

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	Transportation	Date:	12-7-2023	Total Rule Count:	1
IAC #:	761	Chapter/ SubChapter/ Rule(s):	111	Iowa Code Section Authorizing Rule:	316.9
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Iowa Code section 316.9 requires the Department to adopt administrative rules to assure compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). To comply with this rule making requirement, the Department adopts by reference Section II of the manual entitled "Uniform Manual, Real Property Acquisition and relocation Assistance." This manual, which is published by the Department, is based on federal regulations, 49 CFR Part 24, which implement the Uniform Act.

Is the benefit being achieved? Please provide evidence.

Yes, the Federal Highway Administration routinely audits the State of Iowa and local public agencies to ensure compliance with the federal rule. There have been no reported issues.

What are the costs incurred by the public to comply with the rule?

The cost to the public is associated with staff time to implement the processes.

What are the costs to the agency or any other agency to implement/enforce the rule?

Costs to the Department directly associated with the rule chapter includes the staff time associated with the process of acquiring and relocating individuals impacted by the highway improvement project. District court, county sheriffs and county recorders could also incur staff time costs.

Do the costs justify the benefits achieved? Please explain.

Yes. Failure to comply with federal regulations could jeopardize future federal participation of funding for projects.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

This chapter adopts a federal requirement mandate and is required in Iowa Code section 316.9.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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None noted.

RULES PROPOSED FOR REPEAL (list rule number[s]):

N/A

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

111

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	4
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	2

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted.