

**Commission Minutes**  
**March 10, 2020**



# IOWA TRANSPORTATION COMMISSION

## Meeting Agenda / Commission Orders

March 10, 2020  
Materials Conference Room  
Ames DOT Complex

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
1:30 p.m.			
D-2020-53	* Approve Minutes of the February 11, 2020 Commission Meeting  Commission Comments  DOT Comments	Danielle Madden	3
D-2020-54	* Commission Meeting Dates from July 2020 through June 2021	Danielle Madden	5
MV-2020-55	* Administrative Rules – 761 IAC 520, 529, and 607	Melissa Spiegel	7
MV-2020-56	* Administrative Rules – 761 IAC 615 – Sanctions Operation and Movement of Vehicles and Loads of	Melissa Spiegel	13
PPM-2020-57	* Statewide Line Items (2021-2025 Highway Program)	Stuart Anderson	17
1:40 p.m.			
	Adjourn		

### \*Action Item

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

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2020-53  
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date March 10, 2020  
Title Approve Minutes of the February 11, 2020 Commission Meeting

**DISCUSSION/BACKGROUND:**

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the minutes of the February 11, 2020 Commission meeting.

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by John Putney

\_\_\_\_\_  
Division Director                      Legal                      State Director

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

D-2020-53

Commissioner Fehrman made a motion to approve the minutes as written. Commissioner Putney seconded the motion. Motion passed unanimously.

Commission Comments

DOT Comments

We just learned this morning that a former DOT Director, Darrel Rensink passed this morning. He was our director from May of 1988 to September of 1999. He was the first DOT Director that I personally worked under and we're very grateful for his service through the department into the state. Our thoughts and prayers will be with his family at this time.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2020-54  
 Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date March 10, 2020  
 Title Approve Commission Meeting Dates from July 2020 through June 2021

**DISCUSSION/BACKGROUND:**

The Commission is requested to approve the following proposed July 2020 through June 2021 meeting dates.

**2020**

July 14  
 August 10/11\*  
 September 8  
 October 12/13\*  
 November 10  
 December 8

**2021**

January 13  
 February 9  
 March 9  
 March 25\*\*  
 April 12/13\*  
 May 11  
 June 7/8\*

\*Tour/Public input meeting  
 \*\*Workshop Only

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the proposed July 2020 through June 2021 meeting dates.

**COMMISSION ACTION:**

Moved by John Putney Seconded by Linda Juckette

\_\_\_\_\_  
 Division Director                      Legal                      State Director

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

D-2020-54

Danielle Madden, Commission Assistant; It is recommended the Commission approve the proposed July 2020 through June 2021 meeting dates.

Commissioner Putney made a motion to approve the dates as listed on the Commission Order.

Commissioner Juckette seconded the motion. Motion passed unanimously.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-55  
 Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date March 10, 2020  
 Title Administrative Rules — 761 IAC 520, Regulations Applicable to Carriers; 761 IAC 529, For-Hire Interstate Motor Carrier Authority; and 761 IAC 607, Commercial Driver Licensing

**DISCUSSION/BACKGROUND:**

This rule making amends Chapters 520, 529 and 607 to adopt the most recent updates to the federal regulations published by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA). Also, the words “the office of” are stricken when referring to the “motor vehicle enforcement of the Iowa department of transportation.”

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

The public comment period ended March 3. The department did not receive any public comments or requests for oral presentations. However, the department needs to make one change from the Notice of Intended Action when publishing the adopted and filed rule making. A previous rule making amending Chapter 607, which will become effective April 15, 2020, added a new paragraph 607.10(1)“c” and relettered existing paragraph 607.10(1)“c” as paragraph 607.10(1)“d.” Because of the relettering of that paragraph, Item 5 will be revised to reflect the correct citation of paragraph 607.10(1)“d.”

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action and approve the needed change in Item 5 to reflect the relettering in paragraph 607.10(1)“d.”

