

PRELIMINARY COMMISSION AGENDA

November 10, 2020



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

November 10, 2020
Materials Conference Room
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
12:30 p.m.			
D-2021-25	* Approve Minutes of the October 13, 2020 Commission Meeting Commission Comments DOT Comments	Danielle Griggs	3
MV-2021-26	* Administrative Rules – 761 IAC 605 and 630	Melissa Gillett	5
SP-2021-27	* Administrative Rules – 761 IAC 11 and 112	John Selmer	9
PPM-2021-28	* Revitalize Iowa's Sound Economy (RISE) – Bondurant	Craig Markley	13
PPM-2021-29	* Revitalize Iowa's Sound Economy (RISE) – Altoona	Craig Markley	15
12:45 p.m.			
	Adjourn		

*Action Item

On Tuesday, November 10, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference room at the Iowa DOT Ames Campus. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2021-25
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date November 10, 2020
Title Approve Minutes of the October 13, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the October 13, 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-2021-26
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date November 10, 2020
Title Administrative Rules — 761 IAC 605, License Issuance, and 761 IAC 630, Nonoperator's Identification

DISCUSSION/BACKGROUND:

This rule making concerns Chapters 605 and 630 and conforms the rules with 2020 Iowa Acts, House File 2372, sections 1 and 2, and 2020 Iowa Acts, House File 2585, section 35. House File 2372 amended Iowa Code sections 321.189 and 321.190 to allow a person to add an indicator to the person's driver's license or nonoperator's identification card indicating the person's autism status. House File 2585 directed all administrative rules to be updated to reflect the term "hard of hearing" rather than the term "hearing impaired."

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

The public comment period ended October 13, 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 indicators for autism and hearing impairment and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 605, “License Issuance,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.189 and 321.190.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.189 as amended by 2020 Iowa Acts, House File 2372, section 1; Iowa Code section 321.190 as amended by 2020 Iowa Acts, House File 2372, section 2; and 2020 Iowa Acts, House File 2585, section 35.

Purpose and Summary

The proposed amendments to Chapters 605 and 630 conform the rules with 2020 Iowa Acts, House File 2372, sections 1 and 2, and 2020 Iowa Acts, House File 2585, section 35. House File 2372 amended Iowa Code sections 321.189 and 321.190 to allow a person to add an indicator to the person’s driver’s license or nonoperator’s identification card indicating the person’s autism status. House File 2585 directed all administrative rules to be updated to reflect the term “hard of hearing” rather than the term “hearing impaired.”

The autism indicator is a new indicator that can be added to the person’s driver’s license or nonoperator’s identification card at the person’s request. The hard-of-hearing indicator is not new but is being renamed to reflect current terminology.

The proposed amendments also adopt a technical change to reflect current Department practice that one payment method may be used to pay multiple fees associated with a driver’s license transaction.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond the impact estimated by the Legislative Services Agency for 2020 Iowa Acts, House File 2372, sections 1 and 2, and 2020 Iowa Acts, House File 2585, section 35.

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 October 13, 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

If requested, a public hearing to hear oral presentations will be held on October 15, 2020, 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 October 13, 2020, 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 605.5(7) as follows:

605.5(7) Voluntary markings. Upon the request of the licensee, the department shall indicate on the driver's license any of the following:

- a. to c. No change.
- d. That the licensee is hard of hearing ~~impaired~~ or deaf.
- e. No change.
- f. That the licensee has autism spectrum disorder.

ITEM 2. Amend rule ~~761—605.5(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 142C.3 and section 321.189, as amended by 2020 Iowa Acts, House File 2372, section 1; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), ~~and~~ 6 CFR Part 37; and 2020 Iowa Acts, House File 2585, section 35.

ITEM 3. Amend rule ~~761—605.10(321)~~ as follows:

761—605.10(321) Fees for driver's licenses. Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order. ~~If payment is by check, the following requirements apply:~~

605.10(1) ~~The~~ If the payment is by check, the check shall be for the exact amount of the fee and shall be payable to: Treasurer, State of Iowa. An exception may be made when a traveler's check is presented.

605.10(2) One ~~check~~ payment method may be used to pay fees for several persons, such as members of a family or employees of a business firm. One ~~check~~ payment method may pay all fees involved, such as the license fee and the reinstatement fee.

This rule is intended to implement Iowa Code section 321.191.

ITEM 4. Amend subrule 630.2(4) as follows:

630.2(4) Upon the request of the cardholder, the department shall indicate on the nonoperator's identification card any of the following:

a. to *c.* No change.

d. That the cardholder is hard of hearing ~~impaired~~ or deaf.

e. No change.

f. That the cardholder has autism spectrum disorder.

ITEM 5. Amend **761—Chapter 630**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.13, 321.189, 321.190 as amended by 2020 Iowa Acts, House File 2372, section 2, 321.195, 321.216, 321.216A, 321.216B and 321.216C; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), ~~and~~ 6 CFR Part 37; and 2020 Iowa Acts, House File 2585, section 35.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Strategic Performance Division Order No. SP-2021-27
Submitted by John Selmer Phone No. 515-239-1333 Meeting Date November 10, 2020
Title Administrative Rules — 761 IAC 11, Waiver of Rules, and 761 IAC 112,
Primary Road Access Control

DISCUSSION/BACKGROUND:

This rule making concerns Chapters 11 and 112 and complies with 2020 Iowa Acts, House File 2389, section 10, to remove the word “variance” when used with the word “waiver.”

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

The public comment period ended October 13, 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 waivers and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 11, “Waiver of Rules,” and Chapter 112, “Primary Road Access Control,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and Executive Order 11 dated September 14, 1999.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A as amended by 2020 Iowa Acts, House File 2389, section 10.

Purpose and Summary

The proposed amendments update Chapters 11 and 112 to remove the word “variance” when used with the word “waiver” in accordance with the same change included in 2020 Iowa Acts, House File 2389, section 10.

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 October 13, 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

If requested, a public hearing to hear oral presentations will be held on October 15, 2020, 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 October 13, 2020, 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 11.1(1) as follows:

11.1(1) The purpose of this chapter is to establish a general process for granting waivers ~~or variances~~ (hereinafter referred to as waivers) from the requirements of department rules. A waiver is an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

ITEM 2. Amend paragraph **112.12(2)“c”** as follows:

c. A predetermined access location that does not meet required spacing standards is not a waiver ~~or variance~~ of these rules if justification for the access location is based on one or more of the considerations listed in paragraph “a” of this subrule. The final access review letter must include this justification.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Systems Planning Bureau Order No. PPM-2021-28
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date November 10, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Bondurant

DISCUSSION/BACKGROUND:

The city of Bondurant submitted a RISE Local Development application in the September 2020 round requesting a grant to assist in construction of approximately 3,700 feet of Ziegler Drive located on the southwest side of town.

This project is necessary to provide access to seven lots totaling more than 70 acres for light industrial and warehouse purposes. This project is anticipated to be completed by September 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 \$2,422,357 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-2021-29
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date November 10, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Altoona

DISCUSSION/BACKGROUND:

The city of Altoona submitted a RISE Local Development application in the September 2020 round requesting a grant to assist in construction of approximately 1,700 feet of Ziegler Drive NW, turn lanes on U.S. 65, left turn lane on Ziegler Drive NW and a traffic signal at U.S. 65 and Ziegler Drive NW located on the northwest side of town.

This project is necessary to provide access to four lots totaling more than 34 acres for light industrial 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 \$1,988,557 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