

## **Iowa Department of Transportation's**

### **Regulatory Plan**

**July 2015**

### **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 2016 or thereafter.

## **SECTION 1, HIGHWAY RELATED**

### **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: Complete rulemaking in fiscal year 2016.

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, Chapter 140, 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: Complete rulemaking in fiscal year 2016.

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

## **SECTION 2, MOTOR VEHICLE RELATED**

### **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 2016.

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 2016.

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 2016.

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 2016.

Contact Person: Paul Steier, Bureau of Investigation and Identity Protection, 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 2016.

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

### **Driver Licensing – Commercial Driver's License Skills Testing by Third-Party Testers**

Description: Amend rules to allow third-party testers to administer driving skills tests required to receive a CDL. This will affect 761 IAC Chapter 607.

Legal Basis: 2014 Iowa Acts, Chapter 1123, sections 13, 23 and 25. *Note:* Section 13 is repealed on May 30, 2019.

Need: The legislation requires the department to adopt rules to allow third-party testers to administer driving tests for individuals needing a CDL. This requirement is repealed on May 30, 2019.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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 2016.

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 2016.

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 conform to legislation that transferred district courts' authority to grant the issuance of a temporary restricted license for individuals whose driving privileges have been sanctioned, to the department, and expanded 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 conform with the legislation and new procedure established in compliance with the statutory amendments.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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 conform to legislation that prohibits 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 conform with the legislation and new procedure established in compliance with the statutory directives.

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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. Additionally, amend rules to reflect that annual permits may be issued for vehicles with divisible loads of bagged livestock bedding. This will affect 761 IAC Chapter 511.

Legal Basis: 2012 Iowa Acts, Chapter 1090, amended Iowa Code section 321.457(2). 2013 Iowa Acts, Chapter 49, amended Iowa Code section 321.374 and Iowa Code chapter 321E. 2015 Iowa Acts, Senate File 257, section 3, amended Iowa Code section 321E.14 and 2015 Iowa Acts, House File 635, section 35, amended Iowa Code section 321E.29.

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 2016.

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. Also amend rules to reduce the penalty structure for late filing and late payment to five percent of the Iowa fee only. 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. 2015 Iowa Acts, House File 635, sections 40 and 41, amended Iowa Code sections 326.14 and 326.16.

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

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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 the legislation and conform with the procedure established in compliance with the statutory directives.

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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 2016.

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

### **Issuance of Regular Registration Plates for Official Vehicle**

Description: Establish rules governing the issuance of regular registration plates for official vehicles owned and operated by state, county, local, and federal agencies. This will affect 761 IAC Chapter 401.

Legal Basis: 2015 Iowa Acts, House File 635, section 32, amended Iowa Code section 321.19.

Need: At the request of the governor, the department in the fall of 2014 completed a study and report regarding the issuance of regular registration plates for official vehicles. The department determined and recommended that a formal and consistent application process that requires certification of authorized use of regular registration plates for official vehicles should be established through a formal rulemaking process under Iowa Code chapter 17A to ensure use within the parameters of Iowa Code section 321.19.

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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

### **Motorized Bicycle**

Description: Amend rules regarding the maximum speed that a motorized bicycle by law can operate. This will affect 761 IAC 400.58(1).

Legal Basis: 2014 Iowa Acts, Chapter 1023, section 1, amended Iowa Code section 321.1.

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

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **National Motor Vehicle Title Information System**

Description: Adopt rules concerning the National Motor Vehicle Title Information System. Include rules requiring the submission and retention of records not required by 28 CFR Section 25.56 and rules requiring the applicant for a motor vehicle recycler license to provide proof of registration. This will affect 761 IAC Chapter 431.

Legal Basis: 2015 Iowa Acts, House File 563, sections 7 and 9, amended Iowa Code chapter 321H.

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

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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

### **Display of Motor Vehicles at State Fair**

Description: Amend rules to reflect that motor vehicles may be displayed or offered for sale, and the sale of the vehicle may be negotiated at the state fair, if the state fair is within the motor vehicle dealer's community. This will affect 761 IAC Chapter 425.

Legal Basis: 2015 Iowa Acts, House File 635, Section 38, amended Iowa Code section 322.5.

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

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Use of Dealer Plate for Hauling and Towing**

Description: Amend rules to allow use of a special-use dealer license plate for hauling and towing purposes. This will affect 761 IAC 425.70.

Legal Basis: 2014 Iowa Acts, Chapter 1123, sections 27 and 28, amended Iowa Code sections 321.57 and 321.60.

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

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Address Confidentiality on Certain Persons' Driver's Licenses and Identification Cards**

Description: Amend rules to reflect that a post office box may be listed on a driver's license or nonoperator's identification card if a person is certified with the Secretary of State as an address confidentiality program participant. This will affect 761 IAC 601.5.

Legal Basis: 2015 Iowa Acts, House File 585, added Iowa Code section 9.8 and Iowa Code chapter 9E.

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

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Minors' School Licenses**

Description: Amend rules related to the calculation of the 12-month period of time a minor's school license applicant must hold an instruction permit. Also amend rules related to the issuance of a minor's school license to a student whose parents are divorced or legally separated. This will affect 761 IAC Chapter 602.

Legal Basis: Iowa Code section 321.194.

Need: The department is amending the rules to more adequately reflect current practice and the requirements of Iowa Code section 321.194.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

## **SECTION 3, RAIL RELATED**

### **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.

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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, Chapter 47, 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.

Contemplated Schedule: Initiate rulemaking in fiscal year 2016.

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 2016.

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

## **SECTION 4, PUBLIC TRANSIT RELATED**

### **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: Complete rulemaking in fiscal year 2016.

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

### **Coordination of Public Transit Services**

Description: Amend rules related to the coordination of transit services. This will affect 761 IAC Chapter 910.

Legal Basis: Iowa Code section 324A.5.

Need: Rules need to be updated to reflect current DOT organization and to streamline processes.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **State Transit Assistance**

Description: Amend rules related to state transit assistance. This will affect 761 IAC Chapter 920.

Legal Basis: Iowa Code section 324A.6.

Need: Rules need to be updated to reflect current DOT organization and to streamline processes.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Advanced Allocations of State Transit Assistance Funding**

Description: Amend or rescind rules related to advance allocations of state transit assistance funding. This will affect 761 IAC Chapter 921.

Legal Basis: Iowa Code section 324A.6(4).

Need: Rules need to be updated to reflect current DOT organization and to streamline processes. Depending on completion of review process, it may be determined that the rules are no longer necessary.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Federal Transit Assistance**

Description: Amend or rescind rules related to federal transit assistance. This will affect 761 IAC Chapter 922.

Legal Basis: Iowa Code section 324A.5.

Need: Rules need to be updated to reflect current DOT organization and federal references. Depending on completion of review process, it may be determined that the rules are no longer necessary.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

### **Capital Match Revolving Loan Fund**

Description: Amend rules related to the Capitol Match Revolving Loan Fund. This will affect 761 IAC Chapter 923.

Legal Basis: 1985 Iowa Acts, chapter 265.

Need: Rules need to be updated to reflect current DOT organization and to streamline processes.

Contemplated Schedule: Complete rulemaking in fiscal year 2016.

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

## **SECTION 5, TRAILS RELATED**

### **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: Complete rulemaking in fiscal year 2016.

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