

PRELIMINARY COMMISSION AGENDA

October 13, 2020



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

October 13, 2020
Hotel Blackhawk
200 East 3rd Street, Davenport

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
8:00 a.m.			
D-2021-17	* Approve Minutes of the September 8, 2020 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
AS-2021-18	* Administrative Rules – 761 IAC 25 Competition with Private Enterprise	Lee Wilkinson	5
MV-2021-19	* Administrative Rules – 761 IAC 480 Abandoned Vehicles	Melissa Gillett	9
MV-2021-20	* Administrative Rules – 761 IAC 602 and 636	Melissa Gillett	15
PPM-2021-21	* Revitalize Iowa's Sound Economy (RISE) – Sioux City	Craig Markley	21
PPM-2021-22	* Fiscal Year 2022 Highway-Railroad Crossing Safety Program	Kris Klop	22
PPM-2021-23	* 2022 Highway-Railroad Crossing Surface Repair Program	Kris Klop	23
PPM-2021-24	*Federal Fiscal Year (FFY) 2020 Federal Bus Replacement Discretionary Funding	Sree Mitra	24
8:10 a.m. Adjourn			
*Action Item			

On Monday, October 12, the Commission and staff will meet informally at 3:30 p.m. at the Hotel Blackhawk.
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-2021-17
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date October 13, 2020
Title Approve Minutes of the September 8, 2020 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the September 8, 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 Administrative Services Division Order No. AS-2021-18
Submitted by Lee Wilkinson Phone No. 515-239-1340 Meeting Date October 13, 2020
Title Administrative Rules — 761 IAC 25, Competition with Private Enterprise

DISCUSSION/BACKGROUND:

This rule making concerns Chapter 25 to remove “rest area sponsorship” from the list of department activities that are exempted from the provisions of Iowa Code section 23A.2(1) because the department no longer has a rest area sponsorship program.

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

The public comment period ended September 1, 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 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 highway program acknowledgment signs and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 25, “Competition with Private Enterprise,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 23A.2(1) and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 23A.2(1).

Purpose and Summary

The proposed amendment revises Chapter 25 to update the Department activities that are exempted from the provisions of Iowa Code section 23A.2(1) and to remove “rest area sponsorship.” The Department no longer has a rest area sponsorship program.

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 September 1, 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 requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 1, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

September 3, 2020
10 to 11 a.m.

Department of Transportation
800 Lincoln Way
Ames, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs. The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend subrule 25.2(8) as follows:

25.2(8) Design, construction, reconstruction, inspection and maintenance of highways including, but not limited to, signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway; ~~rest area sponsorship~~ and highway helper sponsorship programs.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-19
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date October 13, 2020
Title Administrative Rules — 761 IAC 480, Abandoned Vehicles

DISCUSSION/BACKGROUND:

This rule making concerns Chapter 480 and relates to the processing of abandoned vehicles by a police authority or a private entity and aligns with existing legal authority and department practice. The intent of this rule making is to clarify the process for disposal of abandoned vehicles and to protect lienholders or others with a legal interest in the abandoned vehicle.

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

The public comment period ended September 29, 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 abandoned vehicles and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 480, “Abandoned Vehicles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.89.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.71, 321.89 and 321.90.

Purpose and Summary

The proposed rule making relates to the processing of abandoned vehicles by a police authority or a private entity and aligns with existing legal authority and Department practice. Chapter 480 and Iowa Code section 321.89 provide a specific process for taking possession and disposing of an abandoned vehicle. The intent of this rule making is to clarify the process for disposal of abandoned vehicles and to protect lienholders or others with a legal interest in the abandoned vehicle. The following paragraphs further explain the proposed amendments:

Definitions. A new definition of “bidder registry” is added and the definition of “public auction” is amended to reflect the current options for conducting a public auction, including by electronic means, and to remove the requirement that the highest bidder is awarded the property if the bid represents the fair market value of the property. The intent of this proposed amendment is to encourage use of a public auction to get the most value for the vehicle without necessarily requiring the bid to reach the vehicle’s fair market value.

