

## **Iowa Department of Transportation**

### **Regulatory Plan**

**July 2013**

### **Regulatory Objectives**

The Iowa 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.

### **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 Iowa Department of Transportation reasonably expects to issue in proposed or final form in fiscal year 2014 or thereafter.

## **SECTION 1, HIGHWAY**

### **RISE Program**

Description: Amend rules related to administration of the Revitalize Iowa's Sound Economy (RISE) program. This will affect 761 IAC Chapter 163.

Legal Basis: Iowa Code section 312.2 and Iowa Code chapter 315.

Need: The department is amending these rules to clarify procedures and requirements and update contact information.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

### **Iowa Scenic Byway Program**

Description: Amend rules related to administration of the Iowa Scenic Byway program. This will affect 761 IAC Chapter 132.

Legal Basis: Iowa Code chapter 306D.

Need: The department is amending these rules to clarify procedures and requirements and to update contact information. In addition, 2013 Iowa Acts, Senate File 452, section 22, modified Iowa Code section 306D.4 related to advertising along scenic highways. The need for rulemaking regarding this legislative action will be reviewed in consultation with the Highway Division's Office of Traffic and Safety.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

### **Tourist-Oriented Directional Signing**

Description: Amend the tourist-oriented directional signing rules. This will affect 761 IAC Chapter 119.

Legal Basis: Iowa Code section 321.252.

Need: To ease some restrictions on small businesses interested in qualifying for the program.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Brooks Glasnapp, Office of Traffic and Safety, 515-239-1255.

### **Private Directional Signing**

Description: Amend the private directional signing rules. This will affect 761 IAC Chapter 120.

Legal Basis: Iowa Code sections 306.19 and 306C.10.

Need: To ease some restrictions on small businesses interested in qualifying for the program.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Brooks Glasnapp, Office of Traffic and Safety, 515-239-1255.

### **Automated Traffic Enforcement on the Primary Road System**

Description: Adopt new rule chapter establishing the requirements, procedures and responsibilities in the use of automated traffic enforcement systems on the primary road system.

Legal Basis: Iowa Code sections 307.12, 321.348, 321.366 and Iowa Code chapter 318.

Need: To ensure consistent, statewide use of automated traffic enforcement systems, for fixed and mobile automated traffic enforcement.

Contemplated Schedule: Complete rulemaking in FY 2014.

Contact Person: Steve Gent, Office of Traffic and Safety, 515-239-1129.

## **SECTION 2, MOTOR VEHICLE**

### **Motor Vehicle Records**

Description: Amend rules related to release of motor vehicle records in bulk form. Motor vehicle records include any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or the county treasurer. This will affect 761 IAC Chapters 610 and 611.

Legal Basis: Iowa Code chapter 22, Iowa Code sections 321.11 and 321A.3, and the Driver's Privacy Protection Act, 18 U.S.C. sections 2721-2725 ("DPPA").

Need: Amend rules to provide agreements and mode of delivery appropriate and specific to records delivered in bulk format.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Mark Lowe, Motor Vehicle Division, 515-237-3121.

## **Regulations Applicable to Carriers—Annual Update**

Description: Amend 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. This will affect 761 IAC 520.1.

Legal Basis: Iowa Code section 321.449 requires the department 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 department to adopt rules consistent with the federal hazardous materials regulations promulgated under United States Code, Title 49, found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Need: Each October, a revised edition of 49 CFR is published. To ensure the consistency required by statute, the department annually adopts the specified parts of the most recent annual edition of 49 CFR. The adoption of these regulations by the department will extend their enforcement to commercial vehicles operated intrastate unless exempted by statute.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

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

## **For-Hire Interstate Motor Carrier Authority—Annual Update**

Description: Amend rules regarding for-hire interstate motor carrier authority by adopting the most recent annual codifications of 49 CFR Parts 365-368 and 370-379. This will affect 761 IAC 529.1.

Legal Basis: Iowa Code chapter 327B.

Need: Each October, a revised edition of 49 CFR is published. The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Andy Lewis, Office of Vehicle and Motor Carrier Services, 515-237-3325.

