

SUMMARY – plus additional details:**Estimated penalty amounts for non-compliance with certain U.S. Code and CFR provisions - FY 24 FHWA funds**

Penalty amts. based on FY 24 apportionments, per Bipartisan Infrastructure Law via FHWA notice 4510.892

Statute	Activity	Penalty	Potential la. funds lost or transferred (estimated)	Actual impact to Iowa under current law
23 USC 127(a)	Vehicle weight limitations - Interstate System	50% of NHPP	\$194 million	No impact – Iowa law complies
23 USC 141(a)&(b)	Enforcement of vehicle size and weight laws	7% of NHPP, STBG, HSIP, CMAQ, NHFP and Metro Planning	\$45.4 million	No impact – Iowa law complies
23 USC 141(c)	Registration–proof of heavy vehicle use tax payment	8% NHPP	\$31 million	No impact – Iowa law complies
23 USC 131	Control of outdoor advertising	10% NHPP, STBG, HSIP, CMAQ, NHFP, and Metro Planning	\$64.9 million	No impact – Iowa law complies
23 USC 136	Control of junkyards	7% of NHPP, STBG, HSIP, CMAQ, NHFP and Metro Planning.	\$45.4 million	No impact – Iowa law complies
23 USC 116	Maintenance	No project approvals at state or local levels in the entire state.	--	No impact – Iowa’s maintenance program complies
42 USC 7509	Clean Air Act compliance	No project approvals within the non-attainment area; may cover the entire state under certain circumstances.	--	No impact, as long as Iowa has no non-attainment areas
42 USC 7509 1990 Clean Air Act amendment	Air quality conformity	No expenditure of FHWA/FTA funds. Applies to most activities in the nonattainment area. Also, statewide highway sanctions could result.	--	No impact, as long as Iowa has no non-attainment areas
23 USC 158	National minimum drinking age	8% of NHPP and STBG	\$46.1 million	No impact – Iowa law complies
49 USC 31311 & 31314	Commercial Driver’s License	4% of NHPP and STBG for first noncompliance; 8% thereafter	First year: \$23 million Thereafter: \$46.1 million	No impact – Iowa law complies
23 USC 159	Drug Offenders	8% of NHPP and STBG	\$46.1 million	No impact – Iowa law complies
23 USC 134(k)(5)	Metropolitan Planning	Up to 20% of funds under Title 23, and Chapter 53 of Title 49 attributed to the TMA.	Varies for each MPO	Dependent on the individual MPOs
23 USC 153(h)	Use of safety belts	Transfer 2% of NHPP, STBG and CMAQ to the Section 402 safety program.	\$11.8 million	No impact – Iowa law complies
23 USC 161	Zero Tolerance BAC for Minors	8% of NHPP and STBG	\$46.1 million	No impact – Iowa law complies
23 USC 154	Open container requirements	Transfer of 2.5% of NHPP and STBG to safety programs.	\$14.7 million	No impact – Iowa law complies ¹
23 USC 164	Repeat offenders	Transfer of 2.5% of NHPP and STBG to safety programs.	\$14.4 million	No impact – Iowa law complies
23 USC 163	Operation of Motor Vehicle by Intoxicated Persons	6% of NHPP and STBG	\$34.6 million	No impact – Iowa law complies
49 CFR 24.403(a)(6)	Deductions from relocation payments	Unspecified - per FHWA, violations “would jeopardize federal participation in any and all phases of that project”	Varies by project	No impact, per agreement with the Department of Administrative Services ²

1/ per preliminary NHTSA review of Sept. 29, 2020. Proposed 2023 ABD legislation preliminary reviewed by NHTSA; if proposed legislation is enacted as drafted and no other changes to law are made Iowa would be found in compliance.

2/ Iowa Administrative Code 11-40.2(3)(8A) speaks to funds exempt from collection and unavailable for offset. Relocation payments are included in the listing of payments that are unavailable for offset. Said listing is available from the department’s state accounting enterprise (DAS) upon request.

