

February 7, 1957.
Roads and Highways.

House File 230
By GOODE, VERMEER, WALTER of
Clayton, PETRUCCELLI, SANTEE,
REPPERT and FREY.

Passed House, Date 2-28

Passed Senate, Date 4-30

Vote: Ayes 152 Nays 0

Vote: Ayes 23 Nays 25

Approved.....

*See Sg. Page
1127*

A BILL FOR

An Act to provide for reimbursement to utilities for nonbetterment costs associated with relocation of facilities occasioned by Federal aid highway projects.

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

1 Section 1. Whenever state or county authorities shall
2 determine that any utility facility which now is, or hereafter
3 may be, located in, over, along, or under any highway,
4 including highway extensions within cities and towns,
5 qualifying for federal aid should be removed, the utility
6 owning or operating such facility shall relocate or remove
7 the same in accordance with statutory notice; provided that
8 the costs of relocation or removal, including the costs of
9 installing such facilities in a new location, and the cost
10 of the land, or any rights and interests in land and any
11 other rights acquired to accomplish such relocation, shall
12 be ascertained and paid by the state as part of the cost of
13 such federally aided project.

1 Sec. 2. Cost of relocation shall include the entire
2 amount paid by such utility properly attributable to such
3 relocation after deducting therefrom any increase in the
4 value of the new facility and any salvage value derived from
5 the old facility.

1 Sec. 3. All prior acts, either general or special,

- 2 heretofore enacted which are or may be inconsistent with
- 3 this Act are hereby repealed.

EXPLANATION OF HOUSE FILE 230

In 1956 the Federal Highway Act provided for greatly increased expenditures on roads and highways. It was recognized that this increased activity in road building would create problems for cities and towns' publicly, privately and cooperatively owned utilities in connection with removing and relocating their utility facilities.

The Federal Aid Road Act of 1956 provides whenever a state shall pay the cost of relocation of utility facilities necessitated by the construction of a project on the federal-aid primary or secondary systems, or in the interstate system, including extensions thereof within urban areas, federal funds may be used to reimburse the state for such costs in the same proportion as federal funds are expended on the project.

This act will implement the federal act so as to permit publicly, privately and cooperatively owned utilities in the state of Iowa to be paid their nonbetterment costs for moving their facilities and to secure reimbursement to the state of Iowa in the same proportion that federal funds are expended on the project. This act only applies to federal aid projects.

HOUSE FILE 230

- 1 1. Amend House File 230, section one (1), line seven (7) by striking
- 2 the semicolon (;) after the word "notice" and inserting a
- 3 period ().
- 4 2. Further amend section one (1) by striking in line seven (7)
- 5 the words "provided that".
- 6 3. Amend line eight (8) of section one (1) by starting a new
- 7 sentence.

Filed
February 13, 1957

COMMITTEE ON ROADS AND HIGHWAYS.

adopted 2-28

HOUSE FILE 230

- 1 Amend House File 230 as follows:
- 2 1. By inserting immediately following Section 2
- 3 the following:
- 4 "Sec. 3. In the event federal funds are
- 5 not available for the purposes of this
- 6 Act, no reimbursement shall be made by
- 7 the state."
- 8 2 By renumbering "Sec. 3" as "Sec. 4".

Filed
February 26, 1957

VANCE of Henry.

adopted 2-28

HOUSE FILE 230

1 Amend House File 230 by striking sections 1 and
2 2 and inserting in lieu thereof the following:
3 "Section 1. Whenever state or county authorities
4 shall determine that any utility facility which now is,
5 or hereafter may be, located in, over, along, or under any
6 highway qualifying for federal aid, including highway
7 extensions within cities and towns, should be removed, the
8 utility owning or operating such facility shall relocate
9 or remove the same in accordance with statutory notice,
10 and the costs of relocation or removal shall be ascertained
11 by the Iowa State Highway Commission, and one-half (½) of
12 such costs shall be paid by the state or county, as the
13 case may be, to the utility as part of the cost of such
14 federally aided project.
15 Sec. 2. Cost of relocation or removal shall include
16 the entire amount paid by the utility properly attributable
17 to the relocation or removal including the costs of installing
18 such facilities in a new location, after deducting therefrom
19 any increase in the value of the new facility over the value
20 of the old facility and any salvage value derived from the
21 old facility. Costs of relocation or removal shall not
22 include the cost of any land or rights and interests in
23 land, or other rights acquired to accomplish such relocation."