Abandoned vehicle records. The proposed amendments specify the required abandoned vehicle records that a police authority or private entity must maintain to be available for inspection by a peace officer or employee of the Department if the vehicle is auctioned off or transferred to a demolisher. The required records to be available for inspection include the lien results, the National Motor Vehicle Title Information System (NMVTIS) report when no Iowa owner or lienholders are identified, the impound report, the abandoned vehicle notice, the proof of advertisement of a public auction, the certificate of disposal, a copy of the bidder registry and a copy of the affidavit of sale. Maintenance of these records will help ensure compliance with the steps for processing abandoned vehicles, which will reduce fraud and protect consumers.

Preconditions of sale. A new subrule is added to require a private entity or police authority to verify that the preconditions of selling an abandoned vehicle required under Iowa Code section 321.89 have been met prior to the sale of an abandoned vehicle. The intent of this subrule is to clarify who is responsible for verifying the preconditions of sale under Iowa Code section 321.89 prior to the sale.

Public auction. The proposed amendments address the following requirements related to conducting a public auction of an abandoned vehicle:

- Clarifying that an initial bid at a public auction for the abandoned vehicle may be set at the amount that equals the actual cost of storage and towing of the vehicle.
- Limiting a police authority or private entity to two attempts at selling an abandoned vehicle at auction. If the vehicle cannot be sold at auction after two attempts, or if a sale cannot otherwise be made with enough proceeds to cover expenses associated with processing the abandoned vehicle, then the abandoned vehicle shall be transferred to a vehicle demolisher. This provision will help reduce

the incentive to commit fraud. Because a police authority or private entity is entitled to recoup any unreimbursed costs for processing an abandoned vehicle from the Road Use Tax Fund in accordance with Iowa Code section 321.89(4)“b,” the Department wants to ensure everything possible is being done to achieve the highest sale price for the abandoned vehicle.

- Ensuring that interested members of the public are aware that a vehicle is being offered for sale by adopting certain advertising requirements, which will reduce claims that no one showed up at the public auction to bid on an abandoned vehicle.
- Complying with the requirements under Iowa Code section 321.89 that a public auction, if one was held, actually took place by requiring a bidder registry.
- Requiring a seller of an abandoned vehicle at auction to complete an odometer disclosure statement when an odometer statement is required under Iowa Code section 321.71.
- Clarifying that the costs of advertising the public auction to sell an abandoned vehicle, when submitted with the abandoned vehicle report, are reimbursable in accordance with Iowa Code section 321.89(4)“c” and Chapter 480.

Good-faith purchaser. New subrules are added to create consistency with Iowa Code section 321.89(4)“a” by protecting good-faith purchasers of abandoned vehicles that might otherwise be encumbered by liens. The proposed amendments provide that despite any noncompliance on the part of the police authority or private entity with the requirements for disposing of an abandoned vehicle, a good-faith purchaser of an abandoned vehicle takes title free and clear of all liens and a county treasurer shall process the registration and issue a title for an abandoned vehicle accordingly.

Fiscal Impact

In fiscal year 2019, the Department reimbursed approximately \$309,519 to police authorities and private entities for the processing of abandoned vehicles under Iowa Code section 321.89. This breaks down to an average of \$300 in reimbursement of costs for approximately 1,032 abandoned vehicles. The proposed amendments are not anticipated to result in a significant amount of additional abandoned vehicles being processed each fiscal year because the amendments mostly clarify the process. However, if more public auctions were held because of the proposed amendments authorizing the use of electronic public auctions, the Department might assume that 20 additional vehicles may be sold at public auctions each fiscal year, which translates to an additional \$6,000 (20 x \$300) of reimbursement being paid out of the Road Use Tax Fund each fiscal year.

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 September 29, 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 requested oral presentations will be held on October 1, 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 September 29, 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 the Department and advise of specific needs. The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following new definition of "Bidder registry" in rule **761—480.1(321)**:

"*Bidder registry*" means a record of all persons who have registered to bid at a public auction.

