

UTILITIES COMMISSION[199]

Regulatory Analysis

Notice of Intended Action to be published: 199—Chapter 8 and subrule 11.5(1)
“Restoration of Agricultural Lands During Electric Transmission Line Construction”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 478.34

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2227

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 28, 2026
9 a.m.

Utilities Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Utilities Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

IT Support
Utilities Commission
1375 East Court Avenue
Des Moines, Iowa 50319
Phone: 515.725.7300
Email: support@iuc.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to establish standards consistent with 2026 Iowa Acts, House File 2227, which was signed into law by Governor Reynolds on April 16, 2026. This legislation enacted new Iowa Code section 478.34, which establishes that electric transmission lines approved on or after July 1, 2024, by a federally registered planning authority’s transmission plan with costs allocated regionally are required to have a land restoration plan approved by the Commission. All references to Iowa Code section 478.34 in the proposed text are to that section as enacted by 2026 Iowa Acts, House File 2227.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• Classes of persons that will bear the costs of the proposed rulemaking:

The persons affected by this rulemaking who would bear the costs would be any company awarded a project by a federally registered planning authority with costs allocated regionally for any new electric transmission line on or after July 1, 2024. This is commonly referred to as the Midcontinent Independent System Operator (MISO) Tranche 2.1. The incursion of these costs is due to the newly enacted Iowa Code section 478.34.

• Classes of persons that will benefit from the proposed rulemaking:

Landowners who have these projects crossing their property will receive the benefit of having land restoration standards for these new electric transmission lines. Additionally, the companies proposing these new electric transmission lines will have the benefit of knowing the requirements and procedures they must follow as they relate to land restoration during construction.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

The quantitative impact will be increased costs borne by the electric transmission line company for electric transmission lines that require a land restoration plan. The number of electric transmission lines, and in turn companies, impacted by these rules would be relatively small. According to the MISO, for the electric transmission lines subject to this rule, there would be three awards for projects under competitive bidding in Iowa that were approved on or after July 1, 2024. This means there could be up to three companies that would have to comply with these rules. The number of miles of new electric transmission line impacted by these rules cannot be accurately predicted at this time because the projects have not yet been awarded by MISO. It is estimated the number of miles of new electric transmission impacted by this rulemaking will be in excess of 500 miles.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking will be requiring a company to follow and file a land restoration plan as part of the permitting process with the Commission. The rules will also ensure that the company, landowners, and all Iowans know the requirements related to land restoration during the construction of these electric transmission lines.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Commission will incur costs in conducting electric transmission line franchise contested cases and enforcing compliance with the land restoration plan. However, the requirement that the Commission conduct a franchise proceeding and enforce these provisions is not imposed by these new rules or amendments but instead is required by Iowa Code chapter 478.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

These rules will likely result in increased expenses for the companies that are required to follow them. However, ensuring these companies do not leave a lasting impact on the hundreds, if not thousands, of acres of Iowa farm land after construction appears to outweigh the costs borne by the companies.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Commission does not believe there are any less costly methods of securing the public benefit associated with this proposed rulemaking.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

While the Commission is required to commence this rulemaking pursuant to Iowa Code section 478.34, the Commission did consider proposing completely new language for the proposed rules that would have deviated from similar language found in 199—Chapter 9.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Commission ultimately determined uniformity and consistency between the proposed chapter and the Commission's existing land restoration chapter (199—Chapter 9) would benefit landowners and the companies by reducing confusion between the two similar chapters.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following new 199—Chapter 8:

CHAPTER 8
RESTORATION OF AGRICULTURAL LANDS
DURING ELECTRIC TRANSMISSION LINE CONSTRUCTION

199—8.1(478) General information.

8.1(1) Authority and purpose. Pursuant to Iowa Code section 478.34, this chapter establishes standards for the restoration of agricultural lands after the initial construction of an electric transmission line. These rules constitute the minimum standards for restoration of agricultural lands disturbed by electric transmission line construction. These rules do not apply to land located within city boundaries. When a land restoration plan is required pursuant to Iowa Code section 478.34, following notice and comment, the commission may impose additional or more stringent standards as necessary to address issues specific to the nature and location of the particular electric transmission line project.

