

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

**Regulatory Plan  
August 1, 2008**

**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.

**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 2009 or thereafter.

## **SECTION 1, HIGHWAY**

### **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, 2009.
- e. Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

### **Iowa Scenic Byway Program**

- a. Description: Amend rules related to administration of the Iowa Scenic Byway program.
- b. Legal Basis: Iowa Code chapter 306D.
- c. Need: The Department is amending these rules to clarify procedures and requirements and to update contact information.
- d. Contemplated Schedule: Initiate rulemaking by January 1, 2009.
- e. Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

## **SECTION 2, MOTOR VEHICLE**

### **Motor Vehicle Records**

- a. Description: Amend rules related to release of motor vehicle records. 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.
- b. Legal Basis: Iowa Code chapter 22, Iowa Code section 321.11, Iowa Code section 321A.3, and the Driver's Privacy Protection Act, 18 U.S.C. §§ 2721-2725 ("DPPA").
- c. Need: The Department is amending these rules to clarify when personal information and highly restricted personal information, as those terms are defined by the DPPA, may be released by the Department and to clarify the process for releasing such information from its motor vehicle records.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2009.
- e. Contact Person: Shirley Andre, Motor Vehicle Division, 515-237-3121.

### **Driver's License Vision Standards and Screening**

- a. Description: Amend rules relating to driver's license vision standards and vision screening 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 2009.
- e. Contact Person: Kim Snook, Office of Driver Services, 515-237-3253.

### **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 2009.
- 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 2009.
- e. Contact Person: Bruce Schuck, Office of Motor Carrier Services, 515-237-3250.

**Unified Carrier Registration System**

- a. Description: Amend rules to replace the single state registration system (SSSR) for motor carriers with the unified carrier registration system (UCR). The UCR replaces the SSSR.
- b. Legal Basis: Iowa Code section 327B.1.
- c. Need: To conform to Iowa Code section 327B.1.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2009.
- e. Contact Person: Bruce Schuck, Office of Motor Carrier Services, 515-237-3250.

## **SECTION 3, RAIL**

### **Close-Clearance Warning Devices**

- a. Description: Adopt rules to implement 2007 Iowa Acts, Senate File 472. This bill requires railroads to post warning devices at locations of close clearance along railroad tracks.
- b. Legal Basis: 2007 Iowa Acts, Senate File 472.
- c. Need: The legislation requires the Department to adopt rules.
- d. Contemplated Schedule: Notice of Intended Action was published in the July 30, 2008, Iowa Administrative Bulletin.
- e. Contact Person: Diane McCauley, Office of Rail Transportation, 515-239-1670.

## **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 2009.
- 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 2009.
- 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 2009.
- e. Contact Person: Michelle McEnany, Office of Public Transit, 515-239-1659.

## **SECTION 5, 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 in fiscal year 2009.
- e. Contact Person: Craig Markley, Office of Systems Planning, 515-239-1027.

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

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

- a. Description: Amend the rule chapter regarding public records and fair information practices to update contact information and correct references to the DOT's Records Management Manual. The DOT also plans to review the entire chapter to determine if the procedures regarding public access to DOT records should be revised and listing of confidential DOT records modified.
- b. Legal Basis: Iowa Code chapter 22.
- c. Need: The chapter was last revised in 2003, and it needs to be thoroughly reviewed and brought up to date.
- d. Contemplated Schedule: Initiate rulemaking in fiscal year 2009.
- e. Contact Person: Dena Gray-Fisher, Office of Media and Marketing Services, 515-239-1922; and Bruce Dutton, Office of Document Services, 515-239-1941.