Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 821
"Highway-Railroad Grade Crossing Surface Repair Fund"

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 312.2(2), 327G.29 and 327G.30

Public Hearing

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

October 29, 2025 8:30 to 9 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 911 587 368#

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
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Ames, Iowa 50010
Phone: 515.239.1088
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Purpose and Summary

The Department proposes to rescind Chapter 821 because this chapter is unnecessary. The Department provides guidance on the administration of the Highway-Railroad Grade Crossing Surface Repair Fund and includes information on eligibility, the application process and payment allocation among the highway authority having jurisdiction of the roadway, the operating railroad and the Department on the Department's website: Highway-Railroad Grade Crossing Surface Repair Program.

Analysis of Impact

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

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

The Department bears the minimum administrative costs to manage the Highway-Railroad Grade Crossing Surface Repair Fund as referenced in Iowa Code sections 312.2, 327G.29 and 327G.30. The rescission of this chapter does not affect the costs.

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

The public, road authorities and operating railroads will continue to benefit from the Highway-Railroad Grade Crossing Surface Repair Fund.

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:**

Rescinding this chapter does not cause a quantitative impact.

- **Qualitative description of impact:**

Rescinding this chapter does not have a qualitative impact.

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 other agencies due to rescinding this chapter.

- **Anticipated effect on State revenues:**

There is no effect on State revenues due to rescinding this chapter.

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

There are no costs due to rescinding the chapter. The benefits include the reduction of one chapter containing three rules, and the program's guidance and application will continue to be available on the Department's website: Highway-Railroad Grade Crossing Surface Repair Program.

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 rescinding this chapter.

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

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

The Department decided that this chapter was unnecessary and proposes to rescind Chapter 821. Information on the program and applications are available on the Department's website: Highway-Railroad Grade Crossing Surface Repair Program.

- **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 impact on small business due to rescinding this chapter.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **761—Chapter 821**.