## **Commercial Driver Licensing – Annual Update**

Description: Amend rules regarding commercial driver licensing by adopting the most recent annual codifications of 49 CFR Section 391.11, 49 CFR Section 392.5 and the following portions of 49 CFR Part 383: (1) Section 383.51(b), Disqualification for major offenses, and Section 383.51(a)(5), Reinstatement after lifetime disqualification; (2) Subpart E—Testing and Licensing Procedures, which contains Sections 383.71-383.77; (3) Subpart G—Required Knowledge and Skills, which contains Sections 383.110-383.123; (4) Subpart H—Tests, which contains Sections 383.131-383.135. This will affect 761 IAC 607.10.

Legal Basis: Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

Need: Each October, a revised edition of 49 CFR is published. The department annually adopts the specified parts of the most recent annual edition of 49 CFR.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

### **Driver Records**

Description: Amend rules to reflect statutory changes to Iowa Code section 321A.3(8) which amend the "single-use" restriction for certified abstracts of operating records that are purchased from the department to allow for certain insurance industry uses. This will affect 761 IAC 610.4.

Legal Basis: 2009 Iowa Acts, Chapter 126, amended Iowa Code section 321A.3(8).

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

### **Driver Licensing – Identity Theft**

Description: Develop rules related to the removal of inaccurate information from a person's driving record due to identity theft.

Legal Basis: 2009 Iowa Acts, Chapter 124, section 2, created Iowa Code section 321.200A.

Need: The legislation requires the department to adopt rules to implement a program for investigation of identity theft that results in convictions or sanctions being entered against a person that did not commit the underlying offense, and for removal of those convictions or sanctions from the person's driving record.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010 and Paul Steier, Office of Motor Vehicle Enforcement, 515-237-3260.

### **Driver Licensing – Commercial Driver's License Skills Testing by Community Colleges**

Description: Amend rules to allow community colleges to administer the driving skills test required to receive a commercial driver's license (CDL). Community college skills testing will be limited to the school's own students. This will affect 761 IAC Chapter 607.

Legal Basis: Iowa Code section 321.187(2).

Need: The department is amending rules to decrease costs and improve efficiency.

Contemplate Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Commercial Driver Licensing – Reopening Hearing on Disqualification**

Description: Amend rules related to reopening an operating while intoxicated hearing to include the contest of a CDL disqualification in the circumstances permitted by Iowa Code section 321J.13(6). This will affect 761 IAC 620.4.

Legal Basis: 2009 Iowa Acts, Chapter 130, section 15, amended Iowa Code section 321J.13(6) .

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Licensing - Online Renewal**

Description: Amend rules related to renewing a valid driver's license (other than a commercial driver's license) electronically. This will affect 761 IAC Chapters 601 and 604.

Legal Basis: 2013 Iowa Acts, House File 355, section 1, amended Iowa Code section 321.196.

Need: The legislation allows for the electronic renewal of driver's licenses after the necessary rules are adopted.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Licensing – Increase Period of Validity to 8 years**

Description: Amend rules related to the period of validity of driver's licenses and nonoperator's identification cards. This will affect 761 IAC Chapters 602, 605, 607 and 630.

Legal Basis: 2013 Iowa Acts, Senate File 224, sections 2 and 4, amend Iowa Code sections 321.190 and 321.196. 2013 Iowa Acts, House File 355, section 2, also includes transition language for five-year to eight-year renewals of driver's licenses and nonoperator's identification cards.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Education**

Description: Amend rules regarding qualification and certification of driver's education instructors and behind-the-wheel instructors. This will affect 761 IAC Chapter 634.

Legal Basis: 2010 Iowa Acts, Chapter 1075, section 1, amended Iowa Code section 321.178.

Need: The department is amending the rules to remain consistent with the statutory directive.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Education – Parent Teachers**

Description: Add rules to allow for a teaching parent to teach a driver education course. This will affect 761 IAC Chapter 634.

Legal Basis: 2013 Iowa Acts, House File 215, section 100, created new Iowa Code section 321.178A and House File 215, section 101, amended Iowa Code section 321.180B(2).

