicles to be included under the permit, including:~~

~~(1) Vehicle identification number.~~

~~(2) Vehicle year, if assigned by the manufacturer.~~

~~(3) Vehicle make, if assigned by the manufacturer.~~

~~(4) Vehicle model, if assigned by the manufacturer.~~

~~(5) License plate number and jurisdiction of issuance, if applicable.~~

~~(6) Driverless-capable vehicle classification level.~~

~~(7) Whether the vehicle is intended to be tested with or without a conventional human driver or driverless-capable vehicle user present in the vehicle.~~

~~(8) Vehicle type, for example, whether the vehicle is a passenger, commercial, low-speed, or unmanned vehicle, including any combination thereof.~~

~~c. List of all drivers to perform testing for the manufacturer or entity under the permit subject to the driver qualification requirements under subrule 380.7(3), including:~~

~~(1) The person's full name.~~

~~(2) The person's date of birth.~~

~~(3) The person's driver's license number and jurisdiction or country of issuance.~~

~~(4) A certified copy of the person's driving record if the person's driver's license was not issued by the state of Iowa.~~

~~d. Summary of the training provided to owners, employees, contractors, or other persons designated by the manufacturer or entity as drivers of test vehicles.~~

~~e. List of each jurisdiction to which the manufacturer or entity has applied or been issued or been denied a testing permit.~~

~~f. Copy of or link to the manufacturer's or entity's voluntary safety self-assessment (VSSA) on file with the National Highway Traffic Safety Administration (NHTSA). If a VSSA is not on file or does not provide sufficient information, a copy of the manufacturer's or entity's safety plan for testing vehicles, including but not limited to a minimal risk condition component, shall be provided.~~

~~g. Copy of the operational design domain of any vehicle intended to be used as a test vehicle.~~

~~_____ h. _____ Routes to be used when testing the vehicle under the permit, including whether a human is intended to be controlling the vehicle, either inside or outside of the vehicle, on a particular route.~~

~~_____ i. _____ Evidence of the manufacturer's or entity's financial liability coverage required under Iowa Code section 321.516.~~

~~_____ j. _____ Copy of the manufacturer's or entity's plan for notifying local law enforcement within the testing vicinity of the intent to test driverless-capable vehicles under a permit issued under this chapter. The department reserves the right to consult with law enforcement in evaluating any notification plan submitted under this paragraph, and any failure to comply with the notification plan may result in a suspension or revocation of the testing permit under subrule 380.7(8).~~

~~_____ k. _____ Any other documents determined necessary by the department.~~

~~_____ **380.7(3) Driver qualifications.** To be qualified to perform testing under the driverless-capable vehicle testing permit, a person must:~~

~~_____ a. _____ Hold a valid driver's license pursuant to Iowa Code section 321.174 that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.~~

~~_____ b. _____ Have a clear driving record for the previous two years. A clear driving record means the person has:~~

~~_____ (1) _____ Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321), the serious violation provisions of rule 761—615.17(321), or the equivalent provisions under the law of the person's jurisdiction or country of driver's license issuance.~~

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

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

~~_____ (4) _____ No record of a contributive motor vehicle accident that caused the death or serious injury of another person.~~

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

~~_____ c. _____ Be an owner, employee, or contractor of or person designated by a manufacturer or entity to test driverless-capable vehicles on behalf of the manufacturer or entity.~~

~~_____ **380.7(4) Issuance, renewal, and display of permit.** When all requirements are met, and the department is satisfied that all safety considerations have been addressed, the department may issue the driverless-capable vehicle testing permit.~~

