

PRELIMINARY COMMISSION AGENDA

March 9, 2021



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

March 9, 2021
Teleconference

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:00 p.m.			
D-2021-63	* Approve Minutes of the February 9, 2021 Commission Meeting Commission Comments DOT Comments	Danielle Madden	2
D-2021-64	* Commission Meeting Dates from July 2021 through June 2022	Danielle Madden	3
MV-2021-65	* Administrative Rules – 761 IAC 520, 529, and 607	Melissa Gillett	4
MV-2021-66	* Administrative Rules – 761 IAC 424, Transporter Plates	Melissa Gillett	11
PPM-2021-68	* Revitalize Iowa's Sound Economy (RISE) – Algona	Craig Markley	15
PPM-2021-69	* Revitalize Iowa's Sound Economy (RISE) – Estherville	Craig Markley	16
PPM-2021-70	* Mooring Cell Funding Recommendation	Craig Markley	17
PPM-2021-71	* Linking Iowa's Freight Transportation System Program Funding Recommendations	Laura Hutzell	18
PPM-2021-72	* Statewide Line Items (2022-2026 Highway Program)	Stuart Anderson	19
PPM-2021-73	* FFY 2021 Appropriation and COVID Relief Funding Recommendations	Stuart Anderson	21
1:10 p.m.			
	Adjourn		
*Action Item			

On Tuesday, March 9, the Commission and staff will meet informally via teleconference at 9:30 a.m.
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-2021-63
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date March 9, 2021
Title Approve Minutes of the February 9, 2021 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the February 9, 2021 Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Arnold
Fehrman
Juckette
Maher
Putney
Rielly
Yanney

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2021-64
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date March 9, 2021
Title Approve Commission Meeting Dates from July 2021 through June 2022

DISCUSSION/BACKGROUND:

The Commission is requested to approve the following proposed July 2021 through June 2022 meeting dates.

2021

July 13
August 9/10*
September 14
October 11/12*
November 9
December 14

2022

January 12
February 8
March 8
March 24**
April 11/12*
May 10
June 13-14*

*Tour/Public input meeting
**Workshop Only

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the proposed July 2021 through June 2022 meeting dates.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-65
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date March 9, 2021
Title Administrative Rules — 761 IAC 520, Regulations Applicable to Carriers; 761 IAC 529, For-Hire Interstate Motor Carrier Authority; and 761 IAC 607, Commercial Driver Licensing

DISCUSSION/BACKGROUND:

This proposed rule making amends Chapters 520, 529 and 607 to adopt the most recent updates to the federal regulations published by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Also, the proposed amendments within Chapter 607 align with federal regulations which govern the medical certificate form that certain commercial driver license holders are required to submit as a condition of being licensed. The amendments provide flexibility for the medical certificate form to be submitted as a physical copy until FMCSA programming is ready and the FMCSA begins transmitting the form to the department electronically.

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

The public comment period ended on March 2, 2021. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to adoption of federal regulations and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 520, “Regulations Applicable to Carriers,” Chapter 529, “For-Hire Interstate Motor Carrier Authority,” and Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.188, 321.449 and 321.450.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 307.27, 321.188, 321.449 and 321.450.

Purpose and Summary

This proposed rule making aligns Chapters 520, 529 and 607 with federal regulation changes occurring during the 2020 federal fiscal year. The proposed amendments also amend Chapter 607 to align with federal regulation changes implementing electronic submission of the federal medical certificate form that certain commercial driver’s license (CDL) holders are required to submit as a condition of obtaining or retaining a CDL.

Federal medical certificate changes. The proposed amendments to Chapter 607 will bring the rules in line with federal regulations governing the medical certificate form that certain CDL holders are required to submit as a condition of being licensed. Those regulation changes can be found in the Federal Register (FR) Volume 83, No. 120, Pages 28774-28783, June 21, 2018. Currently, a CDL holder must submit a physical copy of the medical certificate form to the Department; however, the Federal Motor Carrier Safety Administration (FMCSA) has adopted regulations and is currently programming a system by which the CDL holder’s medical provider will submit the medical certificate to FMCSA, which will then transit the medical certificate electronically to the state driver’s license agency. The proposed amendments provide flexibility for the form to continue to be submitted as a physical copy until the programming is ready and FMCSA begins transmitting the form to the Department electronically.

