

Commission Minutes
February 11, 2020



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

February 11, 2020
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:30 p.m.			
D-2020-44	* Approve Minutes of the January 14, 2020 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
MV-2020-45	* Administrative Rules – 761 IAC 400 and 425	Melissa Spiegel	5
MV-2020-46	* Administrative Rules – 761 IAC 511 – Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight	Melissa Spiegel	17
MV-2020-47	* Administrative Rules – 761 IAC 607 – Commercial Driver Licensing	Melissa Spiegel	25
H-2020-48	* Administrative Rules – 761 IAC 117 – Outdoor Advertising	Mitchell Dillavou	39
PPM-2020-49	* Revitalize Iowa's Sound Economy (RISE) – Clinton	Craig Markley	47
SP-2020-50	* Project Prioritization Weighting (2021-2025 Highway Program)	Matt Haubrich	49
PPM-2020-51	* Federal Fiscal Year (FFY) 2021 Federal Aviation Administration Funding Preapplications	Shane Wright	51
PPM-2020-52	* Federal Fiscal Year (FFY) 2019 Federal Bus Replacement Discretionary Funding	Brent Paulsen	55
1:40 p.m.			
Adjourn			
*Action Item			

On Tuesday, February 11 at 9:30 a.m. the Commission and staff will meet informally in the Materials Conference Room, at the Iowa DOT Central Campus. 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-2020-44
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date February 11, 2020
Title Approve Minutes of the January 14, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the January 14, 2020 Commission meeting.

COMMISSION ACTION:

Moved by Kathy Fehrman Seconded by Charese Yanney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

D-2020-44

Commissioner Fehrman made a motion to approve the minutes as written. Commissioner Yanney seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

Commission Comments

DOT Comments

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-45
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date February 11, 2020
Title Administrative Rules — 761 IAC 400, Vehicle Registration, and 761 IAC 425, Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers

DISCUSSION/BACKGROUND:

This proposed rule making conforms the rules with the following 2019 Iowa Acts: House File 391, House File 769, section 4, Senate File 112, and Senate File 435, sections 2 to 8. These Iowa Acts relate to certification of trust documents accepted for vehicle transactions, special farm truck weights, towable recreational vehicle dealers and surety bond amounts for towable recreational vehicle dealers. A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended December 10. The department received comments from the Iowa Bar Association concerning the department's proposed amendments to subrule 400.4(9) and paragraph 400.14(3)"b." See Items 3 and 7 in the attached Notice of Intended Action. The Iowa State Bar Association felt that the proposed amendments made it appear as if the department would only require one signature on an application or title for a vehicle owned by a trust, even if the trust or certification of trust document required multiple trustees to sign all documents on behalf of the trust. Because the proposed amendments were not meant to subvert the intent of the trust by requiring fewer than the number of required signatories, the department is seeking to make additional changes to the rules to incorporate the edits suggested by the Iowa State Bar Association, which also clarify that the applicant or transferor shall provide the document specifying the required number of signatories for the trust to the department, and that if neither document specifies the required number of signatories, then the department may accept the signature of any trustee or attorney for the trustee. The department is proposing to make the following changes to subrule 400.4(9) and paragraph 400.14(3)"b" when submitting the adopted and filed rulemaking for publication in the Iowa Administrative Bulletin.

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. The certification of trust may be signed by any trustee or the attorney for any trustee. The application shall be signed by ~~each trustee unless otherwise~~ 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 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. ~~The~~ Each signature on the application shall be followed by the words "as trustee," "as trustee" or "as attorney for the trustee."

Paragraph 400.14(3)"b"

b. When a vehicle is owned by a trust, ~~the signature of each trustee is required, unless otherwise~~ 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. The certification of trust may be signed by any trustee or the attorney for any trustee. 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 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. ~~The~~ Each signature on the title shall be followed by the words "as trustee," "as trustee" or "as attorney for the trustee." ~~In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust.~~

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action and approve the revisions to subrule 400.4(9) and paragraph 400.14(3)"b" as explained above.

			Aye	Vote	Pass
			x	Nay	
COMMISSION ACTION:		Arnold	x		
		Fehrman	x		
		Juckette	x		
	Moved by	Nancy Maher	x		
	Seconded by	Linda Juckette	x		
		Putney	x		
	Rielly	x			
	Yanney	x			

Division Director	Legal	State Director
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MV-2020-45

Melissa Spiegel, Motor Vehicle Division Director; I have three proposed rulemakings that were discussed at workshop. The first one is chapter 400 and chapter 425 related to vehicle registration and titling and dealerships. It is recommended the commission approved the rule in the notice of intended action related to chapter 400 and 425.

Commissioner Maher made a motion to approve the rule changes.
Commissioner Juckette seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to towable recreational vehicles, special farm trucks, and certifications of trust and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 425, “Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.466 as amended by 2019 Iowa Acts, House File 769, section 4; Iowa Code section 322C.4 as amended by 2019 Iowa Acts, House File 391; Iowa Code chapter 322C as amended by 2019 Iowa Acts, Senate File 435, sections 2 to 8; and Iowa Code section 633A.4604 as amended by 2019 Iowa Acts, Senate File 112.

Purpose and Summary

The proposed amendments to Chapters 400 and 425 correct the name of the Vehicle and Motor Carrier Services Bureau and conform the rules with 2019 Iowa Acts, House File 391; 2019 Iowa Acts, House File 769, section 4; 2019 Iowa Acts, Senate File 112; and 2019 Iowa Acts, Senate File 435, sections 2 to 8. The specific Iowa Acts referenced amend Iowa Code sections related to certification of trust documents accepted for vehicle transactions, special farm truck weights, towable recreational vehicle dealers and surety bond amounts for towable recreational vehicle dealers. The following paragraphs further explain the amendments.

Towable recreational vehicles. This rule making amends rule 761—400.2(321) to provide that for purposes of registration and titling under Chapter 400 and Iowa Code chapter 321, a towable recreational vehicle as defined in Iowa Code section 322C.2 as amended by 2019 Iowa Acts, Senate File 435, section 2, shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in Iowa Code section 321.1, as applicable.

This rule making amends Chapter 425, regarding motor vehicle and travel trailer dealers, to change the reference to a “travel trailer dealer” to instead reference a “towable recreational vehicle dealer” throughout the chapter and to raise the required surety bond amount for a towable recreational vehicle dealer from \$25,000 to \$75,000. These proposed amendments align with 2019 Iowa Acts, Senate File 435, sections 2 to 8, and 2019 Iowa Acts, House File 391.

Certifications of trust. This rule making amends subrules 400.4(9) and 400.14(3) relating to vehicle transaction applications by a trust and vehicle ownership by a trust to incorporate provisions related to certification of trust documents under Iowa Code section 633A.4604 as amended by 2019 Iowa Acts, Senate File 112. The legislation provides that a certification of trust must be signed by a currently acting trustee or the attorney of an acting trustee. Prior to the legislation, the certification of trust was required to be signed by all the currently acting trustees. The intent of the legislation is to make it easier for a single trustee to conduct the business of the trust without requiring the signature of all trustees, and that is also the goal of these amendments in implementing the signature requirements when a vehicle is owned by a trust.

Special farm truck weights. This rule making amends rule 761—400.47(321) relating to special farm truck weights to incorporate the requirements in Iowa Code section 321.466(4) as amended by 2019 Iowa Acts, House File 769, section 4, providing that the gross weight of a special farm truck

operating on a public highway shall not exceed the maximum gross weight allowed under Iowa Code section 321.463(6).

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 December 10, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
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:

December 12, 2019
9 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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—400.1(321)**, definition of “Manufacturer’s certificate of origin,” as follows:

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s certificate of origin.”

2. In addition to the requirements of Iowa Code subsection 321.45(1), the certificate shall contain a description of the vehicle which includes the make, model, style and vehicle identification number. The description of a motorized bicycle shall also specify the maximum speed.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form may be obtained from the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1).

ITEM 2. Amend rule 761—400.2(321) as follows:

761—400.2(321) Vehicle registration and certificate of title—general provisions.

400.2(1) to 400.2(8) No change.

400.2(9) Towable recreational vehicles. For purposes of registration and titling under Iowa Code chapter 321 and this chapter, a towable recreational vehicle as defined in Iowa Code section 322C.2 shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in Iowa Code section 321.1, as applicable.

This rule is intended to implement Iowa Code sections 321.18 to 321.22, 321.24, ~~and~~ 321.123 and 322C.2(19).

ITEM 3. 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 the certification of trust as defined in Iowa Code section 633A.4604. The application shall be signed by each trustee unless otherwise specified in the trust agreement ~~or the certification of trust~~. If the applicant presents a certification of trust as defined in Iowa Code section 633A.4604 signed by one currently acting trustee or the attorney of a currently acting trustee, only that currently acting trustee is required to sign the application. However, nothing in this subrule shall prohibit all trustees from jointly signing an application. The Each signature shall be followed by the words “as trustee.” “as trustee” and shall otherwise meet the requirements under Iowa Code section 633A.4604.

ITEM 4. Amend rule 761—400.5(321) as follows:

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) No change.

400.5(2) Application shall be made to the department’s ~~office of~~ vehicle and motor carrier services bureau for the following:

a. to *g.* No change.

400.5(3) Application for a certificate of title for a vehicle subject to apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department’s ~~office of~~ vehicle and motor carrier services bureau.

400.5(4) Application for apportioned registration shall be made to the department’s ~~office of~~ vehicle and motor carrier services bureau. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

ITEM 5. Amend subrule 400.6(1) as follows:

400.6(1) Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or by

mail from the ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3264; or on the department's website at www.iowadot.gov.

ITEM 6. Amend paragraph **400.13(1)“a”** as follows:

a. The applicant shall submit a bond application to the ~~office of~~ vehicle and motor carrier services bureau on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

ITEM 7. Amend subrule 400.14(3) as follows:

400.14(3) Organizational ownership.

a. No change.

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 the certification of trust as defined in Iowa Code section 633A.4604. ~~The signature of each trustee is required, unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604. The signature shall be followed by the words “as trustee.” In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust. If the certification of trust as defined in Iowa Code section 633A.4604 is signed by one currently acting trustee or the attorney of a currently acting trustee, only the signature of that currently acting trustee is required. However, nothing in this rule shall prohibit all trustees from jointly signing any required titling and registration documentation. Each signature shall be followed by the words “as trustee” and shall otherwise meet the requirements under Iowa Code section 633A.4604.~~

ITEM 8. Amend rule 761—400.47(321) as follows:

761—400.47(321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466 except that nothing in this rule shall be construed to allow operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under Iowa Code section 321.463(6). In addition, the following products shall be considered raw farm products. This list shall not be deemed conclusive and shall not exclude other commodities which might be considered raw farm products:

Animals which are dead	Hides
Berries, fresh	Honey, comb or extracted
Blood	Melons
Corn, ear corn including hybrids	Milk, raw
Corn, shelled	Nursery stock
Corn, cobs	Potatoes
Cream, separated	Peat
Eggs, fresh or frozen in shell	Poultry, live
Flax	Saw logs
Flaxseed	Sod
Fodder	Soybeans
Fruit, fresh	Straw, baled or loose
Grain, threshed or unthreshed	Vegetables, fresh
Hair	Wood, cord or stove wood
Hay, baled or loose	Wool

This rule is intended to implement Iowa Code sections 321.466(4) and 321.466(5).

ITEM 9. Amend rule 761—400.50(321,326) as follows:

761—400.50(321,326) Refund of registration fees.

400.50(1) Vehicles registered by county treasurer.

a. to d. No change.

e. If the claim for refund is for excess credit or no replacement vehicle:

(1) No change.

(2) The claim for refund shall be approved or denied by the ~~office of~~ vehicle and motor carrier services bureau.

f. All other claims for refund shall be forwarded to the ~~office of~~ vehicle and motor carrier services bureau for processing.

400.50(2) Vehicles registered by department. Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1). The claim for refund shall be filed at the same address.

This rule is intended to implement Iowa Code sections 25.1, 321.126 to 321.128 and 326.15.

ITEM 10. Amend rule 761—400.56(321) as follows:

761—400.56(321) Hearings. The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.

ITEM 11. Amend paragraph **400.60(3)“b”** as follows:

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to apportioned registration. Application for apportioned registration shall be submitted to the department's ~~office of~~ vehicle and motor carrier services bureau; see 761—Chapter 500.

ITEM 12. Amend **761—Chapter 425**, title, as follows:

**MOTOR VEHICLE AND TRAVEL TRAILER TOWABLE RECREATIONAL VEHICLE DEALERS,
MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS**

ITEM 13. Amend rule 761—425.1(322) as follows:

761—425.1(322) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and ~~travel trailer~~ towable recreational vehicle dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) The ~~office of~~ vehicle and motor carrier services bureau administers this chapter. The mailing address is: ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

a. Applications required by the chapter shall be submitted to the ~~office of~~ vehicle and motor carrier services bureau.

b. Information about dealer plates and the licensing of motor vehicles and ~~travel trailer~~ towable recreational vehicle dealers, manufacturers, distributors and wholesalers is available from the ~~office of~~ vehicle and motor carrier services bureau or on the department's website at www.iowadot.gov.

ITEM 14. Amend rule 761—425.3(322) as follows:

761—425.3(322) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter of rules:

“*Certificate of title*” means a document issued by the appropriate official which contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests, and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only” and “title” shall be synonymous with the term “certificate of title.”

“*Consumer use*” means use of a motor vehicle or ~~travel-trailer~~ towable recreational vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

“*Dealer*,” unless otherwise specified, means a person who is licensed to engage in this state in the business of selling motor vehicles or ~~travel-trailers~~ towable recreational vehicles at retail under Iowa Code chapter 322 or 322C.