- ~~a. A manufacturer or entity shall not test driverless-capable vehicles in Iowa without a valid permit issued under this chapter.~~
- ~~b. The permit may include operational restrictions as provided under rule 761—400.21(321) or as determined necessary by the department to protect the health, safety, and welfare of the public.~~
- ~~c. The manufacturer or entity shall make a copy of the permit and carry it in each driverless-capable motor vehicle being tested under the permit at all times. The copy may be in either a physical or an electronic format as prescribed by the department. The permit shall be available for display to any peace officer upon request.~~
- ~~d. The state of Iowa, the department, and any other permit-issuing authority assume no responsibility for the property of the permit holder. Permit holders shall hold permit-issuing authorities harmless of any damages that may be sustained by the traveling public, adjacent property owners or the streets or highways of this state on account of movements made under permit.~~
- ~~e. Testing a driverless-capable vehicle without a valid permit issued under this chapter or operating a driverless-capable vehicle outside the terms of the testing permit or this chapter may result in a violation of Iowa Code section 321.381 or 321.482.~~
- ~~f. A testing permit may be renewed. If more than one vehicle is included on the original permit, vehicles may be deleted from the renewal application. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.~~
- ~~**380.7(5)** *Update to a driverless-capable vehicle testing permit.* To change the parameters of a testing permit issued under this chapter, other than a change of name or address of the manufacturer or entity that was issued the permit, or to delete a vehicle from the permit, an updated application and supporting documentation must be submitted to the department. The updated application shall include the permit number. Any testing or operation of a driverless-capable vehicle not listed on the permit shall not commence until a new permit or temporary permit has been issued and is carried in the vehicle.~~
- ~~**380.7(6)** *Change of name or address for a driverless-capable vehicle testing permit.* Notification of a name or address change shall be sent to the department within 30 days after the change. Notification shall include the permit number, old name or address and new name or address.~~
- ~~**380.7(7)** *Vehicle deletion.* A permittee may remove vehicles from the permit at any time after the permit is issued. Vehicles shall be deleted in the form and manner prescribed by the department.~~
- ~~**380.7(8)** *Suspension or revocation and reinstatement.* The department may suspend or revoke a driverless-capable vehicle testing permit if the permit has been issued in conflict with the statutes or rules governing the permit's issuance; for a violation of Iowa Code sections 321.515 to 321.519, 761—Chapter 400 or this chapter; or if a vehicle under the testing permit is~~

~~involved in a contributive motor vehicle accident in any state or is in violation of any of the motor vehicle laws of this or any state. The suspension or revocation shall continue until the manufacturer or entity is no longer in violation. After revocation, a new permit may be issued upon application.~~

~~—————**380.7(9) Hearings.** A manufacturer or entity whose application for a driverless-capable vehicle testing permit has been suspended or revoked may contest the decision in accordance with Iowa Code chapter ~~17A~~ and ~~761—Chapter 13~~. The request for a hearing shall be submitted in writing to the director of the motor vehicle division. The request shall include, as applicable, the manufacturer’s or entity’s name, permit number, complete address, and telephone number. The request must be submitted within 20 days after the date of the notice of suspension, revocation, or denial.~~

~~This rule is intended to implement Iowa Code sections 321.381, 321.482, 321.515 and 321.519.~~

~~**761—380.8(321) Reporting.** Each manufacturer or entity issued a driverless-capable vehicle testing permit under rule ~~761—380.7~~(17A,321) may be required to submit a disengagement report if requested by the department, which shall include but not be limited to a description of any unintended disengagement or failure of a test vehicle’s automated driving system. The department may request any other report the department determines necessary to assess the progress of any testing. Any reports required by the department shall be provided to the department on a frequency and in a format determined by the department.~~

This rule is intended to implement Iowa Code sections [321.515](#) and [321.519](#).

Item 2. Adopt the following **new** definition of “Driverless-capable vehicle” in rule **761—400.1(321)**:

“Driverless-capable vehicle” means the same as defined in rule [761—380.2](#)(321).

Item 3. Amend rule **761—400.1(321)**, definition of “ERT service provider,” as follows:

“ERT service provider” means a person or entity authorized by the department under subrule [400.3\(16\)](#) [400.3\(17\)](#) to submit electronic applications for certificate of title or registration of a vehicle on behalf of an end user to a county treasurer.

Item 4. Renumber subrule **400.3(16)** as **400.3(17)**.

