

7 *Business signs supplied to the department by commercial vendors shall be on panels,*  
 8 *with dimensional and material specifications established by the department. No*  
 9 *business sign included under the provisions of this Act shall be posted unless it is in*  
 10 *compliance with these specifications. The commercial vendor shall pay to the*  
 11 *department an annual fee of fifty dollars for each business sign supplied for posting.*  
 12 *Upon furnishing the informational panels business signs to the department and*  
 13 *payment of the annual twenty-five dollar fee all fees, the department shall post*  
 14 *the informational panels business signs on eligible specific information panels and*  
 15 *the commercial vendor shall not be required to remove any advertising device,*  
 16 *except any advertising device which was unlawfully erected in violation of this*  
 17 *section or section 306C.13, as a condition precedent to the posting of such*  
 18 *informational panels by the department. There is created in the office of the*  
 19 *treasurer of state a fund to be known as the "highway beautification fund" and*  
 20 *all funds received for the posting of on informational specific information panels*  
 21 *shall be deposited in the "highway beautification fund". Information on motor*  
 22 *fuel and associated services may include vehicle service and repair where the*  
 23 *same is available.*

1 SEC. 2. Section three hundred six C point eighteen (306C.18), unnumbered  
 2 paragraph five (5), Code 1975, is amended to read as follows:

3 The fee for both types of permits shall be ~~five~~ *twenty-five* dollars for the initial  
 4 fee and ~~three~~ *five* dollars for each annual renewal. The fees collected for the  
 5 above permits shall be credited to a special account entitled the "highway  
 6 beautification fund" and all salaries and expenses incurred in administering this  
 7 chapter shall be paid from this fund or from specific appropriations for this  
 8 purpose, except that surveillance of, and removal of, advertising devices  
 9 performed by regular maintenance personnel are not to be charged against the  
 10 account.

Approved May 7, 1976

## CHAPTER 1164

### RAILROAD REGULATION

H. F. 1480

AN ACT relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties.

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

1 SECTION 1. Section three hundred seven point twenty-six (307.26), subsection  
 2 nine (9), Code 1975, is amended to read as follows:

3 9. Advise and assist the director regarding agreements with the owners of  
 4 ~~operating railroads~~ *railroad corporations* for the ~~upgrading of~~ *restoration,*  
 5 *conservation or improvement of railroad as defined in subsection one (1) of section*  
 6 *four hundred seventy-nine point two (479.2) of the Code* ~~right of way and trackage~~  
 7 *on such terms, conditions, rates, rentals, or subsidy levels as may be in the best*  
 8 *interest of the state. The commission may enter into contracts and agreements*  
 9 *which are binding only to the extent that appropriations have been or may*  
 10 *subsequently be made by the legislature to effectuate the purposes of this*

11 subsection. For purposes of this chapter, "railroad right-of-way and trackage"  
 12 includes but shall not be limited to any roadbed, drains, fences, ties, switches,  
 13 rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings,  
 14 underpasses, overpasses, construction and administration buildings and any and  
 15 all other property, rights, easements and interests whether owned in fee or leased.

1 SEC. 2. Section three hundred seven point twenty-six (307.26), Code 1975, is  
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. Advise and assist in the establishment and development of  
 4 railroad districts upon request.

5 NEW SUBSECTION. Conduct innovative experimental programs relating to rail  
 6 transportation problems within the state.

7 NEW SUBSECTION. Enter the role of "applicant" pursuant to the Railroad  
 8 Revitalization and Regulatory Reform Act of 1976, United States Public Law  
 9 ninety-four dash seven hundred eighty-one (94-781), and take such actions as are  
 10 necessary to accomplish this role.

1 SEC. 3. Section three hundred twenty-one point three hundred forty-two  
 2 (321.342), Code 1975, is amended to read as follows:

3 **321.342 Stop at certain railroad crossings.** The department with reference to  
 4 primary highways and local authorities with reference to other highways under  
 5 their jurisdiction are each hereby authorized to designate particularly dangerous  
 6 highway grade crossings of railroads, *and to install rumble strips, and* or to erect  
 7 stop signs thereat. When such stop signs are erected the driver of any vehicle shall  
 8 stop within fifty feet but not less than ten feet from the nearest track of such  
 9 grade crossing and shall proceed only upon exercising due care.

1 SEC. 4. Section three hundred twenty-one point three hundred forty-three  
 2 (321.343), Code 1975, is amended to read as follows:

3 **321.343 Certain vehicles must stop.** The driver of any motor vehicle carrying  
 4 passengers for hire, or of any school bus carrying any school child, or of any  
 5 vehicle carrying explosive substances or flammable liquids *or other hazardous*  
 6 *materials as defined by the federal department of transportation, 49 Code of Federal*  
 7 *Regulations sections one hundred seventy (170) through section one hundred eighty-*  
 8 *nine (189) of 1975, as a cargo or part of a cargo, before crossing at grade any*  
 9 *track or tracks* of a railroad, shall stop such vehicle within fifty feet but not less  
 10 than ten feet from the nearest rail of such railroad and while so stopped shall  
 11 listen and look in both directions along such track for any approaching train, and  
 12 for signals indicating the approach of a train, except as hereinafter provided, and  
 13 shall not proceed until he can do so safely.

14 No stop need be made at any such crossing where a police officer or a traffic-  
 15 control signal directs traffic to proceed.

16 ~~This section shall not apply at street railway grade crossings within a business~~  
 17 ~~or residence district.~~

1 SEC. 5. Section three hundred thirty-two point three (332.3), Code 1975, as  
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one  
 3 hundred eighty-seven (187), section one (1), is amended by adding the following  
 4 new subsection:

5 NEW SUBSECTION. To enter into an agreement with the state department of  
 6 transportation, shippers, a railroad corporation, a city or another county to  
 7 provide financial assistance for railroad services. The agreement shall be  
 8 administered by the state department of transportation and moneys necessary to  
 9 implement the agreement shall be credited to the railroad assistance fund.  
 10 However, this section shall not preclude a county from establishing an escrow  
 11 fund to be used as collateral for a loan for railroad improvement, which loan  
 12 shall be credited to the railroad assistance fund. Moneys appropriated pursuant to  
 13 this subsection shall be from the county general fund, subject to the limitation  
 14 provided in Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
 15 hundred thirty-one (231).

1 SEC. 6. Section four hundred seventy-four point ten (474.10), Code 1975, is  
2 amended to read as follows:

3 **474.10 General jurisdiction of transportation department.** The state  
4 department of transportation shall have general supervision of all railroads in the  
5 state, express companies, car companies, ~~sleeping car companies,~~ freight and  
6 freight-line companies, ~~interurban railway companies,~~ motor carriers, and any  
7 common carrier engaged in the transportation of passengers or freight by  
8 railroads. ; ~~except street railroads.~~ It shall investigate any alleged neglect or  
9 violation of law by any such common carrier, its agents, officers, or employees.

1 SEC. 7. Section four hundred seventy-four point twelve (474.12), Code 1975, is  
2 amended to read as follows:

3 **474.12 Inspection—notice to repair.** ~~It~~ *The department shall from time to*  
4 *time carefully examine into and inspect the condition of each railroad, its tracks,*  
5 *bridges, and equipment, and the manner of its conduct, operation, and*  
6 *management with regard to the public safety and convenience in the state rail*  
7 *facilities, equipment, rolling stock, operations, and pertinent records at reasonable*  
8 *times and in a reasonable manner to insure proper operations. Employees of the*  
9 *department shall have proper identification which shall be displayed upon request. If*  
10 *found by it unsafe, it the department shall immediately notify the railroad*  
11 *company corporation whose duty it is to put the same in repair, which shall be*  
12 *done by it within such time as the department shall fix. If any corporation fails to*  
13 *perform this duty the department may forbid and prevent it from running trains*  
14 *over the defective portion while unsafe or may regulate the speed and operation of*  
15 *trains moving over the defective portion of the railroad. If the railroad corporation*  
16 *violates any requirement provided by the department, the railroad corporation shall be*  
17 *subject to a fine of not more than one hundred dollars for each day the repairs have*  
18 *not been made from the date the department set for repairs to be completed. The court*  
19 *may consider the willingness and ability of the railroad corporation to cooperate in*  
20 *removing the safety hazard. Moneys received from the assessment of any fine shall be*  
21 *credited to the rail assistance fund.*

1 SEC. 8. Section four hundred seventy-four point fourteen (474.14), Code 1975,  
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 one hundred seventy (170), section five (5), is amended to read as follows:

4 **474.14 Changes in operation and improvements.** When, in the judgment of  
5 the department, any ~~railway~~ *railroad* corporation fails in any respect to comply  
6 with the terms of its charter or articles of incorporation or the laws of the state;  
7 ~~or when in its judgment any repairs are necessary upon its road or change in the~~  
8 ~~mode of operating its road or conducting its business, is reasonable and expedient~~  
9 ~~in order to promote the security, convenience, and accommodation of or if any~~  
10 ~~railroad corporation fails to operate its railroad and business in a reasonable and~~  
11 ~~expedient manner which is safe and convenient to the public, the department may~~  
12 ~~make an order prescribing such improvements and changes as it finds to be~~  
13 ~~proper and shall serve an order upon such corporation. A report of such~~  
14 ~~proceedings shall be included in its annual report to the governor.~~ Nothing in this  
15 section or ~~sections~~ *section 474.12 and 474.13* shall be so construed as relieving any  
16 ~~to nullify railroad company~~ from its responsibility or liability for damage to  
17 person or property by any railroad corporation.

1 SEC. 9. Section four hundred seventy-four point fifteen (474.15), Code 1975, is  
2 amended to read as follows:

3 **474.15 Abandoning station.** It shall be unlawful for any railroad ~~company~~  
4 ~~corporation~~ *owning or operating, or which may hereafter own or operate,* any  
5 railroad in whole or in part in this state, to abandon any station ~~in any city or~~  
6 ~~village~~ on its line of railroad, within this state, or to remove the depot ~~therefrom,~~  
7 or to withdraw agency service ~~therefrom,~~ unless it shall first have filed notice of

8 its intention with the department and otherwise complied with the provisions of  
 9 this section and sections 474.16 and 474.17. Upon the filing receipt of such notice  
 10 the department shall designate the place or places within such city or village  
 11 where specify a notice shall be posted published and the railroad company  
 12 corporation shall thereupon, at its own expense, cause to be posted at the place or  
 13 places so designated, such notice to be published at least fifteen days' notice of  
 14 intention days in advance of action to abandon or discontinue such station or  
 15 agency, or remove such depot, and shall file proof of such posting publication with  
 16 the department. The notice shall be in such form as prescribed by the department  
 17 and shall be published in a newspaper published in the county in which the station is  
 18 located. An alternative notice procedure giving comparable public notice by registered  
 19 mail to affected shippers may be prescribed by the department according to rules  
 20 promulgated under chapter seventeen A (17A) of the Code.