“*Engage in this state in the business*” or similar wording means doing any of the following acts for the purpose of selling motor vehicles or ~~travel-trailers~~ towable recreational vehicles at retail: to acquire, sell, exchange, hold, offer, display, broker, accept on consignment or conduct a retail auction, advertise as being engaged in any of those acts, or to act as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles or six ~~travel-trailers~~ towable recreational vehicles during a 12-month period may be presumed to be engaged in the business. See rule 761—425.20(322) for provisions regarding fleet sales and retail auction sales.

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s certificate of origin.” See rule 761—400.1(321) for more information.

“*Principal place of business*” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a ~~travel-trailer~~ towable recreational vehicle dealer may use a manufactured or mobile home as an office if taxes are current or a ~~travel-trailer~~ towable recreational vehicle as an office if registration fees are current. The principal place of business must be located in this state.

“*Registered dealer*” means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

“*Regular business hours*” means to be consistently open to the public on a weekly basis at hours reported to the ~~office of~~ vehicle and motor carrier services bureau. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

“*Salesperson*” means a person employed by a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer for the purpose of buying or selling vehicles.

“*Vehicle*,” unless otherwise specified, means a motor vehicle or ~~travel-trailer~~ towable recreational vehicle.

“*Wholesaler*” means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code chapters 322 and 322C.

ITEM 15. Amend rule 761—425.10(322) as follows:

761—425.10(322) Application for dealer’s license.

425.10(1) Application form. To apply for a license as a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer, the applicant shall complete an application on a form prescribed by the department.

425.10(2) Surety bond.

a. The applicant shall obtain a surety bond in the following amounts and file the original with the ~~office of~~ vehicle and motor carrier services bureau:

(1) For a motor vehicle dealer's license, \$75,000. However, an applicant for a motor vehicle dealer's license is not required to file a bond if the person is licensed as a towable recreational vehicle dealer under the same name and at the same principal place of business.

(2) For a ~~travel-trailer~~ towable recreational vehicle dealer's license, ~~\$25,000~~ \$75,000. However, an applicant for a ~~travel-trailer~~ towable recreational vehicle dealer's license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

b. The surety bond shall provide for notice to the ~~office of~~ vehicle and motor carrier services bureau at least 30 days before cancellation.

c. The ~~office of~~ vehicle and motor carrier services bureau shall notify the bonding company of any conviction of the dealer for a violation of laws related to the operations of the dealership.

d. If the bond is canceled, the ~~office of~~ vehicle and motor carrier services bureau shall notify the dealer by first-class mail that the dealer's license shall be revoked on the same date that the bond is canceled unless the bond is reinstated or a new bond is filed.

e. If an applicant whose dealer's license was revoked pursuant to paragraph 425.10(2) "d" establishes that the applicant obtained a reinstated or new bond meeting the requirements of this subrule 425.10(2) that was effective on or before the date of cancellation, but due to mistake or inadvertence failed to file the original bond with the ~~office of~~ vehicle and motor carrier services bureau, the applicant may file the original of the reinstated or new bond. Upon filing, the department will rescind the revocation of the dealer's license.

425.10(3) Franchise.

a. An applicant who intends to sell new motor vehicles or ~~travel-trailers~~ towable recreational vehicles shall submit to the ~~office of~~ vehicle and motor carrier services bureau a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

b. If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise which includes all of the following:

(1) No change.

(2) The make of motor vehicle or ~~travel-trailer~~ towable recreational vehicle that the applicant is authorized to sell.

(3) and (4) No change.

c. No change.

425.10(4) and 425.10(5) No change.

425.10(6) Zoning. The applicant shall provide to the ~~office of~~ vehicle and motor carrier services bureau written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's business is located, which states that the applicant's principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

425.10(7) Separate licenses required.

a. No change.

b. A separate license is required for each county in which an applicant for a ~~travel-trailer~~ towable recreational vehicle dealer's license maintains a place of business.

425.10(8) to 425.10(11) No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 16. Amend subrule 425.13(3) as follows:

425.13(3) Notification to the department. A motor vehicle dealer shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing no fewer than ten days before moving the dealer's business records to another licensed location.

ITEM 17. Amend rule 761—425.14(322) as follows:

761—425.14(322) ~~Travel-trailer~~ Towable recreational vehicle dealer's place of business.

425.14(1) Telephone service and office area. A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include telephone service and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all ~~travel-trailers~~ towable recreational vehicles offered for sale. Telephone service must be a land line and not cellular phone service. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder.

425.14(2) Facility for displaying ~~travel-trailers~~ towable recreational vehicles. A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include a space of sufficient size to permit the display of one or more ~~travel-trailers~~ towable recreational vehicles. The display facility may be an indoor area or an outdoor area with an all-weather surface. An all-weather surface does not include grass or exposed soil. If an outdoor display facility is maintained, it may be used only to display, recondition or repair ~~travel-trailers~~ towable recreational vehicles or to park vehicles.

425.14(3) Facility for repairing and reconditioning ~~travel-trailers~~ towable recreational vehicles. A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include a facility for reconditioning and repairing ~~travel-trailers~~ towable recreational vehicles. The facility:

a. Shall be equipped and of sufficient size to repair and recondition one or more ~~travel-trailers~~ towable recreational vehicles of a type sold by the dealer.

b. to d. No change.

425.14(4) ~~Travel-trailer~~ Towable recreational vehicle dealer also licensed as a motor vehicle dealer. If a ~~travel-trailer~~ towable recreational vehicle dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning ~~travel-trailers~~ towable recreational vehicles are not required.

This rule is intended to implement Iowa Code sections 322C.1 to 322C.6.

ITEM 18. Amend rule 761—425.17(322) as follows:

761—425.17(322) Extension lot license. Extension lots of motor vehicle and ~~travel-trailer~~ towable recreational vehicle dealers must be licensed. Application to license an extension lot shall be made on a form prescribed by the department.

425.17(1) No change.

425.17(2) For a ~~travel-trailer~~ towable recreational vehicle dealer, an extension lot is a ~~travel-trailer~~ towable recreational vehicle lot for the sale of ~~travel-trailers~~ towable recreational vehicles that is located within the same county as, but is not adjacent to, the ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business.

425.17(3) and 425.17(4) No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 19. Amend rule 761—425.18(322) as follows:

761—425.18(322) Supplemental statement of changes. A motor vehicle dealer shall file a written statement with the ~~office of~~ vehicle and motor carrier services bureau at least ten days before any change of name, location, hours, or method or plan of doing business. A license is not valid until the changes listed in the statement have been approved by the ~~office of~~ vehicle and motor carrier services bureau.

This rule is intended to implement Iowa Code sections 322.1 to 322.15.

ITEM 20. Amend rule 761—425.24(322) as follows:

761—425.24(322) Miscellaneous requirements.

425.24(1) No change.

425.24(2) A motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall not represent or advertise the dealership under any name or style other than the name which appears on the dealer's license.

425.24(3) No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 21. Amend rule 761—425.26(322) as follows:

761—425.26(322) State fair, fairs, shows and exhibitions.

425.26(1) Definitions. As used in this rule:

“Community” means an area of responsibility as defined in Iowa Code section 322A.1.

“Display” means having new motor vehicles or new ~~travel-trailers~~ towable recreational vehicles available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer's sticker price. “Display” does not mean offering new vehicles for sale or negotiating sales of new vehicles.

“Fair” means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

“Offer” new vehicles “for sale,” “negotiate sales” of new vehicles, or similar wording, means doing any of the following at the state fair or a fair, vehicle show or vehicle exhibition: posting prices in addition to the manufacturer's sticker price, discussing prices or trade-ins, arranging for payments or financing, and initiating contracts.

“State fair” means the fair as discussed in Iowa Code chapter 173.

“Vehicle exhibition” means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time, and sponsored by a person other than a single dealer.

“Vehicle show” means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.26(2) and 425.26(3) No change.

425.26(4) Permits for dealers of new ~~travel-trailers~~ towable recreational vehicles. A fair, vehicle show or vehicle exhibition permit allows a ~~travel-trailer~~ towable recreational vehicle dealer to display and offer new ~~travel-trailers~~ towable recreational vehicles for sale and negotiate sales of new ~~travel-trailers~~ towable recreational vehicles at a specified fair, vehicle show, or vehicle exhibition in any Iowa county.

a. No change.

b. The permit is limited to the line makes for which the ~~travel-trailer~~ towable recreational vehicle dealer is licensed in Iowa.

c. A ~~travel-trailer~~ towable recreational vehicle dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.26(5) Permit application. A motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall apply for a permit on an application form prescribed by the department. The application shall include the dealer's name, address and license number and the following information about the event: name, location, sponsor(s) and duration, including the opening and closing dates.

425.26(6) Display of permit. The motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall display the permit in close proximity to the vehicles being exhibited.

This rule is intended to implement Iowa Code sections 322.5(2) and 322C.3(9).

ITEM 22. Amend subrule 425.40(1) as follows:

425.40(1) Every motor vehicle and ~~travel-trailer~~ towable recreational vehicle dealer shall:

a. and b. No change.

ITEM 23. Amend rule 761—425.50(322) as follows:

761—425.50(322) Manufacturers, distributors, and wholesalers. This rule applies to the licensing of manufacturers, distributors, and wholesalers of new motor vehicles and ~~travel-trailers~~ towable recreational vehicles.

425.50(1) No change.

425.50(2) Licensing requirements.

a. and b. No change.

c. A licensee shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing at least ten days prior to any:

(1) and (2) No change.

(3) Change in the trade name of a ~~travel-trailer~~ towable recreational vehicle manufactured for delivery in this state.

d. A licensee shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing at least ten days before any new make of vehicle is offered for sale at retail in this state.

This rule is intended to implement Iowa Code sections 322.27 to 322.30 and 322C.7 to 322C.9.

ITEM 24. Amend subrule 425.62(4) as follows:

425.62(4) The department shall send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice shall be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business, and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 425.1(2). The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

ITEM 25. Amend subrule 425.70(2) as follows:

425.70(2) Persons who may be issued dealer plates. Dealer plates as provided in Iowa Code sections 321.57 to 321.63 may be issued to:

a. No change.

b. Licensed ~~travel-trailer~~ towable recreational vehicle dealers.

c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than ~~travel-trailers~~ towable recreational vehicles, and who has an established place of business for such purpose in this state.

d. to h. No change.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-46
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date February 11, 2020
Title Administrative Rules — 761 IAC 511, Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight

DISCUSSION/BACKGROUND:

This rule making updates Chapter 511 to align the rules with Iowa Code section 321.463 and chapter 321E as amended by 2019 Iowa Acts, Senate File 629, sections 1 and 3 to 6. Senate File 629 concerns permits for vehicles of excessive size and weight which transport raw forest products.

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

The public comment period ended February 4. 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 Nancy Maher Seconded by Kathy Fehrman

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

MV-2020-46

Melissa Spiegel, Motor Vehicle Division Director; This rule making relates to special oversize permits for chapter 511; a newly created raw forest permit. It is recommended the commission approved the proposed rule amendments for chapter 511.

Commissioner Maher made a motion to approve the rule changes.
Commissioner Fehrman seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to annual raw forest products permit and providing an opportunity for public comment

The Department of Transportation 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.15.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.463, 321E.2, 321E.3, 321E.7, 321E.9, 321E.14 and 321E.26, 2019 Iowa Acts, Senate File 629, sections 1 and 3 to 6.

Purpose and Summary

This proposed rule making updates Chapter 511 to align the rules with Iowa Code section 321.463 and chapter 321E as amended by 2019 Iowa Acts, Senate File 629, sections 1 and 3 to 6.

The proposed amendments establish the new annual raw forest products permit rule as required by Iowa Code section 321E.26, which was newly enacted by 2019 Iowa Acts, Senate File 629, section 6. Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight of the vehicle exceeds the statutory limits. As provided in the Iowa Code, a vehicle traveling under this permit is not authorized to travel on the interstate and must contact the appropriate local authority for route approval to use this permit on county roads or city streets.

Additionally, the proposed amendments align the Department’s rules with the Iowa Code by adding a new definition of “raw forest products,” incorporating the new statutory \$175 permit fee for divisible loads of raw forest products, and subjecting a vehicle operating under the annual raw forest products permit to the same maximum axle weights and permitted tandem axle weights as the annual oversize/overweight permit.

Fiscal Impact

The Department issued 78 raw forest products permits from July 1, 2019, through October 29, 2019, with a resulting revenue amount of approximately \$13,741. Based on the current number of permits issued and the nature of this small industry, the Department does not anticipate a revenue impact that would exceed \$100,000 annually or \$500,000 over five years.

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 February 4, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
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:

February 6, 2020
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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—511.1(321E)**, definition of "Permit-issuing authority," as follows:
"Permit-issuing authority" means the:

1. Department's ~~office of~~ vehicle and motor carrier services bureau for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the ~~office of~~ vehicle and motor carrier services bureau may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 2. Adopt the following new definition of "Raw forest products" in rule **761—511.1(321E)**:
"Raw forest products" means the same as defined in Iowa Code section 321E.26.

ITEM 3. Amend rule **761—511.1(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.30 and 321E.34.

ITEM 4. Amend subrule 511.2(1) as follows:

511.2(1) Applications, forms, instructions and restrictions are available on the department's website at www.iowadot.gov and by mail from the ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257.

Permits may be obtained electronically upon making application to the ~~office of~~ vehicle and motor carrier services bureau.

ITEM 5. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in subrule 511.7(6) and rule ~~761—511.14(321,321E)~~ 761—511.15(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 6. 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 or all-systems permits.

ITEM 7. Amend paragraph **511.4(3)“a”** as follows:

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

ITEM 8. Amend rule ~~761—511.5(321,321E)~~ as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) and 511.5(2) No change.

