

**PRELIMINARY
COMMISSION AGENDA**

May 12, 2020



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

May 12, 2020
Teleconference

| ITEM NUMBER | TITLE | SUBMITTED BY | PAGE |
|--------------|--|-----------------|------|
| 1:30 p.m. | | | |
| D-2020-68 | * Approve Minutes of the April 14, 2020 Commission Meeting Commission Comments DOT Comments | Danielle Madden | 2 |
| MV-2020-69 | * Administrative Rules – 761 IAC 410 – Special Mobile Equipment | Melissa Spiegel | 3 |
| MV-2020-70 | * Administrative Rules – 761 IAC 524 – For-Hire Intrastate Motor Carrier Authority | Melissa Spiegel | 6 |
| MV-2020-71 | * Administrative Rules – 761 IAC 604 – License Examination | Melissa Spiegel | 12 |
| PPM-2020-72 | * Revitalize Iowa's Sound Economy (RISE) – Farley | Craig Markley | 19 |
| PPM-2020-73 | * Revitalize Iowa's Sound Economy (RISE) – Calhoun County | Craig Markley | 20 |
| PPM-2020-74 | Draft 2021-2025 Iowa Transportation Improvement Program (for information only) | Stuart Anderson | 21 |
| 1:40 p.m. | | | |
| Adjourn | | | |
| *Action Item | | | |

The Commission will meet informally with staff from the Iowa DOT Tuesday, May 12 via conference call beginning 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-2020-68
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date May 12, 2020
Title Approve Minutes of the April 14, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

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

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-2020-69
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date May 12, 2020
Title Administrative Rules — 761 IAC 410, Special Mobile Equipment

DISCUSSION/BACKGROUND:

This rule making amends Chapter 410 to update the Vehicle and Motor Carrier Services Bureau name and other contact information.

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

The public comment period ended March 17. 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 amendment 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 an update of contact information
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 410, “Special Mobile Equipment,” 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 321.1.

Purpose and Summary

The proposed amendment makes technical changes to update the bureau’s name and contact information.

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 March 17, 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:

March 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 action is proposed:

Amend subrule 410.1(3) as follows:

410.1(3) Questions regarding special mobile equipment may be directed by mail to 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; ~~or~~ by telephone at ~~(515)237-3264~~ (515)237-3268; or by email at omcs@iowadot.us.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-70
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date May 12, 2020
Title Administrative Rules — 761 IAC 524, For-Hire Intrastate Motor Carrier Authority

DISCUSSION/BACKGROUND:

This rule making amends Chapter 524 to align with exiting legal authority and department practice, eliminate outdated or irrelevant requirements or options, and accommodate modern electronic procedures and terminology. Generally, the proposed amendments:

- Simplify the application and supporting documentation required for a motor carrier permit or certificate.
- Provide that a motor carrier permit number may be used to request a duplicate permit.
- Require a motor carrier to submit an updated application to change the motor carrier's name or address.
- Remove the requirement that a bill of lading or freight receipt be issued in triplicate.
- Provide that a peace officer may inspect the bill of lading or freight receipt.
- Remove the outdated requirement of issuing adoption notices and participation notices.
- Simplify the process of indicating tariff changes to allow for a summary of the changes.
- Allow motor carriers to use forms other than the forms prescribed by the department for an application for special permission to establish rules of the tariff and for the motor carrier to grant powers of attorney to an agent.

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

The public comment period ended April 14, 2020. The department did not receive any public comments or requests for oral presentations. However, the department did receive a petition for waiver of rule 761—524.13(325A) relating to the COVID-19 health emergency and the desire to reduce the need to display a paper copy of the bill of lading. As a result of this waiver, the department is seeking to make additional changes within Item 9, specifically to subrule 524.13(2), to further explain the requirements of motor carriers to retain a copy of the bill of lading or freight receipt by electronic or paper means. The text below shows these proposed, additional changes:

524.13(2) Retention. There shall be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The copy may be either paper or electronic except that a bill of lading or receipt of freight consisting of hazardous materials must be a paper copy as required in accordance with 49 CFR Part 172. ~~The motor carrier's copy~~ carrier shall be carried ~~carry~~ carry a copy of the bill of lading or receipt with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier shall keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

