

CHAPTER 821
HIGHWAY-RAILROAD GRADE CROSSING SURFACE
REPAIR FUND

[Substance formerly in (06,C)Ch 3]

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 5]

761—821.1(327G) Definitions. The following terms when used in this chapter shall have the following meanings:

“*Grade crossing surface repair*” means the partial or complete renovation of a highway-railroad grade crossing and the highway approaches to the crossing.

“*Jurisdiction*” means the authority having primary control over a highway, street, or alley.

“*Repair fund*” means the grade crossing surface repair fund established in Iowa Code section 327G.29 and administered by the department.

761—821.2(327G) General information.

821.2(1) The repair fund shall be used for grade crossing surface repair.

821.2(2) Information about the repair fund may be obtained by contacting the department at the following address: Office of Rail Transportation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1140. Submissions to the department under this chapter shall be sent or delivered to this address.

761—821.3(327G) Procedures for the use of grade crossing surface repair funds.

821.3(1) Notification to department. If a railroad and a jurisdiction agree to use the repair fund for grade crossing surface repair, written notification of the action signed by both parties shall be sent to the department.

a. The notification shall include the American Association of Railroads—Department of Transportation (AAR-DOT) crossing number, the total estimated cost of the repair, and a statement that the railroad and the jurisdiction each agree to pay 20 percent of the cost of the repair.

b. Notification shall be accepted by the department in order of receipt.

821.3(2) Processing an agreement.

a. The department shall determine if the agreed-upon work constitutes grade crossing surface repair and may consult with the jurisdiction or the railroad if further information is needed.

b. If the work constitutes grade crossing surface repair and when funds are available in the repair fund, the department shall furnish the railroad and the jurisdiction with three copies of an agreement for grade crossing surface repair.

c. The railroad and the jurisdiction shall sign all three copies of the agreement and return them to the department.

d. The department shall:

(1) Approve the agreement and obligate from the repair fund an amount equal to 60 percent of the cost of the agreed-upon work.

(2) Sign all three copies of the agreement, retain one copy of the fully executed agreement, transmit one copy to the jurisdiction, and transmit one copy to the railroad, authorizing work to proceed.

821.3(3) Preaudit. Prior to approval of the agreement, the department may perform a preaudit evaluation of the railroad.

The preaudit evaluation may include an examination of the railroad’s accounting methods and procedures to determine the railroad’s ability to segregate and accumulate costs to be charged against the surface repair project; an examination of the railroad’s cost factors to ensure their propriety and allowability; and an examination of any other general information available which might be pertinent or necessary in determining the railroad’s auditability.

821.3(4) Review of completed project. Upon completion of the agreed-upon work, the department, the railroad and the jurisdiction shall review the project to determine satisfactory completion.

821.3(5) *Project billing and payment.*

a. The railroad shall submit to the jurisdiction and the department a final detailed billing covering the actual and necessary costs incurred by the railroad for the agreed-upon work.

b. The jurisdiction and the department shall review the billing for reasonable conformance with the agreement. The department may audit the billing to determine the allowability and propriety of the billing costs in accordance with the agreement.

c. Once the department approves the billing, the department shall pay to the railroad from the repair fund an amount equal to 60 percent of the actual cost of the agreed-upon work.

d. The jurisdiction shall pay to the railroad an amount equal to 20 percent of the actual cost of the agreed-upon work.

These rules are intended to implement Iowa Code sections 312.2(5), 327G.29, 327G.30, and 327G.31.

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

[Filed emergency 7/7/83—published 8/3/83, effective 7/7/83]

[Filed 10/2/85, Notice 8/14/85—published 10/23/85, effective 11/27/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 7/15/03, Notice 5/14/03—published 8/6/03, effective 9/10/03]