511.5(3) Annual raw forest products permit. A fee of \$175 shall be charged for each annual permit issued pursuant to Iowa Code section 321E.26 for divisible loads of raw forest products, payable prior to the issuance of the permit.

~~511.5(3)~~ **511.5(4)** Annual oversize/overweight permit. A fee of \$400 shall be charged for each annual oversize/overweight permit, payable prior to the issuance of the permit. Transfer of current annual oversize/overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~511.5(4)~~ **511.5(5)** All-systems permit. A fee of \$160 shall be charged for each annual all-systems permit, payable prior to the issuance of the permit.

~~511.5(5)~~ **511.5(6)** Bridge-exempt permit. A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

~~511.5(6)~~ **511.5(7)** Multitrip permit. A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit.

~~511.5(7)~~ **511.5(8)** Raw milk permit. A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

~~511.5(8)~~ **511.5(9)** Single-trip permit. A fee of \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

~~511.5(9)~~ **511.5(10)** Compacted rubbish permit. A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~511.5(10)~~ **511.5(11)** Duplicate permit. A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(11)~~ **511.5(12)** Registration fee. A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(12)~~ **511.5(13)** Fair and reasonable costs. Permit-issuing authorities may charge any permit applicant:

a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

~~511.5(13)~~ **511.5(14)** *Methods of payment.* Fees and costs required under this chapter shall normally be paid by credit card, certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 9. 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 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 10. 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. Detour and road embargo information may also be found online at: www.511ia.org. Prior to making the move, the owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, to verify that the owner or operator is using the most recent information. 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—511.13(321,321E)~~ 761—511.14(321,321E).

e. *Distance.* Movement is allowed for unlimited distance; routing through the ~~office of vehicle and motor carrier services bureau~~ is not required.

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—511.13(321,321E)~~ 761—511.14(321,321E).

e. *Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the ~~office of vehicle and motor carrier services bureau~~ or the route continues on at least four-lane roads. Trip routes are valid for five days.

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—511.13(321,321E)~~ 761—511.14(321,321E).

e. *Distance.* Trip routes must be obtained from the ~~office of vehicle and motor carrier services bureau~~.

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—511.13(321,321E)~~ 761—511.14(321,321E).

e. to g. No change.

511.7(6) Vehicles with divisible loads of hay, straw, stover, or bagged livestock bedding provided the following are not exceeded:

- a. to c. No change.
- d. *Weight.* See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).
- e. 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, 321E.29 and 321E.29A.

ITEM 11. Amend subrule 511.8(1) as follows:

511.8(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—511.13(321,321E)~~ 761—511.14(321,321E).
- e. *Routing.* The owner or operator shall select a route using a vertical clearance map, ~~kip map~~, bridge embargo map, pavement restrictions map, and ~~detour and road embargo~~ construction and travel restrictions map provided by the department. Detour and road embargo information may also be found online at www.511ia.org. The owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, prior to making the move to verify that the owner or operator is using the most recent information.

ITEM 12. Amend rule ~~761—511.8(321,321E)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, ~~and 321E.8 and 321E.9.~~

ITEM 13. Amend rule ~~761—511.9(321,321E)~~ as follows:

~~761—511.9(321,321E)~~ All-systems permits. All-systems permits are issued by the ~~office of~~ vehicle and motor carrier services bureau 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 ~~office of~~ vehicle and motor carrier services bureau 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—511.13(321,321E)~~ 761—511.14(321,321E).
- e. *Distance.* Movement is allowed for unlimited distance; routing through the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions is not required.

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—511.13(321,321E)~~ 761—511.14(321,321E).
- e. *Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

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—511.13(321,321E)~~ 761—511.14(321,321E).
- e. *Distance.* Trip routes must be obtained from the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions.

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—511.13(321,321E)~~ 761—511.14(321,321E).
- e. to g. No change.

511.9(6) Vehicles with divisible loads of hay, straw, stover, or bagged livestock bedding provided the following are not exceeded:

- a. to c. No change.
- d. *Weight*. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).
- e. *Distance*. Movement is allowed for unlimited distance; routing through the ~~office of vehicle and motor carrier services~~ bureau and city and county jurisdictions is not required.

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, 321E.10 and 321E.29.

ITEM 14. Amend paragraph **511.12(1)“d”** as follows:

- d. *Weight*. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

ITEM 15. Renumber rules ~~761—511.13(321,321E)~~ to ~~761—511.18(321)~~ as **761—511.14(321,321E)** to **761—511.19(321)**.

ITEM 16. Adopt the following new rule ~~761—511.13(321,321E)~~:

761—511.13(321,321E) Annual raw forest products permits. Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight exceeds statutory limits. Travel is not allowed on the interstate. The owner or operator shall select a route using the vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. The owner or operator must contact the appropriate local authority for route approval to use this permit on county roads or city streets. Detour and road embargo information may be found online at: www.511ia.org. Routing is subject to embargoed bridges and roads and posted speed limits. Annual raw forest products permits are issued for the following:

511.13(1) Vehicles with divisible loads of raw forest products provided the following are not exceeded:

- a. Width. Statutory: 8 feet 6 inches.
- b. Length. Limited to the maximum dimensions in Iowa Code section 321.457.
- c. Height. Statutory: 13 feet 6 inches.
- d. Weight. See rule ~~761—511.14(321,321E)~~.
- e. Distance. Unlimited.

511.13(2) Reserved.

This rule is intended to implement Iowa Code sections 321.463, 321E.2, 321E.3 and 321E.26.

ITEM 17. Amend renumbered rule ~~761—511.14(321,321E)~~ as follows:

761—511.14(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.14(1) *Annual and all-systems permits.*

- a. No change.
- b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(2) *Annual oversize/overweight permits or annual raw forest products permits.*

a. For movement under an annual oversize/overweight permit or an annual raw forest products permit, the gross weight on any axle shall not exceed 20,000 pounds, with a maximum of 156,000 pounds total gross weight.

- b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(3) *Multitrip permits.*

- a. No change.

b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(4) *Single-trip permits.*

a. to c. No change.

d. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(5) No change.

511.14(6) *Permitted tandem axle weights.*

a. Vehicles operating under an annual oversize permit, annual oversize/overweight permit, annual raw forest products permit, single-trip permit, or multitrip permit may have a gross weight not to exceed 46,000 pounds on a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

b. and c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26 and 321E.32.

ITEM 18. Amend renumbered subrule 511.15(2) as follows:

511.15(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—511.13(321,321E)~~ 761—511.14(321,321E).

ITEM 19. Amend renumbered rule ~~761—511.18(321,321E)~~ as follows:

~~761—511.18(321,321E)~~ Permit violations.

Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the ~~office of~~ vehicle and motor carrier services bureau may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20.

This rule is intended to implement Iowa Code sections 321.492, 321E.16 and 321E.20.

ITEM 20. Amend renumbered paragraph **511.19(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 ~~511.18(2)~~ 511.19(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 21. Amend renumbered paragraph **511.19(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 ~~511.18(1)~~ 511.19(1) if the combinations of vehicles meet the requirements in paragraph ~~511.18(2)“b”~~ 511.19(2)“b”:

(1) to (3) No change.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-47
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date February 11, 2020
Title Administrative Rules — 761 IAC 607, Commercial Driver Licensing

DISCUSSION/BACKGROUND:

This proposed rule making conforms Chapter 607 with 2019 Iowa Acts, House File 418, sections 1 to 4 and 6 and 7, related to compliance with federal regulations regarding entry-level driver training (ELDT), the national drug and alcohol clearinghouse (DACH), third-party commercial driver's license (CDL) skills test examiners, and federal driver age qualifications. Additionally, the proposed amendments align the department's rules with existing legal authority and department practice, eliminate outdated or irrelevant requirements or options and accommodate modern procedures.

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

The public comment period ended January 21. 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 Charese Yanney Seconded by Kathy Fehrman

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

MV-2020-47

Melissa Spiegel, Motor Vehicle Division Director; And the third rulemaking that I have today relates this to commercial driver's licensing. It is recommended the recommended the Commission approve the rule amendment to chapter 607 related to commercial drivers licensing.

Commissioner Yanney made a motion to approve the rule changes.
Commissioner Fehrman seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

TRANSPORTATION DEPARTMENT[761]**Notice of Intended Action****Proposing rule making related to commercial driver licensing
and providing an opportunity for public comment**

The Department of Transportation 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 sections 307.12, 321.180, 321.187, 321.188 and 321.449.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.1(69) as amended by 2019 Iowa Acts, House File 499, section 1; 321.180; 321.187 as amended by 2019 Iowa Acts, House File 418, section 1; 321.188 as amended by 2019 Iowa Acts, House File 418, sections 2, 3, 6 and 7; and 321.449 as amended by 2019 Iowa Acts, House File 418, section 4.

Purpose and Summary

This proposed rule making conforms Chapter 607 with 2019 Iowa Acts, House File 418, sections 1 to 4 and 6 and 7, related to compliance with federal regulations regarding entry-level driver training (ELDT), the national drug and alcohol clearinghouse (DACH), third-party commercial driver’s license (CDL) skills test examiners, and federal driver age qualifications. Additionally, the proposed amendments align the Department’s rules with existing legal authority and Department practice, eliminate outdated or irrelevant requirements or options and accommodate modern procedures. The following paragraphs further explain the proposed amendments:

ELDT. The existing rules relating to adoption of federal regulations, CDL classes, CDL endorsements and commercial learner’s permits (CLPs) are proposed to be amended to add references to the Federal Motor Carrier Safety Administration (FMCSA) regulations addressing ELDT requirements. Iowa Code section 321.188 was amended by 2019 Iowa Acts, House File 418, sections 2 and 6, to provide that ELDT requirements apply to an applicant for a CDL if required by federal regulations. Federal regulations currently state that effective February 7, 2020, an applicant applying for a Class A or Class B CDL, an upgrade of the applicant’s CDL, or a hazardous material (H), passenger (P), or school bus (S) endorsement for the first time will be required to complete ELDT prior to taking the applicable CDL knowledge test or skills test. ELDT training consists of knowledge (theory) training and behind-the-wheel (BTW) skills training. However, since the legislation was enacted during the 2019 Legislative Session, the Department was notified by FMCSA that FMCSA is seeking a delayed effective date of February 7, 2022, for the requirement for a state driver’s licensing agency to verify completion of ELDT prior to administering the applicable CDL knowledge or skills test. This delay would not require a change to the underlying legislative language as the language is contingent on whether the provision is required by federal regulation.

DACH. The rule relating to application for a CDL already requires a CDL applicant to comply with the requirements of Iowa Code section 321.188, but that Iowa Code section was amended by 2019 Iowa Acts, House File 418, sections 3 and 7, to incorporate the federal requirement that state driver’s licensing agencies check the DACH for violations prior to issuing a CDL if required by federal regulations. The DACH is a database operated by FMCSA that will contain information about violations of FMCSA’s drug and alcohol testing program for CDL holders. The requirement for the Department to check the DACH prior to issuing a CDL was set to take effect January 6, 2020. However, since the legislation

was enacted during the 2019 Legislative Session, the Department was notified by FMCSA that FMCSA is seeking a delayed effective date of January 6, 2023, for the requirement for a state driver's licensing agency to query DACH. Again, the delay would not require a change to the underlying legislative language as the language is contingent on whether the provision is required by federal regulation.

CDL driver age qualifications. The rule establishing CDL requirements is proposed to be amended to align with Iowa Code section 321.449 as amended by 2019 Iowa Acts, House File 418, section 4, which gave the Department authority to adopt rules authorizing an 18-year-old to obtain an interstate CDL once federal law allows it. Currently, federal regulations do not permit a person less than 21 years old to operate a commercial motor vehicle (CMV) between states (interstate) unless an exception under the federal regulations applies. Iowa Code currently does allow an 18-year-old to operate a CMV within Iowa (intrastate) only. However, there has been movement at the federal level to broadly amend the driver age qualifications law to lower the current age for an interstate CDL driver from 21 years old to 18 years old. While the federal law has not changed yet, the proposed amendment to the rule cross-references the driver age qualifications in the federal regulations and Iowa Code, thereby allowing an adjustment to the age requirement for an interstate CMV driver if the federal law is changed in the future to allow 18-year-old CMV drivers in interstate commerce.

Hazardous material endorsement. The hazardous material endorsement rule is proposed to be amended to add references to the federal regulations governing the requirements for obtaining and retaining the endorsement. The amendments also provide that the exception for retesting and paying the fee for the hazardous material endorsement applies if the applicant is intending to transfer the applicant's CDL and provides evidence of passing the knowledge test in another state within the preceding 24 months, as allowed by federal regulations.

Waiver of CDL knowledge test for military members. The CDL knowledge test rule is proposed to be amended to add a new subrule addressing waiver of the knowledge test for an applicant who is a current or former military service member. Iowa Code section 321.188 provides that the Department shall adopt rules to administer the CDL program in compliance with federal regulations, and 49 CFR Section 383.77 was recently amended to provide that the Department may waive the CDL knowledge test for an applicant who is regularly employed or was regularly employed within the past year in a military position as outlined in the regulation and operated a vehicle representative of the CMV the applicant expects to operate. The Department already has the authority to waive a CDL skills test for a current or former military service member and, under this proposed rule making, would also have the ability to offer a waiver of the knowledge test.

CDL skills test vehicles. The rule regarding representative vehicles used for the CDL skills test is proposed to be amended to provide that an applicant seeking a tank endorsement must take the CDL skills test in a representative vehicle, such as a Class A, Class B, or Class C CMV, but the representative vehicle does not necessarily need to include a tank as tank vehicles are harder to gain access to and any tank vehicle containing flammable or hazardous materials must be purged of any contents prior to the CDL skills test. The amendments also align the rule with the Department's current process for an applicant seeking to remove a manual transmission restriction to require the applicant to take only the on-road segment of the CDL skills test, rather than all three segments of the CDL skills test.

