

RAILROADS
CHAPTER 800
ITEMS OF GENERAL APPLICATION FOR RAILROADS
[Prior to 6/3/87, Transportation Department [820]—(10,A)Ch 1]

761—800.1(307) Definitions. The following terms when used in this division of rules shall have the following meanings:

Crossing. The point where the railroad tracks and highway meet at the same location.

Department. The state department of transportation.

Railroad. Persons who own rail facilities or who are responsible for their operation and maintenance.

This rule is intended to implement Iowa Code sections 307.1 and 307.26.

761—800.2(17A) Location and submission of documents. All documents concerning railroad matters which, according to statute or rule, must be submitted to the department shall be submitted to the following address: Office of Rail Transportation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code section 17A.3.

761—800.3(327C) Accounts. All railroads operating in Iowa, except those whose accounts are regulated by the Surface Transportation Board, shall maintain accounts using the generally accepted accounting principles of the financial standards accounting board. The accrual method of accounting shall be used.

This rule is intended to implement Iowa Code section 327C.42.

761—800.4(327C) Annual reports.

800.4(1) A railroad company submitting an annual report to the Surface Transportation Board under 49 CFR Part 1241 shall submit a copy of this report to the department no later than March 31 following the close of the calendar year. Included with this report shall be a “State Statistics” report which shall include the following: 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.

800.4(2) A railroad company not required to submit an annual report to the Surface Transportation Board under 49 CFR Part 1241 shall submit an annual report to the department on Form 010030 no later than March 31 following the close of the calendar year.

This rule is intended to implement Iowa Code sections 327C.28, 327C.38, 327C.41 and 327C.43.

761—800.5 to 800.14 Reserved.

761—800.15(327F) Train speed ordinances. An ordinance or resolution adopted by a political subdivision which 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:

800.15(1) The political subdivision shall submit the ordinance/resolution to the department supported by information or reasons that justify its approval by the department.

800.15(2) The department shall notify the affected railroads.

800.15(3) The political subdivision and the affected railroads shall have 30 days in which to submit position papers to the department before the department issues an order approving or disapproving the ordinance/resolution.

800.15(4) The department shall 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: (1) it is necessary to eliminate or reduce a local safety hazard; (2)

it is not incompatible with a federal law, regulation or order; and (3) it does not unreasonably burden interstate commerce.

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.

800.15(5) The department shall 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.

800.15(6) If the department issues an order approving the ordinance/resolution, it shall go into effect 25 days after the notice is mailed unless the order is contested pursuant to subrule 800.15(7).

800.15(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.

800.15(8) A submission to the department under this rule shall be deemed timely submitted if it is delivered or postmarked within the time period specified.

This rule is intended to implement Iowa Code section 327F.31 and 2002 Iowa Op.Att'yGen. _____ (#01-5-2).

761—800.16 to 800.19 Reserved.

761—800.20(327G) Removal of tracks from crossings.

800.20(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).

For the purpose of this rule, this part is adopted as of October 1, 2002.

800.20(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 shall, 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 shall be restored in a manner specified by the agency having jurisdiction over the highway, street or alley at the crossing.

800.20(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 800.20(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.

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