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FILED MAR 18 1981

SENATE FILE 440

BY COMMITTEE ON TRANSPORTATION

(FORMERLY SSB 253)
Approved 2/3/77 (p. 875)

Passed Senate, Date 4.13.81 (p. 1246) Passed House, Date 5/21/81 (p. 2157)

Vote: Ayes 48 Nays 1 Vote: Ayes 91 Nays 0

Approved June 15, 1981

A BILL FOR

1 An Act authorizing the use of railroad assistance funds for
2 the restoration, conservation, and improvement of
3 railroad main lines, switching yards, and sidings and
4 providing funds.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 327H.18, Code 1981, is amended to read
2 as follows:

3 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED. There is
4 established a railroad assistance fund in the office of the
5 treasurer of state. Moneys in this fund shall be expended
6 for providing assistance ~~to railroads~~ for the restoration,
7 conservation and improvement of railroad main lines, branch
8 lines, switching yards, and sidings. Any unencumbered funds
9 ~~appropriated pursuant to Acts of the 65-G-A-7-chapter-11137~~
10 ~~section-137-or-other-funds~~ appropriated by the general assembly
11 for branch line railroad assistance shall be deposited in
12 the railroad assistance fund. However, not more than twenty
13 percent of the funds appropriated to the railroad assistance
14 fund from the general fund of the state in any fiscal year
15 shall be used for restoration, conservation, and improvement
16 of railroad main lines. Any moneys received by the state
17 department ~~of transportation~~ by agreements, grants, gifts,
18 or other means from individuals, companies, ~~or other~~ business
19 entities, ~~or~~ cities and, or counties for the purposes set
20 ~~forth for the fund established pursuant to~~ of this section
21 shall be credited to the railroad assistance fund.

22 Sec. 2. Section 327H.20, Code 1981, is amended by striking
23 the section and inserting in lieu thereof the following:

24 327H.20 ASSISTANCE AGREEMENTS. The department may enter
25 into agreements with railroad corporations, the United States
26 government, persons, cities, and counties for carrying out
27 the purposes of this chapter. Agreements entered into between
28 the department and railroad corporations under this section
29 may require a railroad corporation to reimburse all or part
30 of the costs paid from the railroad assistance fund for
31 improvements. On rehabilitation projects, the reimbursement
32 of all or part of the costs provided by the railroad assistance
33 fund shall be paid from revenue derived from all railroad
34 cars and traffic using the main line, branch line, terminals,
35 switching yard, or sidings defined in the agreement. An

1 agreement which does not require repayment of railroad
2 assistance funds used for rehabilitation projects may require
3 the railroad corporation to establish and maintain a separate
4 corporation fund to which reimbursement of all or part of
5 the costs paid from the railroad assistance fund shall be
6 credited from revenue derived from all railroad cars and
7 traffic using the main line, branch line, switching yard,
8 or siding defined in the agreement. Moneys credited to the
9 corporation fund by the railroad corporation may be used for
10 the improvement, restoration, or conservation of the railroad
11 corporation's main line, branch lines, switching yards, and
12 sidings within the state. The agreement shall stipulate the
13 terms and conditions governing the use of moneys in the
14 corporation fund as well as a penalty for the use of the fund
15 in a manner other than as provided in the agreement.

16 Sec. 3. Section 327H.21, Code 1981, is amended to read
17 as follows:

18 327H.21 FEDERAL FUNDS. The state department of
19 ~~transportation~~ may accept federal funds to carry out the
20 ~~provisions purposes~~ of this ~~section-and-sections-327H-18-to~~
21 ~~327H-20,-327H-22-to-327H-25~~ chapter. All federal funds
22 received under ~~provisions-of-said-sections~~ this section are
23 appropriated for the purposes set forth in the federal grants.