ITEM 2. Amend rule **761—480.1(321)**, definition of "Public auction," as follows:

"*Public auction*," when used in Iowa Code section 321.89, means ~~a conventional oral~~ an auction setting open to the general public where. A public auction may be by electronic means, by sealed bid, or a conventional oral auction. The highest bidder is awarded the property. When the auction is a conventional oral auction, bidders shall register and bring the required bid deposit with them to the auction on the day and at the location and time specified for the sale, if a bid deposit is required. Bidders bid against each other one another until bidding stops. The high bidder is awarded the property provided the bid represents the fair market value of the property.

ITEM 3. Amend rule 761—480.2(321) as follows:

761—480.2(321) Location. Information, forms and instructions are available from: ~~Office of Vehicle and Motor Carrier Services Bureau,~~ Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278 or the department's ~~Web site~~ website at <http://www.iowadot.gov/mvd> www.iowadot.gov.

ITEM 4. Amend rule 761—480.3(321) as follows:

761—480.3(321) General requirements.

480.3(1) and **480.3(2)** No change.

480.3(3) To request reimbursement, the police authority or private entity shall complete and submit to the department an abandoned vehicle report on a form and in the manner prescribed by the department. Other forms may be accepted if they contain all information deemed necessary by the department.

480.3(4) A police authority shall also complete and submit the prescribed abandoned vehicle report form when remitting unclaimed profits pursuant to rule 761—480.7(321).

480.3(5) to **480.3(7)** No change.

480.3(8) A police authority or a private entity designated by a police authority holding a public auction may set the initial bid at an amount that equals the actual cost of storage and towing.

480.3(9) A police authority or private entity processing an abandoned vehicle shall maintain records for three years from the sale at a public auction or transfer of a motor vehicle to a demolisher. The

records shall be open to inspection by any peace officer or any employee of the department. The required documents to be made available for inspection shall include:

- a. The motor vehicle record request results letter issued by the department with lien information; or evidence that a motor vehicle record was reviewed for owners and liens through other legal means.
- b. The National Motor Vehicle Title Information System (NMVTIS) report when no Iowa owner or lienholders are identified.
- c. The impound report with the date of abandonment.
- d. One copy of the dated notice sent by the police authority or private entity to each owner and lienholder or proof of publication of notice with the publication date visible.
- e. One copy of actual newspaper page advertising each public auction with advertisement and date visible.
- f. A copy of the certificate of disposal for the private entity.
- g. The bidder registry for the police authority or private entity designated by a police authority holding a public auction.
- h. A copy of affidavit of sale on a form prescribed by the department.

480.3(10) A police authority or private entity shall verify that the provisions of this chapter have been executed, prior to the sale of the abandoned vehicle, on a form prescribed by the department.

480.3(11) A police authority or private entity shall be limited to two attempts at selling an abandoned vehicle at a public auction. If the police authority or private entity cannot make a satisfactory sale at two public auctions, or if a sale cannot otherwise be made with enough proceeds to cover the expenses and costs in carrying out the abandoned vehicle process, the police authority or private entity shall sell or dispose of the vehicle to a demolisher for junk.

480.3(12) A purchaser in good faith of a motor vehicle sold as a result of the abandoned vehicle process takes the motor vehicle free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

480.3(13) Upon presentation of a sales receipt, a county official shall process the registration and issuance of title to the purchaser free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

ITEM 5. Renumber rules **761—480.4(321)** and **761—480.5(321)** as **761—480.7(321)** and **761—480.8(321)**.

ITEM 6. Adopt the following **new** rule 761—480.4(321):

761—480.4(321) Advertising.

480.4(1) A public auction shall be advertised at least seven days in advance within the county where the auction will take place or where the vehicle is physically located. At minimum, the manner of the advertising shall be:

- a. Published in a newspaper which meets the requirements set forth in Iowa Code section 618.3; and
- b. Posted in a conspicuous manner viewable to the public at the location where the public auction will occur. If the public auction is to be conducted by electronic means, the location shall be the specific website to be used for the auction.

480.4(2) If a vehicle is not sold at the scheduled public auction, any subsequent attempt to sell the vehicle by auction must be preceded by advertising pursuant to this rule.

