

## **PRELIMINARY COMMISSION AGENDA**

**February 8, 2022**





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

February 8, 2022  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2022-54 1:00 p.m.	* Approve Minutes of the January 12, 2022 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
MV-2022-55	* Administrative Rules – 761 IAC 411, Persons with Disabilities Parking Permits	Melissa Gillett	5
MV-2022-56	* Administrative Rules – 761 IAC 400 and 405	Melissa Gillett	11
MV-2022-57	* Administrative Rules – 761 IAC 400 and 450	Melissa Gillett	15
TD-2022-58	*Revitalize Iowa’s Sound Economy (RISE) – Butler County	Craig Markley	21
TD-2022-59	* Revitalize Iowa’s Sound Economy (RISE) – Pleasantville	Craig Markley	23
TD-2022-60	* Revitalize Iowa’s Sound Economy (RISE) – Cedar Rapids	Craig Markley	25
TD-2022-61	* Railroad Revolving Loan and Grant Program Amendment	Tamara Nicholson	27
TD-2022-62	* Federal Fiscal Year (FFY) 2023 Federal Aviation Administration Funding Preapplications	Shane Wright	29
1:10 p.m.	Adjourn		
*Action Item			

On Tuesday, February 8, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference Room at the DOT complex in Ames. Transportation-related matters will be discussed but no action will be taken.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2022-54  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date February 8, 2022  
Title Approve Minutes of the January 12, 2022 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the January 12, 2022  
Commission meeting.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Arnold  
Fehrman  
Juckette  
Putney  
Rielly  
Stutsman  
Yanney

Aye	Vote Nay	Pass
_____	_____	_____
_____	_____	_____
_____	_____	_____
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\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

\_\_\_\_\_  
State Director



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-55  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 8, 2022  
Title Administrative Rules – 761 IAC 411, Persons With Disabilities Parking Permits

**DISCUSSION/BACKGROUND:**

This proposed rule making relates to persons with disabilities parking permits and aligns with existing legal authority and department practice and eliminates outdated or irrelevant requirements or options.

The proposed amendments within Chapter 411 align with Iowa Code section 321L.2 which requires a medical provider's statement of disability to be on the medical provider's stationery and clarify that stationery can include any communication, electronic or otherwise, that the department can reasonably identify as originating from the applicant's medical provider.

Other changes align with Iowa Code parking permit application requirements to allow the department to accept a PWD parking permit application without the social security number, driver's license number, or nonoperator's identification card number of a person with a disability if the application is made on behalf of a person less than one year old. Additional amendments require a PWD parking permit application submitted by an organization to include both the name of the organization and the name of the authorized representative of the organization on the application, and clarify where a person may return a PWD parking permit that is no longer being used.

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

The public comment period ended on January 4, 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
<b>COMMISSION ACTION:</b>		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 persons with disabilities parking permits and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 411, “Persons with Disabilities Parking Permits,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321L.8.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 321L.

#### *Purpose and Summary*

This proposed rule making relates to persons with disabilities (PWD) parking permits and aligns with existing legal authority and Department practice and eliminates outdated or irrelevant requirements or options.

The rule defining a medical provider’s statement of disability is proposed to be amended to align with Iowa Code section 321L.2, which requires a medical provider’s statement of disability to be on the medical provider’s stationery. The proposed amendments clarify that stationery can include any communication, electronic or otherwise, that the Department can reasonably identify as originating from the applicant’s medical provider, which aligns with current Department practice and streamlines PWD parking permit application processing.

The rule outlining the requirements for a PWD parking sticker is proposed to be amended to clarify that a PWD sticker is not intended to be placed on a PWD license plate because placing a PWD sticker on a PWD license plate would be redundant.

The proposed amendments to the PWD parking permit application requirements align with Iowa Code requirements. These amendments allow the Department to accept a PWD parking permit application without the social security number, driver’s license number, or nonoperator’s identification card number of a person with a disability if the application is made on behalf of a person less than one year old. They also require a PWD parking permit application submitted by an organization to include both the name of the organization and the name of the authorized representative of the organization on the application, and they clarify that a PWD parking permit that is no longer being used may be returned to the Department, any driver’s license service center, or any law enforcement office.

