

PRELIMINARY COMMISSION AGENDA

October 11, 2022



IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

October 11, 2022
Hilton Des Moines Downtown
435 Park St, Des Moines
Cloud Ballroom C

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2023-21 8:00 a.m.	* Approve Minutes of the September 13, 2022 Commission Meeting Commission Comments DOT Comments	Danielle Madden	3
MV-2023-22	* Administrative Rules – 761 IAC 411, Persons with Disabilities Parking Permits	Melissa Gillett	5
MV-2023-23	* Administrative Rules – 761 IAC 605, License Issuance	Melissa Gillett	9
TD-2023-24	* Administrative Rules – 761 IAC 720, Iowa Airport Registration and 750, Aircraft Registration	Stuart Anderson	13
D-2023-25	* Administrative Rules – 761 IAC 13, Contested Cases	Scott Marler	17
TD-2023-26	* Revitalize Iowa’s Sound Economy (RISE) – Dyersville	Craig Markley	21
TD-2023-27	* State Recreational Trails Program Funding Recommendations	Craig Markley	23
TD-2023-28	* Railroad Revolving Loan and Grant Program Recommendations	Tamara Nicholson	25
TD-2023-29	* Fiscal Year 2024 Highway-Railroad Crossing Safety Program	Kris Klop	27
TD-2023-30 8:10 a.m.	* 2024 Highway-Railroad Crossing Surface Repair Program Adjourn	Kris Klop	31
*Action Item	On Monday, October 10, the Commission and staff will meet informally at 3:30 p.m. in Cloud Ballroom C, Hilton Des Moines Downtown. 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-2023-21
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date October 11, 2022
Title Approve Minutes of the September 13, 2022 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the September 13, 2022 Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-22
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date October 11, 2022
Title Administrative Rules – 761 IAC Chapter 411, Persons With Disabilities Parking Permits

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 411 conform the rules with 2022 Iowa Acts, House File 2259, which adds licensed occupational therapists and physical therapists to the list of medical professionals authorized under the Iowa Code to provide a statement of disability for a person applying for a persons with disabilities parking permit. This legislation also allows certain licensed medical professionals in any state to prepare the statement of disability.

This proposed rule making will make it easier for customers to obtain a persons with disabilities parking permit, especially if the person's primary health care provider or specialist is licensed in a state that is several states away from Iowa or if the person is already working with a licensed physical therapist or occupational therapist as part of the person's recovery.

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

The public comment period ended on August 30, 2022. 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	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to persons with disabilities parking permits and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 411, “Persons with Disabilities Parking Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321L.2 and 321L.8.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2.

Purpose and Summary

The proposed amendments to Chapter 411 conform the rules with 2022 Iowa Acts, House File 2259, which adds licensed occupational therapists and physical therapists to the list of medical professionals authorized under the Iowa Code to provide a statement of disability for a person applying for a persons with disabilities parking permit. This legislation also allows certain licensed medical professionals in any state to prepare the statement of disability. As required by current law, the statement of disability must be on the medical professional’s stationery.

Prior to this legislation, occupational therapists and physical therapists were not authorized under the law to provide statements of disability for persons with disabilities; only certain medical professionals licensed in Iowa or a state contiguous to Iowa were allowed to provide the statement of disability. This proposed rule making will make it easier for customers to obtain a persons with disabilities parking permit, especially if the person’s primary health care provider or specialist is licensed in a state that is several states away from Iowa or if the person is already working with a licensed physical therapist or occupational therapist as part of the person’s recovery.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

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 August 30, 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 1, 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 August 30, 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 subrule **411.2(2)**, definition of "Health care provider," as follows:

"Health care provider" means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, a chiropractor licensed under Iowa Code chapter 151, an occupational therapist licensed under Iowa Code chapter 148B, a physical therapist licensed under Iowa Code chapter 148A, or a physician, physician assistant, nurse practitioner, ~~or~~ chiropractor, occupational therapist, or physical therapist licensed to practice in ~~a contiguous~~ another state as set forth in Iowa Code section 321L.2(1) as amended by 2022 Iowa Acts, House File 2259, section 2.

