

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to the Iowa Byways program**

The Transportation Department hereby amends Chapter 132, “Iowa Byways Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 306D.4 and 307.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 306D.

*Purpose and Summary*

This rule making makes various updates within Chapter 132 to clarify the purpose of the Iowa Byways program so that prospective byway applicants will better understand the program’s intent prior to seeking designation.

The defined evaluation process is modified from a formal review process to a stakeholder review and Department evaluation to provide for more flexibility for representatives of existing byways and other stakeholders to participate in the process in order to leverage their expertise in reviewing proposed new routes. This amendment includes removal of the definition of “advisory council” and the addition of the definition of “stakeholder.”

The Department’s and roadway jurisdiction’s responsibilities for sign replacement costs are clarified for signs, materials, and labor.

These amendments also remove a formal four-year application cycle and move to a discretionary solicitation so that the Department is not administratively burdened and potential applicants meeting the purpose of the program may not need to wait four years to apply.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 14, 2022, as **ARC 6749C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on February 14, 2023.

*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 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 April 12, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—132.1(306D) as follows:

**761—132.1(306D) Purpose, overview and information.**

**132.1(1) Purpose.** The purpose of the Iowa Byways program is to designate and support qualifying Iowa roads as byways on the basis of scenic byway, heritage byway, or a combination of scenic and heritage byway qualities. These designations are intended ~~both~~ to preserve the state's scenic, natural, and historic resources; ~~and~~ to support economic development through travel and tourism; to highlight distinctive experiences; and to maintain the integrity of the Iowa Byways program.

**132.1(2) Overview.** Under the Iowa Byways program, proposed routes are identified via an application process. The department inventories ~~and evaluates~~ the proposed routes. ~~The advisory council recommends the routes to be designated by the department and consults with program stakeholders before evaluating those routes for designation.~~ The department provides identifying signs for the designated routes. Routes designated as an Iowa Byway are part of Iowa's scenic byway program and are therefore subject to the prohibition set forth in 23 U.S.C. Section 131(s).

**132.1(3) Information and forms.** Information, instructions and application forms may be obtained from the ~~Office of Systems Planning Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at (515)239-1664; or through the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Rescind the definition of "Advisory council" in rule **761—132.2(306D)**.

ITEM 3. Adopt the following new definition of "Stakeholder" in rule **761—132.2(306D)**:

*"Stakeholder"* means a group, state agency, local jurisdiction or organization with a vested interest in the Iowa Byways program or that may be impacted by the designation of a route. Examples may include but are not limited to an adjacent scenic, natural or historic resource or other tourism attraction; other designated Iowa Byways; private associations related to economic development or outdoor advertising; and organizations charged with the marketing of the state, regions or localities for tourism purposes.

ITEM 4. Amend subrule 132.3(5) as follows:

**132.3(5)** The initial installation of signs identifying an Iowa Byway including the accompanying posts and hardware necessary for installation shall be paid for and furnished by the department. Each roadway jurisdiction is responsible for the inventory; and maintenance; ~~and reinstallation~~ of signs provided by the department following the initial installation. The department will provide replacement signs for those that are damaged or missing and will be responsible for reinstallation on primary roads. The roadway jurisdiction will be responsible for reinstallation on secondary roads and city streets.

ITEM 5. Amend rule 761—132.4(306D) as follows:

**761—132.4(306D) Application and approval process.**

**132.4(1) Program cycle.** ~~The Iowa Byways program shall operate on a four-year cycle, with applications due by October 1, 2020, and every fourth year thereafter~~ department may periodically announce a solicitation of applications for designation as demand and interest requires. Field

inventories, evaluation, and rating of proposed routes will ~~follow with~~ precede the designation of any new routes ~~completed by the next application deadline.~~

**132.4(2) *Application.*** Application to designate a route as an Iowa Byway or to propose an extension or loop to an existing route shall be on a form provided by the department and shall be received by the department by the stated application deadline included in the solicitation. The application must be accompanied by a formal resolution described in subrule 132.3(4). Applications must provide some discussion of the planned administration and governance of the proposed Iowa Byway as well as how the byway will be marketed to visitors.

**132.4(3) *Initial review.*** Applications shall be reviewed by the ~~advisory council to acquaint the council members with the proposed routes and to allow the members an opportunity to provide the department with information from their areas of expertise.~~ Such input may provide details related to Program stakeholders will be consulted to gather information on the existence and quality of scenic, archaeological, cultural, historic, natural, and recreational resources along a proposed route; the proposed route's contribution to a diversity of experiences along designated routes; and the overall impact of the proposed route on the program's integrity.

**132.4(4) and 132.4(5)** No change.

**132.4(6) *Selection.*** ~~The advisory council shall review the evaluations and recommend routes to be designated as Iowa Byways based on this information and any other information the council may have obtained regarding the routes.~~

**132.4(7) 132.4(6) *Designation.*** The department shall review the evaluations and will consider designating routes ~~recommended by the advisory council~~ as Iowa Byways based on this information.

**132.4(8) 132.4(7) *Signing.*** Upon the designation of Iowa Byways, the department will proceed with the initial design and installation of signage identifying new Iowa Byways.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/8/23.