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HOUSE FILE

1480

Place On Calendar

By COMMITTEE ON TRANSPORTATION

Passed House, Date 4-30-76 (p. 2355) Passed Senate, Date _____

Vote: Ayes 67 Nays 7 Vote: Ayes _____ Nays _____

Approved _____

*Motion to reconsider 4/30 (p. 2355)
" lost 5/5 (2430)*

A BILL FOR

1 An Act relating to rail regulation by providing for certain
 2 changes to railroad regulation laws, updating laws re-
 3 lating to the establishment, operation, and powers of
 4 a railroad district to aid railroads, allowing the
 5 imposition of a tax in the railroad district, revising
 6 certain portions of the railroad assistance law, and
 7 updating certain other laws relating to railroads and
 8 providing penalties.

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

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1 Section 1. Section three hundred seven point twenty-six
2 (307.26), subsection nine (9), Code 1975, is amended to read
3 as follows:

4 9. Advise and assist the director regarding agreements
5 with ~~the-owners-of-operating-railroads~~ railroad corporations
6 for the upgrading of railroad right of way and trackage on
7 such terms, conditions, rates, rentals, or subsidy levels
8 as may be in the best interest of the state. The commission
9 may enter into contracts and agreements which are binding
10 only to the extent that appropriations have been or may
11 subsequently be made by the legislature to effectuate the
12 purposes of this subsection. For purposes of this chapter,
13 "railroad right of way and trackage" includes but shall not
14 be limited to any roadbed, drains, fences, ties, switches,
15 rails, ballast, signs, signals, lights, equipment, bridges,
16 tools, crossings, underpasses, overpasses, construction and
17 administration buildings and any and all other property,
18 rights, easements and interest whether owned in fee or leased.

19 Sec. 2. Section three hundred seven point twenty-six
20 (307.26), Code 1975, is amended by adding the following new
21 subsections:

22 NEW SUBSECTION. Advise and assist in the establishment
23 and development of railroad districts upon request.

24 NEW SUBSECTION. Conduct innovative experimental programs
25 relating to rail transportation problems within the state.

26 NEW SUBSECTION. Enter the role of "applicant" pursuant
27 to the Railroad Reorganization and Revitalization Act of 1976
28 and take such actions as are necessary to accomplish this
29 role.

30 Sec. 3. Section three hundred twenty-one point three hun-
31 dred forty-two (321.342), Code 1975, is amended to read as
32 follows:

33 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The department
34 with reference to primary highways and local authorities with
35 reference to other highways under their jurisdiction are each

1 hereby authorized to designate particularly dangerous highway
2 grade crossings of railroads, to install rumble strips, and
3 to erect stop signs thereat. When such stop signs are erected
4 the driver of any vehicle shall stop within fifty feet but
5 not less than ten feet from the nearest track of such grade
6 crossing and shall proceed only upon exercising due care.

7 Sec. 4. Section three hundred twenty-one point three
8 hundred forty-three (321.343), Code 1975, is amended to read
9 as follows:

10 321.343 CERTAIN VEHICLES MUST STOP. The driver of any
11 motor vehicle carrying passengers for hire, or of any school
12 bus carrying any school child, or of any vehicle carrying
13 explosive substances or flammable liquids or other hazardous
14 materials as defined by the interstate commerce commission
15 as a cargo or part of a cargo, before crossing at grade any
16 track or tracks of a railroad, shall stop such vehicle within
17 fifty feet but not less than ten feet from the nearest rail
18 of such railroad and while so stopped shall listen and look
19 in both directions along such track for any approaching train,
20 and for signals indicating the approach of a train, except
21 as hereinafter provided, and shall not proceed until he can
22 do so safely.

23 No stop need be made at any such crossing where a police
24 officer or a traffic-control signal directs traffic to proceed.

25 ~~This-section-shall-not-apply-at-street-railway-grade~~
26 ~~crossings-within-a-business-or-residence-district.~~

27 Sec. 5. Section three hundred thirty-two point three
28 (332.3), Code 1975, as amended by Acts of the Sixty-sixth
29 General Assembly, 1975 Session, chapter one hundred eighty-
30 seven (187), section one (1), is amended by adding the follow-
31 ing new subsection:

32 NEW SUBSECTION. To enter into an agreement with the state
33 department of transportation, shippers, a railroad corporation,
34 a railroad district, a city or county to provide financial
35 assistance for railroad services. The agreement shall be

1 administered by the state department of transportation and
2 moneys necessary to implement the agreement shall be credited
3 to the railroad assistance fund. However, this section shall
4 not preclude a county from establishing an escrow fund to
5 be used as collateral for a loan for railroad improvement,
6 which loan shall be credited to the railroad assistance fund.
7 Moneys appropriated pursuant to this subsection shall be from
8 the county general fund, subject to the limitations provided
9 in Acts of the Sixty-sixth General Assembly, 1975 Session,
10 chapter two hundred thirty-one (231).

11 Sec. 6. Section four hundred seventy-four point ten
12 (474.10), Code 1975, is amended to read as follows:

13 474.10 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.
14 The state department of transportation shall have general
15 supervision of all railroads in the state, express companies,
16 car companies, ~~sleeping-car-companies,~~ freight and freight-
17 line companies, ~~interurban-railway-companies,~~ motor carriers,
18 and any common carrier engaged in the transportation of
19 passengers or freight by railroads, ~~-except-street-railroads.~~
20 ~~It shall investigate any alleged neglect or violation of law~~
21 ~~by any such common carrier, its agents, officers, or employees.~~

22 Sec. 7. Section four hundred seventy-four point twelve
23 (474.12), Code 1975, is amended to read as follows:

24 474.12 INSPECTION--NOTICE TO REPAIR. ~~It~~ The department
25 ~~shall from time to time carefully examine into and~~ inspect
26 the condition of each railroad, its ~~tracks, bridges, and~~
27 ~~equipment, and the manner of its conduct, operation, and~~
28 ~~management with regard to the public safety and convenience~~
29 in the state rail facilities, equipment, rolling stock,
30 operations, and pertinent records at reasonable times and
31 in a reasonable manner to insure proper operations. Employees
32 of the department shall have proper identification which shall
33 be displayed upon request. If found ~~by it~~ unsafe, ~~it the~~
34 department shall immediately notify the railroad ~~company~~
35 corporation whose duty it is to put the same in repair, which

1 shall be done by it within such time as the department shall
 2 fix. If any corporation fails to perform this duty the
 3 department may forbid and prevent it from running trains over
 4 the defective portion while unsafe or may regulate the speed
 5 and operation of trains moving over the defective portion
 6 of the railroad if such regulation is subject to federal law.

7 If the railroad corporation violates any requirement
 8 provided by the department, the railroad corporation shall
 9 be subject to a civil penalty of not more than one hundred
 10 dollars for each day the repairs have not been made from the
 11 date the department set for repairs to be completed. The
 12 court may consider the willingness and ability of the railroad
 13 corporation or railroad district to cooperate in removing
 14 the safety hazard. Moneys received from the assessment of
 15 any civil penalties shall be credited to the general fund
 16 of the state.

17 Sec. 8. Section four hundred seventy-four point fourteen
 18 (474.14), Code 1975, as amended by Acts of the Sixty-sixth
 19 General Assembly, 1975 Session, chapter one hundred seven-
 20 ty (170), section five (5), is amended to read as follows:

21 474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in
 22 the judgment of the department, any railway corporation fails
 23 in any respect to comply with the terms of its charter or
 24 articles of incorporation or the laws of the state, ~~or when~~
 25 ~~in its judgment any repairs are necessary upon its road or~~
 26 ~~change in the mode of operating its road or conducting its~~
 27 ~~business, is reasonable and expedient in order to promote~~
 28 ~~the security, convenience, and accommodation of~~ or if any
 29 railroad corporation fails to operate its railroad and busi-
 30 ness in a reasonable and expedient manner which is safe and
 31 convenient to the public, the department may make an order
 32 prescribing such improvements and changes as it finds to be
 33 proper and shall serve an order upon such corporation. A
 34 ~~report of such proceedings shall be included in its annual~~
 35 ~~report to the governor.~~ Nothing in this or ~~sections~~ section

1 474.12 ~~and-474.13~~ shall be so construed as relieving any
2 railroad ~~company~~ corporation from its responsibility or
3 liability for damage to person or property.

4 Sec. 9. Section four hundred seventy-four point fifteen
5 (474.15), Code 1975, is amended to read as follows:

6 474.15 ABANDONING STATION. It shall be unlawful for any
7 railroad ~~company~~ corporation ~~owning or operating,~~ ~~er-which~~
8 ~~may-hereafter-own-er-operate,~~ any railroad in whole or in
9 part in this state, to abandon any station in any city ~~er~~
10 ~~village~~ on its line of railroad, within this state, or to
11 remove the depot ~~therefrom~~, or to withdraw agency service
12 ~~therefrom~~, unless it shall first have filed notice of its
13 intention with the department and otherwise complied with
14 the provisions of this section and sections 474.16 and 474.17.
15 Upon the filing of such notice the department shall designate
16 the place ~~er-places-within-such-city-er-village~~ where notice
17 shall be ~~posted~~ published and the railroad ~~company~~ corporation
18 shall ~~thereupon~~, at its own expense, cause to be ~~posted-at~~
19 ~~the-place-er-places-so-designated,~~ published fifteen days'
20 notice of intention to abandon or discontinue such station
21 or agency, or remove such depot, and shall file proof of ~~such~~
22 ~~posting~~ publication with the department. The notice shall
23 be in such form as prescribed by the department and shall
24 be published in a newspaper published in the county in which
25 the station is located. An alternative notice procedure
26 giving comparable public notice may be prescribed by the
27 department.

28 Sec. 10. Section four hundred seventy-four point sixteen
29 (474.16), Code 1975, is amended to read as follows:

30 474.16 OBJECTIONS--HEARING. Any person ~~er-persens~~ directly
31 affected by the proposed abandonment or discontinuance of
32 any station or agency, or removal of any depot, may file
33 written objections ~~thereto~~ with the department, stating the
34 grounds for such objections, within fifteen days from the
35 time of the ~~posting~~ publication of the notice as provided

1 in section 474.15. Upon the filing of such objections the
2 ~~department~~ board shall fix the time and place for hearing
3 thereon, which hearing shall be held within sixty days from
4 the filing of such objections. Written notice of the time
5 and place of such hearing shall be mailed by the ~~department~~
6 board to the railroad ~~company~~ corporation and the person or
7 persons filing objections at least ten days prior to the date
8 fixed for such hearing.

9 Sec. 11. Section four hundred seventy-four point seventeen
10 (474.17), Code 1975, is amended to read as follows:

11 474.17 ORDER OF DEPARTMENT BOARD. Upon said hearing the
12 ~~department~~ board may prohibit the abandonment or discon-
13 tinuance of such station or agency, or the removal of the
14 depot, or may make such other order as is warranted by the
15 evidence produced at such hearing. But if no objections are
16 filed ~~as-hereinbefore-provided~~, the ~~department-shall~~ board
17 may make an order permitting the railroad company to proceed
18 with such abandonment or discontinuance, or removal of the
19 depot.

20 Sec. 12. Section four hundred seventy-four point eighteen
21 (474.18), Code 1975, is amended to read as follows:

22 474.18 INVESTIGATION AND INQUIRY. The ~~department-shall~~
23 board may investigate and inquire into the management ~~of-the~~
24 ~~business~~ of all common carriers subject to ~~the~~ its juris-
25 ~~isdiction of-said-department-and-keep-itself-well-informed-as~~
26 ~~to-the-manner-and-method-in-which-the-same-is-conducted.~~
27 ~~It~~ The board or department shall have the right to obtain
28 from them full and complete information necessary to enable
29 the department to perform its duties including the
30 administration of railroad assistance agreements. ~~It~~ The
31 board or department shall have power to require the attendance
32 and testimony of witnesses, the production of all books,
33 papers, tariff schedules, contracts, agreements, and docu-
34 ments, relating to any matter under investigation, and to
35 inspect the same and to examine under oath or otherwise any

1 officer, director, agent, or employee of any common carrier;
2 to issue subpoenas and to enforce obedience thereto.

3 Sec. 13. Section four hundred seventy-four point twenty
4 (474.20), Code 1975, is amended to read as follows:

5 474.20 AID FROM COURTS. The department or board may
6 invoke the aid of any court of record in ~~any county where~~
7 ~~the carrier extends,~~ the state in requiring the attendance
8 and testimony of witnesses and the production of books, papers,
9 tariff schedules, agreements, and other documents. Any court
10 having jurisdiction ~~where any of the inquiry is carried on~~
11 ~~shall,~~ in case of the refusal of any person to obey a sub-
12 poena or other process, issue an order requiring any of the
13 officers, agents, or employees of any carrier or other per-
14 son to appear before the department and produce all books
15 and papers required by such order and testify in relation
16 to any matter under investigation. A failure to obey any
17 such order of the court shall be punished as a contempt.

18 Sec. 14. Section four hundred seventy-four point twenty-
19 one (474.21), Code 1975, is amended to read as follows:

20 474.21 HINDERING OR OBSTRUCTING DEPARTMENT. Any person
21 who shall willfully obstruct ~~it~~ the board or its members
22 in the performance of their duties, or who shall refuse to
23 give any information within his possession that may be required
24 by it within the line of its duty, shall be fined not exceeding
25 one thousand dollars, in the discretion of the court.

26 Sec. 15. Section four hundred seventy-four point twenty-
27 three (474.23), Code 1975, is amended to read as follows:

28 474.23 CUMULATIVE REMEDIES. Nothing in this chapter or
29 chapter 479 shall be construed to estop or hinder any per-
30 sons ~~or corporation~~ from bringing action against any railway
31 company corporation for any violation of the laws of the state
32 ~~for the government of railroads.~~

33 Sec. 16. Section four hundred seventy-four point twenty-
34 four (474.24), Code 1975, is amended to read as follows:

35 474.24 JURISDICTION OF COURTS TO ENFORCE ORDER. The dis-

1 trict courts of this state shall have jurisdiction to en-
2 force, by proper decrees, injunctions, and orders, the rulings,
3 orders and regulations affecting public rights, made by the
4 state department of transportation as authorized by law for
5 the direction and observance of railroads in this state.
6 The proceedings therefor shall be by equitable action in the
7 name of the state, and shall be instituted by the department
8 general counsel or the board counsel, whenever advised by
9 the department that any ~~railway-corporation~~ or person
10 operating a rail line ~~of-read~~ in this state, is violating
11 and refusing to comply with any rule, order, or regulation
12 made by the department, and applicable to such railroad or
13 person.

14 Sec. 17. Section four hundred seventy-four point twenty-
15 six (474.26), Code 1975, is amended to read as follows:

16 474.26 WHEN ORDER EFFECTIVE--VIOLATION. All rules, and
17 ~~orders,--and-regulations~~ affecting public rights, made by the
18 department, as now or may hereafter be authorized for the
19 direction and observance of railroads in this state, shall
20 be in full force and effect from and after the date fixed
21 by the department. If any railroad fails, neglects, or refuses
22 to comply with any rule, or ~~order,--or-regulation~~ made by the
23 department within the time specified, it shall, for each day
24 of such failure, pay a penalty of fifty one hundred dollars.
25 Such fine moneys shall be credited to the railroad assistance
26 fund.

27 Sec. 18. Section four hundred seventy-four point twenty-
28 nine (474.29), Code 1975, is amended to read as follows:

29 474.29 REMITTING PENALTY. ~~When-any~~ If a common carrier
30 ~~shall-fail~~ fails in a judicial review proceeding to secure
31 a vacation of the order objected to, it may apply to the court
32 in which the review proceeding is finally adjudicated for
33 an order remitting the penalty which has accrued during the
34 pendency of the review proceeding. Upon a satisfactory showing
35 that the petition for judicial review was filed in good faith

1 and not for the purpose of delay, and that there were
2 reasonable grounds to believe that the order was unreasonable
3 or unjust or that the power of the department to make the
4 same was doubtful, such court may remit the penalty that has
5 accrued during the pendency of the review proceeding.

6 Sec. 19. Section four hundred seventy-four point thirty
7 (474.30), Code 1975, is amended to read as follows:

8 474.30 COSTS--ATTORNEY'S FEES. When a decree shall be
9 entered against a railroad ~~company~~ corporation or person under
10 sections 474.24 to 474.29 the court shall render judgment
11 for costs, and attorney's fees for counsel representing the
12 state.

13 Sec. 20. Section four hundred seventy-four point thirty-
14 four (474.34), Code 1975, is amended to read as follows:

15 474.34 COMPLAINTS. Any person, ~~firm, corporation, asso-~~
16 ~~ciation, mercantile, agricultural, or manufacturing society,~~
17 ~~body, politic, or municipal organization,~~ city or county may
18 file with the department a petition setting forth any
19 particular in which any common carrier has violated the law
20 to which it is subject and the amount of damages sustained
21 by reason thereof. The department shall furnish to the carrier
22 against which complaint is filed, a copy thereof, and a
23 reasonable time shall be fixed by the board within which such
24 carrier shall answer the petition or satisfy the demand therein
25 made. If such carrier fails to satisfy the complaint within
26 the time fixed or there ~~shall appear~~ appears to be reasonable
27 grounds for investigating the matters set forth in said
28 petition, the ~~department~~ board shall hear and determine the
29 questions involved and make such orders as it shall find to
30 be proper. ~~No petition so filed shall be dismissed on the~~
31 ~~grounds that the petitioner has not suffered any direct damage.~~
32 When the ~~department ascertains or~~ board has reason to believe
33 that any carrier is violating any of the laws to which it
34 is subject, it may institute an investigation and cause a
35 hearing to be ~~made~~ held before it in relation to such matters

1 in all respects as fully as if a petition had been filed.

2 Sec. 21. Section four hundred seventy-four point thirty-
3 five (474.35), Code 1975, is amended to read as follows:

4 474.35 INVESTIGATION--REPORT. When a hearing has been
5 ~~had~~ held before the ~~department~~ board after notice, it shall
6 make a report in writing setting forth the findings of fact
7 and its conclusions together with its recommendations or
8 orders as to what reparation, if any, the offending carrier
9 shall make to any party who has suffered damage. Such finding
10 of fact shall thereafter in all legal proceedings be prima
11 facie evidence of every fact found. All reports of hearings
12 and investigations made by the ~~department~~ board shall be
13 entered of record and a copy furnished to the carrier against
14 which the complaint was filed, to the party complaining, and
15 to any other person having a direct interest in the matter.
16 A reasonable fee not to exceed the actual duplication costs
17 may be charged for the copies.

18 Sec. 22. Section four hundred seventy-four point thirty-
19 six (474.36), Code 1975, is amended to read as follows:

20 474.36 ORDERS--COMPLIANCE--RELEASE. When the ~~department~~
21 board finds as the result of any investigation or hearing
22 that a common carrier has violated or is violating any of
23 the provisions of law to which it is subject, or that any
24 complainant or other person has sustained damages by reason
25 of such violation, the ~~department~~ board shall notify order
26 such carrier to cease such violation at once and shall fix
27 a time within which it shall pay the amount of damage which
28 has been found due to any person as a result of such violation.
29 Upon a satisfactory showing to the ~~department~~ board that the
30 carrier has complied with the ~~notice-in-the-time-and-manner~~
31 required order, it shall ~~thereupon~~ be relieved from further
32 liability or penalty for that particular violation of law,
33 ~~and-the-department-shall-enter-of-record-such-release.~~

34 Sec. 23. Section four hundred seventy-four point thirty-
35 seven (474.37), Code 1975, is amended to read as follows:

1 474.37 VIOLATION OF ORDER--PETITION--NOTICE. When any
2 ~~common-carrier-shall-violate-or-fail~~ person violates or fails
3 to obey any lawful order or requirement of the department
4 or board, the department or board shall apply ~~in-a-summary~~
5 way by petition in the name of the state, against such ~~common~~
6 ~~carrier~~ person, to the district court ~~of-any-county-through~~
7 ~~which-such-carrier-owns-or-operates-a-line-of-railroad-or~~
8 ~~in-which-the-failure-or-violation-of-such-order-occurred~~,
9 alleging such violation or failure to obey; the court shall
10 hear and determine the matter set forth in said petition on
11 reasonable notice to the ~~common-carrier~~ person, to be fixed
12 by the court and to be served in the same manner as original
13 notices for the commencement of action.

14 Sec. 24. Section four hundred seventy-four point thirty-
15 eight (474.38), Code 1975, is amended to read as follows:

16 474.38 INTERESTED PARTY MAY BEGIN PROCEEDINGS. Any person,
17 ~~firm-or-corporation~~ or city or county interested in the
18 matter of enforcing any order or requirement of the department
19 or board, may file a petition against such ~~carrier~~ person,
20 alleging the failure to comply with such order or requirement
21 and praying summary relief to the same extent and in the same
22 manner as the department or board may do under section 474.37,
23 and the proceedings after the filing of such petition shall
24 be the same as in ~~said~~ section provided four hundred seventy-
25 four point thirty-seven (474.37) of the Code.

26 Sec. 25. Section four hundred seventy-four point thirty-
27 nine (474.39), Code 1975, is amended to read as follows:

28 474.39 DUTY OF GENERAL DEPARTMENT AND BOARD COUNSEL AND
29 COUNTY ATTORNEY. When any proceeding has been instituted
30 under sections 474.37 and 474.38, the department general
31 counsel or the legal counsel of the transportation regulation
32 board shall prosecute the same, and the county attorney of
33 the county in which such proceeding is pending shall render
34 such assistance as the department general counsel or the board
35 legal counsel may require ~~of-him~~.

1 Sec. 26. Section four hundred seventy-four point forty
2 (474.40), Code 1975, is amended to read as follows:

3 474.40 HEARING IN EQUITY--INJUNCTION. All such causes
4 shall be in equity, and the order or report of the ~~department~~
5 board in question shall be prima-facie evidence of the matters
6 contained therein. If the court shall find that the order
7 or requirement in question is lawful and has been violated,
8 it shall issue an injunction or other proper process, mandatory-
9 or otherwise, to compel obedience to such order or requirement.

10 Sec. 27. Section four hundred seventy-four point forty-
11 two (474.42), Code 1975, is amended to read as follows:

12 474.42 APPEAL--EFFECT. An appeal to the supreme court
13 shall not stay or supersede the order of the court or the
14 execution of any writ or process thereon. When appeal is
15 taken by the department or board, it shall not be required
16 to give an appeal bond or security for costs.

17 Sec. 28. Section four hundred seventy-four point forty-
18 three (474.43), Code 1975, is amended to read as follows:

19 474.43 SUITS BY DEPARTMENT OR BOARD. When the department
20 or board has reason to believe that any ~~common-carrier~~ person
21 has been guilty of ~~extortion-or~~ unjust discrimination, ~~it~~
22 the department or board shall immediately cause actions to
23 be commenced and prosecuted against such ~~carrier~~ person.
24 Such action may be brought in the district court of any county
25 through ~~or-into~~ which ~~any-line-of~~ the railway owned or operated
26 by such ~~carrier~~ person may extend. No actions thus commenced
27 shall be dismissed unless the ~~department-and~~ the department
28 general counsel or the board legal counsel consent ~~thereto~~.
29 The court in which any such action is pending may ~~in-its~~
30 ~~discretion~~, give preference as to the time of trial of such
31 action over other business, except criminal cases.

32 Sec. 29. Section four hundred seventy-four point forty-
33 eight (474.48), Code 1975, is amended by striking the section
34 and inserting in lieu thereof the following:

35 474.48 DETAILS OF REPORT. The report shall be compiled

1 pursuant to rules adopted pursuant to chapter seventeen A
2 (17A) of the Code by the department. The report shall in-
3 clude but not be limited to anticipated capital improvements
4 projected over the next five years and anticipated abandon-
5 ments which may occur over the same period of time. The
6 department may provide that certain portions of the report
7 shall remain confidential if the department determines that
8 the release of the information may cause an undue competi-
9 tive advantage or disadvantage to a railroad corporation if
10 the information is released. The information may be clas-
11 sified as confidential only with the approval of the direc-
12 tor.

13 Sec. 30. Section four hundred seventy-four point fifty-
14 four (474.54), Code 1975, is amended to read as follows:

15 474.54 DEFINITION. As used in this chapter, unless the
16 context otherwise requires "department" means the state depart-
17 ment of transportation and "board" means the transportation
18 regulation board.

19 Sec. 31. Section four hundred seventy-six point twenty-
20 seven (476.27), Code 1975, is amended to read as follows:

21 476.27 MOTORBUSES--AERIAL TRANSPORTATION. Any ~~railroad~~
22 ~~company~~ persons operating a railroad in this state may own
23 and operate over the highways of this state for hire and as
24 a common carrier of passengers, freight, mail or express,
25 automobile buses or motor vehicles, subject to the applicable
26 state laws of the state applicable relating to the use of
27 such highways by motor vehicle carriers, and may also own
28 and operate equipment for, and engage in aerial transportation,
29 subject to the laws of the state ~~applicable thereto~~. Any
30 such railroad ~~company~~ corporation may purchase and own capital
31 stock and securities of a corporation organized for or engaged
32 in the business of a motor carrier, or of aerial trans-
33 portation. The provisions of this section shall be applicable
34 only to the extent that it has not been preempted by federal
35 law.

1 Sec. 32. Section four hundred seventy-seven point thirteen
2 (477.13), Code 1975, is amended by striking the section and
3 inserting in lieu thereof the following:

4 477.13 BRAKES ON TRAINS AND ENGINES. A train or engine
5 shall not be operated in this state which does not have an
6 operational braking system which complies with federal rules
7 and standards.

8 Sec. 33. Section four hundred seventy-seven point fifteen
9 (477.15), Code 1975, is amended to read as follows:

10 477.15 VIOLATIONS. Any railroad corporation, ~~company,~~
11 ~~or person~~ operating a railroad train or engine in this state
12 ~~and using a locomotive engine, or running a train of cars,~~
13 ~~or~~ using any freight, way caboose, or other car contrary to
14 the provisions of sections 477.12 ~~to 477.14~~ and four hundred
15 seventy-seven point thirteen (477.13) of the Code shall be
16 guilty of a misdemeanor, and shall be subject to a fine of
17 not less than five hundred nor more than one thousand dollars
18 for each and every offense; but such penalties shall not apply
19 to companies hauling cars belonging to railroads other than
20 those of this state which are engaged in interstate traffic.

21 Sec. 34. Section four hundred seventy-seven point eighteen
22 (477.18), Code 1975, is amended to read as follows:

23 477.18 EXCEPTIONS. The provisions of section 477.17 shall
24 not apply to switching or yard service at stations or places
25 where regular switch engines are not employed exclusively
26 as switch engines, or ~~during a period of not exceeding twelve~~
27 ~~hours, when~~ where a switch engine is being ~~cleaned or washed~~
28 ~~out~~ serviced, and also switching or switched by work trains;
29 and where regular switch engines are disabled by accident,
30 or in need of repairs, or there is an unusual or unexpected
31 amount of work, ~~switching.~~ Switching, under such conditions,
32 with ordinary engines, for a period of not to exceed forty-
33 eight hours, shall not be considered a violation of this
34 statute chapter.

35 Sec. 35. Section four hundred seventy-seven point twenty-

1 six (477.26), Code 1975, as amended by Acts of the Sixty-sixth
2 General Assembly, 1975 Session, chapter one hundred seventy
3 (170), section nine (9), is amended to read as follows:

4 477.26 STANDARD CABOOSE CARS. The provisions of sections
5 477.27 and 477.28 shall apply to any ~~corporation or to any~~
6 person ~~or persons~~ while engaged as common carriers in the
7 transportation by railroads of ~~passengers or~~ property within
8 this state to which the regulative power of this state extends.

9 Sec. 36. Section four hundred seventy-seven point forty-
10 two (477.42), Code 1975, as amended by Acts of the Sixty-sixth
11 General Assembly, 1975 Session, chapter one hundred seventy
12 (170), section eleven (11), is amended to read as follows:

13 477.42 FREIGHT OFFICES. All railroads in the state shall
14 establish and maintain operating offices, at localities
15 accessible and convenient to the public, ~~and correctly set~~
16 ~~forth their freight tariffs.~~

17 Sec. 37. Section four hundred seventy-seven point fifty-
18 three (477.53), Code 1975, is amended by striking the section
19 and inserting in lieu thereof the following:

20 477.53 VEGETATION ON RIGHT-OF-WAY. Every railroad corpo-
21 ration shall insure that vegetation on railroad property which
22 is on or immediately adjacent to the roadbed be controlled
23 so that it does not:

24 1. Become a fire hazard to track-carrying structures.

25 2. Obstruct visibility of railroad signs and signals.

26 3. Interfere with railroad employees performing normal
27 trackside duties.

28 4. Prevent proper functioning of signal and communication
29 lines.

30 5. Prevent railroad employees from visually inspecting
31 moving equipment from their normal duty stations.

32 Nothing in this section shall be construed to exempt a
33 railroad corporation from carrying out noxious weed control
34 programs as provided in chapter three hundred seventeen (317)
35 of the Code.

1 Sec. 38. Section four hundred seventy-seven point fifty-
2 eight (477.58), Code 1975, is amended to read as follows:

3 477.58 CHANGING NAMES OF STATIONS. In all cases where
4 any railway ~~company~~ corporation shall fail or refuse to make
5 the name of the railway station conform to the name of the
6 ~~village-or~~ city within the limits of which it is situated,
7 ~~it-shall-be-the-duty-of-the-state-department-of-transportation~~
8 ~~to~~ the board may order a change of the name of ~~said~~ the railway
9 station to effect such uniformity, within sixty days after
10 a petition in writing by the city council ~~of-said-city,-or,~~
11 ~~in-the-case-of-a-village,-by-the-township-trustees,~~ asking
12 for such order, is filed with the ~~state-department-of-trans-~~
13 ~~portation~~ board.

14 Sec. 39. Section four hundred seventy-seven point fifty-
15 nine (477.59), Code 1975, is amended to read as follows:

16 477.59 NOTICE. When the ~~state-department-of-transportation~~
17 ~~shall-order~~ board orders a change in the name of a railway
18 station, ~~it-shall-give-the-company-owning-or-operating-the~~
19 ~~same-notice-of-such-order,~~ and if it is not complied with
20 within thirty days from the date of service of such ~~notice~~
21 order, the ~~state-department-of-transportation~~ board shall
22 ~~notify-the-general-counsel-division-which-shall~~ begin
23 proceedings in the proper court to compel the enforcement
24 of said order.

25 Sec. 40. Section four hundred seventy-seven point sixty-
26 four (477.64), Code 1975, is amended to read as follows:

27 477.64 SANITATION AND SHELTER. A railway ~~company~~ corpo-
28 ration within the state shall provide adequate sanitation
29 and shelter for all railway employees. The ~~Iowa-bureau-of~~
30 ~~labor~~ department shall adopt rules in accordance with chapter
31 17A relating to requirements for adequate sanitation and
32 shelter for railway employees.

33 Sec. 41. Chapter four hundred seventy-seven (477), Code
34 1975, is amended by adding the following new section:

35 NEW SECTION. DEFINITIONS. As used in this chapter, un-

1 less the context otherwise requires:

2 1. "Department" means the state department of transporta-
3 tion.

4 2. "Board" means the transportation regulation board.

5 Sec. 42. Section four hundred seventy-eight point thirteen
6 (478.13), Code 1975, is amended to read as follows:

7 478.13 OVERHEAD, UNDERGROUND, OR MORE THAN ONE CROSSING.

8 Such owner of land may serve upon such railroad ~~company~~
9 corporation a request in writing for more than one such farm
10 or private crossing, or for an overhead or underground
11 crossing, accompanied by a plat of his land designating thereon
12 the location and character of crossing desired. If the
13 railroad ~~company~~ corporation refuses or neglects for thirty
14 days after such service to comply with such request, the owner
15 of the land may make written application to the department
16 to hear and determine his rights in said respect. ~~Such-depart-~~
17 ~~ment~~ The board, after reasonable notice to the railroad ~~company~~
18 corporation, shall hear said application and all objections
19 thereto, and make such order as shall be reasonable and just,
20 and if it requires the railroad ~~company~~ corporation to
21 construct any crossing or roadway, fix the time for compli-
22 ance with such order. The matter of costs shall be in the
23 discretion of the ~~department~~ board.

24 Sec. 43. Section four hundred seventy-eight point twenty-
25 one (478.21), Code 1975, as amended by the Sixty-sixth General
26 Assembly, 1975 Session, chapter two hundred thirty-two (232),
27 is amended to read as follows::

28 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever
29 a railway track crosses or shall hereafter cross a highway,
30 street or alley, the railway ~~company~~ corporation owning such
31 track and the highway division of the department of
32 transportation, in the case of primary highways, the board
33 of supervisors of the county in which such crossing is located,
34 in the case of secondary roads, or the council of the city,
35 in the case of streets and alleys located within a city, may

1 agree upon the location and manner of crossing, or crossing
2 protection, or upgrading thereof, or upon a separation of
3 grades so as to carry such highway over or under the railway
4 track, and upon any change, alteration, vacation or relocation
5 of such highway, street or alley, and upon repairs, alteration,
6 or elimination of any crossing, and upon the expense each
7 party shall pay for such changes, except that if flasher light
8 or gate signals are ordered or agreed to be installed prior
9 to July 1, 1973, the maintenance thereof shall be assumed
10 by the railroad and if the installation of flasher light or
11 gate signals is ordered or agreed to be installed on or after
12 July 1, 1973, the maintenance thereof shall be assumed equally
13 by the railroad and, upon the approval of the department,
14 the grade crossing safety fund. The department may take such
15 action as is necessary to determine whether such changes have
16 been made by the railroad corporation and are correct and
17 that the quality of maintenance is assured. Form of billing
18 shall be in the manner prescribed by the department. The
19 department shall not expend more than four hundred fifty
20 dollars for any one crossing in any one year from the grade
21 crossing fund, provided, however, nothing Nothing in this
22 section limits the provisions of section 364.8.

23 Sec. 44. Section four hundred seventy-eight point twenty-
24 three (478.23), Code 1975, as amended by Acts of the Sixty-
25 sixth General Assembly, 1975 Session, chapter two hundred
26 thirty-two (232), section three (3), is amended to read as
27 follows:

28 478.23 HEARING--ORDER. The department board shall hear
29 the evidence of each party to the controversy, taking into
30 consideration the necessity of such changes and the expense
31 thereof, the location of any crossing or crossing protection
32 and the manner in which it shall be constructed and maintained,
33 or whether a crossing is to be eliminated and the provisions
34 therefor, and may make such order in relation thereto as shall
35 be equitable, including authority to condemn and take addi-

1 tional land for such purposes when necessary, and shall deter-
2 mine a solution to the controversy including what portion
3 of the expense shall be paid by any party to such controversy.
4 In determining what portion of the expense shall be paid by
5 each party the ~~department~~ board may consider the ratio of
6 the benefits accruing to the railroad or the governmental
7 unit or both as it bears to the general public use and bene-
8 fit and such benefits shall be consistent with the standards
9 adopted for similar purposes by the federal highway
10 administration under the federal aid highway Act of 1973 as
11 amended.

12 The board may, upon petition of either party to the contro-
13 versy and after hearing, rescind the order if it is shown
14 that the order will cause undue hardship to either party and
15 if work has not been commenced on the installation or
16 construction of the ordered improvement.

17 Sec. 45. Section four hundred seventy-eight point twenty-
18 six (478.26), Code 1975, as amended by Acts of the Sixty-sixth
19 General Assembly, 1975 Session, chapter two hundred thirty-
20 two (232), section four (4), is amended to read as follows:

21 478.26 USE OF FUND. When application is before the
22 department, as provided in section 478.22, and after hearing
23 has been held, and determination as to allocation of costs
24 as provided in section 478.23 the department ~~is-hereby~~
25 ~~empowered-to~~ may allocate proceeds from the highway grade
26 crossing safety fund for the protection of the public in the
27 use of the highway railroad grade crossings involved in the
28 application, in addition to any portion of the cost to be
29 paid by the railroad ~~company~~ corporation or ~~either~~ a public
30 authority. Upon reaching a decision as to the amount to be
31 allocated from the highway grade crossing safety fund, and
32 the completion of installation of required crossing protection
33 to the satisfaction of the department, the department shall
34 direct the treasurer of state to distribute said amount from
35 the funds then available in the highway grade crossing safety

1 fund.

2 The requirement that a hearing be held pursuant to this
3 section prior to the allocation of costs and disbursement
4 of funds shall not apply if the parties to the proposed hearing
5 file a written stipulation with the department relative to
6 the allocation of cost prior to the actual date of the proposed
7 hearing.

8 Sec. 46. Chapter four hundred seventy-eight (478), Code
9 1975, is amended by adding the following new sections:

10 NEW SECTION. There is established a highway railroad grade
11 crossing surface repair fund in the office of the treasurer
12 of state. The department may credit to this fund:

13 1. Moneys appropriated to the department from the general
14 fund of the state.

15 2. Moneys appropriated to the department from the road
16 use tax fund.

17 3. Available federal funds.

18 4. Moneys acquired by the department from any gift, grant,
19 or contributions from any source.

20 The total amount of funds, except federal funds, which
21 shall be credited to the highway railroad grade crossing sur-
22 face fund shall not exceed two hundred fifty thousand dol-
23 lars in any one year. Any amount of funds received, except
24 federal funds, in any year in excess of two hundred fifty
25 thousand dollars shall be credited to the general fund of
26 the state.

27 NEW SECTION. Whenever a grade crossing of a railroad track
28 and a highway, street, or alley shall require repairs or
29 maintenance, the actual costs for such maintenance may be
30 paid equally by the owner of the track, the jurisdiction
31 having primary authority over the highway, street, or alley,
32 and the highway grade crossing surface repair fund.

33 Whenever the railroad corporation and the jurisdiction
34 having authority agree on the method of crossing maintenance
35 and establish an agreement to each contribute one-third of

1 the costs, a copy of the agreement shall be filed with the
2 department which shall allocate an amount equal to one-third
3 of the estimated cost for the work if funds are available
4 in the highway railroad grade crossing surface repair fund.
5 The department shall make appropriate notification if the
6 fund is exhausted in which case agreements shall not be made
7 under the provisions of this section until additional funds
8 are available in the fund. The fund shall be administered
9 by the railroad division of the state department of transpor-
10 tation.

11 Upon completion of the agreed repair work, a statement
12 of costs shall be filed with the department by the railroad
13 corporation in a form and manner prescribed by the department.
14 The department, upon approval of the statement, shall pay
15 to the railroad corporation an amount equal to one-third of
16 the actual cost of the work from the highway railroad grade
17 crossing surface repair fund.

18 The jurisdiction entering into the agreement may pay their
19 portion of the agreement from available funds.

20 NEW SECTION. If a railroad corporation and the department,
21 city, or county cannot reach agreement on railroad crossing
22 repair and maintenance, either party may appeal to the board.
23 The board shall resolve the dispute in the manner provided
24 in section four hundred seventy-eight point twenty-two (478.22)
25 of the Code.

26 NEW SECTION. A railroad corporation or its employees shall
27 not operate any train in such a manner as to prevent vehicular
28 use of any highway, street or alley for a period of time in
29 excess of ten minutes except:

- 30 1. When necessary to comply with signals affecting the
31 safety of the movement of trains.
- 32 2. When necessary to avoid striking any object or person
33 on the track.
- 34 3. When the train is disabled.
- 35 4. When the train is in motion except while engaged in

1 switching operations.

2 5. When there is no vehicular traffic waiting to use the
3 crossing.

4 6. When necessary to comply with governmental safety regu-
5 lations.

