

FEB 4 1975

HOUSE FILE 127

Place On Calendar
House File 127
Transportation
Nolin, Chairman
Gallagher
Shaft
2/12 Pass per 3276 2/5

BY COMMITTEE ON TRANSPORTATION

Passed House, Date 2-7-75 (p. 326) Passed Senate, Date 3-7-75 (586)
Vote: Ayes 95 Nays 0 Vote: Ayes 46 Nays 0
Approved 5-15-75

Repassed House as amended by Senate *motion to reconsider filed 3/7 (586-7)*
5-2-75 (1509) *W.D. East*
80-0 *3/11 4/25*

A BILL FOR

- 1 An Act to revise and repeal obsolete provisions of the rail-
- 2 road laws.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4

S-3276

House File 127

- 1 Amend House File 127, page 10, line 15, by
- 2 striking the word "charge" and inserting in lieu
- 3 thereof the word "change".

S-3276 FILED - *adopted 3/7 (586)*
MARCH 5, 1975

BY COMMITTEE ON TRANSPORTATION

¹²
S-3344

- 1 Amend the Redmond amendment S-3323 to House File
- 2 127, on page 1 by striking lines 49 and 50 and
- 3 inserting in lieu thereof the following:
- 4 "9. Page 13, line 10, by striking the words and
- 5 figure "point thirty-six (477.36),".

S-3344 FILED
MARCH 14, 1975

BY JAMES M. REDMOND

- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section three hundred twenty-one point one
2 (321.1), subsections twenty-eight (28) and twenty-nine (29),
3 Code 1975, are amended to read as follows:

4 28. "Railroad" means a carrier of persons or property
5 upon cars, ~~other than streetcars~~, operated upon stationary
6 rails.

7 29. "Railroad train" means ~~a steam~~ an engine or locomotive,
8 ~~electric or other motor~~, with or without cars coupled thereto,
9 operated upon rails, ~~except streetcars~~.

10 Sec. 2. Section three hundred twenty-one point one (321.1),
11 Code 1975, is amended by striking subsection thirty (30).

12 Sec. 3. Section four hundred seventy-four point thirteen
13 (474.13), Code 1975, is amended to read as follows:

14 474.13 CONNECTIONS AND SHELTER. Should any railroad or
15 transportation company in this state ~~fail to provide proper~~
16 ~~shelter for its patrons at stations where two or more tracks~~
17 ~~are operated~~, or fail or refuse to connect by proper switches
18 or tracks with the tracks or lines of other railroad or
19 transportation companies, the department may require such
20 railroad or transportation company to provide the same in
21 such manner and upon such conditions as it may determine.

22 Sec. 4. Section four hundred seventy-four point fourteen
23 (474.14), Code 1975, is amended to read as follows:

24 474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in
25 the judgment of the department, any railway corporation fails
26 in any respect to comply with the terms of its charter or
27 articles of incorporation or the laws of the state; or when
28 in its judgment any repairs are necessary upon its road, ~~or~~
29 ~~any addition to its rolling stock, or addition to or change~~
30 ~~in its stations or station houses, or the equipment thereof,~~
31 ~~for the health and convenience of the public, or change in~~
32 ~~its rates of fare for transporting freight or passengers,~~
33 or change in the mode of operating its road or conducting
34 its business, is reasonable and expedient in order to promote
35 the security, convenience, and accommodation of the public,

1 the department may make an order prescribing such improvements
2 and changes as it finds to be proper and shall serve a notice
3 ~~an order~~ upon such corporation, ~~in the manner provided for~~
4 ~~the service of an original notice in a civil action, which~~
5 ~~notice shall be signed by its secretary.~~ A report of such
6 proceedings shall be included in its annual report to the
7 governor. Nothing in this or sections 474.12 and 474.13 shall
8 be so construed as relieving any railroad company from its
9 responsibility or liability for damage to person or property.

10 Sec. 5. Section four hundred seventy-seven point seventeen
11 (477.17), Code 1975, is amended to read as follows:

12 477.17 SWITCH ENGINES--SAFETY DEVICES. It shall be
13 unlawful for any railway or terminal transfer company, or
14 any corporation operating locomotives in switching or yard
15 service, to operate, or permit the same to be operated, unless
16 said locomotives are equipped with headlight on both front
17 and rear of engine, when operated between sunset and sunrise,
18 and all such engines shall be equipped with a footboard of
19 substantially uniform height, width, and length, securely
20 fastened ~~and firmly braced to the pilot beam in front of~~
21 engine, and a similar footboard on the rear of tank or tender end
22 of engines, upon which employees may stand or ride when their du-
23 ties require them so to do, and that a substantial grab rail or
24 rod be securely fastened ~~upon said pilot beam~~ at each end
25 and in the center, at a convenient height for employees to
26 reach and hold on to with their hands, ~~said rod to extend~~
27 ~~across the full length of the said pilot beam,~~ and also across
28 the rear end ~~beam of said tank or tender~~ of the engine.

29 Sec. 6. Section four hundred seventy-seven point twenty-
30 two (477.22), Code 1975, is amended to read as follows:

31 477.22 HEADLIGHTS AND TAILLIGHTS. It shall be the duty
32 of every person, firm, or corporation owning or operating
33 any ~~line of railway within the state, except lines under~~
34 ~~twenty miles in length operated wholly within this state,~~
35 ~~to equip all locomotives, power vehicles, power cars, or other~~

1 equipment-used-as-the-equivalent-of-or-in-place-of-a
2 locomotive,-when-used-in-the-transportation-of-passengers,
3 employees-or-freight,-with-a-headlight-of-sufficient-candle-
4 power,-measured-with-a-reflector,-to-throw-a-light-in-clear
5 weather-that-will-enable-the-operator-of-same-to-plainly
6 discern-an-object-the-size-of-an-adult-person-lying-prone
7 on-the-track-at-a-distance-of-eleven-hundred-feet-from-the
8 headlight,-and-thereafter-to-maintain-and-use-such-headlights
9 upon-every-such-locomotive,-vehicle,-car,-or-other-equipment;
10 provided,-however,-that track power cars when-used during
11 the nighttime by employees in the performance of work, shall
12 be-equipped to equip such power track car with an electric
13 headlight of sufficient candlepower,-measured-with-a-reflector
14 to-throw-a-light-in-clear-weather that will enable the operator
15 to see an obstruction on the track for a distance of five
16 eight hundred feet in clear weather, also two rear electric
17 red lights of such construction and sufficient candlepower
18 to be plainly visible.

19 Sec. 7. Section four hundred seventy-seven point twenty-
20 three (477.23), Code 1975, is amended to read as follows:

21 477.23 EXCEPTIONS. Section 477.22 shall not be construed
22 to apply to power cars ~~used-by-street-railways-and-operated~~
23 ~~wholly-within-the-corporate-limits-of-any-city,-nor-to-engines~~
24 or other equipment used exclusively for switching purposes,
25 nor to engines or other equipment running after sunrise and
26 before sunset.

27 Sec. 3. Section four hundred seventy-seven point twenty-
28 six (477.26), Code 1975, is amended to read as follows:

29 477.26 STANDARD CABOOSE CARS. The provisions of sections
30 477.27 and 477.28 shall apply to any corporation or to any
31 person or persons while engaged as common carriers in the
32 transportation by railroads of passengers or property within
33 the state ~~except-interurban~~, to which the regulative power
34 of this state extends.