8.1(2) Definitions. The definitions listed in Iowa Code section 478.34(1) are incorporated herein by reference. Words and terms not otherwise defined in this chapter or Iowa Code section 478.34(1) will have their usual meaning. For the administration and interpretation of this chapter, the following words and terms will have the following meanings:

“Agricultural land” means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, managed woodlands and woodlands of commercial value, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

“Drainage structures” or *“underground improvements”* means any permanent structure used for draining agricultural lands, including tile systems and buried terrace outlets.

“Electric transmission line construction” means activity associated with installation of an electric transmission line that disturbs agricultural land but does not include work performed during an emergency or tree clearing completed on land under easement with written approval from the landowner.

“Electric transmission line structure” means any foundation, pole, or other apparatus necessary for the installation or support of an electric transmission line.

“Emergency” means a condition involving clear and immediate danger to life, health, or essential services or a risk of a potentially significant loss of property. When the emergency condition ends, electric transmission line construction shall be in accordance with these rules.

“Soil conservation practices” means any land conservation practice recognized by federal or state soil conservation agencies, including but not limited to grasslands and grassed waterways, hay land planting, pasture, and tree plantings.

“Soil conservation structures” means any permanent structure recognized by federal or state soil conservation agencies, including but not limited to toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

“Surface drains” means any surface drainage system, such as shallow surface field drains, grassed waterways, open ditches, or any other conveyance of surface water.

“Till” means to loosen the soil in preparation for planting or seeding by plowing, chiseling, discing, or similar means. For the purposes of this chapter, agricultural land planted using no-till planting practices is also considered tilled.

“Wet conditions” means adverse soil conditions due to rain events, antecedent moisture, or ponded water, where the passage of construction equipment may cause rutting that mixes topsoil and subsoil, may prevent the effective removal or replacement of topsoil and subsoil, may prevent proper decompaction, or may damage underground tile lines. The ball test, the ribbon test, the amount of standing water within the easement, or other credible evaluation methods may be used to determine whether adverse soil conditions are present.

199—8.2(478) Filing of land restoration plans. Pursuant to Iowa Code section 478.34, a land restoration plan is required for electric transmission line construction and shall be filed with the appropriate petition and be identified as Exhibit I.

8.2(1) Content of plan. A land restoration plan shall include but not be limited to the following:

- a. A brief description of the purpose and nature of the electric transmission line construction project.
- b. A description of the sequence of events that will occur during electric transmission line construction.
- c. A description of how the electric transmission owner will comply with rules 199—8.4(478) and 199—8.5(478).
- d. The point of contact for landowner inquiries or claims as provided for in rule 199—8.6(478).
- e. A unique identification number that follows a linearly sequential pattern on each parcel of land over which the electric transmission line will be constructed.

8.2(2) Plan variations. The commission may by waiver allow variations from the requirements in this chapter if the electric transmission owner requesting a waiver is able to satisfy the standards set forth in 7—Chapter 2504 and if the alternative methods proposed by the electric transmission owner would restore the land to a condition as good as or better than provided for in this chapter.

8.2(3) Mitigation plans and agreements. Preparation of a separate land restoration plan may be waived by the commission where an electric transmission owner enters into an agricultural impact mitigation plan or similar agreement with the appropriate agencies of the state of Iowa that satisfies the requirements of this chapter. If a mitigation plan or agreement is used to fully or partially meet the requirements of a land restoration plan, the statement or agreement shall be filed with the commission and will be considered to be, or to be part of, the land restoration plan for purposes of this chapter.

199—8.3(478) Procedure for review of plan.

8.3(1) Timing. The commission will review the proposed land restoration plan at the same time it reviews the petition. Objections to the proposed plan may be filed as part of the franchise proceeding. The electric transmission owner shall modify the plan as determined by the commission.

8.3(2) *Distributing approved plan.* After the commission has approved the plan as part of the commission's review and approval of the petition, but prior to construction, the electric transmission owner shall provide copies of the final plan approved by the commission to all landowners.

199—8.4(478) Clearing of agricultural land.

