

TRANSPORTATION DEPARTMENT[761]

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 115
“Utility Accommodation”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)“j” and 306A.3 as amended by 2026 Iowa Acts, Senate File 2214

State or federal law(s) implemented by the rulemaking: Iowa Code section 306A.3

Public Hearing

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

November 17, 2026
11 to 11:30 a.m.

[Microsoft Teams](#)
Or dial: 515.817.6093
Conference ID: 332 754 769#

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:

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Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Purpose and Summary

The purpose of the proposed amendments is to align the rules with 2026 Iowa Acts, Senate File 2214. This Act amends the Iowa Code relating to installation of transmission lines on highway rights-of-way and requires the Department to coordinate with utility and transmission line developers, upon written request, to review highway corridors for potential locations to place transmission lines. It also prohibits the Department from denying longitudinal transmission line installations in the primary road rights-of-way unless the Department determines the installation would endanger public safety or interfere with the proper function of the highway.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

There are no costs or fees associated with these proposed amendments beyond the underlying statutes.

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

No classes of persons are affected by the proposed amendments.

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:**

There are no quantitative impacts beyond those of the underlying statutes.

- **Qualitative description of impact:**

There are no qualitative impacts beyond those of the underlying statutes.

3. **Costs to the State:**

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

There are no implementation or enforcement costs beyond those of the underlying statutes.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues beyond those of the underlying statutes.

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

There is no benefit of inaction. The amendments are required to conform with the underlying statutes.

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

There are no less costly or less intrusive methods to achieve the purpose of the proposed amendments, which is compliance with the underlying statutes.

6. **Alternative methods considered by the agency:**

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

The Department did not consider alternatives for the proposed amendments.

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

Not applicable.

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 from the proposed amendments beyond those of the underlying statutes.

Text of Proposed Rulemaking

ITEM 1. Amend rule 761—115.1(306A,314,320), parenthetical implementation statute, as follows:

761—115.1(306,306A,314,320) General.

ITEM 2. Amend rule **761—115.2(306,306A,321)**, definitions of “Cable” and “Communication line,” as follows:

“Cable” means an insulated conductor or a ~~combination~~ group of insulated conductors used to transmit electrical power or communication signals.

“Communication line” or *“communication cable”* means a cable used for ~~the transmission of transmitting~~ data, voice, images, television, alarm systems or traffic control.

ITEM 3. Adopt the following **new** definitions of “Department,” “Distribution facility,” “Transmission line” and “Transmission line developer” in rule **761—115.2(306,306A,321)**:

“Department” means the Iowa department of transportation.

“Distribution facility” means a utility line with moderate capability that distributes a product from a transmission line to points convenient for its customers, also known as “main” or “primary.”

“Transmission line” means a utility facility with high capacity, which generally carries a product from its source to a distribution facility.

“Transmission line developer” means a company or organization that plans, designs, and builds high-voltage electric transmission lines.

ITEM 4. Amend rule 761—115.3(306A,318,320) as follows:

761—115.3(306,306A,318,320) General provisions.

115.3(1) *Permit required.* A permit is required to place utility facilities in, on, above or below the primary road rights-of-way to attach utility facilities to a primary road structure or to adjust existing utility facilities occupying the rights-of-way.

115.3(2) *Longitudinal electric transmission lines.*

a. The utility owner or transmission line developer must provide a written request to the department to engage in coordination activities to review highway corridors identified in the request for potential locations to place transmission lines during the approval process with the Iowa utilities commission.

b. The department will share all known plans with the utility owner or transmission line developer on planned projects in the highway corridor if the planned project impacts the placement or siting of transmission lines.

c. Installations in the primary road rights-of-way, including freeways, may be permitted if the department determines the installation will not endanger public safety, is complementary with the proper function of the road, and does not impede potential future roadway improvements.

d. The department shall notify the utility owner or transmission line developer of its acceptance or denial of the request within 90 days of receiving the written request.

~~115.3(2)~~ **115.3(3)** *Future adjustment.*

a. and *b.* No change.

~~115.3(3)~~ **115.3(4)** *Compliance with requirements.* It is the responsibility of the utility owner to ensure that the utility owner’s utility facility complies with all applicable federal, state, local and franchise requirements and meets generally accepted industry standards at the time of installation.