Annual update. The remainder of the proposed amendments are part of the regular, annual update for the Department to adopt the most recent updates to the federal regulations. Iowa Code section 321.188 requires the Department to adopt rules to administer CDLs in compliance with certain portions of 49 Code of Federal Regulations (CFR) Part 383. Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the FR. Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

The proposed amendments to Chapter 520 adopt the current CFR dated October 1, 2020, for 49 CFR Parts 107, 171 to 173, 177, 178, 180, 385 and 390 to 399. The proposed amendment to Chapter 529 adopts the current CFR dated October 1, 2020, for 49 CFR Parts 365 to 368 and 370 to 379. The proposed amendments to Chapter 607 adopt the current CFR dated October 1, 2020, for certain portions of 49 CFR Part 383.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR. To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

The following paragraphs provide a specific description of the amendments to the FMCSR and the HMR that have become final and effective since the 2020 edition of the CFR that affect Chapters 520, 529 and 607:

Amendments to the FMCSR and Federal HMR

Part 383 (FR Vol. 84, No. 190, Pages 52029-52035, 10-1-19)

This final rule adopts the FMCSR prohibiting states from issuing, renewing, transferring, or upgrading a CDL with a hazardous materials endorsement unless the Transportation Security Administration in the Department of Homeland Security has first conducted a security threat assessment and determined that the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. Effective date: October 31, 2019.

Part 383 (FR Vol. 84, No. 240, Pages 68052-68057, 12-13-19)

This final rule extends the compliance date for the requirement that states request information from the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) about individuals before completing certain CDL transactions for those drivers. The states' compliance with this requirement is delayed until January 6, 2023. The compliance date extension allows FMCSA the time needed to complete its work on a forthcoming rule making to address the states' use of driver-specific information from the Clearinghouse, and time to develop the information technology platform through which states will electronically request and receive Clearinghouse information. Effective date: December 13, 2019.

Part 383 (FR Vol. 85, No. 23, Pages 6088-6101, 2-4-20)

This interim final rule extends the compliance date for the minimum requirements for entry-level commercial motor vehicle operators to February 7, 2022, to provide FMCSA with additional time to complete development of the Training Provider Registry (TPR) and to allow states additional time to modify their information technology systems and procedures, as necessary, to accommodate receipt of driver-specific data from the TPR. Effective date: February 4, 2020.

Part 385 (FR Vol. 85, No. 36, Pages 10307-10310, 2-24-20)

This final rule amends the HMR to incorporate by reference the April 1, 2019, edition of the Commercial Vehicle Safety Alliance's "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403." The out-of-service criteria provide uniform enforcement tolerances for roadside inspections to enforcement personnel nationwide, including FMCSA's state partners. Effective date: March 25, 2020.

Parts 171-173, 178 and 180 (FR Vol. 85, No. 91, Pages 27810-27901, 5-11-20)

This final rule amends the HMR to align with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, the final rule adopts several amendments to the HMR that allow for increased alignment with the Transport Canada Transportation of Dangerous Goods Regulations. Effective date: May 11, 2020, except for the amendment to 49 CFR Section 173.21(f), which is effective January 2, 2023.

Parts 385 and 395 (FR Vol. 85, No. 105, Pages 33396-33452, 6-1-20)

This final rule revises FMCSA regulations relating to the hours of service regulations to provide greater flexibility for drivers subject to those rules without adversely affecting safety. The rule expands the short haul exception to 150 air-miles and allows a 14-hour work shift to take place as part of the exception; expands the driving window during adverse driving conditions by up to an additional 2 hours; requires a 30-minute break after 8 hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break; and modifies the sleeper berth exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7, rather than at least 8, hours of that period in the berth and a minimum off-duty period of at least 2 hours spent inside or outside of the berth, provided the 2 periods total at least 10 hours, and that neither qualifying period counts against the 14-hour driving window. Effective date: September 29, 2020.