ITEM 7. Adopt the following **new** rule 761—480.5(321):

761—480.5(321) Bidder registry.

480.5(1) A police authority or private entity designated by a police authority shall maintain for three years the bidder registry for each auctioned vehicle sold or offered for sale at a public auction. The bidder registry shall be open for inspection by any peace officer or department employee. For each auctioned vehicle, the bidder registry shall contain:

- a. The full name of the bidder.

- b. The bona fide address of the bidder.
- c. A telephone number of the bidder.
- d. The date of the auction.
- e. The auctioned vehicle's make, model, model year, and vehicle identification number.
- f. The location of the auction.

480.5(2) Reserved.

ITEM 8. Adopt the following new rule 761—480.6(321):

761—480.6(321) Odometer statement.

480.6(1) When a vehicle is sold at a public auction and the seller cannot attest to the true mileage reading of the vehicle's odometer, the seller shall complete the odometer disclosure statement, when required pursuant to Iowa Code section 321.71, in the following manner:

- a. The odometer statement shall reflect the odometer mileage reading at the time of sale; and
- b. The odometer statement shall be marked indicating "odometer discrepancy," certifying the odometer mileage reading is not the actual mileage.

480.6(2) The subsequent title issued for the vehicle shall record the vehicle's mileage is "not actual."

ITEM 9. Amend renumbered subrule 480.7(4) as follows:

480.7(4) Receipts. The police authority or private entity shall submit with the abandoned vehicle report detailed receipts showing payment for each expense incurred. A receipt must identify the date(s) of occurrence of the expense; for example, a receipt for storage must identify the beginning and ending dates. A receipt for both towing and storage must show separately the towing charge and the storage charge per day. Reimbursement shall be limited as follows:

- a. to c. No change.
- d. Advertising—up to \$20 per auction, or advertising receipt totals for two auctions, whichever is less, not to exceed \$40 total.
- ~~d. e.~~ Auction expenses—10 percent of the vehicle's sale price or \$10 per vehicle, whichever is less. A receipt is not required for auction expense reimbursement.

ITEM 10. Amend **761—Chapter 480**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.71, 321.89 and 321.90.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2021-20
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date October 13, 2020
Title Administrative Rules — 761 IAC 602, Classes of Driver's Licenses, and 761 IAC 636, Motorized Bicycle Rider Education

DISCUSSION/BACKGROUND:

This rule making concerns Chapters 602 and 636 and relates to motorized bicycle (moped) rider education.

The proposed amendments align Chapter 636 with existing legal authority and department practice, eliminate outdated or irrelevant requirements or options, and accommodate modern electronic procedures and terminology. A conforming change is made within Chapter 602 to provide that a certificate of completion of an approved course may be submitted electronically through the department's online reporting system.

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

The public comment period ended September 15, 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 motorized bicycle education
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” and Chapter 636, “Motorized Bicycle Rider Education,” 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 321.189.

Purpose and Summary

This proposed rule making relates to motorized bicycle (moped) rider education and aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern electronic procedures and terminology.

Rule 761—636.4(321) is amended to consolidate instructor and course approval requirements into a single rule because those requirements are the same for all programs seeking to provide a motorized bicycle rider education course, regardless of whether the provider is a school district or a private/commercial sponsor. However, an application fee only pertains to private/commercial sponsors. The proposed amendments to this rule also specify the length of validity of the course approval and renewal procedures.

This proposed rule making includes a conforming change to subrule 602.2(1) to provide that a certificate of completion of an approved course may be submitted electronically through the Department’s online reporting system by a participating Iowa-approved motorized bicycle rider education provider. **ARC 5102C**, which was published in the Iowa Administrative Bulletin as a Notice of Intended Action on July 29, 2020, also proposed an amendment to subrule 602.2(1). The proposed amendment included in this rule making will supersede the proposed amendment within **ARC 5102C**. This proposed rule making also includes an amendment to update the implementation sentence for rule 761—602.26(321).