6 Any officer or employee of a railroad corporation violating
7 any provision of this section shall, upon conviction be sub-
8 ject to the penalty provided in section four hundred seventy-
9 eight point twenty (478.20) of the Code. An employee shall
10 not be guilty of such violation if his action was necessary
11 to comply with the direct order or instructions of a railroad
12 corporation or its supervisors. Such guilt shall then be
13 with the railroad corporation.

14 Sec. 47. Section four hundred seventy-nine point two
15 (479.2), Code 1975, is amended by striking the section and
16 inserting in lieu thereof the following:

17 479.2 DEFINITIONS. As used in this chapter unless the
18 context otherwise requires:

19 1. "Railroad" means all terminal facilities necessary
20 in the transportation of persons and property and includes
21 bridges, railroad right-of-way, trackage, switches, and other
22 appurtenances necessary for the operation of a railroad,
23 whether owned, leased, or operated under some other contractual
24 agreement.

25 2. "Railway" means a railroad as defined in subsection
26 one (1) of this section.

27 3. "Railway corporation" means all corporations, com-
28 panies, or persons owning or operating any railroad or carrier
29 in whole or in part within the state.

30 4. "Railroad corporation" means a railway corporation
31 as defined in subsection three (3) of this section.

32 5. "Switching service" means the shifting of a car be-
33 tween two points, both of which are within the industrial
34 vicinity of an industry, a group of industries, a station,
35 or a city, as such industrial vicinity may be defined by

1 the department.

2 6. "Transportation" means all instrumentalities of ship-
3 ment or carriage as well as services in connection with the
4 actual transport.

5 7. "Rates" means fares, tariffs, tolls, charges, and all
6 classifications, contracts, practices, and rules of common
7 carriers relating to such rates.

8 8. "Joint tariffs" embraces joint rates, tolls, contracts,
9 classifications, and charges.

10 9. "Department" means the state department of transporta-
11 tion.

12 10. "Board" means the transportation regulation board.

13 Sec. 48. Section four hundred seventy-nine point four
14 (479.4), Code 1975, is amended by striking the section and
15 inserting in lieu thereof the following:

16 479.4 CONNECTIONS. If a railroad corporation in this
17 state fails or refuses to connect by proper switches or tracks
18 with the tracks of another railroad corporation or fails or
19 refuses to receive, transport, load, discharge, reload, or
20 return cars furnished by another connecting railroad
21 corporation, the board shall hold a hearing on the dispute.
22 Upon conclusion of the hearing, the board shall issue an or-
23 der which is reasonably necessary to resolve the dispute and
24 accomplish cooperation between the parties. The order may
25 include the allocation of costs between the parties.

26 Sec. 49. Section four hundred seventy-nine point eight
27 (479.8), Code 1975, is amended to read as follows:

28 479.8 TRANSPORTING PERSONS OR PROPERTY FOR HIRE--LIMI-
29 TATION ON LIABILITY. ~~No~~ A contract, receipt or rule shall
30 not exempt any railroad corporation or person engaged in
31 transporting ~~persons~~ for hire from the liability of a common
32 carrier, or carrier of passengers, which would exist had no
33 contract, receipt, or rule ~~or regulation~~ been made except
34 as may be provided by order of the board.

35 Sec. 50. Section four hundred seventy-nine point ten

1 (479.10), Code 1975, as amended by Acts of the Sixty-sixth
2 General Assembly, 1975 Session, chapter one hundred seventy
3 (170), section twenty-three (23), is amended to read as
4 follows:

5 479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND FORWARDING.
6 ~~All-common-carriers~~ Railroad corporations shall, according
7 to their respective powers, afford all reasonable, proper,
8 and equal facilities for the interchange of traffic between
9 their respective lines, and for the receiving, forwarding,
10 and switching of cars and property to and from their several
11 lines, and to and from other lines and places connected
12 therewith; and shall not discriminate in their accommodations,
13 rates, and charges between such connecting lines. Any common
14 carrier may be required to switch and transfer cars for
15 another, for the purpose of being loaded or unloaded, upon
16 such terms and conditions as may be ~~prescribed~~ ordered by
17 the ~~department~~ board.

18 Sec. 51. Section four hundred seventy-nine point twelve
19 (479.12), Code 1975, is amended to read as follows:

20 479.12 RECONSIGNMENT WITHOUT CHARGE. Upon request of
21 the consignee it shall be the duty of any common carrier of
22 freight to re consign, rebill, and reship from any place of
23 destination within the state to any other place within the
24 state any property in carload lots, ~~whether-accompanied-by~~
25 ~~any-person-or-not~~, brought to said place of destination over
26 its own or other line and treat the same in all respects as
27 an original shipment between such places, provided the charges
28 to first place of destination are paid or secured to the
29 satisfaction of such company.

30 Sec. 52. Section four hundred seventy-nine point thirteen
31 (479.13), Code 1975, is amended to read as follows:

32 479.13 CHARGES TO BE REASONABLE. All rates and charges
33 made for any service rendered or to be rendered in the trans-
34 portation of passengers or property in this state, or for
35 the receiving, delivering, storage, or handling of such

1 property, shall be reasonable and just, and every unjust and
2 unreasonable charge for such service is prohibited and declared
3 to be unlawful.

4 Sec. 53. Section four hundred seventy-nine point fourteen
5 (479.14), unnumbered paragraph two (2), Code 1975, is amended
6 to read as follows:

7 No such ~~common carrier, or carriers,~~ shall charge or receive
8 any greater compensation in the aggregate for the transpor-
9 tation of persons or of a like kind of property for a shorter
10 than for a longer distance, over the same line or route in
11 the same direction within this state, the shorter being in-
12 cluded within the longer distance, or charge any greater
13 compensation as a through rate than the aggregate of the
14 intermediate rates; but this shall not be construed as
15 authorizing any such common carrier ~~or carriers~~ to charge
16 or receive as great a compensation for a shorter as for a
17 longer distance or haul; provided that upon application to
18 the ~~department~~ board such common carrier ~~or carriers~~ may,
19 in special cases, after investigation, be authorized by the
20 ~~department~~ board to charge less for a longer than for a shorter
21 distance for the transportation of persons or property; and
22 the ~~department~~ board may from time to time prescribe the
23 extent to which such designated common carrier ~~or carriers~~
24 may be relieved from the operation and requirement of this
25 section; but in exercising the authority conferred upon it
26 in this proviso, the ~~department~~ board shall not permit the
27 establishment of any charge to or from the more distant point
28 that is not reasonably compensatory for the service performed;
29 and, if a circuitous rail line or route is, because of such
30 circuitry, granted authority to meet the charges of a more
31 direct line or route to or from competitive points and to
32 maintain higher charges to or from intermediate points on
33 its line, the authority shall not include intermediate points
34 as to which the haul of the petitioning line or route is not
35 longer than that of the direct line or route between the

1 competitive points.

2 Sec. 54. Section four hundred seventy-nine point fifteen
3 (479.15), Code 1975, is amended to read as follows:

4 479.15 POOLING CONTRACTS. It shall be unlawful for any
5 common carrier subject to the provisions of this chapter to
6 enter into any contract, agreement, or combination with any
7 other common carrier or carriers for the pooling of freight
8 of different and competing railroads, or divide between them
9 the aggregate or net proceeds of the earnings of such
10 railroads, or any portion thereof without the approval of
11 the board when determined to be in the public interest by
12 the board; and in case of an agreement for the pooling of
13 freights ~~as-aforesaid~~ without such approval, each day of its
14 continuance shall be a separate offense.

15 Sec. 55. Section four hundred seventy-nine point seven-
16 teen (479.17), Code 1975, is amended to read as follows:

17 479.17 VIOLATIONS--TREBLE DAMAGES. In case any common
18 carrier subject to the provisions of this chapter shall do,
19 cause, or permit to be done anything herein prohibited or
20 declared to be unlawful, or shall ~~omit~~ fail to do anything
21 in this chapter required to be done, it shall be liable to
22 the person ~~or-persons~~ injured thereby for three times the
23 amount of damages sustained in consequence, together with
24 costs of suit, and a reasonable attorney's fee to be fixed
25 by the court, on appeal or otherwise, which shall be taxed
26 and collected as part of the costs in the case; but in all
27 cases demand in writing shall be made for the money damages
28 sustained before action is brought for a recovery under this
29 section, and no action shall be brought until the expiration
30 of fifteen days after such demand.

31 Sec. 56. Section four hundred seventy-nine point twenty
32 (479.20), subsection seven (7), Code 1975, is amended to read
33 as follows:

34 7. Charge, collect, or receive from any person for the
35 use and transportation of any railway car ~~or-cars~~ upon its

1 railway a higher or greater compensation in the aggregate
2 than it shall, at the same time, charge, collect, or receive
3 from any other person for the use and transportation of any
4 railway car ~~or cars~~ of the same class for a like purpose,
5 being transported from the same original point in the same
6 direction, over an equal distance of the same railway--~~all~~
7 ~~such-discriminating-rates, charges, collections, or receipts,~~
8 ~~whether-made-directly-or-by-means-of-any-rebate, drawback,~~
9 ~~or-other-shift-or-evasion, shall-be-received-as-prima-facie~~
10 ~~evidence-of-the-unjust-discriminations-prohibited-by-this~~
11 ~~chapter;~~ or

12 Sec. 57. Section four hundred seventy-nine point twenty
13 (479.20), Code 1975, is amended by adding the following new
14 subsection:

15 NEW SUBSECTION. Charge any discriminatory rates, charges,
16 collections or receipts whether made directly or indirectly
17 by means of a rebate or other method.

18 Sec. 58. Section four hundred seventy-nine point twenty
19 (479.20), Code 1975, is amended by adding the following new
20 unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. All the preceding discriminating
22 rates, charges, collections, or receipts, whether made directly
23 or by means of a rebate, drawback, or other evasion shall
24 be received as prima facie evidence of unjust discriminations
25 prohibited by this chapter.

26 Sec. 59. Section four hundred seventy-nine point twenty-
27 nine (479.29), Code 1975, as amended by Acts of the Sixty-
28 sixth General Assembly, 1975 Session, chapter one hundred
29 seventy (170), section twenty-seven (27), is amended to read
30 as follows:

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

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

8 Sec. 60. Section four hundred seventy-nine point thirty
9 (479.30), Code 1975, is amended to read as follows:

10 479.30 CIVIL FORFEITURE. Any such railway corporation
11 guilty ~~of extortion, or~~ of making any unjust discrimination
12 as to passenger or freight rates, or the rates for the use
13 and transportation of railway cars, or in receiving, handling,
14 or delivering freights, shall forfeit and pay to the state
15 not less than one thousand nor more than five thousand dollars
16 for the first offense, and not less than five thousand nor
17 more than ten thousand dollars for each subsequent offense,
18 to be recovered in a civil action in the name of the state;
19 and the release from liability or penalty provided for in
20 this chapter shall not apply to a criminal prosecution under
21 section 479.29, or to a civil action under this section.

22 Sec. 61. Section four hundred seventy-nine point forty-
23 six (479.46), Code 1975, is amended to read as follows:

24 479.46 DIVISION OF JOINT RATES. Before the promulga-
25 tion of such rates, the ~~department~~ board shall notify the
26 railroad companies interested of the schedule of joint rates
27 fixed, and given them a reasonable time thereafter to agree
28 upon a division of the charges provided for therein. If such
29 companies fail to agree upon a division, and to notify the
30 ~~department~~ board thereof, it shall, after a hearing of the
31 companies interested, decide the same, taking into
32 consideration the value of terminal facilities and all the
33 circumstances of the haul, and the division so determined
34 by it shall, in all controversies or actions between the
35 railway companies interested, be prima-facie evidence of a

1 just and reasonable division thereof.

2 Sec. 62. Section four hundred seventy-nine point forty-
3 nine (479.49), Code 1975, is amended to read as follows:

4 479.49 RATE SCHEDULES--FILING AND PUBLICATION PUBLIC
5 ACCESS. Every common carrier, subject to the provisions of
6 this chapter shall file with the department board and shall
7 ~~print and-keep-open-to-public-inspection~~ schedules showing
8 the rates for the transportation within this state of persons
9 and property from each point upon its route to all other
10 points thereon and from all points upon its route to all
11 points upon every other route leased, operated, or controlled
12 by it; and from each point on its route or upon any route
13 leased, operated, or controlled by it to all points upon the
14 route of any other common carrier, whenever a through route
15 and a joint rate shall have been established or ordered between
16 any two such points. If no joint rate over a through route
17 has been established, the schedules of the several carriers
18 in such through route shall show the separately established
19 rates, applicable to the through transportation.

20 Subject to rules which the board may adopt, the schedules
21 shall be plainly printed and a copy of often used schedules
22 shall be kept by every carrier readily accessible to and for
23 inspection by the public in every station and office of the
24 carrier where passengers or property are received for trans-
25 portation when the station or office is in the charge of an
26 agent. A notice printed in bold type and stating that the
27 schedules are on file with the agent and open to public in-
28 spection, and that the agent will assist any person to de-
29 termine from the schedule any rate shall be posted by the
30 carrier in public and conspicuous places in each station or
31 office. The board may, by rule, provide that adequate public
32 access to schedules not often used be provided in a different
33 manner.

34 Sec. 63. Section four hundred seventy-nine point fifty
35 (479.50), Code 1975, is amended to read as follows:

1 479.50 DETAILED REQUIREMENTS. The schedules aforesaid
2 shall plainly state the places between which such property
3 and persons will be carried, and, separately, all terminal
4 charges, storage charges, ~~ieing~~ refrigeration charges, and
5 all other charges which the department board may require to
6 be stated, all privileges or facilities granted or allowed,
7 and all rules ~~or-regulations~~ which may in any wise change,
8 affect, or determine any part or the aggregate of such rates,
9 or the value of the various services rendered to the passenger,
10 shipper, or consignee.

11 The form of every schedule shall be prescribed by the board
12 and shall conform, in the case of common carriers, as nearly
13 as may be to the form prescribed by the interstate commerce
14 commission.

15 Sec. 64. Section four hundred seventy-nine point fifty-
16 five (479.55), Code 1975, is amended to read as follows:

17 479.55 INTERSTATE COMMERCE SCHEDULES. When schedules
18 and classifications required by the interstate commerce com-
19 mission contain in whole or in part the information required
20 by the provisions of this chapter, the posting~~7-publishing7~~,
21 and filing of a copy ~~or-copies~~ of such schedules and clas-
22 sifications with the board shall be deemed a compliance with
23 the requirements of this chapter insofar as such schedules
24 and classifications contain the information required by this
25 chapter, and any additional or different information may be
26 posted~~7-published7~~, and filed in a supplementary schedule.

27 Sec. 65. Section four hundred seventy-nine point fifty-
28 six (479.56), Code 1975, is amended by read as follows:

29 479.56 PARTIAL SCHEDULES. In lieu of filing its entire
30 schedule in each station or office, any common carrier may~~7~~
31 ~~subject-to-the-regulations-of-the-department7~~ file ~~or~~ with
32 the board and keep posted at such stations or offices,
33 schedules of such rates as are applicable at, to, and from
34 the places where such stations or offices are located subject
35 to rules adopted by the board.

1 Sec. 66. Section four hundred seventy-nine point fifty-
2 seven (479.57), Code 1975, is amended to read as follows:
3 479.57 CHANGES IN SCHEDULES. The ~~department~~ board shall
4 have power from time to time, in its discretion, to determine
5 and prescribe by order such changes in the form of the
6 schedules referred to in this chapter as it may find expedient,
7 and to modify the requirements of any of its orders or rules
8 in respect thereto.

9 Sec. 67. Section four hundred seventy-nine point fifty-
10 eight (479.58), Code 1975, is amended to read as follows:

11 479.58 JOINT TARIFF SCHEDULES. The names of the several
12 common carriers which are parties to any joint tariff shall
13 be specified in the schedule or schedules showing the same.
14 Unless otherwise ordered by the ~~department~~ board, a schedule
15 showing such joint tariff need be filed with the ~~department~~
16 board by only one of the parties if there is also filed with
17 the department, in such form as the ~~department~~ board may
18 require, a concurrence in such joint tariff by each of the
19 other parties thereto.

20 Sec. 68. Section four hundred seventy-nine point sixty
21 (479.60), Code 1975, is amended to read as follows:

22 479.60 TRANSPORTATION PROHIBITED. No common carrier shall
23 undertake to perform any service nor engage or participate
24 in the transportation of persons or property between points
25 within this state, until its schedule of rates shall have
26 been filed and ~~published~~ posted as herein provided.

27 Sec. 69. Section four hundred seventy-nine point sixty-
28 one (479.61), Code 1975, is amended to read as follows:

29 479.61 CHANGE IN RATE. Unless the ~~department~~ board
30 otherwise orders, no change shall be made by any common carrier
31 in any rate, except after thirty days' notice to the ~~department~~
32 board and to the public as herein provided. The board shall
33 adopt rules to insure public notice in any action instituted
34 under this section.

35 Sec. 70. Section four hundred seventy-nine point sixty-

1 two (479.62), Code 1975, is amended to read as follows:

2 479.62 NOTICE OF CHANGE. Such notice shall be given by
3 filing with the ~~department~~ board and by keeping open for
4 public inspection new schedules or supplements stating plainly
5 the change or changes to be made in the schedule or schedules
6 then in effect, and the time when the change or changes will
7 go into effect.

8 Sec. 71. Section four hundred seventy-nine point sixty-
9 three (479.63), Code 1975, is amended to read as follows:

10 479.63 CHANGES WITHOUT NOTICE. The ~~department~~ board,
11 for good cause shown, may allow changes without requiring
12 said thirty days' notice by an order specifying the changes
13 so to be made and the time when they shall take effect, and
14 the manner in which they shall be filed and published.

15 Sec. 72. Section four hundred seventy-nine point sixty-
16 four (479.64), Code 1975, is amended to read as follows:

17 479.64 INDICATING CHANGE. When any change is proposed
18 in any rate, such proposed change shall be plainly indicated
19 on the new schedule filed with the ~~department~~ board, by some
20 typographic character immediately preceding or following the
21 item.

22 Sec. 73. Section four hundred seventy-nine point sixty-
23 five (479.65), Code 1975, is amended to read as follows:

24 479.65 SCHEDULE CHARGE MANDATORY--REFUNDS AND
25 DISCRIMINATION. No common carrier, except as otherwise
26 provided, shall charge, demand, collect, or receive a greater
27 or less or different compensation for the transportation of
28 persons or property or for any service in connection therewith
29 than the rates, fares, and charges applicable to such
30 transportation as specified in its schedules filed and in
31 effect at the time; nor shall any such carrier refund or remit
32 in any manner or by any device any portion of the rates,
33 fares, or charges so specified except upon order of the courts
34 or of the ~~department~~ board as may be now or hereafter by law
35 provided, nor extend to any shipper or person any privilege

1 or facility in the transportation of passengers or property
2 except such as are specified in such schedules.

3 Sec. 74. Section four hundred seventy-nine point sixty-
4 six (479.66), Code 1975, is amended to read as follows:

5 479.66 POWER TO REVISE RATES. Whenever there shall be
6 filed with the department board any schedule, stating an
7 individual or joint rate, the ~~department-shall-have-power~~
8 board may, either upon complaint or upon its own motion, at
9 once, and, if it so orders, without answer or formal pleadings
10 by the interested common carrier or carriers, but upon
11 reasonable notice, to enter upon a hearing concerning the
12 propriety of such rate.

13 Sec. 75. Section four hundred seventy-nine point sixty-
14 seven (479.67), Code 1975, is amended to read as follows:

15 479.67 SUSPENSION OF RATES. Pending the hearing and the
16 decision thereon, such rate shall not go into effect; but
17 the period of suspension of such rate shall not extend more
18 than one hundred twenty days beyond the time when such rate
19 would otherwise go into effect, unless the department board,
20 in its discretion, extends the period of suspension for a
21 further period of not exceeding thirty days.

22 Sec. 76. Section four hundred seventy-nine point sixty-
23 eight (479.68), Code 1975, is amended to read as follows:

24 479.68 DECISION. On such hearing the department board
25 shall establish the rates, in whole or in part, or others
26 in lieu thereof, which it shall find to be just and reason-
27 able.

28 Sec. 77. Section four hundred seventy-nine point sixty-
29 nine (479.69), Code 1975, is amended to read as follows:

30 479.69 WHEN RATES EFFECTIVE. All such rates not so sus-
31 pended shall, on the expiration of thirty days from the time
32 of filing the same with the department board or of such less
33 time as the said department board may grant, go into effect
34 and be the established and effective rates, subject to the
35 power of the department board after a hearing had upon its

1 own motion or upon complaint, as herein provided, to alter
2 or modify the same.

3 Sec. 78. Section four hundred seventy-nine point seventy
4 (479.70), Code 1975, is amended to read as follows:

5 479.70 POSTING AND FILING OF REVISED SCHEDULES. After
6 such changes have been authorized by the department board,
7 copies of the new or revised schedules shall be posted or
8 filed as provided in this chapter within such reasonable time
9 as may be fixed by the department board.

10 Sec, 79. Section four hundred seventy-nine point seventy-
11 two (479.72), Code 1975, is amended to read as follows:

12 479.72 COMPLAINT OF VIOLATION. When any person ~~in-his~~
13 ~~own-behalf, or-in-behalf-of-a-class-of-persons-similarly~~
14 ~~situated, or-a-firm, corporation, or-association, or-any~~
15 ~~mercantile, agricultural, or-manufacturing-society, or-any~~
16 ~~body-politic or-municipal-organization, city, or county~~ shall
17 make complaint to the department board that the rate charged
18 or published by any railway company corporation, ~~or-the-maximum~~
19 ~~rates-fixed-by-the-department-in-the-schedule-of-rates-made~~
20 ~~by-it,~~ or the maximum rate fixed by law, is unreasonably
21 high or discriminating, the ~~department-shall~~ board may
22 investigate the matter, and, ~~if-the-charge-appears-to-be-well-~~
23 ~~founded, fix-a-day-for~~ hold a hearing the same, giving the
24 ~~railway-company~~ parties notice of the time and place ~~thereof~~
25 ~~by-mail, directed-to-any-division-superintendent, general~~
26 ~~or-assistant-superintendent, general-manager, president, or~~
27 ~~secretary-of-such-company, which-notice-shall-contain-the~~
28 ~~substance-of-the-complaint, also-the-person-or-persons~~
29 complaining of the hearing.

30 Sec. 80. Section four hundred seventy-nine point seventy-
31 three (479.73), Code 1975, is amended to read as follows:

32 479.73 HEARING--EVIDENCE. Upon At the time of the hearing
33 the department board shall receive any evidence and listen
34 to any arguments offered or presented by either party relevant
35 to the matter under investigation, and the burden of proof

1 shall not be upon the person ~~or persons~~ making the complaint;
2 but it shall add to the showing made at such hearing whatever
3 information it may then have, or can obtain from any source,
4 including schedules of rates actually charged by any railway
5 ~~company~~ corporation for substantially the same kind of service,
6 in this or any other state. The lowest rates published or
7 charged by any railway ~~company~~ corporation for substantially
8 the same kind of service whether in this or another state,
9 shall, at the instance of the person ~~or persons~~ complaining,
10 be accepted as prima-facie evidence of a reasonable rate for
11 the services under investigation; and if the railway ~~company~~
12 corporation complained of is operating a line of railroad
13 beyond the state, or has a traffic arrangement with any such
14 railway ~~company~~ corporation, the same shall be taken into
15 consideration in determining what is a reasonable rate; if
16 it be operating a line of railway beyond the state, the rate
17 charged or established for substantially a similar or greater
18 service by it in another state shall also be considered.
19 The board shall establish just and reasonable rates, in whole
20 or in part or modified as the board shall determine.

21 Sec. 81. Section four hundred seventy-nine point ninety-
22 nine (479.99), Code 1975, is amended by striking the section
23 and inserting in lieu thereof the following:

24 479.99 PASSENGER TICKETS--REDEMPTION. Every railroad
25 corporation shall redeem in whole or in part any unused pas-
26 senger ticket at a rate equal to the transportation value
27 of the unused portion. Any redemption shall be made not more
28 than forty-five days from the date of the refund request.

29 Sec. 82. Section four hundred seventy-nine point one
30 hundred three (479.103), Code 1975, is amended to read as
31 follows:

32 479.103 ~~COAL~~ BULK COMMODITIES IN CAR LOTS. Every person,
33 ~~firm, or corporation~~ engaged in operating any railroad within
34 the state shall ~~equip the line of its track and thereafter~~
35 maintain ~~thereon~~ in good order, track scales of sufficient

1 capacity to weigh all carloads of ~~coal~~ bulk commodities which
2 the department may specify that may be transported over the
3 said railroad, and shall weigh the same at the request of
4 any owner, consignor, or consignee of such commodities, and
5 furnish written certificates of such weights to such owner,
6 consignor, or consignee ~~as hereinafter provided~~. ~~Such track~~
7 ~~scales shall be so installed and maintained at all division~~
8 ~~stations along the line of such railroads within the state,~~
9 ~~and at such other stations as the department shall from time~~
10 ~~to time direct.~~

11 Sec. 83. Section four hundred seventy-nine point one
12 hundred four (479.104), Code 1975, is amended by striking
13 the section and inserting in lieu thereof the following:

14 479.104 COMMODITY WEIGHING--DISAGREEMENT. If a rail-
15 road corporation and the owner, consignor, or consignee of
16 bulk commodities which are specified by the department cannot
17 reach agreement relative to the weighing of such commodities,
18 appeal may be made to the transportation regulation board
19 which shall, after hearing, issue such order as may be
20 equitable to all parties. The order may include, but not
21 be limited to allocation of installation costs and other costs
22 and place and manner of weighing. The board may adopt rules
23 for the administration of this section.

24 Sec. 84. Section four hundred seventy-nine point one
25 hundred five (479.105), Code 1975, is amended to read as
26 follows:

27 479.105 WEIGHT AT DESTINATION--FEE. Such ~~coal~~ bulk
28 commodities designated by the department shall be weighed
29 at destination upon request of consignee when there are track
30 scales at such point. If not equipped with track scales at
31 such point, then at nearest practicable point ~~en-route where~~
32 ~~such scales are maintained, and certificate of weight, showing~~
33 ~~actual gross, tare, and net weights, shall be furnished to~~
34 ~~consignee and settlement of freight charges based on these~~
35 weights agreed to by both parties. A reasonable charge of

1 ~~not more than one dollar per car~~ may be made for such weighing
2 on request.

3 Sec. 85. Section four hundred seventy-nine point one
4 hundred six (479.106), Code 1975, is amended by striking the
5 section and inserting in lieu thereof the following:

6 479.106 WEIGHING COMMODITIES. The department may adopt
7 rules establishing standards by which bulk commodities
8 specified by the department shall be weighed. The rules shall
9 include safety standards, accuracy, style and content of
10 applicable forms and certificates to be used for weighing.
11 Certificates of weight shall be furnished to the consignee
12 and settlement of freight charges shall be based upon those
13 weights. The department may enter into agreements with the
14 department of agriculture for the administration of part or
15 all of this section.

16 Sec. 86. Section four hundred seventy-nine point one
17 hundred sixteen (479.116), Code 1975, is amended by strik-
18 ing the section and inserting in lieu thereof the following:

19 479.116 RULES. The board shall prescribe by rule such
20 regulations as may be reasonably necessary for the orderly
21 disposition of claims arising from loss or damage to prop-
22 erty tendered for transportation.

23 Sec. 87. Chapter four hundred seventy-nine (479), Code
24 1975, is amended by adding the following new section:

25 NEW SECTION. An employee of the railroad division of the
26 state department of transportation designated by the director
27 may conduct spot inspections of vehicles subject to
28 registration which are owned and operated by a railroad
29 corporation to determine whether the vehicle is used to
30 transport products or property which may be a safety hazard
31 for the operator of the vehicle subject to registration or
32 any other employee of the railroad corporation who is
33 transported in the vehicle.

34 Sec. 88. Section four hundred eighty-one point one (481.1),
35 Code 1975, is amended to read as follows:

1 481.1 BUILDINGS ON RAILROAD LANDS. When a disagreement
2 arises between a railroad company corporation and the owner
3 of any building used for receiving, storing, or manufacturing
4 any article of commerce transported or to be transported,
5 situated on the railroad right of way or any land owned or
6 controlled by the railroad company corporation for railroad
7 purposes, as to the terms and conditions on which the same
8 is to be continued thereon or removed therefrom, or when
9 application is made by any person, firm, or corporation for
10 a site on such lands for the erection and maintenance of such
11 improvements, and the railway company corporation and the
12 applicant cannot agree as to whether such improvement shall
13 be placed on such lands, or as to the character and location
14 of the buildings to be erected and maintained thereon, or
15 as to the terms and conditions under which the same may be
16 placed or operated, such railway ~~company, person, firm, or~~
17 corporation may make written application to the department
18 board and ~~such department~~ the board shall, ~~as speedily as~~
19 ~~possible after the filing of such application,~~ hear and
20 determine such controversy and make such order in relation
21 thereto as shall be just and equitable between the parties,
22 which order shall be enforced in the same manner as other
23 orders of the department board.

24 Sec. 89. Section four hundred eighty-one point three
25 (481.3), Code 1975, as amended by Acts of the Sixty-sixth
26 General Assembly, 1975 Session, chapter one hundred seventy
27 (170), section thirty (30), is amended to read as follows:

28 481.3 SPUR TRACKS. Every railroad shall acquire the
29 necessary rights of way for, by condemnation or purchase,
30 and shall construct, connect, and operate and maintain a
31 reasonably adequate and suitable spur track, whenever such
32 spur track does not necessarily exceed three miles in length,
33 and is required for the successful operation of any existing
34 or proposed mill, elevator, storehouse, warehouse, dock,
35 wharf, pier, manufacturing establishment, lumber yard, coal

1 dock, or other industry or enterprise, and its construction
2 and operation is not unusually unsafe and dangerous, and is
3 not unreasonably harmful to public interest. No such track
4 is required to be constructed until, or if hereafter con-
5 structed need not be maintained unless, the department board,
6 after hearing, shall have declared the same to be necessary.

7 Sec. 90. Section four hundred eighty-one point four
8 (481.4), Code 1975, is amended to read as follows:

9 481.4 COST OF CONSTRUCTION. Such railroad ~~company~~
10 corporation may require the person ~~or persons, firm,~~
11 ~~corporation, or association~~ primarily to be served thereby
12 to pay the legitimate cost and expense of acquiring, by
13 condemnation or purchase, the necessary right of way for such
14 spur track and of constructing the same as shall be determined
15 in separate items by the department. Except as provided in
16 section 481.5 ~~provided~~, the total estimate cost thereof as
17 ascertained by said department shall be deposited with the
18 railroad ~~company~~ corporation before it shall be required to
19 incur any expense whatsoever therefor. If an agreement cannot
20 be reached, the question shall be referred to the board which
21 may after hearing issue an order.

22 Sec. 91. Section four hundred eighty-one point nine
23 (481.9), Code 1975, is amended by adding the following new
24 subsection:

25 NEW SUBSECTION. "Board" means the transportation regulation
26 board.

27 Sec. 92. Chapter four hundred eighty-three (483), Code
28 1975, is amended by striking the chapter and inserting in
29 lieu thereof sections one hundred one (101) through one hundred
30 fourteen (114) of this Act.

31 Sec. 93.

32 NEW SECTION. As used in this chapter, unless the context
33 otherwise requires:

34 1. "Right-of-way" means the real property upon which a
35 railroad company is or may conduct railroad operations,

1 including but not limited to tracks, switchyards, adjacent
2 terminal facilities, and bridges.

3 2. "Abandoned right-of-way" means a right-of-way on which
4 a railroad company has been authorized by a decision of the
5 interstate commerce commission or by some other lawful proce-
6 dure to terminate all railroad operations and to terminate
7 its ownership and control.

8 3. "Alteration" means any act which materially changes
9 the physical conditions of a right-of-way or substantially
10 interferes with its capacity for railroad operations, including
11 but not limited to blocking the corridor, removing or modi-
12 fying trackage, switches, ties, overpasses, bridges, or other
13 structures on the right-of-way, and cutting or changing the
14 contour of the roadbed. Physical changes made for the purpose
15 of continuing, restoring, or improving railroad service are
16 not alterations within the meaning of this chapter.

17 4. "District" means a railroad district established under
18 the provisions of this chapter.

19 5. "Department" means the state department of transpor-
20 tation.

21 6. "Board" means the transportation regulation board.

22 7. "Functional classification of railroads" means the
23 classification of railroads by type of use and benefit.

24 8. "Railroad corporation" means any corporation organized
25 under the laws of this state or any other state for the pur-
26 pose of operating a railroad within this state.

27 9. "Control county" means the county within a railroad
28 district or a proposed railroad district which has the greatest
29 tax base with the railroad district or proposed district.

30 10. "Railroad" means a railroad as defined in section
31 four hundred seventy-nine point two (479.2) of the Code.

32 Sec. 94. NEW SECTION. A railroad district may be created
33 under this chapter for the restoration, conservation, or
34 improvement of a railroad. The funds for the restoration,
35 conservation or improvement shall be derived from a vote of

1 the qualified electors of the district for a tax not to exceed
2 eighty-one cents per thousand dollars of assessed value.

3 The number of years in which it shall be levied and paid shall
4 not exceed twenty years.

5 Sec. 95. NEW SECTION. The department may develop a pro-
6 posed railroad district and a preliminary recommendation con-
7 cerning the desirability and necessity of the creation of
8 such a district within thirty days of the receipt of a petition
9 signed by at least ten eligible electors of the area to be
10 included in the district. The petition shall describe the
11 territory proposed to be organized as a district which
12 description shall not be required to be given by metes and
13 bounds or by legal subdivisions, but shall be deemed sufficient
14 if generally accurate. The department shall determine the
15 control county for the district.

16 Sec. 96. NEW SECTION. The board of supervisors of the
17 control county shall publish notice at least five days prior
18 to the date of a proposed hearing upon the question of the
19 desirability and necessity of the creation of a railroad
20 district within thirty days of receipt of the proposed plan
21 from the department. The notice shall be published in the
22 official newspapers of each county with territory in the
23 proposed district. All eligible electors of the proposed
24 district and all other interested parties shall have the right
25 to attend such hearing and to be heard. In addition to the
26 presentation of proposed boundaries of the district the
27 department shall discuss the desirability and necessity of
28 the proposed district. If it appears at the hearing that
29 it is desirable to include within the proposed district
30 territory outside the area within which due notice of the
31 hearing has been given, the hearing shall be adjourned and
32 due notice of further hearing shall be given through the
33 entire area considered for inclusion in the district and such
34 further hearings held.

35 Sec. 97. NEW SECTION. Following the hearing, the depart-

1 ment shall file a recommendation with the board of supervisors
2 of the county within the proposed district having the greatest
3 tax base concerning the creation of the railroad district.
4 If the recommendation is for the creation of the district,
5 a referendum shall be held in the proposed railroad district
6 within sixty days of the recommendation. If the recommenda-
7 tion is to revise the plan, a revised plan shall be submitted
8 to the control board of supervisors by the department within
9 sixty days of the recommendation. A recommendation to reject
10 the proposal may be overturned by a petition of fifty or more
11 eligible electors of the proposed railroad district. In such
12 case the proposal shall be submitted to the voters at a
13 referendum to be held within sixty days of the date the
14 petition was received.

15 Sec. 98. NEW SECTION. The board of supervisors of the
16 control county shall hold a referendum within the proposed
17 railroad district upon the question of the creation of the
18 district and at the same time, hold an election to elect the
19 first trustees' of the district. Notice of the referendum
20 and election shall be given in the manner provided under
21 section forty-nine point fifty-three (49.53) of the Code.

22 Sec. 99. NEW SECTION. Petitions nominating candidates
23 for trustees shall be filed with the control county
24 commissioner of elections at least thirty days prior to the
25 election and shall be made according to section forty-five
26 point three (45.3) of the Code. An eligible elector of the
27 district may not sign more than three such petitions.

28 Sec. 100. NEW SECTION. Trustees shall be elected for
29 six-year terms. However, at the first election, the trustee
30 receiving the highest number of votes shall serve a term of
31 six years, the trustee receiving the second highest number
32 of votes shall serve a term of four years and the trustee
33 receiving the third highest number of votes shall serve a
34 term of two years. The term of office for trustees shall
35 commence upon receipt of the certificate of election.

1 Sec. 101. NEW SECTION. Two ballots, one containing the
2 public question "Shall a railroad district described as fol-
3 lows be created" and the other, the candidates for trustees,
4 shall be submitted to each qualified elector of the district.
5 The control county commissioner of elections shall cause the
6 ballots to be printed.

7 Sec. 102. NEW SECTION. The polling places for all
8 elections for railroad districts shall be the office of the
9 county commissioner of elections or a place designated by
10 the commissioner of elections in each county in which any
11 territory of the district lies. Subsequent elections for
12 railroad district trustees shall be held biennially as close
13 to the anniversary of the original election as possible and
14 pursuant to the provisions of section thirty-nine point two
15 (39.2) of the Code.

16 Sec. 103. NEW SECTION. The vote of the referendums and
17 elections of railroad districts shall be canvassed on Monday
18 following the election if the district lies wholly within
19 one county. If the district lies within more than one county
20 the noncontrol counties shall canvass the vote on the day
21 following the election and certify the result to the control
22 county by noon on the Monday following the election. If a
23 majority of the votes cast on the question "Shall a railroad
24 district be created?" do not favor creation of the district,
25 to vote to elect trustees shall be void.

26 Sec. 104. NEW SECTION. The trustees may on their own
27 initiative or upon receipt of a petition from ten eligible
28 electors of the district request the control board of
29 supervisors to call a referendum on either of the following
30 public questions:

31 1. Shall a tax of not to exceed _____ be levied against
32 the value of the real property within the district?

33 2. Shall the trustees of the district be authorized to
34 issue bonds in the amount of _____ and levy a tax for the
35 retirement of the bonds and interest thereon?

1 If a majority of the votes cast are in favor of question one or
2 sixty percent of the votes cast are in favor of question two
3 the board of supervisors shall at the time of levying the
4 ordinary taxes next following levy such taxes as are voted
5 and cause the same to be placed in the tax lists. The
6 referendum shall state the purposes for which it is proposed
7 to vote the taxes, the rate of tax proposed, the number of
8 years not exceeding twenty in which it shall be levied and
9 paid in equal installments, and the location of the railroad
10 for which it is proposed to improve, restore, or conserve.

11 Sec. 105. NEW SECTION. Prior to expenditure of any funds
12 derived from section ninety-four (94) of this Act, the trustees
13 shall enter into a written agreement with the department
14 and railroad corporation for the purpose specified in the
15 referendum according to the provisions of section ninety-six
16 (96) of this Act.

17 Sec. 106. NEW SECTION. All moneys collected under this
18 chapter shall be placed on the Iowa railroad assistance fund,
19 except that any moneys levied and collected for the purpose
20 of retiring general obligation bonds and paying interest on
21 such bonds shall be placed in a railroad district bond fund
22 established by the control county and disbursed by the trust-
23 ees for retirement and interest payment of said bonds. The
24 trustees shall direct the funds not dedicated to bond and
25 interest repayment be used pursuant to the contract as
26 specified in section ninety-six (96) of this Act.

27 Sec. 107. NEW SECTION. A railroad district shall be dis-
28 solved twenty years after its creation if all bonds have been
29 retired or all obligations fulfilled or by petition of ten
30 eligible electors of the district. Such petition shall be
31 given to the trustees who shall notify the department and
32 the control county board of supervisors. The control county
33 board of supervisors shall hold a hearing on the proposed
34 railroad district dissolution and cause a notice of such
35 hearing to be published according to section ninety-five (95)

1 of this Act. At the hearing the department shall present
2 a recommendation on the desirability of dissolution of the
3 railroad district and such recommendation shall be accepted
4 unless a written objection is given to the board within ten
5 days of the hearing. Upon receipt of such objection the board
6 shall make final determination if the district shall be
7 dissolved or retained.