ITEM 2. Amend **761—Chapter 411**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321L.1, 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2, 321L.3, ~~to~~ 321L.4 and 321L.8.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2023-23
Submitted by Melissa Gillett Phone No. 515-237-3010 Meeting Date October 11, 2022
Title Administrative Rules – 761 IAC Chapter 605, License Issuance

DISCUSSION/BACKGROUND:

This proposed rule making conforms Chapter 605 with 2022 Iowa Acts, Senate File 2383, section 25, which waives the fee for a chauffeur driver's license (Class D) or a commercial driver's license (Class A, B or C) for an active duty military service member or a veteran who was issued an honorable discharge or general discharge (under honorable conditions). The legislation also waives the fee for an operator driver's license (Class C noncommercial) or a motorcycle driver's license (Class M or endorsement L) for veterans with a service-connected disability rating of 100 percent.

The proposed amendments describe the type of proof an eligible veteran or military service member must provide to the department to qualify for the applicable driver's license fee waiver. The proposed amendments also provide that only an active duty military service member must provide proof of the service member's eligible status at each issuance or renewal transaction because active duty status can change more frequently than military discharge status or a service-connected disability rating of 100 percent. Because proof of active duty status will be required at each license issuance or renewal transaction, an active duty military service member will not be able to renew a driver's license electronically if the service member wants to receive the fee waiver because the electronic license renewal system cannot verify active duty status in real time.

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

The public comment period ended on August 30, 2022. The department received a comment from the Polk County Veterans Affairs office, who requested that the department allow the operator and motorcycle fee waivers to apply to a veteran who does not have a 100 percent permanent disability rating, but who is compensated by the Department of Veterans Affairs at the 100 percent disability rate. The department determined that a change to Iowa Code would be required to accomplish that request.

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
COMMISSION ACTION:		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Gaesser	_____	_____	_____
		Juckette	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
		Yanney	_____	_____	_____
Moved by _____	Seconded by _____				
_____ Division Director	_____ Legal	_____ State Director			

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's licenses for active duty military service members and veterans and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 605, "License Issuance," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.

Purpose and Summary

This proposed rule making conforms Chapter 605 with 2022 Iowa Acts, Senate File 2383, section 25, which waives the fee for a chauffeur driver's license (Class D) or a commercial driver's license (Class A, B or C) for an active duty military service member or a veteran who was issued an honorable discharge or general discharge (under honorable conditions). The legislation also waives the fee for an operator driver's license (Class C noncommercial) or a motorcycle driver's license (Class M or endorsement L) for veterans with a service-connected disability rating of 100 percent. An eligible applicant may qualify for more than one fee waiver.

The proposed amendments describe the type of proof an eligible veteran or military service member must provide to the Department to qualify for the applicable driver's license fee waiver. The proposed amendments also provide that only an active duty military service member must provide proof of the service member's eligible status at each issuance or renewal transaction because active duty status can change more frequently than military discharge status or a service-connected disability rating of 100 percent. Because proof of active duty status will be required at each license issuance or renewal transaction, an active duty military service member will not be able to renew a driver's license electronically if the service member wants to receive the fee waiver because the electronic license renewal system cannot verify active duty status in real time.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

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 August 30, 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 10:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 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 action is proposed:

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.

605.10(1) and **605.10(2)** No change.

605.10(3) An applicant who is on federal active duty or state active duty, a veteran with a permanent service-connected disability rating of 100 percent, or a veteran who was issued an honorable discharge or general discharge under honorable conditions is eligible for a waiver of the fees for a driver's license as provided in Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25. An eligible applicant may qualify for more than one fee waiver.

a. An applicant must provide proof of eligibility for the fee waiver to the department in the following ways as applicable to the applicant's active duty, veteran or disability status:

(1) An active duty service member must present an unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), issued by the U.S. Department of Defense under 32 CFR Part 161. A federal or state military member who is a reservist may instead present an unexpired Uniformed Services identification card (USID) issued by the U.S. Department of Defense under 32 CFR Part 161 indicating a reserve affiliation.

