Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 810
"Railroad Safety Standards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)"j," 327F.38 and 327F.39

State or federal law(s) implemented by the rulemaking: Iowa Code sections 307.12(1)"j," 307.26, 321.449A, 327C.4, 327F.38 and 327F.39

Public Hearing

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

October 29, 2025 3 to 3:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 387 225 265#

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
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Purpose and Summary

This proposed 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. The 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 proposed chapter establishes guidance regarding the availability of first aid and medical treatment for railroad employees and sets expectations for track inspection credentials. Additionally, this proposed 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 proposed rules create consistency and uniformity of standard safety measures.

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:**

Railroad employees and the Department 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:**

Track inspections are conducted on railroad tracks by two track inspectors for the entire State. The inspections and heater requirements are consistent with the standards required by the Federal Railroad Administration for all railroads in Iowa.

- **Qualitative description of impact:**

Inspection of track conditions for the movement of freight and safety standards of railroad operations provides continuity of track conditions for the operations and movement of freight. Provisions to provide first aid and medical treatment to railroad employees are provided by the railroad operators. This proposed rulemaking provides consistent track standards for the industry and safe, comfortable transport of railroad employees.

3. **Costs to the State:**

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

The Department bears the costs of two track inspectors to conduct track inspections and enforcement in the State. There are minimal costs for the review, oversight and enforcement of the railroad employee safety provisions.

- **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 track safety standards and oversight of employee safety conditions outweigh the cost of resources used to complete the inspection and process review of complaints filed. Compliance with the safety conditions for first aid and medical treatment of railroad employees and the transport vehicle standards fall to the railroad operators. Railroad operators will benefit from the consistent requirements to operate and maintain track conditions in the industry. Railroad employees will benefit from access to medical resources and safe transport in vehicles.

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 these 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 track inspection and safety standards are consistent with the standards of the Federal Railroad Administration. These proposed rules adopt federal law guidance and safety standards, setting consistency and uniformity for these rules. The vehicle transportation equipment standards are minimal and provide basic conditions for the transport of railroad employees.

- **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 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 (October 1, 2024).

(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.