

## CHAPTER 174.

## RAILROAD COMMISSION GIVEN POWER TO GRANT FRANCHISES FOR ESTABLISHMENT AND TRANSMISSION OF ELECTRIC CURRENTS.

Sub. for S. F. 57.

AN ACT to confer power upon the railroad commission of the state of Iowa to grant a franchise to any individual or corporation organized under the laws of Iowa, or corporation authorized to transact business in Iowa under the general incorporation laws of the state, engaged in the manufacture, sale or distribution for sale of electric current, to construct transmission lines and obtain the necessary interests in real estate therefor, and the manner of making compensation to said owner of said lands for said rights. [Additional to section twenty one hundred thirteen (2113) of the supplement to the code, 1907, relating to the powers and duties of the railroad commissioners.]

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

**SECTION 1. Petition filed with railroad commissioners—notice—publication—hearing—franchise granted.** Upon petition to the railroad commission of the state of Iowa, said railroad commission may grant to any individual or corporation organized under the laws of Iowa, or corporation authorized to transact business in Iowa under the general incorporation laws of the state, engaged in the manufacture, sale, or distribution for sale of electric current for light, power, or heating purposes, the right within the state, except in cities and towns, to erect, use and maintain poles, wires, guy wires, towers, fixtures and other necessary construction for the purpose of conducting electricity for lighting, power and heating purposes over, along and across any public lands, highways or streams or the lands of any person or persons, and to acquire the necessary interests in real estate therefor.

The said petition shall set forth the manner, methods and specifications for the construction of said line, together with a general description of the public lands, highways, streams or private lands over which it is desired that said transmission line be constructed, together with a map showing the starting point, route and terminus of said proposed line.

Upon the filing of said petition, the commission shall cause publication in the official newspapers of each county into or through which said proposed line extends, of a notice addressed to the citizens of said county, which notice shall contain a statement as to the purpose of the petition, a description of the lands to be traversed by the transmission line, and the date and place fixed by the commission for hearing upon said petition.

The date fixed shall be not less than ten days after the last publication of said notice hereinbefore provided for, and at any time before final submission to the commission, objections in writing to the proposed line, either as to its establishment or location, may be filed with the commission and shall be given due consideration.

The expense of said publication shall be paid by the applicant as a condition precedent to said hearing.

The commission may personally examine the proposed route and, upon said hearing, may grant the application either as a whole or in part, or upon such conditions as to terms and location as to the commission may seem right and just.

The privilege granted by the commission shall be and constitute a franchise to operate and maintain the proposed transmission line, but all rights granted

by said franchise shall be subject to the provisions of this act and also to such regulations as the legislature may, from time to time, prescribe, either by direct legislative enactment or by and through the railroad commission, under the laws of Iowa now or hereafter in force.

**SEC. 2. Additional rights—how granted.** Any person or corporation organized under the laws of this state, or corporation authorized to transact business in Iowa under the general incorporation laws of the state, owning or operating a transmission line for the conducting of electricity, or who or which has obtained a right so to do, and desires to acquire additional rights for the purposes contemplated herein, may petition the railroad commission, as hereinbefore provided, for the original granting of such right, and the same proceedings shall be taken as hereinbefore provided; provided, however, that before the commission shall act upon such petition, the person or corporation filing same shall, with said petition, file its consent that the provisions of this act and of all acts or laws relating to public utilities or to the regulation, supervision, or control thereof which are now in force or which may be hereafter enacted shall apply to its existing line or lines with the same force and effect as though said line or lines had been constructed under the permit provided for in section 1 hereof.

**SEC. 3. Under supervision of railroad commissioners.** Any transmission line proceeding under this act and obtaining the franchise herein provided shall be conclusively held to an acceptance of the provisions of this act and of all acts or laws relating to public utilities or to the regulation, supervision, or control thereof which are now in force or which may be hereafter enacted, and to have consented to such reasonable regulation as the commission may, from time to time, prescribe.

**SEC. 4. Vested with right of eminent domain.** Any person or corporation having secured the franchise provided for in the preceding sections shall thereupon be vested with the right of eminent domain to such extent as may be necessary and as prescribed and approved by the commission, not exceeding twenty five feet in width to carry out the purposes of said franchise, and in the event agreement with the private owner of lands as to damages caused by the construction of said transmission line cannot be made, the same proceedings shall be taken as provided for taking private property for works of internal improvement in chapter 4 of title X of the code and amendments thereto.

**SEC. 5. Supervision of construction—requirements—danger signals—form.** The railroad commission shall have power of supervision over the construction of said transmission line and over its future operation and maintenance, and said transmission line shall be constructed near and parallel to the right of way of the railways of the state or along the division lines of the lands, according to the government survey thereof, wherever the same is practicable and reasonable, and so as not to interfere with the use by the public of the highways or streams of the state, nor unnecessarily interfere with the use of any lands by the occupant thereof, and shall be built of strong and proper wires attached to strong and sufficient supports properly insulated at all proper points of attachment; all wires, poles and other devices which by ordinary wear or other causes are no longer safe shall be removed and replaced by new wires, poles or other devices, as the case may be, and all abandoned wires, poles or other devices shall be at once removed.