#### *Fiscal Impact*

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

#### *Jobs Impact*

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

#### *Waivers*

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



### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 4, 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](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on January 6, 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 January 4, 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, the Department's rules administrator, and advise of specific needs.

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—411.1(321L) as follows:

**761—411.1(321L) Information and applications.** Information and applications regarding persons with disabilities parking permits are available, electronically or otherwise, by mail from the ~~Office of Vehicle and Motor Carrier Services~~ 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 facsimile at (515)237-3056; by email at [vscusto@iowadot.us](mailto:vscusto@iowadot.us); or on the department's ~~Web site~~ website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend subrule 411.2(2) as follows:

**411.2(2)** As used in this chapter, ~~unless the context otherwise requires:~~

"Child" means the same as defined in 761—subrule 401.20(2).

"Health care provider" means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, or a chiropractor licensed under Iowa Code chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state as set forth in Iowa Code section 321L.2(1).

*“Nonexpiring removable windshield placard”* means a removable windshield placard issued on or before December 31, 2016, to a person with a permanent disability.

*“Organization”* means an applicant that is a corporation, partnership, sole proprietorship, business trust, estate, trust, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity lawfully doing business in the state of Iowa that has a program for transporting persons with disabilities or elderly persons.

*“Permanent disability”* means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability will continue indefinitely without resolution and is reasonably expected to last the applicant’s lifetime.

*“Standard removable windshield placard”* means a removable windshield placard issued on or after January 1, 2017, to a person with a permanent disability.

*“Statement of disability”* means a communication, electronic or otherwise, originating from the applicant’s health care provider, which attests that the applicant is a person with a disability as defined in Iowa Code section 321L.1(8). The statement must state the nature of the applicant’s disability and indicate whether the applicant’s disability is “temporary” or “permanent.” If the disability is temporary, the statement shall state the period of time during which the applicant is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The statement must reasonably identify, on or within its contents, that it originated from the applicant’s health care provider be written on the health care provider’s stationery.

*“Stationery”* means any communication, electronic or otherwise, from which the department may reasonably identify, on or within its contents, that it originated from the applicant’s health care provider.

*“Temporary disability”* means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability is not permanent and is reasonably expected to last for only a limited period of time.

*“Temporary removable windshield placard”* means a removable windshield placard issued to a person with a temporary disability.

ITEM 3. Amend rule 761—411.3(321L) as follows:

**761—411.3(321L) Application for persons with disabilities parking permit.**

**411.3(1)** No change.

**411.3(2) Application requirements.** An application shall include the applicant’s full legal name, address, date of birth, social security number or Iowa driver’s license number or Iowa nonoperator’s identification number, and a statement of disability from the applicant’s health care provider. However, if the application is made on behalf of a person who is less than one year old, ~~the application does not have pursuant to Iowa Code section 321L.2, the department may accept the application without the requirement to include a social security number, Iowa driver’s license number, or nonoperator’s identification card number for the person.~~ In lieu of a statement of disability from a health care provider, an applicant who is certified by the U.S. Department of Veterans Affairs as having a permanent disability may submit both of the following with an otherwise completed persons with disabilities parking permit application:

a. and b. No change.

**411.3(3) Availability of application.** Applications may be obtained from any of the following:

a. The department’s ~~Web site~~ website as set forth in rule 761—411.1(321L).

b. The department’s ~~office of vehicle and motor carrier services~~ motor vehicle division.

c. A driver’s license ~~station~~ service center.

d. No change.

~~e.—The Office of Persons with Disabilities, Iowa Department of Human Rights, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.~~

**411.3(4) Application submission.** Completed applications shall be submitted, ~~electronically or otherwise, to~~ in any of the following ways:

a. ~~The department's office of vehicle and motor carrier services~~ By mail to 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 facsimile at (515)237-3056; or by email at [vscusto@iowadot.us](mailto:vscusto@iowadot.us).

b. ~~A~~ In person at a driver's license station service center.

c. ~~A~~ To the county treasurer's office.

