

## RAILROADS

## CHAPTER 800

## ITEMS OF GENERAL APPLICATION FOR RAILROADS

[Prior to 6/3/87, Transportation Department [820]—(10.A)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/20/31

**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](http://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.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

**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.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

**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.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

**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.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

#### **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.

[ARC 0216D, IAB 4/15/26, effective 5/20/26]

- [Filed 8/24/82, Notice 7/7/82—published 9/15/82, effective 10/20/82]
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