CDL retests. The rule relating to CDL skills retests are proposed to be amended to include the requirement to repeat a CDL skills or knowledge test if the Department determines the test was improperly administered, for example, as the result of an audit.

Third-party CDL skills test examiners. The rule addressing CDL skills tests administered by a third party is proposed to be amended to conform with Iowa Code section 321.187 as amended by 2019 Iowa Acts, House File 418, section 1, which added an "Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers" to the list of entities authorized to perform third-party CDL skills tests. This change will provide additional opportunities for applicants to receive the skills test necessary to obtain a CDL. The amendments also align with 49 CFR Section 383.75, which provides an exception to a third-party skills test examiner's certificate revocation for failure to perform at least ten skills tests per year if the examiner provides proof of completion of the examiner refresher training or successfully completes one skills test under the observation of a Department examiner. Finally, the

amendments conform with existing Department policy that a third-party skills test examiner may only administer CDL skills tests for the examiner's primary employer unless the examiner is authorized by the Department to perform CDL skills tests for another county or third-party tester.

CDL knowledge and skills tests for nondomiciled military members. The Department proposes to add a new rule to allow for the ability to perform and transmit CDL knowledge and skills tests for nondomiciled military personnel, as well as the ability to accept the same from another state's driver's licensing agency. This rule would adopt 49 CFR Section 383.79, which was recently amended to provide that a state may accept an application for a CDL or CLP from a military service member stationed, but not domiciled, in Iowa if the Department has an agreement to accept such applications with the applicant's state of domicile. Typically, a person can only apply and be tested for a CDL or CLP in the person's state of domicile. This regulation attempts to address barriers experienced by military members stationed in a state other than the state of domicile. The rule also would provide that if a military service member is domiciled in Iowa, but stationed in another state, and applies for a CDL or CLP where the service member is stationed, the Department may accept the application and CDL test results from the other state if the Department has an agreement to do so, and the Department may also issue the CDL or CLP.

Reduction of a lifetime CDL disqualification. This rule is proposed to be amended to align with the current process for reinstatement of an applicant's CDL after a lifetime CDL disqualification. A lifetime CDL disqualification is required pursuant to federal regulations in 49 CFR Section 383.51 for certain offenses committed by a CDL holder, for example, when a CDL holder has two operating while intoxicated (OWI) convictions. However, the federal regulations further provide that a CDL holder subject to a lifetime disqualification for certain offenses may be eligible to apply for reinstatement of the person's CDL if it has been more than ten years since the lifetime disqualification became effective and the person meets certain criteria. A person reinstated under these provisions once is not eligible for reinstatement again if the person subsequently is convicted of any of the disqualifying offenses listed in 49 CFR Sections 383.51(b)(1) through 383.51(b)(8).

CDL disqualification due to fraud. The rule related to CDL disqualifications is proposed to be amended to add a new subrule that aligns with 49 CFR Section 383.73(k), Iowa Code section 321.201(2)"b," and the Department's current process for disqualifying a person's CDL or CLP if the person is convicted or suspected of fraud related to the testing or issuance of a commercial driving privilege. Upon the Department's receipt of a person's conviction for fraud, the person's CDL shall be disqualified for one year. Upon the Department's receipt of credible evidence that the person is suspected of committing fraud, the person shall be required to retake the applicable knowledge or skills test and will face a disqualification if the person either fails or does not retake the applicable test.

Restricted CDL. The restricted CDL rule is proposed to be amended to align with 49 CFR Section 383.3(f)(3)(vi), which states that a person may not hold a restricted CDL and an unrestricted CDL at the same time. However, the regulations do not prohibit a person from holding a restricted CDL and a commercial learner's permit (CLP) at the same time. The rule relating to self-certification for CDL holders is also proposed to be amended to provide that a restricted CDL holder is required to self-certify to the type of driving the holder intends to undertake while operating a CMV.

Fiscal Impact

The fiscal impact to the State of Iowa cannot be determined. The federal regulations proposed to be adopted by this rule making were subject to fiscal impact review by the FMCSA when the regulations were enacted and were determined not to be cost-prohibitive.

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 January 21, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
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:

January 23, 2020
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

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—607.2(17A) as follows:

761—607.2(17A) Information.

607.2(1) Information and location. Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license ~~examination station~~ service center. Assistance is also available by mail from the Driver and Identification Services Bureau, 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.

607.2(2) Manual. A copy of a study manual for the commercial driver's license tests is available upon request at any driver's license ~~examination station~~ service center and on the department's website.

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

ITEM 2. Amend rule **761—607.3(321)**, definition of "School bus," as follows:

"*School bus*" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored

events unless otherwise provided in Iowa Code section 321.1(69). “School bus” does not include a bus used as a common carrier.

ITEM 3. Amend subrule 607.10(1) as follows:

607.10(1) Code of Federal Regulations. The department’s administration of commercial driver’s licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations which are referenced throughout this chapter of rules:

a. and *b.* No change.

c. 49 CFR Part 380, Subpart F.

~~*e.*~~ *d.* The following portions of 49 CFR Part 383 (October 1, 2018):

(1) to (4) No change.

ITEM 4. Amend rule 761—607.16(321) as follows:

761—607.16(321) Commercial driver’s license (CDL).

607.16(1) No change.

607.16(2) Validity.

a. A Class A commercial driver’s license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code ~~paragraph~~ section 321.189(1)“a.” With the required endorsements and subject to the applicable restrictions, a Class A commercial driver’s license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver’s license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver’s license allows a person to operate a commercial motor vehicle as specified in Iowa Code ~~paragraph~~ section 321.189(1)“b.” With the required endorsements and subject to the applicable restrictions, a Class B commercial driver’s license is valid to operate any vehicle except a truck-tractor semitrailer combination as a chauffeur (Class D) or a vehicle requiring a Class A commercial driver’s license. Before the department administers the skills test for a Class B commercial driver’s license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. to *h.* No change.

607.16(3) Requirements.

a. The minimum age to obtain a commercial driver’s license is ~~18 years~~ set out in 49 CFR, Part 391, Subpart B, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

b. No change.

607.16(4) No change.

This rule is intended to implement Iowa Code sections 321.177, 321.182, 321.188, 321.189, ~~and~~ 321.196, and 321.449 and 2013 Iowa Acts, chapter 104, section 2.

ITEM 5. Amend rule 761—607.17(321) as follows:

761—607.17(321) Endorsements. All endorsements except the hazardous material endorsement continue to be valid without retesting or additional fees when renewing or upgrading a license. The endorsements that authorize additional commercial motor vehicle operations with a commercial driver’s license are:

607.17(1) Hazardous material. A hazardous material endorsement (H) is required to transport hazardous materials. ~~Upon license renewal, retesting and fee payment are required.~~ The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration’s security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain

the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant ~~upgrades an Iowa license or~~ transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the ~~endorsement~~ knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months. A farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

607.17(2) Passenger vehicle. A passenger vehicle endorsement (P) is required to operate a passenger vehicle as defined in rule 761—607.3(321). Before the department administers the skills test for a passenger vehicle endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.17(3) to 607.17(5) No change.

607.17(6) School bus. ~~After September 30, 2005, a~~ A school bus endorsement (S) is required to operate a school bus as defined in rule 761—607.3(321). An applicant for a school bus endorsement must also qualify for a passenger vehicle endorsement. Before the department administers the skills test for a school bus endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.17(7) No change.

This rule is intended to implement Iowa Code sections 321.1, 321.176A, 321.188 and 321.189.

ITEM 6. Amend paragraph **607.20(1)“d”** as follows:

d. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. If the permit holder is subject to the requirement to complete entry-level driver training as provided in Iowa Code section 321.188, the permit holder shall complete the training after the permit holder obtains the commercial learner's permit, but before the permit holder takes the required skills test. The holder of a commercial learner's permit is not eligible to take a required driving skills test for the first 14 days after the permit holder is issued the permit. The 14-day period includes the day the commercial learner's permit was issued.

EXAMPLE: The commercial learner's permit is issued on September 1. The earliest date the permit holder would be eligible to take the skills test is September 15.

ITEM 7. Amend rule 761—607.27(321) as follows:

761—607.27(321) Knowledge tests.

607.27(1) and 607.27(2) No change.

607.27(3) Test methods. All knowledge tests shall be administered in compliance with 49 CFR Section 383.133(b). All tests other than the hazardous material endorsement test may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test. A verbal test shall be offered only at specified locations. Information about the locations is available at any driver's license ~~examination station~~ service center.

607.27(4) Waiver. A waiver of any knowledge test is permitted only as provided in Iowa Code ~~subsection~~ section 321.188(5) and this chapter. The burden of proof of having passed the hazardous material endorsement test within the preceding 24 months rests with the applicant.

607.27(5) Military waiver. The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

a. The applicant is regularly employed or was regularly employed within the past year in a military position specifically designated in 49 CFR Section 383.77.

b. The applicant is or was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate immediately preceding honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, commonly referred to as a DD form 214.

c. The applicant has not had more than one driver's license, other than a military license.

d. The applicant has not had any driver's license suspended, revoked, or canceled.

e. The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 CFR Section 383.51(b).

f. The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 CFR Section 383.51(c).

g. The applicant has not had a conviction for violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

607.27(5) 607.27(6) Requirement. An applicant must pass the applicable knowledge test(s) before taking the skills test. Passing scores for a knowledge test shall meet the standards contained in 49 CFR Section 383.135(a).

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

ITEM 8. Amend rule 761—607.28(321) as follows:

761—607.28(321) Skills test.

607.28(1) to 607.28(3) No change.

607.28(4) Vehicle. The applicant shall provide a representative vehicle for the skills test. "Representative vehicle" means a commercial motor vehicle that meets the statutory description for the class of license applied for.

a. No change.

b. To obtain a school bus endorsement, the applicant must qualify for a passenger vehicle endorsement and take the skills test in a school bus, as defined in rule 761—607.3(321), in the same vehicle class as the applicant will drive, as required in 49 CFR Section 383.123. Up to and including September 30, 2005, the skills test for a school bus endorsement is waived for an applicant meeting the requirements of 49 CFR Section 383.123(b).

c. To obtain a tank endorsement, the applicant must take the skills test in a representative vehicle for the class of license applied for, but the representative vehicle is not required to be a tank vehicle.

~~e. d.~~ To remove an air brake or full air brake restriction, the applicant must take the skills test in a vehicle equipped with an air brake system, as defined in rule 761—607.3(321) and as required in 49 CFR Section 383.113.

~~d. e.~~ To remove a manual transmission restriction, the applicant must take the on-road segment of the skills test in a vehicle equipped with a manual transmission, as defined in rule 761—607.3(321).

607.28(5) and 607.28(6) No change.

607.28(7) Locations. The skills test for a commercial driver's license shall be given only at specified locations where adequate testing facilities are available. An applicant may contact any driver's license examination station service center for the location of the nearest skills testing station center. A skills test by appointment shall be offered only at specified regional test sites.

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

ITEM 9. Amend rule 761—607.30(321) as follows:

761—607.30(321) Third-party testing.

607.30(1) Purpose and definitions. The skills test required by rule 761—607.28(321) may be administered by third-party testers and third-party skills test examiners approved and certified by the department. For the purpose of administering third-party skills testing and this rule, the following definitions shall apply:

“Community college” means an Iowa community college established under Iowa Code chapter 260C.

“Iowa-based motor carrier” means a motor carrier or its subsidiary that has its principal place of business in the state of Iowa and operates a permanent commercial driver training facility in the state of Iowa.

“Iowa nonprofit corporation” means a nonprofit corporation that serves as a trade association for Iowa-based motor carriers.

“Motor carrier” means the same as defined in 49 CFR Section 390.5.

“Permanent commercial driver training facility” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“Skills test” means the skills test required by rule 761—607.28(321).

“Subsidiary” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“Third-party skills test examiner” means the same as defined in 49 CFR Section 383.5.

“Third-party tester” means the same as defined in 49 CFR Section 383.5.

607.30(2) Certification of third-party testers.

a. The department may certify as a third-party tester a community college, ~~or~~ Iowa-based motor carrier or Iowa nonprofit corporation to administer skills tests. A community college, ~~or~~ Iowa-based motor carrier or Iowa nonprofit corporation that seeks certification as a third-party tester shall contact the ~~department’s office of driver and identification services bureau~~ 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.

b. No community college, ~~or~~ Iowa-based motor carrier or Iowa nonprofit corporation shall be certified to conduct third-party testing unless and until the community college, ~~or~~ Iowa-based motor carrier or Iowa nonprofit corporation enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates sufficient ability to conduct skills tests in a manner that consistently meets the requirements of 49 CFR Section 383.75.

c. No change.

607.30(3) Certification of third-party skills test examiners.

a. A certified third-party tester shall not employ or otherwise use as a third-party skills test examiner a person who has not been approved and certified by the department to administer skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party skills test examiners ~~on a form provided by~~ to the department. The department shall not approve as a third-party skills test examiner a person who does not meet the requirements, qualifications and standards of 49 CFR Sections 383.75 and 384.228, including but not limited to all required training and examination and a nationwide criminal background check. The criteria for passing the nationwide criminal background check shall include no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. No change.

c. The department shall revoke the certificate if the person holding the certificate does not administer skills tests to at least ten different applicants per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting skills tests; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Sections 383.75 and 384.228. Notwithstanding anything in this paragraph to the contrary, as provided in 49 CFR Section 383.75,

if the person does not administer skills tests to at least ten different applicants per calendar year, the certificate will not be revoked for that reason if the person provides proof of completion of the examiner refresher training in 49 CFR Section 384.228 to the department or successfully completes one skills test under the observation of a department examiner.

d. No change.

e. A third-party skills test examiner may only administer CDL skills tests for the examiner's primary employer, unless authorized by the department to administer CDL skills tests for another county or third-party tester.