8.4(1) *Trees and brush.* If trees are to be removed from the easement, the electric transmission owner shall consult with the landowner to determine if there are trees of commercial or other value to the landowner.

a. If there are trees of commercial or other value to the landowner, the electric transmission owner shall allow the landowner the right to retain ownership of the trees with the disposition of the trees to be negotiated prior to commencement of land clearing or, if the landowner does not want to retain ownership of the trees, the electric transmission owner shall hire a forester with local expertise to appraise the commercial value of any timber to be cut for construction of the electric transmission line. The electric transmission owner shall compensate the landowner for the full appraised commercial value of any timber removed. The electric transmission owner shall remove all cleared trees and debris left on or adjacent to the easement.

b. If the trees to be cleared have been determined to have no commercial or other value to the landowner and there is no negotiated agreement between the electric transmission owner and the landowner for the disposition of the trees in advance of clearing of the easement, removal and disposal of the material shall be completed at the discretion of the electric transmission owner.

8.4(2) *Fencing.* The electric transmission owner may remove field fences and gates, located within the electric transmission line company's easement, during clearing of the easement and shall construct temporary fences and gates where necessary. Upon completion of the electric transmission line construction, the electric transmission owner shall replace any temporary field fences or gates with permanent field fences or gates that are in the same or better condition as those present prior to construction. The electric transmission owner and landowner may negotiate separate agreements regarding field fences and gates. If livestock is present, the electric transmission owner shall construct any temporary or permanent fences and gates in a manner that will contain livestock.

199—8.5(478) Restoration of agricultural lands.

8.5(1) *Temporary and permanent repair of drain tile.*

a. Electric transmission line clearance from drain tile. Where underground drain tile is encountered, the permanent tile repair shall be installed with at least 12 inches of clearance from the electric transmission line structure.

b. Temporary repair. The following standards shall be used to determine if temporary repair of agricultural drainage tile lines encountered during electric transmission line construction is required.

(1) Any underground drain tile damaged, cut, or removed and found to be flowing or that subsequently begins to flow shall be temporarily repaired as soon as practicable, and the repair shall be maintained as necessary to allow for its proper function during construction of the electric transmission line. The temporary repairs shall be maintained in good condition until permanent repairs are made.

(2) Any underground drain tile damaged, cut, or removed and found to not be flowing shall have the upstream exposed tile line screened or otherwise protected to prevent the entry of foreign material and small animals into the tile system. The downstream tile line entrance shall be capped or filtered to prevent entry of mud or foreign material into the line if the water level rises.

c. Marking. Any underground drain tile damaged, cut, or removed shall be marked by placing a highly visible flag directly over or opposite such tile. This marker shall remain until the tile has been permanently repaired.

d. Permanent repairs. Tile disturbed or damaged by electric transmission line construction shall be repaired to its original or better condition. Permanent repairs shall be completed as soon as practicable after the initial construction has completed. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

- (1) All damaged, broken, or cracked tile shall be removed.
- (2) Only unobstructed tile shall be used for replacement.
- (3) The tile furnished for replacement purposes shall be of a quality, size, and flow capacity at least equal to that of the tile being replaced.
- (4) Tile shall be replaced using a laser transit, or similar instrument or method, to ensure that the tile's proper gradient and alignment are restored, except where relocation or rerouting is required due to an electric transmission line structure.
- (5) The replaced tile shall be firmly supported to prevent loss of gradient or alignment due to soil settlement.

e. Subsurface drainage. Subsequent to electric transmission line construction and permanent repair, if it becomes apparent the tile line in the area disturbed by construction is not functioning correctly or that the land adjacent to the electric transmission line is not draining properly, which can reasonably be attributed to the electric transmission line construction, the electric transmission owner shall make further repairs or install additional tile as necessary to restore subsurface drainage.

8.5(2) Removal of rocks and debris from the easement.

a. Removal. Soil excavated within the easement area shall be free of all rock larger than three inches in average diameter not native to the soil prior to excavation and free of all rocks, gravel or other nonnative surfaces used for an access road or an entrance in the easement area unless alternative arrangements have been made with the landowner. Where rocks over three inches in size are present, their size and frequency shall be similar to adjacent soil not disturbed by construction. In addition, the electric transmission owner shall examine areas adjacent to the easement and along access roads and shall remove any large rocks or debris that may have rolled or blown from the right-of-way or fallen from vehicles.

b. Disposal. Rock that cannot remain in or be used as backfill shall be disposed of at locations and in a manner mutually satisfactory to the electric transmission owner and the landowner. Soil from which excess rock has been removed may be used for backfill. All debris attributable to the electric transmission line construction and related activities shall be removed and disposed of properly. For the purposes of this rule, debris includes spilled oil, grease, fuel, or other petroleum or chemical products. Such products and any contaminated soil shall be removed for proper disposal or treated by appropriate in situ remediation.

