

Reprinted

FILED MARCH 25 1991

SENATE FILE **329**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 147)

Passed Senate, Date 3/25/91 (p. 842) Passed House, Date 4/17/91 (p. 1321)
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved May 9, 1991

A BILL FOR

1 An Act authorizing the state department of transportation to
2 adopt rules requiring public utilities to comply with the
3 utility accommodation policy for the Iowa primary road system.

SENATE FILE 329

S-3170

1 Amend Senate File 329 as follows:
2 1. Page 1, line 18, by inserting after the word
3 "filing." the following: "In cases of federal-aid
4 highway projects on non-primary highways, the local
5 authority with jurisdiction over the highway and the
6 department shall comply with all federal regulations
7 and statutes regarding utility accommodation."
8 2. Title, by striking line 3 and inserting the
9 following: "utility accommodation policy for certain
10 Iowa road systems."

By RICHARD F. DRAKE

S-3170 FILED MARCH 25, 1991
ADOPTED (p. 840)

SENATE FILE 329

S-3175

1 Amend Senate File 329 as follows:
2 1. Page 1, line 3, by striking the word "may"
3 and inserting the following: "shall".
4 2. Page 1, line 3, by inserting after the word
5 "rules" the following: ", pursuant to chapter 17A,".

By BERL E. PRIEBE
RICHARD F. DRAKE

S-3175 FILED MARCH 25, 1991
ADOPTED (p. 842)

1 Section 1. Section 306A.3, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department may adopt rules
4 embodying a utility accommodation policy which imposes
5 reasonable restrictions on placements occurring on or after
6 the effective date of the rules, on primary road rights-of-
7 way. The rules may require utilities to give notice to the
8 department prior to installation of a utility system on a
9 primary road right-of-way and obtain prior permission from the
10 department for the proposed installation. The rules shall be
11 no less stringent than the standards adopted by the utilities
12 board pursuant to chapters 478, 479, and 479A. This paragraph
13 shall not be construed as granting the department authority
14 which has been expressly granted to the utilities board to
15 determine the route of utility installations. If the
16 department requires a utility company permit, the department
17 shall be required to act upon the permit application within
18 thirty days of its filing.

19 Sec. 2. Section 319.14, Code 1991, is amended to read as
20 follows:

21 319.14 PERMIT REQUIRED.

22 A person shall not excavate, fill, or make any a physical
23 change within the right of way of a public road or highway
24 without obtaining a permit from the highway authority having
25 jurisdiction of such the public road or highway. Any-work
26 Work performed under the permit shall be performed in
27 conformity with the specifications prescribed by the highway
28 authority. If the excavation, fill, or physical change within
29 the right of way of a public road or highway does not conform
30 to the specifications that accompany the permit the person
31 shall be notified to make such conforming changes. If after
32 twenty days the changes have not been made, the public road or
33 highway authority may make the necessary changes and
34 immediately send a statement of the cost to the responsible
35 person responsible-for-the-work-done-not-in-conformance-to-the

1 specifications. If within ~~ten~~ thirty days after sending the
2 statement the cost is not paid, the highway authority may
3 institute proceedings in the district court system to collect
4 the cost of correction. Utility Except as provided in section
5 306A.3, utility companies are exempted from the provisions of
6 this section.

7 EXPLANATION

8 This bill allows the state department of transportation to
9 adopt rules embodying a utility accommodation policy which
10 will impose reasonable restrictions on utility placements on
11 primary road rights-of-way.

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1 Section 1. Section 306A.3, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall adopt
4 rules, pursuant to chapter 17A, embodying a utility
5 accommodation policy which imposes reasonable restrictions on
6 placements occurring on or after the effective date of the
7 rules, on primary road rights-of-way. The rules may require
8 utilities to give notice to the department prior to
9 installation of a utility system on a primary road right-of-
10 way and obtain prior permission from the department for the
11 proposed installation. The rules shall be no less stringent
12 than the standards adopted by the utilities board pursuant to
13 chapters 478, 479, and 479A. This paragraph shall not be
14 construed as granting the department authority which has been
15 expressly granted to the utilities board to determine the
16 route of utility installations. If the department requires a
17 utility company permit, the department shall be required to
18 act upon the permit application within thirty days of its
19 filing. In cases of federal-aid highway projects on non-
20 primary highways, the local authority with jurisdiction over
21 the highway and the department shall comply with all federal
22 regulations and statutes regarding utility accommodation.

23 Sec. 2. Section 319.14, Code 1991, is amended to read as
24 follows:

25 319.14 PERMIT REQUIRED.

