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City of Des Moines v. Iowa Department of Transportation

Supreme Court of Iowa - April 27, 2018 - N.W.2d - 2018 WL 1980476

Three cities filed separate petitions for judicial review of decisions of Iowa Department of Transportation ordering each city to disable or move certain automated traffic enforcement (ATE) equipment, alleging, inter alia, that each city had previously installed ATE systems along primary roads with Department's written approval, that Department had subsequently promulgated administrative rules regulating and restricting ATE placement and usage on primary roadways, that Department's decisions were made pursuant to such rules, that decision infringed on cities' home rule authority, and that Department lacked statutory authority to promulgate rules.

After actions were consolidated into a single proceeding, the District Court upheld both rules and Department's decisions. Cities appealed.

The Supreme Court of Iowa held that:

- Legislature did not clearly vest Department with interpretive authority to determine its own authority, and
- Department did not have statutory authority to promulgate administrative rules dictating placement and continued use of ATE equipment.

Legislature did not clearly vest Iowa Department of Transportation with interpretive authority to determine its own authority; statutes establishing Department's authority, including statute vesting Department with "[j]urisdiction and control over the primary roads" and statute permitting Department's director to "[a]dopt rules...as the director deems necessary for the administration of the [D]epartment[.]" contained generic terms like "jurisdiction" and "deems necessary," which were widely used in other areas of law besides transportation and were not specialized terms within Department's expertise.

Iowa Department of Transportation did not have statutory authority to promulgate administrative rules dictating placement and continued use of automated traffic enforcement (ATE) equipment; ATE equipment was not "obstruction" under Department's specific statutory authority to remove obstructions from highway rights-of-way, statute giving Department responsibility for transportation and statute authorizing Department's director to "[a]dopt rules...necessary for the administration of the [D]epartment [,.]" though broadly worded, incorporated and relied upon other legal sources, and although Department was statutorily vested with "[j]urisdiction and control over the primary roads[.]" ordinary meaning of phrase gave Department authority over establishment, alteration, and vacation of such roads.