

PRELIMINARY COMMISSION AGENDA

June 14, 2022



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

June 14, 2022
Hyatt Regency
Coralville Hotel and Conference Center

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2022-81 8:00 a.m.	* Approve Minutes of the May 10, 2022 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
MV-2022-82	* Administrative Rules – 761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight	Sara Siedsma	5
TD-2022-83	* 2023-2027 Iowa Transportation Improvement Program	Stuart Anderson	11

8:15 a.m.

*Action Item

On Monday, June 14, the Commission and staff will meet informally at 3:30 p.m. in the Oakdale 4 Room at the Hyatt Regency Coralville Hotel and Conference Center. 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-2022-81
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date June 14, 2022
Title Approve Minutes of the May 10, 2022 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the May 10, 2022
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-2022-82
Submitted by Sara Siedsma Phone No. 515-237-3020 Meeting Date June 14, 2022
Title Administrative Rules – 761 IAC Chapter 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight

DISCUSSION/BACKGROUND:

This proposed rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 869, sections 1 through 3. This legislation was effective on January 1, 2022.

2021 Iowa Acts, House File 869, established new Iowa Code section 321E.29B, which allows a motor carrier to request, and the department to issue, an annual permit for a vehicle transporting overweight loads of fluid milk products on the primary roads and primary road extensions in cities, including on the interstate, as long as the vehicle does not exceed a gross weight of 96,000 pounds or the maximum dimensions specified in Iowa Code sections 321.454 through 321.457.

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

The public comment period ended on May 24, 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:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to annual permits for vehicles transporting overweight loads of fluid milk products and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321E.29B.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.8, 321E.10, 321E.14 and 321E.29B.

Purpose and Summary

This proposed rule making updates Chapter 511 to conform the rules with 2021 Iowa Acts, House File 869, sections 1 through 3. This legislation was effective on January 1, 2022.

2021 Iowa Acts, House File 869, established new Iowa Code section 321E.29B, which allows a motor carrier to request, and the Department to issue, an annual permit for a vehicle transporting overweight loads of fluid milk products on the primary roads and primary road extensions in cities, including on the interstate, as long as the vehicle does not exceed a gross weight of 96,000 pounds or the maximum dimensions specified in Iowa Code sections 321.454 through 321.457. Federal law 23 U.S.C. Section 127 authorizes states to issue special permits for overweight vehicles carrying fluid milk products, including on the interstate system. Prior to the enactment of Iowa Code section 321E.29B, the Department was not authorized to issue an annual permit that allowed transportation of overweight loads of fluid milk on the interstate system.

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 May 24, 2022. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on May 26, 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 May 24, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of "Fluid milk product" in rule **761—511.1(321E)**:
"Fluid milk product" means the same as defined in Iowa Code section 321E.29B(3).

ITEM 2. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in rule 761—511.16(321,321E) 761—511.17(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 3. Amend rule 761—511.4(321E), introductory paragraph, as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, annual raw forest products, compacted rubbish, emergency interstate ~~permit~~, annual fluid milk products or all-systems permits.

ITEM 4. Amend paragraph **511.4(3)"a"** as follows:

a. Annual, annual oversize/overweight, annual raw forest products, compacted rubbish, annual fluid milk products and all-systems permits shall expire one year from the date of issuance.

ITEM 5. Renumber subrules **511.5(12)** to **511.5(15)** as **511.5(13)** to **511.5(16)**.

ITEM 6. Adopt the following **new** subrule 511.5(12):

511.5(12) Annual fluid milk products permit. A fee of \$400 shall be charged for each annual fluid milk products permit issued pursuant to Iowa Code section 321E.29B, payable prior to issuance of the permit.

ITEM 7. Amend paragraph **511.6(1)"a"** as follows:

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure

of the annual, annual oversize/overweight, annual raw forest products, all-systems, multitrip, emergency interstate, annual fluid milk products or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 8. Amend rule 761—511.7(321,321E) as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps. Annual permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

511.7(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

511.7(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. No change.

511.7(4) No change.

511.7(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).
- e. to g. No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

ITEM 9. Amend paragraph **511.8(1)“d”** as follows:

- d. *Weight.* See rule ~~761—511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 10. Amend rule 761—511.9(321,321E) as follows:

761—511.9(321,321E) All-systems permits. All-systems permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The motor vehicle division will provide a list of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

e. No change.

511.9(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

e. No change.

511.9(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

e. No change.

511.9(4) No change.

511.9(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

e. to g. No change.

511.9(6) and **511.9(7)** No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 11. Amend paragraph **511.12(1)“d”** as follows:

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

ITEM 12. Amend paragraph **511.13(1)“d”** as follows:

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

ITEM 13. Amend paragraph **511.14(1)“d”** as follows:

d. *Weight.* See rule 761—511.15(321,321E) 761—511.16(321,321E).

ITEM 14. Renumber rules **761—511.15(321,321E)** to **761—511.20(321)** as **761—511.16(321,321E)** to **761—511.21(321)**.

ITEM 15. Adopt the following new rule 761—511.15(321,321E):

761—511.15(321,321E) Annual fluid milk products permits. Annual permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, road embargo and bridge embargo for fluid milk products information may be found online at www.511ia.org and the department’s website.

