Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 800
"Items of General Application for Railroads"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)"j," 327D.201 and 327G.24

State or federal law(s) implemented by the rulemaking: Iowa Code sections 307.12(1)"j," 307.26, 327C.38, 327C.41, 327C.42, 327D.201, 327F.31 and 327G.24

Public Hearing

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

October 29, 2025 10:30 to 11 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 533 261 96#

Public Comment

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

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Ames, Iowa 50010
Phone: 515.239.1088
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Purpose and Summary

This proposed chapter is intended to comply with Iowa Code chapters 327D and 327G, governing operations of railroads. These proposed rules implement annual reporting standards consistent with the Surface Transportation Board requirements, adopt by date certain federal laws addressing the removal of railroad tracks after abandonment or discontinuance and the process to review and approve a local jurisdiction's train speed ordinance and reference the procedure for acquisition or use of railroad right-of-way proposed for abandonment or trail use per 16 U.S.C. 1247(d). These proposed updates will bring uniformity and consistency to the industry.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Iowa railroad operators are affected by this proposed chapter.

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

Public roadway users will benefit from this proposed chapter.

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:**

Reports are filed annually at the same prescribed date, electronically and consistent with those required by the Surface Transportation Board by all operating railroads in Iowa. Local jurisdictions

cover implementation and enforcement of train speed ordinances, coordination of track removal through roadways, and potential trail development of abandoned rail lines.

- **Qualitative description of impact:**

Documentation is received annually by the Department, and the statistical information provided is used in developing Department planning documents. Compliance with a train speed ordinance would be enforced by political subdivisions and local jurisdictions. Restoring roadway surface material and removal of tracks from discontinued railroad lines provides safety and continuity of road surface material. These proposed rules also provide consistent guidance for abandoned and discontinued rail lines.

3. **Costs to the State:**

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

The Department bears minimal costs of resources for oversight, review, and enforcement to implement this proposed chapter.

- **Anticipated effect on State revenues:**

There is no anticipated impact on State revenues.

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

The benefits of information received and data collected outweigh the minimal costs of resources used to process reports. The cost to local roadway jurisdictions varies depending on the enforcement of train speed ordinances. The level of effort required for Departmental review of submissions for train speed ordinances is minimal, and the volume does not create a negative impact. The cost to consider the use of abandoned railroad lines for interim trail use and rail banking processes would be a cost to the entity making the request of the right-of-way. The coordination to restore roadway surfaces with the railroads is at the expense of the railroad corporation.

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

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules.

6. **Alternative methods considered by the agency:**

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

The Department did not consider alternatives for these proposed rules. The annual report submittal by railroad operators is consistent with the reports filed with the Surface Transportation Board. These proposed rules adopt federal law guidance and standards setting consistency and uniformity for these rules.

- **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?

This proposed chapter has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 800 and adopt the following **new** chapter in lieu thereof:

RAILROADS

CHAPTER 800
ITEMS OF GENERAL APPLICATION FOR RAILROADS

761—800.1(327C,327D,327F,327G) General.

800.1(1) *Definitions.*

"Crossing" means the point where the railroad tracks and highway meet at the same location.

"Railroad" means persons who own rail facilities or who are responsible for the rail facilities' operation and maintenance.

800.1(2) *Contact information.* Questions concerning this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

800.1(3) *Federal citations.*

a. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter:

(1) 49 CFR Part 1152 (October 1, 2024).

(2) 49 CFR Part 1241 (October 1, 2024).

(3) 49 U.S.C. 20106 (August 3, 2007).

b. Copies of the federal code or regulations cited in this chapter are available from the state law library or online at www.govinfo.gov.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, 327C.42, 327D.201, 327F.31 and 327G.24.

761—800.2(307,327C,327D) Accounts. All railroads operating in Iowa, except those whose accounts are regulated by the Surface Transportation Board, are to maintain accounts using the generally accepted accounting principles of the financial standards accounting board. The accrual method of accounting is to be used.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 327C.42, and 327D.201.

761—800.3(327C,327D) Annual reports.

