

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

Department Name:	Transportation	Date:	8/23/2024	Total Rule Count:	6
IAC #:	761	Chapter/ SubChapter/ Rule(s):	40	Iowa Code Section Authorizing Rule:	321.475
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter's intended benefit is to recover damages to highways or highway structures because of illegal and/or overweight operations.

Is the benefit being achieved? Please provide evidence.

Yes, the benefit is being achieved. The chapter provides a clear understanding of the recoverable events and the Department's policy to recover damages to highways and highway structures.

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

The costs vary based on the incident, ranging from damaged signage to bridge damage.

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

There are no costs to the Department to implement or enforce the rules.

Do the costs justify the benefits achieved? Please explain.

Yes, this chapter and Iowa Code section 321.475 allows the Department to recover the costs of the damage done to Iowa's highways or highway structures.

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

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

The Department did not consider alternatives. Iowa Code section 321.475 requires that the Department adopt these rules.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Language within 40.1(1) and 40.1(2) is duplicative to language within Iowa code section 321.475 and is removed.

Three definitions within 40.2(321) are unnecessary and will be removed.
 40.4 is removed as it is already stated in Iowa Code section 321.475.
 40.5 is unnecessary.

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

40.3 Information. (40.3 will be moved to 40.1)
 40.4 Accident scene.
 40.5 Repair of facilities.

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

40.1 General.
 40.2 Definitions.
 40.3 Recovery of Damages.

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

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	333
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	9

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

The Department recommends that Iowa Code section 321.475(1)“a” be expanded to include the following language: “Any person ... weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter and chapter 321E and within rules adopted by the department.”