**411.3(5) Application submitted by an organization.** An application submitted by an organization shall include the name, of the organization; the name of its authorized representative; the mailing address, telephone number, and signature of its authorized representative; and if required to obtain one, the organization's federal employer identification number or federal tax identification number.

ITEM 4. Amend subrule 411.5(1) as follows:

**411.5(1) Eligibility.** A persons with disabilities special registration plate parking sticker may be issued to a person with a permanent disability who owns a motor vehicle for which the person has been issued disabled veteran plates under Iowa Code section 321.105 or registration plates under Iowa Code section 321.34. A special registration plate parking sticker shall not be issued to a person with a temporary disability or to an organization. In no event shall a special registration plate parking sticker be placed on persons with disabilities special plates issued under Iowa Code section 321.34(14).

ITEM 5. Amend rule 761—411.7(321L) as follows:

**761—411.7(321L) Return of persons with disabilities parking permit.** A persons with disabilities parking permit issued pursuant to this chapter and Iowa Code section 321L.2 shall be returned to the department, to a driver's license service center, or to any law enforcement office within ten days of an occurrence of any of the events set forth in Iowa Code section 321L.3(1) and in the manner prescribed in Iowa Code section 321L.3(3).

ITEM 6. Amend subrule 411.9(2) as follows:

**411.9(2)** The request shall be submitted in writing, to the director of the ~~office of vehicle and motor carrier services~~ vehicle division, at the address listed in rule 761—411.1(321L), and may be submitted ~~electronically by facsimile, e-mail~~ email or other means prescribed by the department. To be timely, the request must be submitted within ten days of the receipt of notice of revocation.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-56  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 8, 2022  
Title Administrative Rules – 761 IAC 400, Vehicle Registration and Title, and 761 IAC 405, Salvage

**DISCUSSION/BACKGROUND:**

This proposed rule making updates Chapters 400 and 405 to conform these rules with 2021 Iowa Acts, Senate File 230, section 1.

This legislation increases the threshold for issuing a salvage title designation if the cost of repair of a wrecked or salvage motor vehicle exceeds 50 percent of the fair market value of the vehicle to instead require the cost of repair to exceed 70 percent of the fair market value. The proposed amendments preserve the “damage over 50 percent” standard in Chapter 405 for wrecked or salvage vehicles that were transferred prior to July 1, 2021, and also clarify the process for when a damage disclosure statement that is separate from the damage disclosure on the assignment of title will be accepted from a transferor or transferee of the vehicle. A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended on December 21, 2021. The department received comments from Insurance Auto Auctions, Inc. and Copart, and met with them to discuss their concerns. The department will be making additional changes when we publish the adopted and filed rulemaking to subrule 400.55(3) to further clarify the methods the department will use to review transactions where a damage disclosure statement indicates a vehicle has less than 70 percent damage.

The rule amendments published in the Notice of Intended Action provided that the department would confirm the damage level through the National Motor Vehicle Title Information System (NMVTIS). However, this wording was not entirely accurate because while NMVTIS may provide information about the damage history, it is not the source used to directly determine the vehicle’s damage level. Rather, the damage level of the vehicle is confirmed by using data obtained from the entity with direct knowledge of the damage, which could include the insurance provider or motor vehicle repair facility. For this reason, the department is revising paragraphs 400.55(3)“b” and “c” to remove the previous references to using NMVTIS to confirm the damage level of the vehicle and instead referencing that the damage level will be confirmed by reaching out to the entity with direct knowledge of the damage. The department is also adding language to clarify that prior Iowa titles or foreign titles issued or designated as salvage, rebuilt, or flood are not subject to review under paragraph 400.53(3)“b” as further review or confirmation of damage is not necessary for these designated titles.

Other changes are made to the published rule amendments to remove references to the 2021 Iowa Acts in Items 1 and 8 because the legislation has been codified.

**PROPOSAL/ACTION RECOMMENDATION:**

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

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

  

_____ Division Director	_____ Legal	_____ State Director
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## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to salvage titles and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 405, “Salvage,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1.