(2) An applicant with a permanent service-connected disability rating of 100 percent must present proof that the applicant is the subject of a certification of disability of 100 percent from the U.S. Department of Veterans Affairs.

(3) An applicant who has been discharged from military service must present certification of release or discharge from active duty, DD form 214, indicating that the applicant received an honorable discharge or a general discharge under honorable conditions.

b. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs is required to submit proof of eligibility only once unless the proof is invalid or not accepted by the department.

c. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs, who has presented proof of eligibility to the department during a previous license issuance transaction and who is otherwise eligible under subrule 605.25(7) or 605.25(8) to renew the applicant’s driver’s license electronically, will be waived from the applicable fees during the electronic renewal. An applicant who qualifies under subparagraph 605.10(3)“a”(1) will not receive the applicable fee waivers if the applicant chooses to renew the driver’s license electronically under subrule 605.25(7) or 605.25(8).

This rule is intended to implement Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division/Modal
Division/Bureau/Office Transportation Bureau Order No. TD-2023-24
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date October 11, 2022
Title Administrative Rules – 761 IAC Chapter 720, Iowa Airport Registration and
761 IAC 750, Aircraft Registration

DISCUSSION/BACKGROUND:

This proposed rule making conforms Chapters 720 and 750 with 2022 Iowa Acts, House File 2124 and Senate File 2370.

House File 2124 removes outdated Iowa Code language related to establishing airport traffic patterns, as well as language requiring burdensome, redundant and unnecessary site approval requirements for new airports. Senate File 2370 limits the period a manufacturer or dealer may operate an aircraft under a special certificate to three years. Currently, rule 761—750.30(328) limits the time to 24 months.

The proposed amendments to Chapter 720 also correct the scope of the chapter, revise the wording to use “certificate of registration” and add contact information.

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

The public comment period ended on September 13, 2022. 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	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____
Yanney	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to airport registration and special certificates for aircraft and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 720, “Iowa Airport Registration,” and Chapter 750, “Aircraft Registration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 328.12 and section 328.19 as amended by 2022 Iowa Acts, House File 2124.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 328.19 as amended by 2022 Iowa Acts, House File 2124, and section 328.28 as amended by 2022 Iowa Acts, Senate File 2370, section 1.

Purpose and Summary

This proposed rule making conforms Chapters 720 and 750 with 2022 Iowa Acts, House File 2124 and Senate File 2370.

House File 2124 removes outdated Iowa Code language related to establishing airport traffic patterns, as well as language requiring burdensome, redundant and unnecessary site approval requirements for new airports. The Federal Aviation Administration has become the authority on airspace that identifies standard airport traffic patterns for aircraft operations used when taking off and landing at airports.

The proposed amendments to Chapter 720 also correct the scope of the chapter, revise the wording to use “certificate of registration” and add contact information.

Senate File 2370 limits the period a manufacturer or dealer may operate an aircraft under a special certificate to three years. Currently, rule 761—750.30(328) limits the time to 24 months.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

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 September 13, 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 15, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 13, 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 rule 761—720.1(328) as follows:

761—720.1(328) Scope. This chapter establishes ~~site approval~~, registration and registration renewal requirements and minimum safety standards for airports open for use by the public. It also establishes ~~site approval~~ airport closing requirements for airports maintained for private use.

ITEM 2. Amend rule 761—720.3(328) as follows:

761—720.3(328) Airport site approval required Contact information. ~~A person or governmental subdivision planning to construct or establish an airport shall obtain a certificate of airport site approval from the department before the site is acquired or before the airport is constructed or established~~ Questions regarding this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1468; or through the department's website at www.iowadot.gov.

ITEM 3. Amend rule 761—720.4(328) as follows:

761—720.4(328) Public-use airport. ~~The site approval requirements of this rule apply to proposed public-use airports. The remaining~~ Airport registration requirements apply to existing public-use airports.

