

CHAPTER 1229

LOCOMOTIVE FIRE SCREENS

H. F. 611

AN ACT to prevent fires on and along railroad right-of-way.

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

1 SECTION 1. No locomotive or other rolling stock shall be operated
 2 unless it is equipped with proper deflector and screen exhaust fire
 3 controls and uses adequate devices to prevent the escape of blowing or
 4 burning materials or substances and is maintained in good working
 5 order to protect against the start and spread of fires along the right-
 6 of-way. A violation of this section shall be a misdemeanor punishable
 7 by a fine of not more than one hundred dollars or thirty days in jail.
 8 The railroad, and any officers, agent, lessee or independent contractor
 9 found guilty of a violation of this section shall be punishable by a fine
 10 of not more than one hundred dollars or thirty days in jail.

Approved April 2, 1970.

CHAPTER 1230

TRANSMISSION LINES EMINENT DOMAIN

S. F. 1185

AN ACT relating to electric transmission lines and the power of eminent domain exercised by electric utilities.

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

1 SECTION 1. Section four hundred eighty-nine point one (489.1),
 2 Code 1966, is hereby amended as follows:
 3 1. By inserting in line two (2) after the word "shall" the word
 4 "construct,".
 5 2. By striking from lines eight (8) through eleven (11), inclusive,
 6 the words ", or from the board of supervisors in the county or each
 7 of the respective counties in which such transmission line is to be
 8 constructed or operated,".

1 SEC. 2. Section four hundred eighty-nine point two (489.2), Code
 2 1966, is hereby amended by striking lines seventeen (17) through
 3 twenty-four (24), inclusive, and inserting in lieu thereof the follow-
 4 ing:
 5 "As conditions precedent to the filing of a petition with the com-
 6 mission requesting a franchise for a new transmission line, and not
 7 less than thirty days prior to the filing of such petition, the person,
 8 company, or corporation shall hold informational meetings in each
 9 county in which real property or rights therein will be affected. A
 10 member of the commission, the counsel of the commission, or a hear-
 11 ing examiner designated by the commission shall serve as the pre-
 12 siding officer at each meeting and present an agenda for such meeting
 13 which shall include a summary of the legal rights of the affected

14 landowners. No formal record of the meeting shall be required.

15 The meeting shall be held at a location reasonably accessible to all
16 persons, companies, or corporations which may be affected by the
17 granting of the franchise.

18 The person, company, or corporation seeking the franchise for a
19 new transmission line shall give notice of the informational meeting
20 to each person, company, or corporation determined to be the land-
21 owner affected by the proposed project and any person, company or
22 corporation in possession of or residing on the property. For the
23 purposes of this section, 'landowner' means a person, company, or
24 corporation listed on the tax assessment rolls as responsible for the
25 payment of real estate taxes imposed on the property and 'transmis-
26 sion line' means any line carrying thirty-four point five kilovolts or
27 more and extending a distance of not less than one mile across pri-
28 vately owned real estate.

29 The notice shall set forth the name of the applicant; state the appli-
30 cant's principal place of business; state the general description and
31 purpose of the proposed project; state the general nature of the
32 right-of-way desired; provide a map showing the route of the pro-
33 posed project; advise that the landowner has the right to be present
34 at such meetings and to file objections with the commerce commis-
35 sion; designate the place and time of the meeting; be served not less
36 than thirty days prior to the time set for the meeting by certified mail
37 with return receipt requested; and be published once in a newspaper
38 of general circulation in the county at least one week and not more
39 than three weeks before the time of the meeting and such publication
40 shall be considered notice to landowners whose residence is not
41 known.

42 No person, company, or corporation seeking rights under this chap-
43 ter shall negotiate or purchase any easements or other interests in
44 land in any county known to be affected by the proposed project prior
45 to the informational meeting."

1 SEC. 3. Section four hundred eighty-nine point three (489.3), Code
2 1966, is hereby amended as follows:

3 1. By striking from subsection seven (7), line two (2), the words
4 "is desired" and inserting in lieu thereof the words "will be used".

5 2. By striking all of subsection eight (8), and inserting in lieu
6 thereof the following:

7 "An allegation that the proposed construction is necessary to serve
8 a public use and represents a reasonable relationship to an overall
9 plan of transmitting electricity in the public interest and substantia-
10 tion of such allegations, including but not limited to, a showing of the
11 following:

12 a. The relationship of the proposed project to present and future
13 economic development of the area.

14 b. The relationship of the proposed project to comprehensive elec-
15 tric utility planning.

16 c. The relationship of the proposed project to the needs of the
17 public presently served and future projections based on population
18 trends.

