

March 11, 1969  
Passed on File  
*Law Enforcement 3-12*

SENATE FILE 419

By DeKOSTER

Passed Senate, Date..... Passed House, Date .....

Vote: Ayes ..... Nays ..... Vote: Ayes ..... Nays .....

Approved .....

## A BILL FOR

1 An Act relating to cattle guards, fences, and depot grounds.

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

3 Section 1. Section four hundred seventy-eight point one  
4 (478.1), Code 1966, is hereby amended as follows:

5 1. By striking from lines three (3), four (4), and five  
6 (5), inclusive, the words "make proper cattle guards where  
7 the same enters or leaves any improved or fenced land, and".

8 2. By striking from line seven (7) the words "and cattle  
9 guards".

10 Sec. 2. Section four hundred seventy-eight point seven  
11 (478.7) and section four hundred seventy-eight point nine  
12 (478.9), Code 1966, are hereby repealed.

13 Sec. 3. Section four hundred seventy-nine point one hun-  
14 dred twenty-six (479.126), Code 1966, is hereby amended by  
15 striking from line eight (8) the words "to 478.9, inclusive"  
16 and inserting in lieu thereof the words "and four hundred  
17 seventy-eight point eight (478.8)".

### EXPLANATION OF SENATE FILE 419

Cattle guards are no longer used by any of the railroads in the state. They are expensive to install and maintain, and dangerous to animals and people. This amendment does not in any way change the railroads' duty to fence.

Section 478.7 deprives the railroads of the right to adequately investigate cattle claims; and deprives them of the right to defend doubtful or exaggerated claims without risking payment of double damages. It is obsolete, manifestly unfair, and probably unconstitutional.

Section 478.9 is obsolete. Cities and towns now have the power under section 398.42 to regulate speed of trains subject to approval of the commerce commission. Eight miles per hour may be too slow and in many instances will cause blocking of public crossings and consequent traffic delays and tie-ups.