

CHAPTER 820
HIGHWAY GRADE CROSSING SAFETY FUND

[Substance formerly (06,C)Ch 3]

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 4]

761—820.1(327G) Definitions. The following terms when used in this chapter of rules shall have the following meanings:

AAR signal unit. The relative maintenance difficulty value assigned to component parts of an active warning device. Units and interpretations are designated by the Association of American Railroads Signal Manual, Part 203 (1984).

Active warning devices. Traffic control devices activated by the approach or presence of a train, such as flashing light signals, flashing light signals with cantilever assemblies, and flashing light signals with automatic gate arms, all of which actively warn motorists of a train.

Maintenance costs of active warning devices. Costs incurred by a railroad associated with the repair or replacement of obsolete, worn out, damaged, or missing component parts of an approved active warning device. Maintenance costs shall include repair or replacement of damaged, vandalized, or stolen component parts only for that amount which exceeds the amount recovered from the liable party or the liable party's insurer.

Safety fund. The highway grade crossing safety fund established in Iowa Code section 327G.19, and administered by the department.

761—820.2(327G) Purpose. The purpose of this chapter is to set out the requirements for use of the highway grade crossing safety fund to reimburse railroads for a portion of the maintenance costs associated with active warning devices.

761—820.3(327G) Information and submissions. Information about this chapter 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—820.4(327G) Participation in the maintenance costs of eligible warning devices. The highway grade crossing safety fund shall be used to participate in the annual maintenance costs of active warning devices ordered or agreed to be installed on or after July 1, 1973, as stated in the individual order or agreement.

820.4(1) Orders or agreements that provide for revision of the maximum amount that can be expended from the highway grade crossing safety fund by reason of amendment to Iowa Code section 327G.15 are binding. These orders and agreements were amended to read: The fund's participation for calendar years preceding 1977 shall be equal to that of the railroad but limited to a maximum of \$450 for any one year, for any one crossing; and for calendar year 1977 and subsequent years, the fund may participate in an amount of up to 75 percent of annual maintenance costs of active warning devices, based upon a cost for each eligible AAR signal unit.

820.4(2) Orders or agreements issued on or after March 8, 1978, shall provide that the highway grade crossing safety fund may be used to participate in an amount of up to 75 percent of the annual maintenance costs of active warning devices, based upon a cost for each eligible AAR signal unit.

820.4(3) Participation in annual maintenance costs is on a reimbursement basis.

761—820.5(327G) Reimbursement.

820.5(1) Calculations. Reimbursement to a railroad for its active warning devices that are eligible for reimbursement under rule 761—820.4(327G) shall equal the number of AAR signal units for that railroad's eligible active warning devices times the average annual maintenance cost per AAR signal unit times the percentage of participation.

a. Each railroad shall tabulate the number of AAR signal units for each eligible warning device and furnish this tabulation to the department. The department shall review the railroads' tabulations for conformance with AAR guidelines.

b. Each year, the department shall compute an average annual maintenance cost per AAR signal unit. This unit cost shall be used by all railroads for billing purposes.

c. The percentage of participation shall not exceed 75 percent.

820.5(2) Billing. Before April 15 of each year, each railroad shall submit one billing to the department covering maintenance costs for the preceding calendar year for all eligible warning devices. Prior to reimbursement, the department may audit the billings to determine conformity of the billings with the orders or agreements. Reimbursement to a railroad may be denied if the railroad fails to submit its billing before April 15.

820.5(3) Proration.

a. If, in any year, the balance of the highway grade crossing safety fund is inadequate to fully reimburse all railroads, the department shall reimburse each railroad on a pro-rata basis.

b. If a warning device has been in operation for less than one calendar year, the maintenance costs shall be prorated from the date the device was placed in operation to the end of that calendar year.

These rules are intended to implement Iowa Code sections 327G.15 and 327G.19.

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