

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the adopt-a-highway program
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 121, “Adopt-A-Highway Program,” 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 implements, in whole or in part, Iowa Code section 307.24.

Purpose and Summary

The proposed amendments to Chapter 121 include references to the Department’s website and the Maintenance Bureau for information on the Adopt-A-Highway Program. Other proposed amendments reflect the Department’s current electronic application process for prospective sponsors to participate in the Adopt-A-Highway Program and specify that the sponsors are only responsible for litter pickup for a designated segment of highway because work in the right-of-way, such as installation and maintenance of native plants or other landscape activities, is approved through a different process.

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 person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

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 November 24, 2020. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on November 30, 2020, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 24, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 actions are proposed:

ITEM 1. Amend rule 761—121.2(307) as follows:

761—121.2(307) Information and location. ~~Information and application forms relating to the adopt-a-highway program may be obtained by contacting the local maintenance office for the name of the person administering the program in the local area, or: Office of~~ online at www.iowadot.gov. Assistance is available by mail from the Maintenance Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010 or by telephone at (515)239-1971. Applications shall be submitted to the person administering the program in the local area.

ITEM 2. Amend rule 761—121.3(307) as follows:

761—121.3(307) Program guidelines.

121.3(1) The adopt-a-highway program allows individuals or groups to assume responsibility for performing litter pickup for a specific segment of highway.

121.3(2) All primary roads, including interstate highways, under the jurisdiction of the department shall be eligible for participation in the adopt-a-highway program.

ITEM 3. Rescind and reserve rule **761—121.5(307)**.

ITEM 4. Amend subrule 121.6(1) as follows:

121.6(1) Application. ~~Form 810105, "Application to Adopt A Highway," includes the agreements to be signed by the sponsor and the department and lists the responsibilities of both the sponsor and the department.~~ The adopt-a-highway webpage located on the department's website at www.iowadot.gov contains a link to an online adopt-a-highway permit application form. After a prospective sponsor applies online, the department will review the application and contact the prospective sponsor by telephone or email.