Current terminology within Chapter 636 is amended to refer to program approval rather than a license, and an instructor rather than a teacher, and further specifies that the instructor must be listed on the program application to be approved.

Finally, the proposed amendments incorporate the clear driving record standards used by the Department for behind-the-wheel driver education instructors and motorcycle rider instructors and clarify the Department’s current practice of either canceling or denying the instructor’s approval if the instructor does not meet the instructor qualifications under the chapter.

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 September 15, 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 requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 15, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

September 17, 2020
10 to 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 subrule 602.2(1), introductory paragraph, as follows:

602.2(1) *Certificate of completion.* Proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education, or motorized bicycle education shall be submitted to the department on Form 430036 shall be used to submit proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education or motorized bicycle education, except that proof of successful completion of an Iowa-approved course in driver education may instead be submitted or through an online reporting system used by participating Iowa-approved driver education schools, motorcycle rider education, or motorized bicycle rider education providers.

ITEM 2. Amend rule **761—602.26(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.177₂, 321.180B₂, 321.189₂, 321.194 as amended by 2019 Iowa Acts, Senate File 140, sections 1 and 2; and 321.196.

ITEM 3. Amend rule 761—636.1(321) as follows:

761—636.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the ~~Office of 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)237-3153~~ (515)244-8725; or by facsimile at ~~(515)237-3071~~ (515)239-1837.

ITEM 4. Adopt the following new definitions of “Instructor” and “Program approval” in rule **761—636.2(321)**:

“*Instructor*” means a person approved by the department to instruct a motorized bicycle rider education course.

“*Program approval*” means department approval of an entity’s motorized bicycle rider education course and instructors.

ITEM 5. Amend rule 761—636.4(321) as follows:

761—636.4(321) Agencies or institutions Approved program in motorized bicycle rider education.

636.4(1) Program approval. ~~Any school district, area education agency, merged area school, other agency or individual entity planning to offer a motorized bicycle rider education course must receive course program approval from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual shall complete a form provided by the department to apply for course approval. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually.~~

636.4(2) Application and fees. Application for initial program approval or annual program approval renewal shall be made to the department in a manner determined by the department. The application fee is \$25 for a private or commercial sponsor. The fee must be paid by cash, money order or check unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

636.4(3) Initial program approval and annual renewal. Program approval to provide motorized bicycle rider education shall be issued for a calendar year or remainder of a calendar year. The program approval expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

636.4(4) Cancellation and denial. The department shall cancel or deny program approval if the course or instructors are no longer approved.

ITEM 6. Rescind rule **761—636.5(321)**.

ITEM 7. Renumber rules **761—636.7(321)** to **761—636.9(321)** as **761—636.5(321)** to **761—636.7(321)**.

ITEM 8. Amend renumbered subrule 636.5(1) as follows:

636.5(1) Classroom instruction. An approved course shall consist of a minimum of six clock hours of classroom instruction which includes the instructional components contained in subrule ~~636.7(3)~~ 636.5(3).

ITEM 9. Amend renumbered rule 761—636.6(321) as follows:

761—636.6(321) Teacher qualifications Instructor approval. ~~A teacher~~ An instructor of an approved motorized bicycle rider education course must be listed on the application for program approval as provided in subrules 636.4(1) and 636.4(2) and approved by the department.

636.6(1) *Instructor qualifications.* An instructor of an approved course shall possess a valid driver's license allowing unaccompanied driving other than a temporary restricted license and shall be able to operate a motorized bicycle. ~~A teacher~~ An instructor must also have a clear driving record for the previous two years. A clear driving record means the ~~teacher~~ instructor has:

636.6(1) a. Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

636.6(2) b. No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

636.6(3) c. Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

636.6(4) d. No record of ~~an accident for which the individual was convicted of a moving traffic violation~~ a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

e. No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

636.6(2) *Cancellation and denial.* When an instructor of an approved program does not meet the qualifications under this chapter, the department shall remove the instructor from the approved program and cancel or deny the approval of the program unless the entity has submitted an application for or secured approval of an alternate instructor from the department.