Part 396 (FR Vol. 85, No. 160, Pages 50787-50793, 8-18-20)

This final rule rescinds an FMCSA regulation related to the requirement that drivers of passenger-carrying commercial motor vehicles operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no defect DVIRs). This final rule removes an information collection burden without adversely impacting safety. Effective date: September 17, 2020.

Fiscal Impact

The fiscal impact cannot be determined. The federal regulations proposed to be adopted by this rule making were subject to fiscal impact review by either the FMCSA or the Pipeline and Hazardous Materials Safety Administration when the regulations were enacted and were determined not to be cost-prohibitive.

Jobs Impact

The proposed amendments may have a slight impact on CDL holders and motor carrier operations; however, the amendments should not negatively impact jobs or employment opportunities because the regulations proposed to be adopted align the rules to federal regulations and streamline the federal medical certificate submission process as well as bring uniformity and consistency to the industry, which should have a positive impact on employment.

Waivers

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

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 March 2, 2021. 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

If requested, a public hearing to hear oral presentations will be held on March 4, 2021, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on March 2, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2019~~ 2020).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2019~~ 2020).

ITEM 3. Amend paragraph **520.1(2)“c”** as follows:

c. Operators of vehicles for hire, designed to transport 7 or more persons, but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire designed to transport 7 or more persons, but fewer than 16, including the driver, are not exempt from logbook requirements afforded the ~~100-air-mile~~ 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

ITEM 4. Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2019~~ 2020, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

ITEM 5. Amend paragraph **607.10(1)“d”** as follows:

d. The following portions of 49 CFR Part 383 (October 1, ~~2019~~ 2020):

- (1) Section 383.51, Disqualification of drivers.*
- (2) Subpart E—Testing and Licensing Procedures.*
- (3) Subpart G—Required Knowledge and Skills.*
- (4) Subpart H—Tests.*

ITEM 6. Amend subrule 607.28(7) as follows:

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 service center for the location of the nearest skills testing center. ~~A skills test by appointment shall be offered only at specified regional test sites.~~

ITEM 7. Amend paragraph **607.37(1)“a”** as follows:

a. The licensee shall make a written self-certification of type of driving as required by rule 761—607.50(321) and, if required, provide a current medical examiner's certificate ~~if required~~ unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

ITEM 8. Amend rule 761—607.50(321) as follows:

761—607.50(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.50(1) No change.

607.50(2) Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving. Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate, unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. ~~A person who fails to provide a required medical examiner's certificate~~ The department shall not be allowed to proceed with an initial issuance issue, transfer, renewal renew, or upgrade of a license until the person gives the department receives a medical examiner's certificate that complies with the requirements of this subrule, or unless the person changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. For persons submitting When the department receives a current medical examiner's certificate, the department shall post a medical certification status of “certified” on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate shall have no medical certification status on the CDLIS driver's record.

607.50(3) Maintaining certified status. To maintain a medical certification status of “certified,” a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. ~~The copy must be given to the department at least ten days before the previous medical examiner's certificate expires.~~

607.50(4) CDL downgrade. If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of “not certified” to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of “certified” as required by subrule 607.50(3) shall be deemed to be expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. The department shall give the person written notice that the person's medical certification status is “not certified” and that the commercial motor vehicle privileges will be removed from the person's commercial driver's license or commercial learner's permit 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the person submits to the department receives a current medical certificate or medical variance or the person self-certifies to a type of driving other than non-excepted interstate.

b. If the ~~person submits~~ department receives a current medical examiner's certificate or medical variance before the end of the 60-day period, the department shall post a medical certification status

of “certified” on the person’s CDLIS driver’s record and shall terminate the downgrade of the person’s commercial driver’s license or commercial learner’s permit.

c. No change.

d. ~~If the person fails to take the action requirements in either paragraph 607.50(4) “b” or “c” are not met~~ before the end of the 60-day period, the department shall remove the commercial motor vehicle privileges from the person’s commercial driver’s license or commercial learner’s permit and shall leave the person’s medical certification status as “not certified” on the person’s CDLIS driver’s record.

