

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 160
“County and City Bridge Construction Funds”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 312.2

State or federal law(s) implemented by the rulemaking: Iowa Code section 312.2

Public Hearing

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

September 12, 2024
11 to 11:30 a.m.

[Microsoft Teams Link](#)
Or dial: 515.817.6093
Conference ID: 234 269 155

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis 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:

Nicole Moore
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.460.0763
Email: nicole.moore@iowadot.us

Purpose and Summary

The intended benefit of the proposed rules is to implement the county and city bridge construction funding programs.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
None.
 - Classes of persons that will benefit from the proposed rulemaking:
Cities and counties benefit from the bridge program, although this is being achieved by the I.M. and the rules would not be necessary.
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:
None.
 - Qualitative description of impact:
None.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
None.
 - Anticipated effect on state revenues:

None.

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

Since there are no costs incurred, the benefits of the rules are achieved by providing funding to the city and county bridge construction funding programs.

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

The Department has an instructional memorandum that contains this information.

6. Alternative methods considered by the agency:

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

The Department considered rescinding the chapter.

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

Iowa Code section 312.2 requires the Department to adopt rules.

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?

This chapter has no small business impact.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 160 and adopt the following **new** chapter in lieu thereof:

SPECIAL HIGHWAY PROGRAMS

CHAPTER 160

COUNTY AND CITY BRIDGE CONSTRUCTION FUNDS

761—160.1(312) Purpose. The purpose of these rules is to establish requirements for the counties' and cities' bridge construction funds, in accordance with Iowa Code section 312.2.

761—160.2(312) Contact information. Questions regarding this chapter may be directed to the Local Systems Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

761—160.3(312) Administration of funds. The department allocates the funds to counties and cities for bridge construction and reconstruction projects based on need, and the funds will be administered by the local systems bureau.

160.3(1) The county bridge construction fund is to be allocated for projects on secondary roads as determined by the department after consultation with county officials through their representative organizations.

160.3(2) The city bridge construction fund is to be allocated for projects on city streets as determined by the department after consultation with city officials through their representative organizations.

160.3(3) To be considered for funding, a proposed project needs to be on the appropriate eligibility list maintained by the department.

a. The department maintains a county bridge construction fund eligibility list and a city bridge construction fund eligibility list.

b. A local jurisdiction may propose a project by submitting a project application to the local systems bureau.

c. Unless otherwise agreed to by the city and county, a proposed project for a bridge located on the line dividing incorporated and unincorporated areas is to be placed on the eligibility list that corresponds to the jurisdiction submitting the application.

160.3(4) Prior to allocation, the department ranks the proposed projects within each eligibility list by a priority system based on needs, as developed under subrules 160.3(1) and 160.3(2). The priority system will include various items, such as but not limited to structural condition, traffic, and detour length. For each list, the department allocates funds, within the limits of funding availability, to those projects ranked as having the greatest needs.

These rules are intended to implement Iowa Code section 312.2.