

CHAPTER 161.

TAKING PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

S. F. 552.

AN ACT to amend the law relating to the taking of private property for works of internal improvement as the same appears in section twenty hundred twenty-four-d (2024-d) supplement to the code, 1907.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Sheriff's jury—selected by chief justice of supreme court.** That the law as it appears in section twenty hundred twenty-four-d (2024-d) supplement to the code, 1907, be and the same is hereby amended by striking out the word "which" in line nine (9) of said section, and inserting in lieu thereof the following:

"except that the members of the sheriff's jury shall be selected by the chief justice of the supreme court of the state of Iowa upon receipt of notice from the sheriff of the county in which the real estate is situated that the application mentioned in code section nineteen hundred ninety-nine (1999) has been made to such sheriff, and not more than one member of such jury shall be residents of the same county, and the names and place of residence of each juror so selected by the said chief justice shall be returned by him and filed with said sheriff, and the."

Approved April 18 A. D. 1913.

CHAPTER 162.

RAISING OR LOWERING HIGHWAYS AT RAILROAD CROSSINGS.

H. F. 424.

AN ACT to amend section two thousand seventeen (2017) of the code, relating to the right of railroad companies to raise or lower highways where they are crossed by railroads, and giving the board of railroad commissioners authority to order under-grade or overhead crossings.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal—raising or lowering highways—disagreements referred to railroad commissioners.** That section two thousand seventeen (2017) of the code is hereby repealed and the following is enacted in lieu thereof:

"Any such corporation may raise or lower any turnpike, plank road, or other road, for the purpose of having its railroad cross over or under the same, and, in such cases, such corporation shall put such road, as soon as may be, in as good repair and condition as before such alteration. When a new railroad crosses an established highway, or when it is desired to locate a new highway across an established railroad, or when it is desired by any citizen or the board of supervisors of any county or by any railroad company operating a railroad in this state, for the safety of the public using such highway, to change, alter, re-locate, or vacate an established highway, where same crosses a

railroad, and the railroad company and the board of supervisors of the county in which such highway crossing is located, cannot agree in respect thereto, the board of railroad commissioners of this state, upon application of either the board of supervisors or of twenty-five freeholders of said county, or the railroad company interested, are authorized and empowered, after hearing upon reasonable notice, to determine the necessity for such crossings, location thereof, whether the same shall be at grade or otherwise, the manner in which the same shall be constructed, maintained, or changed, division of expense thereof, and generally to make such orders in respect thereto as are equitable and just, including the right to require condemnation proceedings to be instituted by the board of supervisors as may be necessary to carry out such order: providing, however, that any portion of such expense that is borne by any city, town, county, state, or other public body, shall forever be considered as held in trust by said railroad company receiving same, and no part of the same shall be considered a part of the value of the properties of said railroad company upon which it is entitled to receive a return.

Approved April 8 A. D. 1913.

CHAPTER 163.

PRIVATE CROSSINGS OVER RAILROADS.

H. F. 361.

AN ACT to repeal section two thousand twenty-two (2022) of the supplement to the code, 1907, and to enact a substitute therefor, providing for private crossings over railroads and giving the board of railroad commissioners power to make orders when the land owner and railroad company are unable to agree.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal—private crossings—how obtained—authority of railroad commissioners. That section two thousand twenty-two (2022) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

When any person owns land on both sides of any railway, or when the railway runs parallel with the public highway, thereby severing the farm from the public highway, the corporation owning the same shall, when requested to do so, make and keep in good repair a sufficient causeway or other adequate means of crossing the same and one cattle guard on each side thereof connected by cross fences to the right of way fence on each side of the right of way at such reasonable place as may be designated by the owner. If such person desires more than one crossing or desires an overhead or underground crossing over or under said railway, he shall serve or cause to be served a notice in writing upon such railway company setting forth his demand, with a plat of the land showing the place and manner of the desired crossing or crossings. If such railway company, within thirty (30) days after having been served with such notice, has failed and refused to construct such crossing or crossings, such person may apply to the board of railroad commissioners of this state which shall have full authority to determine all questions growing out of such demand, and upon hearing, after due notice, make such order as it may deem just and equitable.

Approved April 19 A. D. 1913.