~~115.3(4)~~ **115.3(5)** *Performance bond.* The department may require a performance bond for utility work within the primary road rights-of-way under the following circumstances: the work is being done to adjust or relocate the utility facility to accommodate a planned primary road project; the installation is unusual; abnormal site conditions exist, such as but not limited to unstable soil or unique vegetation; or the utility owner has a history of performance problems. A performance bond is required for longitudinal freeway occupancy; more information contained in subrule ~~115.15(9)~~ **115.15(11)**.

a. to *c.* No change.

~~115.3(5)~~ **115.3(6)** *Execution of work.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner satisfactory to the department.

~~115.3(6)~~ **115.3(7)** *Disturbance of other contractors.* Utility construction and maintenance work within the primary road rights-of-way is to be accomplished in a manner that minimizes disturbance to any other contractor working within the rights-of-way. It is the responsibility of the utility owner to coordinate work with other contractors.

~~115.3(7)~~ **115.3(8)** *No adverse effect on primary road.* A utility facility must not adversely affect the safety, design, construction, operation, maintenance or stability of the present use or future expansion of a primary road.

~~115.3(8)~~ **115.3(9)** *Safety, health and sanitation.* Construction and maintenance of a utility facility shall be accomplished in a manner that minimizes disruption of primary road traffic and other hazards to the road user. The utility owner is responsible to comply with the MUTCD and all applicable federal, state and local statutes, ordinances and regulations governing safety, health and sanitation. The utility owner is to furnish such additional safeguards, safety devices and protective equipment and take actions to protect the life and health of the public.

~~115.3(9)~~ **115.3(10)** *Parking or storage in clear zone or median.*

a. to c. No change.

~~115.3(10)~~ **115.3(11)** *Protection of landscaped or planted areas.* Prior to permit approval, specific authorization is to be obtained from the district representative for mowing, trimming trees and shrubs, and for spraying within the rights-of-way. Landscaped and planted areas are to be avoided as much as practical. A landscaped or planted area that is disturbed is to be restored as nearly as practical to its original condition.

~~115.3(11)~~ **115.3(12)** *Noncompliance.* The department may take any or all of the following actions for noncompliance with any provision of this chapter or any term of a permit:

a. to e. No change.

f. Initiate a claim on the performance bond as set out in subrule ~~115.3(4)~~ **115.3(5)**, when a bond is required.

~~115.3(12)~~ **115.3(13)** *Identification signs and markers.* Utility facilities within primary road rights-of-way shall be properly marked in accordance with the following unless otherwise authorized by the district representative:

a. to j. No change.

~~115.3(13)~~ **115.3(14)** *Insufficient capacity of rights-of-way.* The department may deny issuance of a permit if it determines there is insufficient room for additional utility facilities within the rights-of-way.

ITEM 5. Amend subrule 115.7(10) as follows:

115.7(10) *Term of permit.* Except for permits for longitudinal occupancy of freeways as outlined in subrule ~~115.15(11)~~ **115.15(13)**, an issued permit will continue in perpetuity or until future maintenance or construction of the primary road requires an adjustment of the utility facility (more information contained in paragraph ~~115.3(2)“b”~~ **115.3(3)“b”**).

ITEM 6. Amend paragraph **115.11(4)“a”** as follows:

a. The utility owner is to pay to the department an attachment fee for attaching the utility owner's utility facility to a primary road bridge. The attachment fee is \$181.60 per bridge plus \$0.99 times the weight of the attachment in pounds per foot times the length of the bridge in feet. The fee will increase 3 percent per year over the previous year after the base year of 2024. Additional fees may apply for longitudinal freeway occupancy (more information contained in subrule ~~115.15(8)~~ **115.15(10)**). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

ITEM 7. Amend paragraph **115.12(6)“c”** as follows:

c. More information is contained in subrule ~~115.15(8)~~ **115.15(10)** regarding occupancy fees for longitudinal installations on freeways.

ITEM 8. Amend rule 761—115.13(306A) as follows:

761—115.13(306A) Freeways.

115.13(1) *Access to utility facilities occupying freeway rights-of-way.*

a. Except for emergency work, access to utility facilities during utility construction or maintenance activities is to be obtained from the areas other than the freeway or its ramps. More information is contained in subrules 115.8(3) and 115.17(2) regarding emergency work.

b. to d. No change.

115.13(2) No change.

