Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 813
"Close-Clearance Warning Signs Along Railroad Tracks"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 327F.13
State or federal law(s) implemented by the rulemaking: Iowa Code section 327F.13

Public Hearing

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

October 30, 2025 10:30 to 11 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 563 080 555#

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:

Maria Hobbs
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1088
Email: maria.hobbs@iowadot.us

Purpose and Summary

This chapter complies with Iowa Code section 327F.13 concerning close-clearance warning signs. These proposed rules define the criteria of a "close clearance," identify what type of obstructions warrant the placement of a warning sign and concern enforcement and reimbursement of close-clearance signing. If obstacles are unable to be removed and meet the close-clearance criteria, a railroad operator must place signage near the close clearance to notify railroad employees riding the side of a train of the safety concern.

Analysis of Impact

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

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

Railroad operators will bear the costs of this proposed rulemaking.

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

Railroad employees 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:**

The number of close-clearance obstructions requiring a sign placement are minimal.

- **Qualitative description of impact:**

If obstacles meeting a close clearance definition cannot be removed, a warning sign can alert railroad employees of the safety concern.

3. **Costs to the State:**

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

The Department only reimburses the owner if a complaint is filed, and the owner applies for funding. The reimbursement is limited to $100 per sign, and the Department has adequate funding to cover the costs for this program.

- **Anticipated effect on State revenues:**

There is no anticipated impact on State revenue.

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

The costs and benefits of this proposed chapter outweigh the costs and benefits of inaction. These proposed rules provide a safer environment for railroad employees.

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

The Department determined there was no less restrictive alternative to these proposed rules. Iowa Code section 327F.13 requires adoption of rules to implement placement of close-clearance warning signs.

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 placement of signs to warn of a close clearance is consistent with neighboring states and industry standards.

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

Regulation is the most effective method for managing close-clearance obstructions and needed warning signs for railroad employee safety.

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 813 and adopt the following **new** chapter in lieu thereof:

CHAPTER 813
CLOSE-CLEARANCE WARNING SIGNS ALONG RAILROAD TRACKS

761—813.1(327F) General.

813.1(1) *Applicability.*

a. This chapter implements Iowa Code section 327F.13.

b. This chapter applies to railroad companies as well as industries, agricultural cooperatives or other entities that are owners of a railroad track, and this chapter applies to individuals who are owners of a railroad track.

813.1(2) *Contact information.* Information regarding this chapter is available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone, 515.239.1140.

813.1(3) *Definitions.*

"Close clearance" means a permanent or temporary situation where an obstruction near a railroad track physically impedes a person who is lawfully riding the side of a train from clearing the obstruction.

"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.

"Owner" means the railroad company, industry, agricultural cooperative, other entity or individual that holds a fee simple title, easement, leasehold, contract to purchase, license or other legal or equitable interest or right in the railroad track and is in primary possession and control of the railroad track.

"Tangent track" means a track segment without any curves.

761—813.2(327F) Close-clearance dimensions. Close clearance for a tangent track is a location along the railroad track where there is an obstruction that falls within the following dimensions: starting at the centerline of track at top of rail and extending 5 feet both sides horizontally and level therewith, thence upward vertically 15 inches, thence upward diagonally to a point 4 feet above top of rail and 8 feet laterally from centerline of track, thence vertically to a point 20 feet above top of rail, thence diagonally to a point 6 feet from centerline of track and 22 feet above top of rail, thence horizontally to centerline of track. Vertical clearance is to be 18 feet above top of rail at the entrance to and inside buildings. On curved track, clearances on each side of the track centerline are to be increased 1½ inches per degree of curvature (Figure 1).