1 SEC. 10. Section four hundred seventy-four point sixteen (474.16), Code 1975,  
 2 is amended to read as follows:

3 **474.16 Objections—hearing.** Any person or persons directly affected by the  
 4 proposed abandonment or discontinuance of any station or agency, or removal of  
 5 any depot, may file written objections thereto with the department, stating the  
 6 grounds for such objections, within fifteen days from the time of the posting  
 7 publication of the notice as provided in section 474.15. Upon the filing of such  
 8 objections the department board shall fix the time and place for a hearing thereon  
 9 , which hearing shall be held within sixty days from the filing of such objections.  
 10 Written notice of the time and place of such hearing shall be mailed by the  
 11 department board to the railroad company corporation and the person or persons  
 12 filing objections at least ten days prior to the date fixed for such hearing.

1 SEC. 11. Section four hundred seventy-four point seventeen (474.17), Code  
 2 1975, is amended to read as follows:

3 **474.17 Order of department board.** Upon said hearing the department board  
 4 may prohibit the abandonment or discontinuance of such station or agency, or  
 5 the removal of the depot, or may make such other order as is warranted by the  
 6 evidence produced at such hearing. But if no objections are filed as hereinbefore  
 7 provided, the department shall board may make an order permitting the railroad  
 8 company corporation to proceed with such abandonment or discontinuance, or  
 9 removal of the depot.

1 SEC. 12. Section four hundred seventy-four point eighteen (474.18), Code  
 2 1975, is amended to read as follows:

3 **474.18 Investigation and inquiry.** The department shall or board may  
 4 investigate and inquire into the management of the business of all common  
 5 carriers subject to the its jurisdiction of said department and keep itself well  
 6 informed as to the manner and method in which the same is conducted. It The  
 7 board or department shall have the right to obtain from them full and complete  
 8 information necessary to enable the department or board to perform its duties  
 9 including the administration of railroad assistance agreements. It The board on its  
 10 own initiative or upon request of the department shall have power to require the  
 11 attendance and testimony of witnesses, the production of all books, papers, tariff  
 12 schedules, contracts, agreements, and documents, relating to any matter under  
 13 investigation, and to inspect the same and to examine under oath or otherwise  
 14 any officer, director, agent, or employee of any common carrier; to issue  
 15 subpoenas and to enforce obedience thereto.

1 SEC. 13. Section four hundred seventy-four point twenty (474.20), Code 1975,  
 2 is amended to read as follows:

3 **474.20 Aid from courts.** The department or board may invoke the aid of any  
 4 court of record in any county where the carrier extends, the state in requiring the  
 5 attendance and testimony of witnesses and the production of books, papers, tariff  
 6 schedules, agreements, and other documents. Any court having jurisdiction where

7 ~~any of the~~ inquiry is ~~carried on~~ shall, in case of the refusal of any person to obey  
 8 a subpoena or other process, issue an order requiring any of the officers, agents,  
 9 or employees of any carrier or other person to appear before the department ~~or~~  
 10 ~~board~~ and produce all books and papers required by such order and testify in  
 11 relation to any matter under investigation. ~~A failure to obey any such order of the~~  
 12 ~~court shall be punished as a contempt.~~

1 SEC. 14. Section four hundred seventy-four point twenty-one (474.21), Code  
 2 1975, is amended to read as follows:

3 **474.21 Hindering or obstructing department.** Any person who shall willfully  
 4 obstruct it ~~or its members the department or board~~ in the performance of their  
 5 duties, or who shall refuse to give any information within ~~his that person's~~  
 6 possession that may be required by ~~it the board or department~~ within the line of ~~its~~  
 7 ~~their~~ duty, shall be fined not exceeding one thousand dollars, in the discretion of  
 8 the court.

1 SEC. 15. Section four hundred seventy-four point twenty-three (474.23), Code  
 2 1975, is amended to read as follows:

3 **474.23 Cumulative remedies.** Nothing in this chapter or chapter 479 shall be  
 4 construed to estop or hinder any persons ~~or corporations~~ from bringing action  
 5 against any railway ~~company corporation~~ for any violation of the laws of the state  
 6 ~~for the government of railroads.~~

1 SEC. 16. Section four hundred seventy-four point twenty-six (474.26), Code  
 2 1975, is amended to read as follows:

3 **474.26 When order effective—violation.** All rules, ~~and orders, and regulations~~  
 4 affecting public rights, made by the department ~~or board~~, as now or may hereafter  
 5 be authorized for the direction and observance of railroads in this state, shall be  
 6 in full force and effect from and after the date fixed by the department ~~or board~~.  
 7 If any railroad fails, neglects, or refuses to comply with any rule, ~~or order, or~~  
 8 ~~regulation~~ made by the department ~~or board~~ within the time specified, it shall, for  
 9 each day of such failure, pay a penalty of ~~fifty one hundred~~ dollars. ~~Such moneys~~  
 10 ~~shall be credited to the railroad assistance fund.~~

1 SEC. 17. Section four hundred seventy-four point twenty-nine (474.29), Code  
 2 1975, is amended to read as follows:

3 **474.29 Remitting penalty.** ~~When any~~ ~~If a common carrier shall fail~~ fails in a  
 4 judicial review proceeding to secure a vacation of the order objected to, it may  
 5 apply to the court in which the review proceeding is finally adjudicated for an  
 6 order remitting the penalty which has accrued during the ~~pendency of the~~ review  
 7 proceeding. Upon a satisfactory showing that the petition for judicial review was  
 8 filed in good faith and not for the purpose of delay, and that there were  
 9 reasonable grounds to believe that the order was unreasonable or unjust or that  
 10 the power of the department ~~or board~~ to make the same was doubtful, such court  
 11 may remit the penalty that has accrued during the ~~pendency of the~~ review  
 12 proceeding.

1 SEC. 18. Section four hundred seventy-four point thirty (474.30), Code 1975, is  
 2 amended to read as follows:

3 **474.30 Costs—attorney's fees.** When a decree shall be entered against a  
 4 railroad ~~company corporation~~ or person under sections ~~474.24 four hundred~~  
 5 ~~seventy-four point twenty-five (474.25) of the Code to 474.29~~ the court shall render  
 6 judgment for costs, and attorney's fees for counsel representing the state.

1 SEC. 19. Section four hundred seventy-four point thirty-four (474.34), Code  
 2 1975, is amended to read as follows:

3 **474.34 Complaints.** Any person, ~~firm, corporation, association, mercantile,~~  
 4 ~~agricultural, or manufacturing society, body politic, or municipal organization,~~  
 5 ~~city or county~~ may file with the department a petition setting forth any particular  
 6 in which any common carrier has violated the law to which it is subject and the

7 amount of damages sustained by reason thereof. The department shall furnish to  
 8 the carrier against which complaint is filed, a copy thereof, and a reasonable time  
 9 shall be fixed *by the board* within which such carrier shall answer the petition or  
 10 satisfy the demand therein made. If such carrier fails to satisfy the complaint  
 11 within the time fixed or there ~~shall appear~~ *appears* to be reasonable grounds for  
 12 investigating the matters set forth in said petition, the ~~department~~ *board* shall hear  
 13 and determine the questions involved and make such orders as it shall find to be  
 14 proper. ~~No petition so filed shall be dismissed on the grounds that the petitioner~~  
 15 ~~has not suffered any direct damage.~~ When the ~~department~~ *ascertains* or *board* has  
 16 reason to believe that any carrier is violating any of the laws to which it is  
 17 subject, it may institute an investigation and cause a hearing to be ~~made held~~  
 18 before it in relation to such matters in all respects as fully as if a petition had  
 19 been filed.

1 SEC. 20. Section four hundred seventy-four point thirty-five (474.35), Code  
 2 1975, is amended to read as follows:

3 **474.35 Investigation—report.** When a hearing has been ~~had held~~ before the  
 4 ~~department~~ *board* after notice, it shall make a report in writing setting forth the  
 5 findings of fact and its conclusions together with its recommendations or orders  
 6 as to what reparation, if any, the offending carrier shall make to any party who  
 7 has suffered damage. Such finding of fact shall thereafter in all legal proceedings  
 8 be prima-facie evidence of every fact found. All reports of hearings and  
 9 investigations made by the ~~department~~ *board* shall be entered of record and a  
 10 copy furnished to the carrier against which the complaint was filed, to the party  
 11 complaining, and to any other person having a direct interest in the matter. *A*  
 12 *reasonable fee not to exceed the actual duplication costs may be charged for the*  
 13 *copies.*

1 SEC. 21. Section four hundred seventy-four point thirty-six (474.36), Code  
 2 1975, is amended to read as follows:

3 **474.36 Orders—compliance —release.** When the ~~department~~ *board* finds as the  
 4 result of any investigation *or hearing* that a common carrier has violated or is  
 5 violating any of the provisions of law to which it is subject, or that any  
 6 complainant or other person has sustained damages by reason of such violation,  
 7 the ~~department~~ *board* shall ~~notify order~~ such carrier to cease such violation at  
 8 once and shall fix a time within which it shall pay the amount of damage which  
 9 has been found due to any person as a result of such violation. ~~Upon a~~  
 10 ~~satisfactory showing to the department that the carrier has complied with the~~  
 11 ~~notice in the time and manner required, it shall thereupon be relieved from~~  
 12 ~~further liability or penalty for that particular violation of law, and the department~~  
 13 ~~shall enter of record such release.~~

1 SEC. 22. Section four hundred seventy-four point thirty-seven (474.37), Code  
 2 1975, is amended to read as follows:

3 **474.37 Violation of order—petition—notice.** When any ~~common carrier shall~~  
 4 ~~violate or fail person violates or fails~~ to obey any lawful order or requirement of  
 5 the department *or board*, the department *or board* shall apply in a *summary way*  
 6 by petition in the name of the state, against such ~~common carrier person~~, to the  
 7 district court of ~~any county through which such carrier owns or operates a line of~~  
 8 ~~railroad or in which the failure or violation of such order occurred~~, alleging such  
 9 violation or failure to obey; the court shall hear and determine the matter set  
 10 forth in ~~said the~~ petition on reasonable notice to the ~~common carrier person~~, to be  
 11 fixed by the court and to be served in the same manner as original notices for the  
 12 commencement of action.

