Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 802
"Notification of Railroad Accidents or Incidents"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)"j"
State or federal law(s) implemented by the rulemaking: Iowa Code sections 327C.37 and 327C.41

Public Hearing

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

October 29, 2025 2:30 to 3 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 886 305 322#

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

Chapter 802 explains the notification requirements when certain railroad accidents or incidents occur in Iowa and requires that railroads notify the Department's Traffic Management Center by telephone within 4 hours of a certain accident or incident and within 24 hours of a property-damage-only accident or incident. The Traffic Management Center promptly distributes the collected information and details to the Department's Modal Transportation Bureau for a review and a determination if an investigation is necessary. In accordance with Iowa Code section 327C.37, the Department must decide when it is necessary to notify the Governor when a railroad accident or incident occurs in Iowa.

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 will bear the costs of this proposed rulemaking.

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

The Department and transportation users will benefit from this proposed rulemaking.

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 made only when a serious accident or incident occurs by an operating railroad in the State.

- **Qualitative description of impact:**

The Department's Traffic Management Center receives the initial phone notification of the accident or incident and electronically transmits details to the Department's Modal Transportation Bureau for a review and a determination if an investigation is necessary. The information provides details to the Traffic Management Center, so the Traffic Management Center can make an appropriate notification and response to the community and assess traffic impacts.

3. **Costs to the State:**

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

The Department bears no cost 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:**

Phone calls and reports are only made during an accident or incident. This timely notification is vital for safety of transportation users, incident response and first responders in the impacted area. Reports allow the Department to collect safety data on operations.

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

There is no less costly or intrusive method. Iowa Code section 327C.37 places the duty to investigate serious accidents or incidents on the Department. The required timely notification to the Department's Traffic Management Center is a minimal-cost method to provide timely details on the accident or incident. The data needs to be detailed and complete to properly respond to an occurrence.

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 the proposed chapter. The timely notification by the railroads to the Department when an accident or incident occurs is vital.

- **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?

The proposed chapter has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 802 and adopt the following **new** chapter in lieu thereof:

CHAPTER 802
NOTIFICATION OF RAILROAD ACCIDENTS OR INCIDENTS

761—802.1(307,327C) Notification of railroad accidents or incidents.

802.1(1) *Accidents or incidents requiring notification.* Any accident or incident involving train movement that results in any of the following must be reported within 4 hours of the accident or incident to the department's traffic management center by telephone at 515.237.3300 (open year-round, 24 hours a day, including legal holidays):

a. Fatality.

b. Personal injury requiring hospitalization.

c. Derailment of ten or more rail cars and locomotives.

d. Derailment of any number of cars or locomotives when one or more are not upright.

e. Derailment or other incident involving a railroad passenger train.

f. Release or potential release of hazardous materials that presents a risk or potential risk to public safety including injury, fatality, evacuation or shelter-in-place of persons.

g. Damage to public or private transportation infrastructure not owned by the involved railroad.

802.1(2) *Property damage only.* Any accident or incident involving train movement that results in property damage only must be reported within 24 hours of the accident or incident in the same manner as provided in subrule 802.1(1).

802.1(3) *Content of notice.* The notice of an accident or incident is to provide, at a minimum, the following information:

a. Name of the railroad involved.

b. Name and contact information of the individual calling to file the notice.

c. Date and time the accident or incident occurred.

d. Location of the accident or incident, described as accurately as possible, including the nearest city and the U.S. DOT crossing identification number or railroad milepost.

e. Description of the accident or incident.

f. Impact on motor vehicle travel, if known.

g. Number of injuries and fatalities.

h. Hazardous materials involved in the incident and actions taken in the event of a release.

i. Number of rail cars derailed.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 327C.37 and 327C.41.