

199—11.3(478) Route selection. The planning for a route that is the subject of a petition for franchise shall begin with routes that are near and parallel to roads, railroad rights-of-way, or division lines of land, according to the government survey, consistent with the provisions of Iowa Code section 478.18(2).

11.3(1) *Where deviations allowed.* Where a route planned near and parallel to roads, railroad rights-of-way, or division lines of land would contain segments making transmission line construction not practicable and reasonable, generally for engineering reasons, route deviation(s) may be proposed and accompanied by a proper evidentiary showing that the initial route or routes examined did not meet practicable and reasonable standards pursuant to Iowa Code section 478.18(2). Deviations based on landowner preference or those that minimize interference with land may be permissible; however, the electric company must demonstrate that route planning began with a route or routes located near and parallel to roads, railroad rights-of-way, or division lines of land.

11.3(2) *Distance from buildings.* No transmission line shall be constructed outside of cities, except by agreement, within 100 feet of any dwelling, house or other building, except where the transmission line crosses or passes along a public highway or is located alongside or parallel with the right-of-way of any railroad company, consistent with the provisions of Iowa Code section 478.20. Construction of a new building within 100 feet of an existing transmission line shall be construed as “agreement” within the meaning of Iowa Code section 478.20.

11.3(3) *Railroad crossings.* Where a petition for temporary construction permit is made as provided in Iowa Code section 478.31, an affidavit filed by an electric company will be accepted as a showing of consent for the crossing if the affidavit states the following provisions, as provided for in rule 199—42.3(476), have been met: (1) that proper application for approval of the railroad crossing has been made, (2) that a one-time crossing fee has been paid, and (3) that 35 days have passed since mailing of the application and payment with no claim of special circumstance or objection from the railroad. Such affidavit or an affirmative statement of consent from the railroad shall be filed as soon as possible and must be filed prior to commencement of construction of the railroad crossing.

[ARC 5121C, IAB 7/29/20, effective 9/2/20; see Delay note at end of chapter; ARC 5628C, IAB 5/19/21, effective 6/23/21]