35 Sec. 9. Section four hundred seventy-seven point thirty-

1 seven (477.37), Code 1975, is amended to read as follows:

2 477.37 DEPOTS--CLOSETS--SANITATION. At all railway
3 stations in this state, where a depot ~~and waiting rooms for~~
4 ~~passengers are~~ is maintained, there shall be within the same,
5 or connected therewith, sanitary closets, including separate
6 closets for women which, in cities having a system of sewerage
7 so located that the same can be reasonably used by the railroad
8 property, shall be thoroughly drained, constructed, and plumbed
9 according to approved sanitary principles and said depots
10 and closets shall be kept in a clean and sanitary condition,
11 free from any offensive odors. Depots in cities not provided
12 with a sewerage system, shall be provided with privies or
13 closets properly screened and separated for the use of males
14 and females, which shall be cleaned and disinfected as often
15 as necessary to keep and maintain them in an approved sanitary
16 condition.

17 Sec. 10. Section four hundred seventy-seven point forty-
18 two (477.42), Code 1975, is amended to read as follows:

19 477.42 FREIGHT~~7~~-PASSENGER~~7~~-EXPRESS~~7~~-AND-TELEGRAPH OFFICES.
20 All railroads ~~terminating~~ in the state shall establish and
21 maintain ~~at such terminus general freight and passenger~~
22 ~~operating~~ offices, ~~and express or telegraph offices when~~
23 ~~operating an independent express or telegraph company,~~ at
24 localities accessible and convenient to the public, and there
25 ~~keep for sale tickets over their respective roads, and, in~~
26 ~~advertising,~~ correctly set forth their ~~true connections,~~
27 ~~starting or terminal points, timetables,~~ and freight tariffs.

28 Sec. 11. Section four hundred seventy-seven point fifty-
29 seven (477.57), Code 1975, is amended to read as follows:

30 477.57 POWER TO EJECT PASSENGER. Any conductor of a
31 railway train~~7~~-or-streetcar~~7~~-or-interurban-car carrying
32 passengers shall have the right to refuse to permit any person,
33 not in the custody of an officer, to enter any passenger car
34 on his train~~7~~-or-streetcar~~7~~-or-interurban-car in his charge,
35 who shall be in a state of intoxication; and shall have the

1 further right to eject from his train at any station, or from
2 his ~~streetcar, or interurban ear~~ at any regular stop, any
3 person found in a state of intoxication or drinking
4 intoxicating liquors as a beverage, or using profane or
5 indecent language, disturbing the peace and for that purpose
6 may call to his aid any employee of the railway ~~or streetcar~~
7 ~~or interurban company~~.

8 Sec. 12. Section four hundred seventy-eight point one
9 (478.1), Code 1975, is amended to read as follows:

10 478.1 CATTLE GUARDS--CROSSINGS--SIGNS. Every corporation
11 constructing or operating a railway shall make ~~proper cattle~~
12 ~~guards where the same enters or leaves any improved or fenced~~
13 ~~land~~, and construct at all points where such railway crosses
14 any public road good, sufficient, and safe crossings and
15 ~~cattle guards~~, and erect at such points, at a sufficient
16 elevation from such roads as to admit of free passage of
17 vehicles of every kind, a sign with large and distinct letters
18 placed thereon, to give notice of the proximity of the railway,
19 and warn persons of the necessity of looking out for trains.
20 Any railway company neglecting or refusing to comply with
21 the provisions of this section shall be liable for all damages
22 sustained by reason of such refusal or neglect, and it shall
23 only be necessary, in order to recover, for the injured party
24 to prove such neglect or refusal.

25 Sec. 13. Section four hundred seventy-eight point two
26 (478.2), Code 1975, is amended to read as follows:

27 478.2 RAILWAY FENCES REQUIRED. All railway corporations
28 owning or operating a line of railway within the state, shall
29 construct, maintain, and keep in repair a fence on each side
30 of the right of way, ~~so connected with cattle guards at all~~
31 ~~public road crossings as to prevent livestock getting upon~~
32 ~~the tracks. All such rights of way shall be fenced within~~
33 ~~six months after the completion of the track or any part~~
34 ~~thereof.~~

35 Sec. 14. Section four hundred seventy-eight point six

1 (478.6), Code 1975, is amended to read as follows:

2 478.6 FAILURE TO FENCE. Any corporation operating a
3 railway and failing to fence its right of way ~~against-livestock~~
4 ~~running-at-large-or-to-maintain-proper-and-sufficient-cattle~~
5 ~~guards-at-all-points-where-the-right-to-fence-or-maintain~~
6 ~~cattle-guards-exists~~, shall be liable to the owner of any
7 stock killed or injured by reason of the want of such fence
8 ~~or-cattle-guards~~ for the full amount of the damages sustained
9 by the owner, unless it was occasioned by the willful act
10 of such owner or his agent; and to recover the same it shall
11 only be necessary for him to prove the loss of or injury to
12 his property.

13 Sec. 15. Section four hundred seventy-eight point seven
14 (478.7), Code 1975, is amended to read as follows:

15 478.7 DOUBLE DAMAGES. If such corporation fails or
16 neglects to pay such damages within thirty ninety days after
17 notice in writing that a loss or injury has occurred,
18 accompanied by an affidavit thereof, served upon any officer
19 or station or ticket agent employed by said corporation in
20 the county where such loss or injury occurred, such owner
21 shall be entitled to recover from the corporation double the
22 amount of damages actually sustained by him.

23 Sec. 16. Section four hundred seventy-eight point twelve
24 (478.12), Code 1975, is amended to read as follows:

25 478.12 PRIVATE CROSSINGS. When any person owns land on
26 both sides of any railway, or when a railway runs parallel
27 with a public highway thereby separating a farm from such
28 highway, the corporation owning or operating such railway,
29 on request of the owner of such land or farm, shall construct
30 and maintain a safe and adequate farm crossing or roadway
31 across such railway and right of way at such reasonable place
32 as the owner of the land may designate, ~~and-shall-construct~~
33 ~~and-maintain-a-cattle-guard-on-each-side-of-such-roadway-where~~
34 ~~it-crosses-the-track,-connected-by-wing-or-cross-fences-to~~
35 ~~the-fences-on-each-side-of-the-right-of-way.~~

1 Sec. 17. Section four hundred seventy-eight point nineteen
2 (478.19), Code 1975, is amended to read as follows:

3 478.19 SIGNALS AT ROAD CROSSINGS. A bell and a ~~steam~~
4 ~~whistle horn~~ shall be placed on each locomotive engine operated
5 on any railway, which ~~whistle horn~~ shall be ~~twice-sharply~~
6 sounded at least ~~sixty-reds~~ one thousand feet before a road
7 crossing is reached, and after the sounding of the ~~whistle~~
8 ~~horn~~ the bell shall be rung continuously until the crossing
9 is passed; but at street crossings within the limits of cities
10 the sounding of the ~~whistle horn~~ may be omitted, unless
11 required by ordinance or resolution of the council thereof;
12 and the company shall be liable for all damages which shall
13 be sustained by any person by reason of such neglect.