**COMMISSION ACTION:**

Moved by Kathy Fehrman Seconded by Nancy Maher

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

\_\_\_\_\_  
 Division Director                      Legal                      State Director

MV-2020-55

Melissa Spiegel, Motor Vehicle Division; Good afternoon. It is recommended that the commission approve the rule amendments included in the notice of intended action for chapters 520, 529, and 607.

Commissioner Fehrman made a motion to approve the rule amendments as recommended. Commissioner Maher seconded the motion. Motion passed unanimously.



**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to updates to federal regulations  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 520, “Regulations Applicable to Carriers,” Chapter 529, “For-Hire Interstate Motor Carrier Authority,” and Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.188, 321.449 and 321.450.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 307.27, 321.188, 321.449 and 321.450.

*Purpose and Summary*

The proposed amendments are part of the regular, annual update by the Department to adopt the most recent updates to the federal regulations published by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Iowa Code section 321.188 requires the Department to adopt rules to administer commercial driver’s licenses in compliance with certain portions of 49 Code of Federal Regulations (CFR) Part 383.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 385 and 390 to 399.

Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

The proposed amendments to Chapter 520 adopt the current CFR dated October 1, 2019, for 49 CFR Parts 107, 171, 172, 173, 177, 178, 180, 385 and 390 to 399.

The proposed amendment to Chapter 529 adopts the current CFR dated October 1, 2019, for 49 CFR Parts 365 to 368 and 370 to 379.

The proposed amendment to Chapter 607 adopts the current CFR dated October 1, 2019, for certain portions of 49 CFR Part 383.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR.

To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

The following paragraphs provide a specific description of the amendments to the FMCSR and the HMR that have become final and effective since the 2018 edition of the CFR and that affect Chapters 520, 529 and 607:

Amendments to the FMCSR and Federal HMR

Parts 171-173, 178 and 180 (FR Vol. 83, No. 216, Pages 55792-55811, 11-7-18)

This final rule amends the HMR in response to 19 petitions for rule making submitted by the regulated community to update, clarify, streamline, or provide relief from various HMR. By adopting these deregulatory amendments, the PHMSA is allowing more efficient and effective ways of transporting hazardous materials in commerce while maintaining an equivalent level of safety. Effective date: December 7, 2018.

Parts 107 and 171 (FR Vol. 83, No. 228, Pages 60733-60754, 11-27-18)

This final rule amends the HMR in accordance with the Federal Civil Penalties Inflation Adjustment Act to apply the 2018 inflation adjustment to civil penalty amounts. A civil penalty may be imposed under federal law on persons violating federal Department of Transportation regulations, including persons who knowingly violate the HMR. Effective date: November 27, 2018.

Part 390 (FR Vol. 83, No. 233, Pages 62505-62508, 12-4-18)

This final rule extends the compliance date of the May 27, 2015, final rule titled “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” from January 1, 2019, to January 1, 2021. This extension of the compliance date was necessary to provide the FMCSA time to consider all comments raised regarding this rule making. Effective date: January 1, 2021.

Part 383 (FR Vol. 83, No. 245, Pages 65564-65571, 12-21-18)

This final rule amends FMCSA regulations to allow states the option of issuing a commercial learner’s permit (CLP) with an expiration date of up to one year from the date of initial issuance. This rule making simply codifies an exemption previously granted by FMCSA to state driver’s licensing agencies allowing them to issue a CLP with an expiration date of one year. Effective date: February 19, 2019.

Part 367 (FR Vol. 83, No. 248, Pages 67124-67131, 12-28-18)

This final rule amends FMCSA regulations to reduce the annual registration fees collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration Plan and Agreement for the registration years 2019, 2020 and thereafter as set forth in the regulation. Effective date: December 28, 2018.

Part 107 (FR Vol. 84, No. 31, Pages 3993-4001, 02-14-19)

This final rule amends the HMR to align with the federal Office of Management and Budget’s uniform administrative requirements, cost principles and audit requirements for federal grants, including the hazardous materials grants program and the hazardous materials emergency preparedness grant. Effective date: March 18, 2019.