24 Sec. 4. Section 327H.23, Code 1981, is amended to read
25 as follows:

26 327H.23 CITY AND COUNTY FUNDS. ~~The-board-of-supervisors~~
27 ~~of-a~~ A city or county may with the approval of the state
28 department ~~of-transportation~~, appropriate funds from the city
29 or county general fund to the railroad assistance fund. ~~The~~
30 A city or county may, according-to-the-provisions-of-section
31 327H-20, enter into an agreement with the department to receive
32 a partial or total reimbursement for this appropriation.
33 The amount received by a city or county shall not exceed the
34 amount appropriated to the railroad assistance fund by the
35 city or county. The money appropriated from the city or

1 county general fund to the railroad assistance fund shall
2 be used in accordance with this ~~section and sections 327H-18~~
3 ~~to 327H-22, 327H-24 and 327H-25~~ chapter only for conservation,
4 restoration, or improvement of railroad main lines, branch
5 lines, switching yards, and sidings within the city or county
6 providing the funds. ~~In any year the amount of money~~
7 ~~transferred to the railroad assistance fund by a county shall~~
8 ~~not exceed the amount of property taxes levied against the~~
9 ~~railroad property within the county.~~

10 Sec. 5. Section 327H.25, Code 1981, is amended to read
11 as follows:

12 327H.25 TRANSFER OF DUTIES. The administration of the
13 railroad assistance fund shall be transferred from the energy
14 policy council to the ~~state department of transportation~~ not
15 later than July 1, 1976. All agreements for railroad
16 assistance entered into by the energy policy council with
17 railroads and other persons ~~pursuant to section 93-9 or this~~
18 ~~section and sections 327H-18 to 327H-24~~ shall be carried out
19 by the ~~state department of transportation~~.

20 Sec. 6. Chapter 327H, Code 1981, is amended by adding
21 the following new section:

22 NEW SECTION. As used in this chapter, unless the context
23 otherwise requires:

24 1. "Department" means the state department of transporta-
25 tion.

26 Sec. 7. Section 327H.22, Code 1981, is repealed.

27 EXPLANATION

28 The bill permits the expenditure of railroad assistance
29 funds for main lines, switching yards, and sidings in addi-
30 tion to branch lines. However, not more than 20 percent of
31 funds appropriated to the railroad assistance fund in any
32 fiscal year may be expended on main lines. The bill also
33 provides that cities may provide funds and be part of agree-
34 ments for improving rail lines. The bill takes effect July
35 1 following enactment.

*Re Appropriation 4/14/81
Re Pass 5/21 (p. 2156)*

SENATE FILE 440

BY COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE APRIL 13, 1981)

Passed Senate, Date 4-13-81 (p. 1246) Passed House, Date 5-21-81 (p. 2157)
Vote: Ayes 48 Nays 1 Vote: Ayes 91 Nays 0
Approved June 15, 1981

A BILL FOR

1 An Act authorizing the use of railroad assistance funds for
2 the restoration, conservation, and improvement of
3 railroad main lines, switching yards, and sidings and
4 providing funds.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
by the Senate

1 Section 1. Section 327H.18, Code 1981, is amended to read
2 as follows:

3 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED. There is
4 established a railroad assistance fund in the office of the
5 treasurer of state. Moneys in this fund shall be expended
6 for providing assistance ~~to railroads~~ for the restoration,
7 conservation and improvement of railroad main lines, branch
8 lines, switching yards, and sidings. Any unencumbered funds
9 ~~appropriated pursuant to Acts of the 65-6-A-7-chapter-4443,~~
10 ~~section-437-or-other-funds~~ appropriated by the general assembly
11 for branch line railroad assistance shall be deposited in
12 the railroad assistance fund. However, not more than twenty
13 percent of the funds appropriated to the railroad assistance
14 fund from the general fund of the state in any fiscal year
15 shall be used for restoration, conservation, and improvement
16 of railroad main lines, switching yards and sidings. Any
17 moneys received by the ~~state department of transportation~~
18 by agreements, grants, gifts, or other means from individuals,
19 companies, ~~or other~~ business entities, ~~or cities and, or~~
20 counties for the purposes ~~set forth for the fund established~~
21 ~~pursuant to~~ of this section shall be credited to the railroad
22 assistance fund.

23 Sec. 2. Section 327H.20, Code 1981, is amended by striking
24 ~~the section and inserting in lieu thereof the following:~~

25 327H.20 ASSISTANCE AGREEMENTS. The department may enter
26 into agreements with railroad corporations, the United States
27 government, persons, cities, and counties for carrying out
28 the purposes of this chapter. Agreements entered into between
29 the department and railroad corporations under this section
30 may require a railroad corporation to reimburse all or part
31 of the costs paid from the railroad assistance fund from
32 revenue derived from all railroad cars and traffic using the
33 main line, branch line, switching yard, or sidings defined
34 in the agreement. An agreement which does not require the
35 repayment of railroad assistance funds used for rehabilitation

1 projects shall require the railroad corporation to establish
2 and maintain a separate corporation account to which an amount
3 equal to all or part of the costs paid from the railroad
4 assistance fund shall be credited from revenue derived from
5 all railroad cars and traffic using the main line, branch
6 line, switching yard, or siding defined in the agreement.
7 Credits to the corporation account by the railroad corporation
8 may be used for the improvement, restoration, or conservation
9 of the railroad corporation's main line, branch lines,
10 switching yards, and sidings within the state. The agreement
11 shall stipulate the terms and conditions governing the use
12 of credits to the corporation account as well as a penalty
13 for the use of the account in a manner other than as pro-
14 vided in the agreement.