1 SEC. 23. Section four hundred seventy-four point thirty-eight (474.38), Code  
 2 1975, is amended to read as follows:

3 **474.38 Interested party may begin proceedings.** Any person, ~~firm, or~~  
 4 ~~corporation or city or county~~ interested in the matter of enforcing any order or  
 5 requirement of the department *or board*, may file a petition against such ~~carrier~~  
 6 *person*, alleging the failure to comply with such order or requirement and praying  
 7 summary relief to the same extent and in the same manner as the department *or*  
 8 *board* may do under section 474.37, and the proceedings after the filing of such  
 9 petition shall be the same as in ~~said~~ section ~~provided~~ *four hundred seventy-four*  
 10 *point thirty-seven (474.37) of the Code.*

1 SEC. 24. Section four hundred seventy-four point thirty-nine (474.39), Code  
 2 1975, is amended to read as follows:

3 **474.39 Duty of general department and board counsel and county attorney.**  
 4 When any proceeding has been instituted under sections 474.37 and 474.38, the  
 5 department general counsel *or the legal counsel of the board* shall prosecute the  
 6 same, and the county attorney of the county in which such proceeding is pending  
 7 shall render such assistance as the department general counsel *or the board legal*  
 8 *counsel* may require ~~of him~~.

1 SEC. 25. Section four hundred seventy-four point forty (474.40), Code 1975, is  
 2 amended to read as follows:

3 **474.40 Hearing in equity—injunction.** All such causes shall be in equity, and  
 4 the order or report of the department *or board* in question shall be *considered*  
 5 prima-facie evidence ~~of the matters contained therein~~. If the court shall find that  
 6 the order or requirement in question is lawful and has been violated, it shall issue  
 7 an injunction or other proper process; ~~mandatory or otherwise, to compel~~  
 8 ~~obedience to such order or requirement.~~

1 SEC. 26. Section four hundred seventy-four point forty-two (474.42), Code  
 2 1975, is amended to read as follows:

3 **474.42 Appeal—effect.** An appeal to the supreme court shall not stay or  
 4 supersede the order of the court or the execution of any writ or process thereon.  
 5 When appeal is taken by the department *or board*, it shall not be required to give  
 6 an appeal bond or security for costs.

1 SEC. 27. Section four hundred seventy-four point forty-three (474.43), Code  
 2 1975, is amended to read as follows:

3 **474.43 Suits by department board.** When the ~~department~~ *board* has reason to  
 4 believe that any ~~common carrier person~~ has been guilty of ~~extortion or~~ unjust  
 5 discrimination, ~~it the board~~ shall ~~immediately~~ cause ~~actions~~ *action* to be  
 6 commenced ~~and prosecuted~~ against such ~~carrier person~~. Such action may be  
 7 brought in *the district court of any county through or into which any line of the*  
 8 *railway owned or operated by such carrier person may extend. No actions thus*  
 9 ~~commenced shall be dismissed unless the department and the department general~~  
 10 ~~counsel consent thereto. The court in which any such action is pending may, in its~~  
 11 ~~discretion, give preference as to the time of trial of such action over other~~  
 12 ~~business, except criminal cases.~~

1 SEC. 28. Section four hundred seventy-four point forty-eight (474.48), Code  
 2 1975, is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **474.48 Details of report.** The report shall be compiled pursuant to rules  
 5 adopted pursuant to chapter seventeen A (17A) of the Code by the department.  
 6 The report shall include but not be limited to anticipated capital improvements  
 7 projected over the next five years and anticipated abandonments which may  
 8 occur over the same period of time. The department may provide that certain  
 9 portions of the report, except those portions dealing with anticipated  
 10 abandonments, remain confidential if the department determines that the release  
 11 of the information may cause an undue competitive advantage or disadvantage to  
 12 a railroad corporation if the information is released. The information may be  
 13 classified as confidential only with the approval of the director of the department.

1 SEC. 29. Section four hundred seventy-four point fifty-four (474.54), Code  
2 1975, is amended to read as follows:

3 **474.54 Definition.** As used in this chapter, unless the context otherwise  
4 requires "department" means the state department of transportation and "board"  
5 means the transportation regulation board.

1 SEC. 30. Section four hundred seventy-six point twenty-seven (476.27), Code  
2 1975, is amended to read as follows:

3 **476.27 Motorbuses—airial transportation.** Any ~~railroad company~~ person  
4 operating a railroad in this state may own and operate ~~over the highways of this~~  
5 ~~state for hire and as a any other~~ common carrier of passengers, freight, mail or  
6 ~~express, automobile buses or motor vehicles,~~ subject to the *applicable state* laws of  
7 the state applicable to the use of such highways by motor vehicle carriers, and  
8 may also own and operate equipment for, and engage in aerial transportation,  
9 subject to the laws of the state applicable thereto. Any such railroad company  
10 person may purchase and own capital stock and securities of a corporation  
11 organized for or engaged in the business of a ~~motor common carrier, or of aerial~~  
12 ~~transportation.~~

1 SEC. 31. Section four hundred seventy-seven point thirteen (477.13), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **477.13 Brakes on trains and engines.** A train or engine shall not be operated  
5 in this state which does not have an operational braking system which complies  
6 with Title forty-five (45), sections one (1) et seq., U.S.C.

1 SEC. 32. Section four hundred seventy-seven point fifteen (477.15), Code 1975,  
2 is amended to read as follows:

3 **477.15 Violations.** Any ~~railroad corporation, company, or person~~ operating a  
4 ~~railroad train or engine in this state and using a locomotive engine, or running a~~  
5 ~~train of cars, or using any freight car, way caboose, or other car contrary to the~~  
6 ~~provisions of sections 477.12 to 477.14 and four hundred seventy-seven point thirteen~~  
7 ~~(477.13) of the Code shall be guilty of a misdemeanor, and shall be subject to a~~  
8 ~~fine of not less than five hundred nor more than one thousand dollars for each~~  
9 ~~and every offense; but such penalties shall not apply to companies hauling cars~~  
10 ~~belonging to railroads other than those of this state which are engaged in~~  
11 ~~interstate traffic, and moneys so collected shall be credited to the railroad assistance~~  
12 ~~fund.~~

1 SEC. 33. Section four hundred seventy-seven point eighteen (477.18), Code  
2 1975, is amended to read as follows:

3 **477.18 Exceptions.** The provisions of section 477.17 shall not apply to  
4 switching or yard service at stations or places where regular switch engines are  
5 not employed exclusively as switch engines, or during a period of not exceeding  
6 twelve hours, when a switch engine is being cleaned or washed out, and also  
7 switching by work trains; and where regular switch engines are disabled by  
8 accident, or in need of repairs, or there is an unusual or unexpected amount of  
9 work, switching, under such conditions, with ordinary engines, for a period of not  
10 to exceed forty-eight hours, shall not be considered a violation of this statute.

1 SEC. 34. Section four hundred seventy-seven point twenty-six (477.26), Code  
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,  
3 chapter one hundred seventy (170), section nine (9), is amended to read as  
4 follows:

5 **477.26 Standard caboos cars.** The provisions of sections 477.27 and 477.28  
6 shall apply to any ~~corporation or to any person or persons~~ while engaged as a  
7 common ~~carriers~~ carrier in transportation by railroads ~~rail of passengers or~~  
8 ~~property within this state to which the regulative power of this state extends.~~



1 SEC. 35. Section four hundred seventy-seven point forty-two (477.42), Code  
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,  
3 chapter one hundred seventy (170), section eleven (11), is amended to read as  
4 follows:

5 **477.42 Freight offices.** All railroads in the state shall establish and maintain  
6 operating offices; at localities accessible and convenient to the public, and  
7 ~~correctly set forth their freight tariffs.~~

1 SEC. 36. Section four hundred seventy-seven point fifty-three (477.53), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **477.53 Vegetation of right-of-way.** Every railroad corporation shall insure  
5 that vegetation on railroad property which is on or immediately adjacent to the  
6 roadbed be controlled so that it does not:

- 7 1. Become a fire hazard to track-carrying structures.
- 8 2. Obstruct visibility of railroad signs and signals.
- 9 3. Interfere with railroad employees performing normal trackside duties.
- 10 4. Prevent proper functioning of signal and communication lines.
- 11 5. Prevent railroad employees from visually inspecting moving equipment from  
12 their normal duty stations.

13 Nothing in this section shall be construed to exempt a railroad corporation  
14 from carrying out noxious weed control programs as provided in chapter three  
15 hundred seventeen (317) of the Code.

1 SEC. 37. Section four hundred seventy-seven point sixty-four (477.64), Code  
2 1975, is amended to read as follows:

3 **477.64 Sanitation and shelter.** A railway ~~company~~ *corporation* within the  
4 state shall provide adequate sanitation and shelter for all railway employees. The  
5 Iowa bureau of labor shall adopt rules in accordance with chapter 17A relating to  
6 requirements for adequate sanitation and shelter for railway employees.

1 SEC. 38. Chapter four hundred seventy-seven (477), Code 1975, is amended by  
2 adding the following new section:

3 **NEW SECTION. Definitions.** As used in this chapter, unless the context  
4 otherwise requires:

- 5 1. "Department" means the state department of transportation.
- 6 2. "Board" means the transportation regulation board.