511.15(1) The following shall not be exceeded:

a. *Width.* Statutory: 8 feet 6 inches including appurtenances.

b. *Length.* Statutory: 75 feet 0 inches overall.

c. *Height.* Statutory: 13 feet 6 inches.

d. *Weight.* See rule 761—511.16(321,321E).

e. *Distance.* Movement is allowed for unlimited distance on the primary road system, including the interstate, provided the vehicle is transporting fluid milk products to or from a milk plant, receiving station, or transfer station; routing through the motor vehicle division is not required.

511.15(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A

ITEM 16. Amend renumbered rule 761—511.16(321,321E) as follows:

761—511.16(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.16(1) Annual and all-systems permits.

- a. No change.
- b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

511.16(2) Annual oversize/overweight permits or annual raw forest products permits.

- a. No change.
- b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

511.16(3) Multitrip permits.

- a. No change.
- b. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

511.16(4) Single-trip permits.

- a. to c. No change.
- d. See subrule ~~511.15(6)~~ 511.16(7) for exceptions for special mobile equipment.

511.16(5) No change.

511.16(6) Annual fluid milk products permits. For movement under an annual fluid milk products permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 96,000 pounds total gross weight.

~~511.16(6)~~ **511.16(7) Special mobile equipment.** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.16(7)~~ **511.16(8) Permitted tandem axle weights.**

- a. to c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B as enacted by 2021 Iowa Acts, House File 382, and 321E.32.

ITEM 17. Amend renumbered subrule 511.17(2) as follows:

511.17(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule 761—~~511.15(321,321E)~~ 761—511.16(321,321E).

ITEM 18. Amend renumbered paragraph **511.21(1)“c”** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.20(2)~~ 511.21(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 19. Amend renumbered paragraph **511.21(2)“a”** as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.20(4)~~ 511.21(1) if the combinations of vehicles meet the requirements in paragraph ~~511.20(2)“b”~~ 511.21(2)“b”:

- (1) to (3) No change.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2022-83
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date June 14, 2022
Title 2023-2027 Iowa Transportation Improvement Program

DISCUSSION/BACKGROUND:

The 2023-2027 Iowa Transportation Improvement Program will be presented for final review and action.

In addition to approving the use of condemnation authority, if necessary, to acquire property for the projects in the highway section, approval of this Commission Order also authorizes the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary, to meet anticipated road construction costs. Pursuant to Iowa Code Section 315.3(3)(b), attached is the letter from Iowa DOT Director Scott Marler certifying the cash flow funding of the department may be inadequate to meet anticipated road construction costs. Any funds transferred shall be repaid to the RISE fund within six months of transfer.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve and authorize distribution of the 2023-2027 Iowa Transportation Improvement Program. It is also recommended the Commission approve the use of condemnation, if necessary, to acquire property for the projects in the highway section. Finally, it is recommended the Commission authorize the temporary transfer of funds from the RISE fund to the Primary Road Fund, if necessary.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director



May 10, 2022

Iowa Transportation Commission

Linda Juckette, Chair Richard Arnold, Vice-Chair Kathy Fehrman John Putney
Tom Rielly Sally Stutsman Charese Yanney
Delivered electronically

Re: Request for Authorization to Borrow Funds from the RISE Fund

Dear Commissioners,

As we have for the last four years, we are requesting your authorization to temporarily transfer funds from the RISE fund to the Primary Road Fund (PRF) during state fiscal year 2023. This request is made pursuant to section 315.3(3)(b) of the Iowa Code, which states:

If the state transportation commission receives and files a letter from the director of transportation certifying that the cash flow funding of the department may be inadequate to meet anticipated road construction costs, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Funds transferred under this paragraph shall be repaid to the RISE fund within six months of transfer.

By this letter, I am certifying the cash flow funding of the department may be inadequate to meet anticipated road construction costs during fiscal year 2023. As we have discussed in the past, it is not a certainty that we will need to borrow RISE funds to meet cash flow needs in the highway program, but there is enough uncertainty to PRF revenue and expenditures in fiscal year 2023 to suggest it is possible borrowing RISE funds may be necessary. Therefore, we believe it's prudent to request your authorization to do so. The uncertainty of PRF expenditures is due to several very large construction projects underway, the potential for increased drawdown of funds by local jurisdictions during this coming construction season, and the significant increases in construction costs.

As we are doing this year, we will continue to provide regular updates throughout the year on the status of PRF revenue and expenditures and will of course advise you if it proves necessary to borrow RISE funds. If we do borrow RISE funds, we do not expect that would impact your ability to continue to award RISE funding to all eligible projects. In addition, as required by Iowa Code, any funds borrowed and transferred will be repaid to the RISE fund within six months of transfer.

Our request for your authorization will be part of our recommendation for Commission approval of the 2023-2027 Iowa Transportation Improvement Program, and your authorization would be memorialized in the order approving the program. A copy of the proposed order is included with this letter. The authorization to borrow will apply through the end of fiscal year 2023 which is June 30, 2023.

Please let me know if you have any questions or would like additional information. I look forward to seeing you all in June.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Marler", written in a cursive style.

Scott C. Marler, Director