Development of Department Administrative Rules – General Guidelines
UDOT 01-02
Effective: June 23, 2004 Revised: September 26, 2013

Purpose
To define the broad guidelines by which the Utah Department of Transportation’s (Department) administrative groups develop their administrative rules. Each group may develop their own procedures for this function but must abide by the general principles set forth in this policy. Each group must use the numbering, format, and retention system established in this Policy.

Policy
State law requires each agency to develop administrative rules. Rules are required when the agency is setting forth the manner by which members of the public may obtain services or benefits offered to the public or agency practices that affect the legal rights of a citizen. Administrative rules are not required when only internal management and operations are being discussed. The legislature encourages the development of administrative rules if there is a question about their technical legal necessity. A new rule or amendment required by a statutory provision must be filed with the Division of Administrative Rules within 180 days of the effective date of the statutory provision requiring the rule or amendment. The Department must also follow the procedures and approval process found in Utah Code Ann. Section 63J-1-504 when proposing rules that include a new fee or a change in fees.

Unlike internal policies and procedures, administrative rules are cataloged by a separate state agency, the Division of Administrative Rules (DAR), which is part of the Department of Administrative Services. DAR publishes these rules in the Utah State Bulletin where they are available for public review and comment. The agency must also hold public hearings on proposed rules under certain circumstances. The rulemaking process follows the outline available at http://www.rules.utah.gov/agencyresources/rulemakingprocess.pdf

Numbering System
The numbering system and format for administrative rules is uniform for every state agency. The Department is limited to choosing an individual number and a title for the rule. Administrative rules titles look like the following:


1. R means Rule
2. DAR has chosen the numbers 907 through 933 to indicate the title or general categories of Department rules, by subject matter. For example, R912 is a specific category (Motor Carrier, Ports-of-Entry). R912-2 is a specific rule within the Ports-of-Entry category regarding Mobile and Manufactured Homes.

Rule numbers and the relevant Department categories are as follows:

- R907 Administrative
- R909 Motor Carrier
- R912 Motor Carrier – Ports-of-Entry
- R914 Operations – Aeronautics
- R916 Operations – Construction
- R918 Operations – Maintenance
- R920 Operations – Traffic and Safety
- R926 Program Development
- R930 Preconstruction
- R933 Preconstruction – Right of Way Acquisition
Procedures
Development of Department Administrative Rules – General Guidelines

Responsibility: Group Leader

Actions

1. Develop a method by which employees in his or her group may propose new rules or amendments to existing ones.

2. Create a small group of employees before proposing a new rule or amendment, whose job responsibilities include the area being reviewed to refine and finalize the idea. Identify the statutory authority for the new rule or amendment. Answer the question – What problem does the existing framework not address? Involve any group’s leader in development if the subject of the rule crosses into the expertise of another group. Both group leaders must approve if the rule crosses group boundaries. The initiating group leader is responsible for following this policy and procedure.

3. Ensure that the proposed rule or amendment is consistent with other state rules, federal standards, and this general policy regarding numbering, format, and review. Guidelines are included in the Rulewriting Manual for Utah Rulewriters which is available at http://www.rules.utah.gov/agencyresources/manual.htm. Provide an electronic copy of the proposed rule to the Attorney General’s Office (in-house) for legal review and preparation for submission to DAR.

4. Provide a copy for review and comment by the Comptroller’s Office if there are or may be financial issues involved with the proposed rule or amendment.

5. Prepare the rule analysis that summarizes the rule or change; explains its purpose; addresses anticipated costs to the state budget, local government, small businesses and others; and outlines the compliance costs for affected persons and the fiscal impact on businesses. Involve impacted groups in drafting the rule.

6. Present the proposed rule to senior Department leaders for review and input if the group leader believes doing so would be helpful.

7. Provide final version to In-House Assistant Attorney General’s Office for Executive Director's approval before Commission review.

8. Present the proposed rule to the Transportation Commission for its review.
9. Notify all affected employees when a new or amended rule is made effective.

**Responsibility:** In-House Assistant Attorney General

10. Assist group leader or designee in developing proposed rule or amendment and in carrying out group or division responsibilities.

11. Ensure that purposed rule passes legal review and meets formatting requirements of DAR and is approved by the Executive Director.

12. Submit rule and analysis to DAR.

13. Convey to initiating group or division any concerns or comments provided by public, DAR, or the Governor’s Office of Planning and Budget.

14. Issue Notice of Effective Date as soon as possible using schedule developed by DAR.

15. Inform initiating Group or Division that the rule has become effective.

16. Maintain the official version of the rule on file as required by law.

17. Receive from DAR notices of continuations and five-year reviews on all Department rules.

18. Coordinate with appropriate group or division in reviewing rule.

19. Submit to DAR the appropriate Notice of Continuation and Five-Year Review.

**Responsibility:** Transportation Commission

20. Review administrative rules made, amended, or repealed by the Department.

**Responsibility:** Employee

21. Be familiar with rules relevant to work responsibilities and comply with them.

22. Suggest changes to rules or new rules pursuant to guidelines set forth by appropriate group leader.