#### *Purpose and Summary*

This proposed rule making updates Chapters 400 and 405 to conform these rules with 2021 Iowa Acts, Senate File 230, section 1.

This legislation increases the threshold for issuing a salvage title designation if the cost of repair of a wrecked or salvage motor vehicle exceeds 50 percent of the fair market value of the vehicle to instead require the cost of repair to exceed 70 percent of the fair market value. The proposed amendments preserve the “damage over 50 percent” standard in Chapter 405 for wrecked or salvage vehicles that were transferred prior to July 1, 2021, and also clarify the process for when a damage disclosure statement that is separate from the damage disclosure on the assignment of title will be accepted from a transferor or transferee of the vehicle.

The proposed amendments also update parenthetical implementation statutes and remove bureau names.

#### *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 December 21, 2021. 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](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 28, 2021, via conference call at 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 21, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—400.55(321) as follows:

#### **761—400.55(321) Damage disclosure statement.**

**400.55(1) and 400.55(2)** No change.

**400.55(3)** If the transferor completes the damage disclosure on the assignment of title at the time of application for title, a transferor or transferee of a vehicle may submit a separate damage disclosure statement, Form 411108, indicating the damage level of the vehicle and whether the damage level exceeds 70 percent.

*a.* If the transferor signs both the damage disclosure on the assignment of title and the separate damage disclosure statement, Form 411108, the county treasurer shall accept the separate damage disclosure statement.

*b.* If the transferee signs the separate damage disclosure statement, Form 411108, the county treasurer shall accept the separate damage disclosure statement only if the separate damage disclosure statement indicates the damage level exceeds 70 percent. If the transferee's statement indicates the damage level is less than 70 percent, the department shall review the transaction to confirm the damage level through the National Motor Vehicle Title Information System (NMVTIS).

*c.* Nothing in this subrule shall be construed to prevent the department from confirming the damage level through NMVTIS for the purpose of adding a "damage over 70 percent" designation to the title as required by Iowa Code section 321.69.

This rule is intended to implement Iowa Code section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1, and section 321.69.

ITEM 2. Amend rule **761—405.2(321)**, parenthetical implementation statute, as follows:

#### **761—405.2(321,321H) Definitions.**

ITEM 3. Amend subparagraph **405.6(1)“a”(1)** as follows:

(1) Has repair costs exceeding ~~50~~ 70 percent of its fair market value before it became damaged, and

ITEM 4. Amend paragraph **405.6(1)“b”** as follows:

b. Fair market value is the average retail value found in the National Automobile Dealers Association (NADA) Official Used Car Guide. If there is no value available, the motor vehicle and motor carrier services bureau division shall determine the fair market value upon request. The address is: Motor Vehicle and Motor Carrier Services Bureau Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

ITEM 5. Amend subrule 405.8(5) as follows:

**405.8(5) Designation carried forward.** If a vehicle leaves Iowa with a regular Iowa title and reenters Iowa with a regular foreign title, and if the foreign title does not indicate that the vehicle was rebuilt and if a records check indicates that the vehicle had a designation listed in paragraphs 405.10(1)“a” to “e,” through “f,” that designation shall be carried forward to the Iowa title and registration receipt issued from the foreign title.

ITEM 6. Amend subrule 405.9(1) as follows:

**405.9(1)** Determine if the vehicle ever had or should have had a “prior salvage,” “rebuilt,” “damage over 50 percent,” “damage over 70 percent,” “flood,” “fire,” “vandalism,” “theft,” “lemon buy-back,” or equivalent designation(s) on a previous title. If such a designation is or should have been on a previous title, the Iowa title to be issued shall contain the designation required by this chapter.

ITEM 7. Amend rule 761—405.10(321) as follows:

**761—405.10(321,322G) Designations.**

**405.10(1)** The following designations for a vehicle shall be used on Iowa titles and registrations receipts and shall be carried forward to all subsequent Iowa titles and registration receipts issued for the vehicle, unless otherwise specified:

a. and b. No change.

c. Damage over 50 percent. The designation shall be used for applicable vehicle transfers occurring prior to July 1, 2021, and shall be carried forward for applicable vehicle transfers occurring prior to July 1, 2021.

