

IOWA DEPARTMENT OF TRANSPORTATION  
800 Lincoln Way  
Ames, Iowa 50010

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WASHINGTON COUNTY, IOWA, a  
County Governmental Subdivision of the  
State of Iowa,

Appellant,

v.

IOWA, CHICAGO & EASTERN,  
RAILROAD CORPORATION, a  
Foreign Corporation,

Respondent.

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RULING ON APPEALS

Both the appellant and respondent filed appeals of the administrative law judge's proposed decision entered on August 18, 2006. The proposed decision held the Department of Transportation had authority under Iowa Code section 321G.17 to resolve the dispute regarding the replacement of four bridges in Washington County, Iowa, and the allocated replacement costs to the parties.

On appeal the petitioner, Washington County, argued the ALJ erred in:

- 1) Not considering the condition of the bridges and safety concerns.
- 2) Imposing a "cost benefit analysis" without considering safety issues.
- 3) Failing to require the replacement of Wellston Bridge.
- 4) Allocating replacement costs based on misallocated benefits to the appellant.
- 5) Finding the McKain's Crossing and G-38 Bridges were structurally sound.
- 6) Failing to consider IC&E's purchase took into consideration cost of replacement of the grade separation structures in its purchase.

On Appeal the respondent, IC&E Railroad, argued the ALJ erred in:

- 1) Holding Iowa Code section 321G.17 required IC&E to replace bridges.
- 2) Holding IC&E was required to pay a percentage of replacement costs on the McKain, G-38, and Grace Hill Bridges.
- 3) Holding IC&E was required to replace the Wellston Bridge with an at grade crossing.
- 4) Holding IC&E was required to pay 100% of the cost for an at grade crossing at the Wellston Bridge crossing.

#### FINDINGS OF FACT

The ALJ's findings of fact are adopted and set out in this ruling as if fully set out.

#### CONCLUSIONS OF LAW

The petitioner's and respondent's arguments are not found persuasive. The ALJ is found to have issued a well reasoned and supported decision based on the evidence submitted during the administrative hearing and briefs filed following the hearing. The ALJ's conclusions of law are found correct and are adopted in full in this ruling.

Washington Co. V. IC&E Railroad  
Ruling on Appeal

ORDER

The decision of the administrative law judge is supported by the record and is affirmed.

DATED THIS 27 DAY OF October, 2006.

  
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REVIEWING OFFICER

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PROOF OF SERVICE  
The undersigned certifies that the foregoing  
instrument was served upon all parties to the  
above cause and attorney(s) of record by  
depositing a copy in the U.S. Mail, postage  
prepaid, to each at their respective addresses  
on 10-27-2006  
C. Houge

This decision exhausts all available administrative remedies and is the final agency action for the purposes of judicial review.