ITEM 10. Amend renumbered rule 761—636.7(321) as follows:

761—636.7(321) Evaluation. Each student shall be evaluated by the instructor to determine successful completion of the course.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Planning, Programming and Modal Division
Division/Bureau/Office Systems Planning Bureau Order No. PPM-2021-21
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 13, 2020
Title Revitalize Iowa's Sound Economy (RISE) Application – Sioux City

DISCUSSION/BACKGROUND:

Sioux City submitted a RISE Immediate Opportunity application requesting a grant to assist in paving of approximately 2,700 feet of Andrew Avenue located on the south side of town. This project is anticipated to be completed by December 2021.

Because this project will provide improved access to more than 102 acres for industrial purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

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, reclassify the project as a RISE Local Development project in the September 2020 round of applications and award a RISE grant of \$228,047 from the city share of the RISE Fund and \$443,031 from the county share of the RISE Fund for a total of \$671,078 or up to 50 percent of the total RISE-eligible project cost, whichever is less.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
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DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Rail Transportation Bureau Order No. PPM-2021-22
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 13, 2020
Title Fiscal Year 2022 Highway-Railroad Crossing Safety Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2022 Highway-Railroad Crossing Safety Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2022 Highway-Railroad Crossing Safety Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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List of Applications Recommended

PROJECT NAME	SPONSOR	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
US 18, City of Spencer 385716S	<ul style="list-style-type: none"> DME Railroad Iowa DOT 	7.0	\$325,000	\$292,500 (90%)	\$292,500 (90%)
Jones Street, 911770M	<ul style="list-style-type: none"> CCP Railroad City of Dubuque 	4.3	\$175,000	\$157,500 (90%)	\$157,500 (90%)
30 th Ave. North, 376043H	<ul style="list-style-type: none"> DME Railroad City of Clinton 	1.5	\$400,000	\$360,000 (90%)	\$360,000 (90%)
Spruce Avenue, 380021P	<ul style="list-style-type: none"> DME Railroad Cerro Gordo County 	1.3	\$325,000	\$292,500 (90%)	\$292,500 (90%)
IA 39, City of Odebolt 190945U	<ul style="list-style-type: none"> CCP Railroad Iowa DOT 	0.8	\$280,000	\$252,000 (90%)	\$252,000 (90%)
Ortho Way, 078050W	<ul style="list-style-type: none"> BNSF Railroad Lee County 	0.7	\$300,000	\$270,000 (90%)	\$270,000 (90%)
155 th Street, 074970K	<ul style="list-style-type: none"> BNSF Railroad Fremont County 	0.7	\$410,000	\$369,000 (90%)	\$369,000 (90%)
23 rd Ave. North, 376039T	<ul style="list-style-type: none"> DME Railroad City of Clinton 	0.7	\$410,000	\$369,000 (90%)	\$369,000 (90%)
IA 110, City of Storm Lake 307518K	<ul style="list-style-type: none"> CCP Railroad Iowa DOT 	0.6	\$300,000	\$270,000 (90%)	\$270,000 (90%)
4 th Street, 097445U	<ul style="list-style-type: none"> BNSF Railroad Sioux County 	0.6	\$315,000	\$283,500 (90%)	\$283,500 (90%)

32 nd Ave. North, 376045W	<ul style="list-style-type: none"> DME Railroad City of Clinton 	0.7	\$475,000	\$427,500 (90%)	\$427,500 (90%)
County Road C-16, 097429K	<ul style="list-style-type: none"> BNSF Railroad Plymouth County 	0.5	\$350,000	\$315,000 (90%)	\$315,000 (90%)
9 th Ave. North, 376027Y	<ul style="list-style-type: none"> DME Railroad City of Clinton 	0.7	\$500,000	\$450,000 (90%)	\$450,000 (90%)
Washington Street, 074503X	<ul style="list-style-type: none"> BNSF Railroad Fremont County 	0.5	\$350,000	\$315,000 (90%)	\$315,000 (90%)
220 th Street, 074962T	<ul style="list-style-type: none"> BNSF Railroad Fremont County 	0.4	\$410,000	\$369,000 (90%)	\$369,000 (90%)
Main Street, 074504E	<ul style="list-style-type: none"> BNSF Railroad Fremont County 	0.4	\$410,000	\$369,000 (90%)	\$369,000 (90%)
US 69, City of Osceola 074046T	<ul style="list-style-type: none"> Iowa DOT 	0.0*	\$55,000	\$49,500 (90%)	\$49,500 (90%)
2 projected closure incentive payments at various locations (\$7,500 each location)	<ul style="list-style-type: none"> TBD 	N/A	\$15,000	\$15,000 (100%)	\$15,000 (100%)

