

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 1, “Organization of the Department of Transportation,” Chapter 10, “Administrative Rules,” Chapter 11, “Waiver of Rules,” Chapter 12, “Declaratory Orders,” Chapter 112, “Primary Road Access Control,” and Chapter 115, “Utility Accommodation,” Iowa Administrative Code.

The proposed amendments to Chapter 1, the Department’s organizational chapter:

- Update the mission of the Department.
- Add the Department’s Web site.
- Amend the rules to reflect current responsibilities pursuant to changes made to Iowa Code chapter 307 and section 307A.2 and current agency operation.
- Update the chapter’s implementation sentence.

The proposed amendments also remove references to the Office of Policy and Legislative Services since this office no longer exists within the Department.

These amendments do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@dot.iowa.gov.
5. Be received by the Department’s rules administrator no later than November 15, 2016.

A meeting to hear requested oral presentations is scheduled for Thursday, November 17, 2016, at 10 a.m. in the Administration Building, First Floor South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

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

These amendments are intended to implement Iowa Code sections 17A.3 and 307A.2 and chapter 307.

The following amendments are proposed.

ITEM 1. Amend rule 761—1.2(17A) as follows:

761—1.2(17A) Mission statement. ~~The mission of the department is to promote a transportation system to satisfy user needs and maximize economic and social benefits for Iowa citizens, to encourage and support programs to provide commodity movement and mobility for all citizens, and to promote financing of the transportation system through user and nonuser sources in an equitable manner. The department is responsible for the planning, development, regulation and improvement of transportation in Iowa. The mission of the department is “getting you there safely, efficiently and conveniently.”~~

ITEM 2. Amend rule 761—1.3(17A) as follows:

761—1.3(17A) Location and business hours. The department's main office of the department is located at 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1101. The department's business hours are 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

ITEM 3. Amend rule 761—1.4(17A) as follows:

761—1.4(17A) Information and forms. Information, applications and forms may be obtained from the department or from the division or office which is responsible for the area of concern. Specific instructions may also be given in administrative rules. The department's Web site at www.iowadot.gov provides additional information about departmental organizational units, services and forms.

ITEM 4. Amend rule 761—1.6(17A,307,307A) as follows:

761—1.6(17A,307,307A) Commission. A seven-member transportation commission ~~approves the departmental budget, develops a comprehensive transportation policy and plan for the state, identifies transportation needs, and develops programs to meet these needs. Other commission approves the five-year transportation improvement program, and is responsible for other statutory duties and responsibilities are broadly stated listed in Iowa Code chapters 307 and 307A section 307A.2.~~ Inquiries and requests may be submitted to the commission at the address given in rule 761—1.3(17A).

ITEM 5. Amend rule 761—1.7(17A,307) as follows:

761—1.7(17A,307) Director of transportation. The director of transportation is based in Ames and serves as the chief administrative officer of the department. The director is responsible for the management of the department and for statutory duties including but not limited to those listed in Iowa Code section 307.12. ~~The following units report to the director:~~

~~1.7(1) The deputy director.~~

~~1.7(2) The divisions described in rule 1.8(17A,307).~~

~~1.7(3) The bureau of policy and information, which identifies, analyzes and develops options for transportation policy issues, coordinates the department's legislative program, and communicates transportation programs and information to the department and the public.~~

~~1.7(4) The bureau of transportation safety, which investigates methods of improving highway safety and administers risk management programs for the department.~~

~~1.7(5) The bureau of management, which provides management support, program evaluation and development, and administration of employee safety and environmental safety concerns.~~

ITEM 6. Rescind rule 761—1.8(17A,307) and adopt the following new rule in lieu thereof:

761—1.8(17A,307) Divisions. The department shall operate under the following divisions, which report to the director:

1.8(1) Highway division.

a. The highway division's headquarters are located in Ames; the telephone number is (515)239-1124.

b. The highway division manages the preservation and operation of the transportation system to ensure safe travel and is responsible for maintenance and construction of the interstate and primary highway systems. The division is responsible for preliminary engineering, environmental clearances and permits; design and plan development for roadways, structures and other transportation mode improvements; acquisition of right-of-way; letting and awarding of contracts; contract administration and material compliance for highway projects; statewide maintenance and emergency operations; research and higher level technology (such as intelligent transportation systems); and local systems support and oversight.

c. Responsibilities for highway division operations are divided among six districts. Each district has maintenance garages, maintenance offices and construction offices, which are listed in local telephone directories. The six district offices are as follows:

- (1) District 1, 1020 S. Fourth Street, Ames, Iowa 50010; telephone (515)239-1635.
- (2) District 2, 428 43rd Street SW, Mason City, Iowa 50401; telephone (641)423-7584.
- (3) District 3, 2800 Gordon Drive, P.O. Box 987, Sioux City, Iowa 51102-0987; telephone (712)276-1451.
- (4) District 4, 2210 E. Seventh Street, Atlantic, Iowa 50022; telephone (712)243-3355.
- (5) District 5, 307 W. Briggs Avenue, P.O. Box 587, Fairfield, Iowa 52556-0587; telephone (641)472-4171.
- (6) District 6, 5455 Kirkwood Boulevard SW, Cedar Rapids, Iowa 52404; telephone (319)364-0235.

