

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

Department Name:	Transportation	Date:	February 26, 2024	Total Rule Count:	8
IAC #:	761	Chapter/ SubChapter/ Rule(s):	116	Iowa Code Section Authorizing Rule:	306C.2 306C.3 306C.4 306C.6
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

1. Comply with a federal act to preserve highway funding. The 23 U.S.C. Section 136 contains a 7-percent reduction penalty on the annual federal-aid highway apportionment if effective control is not achieved and maintained.
2. Protect the public traveler from viewing junkyards along the National Highway System in rural and residential areas.
3. Provide some definitions and screening standards necessary for the proper implementation of Iowa Code chapter 306C, subchapter 1.

Is the benefit being achieved? Please provide evidence.

Federal highway funds have not ever been penalized. The Federal Highway Administration has not identified any areas of concern.

This program is not very active, due in part because there are not very many junkyards left in rural and residential areas along and in view of a road that is on the National Highway System. When a complaint about a junkyard is submitted by a citizen or local official, the Department investigates and works with the owner on installing an effective screen, if necessary for the location. For these sites, the public has benefited by experiencing an improved roadside view along the highway. For example, several years ago, a junkyard developed on the north side of I-80 near the west Waukee exit in a non-industrial area. The site was subsequently screened from view with a green fence after contact from the Department.

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

Junkyard operations which are established along the National Highway System in areas which are not zoned industrial will need to be screened at the owner's expense. This requirement was in place with the previous chapter, dating back to 1972, and continues in the re-promulgated chapter. The costs vary according to the size of the area to be screened and the natural terrain adjacent to the highway. The Department defers, to an extent, to the owner on ideas for screening, but reviews proposals and installations to ensure that they will effectively screen the site within a reasonable time frame. In recent years, the Department has had less than one case-per-year of junkyard rule enforcement.

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

The costs are minimal due to the low amount of enforcement activity. One full-time employee for the Department spends approximately 5-percent of his time on matters of junkyard control.

Do the costs justify the benefits achieved? Please explain.

Yes, the costs are very minimal, while a 7-percent penalty on federal highway funding would be approximately \$43.7 million based on FY '23 apportionments. Local officials occasionally appreciate the assistance if local ordinances are not adequate, and the site is subject to control under state law.

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.

The Department conducts the minimum level of control necessary to satisfy the federal law. For example, while some states control all routes that are considered state highways, Iowa only controls the designated National Highway System as required by federal law. The Department strives to be flexible while working with site owners on acceptable materials and time frames for screens.

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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Rule 116.2, regarding the basic prohibitions duplicates statutory language found in Iowa Code section 306C.2.

Rule 116.4, regarding the acquisition of nonconforming junkyards with participating federal money duplicates statutory language found in Iowa Code section 306C.5.

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

Six out of the seven rules within this chapter will be repromulgated (some retitled and renumbered). This will result in one less rule within the chapter.

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

116.1
116.2
116.3
116.4
116.5
116.6
116.7

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

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	653
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	3

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

No