607.50(5) Establishment or reestablishment of “certified” status. A person who has no medical certification status or whose medical certification status has been posted as “not certified” on the person’s CDLIS driver’s record may ~~establish or reestablish~~ have the person’s status established or reestablished as “certified” ~~by submitting if the department receives a current medical examiner’s certificate or medical variance to the department.~~ A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of “certified” on the person’s CDLIS driver’s record.

607.50(6) Reestablishment of the CDL privilege. A person whose commercial motor vehicle privileges have been removed from the person’s commercial driver’s license or commercial learner’s permit under the provisions of paragraph 607.50(4) “d” may ~~reestablish~~ have the person’s commercial motor vehicle privileges by reestablished if either of the following ~~methods~~ occurs:

a. ~~Submitting a~~ The department receives the person’s current medical examiner’s certificate or medical variance to the department. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of “certified” on the person’s CDLIS driver’s record and reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver’s license or commercial learner’s permit.

b. ~~Self-certifying~~ The person self-certifies to a type of driving other than non-excepted interstate. The department shall then reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver’s license or commercial learner’s permit; the person will have no medical certification status on the driver’s CDLIS driver’s record.

607.50(7) Change of type of driving. A person may change the person’s self-certification of type of driving at any time. As required by subrule 607.50(2), the department must receive a copy of the person’s current medical examiner’s certificate prepared by a medical examiner for a person certifying to non-excepted interstate driving ~~must give the department a copy of the person’s current medical examiner’s certificate prepared by a medical examiner.~~

607.50(8) No change.

607.50(9) Medical examiner’s certificate conflict. As required by 49 CFR Sections 383.71 and 383.73, in the event of a conflict between the medical certification information provided electronically by the Federal Motor Carrier Safety Administration and a paper copy of the medical examiner’s certificate, the medical certification information provided electronically by the Federal Motor Carrier Safety Administration shall supersede.

This rule is intended to implement Iowa Code sections 321.182, 321.188 and 321.207.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-66
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date March 9, 2021
Title Administrative Rules — 761 IAC 424, Transporter Plates

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 424 update the contact information and the form submission process for transporter plates. Also, the relevant Iowa Code sections are included to clarify the transporter plates application process and the associated fees.

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

The public comment period ended on March 2, 2021. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to transporter plates
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 424, “Transporter Plates,” 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 sections 321.58 to 321.60.

Purpose and Summary

The proposed amendments update the contact information and the form submission process for transporter plates. Also, the relevant Iowa Code sections are included to clarify the transporter plates application process and the associated fees.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 2, 2021. 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

If requested, a public hearing to hear oral presentations will be held on March 4, 2021, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy

George before 4:30 p.m. on March 2, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 424.1(1) as follows:

424.1(1) Information. Information and blank forms relating to this chapter may be obtained from ~~and completed forms shall be submitted to the Office of Vehicle and Motor Carrier Services Bureau,~~ Iowa Department of Transportation, by mail at P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at vscuto@iowadot.us; or from the department's website at www.iowadot.gov. Completed forms shall be submitted in the form and manner prescribed by the department.

ITEM 2. Amend subrule 424.4(2), introductory paragraph, as follows:

424.4(2) Application. The applicant shall accurately and completely fill out an application for special plates on a form prescribed by the department and submit the application ~~to~~ in the manner prescribed by the department with the appropriate fees in accordance with Iowa Code sections 321.58 through 321.60.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-68
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 9, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Algona

DISCUSSION/BACKGROUND:

The city of Algona submitted a RISE Local Development application in the February 2021 round requesting a grant to assist in construction of approximately 1,638 feet of Snap-On Drive located on the northeast side of town.

This project is necessary to provide access to seven lots totaling more than 15 acres for heavy manufacturing purposes. This project is anticipated to be completed by December 2021.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$732,013 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-69
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 9, 2021
Title Revitalize Iowa's Sound Economy (RISE) Application – Estherville

DISCUSSION/BACKGROUND:

The city of Estherville submitted a RISE Local Development application in the February 2021 round requesting a grant to assist in construction of approximately 825 feet of 10th Avenue South and paving of 530 feet of South 19th Street located on the southeast side of town.