26 A person shall not excavate, fill, or make any a physical
27 change within the right of way of a public road or highway
28 without obtaining a permit from the highway authority having
29 jurisdiction of such the public road or highway. Any-work
30 Work performed under the permit shall be performed in
31 conformity with the specifications prescribed by the highway
32 authority. If the excavation, fill, or physical change within
33 the right of way of a public road or highway does not conform
34 to the specifications that accompany the permit the person
35 shall be notified to make such conforming changes. If after

1 twenty days the changes have not been made, the public road or
2 highway authority may make the necessary changes and
3 immediately send a statement of the cost to the responsible
4 ~~person responsible-for-the-work-done-not-in-conformance-to-the~~
5 specifications. If within ~~ten~~ thirty days after sending the
6 statement the cost is not paid, the highway authority may
7 institute proceedings in the district court ~~system~~ to collect
8 the cost of correction. Utility Except as provided in section
9 306A.3, utility companies are exempted from the provisions of
10 this section.

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SENATE FILE 329

H-3657

1 Amend Senate File 329, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "installation." the following: "The rules shall
5 recognize emergency situations and the need for
6 immediate installation of service extensions subject
7 to the standards adopted by the department and the
8 utilities board."

By MUHLBAUER of Crawford

H-3657 FILED APRIL 16, 1991

Adopted 4/17/91 (p. 132)

HOUSE AMENDMENT TO
SENATE FILE 329

S-3512

1 Amend Senate File 329, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "installation." the following: "The rules shall
5 recognize emergency situations and the need for
6 immediate installation of service extensions subject
7 to the standards adopted by the department and the
8 utilities board."

RECEIVED FROM THE HOUSE

S-3512 FILED APRIL 19, 1991 *Senate concurred 4/24/91 (p. 144)*

DRAKE, CH.
CONNOLLY
FRAISE

SSB 147
TRANSPORTATION

SENATE FILE 329
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON FRAISE)

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

A BILL FOR

1 An Act relating to public utilities in highway rights-of-way.

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

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1 Section 1. Section 306A.3, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department may adopt a
4 utility accommodation policy imposing reasonable restrictions
5 on utility placements on state highway rights-of-way. The
6 department, as part of this policy, may require utilities to
7 give notice to the department prior to installation of a
8 utility system on state highway rights-of-way and obtain prior
9 permission from the department for the proposed installation.

10 Sec. 2. Section 319.14, Code 1991, is amended to read as
11 follows:

12 319.14 PERMIT REQUIRED.

13 A person shall not excavate, fill, or make any a physical
14 change within the right of way of a public road or highway
15 without obtaining a permit from the highway authority having
16 jurisdiction of such the public road or highway. ~~Any-work~~
17 Work performed under the permit shall be performed in
18 conformity with the specifications prescribed by the highway
19 authority. If the excavation, fill, or physical change within
20 the right of way of a public road or highway does not conform
21 to the specifications that accompany the permit the person
22 shall be notified to make such conforming changes. If after
23 twenty days the changes have not been made, the public road or
24 highway authority may make the necessary changes and
25 immediately send a statement of the cost to the responsible
26 ~~person responsible-for-the-work-done-not-in-conformance-to-the~~
27 specifications. If within ~~ten~~ thirty days after sending the
28 statement the cost is not paid, the highway authority may
29 institute proceedings in the district court ~~system~~ to collect
30 the cost of correction. ~~Utility-companies-are-exempt-from-the~~
31 ~~provisions-of-this-section.~~

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EXPLANATION

33 This bill allows the state department of transportation to
34 adopt a utility accommodation policy which will impose
35 reasonable restrictions on utility placements on state highway

1 rights-of-way and removes a provision which exempts utility
2 companies from obtaining a permit from the appropriate highway
3 authority prior to making a physical change within the right-
4 of-way of a public road or highway.

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SENATE FILE 329

AN ACT

AUTHORIZING THE STATE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES REQUIRING PUBLIC UTILITIES TO COMPLY WITH THE UTILITY ACCOMMODATION POLICY FOR CERTAIN IOWA ROAD SYSTEMS.

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

Section 1. Section 306A.3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency

situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, and 479A. This paragraph shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on non-primary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 2. Section 319.14, Code 1991, is amended to read as follows:

319.14 PERMIT REQUIRED.

A person shall not excavate, fill, or make any a physical change within the right of way of a public road or highway without obtaining a permit from the highway authority having jurisdiction of such the public road or highway. Any-work work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the excavation, fill, or physical change within the right of way of a public road or highway does not conform to the specifications that accompany the permit the person shall be notified to make such conforming changes. If after twenty days the changes have not been made, the public road or highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person responsible-for-the-work done-not-in-conformance-to-the specifications. If within ten thirty days after sending the statement the cost is not paid, the highway authority may institute proceedings in the district court system to collect the cost of correction. Utility Except as provided in section

306A.3, utility companies are exempted from the provisions of this section.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 329, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 9, 1991

TERRY E. BRANSTAD
Governor