* Fencing project designed to keep pedestrians on the sidewalks and out of the railroad right-of-way and off of the AMTRAK station platforms. This is being incorporated into a multi-faceted project in Osceola at US 69 and the AMTRAK station.

Total project costs:	\$5,715,000
Total FHWA project costs:	\$5,143,500
Annual Apportionment:	\$5,195,890

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Rail Transportation Bureau Order No. PPM-2021-23
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 13, 2020
Title 2022 Highway-Railroad Crossing Surface Repair Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2022 Highway-Railroad Crossing Surface Repair Program funding recommendation will be presented.

A list of the proposed program of projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2022 Highway-Railroad Crossing Surface Repair Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

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List of Applications Received and Recommended Award

PROJECT NAME	SPONSORS	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
Ontario Street, 307447R	<ul style="list-style-type: none"> CCP Railroad City of Pomeroy 	N/A Order Received	\$227,000	\$136,200 (60%)	\$136,200 (60%)
Buddy Holly Place, 385516H	<ul style="list-style-type: none"> DME Railroad City of Clear Lake 	N/A Order Received	\$122,000	\$73,200 (60%)	\$73,200 (60%)
Underwood Avenue (T-66), 385422G	<ul style="list-style-type: none"> DME Railroad Floyd County 	N/A Order Received	\$70,000	\$42,000 (60%)	\$42,000 (60%)
Roosevelt Avenue (B-20), 385762T	<ul style="list-style-type: none"> DME Railroad O'Brien County 	N/A Order Received	\$94,600	\$56,760 (60%)	\$56,760 (60%)
220 th Street (B-57), 385301J	<ul style="list-style-type: none"> DME Railroad Chickasaw County 	N/A Order Received	\$123,000	\$73,800 (60%)	\$73,800 (60%)
19 th Street SW, 874095Y	<ul style="list-style-type: none"> Iowa Traction Railroad City of Mason City 	N/A Order Received	\$132,333	\$79,400 (60%)	\$79,400 (60%)
19 th Street SW, 874104V	<ul style="list-style-type: none"> Iowa Traction Railroad City of Mason City 	N/A Order Received	\$168,814	\$101,288 (60%)	\$101,288 (60%)
Washington Street, 307615U	<ul style="list-style-type: none"> Farmer's Cooperative City of Remsen 	N/A Order Received	\$236,665	\$141,999 (60%)	\$141,999 (60%)

List of Applications Received and Recommended Award

PROJECT NAME	SPONSOR	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
Twin Rivers Drive, 072519M	<ul style="list-style-type: none"> Keokuk Junction Railway City of Keokuk 	29	\$82,200	\$49,320 (60%)	\$49,320 (60%)
2 nd Street, 095331A	<ul style="list-style-type: none"> BNSF Railroad Adams County 	27	\$194,871	\$116,923 (60%)	\$116,923 (60%)
490 th Avenue, 385645X	<ul style="list-style-type: none"> DME Railroad Palo Alto County 	25	\$66,000	\$39,600 (60%)	\$39,600 (60%)
South Gilbert Street, 607299C	<ul style="list-style-type: none"> CRANDIC Railroad City of Iowa City 	25	\$70,400	\$42,240 (60%)	\$42,240 (60%)
Oasis Avenue, 079161S	<ul style="list-style-type: none"> BNSF Railroad Henry County 	24	\$144,000	\$86,400 (60%)	\$86,400 (60%)
McPherson Street, 603291J	<ul style="list-style-type: none"> IAIS Railroad Guthrie County 	23	\$108,045	\$64,826 (60%)	\$64,826 (60%)

