

PRELIMINARY COMMISSION AGENDA

December 10, 2024

IOWA TRANSPORTATION COMMISSION

Meeting Agenda / Commission Orders

December 10, 2024

Materials Conference Room – Iowa DOT Complex

Ames, Iowa

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1:00 p.m.			
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1:20 p.m.	Adjourn		

* Action Item

On Tuesday, December 10, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference Room. Transportation-related matters will be discussed, but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2025-29
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date December 10, 2024
Title Approve Minutes of the November 12, 2024 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the November 12, 2024 Commission meeting.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. D-2025-30
Submitted by Scott Marler Phone No. 515-239-1111 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 13, Contested Cases

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 13 in accordance with Executive Order 10.

Proposed Chapter 13 explains the minimum procedural requirements for department involvement in contested cases and informal settlements in accordance with Iowa Code chapter 17A.

The public comment period ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 13.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to contested cases and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 13, “Contested Cases,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and section 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 10A.801.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 13 in compliance with Executive Order 10. Proposed Chapter 13 explains the minimum procedural requirements for Department involvement in contested cases and informal settlements in accordance with Iowa Code chapter 17A. The intended benefit is to provide clarity and transparency on the process that aggrieved parties (including both individuals and entities) may use to dispute a decision of the Department. Another intended benefit is to provide consistency across the Department’s many bureaus that are a party or a facilitator of such dispute.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on June 12, 2024. A public hearing was held on the following date(s):

- July 8, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 8, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations

800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 7, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 573 926 021
November 8, 2024 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 526 404 95

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13 CONTESTED CASES

761—13.1(17A) Definitions. The definitions in Iowa Code section 17A.2 are hereby adopted. In addition:

“*Department*” means the Iowa department of transportation.

“*Director*” means the director of transportation or the director’s designee.

761—13.2(17A) Applicability.

13.2(1) This chapter provides the minimum procedural requirements for department involvement in contested cases under Iowa Code chapter 17A.

13.2(2) Rules that apply to a particular type of contested case take precedence over this chapter. If there are no other rules applicable to a particular type of contested case, it will be conducted in accordance with this chapter.

761—13.3(17A) Submission of request for informal settlement or hearing.

13.3(1) A person who is aggrieved by an action of the department and who is entitled to a contested case hearing may:

- Unless prohibited by statute, request an informal settlement.
- Initiate a contested case by submitting a request for a contested case hearing.
- Use both procedures.

13.3(2) A request for an informal settlement or a contested case hearing shall be submitted in writing to the director of the bureau or division of the department that administers the matter at issue.

13.3(3) The request shall include complete names, mailing addresses to be used for communications with the department, and telephone numbers for all persons involved and any attorneys representing them.

13.3(4) A statute or rule may provide for submission of requests within a specified time period. A request shall be considered timely submitted if it is postmarked or delivered to the appropriate bureau or division of the department within the time period specified. Timely submission of a request shall be jurisdictional.

761—13.4(17A) Informal settlement.

13.4(1) An informal settlement may be handled by telephone.

13.4(2) If an informal settlement cannot be reached within a reasonable period of time, the department will notify the person in writing that there has been a failure to reach an informal settlement, that the department's action or decision is sustained, and that the person may request a contested case hearing.

761—13.5(17A) Contested case.

13.5(1) *Procedures.*

a. The department may initiate a contested case proceeding. Prior to initiating the contested case proceeding, the department, unless disallowed by statute, may attempt to settle the matter informally.

b. After a contested case hearing, a written decision will be issued by the presiding officer.

13.5(2) *Hearing.*

a. The department may be represented by legal assistants, paralegals, or designated attorney general staff at contested case hearings. Any such person is under the supervision of the attorney general transportation section chief.

b. The department may designate staff not under the supervision of the attorney general's office to appear at contested case hearings as witnesses. Staff so designated may appear to testify about matters including but not limited to clarifying the record, providing additional information, providing justification for the department's action, or answering questions of the appellants and presiding officer.

c. The department may submit certified copies of records admitted pursuant to Iowa Code section 321.10 in lieu of either legal representation or participation by a department employee.

13.5(3) *Appeal of contested case decision.*

a. A decision by a presiding officer shall become the final decision of the department and is binding on the department and the party whose legal rights, duties and privileges are being determined unless either appeals the decision as provided in this subrule.

b. No additional evidence is to be presented on appeal that is decided on the basis of the record made before the presiding officer in the contested case hearing.

c. The appeal is to include a statement of the specific issues presented for review and the precise ruling or relief requested.

d. An appeal of a presiding officer's decision is to be submitted in writing to the director of the bureau or division that administers the matter being contested. The appeal is deemed timely submitted if it is postmarked or delivered to the director of the appropriate bureau or division of the department within 20 days after the date of the presiding officer's decision unless otherwise provided in rule or statute.

e. The director of the administering bureau or division will forward the appeal to the director.

f. Failure to timely appeal a presiding officer's decision is considered a failure to exhaust administrative remedies.

g. The director may make a decision affirming, modifying or reversing the presiding officer's decision, or may remand the case to the presiding officer.

h. The decision of the director is the final decision of the department and constitutes final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-31
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 105, Holiday Rest Stops

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 105 in accordance with Executive Order 10.

Proposed Chapter 105 provides nonprofit organizations an opportunity to promote their products at Iowa rest areas during holiday periods in compliance with Iowa Code section 314.27.

The public comment period ended on November 7, 2024. The department received a written comment from the Department of Blind requesting a change to include within the rules that the Department of Blind, Business Enterprise Program, and the current vendors be notified of any approved rest area sponsorship. The department plans not to make any changes to Chapter 105. However, the Maintenance Bureau will notify the Department of Blind via email once any sponsorship approvals have been sent.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 105.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to holiday rest stops and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 105, “Holiday Rest Stops,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 314.27.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 314.27.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 105 in compliance with Executive Order 10. Proposed Chapter 105 provides nonprofit organizations an opportunity to promote their products at Iowa rest areas during holiday periods in compliance with Iowa Code section 314.27.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 1, 2024. A public hearing was held on the following date(s):

- May 28, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 7, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 6, 2024
11 to 11:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 459 079 854

November 7, 2024
2 to 2:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 722 926 003

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105 HOLIDAY REST STOPS

761—105.1(314) Purpose. The purpose of this chapter is to establish the requirements and procedures for approving requests for rest stops on primary and interstate highways during holiday periods.

761—105.2(314) General.

105.2(1) Definitions.

“Free refreshments” means the same as defined in Iowa Code section 314.27.

“Holiday periods” means the same as defined in Iowa Code section 314.27.

“Holiday rest stop” means a location where a sponsor serves free refreshments to motorists during holiday periods to provide a break from driving monotony, promote safer driving, and reduce the potential for highway accidents.

“Sponsor” means the nonprofit organization that is providing the free refreshments and staffing the holiday rest stop.

105.2(2) Information. Information regarding this chapter is available from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or the department's website at www.iowadot.gov.

761—105.3(314) Conditions. The sponsor of a holiday rest stop shall comply with the following general conditions:

105.3(1) Not request or accept payment for the refreshments served. The sponsor may accept voluntary donations using containers clearly labeled with a sign stating “donations.” If the sponsor uses donation containers, the sponsor needs to place signs within the immediate area of the operation at locations designated by the department stating “free refreshments.”

105.3(2) Not distribute any literature or other promotional material.

105.3(3) Clean up the area and remove all signs the sponsor has erected promptly after the holiday rest stop is discontinued.

105.3(4) No permit parking on the highway shoulders.

105.3(5) Agree to indemnify, defend and hold the department of transportation and the state of Iowa harmless from any liability that may result from the directing of traffic to the holiday rest stop area, and as a result of changes of traffic patterns caused by the activities of the sponsor in or about the holiday rest stop area, and all other liability related to the operation of the special holiday rest stop and the refreshments provided.

761—105.4(314) Holiday rest stops.

105.4(1) Site.

a. A holiday rest stop along an interstate highway shall be in an established interstate rest area. Running water is available at each rest area. The department will provide electricity if requested.

b. The proposed site of a holiday rest stop along a primary highway will be inspected by the department to ensure it meets the following requirements:

(1) The site is large enough to provide parking space for at least 15 vehicles and located so that all parked vehicles will be at least 50 feet from the edge of the traveled way of the primary highway.

(2) An access drive from the primary highway shoulder to the parking area has a top width of at least 20 feet and provides a clear view of the primary highway for at least 900 feet in each direction.

c. The department will designate an appropriate spot within the requested holiday rest stop location that will not include rest area restroom buildings or welcome center buildings. The sponsor may use the information kiosk where available. A tent or canopy may be used in areas without a kiosk during inclement weather.

105.4(2) Signs. The sponsor shall:

a. Not place any signs directing highway traffic to the holiday rest stop.

b. Not place any signs for an interstate holiday rest stop along the interstate highway or interchange ramps. The department will place signs stating “free refreshments” adjacent to the interstate highway and will remove these signs when the holiday rest stop is discontinued.

c. Provide two signs approximately four feet by four feet announcing the holiday rest stop, one for each highway approach to the site for holiday rest stops on primary highways. The department will install these signs and will remove them when the holiday rest stop is discontinued.

d. Take responsibility for any signs posted at the actual holiday rest stop site. Signs provided or placed by the sponsor shall not include any advertising but may include the sponsor’s name. Signs shall not be mounted on objects (including vehicles) that contain the name of any organization or individual except the sponsor. The sponsor is responsible for the removal of all signs the sponsor has erected promptly after the holiday rest stop is discontinued.

105.4(3) Request.

a. A request to sponsor a holiday rest stop will be made on Form 810023. This form is available from the maintenance bureau or the department’s website.

b. The request will include the name and address of the requesting sponsor, a detailed description of the proposed holiday rest stop location, and the requested hours of operation.

c. The request will be submitted to the maintenance bureau and must be submitted at least 90 days prior to the beginning date of the holiday period and may be accepted up to 12 months in advance.

105.4(4) Approval of request.

a. The maintenance bureau will notify the potential sponsor of approval or disapproval of the request within the time frame specified in Iowa Code section 314.27.

b. If there is more than one qualifying request for the same site and date, the sponsor will be selected by lottery.

These rules are intended to implement Iowa Code section 314.27.

761—13.6(17A) Motion for review. The director may, on the director's own motion, review the presiding officer's decision. The motion for review is subject to the same time limits as an appeal from a presiding officer's decision. If there is a motion for review, paragraphs 13.5(3) "g" and "h" apply.

761—13.7(17A) Rehearings. An application for rehearing of a final decision under Iowa Code section 17A.16 shall be filed with the director.

761—13.8(17A) Maintenance of records. The department shall retain for at least five years from the date of the final decision copies of the record made before the presiding officer, the decision received from the presiding officer, the decision issued by the director, and related correspondence.

761—13.9(17A) Communications.

13.9(1) Each party to a contested case is to keep the department informed of the party's current address and telephone number; the name, address and telephone number of the party's attorney, if any; and the mailing address to be used for communications from the department.

13.9(2) Mailed notices, communications and decisions regarding the contested case are to be sent by first class or certified mail to the latest address that each party has provided to the department.

13.9(3) Notwithstanding subrule 13.9(2), the department of inspections, appeals, and licensing may communicate with the party or the party's attorney by email and may file and serve documents through the division of administrative hearings' administrative electronic management system.

761—13.10(17A) Default.

13.10(1) A party may move for default against another party that has requested the contested case proceeding and that has failed to appear after proper service is served.

13.10(2) Notwithstanding subrule 13.10(1), no default may be entered against the department for failure to appear; rather, the presiding officer may either continue the matter or proceed with the hearing and render a decision in the absence of the department.

13.10(3) A default decision or a decision rendered on the merits after a party has failed to appear or participate in a contested case proceeding becomes final agency action unless, within 20 days after the date of the decision, either a motion to vacate is filed and served on the presiding officer and the other parties or an appeal of a decision on the merits is timely submitted in accordance with rule 761—13.5(17A). A motion to vacate is to state all facts relied upon by the moving party that establish that good cause existed for that party's failure to appear or participate.

13.10(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

13.10(5) Timely filed motions to vacate are to be granted only for good cause shown. The burden of proof is on the moving party. Adverse parties have ten days to respond to a motion to vacate.

13.10(6) "Good cause," for the purpose of this rule, means surprise, excusable neglect or unavoidable casualty.

13.10(7) A decision denying a motion to vacate is subject to further appeal in accordance with rule 761—13.5(17A).

13.10(8) A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party in accordance with subrule 13.5(3).

13.10(9) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer is to issue another notice of hearing and the contested case will proceed accordingly.

761—13.11(17A) Additional procedures when the department is not a party.

13.11(1) *Jurisdiction.* When the department is obligated by statute to administer a controversy to which it is not a party, the following additional procedures apply.

13.11(2) *Request.*

a. A person who has an interest in a controversy and who is entitled to a contested case hearing may submit a written request to the department to resolve the controversy.

b. An acceptable request will contain a statement of facts alleged and the relief sought by the requestor, the name and address of the persons involved and any attorneys representing them, the requestor's telephone number, and the mailing address to be used for all communications to the requestor from the department.

13.11(3) *Informal settlement.*

a. The department will contact the persons involved, either by telephone or letter, and will offer to assist the parties to reach an informal settlement of the controversy.

b. A controversy may be settled informally by the persons involved.

c. When a controversy is settled informally, the persons involved will each notify the department by telephone and confirming letter that the controversy has been resolved.

13.11(4) *Contested case.* When the department is notified by a person involved in the controversy that there has been a failure to reach an informal settlement, or when the department determines that no progress toward a settlement is being made, the department will send a written notice to the persons involved specifying that if the department is not notified of a settlement within 20 days after the notice is mailed, the department will initiate a contested case proceeding.

These rules are intended to implement Iowa Code chapter 17A and section 10A.801.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-32
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 112, Primary Highway Access Control

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 112 in accordance with Executive Order 10.

Proposed Chapter 112 controls access for all primary highways for efficient and safe highway operations and to utilize the full potential of the highway investment. Effective controlled access on all primary highways protects the safety and welfare of the traveling public.

The public comment period ended on November 7, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 112.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to primary highway access control and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 112, “Primary Highway Access Control,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and sections 306.19, 306A.1 through 306A.8, 307.12(1)“j,” 318.3, 318.5 and 318.8.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 112 in compliance with Executive Order 10. Proposed Chapter 112 controls access for all primary highways for efficient and safe highway operations and to utilize the full potential of the highway investment. Effective controlled access on all primary highways protects the safety and welfare of the traveling public.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 1, 2024. A public hearing was held on the following date(s):

- May 23, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 7, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 7, 2024
9 to 9:30 a.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 964 658 700

November 7, 2024
1 to 1:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 953 446 154

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 112 and adopt the following **new** chapter in lieu thereof:

CHAPTER 112 PRIMARY HIGHWAY ACCESS CONTROL

761—112.1(306A,318) Scope and contact information.

112.1(1) *Statement of policy.* All primary highways are controlled access facilities. The efficiency and safety of a highway depend to a large extent upon the amount and character of interruptions to the movement of traffic. The primary cause of these interruptions is vehicular movement to and from public roadways, businesses, residences, and other developments along the highway. Regulation and overall control of highway access are necessary to provide efficient and safe highway operation and to utilize the full potential of the highway investment. Each highway access connection should be located and designed to achieve the least adverse impact to traffic operations and public safety. Accordingly, the department hereby establishes rules for control of access for all primary highways.

112.1(2) *Contact information.* Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov/traffic/Access-Management/Access-Management-Resources; any of the department's six district offices; or the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

761—112.2(306A,321) Definitions. As used in this chapter:

"Access" means a way or means of egress from or ingress to a highway.

"Access connection" means any point of motor vehicle ingress to or egress from a highway. It is the physical connection between the edge of the traveled way and the abutting property and is exclusive of the roadway and median.

"Average annual daily traffic" or *"AADT"* means the total volume of traffic passing a point or segment of a highway facility in both directions for one year divided by the number of days in the year.

"Functional area" includes any area upstream or downstream of an intersection where intersection operation and conflicts significantly influence driver behavior and vehicle operations. The functional area of an intersection is a calculated value based on the intersection's geometrics, posted speed limit,

traffic volume, type of traffic control used and perception-reaction-time values determined by the American Association of State Highway and Transportation Officials.

“Highway” means the same as “street” or “highway” as defined in Iowa Code section 321.1(78).

“Intersection” means the same as defined in Iowa Code section 321.1(33).

“Necessity” means the access is required or indispensable to the property because of circumstances that cannot be sufficiently mitigated by other means. Proof of necessity refers to documents, data, maps and other information submitted to illustrate and verify the claim of necessity.

“Primary highway” means a highway that is under department jurisdiction.

“Ramp” means a special lane, usually a short section of one-way roadway, that provides an access connection between two roads to enter or exit a major highway. The term “ramp” includes but is not limited to entrance ramps, roadway ramps, loop roads and collector-distributor roads.

“Roadway” means the same as defined in Iowa Code section 321.1(65). A divided highway has two or more roadways.

“Traveled way” means the portion of a roadway used for the through movement of vehicles, excluding shoulders, gutters and auxiliary turn lanes.

