

**761—910.4(324A) Certification process.**

**910.4(1) Requirement for certification.** All providers are required to request a certification of compliance with the transportation coordination mandate of Iowa Code chapter 324A by submitting the certification application form in the Appendix to this rule plus a copy of a certificate of insurance or documentation of self-insurance. <sup>1</sup>Agencies that provide a mixture of public transit service and other service shall request certification based on that part of their overall operation which is public transit service.

**910.4(2) Form distribution.**

*a. Recipients of state or state-administered funds.* Each state agency in its own funding application or contract process shall require each recipient of funding to submit a request for certification of compliance.

*b. Recipients of other funds.* The department shall contact local governments and federal agencies to determine whether they are funding any providers that are not funded through the state. The department shall send to any providers identified in this way, or by other means, an explanation of the certification requirement and a copy of the certification request form in the Appendix.

**910.4(3) Submission of request forms.**

*a.* Recipients of state funds shall submit both the certification application and the certificate of insurance forms annually to the funding agency.

*b.* Recipients of funds from multiple sources may submit a single request form to all state funding sources if it covers all agency transportation functions.

*c.* Providers not receiving any funds from state agencies shall return their completed forms within 20 working days of receipt.

*d.* Agencies or organizations that receive a form from the department and believe that none of their services fit the definition of public transit services shall respond to the department within 20 working days of receipt, stating this belief and providing a brief description of any passenger transportation service they do provide and why it should not be considered public transit service.

**910.4(4) Incomplete or unreturned request forms.**

*a.* Forms submitted to a state funding agency as part of a funding application shall be reviewed for completeness by that agency within 10 working days.

*b.* Forms submitted directly to the department by its recipients or by providers not receiving state or state-administered funds shall be reviewed for completeness by the modal transportation bureau within 10 working days.

*c.* The reviewing agency shall inform the provider in writing of any information deficiencies and allow 10 working days from receipt for submittal of missing information.

*d.* Each state agency shall report to the council each case in which a provider has failed upon notification to supply the required information within the required time frame.

*e.* All completed request forms submitted to state funding agencies shall be forwarded to the council staff within five working days after verifying completeness.

**910.4(5) Processing requests.**

*a.* The council staff shall evaluate completed requests based on the compliance standards found in rule 910.5(324A) and make a recommendation for a finding of compliance or noncompliance to the council within 20 working days of receiving the completed request form.

*b.* Ten working days prior to the council's scheduled monthly meeting, the council staff shall distribute to each council member and to the respective providers a meeting agenda and copies of all compliance finding recommendations completed since the previous agenda mailing.

*c.* At their monthly meeting the council shall consider the compliance finding recommendations of the staff and may accept the staff recommendations as their recommendations to the director of transportation, change the recommendations and provide a statement of reasons, or defer action pending further review.

*d.* Upon consideration of the council recommendations, the department shall make a final finding of compliance or noncompliance and notify the provider and the state funding agency, if applicable, in writing of the department's decision within five working days after the council meeting.

This rule is intended to implement Iowa Code section 324A.4.

[ARC 3690C, IAB 3/14/18, effective 4/18/18; Editorial change: IAC Supplement 11/29/23]

<sup>1</sup> See Appendix at end of Chapter 910.