8.5(3) Restoration after soil compaction and rutting.

a. Agricultural restoration. Agricultural land, including off right-of-way access roads traversed by heavy construction equipment, shall be deep tilled to alleviate soil compaction upon completion of construction on the property. At least three passes with the deep tillage equipment shall be made. Tillage shall be at least 18 inches deep in land used for crop production and 12 inches deep on other lands and shall be performed under soil moisture conditions that result in a maximum standard penetration test (SPT) reading of 300 psi pursuant to ASTM D1586/D1586M-18e1 as published on November 30, 2018, by a qualified person. Decompaction shall not occur in wet conditions. Upon agreement, this tillage may be performed by the landowners or tenants using their own equipment.

b. Rutted land restoration. Rutted land shall be graded and tilled until restored as near as practical to its preconstruction condition.

8.5(4) Restoration of terraces, waterways, and other erosion control structures. Existing soil conservation practices and structures damaged by the construction of an electric transmission line shall be restored to the elevation and grade existing prior to the time of the electric transmission line construction. Any drain tiles or flow diversion devices impacted by the electric transmission line construction shall be repaired or modified as needed. Soil used to repair embankments intended to retain water shall be well compacted. Disturbed vegetation shall be reestablished, including a cover crop when appropriate.

8.5(5) Revegetation of untilled land.

a. Crop production. Agricultural land not in row crop or small grain production at the time of construction, including hay ground and land in conservation or set-aside programs, shall be reseeded,

including use of a cover crop when appropriate, following completion of deep tillage. The seed mix used shall restore the original or a comparable ground cover unless otherwise requested by the landowner. If the land is to be placed in crop production the following year, paragraph 8.5(5) “b” applies.

b. Delayed crop production. Agricultural land used for row crop or small grain production that will not be planted in that calendar year due to the electric transmission line construction shall be seeded with an appropriate cover crop following completion of deep tillage. However, cover crop seeding may be delayed if construction is completed too late in the year for a cover crop to become established and in such instances is not required if the landowner or tenant proposes to till the land the following year. The landowner may request ground cover where the construction is completed too late in the year for a cover crop to become established to prevent soil erosion.

c. Weed control. On any easement, the electric transmission owner shall provide for weed control in a manner that prevents the spread of weeds onto adjacent lands used for agricultural purposes. Spraying shall be done by a pesticide applicator that is appropriately licensed or certified for the spraying of pesticide in Iowa. If the electric transmission owner fails to control weeds within 45 days after receiving written notice from the landowner, the electric transmission owner shall be responsible for reimbursing all reasonable costs of weed control incurred by landowners of adjacent land.

8.5(6) Restoration of land slope and contour. Upon completion of construction, the slope, contour, grade, and drainage pattern of the disturbed area shall be restored as near as possible to its preconstruction condition. Excessive or insufficient settlement, which visibly affects land contour or undesirably alters surface drainage, shall be remediated by the electric transmission owner by means such as regrading and, if necessary, import of appropriate fill material. Disturbed areas in which erosion causes formation of rills or channels, or areas of heavy sediment deposition, shall be regraded as needed. On steep slopes, methods such as sediment barriers, slope breakers, or mulching shall be used as necessary to control erosion until vegetation can be reestablished.

8.5(7) Restoration of areas used for field entrances or temporary roads. Upon completion of construction and land restoration, field entrances or temporary roads built as part of the construction project shall be removed and the land made suitable for return to its previous use. Areas affected shall be regraded as required by subrule 8.5(6) and deep tilled as required by subrule 8.5(3). If by agreement, or at landowner request, and subject to any necessary approval by local public road authorities, a field entrance or road is to be left in place, it shall be left in a graded and serviceable condition.

8.5(8) Construction in wet conditions. Construction in wet soil conditions shall not commence or continue at times when or locations where the passage of heavy construction equipment may cause rutting to the extent that soils are mixed or underground drainage structures may be damaged. To facilitate construction in wet soils, the electric transmission owner may elect to install mats or padding or use other methods.