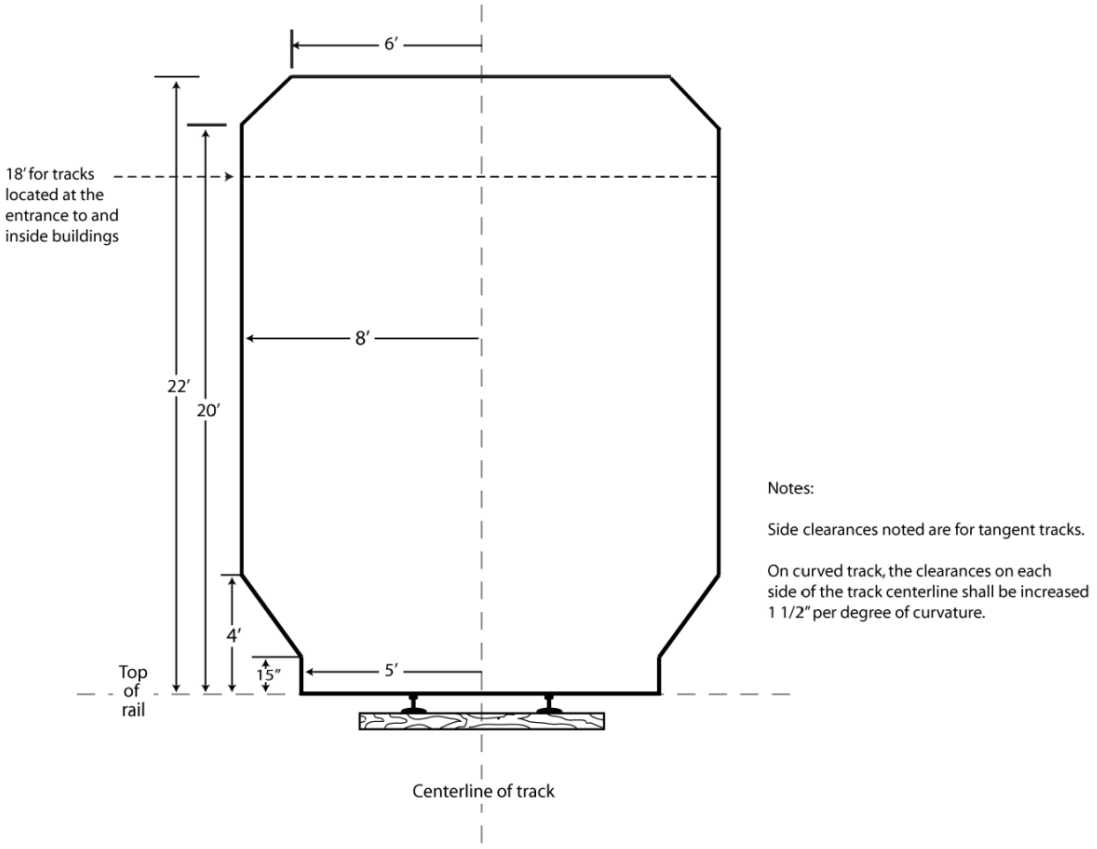


Figure 1

761—813.3(327F) Signing standards.

813.3(1) A close-clearance warning sign or signs are necessary at all locations where there is close clearance. It is the responsibility of the owner to ensure that all close-clearance locations have warning signs in accordance with this chapter and Iowa Code section 327F.13.

813.3(2) If an obstruction creating a close-clearance situation is a temporary or nonpermanent obstruction, in lieu of signage, the owner may remove the obstruction or remove the track from service until the obstruction is removed.

813.3(3) A close-clearance warning sign is to comply with the following:

a. Include the words "no clearance." The letters must be black on a white reflective background and be a minimum of three inches high.

b. Be a vertical sign not less than 42 inches in height and 4 inches in width.

c. Be placed at least one foot off the ground or on the obstruction and within three feet of the close-clearance location or on the obstruction. Signs are to be located on both sides of the obstruction so as to be visible from both directions.

d. Not be within eight feet of the centerline of the tracks.

813.3(4) In the event that the placement of the close-clearance warning sign according to paragraph 813.3(3)*"c"* or *"d"* does not provide adequate notice for a person who is lawfully riding the side of a train to prepare for the close clearance (such as a curve or other sight obstruction), an additional sign reading "no clearance ahead" is to be placed in a location that provides adequate notice to the person who is lawfully riding the side of the train so that the person may prepare for the close clearance. Depending on the particular environment that makes an additional no clearance ahead sign necessary, a no clearance ahead sign may be needed on one or on both sides of the obstruction so as to be visible from both directions.

813.3(5) In the event that the physical environment prevents the placement of a warning sign in accordance with paragraph 813.3(3)*"c"* or *"d,"* the sign is to be placed in a highly visible location that is clearly indicative of the point of close clearance. An alternative size and shape of sign may be used if there is no location available where a standard size and shape sign may be used. Any alternative sign must clearly be identifiable as an indicator of the close-clearance situation.

813.3(6) In limited situations where multiple instances of insufficient clearance occur within a confined area or over a distance, and where posting of multiple warning signs could on its own be a safety hazard, or where multiple signs would create a confusing environment, making it difficult to discern the areas that lack clearance, a sign reading "no clearance ahead" may be posted in lieu of multiple signs.

813.3(7) A line or other marker is to be maintained at a distance of eight feet from the centerline of the track on all platforms, excluding passenger platforms, to indicate the space along the edge of such platform that is to be kept clear of merchandise, material or other articles that could create a temporary close-clearance situation.

761—813.4(327F) Enforcement.

813.4(1) If the owner is provided written notice by an employee, a person working on or near the tracks or a railroad inspector that a location is in need of a close-clearance warning sign, the owner is to investigate and, if warranted, ensure the placement of a warning sign or signs within 30 calendar days of notification. If a close-clearance warning sign is not warranted, the owner is to inform the person who provided notice, in writing within 30 calendar days, that a sign is not warranted and explain why the location does not need a close-clearance warning sign.

813.4(2) If the owner fails to respond to a written notice by an employee or another person working on or near the tracks or if the employee or other person disagrees with the owner's determination that a warning sign is not warranted, the employee or other person may notify the department. The department will investigate and make a determination if the location warrants the placement of a close-clearance warning sign.

a. If the department determines a close-clearance warning sign is warranted, the department will notify the owner in writing. The owner shall have 14 calendar days from the date of the notification to install the proper warning sign. Failure to install the close-clearance warning sign is evidence that the owner is in violation of Iowa Code section 327F.13.

b. The owner, an employee or a person working on or near the tracks may contest the determination. If the determination is contested, 761—Chapter 13 applies.

761—813.5(327F) Reimbursement.

813.5(1) The owner may request reimbursement from the department for up to $100 per sign for the cost and installation of the close clearance or no clearance ahead warning sign.

813.5(2) To be reimbursed, the owner is to complete Form 291303, "Close-Clearance Warning Sign Certification." The form is available on the department's website at www.iowadot.gov or from the modal transportation bureau.

813.5(3) The owner is to submit the form to the modal transportation bureau and certify that the warning sign complies with the obligations in rule 761—813.3(327F) and provide proof of purchase.

813.5(4) The department may inspect, at any time, the sign installation to confirm that the warning sign meets the minimum obligations.

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