

**HE  
2791  
.C64  
W4  
1974**

**Before the Iowa State Commerce Commission: in the matter of installation and maintenance of railroad-highway crossing signals on secondary road and Chicago and North Western Transportation Company railway tracks in Westgate, Iowa  
: docket no. A-6911: decision and order decided April 30, 1974.**

STATE OF IOWA

IOWA STATE COMMERCE COMMISSION

IN THE MATTER OF: )

INSTALLATION AND MAINTENANCE OF )  
RAILROAD-HIGHWAY CROSSING SIGNALS )  
ON SECONDARY ROAD AND CHICAGO AND )  
NORTH WESTERN TRANSPORTATION )  
COMPANY RAILWAY TRACKS IN WESTGATE, )  
IOWA, )

DOCKET NO. A-6911

IOWA STATE HIGHWAY COMMISSION, )

Applicant. )

ORDER DIRECTING SIGNAL PROTECTION INSTALLED AND THAT \$450  
BE PAID ON AN ANNUAL BASIS FROM THE HIGHWAY GRADE CROSSING  
SAFETY FUND TOWARD THE COST OF MAINTENANCE OF AUTOMATIC  
SIGNAL PROTECTION AT THE INTERSECTION OF THE TRACKS OF THE  
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY AND  
FARM-TO-MARKET ROAD (FAS ROUTE 237), WESTGATE, IOWA

(Issued April 30 , 1974)

Under date of April 17, 1974, the Iowa State Highway Com-  
mission (Highway Commission) on behalf of the Fayette County Board  
of Supervisors, the Chicago and North Western Transportation  
Company (C&NW) and the Staff of the Iowa State Commerce Commission  
(Commerce Commission Staff) filed a Stipulation pertaining to the  
installation and maintenance of railroad-highway grade crossing  
signals on farm-to-market road (FAS Route 237) in Westgate, Iowa.  
Attached to the aforesaid Stipulation was an agreement pertaining  
to such crossing acceptable to all parties with the exception of  
Section V of the agreement. Section V of the proposed agreement  
directs the C&NW undertake the maintenance expense of such  
crossing protection. The C&NW disagrees that it should undertake  
such maintenance expenses.

Specifications for installation of automatic signal protection, acceptances of the work, and payment for such work, inter alia, will be made to the Railroad pursuant to Policy and Procedure Memorandums 30-3, 21-10 and Federal Highway Administrative Regulation, IM 21-5-72, and their various revisions and supplements issued by the Federal Highway Administration.

The Commission finds:

1. It has jurisdiction of the parties and subject matter pursuant to Section 474.10 and Section 478.21, et seq., Code of Iowa.
2. The Highway Commission and the C&NW have agreed to the manner of crossing, automatic signal protection and associated costs of installation at the Highway-Railroad Grade Crossing in question.
3. That Chapter 204, Acts of the 65th General Assembly directs maintenance costs of flasher-light signals ordered installed on or after July 1, 1973, shall be assumed equally by the Railroad and the Grade Crossing Safety Fund, provided that the Highway Grade Crossing Safety Fund shall not expend more than \$450 for any one crossing in any one year. Accordingly, the Highway Grade Crossing Safety Fund should pay \$450 annually toward the maintenance costs of the automatic signal protection ordered herein.
4. It is appropriate and in the public interest that the dispute between the parties be resolved in accord with Chapter 204, Acts of the 65th General Assembly; accordingly, that portion of the attached agreement relative to the maintenance cost (Section V) should be stricken. Thus, annual maintenance costs of the automatic signal protection should be assumed by the Railroad and the Grade Crossing Safety Fund in accord with the preceding paragraph.

5. The manner of crossing and proposed cost of installation of automatic signal protection meets appropriate standards and should be approved.

The Commission orders:

The Stipulation and attached agreement providing for the installation of automatic signal protection filed with the Commission under date of February 6, 1974, be and hereby is approved subject to the following modifications:

1. That Section V of the proposed agreement directing the railroad to assume the annual maintenance cost of the automatic signal protection is disapproved.

2. The Highway Grade Crossing Safety Fund shall pay \$450 annually toward the maintenance cost of the automatic signal protection at the highway-railroad crossing ordered herein.

IOWA STATE COMMERCE COMMISSION

Maurice Van Nostrand  
Chairman

Jed H. Moore  
Commissioner

ATTEST:

Dean A. Biley  
Secretary

Howard Bell  
Commissioner

Dated at Des Moines, Iowa this 30th day of April, 1974.

STATE LIBRARY OF IOWA



3 1723 02101 8692