

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to automated traffic enforcement and providing an opportunity for public comment**

The Department of Transportation hereby proposes to rescind Chapter 144, “Automated Traffic Enforcement on the Primary Road System,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12.

*State or Federal Law Implemented*

This rule making does not implement a state or federal law but instead rescinds rules determined by the Iowa Supreme Court to be beyond the Department’s rule-making authority.

*Purpose and Summary*

On April 27, 2018, the Iowa Supreme Court, in Case No.17-0686, *City of Des Moines, City of Muscatine and City of Cedar Rapids v. Iowa DOT*, ruled that the Department did not have the statutory authority to adopt or enforce the rules set forth in Chapter 144. Consistent with this ruling, the Department proposes to rescind this chapter.

*Fiscal Impact*

The Department is unable to determine the fiscal impact of rescinding this chapter. Individual cities and counties will determine whether and to what extent they maintain existing automated traffic enforcement systems and locations or add new systems or locations.

*Jobs Impact*

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

*Waivers*

A waiver provision is not included in this rule making because the Department is rescinding the chapter.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 24, 2018. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

July 26, 2018  
10 a.m.

Department of Transportation  
Administration Building  
Third Floor Conference Room  
800 Lincoln Way  
Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

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

*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 action is proposed:

Rescind and reserve **761—Chapter 144**.