“Trip” means a single or one-directional vehicle movement. A vehicle leaving the highway and entering a property is one trip, and the vehicle leaving the property and entering the highway is a second trip.

761—112.3(306A) General provisions. The following provisions govern access encroachments onto a primary highway:

112.3(1) Access connection construction activity on a highway shall not begin until an access permit has been issued by the department.

112.3(2) A new access permit is required when there will be a change in use of the access connection. A change in access use includes but is not limited to:

- a. A change in the predominant vehicle types using the access.
- b. An increase in traffic volumes using the access.
- c. The original design and engineering limitations have been exceeded by the current use.
- d. The current use has not been authorized by the terms and conditions of the existing access permit.

112.3(3) A person shall not drive a motor vehicle to or from a highway at a location that is not an authorized access connection.

112.3(4) Access rights shall not accrue from, nor will additional access be provided upon, the splitting or dividing of existing parcels of land or contiguous parcels under the same ownership or controlling interest unless the proposed access complies with access category and design requirements and is permitted. Adjacent properties under common ownership or control, consolidated for development, or part of a phased development plan are considered one unit, and a unified access and circulation plan must be established for the site.

112.3(5) No rights of access are conveyed when the department provides a new access connection or modifies an existing access connection.

112.3(6) The terms and conditions of any permit are binding upon the applicant, the property owner and all assigns, successors-in-interest, heirs and occupants. If an assign, successor-in-interest, heir or occupant does not accept the terms and conditions of an existing permit, the assign, successor-in-interest, heir or occupant shall apply for a new access permit or a permit to close the access.

112.3(7) A property owner not wanting to assume responsibility for an access or the access’s requirements may apply for access removal at the property owner’s expense. An exception may be made for removals during highway projects.

112.3(8) A permit grants no property rights or interests in state right-of-way.

112.3(9) Where there are multiple accesses to the same parcel, the department may consolidate existing access connections during a highway project.

112.3(10) The department has the authority regarding operational modifications to the highway and all access connections.

761—112.4(17A,306A,318) Permitting process. An access permit is required for an encroachment onto a public right-of-way for the construction, reconstruction or modification of an access connection or any of its related appurtenances.

112.4(1) Application for an access permit.

a. To obtain an access permit, applicants will use the web-based system found at eps.iowadot.gov. If the applicant cannot use or connect to this electronic system, the applicant may contact the appropriate district office that is responsible for the area in which the proposed access is located. An applicant may be the property owner or the owner's authorized agent.

b. A separate access application and permit are required for each access connection.

c. Intentional misrepresentation of existing or future conditions or providing false information is considered sufficient grounds for denial or revocation of a permit.

d. The applicant is responsible for providing any location and design plans that describe the access.

e. The applicant is responsible for providing an estimate of the traffic volume of the access and the property as a whole. The estimate will include the anticipated average daily or hourly use and the anticipated access use upon the full development of the property.

f. For access types A and B as defined in subrule 112.5(2) and public intersections, the department requires a traffic impact analysis from the applicant during the processing of a permit request, except when the appropriate district engineer determines an analysis is not necessary. Such traffic impact analysis must be prepared by a professional engineer licensed in Iowa and at the cost of the applicant. The analysis will address a current and 20-year projection of traffic activity and impacts at and near the proposed access connection, including the full-development traffic volumes of the access connection.

g. It is the responsibility of the applicant to comply with all local ordinances and any other regulations.

112.4(2) Processing an access application.

a. Upon receipt of an application, the department will begin processing the application using the electronic permitting system. The department will apply the criteria as required by this chapter, including access type, access category, location, design, public safety and traffic operations.

b. The department may issue an access permit with terms and conditions or deny the application if it fails to meet this chapter's requirements. The department representative will notify the applicant of the determination.

c. The department will not act on an application it deems incomplete and will notify the applicant of additional information needed to complete the request.

d. Upon mutual agreement by the department and applicant, the department may suspend or extend the process period.

e. The applicant may withdraw the application.

112.4(3) Permit terms and conditions.

a. An access permit will include terms and conditions necessary to meet the requirements of this chapter and include consideration of the following:

- (1) Safety of the traveling public.
- (2) The access category pursuant to rule 761—112.5(306A).
- (3) The access location and design pursuant to rule 761—112.6(306A).
- (4) The traffic-carrying capacity of the highway.
- (5) Protection of the public investment in the highway.
- (6) Topography and geometric limitations and constraints.

b. The department may restrict turning movements as necessary to reduce adverse impacts. The department will consider the 20-year projection of traffic volumes on the roadway and the full-development traffic volumes of the access connection.

c. Access permits expire after one year if construction of the access is not initiated and no extension of time has been requested and granted by the department.

d. The property owner and the owner's authorized agent agree by accepting the permit to indemnify, defend and hold harmless the state of Iowa and its employees from all claims arising out of construction or use of the access.

e. The property owner and applicant assume liability for the construction and ongoing use of the access.

f. The permittee shall maintain the access in good repair at all times.

g. If the department has not received the signed copy of the permit within 60 days of the date of transmittal to the applicant, the permit is deemed withdrawn.

112.4(4) *Permits where department owns access rights.*

a. This subrule applies only where the department has determined there is no longer the necessity for the controlled access line at the proposed location. The department may issue an access permit if all design and location criteria are met.

b. If it becomes necessary to close the access, the property owner will be notified in advance and any permit will be revoked. The access application and permitting process do not include any rights of appeal where the department is the owner of the access rights.

112.4(5) *Appeals.*

a. An applicant or permittee who objects to any terms or conditions placed on an access permit, the denial of a permit, or the closure or revocation of an access may appeal the department's decision. If the department owns the access rights, this subrule does not apply.

(1) The appeal shall be submitted to the appropriate district engineer at the department.

(2) An appeal concerning the closure or revocation of an access or the denial of a permit must be submitted within 60 days of receipt of the department's notification.

(3) An appeal concerning the terms or conditions placed on an access permit must be submitted within 60 days of when the department sends the applicant the signed copy of the permit with terms or conditions for signature.

(4) The appeal must include reasons for the request and may include changes, revisions or conditions that would be acceptable to the applicant or permittee.

b. The district engineer will issue a written decision to the applicant or permittee within 60 days of receipt of the appeal or within 60 days after receipt of requested additional information.

c. Upon receipt of the written decision, the applicant or permittee may appeal the district engineer's decision by submitting the appeal along with background information to the director of transportation. The director will issue a written decision within 60 days of receipt of the appeal. The director's decision is final agency action.

112.4(6) *Waivers.* The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the rules administrator, either by mail to Rules Administrator, Government and Community Relations, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

112.4(7) *Waivers involving interstate highways.* The director of transportation shall not waive these rules in access situations involving the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

761—112.5(306A) Access types and the primary highway category system. This rule manages access connections according to highway function, design, traffic volumes, speed and roadside conditions.

112.5(1) *General.*

a. The department will assign access categories to all highways according to the descriptions in subrule 112.5(3).

b. There are no minimum or maximum distance criteria for the length of a category assignment.

c. The department may assign a specific category to a segment of highway based on operational needs and to maintain consistency along a specific route.

d. The department will maintain an access category assignment schedule for the highway system.

e. Municipal access categories are for primary highway extensions within municipalities where concurrent jurisdiction applies pursuant to Iowa Code section 306.4(4).

f. For all access categories, access connections should be kept to the minimum necessary to provide reasonable access. A second access to a parcel may be provided only if it meets spacing criteria, internal circulation is not feasible, and there is a necessity for the access.

g. If the category allows type D access, an additional type D access may be granted to a parcel if the necessity due to topography problems or ongoing agricultural activities is demonstrated. A change in use of the parcel of land serviced by the type D access requires a new permit and may result in closure of the access if the location will not meet access category requirements for another type.

h. A secondary access for emergency fire services needed to meet local fire safety regulations may be permitted on all categories except for the categories interstate and freeway (I/F), expressway (E), and municipal expressway (ME) and across controlled access lines. Such emergency access may be permitted only if it is not feasible to provide the emergency access to a secondary roadway. A written explanation with references to local standards from an appropriate government safety official must be included with the application. The access shall be maintained by the permittee as a closed access except during emergencies. Hidden pavement structures are acceptable.

i. Access connections to government parcels will be treated the same as private access types based on volume with the exception of egress access connections used specifically for emergency response services such as fire stations.

112.5(2) Access types. Access connections are distinguished by the following four types of private access based on access connection traffic volume:

a. Type A is a private access connection with traffic volumes equal to or greater than 100 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

b. Type B is a private access connection with traffic volumes between 11 and 99 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

c. Type C is a private access connection with traffic volumes between one and ten trips in a peak hour.

d. Type D is a private access connection with an AADT of less than one per day.

112.5(3) Access categories for highways. Access categories are distinguished as follows:

a. The interstate and freeway (I/F) category applies to highways with full access control. Access to the roadway, when allowed, shall be provided by ramps. Direct access to the main roadway and all ramps is prohibited.

b. The expressway (E) category applies to nonfreeway multilane highways outside municipal boundaries where the department has acquired the associated access rights. Access that has not already been authorized shall not be permitted across existing access control lines. An access management plan is required to authorize a new public intersection. New direct access connections will not be permitted for utilities that have not been previously authorized.

c. The rural-600 (R-600) category applies to two-lane and multilane highways outside municipal boundaries that are on the Iowa commercial industrial network as most recently approved by the commission or are where roadway traffic volume will be equal to or greater than 3,000 AADT within 20 years. Access types A, B and C may be permitted where the applicant can prove necessity and the access has a minimum spacing distance of 600 feet from other connections. Access type D must meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at survey section lines when feasible. Each full-movement access connection should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

d. The rural safety and need (R-S/N) category applies to two-lane highways outside municipal boundaries that will not exceed 3,000 AADT within 20 years. This category includes frontage roads, service roads and access ways. All private access types may be permitted where the applicant can prove necessity and meet sight distance requirements. Private access connections should not be permitted

within the functional area of any public intersection. Public intersections should be located at land survey section lines when feasible.

e. The municipal expressway (ME) category applies to nonfreeway multilane highways inside municipal boundaries where arterial performance is necessary to provide high mobility and through traffic capacity. In the absence of an access management plan, private access shall not be permitted that has not already been authorized. An access management plan is required to authorize a new public intersection and may only be allowed if the public roadway is adopted by the city.

f. The municipal-1000 (M-1000) category applies to important regional and intracity highways that are within a municipality. Designation of M-1000 must include consideration of system continuity and preservation of a high level of mobility and through traffic capacity. The department recommends the installation of restrictive medians between full-movement intersections. Access to an M-1000 may be granted under the following conditions:

(1) All access types are eligible for a full-movement access connection at 1,320 feet (one-quarter mile) locations based on section lines where feasible, and these access connections may be restricted to right-in and right-out turns or directional left-in-only as access volumes increase. If there is a documented necessity to permit access connections at locations less than 1,320 feet, then a minimum access spacing interval of 1,000 feet may be used. No access connection should be allowed within the functional area of a public intersection.

(2) Each full-movement location should serve as many properties and interests as possible to reduce the need for additional direct access to the highway.

(3) All access types are eligible for limited movement connections at minimum spacing intervals of 600 feet if a restrictive median is present.

g. The municipal-600 (M-600) category applies to highways within municipalities that have been determined to have a need to maintain a moderate level of mobility and through traffic capacity. Minimum spacing for all access types is 600 feet.

h. The municipal-300 (M-300) category applies to highways within municipalities where a low level of mobility and through traffic capacity is acceptable. Minimum spacing for all access types is 300 feet.

i. The municipal safety and need (M-S/N) category applies to highways within municipalities where motor vehicle mobility and through traffic capacity are low priorities. The permitting of access and the determination of access connection locations is based only on safety and need.

112.5(4) *Category revisions.*

a. From time to time, it may be necessary for the department to change an assigned access category because of changes in roadway conditions, traffic growth or highway reconstruction. Reassignment must be consistent with subrule 112.5(3). A report will be prepared presenting why the current category should not be used and the reasons for and benefits of making the category revision.

b. If the highway is identified as a future freeway or expressway, the department may suspend the issuance of new access permits.

c. If a highway utilizing at-grade intersections is intended to be improved to accommodate traffic growth or safety considerations, the access category of the future improvement will be applied.

112.5(5) *Interchange and intersection access control.*

a. When it is necessary for an at-grade access connection to be near an interchange on an access category E or ME, the first access connection location will be determined by calculating the functional areas of the expressway ramp and the first at-grade access connection. The two functional areas shall not overlap. The functional area of the ramp shall be considered no less than 1,500 feet from the end of the taper. The first access should be a public intersection. Access turning movements may be restricted for operational reasons.

b. Access is prohibited to all elevated structures and ramps on or connected to any highway.

c. When the interchange crossroad AADT will exceed 10,000 in the twentieth year, the first full-movement access connection should be at least 1,320 feet as measured from the ramp bifurcation point. A minimum of 1,000 feet may be allowed for a full-movement intersection if there is a proven necessity and no reasonable alternative. A restrictive median may be required between the ramps and the full-

movement intersection. If the first full-movement intersection is at least 1,200 feet from the ramp bifurcation and a restrictive median is present, a right-in and right-out access may be permitted at a minimum of 600 feet from the ramp bifurcation. The ramp functional area should not overlap with the functional area of any access connection.

d. When the interchange crossroad AADT will be between 3,000 and 10,000 within 20 years, the first full movement should be at least 1,000 feet away from the ramp. All access types may have a restricted right-in and right-out access at a minimum of 600 feet from the ramp bifurcation point.

e. When the interchange crossroad AADT will not exceed 3,000 within 20 years, access public intersections and private access types A and B should be at least 600 feet away from the ramp bifurcation point. Types C and D should be at least 300 feet from the bifurcation point and may be subject to operational restrictions.

f. For any new interchange or interchange reconstruction, access rights should be acquired and extend a minimum of 600 feet away from the ramp bifurcation point. If the AADT will exceed 10,000 within 20 years, a minimum of 1,000 feet of access rights should be acquired.

g. Where a free-flow turning movement from a roadway or ramp merges onto another roadway, an analysis is to be completed to determine the functional area and the preferred placement of the first access connection. The functional area of the merge lane of the roadway and the functional area of the first access connection should not overlap. Access rights are to be acquired along the identified functional area length.

h. An at-grade intersection is defined by the determination of its functional area. Access should not be allowed within this functional area. Access beyond the functional area remains subject to the requirements of the access category location standards.

i. When acquiring access rights as part of a highway project, the department may acquire access rights along intersecting public roadways to protect the operation of the intersection at the highway. Acquisition of access rights should extend a distance of 150 feet from the near edge of the highway traveled way. If the intersecting public roadway AADT is predicted to exceed 3,000 within 20 years, the department should acquire access rights for a distance of 300 feet from the near edge of the highway traveled way. The department may lengthen or shorten the distance of access rights required after considering the intersection functional area, traffic volumes, traffic operations, acquisition costs and other factors.

112.5(6) Access management plans and agreements.

a. Access management plans may be developed to determine how access will be managed on select sections of high-priority corridors, around freeway interchanges, and within municipalities and high-growth corridors. Each plan will apply access management techniques, identify acceptable traffic control features, and establish the necessary operational restrictions to ensure the long-term functional performance and safety of the highway. The scope of each access plan may vary depending on what is determined necessary by the parties of the agreement to manage current and predicted future highway conditions and local land use.

b. To apply an access management plan within a municipality, it must be adopted by joint agreement in accordance with Iowa Code sections 306.4(4) and 306A.7.

c. Highway projects and corridor plans may include access management techniques and improvements to bring a section of highway into conformance with its current access category without adopting an access management plan and agreement.

761—112.6(306A) Location and design. This rule sets criteria for the location and design of access connections to primary highways.

112.6(1) Each access connection authorized must be located and designed in accordance with this rule. Terms and conditions for location, design, construction and use of the access connection shall be established by permit.

112.6(2) The priority of the primary highway system is to provide highway corridors with the goal of maintaining traffic capacity by limiting disruptions to through traffic. Direct access from abutting land is therefore subordinate. Where an adjacent lower traffic volume road is available, the access should connect to that roadway.

112.6(3) Private access connections may only be considered when there is a reasonable necessity for the access and should be separated from other private access connections at a minimum distance equal to the sight distance at the posted speed. The burden of proving necessity is on the applicant.

112.6(4) An access connection must be consistent with the requirements of the assigned access category.

112.6(5) Access location considerations must include traffic operations, public safety, sight distance, distance to other access locations, traffic speed and volumes, the design vehicle for the access, and turning movements.

112.6(6) Restrictive medians may be installed and access connection turning movements may be restricted to right turns or directional left turns for operational reasons when determined necessary and at the sole discretion of the department.

112.6(7) Minimum design criteria may be used only when there is a proven and documented necessity that higher standards are not feasible at the specific site.

112.6(8) When there are access connections on opposite sides of the highway and left turns are allowed from both directions, the access connections should be opposite each other or have sufficient offset distance so as to prevent overlapping left turn maneuvers.

112.6(9) If the access connection requires a turn lane, the access connection should be located so the turn lane can be installed and no other access connections occur along the turn lane. An access should not be installed along a turn lane or taper.

