

## **PRELIMINARY COMMISSION AGENDA**

**January 12, 2022**





# IOWA TRANSPORTATION COMMISSION

## Meeting Agenda / Commission Orders

January 12, 2022  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m. D-2021-47	* Approve Minutes of the December 14, 2021 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
MV-2022-48	* Administrative Rules – 761 IAC 607, Commercial Driver Licensing	Melissa Gillett	5
TD-2022-49	* Statewide Transportation Alternatives Program Funding Recommendations	Craig Markley	9
TD-2022-50	* Federal Recreational Trails Program Funding Recommendations	Craig Markley	11
TD-2022-51	* Iowa's Clean Air Attainment Program Funding Recommendations	Deb Arp	13
TD-2022-52	* State Transit Assistance Special Projects	Kristin Haar	15
TD-2022-53	* 2022-2026 Iowa Transportation Improvement Program Amendment	Stuart Anderson	17
1:10 p.m.	Adjourn		
*Action Item			

On Wednesday, January 12, the Commission and staff will meet informally at 9:30 a.m.  
at the Ames DOT Complex, Materials Conference Room.  
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-2022-40  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date January 12, 2022  
Title Approve Minutes of the December 14, 2021 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the December 14, 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 Motor Vehicle Division Order No. MV-2022-48  
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date January 12, 2022  
Title Administrative Rules – 761 IAC 607, Commercial Driver's License

**DISCUSSION/BACKGROUND:**

This proposed rule making conforms Chapter 607 with 2021 Iowa Acts, House File 828, sections 5 and 6, which authorize the department and county treasurer locations offering commercial driver's license (CDL) skills tests to charge fees for that service.

The CDL skills test is comprised of three parts: the pre-trip vehicle inspection test, the basic vehicle control skills test, and the on-road driving skills test. The legislation authorizes the department to set a \$25 fee to administer the pre-trip segment of the skills test and a county treasurer location to charge \$25 for each segment of the three-part skills test. The legislation also provides exceptions to the fee for CDL applicants who are employed by or volunteer for a government agency. The fee for the pre-trip segment of the test is due when the CDL skills test is scheduled and is not refundable if the applicant does not show up for the test or fails the test.

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 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	_____	_____	_____
_____	Yanney	_____	_____	_____
_____	Division Director	_____	_____	_____
_____	Legal	_____	_____	_____
_____	State Director	_____	_____	_____

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to commercial driver's license skills test and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.187A as enacted by 2021 Iowa Acts, House File 828, section 5.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.187A and 321M.6A as enacted by 2021 Iowa Acts, House File 828, sections 5 and 6.

#### *Purpose and Summary*

This proposed rule making conforms Chapter 607 with 2021 Iowa Acts, House File 828, sections 5 and 6, which authorize the Department and county treasurer locations offering commercial driver's license (CDL) skills tests to charge fees for that service.

All State-run driver's license service centers administer the CDL skills test, and ten county treasurer locations also offer the CDL skills test. The CDL skills test is comprised of three parts: the pre-trip vehicle inspection test, the basic vehicle control skills test, and the on-road driving skills test. The legislation authorizes the Department to set a \$25 fee to administer the pre-trip segment of the skills test and a county treasurer location to charge \$25 for each segment of the three-part skills test. The legislation also provides exceptions to the fee for CDL applicants who are employed by or volunteer for a government agency. The fee for the pre-trip segment of the test is due when the CDL skills test is scheduled and is not refundable if the applicant does not show up for the test or fails the test. Fees paid to the Department are directed to be deposited in the Statutory Allocations Fund, and fees paid to a county treasurer location will be retained in the county's general fund.

#### *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 9 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 subrule 607.2(1) as follows:

**607.2(1) Information and location.** Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Adopt the following **new** subrule 607.28(8):

**607.28(8) Fees.** Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A as enacted by 2021 Iowa Acts, House File 828, sections 5 and 6, will be collected by the department or a county treasurer location offering commercial driver's license skills tests.

*a.* Except as provided in paragraph 607.28(8) "c," the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is \$25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

*b.* Except as provided in paragraph 607.28(8) "c," the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is \$25. The fee for a county treasurer to administer the basic vehicle control skills segment is \$25, and the fee to administer the on-road skills segment of the test is \$25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

*c.* If the applicant is an employee or volunteer of a government agency as defined in Iowa Code section 553.3, the following shall apply:

(1) The department shall not charge the pre-trip inspection scheduling fee under paragraph 607.28(8)“a.”

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.28(8)“b.”