1 SEC. 39. Section four hundred seventy-eight point thirteen (478.13), Code  
2 1975, is amended to read as follows:

3 **478.13 Overhead, underground, or more than one crossing.** Such owner of  
4 land may serve upon such railroad ~~company~~ *corporation* a request in writing for  
5 more than one such ~~farm~~ or private crossing, or for an overhead or underground  
6 crossing, accompanied by a plat of his land designating thereon the location and  
7 character of crossing desired. If the railroad ~~company~~ *corporation* refuses or  
8 neglects ~~for to comply within thirty days after of such service to comply with such~~  
9 ~~written~~ request, the owner of the land may make written application to the  
10 department to hear and determine his rights in said respect. ~~Such department~~ *The*  
11 ~~board,~~ after ~~reasonable~~ notice to the railroad ~~company~~ *corporation*\*, to construct  
12 any crossing or roadway, fix the time for compliance with ~~such the~~ order. The  
13 matter of costs shall be in the discretion of the ~~department~~ *board*.

1 SEC. 40. Section four hundred seventy-eight point twenty-one (478.21), Code  
2 1975, as amended by the Sixty-sixth General Assembly, 1975 Session, chapter two  
3 hundred thirty-two (232), is amended to read as follows:

4 **478.21 Railway and highway crossing at grade.** Wherever a railway track  
5 crosses or shall hereafter cross a highway, street or alley, the railway ~~company~~  
6 ~~corporation~~ *owning such track and the highway division of the department of*  
7 ~~transportation,~~ in the case of primary highways, the board of supervisors of the

\*Omission from quoted Code section

8 county in which such crossing is located, in the case of secondary roads, or the  
 9 council of the city, in the case of streets and alleys located within a city, may  
 10 agree upon the location and, manner of crossing, or crossing protection, or  
 11 upgrading thereof, or upon a separation of grades so as to carry such highway  
 12 over or under the railway track, and upon any change, alteration, vacation,  
 13 physical structure, characteristics and or relocation of such highway, street or alley,  
 14 and upon repairs, alteration, or elimination of any crossing, and upon the expense  
 15 each party shall pay for such changes, except that if flasher light or gate signals  
 16 are ordered or agreed to be installed prior to July 1, 1973, the maintenance of the  
 17 crossing and allocation of costs thereof shall be assumed by the railroad and if the  
 18 installation of flasher light or gate signals is ordered or agreed to be installed on  
 19 or after July 1, 1973, the maintenance thereof shall be assumed equally by the  
 20 railroad and upon the approval of the department the grade crossing safety fund.  
 21 The department shall not expend more than four hundred fifty dollars for any  
 22 one crossing in any one year from the grade crossing fund, provided, however,  
 23 nothing in this section limits the provisions of section 364.8. The department shall  
 24 become a party to the agreement if grade crossing safety funds are to be used. Up to  
 25 seventy-five percent of the maintenance cost of the crossing and an unlimited portion  
 26 of the cost of the crossing may be paid from the grade crossing safety fund.

27 Notwithstanding other provisions of this section, maintenance of flasher lights or  
 28 gate signals installed or ordered to be installed before July 1, 1973, shall be assumed  
 29 wholly by the railroad corporation.

30 Payments from the grade crossing safety fund shall be made to\* the treasurer of  
 31 state upon certification by the department that the terms of the agreement have been  
 32 followed.

33 The department shall promulgate rules according to chapter seventeen A (17A) of  
 34 the Code for processing claims to the grade crossing safety funds.

35 The provisions of this section shall not apply to the repair of the grade crossing  
 36 surface.

1 SEC. 41. Section four hundred seventy-eight point twenty-two (478.22), Code  
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,  
 3 chapter two hundred thirty-two (232), section two (2), is amended to read as  
 4 follows:

5 **478.22 Disagreement—application—notice.** If the railway company and said  
 6 highway authorities cannot agree upon the changes to be made persons specified in  
 7 section four hundred seventy-eight point twenty-one (478.21) of the Code cannot reach  
 8 an agreement, either party may make written application to the transportation  
 9 regulation board of the department, setting forth the changes and alteration  
 10 desired, and said department board requesting resolution of the disagreement. The  
 11 board shall fix a date for hearing and give the other party ten days' written notice  
 12 by mail of such date. Nothing in this section shall be construed to prohibit either  
 13 party from filing written application with the department prior to any  
 14 disagreement. The department board shall promulgate rules, pursuant to chapter  
 15 seventeen A (17A) of the Code, for processing applications which are filed with  
 16 the department board prior to a written disagreement. The transportation  
 17 regulation board may set a hearing date after the disagreement has been filed.

1 SEC. 42. Section four hundred seventy-eight point twenty-three (478.23), Code  
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,  
 3 chapter two hundred thirty-two (232), section three (3), is amended to read as  
 4 follows:

5 **478.23 Hearing—order.** The department board shall hear the evidence of  
 6 each party to the controversy, taking into consideration the necessity of such  
 7 changes and the expense thereof, the location of any crossing or crossing  
 8 protection and the manner in which it shall be constructed and maintained, or  
 9 whether a crossing is to be eliminated and the provisions therefor, and may shall  
 10 make such an order in relation thereto as shall be equitable, including which may

\* "by" probably intended

11 *include, pursuant to the provisions of chapters four hundred seventy-one (471) and four*  
 12 *hundred seventy-two (472) of the Code, authority to condemn, and take additional*  
 13 *land for such purposes when necessary, and shall determine a solution to resolving*  
 14 *the controversy including what portion of the expense shall be paid by any each*  
 15 *party to such controversy. In determining what portion of the expense shall be*  
 16 *paid by each party the department board may consider the ratio of the benefits*  
 17 *accruing to the railroad or the governmental unit or both as it bears to the general*  
 18 *public use and benefit and such benefits shall may in the case of construction be*  
 19 *consistent with the standards adopted for similar purposes by the federal highway*  
 20 *administration under the federal aid highway Act of 1973 as amended to July 1,*  
 21 *1976.*

1 SEC. 43. Chapter four hundred seventy-eight (478), Code 1975, is amended by  
 2 adding the following new sections:

3 NEW SECTION. There is established a highway railroad grade crossing surface  
 4 repair fund in the office of the treasurer of state. The department may credit to  
 5 this fund:

- 6 1. Moneys appropriated to the department from the general fund of the state.
- 7 2. Moneys appropriated to the department from the road use tax fund.
- 8 3. Available federal funds.
- 9 4. Moneys acquired by the department from any gift, grant, or contributions  
 10 from any source.

11 The total amount of funds, except funds acquired pursuant to subsections three  
 12 (3) and four (4) of this section, which shall be credited to the highway railroad  
 13 grade crossing surface fund shall not exceed two hundred fifty thousand dollars  
 14 in any one year.

15 NEW SECTION. If a grade crossing surface of a railroad track and a highway,  
 16 street, or alley shall require repairs or maintenance, the costs for such  
 17 maintenance may be paid equally by the owner of the track, the jurisdiction  
 18 having primary authority over the highway, street, or alley, and the highway  
 19 grade crossing surface repair fund.

20 If the railroad corporation and the jurisdiction having authority agree on the  
 21 method of crossing maintenance and establish an agreement to each contribute  
 22 one-third of the costs, a copy of the agreement shall be filed with the department  
 23 which shall allocate an amount equal to one-third of the cost for the work if  
 24 funds are available in the highway railroad grade crossing surface repair fund.  
 25 The department shall make appropriate notification if the fund is exhausted in  
 26 which case agreements shall not be made under the provisions of this section until  
 27 additional funds are available. The fund shall be administered by the department.

28 Upon completion of the agreed repair work, a statement of costs shall be filed  
 29 with the department by the railroad corporation in a form and manner prescribed  
 30 by the department. The department, upon approval of the statement, shall pay to  
 31 the railroad corporation an amount equal to one-third of the cost of the work  
 32 from the highway railroad grade crossing surface repair fund. The owner of the  
 33 track and the jurisdiction entering into the agreement shall each pay one-third of  
 34 the cost.

35 NEW SECTION. If a railroad corporation and the jurisdiction having authority  
 36 cannot reach agreement on grade crossing surface repair and maintenance, either  
 37 party may appeal to the board if prior to disagreement both parties have filed a  
 38 statement with the department to the effect that they have entered into  
 39 negotiations on grade crossing surface repair and maintenance of a particular  
 40 crossing. The board shall resolve the dispute in the manner provided in section  
 41 four hundred seventy-eight point twenty-two (478.22) and section four hundred  
 42 seventy-eight point twenty-three (478.23) of the Code, except for the allocation of  
 43 costs.

44 NEW SECTION. A railroad corporation or its employees shall not operate any  
 45 train in such a manner as to prevent vehicular use of any highway, street or alley

46 for a period of time in excess of ten minutes except:

47 1. When necessary to comply with signals affecting the safety of the movement  
48 of trains.

49 2. When necessary to avoid striking any object or person on the track.

50 3. When the train is disabled.

51 4. When the train is in motion except while engaged in switching operations.

52 5. When there is no vehicular traffic waiting to use the crossing.

53 6. When necessary to comply with governmental safety regulations.

54 Any officer or employee of a railroad corporation violating any provision of  
55 this section shall, upon conviction be subject to the penalty provided in section  
56 four hundred seventy-eight point twenty (478.20) of the Code. An employee shall  
57 not be guilty of such violation if his action was necessary to comply with the  
58 direct order or instructions of a railroad corporation or its supervisors. Such guilt  
59 shall then be with the railroad corporation.

60 The provisions of this section notwithstanding, a political subdivision may pass  
61 a resolution or ordinance regulating the length of time a specific crossing may be  
62 blocked if the political subdivision demonstrates such a resolution or ordinance is  
63 necessary for public safety or convenience. If such a resolution or ordinance is  
64 passed the political subdivision shall immediately notify the board and the  
65 railroad corporation using the crossing affected by the resolution or ordinance.  
66 The resolution or ordinance shall become effective thirty (30) days after such  
67 notification unless a person files an objection to the resolution or ordinance with  
68 the board. If an objection is filed the board shall hold a hearing according to the  
69 rules established by the board. The board may disapprove the resolution or  
70 ordinance if public safety or convenience does not require such a resolution or  
71 ordinance. Public safety or convenience may include, but shall not be limited to,  
72 high traffic density at a specific crossing of a main artery or interference with the  
73 flow of authorized emergency vehicles.

74 Political subdivisions shall notify the board within sixty (60) days of the  
75 effective date of this Act, of each existing resolution or ordinance which does not  
76 conform with the provisions of this section.