8.5(9) Access to land. Nothing in this rule shall prohibit a landowner or person in possession of the land pursuant to a lease from having access to the property. A landowner or person in possession of the land pursuant to a lease shall not disrupt ongoing construction and shall not compromise the safety considerations of the construction. A landowner or person in possession of the land pursuant to a lease shall abide by any and all safety instructions established by the electric transmission owner during construction.

199—8.6(478) Designation of an electric transmission owner point of contact for landowner inquiries or claims. For each electric transmission line construction project subject to this chapter, the electric transmission owner shall designate a point of contact for inquiries or claims from landowners. The designation shall include the name of an individual to contact and a toll-free telephone number, an email address, and an address through which that person can be reached. The electric transmission owner shall also provide contact information for the commission. This information shall be provided

to all landowners prior to commencement of construction. Any change in the point of contact shall be promptly communicated in writing to the landowners. A designated point of contact shall remain available for all landowners for at least one year following project completion, as described in 199—subrule 11.10(2), and for landowners with unresolved damage claims, until such time as those claims are settled.

199—8.7(478) Separate agreements. This chapter does not preclude the application of provisions for protecting or restoring property that are different from those contained in this chapter, or in a land restoration plan, which are contained in easements or other agreements independently executed by the electric transmission owner and the landowner. The alternative provision shall not be inconsistent with state law or these rules. The agreement shall be in writing, and the electric transmission owner shall provide a copy to the commission.

199—8.8(478) Notice of violation and halting construction.

8.8(1) *Notice of dispute.* If a dispute arises between a landowner and an electric transmission owner regarding the land restoration plan required by Iowa Code section 478.34, construction shall immediately halt at the disputed location, if applicable, and the electric transmission owner or landowner shall immediately notify the commission.

8.8(2) *Qualified individual examination.* Upon receipt of a dispute, the commission shall, within two business days, send a qualified individual to examine the disputed issue. The qualified individual shall give verbal notice, followed by written notice, to the electric transmission owner and the electric transmission owner's contractor. The qualified individual's written notice shall be filed with the commission within two business days of completing the examination.

8.8(3) *Dispute resolution.* The commission shall issue an order directing the electric transmission owner to make any necessary remedies to ensure the electric transmission owner is in compliance with the approved land restoration plan within seven business days of receiving the qualified individual's written notice. Construction shall not commence at the disputed location until the commission's order has been issued. Once the order is issued, the electric transmission owner shall take all appropriate steps to remedy the disputed issue. If the landowner or electric transmission owner appeals the commission's initial order, construction may continue; however, the electric transmission owner will be responsible for any damages or for correcting any violation.

8.8(4) *Multiple or subsequent disputes.* Nothing in this rule shall limit the number of disputes between a landowner and electric transmission owner. Nothing in this rule shall limit a landowner's ability to file a subsequent dispute on remediations or actions taken by the electric transmission owner related to the commission's order in subrule 8.8(3).

199—8.9(478) Postconstruction inspection. An electric transmission line owner shall provide notice to the commission within five business days after the restoration of agricultural land is completed after construction. The commission shall promptly send a qualified individual to inspect the agricultural land to ensure compliance with the approved land restoration plan or separate agreement. The qualified individual shall promptly file a postconstruction inspection report detailing any issues or concerns with the land restoration completed by the electric transmission owner.

199—8.10(478) Enforcement. An electric transmission owner shall fully cooperate with qualified individuals in the performance of their duties under Iowa Code section 478.34. If the electric transmission owner or its contractor does not comply with the requirements of Iowa Code section 478.34, with the land restoration plan, or with an independent agreement on land restoration, the commission may impose civil penalties pursuant to Iowa Code section 478.29.

These rules are intended to implement Iowa Code chapter 478.

ITEM 2. Amend subrule 11.5(1) as follows:

11.5(1) *Petition and exhibits.* A petition for a new franchise shall be filed on forms prescribed by the commission, be notarized, and have all required exhibits attached. The petition shall be attested to by an officer, official, or attorney with authority to represent the electric company. The following exhibits shall be filed with the petition:

a. to h. No change.

i. Exhibit I. If an electric transmission line, as defined in Iowa Code section 478.34, is proposed, a land restoration plan shall be prepared and filed as provided in 199—Chapter 8.

~~*j. Exhibit J.*~~ *J.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*j. Exhibit J.*~~ *K.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*k. Other exhibits.*~~ *L.* *Other exhibits.* The commission may require filing of additional exhibits if further information is deemed necessary.