This project is necessary to provide access to seven lots totaling more than 21 acres for heavy industrial purposes. This project is anticipated to be completed by July 2022.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant of \$387,663 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-70
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date March 9, 2021
Title Mooring Cell Funding Recommendation

DISCUSSION/BACKGROUND:

The Iowa Department of Transportation (DOT) has an opportunity to partner with the United States Army Corps of Engineers (USACE) on construction of a mooring cell in the Mississippi River to increase the efficiency and reduce environmental impacts of barge movements. The Iowa DOT will provide the USACE with federal National Highway Freight Program funding and repaid federal State Infrastructure Bank funding through a contributed funds agreement for the USACE to design, construct and maintain a mooring cell.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve up to \$1,600,000 of federal National Highway Freight Program funding and \$400,000 of repaid federal State Infrastructure Bank funding to be utilized for a Mississippi River Mooring Cell project.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Planning, Programming and Modal Division
Division/Bureau/Office Rail Transportation Bureau Order No. PPM-2021-71
Submitted by Laura Hutzell Phone No. 515-239-1066 Meeting Date March 9, 2021
Title Linking Iowa's Freight Transportation System (LIFTS) Program Funding Recommendation

DISCUSSION/BACKGROUND:

Review of the LIFTS program application for funding has been completed. The following recommendation will be presented.

Project	Grant
TSL Container Freight Station Phase 1	\$1,536,000
Total recommended funding	\$1,536,000

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the LIFTS program funding recommendation as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division Order No. PPM-2021-72
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date March 9, 2021
Title Statewide Line Items (2022-2026 Highway Program)

DISCUSSION/BACKGROUND:

Prior to identifying specific roadway construction projects for the 2022-2026 Highway Program, funding targets for statewide line items are determined that come off-the-top of funding available for programming. These line items are for funding categories that are used to support specific statewide activities. Attached is the list of statewide line items with the targeted annual funding level.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Statewide Line Items and funding targets as shown on the attached list.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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Statewide Line Items (2022 to 2026 Highway Program)

Line Item	Type of Work	Project Estimated Costs X \$1000				
		2022	2023	2024	2025	2026
AMERICANS WITH DISABILITIES ACT	MISCELLANEOUS	3000	3000	3000	3000	3000
CONSTRUCTION INDUSTRY TRAINING PROGRAM	MISCELLANEOUS	1000	1000	1000	1000	1000
COOPERATIVE CITY/COUNTY/STATE HIGHWAY RESEARCH	MISCELLANEOUS	1750	2000	2250	2500	2500
EMERGENCY & CONTINGENCY - U-STEP/C-STEP	MISCELLANEOUS	6000	6000	6000	6000	6000
POST LETTING PROJECT COST	MISCELLANEOUS	20000	20000	20000	20000	20000
PREVOCATIONAL TRAINING AND DBE SUPPORT SERVICES	MISCELLANEOUS	360	360	360	360	360
SCENIC BYWAY PROGRAM	MISCELLANEOUS	500	500	500	500	500
STATEWIDE CONSULTANT SERVICES	OUTSIDE SERV. ENGINEER	85000	85000	85000	85000	85000
STATEWIDE CONTRACT MAINTENANCE	MISCELLANEOUS	35850	36350	36850	37350	37850
STATEWIDE RAILROAD CROSSINGS	MISCELLANEOUS	500	500	500	500	500
STATEWIDE ROADSIDE IMPROVEMENT	LANDSCAPING	2500	2500	2500	2500	2500
STATEWIDE TRAFFIC CONTROL DEVICES	TRAFFIC SIGNS	10000	10000	10000	10000	10000

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division Order No. PPM-2021-73
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date March 9, 2021
Title FFY 2021 Appropriation and COVID Relief Funding Recommendations

DISCUSSION/BACKGROUND:

The Consolidated Appropriations Act, 2021 included the Federal Fiscal Year (FFY) 2021 federal highway formula appropriations and appropriations for COVID relief.