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 524.13(2) as explained above.

| | | | Aye | Vote Nay | Pass |
|-------------------------------|----------------|-------------------------|--------|-------------|-------|
| COMMISSION ACTION: | | Arnold | _____ | _____ | _____ |
| | | Fehrman | _____ | _____ | _____ |
| | | Juckette | _____ | _____ | _____ |
| | Moved by _____ | Seconded by _____ | Maher | _____ | _____ |
| | | | Putney | _____ | _____ |
| | | | Rielly | _____ | _____ |
| | | Yanney | _____ | _____ | _____ |
| _____ Division Director | _____ Legal | _____ State Director | | | |

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to motor carriers and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 524, “For-Hire Intrastate Motor Carrier Authority,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 325A.7A and 325A.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 325A.

Purpose and Summary

This proposed rule making aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern electronic procedures and terminology.

The proposed amendments make technical changes to the rules to clearly identify that the credential being issued is a motor carrier permit or certificate. Also, the proposed amendments simplify the application and supporting documentation required for a motor carrier permit or certificate and still allow for those documents to be sent to the Department electronically.

This proposed rule making amends the rules related to changes after a motor carrier permit has been issued to provide that a permit number could be included in the basis for requesting a duplicate permit and to align with current Department practice of requiring a motor carrier to submit an updated application when the motor carrier’s name or address changes.

The proposed amendments remove the requirement that a bill of lading or freight receipt be issued in triplicate because that practice is no longer necessary.

The proposed amendments comply with current Department practice and provide that a peace officer may inspect the bill of lading or freight receipt, which is consistent with a peace officer’s authority to inspect the motor carrier permit or certificate under Chapter 524.

Finally, this proposed rule making amends the rules encompassing motor carrier tariffs to remove the outdated requirement of issuing adoption notices and participation notices, which are no longer used. The proposed amendments also simplify the process of indicating tariff changes by allowing for a summary of the changes to be provided, rather than requiring use of a specific symbol to denote the changes. Also, a motor carrier is given the flexibility of utilizing forms other than the forms prescribed by the Department for an application for special permission to establish rules of the tariff and for the motor carrier to grant powers of attorney to an agent.

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 April 14, 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:

April 16, 2020
11 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—524.2(325A) as follows:

761—524.2(325A) General information.

524.2(1) Information and location. Applications, forms and information on motor carrier permits and motor carrier certificates are available 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)237-3268; by facsimile at (515)237-3225; or by email at omcs@iowadot.us.

524.2(2) No change.

524.2(3) Complaints. Complaints against motor carriers pertaining to the provisions of this chapter shall be submitted in writing to the ~~office of~~ vehicle and motor carrier services bureau.

ITEM 2. Amend rule 761—524.3(325A) as follows:

761—524.3(325A) Applications and supporting documents.

524.3(1) Application. An application for a motor carrier permit or motor carrier certificate shall be made to the ~~office of vehicle and motor carrier services on a bureau~~ in the form and manner prescribed for that purpose and furnished upon request by the department. ~~The department may require application forms and supporting documentation to be submitted electronically.~~

524.3(2) No change.

524.3(3) Supporting documents. An application for a motor carrier permit or motor carrier certificate must be accompanied by the following supporting documentation in the form and manner prescribed by the department:

a. to e. No change.

ITEM 3. Amend rule 761—524.4(325A) as follows:

761—524.4(325A) Issuance of ~~credentials~~ motor carrier permit or motor carrier certificate. When all requirements are met, the department shall issue the motor carrier permit or certificate. The motor carrier shall make a copy of the permit or certificate and carry it in each motor vehicle at all times. The copy may be in either a physical or an electronic format as prescribed by the department. The permit or certificate shall be available for display to any peace officer upon request.

ITEM 4. Amend rule 761—524.5(325A) as follows:

761—524.5(325A) Duplicate motor carrier permit or motor carrier certificate. Written requests for a duplicate motor carrier permit or motor carrier certificate shall be sent to the ~~office of vehicle and motor carrier services bureau~~. Requests shall include the carrier name, and the carrier permit number, certificate number, or U.S. DOT number. Any motor carrier in good standing shall be issued a duplicate document upon payment of the required fee.

