

**Department of Transportation and
Iowa Railway Finance Authority
Regulatory Plan
August 1, 2004**

Regulatory Objectives

The Department of Transportation's and the Iowa Railway Finance Authority's current regulatory objectives are to adopt rules that:

- comply with enabling statutes.
- protect the public health, safety, welfare, and environment.
- are reasonable and are not arbitrary, capricious or beyond the authority of the agency.
- do not conflict with the Governor's leadership agenda.

Proposed Regulatory Actions

Following is a list of the Department of Transportation's proposed "regulatory actions" [defined as each potential rule currently under active consideration or development, excluding those rules that do not have a substantial impact on the legal rights, privileges, or duties of persons] that the Department reasonably expects to issue in proposed or final form in fiscal year 2005 or thereafter.

There are no proposed regulatory actions for the Iowa Railway Finance Authority.

SECTION 1, HIGHWAY

Outdoor Advertising

- a. Description: Adopt rules regarding the erection and maintenance of advertising devices along interstate highways pursuant to Iowa Code subsection 306B.2(4) as amended by 2002 Iowa Acts, chapter 1070, section 1.
- b. Legal Basis: Iowa Code chapters 306B and 306C.
- c. Need: Rulemaking for advertising devices along interstate highways is required by 2002 Iowa Acts, chapter 1070, section 2.
- d. Contemplated Schedule: Adopted rules are scheduled to be effective in September 2004.
- e. Contact Person: Steve Westvold, Office of Traffic and Safety, 515-239-1255.

Junkyard Control

- a. Description: Amend the junkyard control rules to remove references to primary highways.
- b. Legal Basis: Iowa Code chapter 306C, Division I, as amended by 2003 Iowa Acts, chapter 8.
- c. Need: 2003 Iowa Acts, chapter 8, limits the DOT's oversight of junkyards to interstate highways only.
- d. Contemplated Schedule: Adopted rules are scheduled to be effective in September 2004.
- e. Contact Person: Steve Westvold, Office of Traffic and Safety, 515-239-1255.

Signing Manual

- a. Description: Adopt the 2003 version of the Manual on Uniform Traffic Control Devices.
- b. Legal Basis: Iowa Code section 321.252.
- c. Need: Iowa Code section 321.252 requires the DOT to adopt a manual for a uniform system of traffic-control devices for use upon highways within this state.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: Tim Crouch, Office of Traffic and Safety, 515-239-1513.

SECTION 2, MOTOR VEHICLE

Vehicle Registration and Certificate of Title

- a. Description: Amend rules related to vehicle registration and certificate of title to:
 - (1) Reflect the amendments made to Iowa Code chapter 321 by 2004 Iowa Acts, Senate File 2070, and make procedural changes needed to implement a new computer system for registering and titling vehicles. Senate File 2070 makes several changes to registration and titling procedures; one significant change permits electronic transactions. The new computer system will be activated in January 2005.
 - (2) Provide for an affidavit of correction to correct information on a title, application for title, damage disclosure statement or other document required for title transfer.
 - (3) Provide for a waiver of penalties imposed on late registration fees for certain vehicle owners who are on active military duty.
- b. Legal Basis: Iowa Code chapter 321 as amended by 2004 Iowa Acts, Senate File 2070, and Senate File 2289.
- c. Need: Several rule changes are needed to accommodate electronic transactions and the new computer system for registering and titling vehicles. Iowa Code section 321.20 requires the DOT to adopt rules on the method for providing signatures on applications made by electronic means. 2004 Iowa Acts, Senate File 2289, section 1, requires the DOT to adopt rules regarding an affidavit of correction. 2004 Iowa Acts, Senate File 2070, section 23, requires the DOT to adopt rules regarding waiver of penalties for certain military personnel on active duty.
- d. Contemplated Schedule: Complete rulemaking in fiscal year 2005.
- e. Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Regulations Applicable to Carriers--Annual Update

- a. Description: Amend the rules regarding regulations applicable to carriers by adopting the most recent annual codifications of 49 CFR Parts 107, 171 to 173, 177, 178, 180, 385, and 390 to 399.
- b. Legal Basis: Iowa Code section 321.449 requires the DOT to adopt rules consistent with the federal motor carrier safety regulations 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 DOT to adopt rules consistent with the federal hazardous materials regulations promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.
- c. Need: Each October, a revised edition of 49 CFR is published. To ensure the consistency required by statute, the DOT annually adopts the specified parts of the most recent annual edition of 49 CFR. The adoption of these regulations by the DOT will extend their enforcement to commercial vehicles operated intrastate unless exempted by statute.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.

- e. Contact Person: Michael Winfrey, Office of Motor Vehicle Enforcement, 515-237-3219.

Interstate Registration and Operation of Vehicles

- a. Description: Adopt rules that define a qualified fleet owner.
- b. Legal Basis: Iowa Code section 326.15 as amended by 2004 Iowa Acts, Senate File 2070, section 32.
- c. Need: Iowa Code section 326.15 as amended by 2004 Iowa Acts, Senate File 2070, section 32, requires the DOT to adopt rules defining a qualified fleet owner. When applying for a refund of apportioned registration fees, a qualified fleet owner may certify to the DOT that the registration plate has been destroyed in lieu of surrendering the plate.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: Ruth Skluzacek, Office of Motor Carrier Services, 515-237-3250.

For-Hire Interstate Motor Carrier Authority--Annual Update

- a. Description: Amend the rules regarding for-hire interstate motor carrier authority by adopting the most recent annual codifications of 49 CFR Parts 365-368 and 370-379.
- b. Legal Basis: Iowa Code chapter 327B.
- c. Need: Each October, a revised edition of 49 CFR is published. The DOT annually adopts the specified parts of the most recent annual edition of 49 CFR.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: Ruth Skluzacek, Office of Motor Carrier Services, 515-237-3250.

SECTION 3, RAIL

- a. Description: Adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment.
- b. Legal Basis: 2004 Iowa Acts, Senate File 2298, section 334.
- c. Need: 2004 Iowa Acts, Senate File 2298, section 334, requires the DOT to adopt rules.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: John Hey, Office of Rail Transportation, 515-239-1653.

SECTION 4, PUBLIC TRANSIT

Coordination of Public Transit Services

- a. Description: Expand the membership and purpose of the Statewide Transportation Coordination Advisory Council.
- b. Legal Basis: Iowa Code chapter 324A.
- c. Need: The need for these changes was identified in the reviews conducted for Executive Order Number 8. Recommendations in both "Iowa in Motion" and "Healthy Iowans 2010" support these changes, as does the council.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.

School Transportation Services Provided by Regional Transit Systems--Annual Update

- a. Description: Update references to federal regulations.
- b. Legal Basis: Iowa Code section 321.377.
- c. Need: Annual update of referenced federal regulations.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2005.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.