77 Such ordinances or resolutions may remain in effect until the board has acted  
78 upon each ordinance or resolution under the procedures specified in this section.

1 SEC. 44. Section four hundred seventy-nine point one (479.1), Code 1975, is  
2 amended to read as follows:

3 **479.1 Applicability of chapter.** The provisions of this chapter shall apply to  
4 the transportation of passengers and property, and to the receiving, delivering,  
5 storing, and handling of property wholly within this state, and shall apply to all  
6 railroad corporations, express companies, ear companies, sleeping ear companies,  
7 freight or freight line companies, and to any common carrier engaged in this state  
8 in the transportation of passengers or property by railroad therein, and to  
9 shipments of property made from any point within the state to any point within  
10 the state, whether the transportation of the same shall be wholly within this state  
11 or partly within this state and partly within an adjoining state *intrastate transport*  
12 *of persons and property.*

1 SEC. 45. Section four hundred seventy-nine point two (479.2), Code 1975, is  
2 amended by striking the section and inserting in lieu thereof the following:

3 **479.2 Definitions.** As used in this chapter unless the context otherwise  
4 requires:

5 1. "Railroad" means the terminal facilities necessary in the transportation of  
6 persons and property and includes bridges, railroad right-of-way, trackage,  
7 switches, and other appurtenances necessary for the operation of a railroad,  
8 whether owned, leased, or operated under some other contractual agreement.

9 2. "Railway" means a railroad as defined in subsection one (1) of this section.

10 3. "Railway corporation" means all corporations, companies, or persons  
11 owning or operating any railroad or carrier in whole or in part within the state.

12 4. "Railroad corporation" means a railway corporation as defined in subsection  
13 three (3) of this section.

14 5. "Switching service" means the shifting of a car between two points, both of  
15 which are within the industrial vicinity of an industry, a group of industries, a  
16 station, or a city, as such industrial vicinity may be defined by the department.

17 6. "Transportation" means all instrumentalities of shipment or carriage as well  
18 as services in connection with the actual transport.

19 7. "Rates" means fares, tariffs, tolls, charges, and all classifications, contracts,  
20 practices, and rules of common carriers relating to such rates.

21 8. "Joint tariffs" embraces joint rates, tolls, contracts, classifications, and  
22 charges.

23 9. "Department" means the state department of transportation.

24 10. "Board" means the transportation regulation board.

1 SEC. 46. Section four hundred seventy-nine point four (479.4), Code 1975, is  
2 amended by striking the section and inserting in lieu thereof the following:

3 **479.4 Connections.** If a railroad corporation in this state refuses to connect  
4 by proper switches or tracks with the tracks of another railroad corporation or  
5 refuses to receive, transport, load, discharge, reload, or return cars furnished by  
6 another connecting railroad corporation, the board shall hold a hearing on the  
7 dispute. Upon conclusion of the hearing, the board shall issue an order to resolve  
8 the dispute. The order may include the allocation of costs between the parties.

1 SEC. 47. Section four hundred seventy-nine point eight (479.8), Code 1975, is  
2 amended to read as follows:

3 **479.8 Transporting persons or property for hire—limitation on liability.** ~~No A~~  
4 contract, receipt or rule shall ~~not~~ exempt any ~~corporation or~~ person engaged in  
5 transporting ~~persons~~ for hire from the liability of a common carrier, or carrier of  
6 passengers, which would exist had no contract, receipt, ~~or rule of regulation~~ been  
7 made ~~except as may be provided for liability for property loss by order of the board.~~

1 SEC. 48. Section four hundred seventy-nine point ten (479.10), Code 1975, as  
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one  
3 hundred seventy (170), section twenty-three (23), is amended to read as follows:

4 **479.10 Interchange of traffic—switching and forwarding.** ~~All common~~  
5 ~~Common~~ carriers shall, according to their respective powers, afford all reasonable,  
6 proper, and equal facilities for the interchange of traffic between their respective  
7 lines, and for the receiving, forwarding, and switching of cars and property to and  
8 from their several lines, and to and from other lines and places connected  
9 therewith; and shall not discriminate in their accommodations, rates, and charges  
10 between such connecting lines. Any common carrier may be required to switch  
11 and transfer cars for another, for the purpose of being loaded or unloaded, upon  
12 such terms and conditions as may be ~~prescribed~~ *ordered* by the ~~department~~ *board*.

1 SEC. 49. Section four hundred seventy-nine point twelve (479.12), Code 1975,  
2 is amended to read as follows:

3 **479.12 Reconsignment without charge.** Upon request of the consignee it shall  
4 be the duty of any common carrier of freight to reconsign, rebill, and reship from  
5 any place of destination within the state to any other place within the state any  
6 property in carload lots; ~~whether accompanied by any person or not,~~ brought to  
7 said place of destination over its own or other line and treat the same in all  
8 respects as an original shipment between such places, provided the charges to first  
9 place of destination are paid or secured to the satisfaction of such ~~company~~  
10 *corporation*.

1 SEC. 50. Section four hundred seventy-nine point thirteen (479.13), Code 1975,  
2 is amended to read as follows:

3 **479.13 Charges to be reasonable.** All *rates and* charges made for any service  
4 rendered or to be rendered in the transportation of passengers or property in this  
5 state, or for the receiving, delivering, storage, or handling of such property, shall  
6 be reasonable and just, and ~~every unjust and unreasonable charge for such service~~  
7 ~~is prohibited and declared to be unlawful.~~

1 SEC. 51. Section four hundred seventy-nine point fourteen (479.14),  
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 No such ~~common carrier; or carriers;~~ shall charge or receive any greater  
4 compensation in the aggregate for the transportation of persons or of a like kind  
5 of property for a shorter than for a longer distance, over the same line or route in  
6 the same direction within this state, the shorter being included within the longer  
7 distance, or charge any greater compensation as a through rate than the aggregate  
8 of the intermediate rates; but this shall not be construed as authorizing any such  
9 common carrier ~~or carriers~~ to charge or receive as great a compensation for a  
10 shorter as for a longer distance or haul; provided that upon application to the  
11 ~~department board~~ such common carrier ~~or carriers~~ may, in special cases, after  
12 investigation, be authorized by the ~~department board~~ to charge less for a longer  
13 than for a shorter distance for the transportation of persons or property; and the  
14 ~~department board~~ may from time to time prescribe the extent to which such  
15 designated common carrier ~~or carriers~~ may be relieved from the operation and  
16 requirement of this section; but in exercising the authority conferred upon it in  
17 this proviso, the ~~department board~~ shall not permit the establishment of any  
18 charge to or from the more distant point that is not reasonably compensatory for  
19 the service performed; and, if a circuitous rail line or route is, because of such  
20 circuitry, granted authority to meet the charges of a more direct line or route to or  
21 from competitive points and to maintain higher charges to or from intermediate  
22 points on its line, the authority shall not include intermediate points as to which  
23 the haul of the petitioning line or route is not longer than that of the direct line or  
24 route between the competitive points.

1 SEC. 52. Section four hundred seventy-nine point fifteen (479.15), Code 1975,  
2 is amended to read as follows:

3 **479.15 Pooling contracts.** It shall be unlawful for any common carrier  
4 subject to the provisions of this chapter to enter into any contract, agreement, or  
5 combination with any other common carrier ~~or carriers~~ for the pooling of freight  
6 of different and competing railroads, or divide between them the aggregate or net  
7 proceeds of the earnings of such railroads, or any portion thereof *without the*  
8 *approval of the board when determined to be in the public interest by the board;* and  
9 in case of an agreement for the pooling of freights ~~as aforesaid without such~~  
10 ~~approval~~, each day of its continuance shall be a separate offense.

1 SEC. 53. Section four hundred seventy-nine point seventeen (479.17), Code  
2 1975, is amended to read as follows:

3 **479.17 Violations—treble damages.** In case any common carrier subject to  
4 the provisions of this chapter shall do, cause, or permit to be done anything  
5 herein prohibited or declared to be unlawful, or shall ~~omit willfully fail to do~~  
6 anything in this chapter required to be done, it shall be liable to the person ~~or~~  
7 ~~persons~~ injured thereby for three times the amount of damages sustained in  
8 consequence, together with costs of suit, and a reasonable attorney's fee to be  
9 fixed by the court, on appeal or otherwise, which shall be taxed and collected as  
10 part of the costs in the case; but in all cases demand in writing shall be made *of*  
11 *the carrier* for the money damages sustained before action is brought for a  
12 recovery under this section, and no action shall be brought until the expiration of  
13 fifteen days after such demand.

1 SEC. 54. Section four hundred seventy-nine point twenty (479.20),  
2 unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph  
3 and inserting in lieu thereof the following:

4 The provisions of the following subsections shall constitute prima facie  
5 evidence of undue and unjust discriminating rates, charges, accommodations,  
6 collections, or receipts.

1 SEC. 55. Section four hundred seventy-nine point twenty (479.20), subsection  
2 seven (7), Code 1975, is amended to read as follows:

3 7. Charge, collect, or receive from any person for the use and transportation of  
4 any railway car ~~or cars~~ upon its railway a higher or greater compensation in the  
5 aggregate than it shall, at the same time, charge, collect, or receive from any other  
6 person for the use and transportation of any railway car ~~or cars~~ of the same class  
7 for a like purpose, being transported from the same original point in the same  
8 direction, over an equal distance of the same railway ~~all such discriminating rates,~~  
9 ~~charges, collections, or receipts, whether made directly or by means of any rebate,~~  
10 ~~drawback, or other shift or evasion, shall be received as prima facie evidence of~~  
11 ~~the unjust discriminations prohibited by this chapter, or~~

1 SEC. 56. Section four hundred seventy-nine point twenty (479.20), Code 1975,  
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. Charge any undue or unjust discriminatory rates, charges,  
4 accommodations, collections or receipts whether made directly or indirectly by  
5 means of a rebate or other method.

