PRELIMINARY COMMISSION AGENDA

July 9, 2019

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

July 9, 2019 Mid-America Center 1 Arena Way, Council Bluffs, IA

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
C-2020-1 8:00 a.m.	* Election of Commission Officers	Kathy Fehrman	3
D-2020-2	* Approve Minutes of the June 11, 2019 Commission Meeting	Danielle Griggs	5
	Commission Comments		
	DOT Comments		
MV-2020-3	* Administrative Rules – 761 IAC 600, 602, 604, 605, and 607 Traffic Safety Improvement Program	Melissa Spiegel	7
PPM-2020-4	* Revitalize Iowa's Sound Economy (RISE) – Waterloo	Craig Markley	21
PPM-2020-5	* Revitalize Iowa's Sound Economy (RISE) – Butler County	Craig Markley	23
PPM-2020-6	* Revitalize Iowa's Sound Economy (RISE) – Washington County	Craig Markley	23
PPM-2019-80	* Public Transit Infrastructure Grant Program Funding Recommendations	Stuart Anderson	31
8:10 a.m.	Adjourn		

^{*}Action Item

On Monday, July 9, the Commission and staff will meet informally at 3:30 p.m. in Room F at the Mid-America Center, 1 Arena Way, Council Bluffs, IA. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Division	/Bureau/Office	Commission			Order No. C-2	2020-1		
Submitte	ed by Kathy	Fehrman	Phone No.	515-239-1919	Meeting Date	July 9, 2	2019	
Title	Election of	f Officers						
DISCUS	SSION/BACKGR	OUND:						
	-	f the first meeting on on the following:	or after July 1 of	each year, the Co	ommission is	required t	to	
	each year fe it is the des	or the purpose of electric of the Commission to act in the absence	eting one of its ments on that one of its r	embers as chairpe nembers be desig	rson." In add	ition,		
PROPO	It is recom	ECOMMENDATION: nmended person for the period					be electe	ed
						Aye	Vote Nay	Pass
COMM	IISSION ACTION	1 :			Arnold Fehrman			-
Moved I	by	Seconde	d by		Juckette Maher			
	-		-		Putney Rielly			
- T-	livicion	Local	Charles D'		Yanney			
	Division Director	Legal	State Director					

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Division/Bureau/Office Director's Office	Order No. D-2	2020-2	
Submitted by Danielle Madden Phone No. 515-239-1919	Meeting Date	July 9, 2019	
Title Approve Minutes of the June 11, 2019 Commission Meeting			
DISCUSSION/BACKGROUND:			
PROPOSAL/ACTION RECOMMENDATION:			
It is recommended the Commission approve the minutes of the Ju	une 11, 2019 (Commission	
meeting.			
		Aye Nay	Pass
COMMISSION ACTION:	Arnold Fehrman		
Moyad by Sacondad by	Juckette Maher		
Moved by Seconded by	Maher Putney		
	Rielly Yanney		
Division Legal State Director Director			

Division Director

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Division/Bure	au/Office	Motor Vehicle	e Division			Order No.	M	V-2020-3		
Submitted by	Meliss	sa Spiegel		Phone No.	515-237-3010	Meeting	Date	July 9, 2	2019	
Li	icenses;		icense Exami		nformation; 761 napter 605, Licen					
DISCUSSION	N/BACKGR	OUND:								
gatho Chap comp requ	er all the oter 605. ply with ire a lice	The proposed the Iowa Code nsee who is re	to eligibility a l amendments and amend supplacing a licer	nd ineligi update th ubrule 60: use to noti	s to Chapters 600 bility for issuance e definition of "q 5.11(2) to align w fy the departmen f proof of address	e of a drivualified reith depart of a resi	ver's nedi tmei	s license in cal profes nt practice	nto ssional" t e to	
2019 authorsatis senso	Iowa A ority to if y student of the	cts, Senate Filossue a certificant debt by repe	e 304, section te of noncomp aling Iowa Co	3, elimina oliance an de section	existing subrule ated the Iowa Colud trigger a license as 261.121 through a subrule that with	lege Stude e suspens gh 261.12	lent i ion i 7. I	Aid Comi for failure t did not r	mission's e to nake	
		ed amendment to rule citation		-	o Chapters 600 a and 607.	nd 605 ar	nd m	ake confo	orming	
	mplete s nded Act	• •	ining the prop	osed ame	ndments is includ	led in the	atta	ched Noti	ice of	
	-	omment period oral presentatio		5. The de	partment did not	receive a	ny p	ublic com	ments or	
It	is recon	ECOMMENDATIOnmended that the Action.		n approve	e the rule amendn	nents incl	udeo	l in the at	tached N	otice
COMMISSIO	ON ACTIO	N:				Arnold Fehrma		Aye	Vote Nay	Pass
Moved by _			Seconded by			Juckett Maher Putney	e	<u> </u>		