Total program funding request:

\$1,103,957

In order received:

\$704,648 / 64%

Scored:

\$399,309 / 36%

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Public Transit Bureau Order No. PPM-2021-24
Submitted by Sreeparna Mitra Phone No. 515-239-1806 Meeting Date October 13, 2020
Title Federal Fiscal Year (FFY) 2020 Federal Bus Replacement Discretionary Funding

DISCUSSION/BACKGROUND:

The proposed FFY 2020 Federal Bus Replacement discretionary funding recommendation will be presented.

The specific vehicle replacement recommendations are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FFY 2020 Federal Bus Replacement discretionary funding recommendations as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
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FFY 2020 Federal Bus Replacement Discretionary Funding
(vehicle replacement)

Transit system	Vehicle ID	Replacement vehicle description	Public transit management system points	Total cost	Federal portion	Local participation
Ames	01140	40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)	83.13	\$513,032	\$436,077	\$76,955
Ames	00958	40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)	58.94	\$513,032	\$436,077	\$76,955
Ames	00956	40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)	58.25	\$513,032	\$436,077	\$76,955
Ames	00955	40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)	57.60	\$513,032	\$436,077	\$76,955
Ames	00957	40' to 42' heavy-duty bus (fixed-route, video surveillance system, low-floor, Biodiesel)	57.49	\$513,032	\$436,077	\$76,955
Clinton	1256	158" light-duty bus (video surveillance system)	16.27	\$91,100	\$77,435	\$59,700
Clinton	1255	176" light-duty bus (video surveillance system)	12.71	\$96,500	\$82,025	\$59,700
Dubuque	2660	26' to 29' heavy-duty bus	19.99	\$398,000	\$338,300	\$14,475
Dubuque	2653	26' to 29' heavy-duty bus	19.48	\$398,000	\$338,300	\$15,675
Dubuque	2655	26' to 29' heavy-duty bus	13.09	\$398,000	\$338,300	\$14,475
Sioux City	1331	35' to 39' heavy-duty bus (diesel, fixed-route, video surveillance system, low-floor)	6.95	\$459,200	\$390,320	\$67,770
Waterloo	412	176" light-duty bus (video surveillance system)	16.68	\$90,500	\$76,925	\$68,880
Waterloo	902	30' to 34' heavy-duty bus (diesel, fixed route, video surveillance system, low floor)	10.11	\$451,800	\$384,030	\$8,325
Waterloo	901	30' to 34' heavy-duty bus (diesel, fixed route, video surveillance system, low floor)	8.50	\$451,800	\$384,030	\$13,665
Region 4 (Sioux City)	7553	176" light-duty bus (video surveillance system)	18.83	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7141	176" light-duty bus (video surveillance system)	16.89	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7541	176" light-duty bus (video surveillance system)	13.72	\$96,500	\$82,025	\$59,700
Region 4 (Sioux City)	7211	176" light-duty bus (video surveillance system)	13.58	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7351	176" light-duty bus (video surveillance system)	12.51	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7552	176" light-duty bus (video surveillance system)	12.31	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7441	176" light-duty bus (video surveillance system)	12.09	\$96,500	\$82,025	\$14,475
Region 4 (Sioux City)	7432	176" light-duty bus (video surveillance system)	11.01	\$96,500	\$82,025	\$14,475
Region 8 (Dubuque)	960	Minivan (video surveillance system)	3.96	\$55,500	\$47,175	\$67,770
Region 10 (Cedar Rapids)	263a	176" light-duty bus (diesel, video surveillance system)	16.94	\$104,500	\$88,825	\$13,575
Region 10 (Cedar Rapids)	308	176" light-duty bus (video surveillance system)	13.78	\$96,500	\$82,025	\$13,665
Region 10 (Cedar Rapids)	482	158" light-duty bus (video surveillance system)	0.48	\$91,100	\$77,435	\$14,475
Total = 26 vehicles				\$6,519,660	\$5,541,710	\$977,950