

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.