

## **PRELIMINARY COMMISSION AGENDA**

**May 10, 2022**





**IOWA TRANSPORTATION COMMISSION**  
**Meeting Agenda / Commission Orders**

May 10, 2022  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2022-76 1:00 p.m.	* Approve Minutes of the April 12, 2022 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
MV-2022-77	* Administrative Rules – 761 IAC 634 – Driver Education	Sara Siedsma	5
TD-2022-78	* Revitalize Iowa’s Sound Economy (RISE) – Marion County	Craig Markley	9
TD-2022-79	* 2022 Long Range Transportation Plan	Garrett Pedersen	11
TD-2022-80	Draft 2023-2027 Iowa Transportation Improvement Program (for information only)	Stuart Anderson	13
1:10 p.m.	Adjourn		
*Action Item			

On Tuesday, May 10, the Commission and staff will meet informally at 10:00 a.m. in the Materials Conference Room at the DOT complex in Ames. Transportation-related matters will be discussed but no action will be taken.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2022-76  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date May 10, 2022  
Title Approve Minutes of the April 12, 2022 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the April 12, 2022  
Commission meeting.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Arnold  
Fehrman  
Juckette  
Putney  
Rielly  
Stutsman  
Yanney

Aye	Vote Nay	Pass
_____	_____	_____
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DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2022-77  
Submitted by Sara Siedsma Phone No. 515-237-3020 Meeting Date May 10, 2022  
Title Administrative Rules – 761 IAC 634, Driver Education

**DISCUSSION/BACKGROUND:**

This proposed rule making updates Chapter 634 to build flexibility into the rule related to the timing of the completion of the classroom and laboratory portions of a driver's education course.

The current administrative rule requires the laboratory portion of the course to conclude no later than 30 days after the classroom portion of the course has been completed. However, there are certain circumstances when a student needs additional time beyond the 30-day period to complete the laboratory portion of the course.

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

The public comment period ended on April 26, 2022. The department did receive comments from Safer Driver Solutions regarding private driver education company business practices and total driver's education course length requirements. However, because these concerns will require legislative changes within Iowa Code section 321.178, they cannot be addressed by this rule making.

**PROPOSAL/ACTION RECOMMENDATION:**

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

			Aye	Vote Nay	Pass
<b>COMMISSION ACTION:</b>		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Juckette	_____	_____	_____
		Putney	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
Moved by _____ Seconded by _____			Yanney	_____	_____
_____ Division Director	_____ Legal	_____ State Director			

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to the time allowed for completion of the laboratory portion of driver's education courses and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 634, "Driver Education," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.178.

*Purpose and Summary*

This proposed rule making updates Chapter 634 to build flexibility into the rule related to the timing of the completion of the classroom and laboratory portions of a driver's education course.

The current administrative rule requires the laboratory portion of the course to conclude no later than 30 days after the classroom portion of the course has been completed. However, during the COVID-19 pandemic, and in other situations of medical necessity unrelated to COVID-19 that are beyond the student's control, it has become a somewhat regular occurrence for students to need additional time beyond the 30-day time period allowed in the current rule to complete the laboratory portion of the course. An example of this kind of medical necessity is a sports injury when a student's right foot is broken and is required to be in a cast for eight weeks followed by two to four weeks of recovery during which the student cannot drive because the right foot is needed to depress the gas and brake pedals. To address these circumstances, the proposed amendment allows the laboratory portion of the course to conclude within 45 days after classroom instruction has been completed, or if the driver's education course provider determines there is good cause for delay, within 90 days after the classroom instruction has been completed. In the Department's experience, most students are able to fully complete the remainder of the laboratory instruction within a 90-day time frame, most often during the provider's next available course offering.

Other proposed amendments remove references to 2021 Iowa Acts, House File 380 and Senate File 546, because this legislation has been codified.

*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 April 26, 2022. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear requested oral presentations will be held on April 28, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on April 26, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **634.4(2)“b”** as follows:

*b.* Each student shall be scheduled to receive classroom or laboratory instruction each week of the course ~~but in no case shall~~. Except upon showing of good cause, laboratory instruction shall not conclude later than 30 45 days after classroom instruction is has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, “good cause” means an unanticipated event causing a delay in the student’s ability to complete the laboratory instruction if the event is beyond the student’s control.

ITEM 2. Amend subrule **634.11(1)**, definition of “Teaching parent,” as follows:

*“Teaching parent”* means the same as defined in Iowa Code section 321.178A ~~as amended by 2021 Iowa Acts, Senate File 546, section 10.~~

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, ~~as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9;~~ 321.178A, ~~as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15;~~ 321.180B and 321.194.



DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-78  
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date May 10, 2022  
Title Revitalize Iowa's Sound Economy (RISE) Application – Marion County

**DISCUSSION/BACKGROUND:**

Marion County submitted a RISE Immediate Opportunity application requesting a grant to assist in constructing turning lanes and paving a median on Iowa 163 located northwest of Pella. This project is anticipated to be completed by December 2022.

These improvements are necessary to provide improved access to the proposed expansion of LDJ Manufacturing, Inc., a manufacturer of the Thunder Creek Equipment brand of mobile fueling solution targeting both the agriculture and industrial market. This company conforms to the legislative requirements of the RISE program.

The improvement will support:

- A commitment of the creation of 30 new full-time jobs out of 45 RISE eligible created jobs.
- \$2,563,750 in associated capital investment.

The RISE cost per job assisted will be \$7,500.03 and there will be a total capital investment of \$11.39 for each RISE dollar requested.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$225,001 or up to 80 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	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

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DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Transportation Development Division  
Division/Bureau/Office Systems Planning Bureau Order No. TD-2022-79  
Submitted by Garrett Pedersen Phone No. 515-239-1520 Meeting Date May 10, 2022  
Title State Transportation Plan: Iowa in Motion 2050

**DISCUSSION/BACKGROUND:**

After extensive analysis, public and stakeholder outreach, and discussion with the Commission, the state transportation plan update, titled "Iowa in Motion 2050," has been finalized.

A multitiered consultation and review process was utilized in the development of the plan. This process included public input survey efforts, extensive stakeholder outreach, interagency consultation, and a concluding 45-day public comment period.

This final state transportation plan satisfies the federal requirements for long-range statewide transportation plans, which are specified in 23 CFR 450.216.

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission adopt the document as Iowa's state transportation plan and authorize publication and distribution of the plan to interested parties.

**COMMISSION ACTION:**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

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DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2022-80  
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date May 10, 2022  
Title Draft 2023-2027 Iowa Transportation Improvement Program

**DISCUSSION/BACKGROUND:**

The draft 2023-2027 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	_____	_____	_____
Putney	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
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