

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 13
“Special Railway Agents”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 80.25

State or federal law(s) implemented by the rulemaking: Iowa Code section 80.25

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 28, 2026
9:30 to 10 a.m.

125 Public Conference Room
Oran Pape State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 13 and adopt a new chapter in lieu thereof. The chapter establishes training, standards, and application processes for special railway agents in Iowa.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• **Classes of persons that will bear the costs of the proposed rulemaking:**

The requesting railroad company is responsible for submitting a surety bond in the amount of \$5,000 for the person to be appointed. The bond will remain in effect until 30 days after the company providing the bond gives notice to the Department that the bond will be terminated.

• **Classes of persons that will benefit from the proposed rulemaking:**

The public benefits from railroad agents in Iowa being held to robust training standards.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

The requesting railroad company is responsible for submitting a surety bond in the amount of \$5,000 for the person to be appointed. The bond will remain in effect until 30 days after the company providing the bond gives notice to the Department that the bond will be terminated.

• **Qualitative description of impact:**

The requesting railroad company is responsible for complying with the application process for a special railway agent to be appointed and employed in Iowa.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the Department or any other agency to implement or enforce this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The surety bond holds companies accountable and ensures they maintain responsibility for their railway agents in Iowa.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

None were identified.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
SPECIAL RAILWAY AGENTS

661—13.1(17A,80) Appointment of railway special agents. The division of professional development and support services processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so those persons may protect railroad property.

661—13.2(17A,80) Standards and training requirements. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules and will meet all training requirements of the Iowa law enforcement academy.

661—13.3(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent, including the applicant's full name. This letter and all other correspondence is to be sent to this division.

661—13.4(17A,80) Application packet. Each railway special agent applicant shall complete an application provided by the department. The application submission packet will include the 3" × 3" photograph, as required, and two additional photographs measuring 1½" × 1½" suitable for the identification card. The application packet will also include information regarding the background investigation completed by the railroad employer, including:

13.4(1) Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

13.4(2) Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

13.4(3) A check with all creditors for payment record and obligations.

13.4(4) A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

13.4(5) A check with the county recorder's office where the applicant resides to determine any property listed in the applicant's name and liens that may be on file.

13.4(6) A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

13.4(7) Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

661—13.5(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in the administrative services division headquarters' files. The division will conduct further investigation of the applicant, which may include a check of driver's license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

661—13.6(17A,80) Surety bond. Before appointment, a surety bond issued by an Iowa-licensed bonding or surety company in the amount of \$5,000 will be submitted by the requesting railroad company. The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. Surety bonds shall be issued for each person and remain in effect until 30 days after the company providing the bond gives notice to the department that the bond will be terminated.

661—13.7(17A,80) Weapons permit. If the applicant needs a weapons permit, the application shall show that the requirements outlined in 661—Chapter 91 have been fulfilled. Each railroad employer of a railway special agent will file with this division Form WP1 or WP2 to renew the weapons permit. Continuous weapons training is required to ensure that each railway special agent demonstrates necessary proficiency in the use of weapons.

661—13.8(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to the administrative services division for authentication signatures.

661—13.9(17A,80) Notification. The railroad company shall notify the administrative services division, within five working days, when any of the following take place:

13.9(1) The railway special agent appointed by the department is terminated from employment, and provide the railway special agent's identification card and weapon permit.

13.9(2) The railway special agent has been hospitalized for a long-term illness or is undergoing psychiatric evaluation or treatment.

These rules are intended to implement Iowa Code section 80.25.