Additional details:

Federal penalties for non-compliance with certain U.S. Code and CFR provisions

<p>Vehicle Weight Limitations- Interstate System 23 U.S.C. 127(a) [23 CFR part 657]</p>	<p>States must permit a minimum and maximum of 20,000-pound single axle, 34,000-pound tandem axle, and 80,000-pound gross weight of combination (5 axles or more) vehicles to operate on the Interstate System. Maximum weight cannot exceed allowable under bridge formula. Grandfather rights create state-specific exceptions to all limits.</p> <p><u>Certification required – basics include:</u> Due: prior to Jan. 1 Statement by: Governor or designee (if a designee, include copy of the designation document, signed by the Governor) Certify to: Federal Highway Administrator* Last sent: November 2024, via: website submittal Prepared by: Keri Greenfield <i>* Iowa’s certification for both 23 USC 127(a) and 23 USC 141(a)&(b) (below) is typically submitted in a single letter to the “Administrator of the Iowa Division of FHWA”</i></p>
<p>Enforcement of Vehicle Size and Weight Laws 23 U.S.C. 141(a)&(b) [23 CFR 657]</p>	<p>Each state must certify that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with 23 U.S.C. §127.</p> <p><u>Certification required – basics include:</u> Due: prior to Jan. 1 Statement by: Governor or designee (if a designee, include copy of the designation doc, signed by the Governor) Certify to: USDOT Secretary [<i>assumes code supercedes CRF, which says “FHWA administrator”</i>]* Last sent: November 2024, via: website submittal Prepared by: Keri Greenfield <i>* Iowa’s certification for both 23 USC 127(a) (above) and 23 USC 141(a)&(b) is typically submitted in a single letter to the “Administrator of the Iowa Division of FHWA”</i></p>
<p>Registration- Proof of Heavy Vehicle Use Tax Payment 23 U.S.C. 141(c) [CFR 669]</p>	<p>States must require proof of payment of Federal heavy vehicle use tax prior to registering heavy vehicles subject to the use tax.</p> <p><u>Certification required – basics include:</u> Due: prior to Jan. 1 Statement by: Governor or designee Certify to: FHWA Division Administrator Last sent: November 18, 2024, via: email, to Sean Litteral Prepared by: Motor Vehicle Division (Sara Siedsma)</p>
<p>Control of Outdoor Advertising 23 U.S.C. 131</p>	<p>States must provide for effective control of outdoor advertising signs along the primary highway system in accordance with 23 CFR 750.705. Outdoor advertising signs must be restricted to commercial or industrial areas, and comply with size, lighting, and spacing criteria contained in a 1972 agreement between the U.S. Secretary of Transportation and the Iowa Highway Commission (Iowa DOT). Surveillance, discovery, and removal of illegal signs must be undertaken by the Iowa DOT to ensure compliance with 23 CFR 750 (23 USC 131). Iowa’s outdoor advertising laws are contained in Iowa Code 306B, 306C, 306D, and 318, with administrative regulations contained in 761 IAC 117.</p>
<p>Control of Junkyards 23 U.S.C. 136</p>	<p>States must provide for effective control over the establishment, use, and maintenance of junkyards adjacent to the National Highway System in accordance with 23 CFR 751. Sites that qualify as junkyards must either be screened from view or limited to industrial areas. Exceptions are made for pre-existing sites. Iowa’s law is contained in Iowa Code 306C and 761 IAC 116.</p>
<p>Maintenance 23 U.S.C. 116</p>	<p>A state “or other direct recipient” must properly maintain or cause to be maintained any project constructed under the provisions of the Federal-aid Highway Program.</p>