~~e. d.~~ Damage over 50 70 percent. As required by Iowa Code section 321.69, a designation of “damage over ~~50~~ 70 percent” shall be used when the seller or the buyer indicates on the damage disclosure statement that the person has knowledge that the motor vehicle sustained damage for which the cost of the repair exceeded ~~50~~ 70 percent of the fair market value before the motor vehicle became damaged. This designation replaces any other designation except “rebuilt.”

~~d. e.~~ Flood, fire, vandalism or theft. The most recent designation applies. Unless superseded by a “REBUILT-IA,” “rebuilt,” ~~or~~ “damage over 50 percent” or “damage over 70 percent” designation, a designation of “flood,” “fire,” “vandalism” or “theft” shall be used as specified in subrule 405.8(6) and supersedes a “lemon buy-back” designation.

~~e. f.~~ Lemon buy-back. Unless superseded by a “REBUILT-IA,” “rebuilt,” “damage over 50 percent,” “damage over 70 percent,” “flood,” “fire,” “vandalism” or “theft” designation, a designation of “lemon buy-back” shall be used:

(1) and (2) No change.

**405.10(2)** No change.

ITEM 8. Amend **761—Chapter 405**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~sections~~ section 321.24, section 321.52 as amended by 2021 Iowa Acts, Senate File 230, section 1, and sections 321.69 and 322G.12.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-57  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date February 8, 2022  
Title Administrative Rules – 761 IAC 400, Vehicle Registration and Title, and 761 IAC 450, Motor Vehicle Equipment

**DISCUSSION/BACKGROUND:**

This proposed rule making updates Chapters 400 and 450 to conform the rules with 2021 legislation.

The proposed amendments incorporate legislative changes to the vehicle registration and titling process, as well as to motor vehicle equipment requirements as follows:

- 2021 Iowa Acts, Senate File 173, section 1, clarifies the required contents of a certification of trust, which is created for the purpose of demonstrating the existence of a trust and can be used by the department when registering or titling a vehicle subject to a trust.
- 2021 Iowa Acts, Senate File 444, section 4, eliminates a provision from the Iowa Code that would have reduced by \$25 the documentary fee a person pays when purchasing a vehicle from a dealer upon the department's implementation of the Electronic Registration and Titling (ERT) system.
- 2021 Iowa Acts, Senate File 342, section 53, exempts persons operating motor vehicles owned or leased by federal, state, or local law enforcement agencies from Iowa's window tinting laws.

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

The public comment period ended on January 18, 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 motor vehicle registration and titling and window tinting and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 450, “Motor Vehicle Equipment,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53; section 322.19A as amended by 2021 Iowa Acts, Senate File 444, section 4; and section 633A.4604 as amended by 2021 Iowa Acts, Senate File 173, section 1.

#### *Purpose and Summary*

This proposed rule making updates Chapters 400 and 450 to conform the rules with 2021 legislation. The proposed amendments incorporate legislative changes to the vehicle registration and titling process, as well as to motor vehicle equipment requirements. 2021 Iowa Acts, Senate File 173, section 1, clarifies the required contents of a certification of trust, which is created for the purpose of demonstrating the existence of a trust and can be used by the Department when registering or titling a vehicle subject to a trust. 2021 Iowa Acts, Senate File 444, section 4, eliminates a provision from the Iowa Code that would have reduced by \$25 the documentary fee a person pays when purchasing a vehicle from a dealer upon the Department’s implementation of the Electronic Registration and Titling (ERT) system. 2021 Iowa Acts, Senate File 342, section 53, exempts persons operating motor vehicles owned or leased by federal, state, or local law enforcement agencies from Iowa’s window tinting laws.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact besides that of the legislation it is intended to implement.