Item 5. Adopt the following **new** subrule 400.3(16):

400.3(16) Driverless-capable vehicle. As provided in Iowa Code sections [321.20](#) and [321.515](#) and rule [761—400.21](#)(321), the applicant shall indicate on the application whether the vehicle is a driverless-capable vehicle as defined in rule [761—380.2](#)(321).

Item 6. Amend rule **761—400.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections [321.1](#), [321.8](#), [321.20](#), [321.23 to 321.26](#), [321.31](#), [321.34](#), [321.46](#), [321.105A](#), [321.109](#), [321.122](#), [321.515](#), [321.519](#), [322.19A](#) and [423.26](#).

Item 7. Renumber subrule **400.4(10)** as **400.4(11)**.

Item 8. Adopt the following **new** subrule 400.4(10):

400.4(10) Driverless-capable vehicles. If an application is made for a driverless-capable vehicle, the department may require the application to be accompanied by ~~all applicable documents identified in 761—subrule 380.7(2) or any other documentation the department may require to assess the vehicle’s operational capabilities the operational design domain.~~

Item 9. Amend renumbered subrule 400.4(11) as follows:

400.4(11) Supporting document retained by county treasurer. All supporting documents, except those submitted pursuant to subrule ~~400.3(16)~~ 400.3(17), shall be retained by the county treasurer.

Item 10. Amend rule **761—400.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, 321.515, 321.519 and 322.3.

Item 11. Adopt the following **new** subrule 400.7(12):

400.7(12) Driverless-capable vehicle indicator, which may also indicate whether operational restrictions exist.

Item 12. Amend rule **761—400.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.24, 321.31, 321.40, 321.45, 321.52, 321.69, 321.71, 321.124, 321.515, 321.519 and 322G.12.

Item 13. Amend rule 761—400.21(321) as follows:

761—400.21(321) Registration of vehicles on a restricted basis. The department may register a vehicle which does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended, or which is a driverless-capable vehicle as defined in rule 761—380.2(321). Registration may be accomplished upon payment of the appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition.

400.21(1) to 400.21(4) No change.

400.21(5) When a vehicle registered in this state is modified to make it a driverless-capable vehicle as defined in rule 761—380.2(321), the person in whose name the vehicle is registered shall within 30 days notify the department upon a form prescribed by the department.

400.21(6) As provided in Iowa Code sections 321.515 and 321.519, the department may restrict the operations of a driverless-capable vehicle registered in this state or another state but which operates in this state. The restrictions may include but are not limited to the restrictions provided in subrules 400.21(1) and 400.21(2) and any operational restrictions based on a specific functional highway classification, weather conditions, days of the week, times of day, and other elements of operational design while the automated driving system is engaged. The department may require the vehicle owner to submit to the department the automated

driving system's intended operational design domain for the vehicle on a form prescribed by the department ~~or any other documentation the department requires to assess or inspect the vehicle's operational capabilities~~. The department may evaluate the automated driving system's intended operational design domain for the vehicle ~~or any other documentation the department requires to assess the vehicle's operational capabilities, to establish restrictions~~. The department may establish additional operational restrictions to ensure safe operation of the vehicle. The department shall issue a certificate of restriction as provided in [subrule 400.21\(3\)](#) for any restriction established under this subrule, and the certificate shall be carried in the vehicle and made available for inspection by any peace officer upon request.

This rule is intended to implement Iowa Code sections [321.1](#), [321.23\(4\)](#), [321.30\(2\)](#), [321.101\(1\)](#), and [321.234A](#) and subsections [321.23\(4\)](#), [321.30\(2\)](#), and [321.101\(1\)](#), [321.515](#) and [321.519](#).

Item 14. Adopt the following **new** paragraph **524.3(3)"f"**:

f. All applicable documents identified in [761—subrule 380.7\(2\)](#) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the motor carrier intends to operate including for the purpose of determining whether to impose operational restrictions as authorized under rule [761—400.21\(321\)](#).