~~**720.4(1) Application for site approval.** The sponsor shall complete Iowa Department of Transportation Form 300025, "Airport Site Approval and New Registration Application," and submit it to the modal transportation bureau. This form is available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1468; or through the department's website at www.iowadot.gov.~~

~~**720.4(2) Site requirements.** Before issuing a certificate of airport site approval, the department shall:~~

~~a. Review the application and, if necessary, inspect the site. The sponsor shall ensure access to the site for the inspection at a reasonable time convenient for department personnel.~~

~~b. Require a current airspace determination issued by the FAA which concludes that the proposed site will not adversely affect the safe and efficient use of airspace.~~

~~**720.4(3) Certificate of site approval.**~~

~~a. After the application, inspection and FAA approval requirements have been met, the department shall issue a certificate of site approval for the airport if it complies with the minimum airport safety standards established by the department.~~

~~b. The certificate of site approval shall locate the proposed airport by geographical coordinates; section, township and range; and distance and direction from an established nearby community.~~

~~c. The certificate of site approval shall be valid for two years from the date of issuance.~~

~~d. Aircraft operations shall not be permitted at the proposed site prior to airport registration.~~

~~**720.4(4) 720.4(1) Registration.** When construction of a new airport is ~~complete~~ completed, the sponsor shall notify the department. The department shall inspect the airport and, if the airport is in compliance with the minimum safety standards designated by the department, shall issue the airport a public-use airport certificate of registration ~~certificate~~.~~

~~**720.4(5) 720.4(2) Registration renewal.** Each public-use airport shall apply annually for a registration renewal on a form provided by the department. The department shall issue a registration public-use airport certificate of registration to a public-use airport if the airport is in compliance with the minimum safety standards designated by the department.~~

~~**720.4(6) 720.4(3) Airport inspection.** Each registered public-use airport is subject to inspection by the department at any reasonable time. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department shall record that fact and shall notify the airport sponsor in writing with necessary corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. An FAA inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.~~

~~**720.4(7) 720.4(4) Posting.** The airport certificate of registration ~~certificate~~ shall be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the ~~registration~~ certificate shall be displayed at the office of the airport manager or caretaker.~~

~~**720.4(8) Revocation.** Rescinded IAB 7/4/07, effective 8/8/07.~~

ITEM 4. Rescind and reserve rule **761—720.5(328)**.

ITEM 5. Amend **761—Chapter 720**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 328.1, 328.12, 328.19 as amended by 2022 Iowa Acts, House File 2124, and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

ITEM 6. Amend rule 761—750.30(328) as follows:

761—750.30(328) Application for special certificate. When applying to the department for a special certificate, the applicant must submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. ~~Dealer~~ Manufacturer or dealer applicants must verify that no aircraft have been held in a dealer special certificate inventory for a period of more than ~~24 calendar months~~ three years.

This rule is intended to implement Iowa Code section 328.28 as amended by 2022 Iowa Acts, Senate File 2370, section 1, and section 328.29.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. D-2023-25
Submitted by Scott Marler Phone No. 515-239-1111 Meeting Date October 11, 2022
Title Administrative Rules – 761 IAC Chapter 13, Contested Cases

DISCUSSION/BACKGROUND:

The proposed amendments to Chapter 13 change “office” to “bureau” to reflect current terminology used within the department and add a new subrule, which was requested by the Department of Inspections and Appeals. This proposed subrule permits the Department of Inspections and Appeals to allow service by email or notice of electronic filing to an attorney if an appellant is represented.

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

The public comment period ended on August 30, 2022. 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:			Aye	Vote Nay	Pass
		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Gaesser	_____	_____	_____
Moved by _____	Seconded by _____	Juckette	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
		Yanney	_____	_____	_____

_____ Division Director	_____ Legal	_____ State Director
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TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to contested cases and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 13, “Contested Cases,” 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 chapter 17A.

