

FILED JAN 31 1973

Step and Means 2-1-73, Pass 4/24

Rodgers, Chairman
Potter
Palmer

Reprinted 5/30
SENATE FILE 112

By ROBINSON

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

A BILL FOR

1 An Act relating to the highway grade crossing safety fund.
 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 3 Section 1. Section three hundred twelve point two (312.2),
 4 subsection five (5), Code 1973, is amended to read as follows:
 5 5. The treasurer of state shall before making the above
 6 allotments credit annually to the highway grade crossing
 7 safety fund the sum of two hundred forty thousand dollars,
 8 credit annually to the primary road fund the sum of one
 9 million four hundred thousand dollars for carrying out sub-
 10 section 12 of section 307.5, the last paragraph of section
 11 313.4 and section 307.10, and credit annually to the primary
 12 road fund the sum of five hundred thousand dollars to be
 13 used for paying expenses incurred by the secondary and urban
 14 road departments of the commission other than expenses in-
 15 curred for extensions of primary roads in cities and towns.
 16 All unobligated funds provided by this subsection, except
 17 those funds credited to the highway grade crossing safety
 18 fund the balance of which shall be carried over each fiscal
 19 year, shall at the end of each year ~~shall~~ revert to the
 20 road use tax fund.

EXPLANATION

21
 22 This bill prevents the highway grade crossing safety
 23 fund from reverting to the road use tax fund each year.
 24
 25

1 Amend Senate File 112 as follows:

2 1. By striking all of lines 18 and 19 and inserting in
3 lieu thereof the following: "fund, shall at the end of
4 each year ~~shall~~ revert to the".

5 2. By adding the following after the period at the end
6 of line 20: "Funds in the highway grade crossing safety
7 fund shall not revert to the road use tax fund except
8 to the extent they exceed five hundred thousand (\$500,000.00)
9 dollars at the end of any biennium."

10 3. By adding the following section:

11 Sec. _____. Section four hundred seventy-eight point
12 twenty-one (478.21), Code 1973 is amended to read as follows:
13 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever
14 a railway track crosses or shall hereafter cross a highway,
15 street or alley, the railway company owning such track and
16 the state highway commission, in the case of primary highways,
17 the board of supervisors of the county in which such crossing
18 is located, in the case of secondary roads, or the council
19 of the city or town, in the case of streets and alleys
20 located within such city or town, may agree upon the location
21 and manner of crossing, or crossing protection, or
22 upgrading thereof, or upon a separation of grades so as to
23 carry such highway over or under the railway track, and
24 upon any change, alteration, vacation or relocation of
25 such highway, street or alley, and upon repairs, alteration,

Page 2

1 or elimination of any crossing, and upon the expense each
2 party shall pay for such changes, except that if flasher
3 light or gate signals are ordered installed the maintenance
4 thereof shall be assumed equally by the railroad, the
5 governmental unit involved and the grade crossing safety
6 fund; provided, however, nothing contained herein shall
7 be construed to affect any of the provisions of chapter 387.

S-580 Filed *Adopted 5/29*
May 15, 1973

By LAMBORN, RODGERS and
ROBINSON

SENATE FILE 112
FISCAL NOTE

Date prepared April 11, 1973

Requested by Senator Robinson.

Prepared in regard to S.F. 112 - An Act relating to the
highway grade crossing safety fund. Following is the fiscal
effect in dollars of the legislative proposal as required by
Senate Rule 31.

No fiscal effect.

Filed
April 24, 1973

GERRY D. RANKIN
Legislative Fiscal Director

The Appropriation 5/31, Pass also H-808 4/15

May 30, 1973

SENATE FILE 112

By ROBINSON

**SENATE AMENDMENTS
SHOWN IN BOLD FACE**

(AS PASSED BY THE SENATE)

Passed Senate, Date 5-29-73 (1432) Passed House, Date 6-20-73 (2121)

Vote: Ayes 32..... Nays 0..... Vote: Ayes 25..... Nays 2.....