14 Sec. 18. Section four hundred seventy-eight point twenty-
15 nine (478.29), Code 1975, is amended to read as follows:

16 478.29 GRADE CROSSINGS. The department shall have
17 jurisdiction over all crossings at grade of ~~steam-and~~
18 ~~interurban~~ railways within the state. Upon the application
19 of any ~~interurban~~ railway or upon its own motion, the said
20 department may require the trains of any ~~steam~~ railway to
21 stop at any crossing of such railway tracks at grade or said
22 department may make such rules and regulations in relation
23 to speed or other methods of operation at such grade crossings
24 as in its judgment are necessary to protect the public safety.
25 ~~This-section-shall-be-construed-as-an-exception-to-the-general~~
26 ~~rule-as-provided-by-law,-with-reference-to-interurban-railways~~
27 ~~being-street-railways-within-cities-and-town.~~

28 Sec. 19. Section four hundred seventy-eight point thirty-
29 one (478.31), Code 1975, is amended to read as follows:

30 478.31 STOPPING AT CROSSINGS--EXCEPTIONS. Except as
31 otherwise in this chapter provided in relation to interlocking
32 switches at railway grade crossings ~~and-except-as-otherwise~~
33 ~~provided-in-section-478-30~~, all trains ~~run~~ operated upon
34 any ~~steam~~ railroad in this state which intersects and crosses
35 any other railroad upon the same level, shall be brought to

1 a full stop at a distance of not less than two hundred nor
2 more than eight hundred feet from the point of intersection
3 or crossing, before such intersection or crossing is passed.

4 Sec. 20. Section four hundred seventy-nine point one
5 (479.1), Code 1975, is amended to read as follows:

6 479.1 APPLICABILITY OF CHAPTER. The provisions of this
7 chapter shall apply to the transportation of passengers and
8 property, and to the receiving, delivering, storing, and
9 handling of property wholly within this state, and shall apply
10 to all railroad corporations, ~~express-companies, car-companies,~~
11 ~~sleeping-car-companies,~~ freight or freight-line companies,
12 and to any common carrier engaged in this state in the
13 transportation of passengers or property by railroad therein,
14 and to shipments of property made from any point within the
15 state to any point within the state, whether the transportation
16 of the same shall be wholly within this state or partly within
17 this state and partly within an adjoining state.

18 Sec. 21. Section four hundred seventy-nine point six
19 (479.6), Code 1975, is amended to read as follows:

20 479.6 BURDEN OF PROOF. In any action in court, or before
21 the ~~commission~~ department, brought against a railroad
22 corporation for the purpose of enforcing rights arising under
23 the provisions of this and sections 479.3 ~~to-479-5~~ and four
24 hundred seventy-nine point four (479.4) of the Code the burden
25 of proving that the provisions thereof have been complied
26 with by such railroad corporation, shall be upon such railroad
27 corporation.

28 Sec. 22. Section four hundred seventy-nine point ten
29 (479.10), Code 1975, is amended to read as follows:

30 479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND FORWARDING.
31 All common carriers shall, according to their respective
32 powers, afford all reasonable, proper, and equal facilities
33 for the interchange of traffic between their respective lines,
34 and for the receiving, forwarding, and switching of cars,
35 ~~passengers,~~ and property to and from their several lines,

1 and to and from other lines and places connected therewith;
2 and shall not discriminate in their accommodations, rates,
3 and charges between such connecting lines. Any common carrier
4 may be required to switch and transfer cars for another, for
5 the purpose of being loaded or unloaded, upon such terms and
6 conditions as may be prescribed by the department.

7 Sec. 23. Section four hundred seventy-nine point twenty-
8 two (479.22), Code 1975, is amended to read as follows:

9 479.22 OTHER EVIDENCE. ~~Sections~~ Section 479.20 ~~and-479.24~~
10 shall not be construed so as to exclude other evidence tending
11 to show any unjust discrimination in freight or passenger
12 rates.

13 Sec. 24. Section four hundred seventy-nine point twenty-
14 three (479.23), Code 1975, is amended to read as follows:

15 479.23 RAILWAYS INCLUDED. The provisions of sections
16 479.20 ~~to~~ and 479.22 shall apply to any railway, the branches
17 thereof, and any road or roads which any railway corporation
18 has the right, license or permission to use, operate or
19 control, wholly or in part, within this state.

20 Sec. 25. Section four hundred seventy-nine point twenty-
21 five (479.25), Code 1975, is amended to read as follows:

22 479.25 SWITCHING CHARGES. Nothing in ~~sections~~ section
23 479.20 ~~to-479.24~~ shall be so construed as to prevent railroad
24 companies or the department from establishing schedules of
25 reasonable charges applicable to switching services only,
26 and which shall be independent of any schedule of charges
27 which may be provided for the regular line haul freight service
28 of common carriers.

29 Sec. 26. Section four hundred seventy-nine point twenty-
30 nine (479.29), Code 1975, is amended to read as follows:

31 479.29 PENALTY FOR DISCRIMINATION. Any such corporation
32 guilty of extortion, or of making any unjust discrimination
33 as to ~~passenger-or~~ freight rates, or the rates for the use
34 and transportation of railway cars, or in receiving, handling,
35 or delivering freights, shall, upon conviction thereof, be

1 fined in any sum not less than one thousand dollars nor more
2 than five thousand dollars for the first offense, and for
3 each subsequent offense not less than five thousand nor more
4 than ten thousand dollars--such fine to be imposed in a
5 criminal prosecution by indictment; or shall be subject to
6 the liability prescribed in section 479.30, to be recovered
7 as therein provided.

8 Sec. 27. Section four hundred seventy-nine point thirty-
9 four (479.34), Code 1975, is amended to read as follows:

10 479.34 CONNECTING LINES. Every owner or consignor of
11 freight to be transported by railway from any point within
12 this state to any other point within this state shall have
13 the right to require that the same shall be transported over
14 two or more connecting lines of railway, to be transferred
15 at the connecting point or points without charge of car or
16 cars if in carload lots, and with or without change of car
17 or cars if in less than carload lots, whenever the distance
18 from the place of shipment to destination, both being within
19 this state, is less over two or more connecting lines of
20 railway than it is over a single line of railway, or where
21 the initial line does not reach the place of destination;
22 and it shall be the duty, upon the request of any such owner
23 or consignor of freight, made to the initial company, of such
24 railway companies whose lines so connect, to transport the
25 freight without change of car or cars if the shipment be in
26 a carload lot or lots, and with change of car or cars if it
27 be in less than carload lots, from the place of shipment to
28 destination, whenever the distance from the place of shipment
29 to destination, both being within this state, is less than
30 the distance over a single line, or when the initial line
31 does not reach the point of destination, for a reasonable
32 joint through rate. ~~This-section-shall-apply-to-interurban
33 railways-and-their-connection-with-ordinary-steam-railways.~~

34 Sec. 28. Section four hundred seventy-nine point ninety-
35 eight (479.98), Code 1975, is amended to read as follows:

1 479.98 NAMES OF FREE PASS BENEFICIARIES REPORTED. Every
2 common carrier of passengers within the provisions of ~~sections~~
3 ~~479-93-to-479-97~~ this chapter shall, whenever so requested
4 by the department, file with the department a sworn statement
5 showing the names of all persons within this state holding,
6 or to whom during the preceding year such carrier issued,
7 furnished, or gave a free ticket, free pass, free
8 transportation, or a discriminating reduced rate, except wage
9 earners of common carriers in their ordinary employment and
10 families of such wage earners, and disclosing such further
11 information as will enable the department to determine whether
12 the person to whom it was issued was within the exception
13 of said provisions.

14 Sec. 29. Section four hundred eighty-one point three
15 (481.3), Code 1975, is amended to read as follows:

16 481.3 SPUR TRACKS. Every railroad, ~~whether operated by~~
17 ~~steam or electricity,~~ shall acquire the necessary rights of
18 way for, by condemnation or purchase, and shall construct,
19 connect, and operate and maintain a reasonably adequate and
20 suitable spur track, whenever such spur track does not
21 necessarily exceed three miles in length, and is required
22 for the successful operation of any existing or proposed mill,
23 elevator, storehouse, warehouse, dock, wharf, pier,
24 manufacturing establishment, lumber yard, coal dock, or other
25 industry or enterprise, and its construction and operation
26 is not unusually unsafe and dangerous, and is not unreasonably
27 harmful to public interest. No such track is required to
28 be constructed until, or if hereafter constructed need not
29 be maintained unless, the department, after hearing, shall
30 have declared the same to be necessary.

