

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	Transportation	Date:	08-14-2025	Total Rule Count:	7
IAC #:	761	Chapter/ SubChapter/ Rule(s):	800	Iowa Code Section Authorizing Rule:	307.12(1)"j," 327D.201, and 327G.24
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter is intended to comply with Iowa Code chapters 327D and 327G governing operations of railroads. The rules implement annual reporting standards consistent with the Surface Transportation Board requirements, adopt by date certain federal law addressing the removal of railroad tracks after abandonment or discontinuance and the process to review and approve a local jurisdiction's train speed ordinance, and reference the procedure for acquisition or use of railroad right of way proposed for abandonment or trail use per 16 U.S.C. 1247(d). The updates made to this chapter will bring uniformity and consistency to the industry.

Is the benefit being achieved? Please provide evidence.

Documentation is received annually by the Department and the statistical data provided is used in Department planning documents and economic development along with trail network development opportunities. Compliance with train speed ordinance is enforced by political subdivisions and local jurisdictions. Restoring roadway surface material and removal of tracks from discontinued railroad lines provides safety and continuity of road surface material.

What are the costs incurred by the public to comply with the rule?

There are no costs incurred by the public to comply with the rules.

What are the costs to the agency or any other agency to implement/enforce the rule?

Rules on the enforcement of local train speed ordinances would occur at the local road authority with jurisdiction. The Department would only use resources when a formal review of an adopted train speed ordinance is contested by the railroads.

Do the costs justify the benefits achieved? Please explain.

Yes, the benefits of rules provide consistency in the collection of annual reports submitted to the Surface Transportation Board. The information received, and data collected on railroad operations outweigh the minor resources used to collect and enter data from the annual reports. The application and review of submissions for train speed ordinances are minimal and the volume does not create a negative impact.

Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Department determined there was no less restrictive alternatives to rules. This chapter adopts by date certain federal law addressing the procedure to remove remaining railroad tracks from a roadway at-grade crossing surface after abandonment or discontinuance has taken place by the railroad following 49 CFR Part 1152 and 49 U.S.C. 10903. Additionally, these rules reference the procedure for acquisition or use of

railroad right of way proposed for abandonment or trail use per 16 U.S.C. 1247(d). In compliance with Iowa Code, the Department adopts by current date certain the requirements of 49 U.S.C. 20106 to complete the review and approval of a local jurisdiction's train speed ordinance outlining the consideration factors, documentation, procedural process, effective date, and appeal process.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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800.1 removes unnecessary definitions and wording.
800.2 removes unnecessary wording and an unnecessarily restrictive term.
800.3 removes unnecessarily restrictive terms.
800.4 removes unnecessarily restrictive terms and some unnecessary wording.
800.15 removes unnecessarily restrictive terms and redundant language.
800.20 removes an unnecessarily restrictive term.

RULES PROPOSED FOR REPEAL (list rule number[s]):

800.2 Location and submission of documents. This rule is proposed to be reworded and moved to rule 800.1.
800.21 Federal citations. The rule is proposed to be moved to rule 800.1.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

800.1
800.2
800.3
800.4
800.5

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	79
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	19

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

Yes, the Department believes that Iowa Code section 327F.31 should be amended to include specific rulemaking authority regarding train speed ordinances in accordance with the U.S. Department of Transportation regulations.

