

*State Gov. 2/27*

FILED FEB 20 1974

Senate File 1220  
State Government—  
Nystrom, Chairman  
Murray  
Glenn

SENATE FILE 1220

By GLUBA

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act to create an Iowa railroad commission.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Commission" means the Iowa railroad commission created  
4 by section two (2) of this Act.

5 2. "Railroad right-of-way and trackage" includes but is  
6 not limited to any roadbed, drains, fences, ties, switches,  
7 rails, ballast, signs, signals, lights, equipment, bridges,  
8 tools, crossings, underpasses, overpasses, construction and  
9 administration buildings and any and all other property,  
10 rights, easements and interests whether owned in fee or leased.

11 Sec. 2. NEW SECTION. IOWA RAILROAD COMMISSION. There  
12 is created an Iowa railroad commission which shall be respon-  
13 sible for developing and providing efficient railroad trans-  
14 portation for the state.

15 Sec. 3. NEW SECTION. COMMISSION MEMBERSHIP. The Iowa  
16 railroad commission shall consist of seven members, not more  
17 than four of whom shall be of the same political party. The  
18 governor shall appoint the members of the Iowa railroad com-  
19 mission for a term of six years subject to the confirmation  
20 of the senate. However, of the members first appointed, two  
21 members shall be appointed for a term of two years commencing  
22 July 1, 1974 and ending June 30, 1976, two members shall be  
23 appointed for a term of four years commencing July 1, 1974  
24 and ending June 30, 1978, and three members shall be appointed  
25 for a term of six years commencing July 1, 1974 and ending  
26 June 30, 1980.

27 Sec. 4. NEW SECTION. VACANCIES. Any vacancy on the  
28 commission which may occur when the general assembly is not  
29 in session shall be filled by appointment by the governor,  
30 which appointment shall expire at the end of sixty days follow-  
31 ing the convening of the next session of the general assembly.  
32 Prior to the expiration of the sixty-day period, the governor  
33 shall transmit to the senate for its approval the name of  
34 the appointee for the unexpired portion of the regular term.  
35 Any vacancy of a position filled by gubernatorial appointment

1 occurring when the general assembly is in session shall be  
2 filled in the same manner as regular appointments are made,  
3 and before the end of such session, and for the unexpired  
4 portion of the regular term.

5 Sec. 5. NEW SECTION. COMMISSION SALARIES. Each member  
6 of the commission appointed by the governor and employees  
7 of the commission shall receive salaries and expenses as fixed  
8 or in a manner determined by the general assembly.

9 Sec. 6. NEW SECTION. COMMISSION MEETINGS. The commission  
10 shall meet at the call of the chairman or when any four members  
11 of the commission file a written request with the chairman  
12 for a meeting. Written notice of the time and place of each  
13 meeting shall be given to each member of the commission.  
14 A majority of the commission members shall constitute a quorum.

15 Sec. 7. NEW SECTION. DUTIES. The commission shall:

16 1. Adopt rules for the regulation of its affairs and  
17 conduct of its business.

18 2. Acquire, construct, reconstruct, repair, replace, oper-  
19 ate and maintain railroad rights-of-way and trackage at such  
20 locations and on such routes as it shall determine to be  
21 feasible and economically sound.

22 3. Enter into agreements with the owners of operating  
23 railroads for the acquisition and use of railroad rights-of-  
24 way and trackage on such terms, conditions, rates or rentals  
25 as the commission may consider to be in the best interests  
26 of the state.

27 4. Acquire and hold real or personal property in the  
28 exercise of its powers for the performance of its duties as  
29 authorized by this Act. Only property which is surplus to  
30 the needs of the commission may be disposed of.

31 5. Make and enter into contracts and agreements necessary  
32 or incidental to the performance of its duties and the execu-  
33 tion of its powers under this Act, and to employ consulting  
34 engineers, attorneys, accountants, construction and financial  
35 experts, superintendents, managers, and such other employees

1 and agents as may be necessary to perform its responsibilities.

2 6. Receive and accept from the state or any federal agency  
3 grants of funds for or in aid of the construction, reconstruc-  
4 tion, replacement, repair, maintenance and operation of rail-  
5 road rights-of-way and trackage, and to receive and accept  
6 aid or contributions from any source of either money, property,  
7 labor or other things of value, to be held, used and applied  
8 only for the purposes for which such grants and contributions  
9 are made.

10 7. Adopt rules and regulations pursuant to chapter seven-  
11 teen A (17A) of the Code and to do any and all things neces-  
12 sary to comply with rules, regulations or requirements of  
13 the United States department of transportation, the interstate  
14 commerce commission or any federal agency administering any  
15 law enacted by the Congress of the United States or having  
16 funds available for the purpose of the commission.

17 8. Expend income and funds appropriated to the commission  
18 in the exercise of any or all of the foregoing powers and  
19 to invest and reinvest surplus funds in interest bearing  
20 obligations of the United States.

21 Sec. 8. NEW SECTION. PAYMENTS IN LIEU OF TAXES. To  
22 prevent loss of funds needed to support taxing districts of  
23 the state which levies property taxes against property which  
24 is acquired by the commission, the commission shall make  
25 annual payments from its operating revenues in an amount  
26 sufficient to replace the property tax revenues lost by the  
27 taxing districts.

28 However, if the operating revenues of the commission are  
29 insufficient to pay in full the amounts due each taxing dis-  
30 trict, then the amount of each payment shall be reduced by  
31 the commission according to the ratio that the total amount  
32 of funds to be paid each taxing district bears to the total  
33 amount to be paid to all taxing districts in the state.

34 Sec. 9. NEW SECTION. REPORTS. The commission shall make  
35 and submit to the governor and the general assembly, on or

1 before December 31 of each year, a full report showing  
2 anticipated projects, projects under construction, and projects  
3 in operation, the financial condition of the commission and  
4 such other information as the commission may deem necessary.

5 Sec. 10. NEW SECTION. BIDS AND CONTRACTS. All contracts  
6 for the construction, reconstruction, repair, replacement,  
7 and maintenance of railroad right-of-way and trackage shall  
8 be let by the commission to the lowest responsible bidder  
9 after notice by publication in all of the official newspapers  
10 of the county in which the work is to be done. The commission  
11 may reject all bids and request submission of new bids.

12 Sec. 11. NEW SECTION. FUND. There is created in the  
13 office of the treasurer of state a fund to be known as the  
14 "Iowa railroad commission fund". The commission may use any  
15 moneys appropriated to the fund to carry out the provisions  
16 of this Act.

17 Sec. 12. NEW SECTION. LEASE RENTALS. The commission  
18 may fix, revise, charge and collect lease rentals for the  
19 use of trackage and rights-of-way and may contract with any  
20 person, partnership, association or corporation desiring the  
21 use of any part thereof, including the right-of-way adjoining  
22 the trackage portion, for placing thereon electric light or  
23 power lines, gas stations, garages, stores, hotels,  
24 restaurants, grain elevators, loading and storage facilities,  
25 spur tracks and advertising signs, or for any other purpose,  
26 and to fix the terms, conditions, rents and rates of charges  
27 for such use. Any moneys received from rentals collected  
28 under the provisions of this section shall be deposited in  
29 the Iowa railroad fund created under section eleven (11)  
30 of this Act.

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#### EXPLANATION

32 This bill creates an Iowa railroad commission which has  
33 the authority to acquire railroad property and to repair and  
34 maintain the property and lease it back to railroads to  
35 operate.

LSB 3111

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