Item 15. Amend **761—Chapter 524**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 325A.

Item 16. Reletter paragraph **540.4(3)"j"** as **540.4(3)"k."**

Item 17. Adopt the following **new** paragraph **540.4(3)"j"**:

j. All applicable documents identified in [761—subrule 380.7\(2\)](#) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the transportation network company intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule [761—400.21\(321\)](#).

Item 18. Amend **761—Chapter 540**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 321N.

A description of the changes made by the department in response to the Alliance for Automotive Innovation's (AFAI) comments on each of these rules and subrules is as follows:

Rule 380.1 establishing applicability of the chapter was amended to remove the language regarding system-equipped driverless-capable vehicles since this term was not used in the rule chapter.

Rule 380.2 adopts new definitions for chapter 380. The department deleted the definition of “ADS equipped vehicle” because that term is not used in the rule chapter. The department revised the definition of a Level 3 driverless-capable vehicle to conform with existing technology, which provides that a Level 3 vehicle requires a human operator to respond to a request to intervene issued by the vehicle’s automated driving system, but that the human operator need not be present in the vehicle. The definition of “Operational design domain” was revised to align with the definition in Iowa Code.

Rule 380.3 provides contact information for the department and was revised to remove reference to driverless-capable vehicle testing permits and replace with a reference to driverless-capable vehicle exemptions. Driverless-capable vehicle exemptions are discussed in further detail in the paragraph explaining the changes to rule 380.7 below.

Rule 380.4 addresses identification of driverless-capable vehicles in registration and was amended to refer to terminology describing the vehicle classification level that is commonly used as well as add language to acknowledge the situation of a vehicle’s recorded level of automation level being changed if the automated driving system is subsequently upgraded.

Rule 380.5 authorizes the department to impose operational restrictions on a driverless-capable vehicle as a condition of registration pursuant to rule 761—400.21. The department added new language to the rule to require a driverless-capable vehicle manufacturer to provide information to the department regarding the vehicle’s operation design domain and associated operation restrictions and well as allowing the manufacturer to provide subsequent information to allow the department to update its records if there are subsequent automated driving system design upgrades.

Rule 380.6 addressing documentation submission requirements for a person seeking to operate a for-hire, driverless-capable vehicle network in Iowa was updated to remove the requirement to submit additional documentation as part of the application outside of the vehicle’s operational design domain.

Rule 380.7 adopts a driverless-capable vehicle testing process in Iowa. However, upon further review of the Iowa Code, which already provides a framework for a driverless-capable vehicle to operate in Iowa, the department is removing the testing permit from the rule because the department agrees that the driverless-capable vehicle exemption process which is contemplated under Iowa Code section 321.515(1)“b” is sufficient to address any circumstance in which a driverless-capable vehicle is unable to meet all of the traffic and motor vehicle safety laws and regulations in Iowa. The new rule establishes an application, review, and issuance process for the exemption as well as a suspension and hearing process.

Subrule 400.4(10) addressing supporting documentation as part of an application for vehicle registration and title was amended to remove the requirement to submit additional documentation as part of the application outside of the vehicle’s operational design domain and also delete a cross-reference to a subrule that was being deleted under the testing permit process.

Subrule 400.21(6) authorizing operational restrictions was amended to clarify that the department will use the operational design domain to evaluate a driverless-capable vehicle's intended operational design.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Modal Transportation Bureau Order No. TO-2022-10
Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date August 10, 2021
Title Fiscal Year 2022 State Aviation Program

DISCUSSION/BACKGROUND:

The Modal Transportation Bureau requests approval for the fiscal year (FY) 2022 State Aviation Program, including project recommendations for the Commercial Service Vertical Infrastructure, General Aviation Vertical Infrastructure, and the Airport Improvement Program. The recommended program with project costs is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2022 State Aviation Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
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FY 2022 State Aviation Program