31 Sec. 30. Section four hundred eighty-three point one
32 (483.1), subsection one (1), Code 1975, is amended to read
33 as follows:

34 1. To aid any railway incorporated under the laws of this
35 state in constructing a projected ~~steam~~ railway into, through,

1 or along a district composed of a township or a city.

2 Sec. 31. Section four hundred eighty-three point one
3 (483.1), Code 1975, is amended by striking subsection two
4 (2).

5 Sec. 32. Sections three hundred twenty-one point three
6 hundred thirty-five (321.335), three hundred twenty-one point
7 three hundred thirty-six (321.336), three hundred twenty-one
8 point three hundred thirty-seven (321.337), three hundred
9 twenty-one point three hundred thirty-eight (321.338), three
10 hundred twenty-one point three hundred thirty-nine (321.339),
11 four hundred seventy-four point twenty-two (474.22), four
12 hundred seventy-six point one (476.1), four hundred seventy-
13 six point two (476.2), four hundred seventy-six point three
14 (476.3), four hundred seventy-six point four (476.4), four
15 hundred seventy-six point five (476.5), four hundred seventy-
16 six point six (476.6), four hundred seventy-six point seven
17 (476.7), four hundred seventy-six point eight (476.8), four
18 hundred seventy-six point nine (476.9), four hundred seventy-
19 six point ten (476.10), four hundred seventy-six point eleven
20 (476.11), four hundred seventy-six point twelve (476.12),
21 four hundred seventy-six point thirteen (476.13), four hundred
22 seventy-six point fourteen (476.14), four hundred seventy-
23 six point fifteen (476.15), four hundred seventy-six point
24 sixteen (476.16), four hundred seventy-six point seventeen
25 (476.17), four hundred seventy-six point eighteen (476.18),
26 four hundred seventy-six point nineteen (476.19), four hundred
27 seventy-six point twenty (476.20), four hundred seventy-six
28 point twenty-one (476.21), four hundred seventy-six point
29 twenty-four (476.24), four hundred seventy-six point twenty-
30 five (476.25), four hundred seventy-six point twenty-six
31 (476.26), four hundred seventy-seven point five (477.5), four
32 hundred seventy-seven point six (477.6), four hundred seventy-
33 seven point seven (477.7), four hundred seventy-seven point
34 eight (477.8), four hundred seventy-seven point nine (477.9),
35 four hundred seventy-seven point ten (477.10), four hundred

1 seventy-seven point eleven (477.11), four hundred seventy-
2 seven point twenty (477.20), four hundred seventy-seven point
3 twenty-one (477.21), four hundred seventy-seven point twenty-
4 nine (477.29), four hundred seventy-seven point thirty
5 (477.30), four hundred seventy-seven point thirty-one (477.31),
6 four hundred seventy-seven point thirty-two (477.32), four
7 hundred seventy-seven point thirty-three (477.33), four hundred
8 seventy-seven point thirty-four (477.34), four hundred seventy-
9 seven point thirty-five (477.35), four hundred seventy-seven
10 point thirty-six (477.36), four hundred seventy-seven point
11 forty-three (477.43), four hundred seventy-seven point forty-
12 four (477.44), four hundred seventy-seven point forty-five
13 (477.45), four hundred seventy-seven point forty-six (477.46),
14 four hundred seventy-seven point forty-seven (477.47), four
15 hundred seventy-seven point forty-eight (477.48), four hundred
16 seventy-seven point forty-nine (477.49), four hundred seventy-
17 seven point fifty (477.50), four hundred seventy-seven point
18 fifty-one (477.51), four hundred seventy-seven seven point
19 fifty-two (477.52), four hundred seventy-seven point fifty-
20 six (477.56), four hundred seventy-eight point three (478.3),
21 four hundred seventy-eight point nine (478.9), four hundred
22 seventy-eight point fourteen (478.14), four hundred seventy-
23 eight point fifteen (478.15), four hundred seventy-eight point
24 sixteen (478.16), four hundred seventy-eight point seventeen
25 (478.17), four hundred seventy-eight point eighteen (478.18),
26 four hundred seventy-eight point thirty (478.30), four hundred
27 seventy-eight point thirty-two (478.32), four hundred seventy-
28 nine point five (479.5), four hundred seventy-nine point
29 twenty-one (479.21), four hundred seventy-nine point forty-
30 five (479.45), four hundred seventy-nine point seventy-five
31 (479.75), four hundred seventy-nine point seventy-six (479.76),
32 four hundred seventy-nine point seventy-seven (479.77), four
33 hundred seventy-nine point seventy-eight (479.78), four hundred
34 seventy-nine point seventy-nine (479.79), four hundred seventy-
35 nine point eighty-one (479.81), four hundred seventy-nine

1 point eighty-two (479.82), four hundred seventy-nine point
2 eighty-three (479.83), four hundred seventy-nine point eighty-
3 four (479.84), four hundred seventy-nine point eighty-five
4 (479.85), four hundred seventy-nine point eighty-six (479.86),
5 four hundred seventy-nine point eighty-seven (479.87), four
6 hundred seventy-nine point eighty-eight (479.88), four hundred
7 seventy-nine point ninety-three (479.93), four hundred seventy-
8 nine point ninety-four (479.94), four hundred seventy-nine
9 point ninety-five (479.95), four hundred seventy-nine point
10 ninety-six (479.96), four hundred seventy-nine point ninety-
11 seven (479.97), four hundred seventy-nine point one hundred
12 two (479.102), four hundred eighty point seven (480.7), four
13 hundred eighty-three point three (483.3), four hundred eighty-
14 three point sixteen (483.16), and four hundred eighty-three
15 point twenty (483.20), Code 1975, are repealed.

16 Sec. 33. Chapters four hundred eighty-two (482), four
17 hundred eighty-four (484), four hundred eighty-five (485),
18 and four hundred eighty-six (486), Code 1975, are repealed.

19 EXPLANATION

20 This bill revises and repeals obsolete provisions of the
21 railroad laws.

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LSB 104
bk/rh/31

H-3036

- 1 Amend House File 127 as follows:
2 1. Page 1, line 9, by inserting after that line
3 the following new section:
4 "Sec. ____ . Section three hundred twenty-one point
5 one (321.1) is amended by adding the following new sub-
6 section.
7 "Railroad Corporation means any corporation or-
8 ganized under the laws of this state or any other
9 state for the purpose of operating the railroad within
10 this state."
11 2. By renumbering the appropriate sections.

H-3036 FILED - *Adopted 2/7*
FEBRUARY 5, 1975

BY SCHROEDER of Pottawattamie

H-3043

- 1 Amend House File 127 as follows:
2 1. Page 3, line 10, by inserting after the
3 word "cars" the words ", engines or locomotives".
4 2. Page 3, line 12, by inserting after the
5 word "car" the words ", engines or locomotives".

H-3043 FILED - *Adopted 2/7*
FEBRUARY 6, 1975

BY DRAKE of Muscatine
KRAUSE of Palo Alto

Senate Amendment to House File 127

H-3697

- 1 Amend House File 127, page 10, line 15, by
2 striking the word "charge" and inserting in lieu
3 thereof the word "change".