Approved 7-12-73

Passed Senate as amended by House 6-21-73 (1967) 46-0
Passed House as further amended by Senate 6-21-73 (2200) 93-2

A BILL FOR

- 1 An Act relating to the highway grade crossing safety fund.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section three hundred twelve point two (312.2),
- 4 subsection five (5), Code 1973, is amended to read as follows:
- 5 5. The treasurer of state shall before making the above
- 6 allotments credit annually to the highway grade crossing
- 7 safety fund the sum of two hundred forty thousand dollars,
- 8 credit annually to the primary road fund the sum of one
- 9 million four hundred thousand dollars for carrying out sub-
- 10 section 12 of section 307.5, the last paragraph of section
- 11 313.4 and section 307.10, and credit annually to the primary
- 12 road fund the sum of five hundred thousand dollars to be
- 13 used for paying expenses incurred by the secondary and urban
- 14 road departments of the commission other than expenses in-
- 15 curred for extensions of primary roads in cities and towns.
- 16 All unobligated funds provided by this subsection, *except*
- 17 *those funds credited to the highway grade crossing safety*
- 18 *fund, shall at the end of each year [shall] revert to the*
- 19 *road use tax fund. Funds in the highway grade crossing safety*
- 20 *fund shall not revert to the road use tax fund except to*
- 21 *the extent they exceed five hundred thousand (\$500,000.00)*
- 22 *dollars at the end of any biennium.*
- 23 Sec. 2. Section four hundred seventy-eight point
- 24 twenty-one (478.21), Code 1973, is amended to read as
- 25 follows:

26 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE.

27 Wherever a railway track crosses or shall hereafter cross
28 a highway, street or alley, the railway company owning
29 such track and the state highway commission, in the case of
30 primary highways, the board of supervisors of the county in
31 which such crossing is located, in the case of secondary
32 roads, or the council of the city or town, in the case of
33 streets and alleys located within such city or town, may
34 agree upon the location and manner of crossing, or crossing
35 protection, *or upgrading thereof*, or upon a separation of
36 grades so as to carry such highway over or under the railway
37 track, and upon any change, alteration, vacation or
38 relocation of such highway, street or alley, and upon
39 repairs, alteration, or elimination of any crossing, and
40 upon the expense each party shall pay for such changes,
41 except that if flasher light or gate signals are ordered
42 installed the maintenance thereof shall be assumed *equally*
43 by the railroad, *the governmental unit involved and the*
44 *grade crossing safety fund*; provided, however, nothing
45 contained herein shall be construed to affect any of the
46 provisions of chapter 387.

47 EXPLANATION

48 This bill prevents the highway grade crossing safety
49 fund from reverting to the road use tax fund each year.

HOUSE AMENDMENT TO SENATE FILE 112

1 Amend Senate File 112 as amended, passed and
2 reprinted by the senate as follows:
3 1. Page 1B, by inserting after line 46 the following
4 section:
5 Sec. 3. Section four hundred seventy-eight point
6 twenty-six (478.26), Code 1973, is amended to read as
7 follows:
8 478.26 USE OF FUND. When application is before the
9 state commerce commission, as provided in section
10 478.22, and after hearing has been held, and
11 determination as to allocation of costs as provided
12 in section 478.23 the state commerce commission is
13 hereby empowered to allocate proceeds from the highway
14 grade crossing safety fund for the protection of the
15 public in the use of the highway railroad grade crossings
16 involved in the application, in addition to any portion of
17 the cost to be paid by the railroad company or other
18 public authority. Upon reaching a decision as to the
19 amount to be allocated from the highway grade crossing
20 safety fund, the commission shall forthwith direct the
21 treasurer of state to distribute said amount from the
22 funds then available in the highway grade crossing safety
23 fund. Provided, however, the state commerce commis-
24 sion may not allocate any part of the proceeds of the
25 highway grade crossing safety fund for improvement or

Page 2

1 construction of highway-railroad grade crossings
2 located on federal or federal-aid highways unless
3 the commission determines that due to the record of
4 fatalities at a crossing as maintained by the
5 department of public safety, allocation of a part
6 of the fund is necessary to protect the public.
7 2. Page 1B, by striking lines 42 through 44 and
8 inserting in lieu thereof the following:
9 "installed prior to July 1, 1973 the maintenance
10 thereof shall be assumed by the railroad and if
11 flasher light or gate signals are ordered installed on
12 or after July 1, 1973 the maintenance thereof shall be
13 assumed equally by the railroad and the grade crossing
14 safety fund; provided, however, the grade crossing safety
15 fund shall not expend more than four hundred fifty
16 dollars for any one crossing in any one year; provided,
17 however, nothing".

Received from the House
June 20, 1973

Senate concurred or amended by S-976 6/21

S-976

1 Amend the House Amendment to Senate File 112, page 2, line 5 by
2 inserting after the word "safety" the words "or that a potentially
3 dangerous grade crossing exists within a city or town".