1 SEC. 57. Section four hundred seventy-nine point twenty-nine (479.29), Code  
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,  
3 chapter one hundred seventy (170), section twenty-seven (27), is amended to read  
4 as follows:

5 **479.29 Penalty for discrimination.** Any ~~such~~ corporation ~~guilty of extortion,~~  
6 ~~or of making any unjust discrimination as to freight rates, or the rates for the use~~  
7 ~~and transportation of railway cars, or in receiving, handling, or delivering freights,~~  
8 ~~freight~~ shall, upon conviction thereof, be fined in any sum not less than one  
9 thousand dollars nor more than five thousand dollars for the first offense, and for  
10 each subsequent offense not less than five thousand nor more than ten thousand  
11 dollars—such fine to be imposed in a criminal prosecution by indictment; or shall  
12 be subject to the liability prescribed in section 479.30, to be recovered as therein  
13 provided.

1 SEC. 58. Section four hundred seventy-nine point thirty (479.30), Code 1975, is  
2 amended to read as follows:

3 **479.30 Civil forfeiture.** Any ~~such~~ railway corporation ~~guilty of extortion, or~~  
4 ~~of making any unjust discrimination as to passenger or freight rates, or the rates~~  
5 ~~for the use and transportation of railway cars, or in receiving, handling, or~~  
6 ~~delivering freights freight,~~ shall forfeit and pay to the state not less than one  
7 thousand nor more than five thousand dollars for the first offense, and not less  
8 than five thousand nor more than ten thousand dollars for each subsequent  
9 offense, to be recovered in a civil action in the name of the state; and the release  
10 from liability or penalty provided for in this chapter shall not apply to a criminal  
11 prosecution under section 479.29, or to a civil action under this section.

1 SEC. 59. Section four hundred seventy-nine point forty-six (479.46), Code  
2 1975, is amended to read as follows:

3 **479.46 Division of joint rates.** Before the promulgation of such rates, the  
4 ~~department board~~ shall notify the railroad ~~companies corporations~~ interested ~~of in~~  
5 the schedule of joint rates fixed, and give them a reasonable time ~~thereafter~~ to  
6 agree upon a division of the charges provided ~~for therein~~. If such ~~companies~~  
7 ~~corporations~~ fail to agree upon a division, and to notify the ~~department board~~  
8 thereof, ~~it the board~~ shall, after a hearing of the ~~companies corporations~~ interested,  
9 decide the same, taking into consideration the value of terminal facilities and all  
10 the circumstances of the haul, and the division so determined by it shall, in all  
11 controversies or actions between the ~~railway companies railroad corporations~~  
12 interested, be prima-facie evidence of a just and reasonable division thereof.

1 SEC. 60. Section four hundred seventy-nine point forty-nine (479.49), Code  
2 1975, is amended to read as follows:

3 **479.49 Rate schedules—filing and ~~publication~~ public access.** Every common  
4 carrier, subject to the provisions of this chapter shall file with the ~~department~~  
5 *board* and shall print ~~and keep open to public inspection~~ schedules showing the  
6 rates for the transportation within this state of persons and property from each  
7 point upon its route to all other points thereon and from all points upon its route  
8 to all points upon every other route leased, operated, or controlled by it; and  
9 from each point on its route or upon any route leased, operated, or controlled by  
10 it to all points upon the route of any other common carrier, whenever a through  
11 route and a joint rate shall have been established or ordered between any two  
12 such points. If no joint rate over a through route has been established, the  
13 schedules of the several carriers in such through route shall show the separately  
14 established rates, applicable to the through transportation.

15 *Subject to rules which the board shall adopt, the schedules shall be plainly printed*  
16 *and a copy of often used schedules shall be kept by every carrier readily accessible to*  
17 *and for inspection by the public in every station and office of the carrier where*  
18 *passengers or property are received for transportation when the station or office is in*  
19 *the charge of an agent. A notice printed in bold type and stating that the often used*  
20 *schedules are on file with the agent and open to public inspection, and that the agent*  
21 *will assist any person to determine from the schedule any rate shall be posted by the*  
22 *carrier in public and conspicuous places in each station or office. The board shall, by*  
23 *rule, provide that adequate public access to schedules not often used be provided in a*  
24 *different manner.*

1 SEC. 61. Section four hundred seventy-nine point fifty (479.50), Code 1975, is  
2 amended to read as follows:

3 **479.50 Detailed requirements.** The schedules ~~aforsaid~~ shall plainly state the  
4 places between which such property and persons will be carried, and, separately,  
5 all terminal charges, storage charges, ~~being~~ *refrigeration* charges, and all other  
6 charges which the ~~department~~ *board* may require to be stated, all privileges or  
7 facilities granted or allowed, and all rules ~~or regulations~~ which may in any *wise*  
8 way change, affect, or determine any part or the aggregate of such rates, or the  
9 value of the various services rendered to the passenger, shipper, or consignee.

10 *The form of every schedule shall be prescribed by the board and shall conform, in*  
11 *the case of common carriers, as nearly as may be to the form prescribed by the*  
12 *interstate commerce commission.*

1 SEC. 62. Section four hundred seventy-nine point fifty-five (479.55), Code  
2 1975, is amended to read as follows:

3 **479.55 Interstate commerce schedules.** When schedules and classifications  
4 required by the interstate commerce commission contain in whole or in part the  
5 information required by the provisions of this chapter, the posting; ~~publishing,~~  
6 and filing of a copy ~~or copies~~ of such schedules and classifications *with the board*  
7 shall be deemed a compliance with the requirements of this chapter insofar as  
8 such schedules and classifications contain the information required by this  
9 chapter, and any additional or different information may be posted; ~~published,~~  
10 and filed in a supplementary schedule.

1 SEC. 63. Section four hundred seventy-nine point fifty-six (479.56), Code 1975,  
2 is amended to read as follows:

3 **479.56 Partial schedules.** In lieu of filing its ~~entire~~ *often used* schedule in  
4 each station or office, any common carrier may, ~~subject to the regulations of the~~  
5 ~~department,~~ file ~~or with the board~~ and keep posted at such stations or offices,  
6 schedules of such rates as are applicable at, to, and from the places where such  
7 stations or offices are located *subject to rules adopted by the board.*



1 SEC. 64. Section four hundred seventy-nine point fifty-seven (479.57), Code  
2 1975, is amended to read as follows:

3 **479.57 Changes in schedules.** The ~~department~~ *board* shall have power from  
4 time to time, in its discretion, to determine and prescribe by order such changes  
5 in the form of the schedules referred to in this chapter as it may find expedient,  
6 and to modify the requirements of any of its orders or rules in respect thereto.

1 SEC. 65. Section four hundred seventy-nine point fifty-eight (479.58), Code  
2 1975, is amended to read as follows:

3 **479.58 Joint tariff schedules.** The names of the several common carriers  
4 which are parties to any joint tariff shall be specified in the schedule ~~or schedules~~  
5 showing the same. Unless otherwise ordered by the ~~department~~ *board*, a schedule  
6 showing such joint tariff need be filed with the ~~department~~ *board* by only one of  
7 the parties if there is also filed with the ~~department~~ *board*, in such form as the  
8 ~~department~~ *board* may require, a concurrence in such joint tariff by each of the  
9 other parties thereto.

1 SEC. 66. Section four hundred seventy-nine point sixty (479.60), Code 1975, is  
2 amended to read as follows:

3 **479.60 Transportation prohibited.** No common carrier shall undertake to  
4 perform any service nor engage or participate in the transportation of persons or  
5 property between points within this state, until its schedule of rates shall have  
6 been filed and ~~published~~ *posted* as herein provided.

1 SEC. 67. Section four hundred seventy-nine point sixty-one (479.61), Code  
2 1975, is amended to read as follows:

3 **479.61 Change in rate.** Unless the ~~department~~ *board* otherwise orders, no  
4 change shall be made by any common carrier in any rate, except after thirty days'  
5 notice to the ~~department~~ *board* and to the public as herein provided. *The board*  
6 *shall adopt rules to insure public notice in any action instituted under this section.*

1 SEC. 68. Section four hundred seventy-nine point sixty-two (479.62), Code  
2 1975, is amended to read as follows:

3 **479.62 Notice of change.** Such notice shall be given by filing with the  
4 ~~department~~ *and by keeping open for public inspection board* new schedules or  
5 supplements stating plainly the change ~~or changes~~ to be made in the schedule ~~or~~  
6 ~~schedules~~ then in effect, and the time when the change ~~or changes~~ will go into  
7 effect.

1 SEC. 69. Section four hundred seventy-nine point sixty-three (479.63), Code  
2 1975, is amended to read as follows:

3 **479.63 Changes without notice.** The ~~department~~ *board*, for good cause  
4 shown, may allow changes without requiring ~~said~~ thirty days' notice by an order  
5 specifying the changes ~~to~~ to be made and the time when they shall take effect,  
6 and the manner in which they shall be filed and published.

1 SEC. 70. Section four hundred seventy-nine point sixty-four (479.64), Code  
2 1975, is amended to read as follows:

3 **479.64 Indicating change.** When any change is proposed in any rate, such  
4 proposed change shall be plainly indicated on the new schedule filed with the  
5 ~~department~~ *board*, by some *typographic* character immediately preceding or  
6 following the item.

1 SEC. 71. Section four hundred seventy-nine point sixty-five (479.65), Code  
2 1975, is amended to read as follows:

3 **479.65 Schedule charge mandatory—refunds and discrimination.** No common  
4 carrier, except as otherwise provided, shall charge, demand, collect, or receive a  
5 greater or less or different compensation for the transportation of persons or  
6 property or for any service in connection therewith than the rates, fares, and  
7 charges applicable to such carrier refund or remit in any manner or by any device

8 any portion of the rates, fares, or charges so specified except upon order of the  
9 courts or of the ~~department~~ board as may be now or hereafter by law provided,  
10 nor extend to any shipper or person any privilege or facility in the transportation  
11 of passengers or property except such as are specified in such schedules.

1 SEC. 72. Section four hundred seventy-nine point sixty-six (479.66), Code  
2 1975, is amended to read as follows:

3 **479.66 Power to revise rates.** Whenever there shall be filed with the  
4 ~~department~~ board any schedule, stating ~~an a~~ individual or joint rate, the  
5 ~~department shall have power~~ board may, either upon complaint or upon its own  
6 motion, ~~at immediately once~~, and, if it so orders, without answer or formal  
7 pleadings by the interested common carrier, ~~or carriers, but upon reasonable~~  
8 ~~notice, to enter upon a hearing concerning the propriety of such rate.~~

1 SEC. 73. Section four hundred seventy-nine point sixty-seven (479.67), Code  
2 1975, is amended to read as follows:

3 **479.67 Suspension of rates.** Pending the hearing and the decision thereon,  
4 such rate shall not go into effect; but the period of suspension of such rate shall  
5 not extend more than one hundred twenty days beyond the time when such rate  
6 would otherwise go into effect; ~~unless the department, in its discretion, extends~~  
7 ~~the period of suspension for a further period of not exceeding thirty days.~~

1 SEC. 74. Section four hundred seventy-nine point sixty-eight (479.68), Code  
2 1975, is amended to read as follows:

3 **479.68 Decision.** On such hearing the ~~department~~ board shall establish the  
4 rates, in whole or in part, or other in lieu thereof, which it shall find to be just  
5 and reasonable.