H-3697 RECEIVED FROM THE SENATE
APRIL 30, 1975

*House concurred
5/2 (page 1506)*

S-3323

1 Amend House File 127 as amended and passed by the
2 House, as follows:

3 1. Page 12, line 11, by striking the words "four
4 hundred seventy-four point twenty-two (474.22),".

5 2. Page 2, by inserting after line 9 the following
6 new section:

7 "Sec. 6. Section four hundred seventy-four point
8 twenty-two (474.22), Code 1975, is amended to read as
9 follows:

10 474.22 EXAMINATION OF RATES. The department shall,
11 upon the application of the mayor and council of any
12 city or the ~~trustees-of-any-township~~ board of super-
13 visors of any county for those portions of the county
14 outside of any city, make an examination of the rate
15 of passenger fare or freight tariff charged by any
16 railroad company, and of the condition or operation of
17 any railroad, any part of whose location lies within
18 the limits of such city or ~~township~~ county; and if
19 twenty-five or more voters in any city or county shall,
20 by written petition, request the mayor and council of
21 such city or the ~~trustees-of-such-township~~ board of super-
22 visors of such county, to make the said complaint and
23 application, and they refuse, they shall state the
24 reason therefor in writing upon the petition, and
25 return the same to the petitioners, who may thereupon,
26 within ten days from the date of such refusal and
27 return, present the same to the department which shall,
28 if it thinks the public good demands the examination,
29 proceed to make it in the same manner as if called
30 upon by the mayor and council of any city or the ~~trustees~~
31 ~~of-any-township~~ board of supervisors of any county.
32 Before proceeding to make such examination, it shall
33 give to the petitioners and the corporation reasonable
34 notice, in writing, of the time and place of entering
35 upon the same. If, upon such an examination, it shall
36 appear to the department that the complaint is well
37 founded, it shall, within ten days, inform the cor-
38 poration operating such railroad of its finding, and
39 shall report its doings to the governor."

40 3. By renumbering the remaining sections in accor-
41 dance with this amendment.

42 4. Page 12, line 11, by striking the second word
43 "four".

44 5. Page 12, by striking lines 12 through 30.

45 6. Page 12, line 31, by striking the number "(476.26),".

46 7. Page 13, line 8, by striking the words "four
47 hundred seventy-".

48 8. Page 13, by striking line 9.

49 9. Page 13, line 11, by striking the words and
50 figure "forty-three (477.43),".

Page 2
S-3323

- 1 10. Page 13, line 12, by striking the words "four
- 2 hundred seventy-seven point forty-five".
- 3 11. Page 13, by striking lines 13 through 18.
- 4 12. Page 13, line 19, by striking the words and
- 5 figure "fifty-two (477.52),".
- 6 13. Page 13, line 21, by striking the words and
- 7 figure "four hundred seventy-eight point nine (478.9),".
- 8 14. Page 13, line 24, by striking the words "four
- 9 hundred seventy-eight point seventeen".
- 10 15. Page 13, by striking line 25.
- 11 16. Page 13, line 26, by striking the words and
- 12 figure "four hundred seventy-eight point thirty
- 13 (478.30),".
- 14 17. Page 13, line 34, by striking the words "four
- 15 hundred seventy-".
- 16 18. Page 13, by striking line 35.
- 17 19. Page 14, by striking lines 1 through 5.
- 18 20. Page 14, line 6, by striking the words and
- 19 figure "hundred seventy-nine point eighty-eight
- 20 (479.88),".
- 21 21. Page 14, line 12, by striking the words and
- 22 figure "four hundred eighty point seven (480.7),".
- 23 22. Page 14, line 17, by inserting after the figure
- 24 "(484)," the word "and".
- 25 23. Page 14, line 18, by striking the words and
- 26 figure "and four hundred eighty-six (486),".

S-3323 FILED
MARCH 13, 1975

BY JAMES M. REDMOND

HOUSE FILE 127

S-3328

- 1 Amend the Redmond amendment S-3323 to House File 127
- 2 by inserting in line 10 after the word "RATES" the words
- 3 "AND OPERATIONS".

S-3328 FILED
MARCH 13, 1975

BY JAMES M. REDMOND

S-3608

1 Amend House File 127, as amended and passed by the
2 House, as follows:

3 1. Page 2, by inserting after line 9 the follow-
4 ing new section:

5 "Sec. ____ . Section four hundred seventy-four
6 point twenty-two (474.22), Code 1975, is amended by
7 striking the section and inserting in lieu thereof
8 the following:

9 474.22 EXAMINATION OF RAILROAD OPERATIONS. The
10 mayor and council of any city affected by a railroad,
11 or the board of supervisors of any county affected by
12 a railroad, may file a petition with the department
13 requesting that the department make an examination of
14 the condition or operation of the railroad. Any
15 twenty-five voters may petition the mayor and council
16 of any city affected by the railroad or the board of
17 supervisors of any county affected by the railroad,
18 requesting that a petition be filed with the department.
19 If the mayor and council of the city or the board of
20 supervisors of the county refuse, the mayor and council
21 or board of supervisors shall submit a report to the
22 petitioners stating the reasons for denying the petition.
23 The twenty-five voters may submit the petition to the
24 department within ten days from the date the mayor and
25 council or board of supervisors denied the petition.
26 The department shall determine the merits of each peti-
27 tion filed with the department, and if it determines
28 that the allegations contained in the petition warrant
29 further action, the department shall give the peti-
30 tioners and the railroad reasonable notice, in writing,
31 of the time and place of a public hearing. Upon conclu-
32 sion of the hearing, the department shall give notice
33 of its findings to the petitioners and the railroad and
34 issue an order directing the railroad to take such
35 action as the department deems necessary."

36 2. Page 11, by inserting after line 13 the following
37 new section:

38 "Sec. ____ . Section four hundred eighty point seven
39 (480.7), Code 1975, is amended by adding the following
40 new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. However, the railroad
42 company which relocates its track shall file a petition
43 with the department giving the department notice that it
44 intends to relocate the track. The railroad company may
45 also request an exemption from the requirements of this
46 section. The department shall set a time and place for
47 a public hearing on the petition. The department shall
48 conduct the hearing at a place designated by the depart-
49 ment in the affected county. The department shall publish
50 notice of the hearing once each week for three consecutive

S-3608

Page 2

1 weeks in a newspaper of general circulation in the
2 area affected by the taking up of the tracks. The
3 last publication shall be made not less than three
4 weeks before the date set for the hearing. If after
5 the hearing, the department finds that no objections
6 have been raised, the department may issue an order
7 exempting the railroad company from the provisions of
8 this section."
9 3. Page 14, line 12, by striking the words and
10 figure "four hundred eighty point seven (480.7),".

S-3608 FILED
APRIL 24, 1975

BY JAMES M. REDMOND

HOUSE FILE 127

S-3609

1 Amend the Redmond amendment S-3608 to House File 127
2 as amended and passed by the House, as follows:
3 1. Page 2, line 4, by striking the words "If after"
4 and all of lines 5 through 8 and inserting in lieu
5 thereof the following: "Upon the conclusion of the
6 hearing, the department shall give notice of its
7 findings and may for good cause shown issue an order
8 exempting the railroad company from the provisions of
9 this section."
10 2. Page 2, by inserting after line 8 the following
11 new paragraph:
12 "____. Page 12, line 11, by striking the words "four
13 hundred seventy-four point twenty-two (474.22),".
14 3. Page 2, by inserting after line 10 the following
15 new paragraph:
16 "____. By renumbering the sections in accordance with
17 this amendment."
18 4. By renumbering the paragraphs in accordance with
19 this amendment.

