

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 327F.13, the Department of Transportation, on September 15, 2009, adopted Chapter 813, "Close-Clearance Warning Signs Along Railroad Tracks," Iowa Administrative Code.

Notice of Intended Action for these rules was published in the July 1, 2009, Iowa Administrative Bulletin as **ARC 7885B**.

Iowa Code section 327F.13 requires the Department to adopt rules concerning close-clearance warning signs along railroad tracks where the clearance between the tracks and an obstruction along the tracks physically impedes a person who is lawfully riding on the side of a train from clearing the obstruction. New Chapter 813 implements this rule-making requirement.

This chapter does not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

The Department received two written comments and held a public hearing on July 23, 2009. The Department received public comments concerning the definition of "obstruction." As a result, the definition of "obstruction" was modified from the Notice of Intended Action. This definition now reads as follows:

“ ‘*Obstruction*’ means a building, machinery (other than equipment designed for operation on a railroad track when actually located on a railroad track), tree, brush or other object.”

These rules are intended to implement Iowa Code section 327F.13.

These rules will become effective November 11, 2009.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 813] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 7885B**, IAB 7/1/09.

[Filed 9/17/09, effective 11/11/09]

[Published 10/7/09]

[For replacement pages for IAC, see IAC Supplement 10/7/09.]