Purpose and Summary

The proposed amendments to Chapter 13 change “office” to “bureau” to match the current organization of the Department and add a new subrule, which was requested by the Department of Inspections and Appeals. This proposed subrule permits the Department of Inspections and Appeals to allow service by email or notice of electronic filing to an attorney if an appellant is represented.

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 August 30, 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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 1:30 p.m. Persons who wish to participate in the conference call should contact Tracy

George before 4:30 p.m. on August 30, 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. Strike "office" wherever it appears in rules **761—13.4(17A)** and **761—13.7(17A)** and insert "bureau" in lieu thereof:

ITEM 2. Adopt the following new subrule 13.12(3):

13.12(3) Notwithstanding subrule 13.12(2), any notices, communications and decisions regarding the contested case issued and sent directly by the department of inspections and appeals may be sent by email or notice of electronic filing as defined by rule 481—16.2(10A) to the party's attorney at the latest email address which the party's attorney has provided to the department of inspections and appeals.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2023-26
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 11, 2022
Title Revitalize Iowa's Sound Economy (RISE) Application – Dyersville

DISCUSSION/BACKGROUND:

The city of Dyersville submitted a RISE Local Development application in the September 2022 round requesting a grant to assist in construction of approximately 1,508 feet of Industrial Parkway SW located on the southwest side of town.

This project is necessary to provide access to four lots totaling more than 38 acres for industrial purposes. This project is anticipated to be completed by October 2023.

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 \$1,031,507 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

			Aye	Vote Nay	Pass
COMMISSION ACTION:		Arnold	_____	_____	_____
		Fehrman	_____	_____	_____
		Gaesser	_____	_____	_____
		Juckette	_____	_____	_____
		Rielly	_____	_____	_____
		Stutsman	_____	_____	_____
		Yanney	_____	_____	_____
Moved by _____	Seconded by _____				
_____ Division Director	_____ Legal	_____ State Director			

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Systems Planning Bureau Order No. TD-2023-27
Submitted by Craig Markley Phone No. 515-239-1027 Meeting Date October 11, 2022
Title State Recreational Trails Program Funding Recommendations

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the State Recreational Trails Program has been completed. The following recommendations will be presented.

Carlisle Connection Trail (Des Moines)	\$ 400,000
Eldora Trail Expansion (Eldora)	\$ 397,000
Gear Avenue Trail Extension Phase II (West Burlington)	\$ 345,357
Glenwood Trail (Glenwood)	\$ 200,000
Great Western Connector Trail (Manning)	\$ 200,242
Heart of Iowa Nature Trail from 610th Avenue to 620th Avenue (Story County Conservation Board)	\$ 225,000
Raccoon River Valley Trail to High Trestle Trail Connector Phase V (Dallas County Conservation Board)	\$ 400,000
West Union to Echo Valley State Park (West Union)	\$ 581,350
Total	\$ 2,748,949

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the State Recreational Trails Program funding recommendations, as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division
Modal Transportation Bureau

Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-28
Submitted by Tamara Nicholson Phone No. 515-239-1052 Meeting Date October 11, 2022
Title Railroad Revolving Loan and Grant Program Recommendation

DISCUSSION/BACKGROUND:

Review of the current round of applications for funding from the Railroad Revolving Loan and Grant Program has been completed. The following recommendations will be presented.

<u>Targeted Job Creation projects</u>	<u>Loan</u>	<u>Grant</u>
Alta, Iowa, Soybean Crush Plant (Buena Vista County)	\$2,000,000	\$612,000
Floyd Valley Transload (Woodbury County)	\$664,800	\$120,000
IceCap Cold Storage (Pottawattamie County)	\$503,315	\$576,000
<u>Rail Network Improvement projects</u>	<u>Loan</u>	<u>Grant</u>
CP Unit Train Expansion Phase 5 (Clayton County)	\$1,650,000	-----
<u>Rail Port Planning & Development projects</u>	<u>Loan</u>	<u>Grant</u>
Booneville North Transload Facility (Dallas County)	-----	\$100,000
Pacific Junction South Industrial Park Transload Facility (Mills County)	-----	\$82,440
Total Recommended Funding:	\$4,818,115	\$1,490,440

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the Railroad Revolving Loan and Grant Program funding recommendations, as listed.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-29
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 11, 2022
Title Fiscal Year 2024 Highway-Railroad Crossing Safety Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2024 Highway-Railroad Crossing Safety Program funding recommendation will be presented.