1 SEC. 75. Section four hundred seventy-nine point sixty-nine (479.69), Code  
2 1975, is amended to read as follows:

3 **479.69 When rates effective.** All such rates not so suspended shall, on the  
4 expiration of thirty days from the time of filing the same with the ~~department~~  
5 board or of such less time as the said ~~department~~ board may grant, go into effect  
6 and be the established and effective rates, subject to the power of the ~~department~~  
7 board after a hearing had upon its own motion or upon complaint, as herein  
8 provided, to alter or modify the same.

1 SEC. 76. Section four hundred seventy-nine point seventy (479.70), Code 1975,  
2 is amended to read as follows:

3 **479.70 Posting and filing of revised schedules.** After such changes have been  
4 authorized by the ~~department~~ board, copies of the new or revised schedules shall  
5 be posted or filed as provided in this chapter within such reasonable time as may  
6 be fixed by the ~~department~~ board.

1 SEC. 77. Section four hundred seventy-nine point seventy-two (479.72), Code  
2 1975, is amended to read as follows:

3 **479.72 Complaint of violation.** When any person in his own behalf, or in  
4 behalf of a class of persons similarly situated, or a firm, corporation, or  
5 association, or any mercantile, agricultural, or manufacturing society, or any body  
6 politic or municipal organization, city, or county shall make complaint to the  
7 ~~department~~ board that the rate charged or published by any railway company  
8 corporation, or the maximum rates fixed by the department in the schedule of  
9 rates made by it, or the maximum rate fixed by law, is unreasonably high or  
10 discriminating, the ~~department shall~~ board may investigate the matter, and, if the  
11 charge appears to be well founded, fix a day for hold a hearing the same, giving  
12 the railway company parties notice of the time and place thereof by mail, directed  
13 to any division superintendent, general or assistant superintendent, general  
14 manager, president, or secretary of such company, which notice shall contain the  
15 substance of the complaint, also the person or persons complaining of the hearing.

1 SEC. 78. Section four hundred seventy-nine point seventy-three (479.73), Code  
2 1975, is amended to read as follows:

3 **479.73 Hearing—evidence.** ~~Upon~~ *At the time of* the hearing the ~~department~~  
4 *board* shall receive any evidence and listen to any arguments ~~offered or~~ presented  
5 by either party relevant to the matter under investigation, and the burden of  
6 proof shall not be upon the person ~~or persons~~ making the complaint; ~~but it~~ *The*  
7 *complainant* shall add to the showing made at such hearing whatever information  
8 ~~it the complainant~~ may then have, or can obtain from any source, including  
9 schedules of rates actually charged by any railway ~~company~~ *corporation* for  
10 substantially the same kind of service, in this or any other state. The lowest rates  
11 published or charged by any railway ~~company~~ *corporation* for substantially the  
12 same kind of service whether in this or another state, shall, at the instance of the  
13 person ~~or persons~~ complaining, be accepted as prima-facie evidence of a  
14 reasonable rate for the services under investigation; and if the railway ~~company~~  
15 *corporation* complained of is operating a line of railroad beyond the state, or has a  
16 traffic arrangement with any such railway ~~company~~ *corporation*, the same shall be  
17 taken into consideration in determining what is a reasonable rate; if it be  
18 operating a line of railway beyond the state, the rate charged or established for  
19 substantially a similar or greater service by it in another state shall also be  
20 considered. *The board shall establish just and reasonable rates, in whole or in part or*  
21 *modified as the board shall determine.*

1 SEC. 79. Section four hundred seventy-nine point ninety-nine (479.99), Code  
2 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **479.99 Passenger tickets—redemption.** Every railroad corporation shall  
5 redeem in whole or in part any unused passenger ticket at a rate equal to the  
6 transportation value of the unused portion. Any redemption shall be made not  
7 more than forty-five days from the date of the refund request.

1 SEC. 80. Section four hundred seventy-nine point one hundred three (479.103),  
2 Code 1975, is amended to read as follows:

3 **479.103 Coal Bulk commodities in car lots.** Every person, ~~firm, or corporation~~  
4 engaged in operating any railroad within the state shall ~~equip the line of its track~~  
5 ~~and thereafter maintain thereon~~ in good order, track scales of sufficient capacity  
6 to weigh all carloads of ~~coal bulk commodities which the department may specify~~  
7 that may be transported over the ~~said~~ railroad, and shall weigh the same at the  
8 request of any owner, consignor, or consignee of such commodities, and furnish  
9 written certificates of such weights to such owner, consignor, or consignee as  
10 ~~hereinafter provided. Such track scales shall be so installed and maintained at all~~  
11 ~~division stations along the line of such railroads within the state, and at such~~  
12 ~~other stations as the department shall from time to time direct.~~

1 SEC. 81. Section four hundred seventy-nine point one hundred four (479.104),  
2 Code 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **479.104 Commodity weighing—disagreement.** If a railroad corporation and  
5 the owner, consignor, or consignee of bulk commodities which are specified by  
6 the department cannot reach agreement relative to the weighing of such  
7 commodities, appeal may be made to the board which shall, after hearing, issue  
8 such order as may be equitable to all parties. The order may include, but not be  
9 limited to allocation of installation costs and other costs and place and manner of  
10 weighing. The board may adopt rules for the administration of this section.

1 SEC. 82. Section four hundred seventy-nine point one hundred five (479.105),  
2 Code 1975, is amended to read as follows:

3 **479.105 Weight at destination—fee.** Such ~~coal bulk commodities designated by~~  
4 ~~the department~~ shall be weighed at destination upon request of consignee when  
5 there are track scales at such point. If not equipped with track scales at such

6 point, then at nearest practicable point enroute where such scales are maintained,  
7 and certificate of weight, showing actual gross, tare, and net weights, shall be  
8 furnished to consignee and settlement of freight charges based on these weights  
9 agreed to by both parties. A reasonable charge of not more than one dollar per ear  
10 may be made for such weighing on request.

1 SEC. 83. Section four hundred seventy-nine point one hundred six (479.106),  
2 Code 1975, is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **479.106 Weighing commodities.** The department may adopt rules  
5 establishing standards by which bulk commodities specified by the department  
6 shall be weighed. The rules shall include safety standards, accuracy, style and  
7 content of applicable forms and certificates to be used for weighing. Certificates  
8 of weight shall be furnished to the consignee and settlement of freight charges  
9 shall be based upon those weights but weight shall not be warranted for any other  
10 commercial purpose unless so stated upon its face. The department may enter  
11 into agreements with the department of agriculture for the administration of part  
12 or all of this section.

1 SEC. 84. Section four hundred seventy-nine point one hundred sixteen  
2 (479.116), Code 1975, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 **479.116 Rules.** The board shall prescribe by rule, pursuant to chapter  
5 seventeen A (17A) of the Code, such regulations as may be reasonably necessary  
6 for the orderly disposition of claims arising from loss or damage to property  
7 tendered for transportation.

1 SEC. 85. Chapter four hundred seventy-nine (479), Code 1975, is amended by  
2 adding the following new section:

3 **NEW SECTION.** An employee of the railroad division of the department  
4 designated by the director of the department may conduct spot inspections of  
5 vehicles subject to registration which are owned or operated by a railroad  
6 corporation to determine whether the vehicle is used to transport products or  
7 property which may be a safety hazard for the operator of the vehicle subject to  
8 registration or any other employee of the railroad corporation who is transported  
9 in the vehicle.

1 SEC. 86. Section four hundred eighty-one point one (481.1), Code 1975, is  
2 amended to read as follows:

3 **481.1 Buildings on railroad lands.** When a disagreement arises between a  
4 railroad ~~company~~ corporation and the owner of any building used for receiving,  
5 storing, or manufacturing any article of commerce transported or to be  
6 transported, situated on the railroad right of way or any land owned or controlled  
7 by the railroad ~~company~~ corporation for railroad purposes, as to the terms and  
8 conditions on which the same is to be continued thereon or removed therefrom,  
9 or when application is made by any person, firm, or corporation for a site on such  
10 lands for the erection and maintenance of such improvements, and the railway  
11 company and the applicant cannot agree as to whether such improvement shall  
12 be placed on such lands, or as to the character and location of the buildings to be  
13 erected and maintained thereon, or as to the terms and conditions under which  
14 the same may be placed or operated, such railway company, person, firm, or  
15 corporation or person may make written application to the department board and  
16 such department the board shall, as speedily as possible after the filing of such  
17 application, hear and determine such controversy and make such order in relation  
18 thereto as shall be just and equitable between the parties, which order shall be  
19 enforced in the same manner as other orders of the department board.

1 SEC. 87. Section four hundred eighty-one point three (481.3), Code 1975, as  
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one

3 hundred seventy (170), section thirty (30), is amended to read as follows:

4 **481.3 Spur tracks.** Every railroad *corporation* shall acquire the necessary  
5 rights of way for, by condemnation or purchase, and shall construct, connect, and  
6 operate and maintain a reasonably adequate and suitable spur track, whenever  
7 such spur track does not necessarily exceed three miles in length, and is required  
8 for the successful operation of any existing or proposed mill, elevator, storehouse,  
9 warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal  
10 dock, or other industry or enterprise, and its construction and operation is not  
11 unusually unsafe and dangerous, and is not unreasonably harmful to public  
12 interest. No such track is required to be constructed until, or if hereafter  
13 constructed need not be maintained unless, the ~~department~~ *board*, after hearing,  
14 shall have declared the same to be necessary.