Part 385 (FR Vol. 84, No. 130, Pages 32323-32326, 07-08-19)

This final rule revises FMCSA regulations relating to hazardous material safety permits to incorporate by reference the April 1, 2018, edition of the Commercial Vehicle Safety Alliance’s guidance related to out-of-service criteria for commercial highway vehicles transporting transuranic (uranium) materials and highway route-controlled quantities of radioactive materials. The out-of-service criteria provide uniform enforcement tolerances for roadside inspections to enforcement personnel nationwide. Effective date: July 8, 2019.

Part 383 (FR Vol. 84, No. 141, Pages 35335-35339, 07-23-19)

This final rule amends FMCSA regulations to revise the list of offenses permanently disqualifying a person from operating a commercial motor vehicle to include a felony conviction for using a commercial motor vehicle while committing an offense involving a severe form of human trafficking. This regulation change will also require a change to the list of disqualifying offenses in Iowa Code section 321.208 to implement the requirement, and the Department is proposing to amend that Code section during the 2020 Iowa Legislative Session. Effective date: September 23, 2019. Compliance date: September 23, 2022.

Parts 107 and 171 (FR Vol. 84, No. 147, Pages 37059-37079, 07-31-19)

This final rule amends the HMR in accordance with the Federal Civil Penalties Inflation Adjustment Act to apply the 2019 inflation adjustment to civil penalty amounts. A civil penalty may be imposed under federal law on persons violating federal Department of Transportation regulations, including persons who knowingly violate the HMR. Effective date: July 31, 2019.

Part 390 (FR Vol. 84, No. 157, Pages 40272-40296, 08-14-19)

This final rule narrows the applicability of the May 27, 2015, final rule titled “Lease and Interchange of Vehicles; Motor Carriers of Passengers,” by excluding certain contracts and other agreements between motor carriers of passengers that have active passenger carrier operating authority registrations with FMCSA from the definition of “lease” and the associated regulatory requirements. For passenger carriers that remain subject to the leasing and interchange requirements, FMCSA returns the bus marking requirement to its July 1, 2015, requirement, but with the slight modification to add references to leased vehicles. FMCSA also revises the exception for the delayed writing of a lease during certain emergencies and removes the 24-hour lease notification requirement from the regulations. Effective date: October 15, 2019.

Part 395 (FR Vol. 84, No. 177, Pages 48077-48081, 09-12-19)

This final rule amends FMCSA regulations applicable to restart provisions for hours of service of drivers of property-carrying commercial motor vehicles. The amendments removed provisions requiring that a 34-hour restart include two periods between 1 a.m. and 5 a.m. and limiting use of restart to once every 168 hours. In a series of federal appropriations acts, Congress suspended these provisions, pending completion of a study comparing the effects of the restart provisions both prior to and after the regulation change. The study found that there were no statistically significant benefits from the restart rule, and thus, the rules were voided by Congress. This amendment merely removes the voided requirement from the regulations. Effective date: September 12, 2019.

Parts 365, 380, 382, 383, 385, 387, 389, 391, 392, 395 and 396 (FR Vol. 84, No. 189, Pages 51427-51435, 09-30-19)

This final rule amends FMCSA regulations by making technical changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. Effective date: September 30, 2019.

#### *Fiscal Impact*

The fiscal impact statement cannot be determined. The federal regulations proposed to be adopted by this rule making were subject to fiscal impact review by either the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration when the regulations were enacted and were determined not to be cost-prohibitive.

#### *Jobs Impact*

The proposed amendments may have a slight impact on motor carrier operations. However, the amendments should not negatively impact jobs or employment opportunities because the amendments align the rules to federal regulations and bring uniformity and consistency to the industry, which should have a positive impact on employment.

#### *Waivers*

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation’s highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 3, 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](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear requested oral presentations will be held as follows:

March 5, 2020  
10 a.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

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

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

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

### *Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

*a. Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2018~~ 2019).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

*b. Hazardous materials regulations.* The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2018~~ 2019).

ITEM 3. Amend rule 761—520.5(321) as follows:

#### **761—520.5(321) Safety fitness.**

**520.5(1) New motor carrier safety audits.** Peace officers in ~~the office of~~ motor vehicle enforcement of the Iowa department of transportation shall perform safety audits of new motor carriers and shall have the authority to enter a motor carrier's place of business for the purpose of performing these audits. These audits shall be performed in compliance with 49 CFR Part 385 and shall be completed within 18 months from the day the motor carrier commences business.