State Director

Legal

Yanney

TRANSPORTATION DEPARTMENT [761]

Notice of Intended Action

The Department of Transportation hereby proposes to amend Chapter 600, "General Information," Chapter 602, "Classes of Driver's Licenses," Chapter 604, "License Examination," Chapter 605, "License Issuance," and Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.189 and 321.445.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.176, 321.177, 321.182, 321.189, 321.196 and 321.445, and 2019 Iowa Acts, Senate File 304, section 3.

Purpose and Summary

The proposed rule making makes technical changes to Chapters 600 and 605 to relocate rules relating to persons exempt from driver's licensing requirements and persons not to be licensed that are currently found in Chapter 600, "General Information," to Chapter 605, "License Issuance." The goal of the proposed relocation of the affected rules from Chapter 600 to Chapter 605 is to gather all the rules relating to eligibility and ineligibility for issuance of a driver's license into Chapter 605, and to save the reader from having to go to multiple chapters to review pertinent information related to driver's license issuance.

In addition to relocating rules from Chapter 600 to Chapter 605, the proposed amendments update the definition of "qualified medical professional" to reference an advance registered nurse practitioner being "licensed" with the Board of Nursing, rather than "registered," as the term "licensed" matches the terminology used in the definition section for the Board of

Nursing in Iowa Code section 152.1. The proposed amendments also amend subrule 605.11(2), which addresses criteria for replacing a driver's license, to require a licensee to notify the Department of a residential address change, but does not require the licensee to provide two forms of proof of address as required by subrule 601.5(3). This change aligns with current Department practice of not requiring two forms of proof of address when a licensee is issued a duplicate license and reduces the chance that a licensee will be turned away for not having the necessary documentation to be issued a duplicate license.

The proposed amendments do not transfer existing subrule 600.4(9) to new rule 761—605.4(252J,321), but instead eliminate this subrule entirely. Subrule 600.4(9) prohibits the Department from issuing a driver's license to a person who is named on a certificate of noncompliance issued by the College Student Aid Commission for failure to satisfy student debt. 2019 Iowa Acts, Senate File 304, section 3 (Senate File 304), which will become effective July 1, 2019, eliminated the College Student Aid Commission's authority to issue a certificate of noncompliance and trigger a license suspension for failure to satisfy student debt by repealing Iowa Code sections 261.121 through 261.127. It did not make sense to transfer and perpetuate a subrule that will no longer be authorized beginning July 1, 2019, so subrule 600.4(9) was not included in the reorganization. The Department will make necessary changes in other chapters needed to implement Senate File 304 in a subsequent rule making when Senate File 304 becomes effective. The College Student Aid Commission has not exercised the option to trigger a license suspension for failure to satisfy student debt since 2012.

The proposed amendments make other modifications in Chapters 600 and 605 to correct an office name, telephone number, and Iowa Code and rule citations.

The proposed amendments also make conforming rule citation changes in Chapters 602, 604 and 607.

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 person's circumstances meet the statutory criteria for a

waiver may petition the Department for a waiver under 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 June 25, 2019.