Airport Improvement Program	4,040,038
Aviation Safety AWOS maintenance and data link, runway marking, immediate safety enhancements, obstruction mitigation, wildlife mitigation, windsocks, education and outreach	410,420
Aviation planning and development Airport development projects, air service development, statewide planning and research	3,629,618
Commercial Service Vertical Infrastructure	1,900,000
General Aviation Vertical Infrastructure	1,043,433
Total Aviation Program	\$6,983,471

Airport Development projects

Airport	Project	Total Project Cost	State Amount
The Eastern Iowa Airport	Construct Fuel Farm Improvements	5,000,000	305,000
Ankeny Regional Airport	Taxiway D Apron and Access Road Paving	694,850	312,682
Des Moines International Airport	Relocate ASOS and SWS Equipment	85,000	59,500
Council Bluffs Municipal Airport	Construct Building Approach Slab	165,200	82,600
Fort Dodge Regional Airport	Widen Taxiway B	251,500	196,000
Clinton Municipal Airport	Terminal Area Fencing	137,500	115,500
Southeast Iowa Regional Airport	Reconstruct Taxilane	137,370	115,390
Iowa City Municipal Airport	Construct Apron and Taxiway	413,750	351,687
Independence Municipal Airport	Taxiway and Apron Expansion	350,150	297,627
Ottumwa Regional Airport	Apron Improvements	265,000	225,250
Creston Municipal Airport	Fencing and Entrance Road Drainage Improvements	210,000	168,000

Muscatine Municipal Airport	Widen Taxilane	151,700	128,945
Washington Municipal Airport	Fuel System Repair and Modifications	315,600	153,962
Fairfield Municipal Airport	Hangar Apron Rehabilitation	122,886	104,453
Mount Ayr Municipal Airport	Replace Airport Lighting	93,450	70,087
Monticello Regional Airport	Taxiway and Apron Extension	80,000	64,000
Sibley Municipal Airport	Runway Pavement Repairs	65,500	55,675
Emmetsburg Municipal Airport	Tree Removal	40,000	34,000
Cresco Municipal Airport	Runway Drainage Improvements	130,000	110,500
Osceola Municipal Airport	Fuel Farm Replacement	292,405	97,405
Boone Municipal Airport	Construct Aprons for Box Hangars	99,220	84,337
Le Mars Municipal Airport	Fence Extension	22,375	19,018
Council Bluffs Municipal Airport	Construct Airport Entrance Sign	20,000	10,000
Total		\$9,143,456	\$3,161,618

General Aviation Vertical Infrastructure projects

Airport	Project	Total Project Cost	State Amount
Winterset Municipal Airport	Construct New Hangar	550,000	150,000
Osceola Municipal Airport	Fuel Farm Replacement	292,405	150,000
Council Bluffs Municipal Airport	Construct Equipment Storage Building	357,600	150,000
Washington Municipal Airport	Fuel System Repair and Modifications	315,600	114,298
Boone Municipal Airport	Construct Two Unit Box Hangar	299,400	150,000
Algona Municipal Airport	Replace Hangar Door	85,000	63,750
Iowa City Municipal Airport	Replace Hangar Doors	94,000	75,000
Sac City Municipal Airport	Hangar Rehabilitation	35,258	21,154
Mount Ayr Municipal Airport	Hangar Rehabilitation	35,808	26,856
Sheldon Regional Airport	Fuel System Improvements	42,500	36,125
Jefferson Municipal Airport	Hangar Repair	50,000	42,500
Fort Madison Municipal Airport	Hangar Exterior Improvements	75,000	63,750
Total		\$2,232,571	\$1,043,433

Commercial Service Vertical Infrastructure projects

Airport	Project	Total Project Cost	Allocated State Share
Des Moines International Airport	Parking Garage Addition	39,000,000	705,019
Dubuque Regional Airport	Generator Relocation, Fuel System Improvements, and Equipment Lift	384,000	131,700
The Eastern Iowa Airport	Construct Hangars	7,819,933	437,166
Fort Dodge Regional Airport	Construct Hangar and Terminal Improvements	390,000	121,585
Mason City Municipal Airport	Equipment Storage Facility Improvement	121,493	121,493
Sioux Gateway Airport	Terminal Improvements	134,800	134,800
Southeast Iowa Regional Airport	Terminal, Maintenance building and Hangar Rehabilitation	150,000	121,486
Waterloo Regional Airport	Hangar Rehabilitation	187,616	126,752
Total		\$48,187,842	\$1,900,000