112.6(10) Private access connections should not be located within the functional area of a public intersection.

112.6(11) All access connections must meet sight distance.

112.6(12) The access must be designed to facilitate the movement of vehicles from the highway to prevent the queuing of vehicles on the roadway.

112.6(13) If a proposed access location does not comply with this chapter, the access permit shall be denied.

112.6(14) If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department will use sound engineering practices to determine the appropriate location and design for the specific situation. The department will include justification for the design in the permit or the highway project file, as applicable.

761—112.7(306A) Access construction. This rule sets criteria for the construction of access connections.

112.7(1) Overall stipulations.

a. Unless part of a public construction project, the construction of the access and its appurtenances as stated in the terms and conditions of the permit shall be completed at the expense of the permittee.

b. The access connection must be constructed according to the department's standards and specifications. The applicant will be provided with the necessary standards and specifications with the issued permit.

c. The access shall be completed in an expeditious and safe manner and must be finished within 30 days from initiation of construction within the highway right-of-way unless otherwise stated on the access permit.

d. The department may restrict work within the highway right-of-way, restrict lane closure periods and require preapproval of all aspects of construction phasing and traffic control. The permittee shall provide work zone traffic control at all times during access construction. Work in the highway right-of-way is not allowed on legal holidays, at night, during peak traffic hours or during adverse weather conditions without specific department permission.

e. Any damage to the primary highway, appurtenances or any utility or any permitted private encroachment shall be repaired immediately at the direction of the affected owner. All costs associated with repair or relocation are to be borne by the permittee. If a survey monument is modified or damaged, repair and replacement shall be done at the direction of the owner of the monument.

f. The relocation, removal or modification of any traffic control device or public or private utilities shall be accomplished by the permittee without cost to the department or utility and at the direction of the department or utility owner.

g. An access permit may require installation of traffic control features or devices, but such requirements do not create any type of private interest in such features. Traffic control features and devices in the right-of-way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes, are operational and safety characteristics of the highway and are not means of private access. The department may install, remove or modify any traffic control feature or device in the right-of-way to promote traffic safety or efficient traffic operations.

h. The department is not obligated to permit or approve any connection, traffic control feature or device or any other site-related improvement that has been specified in a development approval process separate from the permitting criteria and approval process described in this chapter.

i. If any construction element of the permitted access fails within three years following construction, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

j. The property owner or occupants are responsible for maintaining the access. Where the access connection has a paved surface, the property owner or occupants are responsible for maintaining the access connection from the paved edge of the roadway to the right-of-way line. Where the access connection does not have a paved surface, the property owner or occupants are responsible for maintaining the access from the outer shoulder line of the roadway to the right-of-way line. The department is not responsible for the removal of debris, snow or ice on the access, including debris deposited by the department during maintenance operations.

k. Drainage structures located along the highway are maintained by the department except for concrete box culverts and bridges constructed by the property owner for access to the property, which shall be maintained by the property owner or occupants.

112.7(2) Temporary access.

a. When an access is needed in temporary situations for a limited period of time, a temporary access connection may be allowed, but it is subject to special stipulations as determined by the department.

b. The location of the temporary access shall comply with all safety and sight distance requirements.

c. Temporary access, if authorized, may be permitted up to but not exceeding 24 consecutive months.

d. The permittee is responsible for all costs incurred, including removal of the access and restoration of the right-of-way at the end of the permit period.

e. An application for temporary access is not needed if the temporary access is for department purposes and has been approved in department internal documents and, when required, by the Federal Highway Administration.

761—112.8(306A) Drainage requirements for access connection approvals.

112.8(1) The permittee shall provide, at the permittee's expense, drainage structures for access connections that will become an integral part of the existing drainage system.

112.8(2) The type, size and condition of the drainage structures provided by the permittee must meet the requirements of the department in unincorporated areas and the requirements of both the department and the municipality in incorporated areas. The design and construction of drainage structures for access shall not adversely impact the highway right-of-way, a storm sewer system or a drainage-way.

112.8(3) The construction of an access shall not impair the drainage or stability of the highway subgrade, nor shall it cause water to flow across the roadway pavement or pond on the shoulders or in the ditch or result in erosion within the highway right-of-way.

112.8(4) Drainage systems designed and constructed by the department within the highway right-of-way are designed to serve the drainage needs of the highway and adjoining properties based on the basin conditions at the time of the design of the highway.

761—112.9(306A,318) Violations at access connections.

112.9(1) It is the responsibility of the property owner and permittee to ensure that the access is not in violation of this chapter or the terms and conditions of the permit.

112.9(2) When an authorized access is constructed or used in violation of this chapter or the terms and conditions of the permit, the department may suspend the access permit and may order the immediate closure of the access. Notwithstanding the preceding sentence or any other provision of this chapter, the department may proceed as authorized under Iowa Code chapter 318 at any time.

These rules are intended to implement Iowa Code chapter 17A and sections 306.19, 306A.1 through 306A.8, 307.12(1)“j,” 318.3, 318.5 and 318.8.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-33
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 116, Junkyard Control

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 116 in accordance with Executive Order 10.

Proposed Chapter 116 is reduced in volume yet retains some key definitions and screening standards for junkyards in non-industrial areas visible to the National Highway System. Otherwise, no substantive changes have been made.

The proposed chapter will comply with 23 U.S.C. Section 136 and preserve highway funding. The department follows the minimum standards accepted by the Federal Highway Administration, to avoid a 7-percent reduction on the annual federal highway apportionment to the State of Iowa.

The public comment period ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 116.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to junkyard control and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 116, “Junkyard Control,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 306C.2 through 306C.4, 306C.6 and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 306C and 23 U.S.C. Section 136.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 116 in compliance with Executive Order 10. Proposed Chapter 116 continues existing practices for the handling of junkyards that are visible to the national highway system. No new restrictions are being placed upon owners of junkyards. Chapter 116 complies with 23 U.S.C. Section 136 and preserves highway funding. The Department follows the minimum standards accepted by the Federal Highway Administration in order to avoid a 7 percent reduction on the annual federal highway apportionment to the State of Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 1, 2024. A public hearing was held on the following date(s):

- May 21, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 8, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way

Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 6, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 536 436 610
November 8, 2024 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 769 718 494

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 116 and adopt the following **new** chapter in lieu thereof:

CHAPTER 116 JUNKYARD CONTROL

761—116.1(306C) Definitions. The definitions in Iowa Code section 306C.1 apply to this chapter. In addition:

“*Adjacent area*” means an area that is contiguous to and within 1,000 feet of the nearest edge of the right-of-way of any highway on the national highway system.

“*Automobile graveyard*,” as used in Iowa Code section 306C.1, means any site that is maintained, used, or operated for storing, keeping, buying, or selling ten or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, but does not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the department of natural resources.

“*Industrial activities*” means activities that are generally permitted only in industrial or heavier zone classifications by zoning authorities within the state, except that none of the following are considered to be industrial activities:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands.
3. Activities normally and regularly in operation less than three months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the main traveled way within the corporate limits of cities.
7. Activities more than 1,000 feet from the nearest edge of the main traveled way outside the corporate limits of cities.

8. Activities conducted in a building principally used as a residence.
9. Railroad tracks, minor sidings, and passenger depots.
10. Junkyards.

“Industrial zone” means a zone established by zoning authorities as being most appropriate for industry or manufacturing. A zone that simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone.

“Inoperative motor vehicle” means any of the following:

1. A motor vehicle that does not have a valid title.
2. A motor vehicle that does not have a current registration unless the motor vehicle is in the inventory of a motor vehicle dealer licensed under Iowa Code chapter 322.
3. A motor vehicle with one or more of the following items missing or in need of substantial repair: windshield, driver’s seat, steering wheel or steering system, battery, ignition system, fuel tank or fuel supply system, engine, transmission, drive shaft, differential, axle, suspension system, brake system, or frame.
4. A motor vehicle that is not immediately capable of legal operation on a public road or street.

However, any one of the following by itself does not render a motor vehicle inoperative: a battery that can be recharged, one tire and wheel missing or in need of repair, or lack of fuel.

“Main traveled way” means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main traveled way includes each of the separated roadways for traffic moving in opposite directions, exclusive of shoulders, auxiliary lanes, frontage roads, turning roadways, and parking areas.

“Nonconforming junkyard” means a junkyard located in an area not exempted by Iowa Code section 306C.2 and that was lawfully established:

1. Prior to July 1, 1972, and is located within the adjacent area of an interstate highway.
2. Prior to May 6, 2015, and is located within the adjacent area of a noninterstate highway on the national highway system.
3. Prior to the effective date of a zoning change that caused nonconformity with these rules.
4. Prior to the departure or closure of an industrial activity that caused nonconformity with these rules.
5. Prior to the establishment of a highway as part of the national highway system.

“Right-of-way” means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes but does not include temporary easements or rights for supplementary highway appurtenances.

“Unzoned industrial area,” as used in Iowa Code sections 306C.2 and 306C.3, means land occupied by a regularly used building, parking lot, storage area or processing area of an industrial activity, and land within 1,000 feet thereof that is:

1. Located on the same side of the highway as the activity,
2. Not predominantly used for residential or commercial purposes, and
3. Not zoned by state or local law, regulation, or ordinance.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

761—116.2(306C) Screening or removal costs. Screening or removal shall be paid for and provided by the following:

116.2(1) The department, only for nonconforming junkyards and subject to Iowa Code sections 306C.3 and 306C.5.

116.2(2) The owner, for junkyards established within the adjacent area of a highway on the national highway system in an area not exempted by Iowa Code section 306C.2, or for nonconforming junkyards that have expanded in size since becoming nonconforming.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.5.

761—116.3(306C) Screening standards.

116.3(1) *Composition.* Screens may be natural or manmade, but all screens shall be of a height and type to provide year-round obscurement of the contents.

a. Natural screens may consist of nondeciduous plantings, provided the variety, size, and growth rate will obscure the site within a reasonable time period. Earthen berms or existing natural features on the site may also be incorporated into the screening solution.

b. Manmade screens may consist of any variety of materials, provided the screen is constructed in a sturdy, permanent manner and blends with the natural surroundings. Buildings may be incorporated into the screening solution, but inoperative motor vehicles may not be stacked or arranged as a component of the screening feature.

116.3(2) *Screening plan.* For junkyards that are not exempted by Iowa Code section 306C.2, a screening plan should be submitted to the department for review before investing in plants, materials, and labor. This allows for the department to review the plan to ensure that the proposed screen will completely obscure the contents of the site from view, will be structurally sound, and will blend in with the natural surroundings for the area. While submitting a screening plan is not required, doing so adds confidence that investments made will yield the desired result.

This rule is intended to implement Iowa Code sections 306C.3 and 306C.4 and 23 U.S.C. Section 136 as implemented through 23 CFR 751.

761—116.4(306C) Removal. Removal or relocation of contents to areas not viewable from the highway may be necessary for the following reasons:

116.4(1) The difference in elevation between the highway and junkyard is such that a screen tall enough to completely obscure the site is not cost-effective.

116.4(2) The owner is financially unwilling or otherwise unable to complete the installation of or maintain a screen that can pass review by the department.

116.4(3) Local regulations do not permit the construction of screening of such type that would provide complete obscurement.

This rule is intended to implement Iowa Code sections 306C.2, 306C.3 and 306C.5.

761—116.5(306C) Notice and enforcement.

116.5(1) *Notice.* The department may provide a 30-day written notice by certified mail to the owner of a junkyard and, if not the same person or entity, the owner of the property, demanding that steps be taken to bring a site into compliance. Steps may include but are not limited to the submission of a screening plan, completion of a screen, and extending or repairing a screen.

116.5(2) *Enforcement.* If the junkyard remains out of compliance after notice is served and steps toward compliance are not accomplished within the time frames prescribed by the department, the department may apply for an injunction to abate the public nuisance as provided in Iowa Code section 306C.6.

This rule is intended to implement Iowa Code sections 306C.4 and 306C.6.

761—116.6(17A) Hearings and appeals. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A.

761—116.7(306C) Contact information. Inquiries regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1255.

This rule is intended to implement Iowa Code sections 306C.1 through 306C.9.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-34
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 117, Outdoor Advertising

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 117 in accordance with Executive Order 10. Chapter 117 implements Iowa Code chapters 306B, 306C, and 306D.

The proposed chapter is reduced in volume but still retains the essential elements needed to effectively control advertising signs that are visible to the primary highway system. The control of advertising signs is required under federal law 23 USC 131 and 23 CFR 750. The federal penalty for not providing effective control is ten percent of the total annual apportionment to the state (approximately \$63.6 million).

During the public comment period of the Regulatory Analysis, the department received one comment from Scenic America, a national organization which promotes the preservation of the roadside environment along the primary highway system. This comment was generally supportive of Iowa's efforts to control the erection of outdoor advertising signs.

The public comment period for the Notice of Intended Action ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 117.

COMMISSION ACTION:

Moved by _____ Seconded by _____

Division Director Legal State Director

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to outdoor advertising and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 117, “Outdoor Advertising,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 306B.4 through 306B.6, 306C.11, 306C.18, 306C.24, 306D.4 and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 306B, 306C and 306D; 23 U.S.C. Section 131; and 23 CFR Part 750.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 117 in compliance with Executive Order 10. Proposed Chapter 117 eliminates redundancies and any unnecessary restrictions that are not contained in federal requirements or that do not directly further the legislative intent of Iowa Code chapter 306B, 306C, or 306D.

The Highway Beautification Act, 23 U.S.C. Section 131, was passed in 1965 and was intended to protect the public’s investment in the primary highway system, promote the safety and recreational value of public travel, and preserve natural beauty alongside the roadway. The prohibition on outdoor advertising signs in rural, residential, and other areas not considered commercial or industrial was a key element to this law. This chapter and Iowa Code establish and maintain “effective control” of outdoor advertising signs adjacent to the primary highway system in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on March 20, 2024. A public hearing was held on the following date(s):

- April 11, 2024

The Department received public comments from Scenic America that were generally supportive. One editorial correction was made within paragraph 117.6(2)“c” regarding the due date of June 30. The date certain of 23 CFR Section 750.154 contained within paragraph 117.2(4)“e” was changed to October 1, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 5, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 6, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 200 397 224
November 8, 2024 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 539 194 627

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 117 and adopt the following **new** chapter in lieu thereof:

CHAPTER 117 OUTDOOR ADVERTISING

761—117.1(306B,306C) Definitions. The definitions in Iowa Code section 306C.10 are adopted. In addition:

“*Abandoned sign*” means an advertising device for which the owner has failed to timely apply for the required outdoor advertising permit(s) or has failed to timely pay the required fee(s).

“*Blank sign*” means an advertising device for which any of the following conditions exist:

1. The face does not display advertising copy.
2. The face has been removed.
3. The entire advertising device has been removed or does not exist at the permitted location.

“*Daylight area*” means a triangular area formed by a line connecting two points each back (50 feet in city, 100 feet in unincorporated area) from the point where the right-of-way lines of the main traveled way and an intersecting street meet or would meet if extended.

“Destroyed” means that at least 60 percent of the supports are broken, if wooden, or broken, bent or twisted, if metal, such that normal repair practices would call for the replacement of the damaged supports.

“Face” means that part of an advertising device that is devoted to the display of advertising and that is visible to traffic proceeding in any one direction.

“Interchange” means the entire area constructed for a junction of two or more public streets or highways by a system of separate levels that permit traffic to pass from one level to another without the crossing of traffic streams. This includes all acceleration and deceleration lanes constructed to accommodate this movement of traffic.

“LED display” means a face, as defined herein, displaying a message that is formed by light-emitting diodes and that is changed by an electronic process. An LED display is a single face.

“Modification” means any addition to or change in dimensions, lighting, structure or advertising face, except as incidental to the customary maintenance of an advertising device.

1. A change in the number or type of support posts is a modification. A change in dimensions is a modification. However, the addition of extensions or cutouts, including forward projecting, is not a modification if the extensions or cutouts are added for a period of 90 days or less and if they are illuminated only by existing sign lighting and do not contain internal lighting.

2. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.

3. On an advertising device that conforms to all current requirements, the replacement of one metal-framed face with another metal-framed face of the same size, using dissimilar component parts or assembly methods, or both, is not a modification.

4. The addition of LED display capabilities to an advertising device is a modification.

5. The elimination of trim surrounding the area used for advertising copy is not a modification, provided the advertising copy retains the same dimensions as the original advertising copy.

“Nonconforming sign” means an advertising device that was lawfully erected and continues to be lawfully maintained, but that does not comply with current requirements due to changed conditions, such as a change in zoning, establishment of a new highway, or a similar change that affects compliance.

“Regularly used” means open for business and staffed by an owner or employee for at least 20 hours per week, on property assessed as commercial or industrial by the jurisdiction having authority, and with the hours of operation visibly posted on the premises. The department may delay action on the permit application for up to 180 days from the date of the application in order to conduct periodic checks on the site as necessary to determine whether the purported commercial or industrial activity meets this definition. A rental storage business is excepted from the staffing requirement if it has 24-hour access for customers and a minimum of 50 units, each occupying at least 50 square feet, individually separated, and enclosed by walls.

