

REGENTS BOARD[681]

Notice of Intended Action

Proposing rule making related to traffic and parking at universities and providing an opportunity for public comment

The Board of Regents hereby proposes to amend Chapter 4, “Traffic and Parking at Universities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 262.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 262.9, 262.69 and 805.8A.

Purpose and Summary

The proposed amendment in Item 1 revises the definition of “bicycle” to include an electric/battery-powered bicycle with a motor of less than 750 watts. The proposed amendment in Item 2 revises subrule 4.30(4) regarding parking privileges for persons with disabilities to clarify the requirements for obtaining a permit to park in facilities designated for use by persons with disabilities. The proposed amendment in Item 3 revises subrule 4.31(2) regarding sanctions by increasing the monetary sanction imposed for certain violations of parking rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 681—19.18(17A).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 3, 2018. Comments should be directed to:

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Board of Regents, State of Iowa
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Urbandale, Iowa 50322-7905
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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule **681—4.2(262)**, definition of “Bicycle,” as follows:

“Bicycle” means any wheeled vehicle which has two or three wheels and fully operable pedals and which is not self-propelled and which is a traditional bicycle designed solely to be pedaled by the rider. An electric/battery-powered bicycle designed not only to be pedaled by the rider but also propelled by an electric motor of less than 750 watts (one horsepower) may be treated as a bicycle and may be parked at bicycle racks.

ITEM 2. Amend subrule 4.30(4) as follows:

4.30(4) Persons with disabilities. Persons with disabilities will be granted parking privileges in parking facilities designated for use by persons with disabilities. ~~Persons with disabilities may apply for special parking privileges for up to six months upon issuance of a letter by the director of student health service, or the director’s designee, rehabilitation counselor, student counseling service; or by a personal physician, indicating the character, extent, probable duration of the disability, and certifying the need for special parking. After an initial six months, a faculty or staff member or a student~~ Persons must present a currently valid department of transportation parking permit for persons with disabilities to ~~renew~~ obtain the campus permit. Parking facilities designated for persons with disabilities shall be so regulated all hours of all days.

ITEM 3. Amend subrule 4.31(2) as follows:

4.31(2) Sanction. Reasonable monetary sanctions may be imposed for violation of these rules. The amount of the sanction approved by the board of regents, state of Iowa, is as follows:

<u>Offenses</u>	<u>Sanctions for Each Offense</u>
Altering, forging or counterfeiting any parking permit (4.30(5))	\$150
Unauthorized possession and use of a parking permit (4.30(5))	\$150
Failure to comply with signs regulating campus traffic flow (681—4.27(262))	\$30
Driving on campus walks or lawns (4.27(6), 4.27(8))	\$30
Driving on closed streets (4.27(3))	\$30
Driving on bike paths (4.27(7))	\$30
Access to restricted areas by means other than established gate openings (4.29(5))	\$30
Moving or driving around a barricade (4.29(5))	\$30
Improper use of gate card (681—4.29(262))	\$20
Illegal parking (4.29(7))	\$40 <u>\$50</u>
Improper parking (4.29(7))	\$15 <u>\$25</u>
Overtime parking at meters (4.29(2))	\$10 <u>\$15</u>

<u>Offenses</u>	<u>Sanctions for Each Offense</u>
Parking without an appropriate permit in a reserved lot or space (681—4.29(262))	\$30 <u>\$50</u>
Improper affixing or failure to display a permit (681—4.28(262))	\$5
Failure to purchase a parking receipt (4.29(2))	\$10 <u>\$15</u>
Improper parking in a space or stall designated for persons with disabilities (681—4.29(262), 4.30(4))	\$200
Failure to display a current bicycle registration (4.28(4))	\$5
Bicycle improperly parked (4.29(9))	\$7.50
Improper use of roller skates, roller blades or skateboard (4.27(9))	\$25
All other violations	\$15

Violations that continue for more than one hour may receive additional sanctions.

Sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and may be charged to the violator's university account. Sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.