8 Sec. 108. NEW SECTION. Should the taxes voted by the
9 railroad district under the provisions of this chapter remain
10 in the railroad assistance act for more than one year after
11 the same has been collected or after the district has been
12 dissolved the right to the undistributed unencumbered taxes
13 by the railroad district shall be forfeited, and the persons
14 who paid the taxes are entitled to receive back from the
15 county treasurer their pro rata shares thereof remaining.
16 If taxes have been voted or levied upon the property in a
17 railroad district to aid in the construction of any railroad,
18 and the road in aid of which they were voted or levied has
19 not been built, reconstructed, completed, or operated into
20 or through the district, it shall be the duty of the board
21 of supervisors of the county where said taxes have been voted
22 and levied and still remain on the tax books to give the
23 railway corporation in aid of which the tax was voted at least
24 thirty days' notice in writing, to be served like original
25 notices, of their intention to cancel such taxes, and thereupon
26 to cause the same to be canceled and stricken from the tax
27 books of the county, which cancellation shall remove all liens
28 created by the levy thereof.

29 Sec. 109. Acts of the Sixty-sixth General Assembly, 1975
30 Session, chapter two hundred thirty-one (231), section one
31 (1), is amended to read as follows:

32 SECTION 1. NEW SECTION. RAILROAD ASSISTANCE FUND
33 ESTABLISHED. There is established a railroad assistance fund
34 in the office of the treasurer of state. Moneys in this fund
35 shall be expended for providing assistance to railroads for

1 upgrading railroad roadbeds, track, track structure, and other
2 appurtenances of railroad right-of-way of railroad branch
3 lines. Any unencumbered funds appropriated pursuant to Acts
4 of the Sixty-fifth General Assembly, 1974 Session, chapter
5 one thousand one hundred thirteen (1113), section thirteen
6 (13), or other funds appropriated by the general assembly
7 for branch line railroad assistance shall be deposited in
8 the railroad assistance fund. Any moneys received by ~~the~~
9 ~~energy-policy-council-or~~ the state department of transportation
10 by agreements, grants, gifts, or other means from individuals,
11 companies or other business entities, or ~~political-subdivisions~~
12 ~~of-the-state~~ cities and counties for the purposes set forth
13 for the fund established pursuant to this section shall be
14 credited to the railroad assistance fund.

15 Sec. 110. Acts of the Sixty-sixth General Assembly, 1975
16 Session, chapter two hundred thirty-one (231), section two
17 (2), is amended to read as follows:

18 SEC. 2. NEW SECTION. ASSISTANCE AGREEMENTS. The ~~energy~~
19 ~~policy-council-and, after the transfer of its duties pursuant~~
20 ~~to section seven-(7)-of-this-Act~~ the director of transportation
21 with the approval of the state transportation commission,
22 may enter into agreements with railroads, the United States
23 government, individuals, companies or other business entities,
24 or ~~political-subdivisions-of-the-state~~ cities, counties, or
25 railroad districts for carrying out the purposes of this Act.
26 Agreements entered into between the ~~energy-policy-council~~
27 ~~or~~ the director of transportation and railroad companies
28 pursuant to this section may require payment by the railroad
29 of a portion of increased revenue derived from the improved
30 branch line into the railroad assistance fund. The board
31 of supervisors of a county may enter into an agreement with
32 the state board of transportation to receive a portion of
33 the payments made by a railroad corporation to the railroad
34 assistance fund. The amount received by a county shall not
35 exceed the amount appropriated to the railroad assistance

1 fund by the county pursuant to Acts of the Sixty-sixth General
2 Assembly, 1975 Session, chapter two hundred thirty-one (231),
3 section five (5).

4 Sec. 111. Acts of the Sixty-sixth General Assembly, 1975
5 Session, chapter two hundred thirty-one (231), section three
6 (3), is amended to read as follows:

7 SEC. 3 NEW SECTION. FEDERAL FUNDS. The ~~energy-policy~~
8 ~~council-and-the~~ state department of transportation commis-
9 ~~sion~~ may accept federal funds to carry out the provisions
10 of this Act. All federal funds received under the provisions
11 of this Act are appropriated for the purposes set forth in
12 the federal grants.

13 Sec. 112. Acts of the Sixty-sixth General Assembly, 1975
14 Session, chapter two hundred thirty-one (231), section four
15 (4), is amended to read as follows:

16 SEC. 4. NEW SECTION. RAILROAD ACCOUNTS. Agreements be-
17 tween the railroad ~~companies corporations~~ and ~~the-energy~~
18 ~~policy-council-or~~ the state department of transportation which
19 do not require payment of a portion of the increased revenue
20 derived from the improved branch line railroad to be paid
21 by the railroad to the railroad assistance fund shall require
22 that the railroad establish and maintain a separate railroad
23 ~~company corporation~~ fund to which a specified portion of the
24 increase in revenue derived from the improved railroad branch
25 line shall be credited and that these funds shall be used
26 by the railroad for improvement of branch line railroad
27 roadbed, track, track structure, and other appurtenances
28 of railroad right-of-way within the state. The terms and
29 conditions governing the use of moneys in the special railroad
30 company fund shall be stipulated in the agreement. The
31 agreement shall also stipulate a penalty for use of the funds
32 in a manner other than as set forth in the agreement.

33 Sec. 113. Acts of the Sixty-sixth General Assembly, 1975
34 Session, chapter two hundred thirty-one (231), section five
35 (5), is amended to read as follows:

1 SEC. 5. NEW SECTION. COUNTY FUNDS. The board of
2 supervisors of a county may with the approval of the energy
3 ~~policy council, and after the transfer of its duties pursuant~~
4 ~~to section seven (7) of this Act, with the approval of the~~
5 ~~director~~ state department of transportation, appropriate funds
6 from the county general fund to the railroad assistance fund.
7 The money shall be used in accordance with this Act only for
8 upgrading railroad property within the county providing the
9 funds. In any year the amount of money transferred to the
10 railroad assistance fund by a county shall not exceed the
11 amount of property taxes levied against the railroad property
12 within the county.

13 Sec. 114. Acts of the Sixty-sixth General Assembly, 1975
14 Session, chapter two hundred thirty-one (231), section six
15 (6), is amended to read as follows:

16 SEC. 6. NEW SECTION. NO REVERSION OF FUNDS. Moneys
17 deposited in the railroad assistace fund shall not be subject
18 to sections eight point thirty-three (8.33) and eight point
19 thirty-nine (8.39) of the Code. However, moneys credited
20 to the fund by a city, county, or railroad district which
21 are unexpended or unobligated following the expiration of
22 an agreement shall be paid back to the city, county, or
23 railroad district.

24 Sec. 115. Section three hundred seven point twenty-six
25 (307.26), subsection three (3), Code 1975, is amended by
26 striking paragraph c.

27 Sec. 116. Chapter four hundred eighty (480), Code 1975,
28 is repealed.

29 Sec. 117. Sections three hundred sixty-four point ten
30 (364.10), as amended by Acts of the Sixty-sixth General
31 Assembly, 1975 Session, chapter sixty-seven (67), section
32 thirty-nine (39), four hundred seventy-four point thirteen
33 (474.13), as amended by Acts of the Sixty-sixth General
34 Assembly, 1975 Session, chapter one hundred seventy (170),
35 section four (4), four hundred seventy-four point forty-nine

1 (474.49), four hundred seventy-four point fifty-three (474.53),
2 four hundred seventy-seven point fourteen (477.14), four
3 hundred seventy-seven point thirty-seven (477.37), as amended
4 by Acts of the Sixty-sixth General Assembly, 1975 Session,
5 chapter one hundred seventy (170), section six (6), four hun-
6 dred seventy-seven point thirty-eight (477.38), four hundred
7 seventy-seven point thirty-nine (477.39), four hundred seventy-
8 seven point forty (477.40), four hundred seventy-seven point
9 forty-one (477.41), four hundred seventy-seven point fifty-
10 nine (477.59), four hundred seventy-nine point seven (479.7),
11 four hundred seventy-nine point nineteen (479.19), four hundred
12 seventy-nine point twenty-two (479.22), as amended by Acts
13 of the Sixty-sixth General Assembly, 1975 Session, chapter
14 one hundred seventy (170), section twenty-four (24), four
15 hundred seventy-nine point twenty-three (479.23), as amended
16 by Acts of the Sixty-sixth General Assembly, 1975 Session,
17 chapter one hundred seventy (170), section twenty-five (25),
18 four hundred seventy-nine point twenty-four (479.24), four
19 hundred seventy-nine point twenty-five (479.25), as amended
20 by Acts of the Sixty-sixth General Assembly, 1975 Session,
21 chapter one hundred seventy (170), section twenty-six (26),
22 four hundred seventy-nine point twenty-six (479.26), four
23 hundred seventy-nine point twenty-seven (479.27), four hundred
24 seventy-nine point twenty-eight (479.28), four hundred seventy-
25 nine point thirty-three (479.33), four hundred seventy-nine
26 point thirty-six (479.36), four hundred seventy-nine point
27 thirty-eight (479.38), four hundred seventy-nine point thirty-
28 nine (479.39), four hundred seventy-nine point forty (479.40),
29 four hundred seventy-nine point forty-one (479.41), four
30 hundred seventy-nine point forty-two (479.42), four hundred
31 seventy-nine point forty-three (479.43), four hundred seventy-
32 nine point forty-four (479.44), four hundred seventy-nine
33 point forty-seven (479.47), four hundred seventy-nine point
34 forty-eight (479.48), four hundred seventy-nine point fifty-
35 one (479.51), four hundred seventy-nine point fifty-three

1 (479.53), four hundred seventy-nine point fifty-four (479.54),
 2 four hundred seventy-nine point fifty-nine (479.59), four
 3 hundred seventy-nine point seventy-one (479.71), four hundred
 4 seventy-nine point seventy-four (479.74), four hundred seventy-
 5 nine point one hundred (479.100), four hundred seventy-nine
 6 point one hundred nine (479.109), four hundred seventy-nine
 7 point one hundred ten (479.110), four hundred seventy-nine
 8 point one hundred eleven (479.111), four hundred seventy-nine
 9 point one hundred twelve (479.112), four hundred seventy-nine
 10 point one hundred thirteen (479.113), four hundred seventy-
 11 nine point one hundred fourteen (479.114), four hundred
 12 seventy-nine point one hundred fifteen (479.115), four hundred
 13 seventy-nine point one hundred seventeen (479.117), four
 14 hundred seventy-nine point one hundred eighteen (479.118),
 15 four hundred seventy-nine point one hundred twenty-one
 16 (479.121), four hundred seventy-nine point one hundred twenty-
 17 seven (479.127), Code 1975, are repealed.

EXPLANATION

18
 19 The bill includes additional revision of obsolete and out-
 20 dated railroad laws.

21 The bill revises Chapter 483 of the Code which allows for
 22 the establishment of a railroad district which may levy a
 23 tax for the purpose of providing assistance to railroad
 24 companies.

25 The bill revises certain provisions of the State Department
 26 of Transportation laws which provide for duplication of effort
 27 by various divisions of the department and further directs
 28 the State Department of Transportation to submit a detailed
 29 report on rail transportation in the state.

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HOUSE FILE 1480

H-6239

1 Amend House File 1480 by striking everything
2 after the enacting clause and inserting in lieu thereof
3 the following:

4 Section 1. Section three hundred seven point
5 twenty-six (307.26), subsection nine (9), Code 1975,
6 is amended to read as follows:

7 9. Advise and assist the director regarding
8 agreements with ~~the-owners-of-operating-railroads~~
9 railroad corporations for the upgrading of restoration,
10 conservation or improvement of railroad as defined in
11 subsection one (1) of section four hundred seventy-nine
12 point two (479.2) of the Code right-of-way-and-trackage
13 on such terms, conditions, rates, rentals, or subsidy
14 levels as may be in the best interest of the state.

15 The commission may enter into contracts and agreements
16 which are binding only to the extent that appropriations
17 have been or may subsequently be made by the legislature
18 to effectuate the purposes of this subsection. For
19 ~~purposes-of-this-chapter-"railroad-right-ofway-and~~
20 ~~trackage"-includes-but-shall-not-be-limited-to-any-road~~
21 ~~bed,-drains,-fences,-ties,-switches,-rails,-ballast,~~
22 ~~signs,-signals,-lights,-equipment,-bridges,-tools,~~
23 ~~crossings,-underpasses,-overpasses,-construction-and~~
24 ~~administration-buildings-and-any-and-all-other-property,~~
25 ~~rights,-easements-and-interests-whether-owned-in-fee~~
26 ~~or-leased.~~

27 Sec. 2. Section three hundred seven point twenty-six
28 (307.26), Code 1975, is amended by adding the following
29 new subsections:

30 NEW SUBSECTION. Advise and assist in the establish-
31 ment and development of railroad districts upon request.

32 NEW SUBSECTION. Conduct innovative experimental
33 programs relating to rail transportation problems within
34 the state.

35 NEW SUBSECTION. Enter the role of "applicant"
36 pursuant to the Railroad Revitalization and Regulatory
37 Reform Act of 1976, United States Public
38 Law ninety-four dash seven hundred eighty-one (94-781),
39 and take such actions as are necessary to accomplish
40 this role.

41 Sec. 3. Section three hundred twenty-one point
42 three hundred forty-two (321.342), Code 1975, is amended
43 to read as follows:

44 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The
45 department with reference to primary highways and local
46 authorities with reference to other highways under their
47 jurisdiction are each hereby authorized to designate
48 particularly dangerous highway grade crossings of rail-
49 roads, and to install rumble strips, and or to erect stop
50 signs thereat. When such stop signs are erected the driver

1 of any vehicle shall stop within fifty feet but not
2 less than ten feet from the nearest track of such
3 grade crossing and shall proceed only upon exercising
4 due care.

5 Sec. 4. Section three hundred twenty-one point
6 three hundred forty-three (321.343), Code 1975, is
7 amended to read as follows:

8 321.343 CERTAIN VEHICLES MUST STOP. The driver
9 of any motor vehicle carrying passengers for hire, or
10 of any school bus carrying any school child, or of
11 any vehicle carrying explosive substances or flammable
12 liquids or other hazardous materials as defined by the
13 federal department of transportation as a cargo or part
14 of a cargo, before crossing at grade any track or tracks
15 of a railroad, shall stop such vehicle within fifty feet
16 but not less than ten feet from the nearest rail of
17 such railroad and while so stopped shall listen and
18 look in both directions along such track for any
19 approaching train, and for signals indicating the approach
20 of a train, except as hereinafter provided, and shall
21 not proceed until he can do so safely.

22 No stop need be made at any such crossing where a
23 police officer or a traffic-control signal directs
24 traffic to proceed.

25 ~~This section shall not apply at street-railway~~
26 ~~grade-crossings within a business or residence district.~~

27 Sec. 5. Section three hundred thirty-two point
28 three (332.3), Code 1975, as amended by Acts of the
29 Sixty-sixth General Assembly, 1975 Session, Chapter one
30 hundred eighty-seven (187), section one (1), is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. To enter into an agreement with
33 the state department of transportation, shippers, a rail-
34 road corporation, a city or another county to provide
35 financial assistance for railroad services. The agree-
36 ment shall be administered by the state department of
37 transportation and moneys necessary to implement the
38 agreement shall be credited to the railroad assistance
39 fund. However, this section shall not preclude a county
40 from establishing an escrow fund to be used as collateral
41 for a loan for railroad improvement, which loan shall be
42 credited to the railroad assistance fund. Moneys appro-
43 priated pursuant to this subsection shall be from the
44 county general fund, subject to the limitations provided
45 in Acts of the Sixty-sixth General Assembly, 1974 Session,
46 chapter two hundred thirty-one (231).

47 Sec. 6. Section four hundred seventy-four point ten
48 (474.10), Code 1975, is amended to read as follows:

49 474.10 GENERAL JURISDICTION OF TRANSPORTATION
50 DEPARTMENT. The state department of transportation shall

1 have general supervision of all railroads in the
2 state, express companies, car companies, ~~sleeping-~~
3 ~~car-companies~~, freight and freight-line companies,
4 ~~interurban-railway-companies~~, motor carriers, and
5 any common carrier engaged in the transportation
6 of passengers or freight ~~by-railroads~~. ~~7-except~~
7 ~~street-railroads~~. ~~It shall investigate any alleged~~
8 ~~neglect or violation of law by any such common carrier,~~
9 ~~its agents, officers, or employees.~~

10 Sec. 7. Section four hundred seventy-four point
11 twelve (474.12), Code 1975, is amended to read as
12 follows:

13 474.12 INSPECTION--NOTICE TO REPAIR. ~~It~~ The
14 department shall from time to time carefully examine
15 into and inspect the condition of each railroad, its
16 tracks, bridges, and equipment, and the manner of its
17 conduct, operation, and management with regard to the
18 public safety and convenience in the state rail
19 facilities, equipment, rolling stock, operations, and
20 pertinent records at reasonable times and in a reason-
21 able manner to insure proper operations. Employees of
22 the department shall have proper identification which
23 shall be displayed upon request. If found by it unsafe,
24 it the department shall immediately notify the railroad
25 company corporation whose duty it is to put the same
26 in repair, which shall be done by it within such time
27 as the department shall fix. If any corporation fails
28 to perform this duty the department may forbid and
29 prevent it from running trains over the defective
30 portion while unsafe or may regulate the speed and
31 operation of trains moving over the defective portion
32 of the railroad. If the railroad corporation violates
33 any requirement provided by the department, the rail-
34 road corporation shall be subject to a fine of not more
35 than one hundred dollars for each day the repairs have
36 not been made from the date the department set for re-
37 pairs to be completed. The court may consider the
38 willingness and ability of the railroad corporation to
39 cooperate in removing the safety hazard. Moneys
40 received from the assessment of any fine shall be
41 credited to the rail assistance fund.

42 Sec. 8. Section four hundred seventy-four point
43 fourteen (474.14), Code 1975, as amended by Acts of the
44 Sixty-sixth General Assembly, 1975 Session, chapter one
45 hundred seventy (170), section five (5), is amended to
46 read as follows:

47 474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When,
48 in the judgment of the department, any ~~railway-~~ railroad
49 corporation fails in any respect to comply with the terms
50 of its charter or articles of incorporation or the laws

1 of the state, ~~or when in its judgment any repairs are~~
2 ~~necessary upon its road or change in the mode of~~
3 ~~operating its road or conducting its business, is~~
4 ~~reasonable and expedient in order to promote the~~
5 ~~security, convenience, and accommodation of~~ or if any
6 railroad corporation fails to operate its railroad
7 and business in a reasonable and expedient manner which
8 is safe and convenient to the public, the department
9 may make an order prescribing such improvements and
10 changes as it finds to be proper and shall serve an
11 order upon such corporation. A report of such pro-
12 ceedings shall be included in its annual report to
13 the governor. Nothing in this section or sections
14 section 474.12 and 474.13 shall be so construed as
15 relieving any to nullify railroad company from its
16 responsibility or liability for damage to person or
17 property by any railroad corporation.

18 Sec. 9. Section four hundred seventy-four point
19 fifteen (474.15), Code 1975, is amended to read as
20 follows:

21 474.15 ABANDONING STATION. It shall be unlawful
22 for any railroad company corporation owning or operating,
23 ~~or which may hereafter own or operate,~~ any railroad in
24 whole or in part in this state, to abandon any station
25 ~~in any city or village~~ on its line of railroad, within
26 this state, or to remove the depot therefrom, or to
27 withdraw agency service therefrom, unless it shall
28 first have filed notice of its intention with the de-
29 partment and otherwise complied with the provisions of
30 this section and sections 474.16 and 474.17. Upon the
31 filing receipt of such notice the department shall
32 designate the place or places within such city or village
33 where specify a notice shall be posted published and the
34 railroad company corporation shall thereupon, at its
35 own expense, cause to be posted at the place or places so
36 designated, such notice to be published at least fifteen
37 days' notice of intention days in advance of action to
38 abandon or discontinue such station or agency, or remove
39 such depot, and shall file proof of such posting publica-
40 tion with the department. The notice shall be in such
41 form as prescribed by the department and shall be
42 published in a newspaper published in the county in
43 which the station is located. An alternative notice pro-
44 cedure giving comparable public notice by registered mail
45 to affected shippers may be prescribed by the department
46 according to rules promulgated under chapter seventeen A
47 (17A) of the Code.

48 Sec. 10. Section four hundred seventy-four point
49 sixteen (474.16), Code 1975, is amended to read as follows:

50 474.16 OBJECTIONS--HEARING. Any person or persons

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1 directly affected by the proposed abandonment or
2 discontinuance of any station or agency, or removal
3 of any depot, may file written objections thereto
4 with the department, stating the grounds for such
5 objections, within fifteen days from the time of
6 the posting publication of the notice as provided
7 in section 474.15. Upon the filing of such objec-
8 tions the department board shall fix the time and
9 place for a hearing thereon, which hearing shall be
10 held within sixty days from the filing of such objec-
11 tions. Written notice of the time and place of such
12 hearing shall be mailed by the department board to
13 the railroad company corporation and the person or per-
14 sons filing objections at least ten days prior to the
15 date fixed for such hearing.

16 Sec. 11. Section four hundred seventy-four point
17 seventeen (474.17), Code 1975, is amended to read as
18 follows:

19 474.17 ORDER OF DEPARTMENT BOARD. Upon said
20 hearing the department board may prohibit the aban-
21 donment or discontinuance of such station or agency,
22 or the removal of the depot, or may make such other
23 order as is warranted by the evidence produced at
24 such hearing. But if no objections are filed ~~as here-~~
25 ~~inbefore-provided~~, the ~~department-shall~~ board may make
26 an order permitting the railroad company corporation
27 to proceed with such abandonment or discontinuance, or
28 removal of the depot.

29 Sec. 12. Section four hundred seventy-four point
30 eighteen (474.18), Code 1975, is amended to read as
31 follows:

32 474.18 INVESTIGATION AND INQUIRY. The ~~department shall~~
33 ~~or board~~ may investigate and inquire into the manage-
34 ~~ment of the business~~ of all common carriers subject to
35 ~~the its~~ jurisdiction ~~of said department and keep itself~~
36 ~~well-informed as to the manner and method in which the~~
37 ~~same is conducted.~~ It The board or department shall have
38 the right to obtain from them full and complete infor-
39 mation necessary to enable the department or board to
40 perform its duties including the administration of rail-
41 road assistance agreements. It The board on its own
42 initiative or upon request of the department shall have
43 power to require the attendance and testimony of wit-
44 nesses, the production of all books, papers, tariff
45 schedules, contracts, agreements, and documents, relating
46 to any matter under investigation, and to inspect the
47 same and to examine under oath or otherwise any officer,
48 director, agent, or employee of any common carrier; to
49 issue subpoenas and to enforce obedience thereto.

50 Sec. 13. Section four hundred seventy-four point

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1 twenty (474.20), Code 1975, is amended to read as
2 follows:

3 474.20 AID FROM COURTS. The department or
4 board may invoke the aid of any court of record in
5 ~~any-county-where-the-carrier-extends,~~ the state in
6 requiring the attendance and testimony of witnesses
7 and the production of books, papers, tariff schedules,
8 agreements, and other documents. Any court having
9 jurisdiction ~~where-any~~ of the inquiry ~~is-carried-on~~
10 shall, in case of the refusal of any person to obey
11 a subpoena or other process, issue an order requiring
12 any of the officers, agents, or employees of any
13 carrier or other person to appear before the depart-
14 ment or board and produce all books and papers
15 required by such order and testify in relation to
16 any matter under investigation. ~~A-failure-to-obey~~
17 ~~any-such-order-of-the-court-shall-be-punished-as-a~~
18 ~~contempt.~~

19 Sec. 14. Section four hundred seventy-four point
20 twenty-one (474.21), Code 1975, is amended to read
21 as follows:

22 474.21 HINDERING OR OBSTRUCTING DEPARTMENT. Any
23 person who shall willfully obstruct ~~it-or-its-members~~
24 the department or board in the performance of their
25 duties, or who shall refuse to give any information
26 within ~~his~~ that person's possession that may be re-
27 quired by ~~it~~ the board or department within the line
28 of ~~its~~ their duty, shall be fined not exceeding one
29 thousand dollars, in the discretion of the court.

30 Sec. 15. Section four hundred seventy-four-point
31 twenty-three (474.23), Code 1975, is amended to read
32 as follows:

33 474.23 CUMULATIVE REMEDIES. Nothing in this
34 chapter or chapter 479 shall be construed to estop or
35 hinder any persons-or-corporations from bringing action
36 against any railway ~~company~~ corporation for any viola-
37 tion of the laws of the state ~~for-the-government-of~~
38 ~~railroads.~~

39 Sec. 16. Section four hundred seventy-four point
40 twenty-six (474.26), Code 1975, is amended to read as
41 follows:

42 474.26 WHEN ORDER EFFECTIVE--VIOLATION. All rules,
43 and orders, ~~and-regulations~~ affecting public rights,
44 made by the department or board, as now or may hereafter
45 be authorized for the direction and observance of rail-
46 roads in this state, shall be in full force and effect
47 from and after the date fixed by the department or
48 board. If any railroad fails, neglects, or refuses
49 to comply with any rule, or order, ~~or-regulation~~ made
50 by the department or board within the time specified, it

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1 shall, for each day of such failure, pay a penalty
2 of ~~fifty one hundred~~ one hundred dollars. Such moneys shall
3 be credited to the railroad assistance fund.

4 Sec. 17. Section four hundred seventy-four
5 point twenty-nine (474.29), Code 1975, is amended
6 to read as follows:

7 474.29 REMITTING PENALTY. ~~When-any~~ If a common
8 carrier ~~shall-fail~~ fails in a judicial review pro-
9 ceeding to secure a vacation of the order objected to,
10 it may apply to the court in which the review pro-
11 ceeding is finally adjudicated for an order remitting
12 the penalty which has accrued during the ~~pendency-of-the~~
13 review proceeding. Upon a satisfactory showing that
14 the petition for judicial review was filed in good
15 faith and not for the purpose of delay, and that there
16 were reasonable grounds to believe that the order was
17 unreasonable or unjust or that the power of the depart-
18 ment or board to make the same was doubtful, such court
19 may remit the penalty that has accrued during the ~~pendency~~
20 ~~of-the~~ review proceeding.

21 Sec. 18. Section four hundred seventy-four point
22 thirty (474.30), Code 1975, is amended to read as follows:

23 474.30 COSTS--ATTORNEY'S FEES. When a decree
24 shall be entered against a railroad company corporation
25 or person under sections ~~474-24~~ four hundred seventy-
26 four point twenty-five (474.25) of the Code to 474.29
27 the court shall render judgment for costs, and attorney's
28 fees for counsel representing the state.

29 Sec. 19. Section four hundred seventy-four point
30 thirty-four (474.34), Code 1975, is amended to read as
31 follows:

32 474.34 COMPLAINTS. Any person, ~~-firm,-corporation,~~
33 ~~association,-mercantile,-agricultural,-or-manufacturing~~
34 ~~society,-body-politic,-or-municipal-organization,~~ city
35 or county may file with the department a petition setting
36 forth any particular in which any common carrier has
37 violated the law to which it is subject and the amount
38 of damages sustained by reason thereof. The department
39 shall furnish to the carrier against which complaint is
40 filed, a copy thereof, and a reasonable time shall be
41 fixed by the board within which such carrier shall answer
42 the petition or satisfy the demand therein made. If
43 such carrier fails to satisfy the complaint within the
44 time fixed or there ~~shall-appear~~ appears to be reasonable
45 grounds for investigating the matters set forth in said
46 petition, the department board shall hear and determine
47 the questions involved and make such orders as it shall
48 find to be proper. ~~No-petition-so-filed-shall-be-dis-~~
49 ~~missed-on-the-grounds-that-the-petitioner-has-not-suffered~~
50 ~~any-direct-damage-~~ When the department-ascertains-or board

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1 has reason to believe that any carrier is violating
2 any of the laws to which it is subject, it may insti-
3 tute an investigation and cause a hearing to be made
4 held before it in relation to such matters in all
5 respects as fully as if a petition had been filed.

6 Sec. 20. Section four hundred seventy-four
7 point thirty-five (474.35), Code 1975, is amended
8 to read as follows:

9 474.35 INVESTIGATION--REPORT. When a hearing
10 has been had held before the department board after
11 notice, it shall make a report in writing setting forth
12 the findings of fact and its conclusions together with
13 its recommendations or orders as to what reparation,
14 if any, the offending carrier shall make to any party
15 who has suffered damage. Such finding of fact shall
16 thereafter in all legal proceedings be prima facie
17 evidence of every fact found. All reports of hearings
18 and investigations made by the department board shall
19 be entered of record and a copy furnished to the carrier
20 against which the complaint was filed, to the party
21 complaining, and to any other person having a direct
22 interest in the matter. A reasonable fee not to exceed
23 the actual duplication costs may be charged for the copies.

24 Sec. 21. Section four hundred seventy-four point
25 thirty-six (474.36), Code 1975, is amended to read as
26 follows:

27 474.36 ORDERS--COMPLIANCE--REBEASE. When the depart-
28 ment board finds as the result of any investigation or
29 hearing that a common carrier has violated or is violating
30 any of the provisions of law to which it is subject, or
31 that any complainant or other person has sustained damages
32 by reason of such violation, the department board shall
33 notify order such carrier to cease such violation at once
34 and shall fix a time within which it shall pay the amount
35 of damage which has been found due to any person as a
36 result of such violation. ~~Upon a satisfactory showing to~~
37 ~~the department that the carrier has complied with the~~
38 ~~notice in the time and manner required, it shall thereupon~~
39 ~~be relieved from further liability or penalty for that~~
40 ~~particular violation of law, and the department shall enter~~
41 ~~of record such release.~~

42 Sec. 22. Section four hundred seventy-four point thirty-
43 seven (474.37), Code 1975, is amended to read as follows:

44 474.37 VIOLATION OF ORDER--PETITION--NOTICE. When any
45 common carrier shall violate or fail person violates or fails
46 to obey any lawful order or requirement of the department
47 or board, the department or board shall apply in a summary
48 way by petition in the name of the state, against such
49 common carrier person, to the district court of any county
50 through which such carrier owns or operates a line of

1 ~~railroad-or-in-which-the-failure-or-violation-of-such~~
2 ~~order-occurred,~~ alleging such violation or failure to
3 obey; the court shall hear and determine the matter
4 set forth in ~~said~~ the petition on reasonable notice to
5 the ~~common-carrier~~ person, to be fixed by the court
6 and to be served in the same manner as original
7 notices for the commencement of action.

8 Sec. 23. Section four hundred seventy-four point
9 thirty-eight (474.38), Code 1975, is amended to read
10 as follows:

11 474.38 INTERESTED PARTY MAY BEGIN PROCEEDINGS.
12 Any person, ~~firm, or corporation~~ or city or county
13 interested in the matter of enforcing any order or
14 requirement of the department or board, may file a
15 petition against such ~~carrier~~ person, alleging the
16 failure to comply with such order or requirement and
17 praying summary relief to the same extent and in the
18 same manner as the department or board may do under
19 section 474.37, and the proceedings after the filing
20 of such petition shall be the same as in ~~said~~ section
21 provided four hundred seventy- four point thirty-seven
22 (474.37) of the Code.

23 Sec. 24. Section four hundred seventy-four point
24 thirty-nine (474.39), Code 1975, is amended to read
25 as follows:

26 474.39 DUTY OF GENERAL DEPARTMENT AND BOARD
27 COUNSEL AND COUNTY ATTORNEY. When any proceeding has
28 been instituted under sections 474.37 and 474.38, the
29 department general counsel or the legal counsel of the
30 board shall prosecute the same, and the county attorney
31 of the county in which such proceeding is pending shall
32 render such assistance as the department general
33 counsel or the board legal counsel may require of him.

34 Sec. 25. Section four hundred seventy-four point
35 forty (474.40), Code 1975, is amended to read as follows:

36 474.40 HEARING IN EQUITY--INJUNCTION. All such
37 causes shall be in equity, and the order or report of
38 the department or board in question shall be considered
39 prima-facie evidence of-the-matters-contained-therein.
40 If the court shall find that the order or requirement
41 in question is lawful and has been violated, it shall
42 issue an injunction or other proper process, ~~mandatory or~~
43 ~~otherwise, to compel obedience to such order or require-~~
44 ~~ment.~~

45 Sec. 26. Section four hundred seventy-four point
46 forty-two (474.42), Code 1975, is amended to read as
47 follows:

48 474.42 APPEAL--EFFECT. An appeal to the supreme
49 court shall not stay or supersede the order of the court
50 or the execution of any writ or process thereon. When

1 appeal is taken by the department or board, it shall
2 not be required to give an appeal bond or security
3 for costs.

4 Sec. 27. Section four hundred seventy-four
5 point forty-three (474.43), Code 1975, is amended to
6 read as follows:

7 474.43 SUITS 'BY DEPARTMENT BOARD. When the
8 department board has reason to believe that any
9 common-carrier person has been guilty of extortion or
10 unjust discrimination, it the board shall immediately
11 cause actions action to be commenced and prosecuted
12 against such carrier person. Such action may be
13 brought in the district court of any county through
14 or into which any line of the railway owned or operated
15 by such carrier person may extend. ~~No actions thus~~
16 ~~commenced shall be dismissed unless the department and~~
17 ~~the department general counsel consent thereto. The~~
18 ~~court in which any such action is pending may, in its~~
19 ~~discretion, give preference as to the time of trial of~~
20 ~~such action over other business, except criminal cases.~~

21 Sec. 28. Section four hundred seventy-four point
22 forty-eight (474.48), Code 1975, is amended by striking
23 the section and inserting in lieu thereof the following:

24 474.48 DETAILS OF REPORT. The report shall be
25 compiled pursuant to rules adopted pursuant to chapter
26 seventeen A (17A) of the Code by the department. The
27 report shall include but not be limited to anticipated
28 capital improvements projected over the next five years
29 and anticipated abandonments which may occur over the
30 same period of time. The department may provide that
31 certain portions of the report, except those portions
32 dealing with anticipated abandonments, remain confidential
33 if the department determines that the release of the infor-
34 mation may cause an undue competitive advantage or disad-
35 vantage to a railroad corporation if ~~the information is~~
36 released. The information may be classified as confi-
37 dential only with the approval of the director of the
38 department.

39 Sec. 29. Section four hundred seventy-four point
40 fifty-four (474.54), Code 1975, is amended to read as
41 follows:

42 474.54 DEFINITION. As used in this chapter, unless
43 the context otherwise requires "department" means the
44 state department of transportation and "board" means the
45 transportation regulation board.

46 Sec. 30. Section four hundred seventy-six point
47 twenty-seven (476.27), Code 1975, is amended to read as
48 follows:

49 476.27 MOTORBUSES--AERIAL TRANSPORTATION. Any rail-
50 road-company person operating a railroad in this state may

1 own and operate ~~over-the-highways-of-this-state-for~~
2 ~~hire-and-as-a~~ any other common carrier of-passengers,
3 freight,~~mail-or-express,~~ automobile-buses-or-motor
4 vehicles, subject to the applicable state laws of-the
5 ~~state-applicable-to-the-use-of-such-highways-by-motor~~
6 ~~vehicle-carriers,~~ and may also own and operate equip-
7 ment-for,~~and-engage-in-aerial-transportation,~~ subject
8 to-the-laws-of-the-state-applicable-thereto. Any
9 such ~~railroad-company~~ person may purchase and own
10 capital stock and securities of a corporation organized
11 for or engaged in the business of a motor common
12 ~~carrier,-or-of-aerial-transportation.~~

13 Sec. 31. Section four hundred seventy-seven
14 point thirteen (477.13), Code 1975, is amended by
15 striking the section and inserting in lieu thereof
16 the following:

17 477.13 BRAKES ON TRAINS AND ENGINES. A train or
18 engine shall not be operated in this state which does
19 not have an operational braking system which complies
20 with Title forty-five (45), sections one (1) et seq.,
21 U.S.C.

22 Sec. 32. Section four hundred seventy-seven point
23 fifteen (477.15), Code 1975, is amended to read as
24 follows:

25 477.15 VIOLATIONS. Any railroad corporation,
26 ~~company,-or-person~~ operating a railroad train or engine
27 ~~in-this-state-and-using-a-locomotive-engine,-or-running~~
28 ~~a-train-of-cars,-or~~ using any freight car, way caboose,
29 or other car contrary to the provisions of sections 477.12
30 ~~to-477.14~~ and four hundred seventy-seven point thirteen
31 of the Code shall be guilty-of-a-misdemeanor,-and-shall-be
32 subject to a fine of not less than five hundred nor more
33 than one thousand dollars for each and every offense,~~but~~
34 ~~such-penalties-shall-not-apply-to-companies-hauling-cars~~
35 ~~belonging-to-railroads-other-than-those-of-this-state--~~
36 ~~which-are-engaged-in-interstate-traffic,~~ and moneys so
37 collected shall be credited to the railroad assistance
38 fund.

39 Sec. 33. Section four hundred seventy-seven point
40 eighteen (477.18), Code 1975, is amended to read as
41 follows:

42 477.18 EXCEPTIONS. The provisions of section 477.17
43 shall not apply to switching or yard service at-stations
44 or-places-where-regular-switch-engines-are-not-employed
45 exclusively-as-switch-engines,-or-during-a-period-of-not
46 exceeding-twelve-hours,-when-a-switch-engine-is-being
47 cleaned-or-washed-out,-and-also-switching-by-work-trains,
48 and-where-regular-switch-engines-are-disabled-by-accident,
49 or-in-need-of-repairs,-or-there-is-an-unusual-or-unexpected
50 amount-of-work,-switching,-under-such-conditions,-with

1 ~~ordinary-engines-for-a-period-of-not-to-exceed-forty-~~
2 ~~eight-hours-shall-not-be-considered-a-violation-of~~
3 ~~this-statute.~~

4 Sec 34. Section four hundred seventy-seven point
5 twenty-six (477.26), Code 1975, as amended by Acts of
6 the Sixty-sixth General Assembly, 1975 Session, chapter
7 one hundred seventy (170), section nine (9), is amended
8 to read as follows:

9 477.26 STANDARD CABOOSE CARS. The provisions of
10 sections 477.27 and 477.28 shall apply to any corpora-
11 ~~tion-or-to-any~~ person or persons while engaged as a
12 common carriers carrier in transportation by railroads
13 ~~rail of-passengers-or-property-within-this-state-to-~~
14 ~~which-the-regulative-power-of-this-state-extends.~~

15 Sec 35. Section four hundred seventy-seven point
16 forty-two (477.42), Code 1975, as amended by Acts of
17 the Sixty-sixth General Assembly, 1975 Session,
18 chapter one hundred seventy (170), section eleven (11),
19 is amended to read as follows:

20 477.42 FREIGHT OFFICES. All railroads in the
21 state shall establish and maintain operating offices,
22 at localities accessible and convenient to the public,
23 ~~and-correctly-set-forth-their-freight-tariffs.~~

24 Sec. 36. Section four hundred seventy-seven point
25 fifty-three (477.53), Code 1975, is amended by striking
26 the section and inserting in lieu thereof the following:

27 477.53 VEGETATION OF RIGHT-OF-WAY. Every railroad
28 corporation shall insure that vegetation on railroad
29 property which is on or immediately adjacent to the
30 roadbed be controlled so that it does not:

- 31 1. Become a fire hazard to track-carrying structures.
- 32 2. Obstruct visibility of railroad signs and signals.
- 33 3. Interfere with railroad employees performing
- 34 normal trackside duties.
- 35 4. Prevent proper functioning of signal and com-
- 36 munication lines.