“Scenic area,” as used in Iowa Code section 306C.13, means any area of particular scenic beauty or historical significance, as determined by the federal, state or local officials having jurisdiction of the area. It includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

“Tri-face device” means an advertising device with three singular faces attached to one common structure in a triangular configuration.

“Tri-vision device” means an advertising device that has an advertising face with a mechanical device that allows three advertising messages to be alternately visible to traffic proceeding in any one direction. Each message is attached to individual vertical or horizontal louvers, which are mechanically rotated to change the message.

“Widening,” as used in Iowa Code section 306C.13, means the point at which it is detectable that a deceleration or exit ramp is beginning to form alongside the main traveled way, or an acceleration or merging ramp has tapered to a close alongside the main traveled way. In the case where an entrance ramp becomes an auxiliary lane and the auxiliary lane becomes an exit ramp at the adjacent interchange, the widening shall be the point at which a deceleration ramp completely separates from the main traveled way as evidenced by the inside lane marking of such ramp, or an acceleration ramp joins with the main

traveled way as evidenced by the inside lane marking of the ramp intersecting with the outside lane marking of the main traveled way.

761—117.2(306B,306C) General provisions.

117.2(1) Scope. This chapter pertains to all advertising devices that are visible from the main traveled way of any primary highway, except for the following:

- a. Advertising devices within incorporated areas that are beyond 660 feet from the nearest edge of the right-of-way.
- b. Official traffic control devices, logo signing and tourist-oriented directional signing.
- c. Advertising devices erected within the right-of-way of any primary highway; such devices are subject to Iowa Code chapter 318.

117.2(2) Rebuttable presumption. The department may regulate signs as advertising devices except when sufficient documentation from persons reasonably identified as potential payors or receivers of remuneration is available to the department showing or certifying that remuneration does not exist.

117.2(3) Contact information. Inquiries, requests for forms, and applications regarding this chapter may be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Similar information is also available at www.iowadot.gov/iowaroadsigns/sign-programs-and-applications/advertising-signs.

117.2(4) Advertising devices permitted under the private directional sign program between May 26, 1983, and July 1, 2021. Any advertising device permitted as a private directional sign by the department between May 26, 1983, and July 1, 2021, may continue to exist, even if nonconforming to this chapter, under the following conditions:

- a. The permit is renewed each year by payment of a \$15 fee on or before July 1.
- b. The permit remains issued to the owner of the permit on record with the department on July 1, 2021.
- c. The advertising device is not modified or destroyed.
- d. The advertising device is properly maintained with legible copy.
- e. The design and display of the advertising device meet federal standards contained in 23 CFR Section 750.154 as amended to October 1, 2024.

761—117.3(306B,306C,306D) General criteria.

117.3(1) Limitations. In addition to the standards contained in Iowa Code section 306C.13, advertising devices shall not be erected or maintained:

- a. That attempt or appear to attempt to direct the movement of traffic.
- b. That move or have any animated or moving parts in areas subject to Iowa Code chapter 306B.
- c. That contain LED displays, unless each advertisement remains in a fixed position on the display screen for at least eight seconds, transitions between advertisements occur within one second, and advertisements are not flashed, rolled, scrolled, or moved in any way on the display screen.
- d. Within the adjacent area of a designated scenic byway, unless the erection occurred prior to the date of designation, in which case subsequent permitting may occur in accordance with Iowa Code section 306C.18.

117.3(2) Measurements of distance. Measurements of distance for general spacing purposes are conducted in a horizontal manner parallel with the highway centerline. However, when determining the limits of the adjacent area defined in Iowa Code section 306C.10, measurements from the edge of the right-of-way are conducted in a horizontal manner perpendicular to the highway centerline.

117.3(3) Measurement of size. The size of an advertising device is determined by measuring the smallest square, rectangle, triangle, circle or combination thereof that will encompass the entire display area including border and trim, but excluding temporary cutouts and extensions, base, apron, support, and other structural members.

117.3(4) Zoning exclusions. The following zoning actions are not commercial or industrial zones for advertising control purposes:

- a. A zone in which limited commercial or industrial activities are permitted incidental to other primary land uses.

- b. Action that is not a part of comprehensive zoning in accordance with Iowa Code chapter 335 or 414.
- c. Action taken primarily to permit advertising devices.

761—117.4 Reserved.

761—117.5(306B,306C) Location, size and spacing requirements.

117.5(1) *Advertising devices lawfully in existence prior to July 1, 1972.*

a. An advertising device that was lawfully in existence prior to July 1, 1972, including a device located beyond the adjacent area in unincorporated areas, may remain in existence without conforming to the location, size and spacing requirements in this rule provided that a permit is maintained in accordance with rule 761—117.6(306C).

b. If the advertising device is located in an adjacent area that is neither a zoned nor an unzoned commercial or industrial area, the device may remain in existence as described in paragraph 117.5(1)“a” only until such time as the device is acquired by the department. The permit issued for the device will be a provisional permit in accordance with Iowa Code section 306C.18(3) and subject to acquisition in accordance with rule 761—117.9(306B,306C).

117.5(2) *Advertising devices erected after July 1, 1972.* Except as otherwise provided in subrule 117.2(4), advertising devices shall not be erected after July 1, 1972, or subsequently maintained except for those that comply with Iowa Code chapters 306B and 306C and the following criteria:

a. *Commercial or industrial area.* Eligible areas for permitting are limited to the following three areas:

(1) Adjacent to interstate highways; areas that are zoned and used for commercial or industrial purposes in accordance with Iowa Code section 306B.2; within 750 feet of the regularly used portion of a commercial or industrial activity visible from the main traveled way; and on the same individual, platted parcel of land as that commercial or industrial activity.

(2) Adjacent to noninterstate primary highways; areas that are zoned commercial or industrial.

(3) Adjacent to noninterstate primary highways; areas that meet the definition of an unzoned commercial or industrial area.

b. *Spacing.* In addition to the standards contained in Iowa Code sections 306B.2 and 306C.13, the following requirements apply:

(1) Spacing standards apply to advertising devices for all highways from which the devices are visible, when more than one highway is in the vicinity of the advertising device.

(2) Spacing standards default to unincorporated spacing when both incorporated and unincorporated areas exist within the adjacent area on either side of the highway. However, daylight spacing may be determined by whether the subject location itself is within or outside of the incorporated municipality.

(3) Advertising devices subject to the daylight area spacing exemption in Iowa Code section 306C.13(5) are considered in conformity with that Iowa Code section if the catwalk or light ballasts extend out further than the 12 inches specified, provided such parts do not overhang the right-of-way. If the building from which the device is mounted is removed, the permit is revoked.

(4) Applications for advertising devices proposed in a location that meets the spacing requirements for that location, but that create a nonconformity to exist with another permitted advertising device, will be denied or adjusted so that the nonconformity is not created.

c. The following types of advertising devices are eligible for permits:

(1) Single face devices; one permit required.

(2) Back-to-back devices; two permits required.

(3) V-type devices with the inside angle formed by the two faces not exceeding 60 degrees so that both faces are not readable upon approach; two permits required.

(4) Devices commonly referred to as side-by-sides or double-decks are classified as either single face, back-to-back, or v-type, as provided in this paragraph. However, provisions do not exist for panels of copy that may be oriented in the same direction, but that are not lined up on the same vertical and

horizontal planes, or that are not physically connected to the same structure with more than two feet of distance between them, or that are owned by different entities.

(5) Tri-face devices are classified as v-type devices for permitted purposes from the primary highway in which the two faces are visible. If visibility of the third face exists due to a turn in the highway or another primary highway exists in the vicinity, a third permit is required.

(6) Tri-vision devices, with a rotation occurring not more rapidly than four seconds for each display, are classified as either single face, back-to-back, or v-type, as provided in this paragraph, depending upon the structure.

761—117.6(306C) Outdoor advertising permits and fees required.

117.6(1) Application. Application for a permit for any advertising device subject to subrule 117.2(1) shall be made in accordance with Iowa Code section 306C.18 within the following time frames:

- a. On or before July 31, 1972, for advertising devices in existence on July 1, 1972.
- b. Prior to the erection of the advertising device, if erected after July 1, 1972.
- c. Within 30 days of receiving notice from the department that a lawfully erected advertising device that was not subject to subrule 117.2(1) has become subject to subrule 117.2(1) for reasons including but not limited to the establishment of a new primary highway or a change in the designation of a roadway to a primary highway.

117.6(2) Fees. Fees are applicable to all advertising devices measuring over 32 square feet in size.

- a. The initial fee, payable at the time of application, is \$100 per permit. This fee is not refundable unless the application is withdrawn prior to the department's field review of the proposed location.
- b. The annual renewal fee for each permit, due on or before June 30 of each year, is as follows:

<u>Area of Sign</u>	<u>Annual Renewal Fee</u>
33 to 375 square feet	\$15
376 to 999 square feet	\$25
1,000 square feet or more	\$50

c. The payment of an annual renewal fee, if postmarked on or before June 30 of each year or otherwise delivered to the department on or before June 30 of each year, automatically renews the existing permit for the device for which the fee was paid.

d. A permit for which the fee was not paid in a timely manner expires on July 1 of each year. If an advertising device is still in existence, it is considered abandoned. If the owner wishes to reapply for a permit to retain the device, the device and location will be reviewed in the same way that a review is conducted for a newly proposed advertising device.

e. Renewal fees are not refundable and are not prorated.

117.6(3) Highway improvement projects. The department shall not prevent nor unnecessarily delay the issuance of a permit for the reason of a proposed future highway improvement project, except under any of the following conditions:

- a. The property upon which the advertising device is proposed has been appraised for the purposes of acquisition.
- b. Contact by department staff has been made with the property owner regarding compensation for the affected area.
- c. The placement of the advertising device would fail to meet the requirements of an existing corridor preservation plan in effect for the proposed location.
- d. A construction contract for the project has been initiated by the department.

117.6(4) Permit plate. Upon approval of the application, the department will issue a numbered metal permit plate for the advertising face. This permit plate shall be securely attached to the advertising device in a manner that the plate is unobstructed from view from the highway. If the plate is not displayed, the department may provide notice to the owner that the plate is to be displayed within 90 days. If after that period of time the plate is not displayed, the department may cancel the permit.

117.6(5) Reconstruction or modification. A new permit is required from the department prior to the reconstruction or modification of a permitted advertising device.

a. Permit applications will be reviewed for compliance with Iowa Code chapter 306C and this chapter; nonconforming signs are not eligible for permit approval for reconstruction or modification.

b. Reconstruction or modification of an advertising device prior to the issuance of the permit needed to conduct such action shall result in revocation of the existing permit that has been issued for the advertising device. This may result in the removal of the advertising device in the manner specified in subrule 117.8(1) if the device is not eligible for permitting in accordance with this chapter or Iowa Code chapter 306B or 306C.

117.6(6) Access. Access to the private property upon which an advertising device is located shall be gained only from legal accessways through private property, local streets, secondary roads, or from the primary highway right-of-way through access points designated or allowed by the department in accordance with 761—Chapter 112. Unauthorized use of the primary highway right-of-way for the purpose of constructing or maintaining an advertising device may be cause for permit revocation and removal of the device. The department will issue a warning letter to the owner of the permit following the first instance of unauthorized use; a second instance will result in the revocation of the permit followed by a 12-month period where no new permits may be issued to that person or entity in the same location, or within 500 feet of the same location. The existing device for which the permit was revoked is subject to removal in accordance with Iowa Code section 306C.19.

117.6(7) Vegetation in the right-of-way. No vegetation in the right-of-way may be removed, trimmed, poisoned, or altered so that the viewing time can be improved for an advertising device, unless written authorization is received from the department and the conditions included in the authorization are followed. Proceeding to remove, trim, poison, or alter vegetation without such authorization may result in the revocation of the permit for the device and the removal of the device in accordance with subrule 117.8(1). In addition, the department may suspend permit approvals for a 12-month period for any location within 500 feet of the location of the former permit.

117.6(8) Use and condition.

a. The maximum period of time in which an advertising device may qualify as a blank sign is six months.

b. The maximum period of time in which an advertising device may have illegible copy or be in a state of disrepair is 90 days.

c. If the department determines that an advertising device has been blank for a period of time exceeding six months, or has illegible copy or is in a state of disrepair for a period of time exceeding 90 days, the department may issue a notice pursuant to rule 761—117.8(306B,306C) in which the owner has 30 days to either cause it to conform or to remove it.

117.6(9) Destroyed sign.

a. The permit for an advertising device that has been destroyed will automatically be revoked.

b. An advertising device that has been destroyed is in a condition that, if repaired, would meet the definition of reconstruction in Iowa Code section 306C.10 and is subject to subrule 117.6(5). Whether the device can be reconstructed will depend upon whether it conforms to this chapter and Iowa Code chapters 306B and 306C.

c. An advertising device that has been damaged, but not destroyed, may be repaired. The repair is not deemed an act of reconstruction.

761—117.7 Reserved.

761—117.8(306B,306C) Removal procedures.

117.8(1) Advertising devices subject to this chapter that have been abandoned, or illegally erected or maintained, may be removed, or caused to be removed, by the department after 30 days' notice in accordance with Iowa Code section 306C.19.

117.8(2) Advertising devices removed by the department may be reused, scrapped or disposed of by the department with no compensation paid to the owner.

117.8(3) Revocation of a permit may be included as part of the 30 days' notice, if served by restricted certified mail or by personal service.

761—117.9(306B,306C) Acquisition of advertising devices that have been issued provisional permits.

117.9(1) The department will acquire an advertising device for which a provisional permit has been issued only if all of the following conditions are met:

- a.* Acquisition is required by federal law.
- b.* All necessary federal and state funding is available for the purpose.
- c.* The permit has not been revoked.

117.9(2) If the advertising device will be acquired, the department will use the following procedure:

a. A written notice of the department's intent to revoke the provisional permit and acquire the device will be mailed or delivered to the owner of the advertising device and to the owner of the land upon which the device is located. The notice will include an offer to purchase the advertising device. If good-faith negotiations with the owner of the device and the owner of the land upon which the device is located do not result in a mutually agreeable sale price, the department may revoke the provisional permit and initiate condemnation proceedings as provided in Iowa Code chapter 6B.

b. In the event of condemnation, possession will be taken of the advertising device as soon as the award has been deposited with the sheriff.

761—117.10(17A,306C) Contested cases.

117.10(1) An applicant who has been denied an outdoor advertising permit by the department may timely contest the decision in accordance with 761—Chapter 13. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the department's mailing of the letter denying the application.

117.10(2) The owner of an outdoor advertising permit that has been revoked or canceled by the department may timely contest the decision in accordance with 761—Chapter 13. A request is considered timely if submitted in writing to the director of the traffic and safety bureau at the address in subrule 117.2(3) and delivered or postmarked within 30 days of the owner's receipt of the revocation notice issued by the department.

117.10(3) Failure to timely request a hearing on the denial, revocation, or cancellation of a permit is a waiver of the right to a hearing and a failure to exhaust administrative remedies.

These rules are intended to implement Iowa Code chapters 306B and 306C and section 306D.4 and 23 U.S.C. Section 131 and 23 CFR Section 750.705.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-35
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules–761 IAC Chapter 118, Logo Signing

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 118 in accordance with Executive Order 10. This chapter concerns the placement of logo signs for various motorist services accessible from the interstate system and implements Iowa Code section 306C.11.

Proposed Chapter 118 is 2/5th the size of the original version, with deference given to the Manual on Uniform Traffic Control Device (MUTCD) for guidance on the design of the signs and placement. There are no significant changes being proposed. A couple of minor changes include the elimination of the two-turn limit for trailblazing signs and the elimination of the multi-agency committee that had been used to review the applications for the “attractions” category of the program.

During the public comment period of the Regulatory Analysis, the department received one comment from Wisconsin-based Kwik Trip which does business as Kwik Star in Iowa. This comment encouraged the department to consider allowing EV charging as a new category of signing within the program. The department is on board with this idea for future rulemaking.

The public comment period for the Notice of Intended Action ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 118.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to logo signing and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 118, “Logo Signing,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 306C.11 and 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 306C.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 118 in compliance with Executive Order 10. Proposed Chapter 118 establishes standards and conditions for the placement of logo signs along the interstate system in Iowa in accordance with Iowa Code section 306C.11. The logo signing program operates within certain guidelines contained in the federal Manual on Uniform Traffic Control Devices (MUTCD), which contains national standards for the placement of official traffic signs placed within the public rights-of-way.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 1, 2024. A public hearing was held on the following date(s):

- May 21, 2024

The Department received one comment, and no changes from the Regulatory Analysis have been made. The Wisconsin-based Kwik Trip, Inc. (doing business as Kwik Star in Iowa) supports the inclusion of electric vehicle (EV) charging stations as a new category of signing along with gas, food, lodging, etc. The Department is aware that the recently revised MUTCD provides for EV charging as a new category of signing. Although the Department follows the MUTCD pursuant to 761—Chapter 130, it must do so using the version officially adopted by the Department. Adoption of the new version of the MUTCD is planned for calendar year 2025. Therefore, while the Department supports the concept, accommodations to allow EV charging stations as a new category under Chapter 118 will need to be incorporated after 761—Chapter 130 is repromulgated.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 8, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 6, 2024 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 639 035 248
November 8, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 685 941 041

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 118 and adopt the following **new** chapter in lieu thereof:

CHAPTER 118 LOGO SIGNING

761—118.1(306C) Introduction. Logo signing consists of individual business signs attached to specific service signs erected by the department within the right-of-way of interstate and freeway-primary highways. The purpose of logo signing is to provide specific motorist service information of interest to the traveling public in accordance with the “Manual on Uniform Traffic Control Devices,” (MUTCD) as adopted in rule 761—130.1(321). The department will perform all installation, maintenance, removal and replacement services for business signs within the right-of-way. The business signs are provided by the applicants.