ITEM 5. Amend rule 761—524.6(325A) as follows:

761—524.6(325A) Amendment to a motor carrier permit or motor carrier certificate.

524.6(1) Update to a motor carrier permit. To change the commodities being transported under a permit, an updated application must be submitted to the ~~office of vehicle and motor carrier services bureau~~. The updated application shall include the permit number and the required fee for a duplicate permit. Transporting of commodities not listed on the permit shall not commence until a new permit or temporary permit has been issued and is carried in the vehicle.

524.6(2) Change of name or address for a motor carrier permit or certificate. ~~Notification of a name or address change~~ To change the name or address, an updated application shall be sent to the ~~office of vehicle and motor carrier services bureau~~ within 30 days after the change. ~~Notification~~ The updated application shall include the permit or certificate number, old name or address, new name or address, and the required fee.

ITEM 6. Amend subrule 524.7(2) as follows:

524.7(2) Self-insurance. In lieu of maintaining the above insurance, intrastate carriers that also operate interstate and have been approved by a federal agency to self-insure may apply to the department to self-insure by submitting a written request to the ~~office of vehicle and motor carrier services bureau~~. The written request shall include a copy of the federal agency's approval. The department shall allow self-insurance as long as a federal agency has approved the carrier to self-insure and the motor carrier provides the department with copies of any information required by that federal agency. The department must be notified immediately by the motor carrier if there is any change in the status of the self-insurance for interstate operation.

ITEM 7. Amend rule 761—524.8(325A) as follows:

761—524.8(325A) Self-insurance for motor carriers of passengers.

524.8(1) Applications for self-insurance. A motor carrier of passengers with more than 25 motor vehicles may request self-insurance by submitting a written request to the ~~office of~~ vehicle and motor carrier services bureau. The written request shall include a copy of the most recent audited financial statement and a vehicle list.

524.8(2) Review by the department. The department may request additional information. The department shall deny the request to self-insure or suspend existing approval if the motor carrier fails to meet the self-insurance standard. Approval of self-insurance is continuous. However, the motor carrier shall annually file audited financial statements with the ~~office of~~ vehicle and motor carrier services bureau within 60 days after the end of the motor carrier's fiscal year.

524.8(3) No change.

ITEM 8. Amend rule 761—524.11(325A) as follows:

761—524.11(325A) Safety education seminar.

524.11(1) No change.

524.11(2) Availability. The department shall provide an approved safety education seminar periodically. Information on the seminar schedule is available 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; or by telephone at (515)237-3268; or by email at ocms@iowadot.us.

524.11(3) Third-party safety education seminar approval. ~~The office of motor~~ Motor vehicle enforcement shall approve the course curriculum before approving individuals outside the department to conduct safety education seminars. The course curriculum shall be submitted for approval to ~~the office of~~ motor vehicle enforcement. At a minimum, the safety course curriculum shall include the following information:

a. to f. No change.

524.11(4) Exemption. Passenger carriers with vehicles not meeting the definition of a commercial vehicle as defined in Iowa Code section 321.1 are exempt from attending the safety education seminar and paying the seminar fee. A motor carrier certificate issued for such a carrier contains the statement: "limited to noncommercial vehicles only." If a motor carrier wishes to start operating vehicles that meet the definition of a commercial motor vehicle, the motor carrier must update its authority with the ~~office of~~ vehicle and motor carrier services bureau. A motor carrier must pay the seminar fee and attend the seminar within six months of updating the certificate. A new motor carrier certificate removing the limitation would then be issued.

ITEM 9. Amend rule 761—524.13(325A) as follows:

761—524.13(325A) Bills of lading or freight receipts.

524.13(1) Requirements. Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, shall issue a bill of lading or receipt ~~in triplicate~~ on the date freight is received for shipment. The bill of lading or receipt shall show the following:

a. to h. No change.

524.13(2) Retention. There shall be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The motor carrier's copy shall be carried with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier shall keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

ITEM 10. Amend rule 761—524.15(325A) as follows:

761—524.15(325A) Tariffs.

524.15(1) Requirements. All motor carriers of household goods shall maintain on file with the ~~office~~ of vehicle and motor carrier services bureau a tariff stating the rates and charges that apply for the services performed under the permit.