37 5. Prevent railroad employees from visually
38 inspecting moving equipment from their normal duty stations.

39 Nothing in this section shall be construed to exempt
40 a railroad corporation from carrying out noxious weed
41 control programs as provided in chapter three hundred
42 seventeen (317) of the Code.

43 Sec. 37. Section four hundred seventy-seven point
44 sixty-four (477.64), Code 1975, is amended to read as
45 follows:

46 477.64 SANITATION AND SHELTER. A railway company
47 corporation within the state shall provide adequate sani-
48 tation and shelter for all railway employees. The Iowa
49 bureau of labor shall adopt rules in accordance with
50 chapter 17A relating to requirements for adequate sanita-

1 tion and shelter for railway employees.

2 Sec. 38. Chapter four hundred seventy-seven
3 (477), Code 1975, is amended by adding the follow-
4 ing new section:

5 NEW SECTION. DEFINITIONS. As used in this
6 chapter, unless the context otherwise requires:

7 1. "Department" means the state department
8 of transportation.

9 2. "Board" means the transportation regulation
10 board.

11 Sec. 39. Section four hundred seventy-eight
12 point thirteen (478.13), Code 1975, is amended to
13 read as follows:

14 478.13 OVERHEAD, UNDERGROUND, OR MORE THAN
15 ONE CROSSING. Such owner of land may serve upon
16 such railroad company corporation a request in writing
17 for more than one such farm-or private crossing, or
18 for an overhead or underground crossing, accompanied
19 by a plat of his land designating thereon the location
20 and character of crossing desired. If the railroad
21 company corporation refuses or neglects for to comply
22 within thirty days after of such service-to-comply-with
23 such written request, the owner of the land may make
24 written application to the department to hear and
25 determine his rights in said respect. Such-department
26 The board, after reasonable notice to the railroad
27 company corporation, shall hear said the application and
28 all objections thereto, and make such order as shall be
29 reasonable and just, and if it requires the railroad
30 company corporation to construct any crossing or roadway,
31 fix the time for compliance with such the order. The
32 matter of costs shall be in the discretion of the
33 department board.

34 Sec. 40. Section four hundred seventy-eight point
35 twenty-one (478.21), Code 1975, as amended by the Sixty-
36 sixth General Assembly, 1975 Session, chapter two
37 hundred thirty-two (232), is amended to read as follows:

38 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE.
39 Where-ever a railway track crosses or shall hereafter cross
40 a highway, street or alley, the railway company corporation
41 owning such track and the-highway-division-of the department
42 of-transportation, in the case of primary highways, the
43 board of supervisors of the county in which such crossing
44 is located, in the case of secondary roads, or the council
45 of the city, in the case of streets and alleys located
46 within a city, may agree upon the location and, manner
47 of-crossing,-or-crossing-protection,-or-upgrading-thereof,
48 or-upon-a-separation-of-grades-so-as-to-carry-such-highway
49 ever-or-under-the-railway-track,-and-upon-any-change,
50 alteration, vacation, physical structure, characteristics

1 and or-relocation-of-such-highway, street-or-alley,
2 and-upon-repairs, alteration, or-elimination-of-any
3 crossing, and-upon-the-expense-each-party-shall-pay
4 for-such-changes, except-that-if-flasher-light-or
5 gate-signals-are-ordered-or-agreed-to-be-installed
6 prior-to-July-1, 1973, the maintenance of the cross-
7 ing and allocation of costs thereof shall-be-assumed
8 by-the-railroad-and-if-the-installation-of-flasher
9 light-or-gate-signals-is-ordered-or-agreed-to-be
10 installed-on-or-after-July-1, 1973, the-maintenance
11 thereof-shall-be-assumed-equally-by-the-railroad-and
12 upon-the-approval-of-the-department-the-grade-cross-
13 ing-safety-fund. The-department-shall-not-expend
14 more-than-four-hundred-fifty-dollars-for-any-one
15 crossing-in-any-one-year-from-the-grade-crossing-fund,
16 provided, however, nothing-in-this-section-limits-the
17 provisions-of-section-364.8. The department shall
18 become a party to the agreement if grade crossing
19 safety funds are to be used. Up to seventy-five per-
20 cent of the maintenance cost of the crossing and an
21 unlimited portion of the cost of the crossing may be
22 paid from the grade crossing safety fund.

23 Notwithstanding other provisions of this section,
24 maintenance of flasher lights or gate signals installed
25 or ordered to be installed before July 1, 1973, shall
26 be assumed wholly by the railroad corporation.

27 Payments from the grade crossing safety fund shall
28 be made to the treasurer of state upon certification
29 by the department that the terms of the agreement have
30 been followed.

31 The department shall promulgate rules according
32 to chapter seventeen A (17A) of the Code for process-
33 ing claims to the grade crossing safety funds.

34 The provisions of this section shall not apply
35 to the repair of the grade crossing surface.

36 Sec. 41. Section four hundred seventy-eight
37 point twenty-two (478.22), Code 1975, as amended by
38 Acts of the Sixty-sixth General Assembly, 1975 Session,
39 chapter two hundred thirty-two (232), section two (2),
40 is amended to read as follows:

41 478.22 DISAGREEMENT--APPLICATION--NOTICE. If the
42 railway-company-and-said-highway-authorities-cannot
43 agree-upon-the-changes-to-be-made persons specified in
44 section four hundred seventy-eight point twenty-one (478.21)
45 of the Code cannot reach an agreement, either party may
46 make written application to the transportation-regulation
47 board-of-the-department, setting-forth-the-changes-and
48 alteration-desired, and-said-department board requesting
49 resolution of the disagreement. The board shall fix a
50 date for hearing and give the other party ten days'

1 written notice by mail of such date. ~~Nothing in~~
2 ~~this section shall be construed to prohibit either~~
3 ~~party from filing written application with the~~
4 ~~department prior to any disagreement.~~ The department
5 board shall promulgate rules, pursuant to chapter seven-
6 teen A (17A) of the Code, for processing applications
7 which are filed with the department board prior to
8 a written disagreement. The ~~transportation regula-~~
9 ~~tion~~ board may set a hearing date after the disagree-
10 ment has been filed.

11 Sec. 42. Section four hundred seventy-eight
12 point twenty-three (478.23), Code 1975, as amended
13 by Acts of the Sixty-sixth General Assembly, 1975
14 Session, chapter two hundred thirty-two (232), section
15 three (3), is amended to read as follows:

16 478.23 HEARING--ORDER. The department board
17 shall hear the evidence of each party to the controversy,
18 ~~taking into consideration the necessity of such changes~~
19 ~~and the expense thereof, the location of any crossing~~
20 ~~or crossing protection and the manner in which it~~
21 ~~shall be constructed and maintained, or whether a~~
22 ~~crossing is to be eliminated and the provisions there-~~
23 ~~for, and may shall make such an order in relation~~
24 ~~thereto as shall be equitable, including which may~~
25 include, pursuant to the provisions of chapters four
26 hundred seventy-one (471) and four hundred seventy-two
27 (472) of the Code, authority to condemn, and take addi-
28 tional land for such purposes when necessary, and
29 shall determine a solution to resolving the controversy
30 including what portion of the expense shall be paid
31 by any each party to such controversy. In determining
32 what portion of the expense shall be paid by each party
33 the department board may shall consider the ratio of
34 the benefits accruing to the railroad or the govern-
35 mental unit or both as it bears to the general public
36 use and benefit and such benefits shall in the case of
37 construction be consistent with the standards adopted for
38 similar purposes by the federal highway administration
39 under the federal aid highway Act of 1973 as amended.

40 Sec. 43. Chapter four hundred seventy-eight (478),
41 Code 1975, is amended by adding the following new sections:

42 NEW SECTION. There is established a highway railroad
43 grade crossing surface repair fund in the office of the
44 treasurer of state. The department may credit to this
45 fund:

- 46 1. Moneys appropriated to the department from the
- 47 general fund of the state.
- 48 2. Moneys appropriated to the department from the
- 49 road use tax fund.
- 50 3. Available federal funds.

1 4. Moneys acquired by the department from any
2 gift, grant, or contributions from any source.

3 The total amount of funds, except funds acquired
4 pursuant to subsections three (3) and four (4) of
5 this section, which shall be credited to the highway
6 railroad grade crossing surface fund shall not exceed
7 two hundred fifty thousand dollars in any one year.

8 NEW SECTION. If a grade crossing of a railroad
9 track and a highway, street, or alley shall require
10 repairs or maintenance, the costs for such maintenance
11 may be paid equally by the owner of the track, the
12 jurisdiction having primary authority over the high-
13 way, street, or alley, and the highway grade crossing
14 surface repair fund.

15 If the railroad corporation and the jurisdiction
16 having authority agree on the method of crossing main-
17 tenance and establish an agreement to each contribute
18 one-third of the costs, a copy of the agreement shall
19 be filed with the department which shall allocate an
20 amount equal to one-third of the cost for the work if
21 funds are available in the highway railroad grade
22 crossing surface repair fund. The department shall
23 make appropriate notification if the fund is exhausted
24 in which case agreements shall not be made under the
25 provisions of this section until additional funds are
26 available. The fund shall be administered by the de-
27 partment.

28 Upon completion of the agreed repair work, a state-
29 ment of costs shall be filed with the department by the
30 railroad corporation in a form and manner prescribed by
31 the department. The department, upon approval of the
32 statement, shall pay to the railroad corporation an
33 amount equal to one-third of the cost of the work from
34 the highway railroad grade crossing surface repair fund.
35 The owner of the track and the jurisdiction entering into
36 the agreement shall each pay one-third of the cost.

37 NEW SECTION. If a railroad corporation and the
38 jurisdiction having authority cannot reach agreement on
39 railroad surface crossing repair and maintenance, either
40 party may appeal to the board. The board shall resolve
41 the dispute in the manner provided in section four
42 hundred seventy-eight point twenty-two (478.22) and
43 section four hundred seventy-eight point twenty-three
44 (478.23) of the Code, except for the allocation of costs.

45 NEW SECTION. A railroad corporation or its employees
46 shall not operate any train in such a manner as to pre-
47 vent vehicular use of any highway, street or alley for
48 a period of time in excess of ten minutes except:

49 1. When necessary to comply with signals affecting
50 the safety of the movement of trains.

1 2. When necessary to avoid striking any object
2 or person on the track.

3 3. When the train is disabled.

4 4. When the train is in motion except while
5 engaged in switching operations.

6 5. When there is no vehicular traffic waiting
7 to use the crossing.

8 6. When necessary to comply with governmental
9 safety regulations.

10 Any officer or employee of a railroad corpora-
11 tion violating any provision of this section shall,
12 upon conviction be subject to the penalty provided
13 in section four hundred seventy-eight point twenty
14 (478.20) of the Code. An employee shall not be
15 guilty of such violation if his action was necessary
16 to comply with the direct order or instructions of
17 a railroad corporation or its supervisors. Such
18 guilt shall then be with the railroad corporation.

19 Sec. 44. Section four hundred seventy-nine
20 point one (479.1), Code 1975, is amended to read as
21 follows:

22 479.1 APPLICABILITY OF CHAPTER. - The provisions
23 of this chapter shall apply to the ~~transportation of~~
24 ~~passengers and property, and to the receiving,~~
25 ~~delivering, storing, and handling of property wholly~~
26 ~~within this state, and shall apply to all railroad~~
27 ~~corporations, express companies, car companies,~~
28 ~~sleeping car companies, freight or freight line~~
29 ~~companies, and to any common carrier engaged in this~~
30 ~~state in the transportation of passengers or property~~
31 ~~by railroad therein, and to shipments of property~~
32 ~~made from any point within the state to any point~~
33 ~~within the state, whether the transportation of the~~
34 ~~same shall be wholly within this state or partly~~
35 ~~within this state and partly within an adjoining state~~
36 intrastate transport of persons and property.

37 Sec. 45. Section four hundred seventy-nine point
38 two (479.2), Code 1975, is amended by striking the
39 section and inserting in lieu thereof the following:

40 479.2 DEFINITIONS. As used in this chapter unless
41 the context otherwise requires:

42 1. "Railroad" means all terminal facilities
43 necessary in the transportation of persons and property
44 and includes bridges, railroad right-of-way, trackage,
45 switches, and other appurtenances necessary for the
46 operation of a railroad, whether owned, leased, or
47 operated under some other contractual agreement.

48 2. "Railway" means a railroad as defined in sub-
49 section one (1) of this section.

50 3. "Railway corporation" means all corporations,

1 companies, or persons owning or operating any rail-
2 road or carrier in whole or in part within the state.
3 4. "Railroad corporation" means a railway corp-
4 oration as defined in subsection three (3) of this
5 section.

6 5. "Switching service" means the shifting of a
7 car between two points, both of which are within the
8 industrial vicinity of an industry, a group of indus-
9 tries, a station, or a city, as such industrial vi-
10 cinity may be defined by the department.

11 6. "Transportation" means all instrumentalities
12 of shipment or carriage as well as services in con-
13 nection with the actual transport.

14 7. "Rates" means fares, tariffs, tolls, charges,
15 and all classifications, contracts, practices, and
16 rules of common carriers relating to such rates.

17 8. "Joint tariffs" embraces joint rates, tolls,
18 contracts, classifications, and charges.

19 9. "Department" means the state department of
20 transportation.

21 10. "Board" means the transportation regulation
22 board.

23 Sec. 46. Section four hundred seventy-nine point
24 four (479.4), Code 1975, is amended by striking the
25 section and inserting in lieu thereof the following:

26 479.4 CONNECTIONS. If a railroad corporation
27 in this state refuses to connect by proper switches or
28 tracks with the tracks of another railroad corporation
29 or refuses to receive, transport, load, discharge, re-
30 load, or return cars furnished by another connecting
31 railroad corporation, the board shall hold a hearing
32 on the dispute. Upon conclusion of the hearing, the
33 board shall issue an order to resolve the dispute. The
34 order may include the allocation of costs between the
35 parties.

36 Sec. 47. Section four hundred seventy-nine point
37 eight (479.8), Code 1975, is amended to read as follows:

38 479.8 TRANSPORTING PERSONS OR PROPERTY FOR HIRE--
39 LIMITATION ON LIABILITY. No A contract, receipt or
40 rule shall not exempt any ~~corporation~~ or person engaged
41 in transporting ~~persons~~ for hire from the liability of
42 a common carrier, or carrier of passengers, which would
43 exist had no contract, receipt, or rule ~~or regulation~~
44 been made except as may be provided for liability for
45 property loss by order of the board.

46 Sec. 48. Section four hundred seventy-nine point
47 ten (479.10), Code 1975, as amended by Acts of the
48 Sixty-sixth General Assembly, 1975 Session, chapter one
49 hundred seventy (170), section twenty-three (23), is
50 amended to read as follows:

1 479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND
2 FORWARDING. ~~All-eommon~~ Common carriers shall,
3 according to their respective powers, afford all
4 reasonable, proper, and equal facilities for the
5 interchange of traffic between their respective
6 lines, and for the receiving, forwarding, and
7 switching of cars and property to and from their
8 several lines, and to and from other lines and places
9 connected therewith; and shall not discriminate in
10 their accommodations, rates, and charges between
11 such connecting lines. Any common carrier may be
12 required to switch and transfer cars for another,
13 for the purpose of being loaded or unloaded, upon
14 such terms and conditions as may be prescribed
15 ordered by the department board.

16 Sec. 49. Section four hundred seventy-nine
17 point twelve (479.12), Code 1975, is amended to
18 read as follows:

19 479.12 RECONSIGNMENT WITHOUT CHARGE. Upon
20 request of the consignee it shall be the duty of
21 any common carrier of freight to reassign, rebill,
22 and reship from any place of destination within the
23 state to any other place within the state any property
24 in carload lots, ~~whether-accompanied-by-any-person-or~~
25 ~~not~~, brought to said place of destination over its
26 own or other line and treat the same in all respects
27 as an original shipment between such places, pro-
28 vided the charges to first place of destination are
29 paid or secured to the satisfaction of such company
30 corporation.

31 Sec. 50. Section four hundred seventy-nine point
32 thirteen (479.13), Code 1975, is amended to read as
33 follows:

34 479.13 CHARGES TO BE REASONABLE. All-rates and
35 charges made for any service rendered or to be
36 rendered in the transportation of passengers or pro-
37 perty in this state, or for the receiving, delivering,
38 storage, or handling of such property, shall be reason-
39 able and just, and every unjust and unreasonable charge
40 for such service is prohibited and declared to be
41 unlawful.

42 Sec. 51. Section four hundred seventy-nine point
43 fourteen (479.14), unnumbered paragraph two (2), Code
44 1975, is amended to read as follows:

45 No such ~~common~~ carrier, ~~or-carriers~~, shall charge
46 or receive any greater compensation in the aggregate
47 for the transportation of persons or of a like kind
48 of property for a shorter than for a longer distance,
49 over the same line or route in the same direction within
50 this state, the shorter being included within the longer

1 distance, or charge any greater compensation as a
2 through rate than the aggregate of the intermediate
3 rates; but this shall not be construed as authoriz-
4 ing any such common carrier ~~or-carriers~~ to charge
5 or receive as great a compensation for a shorter
6 as for a longer distance or haul; provided that
7 upon application to the department board such common
8 carrier ~~or-carriers~~ may, in special cases, after
9 investigation, be authorized by the department board
10 to charge less for a longer than for a shorter
11 distance for the transportation of persons or property;
12 and the department board may from time to time pre-
13 scribe the extent to which such designated common
14 carrier ~~or-carriers~~ may be relieved from the operation
15 and requirement of this section; but in exercising
16 the authority conferred upon it in this proviso, the
17 department board shall not permit the establishment
18 of any charge to or from the more distant point that
19 is not reasonably compensatory for the service per-
20 formed; and, if a circuitous rail line or route is,
21 because of such circuitry, granted authority to meet
22 the charges of a more direct line or route to or from
23 competitive points and to maintain higher charges to or
24 from intermediate points on its line, the authority shall
25 not include intermediate points as to which the haul of
26 the petitioning line or route is not longer than that of
27 the direct line or route between the competitive points.

28 Sec. 52. Section four hundred seventy-nine point
29 fifteen (479.15), Code 1975, is amended to read as
30 follows:

31 479.15 POOLING CONTRACTS. It shall be unlawful
32 for any common carrier subject to the provisions of
33 this chapter to enter into any contract, agreement,
34 or combination with any other common carrier ~~or-carriers~~
35 for the pooling of freight of different and competing
36 railroads, or divide between them the aggregate or net-
37 proceeds of the earnings of such railroads, or any
38 portion thereof without the approval of the board when
39 determined to be in the public interest by the board;
40 and in case of an agreement for the pooling of freights
41 as-aforesaid without such approval, each day of its
42 continuance shall be a separate offense.

43 Sec. 53. Section four hundred seventy-nine point
44 seventeen (479.17), Code 1975, is amended to read as
45 follows:

46 479.17 VIOLATIONS--TREBLE DAMAGES. In case any
47 common carrier subject to the provisions of this
48 chapter shall do, cause, or permit to be done anything
49 herein prohibited or declared to be unlawful, or shall
50 omit willfully fail to do anything in this chapter

1 required to be done, it shall be liable to the person
2 ~~or persons~~ injured thereby for three times the amount
3 of damages sustained in consequence, together with
4 costs of suit, and a reasonable attorney's fee to be
5 fixed by the court, on appeal or otherwise, which
6 shall be taxed and collected as part of the costs
7 in the case; but in all cases demand in writing
8 shall be made of the carrier for the money damages
9 sustained before action is brought for a recovery
10 under this section, and no action shall be brought
11 until the expiration of fifteen days after such demand.

12 Sec. 54. Section four hundred seventy-nine point
13 twenty (479.20), unnumbered paragraph one (1), Code
14 1975, is amended by striking the paragraph and in-
15 serting in lieu thereof the following:

16 The provisions of the following subsections
17 shall constitute prima facie evidence of undue and
18 unjust discriminating rates, charges, accommodations,
19 collections, or receipts.

20 Sec. 55. Section four hundred seventy-nine point
21 twenty (479.20), subsection seven (7), Code 1975, is
22 amended to read as follows:

23 7. Charge, collect, or receive from any person
24 for the use and transportation of any railway car ~~or~~
25 ~~cars~~ upon its railway a higher or greater compensation in the
26 aggregate than it shall, at the same time, charge,
27 collect, or receive from any other person for the
28 use and transportation of any railway car ~~or-cars~~ of
29 the same class for a like purpose, being transported
30 from the same original point in the same direction,
31 over an equal distance of the same railway ~~all-such-~~
32 ~~discriminating-rates,-charges,-collections,-or-~~
33 ~~receipts,-whether-made-directly-or-by-means-of-any~~
34 ~~rebate,-drawback,-or-other-shift-or-evasion,-shall-be~~
35 ~~received-as-prima-facie-evidence-of-the-unjust-dis-~~
36 ~~criminations-prohibited-by-this-chapter-; or~~

37 Sec. 56. Section four hundred seventy-nine point
38 twenty (479.20), Code 1975, is amended by adding the
39 following new subsection:

40 NEW SUBSECTION. Charge any undue or unjust
41 discriminatory rates, charges, accommodations, collec-
42 tions or receipts whether made directly or indirectly
43 by means of a rebate or other method.

44 Sec. 57. Section four hundred seventy-nine
45 point twenty-nine (479.29), Code 1975, as amended by
46 Acts of the Sixty-sixth General Assembly, 1975 Session,
47 chapter one hundred seventy (170), section twenty-
48 seven (27), is amended to read as follows:

49 479.29 PENALTY FOR DISCRIMINATION. Any such
50 corporation ~~guilty-of-extortion,-or-of~~ making any unjust

1 discrimination as to freight rates, or the rates
2 for the use and transportation of railway cars, or
3 in receiving, handling, or delivering ~~freights,~~
4 freight shall, upon conviction thereof, be fined
5 in any sum not less than one thousand dollars nor
6 more than five thousand dollars for the first
7 offense, and for each subsequent offense not less
8 than five thousand nor more than ten thousand dollars-
9 such fine to be imposed in a criminal prosecution by
10 indictment; of shall be subject to the liability
11 prescribed in section 479.30, to be recovered as
12 therein provided.

13 Sec. 58. Section four hundred seventy-nine
14 point thirty (479.30), Code 1975, is amended to read
15 as follows:

16 479.30 CIVIL FORFEITURE. Any such railway cor-
17 poration ~~guilty-of-extortion,-or-of~~ making any unjust
18 discrimination as to passenger or freight rates, or
19 the rates for the use and transportation of railway
20 cars, or in receiving, handling, or delivering ~~freights~~
21 freight, shall forfeit and pay to the state not less
22 than one thousand nor more than five thousand dollars
23 for the first offense, and not less than five thousand
24 nor more than ten thousand dollars for each subsequent
25 offense, to be recovered in a civil action in the name
26 of the state; and the release from liability or
27 penalty provided for in this chapter shall not apply to
28 a criminal prosecution under section 497.29 or to a
29 civil action under this section.

30 Sec. 59. Section four hundred seventy-nine point
31 forty-six (479.46), Code 1975, is amended to read
32 as follows:

33 479.46 DIVISION OF JOINT RATES. Before the promul-
34 gation of such rates, the department board shall notify
35 the railroad companies corporations interested of in
36 the schedule of joint rates fixed, and give them a
37 reasonable time ~~thereafter~~ to agree upon a division of
38 the charges provided ~~for-therein~~. If such companies
39 corporations fail to agree upon a division, and to
40 notify the department board thereof, it the board shall,
41 after a hearing of the companies corporations interested,
42 decide the same, taking into consideration the value of
43 terminal facilities and all the circumstances of the
44 haul, and the division so determined by it shall, in
45 all controversies or actions between the railway-com-
46 panies railroad corporations interested, be prima-
47 facie evidence of a just and reasonable division thereof.

48 Sec. 60. Section four hundred seventy-nine point
49 forty-nine (479.49), Code 1975, is amended to read as
50 follows:

1 479.49 RATE SCHEDULES--FILING AND PUBLICATION
2 PUBLIC ACCESS. Every common carrier, subject to the
3 provisions of this chapter shall file with the de-
4 partment board and shall print and keep open to
5 public inspection schedules showing the rates for
6 the transportation within this state of persons and
7 property from each point upon its route to all other
8 points thereon and from all points upon its route
9 to all points upon every other route leased,
10 operated, or controlled by it; and from each point
11 on its route or upon any route leased, operated, or
12 controlled by it to all points upon the route of
13 any other common carrier, whenever a through route
14 and a joint rate shall have been established or
15 ordered between any two such points. If no joint
16 rate over a through route has been established, the
17 schedules of the several carriers in such through
18 route shall show the separately established rates,
19 applicable to the through transportation.

20 Subject to rules which the board shall adopt,
21 the schedules shall be plainly printed and a copy
22 of often used schedules shall be kept by every
23 carrier readily accessible to and for inspection by
24 the public in every station and office of the carrier
25 where passengers or property are received for trans-
26 portation when the station or office is in the charge
27 of an agent. A notice printed in bold type and
28 stating that the often used schedules are on file
29 with the agent and open to public inspection, and
30 that the agent will assist any person to determine
31 from the schedule any rate shall be posted by the
32 carrier in public and conspicuous places in each
33 station or office. The board shall, by rule, provide
34 that adequate public access to schedules not often
35 used be provided in a different manner.

36 Sec. 61. Section four hundred seventy-nine point
37 fifty (479.50), Code 1975, is amended to read as
38 follows:

39 479.50 DETAILED REQUIREMENTS. The schedules
40 aforesaid shall plainly state the places between which
41 such property and persons will be carried, and,
42 separately, all terminal charges, storage charges,
43 ~~being~~ refrigeration charges, and all other charges
44 which the department board may require to be stated,
45 all privileges or facilities granted or allowed, and
46 all rules or regulations which may in any wise way change,
47 affect, or determine any part or the aggregate of such
48 rates, or the value of the various services rendered
49 to the passenger, shipper, or consignee.

50 The form of every schedule shall be prescribed

1 by the board and shall conform, in the case of common
2 carriers, as nearly as may be to the form prescribed
3 by the interstate commerce commission.

4 Sec. 62. Section four hundred seventy-nine point
5 fifty-five (479.55), Code 1975, is amended to read
6 as follows:

7 479.55 INTERSTATE COMMERCE SCHEDULES. When
8 schedules and classifications required by the inter-
9 state commerce commission contain in whole or in part
10 the information required by the provisions of this
11 chapter, the posting~~ing~~, and filing of a
12 copy ~~or copies~~ of such schedules and classifications
13 with the board shall be deemed a compliance with the
14 requirements of this chapter insofar as such schedules
15 and classifications contain the information required
16 by this chapter, and any additional or different infor-
17 mation may be posted~~ed~~, and filed in a supple-
18 mentary schedule.

19 Sec. 63. Section four hundred seventy-nine point
20 fifty-six (479.56), Code 1975, is amended to read
21 as follows:

22 479.56 PARTIAL SCHEDULES. In lieu of filing its
23 entire often used schedule in each station or office,
24 any common carrier may ~~subject to the regulations of~~
25 the department, file ~~or~~ with the board and keep posted
26 at such stations or offices, schedules of such rates
27 as are applicable at, to, and from the places where
28 such stations or offices are located subject to rules
29 adopted by the board.

30 Sec. 64. Section four hundred seventy-nine point
31 fifty-seven (479.57), Code 1975, is amended to read
32 as follows:

33 479.57 CHANGES IN SCHEDULES. The department
34 board shall have power from time to time, in its dis-
35 cretion, to determine and prescribe by order such changes
36 in the form of the schedules referred to in this chapter
37 as it may find expedient, and to modify the requirements
38 of any of its orders or rules in respect thereto.

39 Sec. 65. Section four hundred seventy-nine point
40 fifty-eight (479.58), Code 1975, is amended to read
41 as follows:

42 479.58 JOINT TARIFF SCHEDULES. The names of the
43 several common carriers which are parties to any joint
44 tariff shall be specified in the schedule ~~or schedules-~~
45 showing the same. Unless otherwise ordered by the
46 department board, a schedule showing such joint tariff
47 need be filed with the department board by only one
48 of the parties if there is also filed with the depart-
49 ment board, in such form as the department board may
50 require, a concurrence in such joint tariff by each of

1 the other parties thereto.

2 Sec. 66. Section four hundred seventy-nine point
3 sixty (479.60), Code 1975, is amended to read as
4 follows:

5 479.60 TRANSPORTATION PROHIBITED. No common
6 carrier shall undertake to perform any service nor
7 engage or participate in the transportation of persons
8 or property between points within this state, until
9 its schedule of rates shall have been filed and pub-
10 lished posted as herein provided.

11 Section 67. Section four hundred seventy-nine
12 point sixty-one (479.61), Code 1975, is amended to
13 read as follows:

14 479.61 CHANGE IN RATE. Unless the department
15 board otherwise orders, no change shall be made by any
16 common carrier in any rate, except after thirty days'
17 notice to the department board and to the public as
18 herein provided. The board shall adopt rules to insure
19 public notice in any action instituted under this section.

20 Sec. 68. Section four hundred seventy-nine point
21 sixty-two (479.62), Code 1975, is amended to read as
22 follows:

23 479.62 NOTICE OF CHANGE. Such notice shall be
24 given by filing with the ~~department-and-by-keeping-open~~
25 ~~for-public-inspection~~ board new schedules or supplements
26 stating plainly the change ~~or-changes~~ to be made in the
27 schedule ~~or-schedules~~ then in effect, and the time when
28 the change ~~or-changes~~ will go into effect.

29 Sec. 69. Section four hundred seventy-nine point
30 sixty-three (479.63), Code 1975, is amended to read
31 as follows:

32 479.63 CHANGES WITHOUT NOTICE. The department
33 board, for good cause shown, may allow changes without
34 requiring ~~said~~ thirty days' notice by an order specifying
35 the changes ~~so~~ to be made and the time when they shall
36 take effect, and the manner in which ~~they~~ shall be filed
37 and published.

38 Sec. 70. Section four hundred seventy-nine point
39 Sixty-four (479.64), Code 1975, is amended to read as
40 follows:

41 479.64 INDICATING CHANGE. When any change is pro-
42 posed in any rate, such proposed change shall be plainly
43 indicated on the new schedule filed with the department
44 board, by some typographic character immediately preced-
45 ing or following the item.

46 Sec. 71. Section four hundred seventy-nine point
47 sixty-five (479.65), Code 1975, is amended to read as
48 follows:

49 479.65 SCHEDULE CHARGE MANDATORY--REFUNDS AND DIS-
50 CRIMINATION. No common carrier, except as otherwise

1 provided, shall charge, demand, collect, or receive
2 a greater or less or different compensation for the
3 transportation of persons or property or for any
4 service in connection therewith than the rates, fares,
5 and charges applicable to such transportation as
6 specified in its schedules filed and in effect at
7 the time; nor shall any such carrier refund or remit
8 in any manner or by any device any portion of the
9 rates, fares, or charges so specified except upon
10 order of the courts or of the department board as
11 may be now or hereafter by law provided, nor extend
12 to any shipper or person any privilege or facility
13 in the transportation of passengers or property
14 except such as are specified in such schedules.

15 Sec. 72. Section four hundred seventy-nine point
16 sixty-six (479.66), Code 1975, is amended to read as
17 follows:

18 479.66 POWER TO REVISE RATES. Whenever there
19 shall be filed with the department board any schedule,
20 stating an a individual-or-joint rate, the department
21 shall-have-power-board may, either upon complaint or
22 upon its own motion, at immediately once, and, if it
23 so orders, without answer or formal pleadings by the
24 interested common carrier, or-carriers,-but-upon
25 reasonable-notice,-to enter upon a hearing concerning
26 the propriety of such rate.

27 Sec. 73. Section four hundred seventy-nine point
28 sixty-seven (479.67), Code 1975, is amended to read
29 as follows:

30 479.67 SUSPENSION OF RATES. Pending the hearing
31 and the decision thereon, such rate shall not go into
32 effect; but the period of suspension of such rate shall
33 not extend more than one hundred twenty days beyond
34 the time when such rate would otherwise go into effect,
35 unless-the-department,-in-its-discretion,-extends-the
36 period-of-suspension-for-a-further-period-of-not
37 exceeding-thirty-days.

38 Sec. 74. Section four hundred seventy-nine point
39 sixty-eight (479.68), Code 1975, is amended to read
40 as follows:

41 479.68 DECISION. On such hearing the department
42 board shall establish the rates, in whole or in part,
43 or other in lieu thereof, which it shall find to be
44 just and reasonable.

45 Sec. 75. Section four hundred seventy-nine point
46 sixty-nine (479.69), Code 1975, is amended to read
47 as follows:

48 479.69 WHEN RATES EFFECTIVE. All such rates not
49 so suspended shall, on the expiration of thirty
50 days from the time of filing the same with the depart-

1 ment board or of such less time as the said depart-
2 ment board may grant, go into effect and be the es-
3 tablished and effective rates, subject to the power
4 of the department board after a hearing had upon its
5 own motion or upon complaint, as herein provided, to
6 alter or modify the same.

7 Sec. 76. Section four hundred seventy-nine point
8 seventy (479.70), Code 1975, is amended to read as
9 follows:

10 479.70 POSTING AND FILING OF REVISED SCHEDULES.
11 After such changes have been authorized by the depart-
12 ment board, copies of the new or revised schedules
13 shall be posted or filed as provided in this chapter
14 within such reasonable time as may be fixed by the
15 department board.

16 Sec. 77. Section four hundred seventy-nine point
17 seventy-two (479.72), Code 1975, is amended to read
18 as follows:

19 479.72 COMPLAINT OF VIOLATION. When any person
20 in-his-own-behalf, or in-behalf-of-a-class-of-persons
21 similarly-situated, or-a-firm, corporation, or-asso-
22 ciation, or-any-mercantile, agricultural, or-manufac-
23 turing-society, or-any-body-politic-or-municipal
24 organization, city, or county shall make complaint to
25 the department board that the rate charged or published
26 by any railway company corporation, or-the-maximum
27 rates-fixed-by-the-department-in-the-schedule-of-rates
28 made-by-it, or the maximum rate fixed by law, is unrea-
29 sonably high or discriminating, the department-shall
30 board may investigate the matter, and, if-the-charge
31 appears-to-be-well-founded, fix-a-day-for hold-a-hearing
32 the-same, giving the railway-company parties notice
33 of the time and place thereof-by-mail, directed-to-any
34 division-superintendent, general-or-assistant-superin-
35 tendent, general-manager, president, or-secretary-of
36 such-company, which-notice-shall-contain-the-sub-
37 stance-of-the-complaint, also-the-person-or-persons
38 complaining of the hearing.

39 Sec. 78. Section four hundred seventy-nine point
40 seventy three (479.73), Code 1975, is amended to read
41 as follows:

42 479.73 HEARING--EVIDENCE. Upon At the time of
43 the hearing the department board shall receive any
44 evidence and listen to any arguments offered-or presented
45 by either party relevant to the matter under investiga-
46 tion, and the burden of proof shall not be upon the
47 person or-persons making the complaint, but-it The
48 complainant shall add to the showing made at such hearing
49 whatever information ~~it~~ the complainant may then have,
50 or can obtain from any source, including schedules of

1 rates actually charged by any railway company corpora-
2 tion for substantially the same kind of service, in
3 this or any other state. The lowest rates published or
4 charged by any railway company corporation for sub-
5 stantially the same kind of service whether in this or
6 another state, shall, at the instance of the person
7 ~~or persons~~ complaining, be accepted as prima-facie
8 evidence of a reasonable rate for the services under
9 investigation; and if the railway company corporation
10 complained of is operating a line of railroad
11 beyond the state, or has a traffic arrangement with any
12 such railway company corporation, the same shall be
13 taken into consideration in determining what is a rea-
14 sonable rate; if it be operating a line of railway
15 beyond the state, the rate charged or established for
16 substantially a similar or greater service by it in
17 another state shall also be considered. The board
18 shall establish just and reasonable rates, in whole
19 or in part or modified as the board shall determine.

20 Sec. 79. Section four hundred seventy-nine point
21 ninety-nine (479.99), Code 1975, is amended by striking
22 the section and inserting in lieu thereof the following:

23 479.99 PASSENGER TICKETS--REDEMPTION. Every rail-
24 road corporation shall redeem in whole or in part any
25 unused passenger ticket at a rate equal to the transpor-
26 tation value of the unused portion. Any redemption
27 shall be made not more than forty-five days from the
28 date of the refund request.

29 Sec. 80. Section four hundred seventy-nine point
30 one hundred three (479.103), Code 1975, is amended to
31 read as follows:

32 479.103 ~~COAL~~ BULK COMMODITIES IN CAR LOTS. Every
33 ~~person, firm, or corporation~~ engaged in operating any
34 railroad within the state shall ~~equip the line of its~~
35 ~~track and thereafter~~ maintain thereon in good order,
36 track scales of sufficient capacity to weigh all car-
37 loads of ~~coal~~ bulk commodities which the department
38 may specify that may be transported over the said rail-
39 road, and shall weigh the same at the request of any
40 owner, consignor, or consignee of such commodities,
41 and furnish written certificates of such weights to such
42 owner, consignor, or consignee as hereinafter provided.
43 ~~Such track scales shall be so installed and maintained~~
44 ~~at all division stations along the line of such railroads~~
45 ~~within the state, and at such other stations as the~~
46 ~~department shall from time to time direct.~~

47 Sec. 81. Section four hundred seventy-nine point
48 one hundred four (479.104), Code 1975, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

1 479.104 COMMODITY WEIGHING--DISAGREEMENT. If a
2 railroad corporation and the owner, consignor, or con-
3 signee of bulk commodities which are specified by
4 the department cannot reach agreement relative to
5 the weighing of such commodities, appeal may be made
6 to the board which shall, after hearing, issue such
7 order as may be equitable to all parties. The order
8 may include, but not be limited to allocation of
9 installation costs and other costs and place and
10 manner of weighing. The board may adopt rules for
11 the administration of this section.

12 Sec. 82. Section four hundred seventy-nine
13 point one hundred five (479.105), Code 1975, is
14 amended to read as follows:

15 479.105 WEIGHT AT DESTINATION--FEE. Such ~~coal~~
16 bulk commodities designated by the department shall be
17 weighed at destination upon request of consignee when
18 there are track scales at such point. If not equipped
19 with track scales at such point, then at nearest practi-
20 cable point ~~enroute where such scales are maintained,~~
21 ~~and certificate of weight, showing actual gross, tare,~~
22 ~~and net weights, shall be furnished to consignee and~~
23 ~~settlement of freight charges based on these weights~~
24 agreed to by both parties. A reasonable charge ~~of not~~
25 ~~more than one dollar per car~~ may be made for such weighing
26 on request.

27 Sec. 83. Section four hundred seventy-nine point
28 one hundred six (479.106), Code 1975, is amended by
29 striking the section and inserting in lieu thereof
30 the following:

31 479.106 WEIGHING COMMODITIES. The department may
32 adopt rules establishing standards by which bulk commo-
33 dities specified by the department shall be weighed. The
34 rules shall include safety standards, accuracy, style and
35 content of applicable forms and certificates to be used
36 for weighing. Certificates of weight shall be furnished
37 to the consignee and settlement of freight charges shall
38 be based upon those weights but weight shall not be
39 warranted for any other commercial purpose unless so
40 stated upon its face. The department may enter into agree-
41 ments with the department of agriculture for the administra-
42 tion of part or all of this section.