761—118.2(306C) Definitions.

“*Business*” means an entity that provides a gas, food, lodging, or camping service or that is an attraction site.

“Business sign” means a separate sign attached to a specific service sign; the business sign shows the name, symbol or trademark of a business that provides the type of motorist service identified on the specific service sign.

“General service sign” means an official guide sign that identifies general road user services, such as gas, food, lodging and camping. This sign does not provide for the placement of business signs.

“Main line” means the main-traveled way of an interstate or a freeway-primary highway.

“Meal” means the service of food entrees and beverages between the hours of 8 a.m. to 10 a.m., 11 a.m. to 1 p.m., or 5 p.m. to 7 p.m.

“Motorist service” means one of the following five types of services: gas, food, lodging, camping or attraction.

“Ramp” means the exit lane that carries decelerating traffic away from the main line of an interstate or a freeway-primary highway.

“Specific service sign” means an official guide sign that identifies one or more types of motorist services, provides directional information, and has spaces for the attachment of business signs to identify businesses providing those services.

“Trailblazing sign” means a specific service sign erected on the road network accessed from an interchange that has logo signing; the sign directs motorists to a particular business signed on the main line and has spaces for the attachment of business signs.

“Visible” means able to be identified or comprehended by a person of visual acuity sufficient to be issued an Iowa driver’s license.

761—118.3(306C) Erection and location of specific service signs and placement of business signs.

118.3(1) General.

a. The department may erect specific service signs at rural interchanges if the requirements of this chapter are met and sufficient space is available. The department may also erect specific service signs at urban or nonrural interchanges if the requirements of this chapter are met and sufficient space is available. If sufficient space is not available for more than one specific service sign, the department may install a general service sign in lieu of a specific service sign.

b. Specific service signs may be erected at an interchange only when the motorist can conveniently reenter the interstate or freeway-primary highway and continue in the same direction of travel.

118.3(2) Main line specific service signs and placement of business signs. Following are the requirements for main line specific service signs erected in advance of an interchange, in a single direction of travel, and limitations regarding the number and types of business signs attached to these service signs:

a. A maximum of four main line specific service signs may be erected in advance of an interchange from which motorist services are available.

b. On the main line, the minimum spacing between specific service signs and between specific service signs and other official guide or destination signs is 800 feet.

c. If spacing limitations exist, preference may be given to available gas, food, lodging, camping or attraction services, in that order.

d. If services are displayed, the order of display of services in the direction of travel on successive main line specific service signs is as follows: attraction, camping, lodging, food, and gas.

e. Depending upon factors such as limited space for the placement of signs, limited interest from businesses, or limited availability of businesses, the department may combine up to three service types on one sign as provided in the MUTCD.

f. A maximum of six business signs may be displayed on a specific service sign, regardless of whether it displays a single service type or multiple service types.

118.3(3) Specific service signs erected along interchange ramps.

a. The department may erect specific service signs along interchange ramps to accommodate the placement of business signs similar to but smaller than the business signs used along the main lines, along with arrows and mileage indicators. Specific service signs along interchange ramps are available for the participating businesses that are not visible or that are only marginally visible from the traveled portion of the interchange area.

b. The department may opt to erect general service signs in lieu of specific service signs along interchange ramps, or not erect any service signs at all in cases where insufficient spacing exists for signs or where the ramps are directional with no turning decision to be made at a terminal.

118.3(4) Trailblazing signs.

a. Businesses that are not visible from the intersecting roadway will need to provide additional smaller versions of their business signs for installation on trailblazer service signs erected in advance of intersections where turns would be necessary.

b. If the proposed placement of a trailblazer service sign is not on the primary road system, the appropriate local jurisdiction will be provided with an opportunity to review the placement before the department proceeds with any specific service signing for the business. If the placement is approved, the department will route the appropriate signs to the local authority for installation.

c. If a trailblazer service sign is necessary, but the location is not conducive for placement or the local ordinance prevents such placement, an official traffic control device from another sign program or a lawfully placed outdoor advertising device may be used as a substitute, provided the sign is positioned to be effective at the intersection where it is needed.

d. If signing at the intersections where turns are necessary cannot be accomplished, the business does not qualify for participation in the logo program.

761—118.4(306C) Eligibility for placement of business signs on specific service signs. Participation in the logo program is limited to businesses that meet the following conditions:

118.4(1) The business is open to the general public; does not restrict entrance based on age; and conforms to all applicable laws concerning discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability.

118.4(2) The business is located within three driving miles of the beginning of the exit ramp for the interchange. In commercially developed areas, the department may reduce the qualifying distance to one mile. In areas where services are limited, the department may increase the qualifying distance to 15 miles.

118.4(3) Service types. The business provides one of the following types of services in accordance with the associated criteria:

a. *Gas.* Provision for the sale of gasoline, oil, and potable water; the use of restroom facilities; and access to a public telephone or a cell phone. The business' operating times should be at least 16 hours per day, seven days per week. For 24-hour fuel dispensers, operable with the use of a widely accepted credit card, the provision of gas or alternative fuels is considered sufficient for qualification purposes.

b. *Food.* A restaurant or food service that provides all of the following: at least two meals per day, six days per week; employees, menu, cash register or point-of-sale, seating for at least ten customers, and an exterior sign, all of which are designated exclusively for the business being represented on the service sign; and the display of a state food service establishment license or, if operating within tribal lands, compliance with food service standards established by the local authority.

c. *Lodging.* A lodging facility, appropriately licensed, with bathrooms and telephones for each unit.

d. *Camping.* A campground with at least 20 available camping spaces, with a 24-hour contact for staff, and for which all state and local health and sanitation standards are met.

e. *Attractions.* One of the following attraction sites providing public restrooms and parking spaces for at least 30 customers, and being open at least five days per week totaling 40 hours or more per week, except if otherwise specified below:

- (1) Area of natural beauty or phenomena.
- (2) Historic site.
- (3) Cultural site or museum.
- (4) Scientific site.
- (5) Four-year accredited college or university.
- (6) Religious site.
- (7) Area of outdoor recreation.
- (8) Winery, brewery or distillery with on-site production, tours, gift shop, and tasting room.

- (9) Amusement park.
- (10) Botanical park or zoological facility.
- (11) Casino.
- (12) Stadium, coliseum, arena or racetrack with a seating capacity of at least 5,000 and open during scheduled events.
- (13) Antique mall with at least 20,000 square feet devoted to retail sales.
- (14) Area containing eight or more antique shops within a three-block radius.
- (15) Shopping mall or retail outlet with a minimum, active store count of 50, excluding kiosks and temporary booths within the common areas, and including only those stores that occupy owned or leased areas whose boundaries are defined by permanent walls with doors or gates.
- (16) Sporting goods store or recreational retail outlet with at least 100,000 square feet devoted to retail sales.
- (17) Cultural and entertainment district as officially designated by the department responsible for state economic development provided that the local jurisdiction implements a signing plan to direct motorists to the various cultural and entertainment sites within the district.

118.4(4) The business maintains all outdoor advertising signs in a manner that conforms to Iowa Code sections 306C.11 and 306C.13.

118.4(5) The business premises includes a sign identifying the business in a manner visible to traffic approaching the entrance from a public roadway.

118.4(6) The business remains eligible to participate in the signing program in accordance with this chapter. If it is determined that a business is no longer eligible, the department may remove the business sign immediately or provide notice allowing for a 30-day period for the business to make the necessary adjustments to restore eligibility.

761—118.5(306C) Application, drawing, and fees.

118.5(1) *Application.*

a. A business may request placement of a business sign upon a main line specific service sign by submitting a completed application form, provided by the department, along with the application fee, to the Advertising Management Section, Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

b. The department will review the application and site for compliance with this chapter. If the application is approved, the department will advise on how many business signs will be needed to fulfill the request.

c. The business signs will be provided by the business or applicant in accordance with rule 761—118.6(306C). The department may offer a noncomprehensive list of known sign fabricators as a courtesy to the applicant.

d. Approved applications are valid for the fiscal year (July 1 to June 30) and expire on June 30. If the fees, as billed by the department, are paid by the business in accordance with subrule 118.5(4), the application is renewed on July 1.

118.5(2) *Drawing to select applicants.* If the number of applicants for businesses exceeds the number of vacant spaces on a main line specific service sign, the department will hold a lottery drawing among these applicants to select the applicants to fill the vacant spaces.

118.5(3) *New application required for business name change.* If a business participating in the logo signing program changes its name or franchise affiliation from that which appears on its business sign, a new application is required. If the new application is received by the department prior to the change on the business premises, the business will retain its position on the specific service sign, the department will approve the application, and no application fee is due.

118.5(4) *Fees.*

a. *Application fee.* A fee of \$100 is required for an application submitted in accordance with subrule 118.5(3). The application fee is a one-time fee and is nonrefundable once the department has performed an on-site review to verify compliance with the requirements of this chapter.

b. *Annual fee.* The annual fee is \$230 for each business sign posted on a specific service sign and is due on or before July 1 of each fiscal year. However, for a new application, the annual fee will be prorated based on the remaining months left in the fiscal year.

c. *Service fee.* If business signs are replaced for any reason, including at the request of the business to reflect an updated design or at the request of the department in accordance with rule 761—118.7(306C), a service fee of \$50 per sign is due upon completion of the work by the department. If business signs need to be replaced, the department recommends supplying new business signs for replacement rather than refurbishing existing signs. If existing signs are to be removed, refurbished, and then reinstalled, the \$50 service fee is applied per sign, per service trip.

118.5(5) *Failure to pay annual fee or service fee.* Applications terminate when annual fees are not paid in full by July 1 of each year or when service fees are not paid within 30 days of receiving the invoice from the department. In the event of termination, the business signs may be removed by the department, although such removal may occur at some point after the date of termination, depending upon the department's schedule and work priorities. If the termination was not voluntary, the business may reapply, subject to the requirements of this chapter, including payment of the application fee and a lottery drawing, where applicable.

118.5(6) *Fee options for seasonal operations.* Subject to subrule 118.5(5), a business that operates on a seasonal basis and is permitted to do so by this chapter has the following payment options:

a. Pay the annual fee for a full year. The department removes and reinstalls each business sign once each year, free of additional charge, coinciding with the dates of operation, if possible.

b. Pay the annual fee for a prorated year, based on the calendar months in which the business is in operation, plus a \$50 annual service fee per business sign for removal and reinstallation services performed. The department removes and reinstalls each business sign once each year, coinciding with the dates of operation, if possible.

c. Pay the annual fee for a prorated year, based on the calendar months in which the business is in operation, and provide business signs that contain a supplemental message indicating the dates of operation.

118.5(7) *Fees for temporary specific service signs.* In cases where the specific service sign is lacking or insufficient in size, and the projected date for installation or enlargement of the specific service sign by the department's contractor is undesirable for the applicant, the applicant may pay a special fee to expedite the installation of the business sign by having a small temporary specific service sign erected to provide a surface for the mounting of the business sign. The fee for the performance of this work is \$700 per main line specific service sign if none exists for that service type, \$400 per main line specific service sign if the existing sign is full, and \$300 per ramp specific service sign if similar work is needed along the ramp. The business signs furnished by the applicant will be the standard size and reused for placement on the primary specific service sign when it is available. Subject to availability of department resources, small temporary specific service signs will be installed within three months.

761—118.6(306C) Business sign fabrication. Upon approval of an application, the department will supply the necessary specifications for fabrication of the business signs to the applicant or applicant's sign fabricator. The applicant or applicant's sign fabricator shall submit a design proof to the department for approval before creating the business signs. If the department approves the submitted design, the sign fabricator may proceed to fabricate the signs and deliver them to the department's sign shop for inspection. All installation services are performed by the department or contractor on behalf of the department.

761—118.7(306C) Business sign replacement.

118.7(1) *Damaged business signs.* If a business sign is destroyed due to an errant vehicle or act of nature, the business, at its own expense, will need to furnish a replacement business sign. The department, due to an errant vehicle or act of nature, will waive any service fee associated in the work to replace the sign. If the specific service sign for which the business sign is attached can safely be repaired or re-erected while permanent repairs are on order through a contractor, the department will perform this work.

118.7(2) *Faded business signs.* The department may remove business signs that are faded or peeling after providing 60 days' notice to the business. If the business furnishes replacement business signs to the department in advance, the department may remove and replace business signs in the same service trip. This ensures continuity of signing and reduces department expenses.

118.7(3) *Updating a design.* If a business wants to update the design of a business sign, the process described in rule 761—118.6(306C) applies. The business will be billed in accordance with paragraph 118.5(4)“c.”

These rules are intended to implement Iowa Code section 306C.11.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2025-36
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 119, Tourist-Oriented Directional Signing

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 119 in accordance with Executive Order 10 and 2024 Iowa Acts, Senate File 2385, section 17.

Proposed Chapter 119 contains provisions and limitations for the erection of blue directional signs for businesses which are located within ten miles of a primary highway intersection in the non-urban areas of the state.

This chapter was significantly revised in early 2023, relaxing many of the entry qualifications for business owners interested in the program. The relaxed entry qualifications remain unchanged in the proposed repromulgated chapter, but an additional change is the elimination of the Tourist Signing Committee. This committee has provided a benefit for the program over the years by the committee's diverse representation and input during rulemaking and review of applications. However, with the more relaxed entry qualifications from the 2023 rule amendments in place, and because 2024 Iowa Acts, Senate File 2385, section 317, amended Iowa Code section 321.252(3) to eliminate the Tourist Signing Committee, this additional layer of review and associated processing time is eliminated.

The public comment period ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 119.

		Aye	Vote Nay	Pass
COMMISSION ACTION:	Anderson	_____	_____	_____
	Arnold	_____	_____	_____
	Gaesser	_____	_____	_____
	Juckette	_____	_____	_____
	Mulgrew Gronen	_____	_____	_____
	Rielly	_____	_____	_____
	Stutsman	_____	_____	_____
Moved by _____	Seconded by _____			
_____ Division Director	_____ Legal	_____ State Director		

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to tourist-oriented directional signing and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 119, “Tourist-Oriented Directional Signing,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12(1)“j” and section 321.252 as amended by 2024 Iowa Acts, Senate File 2385, section 317.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.252 as amended by 2024 Iowa Acts, Senate File 2385, section 317.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 119 in compliance with Executive Order 10 and 2024 Iowa Acts, Senate File 2385, section 17. Proposed Chapter 119 contains provisions and limitations for the erection of blue directional signs for businesses that are located within ten miles of a primary highway intersection in the nonurban areas of the state. The signs are installed by the Department within the right-of-way in advance of the intersection.

This chapter was significantly revised in early 2023, relaxing many of the entry qualifications for business owners interested in the program. The relaxed entry qualifications remain unchanged in the proposed repromulgated chapter, but an additional change is the elimination of the Tourist Signing Committee. This committee has provided a benefit for the program over the years by the committee’s diverse representation and input during rulemaking and review of applications. However, with the more relaxed entry qualifications from the 2023 rulemaking in place, and because 2024 Iowa Acts, Senate File 2385, section 317, amends Iowa Code section 321.252(3) to eliminate the Tourist Signing Committee, this additional layer of review and associated processing time is eliminated.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 10, 2024. A public hearing was held on the following date(s):

- July 30, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 8, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 6, 2024 2:30 to 3 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 275 901 22
November 8, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 374 085 758

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 119 and adopt the following **new** chapter in lieu thereof:

CHAPTER 119 TOURIST-ORIENTED DIRECTIONAL SIGNING

761—119.1(321) Definitions.

“At-grade intersection,” for the purpose of this chapter, means an intersection of a primary highway and a secondary roadway, municipal street, or other primary highway, in which traffic may pass through the intersection at the same grade level as the intersecting roadway, or turn directly onto the intersecting roadway without the use of a ramp.

“Destination,” for the purpose of this chapter, means a business, service, activity, or site that meets the program requirements established in rule 761—119.3(321).

“Primary highway,” for the purpose of this chapter, means those roads and streets both inside and outside the boundaries of municipalities that are under department jurisdiction but does not include an interstate highway or a freeway primary highway as defined in Iowa Code section 306C.10.

“Tourist-oriented directional signing” means a system of guide signs with one or more sign panels that display the identification of and directional information for an eligible destination.

761—119.2(321) General.

119.2(1) *Conformance to MUTCD.* The department administers the tourist-oriented directional signing program in conformance with the “Manual on Uniform Traffic Control Devices” (MUTCD), as adopted in rule 761—130.1(321).