19 d. The relationship of the proposed project to the existing electric
20 utility system and parallel existing utility routes.

21 e. The relationship of the proposed project to any other power sys-
22 tem planned for the future.

23 f. The possible use of alternative routes and methods of supply.

24 g. The relationship of the proposed project to the present and fu-
25 ture land use and zoning ordinances.

26 h. The inconvenience or undue injury which may result to property
27 owners as a result of the proposed project.

28 The commission may waive the proof required for such allegations
29 which are not applicable to a particular proposed project."

30 3. By inserting at the end thereof the following new subsection:

31 "An affidavit stating that informational meetings were held in each
32 county which the proposed project will affect and the time and place of
33 each meeting."

1 SEC. 4. Section four hundred eighty-nine point four (489.4), Code
2 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "board or".

4 2. By striking from line four (4) the word "may" and inserting in
5 lieu thereof the word "shall".

6 3. By striking from line fourteen (14) the words "board or".

7 4. By inserting in line sixteen (16) after the word "use" the words
8 "and represents a reasonable relationship to an overall plan of trans-
9 mitting electricity in the public interest".

1 SEC. 5. Section four hundred eighty-nine point five (489.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "board or".

4 2. By striking from line thirteen (13) the words "board or".

5 3. By striking from line twenty-one (21) the words "board or".

6 4. By striking from lines twenty-three (23) and twenty-four (24)
7 the words "board or".

1 SEC. 6. Section four hundred eighty-nine point six (489.6), Code
2 1966, as amended by chapter three hundred sixty-two (362), section
3 one (1), Acts of the Sixty-second General Assembly, is hereby
4 amended by adding at the end thereof the following new paragraph:

5 "When the commission grants a franchise to any person, company,
6 or corporation for the construction, erection, maintenance, and opera-
7 tion of transmission lines, wires, and cables for the transmission of
8 electricity, such person, company, or corporation shall be vested with
9 the power of condemnation to such extent as the commission may
10 approve and find necessary for public use."

1 SEC. 7. Section four hundred eighty-nine point seven (489.7),
2 Code 1966, is hereby amended by striking from line eleven (11) the
3 words "board or".

1 SEC. 8. Section four hundred eighty-nine point ten (489.10), Code
2 1966, is hereby amended by striking from line twelve (12) the words
3 "board or".

1 SEC. 9. Section four hundred eighty-nine point eleven (489.11),
2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line one (1) the words "board or".
 4 2. By striking from line two (2) the words "granting the fran-
 5 chise".
 6 3. By striking from line nine (9) the words "board or".
 7 4. By striking all of such section after the period in line twelve
 8 (12).

1 SEC. 10. Section four hundred eighty-nine point thirteen (489.13),
 2 Code 1966, is hereby amended by striking from line five (5) the words
 3 "board or".

1 SEC. 11. Section four hundred eighty-nine point fifteen (489.15),
 2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line five (5) the words "board or".
 4 2. By striking from lines twenty-four (24) and twenty-five (25)
 5 the words "right of eminent domain" and inserting in lieu thereof the
 6 word "franchise".
 7 3. By striking from lines forty-three (43) through forty-five (45),
 8 inclusive, the words "or with the county board of supervisors in the
 9 county the land is situated".
 10 4. By striking from lines fifty (50) and fifty-one (51) the words
 11 "or board of supervisors".
 12 5. By striking from line fifty-seven (57) the words "or board of
 13 supervisors".
 14 6. By striking from line sixty (60) the words "or board of super-
 15 visors".
 16 7. By striking from lines sixty-five (65) and sixty-six (66) the
 17 words "or the board of supervisors".
 18 8. By striking from line seventy-three (73) the words "or board
 19 of supervisors,".

1 SEC. 12. Section four hundred eighty-nine point twenty-one
 2 (489.21), Code 1966, is hereby amended by striking from line five (5)
 3 the words "board or".

1 SEC. 13. Section four hundred eighty-nine point twenty-two
 2 (489.22), Code 1966, is hereby amended as follows:

- 3 1. By striking from line seven (7) the words "board or".
 4 2. By striking from line eight (8) the words "board or".

1 SEC. 14. Chapter four hundred eighty-nine (489), Code 1966, is
 2 hereby amended by adding at the end thereof the following new sec-
 3 tion:

4 "Any person, company, or corporation aggrieved by the action of
 5 the commission in granting or failing to grant a franchise under the
 6 provisions of this chapter, shall be entitled to the rehearing and
 7 appeal procedures provided in sections four hundred ninety A point
 8 twelve (490A.12) through four hundred ninety A point nineteen
 9 (490A.19), inclusive, of the Code."

Approved May 13, 1970.