

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 10
“Procedure for Rulemaking and Petitions for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A and sections 307.12(1)“j,” 307A.2, 312.3 and 321A.3

Public Hearing

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

February 13, 2025
10 to 10:30 a.m.

[Microsoft Teams](#)
Or dial: 515.817.6093
Conference ID: 448 593 965

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:

Tracy George
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Purpose and Summary

This proposed chapter provides procedures for rulemaking and explains the process for petitions for rulemaking. The intended benefit is to provide clarity and transparency.

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 classes of persons who will bear a cost associated with this chapter.

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

All persons who submit a petition for rulemaking benefit from this chapter because the rules provide clarity and transparency.

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:**

Proposed Chapter 10 explains the petition for rulemaking process and is intended to ensure that the process is understood and transparent. Chapter 10 also adopts the procedure for rulemaking that the Department will follow in accordance with Iowa Code chapter 17A.

• **Qualitative description of impact:**

Proposed Chapter 10 explains the process and ensures those who wish to submit a petition are aware of the process.

3. Costs to the State:

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

There are no costs to the State to implement this proposed chapter.

- **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:

The major purpose of this chapter is to explain the process, which benefits those involved.

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 for achieving the purpose of this chapter.

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:**

The Department feels this chapter is necessary and needs to have its own rules concerning the petition for rulemaking process.

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 proposed chapter has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10

PROCEDURE FOR RULEMAKING AND PETITIONS FOR RULEMAKING

761—10.1(17A) General.

10.1(1) Definitions.

“Commission” means the state transportation commission.

“Director” means the director of transportation or the director’s designee.

10.1(2) Contact information for rules administrator. The mailing address of the department’s rules administrator is: Rules Administrator, Government and Community Relations, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department’s website at iowadot.gov/administrativerules.

761—10.2(17A) Procedure for rulemaking.

10.2(1) *Incorporation by reference.* The department incorporates by this reference all such matters in Iowa Code chapter 17A that relate to procedures for rulemaking.

10.2(2) *Information.*

a. Inquiries about rules and the rulemaking process may be directed to the rules administrator at the address in subrule 10.1(2).

b. Any public comment on a Notice of Intended Action or similar document relating to rules may be directed to the rules administrator or as directed in the Notice of Intended Action or similar document.

761—10.3(17A) Petitions for rulemaking.

10.3(1) The department will accept and consider, from any person or agency, petitions for rulemaking when submitted to the department’s rules administrator by mail or email and prepared in conformance with the following:

a. Format:

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

PETITION BY (insert petitioner’s name) FOR THE (insert one: adoption, amendment or repeal) OF (insert current rule number, if applicable, and brief description of subject matter)	}	DOCKET NO. _____ PETITION FOR RULEMAKING
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(In separate numbered paragraphs, the petition shall include the following.)

1. The petitioner’s name, address and telephone number.
2. The nature of the petitioner’s interest in the matter.
3. The text or the essential terms and conditions of a proposed new rule, or the rule number and text of a rule proposed for amendment or a repeal. In addition, proposed amendments are to be illustrated to portray the changes in wording requested: Deletions are to be indicated by strikethroughs, and additions by underscoring.

4. The reasons for seeking the requested action, including any facts, views, data or arguments relevant to the request. Copies of statutes, rules or other supporting documents referenced in the petition are to be submitted as appendices to the petition or made available to the department upon request.

5. If desired, a request to meet informally with the department to discuss the petition.

(Signature of petitioner)

b. A petition for amendment or repeal of a rule is to pertain to a rule currently in effect at the time the petition is received by the department.

c. Petitions should be typewritten, although petitions legibly hand-printed in ink will be accepted.

10.3(2) The date of receipt of a petition is the day it reaches the department’s rules administrator. The administrator will within five days of receipt notify the petitioner of the date of receipt and the assigned docket number.

10.3(3) If requested in the petition, the department will schedule an informal meeting with the petitioner to discuss the petition.

10.3(4) The department will notify the petitioner of the director’s or commission’s determination to grant or deny the petition. If the petition is denied, the notification will include the reasons for denial.

These rules are intended to implement Iowa Code chapter 17A and sections 307.12(1)“j,” 307A.2, 312.3 and 312A.3.