#### *Jobs Impact*

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

#### *Waivers*

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

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 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](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on January 20, 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 January 18, 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 **400.3(17)“d”** as follows:

*d.* In addition to the documentary fee authorized under Iowa Code section 322.19A, an end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C may pass and charge to a customer the fees or costs incurred by the motor vehicle dealer to submit the customer's application through an ERT service provider's services as a third-party cost or fee ~~under Iowa Code section 322.19A(1)~~, provided that the motor vehicle dealer discloses the charge to the customer before submitting the application. The documentary fee charged by the motor vehicle dealer shall not exceed the amount authorized by Iowa Code section ~~322.19A(3)~~ 322.19A. Neither the ERT service provider nor the motor vehicle dealer shall charge a customer for creation or delivery of a “registration applied for” card.

ITEM 2. Amend subrule 400.4(9) as follows:

**400.4(9) Applications in the name of trusts.** An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

*a.* The certification of trust may be signed by any trustee or the attorney for any trustee.

*b.* The application shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust~~, and the applicant shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the certification of trust specifies the required signatories, the application may be signed by any trustee or attorney for the trustee. Each signature on the application shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

*c.* If a certification of trust is provided, one of the following shall apply:

(1) Any currently acting trustee may sign the application if the certification of trust states that such trustee may act individually.

(2) A majority of the trustees must sign the application if the certification of trust states that the trustees must act by majority decision.

(3) All currently acting trustees must sign the application if the certification of trust states that the trustees must act by unanimous decision.

d. A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirements, the certification of trust will be considered invalid for the purposes of the application.

e. Each signature on the application shall be followed by the words “as trustee.”

ITEM 3. 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 and 633A.4604.

ITEM 4. Amend paragraph **400.14(3)“b”** as follows:

b. When a vehicle is owned by a trust, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

(1) The certification of trust may be signed by any trustee or the attorney for any trustee.

(2) The title shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust as defined in Iowa Code section 633A.4604~~, and the transferor shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the certification of trust specifies the required signatories, the title may be signed by any trustee or attorney for the trustee. Each signature on the title shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

(3) If a certification of trust is provided, one of the following shall apply:

1. Any currently acting trustee may sign the title if the certification of trust states that such trustee may act individually.

2. A majority of the trustees must sign the title if the certification of trust states that the trustees must act by majority decision.

3. All currently acting trustees must sign the title if the certification of trust states that the trustees must act by unanimous decision.

(4) A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirement, the certification of trust will be considered invalid for the purposes of the transfer.

(5) Each signature on the title shall be followed by the words “as trustee.”

ITEM 5. Amend rule **761—400.14(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.47, 321.49, ~~and~~ 321.67 and 633A.4604.

ITEM 6. Amend subrule 450.1(1) as follows:

**450.1(1)** Information and forms for vehicle registration and certificate of title may be obtained from the county treasurer or by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience ~~Boulevard~~ Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or on the department’s website at www.iowadot.gov.

ITEM 7. Amend subrule 450.7(1) as follows:

**450.7(1) Prohibition.** ~~Pursuant to~~ Except as provided in Iowa Code subsection section 321.438(2), a person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver (front side window) or a side window forward of and to the left or right of the driver (front side window) which is excessively dark or reflective.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-58  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 8, 2022  
Title Revitalize Iowa's Sound Economy (RISE) Application – Butler County

**DISCUSSION/BACKGROUND:**

Butler County previously was awarded a RISE Immediate Opportunity grant to assist in the paving of approximately 5,280 feet of Union Avenue located northwest of Shell Rock. An amendment to the scope of work was requested for intersection improvements at Union Avenue and 220<sup>th</sup> Street.

This amendment is necessary to provide improved access to the site of TrinityRail Maintenance Services Inc., a railcar manufacturing and maintenance facility. This project is anticipated to be completed by October 2022.

The evaluation and rating for the project will be discussed.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve modification of the previously awarded RISE grant scope of work to include intersection improvements at Union Avenue and 220th Street.

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





DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-59  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 8, 2022  
Title Revitalize Iowa's Sound Economy (RISE) Application – Pleasantville

**DISCUSSION/BACKGROUND:**

The city of Pleasantville submitted a RISE Local Development application in the September 2021 round requesting a grant to assist in construction of approximately 735 feet of unnamed road, roadway improvements of 470 feet of Pleasant Street and turn lanes on Iowa 5 located on the northwest side of town.

