

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RAILROAD CROSSING SPECIFICATION EXHIBITS	DOCKET NO. 199 IAC 42.3(1)
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ORDER SETTING COMMENT PERIOD

(Issued February 21, 2005)

On December 15, 2004, Union Pacific Railroad Company; Burlington Northern Santa Fe Railway Company; Norfolk Southern Corporation; Appanoose County Community Railroad; Burlington Junction Railroad; The Cedar Rapids and Iowa City Railroad; The Chicago Central and Pacific Railroad; Iowa Interstate Railroad; Iowa, Chicago & Eastern Railroad; Dakota, Minnesota & Eastern Railroad; Great Western Railway of Iowa; Iowa Northern Railway Company; and Iowa Traction Railroad Company (collectively, Iowa Railroad Group) filed with the Utilities Board (Board) proposed specification exhibits related to crossing of railroad rights-of-way by public utilities. The proposed exhibits were filed for Board review and approval pursuant to 199 IAC 42.3(1).

The Board has made a preliminary review of the proposed specification exhibits and concludes it is appropriate to receive comments from interested public utilities or utility groups, the Consumer Advocate Division of the Department of

Justice, and other interested persons.¹ The Iowa Railroad Group will then have an opportunity to file reply comments. While the railroad and utilities have spent many hours attempting to reach agreement on standard specification exhibits, it appears there are several unresolved issues. After receiving the comments, the Board will determine the next step or steps toward adoption of specification exhibits, which could include a public comment hearing or a technical conference. The Board encourages the railroads and utilities to continue their discussions to reach consensus and reminds both sides that whatever specification exhibits are ultimately adopted, they must be consistent with Board rules.

In its filing, the Iowa Railroad Group cited Iowa Code § 17A.7 in support of its filing. That statute deals with rule making petitions. The Iowa Railroad Group did not ask for the specification exhibits to be adopted as rules. This is a new area for all those involved and the Board believes that the specification exhibits may require modifications after they are tested by use in the field. Such modifications may be agreed to by both utilities and railroads. Because there may be a need for modification on an expedited basis, the Board is not proposing that the specification exhibits be made part of its rules. Instead, the Board will make the adopted forms available on the Board's Web site and through the Board's Records Center, where appropriate changes can be made quickly and easily.

¹ The Board notes that the Iowa Railroad Group provided copies of the proposed specification exhibits to most, if not all, of the interested utilities. Persons who did not receive a copy but who are interested in reviewing the proposed exhibits may do so at the Board's Records Center at 350 Maple Street, Des Moines, Iowa, during regular business hours. The Board will make copies available upon request, but due to the volume of the proposed exhibits there will be a copying charge.

IT IS THEREFORE ORDERED:

1. Utilities, utility groups, the Consumer Advocate Division of the Department of Justice, and other interested persons may file comments on the proposed specification exhibits filed by the Iowa Railroad Group on or before March 25, 2005.

2. The Iowa Railroad Group may file reply comments on or before April 22, 2005.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 21st day of February, 2005.