

9 adequately provide reasonable protection for said employees from the
10 inclement weather."

1 SEC. 2. Amend section four hundred seventy-seven point twenty-
2 two (477.22) by striking the period (.) at the end of said section and
3 inserting in lieu thereof the following: ", also two (2) rear electric
4 red lights of such construction and sufficient candle power to be plainly
5 visible."

1 SEC. 3. The equipment provided for in sections one (1) and two
2 (2) of this Act shall be installed within eighteen (18) months after
3 the effective date of this Act.

1 SEC. 4. Any railroad found guilty of violating the provisions of
2 section one (1) of this Act shall be fined not less than twenty-five (25)
3 dollars nor more than one hundred (100) dollars for each violation.

Approved April 7, 1965.

CHAPTER 381

ELECTRIC TRANSMISSION LINES

S. F. 525

AN ACT to amend and revise chapter four hundred eighty-nine (489), Code 1962, as amended by section one (1) of chapter two hundred eighty-five (285), Acts of the Sixtieth General Assembly, relating to electric transmission line franchises, the procedure in obtaining and extending such franchises, the fees to be assessed against the applicant or petitioner therefor, and to provide for the issuance of temporary construction permits for the construction of transmission lines not exceeding one mile in length prior to the granting of a franchise for such lines.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred eighty-nine point three (489.3),
2 Code 1962, is hereby amended by adding the following subsections:
3 "Whether or not the exercise of the right of eminent domain is
4 desired and, if so, a specific reference to the lands described in sub-
5 section 4 which are sought to be subject thereto."
6 "An allegation that the proposed construction is necessary to serve
7 a public use and substantiation of such allegation."

1 SEC. 2. Section four hundred eighty-nine point four (489.4), Code
2 1962, is hereby repealed and the following enacted in lieu thereof:
3 "The board or commission shall consider said petition and any ob-
4 jections filed thereto in the manner hereinafter provided. It may
5 examine the proposed route or cause any engineer selected by it to do
6 so. If a hearing is held on the petition it may hear such testimony as
7 may aid it in determining the propriety of granting such franchise.
8 It may grant such franchise in whole or in part upon such terms,
9 conditions, and restrictions, and with such modifications as to location
10 and route as may seem to it just and proper. Before granting such
11 franchise, the board or commission shall make a finding that the pro-
12 posed line or lines are necessary to serve a public use. No franchise
13 shall become effective until the petitioners shall pay, or file an agree-

14 ment to pay, all costs and expenses of the franchise proceeding,
15 whether or not objections are filed, including costs of inspections or
16 examinations of the route, hearing, salaries, publishing of notice, and
17 any other expenses reasonably attributable thereto."

1 SEC. 3. Section four hundred eighty-nine point five (489.5), Code
2 1962, as amended by section one (1) of chapter two hundred eighty-
3 five (285), Acts of the Sixtieth General Assembly, is hereby repealed
4 and the following enacted in lieu thereof:

5 "Upon the filing of such petition, the board or commission shall
6 cause a notice, addressed to the citizens of each county through which
7 the proposed line or lines will extend, to be published in a newspaper
8 located in each such county for two consecutive weeks. Said notice
9 shall contain a general statement of the contents and purpose of the
10 petition, a general description of the lands and highways to be tra-
11 versed by the proposed line or lines, and shall state that any objections
12 thereto must be filed in writing with the board or commission not later
13 than twenty days after the date of last publication of the notice. Any
14 person, company, city, town or corporation whose rights may be af-
15 fected, shall have the right to file written objections to the proposed
16 improvement or to the granting of such franchise; such objections
17 shall be filed with the board or commission not later than twenty days
18 after the date of last publication and shall state the grounds therefor.
19 The board or commission may allow objections to be filed later in
20 which event the applicant must be given reasonable time to meet such
21 late objections."

1 SEC. 4. Insert a new section following section four hundred eighty-
2 nine point five (489.5) as follows:

3 "Upon the filing of such objections or when a petition involves the
4 taking of property under the right of eminent domain the board or
5 commission shall set the matter for hearing and fix a time and place
6 therefor. Said hearing shall be not less than thirty days from the date
7 of last publication and at the offices of the board or commission before
8 which said matter is pending, unless a different place is specified in the
9 notice thereof. Written notice of the time and place of such hearing
10 shall be served by the board or commission, by ordinary mail, on the
11 applicant, and those having filed objections. If no objections are filed
12 as hereinbefore provided and the petition does not involve the taking
13 of property under the right of eminent domain the board or commis-
14 sion may grant a franchise without hearing thereon, however, nothing
15 herein shall be construed as prohibiting the board or commission from
16 conducting a hearing if it deems it necessary."