<p>Clean Air Act Compliance 1990 Clean Air Act Amendments 42 U.S.C. 7509</p>	<p>States are subject to State Implementation Plan (SIP) related sanctions. States must submit and implement all provisions of a complete, adequate SIP that provides for attainment of air quality standards in accordance with intermediate and final deadlines specified in the Clean Air Act.</p>
<p>Air Quality Conformity 1990 Clean Air Act Amendments 42 U.S.C. 7509</p>	<p>No transportation plan, program, or project may be approved, accepted, or funded unless it has been found to conform to an applicable SIP by the metropolitan planning organization and the DOT. This means a well-coordinated FHWA/FTA finding, based on technical analysis of transportation and emissions models.</p>
<p>National Minimum Drinking Age 23 U.S.C. 158</p>	<p>States must have laws that prohibit the purchase or public possession of any alcoholic beverage by a person who is less than 21 years of age.</p>
<p>Commercial Driver's License 49 U.S.C. 31311 & 31314 [49 CFR 384.305]</p>	<p>States must be in compliance with minimum Federal standards for licensing, reporting, and penalties.</p> <p><u>Certification required – basics include:</u> Due: Prior to Jan. 1 Statement by: Governor or designee Certify to: “the Federal Motor Carrier Safety Administrator” (“shall be submitted as a signed original and four copies to the Division Administrator/State Director or Officer-in-Charge, Federal Motor Carrier Safety Administration, located in that state”) Last sent: November 18, 2024, via: email from Sara Siedsma to FMCSA Iowa Division Administrator (Shirley McGuire) Prepared by: Motor Vehicle Division (Sara Siedsma)</p>
<p>Drug Offenders 23 USC 159 [23 CFR 192]</p>	<p>State must certify that it either: 1) has a law that requires the revocation or suspension of drivers’ licenses for at least 6 months (or delay in the issuance of a license) for those convicted of any violation of the Controlled Substances Act or any drug offense, or; 2) has a statement by the Governor opposing enactment or enforcement of such a law and a resolution by the state legislature expressing opposition to such law.</p> <p><u>Certification required – basics include:</u> Due: Within 90 days of a law change impacting compliance Statement by: Governor or designee Certify to: “Secretary of Transportation” BUT: Effective November 10, 2022, the Governor or their designee shall submit an electronic copy of the certification to its respective FHWA Division Administrator. Last sent: 11/10/22, via: email – electronic copy from director’s office, to Timothy Marshall Prepared by: Motor Vehicle Division (Kathleen Meradith-Eyers)</p>
<p>Metropolitan Planning 23 U.S.C. 134(k)(5)</p>	<p>Metropolitan planning organizations (MPOs) in Transportation Management Areas must be certified at least every 4 years by the Secretary of Transportation to be carrying out the required planning process in accordance with applicable provisions of Federal law.</p>
<p>Use of Safety Belts 23 U.S.C. 153(h)</p>	<p>State must have a law that makes it unlawful to operate a passenger vehicle if any front seat occupant (other than a child secured in a child restraint system) is not properly wearing a seat belt. An alternate compliance criterion is provided for New Hampshire (§354, P.L. 107-87, Dec. 18, 2001).</p>

Surface Transportation Program (STP) 23 U.S.C. 133	For each fiscal year, each State shall submit a project agreement that certifies that the state will meet all the requirements of this section and administration of the STP.
Zero Tolerance Blood Alcohol Concentration for Minors 23 U.S.C. 161	State must enact and enforce a law that considers any individual under 21 years who has a blood alcohol concentration of 0.02 or above while operating a motor vehicle to be driving while intoxicated or driving under the influence of alcohol.
Open Container Requirements 23 U.S.C. 154	State must enact or have and enforce a law prohibiting the possession of open alcoholic beverage containers or the consumption of any alcoholic beverage in the passenger area of a motor vehicle. For motor vehicles designed to transport many passengers (such as for compensated transportation or in the living area of a mobile home), this requirement is considered satisfied if the State has a law prohibiting the possession of open alcoholic beverage containers by the driver (but not by a passenger). State is to notify NHTSA every time there is a law change that impacts open container requirements.
Repeat Offenders 23 U.S.C. 164	As of Oct. 1, 2012, states must require that repeat intoxicated drivers receive either a minimum one-year hard license suspension or a restricted license requiring the repeat offender to operate only ignition-interlocked vehicles for not less than one year.
Operation of Motor Vehicle by Intoxicated Persons 23 U.S.C. 163	State must enact and enforce a law that provides that any person with a blood alcohol content of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated.
Deductions from relocation payments 49 CFR 24.403(a)(6)	49 CFR 24.403(a)(6) prohibits withholding "any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor."

Iowa federal formula apportionments - per notice of full-year apportionments (4510.880)		
(before penalties, set-asides, sequestration)		
	FY 2024	FY 2025
National Highway Performance Program	380,559,541	388,170,732
Surface Transportation Block Grant	185,137,074	188,839,815
Highway Safety Improvement Program	37,401,432	38,282,001
Railway-Highway Crossings	5,752,203	5,735,607
Congestion Mitigation and Air Quality	12,804,307	13,060,393
Metropolitan Planning	2,722,415	2,776,863
National Highway Freight Program	17,732,561	18,087,213
Carbon Reduction Program	16,508,056	16,838,217
PROTECT Formula Program	18,770,842	19,146,259
TOTAL	<u>677,388,431</u>	<u>690,937,100</u>