~~**115.13(3)** *Aboveground appurtenances.* Aboveground appurtenances, including but not limited to poles, guys and other supporting structures, are not allowed within the rights-of-way of freeways.~~

~~**115.13(4)**~~ **115.13(3)** *Existing utility facilities.*

a. No change.

b. If the conditions in paragraph ~~115.13(4)~~ “a” **115.13(3)** “a” are not met, the department may request the utility facility be relocated outside the freeway rights-of-way.

ITEM 9. Amend subrule 115.14(2) as follows:

115.14(2) ~~*Aboveground installations—transverse installations on freeways.*~~

a. No change.

b. The location of aboveground appurtenances, including but not limited to guys and other supporting structures, must be approved by the district representative.

~~b. c.~~ Within interchange areas:

(1) No change.

(2) Overhead lines are to be constructed on tangent, parallel to the intersecting road, without guys or anchors being placed in the areas between the ramps and the main freeway, and located outside the working area of cranes or similar equipment that are anticipated to operate near and adjacent to proposed bridges or structures. Guy poles are to be located as near to the freeway rights-of-way line as practical.

(3) Poles are to be located outside the clear zone and situated as far from the main freeway and ramps and as close to the toe of foreslope of the intersecting road as practical but shall remain outside the clear zone and outside the working area of cranes or similar equipment that are anticipated to operate near and adjacent to proposed bridges or structures.

(4) No change.

ITEM 10. Amend rule 761—115.15(306A,314) as follows:

761—115.15(306,306A,314) Longitudinal installations on freeways.

115.15(1) *Type of installation permitted.*

a. and b. No change.

c. ~~If the department determines that an aboveground installation is necessary to advance the state’s priorities, can be installed safely with minimal impact on the traveling public, can be safely accommodated within existing right-of-way, is along a roadway that is not anticipated to require additional right-of-way for future improvements in the foreseeable future, and extends for a relatively short distance, the department may permit installation with proper justification.~~ Longitudinal transmission lines may be authorized to be installed on freeway rights-of-way upon written request by a utility owner or transmission line developer unless the department determines such an installation would endanger public safety or interfere with the proper function and use of the highway.

115.15(2) *Assignment of project coordinator.* Upon written request by a utility owner or transmission line developer to review a highway corridor for potential electric transmission line placement, the department shall assign a dedicated project coordinator within 30 days of receiving the request to manage ongoing coordination activities.

~~**115.15(2)**~~ **115.15(3)** *Prohibitions on longitudinal occupancy.*

a. to c. No change.

115.15(4) *Denial of longitudinal electric transmission installations.* If the department denies the request, the department shall make the written reason for denying the installation available to the public and the requesting party within 90 days of receiving the request.

~~115.15(3)~~ **115.15(5)** *Minimal maintenance.* Once installed, the utility facility should require minimal maintenance.

~~115.15(4)~~ **115.15(6)** *Location and depth.* The utility facility should be located on uniform alignment, preferably within 8 feet of the freeway rights-of-way line, and at a location approved by the department.

a. to c. No change.

~~115.15(5)~~ **115.15(7)** *~~Pedestals, cabinets, vaults, hand holes, repeater stations or similar appurtenances.~~ Aboveground installations—longitudinal installations on freeways.*

a. Single-pole construction should be used, with the number of poles kept to a minimum.

b. The location of aboveground appurtenances, including but not limited to guys and other supporting structures, must be approved by the district representative.

c. Overhead lines should be constructed on a tangent, parallel to the road, without guys or anchors, and located outside the working area of cranes or similar equipment that are anticipated to operate near and adjacent to proposed bridges or structures.

d. Poles are to be located outside the clear zone, situated as far as practical from the main freeway and ramps, and outside the working area of cranes or similar equipment that are anticipated to operate near and adjacent to proposed bridges or structures.

e. For intersecting roadways, bridges, or structures, poles are to be located as close to the toe of foreslope of the intersecting road as practical but shall remain outside the clear zone and outside the working area of cranes or similar equipment that are anticipated to operate near and adjacent to proposed bridges or structures.

f. The use of self-supporting poles or towers, double arming and insulators, breakaway devices and dead-end construction should be considered.

~~a.~~ g. Aboveground pedestals are permissible. All pedestals, cabinets, vaults, hand holes or similar appurtenances should be placed one foot from the right-of-way fence. The number of installations is subject to district representative approval.

~~b.~~ h. Repeater stations are not allowed in the rights-of-way.