S-3609 FILED
APRIL 24, 1975

BY JAMES M. REDMOND

HOUSE FILE 127

AN ACT

TO REVISE AND REPEAL OBSOLETE PROVISIONS OF THE RAILROAD LAWS.

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

Section 1. Section three hundred twenty-one point one (321.1), subsections twenty-eight (28) and twenty-nine (29), Code 1975, are amended to read as follows:

28. "Railroad" means a carrier of persons or property upon cars, ~~other than streetcars~~, operated upon stationary rails.

29. "Railroad train" means a steam an engine or locomotive, electric or other motor, with or without cars coupled thereto, operated upon rails, ~~except streetcars~~.

Sec. 2. Section three hundred twenty-one point one (321.1), Code 1975, is amended by adding the following new subsection:

"Railroad Corporation" means any corporation organized under the laws of this state or any other state for the purpose of operating the railroad within this state.

Sec. 3. Section three hundred twenty-one point one (321.1), Code 1975, is amended by striking subsection thirty (30).

Sec. 4. Section four hundred seventy-four point thirteen (474.13), Code 1975, is amended to read as follows:

474.13 CONNECTIONS AND SHELTER. Should any railroad or transportation company in this state ~~fail to provide proper shelter for its patrons at stations where two or more tracks are operated~~, or fail or refuse to connect by proper switches or tracks with the tracks or lines of other railroad or transportation companies, the department may require such railroad or transportation company to provide the same in such manner and upon such conditions as it may determine.

Sec. 5. Section four hundred seventy-four point fourteen

(474.14), Code 1975, is amended to read as follows:

474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in the judgment of the department, any railway corporation fails in any respect to comply with the terms of its charter or articles of incorporation or the laws of the state; or when in its judgment any repairs are necessary upon its road, ~~or any addition to its rolling stock, or addition to or change in its stations or station houses, or the equipment thereof for the health and convenience of the public, or change in its rates of fare for transporting freight or passengers~~, or change in the mode of operating its road or conducting its business, is reasonable and expedient in order to promote the security, convenience, and accommodation of the public, the department may make an order prescribing such improvements and changes as it finds to be proper and shall serve ~~a notice~~ an order upon such corporation, ~~in the manner provided for the service of an original notice in a civil action, which notice shall be signed by its secretary~~. A report of such proceedings shall be included in its annual report to the governor. Nothing in this or sections 474.12 and 474.13 shall be so construed as relieving any railroad company from its responsibility or liability for damage to person or property.

Sec. 6. Section four hundred seventy-seven point seventeen (477.17), Code 1975, is amended to read as follows:

477.17 SWITCH ENGINES--SAFETY DEVICES. It shall be unlawful for any railway or terminal transfer company, or any corporation operating locomotives in switching or yard service, to operate, or permit the same to be operated, unless said locomotives are equipped with headlight on both front and rear of engine, when operated between sunset and sunrise, and all such engines shall be equipped with a footboard of substantially uniform height, width, and length, securely fastened ~~and firmly braced to the pilot beam in front of engine~~, and a similar footboard on the rear of tank or tender ~~end of engines~~, upon which employees may stand or ride when

their duties require them so to do, and that a substantial grab rail or rod be securely fastened upon said pilot beam at each end and in the center, at a convenient height for employees to reach and hold on to with their hands, said rod to extend across the full length of the said pilot beam, and also across the rear end beam of said tank or tender of the engine.

Sec. 7. Section four hundred seventy-seven point twenty-two (477.22), Code 1975, is amended to read as follows:

477.22 HEADLIGHTS AND TAILLIGHTS. It shall be the duty of every person, firm, or corporation owning or operating any line of railway within the state, except lines under twenty miles in length operated wholly within this state, to equip all locomotives, power vehicles, power cars, or other equipment used as the equivalent of or in place of a locomotive, when used in the transportation of passengers, employees or freight, with a headlight of sufficient candlepower, measured with a reflector, to throw a light in clear weather that will enable the operator of same to plainly discern an object the size of an adult person lying prone on the track at a distance of eleven hundred feet from the headlight, and thereafter to maintain and use such headlights upon every such locomotive, vehicle, car, or other equipment, provided, however, that track power cars, engines or locomotives when used during the nighttime by employees in the performance of work, shall be equipped to equip such power track car, engines or locomotives with an electric headlight of sufficient candlepower, measured with a reflector to throw a light in clear weather that will enable the operator to see an obstruction on the track for a distance of five eight hundred feet in clear weather, also two rear electric red lights of such construction and sufficient candlepower to be plainly visible.

Sec. 8. Section four hundred seventy-seven point twenty-three (477.23), Code 1975, is amended to read as follows:

477.23 EXCEPTIONS. Section 477.22 shall not be construed to apply to power cars used by street railways and operated wholly within the corporate limits of any city, nor to engines or other equipment used exclusively for switching purposes, nor to engines or other equipment running after sunrise and before sunset.

Sec. 9. Section four hundred seventy-seven point twenty-six (477.26), Code 1975, is amended to read as follows:

477.26 STANDARD CABOOSE CARS. The provisions of sections 477.27 and 477.28 shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroads of passengers or property within the state except interurban, to which the regulative power of this state extends.

Sec. 10. Section four hundred seventy-seven point thirty-seven (477.37), Code 1975, is amended to read as follows:

477.37 DEPOTS--CLOSETS--SANITATION. At all railway stations in this state, where a depot and waiting rooms for passengers are is maintained, there shall be within the same, or connected therewith, sanitary closets, including separate closets for women which, in cities having a system of sewerage so located that the same can be reasonably used by the railroad property, shall be thoroughly drained, constructed, and plumbed according to approved sanitary principles and said depots and closets shall be kept in a clean and sanitary condition, free from any offensive odors. Depots in cities not provided with a sewerage system, shall be provided with privies or closets properly screened and separated for the use of males and females, which shall be cleaned and disinfected as often as necessary to keep and maintain them in an approved sanitary condition.

Sec. 11. Section four hundred seventy-seven point forty-two (477.42), Code 1975, is amended to read as follows:

477.42 FREIGHT, PASSENGER, EXPRESS, AND TELEGRAPH OFFICES. All railroads terminating in the state shall establish and

~~maintain at such terminus general freight and passenger operating offices, and express or telegraph offices when operating an independent express or telegraph company,~~ at localities accessible and convenient to the public, and ~~there keep for sale tickets over their respective roads, and in advertising,~~ correctly set forth their ~~true connections,~~ ~~starting or terminal points, timetables,~~ and freight tariffs.

Sec. 12. Section four hundred seventy-seven point fifty-seven (477.57), Code 1975, is amended to read as follows:

477.57 POWER TO EJECT PASSENGER. Any conductor of a railway train, ~~or streetcar, or interurban car~~ carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on his train, ~~or streetcar, or interurban car~~ in his charge, who shall be in a state of intoxication; and shall have the further right to eject from his train at any station, or ~~from his streetcar, or interurban car~~ at any regular stop, any person found in a state of intoxication or ~~drinking intoxicating liquors as a beverage, or using profane or indecent language,~~ disturbing the peace and for that purpose may call to his aid any employee of the railway ~~or streetcar or interurban company.~~

Sec. 13. Section four hundred seventy-eight point one (478.1), Code 1975, is amended to read as follows:

478.1 CATTLE GUARDS--CROSSINGS--SIGNS. Every corporation constructing or operating a railway shall make ~~proper cattle guards where the same enters or leaves any improved or fenced land,~~ and construct at all points where such railway crosses any public road good, sufficient, and safe crossings and ~~cattle guards,~~ and erect at such points, at a sufficient elevation from such roads as to admit of free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railway, and warn persons of the necessity of looking out for trains. Any railway company neglecting or refusing to comply with

the provisions of this section shall be liable for all damages sustained by reason of such refusal or neglect, and it shall only be necessary, in order to recover, for the injured party to prove such neglect or refusal.

