

**Department of Transportation and
Iowa Railway Finance Authority**

**Regulatory Plan
August 1, 2006**

Regulatory Objectives

The Department of Transportation'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 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 of Transportation or the Iowa Railway Finance Authority reasonably expects to issue in proposed or final form in fiscal year 2007 or thereafter.

SECTION 1, HIGHWAY

Competitive Quotations for Public Improvement Contracts

- a. Description: Adopt rules prescribing the manner by which government entities, as defined in Iowa Code section 38.2, shall administer Iowa Code section 38.14 concerning public improvement quotations.
- b. Legal Basis: Iowa Code section 314.1A as amended by 2006 Iowa Acts, House File 2713, section 28.
- c. Need: This legislation requires rulemaking.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Larry Jesse, Office of Local Systems, 515-239-1291.

National Bridge Inspection Standards

- a. Description: Adopt rules setting basic inspection policies for highway bridges located on public roads.
- b. Legal Basis: 23 CFR 650.307.
- c. Need: Under this federal regulation, a state transportation department is responsible for the overall bridge inspection program for the state even though bridge inspection responsibilities for local roads are delegated to local jurisdictions under state law.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Bruce Brakke, Office of Bridges and Structures, 515-239-1165.

Rise Program

- a. Description: Amend rules related to administration of the Revitalize Iowa's Sound Economy (RISE) program.
- b. Legal Basis: Iowa Code section 312.2 and Iowa Code chapter 315.
- c. Need: The Department is amending these rules to clarify procedures and requirements.
- d. Contemplated Schedule: Initiate rulemaking by January 1, 2007.
- e. Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

Outdoor Advertising

- a. Description: Amending existing rules pertaining to outdoor advertising as follows:
 - (1) Relax existing restrictions relating to the "daylight" area of intersections, with prior written concurrence from the Federal Highway Administration. A billboard would be allowed in

the daylight area if it would not obstruct motorists' view at the intersection. Currently, billboards are prohibited within the daylight area.

- (2) Clarify the requirements for unzoned commercial or industrial activities, to address the many questions that have arisen regarding the minimum activity required in order to justify a billboard.
 - (3) Delete references to the issuance of permits for municipal, county and school district recognition signs and clarify that these signs qualify as official signs and notices, as authorized in 23 CFR 750.153, which may be erected without Department approval.
 - (4) Clarify that LED faces may be used on fully conforming billboards provided the message is displayed in the minimum required timeframe and is changed in an appropriate manner and within the prescribed timeframe.
- b. Legal Basis: Iowa Code chapter 306C and 2006 Iowa Acts, House File 2525, sections 1-3.
- c. Need: These changes clarify existing rules; implement 2006 Iowa Acts, House File 2525, sections 1-3, which removed the permit requirement for recognition signs; and bring a more common-sense approach to the placement of billboards in the daylight area of intersections.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Lance Stumbo, Office of Traffic and Safety, 515-239-1673.

Logo Signing

- a. Description: Amending existing rules pertaining to logo signing as follows:
- (1) Allow business signs for a single type of service to be placed on more than one service sign in certain situations. This is in response to demand and recent indications that the Federal Highway Administration may provide interim approvals.
 - (2) Allow legally placed outdoor advertising signs to be used as substitutes for official trailblazer signs when engineering standards would be compromised by the placement of official trailblazer signs on public right-of-way.
 - (3) Allow exceptions to distance requirements when service signs have room for additional business signs.
 - (4) Allow 24-hour, card-operated E85 fueling stations to be signed through an exception process. These sites may not meet current requirements for signing.
 - (5) Establish requirements on the hours of operations required and menu items necessary for food services. The current requirements are vague.
 - (6) Establish a minimum number of 20 parking spaces for camping services. There is currently no minimum.
 - (7) In response to public demand, work with the Tourist Signing Committee to revise the current definition of "tourist attraction" to include more types of attractions.
 - (8) Require participating businesses to have and maintain an on-premise sign reflecting the name of the business, which will assist motorists in locating the business.
 - (9) Allow the posting of recreational vehicle (RV) symbols on business signs, which will assist operators of RVs and larger combination vehicles in locating businesses that can accommodate their vehicles.
 - (10) Allow seasonal businesses to incorporate the months and dates of operation on business signs, which will avoid the expense of removing and reinstalling the signs each year.
 - (11) Reduce the minimum letter height on the legend of mainline business signs from ten inches to seven inches. The ten-inch height is overly restrictive; a seven-inch height is legible from the highway.

(12) Add a rule setting out situations which will result in the loss of a business' position on a service sign.

- b. Legal Basis: Iowa Code subsection 306C.11(5) and the Manual of Uniform Traffic Control Devices, Chapter 2F, as adopted in rule 761 IAC 130.
- c. Need: These changes will allow the Department to administer the logo signing program with more flexibility and transparency, which will benefit businesses and motorists.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Brooks Glasnapp, Office of Traffic and Safety, 515-239-1755.

