

Reprinted

FILED FEB 18 1990

SENATE FILE 2319
BY COMMITTEE ON TRANSPORTATION
approved (p. 507)
(SUCCESSOR TO SSB 2179)

Passed Senate, Date 3/5/90 (p. 866) Passed House, Date 4/7/90 (p. 2246)
Vote: Ayes 47 Nays 1 Vote: Ayes 57 Nays 30
Approved April 24, 1990

A BILL FOR

1 An Act relating to private farm railway crossings.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2319

S-5179

- 1 Amend Senate File 2319 as follows:
 - 2 1. Page 1, by striking lines 14 and 15.
- By DONALD V. DOYLE

S-5179 FILED FEBRUARY 21, 1990
(dep. 3/5 (p. 859))

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1 Section 1. Section 327G.11, Code 1989, is amended to read
2 as follows:

3 327G.11 PRIVATE FARM CROSSINGS.

4 When ~~any~~ a person owns ~~land~~ farmland on both sides of ~~any~~ a
5 railway, or when a railway runs parallel with a public highway
6 thereby separating a farm from such highway, the corporation
7 owning or operating ~~such~~ the railway, on request of the owner
8 of ~~such-land-or-farm~~ the farmland, shall construct and
9 maintain a safe and adequate farm crossing or roadway across
10 ~~such~~ the railway and right of way at such reasonable place as
11 the owner of the ~~land~~ farmland may designate. A private farm
12 crossing established or installed pursuant to this section
13 shall be used solely for farming or agricultural purposes.

517914 Sec. 2. Section 327G.81, subsection 2, Code 1989, is
15 amended by striking the subsection.

16 EXPLANATION

17 Current law allows a person owning land on both sides of a
18 railway to require the construction and maintenance of a
19 private railway crossing. This bill requires that the land be
20 farmland and that the use of a private farm crossing be
21 limited solely to farming or agricultural purposes.

22 This bill also strikes a reference to the maintenance and
23 use of rights-of-way under section 327G.11 for purposes other
24 than farming.

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SENATE FILE 2319
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2179)
(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 1990)

* - Language Stricken by the Senate
Substituted for 47.2172 4/5

Passed Senate, Date 3/5/90 (p. 860) Passed House, Date 4/7/90 (p. 2246)
Vote: Ayes 47 Nays 1 Vote: Ayes 57 Nays 30
Approved April 24, 1990

A BILL FOR

1 An Act relating to private farm railway crossings.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2319

1 Section 1. Section 327G.11, Code 1989, is amended to read
2 as follows:

3 327G.11 PRIVATE FARM CROSSINGS.

4 When ~~any~~ a person owns ~~land~~ farmland on both sides of ~~any~~ a
5 railway, or when a railway runs parallel with a public highway
6 thereby separating a farm from such highway, the corporation
7 owning or operating ~~such~~ the railway, on request of the owner
8 of ~~such-land-or-farm~~ the farmland, shall construct and
9 maintain a safe and adequate farm crossing or roadway across
10 ~~such~~ the railway and right of way at such reasonable place as
11 the owner of the ~~land~~ farmland may designate. A private farm
12 crossing established or installed pursuant to this section
13 shall be used solely for farming or agricultural purposes.

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SENATE FILE 2319

H-5627

1 Amend Senate File 2319 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "An owner may grant permission for a third party to
6 use a private farm crossing for any purpose that does
7 not violate a local zoning ordinance, or endanger
8 public safety."

By SCHNEKLOTH of Scott
PELLETT of Cass

H-5627 FILED MARCH 13, 1990

Lead 4/7 (p. 2245)

SENATE FILE 2319

H-6065

1 Amend Senate File 2319, as amended, passed, and
2 reprinted, by the Senate, as follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. _____ Section 327G.21, Code 1989, is amended
6 to read as follows:

7 327G.21 CONDEMNATION-AFTER CHANGE, ALTERATION, OR
8 REPAIR -- TEMPORARY WAYS -- NOTICE.

9 When a railroad company changes, alters, or repairs
10 a highway, road, street, or alley grade crossing, it
11 shall upon completion of the work leave it free from
12 obstructions to travel and in good condition. If
13 travel will be obstructed while any alterations or
14 repairs are being made, the railroad company shall
15 provide safe and convenient temporary ways for the
16 public to avoid or pass such obstructions. The
17 railroad company shall provide the department, in the
18 case of primary highways, the county in which such
19 crossing is located, in the case of secondary roads,
20 or the city, in the case of streets and alleys located
21 within the city, seven days' notice of any change,
22 alteration, or repair of the highway, road, street, or
23 alley will be obstructed to the extent that travel is
24 not permitted. If the highway, road, street, or alley
25 is obstructed for emergency repairs, or if the
26 department, county, or city agrees to waive the notice
27 period, a seven-day notice is not required."

28 2. Title page, line 1, by striking the words
29 "private farm".

30 3. By renumbering as necessary.

By METCALF of Polk

H-6065 FILED APRIL 3, 1990

Filed not germane 4/7 (p. 2246)

LLOYD. JONES, CH.
DOYLE
NYSTROM

SSB 2179
TRANSPORTATION

SENATE FILE 2319
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL
BY CHAIRPERSON COLEMAN)

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

A BILL FOR

1 An Act relating to private farm railway crossings.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 327G.11, Code 1989, is amended to read
2 as follows:

3 327G.11 PRIVATE FARM CROSSINGS.

4 When ~~any a~~ person owns ~~land~~ farmland on both sides of ~~any a~~
5 railway, or when a railway runs parallel with a public highway
6 thereby separating a farm from such highway, the corporation
7 owning or operating ~~such the~~ railway, on request of the owner
8 of ~~such-land-or-farm~~ the farmland, shall construct and
9 maintain a safe and adequate farm crossing or roadway across
10 ~~such the~~ railway and right of way at such reasonable place as
11 the owner of the ~~land~~ farmland may designate. A private farm
12 crossing established or installed pursuant to this section
13 shall be used by the owner of the farmland solely for farming
14 or agricultural purposes. An owner shall not permit third
15 persons to use a private farm crossing unless it is used
16 solely for farming or agricultural purposes.

17 Sec. 2. Section 327G.81, subsection 2, Code 1989, is
18 amended by striking the subsection.

19 EXPLANATION

20 Current law allows a person owning land on both sides of a
21 railway to require the construction and maintenance of a
22 private railway crossing. This bill requires that the land be
23 farmland and that the use of a private farm crossing by an
24 owner or a third party be limited solely to farming or
25 agricultural purposes.

26 This bill also strikes a reference to the maintenance and
27 use of rights-of-way under section 327G.11 for purposes other
28 than farming.

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crossing established or installed pursuant to this section shall be used solely for farming or agricultural purposes.

SENATE FILE 2319

AN ACT
RELATING TO PRIVATE FARM RAILWAY CROSSINGS.

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

Section 1. Section 327G.11, Code 1989, is amended to read as follows:

327G.11 PRIVATE FARM CROSSINGS.

When any a person owns land farmland on both sides of any a railway, or when a railway runs parallel with a public highway thereby separating a farm from such highway, the corporation owning or operating such the railway, on request of the owner of such-land-or-farm the farmland, shall construct and maintain a safe and adequate farm crossing or roadway across such the railway and right of way at such reasonable place as the owner of the land farmland may designate. A private farm

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2319, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 24, 1990

TERRY E. BRANSTAD
Governor