The list of the proposed program projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2024 Highway-Railroad Crossing Safety Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Arnold
Fehrman
Gaesser
Juckette
Rielly
Stutsman
Yanney

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

Division
Director

Legal

State Director

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)
Arabian Road, 307816K	<ul style="list-style-type: none"> CCP Railroad Linn County 	49.34	\$405,000	\$405,000 (100%)	\$405,000 (100%)
150 th Street, 197056P	<ul style="list-style-type: none"> UP Railroad Kossuth County 	22.36	\$470,000	\$470,000 (100%)	\$470,000 (100%)
T-47/ Packard Ave., 607425U	<ul style="list-style-type: none"> IANR Railroad Butler County 	16.00	\$300,000	\$300,000 (100%)	\$300,000 (100%)
210 th Street, 375972F	<ul style="list-style-type: none"> DME Railroad Scott County 	7.52	\$460,000	\$460,000 (100%)	\$460,000 (100%)
S Canfield Road, 307097B	<ul style="list-style-type: none"> CCP Railroad Black Hawk County 	2.93	\$400,000	\$400,000 (100%)	\$400,000 (100%)
170th Street 082335P	<ul style="list-style-type: none"> BNSF Railroad Lyon County 	2.84	\$395,000	\$395,000 (100%)	\$395,000 (100%)
73 rd Street, 377213D	<ul style="list-style-type: none"> IAIS Railroad City of Windsor Heights 	2.40	\$400,000	\$400,000 (100%)	\$400,000 (100%)
Camp Cardinal Blvd., 606887G	<ul style="list-style-type: none"> IAIS Railroad City of Coralville 	2.13	\$400,000	\$400,000 (100%)	\$400,000 (100%)
12 th Avenue, 840173H	<ul style="list-style-type: none"> CRANDIC Railroad City of Coralville 	2.13	\$275,000	\$275,000 (100%)	\$275,000 (100%)
S Central Avenue, 385747R	<ul style="list-style-type: none"> DME Railroad City of Hartley 	1.90	\$495,000	\$495,000 (100%)	\$495,000 (100%)
Grand Avenue, 385428X	<ul style="list-style-type: none"> DME Railroad City of Charles City 	1.78	\$500,000	\$500,000 (100%)	\$500,000 (100%)

PROJECT NAME	SPONSOR	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
9 th Street NW, 607880M	<ul style="list-style-type: none"> IAIS Railroad City of Altoona 	1.71	\$350,000	\$350,000 (100%)	\$350,000 (100%)
IA 70, 606850S	<ul style="list-style-type: none"> IAIS Railroad Iowa DOT 	1.61	\$325,000	\$325,000 (100%)	\$325,000 (100%)
245 th Avenue, 078040R	<ul style="list-style-type: none"> BNSF Railroad Lee County 	1.50	\$425,000	\$425,000 (100%)	\$425,000 (100%)
490 th Avenue, 385645X	<ul style="list-style-type: none"> DME Railroad Palo Alto County 	1.43	\$350,000	\$350,000 (100%)	\$350,000 (100%)
Wapello Avenue, 607146Y	<ul style="list-style-type: none"> DME Railroad City of Davenport 	1.08	\$475,000	\$475,000 (100%)	\$475,000 (100%)
US 18, 599322V	<ul style="list-style-type: none"> IANR Railroad Iowa DOT 	0.27	\$450,000	\$450,000 (100%)	\$450,000 (100%)
137 th Trail, 979303R	<ul style="list-style-type: none"> BNSF Railroad Lucas County 	0 *	\$445,000	\$445,000 (100%)	\$445,000 (100%)
Jefferson Street, 063019R	<ul style="list-style-type: none"> BNSF Railroad City of Burlington 	0*	\$500,000	\$500,000 (100%)	\$500,000 (100%)
3 projected closure incentive payments at various locations (\$100,000 per location)	TBD	N/A	\$300,000	\$300,000 (100%)	\$300,000 (100%)