607.30(4) Bond. As a condition of certification, an Iowa-based motor carrier or Iowa nonprofit corporation must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party skills test examiners are involved in fraudulent activities related to conducting skills tests of applicants for a commercial driver's license.

607.30(5) and 607.30(6) No change.

This rule is intended to implement Iowa Code section 321.187.

ITEM 10. Amend subrule 607.31(2) as follows:

607.31(2) Retesting. Subject to rule 761—607.28(321), an applicant shall be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed. An applicant who fails a test shall not be permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

ITEM 11. Adopt the following new rule 761—607.32(321):

761—607.32(321) Knowledge and skills testing of nondomiciled military personnel.

607.32(1) Role of state of duty station. The department may accept an application for a CLP or CDL, including an application for waiver of the knowledge test as provided in subrule 607.27(5), if the applicant is an active duty military service member stationed, but not domiciled in Iowa, and the department has an agreement to accept such applications with the applicant's state of domicile as provided in 49 CFR Section 383.79.

a. The applicant shall certify and provide evidence that the following apply:

(1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.

(2) The applicant has a valid driver's license from the applicant's state of domicile.

(3) The applicant has a valid active duty military identification card.

(4) The applicant has a current copy of either the applicant's military leave and earnings statement or the applicant's orders.

b. If the applicant meets the requirements of paragraph 607.32(1) "a" and the department has an agreement with the applicant's state of domicile as provided in this subrule, the department may do either of the following:

(1) Administer the knowledge and skills tests to the applicant as appropriate in accordance with 49 CFR Part 383, Subparts F, G, and H, if the state of domicile requires those tests; or

(2) Waive the knowledge and skills tests in accordance with 49 CFR Section 383.77 and this chapter if the state of domicile also permits waiver of the knowledge and skills test.

c. The department may destroy the applicant's driver's license on behalf of the state of domicile unless the state of domicile requires the driver's license to be surrendered to the state of domicile's driver's licensing agency.

607.32(2) Electronic transmission of application and test results. The department shall transmit to the state of domicile the applicant's application, any supporting documents and the results of any skills or knowledge tests administered as provided under this rule.

607.32(3) Role of state of domicile. If the department has an agreement with the applicant's state of duty station, upon completion of the applicant's application pursuant to 49 CFR Section 383.71 and any testing administered by the applicant's state of duty station pursuant to 49 CFR Sections 383.71 and 383.73, the department may do all of the following:

a. Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the applicant's state of duty station.

b. Issue the applicant a CLP or CDL.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, and 321.188 and 49 CFR Part 383.

ITEM 12. Amend subrule 607.37(1), introductory paragraph, as follows:

607.37(1) Licensee requirements. To renew a commercial driver's license, the licensee shall apply at a driver's license ~~examination station~~ service center and complete the following requirements:

ITEM 13. Amend rule 761—607.39(321) as follows:

761—607.39(321) Disqualification.

607.39(1) to 607.39(3) No change.

607.39(4) Reduction of lifetime disqualification. ~~Reserved.~~

a. As permitted by 49 CFR Section 383.51, a person subject to lifetime disqualification of the person's commercial driving privileges may apply to the department for reinstatement. The approval is subject to the discretion of the department and subject to the following requirements:

(1) The request may not be made prior to ten years from the effective date of the lifetime disqualification.

(2) The person must submit the request in a manner prescribed by the department.

(3) If the driving record contains alcohol-related or drug-related offenses that resulted in the lifetime disqualification, the person must have completed an alcohol or drug evaluation and have completed any recommended treatment which meets or exceeds the minimum standards approved by the Iowa department of public health. Evidence of a completed evaluation and treatment must be on file with the department or submitted with the application for reinstatement.

(4) Within the ten years preceding the request, the person must not have any of the following moving violation convictions:

1. A drug or alcohol offense.

2. Leaving the scene of an accident.

3. A felony involving the use of any motor vehicle.

4. Any moving violation while operating a commercial motor vehicle.

(5) The department may request, and the person shall provide, any additional information or documentation necessary to determine the person's eligibility for reinstatement or general fitness for licensure.

b. If the department finds the person is eligible for reinstatement under this subrule, the person shall do all of the following prior to reinstatement:

(1) Pay all outstanding reinstatement fees.

(2) Meet all outstanding reinstatement requirements.

(3) Pass the required knowledge, vision, and skills tests as specified in Iowa Code section 321.188.

(4) Complete any other courses or requirements as required by the director.

c. As provided in 49 CFR Section 383.51(a)(6), a person who has previously had the person's commercial driving privileges reinstated pursuant to this subrule shall not be eligible to apply for reinstatement following conviction of a subsequent disqualifying offense.

d. If the department determines the person is not eligible for reinstatement as provided in this subrule, the department shall send notice by first-class mail to the person's mailing address as shown on departmental records that the lifetime disqualification remains in effect.

607.39(5) Fraud related to testing and issuance.

a. As required by 49 CFR Section 383.73(k) and Iowa Code section 321.201(2)"b," the department shall disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit.

b. Upon receipt of a person's conviction of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the department shall disqualify the person's commercial driver's license or commercial learner's permit for one year.

c. Upon receipt of credible evidence that a person is suspected of committing fraud relating to the issuance of a commercial driver's license or a commercial learner's permit, the department shall notify the person of the requirement to retake the applicable knowledge or skills test. Within 30 days of receiving notice from the department, the person is required to contact the department to retake the knowledge or skills test. If the person fails to contact the department within 30 days after the notice, or the person fails the knowledge or skills test, or does not take the test, the department shall disqualify the person's commercial driver's license or commercial learner's permit.

d. Once a person's commercial driver's license or commercial learner's permit has been disqualified, the person must reapply following the usual procedures as provided in Iowa Code section 321.188 and this chapter.

This rule is intended to implement Iowa Code chapter 17A and section 321.208.

ITEM 14. Amend rule 761—607.45(321), introductory paragraph, as follows:

761—607.45(321) Reinstatement. To reinstate a commercial driver's license after completion of a period of disqualification, a person shall appear at a driver's license ~~examination station~~ service center. The person must also meet the vision standards for licensing, pass the applicable knowledge test(s) and the skills test, and pay the required reinstatement fee and the fees for a new license.

ITEM 15. Amend rule 761—607.49(321) as follows:

761—607.49(321) Restricted commercial driver's license.

607.49(1) to 607.49(3) No change.

607.49(4) Requirements.

a. and b. No change.

c. An applicant who currently holds ~~a an unrestricted commercial driver's license or a commercial learner's permit~~ is not eligible for issuance of a restricted commercial driver's license.

607.49(5) No change.

607.49(6) Issuance.

a. to e. No change.

~~*f.* On or before December 31, 2016, there are two periods of validity for commercial motor vehicle operation: March 15 through June 30, and October 4 through December 14. Validity shall not exceed 180 days in any 12-month period. Any period of validity authorized previously by another state's license shall be considered a part of the 180-day maximum period of validity.~~

g. f. On or after January 1, 2017, a licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 180 days in any calendar year. An individual period of validity may be 60, 90, or 180 consecutive days, at the election of the licensee. A licensee may add 30 days to an individual period of validity by applying for an extension, subject to the 180-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date shall be treated as a request for a new individual period of validity. An extension shall be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license shall be considered a part of the 180-day cumulative maximum period of validity.

~~*h.*~~ *g.* A restricted commercial driver's license must be validated for commercial motor vehicle operation for each individual period of validity. This means that the applicant/licensee must have the person's good driving record confirmed at each application for an individual period of validity. Upon confirmation, the department shall issue a replacement license with a restriction validating the license

for that individual period of validity, provided the person is otherwise eligible for the license. The fee for a replacement license shall be as specified in Iowa Code section 321.195.

~~h.~~ h. The same process must be repeated for each individual period of validity within a calendar year.

This rule is intended to implement Iowa Code section 321.176B.

ITEM 16. Amend subrule 607.50(1) as follows:

607.50(1) *Applicants for commercial learner's permit, restricted CDL, or new, transferred, renewed or upgraded CDL.*

a. A person shall provide to the department a self-certification of type of driving if the person is applying for:

(1) to (3) No change.

(4) Renewal of a commercial driver's license, ~~or~~

(5) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license, ~~or~~

(6) A restricted commercial driver's license.

b. No change.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Highway Administration Order No. H-2020-48
Submitted by Mitchell J. Dillavou Phone No. 515-239-1124 Meeting Date February 11, 2020
Title Administrative Rules — 761 IAC 117, Outdoor Advertising

DISCUSSION/BACKGROUND:

This proposed rule making amends Chapter 117 in the following ways:

- A definition of “destroyed [sign]” is added which meets federal guidelines.
- The definition of “modification” is amended to exclude situations where the trim on the advertising sign has been reduced or eliminated.
- The definition of “nonconforming sign” has been amended to better align with the federal definition.
- A definition of “widening” is added to describe the point where a 250-foot measurement shall begin for the purpose of restricting the placement of outdoor advertising signs near interchanges.
- The prohibition on the erection of advertising signs along scenic byways is clarified so that existing signs are not mistakenly included in this prohibition.
- Spacing requirements for LED signs are eliminated so that the standards in statutory law are followed. Other regulations specific to LED signs (i.e., no flashing or moving) remain in effect.
- Areas between interchanges where continuous auxiliary lanes exist are made eligible for permitting, provided that placements adhere to standard spacing requirements including a minimum of 250 feet from the point of widening for a ramp, or from the gore, in accordance with the new definition of “widening.”
- Fees that are associated with the permitting of advertising signs of a size measuring 32 square feet or less are eliminated.
- The subrule regarding the issuance of permits has been amended to make clear that permits are site-specific and cannot be transferred to other signs or locations. In addition, department staff will not restrict the issuance of permits for locations which may be affected by highway improvement projects until the point in time at which negotiations begin on the affected property.
- A new subrule is added which alters the method of handling for signs which have been damaged by storms.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action. The public comment period ended February 4. 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
	Arnold	<u>x</u>	<u> </u>	<u> </u>
	Fehrman	<u>x</u>	<u> </u>	<u> </u>
	Juckette	<u>x</u>	<u> </u>	<u> </u>
Moved by	<u>Kathy Fehrman</u>	<u>x</u>	<u> </u>	<u> </u>
Seconded by	<u>Linda Juckette</u>	<u>x</u>	<u> </u>	<u> </u>
	Maher	<u>x</u>	<u> </u>	<u> </u>
	Putney	<u>x</u>	<u> </u>	<u> </u>
	Rielly	<u>x</u>	<u> </u>	<u> </u>
	Yanney	<u>x</u>	<u> </u>	<u> </u>

<u> </u> Division Director	<u> </u> Legal	<u> </u> State Director
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H-2020-48

Mitchell Dillavou, Highway Administration Division Director; the proposed rule making amends chapter 117 by using some placement restrictions for companies that are applying for the sign locations; moving off fees for signs measuring 32 square feet or less; and altering the method used to determine what a sign is destroyed. We've discussed these earlier today at the workshop and it's recommended the commission approve the rule amendments included in the notice of intended action.

Commissioner Fehrman made a motion to approve the rule changes. Commissioner Yanney seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to regulation of outdoor advertising signs and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 117, “Outdoor Advertising,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 306B.3, 306C.11, 306D.4 and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 306B and 306C and section 306D.4, 23 U.S.C. 131 and 23 CFR 750.705(h).

Purpose and Summary

This proposed rule making amends Chapter 117 and concerns the regulation of outdoor advertising signs on private property. The proposed amendments ease some placement restrictions for companies that are applying for new sign locations, remove all fees for signs measuring 32 square feet or less, and alter the method used to determine when a sign is destroyed. The following paragraphs explain the amendments in more detail:

Definitions. The proposed amendments add definitions of “destroyed” and “widening” due to the changes included within subrule 117.5(5) and new subrule 117.6(10).

The definition of “modification” is amended to exclude situations where the trim on the advertising sign has been reduced or eliminated. Modern industry practice is to use less trim than was used for the advertising signs constructed in the 1970s and 1980s. Provided the actual copy size for the advertisement remains the same, the size of the trim is not a factor that will be used to determine if a sign has been modified. This exclusion will eliminate the cancellation of a permit for a reason which is not of substantial importance.

The definition of “nonconforming sign” is amended to more accurately reflect the definition in the Code of Federal Regulations (CFR). The current definition narrows the eligible situations to only those regarding size and spacing requirements. In contrast, 23 CFR 750.707(b) and 23 CFR 750.707(d)(4) include all legally erected and lawfully maintained signs which subsequently fail to meet state requirements. The Department has followed the more inclusive and traditionally accepted definition of “nonconforming” set forth in the federal regulations.

Effect of scenic byways. This rule making amends paragraph 117.3(1)“l” to state that although the erection of advertising signs is prohibited along scenic byways, the signs that already exist at the time a highway is designated as a scenic byway may remain in existence subject to normal permitting requirements. Federal law, 23 U.S.C. 131(s), prohibits the erection of new advertising signs, not the continued maintenance and permitting of signs already in existence along the scenic byways.

LED sign spacing. The proposed amendments make changes to subrule 117.5(5) to establish the same spacing requirements for LED signs as standard traditional signs. The Federal Highway Administration conducted an eye-glance tracking study which found that overall attention to the forward roadway was not decreased when properly regulated LED signs were present in the surrounding environment. Therefore, a more restrictive spacing standard for LED signs is not necessary. LED signs, however, will continue to be regulated by subrule 117.3(1) so that messages do not flash, scroll, move,

or change at a rate of less than eight seconds per message in accordance with the federal guidance issued in September 2007.