FFY 2021 Appropriation

Approximately \$35.6 million was appropriated to Iowa for the formula bridge replacement and rehabilitation program. Because this is not a regular Fixing America's Surface Transportation (FAST) Act authorized program, a decision is made each year on how to allocate these funds between the Iowa Department of Transportation (DOT) and local governments. It is recommended these FFY 2021 funds be allocated between Iowa DOT and local governments based on the share of bridge deck area on the respective systems (47.8 percent to Iowa DOT and 52.2 percent to local governments).

COVID Relief Funding

Approximately \$121.9 million of highway funding was appropriated to Iowa intended to cover lost state revenues due to COVID-19. To address lost state revenue for trails, it is recommended \$5 million be set-aside for an application-based, one-time trail program.

Because the funding is intended to cover lost state revenues, it is recommended the remaining funding be allocated to the Iowa DOT, counties, and cities using the Road Use Tax Fund (RUTF) formula. In addition, to assure all cities and counties receive their fair share of funding and receive it in a timely manner, it is recommended the Federal-Aid Swap Policy be amended to allow the COVID Relief funding allocations to the Secondary Road Fund, Farm-to-Market Fund, and City Street Fund be swapped with Primary Road Funds from Iowa DOT.

Pursuant to Iowa Code 313.4(1)(c), the Commission is authorized to periodically allocate moneys from the Primary Road Fund for city and county road and bridge projects in exchange for retaining all or a portion of federal aid road funds that would otherwise be allocated to cities and counties. The Iowa Code requires this be done in consultation with stakeholders including Regional Planning Affiliations, Metropolitan Planning Organizations, the Iowa State Association of Counties, and the Iowa League of Cities. Iowa DOT shared this COVID Relief funding recommendation with stakeholders and did not receive any negative comments on the recommendation, including the use of swap.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FFY 2021 federal bridge replacement and rehabilitation allocation as described in the Commission Order, approve the COVID Relief funding allocation as described in the Commission Order, and approve the amended Federal-Aid Swap Policy as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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Federal-Aid Swap Policy

- **Planning and Programming**
 - Participation in federal-aid swap - Each Regional Planning Affiliation (RPA) and Metropolitan Planning Organization (MPO) is assumed to be a participant in the swap program unless their policy board decides otherwise. If participating in swap, all eligible projects must be swapped. In rare circumstances, an exception may be considered.
 - Federal funding will be swapped with Primary Road Funds on a dollar-for-dollar basis.
 - Funding eligible to be swapped – eligible road and bridge projects from the following federal funding programs
 - Surface Transportation Block Grant (STBG)
 - Congestion Mitigation and Air Quality Improvement (CMAQ): Projects awarded to cities and counties through the Iowa's Clean Air Attainment Program (ICAAP)
 - Highway Safety Improvement Program (HSIP) - Secondary: County projects allocated through the HSIP – Secondary program
 - Programming
 - STBG funds are allocated based on FAST Act Implementation Policies adopted by the Commission in September 2016.
 - With the exception of dedicated county and city bridge funds, RPAs and MPOs will continue to develop a program based on their available STBG funding. Programmed road and bridge projects will be swapped with Primary Road Funds and non-road/bridge projects will move forward as federal-aid projects.
 - Dedicated city and county bridge program funds will not be programmed by RPAs or MPOs. However, they will still need to be entered into the project tracking database (TPMS).
 - The full amount of accumulated STBG balances will not be fully available to be swapped in the first year due to Primary Road Fund cash flow constraints. It is expected the full draw down of those balances can be accomplished within four years of swap implementation. Therefore, the RPA/MPO development of their program of projects should take this into account. Iowa DOT will work with each RPA and MPO during the program development process to effectively drawdown the STBG balances. **In order to do this successfully, it is critical that the projects included in the first year of the program are expected to be developed and let in that year.**
 - Match requirements
 - Unless specifically required by the grant program (see below), Iowa DOT will not require match and will reimburse funds at 100 percent up to the programmed amount.
 - For county Highway Bridge Program projects, the Iowa DOT will not require match and will reimburse funds at 100 percent up to the contract amount.
 - Match requirements for ICAAP, HSIP-Secondary, and city bridge program projects continue to apply based on program guidance.
 - Individual MPOs and RPAs can require match but Iowa DOT will not monitor those requirements.
 - System Eligibility (STBG)
 - Road projects must be on roads with a federal functional classification of Minor Collector or higher in rural areas, all Farm-to-Market routes, and Collector or

higher in urban areas. Individual MPOs and RPAs can be more restrictive with system eligibility.

