

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 That section two thousand twenty-two (2022) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof: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.