119.2(2) *Spacing and location.*

a. Tourist-oriented directional signing may be installed only when sufficient space is available. The determination of whether sufficient space is available is the responsibility of the department in accordance with the MUTCD and department policies.

b. Tourist-oriented directional signing may be installed only in advance of at-grade intersections where the motorist leaves the primary highway system to travel to the destination. Tourist-oriented directional signs may also be placed on a higher-classified highway to direct motorists onto a lower-classified highway, or on a greater-traveled highway to direct motorists onto a lesser-traveled highway, provided the signs are placed in advance of an at-grade intersection.

c. Tourist-oriented directional signing is limited to the rural areas and towns that are located outside of any urban areas established by the U.S. Census Bureau for incorporated municipalities with a population that meets or exceeds 5,000.

119.2(3) *Message.* The message on a tourist-oriented directional sign is limited to a descriptive name, a directional arrow, the travel distance to the destination, and in some cases for motorist services, an additional short word or acronym indicating an essential fuel type such as diesel, E-85, or EV (electric vehicle-charging station).

761—119.3(321) Eligibility for participation. Participation in this signing program is limited to destinations that meet the following criteria:

119.3(1) The destination is open to the general public for a minimum of four days per week and 20 hours per week. These hours are exclusive of any hours of operation that are by appointment, reservation or membership. The hours are conspicuously posted on the premises except for destinations that are open 24 hours per day.

119.3(2) Entrance to the destination is not granted based on age.

119.3(3) The destination derives a major portion of income or visitors from road users not residing in the area of the destination.

119.3(4) The destination is properly licensed by governing authorities relative to the nature of the activity engaged in by the destination.

119.3(5) The destination is located within ten miles of the intersection on the primary highway where the tourist-oriented directional signs will be placed.

119.3(6) The destination is located outside the boundaries of any urban area established by the U.S. Census Bureau for an incorporated municipality with a population that meets or exceeds 5,000.

119.3(7) The destination is not visible from the primary highway in a way that allows motorists time to safely react and make the turn. This program is not intended for businesses that enjoy adequate highway frontage for the placement of on-site signing.

119.3(8) The destination consists of buildings, facilities, and grounds that are safe, suitable, and appropriately designed and maintained for the intended purpose. If residential quarters co-exist in the same building, a convenient, well-marked, and separate entrance is available for patrons to access the activity identified on the sign.

119.3(9) The destination complies with all applicable laws concerning public accommodations without regard to age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

119.3(10) The destination complies with Iowa Code chapters 306B, 306C and 306D.

119.3(11) The destination, if seasonally operated, is open for a minimum of four consecutive weeks.

761—119.4(321) Application and approval procedure.

119.4(1) Applications for tourist-oriented directional signing may be submitted to: Advertising Management Section, Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way,

Ames, Iowa 50010. Information regarding the program may be accessed at www.iowadot.gov/iowaroadsigns or 515.239.1746.

119.4(2) The department may conduct measurements, take photographs, and collect information about destinations as necessary for evaluation purposes.

119.4(3) Applications that meet the requirements of this chapter will be approved.

119.4(4) Applications that do not meet the requirements of this chapter will be denied. The applicant will be informed of the reason for the denial.

761—119.5(321) Installation, maintenance, replacement and removal.

119.5(1) *Installation and maintenance of tourist-oriented directional signs.* Except as provided in subrule 119.5(4), the department will fabricate and perform the installation, maintenance, removal and replacement of tourist-oriented directional signs that are located within the right-of-way.

a. Upon approval of an application, the department will design the tourist-oriented directional sign and provide a scaled drawing of the tourist-oriented directional sign to the applicant, allowing the applicant to reconfirm interest before proceeding with fabrication.

b. Upon payment of the initial fee specified in subrule 119.5(3), the department will fabricate and install the tourist-oriented directional sign.

119.5(2) *Installation and maintenance of trailblazing signs.* Trailblazing signs are necessary when the destination is not located adjacent to the intersecting roadway.

a. The department may fabricate trailblazing signs and provide them to cities and counties for installation on secondary roads and city streets, if such placement does not violate any local ordinance, policy, or traffic manual.

b. The department will consult with the local authority to confirm that placement of a trailblazing sign is possible to guide the motorist to the destination.

c. Tourist-oriented directional signs may be installed only when all trailblazing signs may also be installed.

119.5(3) *Initial and renewal fees.* The initial fee, payable once an application is approved, is \$350 for each 72" × 18" sign placed along the primary highway and \$26 for each trailblazing sign placed along a nonprimary highway. These fees include the cost of sign fabrication and installation but do not include any additional requested fees by local jurisdictions for the placement of trailblazing signs along local road systems. The annual renewal fee, payable on or before June 30 of each year, is \$50 per sign, excluding trailblazing signs. This fee covers the administrative costs and normal maintenance.

119.5(4) *Seasonal destination.*

a. Seasonal destinations may be approved for the program if “closed” panels are installed over the directional information when the destinations are not open for the season or when the hours of operation are not meeting the minimum listed in subrule 119.3(1).

b. Destinations such as golf courses and Christmas tree farms where the expected seasonal period is generally known by motorists may forego the use of “closed” panels.

c. Destinations using “closed” panels may arrange to remove or reinstall the panels on their own through an agreement with the department or pay a fee to the department to perform the service. The fee is \$40 per trip and includes all signs associated with the destination that are located along the primary highway system.

119.5(5) *Replacement.* Tourist-oriented directional signs are constructed with high-quality materials designed to last many years. The department may, however, determine that a tourist-oriented directional sign needs to be replaced due to damage from vehicles, deterioration from age, or loss due to theft. In these cases, the cost for replacing the sign is the responsibility of the destination.

119.5(6) *Not-for-profit organizations.* A not-for-profit destination is exempted from all fees and costs associated with the installation and maintenance of a single set of signs at a location determined by the department to be the most reasonable approach to the destination. Additional locations may be requested by the not-for-profit organization, and, if approved, such locations are subject to the associated fees and costs described in this chapter.

119.5(7) *Removal.* The department may remove a tourist-oriented directional sign if the destination no longer qualifies for tourist-oriented directional signing. As official signs, all removed tourist-oriented

directional signs are retained as property of the department unless released to the destination for purposes other than display along any public roadway.

These rules are intended to implement Iowa Code section 321.252 as amended by 2024 Iowa Acts, Senate File 2385, section 317.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-37
Submitted by Daniel Yeh Phone No. 515-237-3325 Meeting Date December 10, 2024
Title Administrative Rules–761 IAC Chapter 410, Special Mobile Equipment

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 410 in accordance with Executive Order 10.

Proposed Chapter 410 provides information on special mobile equipment (SME) for customers in two main areas: (1) titling and registering SME attached to a motor vehicle and (2) requirements when transporting SME on a registered vehicle.

The public comment period ended on November 20, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 410.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to special mobile equipment and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 410, “Special Mobile Equipment,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321E.15.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.18, 321.20, 321E.12 and 321E.15.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 410 in compliance with Executive Order 10. Proposed Chapter 410 provides information on special mobile equipment (SME) for customers in two main areas: (1) titling and registering SME attached to a motor vehicle and (2) requirements when transporting SME on a registered vehicle. These rules provide transparency on some of the common scenarios that arise for customers who own or transport SME.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 24, 2024. A public hearing was held on the following date(s):

- August 15, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has a minimal fiscal impact to the State of Iowa. Although the volume of SME owners seeking title and registration under this optional process is low (approximately 20 vehicles annually), if title and registration are issued, the Department estimates a revenue increase of approximately \$10,200 annually (\$490 annual reg fee + \$20 title fee x 20 vehicles). There is no fiscal impact to the State of Iowa for issuing permits for vehicles required to be moved by permit under Iowa Code chapter 321E that was not already required as a result of underlying statute.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 20, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 19, 2024 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 653 059 509
November 20, 2024 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 931 333 470

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 410 and adopt the following **new** chapter in lieu thereof:

CHAPTER 410 SPECIAL MOBILE EQUIPMENT

761—410.1(321) General.

410.1(1) “Special mobile equipment” means the same as defined in Iowa Code section 321.1.

410.1(2) Special mobile equipment is exempt from titling and registration pursuant to Iowa Code sections 321.18 and 321.20. However, a certificate of title and registration may be obtained in accordance with Iowa Code chapter 321 for a motor truck, trailer or semitrailer with special mobile equipment permanently attached.

410.1(3) Questions about special mobile equipment may be directed by mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3268; or by email at omcs@iowadot.us.

This rule is intended to implement Iowa Code sections 321.1, 321.18 and 321.20.

761—410.2(321E) Special mobile equipment transported on a registered vehicle. The movement of special mobile equipment or component parts of special mobile equipment transported on a vehicle registered for the gross weight of the vehicle without load, as provided in Iowa Code section 321E.12, is subject to the following:

410.2(1) If the special mobile equipment is leased, the lease agreement or a certified copy of the lease agreement is to be carried in the cab of the transporting vehicle.

410.2(2) The size and weight limits in Iowa Code chapter 321 are applicable unless a permit to exceed these limits is obtained in accordance with Iowa Code chapter 321E.

This rule is intended to implement Iowa Code sections 321E.12 and 321E.15.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Motor Vehicle Division Order No. MV-2025-38
Submitted by Daniel Yeh Phone No. 515-237-3325 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 540, Transportation Network Companies

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 540 in accordance with Executive Order 10.

Proposed Chapter 540 implements Iowa Code chapter 321N, by outlining the procedures for Transportation Network Companies (TNCs) to obtain a permit to offer rideshare services in Iowa. A TNC permit allows the company to provide transportation by a TNC driver to a TNC rider through a digital network controlled by the TNC.

The public comment period ended on November 20, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 540.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to transportation network companies and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 540, “Transportation Network Companies,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 321N.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.515 and 321.519 and chapter 321N.

Purpose and Summary

This rulemaking proposes to adopt a new Chapter 540 in compliance with Executive Order 10. The proposed chapter implements Iowa Code chapter 321N by outlining the procedures for Transportation Network Companies (TNCs) to obtain a permit to offer rideshare services in Iowa. A TNC permit allows the company to provide transportation by a TNC driver to a TNC rider through a digital network controlled by the TNC. TNCs offer Iowans the ability to receive transportation services other than by driving their own personal vehicle, taking public transportation, or using a taxicab service.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 24, 2024. A public hearing was held on the following date(s):

- August 16, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 20, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations

800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 19, 2024
3 to 3:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 434 109 363

November 20, 2024
1 to 1:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 298 193 050

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 540 and adopt the following **new** chapter in lieu thereof:

CHAPTER 540 TRANSPORTATION NETWORK COMPANIES

761—540.1(321N) Purpose and applicability. This chapter implements the permitting and regulation requirements of Iowa Code chapter 321N and applies to transportation network companies and transportation network company drivers.

761—540.2(321N) Definitions. The definitions in Iowa Code section 321N.1 are hereby incorporated in this chapter.

761—540.3(321N) General information.

540.3(1) Information and location. Applications, forms, and information regarding transportation network company permits are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3156; by email at central.vehicle@iowadot.us; or on the department's website at www.iowadot.gov/mvd/paid-rideshare.

540.3(2) Complaints. Complaints against transportation network companies pertaining to the provisions of Iowa Code chapter 321N and this chapter that are within the regulation and jurisdiction of the department may be submitted in writing to the motor vehicle division via the methods listed in subrule 540.3(1).

761—540.4(321N) Application for transportation network company permit and supporting documents.

540.4(1) Application. An application for a transportation network company permit is to be made to the motor vehicle division using Form 432070 and is to contain the information required in Iowa Code section 321N.2, as well as the following:

a. If incorporated or otherwise organized, the transportation network company's state of incorporation or organization and a statement confirming the transportation network company is in good standing with the transportation network company's state of incorporation or organization.

b. A statement confirming the transportation network company's agreement to comply with all applicable requirements of Iowa Code chapter 321N and this chapter, signed by the transportation network company's authorized representative.

c. The name by which the transportation network company will do business in the state of Iowa, if different from the transportation network company's full legal name.

d. A description of the transportation network company's digital network and the means or manner by which the network may be accessed by the transportation network company's drivers and riders. This paragraph is not intended to and shall not be construed as requiring the disclosure of information proprietary to the transportation network company.

e. A description of how the transportation network company has established a means of informing persons seeking approval to serve as transportation network company drivers of the driver's notification obligations under Iowa Code section 321N.3(2).

f. A description of how the transportation network company has established a means of making the automobile insurance disclosures required by Iowa Code section 321N.5 to persons serving as transportation network company drivers.

g. A description of how the transportation network company has established a means of making the driver and vehicle disclosures required by Iowa Code section 321N.7 to transportation network company riders.

h. A description of how the transportation network company has established a means of transmitting an electronic receipt to transportation network company riders as required by Iowa Code section 321N.8.

i. Such other information as may be required by the department.

540.4(2) Application fee. The application fee in Iowa Code section 321N.2(2) shall be made payable to the Iowa Department of Transportation in the form and manner prescribed by the department.

540.4(3) Supporting documents. The proof required in Iowa Code section 321N.2(2) includes the following:

a. Proof under Iowa Code section 321N.2(2) "a"(4): a valid certificate of coverage from an insurer governed by Iowa Code chapter 515 or from a surplus lines insurer governed by Iowa Code chapter 515I. An acceptable certificate of coverage will demonstrate coverage in the amounts and circumstances required by Iowa Code section 321N.4 and will certify that, if insurance maintained by a transportation network company driver under Iowa Code chapter 321N lapses or does not provide coverage in the amounts or types required by Iowa Code section 321N.4(2) or 321N.4(3), the insurance certified in the certificate of coverage will provide coverage in the amounts and types required by Iowa Code section 321N.4(2) or 321N.4(3), beginning with the first dollar of the claim, and the insurer providing such coverage shall defend the claim. An acceptable certificate of coverage will also certify that the coverage therein is not dependent on the insurer of a transportation network company driver's personal vehicle first denying a claim, and does not require the insurer of a personal automobile insurance policy to first deny a claim to trigger coverage and defense under the coverage certified.

b. Proof under Iowa Code section 321N.2(2) "a"(5): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced.

c. Proof under Iowa Code section 321N.2(2) "a"(7): a written copy of each applicable policy and an explanation of the manner or means by which the policy is made known to transportation network company drivers and the manner or means by which the policy is enforced. As used herein,

“nondiscrimination policy” means a policy that prohibits discrimination against transportation network company riders on the basis of race, age, disability, religion, color, sex, or national origin. “Accessibility policy” means a policy that prohibits discrimination against and ensures equal opportunity and access to transportation network company riders who are persons with disabilities under the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008 (P.L.110-325), codified at 42 U.S.C. 12101 et seq.

d. Proof under Iowa Code section 321N.2(2)“a”(8): a written copy of the applicable policy and an explanation of the manner or means by which the policy is made known to the designated records retention officer or responsible staff and the manner or means by which the policy is enforced.

e. All applicable documents identified in 761—subrule 380.7(2) and any other documentation, if required by the department, necessary to assess the operational capabilities of any driverless-capable vehicles the transportation network company intends to operate, including for the purpose of determining whether to impose operational restrictions as authorized under rule 761—400.21(321).

761—540.5(321N) Issuance of permit. Upon submission of a completed application as set forth in rule 761—540.4(321N), the department shall process the application and inform the transportation network company of the package’s status no later than 30 days after the department receives the application. Application statuses for the purpose of this rule are as follows: “in process,” “granted,” and “denied.” If the department informs a transportation network company that the application is “in process,” then the department shall also inform the transportation network company of the reason for the status.

761—540.6(321N) Amendment to transportation network company permit. If during the period the permit is valid any information required and presented in the application under subrule 540.4(1) changes, the transportation network company is to notify the motor vehicle division of the change in writing within 30 days after the change. Notification is to include the permit number and a description of the information that has changed and needs to be updated in the department’s records. Submission of amended information is not a request for a new permit or for permit approval and does not extend the period the permit is valid. Upon determination that the information submitted is complete and correct, the department shall update its records and issue an amended permit, if the department determines it is necessary.

761—540.7(321N) Suspension and revocation procedures.

540.7(1) Suspension. If the department determines that the transportation network company has violated Iowa Code chapter 321N or this chapter, the department may issue to the transportation network company a written notice of the violation. The written notice shall specify the violation and advise the transportation network company that failure to remedy the violation and to comply with the applicable requirements within 30 days will result in suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa. If the transportation network company fails to remedy the violation within 30 days, the department shall issue to the transportation network company a written notice of suspension of the permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa, which will take effect 30 days after service of the written notice of suspension. Once effective, the suspension will remain in effect until the transportation network company demonstrates to the department that the transportation network company is in compliance with the applicable requirements or the permit is revoked or expires, whichever occurs first.

540.7(2) Revocation. If the department determines that the transportation network company is in continued noncompliance with Iowa Code chapter 321N or this chapter, the department shall revoke the transportation network company’s permit and the privilege to operate or conduct business as a transportation network company in the state of Iowa for a minimum of 90 days. Notice of revocation shall be in writing and specify the continued noncompliance. The revocation will take effect 30 days after service of the written notice of revocation and will remain effective until the following criteria are satisfied:

a. The transportation network company submits a new application, application fee, and supporting documents under rule 761—540.4(321N).

b. The department determines a new permit should be issued under this chapter.

