

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to warning lights on non-State-owned vehicles or equipment used in road work zones**

The Transportation Department hereby adopts 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 adopted under the authority provided in Iowa Code sections 307.12 and 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 rule making adopts new Chapter 135 in accordance with 2021 Iowa Acts, House File 654, section 5. This 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.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6014C**. No public comments were received. Two changes from the Notice have been made. The references to 2021 Iowa Acts, House File 654, section 5, have been removed from subrule 135.1(1) and the chapter implementation sentence because that legislation has been codified.

*Adoption of Rule Making*

This rule making was adopted by the Department on December 15, 2021.

*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. 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.

*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).

*Effective Date*

This rule making will become effective on February 16, 2022.

The following rule-making action is adopted:

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."

**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."

[Filed 12/15/21, effective 2/16/22]

[Published 1/12/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.