Comments should be directed to:

Tracy George

Department of Transportation

DOT Rules Administrator, Strategic Communications and Policy

800 Lincoln Way

Ames, Iowa 50010

Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

June 27, 2019, at 1 p.m. (if requested)

Department of Transportation

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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—600.1(321) as follows:

761—600.1(321) Definitions. The definitions in Iowa Code section 321.1 and the following definitions apply to the rules in 761—Chapters 600 to 699.

"Director of the office of driver and identification services" includes the office director's designee.

"License" means "driver's license" as defined in Iowa Code subsection section 321.1(20A) unless the context otherwise requires.

"Medical report" means a report from a qualified medical professional attesting to a person's physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031, "Medical Report." In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional's letterhead may be accepted if it contains all the information specified on Form 430031.

"Qualified medical professional" means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and registered with the board of nursing, or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person's professional licensure.

This rule is intended to implement Iowa Code section 321.1.

ITEM 2. Amend rule 761—600.2(17A) as follows:

761—600.2(17A) Information and location. Applications, forms and information concerning driver's licensing are available at any driver's license examination station service center. Assistance is also available by mail from the Office of Driver and Identification Services, 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 (800)532-1121 (515)244-8725; or by facsimile at (515)237-3071 (515)239-1837; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 3. Rescind rules 761—600.3(321) and 600.4(252J,261,321).

ITEM 4. Renumber rule 761—600.16(321) as 761—600.3(321).

ITEM 5. Amend renumbered rule 761—600.3(321) as follows:

761—600.3(321) Seat belt exemptions.

600.3(1) A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person's health care provider licensed under Iowa Code chapter 148 or 151. Form No. 432017, "Iowa Medical Safety Belt Exemption," is available from the office of driver and identification services at the address in rule 761—600.2(17A).

600.3(2) Iowa Code section 321.445, subsections 1 and 2 sections 321.445(1) and 321.445(2), shall not apply to the front seats and front seat passengers of motor vehicles owned, leased, rented or primarily used by a person with a physical disability who uses a collapsible wheelchair.

This rule is intended to implement Iowa Code section 321.445.

ITEM 6. Amend paragraph 602.12(1)"b" as follows:

b. The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation, as listed in 761—subrule 605.4(3) 605.7(3). The gross vehicle weight rating shall be determined pursuant to rule 761—604.35(321).

ITEM 7. Amend subrule 602.21(2) as follows:

602.21(2) Requirement. An applicant must submit a medical report pursuant to as referenced in 761—subrule 600.4(6) 761—subrule 605.4(6).

ITEM 8. Amend paragraph 604.31(1)"c" as follows:

c. Class D driver's licenses. For a Class D driver's license, a driving test in a representative vehicle for the endorsement requested, as set out in 761—subrule 605.4(3) 605.7(3) is required.

ITEM 9. Renumber rules 761—605.2(321) to 761—605.6(321) as 761—605.5(321) to 761—605.9(321).

ITEM 10. Adopt the following <u>new</u> rules 761—605.2(321), 761—605.3(321) and 761—605.4(252J,261,321) as follows:

761—605.2(321) Definitions. The definitions in Iowa Code section 321.1 and the following definitions apply to this chapter.

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Medical report" means a report from a qualified medical professional attesting to a person's physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031, "Medical Report." In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional's letterhead may be accepted if it contains all the information specified on Form 430031.

"Qualified medical professional" means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and licensed with the board of nursing, or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person's professional licensure.

This rule is intended to implement Iowa Code section 321.1.

761—605.3(321) Persons exempt.

605.3(1) Persons listed in Iowa Code section 321.176 are exempt from driver's licensing requirements.

605.3(2) "Nearby" in Iowa Code section 321.176(2) shall mean a distance of not more than two miles.

This rule is intended to implement Iowa Code section 321.176.

761—605.4(252J,321) Persons not to be licensed.

605.4(1) The department shall not knowingly issue a license to any person who is ineligible for licensing.