Sec. 14. Section four hundred seventy-eight point two (478.2), Code 1975, is amended to read as follows:

478.2 RAILWAY FENCES REQUIRED. All railway corporations owning or operating a line of railway within the state, shall construct, maintain, and keep in repair a fence on each side of the right of way, ~~so connected with cattle guards at all public road crossings as~~ to prevent livestock getting upon the tracks. ~~All such rights of way shall be fenced within six months after the completion of the track or any part thereof.~~

Sec. 15. Section four hundred seventy-eight point six (478.6), Code 1975, is amended to read as follows:

478.6 FAILURE TO FENCE. Any corporation operating a railway and failing to fence its right of way ~~against livestock running at large or to maintain proper and sufficient cattle guards at all points where the right to fence or maintain cattle guards exists,~~ shall be liable to the owner of any stock killed or injured by reason of the want of such fence ~~or cattle guards~~ for the full amount of the damages sustained by the owner, unless it was occasioned by the willful act of such owner or his agent; and to recover the same it shall only be necessary for him to prove the loss of or injury to his property.

Sec. 16. Section four hundred seventy-eight point seven (478.7), Code 1975, is amended to read as follows:

478.7 DOUBLE DAMAGES. If such corporation fails or neglects to pay such damages within ~~thirty~~ ninety days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by said corporation in the county where such loss or injury occurred, such owner

shall be entitled to recover from the corporation double the amount of damages actually sustained by him.

Sec. 17. Section four hundred seventy-eight point twelve (478.12), Code 1975, is amended to read as follows:

478.12 PRIVATE CROSSINGS. When any person owns land on both sides of any railway, or when a railway runs parallel with a public highway thereby separating a farm from such highway, the corporation owning or operating such railway, on request of the owner of such land or farm, shall construct and maintain a safe and adequate farm crossing or roadway across such railway and right of way at such reasonable place as the owner of the land may designate, ~~and shall construct and maintain a cattle guard on each side of such roadway where it crosses the track, connected by wing or cross fences to the fences on each side of the right of way.~~

Sec. 18. Section four hundred seventy-eight point nineteen (478.19), Code 1975, is amended to read as follows:

478.19 SIGNALS AT ROAD CROSSINGS. A bell and a ~~steam whistle horn~~ shall be placed on each locomotive engine operated on any railway, which ~~whistle horn~~ shall be ~~twice-sharply~~ sounded at least ~~sixty-roads~~ one thousand feet before a road crossing is reached, and after the sounding of the ~~whistle horn~~ the bell shall be rung continuously until the crossing is passed; but at street crossings within the limits of cities the sounding of the ~~whistle horn~~ may be omitted, unless required by ordinance or resolution of the council thereof; and the company shall be liable for all damages which shall be sustained by any person by reason of such neglect.

Sec. 19. Section four hundred seventy-eight point ~~twenty-~~ nine (478.29), Code 1975, is amended to read as follows:

478.29 GRADE CROSSINGS. The department shall have jurisdiction over all crossings at grade of ~~steam and interurban~~ railways within the state. Upon the application of any ~~interurban~~ railway or upon its own motion, the said department may require the trains of any ~~steam~~ railway to

stop at any crossing of such railway tracks at grade or said department may make such rules and regulations in relation to speed or other methods of operation at such grade crossings as in its judgment are necessary to protect the public safety. ~~This section shall be construed as an exception to the general rule as provided by law with reference to interurban railways being street railways within cities and towns.~~

Sec. 20. Section four hundred seventy-eight point thirty-one (478.31), Code 1975, is amended to read as follows:

478.31 STOPPING AT CROSSINGS--EXCEPTIONS. Except as otherwise in this chapter provided in relation to interlocking switches at railway grade crossings ~~and except as otherwise provided in section 478.30~~, all trains ~~run~~ operated upon any ~~steam~~ railroad in this state which intersects and crosses any other railroad upon the same level, shall be brought to a full stop at a distance of not less than two hundred nor more than eight hundred feet from the point of intersection or crossing, before such intersection or crossing is passed.

Sec. 21. Section four hundred seventy-nine point one (479.1), Code 1975, is amended to read as follows:

479.1 APPLICABILITY OF CHAPTER. The provisions of this chapter shall apply to the transportation of passengers and property, and to the receiving, delivering, storing, and handling of property wholly within this state, and shall apply to all railroad corporations, ~~express companies, car companies, sleeping-car companies,~~ freight or freight-line companies, and to any common carrier engaged in this state in the transportation of passengers or property by railroad therein, and to shipments of property made from any point within the state to any point within the state, whether the transportation of the same shall be wholly within this state or partly within this state and partly within an adjoining state.

Sec. 22. Section four hundred seventy-nine point six (479.6), Code 1975, is amended to read as follows:

479.6 BURDEN OF PROOF. In any action in court, or before

the ~~commission~~ department, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this and sections 479.3 ~~to~~-479-5 and four hundred seventy-nine point four (479.4) of the Code the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

Sec. 23. Section four hundred seventy-nine point ten (479.10), Code 1975, is amended to read as follows:

479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND FORWARDING.

All common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars, ~~passengers~~, and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be prescribed by the department.

Sec. 24. Section four hundred seventy-nine point twenty-two (479.22), Code 1975, is amended to read as follows:

479.22 OTHER EVIDENCE. ~~Sections~~ Section 479.20 and ~~479-24~~ shall not be construed so as to exclude other evidence tending to show any unjust discrimination in freight or passenger rates.

Sec. 25. Section four hundred seventy-nine point twenty-three (479.23), Code 1975, is amended to read as follows:

479.23 RAILWAYS INCLUDED. The provisions of sections 479.20 ~~to~~ and 479.22 shall apply to any railway, the branches thereof, and any road or roads which any railway corporation has the right, license or permission to use, operate or control, wholly or in part, within this state.

Sec. 26. Section four hundred seventy-nine point twenty-

five (479.25), Code 1975, is amended to read as follows:

479.25 SWITCHING CHARGES. Nothing in ~~sections~~ section 479.20 ~~to~~-479-24 shall be so construed as to prevent railroad companies or the department from establishing schedules of reasonable charges applicable to switching services only, and which shall be independent of any schedule of charges which may be provided for the regular line haul freight service of common carriers.

Sec. 27. Section four hundred seventy-nine point twenty-nine (479.29), Code 1975, is amended to read as follows:

479.29 PENALTY FOR DISCRIMINATION. Any such corporation guilty of extortion, or of making any unjust discrimination as to ~~passenger-or~~ freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freights, shall, upon conviction thereof, be fined in any sum not less than one thousand dollars nor more than five thousand dollars for the first offense, and for each subsequent offense not less than five thousand nor more than ten thousand dollars--such fine to be imposed in a criminal prosecution by indictment; or shall be subject to the liability prescribed in section 479.30, to be recovered as therein provided.