Where wires carrying current are carried across, either above or below wires used for other service, the said transmission line shall be constructed in such

manner as to eliminate, so far as practicable, damages to persons or property by reason of said crossing; there shall also be installed sufficient devices to automatically shut off electric current through said transmission line whenever connection is made whereby current is transmitted from the wires of said transmission line to the ground, and there shall also be provided a safe and modern improved device for the protection of said line against lightning.

No transmission line shall be constructed, except by agreement, within one hundred feet of any dwelling house or other building, except where said line crosses or passes along a public highway or is located alongside or parallel with the right of way of any railway company.

At any crossing of any highway by said transmission line, the poles or towers next to the highway shall be labeled with the following words:

“Danger .....  
 ..... volts  
 Electricity.”

The stroke of said letters and numbers shall be at least four inches in length and not less than five-eighths of an inch in width, and the color of the letters and numbers shall be in contrast with the color of the background. The said labels shall show the maximum number of volts of electricity transmitted over said line, and said label shall face toward the highway.

Where said poles or towers are extended along said highway and within the limits thereof or immediately adjacent thereto, the sign hereinbefore described shall be placed at least every quarter of a mile.

The commission shall have full power and authority to add such further and additional rules and regulations as regards location, construction, operation and maintenance of said transmission line as may be reasonable.

**SEC. 6. Injuries—damages—burden of proof.** In case of injury to any person or property by any transmission line operating under this act, negligence will be presumed on the part of the person or corporation operating said line in causing said injury, but this presumption may be rebutted by proof, but no change in the rule of the burden of proof shall exist in favor of employees of the person or corporation operating said transmission line who are charged with or engaged in the construction, reconstruction, repair or maintenance thereof.

**SEC. 7. Damages caused in construction and maintenance payable annually.** Individuals or corporations operating transmission lines constructed under the provisions of this act, or operating by acceptance under the provisions of this act, shall have reasonable access to said transmission line for the purpose of constructing, reconstructing, enlarging, repairing or locating the poles, wires or construction and other devices used in or upon said transmission line, but shall pay to the owner of such lands and of crops thereon all damages to said lands or crops caused by entering, using and occupying said lands for said purposes. Said damages shall be payable annually at the end of each season, and shall be payable in the county where caused, but nothing herein contained shall be construed to prevent the execution of an agreement between said operating company and the owner of said land or crops with reference to the use thereof.

**SEC. 8. In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 11 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader April 16, 1913 and in the Des Moines Capital April 15, 1913.

W. S. ALLEN,  
Secretary of State.

## CHAPTER 175.

### SANITARY CLOSETS AT RAILWAY STATIONS.

S. F. 418.

AN ACT to require the equipment and maintenance of sanitary closets at railway stations in this state, providing for the regulation and inspection thereof and fixing a penalty for violation of this act. [Additional to chapter one hundred sixty-eight (168) acts of the thirty-third general assembly relative to hotel inspector.]

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

**SECTION 1. Sanitary closets—equipment—maintenance.** That at all railway stations in this state, where a depot and waiting rooms for passengers are maintained, there shall be within the same or connected therewith sanitary closets, including separate closets for women, which in cities or towns having a system of sewerage, so located that the same can be reasonably used by the railroad property, shall be thoroughly drained, constructed and plumbed according to approved sanitary principles and said depots and closets shall be kept in a clean and sanitary condition, free from any offensive odors. Depots in cities or towns not provided with a sewerage system, shall be provided with privies or closets properly screened and separated for the use of males and females, which shall be cleaned and disinfected as often as necessary to keep and maintain them in an approved sanitary condition.

**SEC. 2. Hotel inspector—duties.** It shall be the duty of the hotel inspector and his deputies to see that the provisions of the act are fully complied with and on complaint being filed by an employe or patron of the railway company shall by himself or deputy personally inspect the same.

**SEC. 3. Inspection.** It shall be the duty of the inspector upon ascertaining by inspection or otherwise that any railroad company has not complied with the provisions of this act at any of its depots, to notify the station agent of such depot, in writing, stating in what respect it is delinquent and requiring it in a reasonable time, to be fixed by the inspector, to do or cause to be done the things necessary to make it comply with the law.

**SEC. 4. Failure to comply—penalty.** Any railroad company, which after receiving said notice fails to comply, within the time fixed, with the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$100 for each offense and the inspector shall file information in such a case.

**SEC. 5. Inspection fee.** Such railroad companies shall pay a fee of \$5 to the person making the inspection. If there is no cause of complaint, the per-