43 Sec. 84. Section four hundred seventy-nine point one
44 hundred sixteen (479.116), Code 1975, is amended by strik-
45 ing the section and inserting in lieu thereof the following:

46 471.116 RULES. The board shall prescribe by rule,
47 pursuant to chapter seventeen A (17A) of the Code, such
48 regulations as may be reasonably necessary for the orderly
49 disposition of claims arising from loss or damage to
50 property tendered for transportation.

1 Sec. 85. Chapter four hundred seventy-nine
2 (479), Code 1975, is amended by adding the following
3 new section:

4 NEW SECTION. An employee of the railroad
5 division of the department designated by the director
6 of the department may conduct spot inspections of
7 vehicles subject to registration which are owned or
8 operated by a railroad corporation to determine
9 whether the vehicle is used to transport products or
10 property which may be a safety hazard for the
11 operator of the vehicle subject to registration or
12 any other employee of the railroad corporation who
13 is transported in the vehicle.

14 Sec. 86. Section four hundred eighty-one point
15 one (481.1), Code 1975, is amended to read as follows:

16 481.1 BUILDINGS ON RAILROAD LANDS. When a
17 disagreement arises between a railroad company corporation
18 and the owner of any building used for receiving,
19 storing, or manufacturing any article of commerce trans-
20 ported or to be transported, situated on the railroad
21 right of way or any land owned or controlled by the
22 railroad company corporation for railroad purposes,
23 as to the terms and conditions on which the same is
24 to be continued thereon or removed therefrom, ~~or when~~
25 ~~application is made by any person, firm, or corporation~~
26 ~~for a site on such lands for the erection and maintenance~~
27 ~~of such improvements, and the railway company and the~~
28 ~~applicant cannot agree as to whether such improvement~~
29 ~~shall be placed on such lands, or as to the character~~
30 ~~and location of the buildings to be erected and main-~~
31 ~~tained thereon, or as to the terms and conditions under~~
32 ~~which the same may be placed or operated,~~ such railway
33 ~~company, person, firm, or corporation~~ or person may
34 make written application to the department board and
35 such department the board shall, as ~~speedily as possible~~
36 ~~after the filing of such application,~~ hear and determine
37 such controversy and make such order in relation thereto
38 as shall be just and equitable between the parties,
39 which order shall be enforced in the same manner as other
40 orders of the department board.

41 Sec. 87. Section four hundred eighty-one point
42 three (481.3), Code 1975, as amended by Acts of the
43 Sixty-sixth General Assembly, 1975 Session, chapter one
44 hundred seventy (170), section thirty (30), is amended
45 to read as follows:

46 481.3 SPUR TRACKS. Every railroad corporation
47 shall acquire the necessary rights of way for, by con-
48 demnation or purchase, and shall construct, connect, and
49 operate and maintain a reasonably adequate and suitable
50 spur track, whenever such spur track does not necessarily

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

12 Sec. 88. Section four hundred eighty-one point
13 four (481.4), Code 1975, is amended to read as follows:

14 481.4 COST OF CONSTRUCTION. Such railroad
15 company corporation may require the person ~~or persons,~~
16 ~~firm, corporation, or association~~ primarily to be served
17 thereby to pay the legitimate cost and expense of
18 acquiring, by condemnation or purchase, the necessary
19 right of way for such spur track and of constructing
20 the same as shall be determined in separate items by
21 the department. Except as provided in section 481.5
22 provided, the total estimate cost thereof as ascertained
23 by said department shall be deposited with the railroad
24 company corporation before it shall be required to
25 incur any expense ~~whatsoever therefor~~. If an agreement
26 cannot be reached, the question shall be referred to
27 the board which may after hearing issue an order.

28 Sec. 89. Section four hundred eighty-one point
29 nine (481.9), Code 1975, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. "Board" means the transportation
32 regulation board.

33 Sec. 90. Chapter four hundred eighty-three (483),
34 Code 1975, is amended by striking the chapter and insert-
35 ing in lieu thereof sections ninety-one (91) through
36 one hundred eight (108) of this Act.

37 Sec. 91.

38 NEW SECTION. As used in this chapter, unless the
39 context otherwise requires:

40 1. "District" means a railroad district established
41 under the provisions of this chapter.

42 2. "Department" means the state department of
43 transportation.

44 3. "Board" means the transportation regulation
45 board.

46 4. "Railroad corporation" means any corporation
47 organized under the laws of this state or any other
48 state for the purpose of operating a railroad within
49 this state.

50 5. "Control county" means the county designated

1 by the department to administer the election proce-
2 dures and hold hearings within a railroad district
3 or a proposed railroad district.

4 6. "Railroad" means a railroad as defined in
5 section four hundred seventy-nine point two (479.2)
6 of the Code.

7 Sec. 92. NEW SECTION. It is declared to be the
8 policy of the general assembly to allow citizens of
9 an area to form a railroad district for the restora-
10 tion, conservation, or improvement of a railroad.
11 The funds for the restoration, conservation or improve-
12 ment shall be derived from a vote of the qualified
13 electors of the district for a tax not to exceed
14 eighty-one cents per thousand dollars of assessed
15 value. The number of years in which it shall be
16 levied and paid shall not exceed twenty years.

17 Sec. 93. NEW SECTION. The department may develop
18 a proposed railroad district and a preliminary recom-
19 mendation concerning the desirability and necessity of
20 the creation of such a district within thirty days of
21 the receipt of a petition signed by at least ten
22 eligible electors of the area to be included in the
23 district. The petition shall describe the territory
24 proposed to be organized as a district which description
25 shall not be required to be given by metes and bounds
26 or by legal subdivisions, but shall be deemed suffi-
27 cient if generally accurate. The department shall
28 determine the control county for the district.

29 Sec. 94. NEW SECTION. The board of supervisors
30 of the control county shall publish notice of a pro-
31 posed hearing upon the question of desirability and
32 necessity of the creation of a railroad district within
33 thirty days of receipt of the proposed plan from the
34 department. The notice shall be published once in an
35 official newspaper of each county with territory in
36 the proposed district at least five days prior to the
37 date of hearing. All eligible electors of the proposed
38 district and all other interested parties shall have
39 the right to attend such hearing and to be heard. In
40 addition to the presentation of proposed boundaries
41 of the district the department shall discuss the
42 desirability and necessity of the proposed district.
43 If it appears at the hearing that it is desirable to
44 include within the proposed district territory outside
45 the area within which due notice of the hearing has
46 been given, the hearing shall be adjourned and due
47 notice of further hearing shall be given through the
48 entire area considered for inclusion in the district
49 and such further hearings held.

50 Sec. 95. NEW SECTION. Following the hearing,

1 the department shall file a recommendation with the
2 control county concerning the creation of the railroad
3 district. If the recommendation is for the crea-
4 tion of the district, a referendum shall be held in
5 the proposed railroad district within sixty days
6 of the recommendation. If the recommendation is
7 to revise the plan, a revised plan shall be sub-
8 mitted to the control county board of supervisors
9 by the department within sixty days of the recommen-
10 dation and a referendum shall be held within sixty
11 days of the receipt of this revised plan. A recom-
12 mendation to not create the district may be over-
13 turned by a petition of fifty or more eligible
14 electors of the proposed railroad district. In such
15 case the proposal to create the district shall be
16 submitted to the voters at a referendum to be
17 held within sixty days of the date the petition was
18 received.

19 Sec. 96. NEW SECTION. The board of supervisors
20 of the control county shall hold a referendum within
21 the proposed railroad district upon the question
22 of the creation of the district and at the same time,
23 hold an election to elect the first trustees' of
24 the district. Notice of the referendum and
25 election shall be given in the manner provided
26 under section forty-nine point fifty-three (49.53)
27 of the Code.

28 Sec. 97. NEW SECTION. Petitions nominating
29 candidates for trustees shall be filed with the
30 control county commissioner of elections at least
31 thirty days prior to the election and shall be made
32 according to section forty-five point three (45.3)
33 of the Code. An eligible elector of the district
34 may not sign more than three such petitions.

35 Sec. 98. NEW SECTION. Trustees shall be elected
36 for six-year terms. However, at the first election,
37 the trustee receiving the highest number of votes
38 shall serve a term of six years, the trustee receiving
39 the second highest number of votes shall serve a
40 term of four years and the trustee receiving the
41 third highest number of votes shall serve a term
42 of two years. The term of office for trustees shall
43 commence upon receipt of the certificate of election.
44 A bond shall not be required of railroad district
45 trustees. Vacancies shall be filled by appointment
46 by the trustees until the vacancy can be filled pur-
47 suant to section sixty-nine point twelve (69.12)
48 of the Code.

49 Sec. 99. NEW SECTION. Two ballots, one con-
50 taining the public question "Shall a railroad dis-

1 trict described as follows be created" and the
2 other, the candidates for trustees, shall be sub-
3 mitted upon request to each qualified elector of
4 the district. The control county commissioner of
5 elections shall cause the ballots to be printed.

6 Sec. 100. NEW SECTION. The polling places for
7 all elections for railroad districts shall be desig-
8 nated by county commissioner of elections and may
9 be the office of the county commissioner of elections
10 in each county in which any territory of the district
11 lies. Subsequent elections for railroad district
12 trustees shall be held biennially as close to the
13 anniversary of the original election as possible
14 and pursuant to the provisions of section thirty-
15 nine point two (39.2) of the Code.

16 Sec. 101. NEW SECTION. The vote of any elections
17 held for a railroad district shall be canvassed on
18 Monday following the election if the district lies
19 wholly within one county. If the district lies
20 within more than one county the noncontrol counties
21 shall canvass the vote on the second day following
22 the election and certify the result to the control
23 county by noon on the Monday following the election.
24 If a majority of the votes cast on the question
25 "Shall a railroad district be created?" do not
26 favor creation of the district, the vote to elect
27 trustees shall be void.

28 Sec. 102. NEW SECTION. The trustees of a rail-
29 road district shall have all powers listed in sections
30 one hundred three (103) through one hundred five
31 (105) of this Act and may receive and accept gifts,
32 grants, loans, or other aid from any public or private
33 entities.

34 Sec. 103. NEW SECTION. The trustees may on
35 their own initiative or upon receipt of a petition
36 from ten eligible electors of the district request
37 the control county commissioner of elections to call
38 a referendum on either of the following public
39 questions:

40 1. Shall a tax of not to exceed _____ be
41 levied against the value of the real property within
42 the district?

43 2. Shall the trustees of the district be author-
44 ized to issue bonds in the amount of _____ and levy
45 a tax for the retirement of the bonds and interest
46 thereon?

47 If a majority of the votes cast are in favor of
48 question one or sixty percent of the votes cast are
49 in favor of question two, the tax shall be levied
50 by the board of supervisors and collected at the same

1 time and in the same manner as other property taxes.
2 This tax shall not be levied more than once,
3 unless a written agreement pursuant to section one
4 hundred four (104) of this Act has been made. The
5 referendum shall state the purposes for which it is
6 proposed to vote the taxes, the rate of tax proposed,
7 the number of years not exceeding twenty in which
8 it shall be levied and paid in equal installments,
9 and the location of the railroad for which it is
10 proposed to improve, restore, or conserve.

11 Sec. 104. NEW SECTION. Prior to expenditure
12 of any funds derived from section ninety-two (92) of
13 this Act, the trustees shall enter into a written
14 agreement with the department and railroad corpora-
15 tion for the purpose specified in the referendum
16 according to the provisions of section one hundred
17 three (103) of this Act.

18 Sec. 105. NEW SECTION. All moneys collected
19 under this chapter shall be placed in the Iowa railroad
20 assistance fund. Not later than December 15 or
21 June 15 of each year in which the tax is collected,
22 the county auditor shall transmit the amount of tax
23 levied and collected, by warrant, to the treasurer
24 of state who shall credit it to the railroad assis-
25 tance fund. Moneys levied and collected for the
26 purpose of retiring general obligation bonds and
27 paying interest on such bonds shall be held as a
28 sinking fund in the railroad assistance fund and dis-
29 bursed by the trustees for retirement and interest
30 payment of these bonds. Pursuant to the agreement
31 as specified in section one hundred four (104) of
32 this Act, the trustees shall submit a certified claim
33 to the state comptroller directing that a warrant
34 be issued against the railroad assistance fund.

35 Sec. 106. NEW SECTION. A railroad district
36 shall be dissolved twenty years after its creation -
37 if all bonds have been retired and all obligations
38 fulfilled, unless a petition by ten eligible electors
39 objecting to the dissolution is filed with the trustees.
40 The trustees shall notify the department and the control
41 county board of supervisors of this petition. The con-
42 trol county board of supervisors shall hold a hearing
43 on the proposed dissolution of the railroad district
44 and cause a notice of such hearing to be published
45 according to section ninety-four (94) of this Act.
46 At the hearing the department shall present a recom-
47 mendation on the desirability of dissolution of the
48 railroad district and such recommendation shall be
49 accepted unless a written objection is given to the
50 board within ten days of the hearing. Upon receipt of

1 such objection the board shall make final determina-
2 tion if the district shall be dissolved or retained.

3 Sec. 107. NEW SECTION. Should the taxes voted
4 for the railroad district under the provisions of this
5 chapter remain in the railroad assistance fund for
6 more than one year after the terms of the agreement
7 have expired, the right to the undistributed unencum-
8 bered taxes and the money shall revert to the general
9 fund of the county from which it was originally col-
10 lected in proportion to the taxes levied and collected
11 for this fund in the most recent collection year.

12 Sec. 108. NEW SECTION. The provisions of chapters
13 thirty-one (31) through fifty-three (53) of the Code
14 shall apply to the conduct of elections held for the
15 railroad district, except as otherwise specifically
16 provided in this chapter.

17 Sec. 109. Acts of the Sixty-sixth General Assem-
18 bly, 1975 Session, chapter two hundred thirty-one
19 (231), section one (1), is amended to read as follows:

20 SECTION 1. NEW SECTION. RAILROAD ASSISTANCE
21 FUND ESTABLISHED. There is established a railroad
22 assistance fund in the office of the treasurer of
23 state. Moneys in this fund shall be expended for
24 providing assistance to railroads for the upgrading
25 railroad-roadbeds, track, track-structure, and other
26 appurtenances of railroad right-of-way of railroad
27 branch-lines restoration, conservation, and improve-
28 ment of a railroad. Any unencumbered funds appropriated
29 pursuant to Acts of the Sixty-fifth General Assembly,
30 1974 Session, chapter one thousand one hundred thirteen
31 (1113), section thirteen (13), or other funds appro-
32 priated by the general assembly for branch line rail-
33 road assistance shall be deposited in the railroad
34 assistance fund. Any moneys received by ~~the energy~~
35 ~~policy council or~~ the state department of transporta-
36 tion by agreements, grants, gifts, or other means from
37 individuals, companies or other business entities, or
38 ~~political subdivisions of the state~~ cities and counties
39 for the purposes set forth for the fund established
40 pursuant to this section shall be credited to the
41 railroad assistance fund.

42 Sec. 110. Acts of the Sixty-sixth General
43 Assembly, 1975 Session, chapter two hundred thirty-one
44 (231), section two (2), is amended to read as follows:

45 SEC. 2. NEW SECTION. ASSISTANCE AGREEMENTS.
46 The energy policy council and, after the transfer of
47 its duties pursuant to section seven (7) of this Act
48 the director of the department of transportation with
49 the approval of the state transportation commission,
50 may enter into agreements with railroads, the United

1 States government, ~~individuals, companies or other~~
2 ~~business-entities~~ persons, or ~~political-subdivi-~~
3 ~~sions-of-the-state~~ cities, counties, or railroad
4 districts for carrying out the purposes of this Act.
5 Agreements entered into between the ~~energy-policy~~
6 ~~council-or-the~~ director of the department of
7 transportation and railroad ~~companies~~ corporations
8 pursuant to this section may require payment by the
9 railroad corporation of a portion of increased revenue
10 derived from the improved branch line into the railroad
11 assistance fund. The board of supervisors of a
12 county may enter into an agreement with the state
13 department of transportation to receive a portion
14 of the payments made by a railroad corporation to the
15 railroad assistance fund pursuant to this section.
16 The amount received by a county shall not exceed
17 the amount appropriated to the railroad assistance
18 fund by the county pursuant to Acts of the Sixty-
19 sixth General Assembly, 1975 Session, chapter two
20 hundred thirty-one (231), section five(5).

21 Sec. 111. Acts of the Sixty-sixth General
22 Assembly, 1975 Session, chapter two hundred thirty-one
23 (231), section three (3), is amended to read as
24 follows:

25 SEC. 3 NEW SECTION. FEDERAL FUNDS. The ~~energy~~
26 ~~policy-council-and-the~~ state department of transpor-
27 ~~tation commission~~ may accept federal funds to carry
28 out the provisions of this Act. All federal funds
29 received under the provisions of this Act are appro-
30 priated for the purposes set forth in the federal
31 grants.

32 Sec. 112. Acts of the Sixty-sixth General Assembly,
33 1975 Session, chapter two hundred thirty-one (231),
34 section four (4), is amended to read as follows:

35 SEC. 4. NEW SECTION. RAILROAD ACCOUNTS. Agree-
36 ments between the railroad ~~companies~~ corporations
37 ~~and-the-energy-policy-council-or~~ the state department
38 of transportation which do not require payment of a
39 portion of the increased revenue derived from the
40 improved branch line railroad to be paid by the
41 railroad to the railroad assistance fund shall require
42 that the railroad establish and maintain a separate
43 railroad ~~company~~ corporation fund to which a specified
44 portion of the increase in revenue derived from the
45 improved railroad branch line shall be credited and that
46 these funds shall be used by the railroad for improve-
47 ~~ment-of-branch-line-railroad-roadbed,-track,-track-~~
48 ~~structure,-and-othere-appurtenances,~~ restoration, or
49 conservation of railroad-right-of-way railroads within
50 the state. The terms and conditions governing the use

1 of moneys in the special railroad company corpora-
2 tion fund shall be stipulated in the agreement.
3 The agreement shall also stipulate a penalty for use
4 of the funds in a manner other than as set forth in
5 the agreement.

6 Sec. 113. Acts of the Sixty-sixth General
7 Assembly, 1975 Session, chapter two hundred thirty-one
8 (231), section five (5), is amended to read as follows:

9 SEC. 51. NEW SECTION. COUNTY FUNDS. The board
10 of supervisors of a county may with the approval of
11 the energy-policy-council, and after the transfer of
12 its duties pursuant to section seven (7) of this Act,
13 with the approval of the director state department
14 of transportation, appropriate funds from the county
15 general fund to the railroad assistance fund. The
16 county may, according to the provisions of section
17 one hundred ten (110) of this Act, receive a partial
18 or total reimbursement for this appropriation. The
19 money shall be used in accordance with this Act only
20 for upgrading-railroad-property conservation, restora-
21 tion, or improvement of railroads within the county
22 providing the funds. In any year the amount of
23 money transferred to the railroad assistance fund by
24 a county shall not exceed the amount of property
25 taxes levied against the railroad property within
26 the county.

27 Sec. 114. Acts of the Sixty-sixth General
28 Assembly, 1975 Session, chapter two hundred thirty-one
29 (231), section six (6), is amended to read as follows:

30 SEC. 6. NEW SECTION. NO REVERSION OF FUNDS.
31 Moneys deposited in the railroad assistance fund shall
32 not be subject to sections eight point thirty-three
33 (8.33) and eight point thirty-nine (8.39) of the
34 Code. However, moneys credited to the fund by a city,
35 county, or railroad district which are unexpended or
36 unobligated following the expiration of an agreement-
37 shall be paid back to the city, county, or railroad
38 district.

39 Sec. 115. Section three hundred seven point
40 twenty-six (307.26), subsection three (3); Code 1975,
41 is amended by striking paragraph c.

42 Sec. 116. Chapter four hundred eighty (480),
43 Code 1975, is repealed.

44 Sec. 117. Sections three hundred sixty-four point
45 ten (364.10), as amended by Acts of the Sixty-sixth
46 General Assembly, 1975 Session, chapter sixty-seven
47 (67), section thirty-nine (39), four hundred seventy-
48 four point thirteen (474.13), as amended by Acts of
49 the Sixty-sixth General Assembly, 1975 Session, chapter
50 one hundred seventy (170), section four (4), four

1 hundred seventy-four point twenty-four (474.24), four
2 hundred seventy-four point forty-nine (474.49), four
3 hundred seventy-four point fifty-three (474.53), four
4 hundred seventy-seven point fourteen (477.14), four
5 hundred seventy-seven point thirty-seven (477.37), as
6 amended by Acts of the Sixty-sixth General Assembly,
7 1975 Session, chapter one hundred seventy (170), section
8 six (6), four hundred seventy-seven point thirty-eight
9 (477.38), four hundred seventy-seven point thirty-nine
10 (477.39), four hundred seventy-seven point forty (477.40),
11 four hundred seventy-seven point forty-one (477.41),
12 four hundred seventy-seven point fifty-eight (477.58),
13 four hundred seventy-seven point fifty-nine (477.59),
14 four hundred seventy-seven point sixty (477.60), four hun-
15 dred seventy-eight point twenty-six (478.26), four hun-
16 dred seventy-nine point seven (479.7), four hundred
17 seventy-nine point nineteen (479.19), four hundred seventy-
18 nine point twenty-two (479.22), as amended by Acts of
19 the Sixty-sixth General Assembly, 1975 Session, chapter
20 one hundred seventy (170), section twenty-four (24),
21 four hundred seventy-nine point twenty-three (479.23),
22 as amended by Acts of the Sixty-sixth General Assembly,
23 1975 Session, chapter one hundred seventy (170), section
24 twenty-five (25), four hundred seventy-nine point twenty-
25 four (479.24), four hundred seventy-nine point twenty-five
26 (479.25), as amended by Acts of the Sixty-sixth General
27 Assembly, 1975 Session, chapter one hundred seventy (170),
28 section twenty-six (26), four hundred seventy-nine point
29 twenty-six (479.26), four hundred seventy-nine point
30 twenty-seven (479.27), four hundred seventy-nine point
31 twenty-eight (479.28), four hundred seventy-nine point
32 thirty-three (479.33), four hundred seventy-nine point
33 thirty-six (479.36), four hundred seventy-nine point
34 thirty-eight (479.38), four hundred seventy-nine point
35 thirty-nine (479.39), four hundred seventy-nine point
36 forty (479.40), four hundred seventy-nine point forty-
37 one (479.41), four hundred seventy-nine point forty-two
38 (479.42), four hundred seventy-nine point forty-three
39 (479.43), four hundred seventy-nine point forty-four
40 (479.44); four hundred seventy-nine point forty-seven
41 (479.47), four hundred seventy-nine point forty-eight
42 (479.48), four hundred seventy-nine point fifty-one
43 (479.51), four hundred seventy-nine point fifty-three
44 (479.53), four hundred seventy-nine point fifty-four
45 (479.54), four hundred seventy-nine point fifty-nine
46 (479.59), four hundred seventy-nine point seventy-one
47 (479.71), four hundred seventy-nine point seventy-four
48 (479.74), four hundred seventy-nine point one hundred
49 (479.100), four hundred seventy-nine point one hundred
50 nine (479.109), four hundred seventy-nine point one hundred

1 ten (479.110), four hundred seventy-nine point one
2 hundred eleven (479.111), four hundred seventy-nine
3 point one hundred twelve (479.112), four hundred
4 seventy-nine point one hundred thirteen (479.113), four
5 hundred seventy-nine point one hundred fourteen (479.114),
6 four hundred seventy-nine point one hundred fifteen
7 (479.115), four hundred seventy-nine point one hundred
8 seventeen (479.117), four hundred seventy-nine point one
9 hundred eighteen (479.118), four hundred seventy-nine
10 point one hundred twenty-one (479.121), four hundred
11 seventy-nine point one hundred twenty-seven (479.127),
12 Code 1975, are repealed.

13 EXPLANATION

14 The bill includes additional revision of obsolete
15 and outdated railroad laws.

16 The bill revises Chapter 483 of the Code which allows
17 for the establishment of a railroad district which may
18 levy a tax for the purpose of providing assistance to
19 railroad companies.

20 The bill revises certain provisions of the State
21 Department of Transportation laws which provide for
22 duplication of effort by various divisions of the
23 department and further directs the State Department of
24 Transportation to submit a detailed report on rail
25 transportation in the state.

H-6239 FILED - *Adopted* BY KRAUSE of Palo Alto
APRIL 8, 1976 *amended 4/30* DRAKE of Muscatine
(p. 2354)

H-6457

1 Amend amendment H-6239 to House File 1480
2 as follows:

- 3 1. Page 3, line 23, by striking the word
4 "request." and inserting in lieu thereof the
5 following: "request."
- 6 2. Page 4, line 43, by striking the word "located."
7 and inserting in lieu thereof the following: "located."
- 8 3. Page 8, line 16, by striking the words "prima
9 facie" and inserting in lieu thereof the following:
10 "prima-facie".
- 11 4. Page 11, by striking line 38
12 inserting in lieu thereof the following: "fund."
- 13 5. Page 12, line 20, by inserting after the word
14 "FREIGHT" the following: "7".
- 15 6. Page 14, line 49, by striking the word
16 "disagreement." and inserting in lieu the following:
17 "disagreement."
- 18 7. Page 15, line 4, by striking the word "disa-
19 grement" and inserting in lieu thereof the following:
20 "disagreement".
- 21 8. Page 15, line 23, by striking the word "and"
22 and inserting in lieu thereof the following: "and".
- 23 9. Page 16, line 8, by inserting after the word
24 "crossing", the word "surface".
- 25 10. Page 21, line 17, by striking the words "prima
26 facie" and inserting in lieu thereof the following:
27 "prima-facie".
- 28 11. Page 21, line 31, by striking the word
29 "railway all-sueh" and inserting in lieu thereof the
30 following: "railway-all-sueh".
- 31 12. Page 21, line 40, by striking the words "NEW
32 SUBSECTION." " and inserting in lieu thereof the
33 following: "NEW SUBSECTION."
- 34 13. Page 22, line 10, by striking the word "of"
35 and inserting in lieu thereof the following: "or".
- 36 14. Page 22, line 28, by striking the figures
37 "497.29" and inserting in lieu thereof the following:
38 "479.29,".
- 39 15. Page 27, line 47, by striking the word "com-
40 plaint," and inserting in lieu thereof the following:
41 "complaint,".
- 42 16. Page 29, line 24, by striking the word "parties."
43 and inserting in lieu thereof the following: "parties.".
- 44 17. Page 31, line 22, by striking the word "estimate"
45 and inserting in lieu thereof the following: "estimated".
- 46 18. Page 33, line 23, by striking the word "trustees"
47 and inserting in lieu thereof the following: "trustees".
- 48 19. Page 36, line 13, by striking the words "thirty-
49 one (31)" and inserting in lieu thereof the following:
50 "thirty-nine (39)".

APRIL 29, 1976
PAGE 10

H-6457
Page 2

- 1 20. Page 36, line 28, by striking the word "a"
- 2 and inserting after the word "railroad" the following:
- 3 "branch lines".
- 4 21. Page 37, line 36, by inserting after the
- 5 word "corporations" the following: "and".
- 6 22. Page 37, line 48, by striking the word
- 7 "ethe" and inserting in lieu thereof the following:
- 8 "ether".
- 9 23. Page 37, line 49, by striking the word
- 10 "railroads" and inserting in lieu thereof the
- 11 following: "railroad branch lines".
- 12 24. Page 38, line 9, by striking the figure
- 13 "51" and inserting in lieu thereof the following:
- 14 "5".
- 15 25. Page 38, line 21, by striking the word
- 16 "railroads" and inserting in lieu thereof the following:
- 17 "railroad branch lines".

H-6457 FILED - *Adopted 4/30* BY KRAUSE of Palo Alto
APRIL 28, 1976 (*2347*) DRAKE of Muscatine

H-6480

- 1 Amend amendment H-6239 to House File 1480
- 2 as follows:
- 3 1. Page 35, line 6, by inserting before the
- 4 word "rate", the word "maximum".

H-6480 FILED - *Adopted 4/30 (2353)* BY NORLAND of Worth
APRIL 30, 1976 KRAUSE Of Palo Alto

H-6485

- 1 Amend amendment H-6239 to House File 1480
- 2 as follows:
- 3 1. Page 2, line 13, by inserting after the
- 4 word "transportation", the following: ", 49
- 5 Code of Federal Regulations sections one hundred
- 6 seventy (170) through section one hundred eighty-
- 7 nine (189) of 1975,".

H-6485 FILED - *Adopted 4/30* BY KRAUSE of Palo Alto
APRIL 30, 1976 (*p. 2345*)

H-6486

- 1 Amend amendment H-6239 to House File 1480,
- 2 page 14, line 19 by striking the words "seventy-
- 3 five" and inserting in lieu thereof the words
- 4 "twenty-five".

H-6486 FILED, LOST (*2347*) BY SCHROEDER of Pottawattamie
APRIL 30, 1976

H-6312

1 Amend amendment H-6239 to House File 1480
2 as follows:
3 1. Page 15, line 33, by striking the words
4 "may shall" and inserting in lieu thereof the
5 word "may".
6 2. Page 16, line 39, by striking the words
7 "railroad surface crossing" and inserting in lieu
8 thereof the words "grade crossing surface".
9 3. Page 16, line 40, by inserting after the
10 words "to the board" the following: "if prior to
11 disagreement both parties have filed a statement
12 with the department to the effect that they have
13 entered into negotiations on grade crossing sur-
14 face repair and maintenance of a particular
15 crossing".

H-6312 FILED - A-Adopted 4/30 BY KRAUSE of Palo Alto
APRIL 15, 1976 (2347) RINAS of Linn
B-Adopted (2351) DRAKE of Muscatine

H-6477

1 Amend amendment H-6239 to House File 1480
2 as follows:
3 1. Page 17, by inserting after line 18 the
4 following paragraphs:
5 "The provisions of this section notwithstanding,
6 a political sub-division may pass a resolution or
7 ordinance regulating the length of time a specific
8 crossing may be blocked if the political sub-divi-
9 sion demonstrates such a resolution or ordinance is
10 necessary for public safety or convenience. If such
11 a resolution or ordinance is passed the political
12 sub-division shall immediately notify the board and
13 the railroad corporation using the crossing affected
14 by the resolution or ordinance. The resolution or
15 ordinance shall become effective thirty (30) days
16 after such notification unless a person files an
17 objection to the resolution or ordinance with the
18 board. If an objection is filed the board shall
19 hold a hearing according to the rules established
20 by the board. The board may disapprove the
21 resolution or ordinance if public safety or
22 convenience does not require such a resolution or
23 ordinance. Public safety or convenience may include,
24 but shall not be limited to, high traffic density
25 at a specific crossing of a main artery or inter-
26 ference with the flow of authorized emergency
27 vehicles.
28 Political sub-divisions shall notify the board
29 within sixty (60) days of the effective date of
30 this Act, of each existing resolution or ordinance
31 which does not conform with the provisions of this
32 section.
33 Such ordinances or resolutions may remain in
34 effect until the board has acted upon each ordinance
35 or resolution under the procedures specified in
36 this section."

H-6477 FILED - Adopted 4/30 (2354) BY DRAKE of Muscatine
APRIL 29, 1976 KRAUSE of Palo Alto
SCHROEDER of Pottawattamie
RINAS of Linn

HOUSE FILE 1480

H-6288 Amend amendment H-6239 to House File 1480

1 as follows:
2 Page 16, line 8, by inserting after the word
3 "crossing", the word "surface".

4
H-6288 FILED. *Withdrawn 4/30* BY KRAUSE of Palo Alto
APRIL 14, 1976 (1350)

H-6311

1 Amend amendment H-6239 to House File 1480
2 as follows:

3 1. Page 32, by striking line 8, and inserting
4 in lieu thereof the following: "policy of the
5 state of Iowa and the objective of this chapter to
6 allow citizens to act in the public interest".
7 2. Page 32, line 9, by striking the words
8 "an area".
9 3. Page 32, line 10, by inserting after the
10 word "railroad." the following: "The establishment
11 of such a district is in all respects for the benefit
12 of the people of the state of Iowa for the improve-
13 ment and promotion of the economy, which is a
14 public purpose."

15 4. Page 32, line 16, by inserting after the
16 word "years." the following: "All of the purposes
17 stated in this chapter are public purposes and uses
18 for which public moneys may be borrowed,
19 expended, advanced, loaned or granted."

20 5. Page 36, by inserting after line 16 the
21 following new section:

22 Sec. ____ . NEW SECTION. If any part or provision
23 of this Act or the application thereof to any person
24 or circumstances is held to be invalid or unenforce-
25 able, such invalidity or unenforceability shall not
26 affect any other parts or provisions or applications
27 of the Act which can be given effect without the
28 invalid or unenforceable parts or provisions or
29 application, and to this end the parts and provi-
30 sions of this Act are declared to be severable.

H-6311 FILED - *Adopted 4/30 1352* BY KRAUSE of Palo Alto
APRIL 15, 1976 DRAKE of Muscatine
RINAS of Linn
BRUNOW of Appanoose
TAUKE of Dubuque

HOUSE FILE 1480

H-6490

1 Amend amendment H-6239, to House File 1480,
2 as follows:

3 1. Page 15, line 36, by striking the word
4 "shall" and inserting in lieu thereof the follow-
5 ing: "shall may".

6 2. Page 15, line 39, by inserting after the
7 word "amended" the words "to July 1, 1976".

H-6490 FILED - *Adopted 4/30 1352* BY KRAUSE of Palo Alto
APRIL 30, 1976 DRAKE of Muscatine

H-6481

1 Amend amendment H-6239 to House File 1480
 2 as follows:
 3 1. Page 32, line 10, by inserting after
 4 the word "conservation," the word "purchase".
 5 2. Page 32, line 11, by inserting after
 6 the word "conservation" the word ", purchase,".
 7 3. Page 35, line 10, by inserting after
 8 the word "restore," the word "purchase,".
 9 4. Page 36, line 28, by inserting after
 10 the word "railroad" the following: ", except
 11 moneys transmitted to this fund pursuant to
 12 section one hundred five (105) of this Act which
 13 shall be used for the purposes provided for in
 14 Chapter four hundred eighty-three (483).

H-6481 FILED - *Adopted 4/30* BY KRAUSE of Palo Alto
 APRIL 30, 1976 (*2354*) DRAKE of Muscatine
 RINAS of Linn
 ANDERSON of Jasper
 SMALL of Johnson
 MILLER of Buchanan
 WALTER of Pottawattamie
 O'HALLORAN of Black Hawk
 SCHEELHAASE of Woodbury
 SPENCER of Clay
 HIGGINS of Scott
 JOCHUM of Dubuque
 GILLOON of Dubuque
 HORN of Linn
 BRUNOW of Appanoose
 HUTCHINS of Guthrie
 PERKINS of Greene
 DIELEMAN of Marion
 CAFFREY of Polk
 HENNESSEY of Delaware
 MIDDLESWART of Warren
 PONCY of Wapello
 WELLS of Linn
 DUNTON of Keokuk
 BINNEBOESE of Plymouth

H-6487

1 Amend amendment H-6239 to House File 1480 as
 2 follows:
 3 1. Page 15, by striking lines 36 through 39
 4 and inserting in lieu thereof the following: "use
 5 and benefit ~~and such benefits shall be consistent~~
 6 ~~with the standards adopted for similar purposes~~
 7 ~~by the federal highway administration under the~~
 8 ~~federal aid highway Act of 1973 as amended."~~

H-6487 FILED - *Lost 4/30 (2348)* BY SCHROEDER of Pottawattamie
 APRIL 30, 1976

H-6498

1 Amend amendment H-6239, to House File 1480,
 2 as follows:
 3 1. Page 16, by striking lines 45 through 50.
 4 2. Page 17, by striking lines 1 through 18.

H-6498 FILED - *Lost 4/30 (2354)* BY SCHROEDER of Pottawattamie
 APRIL 30, 1976

H-6491

- 1 Amend H-6239 to House File 1480 as follows:
A 2 1. Page 15, by striking lines 48 and 49.
3 2. Page 16, by striking from lines 11, 12,
4 and 13 the following: "the jurisdiction having
5 primary authority over the highway, street, or
6 alley,".
B 7 3. Page 16, by striking all of lines 15
8 through 22 and inserting in lieu thereof the
9 following: "If the railroad corporation and
10 the jurisdiction having authority agree, in
11 writing, to a method of crossing maintenance,
12 a copy of the agreement shall be filed with
13 the department which shall allocate an amount
14 up to one-half of the cost for work if funds
15 are available in the highway grade crossing
16 surface repair fund. The department shall".
17 4. Page 16, by striking all of lines 33,
18 34, 35, and 36, and inserting in lieu thereof
19 the following: "amount equal to the cost agreed
20 to by the railroad corporation and the department."
21 4. Page 16, by striking all of lines 37
22 through 44.

H-6491 FILED - *Lost 4/30 (2350)* BY LIPSKY of Linn
APRIL 30, 1976 WELLS of Linn

HOUSE FILE 1480

H-6499 Amend amendment H-6239 to House File 1480

- 1 as follows:
2 1. Page 32, by striking lines 4 through 6 and
3 inserting in lieu thereof the following:
4 6. "Railroad" means roadbeds, track, track
5 structure, and other appurtenances of railroad
6 right-of-way of railroad branch lines.
7

H-6499 FILED - *Adopted 4/30 (2354)* BY KRAUSE of Palo Alto
APRIL 30, 1976

SENATE AMENDMENT TO HOUSE FILE 1480

H-6784

- 1 Amend House File 1480 as amended and passed by
2 the House and reprinted as follows:
3 1. Page 40, by striking line 13 through page
4 46, line 21.
5 2. Page 46, by striking lines 32 through 35,
6 and inserting in lieu thereof the words "railroad
7 branch lines. Any unencumbered funds".

H-6784 FILED
RECEIVED FROM SENATE
MAY 20, 1976

House concurred 5/20

H-5851

1 Amend House File 1480 as follows:

2 1. Page 40, line 33, by inserting after the word

3 "conservation," the word "purchase,".

4 2. Page 40, line 35, by inserting after the word

5 "conservation" the word ", purchase,".

6 3. Page 44, line 10, by inserting after the word

7 "restore," the word "purchase,".

H-5851 FILED BY KRAUSE of Palo Alto

MARCH 17, 1976 *Out of order with adoption of 6239 4/30 (2354)*

S-5863

1 Amend House File 1480 as amended and passed by
2 the House and reprinted as follows:

3 1. Page 40, by striking line 13 through page
4 46, line 21.

5 2. Page 46, by striking lines 32 through 35,
6 and inserting in lieu thereof the words "railroad
7 branch lines. Any unencumbered funds".

S-5863 FILED & ADOPTED (2115)
MAY 20, 1976

BY JAMES GALLAGHER

By COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House)

*as amended
by Senate*

Passed House, Date 5-20-76 (p. 276) Passed Senate, Date 5-20-76 (p. 2115)

Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0

Approved June 28, 1976

A BILL FOR

1 An Act relating to rail regulation by providing for certain
2 changes to railroad regulation laws, updating laws re-
3 lating to the establishment, operation, and powers of
4 a railroad district to aid railroads, allowing the
5 imposition of a tax in the railroad district, revising
6 certain portions of the railroad assistance law, and
7 updating certain other laws relating to railroads and
8 providing penalties.