540.7(3) *Continued noncompliance.* As used in this rule, “continued noncompliance” means a violation of Iowa Code chapter 321N or this chapter for which a notice of suspension has become effective and has remained in effect for a period of at least 180 days.

761—540.8(321N) Appeal.

540.8(1) A transportation network company whose permit has been suspended, revoked, or denied may request an informal settlement or a contested case proceeding as provided in 761—Chapter 13.

540.8(2) To be timely, the request must be submitted within 20 days of service of the notice of suspension or revocation. A request to appeal a denial may be submitted at any time.

540.8(3) The department will stay the suspension or revocation pending resolution of the informal settlement, contested case, or appeal.

761—540.9(321N) Renewal.

540.9(1) A transportation network company that holds a valid permit may renew the permit by submitting, at minimum, the following: (1) the application, (2) the application fee, (3) current proof of insurance as specified in subrule 540.4(3), and (4) any supporting documents as set forth in rule 761—540.4(321N) that have changed since the documents were last approved by the department. Any required documentation that has not changed, other than current proof of insurance, does not need to be resubmitted for a permit renewal. The application for renewal must be submitted no more than 60 days before the expiration date of the existing permit and no fewer than 30 days before the expiration date of the existing permit.

540.9(2) Pursuant to Iowa Code section 17A.18(2), when a transportation network company has made a timely and sufficient application for the renewal of a valid permit, the existing permit does not expire until the application has been finally determined by the department and, in case the application is denied or the terms of the new permit are limited, until the last day for seeking judicial review of the department’s order or a later date fixed by order of the department or the reviewing court.

540.9(3) If the application for renewal is submitted fewer than 30 days before the expiration date of the existing permit, then the application will be considered a new application and Iowa Code section 17A.18(2) shall not apply. If a transportation network company does not file a renewal application pursuant to this rule, then the original application will expire on the expiration date set forth on the original permit.

540.9(4) If a transportation network company initiates an appeal, informal settlement, or contested case proceeding pursuant to rule 761—540.8(321N) and the original application expires pursuant to the expiration date of the application, then the transportation network company is required to submit a renewal application pursuant to subrule 540.9(1) if the transportation network company intends to hold a valid permit under this chapter once the appeal, informal settlement, or contested case proceeding has been finally determined.

761—540.10(321N) Record review.

540.10(1) When the department examines the records of a transportation network company as authorized under Iowa Code section 321N.2(5), the department may request the transportation network company to provide a list of all prearranged rides for a seven-day period or all transportation network company drivers in Iowa for a specific date. The transportation network company shall provide the required information to the department within 30 days of the request.

540.10(2) For the records provided under subrule 540.10(1), the department may identify a random sample of rides or drivers, or rides and drivers, for review for the specified period. The transportation network company must provide additional information for each driver and each rider for each ride as requested by the department. The department may also require:

a. A copy of the driver’s license for the transportation network company driver.

b. A copy of the driver's state-issued vehicle registration, including year, make, model, VIN and license plate number.

c. A copy of proof of the driver's financial liability coverage, including the driver's insurance company name, address, and policy number. In addition, a copy of proof of financial liability coverage maintained to comply with Iowa Code sections 321N.4(2) and 321N.4(3) that includes coverages and limits may be satisfied by any of the following:

- (1) Insurance maintained by the transportation network company driver.
- (2) Insurance maintained by the transportation network company.
- (3) A combination of subparagraphs 540.10(2) "c"(1) and (2).

d. A copy of or a verification that all necessary disclosures were supplied to the driver by the transportation network company, including the lienholder, vehicle owner, insurance and motor vehicle equipment requirements.

e. A copy of all complaints received by the transportation network company from any rider who received a ride from the driver. This includes but is not limited to complaints related to drug or alcohol use, vehicle safety, motor vehicle equipment safety, driver behavior, driver ability or operation of the vehicle.

f. A summary or other documentation that shows how the transportation network company resolved any complaint from a rider.

g. Documentation or verification of the background and sex offender registry check on the driver.

h. The electronic ride receipt provided to each rider.

540.10(3) Notwithstanding any provision of subrule 540.10(1) to the contrary, the department and the transportation network company may agree to an alternative process or format for the transportation network company to provide the requested records if the records otherwise include the information required in subrule 540.10(2).

540.10(4) Records submitted by the transportation network company to the department pursuant to this rule shall maintain the same status, including confidentiality and disclosure requirements as provided in Iowa Code section 321N.2(5).

These rules are intended to implement Iowa Code sections 321.515 and 321.519 and chapter 321N.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-39
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 111, Real Property Acquisition and Relocation Assistance

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 111 in accordance with Executive Order 10.

Proposed Chapter 111 complies with Iowa Code section 316.9 to ensure compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). To comply with this federal act, 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 and is available on its website, is based on federal regulations, 49 CFR Part 24, which implement the Uniform Act.

The public comment period ended on November 8, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 111.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to real property acquisition and relocation assistance and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 111, “Real Property Acquisition and Relocation Assistance,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)“j” and 316.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 316 and sections 6B.42, 6B.45, 6B.54, 6B.55 and 310.22.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 111 in compliance with Executive Order 10. Proposed Chapter 111 complies with Iowa Code section 316.9 to ensure compliance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). To comply with this federal act, 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 and is available on its website, is based on federal regulations, 49 CFR Part 24, which implement the Uniform Act.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 17, 2024. A public hearing was held on the following date(s):

- May 9, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 8, 2024. Comments should be directed to:

Tracy George
Department of Transportation

DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

November 7, 2024 11 to 11:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 484 679 961
November 8, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 887 511 409

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 111 and adopt the following **new** chapter in lieu thereof:

CHAPTER 111

REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

761—111.1(316) Acquisition and relocation assistance manual. The September 2017 edition of Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance” is adopted by reference.

111.1(1) Contents. Section II establishes uniform rules and procedures that comply with Iowa law and the Federal Uniform Relocation Act for the acquisition of real property and for the provision of relocation assistance to persons who are displaced from real property as a result of programs and projects. Relocation assistance is not compensation for real property acquired nor is it compensation for damages to remaining property. Rather, relocation assistance is assistance and compensation provided to a displaced person for making the move and relocating.

111.1(2) Applicability.

a. In general, Section II applies to any program or project that involves the acquisition of real property or that causes a person to be a displaced person if the program or project:

- (1) Is undertaken with federal financial assistance, or
- (2) Is a road or street program or project undertaken with state financial assistance from the primary road fund, including primary road funds allocated for state park and institutional roads, or
- (3) Is a public road or highway eligible for federal aid.

b. In general, Section II applies to any of the following entities that acquire real property or displace a person for a program or project described in paragraph 111.1(2) “a”:

- (1) The state of Iowa.
- (2) A political subdivision of the state.

- (3) A department, agency or instrumentality of one or more states or political subdivisions.
- (4) A utility or railroad subject to Iowa Code section 327C.2 or chapter 476, 478, 479, 479A or 479B authorized by law to acquire property by eminent domain.
- (5) Any other person who has the authority to acquire property by eminent domain under state law.
- (6) Any other person who acquires real property or displaces a person for a program or project described in paragraph 111.1(2)“a.”
- c. Any exceptions to paragraphs 111.1(2)“a” and “b” are set out in Section II.
- d. In accordance with Iowa Code section 316.9(3), an entity that provides relocation assistance benefits for any program or project is to provide an appeal process, regardless of the source of funding for the program or project. The appeal process provided is not to diminish the rights of the appellant or the scope of the appeal as described in Section II.

111.1(3) *Availability of manual.* Copies of the manual are available from the Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or on the department’s website at www.iowadot.gov/rightofway/brochures-and-manuals.

111.1(4) *Future programs or projects.* Failure to comply with Section II when acquiring real property or displacing persons for a program or project may preclude the receipt of future federal financial assistance for the program or project area.

This rule is intended to implement Iowa Code chapter 316 and sections 6B.42, 6B.45, 6B.54, 6B.55 and 310.22.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Transportation Development Division Order No. TD-2025-40
Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date December 10, 2024
Title Administrative Rules—761 IAC Chapter 4, Public Records and Fair Information Practices

DISCUSSION/BACKGROUND:

The rulemaking proposes to rescind and repromulgate Chapter 4 in accordance with Executive Order 10.

Proposed Chapter 4 facilitates broad public access to open records and sound determinations with respect to the handling of confidential records. Access to public records provides transparency in the operations and decision of government activities.

This chapter is used when providing information requested by citizens, contractors, and individual parties and to comply with the Iowa Open Records Law, Freedom of Information Act, litigation, and proceedings.

The public comment period ended on November 20, 2024. The department did not receive any comments.

A complete summary explaining the proposed rulemaking is included in the attached Notice of Intended Action.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve repromulgating Chapter 4.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to public records and fair information practices and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 4, “Public Records and Fair Information Practices,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 8A.615, 22.3, 22.11, 307.12(1)“j” and 321.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 22, 553 and 692; sections 8A.615, 17A.2, 21.5, 72.3, 80G.2, 80G.3, 313.10, 321.11, 321.11A, 321.19, 321.186, 321.189A, 321.266, 321.271, 422.20, 452A.63, 622.10, 622.11, 804.29 and 808.13; 5 U.S.C. §552 and 552a; 18 U.S.C. §2721 et. seq.; and 42 U.S.C. §405.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 4 in compliance with Executive Order 10. Proposed Chapter 4 facilitates broad public access to open records and sound determinations with respect to the handling of confidential records.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 10, 2024. A public hearing was held on the following date(s):

- July 30, 2024

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on November 20, 2024. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way

Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 19, 2024 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 221 495 970
November 20, 2024 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 307 430 041

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

761—4.1(8A,22) General provisions.

4.1(1) Purpose and scope. It is the policy of the department that free and open examination of public records is generally in the public interest. The purpose of this chapter is to facilitate broad public access to open records and sound determinations with respect to the handling of confidential records. This chapter:

a. Describes the provisions governing public access to records that are owned by or in the physical possession of the department. However, access to personnel and payroll records may also be subject to the rules of the department of administrative services.

b. Does not affect the policy of the department to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

c. Does not make available records compiled by the department in reasonable anticipation of court litigation or formal administrative proceedings. The availability of these records to the public or to any individual or party to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the department.

4.1(2) Custodian. The custodian of a record is the person who heads the departmental office responsible for that record. The department's electronic Records Management Manual identifies the offices that are responsible for particular records.

a. As used in this chapter, the term "custodian" includes the custodian's superiors and the custodian's designees.

b. A custodian's designee may include but is not limited to the records center.

c. The custodian of a record is authorized to provide or deny access to that record in accordance with the provisions of this chapter. However, the custodian's authority to provide access to a confidential record is limited to the persons listed in subrule 4.3(2).

4.1(3) *Address of records center.* The address of the department's records center is: Records Center, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

4.1(4) *Records Management Manual.*

a. The department's electronic Records Management Manual contains the records management information required by Iowa Code section 8A.615, including descriptions of department records and their formats, management, maintenance, storage, retention, security, and disposal.

b. The manual also contains the descriptive information on records that is required by Iowa Code section 22.11. The manual is updated as needed, and its provisions are made a part of these rules.

c. The manual is available for examination and copying at the department's records center and at various other departmental offices located throughout the state. A copy of the manual may also be obtained, upon request, from the records center.

4.1(5) *Availability of open records.* Open records of the department are available to the public for examination and copying unless otherwise provided by state or federal law, regulation or rule.

4.1(6) *Warranty.* No warranty of the accuracy or completeness of a record is made.

4.1(7) *Existing records.* A request for access applies only to records that exist at the time the request is made and access is provided. The department is not required to create, compile or procure a record solely for the purpose of making it available. EXCEPTIONS: See Iowa Code section 22.3A and subrule 4.3(3).

4.1(8) *Definitions.* As used in this chapter:

"*Confidential record*" means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the department is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7 or another provision of law, but that may be disclosed upon order of the court, the custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

"*Director*" means the director of transportation or the director's designee.

"*Open record*" means a record other than a confidential record.

"*Personally identifiable information*" means information about an individual in a record that identifies the individual and is retrievable by a unique personal identifier associated with the individual.

"*Public*" means those persons who are not officials, employees or agents of the department.

"*Record*" means the whole or a part of a "public record" as defined in Iowa Code section 22.1 that is owned by or in the physical possession of the department.

"*Requester*" means a member of the public.

This rule is intended to implement Iowa Code chapter 22 and section 8A.615.

761—4.2(22) Access to records.

4.2(1) *Submission of request for access.*

a. Submit a request for access to a record to the custodian of the record. If the requester does not know the identity of the custodian, the request may be submitted to the records center at the address in subrule 4.1(3). The records center will forward the request to the custodian.

b. Notwithstanding paragraph 4.2(1) "a," any request that may be related to a potential or an actual tort claim or other litigation is to be submitted to: Attorney General's Office, Transportation Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. If the custodian receives a request of this nature, the custodian is to forward the request to the Attorney General's Office, Transportation Section.

c. If a request for access is misdirected, department personnel will forward the request to the custodian.

4.2(2) Form of request. A requester shall not be required to give reasons for requesting an open record.

4.2(3) Response to request. The custodian is to provide access to an open record promptly upon request. However, if the size or nature of the request makes prompt access infeasible, the custodian is to fill the request as soon as feasible and give the requester an estimate of when the record will be available.

4.2(4) Delay. Access to a record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian will inform the requester of the reason for the delay and the estimated length of the delay.

4.2(5) Copies. A photocopy of an open record may be made on department photocopiers. If a photocopier is not available in the office where an open record is kept, the custodian may permit the open record's examination in that office and, if requested, arrange to have a copy made elsewhere. Most department records are stored in electronic formats; therefore, if the requested record is electronic, an electronic copy will be provided. If the requester is unable to open and read an electronic copy, or if the record does not exist in electronic form, a hard copy may be provided.

4.2(6) Fees. The department may charge fees for records as authorized by Iowa Code section 22.3 or another provision of law. Under Iowa Code section 22.3, the fee for the copying service, whether electronic or hard copy, is not to exceed the cost of providing the service.

This rule is intended to implement Iowa Code sections 22.2, 22.3, 22.4, 22.8, 22.10 and 22.11.

761—4.3(22) Access to confidential records. The following provisions are in addition to those specified in rule 761—4.2(22) and are minimum requirements. A statute or another department rule may impose additional requirements for access to certain classes of confidential records. A confidential record may, due to its nature or the way it is compiled or stored, contain a mixture of confidential and nonconfidential information. The department will not refuse to release the nonconfidential information simply because of the manner in which the record is compiled or stored.

4.3(1) Procedure.

a. Form of request. The custodian is to ensure that there is sufficient information to provide reasonable assurance that access to a confidential record may be granted. Therefore, the custodian may require the requester to:

- (1) Submit the request in writing.
- (2) Provide proof of identity and authority to secure access to the record.
- (3) Sign a certified statement or affidavit listing the specific reasons justifying access to the record and provide any proof necessary to establish relevant facts.

b. Response to request. The custodian is to notify the requester of approval or denial of the request for access. If the requester indicates to the custodian that a written notice is desired if the request for access is denied, the custodian will provide such notice promptly. The notice is to be signed by the custodian and include:

- (1) The name and title or position of the custodian, and
- (2) A brief statement of the grounds for denial, including a citation to the applicable statute or other provision of law.

c. Reconsideration of denial. A requester whose request is denied by the custodian may apply to the director for reconsideration of the request.

4.3(2) Release of confidential records by the custodian. The custodian may release a confidential record or a portion of it:

- a.* To the legislative services agency pursuant to Iowa Code section 2A.3.
- b.* To the ombudsman pursuant to Iowa Code section 2C.9.
- c.* To other governmental officials and employees only as needed to discharge their duties.
- d.* To those persons as permitted or required by rule 761—4.9(22).
- e.* To persons authorized by the subject of the record in accordance with rule 761—4.4(22).
- f.* To the public information board pursuant to Iowa Code section 23.6.

4.3(3) Information released. If a person is provided access to less than an entire record, the department will take measures to ensure that the person is furnished only the information that is to be

released. This may be done by providing to the person either an extraction of the information to be released or a copy of the record from which the information not to be released has been deleted.

This rule is intended to implement Iowa Code section 22.11.

761—4.4(22) Consent to release a confidential record to a third party. To the extent permitted by law, the subject of a confidential record may consent to the confidential record's release to a third party. The consent must be in writing and must identify the particular record that may be disclosed and the particular person or class of persons to whom the record may be disclosed. The subject of the record may be required to provide proof of identity. Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record may be deemed to constitute consent for the department to disclose records about that person to the person's counsel.

This rule is intended to implement Iowa Code section 22.11.

761—4.5(22) Requests for confidential treatment.

4.5(1) A person may request that all or a portion of a record be confidential. The request must be submitted in writing to the custodian and:

- a. Identify the information for which confidential treatment is sought.
- b. Cite the legal basis that justifies confidential treatment.
- c. Demonstrate that disclosure of the information would clearly not be in the public interest.
- d. Give the reasons why any person or persons would be substantially and irreparably injured by disclosure of the information. The requester may be required to provide any proof necessary to support these reasons.

4.5(2) The custodian is to notify the requester in writing of the granting or denial of the request and, if denied, the reasons therefor.

