

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

Department Name:	Transportation	Date:	08/14/25	Total Rule Count:	3
IAC #:	761	Chapter/ SubChapter/ Rule(s):	821	Iowa Code Section Authorizing Rule:	No specific rulemaking authority
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The chapter provides guidance on the administration of the Highway-Railroad Grade Crossing Surface Repair Fund and includes information on eligibility, the application process and payment allocation between the highway authority having jurisdiction of the roadway, the operating railroad, and the Department.

Is the benefit being achieved? Please provide evidence.

Yes. Benefits of the Highway-Railroad Grade Crossing Surface Repair program provide improvements to the crossing surface and approaches. This adds safety to the crossing surface on the transportation system and a partnership between the Department, highway authority, and the railroad operators. This chapter is unnecessary and does not change the benefit of the program.

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

The public does not incur any costs.

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

The Department does incur minimum administrative costs to implement the Highway-Railroad Grade Crossing Surface Repair Fund through program administration which includes processing applications, project oversight, and invoice processing. However, these costs are due to Iowa Code sections 312.2, 327G.29 and 327G.30 and not 761—Chapter 821.

Do the costs justify the benefits achieved? Please explain.

The benefits of the program to provide for Highway-Railroad Grade Crossing Surface Repair projects to improve and repair the crossing approaches and surface at a grade crossing location is a safety benefit to roadway users. The improved safety and continuity of a roadway surface (including approaches) exceed the resources needed to administer the program.

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 has determined there is a less restrictive alternative. Chapter 821 is redundant and unnecessary. Iowa Code sections 312.2(2), 327G.29 and 327G.30 require the Department to establish the program and administer the fund, but Iowa Code does not say it must be established or administered by rule. The Highway-Railroad Grade Crossing Surface Repair Fund's program guidance and application is available on the Department's website: [Highway-Railroad Grade Crossing Surface Repair Program | Department of Transportation](#).

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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821.1 removes unnecessary wording and unnecessarily restrictive term.

821.2 removes unnecessary wording and unnecessarily restrictive term.

821.3 removes unnecessary wording and unnecessarily restrictive terms.

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

821.1

821.2

821.3

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

None, the Department proposes to permanently rescind this chapter.

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

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	740
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	16

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

No.