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

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This reprint all new material inserted
by House amendment

1 Section 1. Section three hundred seven point twenty-six
2 (307.26), subsection nine (9), Code 1975, is amended to read
3 as follows:

4 9. Advise and assist the director regarding agreements
5 ~~with the owners of operating railroads~~ railroad corporations
6 ~~for the upgrading of~~ restoration, conservation or improvement
7 of railroad as defined in subsection one (1) of section four
8 hundred seventy-nine point two (479.2) of the Code ~~right of~~
9 ~~way and trackage~~ on such terms, conditions, rates, rentals,
10 or subsidy levels as may be in the best interest of the state.
11 The commission may enter into contracts and agreements which
12 are binding only to the extent that appropriations have been
13 or may subsequently be made by the legislature to effectuate
14 the purposes of this subsection. ~~For purposes of this chapter,~~
15 ~~"railroad right of way and trackage" includes but shall not~~
16 ~~be limited to any roadbed, drains, fences, ties, switches,~~
17 ~~rails, ballast, signs, signals, lights, equipment, bridges,~~
18 ~~tools, crossings, underpasses, overpasses, construction and~~
19 ~~administration buildings and any and all other property,~~
20 ~~rights, easements and interests whether owned in fee or leased.~~

21 Sec. 2. Section three hundred seven point twenty-six
22 (307.26), Code 1975, is amended by adding the following new
23 subsections:

24 NEW SUBSECTION. Advise and assist in the establishment
25 and development of railroad districts upon request.

26 NEW SUBSECTION. Conduct innovative experimental programs
27 relating to rail transportation problems within the state.

28 NEW SUBSECTION. Enter the role of "applicant" pursuant
29 to the Railroad Revitalization and Regulatory Reform Act of
30 1976, United States Public Law ninety-four dash seven hundred
31 eighty-one (94-731), and take such actions as are necessary
32 to accomplish this role.

33 Sec. 3. Section three hundred twenty-one point three
34 hundred forty-two (321.342), Code 1975, is amended to read
35 as follows:

1 321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The department
2 with reference to primary highways and local authorities with
3 reference to other highways under their jurisdiction are each
4 hereby authorized to designate particularly dangerous highway
5 grade crossings of railroads, and to install rumble strips,
6 and or to erect stop signs thereat. When such stop signs
7 are erected the driver of any vehicle shall stop within fifty
8 feet but not less than ten feet from the nearest track of
9 such grade crossing and shall proceed only upon exercising
10 due care.

11 Sec. 4. Section three hundred twenty-one point three
12 hundred forty-three (321.343), Code 1975, is amended to read
13 as follows:

14 321.343 CERTAIN VEHICLES MUST STOP. The driver of any
15 motor vehicle carrying passengers for hire, or of any school
16 bus carrying any school child, or of any vehicle carrying
17 explosive substances or flammable liquids or other hazardous
18 materials as defined by the federal department of
19 transportation, 49 Code of Federal Regulations sections one
20 hundred seventy (170) through section one hundred eighty-nine
21 (189) of 1975, as a cargo or part of a cargo, before crossing
22 at grade any track ~~or tracks~~ of a railroad, shall stop such
23 vehicle within fifty feet but not less than ten feet from
24 the nearest rail of such railroad and while so stopped shall
25 listen and look in both directions along such track for any
26 approaching train, and for signals indicating the approach
27 of a train, except as hereinafter provided, and shall not
28 proceed until he can do so safely.

29 No stop need be made at any such crossing where a police
30 officer or a traffic-control signal directs traffic to proceed.

31 ~~This section shall not apply at street railway grade~~
32 ~~crossings within a business or residence district.~~

33 Sec. 5. Section three hundred thirty-two point three
34 (332.3), Code 1975, as amended by Acts of the Sixty-sixth
35 General Assembly, 1975 Session, chapter one hundred eighty-

1 seven (137), section one (1), is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. To enter into an agreement with the state
4 department of transportation, shippers, a railroad corporation,
5 a city or another county to provide financial assistance for
6 railroad services. The agreement shall be administered by
7 the state department of transportation and moneys necessary
8 to implement the agreement shall be credited to the railroad
9 assistance fund. However, this section shall not preclude
10 a county from establishing an escrow fund to be used as
11 collateral for a loan for railroad improvement, which loan
12 shall be credited to the railroad assistance fund. Moneys
13 appropriated pursuant to this subsection shall be from the
14 county general fund, subject to the limitation provided in
15 Acts of the Sixty-sixth General Assembly, 1974 Session, chapter
16 two hundred thirty-one (231).

17 Sec. 6. Section four hundred seventy-four point ten
18 (474.10), Code 1975, is amended to read as follows:

19 474.10 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.
20 The state department of ~~transportation~~ shall have general
21 supervision of all railroads in the state, express companies,
22 car companies, ~~sleeping-car-companies,~~ freight and freight-
23 line companies, ~~interurban-railway-companies,~~ motor carriers,
24 and any common carrier engaged in the transportation of
25 passengers or freight by ~~railroads, except street-railroads.~~
26 ~~It shall investigate any alleged neglect or violation of law~~
27 ~~by any such common carrier, its agents, officers, or employees.~~

28 Sec. 7. Section four hundred seventy-four point twelve
29 (474.12), Code 1975, is amended to read as follows:

30 474.12 INSPECTION--NOTICE TO REPAIR. ~~It~~ The department
31 ~~shall from time to time carefully examine into and inspect~~
32 the condition of each railroad, its ~~tracks, bridges, and~~
33 ~~equipment, and the manner of its conduct, operation, and~~
34 ~~management with regard to the public safety and convenience~~
35 in the state rail facilities, equipment, rolling stock,

1 operations, and pertinent records at reasonable times and
2 in a reasonable manner to insure proper operations. Employees
3 of the department shall have proper identification which shall
4 be displayed upon request. If found by-it unsafe, it the
5 department shall immediately notify the railroad company
6 corporation whose duty it is to put the same in repair, which
7 shall be done by it within such time as the department shall
8 fix. If any corporation fails to perform this duty the
9 department may forbid and prevent it from running trains over
10 the defective portion while unsafe or may regulate the speed
11 and operation of trains moving over the defective portion
12 of the railroad. If the railroad corporation violates any
13 requirement provided by the department, the railroad
14 corporation shall be subject to a fine of not more than one
15 hundred dollars for each day the repairs have not been made
16 from the date the department set for repairs to be completed.
17 The court may consider the willingness and ability of the
18 railroad corporation to cooperate in removing the safety
19 hazard. Moneys received from the assessment of any fine shall
20 be credited to the rail assistance fund.

21 Sec. 8. Section four hundred seventy-four point fourteen
22 (474.14), Code 1975, as amended by Acts of the Sixty-sixth
23 General Assembly, 1975 Session, chapter one hundred seventy
24 (170), section five (5), is amended to read as follows:
25 474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in
26 the judgment of the department, any ~~railway~~ railroad
27 corporation fails in any respect to comply with the terms
28 of its charter or articles of incorporation or the laws of
29 the state, ~~or when in its judgment any repairs are necessary~~
30 ~~upon its road or change in the mode of operating its road~~
31 ~~or conducting its business, is reasonable and expedient in~~
32 ~~order to promote the security, convenience, and accommodation~~
33 of or if any railroad corporation fails to operate its railroad
34 and business in a reasonable and expedient manner which is
35 safe and convenient to the public, the department may make

1 an order prescribing such improvements and changes as it finds
2 to be proper and shall serve an order upon such corporation.
3 ~~A report of such proceedings shall be included in its annual~~
4 ~~report to the governor.~~ Nothing in this section or sections
5 section 474.12 and ~~474.13~~ shall be so construed as relieving
6 any to nullify railroad company from its responsibility or
7 liability for damage to person or property by any railroad
8 corporation.

9 Sec. 9. Section four hundred seventy-four point fifteen
10 (474.15), Code 1975, is amended to read as follows:

11 474.15 ABANDONING STATION. It shall be unlawful for any
12 railroad company corporation owning or operating, ~~or which~~
13 ~~may hereafter own or operate,~~ any railroad in whole or in
14 part in this state, to abandon any station ~~in any city or~~
15 ~~village~~ on its line of railroad, within this state, or to
16 remove the depot ~~therefrom~~, or to withdraw agency service
17 ~~therefrom~~, unless it shall first have filed notice of its
18 intention with the department and otherwise complied with
19 the provisions of this section and sections 474.16 and 474.17.
20 Upon the ~~filing~~ receipt of such notice the department shall
21 ~~designate the place or places within such city or village~~
22 where specify a notice shall be posted published and the
23 railroad company corporation shall ~~thereupon~~, at its own
24 expense, cause ~~to be posted at the place or places so~~
25 designated, such notice to be published at least fifteen days
26 notice of intention days in advance of action to abandon or
27 discontinue such station or agency, or remove such depot,
28 and shall file proof of ~~such posting~~ publication with the
29 department. The notice shall be in such form as prescribed
30 by the department and shall be published in a newspaper
31 published in the county in which the station is located.
32 An alternative notice procedure giving comparable public
33 notice by registered mail to affected shippers may be
34 prescribed by the department according to rules promulgated
35 under chapter seventeen A (17A) of the Code.

1 Sec. 10. Section four hundred seventy-four point sixteen
2 (474.16), Code 1975, is amended to read as follows:

3 474.16 OBJECTIONS--HEARING. Any person ~~or persons~~ directly
4 affected by the proposed abandonment or discontinuance of
5 any station or agency, or removal of any depot, may file
6 written objections ~~thereto~~ with the department, stating the
7 grounds for such objections, within fifteen days from the
8 time of the ~~posting~~ publication of the notice as provided
9 in section 474.15. Upon the filing of such objections the
10 department board shall fix the time and place for a hearing
11 ~~thereon~~, which ~~hearing~~ shall be held within sixty days from
12 the filing of such objections. Written notice of the time
13 and place of such hearing shall be mailed by the ~~department~~
14 board to the railroad ~~company~~ corporation and the person ~~or~~
15 ~~persons~~ filing objections at least ten days prior to the date
16 fixed for such hearing.

17 Sec. 11. Section four hundred seventy-four point seventeen
18 (474.17), Code 1975, is amended to read as follows:

19 474.17 ORDER OF DEPARTMENT BOARD. Upon said hearing the
20 department board may prohibit the abandonment or discontinuance
21 of such station or agency, or the removal of the depot, or
22 may make such other order as is warranted by the evidence
23 produced at such hearing. But if no objections are filed
24 ~~as-hereinbefore-provided~~, the department-~~shall~~ board may make
25 an order permitting the railroad ~~company~~ corporation to proceed
26 with such abandonment or discontinuance, or removal of the
27 depot.

28 Sec. 12. Section four hundred seventy-four point eighteen
29 (474.18), Code 1975, is amended to read as follows:

30 474.18 INVESTIGATION AND INQUIRY. The department ~~shall~~
31 or board may investigate and inquire into the management
32 ~~of-the-business~~ of all common carriers subject to the its
33 ~~jurisdiction of-said-department-and-keep-itself-well-informed~~
34 ~~as-to-the-manner-and-method-in-which-the-same-is-conducted.~~
35 ~~It~~ The board or department shall have the right to obtain

1 from them full and complete information necessary to enable
2 the department or board to perform its duties including the
3 administration of railroad assistance agreements. ~~It~~ The
4 board on its own initiative or upon request of the department
5 shall have power to require the attendance and testimony of
6 witnesses, the production of all books, papers, tariff
7 schedules, contracts, agreements, and documents, relating
8 to any matter under investigation, and to inspect the same
9 and to examine under oath or otherwise any officer, director,
10 agent, or employee of any common carrier; to issue subpoenas
11 and to enforce obedience thereto.

12 Sec. 13. Section four hundred seventy-four point twenty
13 (474.20), Code 1975, is amended to read as follows:

14 474.20 AID FROM COURTS. The department or board may
15 invoke the aid of any court of record in ~~any county where~~
16 ~~the carrier extends,~~ the state in requiring the attendance
17 and testimony of witnesses and the production of books, papers,
18 tariff schedules, agreements, and other documents. Any court
19 having jurisdiction ~~where any~~ of the inquiry ~~is carried on~~
20 shall, in case of the refusal of any person to obey a subpoena
21 or other process, issue an order requiring any of the officers,
22 agents, or employees of any carrier or other person to appear
23 before the department or board and produce all books and
24 papers required by such order and testify in relation to any
25 matter under investigation. ~~A failure to obey any such order~~
26 ~~of the court shall be punished as a contempt.~~

27 Sec. 14. Section four hundred seventy-four point twenty-
28 one (474.21), Code 1975, is amended to read as follows:

29 474.21 HINDERING OR OBSTRUCTING DEPARTMENT. Any person
30 who shall willfully obstruct ~~it or its members~~ the department
31 or board in the performance of their duties, or who shall
32 refuse to give any information within ~~his~~ that person's
33 possession that may be required by ~~it~~ the board or department
34 within the line of ~~its~~ their duty, shall be fined not exceeding
35 one thousand dollars, in the discretion of the court.

1 Sec. 15. Section four hundred seventy-four point twenty-
2 three (474.23), Code 1975, is amended to read as follows:

3 474.23 CUMULATIVE REMEDIES. Nothing in this chapter or
4 chapter 479 shall be construed to estop or hinder any persons
5 ~~or corporations~~ from bringing action against any railway
6 ~~company corporation~~ for any violation of the laws of the state
7 ~~for the government of railroads.~~

8 Sec. 16. Section four hundred seventy-four point twenty-
9 six (474.26), Code 1975, is amended to read as follows:

10 474.26 WHEN ORDER EFFECTIVE--VIOLATION. All rules, and
11 ~~orders, and regulations~~ affecting public rights, made by the
12 department or board, as now or may hereafter be authorized
13 for the direction and observance of railroads in this state,
14 shall be in full force and effect from and after the date
15 fixed by the department or board. If any railroad fails,
16 neglects, or refuses to comply with any rule, or order, or
17 ~~regulation~~ made by the department or board within the time
18 specified, it shall, for each day of such failure, pay a
19 penalty of ~~fifty~~ one hundred dollars. Such moneys shall be
20 credited to the railroad assistance fund.

21 Sec. 17. Section four hundred seventy-four point twenty-
22 nine (474.29), Code 1975, is amended to read as follows:

23 474.29 REMITTING PENALTY. ~~When any~~ If a common carrier
24 ~~shall fail~~ fails in a judicial review proceeding to secure
25 a vacation of the order objected to, it may apply to the court
26 in which the review proceeding is finally adjudicated for
27 an order remitting the penalty which has accrued during the
28 ~~pendency of the~~ review proceeding. Upon a satisfactory showing
29 that the petition for judicial review was filed in good faith
30 and not for the purpose of delay, and that there were
31 reasonable grounds to believe that the order was unreasonable
32 or unjust or that the power of the department or board to
33 make the same was doubtful, such court may remit the penalty
34 that has accrued during the ~~pendency of the~~ review proceeding.

35 Sec. 18. Section four hundred seventy-four point thirty

1 (474.30), Code 1975, is amended to read as follows:

2 474.30 COSTS--ATTORNEY'S FEES. When a decree shall be
3 entered against a railroad ~~company~~ corporation or person under
4 sections ~~474-24~~ four hundred seventy-four point twenty-five
5 (474.25) of the Code to 474.29 the court shall render judgment
6 for costs, and attorney's fees for counsel representing the
7 state.

8 Sec. 19. Section four hundred seventy-four point thirty-
9 four (474.34), Code 1975, is amended to read as follows:

10 474.34 COMPLAINTS. Any person, ~~firm, corporation,~~
11 ~~association, mercantile, agricultural, or manufacturing~~
12 ~~society, body, politic, or municipal organization,~~ city or
13 county may file with the department a petition setting forth
14 any particular in which any common carrier has violated the
15 law to which it is subject and the amount of damages sustained
16 by reason thereof. The department shall furnish to the carrier
17 against which complaint is filed, a copy thereof, and a
18 reasonable time shall be fixed by the board within which such
19 carrier shall answer the petition or satisfy the demand therein
20 made. If such carrier fails to satisfy the complaint within
21 the time fixed or there ~~shall appear~~ appears to be reasonable
22 grounds for investigating the matters set forth in said
23 petition, the ~~department~~ board shall hear and determine the
24 questions involved and make such orders as it shall find to
25 be proper. ~~No petition so filed shall be dismissed on the~~
26 ~~grounds that the petitioner has not suffered any direct damage.~~
27 When the ~~department ascertains or~~ board has reason to believe
28 that any carrier is violating any of the laws to which it
29 is subject, it may institute an investigation and cause a
30 hearing to be made held before it in relation to such matters
31 in all respects as fully as if a petition had been filed.

32 Sec. 20. Section four hundred seventy-four point thirty-
33 five (474.35), Code 1975, is amended to read as follows:

34 474.35 INVESTIGATION--REPORT. When a hearing has been
35 had held before the department board after notice, it shall

1 make a report in writing setting forth the findings of fact
2 and its conclusions together with its recommendations or
3 orders as to what reparation, if any, the offending carrier
4 shall make to any party who has suffered damage. Such finding
5 of fact shall thereafter in all legal proceedings be prima-
6 facie evidence of every fact found. All reports of hearings
7 and investigations made by the department board shall be
8 entered of record and a copy furnished to the carrier against
9 which the complaint was filed, to the party complaining, and
10 to any other person having a direct interest in the matter.
11 A reasonable fee not to exceed the actual duplicaton costs
12 may be charged for the copies.

13 Sec. 21. Section four hundred seventy-four point thirty-
14 six (474.36), Code 1975, is amended to read as follows:

15 474.36 ORDERS--COMPLIANCE--RELEASe. When the depart-
16 ment board finds as the result of any investigation or hearing
17 that a common carrier has violated or is violating any of
18 the provisions of law to which it is subject, or that any
19 complainant or other person has sustained damages by reason
20 of such violation, the department board shall notify order
21 such carrier to cease such violation at once and shall fix
22 a time within which it shall pay the amount of damage which
23 has been found due to any person as a result of such violaton.
24 ~~Upon a satisfactory showing to the department that the carrier~~
25 ~~has complied with the notice in the time and manner required,~~
26 ~~it shall thereupon be relieved from further liability or~~
27 ~~penalty for that particular violation of law, and the~~
28 ~~department shall enter of record such release.~~

29 Sec. 22. Section four hundred seventy-four point thirty-
30 seven (474.37), Code 1975, is amended to read as follows:

31 474.37 VIOLATION OF ORDER--PETITION--NOTICE. When any
32 ~~common carrier shall violate or fail~~ person violates or fails
33 to obey any lawful order or requirement of the department
34 or board, the department or board shall apply ~~in a summary~~
35 way by petition in the name of the state, against such ~~common~~

1 ~~carrier person~~, to the district court ~~of-any-county-through~~
2 ~~which-such-carrier-owns-or-operates-a-line-of-railroad-or~~
3 ~~in-which-the-failure-or-violation-of-such-order-occurred~~,
4 alleging such violation or failure to obey; the court shall
5 hear and determine the matter set forth in ~~said~~ the petition
6 on reasonable notice to the ~~common-carrier~~ person, to be fixed
7 by the court and to be served in the same manner as original
8 notices for the commencement of action.

9 Sec. 23. Section four hundred seventy-four point thirty-
10 eight (474.38), Code 1975, is amended to read as follows:

11 474.38 INTERESTED PARTY MAY BEGIN PROCEEDINGS. Any person,
12 ~~firm, or corporation~~ or city or county interested in the
13 matter of enforcing any order or requirement of the department
14 or board, may file a petition against such ~~carrier~~ person,
15 alleging the failure to comply with such order or requirement
16 and praying summary relief to the same extent and in the same
17 manner as the department or board may do under section 474.37,
18 and the proceedings after the filing of such petition shall
19 be the same as in ~~said~~ section ~~provided~~ four hundred seventy-
20 four point thirty-seven (474.37) of the Code.

21 Sec. 24. Section four hundred seventy-four point thirty-
22 nine (474.39), Code 1975, is amended to read as follows:

23 474.39 DUTY OF ~~GENERAL~~ DEPARTMENT AND BOARD COUNSEL AND
24 COUNTY ATTORNEY. When any proceeding has been instituted
25 under sections 474.37 and 474.38, the department general
26 counsel or the legal counsel of the board shall prosecute
27 the same, and the county attorney of the county in which such
28 proceeding is pending shall render such assistance as the
29 department general counsel or the board legal counsel may
30 require ~~of-him~~.

31 Sec. 25. Section four hundred seventy-four point forty
32 (474.40), Code 1975, is amended to read as follows:•

33 474.40 HEARING IN EQUITY--INJUNCTION. All such causes
34 shall be in equity, and the order or report of the department
35 or board in question shall be considered prima-facie evidence

1 ~~of-the-matters-contained-therein.~~ If the court shall find
2 that the order or requirement in question is lawful and has
3 been violated, it shall issue an injunction or other proper
4 process, ~~mandatory-or-otherwise,-to-compel-obedience-to-such~~
5 ~~order-or-requirement.~~

6 Sec. 26. Section four hundred seventy-four point forty-
7 two (474.42), Code 1975, is amended to read as follows:

8 474.42 APPEAL--EFFECT. An appeal to the supreme court
9 shall not stay or supersede the order of the court or the
10 execution of any writ or process thereon. When appeal is
11 taken by the department or board, it shall not be required
12 to give an appeal bond or security for costs.

13 Sec. 27. Section four hundred seventy-four point forty-
14 three (474.43), Code 1975, is amended to read as follows:

15 474.43 SUITS BY DEPARTMENT BOARD. When the department
16 board has reason to believe that any ~~common-carrier~~ person
17 has been guilty of ~~extortion-or~~ unjust discrimination, ~~it~~
18 the board shall ~~immediately~~ cause ~~actions~~ action to be
19 commenced and ~~prosecuted~~ against such ~~carrier~~ person. Such
20 action may be brought in the district court of any county
21 through ~~or-into~~ which ~~any-line-of~~ the railway owned or operated
22 by such ~~carrier~~ person may extend. ~~No-actions-thus-commenced~~
23 ~~shall-be-dismissed-unless-the-department-and-the-department~~
24 ~~general-counsel-consent-thereto.--The-court-in-which-any-such~~
25 ~~action-is-pending-may,-in-its-discretion,-give-preference~~
26 ~~as-to-the-time-of-trial-of-such-action-over-other-business,-~~
27 ~~except-criminal-cases.~~

28 Sec. 28. Section four hundred seventy-four point forty-
29 eight (474.48), Code 1975, is amended by striking the section
30 and inserting in lieu thereof the following:

31 474.48 DETAILS OF REPORT. The report shall be compiled
32 pursuant to rules adopted pursuant to chapter seventeen A
33 (17A) of the Code by the department. The report shall include
34 but not be limited to anticipated capital improvements
35 projected over the next five years and anticipated abandonments

1 which may occur over the same period of time. The department
2 may provide that certain portions of the report, except those
3 portions dealing with anticipated abandonments, remain
4 confidential if the department determines that the release
5 of the information may cause an undue competitive advantage
6 or disadvantage to a railroad corporation if the information
7 is released. The information may be classified as confi-
8 dential only with the approval of the director of the
9 department.

10 Sec. 29. Section four hundred seventy-four point fifty-
11 four (474.54), Code 1975, is amended to read as follows:

12 474.54 DEFINITION. As used in this chapter, unless the
13 context otherwise requires "department" means the state
14 department of transportation and "board" means the
15 transportation regulation board.

16 Sec. 30. Section four hundred seventy-six point twenty-
17 seven (476.27), Code 1975, is amended to read as follows:

18 476.27 MOTORBUSES--AERIAL TRANSPORTATION. Any railroad
19 company person operating a railroad in this state may own
20 and operate ~~ever-the-highways-of-this-state-for-hire-and-as~~
21 ~~a any other~~ common carrier ~~of-passengers,-freight,-mail-or~~
22 ~~express,-automobile-buses-or-motor-vehicles,~~ subject to the
23 applicable state laws ~~of-the-state-applicable-to-the-use-of~~
24 ~~such-highways-by-motor-vehicle-carriers,-and-may-also-own~~
25 ~~and-operate-equipment-for,-and-engage-in-aerial-transportation,~~
26 ~~subject-to-the-laws-of-the-state-applicable-thereto.~~ Any
27 such ~~railroad-company~~ person may purchase and own capital
28 stock and securities of a corporation organized for or engaged
29 in the business of a ~~motor~~ common carrier, ~~or-of-aerial~~
30 ~~transportation.~~

31 Sec. 31. Section four hundred seventy-seven point thirteen
32 (477.13), Code 1975, is amended by striking the section and
33 inserting in lieu thereof the following:

34 477.13 BRAKES ON TRAINS AND ENGINES. A train or engine
35 shall not be operated in this state which does not have an

1 operational braking system which complies with Title forty-
2 five (45), sections one (1) et seq., U.S.C.

3 Sec. 32. Section four hundred seventy-seven point fifteen
4 (477.15), Code 1975, is amended to read as follows:

5 477.15 VIOLATIONS. Any railroad corporation, company,
6 ~~or person~~ operating a railroad train or engine in this state
7 ~~and using a locomotive engine, or running a train of cars,~~
8 ~~or~~ using any freight car, way caboose, or other car contrary
9 to the provisions of sections 477.12 ~~to 477.14~~ and four hundred
10 seventy-seven point thirteen of the Code shall be guilty of
11 ~~a misdemeanor, and shall be~~ subject to a fine of not less
12 than five hundred nor more than one thousand dollars for each
13 and every offense, ~~but such penalties shall not apply to~~
14 ~~companies hauling cars belonging to railroads other than those~~
15 ~~of this state which are engaged in interstate traffic, and~~
16 moneys so collected shall be credited to the railroad
17 assistance fund.

18 Sec. 33. Section four hundred seventy-seven point eighteen
19 (477.18), Code 1975, is amended to read as follows:

20 477.18 EXCEPTIONS. The provisions of section 477.17 shall
21 not apply to switching or yard service ~~at stations or places~~
22 ~~where regular switch engines are not employed exclusively~~
23 ~~as switch engines, or during a period of not exceeding twelve~~
24 ~~hours, when a switch engine is being cleaned or washed out,~~
25 ~~and also switching by work trains, and where regular switch~~
26 ~~engines are disabled by accident, or in need of repairs, or~~
27 ~~there is an unusual or unexpected amount of work, switching,~~
28 ~~under such conditions, with ordinary engines, for a period~~
29 ~~of not to exceed forty-eight hours, shall not be considered~~
30 ~~a violation of this statute.~~

31 Sec. 34. Section four hundred seventy-seven point twenty-
32 six (477.26), Code 1975, as amended by Acts of the Sixty-sixth
33 General Assembly, 1975 Session, chapter one hundred seventy
34 (170), section nine (9), is amended to read as follows:

35 477.26 STANDARD CABOOSE CARS. The provisions of sections

1 477.27 and 477.28 shall apply to any ~~corporation or to any~~
2 person ~~or persons~~ while engaged as a common carriers carrier
3 in transportation by railroads rail ~~of passengers or property~~
4 ~~within this state to which the regulative power of this state~~
5 ~~extends.~~

6 Sec. 35. Section four hundred seventy-seven point forty-
7 two (477.42), Code 1975, as amended by Acts of the Sixty-sixth
8 General Assembly, 1975 Session, chapter one hundred seventy
9 (170), section eleven (11), is amended to read as follows:

10 477.42 FREIGHT~~7~~ OFFICES. All railroads in the state shall
11 establish and maintain operating offices~~7~~ at localities
12 accessible and convenient to the public~~7~~ ~~and correctly set~~
13 ~~forth their freight tariffs.~~

14 Sec. 36. Section four hundred seventy-seven point fifty-
15 three (477.53), Code 1975, is amended by striking the section
16 and inserting in lieu thereof the following:

17 477.53 VEGETATION OF RIGHT-OF-WAY. Every railroad
18 corporation shall insure that vegetation on railroad property
19 which is on or immediately adjacent to the roadbed be
20 controlled so that it does not:

- 21 1. Become a fire hazard to track-carrying structures.
- 22 2. Obstruct visibility of railroad signs and signals.
- 23 3. Interfere with railroad employees performing normal
- 24 trackside duties.
- 25 4. Prevent proper functioning of signal and communication
- 26 lines.
- 27 5. Prevent railroad employees from visually inspecting
- 28 moving equipment from their normal duty stations.

29 Nothing in this section shall be construed to exempt a
30 railroad corporation from carrying out noxious weed control
31 programs as provided in chapter three hundred seventeen (317)
32 of the Code.

33 Sec. 37. Section four hundred seventy-seven point sixty-
34 four (477.64), Code 1975, is amended to read as follows:

35 477.64 SANITATION AND SHELTER. A railway ~~company~~

1 corporation within the state shall provide adequate sani-
2 tation and shelter for all railway employees. The Iowa bureau
3 of labor shall adopt rules in accordance with chapter 17A
4 relating to requirements for adequate sanitation and shelter
5 for railway employees.

6 Sec. 38. Chapter four hundred seventy-seven (477), Code
7 1975, is amended by adding the following new section:

8 NEW SECTION. DEFINITIONS. As used in this chapter, unless
9 the context otherwise requires:

10 1. "Department" means the state department of
11 transportation.

12 2. "Board" means the transportation regulation board.

13 Sec. 39. Section four hundred seventy-eight point thirteen
14 (478.13), Code 1975, is amended to read as follows:

15 478.13 OVERHEAD, UNDERGROUND, OR MORE THAN ONE CROSSING.

16 Such owner of land may serve upon such railroad ~~company~~
17 corporation a request in writing for more than one such ~~farm~~
18 ~~or~~ private crossing, or for an overhead or underground
19 crossing, accompanied by a plat of his land designating thereon
20 the location and character of crossing desired. If the
21 railroad ~~company~~ corporation refuses or neglects ~~for~~ to comply
22 within thirty days ~~after~~ of such ~~service-to-comply-with-such~~
23 written request, the owner of the land may make written
24 application to the department to hear and determine his rights
25 in said respect. ~~Such-department~~ The board, after ~~reasonable~~
26 notice to the railroad ~~company~~ corporation, to construct any
27 crossing or roadway, fix the time for compliance with ~~such~~
28 the order. The matter of costs shall be in the discretion
29 of the ~~department~~ board.

30 Sec. 40. Section four hundred seventy-eight point twenty-
31 one (478.21), Code 1975, as amended by the Sixty-sixth General
32 Assembly, 1975 Session, chapter two hundred thirty-two (232),
33 is amended to read as follows:

34 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever
35 a railway track crosses or shall hereafter cross a highway,

1 street or alley, the railway company corporation owning such
2 track and ~~the-highway-division-of~~ the department of
3 ~~transportation,~~ in the case of primary highways, the board
4 of supervisors of the county in which such crossing is located,
5 in the case of secondary roads, or the council of the city,
6 in the case of streets and alleys located within a city, may
7 agree upon the location and, ~~manner of crossing, or crossing~~
8 ~~protection, or upgrading thereof, or upon a separation of~~
9 ~~grades so as to carry such highway over or under the railway~~
10 ~~track, and upon any change, alteration, vacation, physical~~
11 structure, characteristics and ~~or relocation of such highway,~~
12 ~~street or alley, and upon repairs, alteration, or elimination~~
13 ~~of any crossing, and upon the expense each party shall pay~~
14 ~~for such changes, except that if flasher light or gate signals~~
15 ~~are ordered or agreed to be installed prior to July 1, 1973,~~
16 the maintenance of the crossing and allocation of costs thereof
17 ~~shall be assumed by the railroad and if the installation of~~
18 ~~flasher light or gate signals is ordered or agreed to be~~
19 ~~installed on or after July 1, 1973, the maintenance thereof~~
20 ~~shall be assumed equally by the railroad and upon the approval~~
21 ~~of the department the grade crossing safety fund. The~~
22 ~~department shall not expend more than four hundred fifty~~
23 ~~dollars for any one crossing in any one year from the grade~~
24 ~~crossing fund, provided, however, nothing in this section~~
25 ~~limits the provisions of section 364.8. The department shall~~
26 become a party to the agreement if grade crossing safety funds
27 are to be used. Up to seventy-five percent of the maintenance
28 cost of the crossing and an unlimited portion of the cost
29 of the crossing may be paid from the grade crossing safety
30 fund.

31 Notwithstanding other provisions of this section,
32 maintenance of flasher lights or gate signals installed or
33 ordered to be installed before July 1, 1973, shall be assumed
34 wholly by the railroad corporation.

35 Payments from the grade crossing safety fund shall be made

1 to the treasurer of state upon certification by the department
2 that the terms of the greement have been followed.

3 The department shall promulgate rules according to chapter
4 seventeen A (17A) of the Code for processing claims to the
5 grade crossing safety funds.

6 The provisions of this section shall not apply to the
7 repair of the grade crossing surface.

8 Sec. 41. Section four hundred seventy-eight point twenty-
9 two (478.22), Code 1975, as amended by Acts of the Sixty-sixth
10 General Assembly, 1975 Session, chapter two hundred thirty-
11 two (232), section two (2), is amended to read as follows:

12 478.22 DISAGREEMENT--APPLICATION--NOTICE. If the railway
13 ~~company-and-said-highway-authorities-cannot-agree-upon-the~~
14 ~~changes-to-be-made~~ persons specified in section four hundred
15 seventy-eight point twenty-one (478.21) of the Code cannot
16 reach an agreement, either party may make written application
17 to the transportation-regulation-board-of-the-department,
18 setting-forth-the-changes-and-alteration-desired,-and-said
19 department board requesting resolution of the disagreement.
20 The board shall fix a date for hearing and give the other
21 party ten days' written notice by mail of such date. Nothing
22 in-this-section-shall-be-construed-to-prohibit-either-party
23 from-filing-written-application-with-the-department-prior
24 to-any-disagreement. The department board shall promulgate
25 rules, pursuant to chapter seventeen A (17A) of the Code,
26 for processing applications which are filed with the department
27 board prior to a written disagreement. The ~~transportation~~
28 ~~regulation~~ board may set a hearing date after the disagree-
29 ment has been filed.

30 Sec. 42. Section four hundred seventy-eight point twenty-
31 three (478.23), Code 1975, as amended by Acts of the Sixty-
32 sixth General Assembly, 1975 Session, chapter two hundred
33 thirty-two (232), section three (3), is amended to read as
34 follows:

35 478.23 HEARING--ORDER. The department board shall hear

1 the evidence of each party to the controversy, taking into
 2 consideration ~~the necessity of such changes and the expense~~
 3 ~~thereof, the location of any crossing or crossing protection~~
 4 ~~and the manner in which it shall be constructed and maintained,~~
 5 ~~or whether a crossing is to be eliminated and the provisions~~
 6 ~~therefor,~~ and may shall make such an order in relation thereto
 7 as shall be equitable, including which may include, pursuant
 8 to the provisions of chapters four hundred seventy-one (471)
 9 and four hundred seventy-two (472) of the Code, authority
 10 to condemn, and take additional land for such purposes when
 11 necessary, and shall determine a solution to resolving the
 12 controversy including what portion of the expense shall be
 13 paid by any each party to such controversy. In determining
 14 what portion of the expense shall be paid by each party the
 15 department board may consider the ratio of the benefits
 16 accruing to the railroad or the governmental unit or both
 17 as it bears to the general public use and benefit and such
 18 benefits ~~shall~~ may in the case of construction be consistent
 19 with the standards adopted for similar purposes by the federal
 20 highway administration under the federal aid highway Act of
 21 1973 as amended to July 1, 1976.

22 Sec. 43. Chapter four hundred seventy-eight (478), Code
 23 1975, is amended by adding the following new sections:

24 NEW SECTION. There is established a highway railroad grade
 25 crossing surface repair fund in the office of the treasurer
 26 of state. The department may credit to this fund:

- 27 1. Moneys appropriated to the department from the general
- 28 fund of the state.
- 29 2. Moneys appropriated to the department from the road
- 30 use tax fund.
- 31 3. Available federal funds.
- 32 4. Moneys acquired by the department from any gift, grant,
- 33 or contributions from any source.

34 The total amount of funds, except funds acquired pursuant
 35 to subsections three (3) and four (4) of this section, which

1 shall be credited to the highway railroad grade crossing
2 surface fund shall not exceed two hundred fifty thousand
3 dollars in any one year.

4 NEW SECTION. If a grade crossing surface of a railroad
5 track and a highway, street, or alley shall require repairs
6 or maintenance, the costs for such maintenance may be paid
7 equally by the owner of the track, the jurisdiction having
8 primary authority over the highway, street, or alley, and
9 the highway grade crossing surface repair fund.

10 If the railroad corporation and the jurisdiction having
11 authority agree on the method of crossing maintenance and
12 establish an agreement to each contribute one-third of the
13 costs, a copy of the agreement shall be filed with the
14 department which shall allocate an amount equal to one-third
15 of the cost for the work if funds are available in the highway
16 railroad grade crossing surface repair fund. The department
17 shall make appropriate notification if the fund is exhausted
18 in which case agreements shall not be made under the provisions
19 of this section until additional funds are available. The
20 fund shall be administered by the department.

21 Upon completion of the agreed repair work, a statement
22 of costs shall be filed with the department by the railroad
23 corporation in a form and manner prescribed by the department.
24 The department, upon approval of the statement, shall pay
25 to the railroad corporation an amount equal to one-third of
26 the cost of the work from the highway railroad grade crossing
27 surface repair fund. The owner of the track and the
28 jurisdiction entering into the agreement shall each pay one-
29 third of the cost.

30 NEW SECTION. If a railroad corporation and the jurisdiction
31 having authority cannot reach agreement on grade crossing
32 surface repair and maintenance, either party may appeal to
33 the board if prior to disagreement both parties have filed
34 a statement with the department to the effect that they have
35 entered into negotiations on grade crossing surface repair

1 and maintenance of a particular crossing. The board shall
2 resolve the dispute in the manner provided in section four
3 hundred seventy-eight point twenty-two (478.22) and section
4 four hundred seventy-eight point twenty-three (478.23) of
5 the Code, except for the allocation of costs.

6 NEW SECTION. A railroad corporation or its employees shall
7 not operate any train in such a manner as to prevent vehicular
8 use of any highway, street or alley for a period of time in
9 excess of ten minutes except:

10 1. When necessary to comply with signals affecting the
11 safety of the movement of trains.

12 2. When necessary to avoid striking any object or person
13 on the track.

14 3. When the train is disabled.

15 4. When the train is in motion except while engaged in
16 switching operations.

17 5. When there is no vehicular traffic waiting to use the
18 crossing.

19 6. When necessary to comply with governmental safety
20 regulations.

21 Any officer or employee of a railroad corporation violating
22 any provision of this section shall, upon conviction be subject
23 to the penalty provided in section four hundred seventy-eight
24 point twenty (478.20) of the Code. An employee shall not
25 be guilty of such violation if his action was necessary to
26 comply with the direct order or instructions of a railroad
27 corporation or its supervisors. Such guilt shall then be
28 with the railroad corporation.

29 The provisions of this section notwithstanding, a political
30 subdivision may pass a resolution or ordinance regulating
31 the length of time a specific crossing may be blocked if the
32 political subdivision demonstrates such a resolution or
33 ordinance is necessary for public safety or convenience.
34 If such a resolution or ordinance is passed the political
35 subdivision shall immediately notify the board and the railroad

1 corporation using the crossing affected by the resolution
2 or ordinance. The resolution or ordinance shall become
3 effective thirty (30) days after such notification unless
4 a person files an objection to the resolution or ordinance
5 with the board. If an objection is filed the board shall
6 hold a hearing according to the rules established by the
7 board. The board may disapprove the resolution or ordinance
8 if public safety or convenience does not require such a
9 resolution or ordinance. Public safety or convenience may
10 include, but shall not be limited to, high traffic density
11 at a specific crossing of a main artery or interference with
12 the flow of authorized emergency vehicles.