605.4(2) The department shall not knowingly license any person who is unable to operate a motor vehicle safely because of physical or mental disability until that person has submitted a medical report stating that the person is physically and mentally capable of operating a vehicle safely.

605.4(3) The department shall not knowingly license any person who has been specifically adjudged incompetent, pursuant to Iowa Code chapter 229, on or after January 1, 1976, including anyone admitted to a mental health facility prior to that date and not released until after, until the department receives specific adjudication that the person is competent. A medical report stating that the person is physically qualified to operate a motor vehicle safely shall also be required.

605.4(4) The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

a. If a medical report indicates a pattern of only syncope, the department may license without a six-month episode-free period after favorable recommendation by the medical advisory board.

- b. If a medical report indicates a pattern of such episodes only when the person is asleep or is sequestered for sleep, the department may license without a six-month episode-free period.
- c. If an episode occurs when medications are withdrawn by a qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.
- d. If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, and the qualified medical professional is not treating the person for the episode and believes it is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional.
- **605.4(5)** The department shall not license any person who must wear bioptic telescopic lenses to meet the visual acuity standard required for a license.
- **605.4(6)** When a medical report is required, a license shall be issued only if the report indicates that the person is qualified to operate a motor vehicle safely. The department may submit the report to the medical advisory board for an additional opinion.
- 605.4(7) When the department receives evidence that an Iowa licensed driver has been adjudged incompetent or is not physically or mentally qualified to operate a motor vehicle safely, the department shall suspend the license for incapability, as explained in rule 761—615.14(321), or shall deny further licensing, as explained in rule 761—615.4(321).
- **605.4(8)** The department shall not knowingly issue a license to a person who is the named individual on a certificate of noncompliance that has been received from the child support recovery unit, until the department receives a withdrawal of the certificate of noncompliance or unless an application has been filed pursuant to Iowa Code section 252J.9.

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 321.13, 321.177, 321.210, and 321.212.

ITEM 11. Amend renumbered rule 761—605.5(321), introductory paragraph, as follows: **761—605.5(321)** Contents of license. In addition to the information specified in Iowa Code subsection section 321.189(2), the following information shall be shown on a driver's license ITEM 12. Amend renumbered subparagraph 605.8(6)"b"(1) as follows:

(1) If a person is licensed pursuant to 761—subrule 600.4(4) subrule 605.4(4) the department shall issue the first driver's license with a restriction stating: "Medical report to be furnished at the end of six months."

ITEM 13. Renumber rule 761—605.9(321) as 761—605.10(321).

ITEM 14. Amend paragraph 605.11(2)"b" as follows:

b. Replacement to change the current residential address on a license. The licensee shall comply with the requirements of 761—subrule 601.5(3) to establish a change of current residential address notify the department to establish the current residential address.

ITEM 15. Amend paragraph 605.11(2)"j" as follows:

j. Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must comply with the requirements of paragraph 605.2(7) "e." 605.5(7) "e."

ITEM 16. Amend rule 761—607.18(321), introductory paragraph, as follows:

761—607.18(321) Restrictions. The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule 605.5(3) 605.8(3) and are explained below:

Form 102110wd 03-19

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

	Planning, Programming and M								
Division/Bureau/Office	Systems Planning Bureau			Order No.	PPM-2020-4				
Submitted by Craig	Markley	Phone No.	515-239-1027	Meeting I	Date _ July 9, 2019				
Title Revitalize Iowa's Sound Economy (RISE) Application – Waterloo									

DISCUSSION/BACKGROUND:

The city of Waterloo submitted a RISE Immediate Opportunity application requesting a grant to assist in roadway improvements to Newell Street, including a left-turn lane, located on the northeast side of town. This project is anticipated to be completed by June 2020.