15 Sec. 3. Section 327H.21, Code 1981, is amended to read
16 as follows:

17 327H.21 FEDERAL FUNDS. The state department of
18 ~~transportation~~ may accept federal funds to carry out the
19 ~~provisions purposes of this section and sections 327H.18 to~~
20 ~~327H.20, 327H.22 to 327H.25~~ chapter. All federal funds
21 received under ~~provisions of said sections~~ this section are
22 appropriated for the purposes set forth in the federal grants.

23 Sec. 4. Section 327H.23, Code 1981, is amended to read
24 as follows:

25 327H.23 CITY AND COUNTY FUNDS. ~~The board of supervisors~~
26 ~~of a~~ A city or county may with the approval of the state
27 department ~~of transportation~~, appropriate funds from the city
28 or county general fund to the railroad assistance fund. ~~The~~
29 A city or county may, according to the provisions of section
30 327H.20, enter into an agreement with the department to receive
31 a partial or total reimbursement for this appropriation.
32 The amount received by a city or county shall not exceed the
33 amount appropriated to the railroad assistance fund by the
34 city or county. The money appropriated from the city or
35 county general fund to the railroad assistance fund shall

1 be used in accordance with this ~~section-and-sections-327H-18~~
2 ~~to-327H-22,-327H-24-and-327H-25~~ chapter only for conservation,
3 restoration, or improvement of railroad main lines, branch
4 lines, switching yards, and sidings within the city or county
5 providing the funds. ~~In-any-year-the-amount-of-money~~
6 ~~transferred-to-the-railroad-assistance-fund-by-a-county-shall~~
7 ~~not-exceed-the-amount-of-property-taxes-levied-against-the~~
8 ~~railroad-property-within-the-county-~~

9 Sec. 5. Section 327H.25, Code 1981, is amended to read
10 as follows:

11 327H.25 TRANSFER OF DUTIES. The administration of the
12 railroad assistance fund shall be transferred from the energy
13 policy council to the ~~state department of-transportation~~ not
14 later than July 1, 1976. All agreements for railroad
15 assistance entered into by the energy policy council with
16 railroads and other persons ~~pursuant-to-section-93-9-or-this~~
17 ~~section-and-sections-327H-18-to-327H-24~~ shall be carried out
18 by the ~~state department of-transportation~~.

19 Sec. 6. Chapter 327H, Code 1981, is amended by adding
20 the following new section:

21 NEW SECTION. As used in this chapter, unless the context
22 otherwise requires:

23 1. "Department" means the state department of transporta-
24 tion.

25 Sec. 7. Section 327H.22, Code 1981, is repealed.

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SENATE FILE 440

S-3375

1 Amend Senate File 440 as follows:

2 1. Page 1, by striking lines 22 through 35 and
3 inserting in lieu thereof the following new section:
4 "Sec. ____ Section 327H.20, Code 1981, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 327H.20 ASSISTANCE AGREEMENTS. The department
8 may enter into agreements with railroad corporations,
9 the United States government, persons, cities, and
10 counties for carrying out the purposes of this chapter.
11 Agreements entered into between the department and
12 railroad corporations under this section may require
13 a railroad corporation to reimburse all or part of
14 the costs paid from the railroad assistance fund from
15 revenue derived from all railroad cars and traffic
16 using the main line, branch line, switching yard,
17 or sidings defined in the agreement. An agreement
18 which does not require the repayment of railroad
19 assistance funds used for rehabilitation projects
20 shall require the railroad corporation to establish
21 and maintain a separate corporation account to which
22 an amount equal to all or part of the costs paid from
23 the railroad assistance fund shall be credited from
24 revenue derived from all railroad cars and traffic
25 using the main line, branch line, switching yard,
26 or siding defined in the agreement. Credits to the
27 corporation account by the railroad corporation may
28 be used for the improvement, restoration, or
29 conservation of the railroad corporation's main line,
30 branch lines, switching yards, and sidings within
31 the state. The agreement shall stipulate the terms
32 and conditions governing the use of credits to the
33 corporation account as well as a penalty for the use
34 of the account in a manner other than as provided
35 in the agreement."