Need: The legislation requires the department to adopt rules to allow for a teaching parent, who meets the necessary requirements, to instruct a student in a driver education course.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Services Legislation – Temporary Restricted Licenses and Ignition Interlock Devices (IIDs)**

Description: Amend rules to transfer district courts' authority to grant the issuance of a temporary restricted license for individuals whose driving privileges have been sanctioned, to the department, and expand the issuance of temporary restricted licenses to repeat offenders that have installed IIDs. This will affect 761 IAC Chapter 620.

Legal Basis: 2010 Iowa Acts, Chapter 1097, amended Iowa Code sections 321.215, 321J.4(9) and 321J.20, to allow the issuance of a temporary restricted license by the department, and Iowa Code sections 321J.4, 321J.9 and 321J.12 regarding eligibility and IID requirements.

Need: The department is amending rules to implement this legislation in compliance with the statutory amendments.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Driver Services Legislation – Electronic Device Use by Minors on Restricted or Graduated Driver's Licenses**

Description: Amend rules to prohibit the use of cell phones or other hand-held electronic devices while operating a motor vehicle on an instruction permit, intermediate license, school permit, or minor's restricted license. This will affect 761 IAC Chapter 615.

Legal Basis: 2010 Iowa Acts, Chapter 1105, amended Iowa Code sections 321.178 and 321.180B, and created Iowa Code section 321.276.

Need: The department is amending rules to implement restrictions for these licenses and sanctions for these violations to remain consistent with the statutory directives.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **Motor Carrier Legislation – Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight**

Description: Amend rules to comply with the legislative changes made in Iowa Code chapter 321E concerning excessive size and weight permits. Also, amend rules to provide for economic export corridors for the transportation of goods or products manufactured in Iowa to or through South Dakota and for the return of unladen semitrailers or unladen full trailers used for the transportation of those goods or services. This will affect 761 IAC Chapter 511.

Legal Basis: 2012 Iowa Acts, Chapter 1090, amended Iowa Code section 321.457(2). 2013 Iowa Acts, Senate File 355, amended Iowa Code section 321.374 and Iowa Code chapter 321E.

Need: The department is amending rules concerning permits for the movement of oversize/overweight vehicles to comply with legislative directives.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Tina Hargis, Office of Vehicle and Motor Carrier Services, 515-237-3175.

## **Motor Carrier Legislation – Staggered Registration of Motor Vehicles Registered Under the International Registration Plan**

Description: Amend rules related to the registration of commercial motor vehicles under the International Registration Plan to change from an annual registration process to a staggered registration process. This will affect 761 IAC Chapter 500.

Legal Basis: 2012 Iowa Acts, Chapter 1093, amended various Iowa Code sections within Iowa Code chapters 321, 321F, and 326 relating to registration of apportioned vehicles.

Need: The department is amending rules concerning registration of apportioned vehicles to comply with legislative directives.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Tina Hargis, Office of Vehicle and Motor Carrier Services, 515-237-3175.

### **Driver Services Legislation – Sanctions for Persons Failing to Change Lanes or Reduce Speed**

Description: Add rules related to driving sanctions imposed for a conviction of the motor vehicles laws to include suspensions for convictions under Iowa Code section 321.323A, approaching certain stationary vehicles. This will affect 761 IAC Chapter 615.

Legal Basis: 2012 Iowa Acts, Chapter 1083, amended Iowa Code section 321.323A to require suspensions for convictions where the violation caused property damage, personal injury, or death.

Need: The department is amending rules concerning sanctions to comply with legislative directives.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

### **Driver Services Legislation – Veteran’s Designation on Driver’s License or Nonoperator’s Identification Card**

Description: Add rules regarding the content of a person’s driver’s license or nonoperator’s identification card to allow authorized persons to request and display a "veteran" designation on the face of the card. This will affect 761 IAC Chapters 601, 605 and 630.