Sec. 28. Section four hundred seventy-nine point thirty-four (479.34), Code 1975, is amended to read as follows:

479.34 CONNECTING LINES. Every owner or consignor of freight to be transported by railway from any point within this state to any other point within this state shall have the right to require that the same shall be transported over two or more connecting lines of railway, to be transferred at the connecting point or points without change of car or cars if in carload lots, and with or without change of car or cars if in less than carload lots, whenever the distance from the place of shipment to destination, both being within this state, is less over two or more connecting lines of railway than it is over a single line of railway, or where

the initial line does not reach the place of destination; and it shall be the duty, upon the request of any such owner or consignor of freight, made to the initial company, of such railway companies whose lines so connect, to transport the freight without change of car or cars if the shipment be in a carload lot or lots, and with change of car or cars if it be in less than carload lots, from the place of shipment to destination, whenever the distance from the place of shipment to destination, both being within this state, is less than the distance over a single line, or when the initial line does not reach the point of destination, for a reasonable joint through rate. ~~This section shall apply to interurban railways and their connection with ordinary steam railways.~~

Sec. 29. Section four hundred seventy-nine point ninety-eight (479.98), Code 1975, is amended to read as follows:

479.98 NAMES OF FREE PASS BENEFICIARIES REPORTED. Every common carrier of passengers within the provisions of sections ~~479.93 to 479.97~~ this chapter shall, whenever so requested by the department, file with the department a sworn statement showing the names of all persons within this state holding, or to whom during the preceding year such carrier issued, furnished, or gave a free ticket, free pass, free transportation, or a discriminating reduced rate, except wage earners of common carriers in their ordinary employment and families of such wage earners, and disclosing such further information as will enable the department to determine whether the person to whom it was issued was within the exception of said provisions.

Sec. 30. Section four hundred eighty-one point three (481.3), Code 1975, is amended to read as follows:

481.3 SPUR TRACKS. Every railroad, ~~whether operated by steam or electricity,~~ shall acquire the necessary rights of way for, by condemnation or purchase, and shall construct, connect, and operate and maintain a reasonably adequate and suitable spur track, whenever such spur track does not

necessarily exceed three miles in length, and is required for the successful operation of any existing or proposed mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock, or other industry or enterprise, and its construction and operation is not unusually unsafe and dangerous, and is not unreasonably harmful to public interest. No such track is required to be constructed until, or if hereafter constructed need not be maintained unless, the department, after hearing, shall have declared the same to be necessary.

Sec. 31. Section four hundred eighty-three point one (483.1), subsection one (1), Code 1975, is amended to read as follows:

1. To aid any railway incorporated under the laws of this state in constructing a projected ~~steam~~ railway into, through, or along a district composed of a township or a city.

Sec. 32. Section four hundred eighty-three point one (483.1), Code 1975, is amended by striking subsection two (2).

Sec. 33. Sections three hundred twenty-one point three hundred thirty-five (321.335), three hundred twenty-one point three hundred thirty-six (321.336), three hundred twenty-one point three hundred thirty-seven (321.337), three hundred twenty-one point three hundred thirty-eight (321.338), three hundred twenty-one point three hundred thirty-nine (321.339), four hundred seventy-four point twenty-two (474.22), four hundred seventy-six point one (476.1), four hundred seventy-six point two (476.2), four hundred seventy-six point three (476.3), four hundred seventy-six point four (476.4), four hundred seventy-six point five (476.5), four hundred seventy-six point six (476.6), four hundred seventy-six point seven (476.7), four hundred seventy-six point eight (476.8), four hundred seventy-six point nine (476.9), four hundred seventy-six point ten (476.10), four hundred seventy-six point eleven (476.11), four hundred seventy-six point twelve (476.12),

four hundred seventy-six point thirteen (476.13), four hundred seventy-six point fourteen (476.14), four hundred seventy-six point fifteen (476.15), four hundred seventy-six point sixteen (476.16), four hundred seventy-six point seventeen (476.17), four hundred seventy-six point eighteen (476.18), four hundred seventy-six point nineteen (476.19), four hundred seventy-six point twenty (476.20), four hundred seventy-six point twenty-one (476.21), four hundred seventy-six point twenty-four (476.24), four hundred seventy-six point twenty-five (476.25), four hundred seventy-six point twenty-six (476.26), four hundred seventy-seven point five (477.5), four hundred seventy-seven point six (477.6), four hundred seventy-seven point seven (477.7), four hundred seventy-seven point eight (477.8), four hundred seventy-seven point nine (477.9), four hundred seventy-seven point ten (477.10), four hundred seventy-seven point eleven (477.11), four hundred seventy-seven point twenty (477.20), four hundred seventy-seven point twenty-one (477.21), four hundred seventy-seven point twenty-nine (477.29), four hundred seventy-seven point thirty (477.30), four hundred seventy-seven point thirty-one (477.31), four hundred seventy-seven point thirty-two (477.32), four hundred seventy-seven point thirty-three (477.33), four hundred seventy-seven point thirty-four (477.34), four hundred seventy-seven point thirty-five (477.35), four hundred seventy-seven point thirty-six (477.36), four hundred seventy-seven point forty-three (477.43), four hundred seventy-seven point forty-four (477.44), four hundred seventy-seven point forty-five (477.45), four hundred seventy-seven point forty-six (477.46), four hundred seventy-seven point forty-seven (477.47), four hundred seventy-seven point forty-eight (477.48), four hundred seventy-seven point forty-nine (477.49), four hundred seventy-seven point fifty (477.50), four hundred seventy-seven point fifty-one (477.51), four hundred seventy-seven point fifty-two (477.52), four hundred seventy-seven point fifty-six (477.56), four hundred seventy-eight point three (478.3),

four hundred seventy-eight point nine (478.9), four hundred seventy-eight point fourteen (478.14), four hundred seventy-eight point fifteen (478.15), four hundred seventy-eight point sixteen (478.16), four hundred seventy-eight point seventeen (478.17), four hundred seventy-eight point eighteen (478.18), four hundred seventy-eight point thirty (478.30), four hundred seventy-eight point thirty-two (478.32), four hundred seventy-nine point five (479.5), four hundred seventy-nine point twenty-one (479.21), four hundred seventy-nine point forty-five (479.45), four hundred seventy-nine point seventy-five (479.75), four hundred seventy-nine point seventy-six (479.76), four hundred seventy-nine point seventy-seven (479.77), four hundred seventy-nine point seventy-eight (479.78), four hundred seventy-nine point seventy-nine (479.79), four hundred seventy-nine point eighty-one (479.81), four hundred seventy-nine point eighty-two (479.82), four hundred seventy-nine point eighty-three (479.83), four hundred seventy-nine point eighty-four (479.84), four hundred seventy-nine point eighty-five (479.85), four hundred seventy-nine point eighty-six (479.86), four hundred seventy-nine point eighty-seven (479.87), four hundred seventy-nine point eighty-eight (479.88), four hundred seventy-nine point ninety-three (479.93), four hundred seventy-nine point ninety-four (479.94), four hundred seventy-nine point ninety-five (479.95), four hundred seventy-nine point ninety-six (479.96), four hundred seventy-nine point ninety-seven (479.97), four hundred seventy-nine point one hundred two (479.102), four hundred eighty point seven (480.7), four hundred eighty-three point three (483.3), four hundred eighty-three point sixteen (483.16), and four hundred eighty-three point twenty (483.20), Code 1975, are repealed.

Sec. 34. Chapters four hundred eighty-two (482), four

hundred eighty-four (484), four hundred eighty-five (485),
and four hundred eighty-six (486), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 127, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1975

ROBERT D. RAY
Governor