(3) An applicant must provide the department or county treasurer with reasonable proof that the applicant is an employee or volunteer of a qualifying government agency and that a commercial driver’s license is necessary for the applicant’s employment or volunteer duties. Reasonable proof shall be provided on Form 430311. Alternatively, if the applicant is seeking a skills test from a county treasurer, reasonable proof may include payment of the pre-trip inspection fee by a government agency on behalf of the applicant.

*d.* If an applicant fails to appear for the pre-trip inspection segment of the skills test, the appointment shall be canceled and no other applicable fees are due.

*e.* Except as provided in paragraph 607.28(8)“g,” new fees will apply if an applicant schedules a new skills test appointment.

*f.* The department or a county treasurer may collect any fees due and owed for the skills test at the same time any fees are collected as part of the commercial driver’s license issuance transaction.

*g.* Any fees collected under this subrule are nonrefundable. However, nothing in this paragraph shall be construed as preventing the department or a county treasurer from transferring a fee charged for a pre-trip inspection to a new pre-trip inspection if rescheduling the appointment is determined necessary or appropriate as determined by the department or county treasurer upon a showing of good cause.

*h.* A skills test fee charged under this subrule that remains unpaid may be collected at the person’s next driver’s license renewal or replacement.

ITEM 3. Amend rule **761—607.28(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 321.186; section 321.187A as enacted by 2021 Iowa Acts, House File 828, section 5; and section 321.188; and section 321M.6A as enacted by 2021 Iowa Acts, House File 828, section 6.

ITEM 4. Amend paragraph **607.30(2)“a”** as follows:

*a.* The department may certify as a third-party tester a community college, Iowa-based motor carrier or Iowa nonprofit corporation to administer skills tests. A community college, Iowa-based motor carrier or Iowa nonprofit corporation that seeks certification as a third-party tester shall contact the ~~driver and identification services bureau~~ motor vehicle division and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-49  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 12, 2022  
Title Statewide Transportation Alternatives Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the current round of applications for funding from the Statewide Transportation Alternatives Program has been completed. The following funding recommendations will be presented.

Iowa Safe Routes Partnership (Iowa Northland Regional Council of Governments)	\$238,013
Integrated Roadside Vegetation Management (University of Northern Iowa and Tallgrass Prairie Center)	\$482,200
Coolidge Elementary School & Taft Middle School Sidewalk Project (Cedar Rapids)	\$144,000
Weiss Family Safe Routes to Schools Trail (Denison)	\$120,000
Total	\$984,213

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the Statewide Transportation Alternatives Program funding recommendations as listed.

**COMMISSION ACTION:**

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

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

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



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-50  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 12, 2022  
Title Federal Recreational Trails Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the current round of applications for funding from the federal Recreational Trails Program has been completed. The following funding recommendations will be presented.

Clear Creek Trail: Half Moon Avenue to F.W. Kent Park (Johnson County Conservation Board)	\$388,000
International Snowmobile Congress 2022 Educational Sessions (Iowa State Snowmobile Association)	\$ 8,000
Nishna Bend River Access (Shelby County Conservation Board)	\$181,200
Plywood Trail Phase 1B (Le Mars)	\$300,000
Support for Program and Bicycle Summit (Iowa DOT)	\$ 7,000
Tatanka Ska Trace Trail Phase IV(b): 193rd Avenue to 170th Avenue (Dickinson County)	\$395,000
Total	\$1,279,200

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

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

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

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



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-51  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date January 12, 2022  
Title Iowa's Clean Air Attainment Program Funding Recommendations

**DISCUSSION/BACKGROUND:**

Review of the current round of applications for funding from Iowa's Clean Air Attainment Program has been completed. The following funding recommendations will be presented.

#6 Brown, Night Service – Year 3 (Ames Transit Agency)	\$ 28,258
#11 Cherry, Add Night Service – Year 3 (Ames Transit Agency)	\$ 31,609
#12 Lilac, Midday Service – Year 3 (Ames Transit Agency)	\$ 29,830
Traffic Signal Vehicle Detector Improvement Project (West Des Moines)	\$ 480,000
Merle Hay Road Corridor Traffic Signal Improvements (Johnston)	\$ 621,470
Middle Road and Forest Grove Drive (Bettendorf)	\$ 500,000
Route 17 Extension to Bondurant - Year 2 (Des Moines Area Regional Transit Authority)	\$ 52,392
Traffic Signal Communication Network – Phase 3 (Ames)	\$1,495,280
Iowa 160/SW Oralabor Road and Iowa 415/SW State Street Intersection Improvements (Ankeny)	\$ 529,161
Traffic Signal System Timing Update – Phase 5 (Des Moines)	\$ 232,000
Total	\$4,000,000

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve Iowa's Clean Air Attainment Program funding recommendations as listed.

