

Commerce 2/20

Senate File 188
Commerce
Bergman, Chairman
Rodgers
Curtis

~~Filed Commerce 1/12/76~~

FILED FEB 19 1975

SENATE FILE 188

By HEYING and TAYLOR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the routing of transmission lines.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred eighty-nine point eighteen
2 (489.18), Code 1975, is amended to read as follows:

3 489.18 SUPERVISION OF CONSTRUCTION--LOCATION. The state
4 commerce commission shall have power of supervision over the
5 construction of said transmission line and over its future
6 operation and maintenance. ~~Said-transmission-line-shall-be~~
7 ~~constructed-near-and-parallel-to-the-right-of-way-of-the~~
8 ~~railways-of~~ The transmission line shall be constructed over,
9 under, along, through or across public lands and highways
10 wherever the same is practicable and reasonable unless the
11 commission determines that a more economical location on
12 private lands is available or that a location on a highway
13 will interfere with the use of the highway by the public.
14 The commission shall require such supporting structures and
15 locations on the highway as is practicable and reasonable
16 to prevent interference with the use of the highway by the
17 public. If the commission determines that the construction
18 of a transmission line along the highway is not the most
19 economical or interferes with the use of the highway by the
20 public, the transmission line may be constructed on private
21 lands provided such construction shall be near and parallel
22 to the right-of-way of a railway or highway of the state or
23 along the division lines of the lands, according to the
24 government survey thereof, wherever the same is practicable
25 and reasonable, and so as not to interfere with the use by
26 the public of the highways or streams of the state, nor
27 unnecessarily interfere with the use of any lands by the
28 occupant thereof.

29 Sec. 2. Section four hundred eighty-nine point twenty
30 (489.20), Code 1975, is amended to read as follows:

31 489.20 DISTANCE FROM BUILDINGS. No transmission line shall
32 be constructed, except by agreement, within one hundred feet
33 of any dwelling house ~~or-other-building~~, except where said
34 line crosses or passes along a public highway or is located
35 alongside or parallel with the right of way of any railway

1 company. In addition to the foregoing, each person, company,
2 or corporation shall conform to any other rules, regulations,
3 or specifications established by the state commerce commission,
4 in the construction, operation, or maintenance of such lines.

5 EXPLANATION

6 The bill requires the Iowa State Commerce Commission to
7 route transmission lines within or near and parallel public
8 rights-of-way and property division lines whenever reasonable
9 and practicable. The bill also allows transmission lines to
10 be constructed within one hundred feet of uninhabited buildings
11 without requiring agreement by the owner.

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1 Amend Senate File 188 as follows:

2 1. Page 1, by striking lines 1 through 28 and
3 inserting in lieu thereof the following:
4 "Section 1. Section four hundred eighty-nine point
5 five (489.5), Code 1975, is amended to read as fol-
6 lows:

7 489.5 NOTICE--OBJECTIONS FILED. Upon the filing
8 of such petition, the commission shall cause a notice,
9 addressed to the citizens of each county through which
10 the proposed line or lines will extend, to be published
11 in a newspaper located in each such county for two
12 consecutive weeks. Said notice shall contain a general
13 statement of the contents and purpose of the petition,
14 a general description of the lands and highways to
15 be traversed by the proposed line or lines, and shall
16 state that any objections thereto must be filed in
17 writing with the commission not later than twenty
18 days after the date of last publication of the notice.
19 Any person, company, city, public agency, or
20 corporation whose rights may be affected, shall have
21 the right to file written objections to the proposed
22 improvement or to the granting of such franchise;
23 such objections shall be filed with the commission
24 not later than twenty days after the date of last
25 publication and shall state the grounds therefor.
26 The commission may allow objections to be filed later
27 in which event the applicant must be given reasonable
28 time to meet such late objections.

29 Sec. 2. Section four hundred eighty-nine point
30 eighteen (489.18), Code 1975, is amended by striking
31 the section and inserting in lieu thereof the follow-
32 ing:

33 489.18 SUPERVISION OF CONSTRUCTION--LOCATION.
34 The commission shall have the authority to supervise
35 the construction, operation, and maintenance of
36 electric transmission lines. A transmission line
37 route shall be near and parallel to a railroad right-
38 of-way, or government survey land division line
39 wherever such a route is the most practicable and
40 reasonable. The commission may approve other routes
41 if it finds that adherence to a railway or land
42 division line will be impractical or unreasonable.
43 The commission shall not approve any route that will
44 unnecessarily interfere with the public use of highways
45 or streams, or with the use of private property.
46 If a dispute arises concerning the determination of
47 jurisdiction over public lands of the state, or a
48 county, township or school corporation, the dispute
49 shall be resolved by the executive council. The
50 determination of jurisdiction by the council shall

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1 be binding on all parties to the dispute."

2 2. Page 1, line 33, be inserting after the word
3 "building" the words "occupied by natural persons".

4 3. Renumber sections and correct internal refer-
5 ences as may be necessary in accordance with this
6 amendment.

S-3489

1 Amend Senate File 188, page 1, by inserting
2 after line 28 the following:
3 "If the commission determines that the construc-
4 tion of a transmission line over property owned by
5 the state conservation commission or a county con-
6 servation board is practicable and reasonable and
7 approves the route, the property owned by the state
8 conservation commission or a county conservation
9 board shall be subject to the condemnation under
10 chapter four hundred seventy-two (472) of the Code."

S-3489 FILED
APRIL 9, 1975

BY RAY TAYLOR

S-3627

1 Amend Senate File 188 as follows:
2 1. Page 1, by striking lines 1 through 23 and insert-
3 ing in lieu thereof the following:
4 "Section 1. Section four hundred eighty-nine point
5 eighteen (439.18), Code 1975, is amended by striking
6 the section and inserting in lieu thereof the following:
7 489.18 SUPERVISION OF CONSTRUCTION--LOCATION. The
8 state commerce commission shall have power of super-
9 vision over the construction of said transmission line
10 and over its future operations and maintenance. The
11 state commerce commission shall have the power to
12 determine as an issue of fact whether the applicant's
13 proposed route for said transmission line is reason-
14 able and practicable, giving consideration to routes
15 near and parallel to the right of way of the railways
16 of the state or parallel to the division lines of the
17 lands, according to the government survey thereof.
18 Said right of way shall not unnecessarily interfere
19 with the use by the public of highways or streams in
20 the state nor unnecessarily interfere with the use of
21 lands by the occupant thereof."

S-3627 FILED
APRIL 25, 1975

BY COMMERCE COMMITTEE
LOWELL JUNKINS, CHAIRMAN