~~115.15(6)~~ **115.15(8)** *Metallic warning tape.* Metallic warning tape is to be installed a minimum of 12 inches below the existing grade and above the underground utility installations unless installation is done by directional boring or other trenchless methods.

~~115.15(7)~~ **115.15(9)** *Engineering.* The utility owner is to retain the services of a licensed, professional engineer familiar with the requirements for utility work to be accomplished in Iowa.

a. to c. No change.

~~115.15(8)~~ **115.15(10)** *Occupancy fee.* The utility owner is to pay to the department an annual fee for longitudinal occupancy of the freeway rights-of-way in accordance with Iowa Code section 314.20. The initial fee is due before any construction work commences within the rights-of-way. Additional fees may apply for bridge attachments (more information is contained in subrule 115.11(4)). The department maintains the current fee listing available on the department's website at www.iowadot.gov/consultants-contractors/right-way/utility-accommodation-coordination.

a. to c. No change.

~~115.15(9)~~ **115.15(11)** *Performance bond.* The utility owner is to file a performance bond with the department prior to commencing work within the freeway rights-of-way.

a. and b. No change.

~~115.15(10)~~ **115.15(12)** *Insurance.*

a. to d. No change.

~~115.15(11)~~ **115.15(13)** *Term of permit.* The permit is valid for 20 years from the date of issuance. Upon written request, the department may extend or renegotiate the term.

~~115.15(12)~~ **115.15(14)** *Utilities for road facilities.* Longitudinal occupancy of utility facilities that service road-related facilities are permissible upon such terms and conditions as the department may determine.

ITEM 11. Amend paragraph **115.16(2)“e”** as follows:

e. Utility facility locations shall be marked and identified as set out in subrule ~~115.3(12)~~ 115.3(13).

ITEM 12. Amend rule 761—115.20(306A), parenthetical implementation statute, as follows:

761—115.20(~~306~~,306A) Utility investigation and notice of project.

ITEM 13. Amend rule 761—115.21(306A) as follows:

761—115.21(~~306~~,306A) Preliminary plan, verifying accuracy of information.

115.21(1) No change.

115.21(2) *Preliminary plan.* The department will submit its preliminary plan to the owner of each known utility facility within the vicinity of a proposed primary road project and ask utility owners to provide information regarding the accuracy of utility information depicted in the preliminary plan and potential conflicts and the utility owners' recommended solutions. The department ~~should~~ shall schedule a utility coordination meeting after the preliminary plan is sent to the utility owners. The department shall invite all affected utility owners and local jurisdictions to the utility coordination meeting during the preliminary design processes to jointly review conflicts, evaluate strategies to avoid or minimize utility adjustments, and establish timelines for necessary relocations.

115.21(3) No change.

ITEM 14. Amend rule 761—115.22(306A), parenthetical implementation statute, as follows:

761—115.22(~~306~~,306A) Semifinal plan, utility work plan.

ITEM 15. Amend paragraph **115.22(5)“f”** as follows:

f. If the revised work plan is still not acceptable, the department may initiate noncompliance procedures per subrule ~~115.3(11)~~ 115.3(12). If the department determines that meaningful progress is being made, the department may elect to repeat the process set out in paragraphs 115.22(5)“c” ~~to through~~ “e.”

ITEM 16. Adopt the following **new** subrule 115.22(7):

115.22(7) *Project noninterference.* A utility owner's failure to respond to a project notice, attend early coordination meetings, or submit a work plan within the designated time frames shall not delay, stall, or prevent the department from proceeding with the construction project design, contract bidding, or scheduled construction activities.

ITEM 17. Amend subrule 115.24(4) as follows:

115.24(4) *Failure to comply with these rules, to provide an acceptable work plan, or to adjust utility facilities.* If a utility owner fails to comply with these rules, fails to provide an acceptable work plan per subrule 115.22(5), fails to comply with the accepted work plan, or fails to complete the adjustment of its utility facilities in accordance with the accepted work plan, and its failure results in a delay to the primary road project or causes damages to be incurred by the department or the department's contractor, the utility owner is liable for all costs and damages incurred as a result of its failure. In addition to any other remedy that may exist at law, in equity, or under these rules, the department may initiate noncompliance procedures per subrule ~~115.3(11)~~ 115.3(12) for failure to comply with the requirements of these rules.