1 SEC. 88. Section four hundred eighty-one point four (481.4), Code 1975, is  
2 amended to read as follows:

3 **481.4 Cost of construction.** Such railroad ~~company~~ *corporation* may require  
4 the person ~~or persons, firm, corporation, or association~~ primarily to be served  
5 thereby to pay the legitimate cost and expense of acquiring, by condemnation or  
6 purchase, the necessary right of way for such spur track and of constructing the  
7 same as shall be determined in separate items by the department. Except as  
8 provided in section 481.5 ~~provided~~, the total ~~estimated~~ cost thereof as ascertained  
9 by said department shall be deposited with the railroad ~~company~~ *corporation*  
10 before it shall be required to incur any expense ~~whatsoever therefor~~. *If an*  
11 *agreement cannot be reached, the question shall be referred to the board which may*  
12 *after hearing issue an order.*

1 SEC. 89. Section four hundred eighty-one point nine (481.9), Code 1975, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Board" means the transportation regulation board.

1 SEC. 90. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
2 hundred thirty-one (231), section one (1), is amended to read as follows:

3 Section 1. NEW SECTION. **Railroad assistance fund established.** There is  
4 established a railroad assistance fund in the office of the treasurer of state.  
5 Moneys in this fund shall be expended for providing assistance to railroads for  
6 ~~the upgrading railroad roadbeds, track, track structure, and other appurtenances~~  
7 ~~of railroad right-of-way of railroad branch lines restoration, conservation, and~~  
8 ~~improvement of railroad branch lines.~~ Any unencumbered funds appropriated  
9 pursuant to Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one  
10 thousand one hundred thirteen (1113), section thirteen (13), or other funds  
11 appropriated by the general assembly for branch line railroad assistance shall be  
12 deposited in the railroad assistance fund. Any moneys received by ~~the energy~~  
13 ~~policy council~~ or the state department of transportation by agreements, grants,  
14 gifts, or other means from individuals, companies or other business entities, or  
15 ~~political subdivisions of the state cities and counties~~ for the purposes set forth for  
16 the fund established pursuant to this section shall be credited to the railroad  
17 assistance fund.

1 SEC. 91. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
2 hundred thirty-one (231), section two (2), is amended to read as follows:

3 Sec. 2. NEW SECTION. **Assistance agreements.** The ~~energy policy council~~  
4 ~~and, after the transfer of its duties pursuant to section seven (7) of this Act the~~  
5 director of ~~the department of~~ transportation with the approval of the state  
6 transportation commission, may enter into agreements with railroads, the United  
7 States government, ~~individuals, companies or other business entities~~ *persons*, or  
8 ~~political subdivisions of the state cities, counties, or railroad districts~~ for carrying  
9 out the purposes of this Act. Agreements entered into between the ~~energy policy~~  
10 ~~council~~ or the director of ~~the department of~~ transportation and railroad ~~companies~~  
11 *corporations* pursuant to this section may require payment by the railroad

12 corporation of a portion of increased revenue derived from the improved branch  
 13 line into the railroad assistance fund. *The board of supervisors of a county may*  
 14 *enter into an agreement with the state department of transportation to receive a*  
 15 *portion of the payments made by a railroad corporation to the railroad assistance fund*  
 16 *pursuant to this section. The amount received by a county shall not exceed the amount*  
 17 *appropriated to the railroad assistance fund by the county pursuant to Acts of the*  
 18 *Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231),*  
 19 *section five (5).*

1 SEC. 92. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
 2 hundred thirty-one (231), section three (3), is amended to read as follows:

3 SEC. 3. NEW SECTION. **Federal funds.** ~~The energy policy council and the~~  
 4 ~~state department of transportation commission~~ may accept federal funds to carry  
 5 out the provisions of this Act. All federal funds received under the provisions of  
 6 this Act are appropriated for the purposes set forth in the federal grants.

1 SEC. 93. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
 2 hundred thirty-one (231), section four (4), is amended to read as follows:

3 SEC. 4. NEW SECTION. **Railroad accounts.** Agreements between the railroad  
 4 ~~companies corporations and and the energy policy council~~ or the state department  
 5 of transportation which do not require payment of a portion of the increased  
 6 revenue derived from the improved branch line railroad to be paid by the railroad  
 7 to the railroad assistance fund shall require that the railroad establish and  
 8 maintain a separate railroad ~~company corporation~~ fund to which a specified  
 9 portion of the increase in revenue derived from the improved railroad branch line  
 10 shall be credited and that these funds shall be used by the railroad for  
 11 improvement of ~~branch line railroad roadbed, track, track structure, and other~~  
 12 ~~appurtenances, restoration, or conservation of railroad right-of-way railroad branch~~  
 13 ~~lines~~ within the state. The terms and conditions governing the use of moneys in  
 14 the special railroad ~~company corporation~~ fund shall be stipulated in the  
 15 agreement. The agreement shall also stipulate a penalty for use of the funds in a  
 16 manner other than as set forth in the agreement.

1 SEC. 94. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
 2 hundred thirty-one (231), section five (5), is amended to read as follows:

3 SEC. 5. NEW SECTION. **County funds.** The board of supervisors of a county  
 4 may with the approval of the ~~energy policy council, and after the transfer of its~~  
 5 ~~duties pursuant to section seven (7) of this Act, with the approval of the director~~  
 6 ~~state department of transportation, appropriate funds from the county general~~  
 7 ~~fund to the railroad assistance fund. The county may, according to the provisions of~~  
 8 ~~section ninety-one (91) of this Act, receive a partial or total reimbursement for this~~  
 9 ~~appropriation. The money shall be used in accordance with this Act only for~~  
 10 ~~upgrading railroad property conservation, restoration, or improvement of railroad~~  
 11 ~~branch lines~~ within the county providing the funds. In any year the amount of  
 12 money transferred to the railroad assistance fund by a county shall not exceed the  
 13 amount of property taxes levied against the railroad property within the county.

1 SEC. 95. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two  
 2 hundred thirty-one (231), section six (6), is amended to read as follows:

3 SEC. 6. NEW SECTION. **No reversion of funds.** Moneys deposited in the  
 4 railroad assistance fund shall not be subject to sections eight point thirty-three  
 5 (8.33) and eight point thirty-nine (8.39) of the Code. *However, moneys credited to*  
 6 *the fund by a city, county, or railroad district which are unexpended or unobligated*  
 7 *following the expiration of an agreement shall be paid back to the city, county, or*  
 8 *railroad district.*

1 SEC. 96. Section three hundred seven point twenty-six (307.26), subsection  
 2 three (3), Code 1975, is amended by striking paragraph c.

1 SEC. 97. Chapter four hundred eighty (480), Code 1975, is repealed.

1     SEC. 98. Sections three hundred sixty-four point ten (364.10), as amended by  
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67),  
3 section thirty-nine (39), four hundred seventy-four point thirteen (474.13), as  
4 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one  
5 hundred seventy (170), section four (4), four hundred seventy-four point twenty-  
6 four (474.24), four hundred seventy-four point forty-nine (474.49), four hundred  
7 seventy-four point fifty-three (474.53), four hundred seventy-seven point fourteen  
8 (477.14), four hundred seventy-seven point thirty-seven (477.37), as amended by  
9 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred  
10 seventy (170), section six (6)\*, four hundred seventy-seven point thirty-eight  
11 (477.38), four hundred seventy-seven point thirty-nine (477.39), four hundred  
12 seventy-seven point forty (477.40), four hundred seventy-seven point forty-one  
13 (477.41), four hundred seventy-seven point fifty-eight (477.58), four hundred  
14 seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty  
15 (477.60), four hundred seventy-eight point twenty-six (478.26)\*\*, four hundred  
16 seventy-nine point seven (479.7), four hundred seventy-nine point nineteen  
17 (479.19), four hundred seventy-nine point twenty-two (479.22), as amended by  
18 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred  
19 seventy (170), section twenty-four (24), four hundred seventy-nine point twenty-  
20 three (479.23), as amended by Acts of the Sixty-sixth General Assembly, 1975  
21 Session, chapter one hundred seventy (170), section twenty-five (25), four hundred  
22 seventy-nine point twenty-four (479.24), four hundred seventy-nine point twenty-  
23 five (479.25), as amended by Acts of the Sixty-sixth General Assembly, 1975  
24 Session, chapter one hundred seventy (170), section twenty-six (26), four hundred  
25 seventy-nine point twenty-six (479.26), four hundred seventy-nine point twenty-  
26 seven (479.27), four hundred seventy-nine point twenty-eight (479.28), four  
27 hundred seventy-nine point thirty-three (479.33), four hundred seventy-nine point  
28 thirty-six (479.36), four hundred seventy-nine point thirty-eight (479.38), four  
29 hundred seventy-nine point thirty-nine (479.39), four hundred seventy-nine point  
30 forty (479.40), four hundred seventy-nine point forty-one (479.41), four hundred  
31 seventy-nine point forty-two (479.42), four hundred seventy-nine point forty-three  
32 (479.43), four hundred seventy-nine point forty-four (479.44); four hundred  
33 seventy-nine point forty-seven (479.47), four hundred seventy-nine point forty-  
34 eight (479.48), four hundred seventy-nine point fifty-one (479.51), four hundred  
35 seventy-nine point fifty-three (479.53), four hundred seventy-nine point fifty-four  
36 (479.54), four hundred seventy-nine point fifty-nine (479.59), four hundred  
37 seventy-nine point seventy-one (479.71), four hundred seventy-nine point seventy-  
38 four (479.74), four hundred seventy-nine point one hundred (479.100), four  
39 hundred seventy-nine point one hundred nine (479.109), four hundred seventy-  
40 nine point one hundred ten (479.110), four hundred seventy-nine point one  
41 hundred eleven (479.111), four hundred seventy-nine point one hundred twelve  
42 (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four  
43 hundred seventy-nine point one hundred fourteen (479.114), four hundred  
44 seventy-nine point one hundred fifteen (479.115), four hundred seventy-nine point  
45 one hundred seventeen (479.117), four hundred seventy-nine point one hundred  
46 eighteen (479.118), four hundred seventy-nine point one hundred twenty-one  
47 (479.121), four hundred seventy-nine point one hundred twenty-seven (479.127),  
48 Code 1975, are repealed.

Approved June 28, 1976

\*Section 10 probably intended

\*\*Amended by 66 G.A., Chapter 232, §4