1.8(2) Information technology division.

a. The information technology division is based in Ames; the telephone number is (515)239-1284.

b. The information technology division provides internal support services, automation support, and facilities and equipment support. The division assists internal and external customers in applying technology to meet the business needs of the department; collects, processes, and disseminates information throughout the department; monitors the constantly changing business and information environment; maximizes current investments in technology; implements new technologies and new directions; and coordinates information sharing.

1.8(3) Motor vehicle division.

a. The motor vehicle information center telephone number is 1-800-532-1121. The motor vehicle division's headquarters are located at 6310 SE Convenience Boulevard, Ankeny, Iowa; the telephone number is (515)244-8725. The mailing address is P.O. Box 9204, Des Moines, Iowa 50306-9204.

b. The motor vehicle division administers and enforces federal and state motor vehicle laws and regulations. The division issues driver's licenses and nonoperator's identification cards; suspends, revokes or disqualifies the driving privileges of drivers as required by state and federal law; lifts suspension or revocation of driving privileges when compliance is achieved; and administers the commercial driver, graduated driver, driver education, driver improvement, and motorcycle rider programs. The division administers the titling and registration of noncommercial motor vehicles and intrastate commercial motor vehicles; the production and issuance of license plates, including specialty and personalized license plates; and the issuance of parking permits for persons with disabilities. The division administers fuel tax and unified carrier registration for Iowa-based carriers that operate in interstate commerce and administers financial responsibility laws applicable to motor carriers. The division titles and registers vehicles which operate interstate and routes over-dimension vehicles on Iowa's primary and interstate highways. The division issues intrastate authority to for-hire carriers and trip permits for temporary travel in Iowa. The division enforces federal motor carrier safety standards and hazardous materials regulations and size, weight, authority, fuel, and registration laws. The division investigates title and odometer fraud, fraud in driver's license and vehicle title applications, and identity crimes and theft. The division performs salvage and vehicle theft examinations; regulates transportation network companies conducting business with the state; and regulates all dealer, manufacturer, wholesaler, recycler, and leasing licensing programs.

1.8(4) Operations and finance division.

a. The operations and finance division is based in Ames; the telephone number is (515)239-1340.

b. The operations and finance division provides internal support services for the department. The division is responsible for facilities management, procurement and distribution activities, equipment and supplies management, federal and state legislative coordination, and human resource management. The division administers the internal and external civil rights program and disadvantaged business enterprise program. The division provides financial management including budget development, monitoring and presentation of the budget to the commission and conducts external and motor carrier audits.

1.8(5) Performance and technology division.

a. The performance and technology division is based in Ames; the telephone number is (515)239-1124.

b. The performance and technology division provides services focused on analysis of department performance and management of transportation assets, facilitates the coordination and management of departmental research activities in collaboration with others, guides the process improvement and strategic planning initiatives, and provides media and marketing services including, but not limited to, media relations and development of marketing and communications plans.

1.8(6) *Planning, programming and modal division.*

a. The planning, programming and modal division is based in Ames; the telephone number is (515)239-1664.

b. The planning, programming and modal division develops both long- and short-range transportation system plans, the Iowa statewide transportation improvement program, and the department's five-year transportation improvement program; administers economic development and modal funding programs; manages the traffic count program; and develops city, county and state transportation maps. The division serves as an aviation, transit and rail advocate and as liaison to the Federal Aviation Administration, Federal Transit Administration and Federal Railroad Administration. The division delivers programs and services to promote a safe and efficient multimodal transportation system, promotes transportation on Iowa's navigable rivers, and represents Iowa's navigation interests with other state and federal agencies.

ITEM 7. Amend **761—Chapter 1**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 17A.3 and ~~chapters 307 and 307A~~ 307A.2 and chapter 307.

ITEM 8. Strike "Office of Policy and Legislative Services" wherever it appears in subrules **10.1(2)**, **11.5(3)**, and **12.2(2)** and insert "Operations and Finance Division" in lieu thereof.

ITEM 9. Amend subrule 11.8(2) as follows:

11.8(2) The ~~office of policy and legislative services~~ operations and finance division shall, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.

ITEM 10. Amend subrule 112.1(5) as follows:

112.1(5) *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 ~~Office of Policy and Legislative Services~~ Rules Administrator, Operations and Finance Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

ITEM 11. Amend subrule 115.1(5) as follows:

115.1(5) *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 ~~Office of Policy and Legislative Services~~ Rules Administrator, Operations and Finance Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.