36 2. Page 2, by striking lines 1 through 15.

S-3375 FILED

BY RICHARD DRAKE

APRIL 3, 1981

Adopted 4/13/81 (p. 1245)

SENATE FILE 440

S-3485

1 Amend Senate File 440 as follows:

2 1. Page 1, line 16, by inserting after the
3 word "lines" the words ", switching yards and sidings".

S-3485 FILED & ADOPTED

BY BERL E. PRIEBE

APRIL 13, 1981 *(p. 1245)*

SENATE FILE 440

AN ACT

AUTHORIZING THE USE OF RAILROAD ASSISTANCE FUNDS FOR THE RESTORATION, CONSERVATION, AND IMPROVEMENT OF RAILROAD MAIN LINES, SWITCHING YARDS, AND SIDINGS AND PROVIDING FUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 327H.18, Code 1981, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED. There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance ~~to railroads~~ for the restoration, conservation and improvement of railroad main lines, branch lines, switching yards, and sidings. Any unencumbered funds ~~appropriated pursuant to Acts of the 65-6-A, chapter 1113, section 13, or other funds~~ appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, and improvement of railroad main lines, switching yards and sidings. Any moneys received by the state department of transportation by agreements, grants, gifts, or other means from individuals, companies, ~~or other~~ business entities, ~~or cities and~~ or counties for the purposes ~~set forth for the fund established pursuant to~~ of this section shall be credited to the railroad assistance fund.

Sec. 2. Section 327H.20, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

327H.20 ASSISTANCE AGREEMENTS. The department may enter into agreements with railroad corporations, the United States government, persons, cities, and counties for carrying out the purposes of this chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the railroad assistance fund from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the railroad assistance fund shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or siding defined in the agreement. Credits to the corporation account by the railroad corporation may be used for the improvement, restoration, or conservation of the railroad corporation's main line, branch lines, switching yards, and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

Sec. 3. Section 327H.21, Code 1981, is amended to read as follows:

327H.21 FEDERAL FUNDS. The state department of transportation may accept federal funds to carry out the ~~provisions purposes~~ of this ~~section and sections 327H.18 to 327H.20, 327H.22 to 327H.25~~ chapter. All federal funds received under ~~provisions of said sections~~ this section are appropriated for the purposes set forth in the federal grants.

Sec. 4. Section 327H.23, Code 1981, is amended to read as follows:

327H.23 CITY AND COUNTY FUNDS. ~~The board of supervisors of a city or county may with the approval of the state department of transportation, appropriate funds from the city or county general fund to the railroad assistance fund. The city or county may, according to the provisions of section 327H.20, enter into an agreement with the department to receive a partial or total reimbursement for this appropriation. The amount received by a city or county shall not exceed the amount appropriated to the railroad assistance fund by the city or county. The money appropriated from the city or county general fund to the railroad assistance fund shall be used in accordance with this section and sections 327H.16 to 327H.22, 327H.24 and 327H.25 chapter only for conservation, restoration, or improvement of railroad main lines, branch lines, switching yards, and sidings within the city or county providing the funds. In any year the amount of money transferred to the railroad assistance fund by a county shall not exceed the amount of property taxes levied against the railroad property within the county.~~

Sec. 5. Section 327H.25, Code 1981, is amended to read as follows:

327H.25 TRANSFER OF DUTIES. The administration of the railroad assistance fund shall be transferred from the energy policy council to the state department of transportation not later than July 1, 1976. All agreements for railroad assistance entered into by the energy policy council with railroads and other persons pursuant to section 93.9 or this section and sections 327H.18 to 327H.24 shall be carried out by the state department of transportation.

Sec. 6. Chapter 327H, Code 1981, is amended by adding the following new section:

NEW SECTION. As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.

Sec. 7. Section 327H.22, Code 1981, is repealed.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 440, Sixty-ninth General Assembly.

Approved June 15, 1981

LINDA HOWARTH MACKAY
Secretary of the Senate

ROBERT D. RAY
Governor