

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

<b>Department Name:</b>	Transportation	<b>Date:</b>	9/3/2024	<b>Total Rule Count:</b>	25
<b>IAC #:</b>	761	<b>Chapter/ SubChapter/ Rule(s):</b>	115	<b>Iowa Code Section Authorizing Rule:</b>	306A.3(2)
<b>Contact Name:</b>	Deanne Popp	<b>Email:</b>	<a href="mailto:Deanne.popp@iowadot.us">Deanne.popp@iowadot.us</a>	<b>Phone:</b>	515-239-1014

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

This chapter provides direction on how and where utility facilities may be placed within the public rights-of-way in a manner that protects the traveling public and maintains the integrity of the highway facility. This chapter also establishes administrative procedures for utility facility adjustments made necessary by state highway improvement projects and sets forth the timing and coordination requirements for the Department and utility owners in order to minimize construction delays and related delay claims.

**Is the benefit being achieved? Please provide evidence.**

Yes, this chapter provides a mechanism for the Department to safely and efficiently manage the public rights-of-way in terms of utility installations in a manner that minimizes disruptions to traffic and public services; facilitates better coordination between utility companies; minimizes impacts to utility facilities before and during highway construction; and protects the integrity and environmental and visual qualities of the highway facility.

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

Except for bridge attachments and longitudinal occupancy in interstate rights-of-way, utility companies are not charged a fee for placing their facilities within the public rights of way. In turn, if the Department proposes construction on a highway that requires adjustment or relocation of permitted utility facilities then the utility companies must relocate those facilities at company cost. The relocation costs are passed on to the rate payers through utility rates.

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

There are no anticipated costs nor additional staff hours for the Department or any other agency to implement/enforce these rules.

**Do the costs justify the benefits achieved? Please explain.**

Yes, if there were no rules to state how and where utility facilities can be placed within the public rights-of-way then the safety of the traveling public and the integrity of the highway facility would be in jeopardy.

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

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

Less restrictive alternatives would be a safety risk to the traveling public and would jeopardize the integrity of the highway facilities.

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

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There is some duplicative or inconsistently placed language in current chapter that is combined with other rules or moved into the general provisions rule that applies to all permits and there are some rules that are obsolete that are proposed to be removed.

115.3 Reserved, is obsolete.

115.5(2) *Materials*, is obsolete.

115.5(4) *Aboveground facilities*, is obsolete.

115.12(4) *Engineering fee*, is obsolete.

115.13(6) *Longitudinal occupancy – encasement and related requirements*, is duplicative, combined with 115.12(5) *Encasement and related requirements*.

115.13(14) *Encasement material*, is duplicative, combined with 115.12(3) *Casing*.

115.15(3) *Encasement requirements*, is duplicative, combined with 115.12(5) *Encasement and related requirements*.

115.16(11) *Future adjustment*, is duplicative, combined with 115.12(5) *Encasement and related requirements*.

115.17 **Nonfreeway primary highways**, (clear zone requirements and aboveground obstructions) is duplicative, combined with 115.4(3) *Clear zone requirements and aboveground obstructions*.

115.17(2) Reserved, is obsolete.

115.21 Reserved, is obsolete.

115.22 Reserved, is obsolete.

115.23 Reserved, is obsolete.

115.24 Reserved, is obsolete.

115.25(3) *Adjustment of a facility occupying highway right-of-way*, is inconsistent in that it relates to all permits and was moved to 115.3(2) *Future adjustment*, under 115.3 **General provisions**.

115.27(3) *Department review of preliminary work plan*, is obsolete.

115.28 **Second plan submission, final work plan and permit application**, is obsolete.

115.30(2) *Project changes prior to letting*, is obsolete.

115.30(3) *Project changes after the letting*, is obsolete.

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

115.28 **Second plan submission, final work plan and permit application**.

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

115.1 to 115.24

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

**METRICS**

<b>Total number of rules repealed:</b>	1
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	468 words added
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	178

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

There are no statutory changes recommended.