Legal Basis: 2012 Iowa Acts, Chapter 1091, amended Iowa Code sections 321.189 and 321.190 to allow authorized persons to request a veteran’s designation on a driver’s license or nonoperator’s identification card, either at initial issuance or upon renewal. 2013 Iowa Acts, Senate File 224, sections 1 and 2, amended Iowa Code sections 321.189 and 321.190 to allow for authorized persons to request a veteran's designation by requesting a duplicate and paying the fee.

Need: The department is amending rules to comply with legislative directives.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

### **Driver Services Legislation – Fee Change on Duplicate Driver’s License or Nonoperator’s Identification Card**

Description: Amend rules to correct the duplicate fee for driver’s license and nonoperator’s identification cards to \$10. This will affect 761 IAC Chapters 605 and 630.

Legal Basis: 2013 Iowa Acts, Senate File 224, section 3, amended Iowa Code section 321.195.

Need: The department is amending rules to comply with legislative directives. This also includes consulting with the technology vendor to accommodate the fee changes.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

### **Driver Services – Motor Vehicle Financial Responsibility - SR-22**

Description: Amend rules to mandate insurance companies to electronically file proof of financial responsibility. This will affect 761 IAC Chapters 615 and 640.

Legal Basis: Iowa Code chapters 321A and 554D.

Need: The department is amending rules and developing procedures to accommodate the electronic submission of documents to streamline processes and create administrative efficiencies.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Kim Snook, Office of Driver Services, 515-237-3010.

## **SECTION 3, RAIL**

### **Reporting of Railroad Accidents/Incidents**

Description: Amend rules related to the reporting of railroad accidents and incidents. This will affect 761 IAC Chapter 802.

Legal Basis: Iowa Code section 327C.37.

Need: The department is amending rules to update the criteria for when a railroad is required to notify the department of an incident and to update the method of immediate reporting to the department.

Contemplate Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Tammy Nicholson, Office of Rail Transportation, 515-239-1052.

### **Railroad Safety Standards**

Description: Amend rules related to railroad worker transportation. This will affect 761 IAC Chapter 810.

Legal Basis: 2013 Iowa Acts, Senate File 340, amended Iowa Code section 327F.39 and created new Iowa Code section 321.449A.

Need: The department is amending rules to establish rest periods for rail crew transport drivers to comply with the statutory directive.

Contemplate Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Tammy Nicholson, Office of Rail Transportation, 515-239-1052.

## **Railroad Revolving Loan and Grant Fund Program**

Description: Amend rules related to the Railroad Revolving Loan and Grant Fund Program. This will affect 761 IAC Chapter 822.

Legal Basis: Iowa Code section 327H.20A.

Need: The department is amending rules to allow increased flexibility to use funds for planning activities consistent with legislative appropriations.

Contemplated schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Tammy Nicholson, Office of Rail Transportation, 515-239-1052.

## **SECTION 4, PUBLIC TRANSIT**

### **School Transportation Services Provided by Regional Transit Systems—Annual Update**

Description: Update references to federal regulations. This will affect 761 IAC Chapter 911.

Legal Basis: Iowa Code section 321.377.

Need: Annual update of referenced federal regulations.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

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

## **SECTION 5, TRAILS**

### **Recreational Trails Program**

Description: Amend rules related to administration of the recreational trails program. This will affect 761 IAC Chapter 165.

Legal Basis: Iowa Code chapter 465B.

Need: The department is amending these rules to clarify procedures and requirements and to update contact information.

Contemplated Schedule: Initiate rulemaking in fiscal year 2014.

Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

## **SECTION 6, ADMINISTRATION AND MISCELLANEOUS**

### **Public Records and Fair Information Practices**

Description: Amend the rule chapter regarding public records and fair information practices to update contact information and correct references to the department's Records Management Manual. The department also plans to review the entire chapter to determine if the procedures regarding public access to department records should be revised and listing of confidential department records modified. This will affect 761 IAC Chapter 4.

Legal Basis: Iowa Code chapter 22.

Need: The chapter was last revised in 2003, and it needs to be thoroughly reviewed and brought up to date.

Contemplated Schedule: Complete rulemaking in fiscal year 2014.

Contact Person: Barb Espeland, Information Technology Division, 515-239-1640.