1 SEC. 5. Section four hundred eighty-nine point twelve (489.12),
2 Code 1962, is hereby repealed and the following enacted in lieu there-
3 of:

4 "Any person, firm, or corporation owning a franchise granted under
5 this chapter or previously existing law, desiring to acquire extensions
6 of such franchise, may petition the board or commission in the manner
7 provided for the granting of a franchise and the same proceeding shall
8 be had as on an original application, including the assessing of costs
9 provided by section 489.4 except that in the event the extension of

10 franchise is sought for all lines in a given county or counties the pub-
11 lished notice need not contain a general description of the lands and
12 highways traversed by the lines, but in lieu thereof the petitioner may
13 have on file at its offices in the county or counties affected a current,
14 accurate map showing the location of the lines for which the franchise
15 extension is sought, said map to be available for examination by any
16 interested party, and the public notice shall advise the citizens of the
17 county or counties affected of the location and availability of such map.
18 If this alternate procedure is not followed then the publication of the
19 description of the lands and highways traversed by the lines shall be
20 done in the manner as in an original application for franchise. In any
21 event an extension under this section will be granted only for a valid,
22 existing franchise and the lands, roads or streams covered thereby
23 over, through or upon which electric transmission lines have in fact
24 been erected or constructed and are in use or operation at the time of
25 the application for extension of franchise. Such petition shall be ac-
26 companied by the written consent of the applicant that the provisions
27 of all laws relating to public utilities, franchises, and transmission
28 lines, or to the regulation, supervision, or control thereof which are
29 then in force or which may be thereafter enacted shall apply to its
30 existing line or lines, franchises, and rights with the same force and
31 effect as if such franchise had been granted or such lines had been
32 constructed or rights had been obtained under the provisions of this
33 chapter.

1 SEC. 6. Add at the end of chapter four hundred eighty-nine (489)
2 the following section:

3 "Notwithstanding the provisions of section 489.1 any person, com-
4 pany or corporation proposing to construct an electric transmission
5 line not exceeding one mile in length and which does not involve the
6 taking of property under the right of eminent domain may obtain a
7 temporary construction permit from the state commerce commission
8 by proceeding in the manner hereinafter set forth. Said person, com-
9 pany or corporation shall first file with the state commerce commission
10 a verified petition setting forth all the requirements of section 489.3
11 with the further allegation that the petitioner is the nearest electric
12 utility to the proposed point of service.

13 The petition shall also state that the filing thereof constitutes an
14 application for a temporary construction permit and shall also have
15 endorsed thereon the approval of the appropriate highway authority
16 or railroad concerned if such line is to be constructed over, across or
17 along a public highway or railroad.

18 Upon receipt of such petition the commission shall consider same
19 and may grant a temporary construction permit in whole or in part
20 or upon such terms, conditions and restrictions, and with such modi-
21 fications as to location as may seem to it just and proper, however, no
22 finding of public use will be made at the time of the issuance of the
23 permit, such finding to be made, if substantiated by petitioner, at the
24 subsequent consideration of the propriety of granting a franchise for
25 the line subject to the permit. The signature of one commissioner on
26 such permit shall be sufficient. The issuance of such permit shall con-
27 stitute temporary authority for the permit holder to construct the line
28 for which the permit is granted.

29 Upon the granting of such temporary construction permit the com-
 30 mission shall cause the publication of notice required by section 489.5
 31 and all other requirements shall be complied with as in the manner
 32 provided for the granting of a franchise. If a hearing is required then
 33 the petitioner shall make a sufficient and proper showing thereat
 34 before a franchise will be issued for the line. Any franchise issued
 35 will be subject to all applicable provisions of this chapter.

36 Notwithstanding anything foregoing, if the commission shall deter-
 37 mine that a franchise should not be granted, or that further restric-
 38 tions, conditions or modifications are required, or if the petitioner
 39 shall fail to make a sufficient and proper showing of the necessity for
 40 the granting of a franchise within six months of the granting of the
 41 temporary construction permit, the permit issued hereunder shall be-
 42 come null and void and the permit holder may be required to take such
 43 action deemed necessary by the commission to remove, modify or
 44 relocate the construction undertaken by virtue of the temporary per-
 45 mit issued hereunder."

Approved May 13, 1965.

CHAPTER 382

ELECTRIC TRANSMISSION LINES

H. F. 45

AN ACT to amend section four hundred eighty-nine point fourteen (489.14), Code 1962, relating to the issuance of franchises by the Iowa state commerce commission for electric transmission lines; by increasing the maximum number of feet of width of electric transmission line right-of-way, that may be acquired through eminent domain; and by providing for right-of-way abandoned by electric transmission line companies reverting to owners of the land from which the right-of-way was taken.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred eighty-nine point fourteen
 2 (489.14), Code 1962, as amended by sections two (2) and three (3)
 3 of chapter two hundred eighty-five (285), Acts of the Sixtieth General
 4 Assembly, is further amended by inserting in line twelve (12) after
 5 the word "franchise" the words "; provided however, that where 200
 6 K V lines or higher voltage lines are to be constructed, the person,
 7 company, or corporation may apply to the commerce commission for
 8 a wider right-of-way not to exceed two hundred (200) feet, and the
 9 commission may for good cause extend the width of such right-of-way
 10 for such lines to the person, company, or corporation applying for the
 11 same".

1 SEC. 2. Section four hundred eighty-nine point fourteen (489.14),
 2 Code 1962, as amended by sections two (2) and three (3) of chapter
 3 two hundred eighty-five (285), Acts of the Sixtieth General Assembly,
 4 is hereby further amended by adding thereto the following:

5 "If an electric transmission line right-of-way, or any part thereof,
 6 is wholly abandoned for public utility purposes by the relocation of
 7 the transmission lines, is not used or operated for a period of five (5)