This project is necessary to provide access to three lots totaling more than 26 acres for light industrial, manufacturing and warehousing purposes. This project is anticipated to be completed by December 2022.

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 \$1,276,710 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	_____	_____	_____

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Division  
Director

\_\_\_\_\_  
Legal

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State Director



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-60  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 8, 2022  
Title Revitalize Iowa's Sound Economy (RISE) Application – Cedar Rapids

**DISCUSSION/BACKGROUND:**

The city of Cedar Rapids submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 2,000 feet of Waldorf Road and construction of a roundabout at 6<sup>th</sup> Street and Commerce Park Drive SW located on the southwest side of town. This project is anticipated to be completed by November 2023.

Because this project will provide improved access to more than 80 acres for distribution, warehousing, and light industrial 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 September 2021 round of applications and award a RISE grant of \$1,088,623 from the city share of the RISE Fund and \$940,349 from the county share of the RISE Fund for a total of \$2,028,972 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	_____	_____	_____

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Division  
Director

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Legal

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State Director



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Modal Transportation Bureau Order No. TD-2022-61  
Submitted by Tamara Nicholson Phone No. 515 239-1052 Meeting Date February 8, 2022  
Title Railroad Revolving Loan and Grant Program Amendment

**DISCUSSION/BACKGROUND:**

The Commission awarded the most recent round of Railroad Revolving Loan and Grant Program on October 12, 2021. Following the award, Sioux City requested an amendment to their award due to a change in the anticipated development at the site. This amendment reduces the award to Sioux City from a \$2 million grant to a grant of \$687,933 to support Cold Link Logistics.

The following amended recommendation will be presented.

<u>Targeted Job Creation projects</u>	<u>Loan</u>	<u>Grant</u>
Cold Link Logistics, City of Sioux City	-----	\$ 687,933
<b>Total Awarded Funding:</b>	-----	<b>\$ 687,933</b>

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the Railroad Revolving Loan and Grant Program amendment recommendation, as listed.

**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 Modal Transportation Bureau Order No. TD-2022-62  
Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date February 8, 2022  
Title Federal Fiscal Year (FFY) 2023 Federal Aviation Administration Funding Preapplications

**DISCUSSION/BACKGROUND:**

The Modal Transportation Bureau requests the Iowa Transportation Commission approve the submittal of FFY 2023 FAA funding preapplications prepared by Iowa airports that are eligible for federal funding. The list of preapplications is attached.

Preapplications will be submitted to FAA for review and action.

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

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Director

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Legal

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State Director

## FFY 23 Federal Airport Improvement Program Preapplications

Safety projects			
Airport	Project description	90 percent federal level	Total amount
Mapleton Municipal	Airport Drainage and Levee Repairs	\$562,500	\$625,000
Total safety projects		\$562,500	\$625,000

Planning projects			
Airport	Project description	90 percent federal level	Total amount
Ankeny Regional	Design Runway 18/36 Reconstruction	\$688,500	\$765,000
Clarinda Municipal	Update Airport Master Plan	\$225,000	\$250,000
Forest City Municipal	Rehabilitate Runway 15/33 - Design	\$265,500	\$295,000
Harlan Municipal	Airport Layout Plan Update	\$90,000	\$100,000
Iowa DOT	Pavement Condition Study	\$135,000	\$150,000
Northeast Iowa Regional	Airport Layout Plan Update, Environmental Assessment, and Approach Developm	\$315,000	\$350,000
Winterset Municipal	Design Runway 18/36	\$720,000	\$800,000
Total planning projects		\$2,439,000	\$2,710,000