Spacing requirements between interchanges. This rule making amends subrule 117.5(5) concerning areas between interchanges where continuous acceleration and deceleration lanes exist. Rather than having these areas completely blocked out for advertising purposes, this amendment will make these areas eligible for permitting provided that the placement of the sign is not within 250 feet of the point at which lanes join/separate with the mainline. This standard will be more consistent with the rest of the subrule because only 250 feet is protected from the ramp taper in cases where the ramp does taper to a close. Driver attention at places where merging is necessary is likely higher than where merging is not required. Therefore, a more restrictive standard for the latter does not serve a compelling safety interest, and it is not required by federal law. Due to these amendments to subrule 117.5(5), a definition of “widening” is added in rule 761—117.1(306B,306C) to describe the point where the measurement begins for the 250 feet of protection for each scenario.

Applications required for each face. This rule making amends subrule 117.6(1) so that, without exception, permits are required for each face of an advertising sign. The original purpose behind allowing owners of smaller signs to obtain just one permit for a sign with a face on each side was to cap the fees (initial fee and annual renewal fee) to one permit only. However, because of the proposed amendments to subrule 117.6(2) to completely exempt owners of small signs from any fees at all, there is less of a need to retain this exception. In addition, the Department’s electronic permitting system associates a unique permit number for each sign face for billing and spacing purposes.

Exempt fees for small signs. This rule making amends subrule 117.6(2) to exempt fees for applications and renewals for small signs measuring 32 square feet or less. Currently, any sign, regardless of size, is subject to the initial application fee of \$100 per face and the annual renewal fees in accordance with the fee and size schedule in subrule 117.6(2). Application and renewal fees are intended to help cover the cost of field reviews and program administration, but the effect of not charging fees for signs of this size will be minimal because so few applications are received. Small business operators who use small signs for advertising will be able to obtain permits in conforming areas at no charge. Local permit fees may vary.

Outdoor advertising permits—not transferrable and protection of property rights. The proposed amendments add a sentence to subrule 117.6(3) to make clear that permits are not transferrable to other advertising signs or to other locations. While it is rare, Department staff have found permit plates which have been moved from one sign to another, or signs (with permit plates attached) moved to other locations. The application forms identify a precise location and the subsequent field reviews by Department staff are conducted to ensure that location requirements are met.

Language is also added to subrule 117.6(3) for the protection of property rights (for advertising purposes) when highway improvement projects are pending. Currently, if a highway improvement project is planned and the future design will result in a change in eligibility of an area for the issuance of advertising permits, those issuances cease once the Department completes the plans for the project and appraisers and buyers begin to contact property owners for the acquisition of additional right-of-way. Because this process can occur months or years in advance of the actual construction work, property owners and sign companies are being prevented from what could be construed as a legal use of property at the time the application is made. The language being added narrows the window of time for denials so that permits may be issued for conforming locations up until the time when contact occurs with the property owner for the purposes of acquiring the additional right-of-way at the site of the proposed sign.

Destroyed sign. This rule making adds new subrule 117.6(10), which alters the method of handling for signs which have been damaged by storms. The Federal Highway Administration requires states to have a method of determining when a nonconforming sign is destroyed and to have it removed. Existing protocol for Iowa is to assess damage following a storm to see if the repair cost for damaged plywood, poles, stringers, vinyl wrap, light ballasts, etc., exceeds 60 percent of the replacement cost (see definition of “reconstruction” in Iowa Code section 306C.10). If so, the permit is subject to cancellation and, if the area is not conforming, removal of the sign must follow. Damage assessments are labor intensive, are subjective, and cause delays in repairs, which can frustrate companies, landowners, and advertisers.

In recent years, the Federal Highway Administration has worked with state regulators and stakeholders (Scenic America and Outdoor Advertising Association of America) to develop an easy “bright line” to follow instead of using the more common method of having regulators sort through damaged parts to determine whether they are reusable and attempt to assign values to those parts, which may be cause for litigation. This new method involves a simple count of the broken support poles to determine if a given percentage of the total is reached. If so, the sign is considered destroyed. A definition of “destroyed” (60 percent of supports broken) is added in rule 761—117.1(306B,306C), which falls within the Federal Highway Administration’s recommended guidelines. New subrule 117.6(10) is added to replace the existing method of determining when a permit needs to be revoked and a sign needs to be removed.

Finally, the proposed amendments amend the chapter’s implementation sentence to include references to Iowa Code section 306D.4, 23 U.S.C. 131, and 23 CFR 750.705(h).

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. Although applications for advertising signs measuring 32 square feet or less in size will no longer be subject to fees, the average annual number of new advertising signs erected for this size has been fewer than five for the last eight years. Therefore, the effect to the Highway Beautification Fund will be minimal.

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 February 4, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
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:

February 6, 2020
2 p.m.

Department of Transportation
Administration Building
First Floor South Conference Room
800 Lincoln Way
Ames, Iowa

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. Adopt the following new definitions of "Destroyed" and "Widening" in rule **761—117.1(306B,306C)**:

"Destroyed" means that at least 60 percent of the supports are broken, if wooden, or broken, bent or twisted, if metal, such that normal repair practices would call for the replacement of the damaged supports.

"Widening" means the point at which it is detectable that a deceleration or exit ramp is beginning to form alongside the main traveled way, or an acceleration or merging ramp has tapered to a close alongside the main traveled way. In the case where an entrance ramp becomes an auxiliary lane and the auxiliary lane becomes an exit ramp at the adjacent interchange, the widening shall be the point at which a deceleration ramp completely separates from the main traveled way as evidenced by the inside lane marking of such ramp, or an acceleration ramp joins with the main traveled way as evidenced by the inside lane marking of the ramp intersecting with the outside lane marking of the main traveled way.

ITEM 2. Amend rule **761—117.1(306B,306C)**, definitions of "Modification" and "Nonconforming sign," as follows:

"Modification" means any addition to or change in dimensions, lighting, structure or advertising face, except as incidental to the customary maintenance of an advertising device.

1. A change in the number or type of support posts is a modification. A change in dimensions is a modification. However, the addition of extensions or cutouts, including forward projecting, is not a modification if the extensions or cutouts are added for a period of 90 days or less and if they are illuminated only by existing sign lighting and do not contain internal lighting.

2. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.

3. On an advertising device that conforms to all current requirements, the replacement of one metal-framed face with another metal-framed face of the same size, using dissimilar component parts or assembly methods, or both, is not a modification.

4. The addition of LED display capabilities to an advertising device is a modification.

5. The elimination of trim surrounding the area used for advertising copy is not a modification, provided the advertising copy retains the same dimensions as the original advertising copy.

"Nonconforming sign" means an advertising device that was lawfully erected and continues to be lawfully maintained, but that does not comply ~~fully~~ with current ~~size and spacing~~ requirements due to changed conditions, such as a change in zoning, establishment of a new highway, or a similar change that affects compliance.

ITEM 3. Amend subrule 117.2(2) as follows:

117.2(2) Contact information. Inquiries, requests for forms, and applications regarding this chapter shall be directed to the Advertising Management Section, ~~Office of Traffic and Safety Bureau~~, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

ITEM 4. Amend rule **761—117.3(306B,306C)**, parenthetical implementation statute, as follows:

761—117.3(306B,306C,306D) General criteria.

ITEM 5. Amend paragraph **117.3(1)“I”** as follows:

l. No off-premises advertising device may be erected within the adjacent area of any primary highway that has been designated a scenic highway or scenic byway if the advertising device will be visible from the highway. However, if the off-premises advertising device was in existence at the time of the designation, subsequent permitting may occur in accordance with Iowa Code section 306C.18.

ITEM 6. Amend subrule 117.5(5) as follows:

117.5(5) Advertising devices erected after July 1, 1972. Except as otherwise provided in this chapter, an advertising device which is visible from the main traveled way of any primary highway shall not be erected after July 1, 1972, or subsequently maintained within the adjacent area unless the advertising device complies with the following:

a. and b. No change.

c. Spacing within city—interstate and freeway-primary highway. Within the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from an interstate or a freeway-primary highway:

(1) The advertising device shall not be located within 250 feet of another advertising device when both are visible to traffic proceeding in any one direction. ~~If the advertising device has an LED display, the advertising device shall not be located within 500 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.~~

(2) The advertising device shall not be located within the adjacent area on either side of the highway in, or within 250 feet of an interchange or rest area. The 250 feet shall be measured ~~along a line parallel to the centerline from a point opposite the end or beginning of whichever acceleration or deceleration ramp extends the farthest from the interchange or rest area to a point opposite~~ from the nearest point of widening for a lane constructed for the purpose of acceleration or deceleration of traffic movement to or from the main traveled way to the advertising device. The measurement shall be taken parallel to the centerline of the main traveled way and shall be taken from whichever point of widening extends the furthest from the interchange.

~~(3) In an area where two interchanges are in such close proximity that the acceleration or deceleration lanes or ramps merge or overlap or where there are continuous acceleration or deceleration lanes between interchanges, the area will be treated as one continuous interchange.~~

d. Spacing outside city—interstate and freeway-primary highway. Outside the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from an interstate or a freeway-primary highway:

(1) The advertising device shall not be located within 500 feet of another advertising device when both are visible to traffic proceeding in any one direction. ~~If the advertising device has an LED display, the advertising device shall not be located within 1000 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.~~

(2) The advertising device shall not be located within the adjacent area on either side of the highway in, or within 250 feet of an interchange or rest area. The 250 feet shall be measured ~~along a line parallel to the centerline from a point opposite the end or beginning of whichever acceleration or deceleration ramp extends the farthest from the interchange or rest area to a point opposite~~ from the nearest point of widening for a lane constructed for the purpose of acceleration or deceleration of traffic movement to or from the main traveled way to the advertising device. The measurement shall be taken parallel to the centerline of the main traveled way and shall be taken from whichever point of widening extends the furthest from the interchange.

~~(3) In an area where two interchanges are in such close proximity that the acceleration or deceleration lanes or ramps merge or overlap or where there are continuous acceleration or deceleration lanes between interchanges, the area will be treated as one continuous interchange.~~

e. Spacing within city—nonfreeway-primary highway. Within the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from a nonfreeway-primary highway:

(1) The advertising device shall not be located within 100 feet of another advertising device when both are visible to traffic proceeding in any one direction. ~~If the advertising device has an LED display, the advertising device shall not be located within 500 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.~~

(2) No change.

f. Spacing outside city—nonfreeway-primary highway. Outside the corporate limits of a municipality, the following provisions apply to an advertising device which is visible from a nonfreeway-primary highway:

(1) The advertising device shall not be located within 300 feet of another advertising device when both are visible to traffic proceeding in any one direction. ~~If the advertising device has an LED display, the advertising device shall not be located within 1000 feet of another advertising device that has an LED display when both are visible to traffic proceeding in any one direction.~~

(2) No change.

g. to l. No change.

ITEM 7. Amend paragraph **117.6(1)“a”** as follows:

a. A permit is required for each face of an advertising device; thus, a permit application must be submitted for each face. Three permits are required for a tri-face device if all three faces are visible from the main traveled way of a primary highway. ~~However, only one application and permit are required for a back-to-back advertising device that identifies the same business or service on each face if each face is no larger than 8 feet in width or height and 32 square feet in area.~~

ITEM 8. Amend subrule 117.6(2) as follows:

117.6(2) Fees. Fees are applicable to all advertising devices measuring over 32 square feet in size.

a. No change.

b. The annual renewal fee for each permit, due on or before June 30 of each year, is as follows:

<u>Area of Sign</u>	<u>Annual Renewal Fee</u>
Up 33 to 375 square feet	\$15
376 to 999 square feet	\$25
1000 square feet or more	\$50

For tri-vision signs, the area shall be calculated by multiplying the area of the face by three.

(1) and (2) No change.

c. and d. No change.

ITEM 9. Amend subrule 117.6(3) as follows:

117.6(3) Permits to be issued.

a. The department shall issue an outdoor advertising permit in accordance with Iowa Code section 306C.18. Permits shall not be transferrable to other advertising devices or to other locations.

b. No change.

c. The department shall not prevent nor unnecessarily delay the issuance of a permit for the reason of a proposed future highway improvement project, except under any of the following conditions:

(1) The property upon which the advertising device is proposed has been appraised for the purposes of acquisition.

(2) Contact by department staff has been made with the property owner regarding compensation for the affected area.

(3) The placement of the advertising device would fail to meet the requirements of an existing corridor preservation plan in effect for the proposed location.

(4) A construction contract for the project has been initiated by the department.

ITEM 10. Adopt the following new subrule 117.6(10):

117.6(10) *Destroyed sign.*

- a. The permit for an advertising device which has been destroyed shall be revoked.
- b. An advertising device which has been destroyed is in a condition which, if repaired, would meet the definition of reconstruction in Iowa Code section 306C.10 and is subject to subrule 117.6(5).
- c. An advertising device which has been damaged, but not destroyed, may be repaired. The repair shall not be deemed an act of reconstruction.

ITEM 11. Amend rule 761—117.10(17A,306C) as follows:

761—117.10(17A,306C) Contested cases.

117.10(1) An applicant who has been denied an outdoor advertising permit by the department may contest the decision in accordance with 761—Chapter 13. The request for a contested case hearing shall be submitted in writing to the director of the ~~office of~~ traffic and safety bureau at the address in subrule 117.2(2). The request shall be deemed timely submitted if it is delivered or postmarked within 30 days of the department's mailing of the letter denying the application.

117.10(2) The owner of an outdoor advertising permit which has been revoked or canceled by the department may contest the decision in accordance with 761—Chapter 13. The request for a contested case hearing shall be submitted in writing to the director of the ~~office of~~ traffic and safety bureau at the address in subrule 117.2(2). The request shall be deemed timely submitted if it is delivered or postmarked within 30 days of the owner's receipt of the revocation notice issued by the department.

117.10(3) No change.

