

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to warning lights on non-State-owned vehicles or equipment used in road work zones and providing an opportunity for public comment**

The Transportation Department hereby proposes to adopt new Chapter 135, “Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

#### *Purpose and Summary*

This proposed rule making adopts new Chapter 135 in accordance with 2021 Iowa Acts, House File 654, section 5. This proposed new chapter allows non-State-owned vehicles and equipment to display flashing white lights within road work zones. The white lights are needed to help reduce the number of crashes involving construction vehicles and equipment on or adjacent to the roadway. The white lights will make non-State-owned vehicles and equipment more visible to other road workers and roadway users.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

#### *Jobs Impact*

After analysis and review of this rule making, there is a potential positive impact on jobs because of the legislation. Allowing non-State-owned vehicles and equipment to display flashing lights within road work zones will potentially increase the safety of road workers.

#### *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 Department for a waiver of the discretionary provisions, if any, pursuant to 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 23, 2021. Comments should be directed to:

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

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on November 29, 2021, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 23, 2021, 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 action is proposed:

Adopt the following **new** 761—Chapter 135:

#### CHAPTER 135

#### WARNING LIGHTS ON VEHICLES OR EQUIPMENT NOT OWNED AND OPERATED BY THE DEPARTMENT WHEN USED IN ROAD WORK ZONES

##### **761—135.1(321) Warning lights on vehicles or equipment in road work zones.**

**135.1(1) Purpose.** The purpose of this rule is to establish the eligibility of vehicles or equipment that are not owned or operated by the department to use flashing white lights in accordance with Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.

**135.1(2) Eligibility.** A vehicle or other equipment that is not owned or operated by the department may use a flashing white light while the vehicle or other equipment is being used in road work zones on state or local highways.

**135.1(3) Information.** Information regarding this rule is available from the Construction and Materials Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at (515)239-1352.

This rule is intended to implement Iowa Code section 321.423(7)“a” as amended by 2021 Iowa Acts, House File 654, section 5.