Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 145
"Automated Traffic Enforcement Mobile Systems"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321P.3 as enacted by 2024 Iowa Acts, House File 2681

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 321P as enacted by 2024 Iowa Acts, House File 2681

Public Hearing

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

November 8, 2024 10 to 10:30 a.m.	Microsoft Teams link Phone: 515.817.6093 Conference ID: 169 911 106

Public Comment

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

Chris Poole
800 Lincoln Way
Ames, Iowa 50010
Email: chris.poole@iowadot.us

Purpose and Summary

This proposed chapter establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

No class of persons will bear the costs.

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

All Iowans will benefit from rules governing the operation of automated traffic enforcement mobile systems.

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:

Local agencies wishing to operate a mobile system would bear the costs associated with procuring the equipment, applying for an operating permit, and submitting an annual report for each location where a mobile system was used during the previous calendar year. Local agencies would also bear the costs associated with moving or removing a mobile system from its location no longer than three weeks after it began operating at that location.

- Qualitative description of impact:

The chapter benefits all Iowans by providing clear, transparent guidelines for the oversight, operation, and administration of automated traffic enforcement mobile systems.

3. Costs to the State:

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

Negligible implementation and enforcement costs exist beyond those already needed to implement and enforce Iowa Code chapter 321P.

- Anticipated effect on state revenues:

No effect on state revenues is anticipated.

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

The benefits of the proposed rules outweigh the costs of implementing the chapter.

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

No less costly or less intrusive methods exist.

6. Alternative methods considered by the agency:

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

The Department did not consider any alternative methods.

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

Rules are required by statute.

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 impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new**761—Chapter 145:

CHAPTER 145
AUTOMATED TRAFFIC ENFORCEMENT MOBILE SYSTEMS

761—145.1(90GA,HF2681) General.

145.1(1) *Purpose and applicability.* This chapter establishes conditions, procedures, and responsibilities for the use of automated traffic enforcement mobile systems to issue citations for violations of the speed limit. These rules apply to local authorities using or planning to use an automated traffic enforcement mobile system.

145.1(2) *Overview.*

a. Mobile systems must comply with Iowa Code chapter 321P as enacted by 2024 Iowa Acts, House File 2681.

b. A local authority's use of a mobile system is subject to the population limit identified in Iowa Code section 321P.3(2) as enacted by 2024 Iowa Acts, House File 2681, section 3. However, a local authority of any population may use a mobile system to issue warnings in accordance with Iowa Code section 321P.3(3) as enacted by 2024 Iowa Acts, House File 2681, section 3.

c. Use of a mobile system is limited to locations identified in Iowa Code section 321P.3(2) as enacted by 2024 Iowa Acts, House File 2681, section 3.

d. Mobile systems are to be situated in a manner that:

(1) Maintains a safe environment for all road users.

(2) Allows for free passage along the roadway right-of-way.

(3) Minimizes the potential to cause backups or delays.

(4) Does not obstruct the view of other road users or traffic control devices.

145.1(3) *Contact information.* Information relating to this chapter may be obtained from the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or at www.iowadot.gov/traffic.

145.1(4) *Definitions.* The definitions in Iowa Code section 321P.1 as enacted by 2024 Iowa Acts, House File 2681, section 1, apply to this chapter. In addition:

"Automated traffic enforcement mobile system" or *"mobile system"* means a vehicle, trailer, or other portable apparatus containing one or more automated or remote systems for traffic law enforcement.

"Interstate road" means the same as "interstate roads" as defined in Iowa Code section 306.3.

"Location" means a street address, a block number, an intersection, or a mile marker and includes the direction of traffic being monitored.

"Primary road" means the same as "primary roads" as defined in Iowa Code section 306.3.

761—145.2(90GA,HF2681) Conditions for mobile systems.

145.2(1) *Placement.*

a. Except when used in a construction zone, a mobile system shall not be placed or parked:

(1) Less than 15 feet from any traffic lane of an interstate road unless shielded by a crashworthy barrier.