524.15(2) No change.

524.15(3) Filing date. All changes to tariffs and supplements must be filed with the ~~office~~ of vehicle and motor carrier services bureau at least seven days prior to the effective date. Tariffs, or supplements ~~or adoption notices~~ issued in connection with applications for motor carriers of household goods may become effective on the date the permits are issued.

524.15(4) Copy to department. To file a tariff with the ~~office~~ of vehicle and motor carrier services bureau, motor carriers of household goods or their agents shall submit a transmittal letter listing all the enclosed tariffs and include one copy of each tariff, supplement or revised page.

524.15(5) to 524.15(7) No change.

524.15(8) Tariff changes. All rates and charges which have been filed with the ~~office~~ of vehicle and motor carrier services bureau must be allowed to become effective and remain in effect for a period of at least seven days before being changed, canceled or withdrawn. All tariffs, supplements and revised pages shall indicate changes from the ~~preceding issue~~ previous tariff. Changes may be indicated by providing a summary or by use of the following symbols:

(R) to denote reductions

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction.

~~The proper symbol must be shown directly in connection with each change.~~

524.15(9) No change.

524.15(10) Application for special permission. Motor carriers of household goods and agents when making application for permission to establish rates, charges, or rules of the tariff on less than the statutory seven days' notice shall use the form prescribed by the ~~office of vehicle and motor carrier services~~ department or other form containing all of the required information.

524.15(11) Powers of attorney and participation notices.

a. Whenever a motor carrier of household goods desires to give authority to an agent or to another motor carrier of household goods to issue and file tariffs and supplements in its stead, a power of attorney ~~in the form prescribed by the department must be used~~ shall be provided to the department.

b. The original power of attorney shall be filed with the ~~office~~ of vehicle and motor carrier services bureau and a copy sent to the agent or motor carrier of household goods on whose behalf the document was issued.

c. No change.

524.15(12) Nonconforming tariffs. The ~~office~~ of vehicle and motor carrier services bureau shall review tariffs that do not conform with subrules 524.15(1) to 524.15(11) to determine if the tariffs contain the necessary information and are acceptable. Tariffs that are unacceptable shall be returned with an explanation.

ITEM 11. Amend rule 761—524.18(325A) as follows:

761—524.18(325A) Hearings. A person whose application for a motor carrier permit or certificate has been denied for a reason other than noncompliance with insurance requirements or whose motor carrier permit or certificate has been suspended or revoked for a reason other than noncompliance with insurance requirements may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the director of the ~~office~~ of vehicle and motor carrier services bureau. The request shall include, as applicable, the motor carrier's name, permit or certificate number, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of suspension, revocation or denial.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-71
Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date May 12, 2020
Title Administrative Rules — 761 IAC 604, License Examination

DISCUSSION/BACKGROUND:

This rule making relates to driver's license examinations and aligns with existing legal authority and department practice, updates contact information, eliminates outdated or irrelevant requirements or options, and accommodates modern procedures. The most significant changes to Chapter 604:

- Make several changes related to vision screening conditions and associated restrictions which align the rules with current department practice and existing legal authority.
- Align with current department practice to require that at least one business day must have elapsed before a person can retake a failed knowledge test.
- Update subrules to include current department practice related to knowledge and drive testing when an applicant is seeking to renew a driver's license within one year after its expiration date or within one year without a valid driver's license.
- Align with current department practice to require a person to provide proof of financial responsibility for the vehicle before the person may take a driving test.
- Make changes relating to special reexaminations of a driver's license.

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

The public comment period ended April 14, 2020. 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 driver's license examinations and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 604, "License Examination," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.193 and 321.210.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.186, 321.193, 321.196 and 321.210.

Purpose and Summary

This proposed rule making relates to driver's license examinations and aligns with existing legal authority and Department practice, updates contact information, eliminates outdated or irrelevant requirements or options, and accommodates modern procedures. The most significant changes to Chapter 604 are explained in the following paragraphs.

The proposed amendments change several requirements related to vision screening conditions and associated restrictions. The amendments clarify at what visual acuity score a person will be referred to a vision specialist for further screening, strike outdated language requiring the Department to affix a sticker to an applicant's driver's license, and provide that a temporary driving permit shall not be issued for more than 60 days from the end of the license validity, which aligns with the current grace period for an expired driver's license in Iowa Code section 321.196.