4.5(3) If the request is denied, the requester may apply to the director for reconsideration of the request.

This rule is intended to implement Iowa Code sections 22.8 and 22.11.

761—4.6(22) Procedure by which additions, dissents, or objections may be entered into records. Except as otherwise provided by law, the person who is the subject of a record may have a written statement of additions, dissents or objections entered into that record and be filed with the custodian. The statement must be dated and signed by the person who is the subject of the record and include the person's current address and telephone number. This rule does not authorize the person who is the subject of the record to alter the original record or to expand the official record of any agency proceeding.

This rule is intended to implement Iowa Code section 22.11.

761—4.7(22) Notice to suppliers of information. When the department requests a person to supply information about that person, the department will notify the person of the use that will be made of the information, which persons outside the department might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these or other rules of the department, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, orally, or by other appropriate means.

This rule is intended to implement Iowa Code section 22.11.

761—4.8 Reserved.

761—4.9(22) Confidential records. This rule describes the types of departmental information or records that are confidential. This rule is not exhaustive. A citation of the legal authority for confidentiality follows each description. The following records will be kept confidential. Records are listed by category, according to the legal basis for withholding them from public inspection.

Descriptions:

4.9(1) Records that are exempt from disclosure under Iowa Code section 22.7.

4.9(2) Records that constitute attorney work product, attorney-client communications, or are otherwise privileged. (Attorney work product is confidential under Iowa Code sections 22.7, 622.10 and 622.11; Iowa R.C. P. 1.503; Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Iowa Rules of Professional Conduct, and case law.)

4.9(3) Those portions of the department's staff manuals, instructions or other statements issued by the department that set forth criteria or guidelines to be used by its departmental staff in auditing, making inspections, settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when the disclosure of such statements would enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons who are in an adverse position to the department. (Iowa Code section 17A.2)

4.9(4) The detailed minutes and recordings of closed sessions of the commission. However, if a closed session regards a real estate purchase or sale, the minutes and recording are to be available for public inspection when the transaction discussed is completed. (Iowa Code section 21.5)

4.9(5) Vehicle accident reports submitted to the department by drivers and peace officers. (Iowa Code sections 321.266 and 321.271)

a. However, access will be granted to those persons authorized by Iowa Code section 321.271.

b. Reserved.

4.9(6) Unless otherwise ordered by the court, all information filed with the court for the purpose of securing a warrant for an arrest, including but not limited to a citation and affidavits, until such time as a peace officer has made the arrest and has made the officer's return on the warrant, or the defendant has made an initial appearance in court. (Iowa Code section 804.29)

a. However, the information in the record may be disseminated without court order during the course of official duties to the persons authorized in Iowa Code section 804.29 unless access to such information is expressly denied by court order.

b. Reserved.

4.9(7) All information filed with the court for the purpose of securing a warrant for a search, including but not limited to an application and affidavits, until such time as a peace officer has executed the warrant and has made return thereon. (Iowa Code section 808.13)

a. During the period of time that information is confidential, it shall be sealed by the court, and the information contained therein shall not be disseminated to any person other than a peace officer, magistrate or other court employee, in the course of official duties.

b. Reserved.

4.9(8) Information obtained by the department from the examining of reports, returns or records required to be filed or kept under the provisions of Iowa Code chapter 452A, except where disclosure is authorized by Iowa Code chapter 452A. (Iowa Code section 452A.63)

4.9(9) Sealed bids, until the time set for the public opening of bids, whereupon bids are unsealed and no longer confidential. (Iowa Code section 72.3)

4.9(10) Those records that, if disclosed, would diminish competition or would give an improper advantage to persons who are in an adverse position to the department. These records are to be kept confidential until the transaction to which they relate is consummated. However, if disclosure would reveal information that would hinder future competition, the records will be kept confidential. (Iowa Code sections 17A.2, 22.7 and 313.10; Iowa Code chapter 553; and 761—Chapter 20)

a. Examples of records that could, in the proper circumstances, be determined to be within this category include but are not limited to:

- (1) Detailed estimates of the cost of a proposed contract.
- (2) Economic analyses for determining pavement types.
- (3) Negotiations for a proposed contract.
- (4) Methodology for determining unfair bidding practices or bid rigging.
- (5) Price quotations solicited.

(6) The value of points assigned to a bid rating formula prior to the time set for public opening of bids.

(7) Laboratory testing reports of suppliers' products. These may also be trade secrets. The subject of the report has the right of access to it.

b. Reserved.

4.9(11) Audit reviews for determining equal employment opportunity contract compliance. (Iowa Code section 22.7 and 5 U.S.C. §552 and 552a)

a. The subject of the audit review has the right of access to it.

b. Reserved.

4.9(12) All financial records and any information contained within them that are made available to the department, unless otherwise expressly permitted to be divulged by federal or state law. (Iowa Code sections 22.7 and 422.20 and 5 U.S.C. §552 and 552a)

4.9(13) Personal information in any motor vehicle record, including personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency. (Iowa Code sections 22.7 and 321.11 and 18 U.S.C. §2721 et seq.)

a. Information other than personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency may be disclosed only as provided in Iowa Code sections 321.11 and 321.11A, 18 U.S.C. §2721 et seq., and 761—Chapter 301.

b. The subject of the personal information has the right of access to the information.

4.9(14) A report received by the department from a physician licensed under Iowa Code chapter 148, an advanced registered nurse practitioner licensed under Iowa Code chapter 152 and licensed with the board of nursing, a physician assistant licensed under Iowa Code chapter 148C or an optometrist licensed under Iowa Code chapter 154 regarding a person who has been diagnosed as having a physical or mental condition that would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. (Iowa Code section 321.186)

4.9(15) Privileged and personnel records or information of law enforcement officers and undercover law enforcement officers, as specified in Iowa Code sections 80G.2 and 80G.3, as well as certain records regarding undercover driver's licenses issued to certified peace officers employed by a local authority or by the state or federal law enforcement officers, as specified in 761—Chapter 625. (Iowa Code sections 22.7, 80G.2, 80G.3 and 321.189A)

a. The subject of the record and the head of the law enforcement agency employing the subject have the right of access to the record.

b. Reserved.

4.9(16) Records related to confidential plates issued for government vehicles. (Iowa Code section 321.19)

a. The head of the agency to which the vehicle is assigned has the right of access to the record.

b. Reserved.

4.9(17) Certified transcripts of labor payrolls (also known as certified payroll records) filed by contractors for federal-aid construction contracts, in accordance with the following paragraphs. (Iowa Code section 22.7, 5 U.S.C. §552 and 552a, and 42 U.S.C. §405)

a. The social security numbers in a certified payroll record are confidential. The record itself may be confidential if its release would give advantage to competitors and serve no public purpose.

b. The prime contractor and subcontractor, if applicable, that filed the record have the right of access to it.

c. Certified payroll records are to be released to the U.S. Department of Labor and Federal Highway Administration during investigations.

d. The custodian may release a certified payroll record with social security numbers withheld to representatives of the Iowa Labor Management Work Preservation Fund.

e. The custodian may release a certified payroll record with social security numbers withheld to persons outside the department other than the persons listed in paragraphs 4.9(17)“b” through “d” according to the following procedure:

(1) The request for the record must be in writing.

(2) The custodian is to send a copy of the request by registered mail to the prime contractor. If the request is for subcontractor information, the custodian is to send copies of the request to both the subcontractor and prime contractor.

(3) The requested record may be released after 14 calendar days have expired from receipt of the request by the contractor(s) to give the contractor(s) an opportunity to seek an injunction.

4.9(18) Information concerning an open or pending railroad accident investigation conducted on behalf of or in conjunction with the Federal Railroad Administration or National Transportation Safety Board to the extent necessary to prevent denial of funds, services or essential information from the United States government. (Iowa Code section 22.9)

4.9(19) A geographic computer database, except upon terms and conditions acceptable to the department. (Iowa Code section 22.2)

4.9(20) Confidential information, as defined in Iowa Code section 86.45, filed with the workers’ compensation commissioner. (Iowa Code section 22.7)

4.9(21) An intelligence assessment and intelligence data under Iowa Code chapter 692, except where disclosure is required or authorized by the Iowa Code. (Iowa Code chapter 692 and section 22.7)

4.9(22) Information in a record that would permit the commission, subject to Iowa Code chapter 21, to hold a closed session pursuant to Iowa Code section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information or unless otherwise authorized by the Iowa Code. (Iowa Code section 22.7)

4.9(23) All other information or records that by law are or may be confidential.

This rule is intended to implement Iowa Code chapters 22, 553 and 692; Iowa Code sections 17A.2, 21.5, 72.3, 80G.2, 80G.3, 313.10, 321.11, 321.11A, 321.19, 321.186, 321.189A, 321.266, 321.271, 422.20, 452A.63, 622.10, 622.11, 804.29 and 808.13; 5 U.S.C. §552 and 552a; 18 U.S.C. §2721 et seq.; and 42 U.S.C. §405.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Transportation Development Division
Division/Bureau/Office Local Systems Bureau Order No. TD-2025-41
Submitted by Debra Arp Phone No. 515-239-1681 Meeting Date December 10, 2024
Title Revitalize Iowa's Sound Economy (RISE) Application – Waterloo

DISCUSSION/BACKGROUND:

The city of Waterloo submitted an Iowa's Certified Site Program RISE Local Development application in the September 2024 round requesting a grant to assist in construction of approximately 2,600 feet of Dakota Drive, 470 feet of Wolfe Avenue, turn lanes on Dakota Drive, and a left-turn lane on Ansborough Avenue located on the southwest side of town.

This project is necessary to provide access to the South Waterloo Business Park, an Iowa Economic Development Authority certified site of more than 183 acres. The certification for this site expires October 7, 2027.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission, based on the capital investment commitment and potential for future job creation, award a RISE grant from the city share of the RISE Fund. The estimated total RISE-eligible project cost is \$3,788,225 and the estimated RISE grant is \$2,272,935 or up to 60 percent of the total RISE-eligible project cost, whichever is less. Since this is a certified site project, the actual award amount is subject to change as the project plans are finalized. Any changes to the scope or approved funding will be submitted by the department to the Commission for consideration as a modification to the award.

		Aye	Vote Nay	Pass
COMMISSION ACTION:	Anderson	_____	_____	_____
	Arnold	_____	_____	_____
	Gaesser	_____	_____	_____
	Juckette	_____	_____	_____
	Mulgrew Gronen	_____	_____	_____
	Rielly	_____	_____	_____
	Stutsman	_____	_____	_____
Moved by _____	Seconded by _____			
_____ Division Director	_____ Legal			_____ State Director

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division/Traffic & Safety Bureau Order No. SO-2025-42
Submitted by Jan Laaser-Webb Phone No. 515-239-1349 Meeting Date December 10, 2024
Title FY 2026 Traffic Safety Improvement Program Recommendations

DISCUSSION/BACKGROUND:

One-half percent of the Road Use Tax Fund is used for traffic safety improvements or initiatives to reduce traffic safety fatalities and serious injuries on public roads throughout Iowa.

The program provides three funding areas for candidate safety projects:

1. Site-specific improvements
2. Traffic control devices
3. Studies and outreach

The candidate projects and the recommendations from Department staff and the state/county/city program advisory committee have been presented to the Commission for review and approval.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2026 Traffic Safety Improvement Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director

FY 2026 Traffic Safety Improvement Program

Site-Specific Projects Recommended for Award

Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
IA 57 & Union Rd – roundabout	City of Cedar Falls	\$1,796,900	\$500,000	\$500,000
Kimberly Rd & 36th St – install directional median	City of Davenport	\$150,000	\$150,000	\$150,000
N 15th St – lane conversion	City of Fort Dodge	\$5,981,000	\$500,000	\$500,000
Dace/Leech Ave – lane conversion	City of Sioux City	\$91,804	\$91,804	\$91,804
US 30 & Durham Ave – reduced conflict intersection	City of State Center	\$2,000,000	\$500,000	\$500,000
H43 – shoulders, center and edge rumbles, safety edge, friction	Jefferson County	\$4,856,325	\$500,000	\$500,000
Ellis Rd & Covington Rd – roundabout	Linn County & City of Cedar Rapids	\$1,655,027	\$500,000	\$500,000
US 69 & 13th St – left turn lanes, protected left turn phasing	City of Ames	\$2,785,000	\$500,000	\$500,000
W 1st St – lane conversion	City of Ankeny	\$9,464,000	\$500,000	\$500,000
Heartland Dr & Commerce Dr – roundabout	City of Coralville	\$1,258,000	\$500,000	\$500,000
19th St – lane conversion, shared use path, install backplates	City of Des Moines	\$2,100,000	\$500,000	\$500,000
W55 – shoulders, safety edge, center & edge rumbles, 6" markings	Henry County	\$3,129,179	\$500,000	\$500,000
3 curves – paved shoulders, 6" markings, shoulder rumbles	Humboldt County	\$345,654	\$345,654	\$345,654
110th St – paved shoulders, center & edge rumbles, 6" markings	Jefferson County	\$2,604,323	\$222,986	\$222,986
P53 – lane widening, paved shoulders, shoulder rumbles, 6" markings, safety edge, chevrons	Madison & Dallas Counties	\$432,300	\$432,300	\$432,300

FY 2026 Traffic Safety Improvement Program

Site-Specific Projects Recommended for Award

Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
13 intersections – destination lighting	Marion County	\$231,000	\$231,000	\$80,000
W45 – paved shoulders, center & edge rumbles, safety edge, 6" markings, chevrons	Buchanan County	\$3,612,000	\$500,000	\$400,000
US 65 & Grant St – left turn lanes and realignment	City of Bondurant	\$3,682,970	\$500,000	\$400,000
Elmore Ave & 46th St – traffic signal	City of Davenport	\$300,000	\$300,000	\$200,000
W51 – paved shoulders, shoulder rumbles, safety edge, 6" markings	Fayette County	\$4,323,090	\$500,000	\$300,000
				<u>\$7,622,744</u>

FY 2026 Traffic Safety Improvement Program

Traffic Control Devices Recommended for Award

Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
Each of 4 major approaches to Unionville – speed feedback signs	Appanoose County	\$15,000	\$14,184	\$14,184
Each of 3 major approaches to Andrew – speed feedback signs	City of Andrew	\$15,000	\$15,000	\$5,000
Each of 3 major approaches to Delmar – speed feedback signs	City of Delmar	\$15,000	\$15,000	\$5,000
Each of 3 major approaches to Elgin - speed feedback signs	City of Elgin	\$9,731	\$9,731	\$9,731
Portable temporary traffic signals	Jackson, Cedar, & Jones Counties	\$60,300	\$60,300	\$50,000
Portable temporary traffic signals	Lee County	\$65,000	\$65,000	\$50,000
Portable temporary traffic signals	Story & Boone Counties	\$60,000	\$60,000	\$50,000
4 intersections – upgrade signal lenses & add retroreflective backplates	City of Sioux City	\$31,581	\$31,581	\$31,581
F12 & Z36 – solar flashing beacons	Clinton County	\$8,260	\$8,260	\$8,260
27 locations – flashing yellow arrow & add retroreflective backplates	City of Des Moines	\$350,000	\$294,600	\$147,300
J20 & S Hoover St – speed feedback signs	Henry County	\$31,092	\$10,962	\$9,000
Sign Replacement Program	Local Systems Bureau	\$200,000	\$200,000	\$100,000
3 intersections – solar flashing beacons	Marion County	\$10,000	\$10,000	\$10,000
East St & Fulton St – solar flashing beacons	City of Grand Mound	\$8,260	\$8,260	\$8,260
				\$498,316

FY 2026 Traffic Safety Improvement Program

Studies & Outreach Recommended for Award				
Project Name	Sponsor	Total Project Cost	Requested Amount	Recommended Amount
Traffic Safety Research Program			\$500,000	\$500,000
			<u>\$500,000</u>	

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Transportation Development Division

Division/Bureau/Office Modal Transportation Bureau Order No. TD-2025-43

Submitted by Matt Oetker Phone No. 515-239-1765 Meeting Date December 10, 2024

Title Calendar Year (CY) 2025 Intercity Bus Program

DISCUSSION/BACKGROUND:

The Modal Transportation Bureau requests approval for the CY 2025 Intercity Bus Program. The funding recommendations are listed below:

System	Project	Amount Recommended
Burlington Trailways	Two over-the-road motorcoaches	\$1,422,443
Greyhound Lines	Start-up service support	\$65,700
Jefferson Lines	One over-the-road motorcoach	\$614,281
Jefferson Lines	Existing and start-up service support	\$48,138
Jefferson Lines	Marketing of existing service	\$7,500
Jefferson Lines	Mason City facility - rent	\$4,620
Jefferson Lines	Des Moines facility - rent	\$15,647
City of Fort Dodge	Marketing of existing service	\$7,500
Total		\$2,185,829

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the CY 2025 Intercity Bus Program funding recommendations as listed above.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Anderson	_____	_____	_____
Arnold	_____	_____	_____
Gaesser	_____	_____	_____
Juckette	_____	_____	_____
Mulgrew Gronen	_____	_____	_____
Rielly	_____	_____	_____
Stutsman	_____	_____	_____

Division
Director

Legal

State Director