**COMMISSION ACTION:**

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

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

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





DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division  
Modal Transportation Bureau Order No. TD-2022-52  
Submitted by Kristin Haar Phone No. 515-233-7875 Meeting Date January 12, 2022  
Title State Transit Assistance Special Projects

**DISCUSSION/BACKGROUND:**

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

System	Project	Amount recommended
CALSTART	FY 2022 Low-No Bus Program grant project administration	\$43,200
Heart of Iowa Regional Transit Agency	FY2023 Perry Flex Connect Service	\$34,000
	FY2024 Perry Flex Connect Service	\$24,000

**PROPOSAL/ACTION RECOMMENDATION:**

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

**COMMISSION ACTION:**

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

Arnold  
Fehrman  
Juckette  
Putney  
Rielly  
Stutsman  
Yanney

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

\_\_\_\_\_  
Division  
Director

\_\_\_\_\_  
Legal

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



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2022-53  
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date January 12, 2022  
Title 2022-2026 Iowa Transportation Improvement Program Amendment

**DISCUSSION/BACKGROUND:**

A proposed amendment to the highway section of the 2022-2026 Iowa Transportation Improvement Program (Program) will be presented. As a result of the federal Infrastructure Investment and Jobs Act of 2021, signed into law on November 15, 2021, additional federal highway funding will become available this fiscal year. To put that additional funding to work as quickly as possible, an amendment to the Program is proposed.

This amendment will add 14 pavement rehabilitation/replacement projects and four safety projects across Iowa. In addition, one existing programmed FY 2022 pavement project will be reduced in cost due to an updated project cost estimate. These changes add approximately \$50.9 million of construction work to the FY 2022 program year.

A list of project changes recommended for the highway section of Program is attached.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve changes to the 2022-2026 Iowa Transportation Improvement Program as listed. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects included in this amendment.

**COMMISSION ACTION:**

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

\_\_\_\_\_  
Division Director

\_\_\_\_\_  
Legal

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

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

## Proposed 2022 Highway Program Amendment

### PAVEMENT PROJECTS

Route	County	Description	Mileage	Program Amount
1	Washington	Keokuk Co. Line to WCL of Brighton	6.1	\$9,730,000
9	Emmet	0.55 mi. W. of NCL Estherville to the West Fork of Des Moines River	1.3	\$2,412,000
13	Clayton	0.5 miles N of IA 3 to IA 56	13.5	\$4,300,000
20	Woodbury	Little Whiskey Creek to Elliot Creek near Lawton	4.6	\$3,799,000
25	Guthrie	E. Jct. of F-65 to W. Jct. F-65	1.8	\$3,147,000
25	Guthrie	Adair Co. Line to E Jct. F-65	1.0	\$612,400
30	Story	E. of Co. Rd. S27 to 0.4 mi W. of US 65 (EB)	4.6	\$9,000,000
57	Butler	4th St in Aplington to WCL of Parkersburg	4.2	\$2,015,900
59	Shelby	Harlan to Crawford Co line	15.4	\$3,028,000
59	Mills	Co. Rd. H12 to IA 92	6.0	\$2,661,000
61	Scott	All ramps at Mt. Joy and Long Grove interchanges	2.0	\$2,000,000
80	Iowa	3 locations in Iowa County (MP 204.8-209.65, 215.12-221.35, 221.35-225.93)	31.3	\$3,100,000
80	Cedar / Scott	Cedar - West Branch easterly 2.5 Miles; Scott - Cedar County Line to 1.1 Mi East of Co Rd Y40	19.8	\$2,400,000
218	Black Hawk	0.6 mi S of IA 27 Interchange to IA 27 Interchange (NB)	0.8	\$2,200,000
80	Pottawattamie	Madison Avenue Interchange in Council Bluffs (pavement rehabilitation)		(\$4,500,000)
<b>Safety Projects (Cable Guardrail Projects)</b>			<b>Sub-Total</b>	<b>112.4 \$45,905,300</b>
380	Linn	Tower Terrace Road to Lewis Access Road	9.0	\$2,250,000
29	Pottawattamie	0.5 miles N of Council Bluffs to I-680	4.0	\$1,000,000
20/380	Black Hawk	I-380/US 218 to I-380/US 20	5.5	\$1,375,000
35	Warren	Co Rd G-50/St. Charles to Clanton Creek	1.5	\$375,000
			<b>Sub-Total</b>	<b>20.0 \$5,000,000</b>
			<b>TOTAL</b>	<b>\$50,905,300</b>