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Modal Transportation Bureau Order No. TO-2022-11
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date August 10, 2021
Title Highway-Railroad Crossing Safety Program Amendment

DISCUSSION/BACKGROUND:

The amended fiscal year (FY) 2017 & (FY) 2018 Highway-Railroad Crossing Safety Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the amended FY 2017 & FY 2018 Highway-Railroad Crossing Safety Program project cost revisions as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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List of Previously Awarded Applications

PROJECT NAME	SPONSOR	ORIGINAL APPROVED AMOUNT	NEW REQUESTED AMOUNT	NEW RECOMMENDED AMOUNT
Maury Street, 864238S (NS) 602482R (UP)	<ul style="list-style-type: none"> Norfolk Southern Railroad Union Pacific Railroad City of Des Moines 	\$380,000	\$692,080	\$692,080
Highway IA 3, 307638B	<ul style="list-style-type: none"> Union Pacific Iowa DOT, District 3 	\$225,000	\$395,000 signals \$234,326 roadway \$629,326	\$629,326
TOTALS:		\$605,000	\$ 1,303,406	\$ 1,303,406

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TO-2022-12
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 10, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Audubon County

DISCUSSION/BACKGROUND:

Audubon County submitted a RISE Immediate Opportunity application requesting a 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. This project is anticipated to be completed by October 2022.

This improvement is necessary to provide improved access to the proposed expansion of Puck Enterprises, a liquid manure application equipment manufacturer. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the creation of 30 new full-time jobs out of 40 RISE-eligible created jobs.
- \$7,565,413 in associated capital investment.

The RISE cost per job assisted will be \$8,721.77 and there will be a total capital investment of \$28.91 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$261,653 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	_____	_____	_____

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TO-2022-13
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 10, 2021
Title Revitalize Iowa's Sound Economy (RISE) Project Settlement - Ames

DISCUSSION/BACKGROUND:

On April 8, 2014, the city of Ames was awarded a RISE grant of \$4,010,728 to assist with the reconstruction of University Avenue at Airport Road and approximately 800 feet to the south, as well as the construction of approximately 2,500 feet of new roadway along University Avenue extended south, approximately 800 feet of North Drive, and Plaza Loop.

Commission approval of this project was contingent on the creation of 365 new jobs within three years after completion of the roadway. Associated capital investment was to be \$26,350,299.

On June 24, 2016, the roadway was opened to traffic. As of July 2021, the city of Ames had not met the job creation contingency. The department was advised that an average of 137 total jobs were created.

The method of calculation and amount of proposed settlement was provided to the city. The city of Ames has agreed to repay the proposed settlement of \$278,223.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the project settlement and proposed payment to the city share of the RISE Fund of \$278,223 for the city of Ames.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TO-2022-14
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date August 10, 2021
Title Revitalize Iowa's Sound Economy (RISE) Project Settlement - Boone

DISCUSSION/BACKGROUND:

On February 9, 2016, the city of Boone was awarded a RISE grant of \$454,802 to assist with the paving of approximately 1,500 feet of Quartz Avenue located on the northeast side of Boone.

Commission approval of this project was contingent on the creation of 41 new jobs within three years after completion of the roadway. Associated capital investment was to be \$28,010,700.

On July 27, 2018, the roadway was opened to traffic. As of June 2021, the city of Boone had not met the job creation contingency. The department was advised that an average of 28 total jobs were created.

The method of calculation and amount of proposed settlement was provided to the city. The city of Boone has agreed to repay the proposed settlement of \$30,163.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the project settlement and proposed payment to the city and county share of the RISE Fund of \$30,163 for the city of Boone.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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