

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to railroad safety standards

The Transportation Department hereby rescinds Chapter 810, “Railroad Safety Standards,” Iowa Administrative Code, and adopts a new Chapter 810 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12, 327F.38 and 327F.39.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12, 307.26, 321.449A, 327C.4, 327F.38 and 327F.39.

Purpose and Summary

This chapter is intended to comply with Iowa Code sections 321.449A, 327C.4, 327F.38 and 327F.39, governing safety standards for railroad tracks and employee conditions. These rules adopt by reference, with dates certain, the Federal Railroad Administrations’ federal regulation (49 CFR Part 213) and the Federal Motor Carrier Safety Administration’s regulation (49 CFR Section 393.77). These federal regulations address track safety standards and heater equipment requirements in motor vehicles used to transport railroad workers. This chapter establishes guidance regarding the availability of first aid and medical treatment for railroad employees and sets expectations for track inspection credentials. Additionally, this chapter implements procedures for addressing violations of heating equipment requirements in vehicles used to transport railroad workers and rest periods for drivers transporting railroad workers. These rules create consistency and uniformity of standard safety measures.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9873C**. Public hearings were held on the following date:

- January 28, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 10, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. The chapter is in accordance with Executive Order 10, and the affected CFR parts and United States Code adopted by the Department are updated to reflect a current date certain. The CFR updates will bring uniformity and consistency to the industry.

Jobs Impact

This rulemaking has no jobs impact to the State of Iowa. The chapter is in accordance with Executive Order 10, and the affected CFR parts and United States Code adopted by the Department are updated to reflect a current date certain.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 20, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 810 and adopt the following **new** chapter in lieu thereof:

CHAPTER 810
RAILROAD SAFETY STANDARDS

761—810.1(307,327C,327F) General.

810.1(1) *Federal citations.*

a. The department adopts the following portions of the Code of Federal Regulations concerning railroad track safety standards and heaters in vehicles.

- (1) 49 CFR Part 213 (July 1, 2025).
- (2) 49 CFR Section 393.77 (October 1, 2024).

b. Copies of the federal regulations are available from the state law library or online at www.govinfo.gov.

810.1(2) *Track inspection credentials.* Authorized department employees must be admitted to any railroad property to conduct safety inspections of the track and track structures and must present state identification cards upon request.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 307.26(5), 327C.4 and 327F.39.

761—810.2(307,321,327F) Railroad safety standards.

810.2(1) *First aid and medical treatment for railroad employees.*

a. Railroad employees who are injured in the course of employment are to have reasonable and adequate access to first aid or medical treatment. A railroad or railroad employee shall not:

- (1) Deny, delay or interfere with first aid or medical treatment for any railroad employee who is injured in the course of employment.
- (2) Discipline or threaten to discipline any railroad employee for requesting first aid or medical treatment when the employee is injured in the course of employment.

b. All railroads operating in the state must make reasonable efforts to have emergency first-aid kits available at locations where railroad employees perform their employment duties.

c. Nothing in this rule is to be construed to force a railroad or railroad employee to perform first aid or medical care.

810.2(2) *Heating system and driver rest period.*

a. *Heater.* Pursuant to Iowa Code section 327F.39(4), a motor vehicle used to transport railroad workers shall comply with the safety standards established in 49 CFR Section 393.77.

b. Driver rest period. A railroad worker transportation company and railroad worker transportation company driver are to comply with the rest period conditions of Iowa Code sections 321.449A and 327F.39(5).

c. Report procedure.

(1) A person is to report an alleged violation of paragraph 810.2(2) “a” or “b” in writing to the responsible railroad company at its corporate headquarters.

(2) If within 30 days the railroad company does not respond or if the response is unsatisfactory, the person may report the alleged violation to the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

(3) The report is to include the date, time, weather conditions and all facts pertinent to the alleged violation; the name and contact information of the driver employed by the railroad worker transportation company; or the railroad worker transportation company alleged to have had a driver violate the provisions of the Iowa Code (if applicable). The report is to also include a copy of the railroad’s response or, if the railroad failed to respond, proof of the date the report was submitted to the railroad.

(4) The director of the modal transportation bureau or the director’s designee may request additional information from the person submitting the report, the railroad worker transportation company or the railroad.

(5) The director of the modal transportation bureau or the director’s designee, which may include peace officers within the commercial motor vehicle unit of the department of public safety, may investigate the alleged violation.

(6) The director of the modal transportation bureau or the director’s designee will issue a decision within 60 days of receipt of the report or 60 days after receipt of the requested additional information. The decision may include any order as necessary to enforce Iowa Code section 327F.39 as set forth in Iowa Code section 327F.39(6).

(7) The department will notify the person and the railroad of the decision.

(8) The decision is final agency action.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 307.26, 321.449A, 327F.38 and 327F.39.

[Filed 3/18/26, effective 5/20/26]

[Published 4/15/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/15/26.