**520.5(2) Motor carrier compliance reviews.** Peace officers in ~~the office of~~ motor vehicle enforcement of the Iowa department of transportation shall perform compliance reviews of motor carriers and shall have the authority to enter a motor carrier's place of business for the purpose of performing these compliance reviews. These compliance reviews shall be performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

ITEM 4. Amend rule 761—529.1(327B) as follows:

**761—529.1(327B) Motor carrier regulations.** The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2018~~ 2019, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or ~~through the Internet~~ at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

ITEM 5. Amend paragraph **607.10(1)“c”** as follows:

*c.* The following portions of 49 CFR Part 383 (October 1, ~~2018~~ 2019):

- (1) Section 383.51, Disqualification of drivers.
- (2) Subpart E—Testing and Licensing Procedures.
- (3) Subpart G—Required Knowledge and Skills.
- (4) Subpart H—Tests.

DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2020-56  
 Submitted by Melissa Spiegel Phone No. 515-237-3010 Meeting Date March 10, 2020  
 Title Administrative Rules — 761 IAC 615, Sanctions

**DISCUSSION/BACKGROUND:**

This rule making amends Chapter 615 to allow a person convicted of a first offense for unlawfully passing a school bus under Iowa Code section 321.372(3) to be eligible for the driver improvement program, established in rule 761—615.43(321), in lieu of a driver’s license suspension. Currently, a person who is convicted of a first-time offense for unlawfully passing a school bus faces a 30-day driver’s license suspension. The department believes that allowing a person convicted of a first-time offense for unlawfully passing a school bus to attend the driver improvement program in lieu of a driver’s license suspension will address some of the difficulties with achieving convictions for this offense by offering a consequence that is more in line with other first-time traffic violation convictions.

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

The public comment period ended February 18. 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 Charese Yanney Seconded by Kathy Fehrman

	Aye	Vote Nay	Pass
Arnold	<u>x</u>	<u>      </u>	<u>      </u>
Fehrman	<u>x</u>	<u>      </u>	<u>      </u>
Juckette	<u>x</u>	<u>      </u>	<u>      </u>
Maher	<u>x</u>	<u>      </u>	<u>      </u>
Putney	<u>x</u>	<u>      </u>	<u>      </u>
Rielly	<u>x</u>	<u>      </u>	<u>      </u>
Yanney	<u>x</u>	<u>      </u>	<u>      </u>

\_\_\_\_\_  
 Division Director                      Legal                      State Director

MV-2020-56

Melissa Spiegel, Motor Vehicle Division; It is also recommended that the commission approve rule amendments included in the notice of intended action for chapter 615 to driver's license sanctions.

Commissioner Yanney made a motion to approve the rule amendments included in the attached Notice of Intended Action. Commissioner Fehrman seconded the motion. Motion passed unanimously.

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to driver improvement program  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 615, “Sanctions,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.210 and 2012 Iowa Acts, Senate File 2218, section 5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.210 and 321.372(3).

*Purpose and Summary*

This proposed rule making amends Chapter 615 to allow a person convicted of a first offense for unlawfully passing a school bus under Iowa Code section 321.372(3) to be eligible for the driver improvement program, established in rule 761—615.43(321), in lieu of a driver’s license suspension. Currently, a person who is convicted of a first-time offense for unlawfully passing a school bus faces a 30-day driver’s license suspension.

Since the rule establishing license suspension was adopted, it has been reported to the Department that there is difficulty in charging and convicting a person of this offense because of the accompanying driver’s license suspension penalty and associated requirement that the person hold SR-22 insurance for two years following the suspension. The Department believes that allowing a person convicted of a first-time offense for unlawfully passing a school bus to attend the driver improvement program in lieu of a driver’s license suspension will address some of the difficulties with achieving convictions for this offense by offering a consequence that is more in line with other first-time traffic violation convictions. Also, allowing a person with a first-time offense to take a driver improvement course in lieu of license suspension promotes rehabilitating driver behavior, rather than simply punishing drivers or pushing drivers out of the driver system. A driver who attends a driver improvement course would still be subject to a probationary driving period and would be subject to a driver’s license sanction if the driver commits a violation during the probationary period. Furthermore, a driver who fails to attend or successfully complete the driver improvement course would be subject to a driver’s license suspension.