13 Political subdivisions shall notify the board within sixty
14 (60) days of the effective date of this Act, of each existing
15 resolution or ordinance which does not conform with the
16 provisions of this section.

17 Such ordinances or resolutions may remain in effect until
18 the board has acted upon each ordinance or resolution under
19 the procedures specified in this section.

20 Sec. 44. Section four hundred seventy-nine point one
21 (479.1), Code 1975, is amended to read as follows:

22 479.1 APPLICABILITY OF CHAPTER. The provisions of this
23 chapter shall apply to the ~~transportation-of-passengers-and~~
24 ~~property,-and-to-the-receiving,-delivering,-storing,-and~~
25 ~~handling-of-property-wholly-within-this-state,-and-shall-apply~~
26 ~~to-all-railroad-corporations,-express-companies,-car-companies,-~~
27 ~~sleeping-car-companies,-freight-or-freight-line-companies,-~~
28 ~~and-to-any-common-carrier-engaged-in-this-state-in-the~~
29 ~~transportation-of-passengers-or-property-by-railroad-therein,-~~
30 ~~and-to-shipments-of-property-made-from-any-point-within-the~~
31 ~~state-to-any-point-within-the-state,-whether-the-transpor-~~
32 ~~tation-of-the-same-shall-be-wholly-within-this-state-or-partly~~
33 ~~within-this-state-and-partly-within-an-adjoining-state~~
34 intrastate transport of persons and property.

35 Sec. 45. Section four hundred seventy-nine point two

1 (479.2), Code 1975, is amended by striking the section and
2 inserting in lieu thereof the following:

3 479.2 DEFINITIONS. As used in this chapter unless the
4 context otherwise requires:

5 1. "Railroad" means the terminal facilities necessary
6 in the transportation of persons and property and includes
7 bridges, railroad right-of-way, trackage, switches, and other
8 appurtenances necessary for the operation of a railroad,
9 whether owned, leased, or operated under some other contractual
10 agreement.

11 2. "Railway" means a railroad as defined in subsection
12 one (1) of this section.

13 3. "Railway corporation" means all corporations, companies,
14 or persons owning or operating any railroad or carrier in
15 whole or in part within the state.

16 4. "Railroad corporation" means a railway corporation
17 as defined in subsection three (3) of this section.

18 5. "Switching service" means the shifting of a car between
19 two points, both of which are within the industrial vicinity
20 of an industry, a group of industries, a station, or a city,
21 as such industrial vicinity may be defined by the department.

22 6. "Transportation" means all instrumentalities of shipment
23 or carriage as well as services in connection with the actual
24 transport.

25 7. "Rates" means fares, tariffs, tolls, charges, and all
26 classifications, contracts, practices, and rules of common
27 carriers relating to such rates.

28 8. "Joint tariffs" embraces joint rates, tolls, contracts,
29 classifications, and charges.

30 9. "Department" means the state department of
31 transportation.

32 10. "Board" means the transportation regulation board.

33 Sec. 46. Section four hundred seventy-nine point four
34 (479.4), Code 1975, is amended by striking the section and
35 inserting in lieu thereof the following:

1 479.4 CONNECTIONS. If a railroad corporation in this
2 state refuses to connect by proper switches or tracks with
3 the tracks of another railroad corporation or refuses to
4 receive, transport, load, discharge, reload, or return cars
5 furnished by another connecting railroad corporation, the
6 board shall hold a hearing on the dispute. Upon conclusion
7 of the hearing, the board shall issue an order to resolve
8 the dispute. The order may include the allocation of costs
9 between the parties.

10 Sec. 47. Section four hundred seventy-nine point eight
11 (479.8), Code 1975, is amended to read as follows:

12 479.8 TRANSPORTING PERSONS OR PROPERTY FOR HIRE-LIMITATION
13 ON LIABILITY. No A contract, receipt or rule shall not exempt
14 any ~~corporation~~-~~or~~ person engaged in transporting persons
15 for hire from the liability of a common carrier, or carrier
16 of passengers, which would exist had no contract, receipt,
17 or rule or regulation been made except as may be provided
18 for liability for property loss by order of the board.

19 Sec. 48. Section four hundred seventy-nine point ten
20 (479.10), Code 1975, as amended by Acts of the Sixty-sixth
21 General Assembly, 1975 Session, chapter one hundred seventy
22 (170), section twenty-three (23), is amended to read as
23 follows:

24 479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND FORWARDING.
25 ~~All-common~~ Common carriers shall, according to their respective
26 powers, afford all reasonable, proper, and equal facilities
27 for the interchange of traffic between their respective lines,
28 and for the receiving, forwarding, and switching of cars and
29 property to and from their several lines, and to and from
30 other lines and places connected therewith; and shall not
31 discriminate in their accommodations, rates, and charges
32 between such connecting lines. Any common carrier may be
33 required to switch and transfer cars for another, for the
34 purpose of being loaded or unloaded, upon such terms and
35 conditions as may be prescribed ordered by the department

1 board.

2 Sec. 49. Section four hundred seventy-nine point twelve
3 (479.12), Code 1975, is amended to read as follows:

4 479.12 RECONSIGNMENT WITHOUT CHARGE. Upon request of
5 the consignee it shall be the duty of any common carrier of
6 freight to re consign, rebill, and reship from any place of
7 destination within the state to any other place within the
8 state any property in carload lots, ~~whether accompanied by~~
9 ~~any person or not,~~ brought to said place of destination over
10 its own or other line and treat the same in all respects as
11 an original shipment between such places, provided the charges
12 to first place of destination are paid or secured to the
13 satisfaction of such ~~company~~ corporation.

14 Sec. 50. Section four hundred seventy-nine point thirteen
15 (479.13), Code 1975, is amended to read as follows:

16 479.13 CHARGES TO BE REASONABLE. All rates and charges
17 made for any service rendered or to be rendered in the
18 transportation of passengers or property in this state, or
19 for the receiving, delivering, storage, or handling of such
20 property, shall be reasonable and just, ~~and every unjust and~~
21 ~~unreasonable charge for such service is prohibited and declared~~
22 ~~to be unlawful.~~

23 Sec. 51. Section four hundred seventy-nine point fourteen
24 (479.14), unnumbered paragraph two (2), Code 1975, is amended
25 to read as follows:

26 No such ~~common carrier, or carriers,~~ shall charge or receive
27 any greater compensation in the aggregate for the
28 transportation of persons or of a like kind of property for
29 a shorter than for a longer distance, over the same line or
30 route in the same direction within this state, the shorter
31 being included within the longer distance, or charge any
32 greater compensation as a through rate than the aggregate
33 of the intermediate rates; but this shall not be construed
34 as authorizing any such common carrier ~~or carriers~~ to charge
35 or receive as great a compensation for a shorter as for a

1 longer distance or haul; provided that upon application to
2 the department board such common carrier ~~or-carriers~~ may,
3 in special cases, after investigation, be authorized by the
4 department board to charge less for a longer than for a shorter
5 distance for the transportation of persons or property; and
6 the department board may from time to time prescribe the
7 extent to which such designated common carrier ~~or-carriers~~
8 may be relieved from the operation and requirement of this
9 section; but in exercising the authority conferred upon it
10 in this proviso, the department board shall not permit the
11 establishment of any charge to or from the more distant point
12 that is not reasonably compensatory for the service performed;
13 and, if a circuitous rail line or route is, because of such
14 circuitry, granted authority to meet the charges of a more
15 direct line or route to or from competitive points and to
16 maintain higher charges to or from intermediate points on
17 its line, the authority shall not include intermediate points
18 as to which the haul of the petitioning line or route is not
19 longer than that of the direct line or route between the
20 competitive points.

21 Sec. 52. Section four hundred seventy-nine point fifteen
22 (479.15), Code 1975, is amended to read as follows:

23 479.15 POOLING CONTRACTS. It shall be unlawful for any
24 common carrier subject to the provisions of this chapter to
25 enter into any contract, agreement, or combination with any
26 other common carrier ~~or-carriers~~ for the pooling of freight
27 of different and competing railroads, or divide between them
28 the aggregate or net proceeds of the earnings of such
29 railroads, or any portion thereof without the approval of
30 the board when determined to be in the public interest by
31 the board; and in case of an agreement for the pooling of
32 freights ~~as-aforesaid~~ without such approval, each day of its
33 continuance shall be a separate offense.

34 Sec. 53. Section four hundred seventy-nine point seventeen
35 (479.17), Code 1975, is amended to read as follows:

1 479.17 VIOLATIONS--TREBLE DAMAGES. In case any common
2 carrier subject to the provisions of this chapter shall do,
3 cause, or permit to be done anything herein prohibited or
4 declared to be unlawful, or shall ~~omit~~ willfully fail to do
5 anything in this chapter required to be done, it shall be
6 liable to the person ~~or persons~~ injured thereby for three
7 times the amount of damages sustained in consequence, together
8 with costs of suit, and a reasonable attorney's fee to be
9 fixed by the court, on appeal or otherwise, which shall be
10 taxed and collected as part of the costs in the case; but
11 in all cases demand in writing shall be made of the carrier
12 for the money damages sustained before action is brought for
13 a recovery under this section, and no action shall be brought
14 until the expiration of fifteen days after such demand.

15 Sec. 54. Section four hundred seventy-nine point twenty
16 (479.20), unnumbered paragraph one (1), Code 1975, is amended
17 by striking the paragraph and inserting in lieu thereof the
18 following:

19 The provisions of the following subsections shall constitute
20 prima-facie evidence of undue and unjust discriminating rates,
21 charges, accommodations, collections, or receipts.

22 Sec. 55. Section four hundred seventy-nine point twenty
23 (479.20), subsection seven (7), Code 1975, is amended to read
24 as follows:

25 7. Charge, collect, or receive from any person for the
26 use and transportation of any railway car ~~or ears~~ upon its
27 railway a higher or greater compensation in the aggregate
28 than it shall, at the same time, charge, collect, or receive
29 from any other person for the use and transportation of any
30 railway car ~~or ears~~ of the same class for a like purpose,
31 being transported from the same original point in the same
32 direction, over an equal distance of the same railway ~~and~~
33 ~~such-discriminating-rates,-charges,-collections,-or-receipts,~~
34 ~~whether-made-directly-or-by-means-of-any-rebate,-drawback,~~
35 ~~or-ether-shift-or-evasion,-shall-be-received-as-prima-facie~~

1 ~~evidence-of-the-unjust-discriminations-prohibited-by-this~~
2 ~~chapter;~~ or

3 Sec. 56. Section four hundred seventy-nine point twenty
4 (479.20), Code 1975, is amended by adding the following new
5 subsection:

6 NEW SUBSECTION. Charge any undue or unjust discriminatory
7 rates, charges, accommodations, collections or receipts whether
8 made directly or indirectly by means of a rebate or other
9 method.

10 Sec. 57. Section four hundred seventy-nine point twenty-
11 nine (479.29), Code 1975, as amended by Acts of the Sixty-
12 sixth General Assembly, 1975 Session, chapter one hundred
13 seventy (170), section twenty-seven (27), is amended to read
14 as follows:

15 479.29 PENALTY FOR DISCRIMINATION. Any ~~such~~ corporation
16 ~~guilty-of-extortion,-or-of~~ making any unjust discrimination
17 as to freight rates, or the rates for the use and
18 transportation of railway cars, or in receiving, handling,
19 or delivering ~~freights,~~ freight shall, upon conviction there-
20 of, be fined in any sum not less than one thousand dollars
21 nor more than five thousand dollars for the first offense,
22 and for each subsequent offense not less than five thousand
23 nor more than ten thousand dollars--such fine to be imposed
24 in a criminal prosecution by indictment; or shall be subject
25 to the liability prescribed in section 479.30, to be recovered
26 as therein provided.

27 Sec. 58. Section four hundred seventy-nine point thirty
28 (479.30), Code 1975, is amended to read as follows:

29 479.30 CIVIL FORFEITURE. Any ~~such~~ railway corporation
30 ~~guilty-of-extortion,-or-of~~ making any unjust discrimination
31 as to passenger or freight rates, or the rates for the use
32 and transportation of railway cars, or in receiving, handling,
33 or delivering ~~freights~~ freight, shall forfeit and pay to the
34 state not less than one thousand nor more than five thousand
35 dollars for the first offense, and not less than five thousand

1 nor more than ten thousand dollars for each subsequent of-
2 fense, to be recovered in a civil action in the name of the
3 state; and the release from liability or penalty provided
4 for in this chapter shall not apply to a criminal prosecution
5 under section 479.29, or to a civil action under this section.

6 Sec. 59. Section four hundred seventy-nine point forty-
7 six (479.46), Code 1975, is amended to read as follows:

8 479.46 DIVISION OF JOINT RATES. Before the promulgation
9 of such rates, the department board shall notify the railroad
10 ~~companies~~ corporations interested ~~of~~ in the schedule of joint
11 rates fixed, and give them a reasonable time ~~thereafter~~ to
12 agree upon a division of the charges provided ~~for therein~~.
13 If such ~~companies~~ corporations fail to agree upon a division,
14 and to notify the department board thereof, ~~it~~ the board
15 shall, after a hearing of the ~~companies~~ corporations
16 interested, decide the same, taking into consideration the
17 value of terminal facilities and all the circumstances of
18 the haul, and the division so determined by it shall, in all
19 controversies or actions between the ~~railway-companies~~ railroad
20 corporations interested, be prima-facie evidence of a just
21 and reasonable division thereof.

22 Sec. 60. Section four hundred seventy-nine point forty-
23 nine (479.49), Code 1975, is amended to read as follows:

24 479.49 RATE SCHEDULES--FILING AND PUBLICATION PUBLIC
25 ACCESS. Every common carrier, subject to the provisions of
26 this chapter shall file with the department board and shall
27 ~~print and-keep-open-to-public-inspection~~ schedules showing
28 the rates for the transportation within this state of persons
29 and property from each point upon its route to all other
30 points thereon and from all points upon its route to all
31 points upon every other route leased, operated, or controlled
32 by it; and from each point on its route or upon any route
33 leased, operated, or controlled by it to all points upon the
34 route of any other common carrier, whenever a through route
35 and a joint rate shall have been established or ordered between

1 any two such points. If no joint rate over a through route
2 has been established, the schedules of the several carriers
3 in such through route shall show the separately established
4 rates, applicable to the through transportation.

5 Subject to rules which the board shall adopt, the schedules
6 shall be plainly printed and a copy of often used schedules
7 shall be kept by every carrier readily accessible to and for
8 inspection by the public in every station and office of the
9 carrier where passengers or property are received for
10 transportation when the station or office is in the charge
11 of an agent. A notice printed in bold type and stating that
12 the often used schedules are on file with the agent and open
13 to public inspection, and that the agent will assist any
14 person to determine from the schedule any rate shall be posted
15 by the carrier in public and conspicuous places in each station
16 or office. The board shall, by rule, provide that adequate
17 public access to schedules not often used be provided in a
18 different manner.

19 Sec. 61. Section four hundred seventy-nine point fifty
20 (479.50), Code 1975, is amended to read as follows:

21 479.50 DETAILED REQUIREMENTS. The schedules aforesaid
22 shall plainly state the places between which such property
23 and persons will be carried, and, separately, all terminal
24 charges, storage charges, ~~being~~ refrigeration charges, and
25 all other charges which the ~~department~~ board may require to
26 be stated, all privileges or facilities granted or allowed,
27 and all rules ~~or regulations~~ which may in any wise way change,
28 affect, or determine any part or the aggregate of such rates,
29 or the value of the various services rendered to the passenger,
30 shipper, or consignee.

31 The form of every schedule shall be prescribed by the board
32 and shall conform, in the case of common carriers, as nearly
33 as may be to the form prescribed by the interstate commerce
34 commission.

35 Sec. 62. Section four hundred seventy-nine point fifty-

1 five (479.55), Code 1975, is amended to read as follows:

2 479.55 INTERSTATE COMMERCE SCHEDULES. When schedules
3 and classifications required by the interstate commerce
4 commission contain in whole or in part the information required
5 by the provisions of this chapter, the posting~~ing~~,~~publishing~~,
6 and filing of a copy ~~or copies~~ of such schedules and
7 classifications with the board shall be deemed a compliance
8 with the requirements of this chapter insofar as such schedules
9 and classifications contain the information required by this
10 chapter, and any additional or different information may be
11 posted~~ing~~,~~published~~ and filed in a supplementary schedule.

12 Sec. 63. Section four hundred seventy-nine point fifty-
13 six (479.56), Code 1975, is amended to read as follows:

14 479.56 PARTIAL SCHEDULES. In lieu of filing its entire
15 often used schedule in each station or office, any common
16 carrier may~~ing~~,~~subject to the regulations of the department~~,
17 file ~~or~~ with the board and keep posted at such stations or
18 offices, schedules of such rates as are applicable at, to,
19 and from the places where such stations or offices are located
20 subject to rules adopted by the board.

21 Sec. 64. Section four hundred seventy-nine point fifty-
22 seven (479.57), Code 1975, is amended to read as follows:

23 479.57 CHANGES IN SCHEDULES. The ~~department~~ board shall
24 have power from time to time, in its discretion, to determine
25 and prescribe by order such changes in the form of the
26 schedules referred to in this chapter as it may find expedient,
27 and to modify the requirements of any of its orders or rules
28 in respect thereto.

29 Sec. 65. Section four hundred seventy-nine point fifty-
30 eight (479.58), Code 1975, is amended to read as follows:

31 479.58 JOINT TARIFF SCHEDULES. The names of the several
32 common carriers which are parties to any joint tariff shall
33 be specified in the schedule ~~or schedules~~ showing the same.
34 Unless otherwise ordered by the ~~department~~ board, a schedule
35 showing such joint tariff need be filed with the ~~department~~

1 board by only one of the parties if there is also filed with
2 the department board, in such form as the department board
3 may require, a concurrence in such joint tariff by each of
4 the other parties thereto.

5 Sec. 66. Section four hundred seventy-nine point sixty
6 (479.60), Code 1975, is amended to read as follows:

7 479.60 TRANSPORTATION PROHIBITED. No common carrier shall
8 undertake to perform any service nor engage or participate
9 in the transportation of persons or property between points
10 within this state, until its schedule of rates shall have
11 been filed and ~~published~~ posted as herein provided.

12 Sec. 67. Section four hundred seventy-nine point sixty-
13 one (479.61), Code 1975, is amended to read as follows:

14 479.61 CHANGE IN RATE. Unless the department board
15 otherwise orders, no change shall be made by any common carrier
16 in any rate, except after thirty days' notice to the department
17 board and to the public as herein provided. The board shall
18 adopt rules to insure public notice in any action instituted
19 under this section.

20 Sec. 68. Section four hundred seventy-nine point sixty-
21 two (479.62), Code 1975, is amended to read as follows:

22 479.62 NOTICE OF CHANGE. Such notice shall be given by
23 filing with the ~~department-and-by-keeping-open-for-public~~
24 ~~inspection~~ board new schedules or supplements stating plainly
25 the change ~~or-changes~~ to be made in the schedule ~~or-schedules~~
26 then in effect, and the time when the change ~~or-changes~~ will
27 go into effect.

28 Sec. 69. Section four hundred seventy-nine point sixty-
29 three (479.63), Code 1975, is amended to read as follows:

30 479.63 CHANGES WITHOUT NOTICE. The department board,
31 for good cause shown, may allow changes without requiring
32 ~~said~~ thirty days' notice by an order specifying the changes
33 ~~se~~ to be made and the time when they shall take effect, and
34 the manner in which they shall be filed and published.

35 Sec. 70. Section four hundred seventy-nine point sixty-

1 four (479.64), Code 1975, is amended to read as follows:
2 479.64 INDICATING CHANGE. When any change is proposed
3 in any rate, such proposed change shall be plainly indicated
4 on the new schedule filed with the department board, by some
5 typographic character immediately preceding or following the
6 item.

7 Sec. 71. Section four hundred seventy-nine point sixty-
8 five (479.65), Code 1975, is amended to read as follows:

9 479.65 SCHEDULE CHARGE MANDATORY--REFUNDS AND
10 DISCRIMINATION. No common carrier, except as otherwise
11 provided, shall charge, demand, collect, or receive a greater
12 or less or different compensation for the transportation of
13 persons or property or for any service in connection there-
14 with than the rates, fares, and charges applicable to such
15 carrier refund or remit in any manner or by any device any
16 portion of the rates, fares, or charges so specified except
17 upon order of the courts or of the department board as may
18 be now or hereafter by law provided, nor extend to any shipper
19 or person any privilege or facility in the transportation
20 of passengers or property except such as are specified in
21 such schedules.

22 Sec. 72. Section four hundred seventy-nine point sixty-
23 six (479.66), Code 1975, is amended to read as follows:

24 479.66 POWER TO REVISE RATES. Whenever there shall be
25 filed with the department board any schedule, stating an a
26 ~~individual-or-joint~~ rate, the ~~department-shall-have-power~~
27 board may, either upon complaint or upon its own motion, at
28 immediately once, and, if it so orders, without answer or
29 formal pleadings by the interested common carrier, or
30 ~~carriers,-but-upon-reasonable-notice,-to~~ enter upon a hearing
31 concerning the propriety of such rate.

32 Sec. 73. Section four hundred seventy-nine point sixty-
33 seven (479.67), Code 1975, is amended to read as follows:

34 479.67 SUSPENSION OF RATES. Pending the hearing and the
35 decision thereon, such rate shall not go into effect; but

1 the period of suspension of such rate shall not extend more
2 than one hundred twenty days beyond the time when such rate
3 would otherwise go into effect, ~~unless the department, in~~
4 ~~its discretion, extends the period of suspension for a further~~
5 ~~period of not exceeding thirty days.~~

6 Sec. 74. Section four hundred seventy-nine point sixty-
7 eight (479.68), Code 1975, is amended to read as follows:

8 479.68 DECISION. On such hearing the department board
9 shall establish the rates, in whole or in part, or other in
10 lieu thereof, which it shall find to be just and reasonable.

11 Sec. 75. Section four hundred seventy-nine point sixty-
12 nine (479.69), Code 1975, is amended to read as follows:

13 479.69 WHEN RATES EFFECTIVE. All such rates not so
14 suspended shall, on the expiration of thirty days from the
15 time of filing the same with the department board or of such
16 less time as the said department board may grant, go into
17 effect and be the established and effective rates, subject
18 to the power of the department board after a hearing had upon
19 its own motion or upon complaint, as herein provided, to alter
20 or modify the same.

21 Sec. 76. Section four hundred seventy-nine point seventy
22 (479.70), Code 1975, is amended to read as follows:

23 479.70 POSTING AND FILING OF REVISED SCHEDULES. After
24 such changes have been authorized by the department board,
25 copies of the new or revised schedules shall be posted or
26 filed as provided in this chapter within such reasonable time
27 as may be fixed by the department board.

28 Sec. 77. Section four hundred seventy-nine point seventy-
29 two (479.72), Code 1975, is amended to read as follows:

30 479.72 COMPLAINT OF VIOLATION. When any person ~~in his~~
31 ~~own behalf, or in behalf of a class of persons similarly~~
32 ~~situated, or a firm, corporation, or association, or any~~
33 ~~mercantile, agricultural, or manufacturing society, or any~~
34 ~~body politic or municipal organization, city, or county~~ shall
35 make complaint to the department board that the rate charged

1 or published by any railway company corporation, ~~or-the-maximum~~
2 ~~rates-fixed-by-the-department-in-the-schedule-of-rates-made~~
3 ~~by-it~~, or the maximum rate fixed by law, is unreasonably high
4 or discriminating, the ~~department-shall~~ board may investigate
5 the matter, and, ~~if-the-charge-appears-to-be-well-founded,~~
6 ~~fix-a-day-for~~ hold a hearing ~~the-same~~, giving the railway
7 company parties notice of the time and place ~~thereof-by-mail,~~
8 ~~directed-to-any-division-superintendent,general-or-assistant~~
9 ~~superintendent,general-manager,president,or-secretary-of~~
10 ~~such-company,which-notice-shall-contain-the-substance-of~~
11 ~~the-complaint,also-the-person-or-persons-complaining~~ of the
12 hearing.

13 Sec. 78. Section four hundred seventy-nine point seventy-
14 three (479.73), Code 1975, is amended to read as follows:

15 479.73 HEARING--EVIDENCE. Upon At the time of the hearing
16 the ~~department~~ board shall receive any evidence and listen
17 to any arguments ~~offered-or~~ presented by either party relevant
18 to the matter under investigation, and the burden of proof
19 shall not be upon the person ~~or-persons~~ making the complaint.
20 ~~but-it~~ The complainant shall add to the showing made at such
21 hearing whatever information ~~it~~ the complainant may then have,
22 or can obtain from any source, including schedules of rates
23 actually charged by any railway company corporation for
24 substantially the same kind of service, in this or any other
25 state. The lowest rates published or charged by any rail-
26 way company corporation for substantially the same kind of
27 service whether in this or another state, shall, at the
28 instance of the person ~~or-persons~~ complaining, be accepted
29 as prima-facie evidence of a reasonable rate for the services
30 under investigation; and if the railway company corporation
31 complained of is operating a line of railroad beyond the
32 state, or has a traffic arrangement with any such railway
33 company corporation, the same shall be taken into consideration
34 in determining what is a reasonable rate; if it be operating
35 a line of railway beyond the state, the rate charged or

1 established for substantially a similar or greater service
 2 by it in another state shall also be considered. The board
 3 shall establish just and reasonable rates, in whole or in
 4 part or modified as the board shall determine.

5 Sec. 79. Section four hundred seventy-nine point ninety-
 6 nine (479.99), Code 1975, is amended by striking the section
 7 and inserting in lieu thereof the following:

8 479.99 PASSENGER TICKETS--REDEMPTION. Every railroad
 9 corporation shall redeem in whole or in part any unused
 10 passenger ticket at a rate equal to the transportation value
 11 of the unused portion. Any redemption shall be made not more
 12 than forty-five days from the date of the refund request.

13 Sec. 80. Section four hundred seventy-nine point one
 14 hundred three (479.103), Code 1975, is amended to read as
 15 follows:

16 479.103 ~~COAL~~ BULK COMMODITIES IN CAR LOTS. Every person
 17 ~~firm-or-corporation~~ engaged in operating any railroad within
 18 the state shall ~~equip-the-line-of-its-track-and-thereafter~~
 19 maintain ~~thereon~~ in good order, track scales of sufficient
 20 capacity to weigh all carloads of ~~coal~~ bulk commodities which
 21 the department may specify that may be transported over the
 22 ~~said~~ railroad, and shall weigh the same at the request of
 23 any owner, consignor, or consignee of such commodities, and
 24 furnish written certificates of such weights to such owner,
 25 consignor, or consignee ~~as-hereinafter-provided~~. ~~Such-track~~
 26 ~~scales-shall-be-so-installed-and-maintained-at-all-division~~
 27 ~~stations-along-the-line-of-such-railroads-within-the-state,~~
 28 ~~and-at-such-other-stations-as-the-department-shall-from-time~~
 29 ~~to-time-direct.~~

30 Sec. 81. Section four hundred seventy-nine point one
 31 hundred four (479.104), Code 1975, is amended by striking
 32 the section and inserting in lieu thereof the following:

33 479.104 COMMODITY WEIGHING--DISAGREEMENT. If a railroad
 34 corporation and the owner, consignor, or consignee of bulk
 35 commodities which are specified by the department cannot reach

1 agreement relative to the weighing of such commodities, appeal
2 may be made to the board which shall, after hearing, issue
3 such order as may be equitable to all parties. The order
4 may include, but not be limited to allocation of installation
5 costs and other costs and place and manner of weighing. The
6 board may adopt rules for the administration of this section.

7 Sec. 82. Section four hundred seventy-nine point one
8 hundred five (479.105), Code 1975, is amended to read as
9 follows:

10 479.105 WEIGHT AT DESTINATION--FEE. Such ~~coal~~ bulk
11 commodities designated by the department shall be weighed
12 at destination upon request of consignee when there are track
13 scales at such point. If not equipped with track scales at
14 such point, then at nearest practicable point ~~enroute-where~~
15 ~~such-scales-are-maintained-and-certificate-of-weight-showing~~
16 ~~actual-gross-tare-and-net-weights-shall-be-furnished-to~~
17 ~~consignee-and-settlement-of-freight-charges-based-on-these~~
18 ~~weights~~ agreed to by both parties. A reasonable charge of
19 ~~not-more-than-one-dollar-per-car~~ may be made for such weighing
20 on request.

21 Sec. 83. Section four hundred seventy-nine point one
22 hundred six (479.106), Code 1975, is amended by striking the
23 section and inserting in lieu thereof the following:

24 479.106 WEIGHING COMMODITIES. The department may adopt
25 rules establishing standards by which bulk commodities
26 specified by the department shall be weighed. The rules shall
27 include safety standards, accuracy, style and content of
28 applicable forms and certificates to be used for weighing.
29 Certificates of weight shall be furnished to the consignee
30 and settlement of freight charges shall be based upon those
31 weights but weight shall not be warranted for any other
32 commercial purpose unless so stated upon its face. The
33 department may enter into agreements with the department of
34 agriculture for the administration of part or all of this
35 section.

1 Sec. 84. Section four hundred seventy-nine point one
2 hundred sixteen (479.116), Code 1975, is amended by striking
3 the section and inserting in lieu thereof the following:

4 479.116 RULES. The board shall prescribe by rule, pursuant
5 to chapter seventeen A (17A) of the Code, such regulations
6 as may be reasonably necessary for the orderly disposition
7 of claims arising from loss or damage to property tendered
8 for transportation.

9 Sec. 85. Chapter four hundred seventy-nine (479), Code
10 1975, is amended by adding the following new section:

11 NEW SECTION. An employee of the railroad division of the
12 department designated by the director of the department may
13 conduct spot inspections of vehicles subject to registration
14 which are owned or operated by a railroad corporation to
15 determine whether the vehicle is used to transport products
16 or property which may be a safety hazard for the operator
17 of the vehicle subject to registration or any other employee
18 of the railroad corporation who is transported in the vehicle.

19 Sec. 86. Section four hundred eighty-one point one (481.1),
20 Code 1975, is amended to read as follows:

21 481.1 BUILDINGS ON RAILROAD LANDS. When a disagreement
22 arises between a railroad company corporation and the owner
23 of any building used for receiving, storing, or manufacturing
24 any article of commerce transported or to be transported,
25 situated on the railroad right of way or any land owned or
26 controlled by the railroad company corporation for railroad
27 purposes, as to the terms and conditions on which the same
28 is to be continued thereon or removed therefrom, ~~or when~~
29 ~~application is made by any person, firm, or corporation for~~
30 ~~a site on such lands for the erection and maintenance of such~~
31 ~~improvements, and the railway company and the applicant cannot~~
32 ~~agree as to whether such improvement shall be placed on such~~
33 ~~lands, or as to the character and location of the buildings~~
34 ~~to be erected and maintained thereon, or as to the terms and~~
35 ~~conditions under which the same may be placed or operated,~~

1 such railway ~~company, person, firm, or~~ corporation or person
2 may make written application to the department board and such
3 department the board shall, ~~as speedily as possible after~~
4 ~~the filing of such application,~~ hear and determine such
5 controversy and make such order in relation thereto as shall
6 be just and equitable between the parties, which order shall
7 be enforced in the same manner as other orders of the
8 department board.

9 Sec. 87. Section four hundred eighty-one point three
10 (481.3), Code 1975, as amended by Acts of the Sixty-sixth
11 General Assembly, 1975 Session, chapter one hundred seventy
12 (170), section thirty (30), is amended to read as follows:

13 481.3 SPUR TRACKS. Every railroad corporation shall
14 acquire the necessary rights of way for, by condemnation or
15 purchase, and shall construct, connect, and operate and
16 maintain a reasonably adequate and suitable spur track,
17 whenever such spur track does not necessarily exceed three
18 miles in length, and is required for the successful operation
19 of any existing or proposed mill, elevator, storehouse,
20 warehouse, dock, wharf, pier, manufacturing establishment,
21 lumber yard, coal dock, or other industry or enterprise, and
22 its construction and operation is not unusually unsafe and
23 dangerous, and is not unreasonably harmful to public interest.
24 No such track is required to be constructed until, or if
25 hereafter constructed need not be maintained unless, the
26 department board, after hearing, shall have declared the same
27 to be necessary.

28 Sec. 88. Section four hundred eighty-one point four
29 (481.4), Code 1975, is amended to read as follows:

30 481.4 COST OF CONSTRUCTION. Such railroad ~~company~~
31 corporation may require the person ~~or persons, firm,~~
32 ~~corporation, or association~~ primarily to be served thereby
33 to pay the legitimate cost and expense of acquiring, by
34 condemnation or purchase, the necessary right of way for such
35 spur track and of constructing the same as shall be determined

1 in separate items by the department. Except as provided in
2 section 481.5 provided, the total estimated cost thereof as
3 ascertained by said department shall be deposited with the
4 railroad company corporation before it shall be required to
5 incur any expense ~~whatsoever-therefer~~. If an agreement cannot
6 be reached, the question shall be referred to the board which
7 may after hearing issue an order.

8 Sec. 89. Section four hundred eighty-one point nine
9 (481.9), Code 1975, is amended by adding the following new
10 subsection:

11 NEW SUBSECTION. "Board" means the transportation regulation
12 board.

13 Sec. 90. Chapter four hundred eighty-three (483), Code
14 1975, is amended by striking the chapter and inserting in
15 lieu thereof sections ninety-one (91) through one hundred
16 eight (108) of this Act.

17 Sec. 91.

18 NEW SECTION. As used in this chapter, unless the context
19 otherwise requires:

20 1. "District" means a railroad district established under
21 the provisions of this chapter.

22 2. "Department" means the state department of
23 transportation.

24 3. "Board" means the transportation regulation board.

25 4. "Railroad corporation" means any corporation organized
26 under the laws of this state or any other state for the purpose
27 of operating a railroad within this state.

28 5. "Control county" means the county designated by the
29 department to administer the election procedures and hold
30 hearings within a railroad district or a proposed railroad
31 district.

32 6. "Railroad" means roadbeds, track, track structure,
33 and other appurtenances of railroad right-of-way of railroad
34 branch lines.

35 Sec. 92. NEW SECTION. It is declared to be the policy

1 of the state of Iowa and the objective of this chapter to
2 allow citizens to act in the public interest to form a railroad
3 district for the restoration, conservation, purchase or
4 improvement of a railroad. The establishment of such a
5 district is in all respects for the benefit of the people
6 of the state of Iowa for the improvement and promotion of
7 the economy, which is a public purpose. The funds for the
8 restoration, conservation, purchase, or improvement shall
9 be derived from a vote of the qualified electors of the
10 district for a tax not to exceed eighty-one cents per thousand
11 dollars of assessed value. The number of years in which it
12 shall be levied and paid shall not exceed twenty years. All
13 of the purposes stated in this chapter are public purposes
14 and uses for which public moneys may be borrowed, expended,
15 advanced, loaned or granted.

16 Sec. 93. NEW SECTION. The department may develop a
17 proposed railroad district and a preliminary recommendation
18 concerning the desirability and necessity of the creation
19 of such a district within thirty days of the receipt of a
20 petition signed by at least ten eligible electors of the area
21 to be included in the district. The petition shall describe
22 the territory proposed to be organized as a district which
23 description shall not be required to be given by metes and
24 bounds or by legal subdivisions, but shall be deemed sufficient
25 if generally accurate. The department shall determine the
26 control county for the district.

27 Sec. 94. NEW SECTION. The board of supervisors of the
28 control county shall publish notice of the proposed hearing
29 upon the question of desirability and necessity of the creation
30 of a railroad district within thirty days of receipt of the
31 proposed plan from the department. The notice shall be
32 published once in an official newspaper of each county with
33 territory in the proposed district at least five days prior
34 to the date of hearing. All eligible electors of the proposed
35 district and all other interested parties shall have the right

1 to attend such hearing and to be heard. In addition to the
2 presentation of proposed boundaries of the district the
3 department shall discuss the desirability and necessity of
4 the proposed district. If it appears at the hearing that
5 it is desirable to include within the proposed district
6 territory outside the area within which due notice of the
7 hearing has been given, the hearing shall be adjourned and
8 due notice of further hearing shall be given through the
9 entire area considered for inclusion in the district and such
10 further hearing held.

11 Sec. 95. NEW SECTION. Following the hearing, the
12 department shall file a recommendation with the control county
13 concerning the creation of the railroad district. If the
14 recommendation is for the creation of the district, a
15 referendum shall be held in the proposed railroad district
16 within sixty days of the recommendation. If the recommendation
17 is to revise the plan, a revised plan shall be submitted to
18 the control county board of supervisors by the department
19 within sixty days of the recommendation and a referendum shall
20 be held within sixty days of the receipt of this revised plan.
21 A recommendation to not create the district may be overturned
22 by a petition of fifty or more eligible electors of the
23 proposed railroad district. In such case the proposal to
24 create the district shall be submitted to the voters at a
25 referendum to be held within sixty days of the date the
26 petition was received.

27 Sec. 96. NEW SECTION. The board of supervisors of the
28 control county shall hold a referendum within the proposed
29 railroad district upon the question of the creation of the
30 district and at the same time, hold an election to elect the
31 first trustees of the district. Notice of the referendum
32 and election shall be given in the manner provided under
33 section forty-nine point fifty-three (49.53) of the Code.

34 Sec. 97. NEW SECTION. Petitions nominating candidates
35 for trustees shall be filed with the control county

1 commissioner of elections at least thirty days prior to the
2 election and shall be made according to section forty-five
3 point three (45.3) of the Code. An eligible elector of the
4 district may not sign more than three such petitions.

5 Sec. 98. NEW SECTION. Trustees shall be elected for six-
6 year terms. However, at the first election, the trustee
7 receiving the highest number of votes shall serve a term of
8 six years, the trustee receiving the second highest number
9 of votes shall serve a term of four years and the trustee
10 receiving the third highest number of votes shall serve a
11 term of two years. The term of office for trustees shall
12 commence upon receipt of the certificate of election. A bond
13 shall not be required of railroad district trustees. Vacancies
14 shall be filled by appointment by the trustees until the
15 vacancy can be filled pursuant to section sixty-nine point
16 twelve (69.12) of the Code.

17 Sec. 99. NEW SECTION. Two ballots, one containing the
18 public question "Shall a railroad district described as follows
19 be created" and the other, the candidates for trustees, shall
20 be submitted upon request to each qualified elector of the
21 district. The control county commissioner of elections shall
22 cause the ballots to be printed.

23 Sec. 100. NEW SECTION. The polling places for all
24 elections for railroad districts shall be designated by county
25 commissioner of elections and may be the office of the county
26 commissioner of elections in each county in which any territory
27 of the district lies. Subsequent elections for railroad
28 district trustees shall be held biennially as close to the
29 anniversary of the original election as possible and pursuant
30 to the provisions of section thirty-nine point two (39.2)
31 of the Code.

32 Sec. 101. NEW SECTION. The vote of any elections held
33 for a railroad district shall be canvassed on Monday following
34 the election if the district lies wholly within one county.
35 If the district lies within more than one county the noncontrol

1 counties shall canvass the vote on the second day following
2 the election and certify the result to the control county
3 by noon on the Monday following the election. If a majority
4 of the votes cast on the question "Shall a railroad district
5 be created?" do not favor creation of the district, the vote
6 to elect trustees shall be void.

7 Sec. 102. NEW SECTION. The trustees of a railroad district
8 shall have all powers listed in sections one hundred three
9 (103) through one hundred five (105) of this Act and may
10 receive and accept gifts, grants, loans, or other aid from
11 any public or private entities.