S-976 Filed and adopted
June 21, 1973

By TAYLOR and ROBINSON

H-808

1 Amend Senate File 112 as amended, passed and
2 reprinted by the Senate by striking on page 1A lines
3 23 through 25 and by striking on page 1B lines 26
4 through 46 and inserting in lieu thereof the following:
5 Sec. 2. Section four hundred seventy-eight point
6 twenty-six (478.26), Code 1973, is amended to read as
7 follows:
8 478.26 USE OF FUND. When application is before the
9 state commerce commission, as provided in section
10 478.22 and after hearing has been held, and determina-
11 tion as to allocation of costs as provided in section
12 478.23 the state commerce commission is hereby empower-
13 ed to allocate proceeds from the highway grade cross-
14 ing safety fund for the protection of the public in the
15 use of the highway railroad grade crossings involved
16 in the application, in addition to any portion of the
17 cost to be paid by the railroad company or other public
18 authority. Upon reaching a decision as to the amount
19 to be allocated from the highway grade crossing safety
20 fund, the commission shall forthwith direct the trea-
21 surer of state to distribute said amount from funds
22 then available in the highway grade crossing safety
23 fund. Provided, however, the state commerce commis-
24 sion may not allocate any part of the proceeds of the
25 highway grade crossing safety fund for improvement or
26 construction of highway-railroad grade crossings located
27 on federal or federal-aid highways unless the commis-
28 sion determines that due to the record of fatalities
29 at a crossing as maintained by the department of public
30 safety allocation of a part of the fund is necessary to
31 protect the public.

H-808 Filed. *Adopted as amended by*
June 15, 1973 *S-846 5/30*

By COMMITTEE ON APPROPRIATIONS
GRASSLEY of Butler, Chairman

H--824

- 1 Amend the Committee on Appropriations amendment,
- 2 H-808, to Senate File 112, as follows:
- 3 1. By striking lines 2 through 5, and inserting in
- 4 lieu thereof the words "reprinted by adding on page 1B
- 5 after line 46 the following:
- 6 Sec. 3. Section four hundred seventy-eight point".
- 7 2. By adding after line 31 of the amendment the
- 8 following:
- 9 Further amend Senate File 112 by striking lines 42
- 10 through 44 and inserting in lieu thereof the words
- 11 "installed the maintenance thereof shall be assumed by
- 12 the railroad; provided, however, nothing."

H-824 Filed. *Adopted 6/19, Reconsidered* By SCHROEDER of Pottawattamie
June 18, 1973 *and withdrawn 6/20*

H-838

- 1 Amend the Committee on Appropriations amendment
- 2 H-808 to Senate File 112 by striking lines 2 through
- 3 4 and inserting in lieu thereof the following:
- 4 "reprinted by the Senate as follows:
- 5 Page 1B, line 43 by striking the words ", the
- 6 governmental units involved".

H-838 Filed. *withdrawn 6/20* By KRAUSE of Palo Alto
June 19, 1973

H-831

- 1 Amend the Committee on Appropriations amendment
- 2 H-808, to Senate File 112 as follows:
- 3 Line 31, by inserting after the word "public"
- 4 the words "and the highway railroad grade crossing is
- 5 located within the limits of an incorporated town
- 6 or city".

H-831 Filed. *withdrawn 6/20* By KRAUSE of Palo Alto
June 19, 1973

SENATE AMENDMENT TO THE HOUSE AMENDMENT TO SENATE FILE 112

- 1 Amend the House Amendment to Senate File 112, page 2, line 5,
- 2 by inserting after the word "safety" the words "or that a
- 3 potentially dangerous grade crossing exists within a city
- 4 or town".

Received from the Senate and adopted
June 21, 1973

H—846

1 Amend the Committee on Appropriations amendment
2 H-808 as follows:

3 1. By striking lines 2 through 5 and inserting in
4 lieu thereof the words "reprinted by the senate by
5 adding on page 1B after line 46 the following:

6 Sec. 3. Section four hundred seventy-eight point".

7 2. By adding after line 31 of the amendment the
8 following:

9 Further amend Senate File 112 by striking lines 42
10 through 44 and inserting in lieu thereof the following:
11 "installed prior to July 1, 1973 the maintenance there-
12 of shall be assumed by the railroad and if flasher
13 light or gate signals are ordered installed on or
14 after July 1, 1973 the maintenance thereof shall be
15 assumed equally by the railroad and the grade crossing
16 safety fund provided however the grade crossing safety
17 fund shall not expend more than four hundred fifty
18 dollars for any one crossing in any one year; provided,
19 however, nothing".

H—846 Filed and adopted
June 20, 1973

By SCHROEDER of Pottawattamie
KRAUSE of Palo Alto
DRAKE of Muscatine
KNOKE of Pottawattamie