Maintenance and development projects			
Airport	Project description	90 percent federal level	Total amount
Algona Municipal	Runway 12 Displacement and Extension	\$1,035,000	\$1,150,000
Algona Municipal	Runway 12 End Turnaround	\$378,000	\$420,000
Algona Municipal	Electrical Vault and wiring	\$396,000	\$440,000
Algona Municipal	Replace Runway End Identifier Lights and Approach Lights	\$180,000	\$200,000
Ames Municipal	Rehabilitate South Apron	\$828,000	\$920,000
Arthur N. Neu	Runway 13/31 Lighting Replacement	\$490,500	\$545,000
Cherokee County Regional	Replace Automated Weather Observation System	\$307,800	\$342,000
Clinton Municipal	Reconstruct Taxilane - Phase 1	\$549,180	\$610,200
Council Bluffs Municipal	Construct Taxilane	\$2,896,106	\$3,217,895
Creston Municipal	Vault Reconstruction and Rotating Beacon	\$300,000	\$333,333
Decorah Municipal	Taxiway Lighting	\$207,000	\$230,000
Decorah Municipal	Terminal Building Construction	\$150,000	\$1,200,000
Fort Dodge Regional	Reconstruct Taxiway F and Remove Taxiway G	\$821,970	\$913,300
Fort Dodge Regional	Acquire Mobile Foam Test System	\$27,963	\$31,070
Fort Madison Municipal	Replace Automated Weather Observation System	\$313,200	\$348,000
Greenfield Municipal	Runway Pavement Rehabilitation	\$300,000	\$333,333
Grinnell Regional	Taxiway Rehabilitation	\$600,000	\$666,667
Guthrie County Regional	Reconstruct Apron (Phase 1)	\$615,915	\$684,350
Hampton Municipal	Runway Rehabilitation	\$270,000	\$300,000
Hampton Municipal	Taxiway and Apron Rehabilitation	\$153,000	\$170,000
Harlan Municipal	Taxilane Reconstruction	\$279,203	\$310,225
Humboldt Municipal	Runway Pavement Rehabilitation and Lighting	\$1,800,000	\$2,000,000
Independence Municipal	Replace Runway and Taxiway Lighting	\$421,200	\$468,000
Iowa City Municipal	Runway 12 Threshold Displacement and Runway 30 Threshold Relocation	\$495,630	\$550,700
Knoxville Municipal	Expand Apron	\$497,430	\$552,700



Le Mars Municipal	Construct Taxiway	\$300,000	\$397,200
Maquoketa Municipal	Reconstruct Runway 15 End	\$1,276,470	\$1,418,300
Muscatine Municipal	Acquire Snow Removal Equipment	\$202,500	\$225,000
Osceola Municipal	Construct Turnarounds for Runway 18/36	\$612,504	\$680,560
Ottumwa Regional	Reconstruct Apron	\$1,458,360	\$1,620,400
Pocahontas Municipal	Runway 18/36 Edge Drain Installation	\$198,000	\$220,000
Red Oak Municipal	Runway 5/23 and Taxiway Lighting	\$1,240,200	\$1,378,000
South Central Regional	Grading and Drainage Improvements	\$6,266,494	\$6,962,772
Southeast Iowa Regional	Reconstruct Taxiway D	\$1,373,805	\$1,526,450
Storm Lake Municipal	Runway 17/35 Lighting Replacement	\$433,620	\$481,800
Vinton Veterans Memorial	Rehabilitate Runway 9/27	\$351,000	\$390,000
Waverly Municipal	Construct Connector Taxiway	\$459,652	\$510,725
	<b>Total maintenance and development projects</b>	<b>\$28,485,702</b>	<b>\$32,747,980</b>

Land acquisition projects			
Airport	Project description	90 percent federal level	Total amount
Bloomfield Municipal	Land Acquisition RPZ Parcel 15	\$108,000	\$120,000
Mathews Memorial -Tipton	Land Acquisition - Phase 2	\$399,350	\$459,472
Mt. Pleasant Municipal	Land Acquisition for Runway 33 Extension	\$805,500	\$895,000
Sioux County Regional	Land Acquisition for Apron Expansion	\$413,100	\$459,000
	<b>Total land acquisition projects</b>	<b>\$1,725,950</b>	<b>\$1,933,472</b>
<b>49 Total projects</b>	<b>Total preapplications</b>	<b>\$33,213,152</b>	<b>\$38,016,452</b>