

Commission Minutes

May 10, 2022



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

May 10, 2022
Materials Conference Room
Ames DOT Complex

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

*Action Item

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

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

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

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by Kathy Fehrman Seconded by Charese Yanney

Division Director Legal State Director

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

D-2022-76

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

Commission Comments

DOT Comments

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

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

DISCUSSION/BACKGROUND:

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

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

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

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

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Rich Arnold

Division Director Legal State Director

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

MV-2022-77

Sara Siedsma, Motor Vehicle Division; these rule amendments relate to driver's education and we're seeking to build in flexibility to the rules by allowing the driving portion of a driver's education course to conclude within 45 days after the classroom instruction is completed, or if the driver's education course provider determines there is good cause to delay a bit further within 90 days after the classroom instruction is completed.

It is recommended that the Commission approve the proposed rule changes to chapter 634.

Commissioner Yanney made a motion to approve the rule amendment to Chapter 634. Commissioner Arnold seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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

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

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

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

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

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

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

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

Public Hearing

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

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

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

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

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

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

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

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

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

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

DISCUSSION/BACKGROUND:

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

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

The improvement will support:

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

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

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$225,001 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

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

TD-2022-78

Craig Markley, Transportation Development Division, Systems Planning Bureau; Marion County submitted an Immediate Opportunity RISE Funding request to assist in constructing turn lanes and paving the median on Iowa 163 located northwest of Pella. The proposed improvements were result in the creation of 30 new jobs within three years, along with \$2,563,750 in associated capital investment. Average wage of the created position is \$29.32, which is 150% of the average labor shed wage rate. RISE grant recommended is \$225,001. Local participation is 20% or \$56,250 for total cost of \$281,251. The RISE cost per job assisted is \$7,500.03. Total capital investment per RISE dollar \$11.39.

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$225,001 or up to 80% of the total RISE eligible project costs, whichever is less. With funding coming for the county share of the RISE fund.

Commissioner Rielly made a motion to approve the RISE grant for Marion County. Commissioner Fehrman seconded the motion. Motion passes unanimously.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

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

DISCUSSION/BACKGROUND:

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

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

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

PROPOSAL/ACTION RECOMMENDATION:

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

COMMISSION ACTION:

Moved by Charese Yanney Seconded by Tom Rielly

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

Division Director Legal State Director

TD-2022-79

Garrett Pedersen, Systems Planning Bureau; The State Transportation Plan update, Iowa In Motion 2050, describes critical transportation trends; identifies a vision for Iowa's multimodal transportation system; analyzes current and future needs and risks; identifies implementation strategies, such as right sizing the transportation system projects, annual costs and revenues by mode and provides a framework for programming future investments and monitoring performance. Development of this plan included extensive analysis, public input surveys, stakeholder outreach, interagency consultation, and a 45 day public comment period that recently concluded. This final state transportation plan also satisfies federal requirements outlined in title 23 part 450 of the code of federal regulations.

It is recommended the Commission adopt the final state transportation plan and authorized publication and distribution of the plan to interested parties.

Commissioner Yanney made a motion to adopt the final state transportation plan and authorized publication and distribution of the plan. Commissioner Rielly seconded the motion. Motion passes unanimously.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

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

DISCUSSION/BACKGROUND:

The draft 2023-2027 Iowa Transportation Improvement Program will be reviewed.

PROPOSAL/ACTION RECOMMENDATION:

For information only.

COMMISSION ACTION:

Moved by _____ Seconded by _____

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

Division Director Legal State Director

TD-2022-80

Stuart Anderson, Transportation Development Division Director; as required by the code of Iowa, you, the Commission, are required to approve every year a five-year program by June. This program documents your investment decisions you've made throughout the year for aviation, public transit, rail, trails and other miscellaneous grant programs. However, most of your time throughout the year is dedicated to identifying how to program over \$4.2 billion of state and federal funds on state highway and bridge projects. You began that process six months ago, back in November of 2021. We now have a draft 2023 to 2027 Iowa Transportation Improvement Program that is ready for public review and comment. I'm here today just as a "for information only" item to formally announce that the draft program is ready for review and it is available on the Iowa DOT's website for public to download and review, any questions?

For Information Only.