ITEM 12. Amend **761—Chapter 117**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 306B and 306C and section 306D.4, 23 U.S.C. 131, and 23 CFR 750.705(h).

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Planning, Programming and Modal Division
Division/Bureau/Office Systems Planning Bureau Order No. PPM-2020-49
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date February 11, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Clinton

DISCUSSION/BACKGROUND:

The city of Clinton submitted a RISE Immediate Opportunity application requesting a grant to assist in the reconstruction of approximately 1,882 feet of Harts Mill Road located on the southwest side of town. This project is anticipated to be completed by December 2020.

This improvement is necessary to provide improved access to the proposed site of a Nestle Purina PetCare Company expansion, a producer of a variety of pet food options. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the creation of 53 new full-time jobs out of 63 RISE eligible created jobs
- \$140,156,250 in associated capital investment.

The RISE cost per job assisted will be \$11,792.45 and there will be a total capital investment of \$224.25 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 \$625,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by Nancy Maher Seconded by John Putney

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

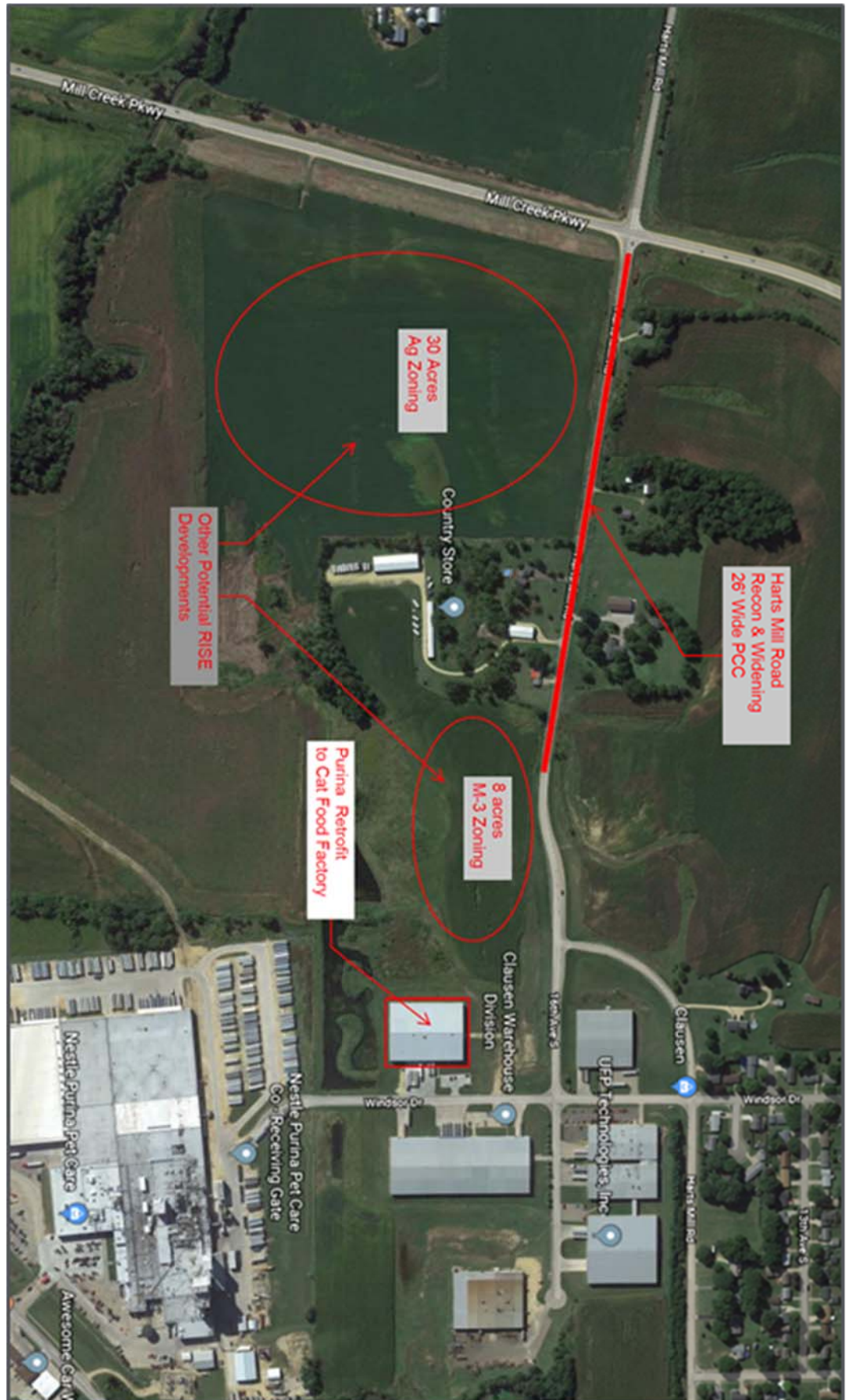
State Director

PPM-2020-49

Craig Markley, Systems Planning Bureau; the city of Clinton submitted an Immediate Opportunity RISE grant application requesting a grant to assist in the reconstruction of approximately 1,882 feet of Harts Mill Road located on the southwest side of town. The proposed improvement will result in the creation of 53 full-time jobs in three years along with \$140,156,250 in associated capital investment. Average wage of the created positions is \$30.20. The RISE grant recommended is \$625,000, or up to 80% of the RISE-eligible project cost, whichever is less. Total cost of \$781,250. The RISE cost per job assisted will be \$11,792.45 and there will be a total capital investment of \$224.25 for each RISE dollar requested.

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$625,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less. This funding comes from the city share of the RISE Fund.

Commissioner Maher made a motion to award the RISE grant as recommended. Commissioner Putney seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.



DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Strategic Performance Division Order No. SP-2020-50
Submitted by Matt Haubrich Phone No. 515-233-7902 Meeting Date February 11, 2020
Title Project Prioritization Weighting (2021-2025 Highway Program)

DISCUSSION/BACKGROUND:

For the development of the 2021-2025 Highway Program, the Commission will utilize a Project Prioritization Tool as an input in the project review process. In January, the Commission participated in a weighting workshop and identified the following criteria weights for use in the tool:

- Bridge: 15 percent
- Pavement: 16 percent
- Traffic: 15 percent
- Safety: 18 percent
- Freight: 12 percent
- Roadway classification: 10 percent
- Mobility: 14 percent

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the use of the criteria weights listed above for the Project Prioritization Tool to be used for the development of the 2021-2025 Highway Program.

COMMISSION ACTION:

Moved by John Putney Seconded by Nancy Maher

	Aye	Vote Nay	Pass
Arnold	x		
Fehrman	x		
Juckette	x		
Maher	x		
Putney	x		
Rielly	x		
Yanney	x		

Division
Director

Legal

State Director

SP-2020-50

Matt Haubrich, Strategic Performance Division; For the development of the 2021-2025 Highway Program, the Commission will utilize a Project Prioritization Tool as an input in the project review process. In January, the Commission participated in a weighting workshop and identified the following criteria weights for use in the tool: Bridge, 15%; Pavement, 16%; Traffic, 15%; Safety, 18%; Freight, 12%; Roadway classification, 10%; Mobility, 14%.

It is recommended the Commission approve the use of the criteria weights listed above for the Project Prioritization Tool to be used for the development of the 2021-2025 Highway Program.

Commissioner Putney made a motion to approve the use of the criteria weights listed above for the Project Prioritization Tool to be used for the development of the 2021-2025 Highway Program. Commissioner Maher seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Aviation Bureau Order No. PPM-2020-51
Submitted by Shane Wright Phone No. 515-239-1048 Meeting Date February 11, 2020
Title Federal Fiscal Year (FFY) 2021 Federal Aviation Administration Funding Preapplications

DISCUSSION/BACKGROUND:

The Aviation Bureau requests the Iowa Transportation Commission approve the submittal of FFY 2021 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 Kathy Fehrman Seconded by Linda Juckette

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

PPM-2020-51

Shane Wright, Aviation Bureau; earlier today presented the FFY 2021 Federal Aviation Administration funding pre applications prepared by Iowa airports that are eligible for federal funding. There were 49 projects, approximately \$28.1 million dollars at 42 airports is recommended.

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

Commissioner Fehrman made a motion to approve the submittal of the FAA funding preapplications as presented. Commissioner Juckette seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

FFY 21 Federal Airport Improvement Program Preapplications

Safety projects			
Airport	Project description	90 percent federal level	Total amount
	Total safety projects	\$0	\$0

Planning projects			
Airport	Project description	90 percent federal level	Total amount
Algona Municipal	Design and Approach Survey	\$162,000	\$180,000
Ankeny Regional	Environmental Assessment - Runway 18 Extension and South Corporate Development	\$135,000	\$150,000
Grinnell Regional	Taxiway Rehabilitation Design	\$90,000	\$100,000
Humboldt Municipal	Runway Pavement Rehabilitation and Lighting Improvement Design	\$306,000	\$340,000
Iowa DOT	Economic Impact Study	\$405,000	\$450,000
Iowa DOT	Pavement Condition Study	\$135,000	\$150,000
Maquoketa Municipal	Reconstruct Runway 15 End - Design	\$192,150	\$213,500
Monticello Regional	Environment Assessment - Runway 33 Approach Protection Land Acquisition	\$130,500	\$145,000
Newton Municipal	Parallel Taxiway Reconstruction - Design	\$180,000	\$200,000
Newton Municipal	Environmental Documentation For Runway 32 Extension	\$90,000	\$100,000
Perry Municipal	Runway 14/32 Paving Design	\$202,500	\$225,000
	Total planning projects	\$2,028,150	\$2,253,500

Maintenance and development projects			
Airport	Project description	90 percent federal level	Total amount
Ames Municipal	Runway 1/19 Electrical Improvements - Phase 1	\$509,610	\$566,233
Atlantic Municipal	Runway 12/30 and 2/20 Electrical Upgrades	\$1,201,950	\$1,335,500
Atlantic Municipal	Runway 12/30 Approach Path Lighting Replacement	\$133,200	\$148,000
Boone Municipal	Reconstruct Runway 15/33 - South 1,800 ft	\$1,286,550	\$1,429,500
Centerville Municipal	Runway and Taxiway Lighting Rehabilitation	\$429,300	\$477,000
Chariton Municipal	Jet A Fuel Facility and Card Reader	\$238,500	\$265,000
Cherokee Regional	Partial Parallel Taxiway Electrical Upgrades	\$265,500	\$295,000
Clarinda Municipal	Rehabilitate Runway 2/20 Pavement	\$306,000	\$340,000
Clinton Municipal	Runway 14/32 Rehabilitation	\$369,000	\$410,000
Davenport Municipal	Taxiway Reconstruction	\$2,425,905	\$2,695,450
Emmetsburg Municipal	Fuel Farm Replacement	\$491,760	\$546,400
Forest City Municipal	Taxiway LED Lighting Upgrade	\$130,500	\$145,000
Fort Dodge Regional	Reconstruct Taxiway B West	\$1,019,160	\$1,132,400
Fort Madison Municipal	Runway and Taxiway Lighting Rehabilitation	\$310,500	\$345,000
Hampton Municipal	Runway Pavement Rehabilitation	\$239,400	\$266,000
Hampton Municipal	Taxiway and Apron Rehabilitation	\$135,360	\$150,400
Iowa City Municipal	Runway 25 Threshold Relocation	\$362,970	\$403,300
Iowa City Municipal	Runway 7/25 Pavement Maintenance	\$149,850	\$166,500
Keokuk Municipal	Rehabilitate Runway 14/32 Lighting	\$666,000	\$740,000
Knoxville Municipal	Expand Apron	\$457,245	\$508,050
Le Mars Municipal	Runway 18/36 Reconstruction	\$3,676,590	\$4,085,100
Mason City Municipal	Acquire Snow Removal Equipment	\$630,000	\$700,000
Ottumwa Regional	Runway 4/22 and Taxiway Pavement Maintenance	\$442,746	\$491,940
Pella Municipal	Apron Expansion	\$166,680	\$185,200

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Public Transit Bureau Order No. PPM-2020-52
Submitted by Brent Paulsen Phone No. 515-239-1132 Meeting Date February 11, 2020
Title Federal Fiscal Year (FFY) 2019 Federal Bus Replacement Discretionary Funding

DISCUSSION/BACKGROUND:

The proposed FFY 2019 Federal Bus Replacement discretionary funding recommendation will be presented.

The specific vehicle replacement recommendations are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FFY 2019 Federal Bus Replacement discretionary funding recommendations as attached.

COMMISSION ACTION:

Moved by Kathy Fehrman Seconded by Nancy Maher

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u> </u>	<u> </u>
Fehrman	<u>x</u>	<u> </u>	<u> </u>
Juckette	<u>x</u>	<u> </u>	<u> </u>
Maher	<u>x</u>	<u> </u>	<u> </u>
Putney	<u>x</u>	<u> </u>	<u> </u>
Rielly	<u>x</u>	<u> </u>	<u> </u>
Yanney	<u>x</u>	<u> </u>	<u> </u>

Division
Director

Legal

State Director

PPM-2020-52

Brent Paulsen, Public Transit Bureau; earlier today, the FFY 2019 federal bus replacement discretionary funding recommendation was presented, which will replace 107 vehicles at 21 transit systems.

It is recommended the Commission approve the FFY 2019 Federal Bus Replacement discretionary funding recommendations as attached to the Commission Order.

Commissioner Fehrman made a motion to approve the FFY 2019 Federal Bus Replacement discretionary funding recommendations as presented. Commissioner Maher seconded the motion. Commissioner Arnold participated by phone. Motion passed unanimously.