*BNSF and the county are demolishing a turn of the 20th century wagon bridge and creating a new at-grade railroad crossing. The new at-grade railroad crossing does not yet exist so a B/C score cannot be computed. The new railroad crossing will need active warning devices to protect motorists on this busy roadway.

** A city of Burlington TIGER grant roadway project necessitates the relocation of the existing railroad crossing signals.

Total project costs/ (100%) FHWA funds: \$8.120,000

Annual Apportionment: \$5,178,586
Additional funds (7 cancelled projects): + \$2,395,000
(1-UP / 1-DME/ 6-BNSF) \$7,573,586

Difference: - \$546,414

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Modal Transportation Bureau Order No. TD-2023-30
Submitted by Kris Klop Phone No. 515-239-1108 Meeting Date October 11, 2022
Title 2024 Highway-Railroad Crossing Surface Repair Program

DISCUSSION/BACKGROUND:

The proposed fiscal year (FY) 2024 Highway-Railroad Crossing Surface Repair Program funding recommendation will be presented.

The list of the proposed program projects is attached.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2024 Highway-Railroad Crossing Surface Repair Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division
Director

Legal

State Director

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)
29 th Street NE, 307841T	<ul style="list-style-type: none"> CP Railroad City of Cedar Rapids 	N/A Order Received	\$200,000	\$120,000 (60%)	\$120,000 (60%)
Wright Brothers E., 840224R	<ul style="list-style-type: none"> CRANDIC Railroad City of Cedar Rapids 	N/A Order Received	\$150,000	\$90,000 (60%)	\$90,000 (60%)
60 th Ave. SW, 840198D	<ul style="list-style-type: none"> CRANDIC Railroad City of Cedar Rapids 	N/A Order Received	\$110,000	\$66,000 (60%)	\$66,000 (60%)
Waconia Ave. SW, 840199K	<ul style="list-style-type: none"> CRANDIC Railroad City of Cedar Rapids 	N/A Order Received	\$100,000	\$60,000 (60%)	\$60,000 (60%)
Kirkwood Ave., 607307S	<ul style="list-style-type: none"> CRANDIC Railroad City of Iowa City 	N/A Order Received	\$80,000	\$48,000 (60%)	\$48,000 (60%)
Grand Avenue, 377221V	<ul style="list-style-type: none"> IAIS Railroad City of Des Moines 	N/A Order Received	\$247,000	\$148,200 (60%)	\$148,200 (60%)
Old Military Road, 607355V	<ul style="list-style-type: none"> DME Railroad Washington County 	35	\$100,000	\$60,000 (60%)	\$60,000 (60%)

PROJECT NAME	SPONSORS	SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT (% of Total Project Cost)	RECOMMENDED AMOUNT (% of Total Project Cost)
Camp Cardinal Blvd., 606887G	<ul style="list-style-type: none"> IAIS Railroad City of Coralville 	26	\$175,000	\$105,000 (60%)	\$105,000 (60%)
Cedar Waspi Road, 607625D	<ul style="list-style-type: none"> IANR Railroad Black Hawk County 	25	\$90,000	\$54,000 (60%)	\$54,000 (60%)
East St/N Finn Drive 390124S	<ul style="list-style-type: none"> DME Railroad City of Algona 	24	\$191,843	\$115,106 (60%)	\$115,106 (60%)
Augusta Avenue, 608027T	<ul style="list-style-type: none"> IAIS Railroad City of Oxford 	22	\$308,416	\$185,050 (60%)	\$185,050 (60%)

Total program funding request: \$1,078,386
In order received: \$571,200 / 53%
Scored: \$507,186 / 47%