The proposed rule making rescinds rule 761—604.22(321), which concerns knowledge test results, because it is outdated, but part of the content of the rule is updated and added as new subrule 604.20(4) to align with current Department practice that at least one business day must have elapsed before a person can retake a failed knowledge test.

The proposed amendments update subrules 604.21(2) and 604.31(2) related to knowledge and driving test waivers to include current Department practice related to knowledge and drive testing when an applicant is seeking to renew a driver's license within one year after its expiration date or within one year without a valid driver's license. Iowa Code section 321.196(2) provides that a driver's license is renewable without a driving test or written examination within a period of one year after the license's expiration date. Iowa Code section 321.196(2) provides that once a person's driver's license has been expired or is invalid for more than one year, testing is required to regain the license. Some of the reasons a person may hold an expired driver's license or have an invalid license for one year could be due to relocation or due to a driver's license sanction. The proposed amendments to subrules 604.21(2) and 604.31(2) clarify that knowledge and drive testing would be required to regain the license if it has been expired or invalid for more than one year. The proposed amendment to subrule 604.31(2) also clarifies that a certificate of completion for motorcycle rider education or motorized bicycle education may be used to waive the driving test for more than just the first time the license was issued, which allows an applicant who chooses to attend a subsequent motorcycle rider education course or motorized bicycle education course to use that new certificate of completion to waive a subsequent skills test. This change accommodates motorcycle license applicants who would prefer to take another motorcycle rider education course rather than taking a motorcycle skills test with the Department.

The proposed amendment to paragraph 604.30(1)“a” relating to the vehicle requirements for a driving test aligns with current Department practice requiring a person to provide proof of financial responsibility for the vehicle the person is seeking to use during the driving test.

This proposed rule making also relates to a special reexamination of a driver’s licensee. A reexamination may occur when a licensee has been involved in an accident, including a fatal motor vehicle accident, or when an investigating officer’s report of the accident(s) lists certain contributing factors. Rule 761—604.50(321) is proposed to be amended as follows:

- To add cognitive screening to the list of requirements that may accompany a special reexamination. Iowa Code section 321.186(3) authorizes the Department to examine an applicant for a driver’s license, including a mental examination necessary to determine an applicant’s fitness to operate a motor vehicle safely. The Department currently utilizes the nationally recognized Driver Orientation Screen for Cognitive Impairment (DOSCI) and the Safe Driving Basics (SDB) programs for cognitive screening.
- To align the rule with the current practice when an investigating officer lists the underlying condition of the licensee as “fatigue or asleep” in an accident report, which may result in a special reexamination after a single accident.
- To recognize that vision may be a contributing factor to an accident, thus requiring a special reexamination regardless of whether the accident occurred during the day or at night.
- To align with Iowa Code section 321.186, which authorizes the Department to require a special reexamination if the Department receives evidence that a licensee may be physically or mentally incapable of operating a motor vehicle safely.

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 April 14, 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:

April 16, 2020
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 S.E. 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—604.3(17A) as follows:

761—604.3(17A) Information and forms.

604.3(1) Applications, forms, and information about driver's license examinations are available at any driver's license ~~examination station~~ service center. Assistance is also available from the ~~office of driver and identification services at the address in 761—600.2(17A)~~ bureau by mail at 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.

604.3(2) The "Iowa Driver Manual" and the "Iowa Motorcycle Operator Manual" are also available from the department and on the department's website at www.iowadot.gov.

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

ITEM 2. Amend subrule 604.10(2) as follows:

604.10(2) Method. At driver's license ~~examination stations~~ service centers, a vision screening instrument shall be used to screen the applicant's vision. An applicant who has corrective lenses may be screened with or without the corrective lenses.

ITEM 3. Amend rule **761—604.10(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186, 321.186A and 321.196 ~~as amended by 2013 Iowa Acts, House File 355, section 1.~~

ITEM 4. Amend rule 761—604.12(321) as follows:

761—604.12(321) Vision referrals.