FFY2019 Grants for Buses and Bus Facilities Program Iowa Public Transit Bus Replacement Project						
Transit System	Vehicle ID	Replacement Vehicle Description	Public Transit Management System Points	Total Cost	Federal Portion	Local Participation
Ames	00336	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	44.76	\$111,500	\$94,775	\$29,970
Ames	00335	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	44.35	\$111,500	\$94,775	\$15,525
Ames	00334	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	44.12	\$111,500	\$94,775	\$29,970
Ames	00333	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	43.69	\$111,500	\$94,775	\$15,525
Ames	00338	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	36.54	\$106,100	\$90,185	\$22,305
Ames	00337	176" Light-duty bus (diesel, fixed-route, video surveillance system, biodiesel)	34.36	\$106,100	\$90,185	\$15,525
Burlington	727	30' Medium-duty bus (fixed-route, video surveillance system)	18.30	\$199,800	\$169,830	\$15,525
Fort Dodge	FD 57	176" Light-duty bus (fixed-route, video surveillance system)	45.40	\$103,500	\$87,975	\$15,525
Fort Dodge	FD55	30' Medium-duty bus (diesel, fixed-route, video surveillance system)	27.35	\$199,800	\$169,830	\$8,250
Ottumwa	310	176" Light-duty bus (fixed-route, video surveillance system, low-floor)	19.12	\$103,500	\$87,975	\$14,055
Ottumwa	610	176" Light-duty bus (fixed-route, video surveillance system, low-floor)	16.66	\$148,700	\$126,395	\$14,055
Ottumwa	710	176" Light-duty bus (fixed-route, video surveillance system, low-floor)	14.26	\$103,500	\$87,975	\$14,055
Ottumwa	410	176" Light-duty bus (fixed-route, video surveillance system, low-floor)	12.11	\$103,500	\$87,975	\$8,250
Ottumwa	510	176" Light-duty bus (fixed-route, video surveillance system, low-floor)	10.88	\$103,500	\$87,975	\$13,665
Region 1 (Decorah)	11052	Minivan (video surveillance system)	75.37	\$55,000	\$46,750	\$14,475
Region 1 (Decorah)	09186	176" Light-duty bus (video surveillance system)	60.41	\$93,700	\$79,645	\$8,250
Region 1 (Decorah)	09185	176" Light-duty bus (video surveillance system)	59.37	\$93,700	\$79,645	\$8,250
Region 1 (Decorah)	09184	176" Light-duty bus (video surveillance system)	58.18	\$93,700	\$79,645	\$8,250
Region 10 (Cedar Rapids)	305	Minivan (video surveillance system)	43.50	\$55,000	\$46,750	\$28,920
Region 10 (Cedar Rapids)	387	158" Light-duty bus (video surveillance system)	42.14	\$91,100	\$77,435	\$13,350
Region 10 (Cedar Rapids)	301	176" Light-duty bus (video surveillance system)	42.12	\$96,500	\$82,025	\$13,350
Region 10 (Cedar Rapids)	249	Minivan (video surveillance system)	42.05	\$55,000	\$46,750	\$14,475
Region 10 (Cedar Rapids)	340	Minivan (video surveillance system)	41.26	\$55,000	\$46,750	\$13,575
Region 10 (Cedar Rapids)	481	Minivan (video surveillance system)	28.78	\$55,000	\$46,750	\$8,250
Region 10 (Cedar Rapids)	260	30' Medium-duty bus (video surveillance system)	27.55	\$192,800	\$163,880	\$13,350
Region 10 (Cedar Rapids)	303	138" Light-duty bus (video surveillance system)	27.51	\$89,000	\$75,650	\$8,250
Region 10 (Cedar Rapids)	302	138" Light-duty bus (video surveillance system)	25.85	\$89,000	\$75,650	\$15,675
Region 10 (Cedar Rapids)	390	176" Light-duty bus (video surveillance system)	25.62	\$96,500	\$82,025	\$8,565
Region 10 (Cedar Rapids)	216	176" Light-duty bus	25.05	\$90,500	\$76,925	\$8,565
Region 10 (Cedar Rapids)	307	Minivan (video surveillance system)	17.46	\$55,000	\$46,750	\$8,565
Region 10 (Cedar Rapids)	480	138" Light-duty bus (video surveillance system)	11.66	\$89,000	\$75,650	\$8,565
Region 10 (Cedar Rapids)	217	Minivan (video surveillance system)	3.66	\$55,000	\$46,750	\$14,475
Region 10 (Cedar Rapids)	263a	176" Light-duty bus (diesel, video surveillance system)	3.23	\$104,500	\$88,825	\$14,475
Region 11 (Des Moines)	6527	Conversion Van (video surveillance system)	38.13	\$57,100	\$48,535	\$14,013
Region 11 (Des Moines)	4421	Conversion Van (video surveillance system)	32.43	\$57,100	\$48,535	\$8,250
Region 12 (Carroll)	JJ01	Conversion Van (video surveillance system)	68.67	\$57,100	\$48,535	\$8,250
Region 12 (Carroll)	1203	Conversion Van (video surveillance system)	67.79	\$57,100	\$48,535	\$8,250
Region 12 (Carroll)	1001	176" Light-duty bus (video surveillance system)	65.08	\$96,500	\$82,025	\$13,365
Region 12 (Carroll)	0903	176" Light-duty bus (video surveillance system)	60.58	\$96,500	\$82,025	\$14,475
Region 13 (Atlantic)	1003	176" Light-duty bus	50.36	\$93,418	\$79,405	\$14,475
Region 14 (Creston)	S-10	Minivan (video surveillance system)	79.16	\$55,000	\$46,750	\$14,475
Region 14 (Creston)	S-11	Minivan (video surveillance system)	78.21	\$55,000	\$46,750	\$14,475
Region 14 (Creston)	93-B	Minivan (video surveillance system)	76.23	\$55,000	\$46,750	\$14,475
Region 14 (Creston)	91	158" Light-duty bus (video surveillance system)	60.34	\$89,100	\$75,735	\$14,475
Region 15 (Ottumwa)	111	176" Light-duty bus (video surveillance system)	48.25	\$96,500	\$82,025	\$15,675
Region 15 (Ottumwa)	116	176" Light-duty bus (video surveillance system)	45.42	\$96,500	\$82,025	\$14,865
Region 15 (Ottumwa)	114	176" Light-duty bus (video surveillance system)	44.63	\$96,500	\$82,025	\$15,675
Region 15 (Ottumwa)	115	176" Light-duty bus (video surveillance system)	35.84	\$96,500	\$82,025	\$15,675
Region 15 (Ottumwa)	113	176" Light-duty bus (video surveillance system)	26.21	\$96,500	\$82,025	\$15,675
Region 15 (Ottumwa)	112	176" Light-duty bus (video surveillance system)	22.34	\$96,500	\$82,025	\$13,350
Region 2 (Mason City)	C001	176" Light-duty bus (diesel, video surveillance system)	42.93	\$104,500	\$88,825	\$14,475
Region 2 (Mason City)	P001	158" Light-duty bus (diesel, video surveillance system)	41.50	\$99,100	\$84,235	\$14,475
Region 2 (Mason City)	C002	176" Light-duty bus (diesel, video surveillance system)	38.23	\$104,500	\$88,825	\$13,665
Region 2 (Mason City)	B014	176" Light-duty bus (diesel, video surveillance system)	38.04	\$104,500	\$88,825	\$13,665
Region 2 (Mason City)	A004	176" Light-duty bus (diesel, video surveillance system)	35.49	\$104,500	\$88,825	\$13,665
Region 3 (Spencer)	0922	138" Light-duty bus (video surveillance system)	41.47	\$89,000	\$75,650	\$13,665
Region 3 (Spencer)	0901	176" Light-duty bus (video surveillance system)	38.62	\$96,500	\$82,025	\$13,350
Region 3 (Spencer)	0916	176" Light-duty bus (video surveillance system)	37.34	\$96,500	\$82,025	\$13,665
Region 3 (Spencer)	0907	158" Light-duty bus (video surveillance system)	34.74	\$91,100	\$77,435	\$14,475
Region 3 (Spencer)	0903	158" Light-duty bus (video surveillance system)	33.92	\$91,100	\$77,435	\$14,475
Region 3 (Spencer)	0921	158" Light-duty bus (video surveillance system)	31.92	\$91,100	\$77,435	\$14,475
Region 3 (Spencer)	0927	158" Light-duty bus (video surveillance system)	30.90	\$91,100	\$77,435	\$14,475
Region 3 (Spencer)	0918	138" Light-duty bus (video surveillance system)	30.67	\$89,000	\$75,650	\$14,475
Region 3 (Spencer)	0930	158" Light-duty bus (video surveillance system)	29.34	\$91,100	\$77,435	\$14,475
Region 4 (Sioux City)	7529	176" Light-duty bus (video surveillance system)	40.51	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7426	176" Light-duty bus (video surveillance system)	30.21	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7534	176" Light-duty bus (video surveillance system)	29.81	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7201	176" Light-duty bus (video surveillance system)	28.23	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7342	176" Light-duty bus (video surveillance system)	25.32	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7532	176" Light-duty bus (video surveillance system)	21.37	\$96,500	\$82,025	\$14,475

FFY2019 Grants for Buses and Bus Facilities Program						
Iowa Public Transit Bus Replacement Project						
Transit System	Vehicle ID	Replacement Vehicle Description	Public Transit Management System Points	Total Cost	Federal Portion	Local Participation
Region 4 (Sioux City)	7121	176" Light-duty bus (video surveillance system)	15.48	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7544	176" Light-duty bus (video surveillance system)	12.08	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7543	176" Light-duty bus (video surveillance system)	6.39	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7542	176" Light-duty bus (video surveillance system)	5.30	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7546	176" Light-duty bus (video surveillance system)	4.89	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7551	176" Light-duty bus (video surveillance system)	4.22	\$96,500	\$82,025	\$14,175
Region 4 (Sioux City)	7131	176" Light-duty bus (video surveillance system)	3	\$96,500	\$82,025	\$13,365
Region 4 (Sioux City)	7431	176" Light-duty bus (video surveillance system)	2.21	\$96,500	\$82,025	\$8,565
Region 4 (Sioux City)	7547	176" Light-duty bus (video surveillance system)	1.15	\$96,500	\$82,025	\$14,340
Region 5 (Fort Dodge)	05-4	176" Light-duty bus (video surveillance system)	116.73	\$96,500	\$82,025	\$14,340
Region 5 (Fort Dodge)	08-5	176" Light-duty bus (video surveillance system)	48.96	\$96,500	\$82,025	\$14,340
Region 6 (Marshalltown)	111D	176" Light-duty bus (video surveillance system)	50.8	\$94,500	\$80,325	\$14,340
Region 6 (Marshalltown)	209D	158" Light-duty bus (video surveillance system)	46.18	\$89,100	\$75,735	\$8,250
Region 6 (Marshalltown)	110	Conversion Van (video surveillance system)	42.61	\$57,100	\$48,535	\$14,175
Region 7 (Waterloo)	0905	176" Light-duty bus (video surveillance system)	48.66	\$95,600	\$81,260	\$14,175
Region 7 (Waterloo)	0902	176" Light-duty bus (video surveillance system)	47.51	\$95,600	\$81,260	\$14,175
Region 7 (Waterloo)	0904	176" Light-duty bus (video surveillance system)	46.49	\$95,600	\$81,260	\$14,175
Region 7 (Waterloo)	0903	176" Light-duty bus (video surveillance system)	46.48	\$95,600	\$81,260	\$13,365
Region 8 (Dubuque)	595	Minivan (video surveillance system)	71.05	\$55,000	\$46,750	\$13,365
Region 8 (Dubuque)	9144	176" Light-duty bus (video surveillance system)	55.04	\$94,500	\$80,325	\$13,365
Region 8 (Dubuque)	348	176" Light-duty bus (video surveillance system)	35.06	\$94,500	\$80,325	\$13,365
Region 8 (Dubuque)	999	176" Light-duty bus (video surveillance system)	14.87	\$94,500	\$80,325	\$13,365
Region 8 (Dubuque)	998	176" Light-duty bus (video surveillance system)	13.76	\$94,500	\$80,325	\$13,365
Region 9 (Davenport)	524	158" Light-duty bus (video surveillance system)	42.85	\$89,100	\$75,735	\$13,365
Region 9 (Davenport)	522	158" Light-duty bus (video surveillance system)	42.83	\$89,100	\$75,735	\$13,365
Region 9 (Davenport)	516	158" Light-duty bus (video surveillance system)	42.49	\$89,100	\$75,735	\$13,365
Region 9 (Davenport)	528	158" Light-duty bus (video surveillance system)	42.28	\$89,100	\$75,735	\$13,365
Region 9 (Davenport)	530	158" Light-duty bus (video surveillance system)	41.13	\$89,100	\$75,735	\$68,880
Region 9 (Davenport)	527	158" Light-duty bus (video surveillance system)	41.08	\$89,100	\$75,735	\$16,725
Region 9 (Davenport)	517	158" Light-duty bus (video surveillance system)	40.87	\$89,100	\$75,735	\$16,725
Region 9 (Davenport)	523	158" Light-duty bus (video surveillance system)	40.24	\$89,100	\$75,735	\$16,725
Region 9 (Davenport)	526	158" Light-duty bus (video surveillance system)	40.09	\$89,100	\$75,735	\$16,725
Region 9 (Davenport)	529	158" Light-duty bus (video surveillance system)	39.97	\$89,100	\$75,735	\$68,880
Sioux City	1301	35' Heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)	48.3	\$459,200	\$390,320	\$13,575
Sioux City	1300	35' Heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)	42.18	\$459,200	\$390,320	\$15,915
Sioux City	1330	35' Heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)	19.17	\$459,200	\$390,320	\$15,915
Waterloo	111	176" Light-duty bus (diesel, video surveillance system)	40.15	\$90,500	\$76,925	\$68,880
Project Total: 107 Vehicles				\$11,076,218	\$9,414,785	\$1,661,433