800.3(1) A railroad company submitting an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit a copy of this report to the department on or before April 1 following the close of the calendar year. The "State Statistics" report includes: annual data on additions and deletions of mileage within the state; mileage operated within the state at the end of the year; railway operating revenues earned within the state; statistics on rail line operations within the state, including locomotive unit-miles, car-miles and ton-miles; revenue freight carried within the state by commodity class; and a freight density map showing gross ton-miles for the railroad company's system within the state.

800.3(2) A railroad company not required to submit an annual report to the Surface Transportation Board under 49 CFR Part 1241 is to submit an annual report to the department electronically on or before April 1 following the close of the calendar year.

This rule is intended to implement Iowa Code sections 327C.38, 327C.41, and 327D.201.

761—800.4(307,327F) Train speed ordinances. An ordinance or resolution adopted by a political subdivision that relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to department approval according to the following procedure:

800.4(1) The political subdivision is to submit the ordinance/resolution to the department supported by information or reasons that justify its approval by the department.

800.4(2) The department will notify the affected railroads.

800.4(3) The political subdivision and the affected railroads will have 30 days in which to submit position papers to the department before the department issues an order approving or disapproving the ordinance/resolution.

800.4(4) The department will issue an order approving or disapproving the ordinance/resolution in accordance with the following:

a. The department may approve the proposed ordinance/resolution only if the proposal satisfies the requirements of 49 U.S.C. 20106.

b. Generally, the department does not consider highway-railroad grade crossings or rail lines located near schools, residences, or commercial activities to be local safety hazards that can be remedied by train speed restrictions.

c. In making its decision, the department may also consider the following factors:

(1) Traffic density and speed.
(2) Accident frequency.
(3) Causes of accidents.
(4) Obstructions to visibility.
(5) Traffic controls at crossings.
(6) Population density.
(7) Resulting burden on the rail transportation system.
(8) Resulting benefit to residents of the political subdivision.

800.4(5) The department will mail notice of its order approving or disapproving the ordinance/resolution by certified mail, return receipt requested, to the political subdivision and the affected railroads.

800.4(6) If the department issues an order approving the ordinance/resolution, it will go into effect 25 days after the notice is mailed unless the order is contested pursuant to subrule 800.4(7).

800.4(7) Within 20 days after the notice is mailed, the political subdivision or an affected railroad may submit to the department a written statement contesting the department's order approving or disapproving the ordinance/resolution.

a. If the order is contested, 761—Chapter 13 applies.

b. If an order approving an ordinance/resolution is contested, the order shall be stayed pending the outcome of the contested case.

800.4(8) A submission to the department under this rule will be deemed timely submitted if it is delivered or postmarked within the time period specified.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 307.26 and 327F.31 and 2001 Iowa Op. Att'y Gen. #01-5-2.

761—800.5(327G) Removal of tracks from crossings.

800.5(1) 49 CFR Part 1152 contains the regulations governing the abandonment and discontinuance of railroad lines and rail transportation under 49 U.S.C. 10903 et seq. This part also contains the regulations and procedures for the acquisition or use of railroad rights-of-way proposed for abandonment for interim trail use and rail banking pursuant to 16 U.S.C. 1247(d).

800.5(2) A railroad corporation or its successor in interest having received authority to remove its tracks from a rail line pursuant to abandonment or interim trail use under 49 CFR Part 1152 is to, at the same time it removes its tracks from the railroad rights-of-way, remove its tracks from the crossings of highways, streets and alleys along the rail line and restore the surface of these crossings.

A crossing is to be restored in a manner specified by the agency having jurisdiction over the highway, street or alley at the crossing.

800.5(3) If a railroad corporation or its successor in interest fails to remove its tracks from and restore the surface of a crossing as specified in subrule 800.5(2), then the agency having jurisdiction over the highway, street or alley at the crossing may, at the expense of the railroad corporation or its successor in interest, remove the tracks and restore the surface 120 days after the tracks adjacent to the crossing have been removed.

This rule is intended to implement Iowa Code section 327G.24.