Because this project will provide improved access to more than 27 acres for 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 February 2019 round of applications and award a RISE grant of \$468,750 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

					Vote	
				Aye	Nay	Pass
COMMISSION ACTION:			Arnold			
			Fehrman			
			Juckette			
Moved by	Sec	conded by	Maher			
			Putney			
			Rielly			
		_	Yanney			
Division Director	Legal	State Director				

Form 102110wd 03-19

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Planning, Programming and M									
Division/Bureau/Office Systems Planning Bureau			Order No.	PPM-2020-5					
Submitted by Craig Markley	Phone No.	515-239-1027	Meeting I	Date July 9, 2019					
Title Revitalize Iowa's Sound Economy (RISE) Application – Butler County									

DISCUSSION/BACKGROUND:

Butler County submitted a RISE Immediate Opportunity application requesting a grant to assist in the paving of approximately 5,280 feet of Union Avenue located northwest of Shell Rock. This project is anticipated to be completed by October 2020.

This improvement is necessary to provide improved access to the proposed site of TrinityRail Maintenance Services Inc., a railcar manufacturing and maintenance facility. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the creation of 78 new full-time jobs out of 263 RISE eligible created jobs.
- \$65,998,500 in associated capital investment.

The RISE cost per job assisted will be \$11,871.79 and there will be a total capital investment of \$71.27 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 \$926,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

					Vote	
				Aye	Nay	Pass
COMMISSION ACTION:			Arnold			
			Fehrman			
			Juckette			
Moved by	Sec	conded by	Maher			
			Putney			
			Rielly			
			Yanney			
Division Director	Legal	State Director	·			

Form 102110wd 03-19

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Planning, Programm							
Division/Bureau/Office Systems Planning B	ureau	Order No. PPM-2020-6					
Submitted by Craig Markley	Phone No. 515-239-1027	Meeting Date July 9, 2019					
Title Revitalize Iowa's Sound Economy (RISE) Application – Washington County							

DISCUSSION/BACKGROUND:

Washington County submitted a RISE Immediate Opportunity application requesting a grant to assist in the paving of approximately 2,733 feet of 300th Street, 5,286 feet of Kiwi Avenue and 7,557 feet of 290th Street located southwest of Washington. This project is anticipated to be completed by April 2021.

These improvements are necessary to provide improved access to the proposed expansion of Premier 1 Supplies, an importer and distributor of high-end supplies and equipment for farms. This company conforms to the legislative requirements of the RISE program.

The improvements will support:

- The creation of 25 new full-time jobs.
- \$6,500,480 in associated capital investment.

The RISE cost per job assisted will be \$10,000.00 and there will be a total capital investment of \$26.00 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 \$250,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

					Vote	
				Aye	Nay	Pass
COMMISSION ACTION:			Arnold			
			Fehrman			
			Juckette			
Moved by	Sec	onded by	Maher			
			Putney			
			Rielly			
			Yanney			
Division Director	Legal	State Director				

Division Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION COMMISSION ORDER

Division/Burea	Planning, Programming and Public Transit Bureau	nd Modal Divis		Order No. PP	M-2020-7	7	
Submitted by	Stuart Anderson	Phone No.	515-239-1661	_ Meeting Date	July 9, 2	2019	
Title Pu	blic Transit Infrastructure Grant	Program Fun	ding Recommenda	ations			
DISCUSSION	BACKGROUND:						
	ablic Transit Bureau requests ap program. The following funding				ransit Inf	frastructu	re
	New bus storage and administra Benton County (Region 10 - New HVAC system (CyRide - Phase II transfer center (Dubuque Renovated transit maintenance of New bus storage and vehicle was	Cedar Rapids Ames) ue) and storage fa) cility (Sioux City)		\$ 318, \$ 521, \$ 344, \$ 135, \$ 273,	098 743 200	
7	Fotal: \$1,592,500						
It is re	action recommendation: ecommended the Commission apam funding recommendations as	• •	2020 Public Tran	sit Infrastruc	ture Grar	nt	
COMMISSIO	N ACTION:			Arnold Fehrman Juckette	Aye	Vote Nay	Pass
Moved by	Seconded by			Maher Putney			

Yanney