

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	DOT	Date:	6-6-24	Total Rule Count:	1
IAC #:	761	Chapter/ SubChapter/ Rule(s):	454	Iowa Code Section Authorizing Rule:	307.12(1)“j” 321.463
Contact Name:	Ashley Hochberger	Email:	Ashley.hochberger@iowadot.us	Phone:	515-290-2864

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of this chapter is to provide a clearer definition of “tow” and “wrecked or disabled vehicle” for the purposes of Iowa Code section 321.463 and thereby limit the weight exemption under Iowa Code section 321.463 to only those situations involving removal of a disabled vehicle from a scene of a crash to a place where the vehicle can be repaired or stored. This chapter is also needed to comply with 23 U.S.C. 141(a) and (b) concerning the enforcement of vehicle size and weight laws. The Department must annually certify that the State of Iowa is adequately enforcing the laws; otherwise, certain federal-aid-highway funds apportioned to Iowa for that fiscal year will be reduced by amounts equal to 7 percent, which equates to roughly \$44.5 million dollars.

Is the benefit being achieved? Please provide evidence.

There are no known statistics on how often there is, or is not, compliance to the chapter requirements. American Surface Transportation Act “FAST ACT” provided this exception for when tow trucks can exceed legal vehicle weight. Without this administrative rule, Iowa would not have adequate authority to prevent all tow trucks that don’t meet the specifics of this exception from traveling at heavier weights which is a safety and infrastructure concern. This would result in Iowa being out of compliance with the Department’s Size and Weight plan with the Federal Highway Administration.

What are the costs incurred by the public to comply with the rule?

None

What are the costs to the agency or any other agency to implement/enforce the rule?

None

Do the costs justify the benefits achieved? Please explain.

There are no actual costs to the Department or public for this chapter, given its narrow scope. However, this chapter must remain intact, or Iowa Code section 321.463 must be amended to comply with federal law to prevent a potential loss of approximately \$44.5 million of federal funding.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The only other option to this chapter is to codify the definitions into Iowa Code section 321.463 to ensure compliance.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

None noted

RULES PROPOSED FOR REPEAL (list rule number[s]):

None noted

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

Rule 454.1

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	added 2 words
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	0, No restrictive terms within current chapter

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

Iowa Code section 321.463 could be amended to include these definitions and Chapter 454 could then be rescinded.