- Bridge project eligibility remains the same as exists today for federal-aid bridge projects. This is to assure consistency required for meeting the Off-System Bridge Waiver verification.
- Projects cannot already be “federalized” (e.g. any federal authorization, any environmental concurrence, any other federal action) and then swapped. Once a project is “federalized” it must continue to follow the federal-aid project development process. A project is typically not “federalized” just by having been included in a Statewide Transportation Improvement Program (STIP); however, in limited situations based on the level of federal involvement, a project could be federalized. This will be determined on a project-by-project basis as draft programs are developed.
- Implementation date – Swap will be implemented with the Federal Fiscal Year 2019 program year that begins October 1, 2018.

- **Environmental**

- Local public agencies participating in the Federal-Aid Swap shall continue to follow all necessary and applicable state and federal requirements, including but not limited to permitting and consultation as needed with the United States Army Corps of Engineers, United States Fish and Wildlife Service, Iowa Department of Natural Resources, Iowa Department of Cultural Affairs/State Historic Preservation Officer, Native Sovereign Tribes and Nations, and Office of the State Archaeologist. The Iowa DOT will continue to assist these local public agencies in achieving compliance or acquiring a permit, as staff and technical expertise are available.
- Environmental and cultural resource oversight shall be verified through the local public agency providing a project development certification and all applicable documentation to ensure that identification, evaluation, avoidance, and mitigation actions have been taken.

- **Project Development/Construction**

- All swapped projects will continue to be let through the Iowa DOT.
- Swap funds can only be used on road and bridge construction projects.
- Preliminary engineering and construction engineering are eligible for swap as part of a construction project. However, the use of swapped funds for these activities is not encouraged.
- Project funds will be provided to the local public agency on a reimbursement basis.
- The Iowa DOT will review contract documents for conformance to the Department standard for letting.
- The Iowa DOT reserves the right to review projects during construction.

- Special Provisions for Swapping of Federal Funds from the Coronavirus Response and Relief Supplemental Appropriations Act of 2021
 - The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) provided approximately \$121.9 million of federal funding to Iowa to cover lost state revenue due to COVID-19. After setting aside \$5 million for trail projects, the remaining funding is allocated to Iowa DOT, cities, and counties based on the state Road Use Tax Fund (RUTF) formula as follows:
 - Iowa DOT (Primary Road Fund): 47.5 percent
 - Counties
 - Secondary Road Fund: 24.5 percent
 - Farm-to-Market Fund: 8.0 percent
 - Cities (City Street Fund): 20.0 percent
 - In order to assure all jurisdictions in Iowa receive relief funding and receive it in a prompt manner, these special provisions have been added to the Federal Aid Swap Policy so the allocation of funding for cities and counties can be swapped with the Iowa DOT in exchange for an equivalent amount of Primary Road Fund revenue.
 - Notwithstanding any other provisions in this policy, the following provisions apply to the swapping of CRRSAA funds to cities and counties:
 - Funds will be swapped on a dollar-for-dollar basis.
 - Using the RUTF formula to determine how much of the highway CRRSAA funds will be allocated to each local jurisdiction road fund (i.e. Secondary Road Fund, Farm-to-Market Fund, and City Street Fund), an equivalent amount of Primary Road Fund revenue will be swapped with CRRSAA funding and then deposited into the Secondary Road Fund, Farm-to-Market Fund, and City Street Fund. Those funds will then be allocated to individual cities and counties based on the normal fund allocation methodologies.
 - The Iowa DOT will utilize all highway CRRSAA funds on primary road construction projects.
 - Consistent with Iowa Code, local jurisdictions will use the swap funds “...for the establishment, construction, and maintenance of the secondary road system and the municipal street system...”.
 - There are no programming, match, or eligibility requirements other than those requirements that already exist for the use of the funds from which they will be deposited to (i.e. Secondary Road Fund, Farm-to-Market Fund, and City Street Fund).