Tourist-Oriented Directional Signing

- a. Description: Clarify the required days and hours a tourist attraction, agricultural business activity or other commercial activity must be open to the public.
- b. Legal Basis: Iowa Code section 321.252.
- c. Need: The current rules have been misunderstood.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Vicki Elscott, Office of Traffic and Safety, 515-239-1700.

SECTION 2, MOTOR VEHICLE

Vehicle Registration and Certificate of Title-Affidavits of Correction

- a. Description: Adopt rules on affidavits of correction to correct information on a title, application for title, damage disclosure statement or other document required for title transfer.
- b. Legal basis: Iowa Code section 321.23A.
- c. Need: Iowa Code section 321.23A requires the Department to adopt rules to administer this section.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Vehicle Registration and Certificate of Title-Waiver of Penalties

- a. Description: Adopt rules regarding a waiver of penalties imposed on late registration fees for certain vehicle owners who are on active military duty.
- b. Legal basis: Iowa Code section 321.134, subsection 5.
- c. Need: Iowa Code section 321.134, subsection 5, requires the Department to adopt rules to implement this subsection.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Abandoned Vehicles

- a. Description: Establish procedures for reimbursement of expenses and costs to a private entity hired to take custody of an abandoned vehicle.
- b. Legal Basis: Iowa Code section 321.89.
- c. Need: Iowa Code section 321.89 requires the Department to establish the reimbursement procedures by rule.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Towing or Recovery Vehicles as Authorized Emergency Vehicles

- a. Description: Adopt rules regarding the designation of towing or recovery vehicles as authorized emergency vehicles.
- b. Legal Basis: Iowa Code section 321.451.

- c. Need: Iowa Code section 321.451 allows the Department to designate a privately owned, towing or recovery vehicle as an authorized emergency vehicle, subject to rules adopted by the Department.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Refunds of Registration Fees

- a. Description: Amend rules regarding refunds of registration fees to address refunds to vehicle owners who move out of state and for lease terminations.
- b. Legal Basis: Iowa Code section 321.126.
- c. Need: Iowa Code section 321.126 provides for such refunds.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Designations on Titles

- a. Description: Amend the rules on title designations, such as prior salvage, rebuilt, flood, fire, vandalism and theft.
- b. Legal Basis: Iowa Code sections 321.24 and 321.52
- c. Need: The designations need to be revised to be compatible with the National Motor Vehicle Title Information System.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Manufactured or Mobile Home Retailers, Manufacturers and Distributors

- a. Description: Rescind rules pertaining to the licensing of manufactured or mobile home retailers, manufacturers and distributors by the Department.
- b. Legal Basis: 2006 Iowa Acts, Senate File 2394.
- c. Need: This legislation shifts the responsibility for licensing manufactured and mobile home retailers, manufacturers and distributors from the Department to the State Building Code Commissioner.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Vehicle Registration and Certificate of Title

- a. Description: Amend existing rules pertaining to:
 - (1) Reassignment of salvage titles and salvage vehicle definition.
 - (2) Registration fee credits for leased vehicles.
 - (3) Titles issued with security interests under Iowa Code section 321.109.
 - (4) Where registration and title may be obtained.
 - (5) Waiver of replacement plate fee.
- b. Legal Basis: 2006 Iowa Acts, House Files 2362, 2525, and 2654.
- c. Need: Amend existing rules so they are compatible with legislation enacted in 2006.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Contact Person: Tina Hargis, Office of Vehicle Services, 515-237-3110.

Driver's License-General

- a. Description: Amend rules relating to driver's licenses to:
 - (1) Implement the provisions of 2005 Iowa Acts, chapter 8, regarding license issuance and license suspension for minors who do not attend school.
 - (2) Revise some endorsement and restriction codes on driver's licenses, change Class M (motorcycle) to motorcycle only, and institute a motorcycle endorsement that can be added to other license classes.
 - (3) Provide that the Department may require a person subject to suspension under Iowa Code section 321.210C to complete a driver improvement program in lieu of suspension.
 - (4) Amend the qualifications for a driver's education teacher and a behind-the-wheel instructor to remove the restriction that the driver's license held by the individual must be an Iowa license.
 - (5) Amend the rule pertaining to remedial driver improvement action under Iowa Code section 321.180B to reflect the provisions of 2006 Iowa Acts, House File 2525, section 24.
 - (6) Amend rules as needed to reflect other legislative changes and to correct language that is out-of-date.
- b. Legal Basis: Iowa Code chapter 321.
- c. Need:
 - (1) Iowa Code section 321.213B requires the Department to establish procedures by rule for license suspension and license issuance for minors who do not attend school.
 - (2) The changes in endorsements and restriction codes, the restriction of Class M to motorcycle only, and the addition of a motorcycle endorsement will provide consistency with other states and should be transparent to licensees.
 - (3) The goal of the driver improvement program is to improve driving behavior.
 - (4) The Department has waived the Iowa driver's license requirement for driver's education teachers and behind-the-wheel instructors several times. A permanent rule change is warranted.
 - (5) The rules should accurately reflect the instances in which the Department is required under Iowa Code section 321.180B to take remedial driver improvement action.
 - (6) The rules were reviewed for agreement with statutes and for obsolescence.

- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Terry Dillinger, Office of Driver Services, 515-237-3153.

Driver's License Vision Standards and Screening

- a. Description: Amend rules relating to driver's license vision standards and vision screening to clarify the definition of unrestricted field of vision and to bring these standards up to date with current recommendations from medical and transportation safety experts.
- b. Legal Basis: Iowa Code chapter 321.
- c. Need: To ensure these standards are effective and relevant to today's driving environment.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Terry Dillinger, Office of Driver Services, 515-237-3153.

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 2007.
- e. Contact Person: Dave Lorenzen, Office of Motor Vehicle Enforcement, 515-237-3219.

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 2007.
- e. Contact Person: Ruth Skluzacek, Office of Motor Carrier Services, 515-237-3250.

Vehicles of Excess Size and Weight

- a. Description: Amend rules to allow the transfer of a current annual oversize/overweight permit to a replacement vehicle when the original vehicle has been damaged in an accident, junked or sold.
- b. Legal Basis: Iowa Code subsection 321E.8(2).
- c. Need: The purpose of this amendment is to allow the full-12 month use of an annual oversize/overweight permit when due to unforeseen circumstances, the original vehicle is unable to operate the entire duration of the permit.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Ruth Skluzacek, Office of Motor Carrier Services, 515-237-3250.

SECTION 3, RAIL

Rail Assistance Program and Railroad Revolving Loan Fund Program

- a. Description: Rescind rules pertaining to the rail assistance program and the railroad revolving loan fund program.
- b. Legal Basis: Iowa Code chapter 327H.
- c. Need: The rules are no longer needed. The two programs have been replaced by the railroad revolving loan and grant fund program. Rules have been adopted for this new program, which is administered by the Iowa Railway Finance Authority.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Jon Hey, Office of Rail Transportation, 515-239-1653.

Iowa Railway Finance Authority

- a. Description: Amend existing Iowa Railway Finance Authority project rules, excluding rules pertaining to the railroad revolving loan and grant fund program.
- b. Legal Basis: Iowa Code chapter 327I.
- c. Need: The purpose of the amendments is to streamline existing IRFA project rules.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Jon Hey, Office of Rail Transportation, 515-239-1653.

SECTION 4, PUBLIC TRANSIT

Public Transit Infrastructure Grant Fund

- a. Description: Adopt rules to specify criteria that must be included in a grant application for public transit infrastructure grant funds.
- b. Legal Basis: 2006 Iowa Acts, House File 2782, section 55.
- c. Need: This legislation requires rulemaking.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.

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 2007.
- 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 2007.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.

State and Federal Transit Assistance

- a. Description: Amend the rules to reflect current practices, to eliminate a penalty clause relating to late execution of joint participation agreements, and to shorten the rule on advance allocations of formula funds.
- 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. The penalty clause is inappropriate as it would ultimately affect the public who ride the buses more than the administrator who might be to blame for the delay. The level of detail regarding advance allocations is no longer needed.

- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.

SECTION 5, AVIATION

Iowa Airport Registration

- a. Description: Amend the rule that establishes minimum state safety standards for public use airports.
- b. Legal Basis: Iowa Code sections 328.19 and 328.35.
- c. Need: The Department is updating this rule to assure that the minimum safety standards are comprehensive, easy to understand and provide safe landing areas at public use airports.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Michelle McEnany, Office of Aviation, 515-239-1659.

Iowa Aircraft Registration

- a. Description: Amend rules related to registering aircraft in the state.
- b. Legal Basis: Iowa Code sections 328.20 to 328.38 and 328.42 to 328.56A.
- c. Need: The Department is amending these rules to correct contact information and clarify and streamline procedures.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Michelle McEnany, Office of Aviation, 515-239-1659.

SECTION 6, TRAILS

Recreational Trails Program

- a. Description: Amend rules related to administration of the recreational trails program.
- b. Legal Basis: Iowa Code chapter 465B.
- c. Need: The Department is amending these rules to correct contact information and clarify and streamline procedures.
- d. Contemplated Schedule: Initiate rulemaking by January 1, 2007.
- e. Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

SECTION 7, ADMINISTRATION AND MISCELLANEOUS

Declaratory Orders

- a. Description: Amend the rules pertaining to declaratory orders to clarify what declaratory orders are and the process for seeking them.
- b. Legal Basis: Iowa Code chapter 17A.
- c. Need: The purpose of the amendments is to clear up some confusion regarding the declaratory order process.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2007.
- e. Contact Person: Tracy George, Office of Policy and Legislative Services, 515-239-1358.