604.12(1) Referral.

a. If during any vision screening, an applicant ~~on first screening~~ cannot attain 20/40 with at least one eye but can attain 20/70 with at least one eye, the department shall not issue a license to the applicant. Instead, the department shall advise the applicant to consult a licensed vision specialist.

b. No change.

604.12(2) License.

a. ~~The department shall affix a sticker to the applicant's license stating: "Renewal or license issuance denied due to vision."~~

~~b.~~ If the applicant's license is valid for less than 30 days, the department may issue a temporary driving permit with restrictions appropriate to the applicant's visual acuity level and field of vision. ~~The~~ If the applicant's license is valid for less than 30 days, the temporary driving permit is shall not be valid for ~~not~~ more than 30 60 days from the end of the current license validity.

604.12(3) and **604.12(4)** No change.

This rule is intended to implement Iowa Code sections 321.181, 321.186, 321.186A, 321.193 and 321.196.

ITEM 5. Amend rule 761—604.13(321) as follows:

761—604.13(321) Vision screening results.

604.13(1) Two-year license. An applicant who cannot attain a visual acuity of 20/40 with both eyes or with the better eye shall be issued a two-year license. ~~This restriction may be waived by the department when a vision report pursuant to subrule 604.10(3) certifies that the vision has stabilized and is not expected to deteriorate.~~

604.13(2) No change.

604.13(3) Reapplication. An applicant who cannot meet the vision standards in subrule 604.13(2) may reapply when the vision improves and the applicant meets the vision standards. If a suspension or denial notice was served, reapplication must be made to the ~~office of driver and identification services bureau~~ at the address in ~~761—600.2(17A)~~ subrule 604.3(1), ~~and not or~~ at a driver's license examination station service center.

604.13(4) Discretionary issuance.

a. No change.

b. Based upon consideration of the applicant's ~~vision screening results or~~ vision report, driving test and driving record, the written recommendation of the applicant's licensed vision specialist, and traffic conditions in the vicinity of the applicant's residence, the officer may recommend issuing a license with restrictions suitable to the applicant's capabilities. However:

(1) to (4) No change.

c. No change.

This rule is intended to implement Iowa Code sections 321.186, 321.186A, 321.193 and 321.196.

ITEM 6. Adopt the following new subrule 604.20(4):

604.20(4) Retesting. An applicant who fails a knowledge test may repeat the test at the discretion of the examiner, but at least one business day shall elapse between tests.

ITEM 7. Amend subrule 604.21(2) as follows:

604.21(2) Knowledge test waivers. The department may waive a knowledge test listed in subrule 604.21(1) if the applicant meets one of the following qualifications:

a. The applicant has passed the same type of test for another Iowa driver's license or an equivalent out-of-state license that is still valid or has expired within the past year.

b. and c. No change.

d. The applicant is renewing an Iowa driver's license or endorsement within a period of one year after the expiration date of the license or endorsement.

e. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.

ITEM 8. Rescind and reserve rule ~~761—604.22(321)~~.

ITEM 9. Amend paragraph **604.30(1)“a”** as follows:

a. For the driving test, the applicant shall provide a representative vehicle as defined in ~~761—604.2(321)~~ and proof of financial responsibility for the representative vehicle.

ITEM 10. Amend subrule 604.31(2) as follows:

604.31(2) Driving test waivers. The department may waive a required driving test listed in subrule 604.31(1) if the applicant meets one of the following qualifications:

~~a. The applicant is applying for the applicant's first Iowa driver's license that permits unaccompanied driving following successful completion of~~ has successfully completed the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for a an applicant's first Class C driver's license that permits unaccompanied driving other than motorized bicycle; driver education and motorcycle rider education for a Class M driver's license or motorcycle endorsement ~~motorcycle rider education for a Class M driver's license or motorcycle endorsement; and motorized bicycle education for a motorized bicycle license. However, if an applicant is under the age of 18, a driving test is required if so requested by the applicant's parent, guardian, or instructor.~~

~~b. The applicant is renewing a Class C, Class D or Class M Iowa driver's license or endorsement within 14 months~~ a period of one year after the expiration date of the license or endorsement.

~~c. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.~~

~~e. d.~~ The applicant has passed the same type of driving test for another Iowa driver's license or endorsement that is still valid or has expired within the past 14 months year.