The driver improvement program is a course offered at community colleges throughout the state on a regular basis. The course is eight hours long with evening and weekend options available. The purpose of the course is to examine attitudes and behaviors in relation to driving, to focus on teaching drivers how behind-the-wheel attitudes affect driving behavior, and to give participants the opportunity to reflect on driving behavior and make a commitment to positively alter the participant’s daily driving experience.

*Fiscal Impact*

In state fiscal year 2019, the Department issued 492 driver’s license suspensions for a first-time offense of unlawfully passing a school bus. Each time the Department suspends a person’s driver’s license for this type of conviction, the Department is required to assess a \$200 civil penalty under Iowa Code section 321.218A. Furthermore, each time a person reinstates the person’s driver’s license after a suspension, the Department is required to assess a \$20 reinstatement fee under Iowa Code section 321.191. Accordingly, if 492 persons a year attended the driver improvement course in lieu of having the person’s driver’s license suspended, that would result in \$98,400 less going to the juvenile detention home fund annually



(\$200 × 492 = \$98,400) and \$9,840 less going to the statutory allocations fund annually (\$20 × 492 = \$9,840).

*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 February 18, 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](mailto:tracy.george@iowadot.us)

*Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

February 20, 2020  
10 a.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

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

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend subparagraph **615.17(2)“d”(1)** as follows:

- (1) 30 days for a first conviction unless otherwise provided in subparagraph 615.43(1)“a”(4).

ITEM 2. Adopt the following new subparagraph **615.43(1)“a”(4)**:  
(4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

**DEPARTMENT OF TRANSPORTATION  
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division Order No. PPM-2020-57  
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date March 10, 2020  
 Title Statewide Line Items (2021-2025 Highway Program)

**DISCUSSION/BACKGROUND:**

Prior to identifying specific roadway construction projects for the 2021-2025 Highway Program, funding targets for statewide line items are determined that come off-the-top of funding available for programming. These line items are for funding categories that are used to support specific statewide activities. Below is the list of statewide line items with the targeted annual funding level:

- Americans with Disabilities Act: \$3 million
- Construction Industry Training Program: \$1 million
- Cooperative City/County/State Highway Research: \$1.5 million
- Emergency & Contingency – U-STEP/C-STEP: \$6 million
- Post Letting Project Cost: \$20 million
- Prevocational Training and DBE Support Services: \$360,000
- Scenic Byway Program: \$500,000
- Statewide Consultant Services: \$85 million
- Statewide Contract Maintenance: \$35.35 million
- Statewide Railroad Crossings: \$500,000
- Statewide Roadside Improvement: \$2.5 million
- Statewide Traffic Control Devices: \$10 million

**PROPOSAL/ACTION RECOMMENDATION:**

It is recommended the Commission approve the Statewide Line Items and funding targets listed above for the 2021-2025 Highway Program.

**COMMISSION ACTION:**

Moved by Rich Arnold Seconded by Linda Juckette

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

\_\_\_\_\_  
Division Director                      Legal                      State Director

PPM-2020-57

Stuart Anderson, Planning, Programming and Modal Division; Prior to identifying specific roadway construction projects for the 2021 to 2025 Highway Program, funding targets for statewide line items are determined that come off the top of funding available for programming. These line items are for funding categories that are used to support specific statewide activities.

The recommended statewide line items with the targeted annual funding levels are listed on the Commission Order. It's recommended the Commission approved those statewide line items and funding targets for the 2021 to 2025 Highway Program.

Commissioner Arnold made a motion to approve the Statewide Line Items and funding targets listed above for the 2021-2025 Highway Program. Commissioner Juckette seconded the motion. Motion passed unanimously.