(2) On the outside shoulder of any non-interstate primary road for longer than 72 hours unless shielded by a crashworthy barrier.

(3) Within the median or on the inside shoulder of any road.

(4) Less than two feet behind the back of a curb on any road.

(5) Less than two feet from the edge of any traffic lane on any road.

b. When used in a construction zone, a mobile system shall be shielded by a crashworthy barrier unless it is placed or parked more than 15 feet from any active traffic lane.

145.2(2) *Duration of use.* Except when used in a construction zone, a mobile system shall not be used in one location for longer than three consecutive weeks or be used in one location for more than 21 days in any 45-day period. When used in a construction zone, a mobile system may be used in one location for the duration of construction activities.

145.2(3) *Public notice.* A local authority operating a mobile system shall provide information regarding where and when a mobile system will be used on the local authority's Internet site or social media outlets.

145.2(4) *Vehicles and trailers.* A vehicle or trailer used as a mobile system shall be operated by a law enforcement agency, marked with distinguishing decals, and identified by a distinguishing license plate affixed to the vehicle or trailer.

761—145.3(90GA,HF2681) Permitting.

145.3(1) *Initial permit.* A local authority may apply for a permit by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2) as enacted by 2024 Iowa Acts, House File 2681, section 2, for each location where a mobile system is proposed to be used. The department will not issue an initial permit before July 1, 2026.

145.3(2) *Updating an existing permit.* A local authority holding a permit may apply to update the permit with one or more additional locations by submitting a request to the department, following the procedure outlined in Iowa Code section 321P.2(2) as enacted by 2024 Iowa Acts, House File 2681, section 2, for each location where a mobile system is proposed to be used.

145.3(3) *Department review.* The department will review the application and will approve or deny each requested location based on the department's determination that use of a mobile system is appropriate, necessary, and the least restrictive means to address the critical traffic safety issues at that location. Incomplete applications will be returned to the applicant. If approval is granted, the department will issue a permit listing all approved locations.

145.3(4) *Exception for warnings.* Use of a mobile system at a location solely for the issuance of warnings does not require a permit.

761—145.4(90GA,HF2681) Annual report.

145.4(1) A local authority using a mobile system shall submit to the department and post an annual report as described in Iowa Code section 321P.5(2) as enacted by 2024 Iowa Acts, House File 2681, section 5.

145.4(2) The report must also include the following information from the previous calendar year for each location listed in the permit:

a. Number of days the mobile system was in use.

b. Count of all vehicles traveling past the mobile system while it was in use.

c. Speed distribution data for all vehicles traveling past the mobile system while it was in use.

d. Description of any changes in traffic patterns, roadway infrastructure, zoning, or land use.

e. Identification of any other safety countermeasures that have been implemented.

761—145.5(90GA,HF2681) Continued use of mobile system.

145.5(1) *Reevaluation.* The department will utilize information collected from the annual report to assist in annually evaluating the ongoing need for a mobile system at each location listed in the permit. Continued approval of each location will be contingent on:

a. Effectiveness of the mobile system in addressing the critical traffic safety issues.

b. Changes in traffic speeds, volumes, or patterns.

c. Changes in roadway infrastructure.

d. Changes in zoning or land use.

e. Implementation of other safety countermeasures.

f. Appropriate administration of the mobile system by the local authority.

g. The local authority's compliance with these rules and Iowa Code chapter 321P as enacted by 2024 Iowa Acts, House File 2681.

145.5(2) *Reserve the right.* The department reserves the right to rescind a permit, remove a location from a permit, or require modification of a mobile system, as deemed appropriate.

761—145.6(90GA,HF2681) Appeal process. A local authority may appeal a decision made by the department under this chapter by submitting a written explanation of the issues for appeal and any supporting information to the director of transportation or director's designee (director). Once the director receives the appeal, the director has 30 days to respond. The director's decision is final agency action.

These rules are intended to implement Iowa Code chapter 321P as enacted by 2024 Iowa Acts, House File 2681.