~~d. e.~~ The applicant has a military extension and is renewing the applicant's Iowa driver's license within six months following separation from active duty.

~~e. f.~~ The applicant is applying for a Class C Iowa driver's license that permits unaccompanied driving and has an equivalent out-of-state license that is valid or has expired within the past year.

~~f. g.~~ The applicant is applying for a Class D Iowa driver's license and has an equivalent out-of-state license that is valid or has expired within the past year.

~~g. h.~~ The applicant is applying for a Class M driver's license or a motorcycle endorsement and has an equivalent out-of-state Class M driver's license or motorcycle endorsement that is valid or has expired within the past year.

~~h. i.~~ The applicant has a valid, equivalent driver's license issued by a foreign jurisdiction with which Iowa has a nonbinding reciprocity agreement.

ITEM 11. Amend paragraph **604.40(2)“b”** as follows:

~~b. After the three unsuccessful attempts, no further testing shall be allowed until six months have elapsed from the date of the last test failure, and then only if the applicant demonstrates a significant change or improvement in those physical or mental factors that resulted in the original decision. A request for further testing must be submitted in writing to the office of driver and identification services bureau at the address in rule 761—600.2(17A) subrule 604.3(1).~~

ITEM 12. Amend rule 761—604.50(321) as follows:

761—604.50(321) Special reexaminations. The department may require a special reexamination consisting of a vision screening, cognitive screening, knowledge test and driving test of any licensee.

604.50(1) and 604.50(2) No change.

604.50(3) The department may require a special reexamination when a licensee has been involved in ~~two accidents within a three-year period~~ an accident and the investigating ~~officers' reports for both accidents list~~ officer's report lists a driver condition for the licensee of ~~“apparently asleep.”~~ “fatigue or asleep.”

604.50(4) The department may require a special reexamination when a licensee who is 65 years of age or older has been involved in an accident and information in the investigating officer's or the person's own report of the accident indicates the need for reexamination. A circumstance that may indicate a need for reexamination includes, but is not limited to, any one of the following:

~~a. to e.~~ No change.

~~f.~~ The licensee's vision may be a contributing factor to ~~a nighttime~~ an accident.

~~g.~~ No change.

~~h.~~ The investigating officer's report lists a driver condition for the licensee of “loss of consciousness.”

i. The investigating officer's report lists a driver condition for the licensee of "illness which resulted in the accident."

604.50(5) The department may require a special reexamination when ~~recommended~~ the department receives an accident report or a recommendation by a peace officer, a court, or a properly documented citizen's request. A factor that may indicate a need for reexamination includes, but is not limited to, any one of the following:

- a. Loss of consciousness.
- b. Confusion, disorientation or dementia.
- c. Inability to maintain a vehicle in the proper lane.
- d. Repeatedly ignoring traffic control devices in a nonchase setting.
- e. Inability to interact safely with other vehicles.
- f. Inability to maintain consistent speed when no reaction to other vehicles or pedestrians is required.

g. Illness which resulted in an accident.

This rule is intended to implement Iowa Code sections 321.177, 321.186 and 321.210.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2020-72
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date May 12, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Farley

DISCUSSION/BACKGROUND:

The city of Farley submitted a RISE Local Development application in the February 2020 round requesting a grant to assist in construction of approximately 1,514 feet of 9th Avenue NW and 400 feet of 4th Street NW located on the northwest side of town.

This project is necessary to provide access to ten lots totaling more than 41 acres for industrial purposes. This project is anticipated to be completed by November 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 \$476,607 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-2020-73
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date May 12, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Calhoun County

DISCUSSION/BACKGROUND:

Calhoun County submitted a RISE Local Development application in the February 2020 round requesting a grant to assist in construction of approximately 747 feet of new roadway located northwest of Rockwell City.

This project is necessary to provide access to two lots totaling more than eight acres for warehousing and light industrial purposes. This project is anticipated to be completed by July 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 \$261,244 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county 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 Order No. PPM-2020-74
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date May 12, 2020
Title Draft 2021-2025 Iowa Transportation Improvement Program

DISCUSSION/BACKGROUND:

The draft 2021-2025 Iowa Transportation Improvement Program will be reviewed.

PROPOSAL/ACTION RECOMMENDATION:

For information only.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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