Leat
4-30

Filed
April 25, 1957.

By PRICE.

HOUSE FILE 230

1 House File 230 is hereby amended by adding the following
2 to section 3: "No reimbursement shall be made for any
3 facilities under this Act unless the funds provided by
4 federal aid may be used to pay at least fifty (50) percent
5 of each such reimbursement payment."

Filed
April 25, 1957.

By HENRY.

HOUSE FILE 230

1 Amend House File 230 as follows:
2 1. By inserting immediately following section 3 the following:
3 "Section 4. The term "utility" shall include all privately, publicly,
4 municipally or cooperatively owned systems for supplying water,
5 electric lights, street lights and traffic lights, gas, power, telegraph,
6 telephone, transit, pipe line or like service to the public or any part
7 thereof if such system be authorized by law to use the streets or high-
8 ways for the location of its facilities."
9 2. By renumbering section 4 as section 5.

Filed and adopted
April 25, 1957.

By VEST.

HOUSE FILE 230

1 Amend Section 1, House File 230, by striking lines 1
2 through 5 and inserting in lieu thereof the following:
3 "Whenever the removal of any utility facility is required
4 by the state by reason of the construction hereafter of any
5 inter state freeway including extensions thereof within cities
6 and towns which is a part of the federal road system and which
7 qualifies for federal aid, the utility".

Filed
April 26, 1957.

By SHAFF.

HOUSE FILE 230

1 Amend House File 230 as follows:
2 1. By striking all after the enacting clause and inserting
3 in lieu thereof the following:
4 "Section 1. Whenever state or county authorities shall
5 determine that any utility facility which now is, or hereafter
6 may be, located in, over, along, or under any highway, including
7 highway extensions within cities and towns, qualifying for federal
8 aid should be removed, the utility owning or operating such
9 facility shall relocate or remove the same in accordance with
10 statutory notice. The costs of relocation or removal, including
11 the costs of installing such facilities in a new location, shall
12 be ascertained by the Iowa State Highway Commission and paid by
13 the
14 state as part of the cost of such federally aided project.
15 Section 2. Cost of relocation shall include the entire amount
16 paid by such utility properly attributable to such relocation,
17 except the cost of land or any rights or interest in land, after
18 deducting therefrom any increase in the value of the new facility
19 and any salvage value derived from the old facility.
20 Section 3. No reimbursement shall be made for any relocation
21 or removal of facilities under this Act unless the funds provided
22 by federal aid may be used to pay at least fifty (50) percent of
23 each such reimbursement payment.
24 Section 4. The term "utility" shall include all privately,
25 publicly, municipally or cooperatively owned systems for supplying
26 water, sewer, electric lights, street lights and traffic lights,
27 gas, power, telegraph, telephone, transit, pipe line, bridges or
28 like service to the public or any part thereof if such system be
29 authorized by law to use the streets or highways for the location
30 of its facilities.
31 Section 5. All prior acts, either general or special,
32 heretofore enacted which are or may be inconsistent with this Act
are hereby repealed."

Filed
April 29, 1957.

*adopted as 4-30
as amended
By VEST.*

HOUSE FILE 230

1 Amend the Vest amendment filed April 29th to House File 230 by
2 striking the balance of Section 4 following the last comma in
3 line 4 of said section and inserting in lieu thereof the
4 following: "heating plants, railroads and bridges or any
5 part thereof."

Filed
April 29, 1957.

adopted 4-30
By MCMANUS.

HOUSE FILE 230

1 Amend the Vest amendment to House File 230 filed
2 on April 29, 1957 as follows:
3 1. By striking the words and figures "fifty" (50)
4 in line three of section three (3) and inserting in lieu
5 thereof the words and figures "ninety" (90)

Filed
April 29, 1957.

*withdrawn
4-30*
By DAILEY, LYNES, MCMANUS and BOOTHBY.