

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

<b>Department Name:</b>	Transportation	<b>Date:</b>	7/8/2024	<b>Total Rule Count:</b>	13
<b>IAC #:</b>	761	<b>Chapter/ SubChapter/ Rule(s):</b>	165	<b>Iowa Code Section Authorizing Rule:</b>	465B.2
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

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

The rule chapter is intended to support the establishment of trails in Iowa for the use, enjoyment, and participation of the public through a statewide application program.

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

Yes. The State Recreational Trails program is an extremely competitive grant program. From FY2014 to FY2023, requests for funds averaged 7 times the amount of available funds.

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

The cost of assembling an application borne by local government or other local organizations is the only public cost to comply with the rule chapter.

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

Costs to the Department directly associated with the rule chapter includes the staff time associated with assisting potential applicants and the review of any applications. The Iowa DNR and Iowa Economic Development Authority also assist with reviews of applications and would also incur staff time costs.

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

Yes. From FY2014 to FY2023, the State Recreational Trail competitive application funding program has awarded over \$23 million to 63 applications supporting over 200 miles of trail and leveraging over \$77 million.

**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.**

Topics included in this rule chapter could be incorporated into a single published guidance document. For example, the Department administers the federal Transportation Alternatives Set-Aside program for similar types of projects. No administrative rules are promulgated for this program, but guidance is published on the program website at [www.iowadot.gov/systems\\_planning/pdf/IJA-TAP-Guidance.pdf](http://www.iowadot.gov/systems_planning/pdf/IJA-TAP-Guidance.pdf). If this rule chapter was rescinded, the Department would publish a similar document to the State Recreational Trail program website.

**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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165.1 The definition of Department is unnecessary.  
 165.2 Contact information is obsolete and is updated in new chapter.  
 165.26 (d) The quality of the site evaluation criterion was removed because it was too broad to provide meaningful distinction among applications.  
 165.26 (f) The reference to special facilities for persons with disabilities was changed to general accessibility to allow for the evaluation of how an application may contribute to accessibility to recreation for a variety of populations including the disabled, elderly, disadvantaged areas, etc. Standard compliance with the Americans with Disabilities Act (ADA) is already expected of every application and awarded project.

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

165.2 (language moved to 165.1)  
 165.23 (language moved to 165.8)  
 165.33 (language moved to 165.10)

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

165.1 General.  
 165.2 Program administration.  
 165.3 Applicant eligibility.  
 165.4 Project eligibility.  
 165.5 Eligible project costs.  
 165.6 Ineligible project costs.  
 165.7 Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission.  
 165.8 Application.  
 165.9 Evaluation and approval.  
 165.10 Project agreement.

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

**METRICS**

<b>Total number of rules repealed:</b>	<b>3</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>67</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>49</b>

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

Iowa Code section 465B.2 could be amended to remove the language within Iowa Code section 465B.2(3) that reads as follows: The Department may adopt rules under chapter 17A to carry out a trails program.