12 Sec. 103. NEW SECTION. The trustees may on their own
13 initiative or upon receipt of a petition from ten eligible
14 electors of the district request the control county
15 commissioner of elections to call a referendum on either of
16 the following public questions:

17 1. Shall a tax of not to exceed _____ be
18 levied against the value of the real property within the
19 district?

20 2. Shall the trustees of the district be authorized to
21 issue bonds in the amount of _____ and levy
22 a tax for the retirement of the bonds and interest thereon?

23 If a majority of the votes cast are in favor of question
24 one or sixty percent of the votes cast are in favor of question
25 two, the tax shall be levied by the board of supervisors and
26 collected at the same time and in the same manner as other
27 property taxes. This tax shall not be levied more than once,
28 unless a written agreement pursuant to section one hundred
29 four (104) of this Act has been made. The referendum shall
30 state the purposes for which it is proposed to vote the taxes,
31 the maximum rate of tax proposed, the number of years not
32 exceeding twenty in which it shall be levied and paid in equal
33 installments, and the location of the railroad for which it
34 is proposed to improve, restore, purchase, or conserve.

35 Sec. 104. NEW SECTION. Prior to expenditure of any funds

1 derived from section ninety-two (92) of this Act, the trustees
2 shall enter into a written agreement with the department and
3 railroad corporation for the purpose specified in the
4 referendum according to the provisions of section one hundred
5 three (103) of this Act.

6 Sec. 105. NEW SECTION. All moneys collected under this
7 chapter shall be placed in the Iowa railroad assistance fund.
8 Not later than December 15 or June 15 of each year in which
9 the tax is collected, the county auditor shall transmit the
10 amount of tax levied and collected, by warrant, to the
11 treasurer of state who shall credit it to the railroad
12 assistance fund. Moneys levied and collected for the purpose
13 of retiring general obligation bonds and paying interest on
14 such bonds shall be held as a sinking fund in the railroad
15 assistance fund and disbursed by the trustees for retirement
16 and interest payment of these bonds. Pursuant to the agreement
17 as specified in section one hundred four (104) of this Act,
18 the trustees shall submit a certified claim to the state
19 comptroller directing that a warrant be issued against the
20 railroad assistance fund.

21 Sec. 106. NEW SECTION. A railroad district shall be
22 dissolved twenty years after its creation if all bonds have
23 been retired and all obligations fulfilled, unless a petition
24 by ten eligible electors objecting to the dissolution is filed
25 with the trustees. The trustees shall notify the department
26 and the control county board of supervisors of this petition.
27 The control county board of supervisors shall hold a hear-
28 ing on the proposed dissolution of the railroad district
29 and cause a notice of such hearing to be published according
30 to section ninety-four (94) of this Act. At the hearing the
31 department shall present a recommendation on the desirability
32 of dissolution of the railroad district and such recommendation
33 shall be accepted unless a written objection is given to the
34 board within ten days of the hearing. Upon receipt of such
35 objection the board shall make final determination if the

1 district shall be dissolved or retained.

2 Sec. 107. NEW SECTION. Should the taxes voted for the
3 railroad district under the provisions of this chapter remain
4 in the railroad assistance fund for more than one year after
5 the terms of the agreement have expired, the right to the
6 undistributed unencumbered taxes and the money shall revert
7 to the general fund of the county from which it was originally
8 collected in proportion to the taxes levied and collected
9 for this fund in the most recent collection year.

10 Sec. 108. NEW SECTION. The provisions of chapters thirty-
11 nine (39) through fifty-three (53) of the Code shall apply
12 to the conduct of elections held for the railroad district,
13 except as otherwise specifically provided in this chapter.

14 Sec. 109. NEW SECTION. If any part or provision of this
15 Act or the application thereof to any person or circumstances
16 is held to be invalid or unenforceable, such invalidity or
17 unenforceability shall not affect any other parts or provisions
18 or applications of the Act which can be given effect without
19 the invalid or unenforceable parts or provisions or applica-
20 tion, and to this end the parts and provisions of this Act
21 are declared to be severable.

22 Sec. 110. Acts of the Sixty-sixth General Assembly, 1975
23 Session, chapter two hundred thirty-one (231), section one
24 (1), is amended to read as follows:

25 SECTION 1. NEW SECTION. RAILROAD ASSISTANCE FUND
26 ESTABLISHED. There is established a railroad assistance
27 fund in the office of the treasurer of state. Moneys in this
28 fund shall be expended for providing assistance to railroads
29 for the upgrading-railroad-roadbeds,-track,-track-structure,
30 and-other-appurtenances-of-railroad-right-of-way-of-railroad
31 branch-lines restoration, conservation, and improvement of
32 railroad branch lines, except moneys transmitted to this fund
33 pursuant to section one hundred five (105) of this Act which
34 shall be used for the purposes provided for in Chapter four
35 hundred eighty-three (483). Any unencumbered funds

1 appropriated pursuant to Acts of the Sixty-fifth General
2 Assembly, 1974 Session, chapter one thousand one hundred thir-
3 teen (1113), section thirteen (13), or other funds appropriated
4 by the general assembly for branch line railroad assistance
5 shall be deposited in the railroad assistance fund. Any
6 moneys received by ~~the energy policy council or~~ the state
7 department of transportation by agreements, grants, gifts,
8 or other means from individuals, companies or other business
9 entities, or ~~political subdivisions of the state~~ cities and
10 counties for the purposes set forth for the fund established
11 pursuant to this section shall be credited to the railroad
12 assistance fund.

13 Sec. 111. Acts of the Sixty-sixth General Assembly, 1975
14 Session, chapter two hundred thirty-one (231), section two
15 (2), is amended to read as follows:

16 SEC. 2. NEW SECTION. ASSISTANCE AGREEMENTS. The energy
17 ~~policy council and after the transfer of its duties pursuant~~
18 ~~to section seven (7) of this Act~~ the director of the department
19 of transportation with the approval of the state transportation
20 commission, may enter into agreements with railroads, the
21 United States government, ~~individuals, companies or other~~
22 ~~business entities~~ persons, or ~~political subdivisions of the~~
23 ~~state~~ cities, counties, or railroad districts for carrying
24 out the purposes of this Act. Agreements entered into between
25 the ~~energy policy council or the~~ director of the department
26 of transportation and railroad ~~companies~~ corporations pursuant
27 to this section may require payment by the railroad corporation
28 of a portion of increased revenue derived from the improved
29 branch line into the railroad assistance fund. The board
30 of supervisors of a county may enter into an agreement with
31 the state department of transportation to receive a portion
32 of the payments made by a railroad corporation to the railroad
33 assistance fund pursuant to this section. The amount received
34 by a county shall not exceed the amount appropriated to the
35 railroad assistance fund by the county pursuant to Acts of

1 the Sixty-sixth General Assembly, 1975 Session, chapter two
2 hundred thirty-one (231), section five (5).

3 Sec. 112. Acts of the Sixty-sixth General Assembly, 1975
4 Session, chapter two hundred thirty-one (231), section three
5 (3), is amended to read as follows:

6 SEC. 3. NEW SECTION. FEDERAL FUNDS. The ~~energy-policy~~
7 ~~council-and-the~~ state department of transportation commission
8 may accept federal funds to carry out the provisions of this
9 Act. All federal funds received under the provisions of this
10 Act are appropriated for the purposes set forth in the federal
11 grants.

12 Sec. 113. Acts of the Sixty-sixth General Assembly, 1975
13 Session, chapter two hundred thirty-one (231), section four
14 (4), is amended to read as follows:

15 SEC. 4. NEW SECTION. RAILROAD ACCOUNTS. Agreements
16 between the railroad ~~companies~~ corporations and and-the-energy
17 ~~policy-council-or~~ the state department of transportation which
18 do not require payment of a portion of the increased revenue
19 derived from the improved branch line railroad to be paid
20 by the railroad to the railroad assistance fund shall require
21 that the railroad establish and maintain a separate railroad
22 ~~company~~ corporation fund to which a specified portion of the
23 increase in revenue derived from the improved railroad branch
24 line shall be credited and that these funds shall be used
25 by the railroad for improvement ~~of-branch-line-railroad~~
26 ~~roadbed, track, track-structure, and other appurtenances,~~
27 restoration, or conservation of railroad-right-of-way railroad
28 branch lines within the state. The terms and conditions
29 governing the use of moneys in the special railroad ~~company~~
30 corporation fund shall be stipulated in the agreement. The
31 agreement shall also stipulate a penalty for use of the funds
32 in a manner other than as set forth in the agreement.

33 Sec. 114. Acts of the Sixty-sixth General Assembly, 1975
34 Session, chapter two hundred thirty-one (231), section five
35 (5), is amended to read as follows:

1 SEC. 5. NEW SECTION. COUNTY FUNDS. The board of
 2 supervisors of a county may with the approval of the energy
 3 ~~policy-council,-and-after-the-transfer-of-its-duties-pursuant~~
 4 ~~to-section-seven-(7)-of-this-Act,-with-the-approval-of-the~~
 5 ~~direeter~~ state department of transportation, appropriate funds
 6 from the county general fund to the railroad assistance fund.
 7 The county may, according to the provisions of section one
 8 hundred ten (110) of this Act, receive a partial or total
 9 reimbursement for this appropriation. The money shall be
 10 used in accordance with this Act only for ~~upgrading-railroad~~
 11 ~~property~~ conservation, restoration, or improvement of railroad
 12 branch lines within the county providing the funds. In any
 13 year the amount of money transferred to the railroad assistance
 14 fund by a county shall not exceed the amount of property taxes
 15 levied against the railroad property within the county.

16 Sec. 115. Acts of the Sixty-sixth General Assembly, 1975
 17 Session, chapter two hundred thirty-one (231), section six
 18 (6), is amended to read as follows:

19 SEC. 6. NEW SECTION. NO REVERSION OF FUNDS. Moneys
 20 deposited in the railroad assistance fund shall not be subject
 21 to sections eight point thirty-three (8.33) and eight point
 22 thirty-nine (8.39) of the Code. However, moneys credited
 23 to the fund by a city, county, or railroad district which
 24 are unexpended or unobligated following the expiration of
 25 an agreement shall be paid back to the city, county, or
 26 railroad district.

27 Sec. 116. Section three hundred seven point twenty-six
 28 (307.26), subsection three (3), Code 1975, is amended by
 29 striking paragraph c.

30 Sec. 117. Chapter four hundred eighty (480), Code 1975,
 31 is repealed.

32 Sec. 118. Sections three hundred sixty-four point ten
 33 (364.10), as amended by Acts of the Sixty-sixth General
 34 Assembly, 1975 Session, chapter sixty-seven (67), section
 35 thirty-nine (39), four hundred seventy-four point thirteen

1 (474.13), as amended by Acts of the Sixty-sixth General
2 Assembly, 1975 Session, chapter one hundred seventy (170),
3 section four (4), four hundred seventy-four point twenty-four
4 (474.24), four hundred seventy-four point forty-nine (474.49),
5 four hundred seventy-four point fifty-three (474.53), four
6 hundred seventy-seven point fourteen (477.14), four hundred
7 seventy-seven point thirty-seven (477.37), as amended by Acts
8 of the Sixty-sixth General Assembly, 1975 Session, chapter
9 one hundred seventy (170), section six (6), four hundred
10 seventy-seven point thirty-eight (477.38), four hundred
11 seventy-seven point thirty-nine (477.39), four hundred seventy-
12 seven point forty (477.40), four hundred seventy-seven point
13 forty-one (477.41), four hundred seventy-seven point fifty-
14 eight (477.58), four hundred seventy-seven point fifty-nine
15 (477.59), four hundred seventy-seven point sixty (477.60),
16 four hundred seventy-eight point twenty-six (478.26), four
17 hundred seventy-nine point seven (479.7), four hundred seventy-
18 nine point nineteen (479.19), four hundred seventy-nine point
19 twenty-two (479.22), as amended by Acts of the Sixty-sixth
20 General Assembly, 1975 Session, chapter one hundred seventy
21 (170), section twenty-four (24), four hundred seventy-nine
22 point twenty-three (479.23), as amended by Acts of the Sixty-
23 sixth General Assembly, 1975 Session, chapter one hundred
24 seventy (170), section twenty-five (25), four hundred seventy-
25 nine point twenty-four (479.24), four hundred seventy-nine
26 point twenty-five (479.25), as amended by Acts of the Sixty-
27 sixth General Assembly, 1975 Session, chapter one hundred
28 seven (170), section twenty-six (26), four hundred seventy-
29 nine point twenty-six (479.26), four hundred seventy-nine
30 point twenty-seven (479.27), four hundred seventy-nine point
31 twenty-eight (479.28), four hundred seventy-nine point thirty-
32 three (479.33), four hundred seventy-nine point thirty-six
33 (479.36), four hundred seventy-nine point thirty-eight
34 (479.38), four hundred seventy-nine point thirty-nine (479.39),
35 four hundred seventy-nine point forty (479.40), four hundred

1 seventy-nine point forty-one (479.41), four hundred seventy-
2 nine point forty-two (479.42), four hundred seventy-nine point
3 forty-three (479.43), four hundred seventy-nine point forty-
4 four (479.44); four hundred seventy-nine point forty-seven
5 (479.47), four hundred seventy-nine point forty-eight (479.48),
6 four hundred seventy-nine point fifty-one (479.51), four
7 hundred seventy-nine point fifty-three (479.53), four hundred
8 seventy-nine point fifty-four (479.54), four hundred seventy-
9 nine point fifty-nine (479.59), four hundred seventy-nine
10 point seventy-one (479.71), four hundred seventy-nine point
11 seventy-four (479.74), four hundred seventy-nine point one
12 hundred (479.100), four hundred seventy-nine point one hundred
13 nine (479.109), four hundred seventy-nine point one hundred
14 ten (479.110), four hundred seventy-nine point one hundred
15 eleven (479.111), four hundred seventy-nine point one hundred
16 twelve (479.112), four hundred seventy-nine point one hundred
17 thirteen (479.113), four hundred seventy-nine point one hundred
18 fourteen (479.114), four hundred seventy-nine point one hundred
19 fifteen (479.115), four hundred seventy-nine point one hundred
20 seventeen (479.117), four hundred seventy-nine point one
21 hundred eighteen (479.118), four hundred seventy-nine point
22 one hundred twenty-one (479.121), four hundred seventy-nine
23 point one hundred twenty-seven (479.127), Code 1975, are
24 repealed.

25 EXPLANATION

26 The bill includes additional revision of obsolete and
27 outdated railroad laws.

28 The bill revises Chapter 483 of the Code which allows for
29 the establishment of a railroad district which may levy a
30 tax for the purpose of providing assistance to railroad
31 companies.

32 The bill revises certain provisions of the State Department
33 of Transportation laws which provide for duplication of effort
34 by various divisions of the department and further directs
35 the State Department of Transportation to submit a detailed
36 report on rail transportation in the state.

AN ACT

RELATING TO RAIL REGULATION BY PROVIDING FOR CERTAIN CHANGES TO RAILROAD REGULATION LAWS, UPDATING LAWS RELATING TO THE ESTABLISHMENT, OPERATION, AND POWERS OF A RAILROAD DISTRICT TO AID RAILROADS, ALLOWING THE IMPOSITION OF A TAX IN THE RAILROAD DISTRICT, REVISING CERTAIN PORTIONS OF THE RAILROAD ASSISTANCE LAW, AND UPDATING CERTAIN OTHER LAWS RELATING TO RAILROADS AND PROVIDING PENALTIES.

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

Section 1. Section three hundred seven point twenty-six (307.26), subsection nine (9), Code 1975, is amended to read as follows:

9. Advise and assist the director regarding agreements with ~~the owners of operating railroads~~ railroad corporations for the upgrading of restoration, conservation or improvement of railroad as defined in subsection one (1) of section four hundred seventy-nine point two (479.2) of the Code ~~right-of-way-and-trackage~~ on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state. The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection. ~~For purposes of this chapter, "railroad right-of-way-and-trackage" includes but shall not be limited to any roadbed, drains, fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interests whether owned in fee or leased.~~

Sec. 2. Section three hundred seven point twenty-six (307.26), Code 1975, is amended by adding the following new

subsections:

NEW SUBSECTION. Advise and assist in the establishment and development of railroad districts upon request.

NEW SUBSECTION. Conduct innovative experimental programs relating to rail transportation problems within the state.

NEW SUBSECTION. Enter the role of "applicant" pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, United States Public Law ninety-four dash seven hundred eighty-one (94-781), and take such actions as are necessary to accomplish this role.

Sec. 3. Section three hundred twenty-one point three hundred forty-two (321.342), Code 1975, is amended to read as follows:

321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The department with reference to primary highways and local authorities with reference to other highways under their jurisdiction are each hereby authorized to designate particularly dangerous highway grade crossings of railroads, and to install rumble strips, and or to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than ten feet from the nearest track of such grade crossing and shall proceed only upon exercising due care.

Sec. 4. Section three hundred twenty-one point three hundred forty-three (321.343), Code 1975, is amended to read as follows:

321.343 CERTAIN VEHICLES MUST STOP. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids or other hazardous materials as defined by the federal department of transportation, 49 Code of Federal Regulations sections one hundred seventy (170) through section one hundred eighty-nine (189) of 1975, as a cargo or part of a cargo, before crossing at grade any track ~~or tracks~~ of a railroad, shall stop such

vehicle within fifty feet but not less than ten feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

~~This section shall not apply at street-railway-grade crossings within a business or residence district.~~

Sec. 5. Section three hundred thirty-two point three (332.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-seven (187), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. To enter into an agreement with the state department of transportation, shippers, a railroad corporation, a city or another county to provide financial assistance for railroad services. The agreement shall be administered by the state department of transportation and moneys necessary to implement the agreement shall be credited to the railroad assistance fund. However, this section shall not preclude a county from establishing an escrow fund to be used as collateral for a loan for railroad improvement, which loan shall be credited to the railroad assistance fund. Moneys appropriated pursuant to this subsection shall be from the county general fund, subject to the limitation provided in Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231).

Sec. 6. Section four hundred seventy-four point ten (474.10), Code 1975, is amended to read as follows:

474.10 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT. The ~~state~~ department ~~of transportation~~ shall have general supervision of all railroads in the state, express companies, car companies, ~~sleeping-car companies~~, freight and freight-

line companies, ~~interurban-railway-companies~~, motor carriers, and any common carrier engaged in the transportation of passengers or freight ~~by-railroads, except-street-railroads.~~ ~~It shall investigate any alleged neglect or violation of law by any such common carrier, its agents, officers, or employees.~~

Sec. 7. Section four hundred seventy-four point twelve (474.12), Code 1975, is amended to read as follows:

474.12 INSPECTION--NOTICE TO REPAIR. ~~It~~ The department shall from time to time carefully examine into and inspect the condition of each railroad, its tracks, bridges, and equipment, and the manner of its conduct, operation, and management with regard to the public safety and convenience in the state rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found by it unsafe, it the department shall immediately notify the railroad company corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a fine of not more than one hundred dollars for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to cooperate in removing the safety hazard. Moneys received from the assessment of any fine shall be credited to the rail assistance fund.

Sec. 8. Section four hundred seventy-four point fourteen (474.14), Code 1975, as amended by Acts of the Sixty-sixth

General Assembly, 1975 Session, chapter one hundred seventy (170), section five (5), is amended to read as follows:

474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in the judgment of the department, any railway railroad 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 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~~ or if any railroad corporation fails to operate its railroad and business in a reasonable and expedient manner which is safe and convenient to the public, the department may make an order prescribing such improvements and changes as it finds to be proper and shall serve an order upon such corporation. A report of such proceedings shall be included in its annual report to the governor. Nothing in this section or sections section 474.12 and 474.13 shall be so construed as relieving any to nullify railroad company from its responsibility or liability for damage to person or property by any railroad corporation.

Sec. 9. Section four hundred seventy-four point fifteen (474.15), Code 1975, is amended to read as follows:

474.15 ABANDONING STATION. It shall be unlawful for any railroad company corporation owning or operating, ~~or which may hereafter own or operate,~~ any railroad in whole or in part in this state, to abandon any station in any city or village on its line of railroad, within this state, or to remove the depot therefrom, or to withdraw agency service therefrom, unless it shall first have filed notice of its intention with the department and otherwise complied with the provisions of this section and sections 474.16 and 474.17. Upon the filing receipt of such notice the department shall designate the place or places within such city or village where specify a notice shall be posted published and the

railroad ~~company corporation~~ shall ~~thereupon~~, at its own expense, cause ~~to be posted at the place or places so designated,~~ such notice to be published at least fifteen days¹ notice-of-intention days in advance of action to abandon or discontinue such station or agency, or remove such depot, and shall file proof of such posting publication with the department. The notice shall be in such form as prescribed by the department and shall be published in a newspaper published in the county in which the station is located. An alternative notice procedure giving comparable public notice by registered mail to affected shippers may be prescribed by the department according to rules promulgated under chapter seventeen A (17A) of the Code.

Sec. 10. Section four hundred seventy-four point sixteen (474.16), Code 1975, is amended to read as follows:

474.16 OBJECTIONS--HEARING. Any person ~~or persons~~ directly affected by the proposed abandonment or discontinuance of any station or agency, or removal of any depot, may file written objections ~~thereto~~ with the department, stating the grounds for such objections, within fifteen days from the time of the posting publication of the notice as provided in section 474.15. Upon the filing of such objections the department board shall fix the time and place for a hearing thereon, which hearing shall be held within sixty days from the filing of such objections. Written notice of the time and place of such hearing shall be mailed by the department board to the railroad company corporation and the person ~~or persons~~ filing objections at least ten days prior to the date fixed for such hearing.

Sec. 11. Section four hundred seventy-four point seventeen (474.17), Code 1975, is amended to read as follows:

474.17 ORDER OF DEPARTMENT BOARD. Upon said hearing the department board may prohibit the abandonment or discontinuance of such station or agency, or the removal of the depot, or may make such other order as is warranted by the evidence

produced at such hearing. But if no objections are filed ~~as hereinbefore provided~~, the ~~department shall~~ board may make an order permitting the railroad ~~company~~ corporation to proceed with such abandonment or discontinuance, or removal of the depot.

Sec. 12. Section four hundred seventy-four point eighteen (474.18), Code 1975, is amended to read as follows:

474.18 INVESTIGATION AND INQUIRY. The department ~~shall~~ or board may investigate and inquire into the management ~~of the business~~ of all common carriers subject to the its jurisdiction ~~of said department and keep itself well informed as to the manner and method in which the same is conducted.~~ ~~It~~ The board or department shall have the right to obtain from them full and complete information necessary to enable the department or board to perform its duties including the administration of railroad assistance agreements. ~~It~~ The board on its own initiative or upon request of the department shall have power to require the attendance and testimony of witnesses, the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and to inspect the same and to examine under oath or otherwise any officer, director, agent, or employee of any common carrier; to issue subpoenas and to enforce obedience thereto.

Sec. 13. Section four hundred seventy-four point twenty (474.20), Code 1975, is amended to read as follows:

474.20 AID FROM COURTS. The department or board may invoke the aid of any court of record in ~~any county where the carrier extends,~~ the state in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. Any court having jurisdiction ~~where any of the inquiry is carried on~~ shall, in case of the refusal of any person to obey a subpoena or other process, issue an order requiring any of the officers, agents, or employees of any carrier or other person to appear

before the department or board and produce all books and papers required by such order and testify in relation to any matter under investigation. ~~A failure to obey any such order of the court shall be punished as a contempt.~~

Sec. 14. Section four hundred seventy-four point twenty-one (474.21), Code 1975, is amended to read as follows:

474.21 HINDERING OR OBSTRUCTING DEPARTMENT. Any person who shall willfully obstruct ~~it or its members~~ the department or board in the performance of their duties, or who shall refuse to give any information within ~~his~~ that person's possession that may be required by ~~it~~ the board or department within the line of ~~its~~ their duty, shall be fined not exceeding one thousand dollars, in the discretion of the court.

Sec. 15. Section four hundred seventy-four point twenty-three (474.23), Code 1975, is amended to read as follows:

474.23 CUMULATIVE REMEDIES. Nothing in this chapter or chapter 479 shall be construed to estop or hinder any persons ~~or corporations~~ from bringing action against any railway ~~company corporation~~ for any violation of the laws of the state ~~for the government of railroads.~~

Sec. 16. Section four hundred seventy-four point twenty-six (474.26), Code 1975, is amended to read as follows:

474.26 WHEN ORDER EFFECTIVE--VIOLATION. All rules, ~~and orders, and regulations~~ affecting public rights, made by the department or board, as now or may hereafter be authorized for the direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the department or board. If any railroad fails, neglects, or refuses to comply with any rule, ~~or order, or regulation~~ made by the department or board within the time specified, it shall, for each day of such failure, pay a penalty of fifty one hundred dollars. Such moneys shall be credited to the railroad assistance fund.

Sec. 17. Section four hundred seventy-four point twenty-nine (474.29), Code 1975, is amended to read as follows:

474.29 REMITTING PENALTY. ~~When any~~ If a common carrier ~~shall fail~~ fails in a judicial review proceeding to secure a vacation of the order objected to, it may apply to the court in which the review proceeding is finally adjudicated for an order remitting the penalty which has accrued during the ~~pendency-of-the~~ review proceeding. Upon a satisfactory showing that the petition for judicial review was filed in good faith and not for the purpose of delay, and that there were reasonable grounds to believe that the order was unreasonable or unjust or that the power of the department or board to make the same was doubtful, such court may remit the penalty that has accrued during the ~~pendency-of-the~~ review proceeding.

Sec. 18. Section four hundred seventy-four point thirty (474.30), Code 1975, is amended to read as follows:

474.30 COSTS--ATTORNEY'S FEES. When a decree shall be entered against a railroad company corporation or person under sections ~~474.24~~ four hundred seventy-four point twenty-five (474.25) of the Code to 474.29 the court shall render judgment for costs, and attorney's fees for counsel representing the state.

Sec. 19. Section four hundred seventy-four point thirty-four (474.34), Code 1975, is amended to read as follows:

474.34 COMPLAINTS. Any person, ~~firm, corporation,~~ association, mercantile, agricultural, or manufacturing society, body politic, or municipal organization, city or county may file with the department a petition setting forth any particular in which any common carrier has violated the law to which it is subject and the amount of damages sustained by reason thereof. The department shall furnish to the carrier against which complaint is filed, a copy thereof, and a reasonable time shall be fixed by the board within which such carrier shall answer the petition or satisfy the demand therein made. If such carrier fails to satisfy the complaint within the time fixed or there ~~shall appear~~ appears to be reasonable grounds for investigating the matters set forth in said

petition, the department board shall hear and determine the questions involved and make such orders as it shall find to be proper. ~~No petition so filed shall be dismissed on the grounds that the petitioner has not suffered any direct damage.~~ When the ~~department ascertains or~~ board has reason to believe that any carrier is violating any of the laws to which it is subject, it may institute an investigation and cause a hearing to be made held before it in relation to such matters in all respects as fully as if a petition had been filed.

Sec. 20. Section four hundred seventy-four point thirty-five (474.35), Code 1975, is amended to read as follows:

474.35 INVESTIGATION--REPORT. When a hearing has been had held before the department board after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with its recommendations or orders as to what reparation, if any, the offending carrier shall make to any party who has suffered damage. Such finding of fact shall thereafter in all legal proceedings be prima-facie evidence of every fact found. All reports of hearings and investigations made by the department board shall be entered of record and a copy furnished to the carrier against which the complaint was filed, to the party complaining, and to any other person having a direct interest in the matter. A reasonable fee not to exceed the actual duplication costs may be charged for the copies.

Sec. 21. Section four hundred seventy-four point thirty-six (474.36), Code 1975, is amended to read as follows:

474.36 ORDERS--COMPLIANCE--RELEASE. When the department board finds as the result of any investigation or hearing that a common carrier has violated or is violating any of the provisions of law to which it is subject, or that any complainant or other person has sustained damages by reason of such violation, the department board shall notify order such carrier to cease such violation at once and shall fix a time within which it shall pay the amount of damage which

has been found due to any person as a result of such violation. ~~Upon a satisfactory showing to the department that the carrier has complied with the notice in the time and manner required, it shall thereupon be relieved from further liability or penalty for that particular violation of law, and the department shall enter of record such release.~~

Sec. 22. Section four hundred seventy-four point thirty-seven (474.37), Code 1975, is amended to read as follows:

474.37 VIOLATION OF ORDER--PETITION--NOTICE. When any ~~common carrier shall violate or fail~~ person violates or fails to obey any lawful order or requirement of the department or board, the department or board shall apply ~~in a summary~~ way by petition in the name of the state, against such ~~common carrier person~~, to the district court ~~of any county through which such carrier owns or operates a line of railroad or in which the failure or violation of such order occurred~~, alleging such violation or failure to obey; the court shall hear and determine the matter set forth in said the petition on reasonable notice to the ~~common carrier~~ person, to be fixed by the court and to be served in the same manner as original notices for the commencement of action.

Sec. 23. Section four hundred seventy-four point thirty-eight (474.38), Code 1975, is amended to read as follows:

474.38 INTERESTED PARTY MAY BEGIN PROCEEDINGS. Any person, ~~firm, or corporation or city or county~~ interested in the matter of enforcing any order or requirement of the department or board, may file a petition against such ~~carrier~~ person, alleging the failure to comply with such order or requirement and praying summary relief to the same extent and in the same manner as the department or board may do under section 474.37, and the proceedings after the filing of such petition shall be the same as in said section provided four hundred seventy-four point thirty-seven (474.37) of the Code.

Sec. 24. Section four hundred seventy-four point thirty-nine (474.39), Code 1975, is amended to read as follows:

474.39 DUTY OF GENERAL DEPARTMENT AND BOARD COUNSEL AND COUNTY ATTORNEY. When any proceeding has been instituted under sections 474.37 and 474.38, the department general counsel or the legal counsel of the board shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the department general counsel or the board legal counsel may require ~~of him~~.

Sec. 25. Section four hundred seventy-four point forty (474.40), Code 1975, is amended to read as follows:

474.40 HEARING IN EQUITY--INJUNCTION. All such causes shall be in equity, and the order or report of the department or board in question shall be considered prima-facie evidence ~~of the matters contained therein~~. If the court shall find that the order or requirement in question is lawful and has been violated, it shall issue an injunction or other proper process, ~~mandatory or otherwise, to compel obedience to such order or requirement.~~

Sec. 26. Section four hundred seventy-four point forty-two (474.42), Code 1975, is amended to read as follows:

474.42 APPEAL--EFFECT. An appeal to the supreme court shall not stay or supersede the order of the court or the execution of any writ or process thereon. When appeal is taken by the department or board, it shall not be required to give an appeal bond or security for costs.

Sec. 27. Section four hundred seventy-four point forty-three (474.43), Code 1975, is amended to read as follows:

474.43 SUITS BY DEPARTMENT BOARD. When the department board has reason to believe that any ~~common carrier~~ person has been guilty of ~~extortion or~~ unjust discrimination, ~~it~~ the board shall immediately cause actions action to be commenced ~~and prosecuted~~ against such ~~carrier~~ person. Such action may be brought in the district court of any county through ~~or into~~ which ~~any line of~~ the railway owned or operated by such ~~carrier~~ person may extend. ~~No actions thus commenced~~

~~shall be dismissed unless the department and the department general counsel consent thereto. The court in which any such action is pending may, in its discretion, give preference as to the time of trial of such action over other business, except criminal cases.~~

Sec. 28. Section four hundred seventy-four point forty-eight (474.48), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

474.48 DETAILS OF REPORT. The report shall be compiled pursuant to rules adopted pursuant to chapter seventeen A (17A) of the Code by the department. The report shall include but not be limited to anticipated capital improvements projected over the next five years and anticipated abandonments which may occur over the same period of time. The department may provide that certain portions of the report, except those portions dealing with anticipated abandonments, remain confidential if the department determines that the release of the information may cause an undue competitive advantage or disadvantage to a railroad corporation if the information is released. The information may be classified as confidential only with the approval of the director of the department.

Sec. 29. Section four hundred seventy-four point fifty-four (474.54), Code 1975, is amended to read as follows:

474.54 DEFINITION. As used in this chapter, unless the context otherwise requires "department" means the state department of transportation and "board" means the transportation regulation board.

Sec. 30. Section four hundred seventy-six point twenty-seven (476.27), Code 1975, is amended to read as follows:

476.27 MOTORBUSES--AERIAL TRANSPORTATION. Any railroad company person operating a railroad in this state may own and operate ~~over the highways of this state for hire and as a any other~~ common carrier ~~of passengers, freight, mail or express, automobile buses or motor vehicles,~~ subject to the

applicable state laws of the state applicable to the use of such highways by motor vehicle carriers, and may also own and operate equipment for, and engage in aerial transportation, subject to the laws of the state applicable thereto. Any such ~~railroad company~~ person may purchase and own capital stock and securities of a corporation organized for or engaged in the business of a ~~motor common~~ carrier, or of aerial transportation.

Sec. 31. Section four hundred seventy-seven point thirteen (477.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

477.13 BRAKES ON TRAINS AND ENGINES. A train or engine shall not be operated in this state which does not have an operational braking system which complies with Title forty-five (45), sections one (1) et seq., U.S.C.

Sec. 32. Section four hundred seventy-seven point fifteen (477.15), Code 1975, is amended to read as follows:

477.15 VIOLATIONS. Any railroad corporation, company, or person operating a railroad train or engine in this state and using a locomotive engine, or running a train of cars, or using any freight car, way cabooses, or other car contrary to the provisions of sections ~~477.12 to 477.14~~ and four hundred seventy-seven point thirteen (477.13) of the Code shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense, ~~but such penalties shall not apply to companies hauling cars belonging to railroads other than those of this state which are engaged in interstate traffic, and moneys so collected shall be credited to the railroad assistance fund.~~

Sec. 33. Section four hundred seventy-seven point eighteen (477.18), Code 1975, is amended to read as follows:

477.18 EXCEPTIONS. The provisions of section 477.17 shall not apply to switching or yard service ~~at stations or places where regular switch engines are not employed exclusively~~

~~as switch engines, or during a period of not exceeding twelve hours, when a switch engine is being cleaned or washed out, and also switching by work trains, and where regular switch engines are disabled by accident, or in need of repairs, or there is an unusual or unexpected amount of work, switching under such conditions, with ordinary engines, for a period of not to exceed forty-eight hours, shall not be considered a violation of this statute.~~

Sec. 34. Section four hundred seventy-seven point twenty-six (477.26), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section nine (9), 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 a common ~~carriers~~ carrier in transportation by ~~railroads~~ rail of passengers or property within this state to which the regulative power of this state extends.

Sec. 35. Section four hundred seventy-seven point forty-two (477.42), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section eleven (11), is amended to read as follows:

477.42 FREIGHT OFFICES. All railroads in the state shall establish and maintain operating offices, at localities accessible and convenient to the public, ~~and correctly set forth their freight tariffs.~~

Sec. 36. Section four hundred seventy-seven point fifty-three (477.53), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

477.53 VEGETATION OF RIGHT-OF-WAY. Every railroad corporation shall insure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not:

1. Become a fire hazard to track-carrying structures.
2. Obstruct visibility of railroad signs and signals.

3. Interfere with railroad employees performing normal trackside duties.

4. Prevent proper functioning of signal and communication lines.

5. Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.

Nothing in this section shall be construed to exempt a railroad corporation from carrying out noxious weed control programs as provided in chapter three hundred seventeen (317) of the Code.

Sec. 37. Section four hundred seventy-seven point sixty-four (477.64), Code 1975, is amended to read as follows:

477.64 SANITATION AND SHELTER. A railway ~~company~~ corporation within the state shall provide adequate sanitation and shelter for all railway employees. The Iowa bureau of labor shall adopt rules in accordance with chapter 17A relating to requirements for adequate sanitation and shelter for railway employees.

Sec. 38. Chapter four hundred seventy-seven (477), Code 1975, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.

2. "Board" means the transportation regulation board.

Sec. 39. Section four hundred seventy-eight point thirteen (478.13), Code 1975, is amended to read as follows:

478.13 OVERHEAD, UNDERGROUND, OR MORE THAN ONE CROSSING. Such owner of land may serve upon such railroad ~~company~~ corporation a request in writing for more than one such ~~farm~~ or private crossing, or for an overhead or underground crossing, accompanied by a plat of his land designating thereon the location and character of crossing desired. If the railroad ~~company~~ corporation refuses or neglects ~~for~~ to comply within thirty days ~~after~~ of such ~~service to comply with such~~

written request, the owner of the land may make written application to the department to hear and determine his rights in said respect. ~~Such department~~ The board, after ~~reasonable~~ notice to the railroad ~~company corporation~~, to construct any crossing or roadway, fix the time for compliance with ~~such~~ the order. The matter of costs shall be in the discretion of the ~~department board~~.

Sec. 40. Section four hundred seventy-eight point twenty-one (478.21), Code 1975, as amended by the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), is amended to read as follows:

478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway ~~company corporation~~ owning such track and ~~the highway division of~~ the department of ~~transportation~~, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city, in the case of streets and alleys located within a city, may agree upon the location ~~and~~, manner ~~of crossing, or crossing protection, or upgrading thereof, or upon a separation of grades so as to carry such highway over or under the railway track, and upon any change, alteration, vacation, physical structure, characteristics and or relocation of such highway, street or alley, and upon repairs, alteration, or elimination of any crossing, and upon the expense each party shall pay for such changes, except that if flasher light or gate signals are ordered or agreed to be installed prior to July 1, 1973, the maintenance of the crossing and allocation of costs thereof shall be assumed by the railroad and if the installation of flasher light or gate signals is ordered or agreed to be installed on or after July 1, 1973, the maintenance thereof shall be assumed equally by the railroad and upon the approval of the department the grade crossing safety fund. The department shall not expend more than four hundred fifty~~

~~dollars for any one crossing in any one year from the grade crossing fund, provided, however, nothing in this section limits the provisions of section 364.8.~~ The department shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of the crossing and an unlimited portion of the cost of the crossing may be paid from the grade crossing safety fund.

Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation.

Payments from the grade crossing safety fund shall be made to the treasurer of state upon certification by the department that the terms of the agreement have been followed.

The department shall promulgate rules according to chapter seventeen A (17A) of the Code for processing claims to the grade crossing safety funds.

The provisions of this section shall not apply to the repair of the grade crossing surface.

Sec. 41. Section four hundred seventy-eight point twenty-two (478.22), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), section two (2), is amended to read as follows:

478.22 DISAGREEMENT--APPLICATION--NOTICE. If the railway ~~company and said highway authorities cannot agree upon the changes to be made~~ persons specified in section four hundred seventy-eight point twenty-one (478.21) of the Code cannot reach an agreement, either party may make written application to the ~~transportation regulation board of the department, setting forth the changes and alteration desired, and said department board~~ requesting resolution of the disagreement. The board shall fix a date for hearing and give the other party ten days' written notice by mail of such date. ~~Nothing in this section shall be construed to prohibit either party~~

~~from filing written application with the department prior to any disagreement.~~ The department board shall promulgate rules, pursuant to chapter seventeen A (17A) of the Code, for processing applications which are filed with the department board prior to a written disagreement. The transportation regulation board may set a hearing date after the disagreement has been filed.

Sec. 42. Section four hundred seventy-eight point twenty-three (478.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), section three (3), is amended to read as follows:

478.23 HEARING--ORDER. The department board shall hear the evidence of each party to the controversy, ~~taking into consideration the necessity of such changes and the expense thereof, the location of any crossing or crossing protection and the manner in which it shall be constructed and maintained, or whether a crossing is to be eliminated and the provisions therefor,~~ and may shall make such an order in relation thereto as shall be equitable, including which may include, pursuant to the provisions of chapters four hundred seventy-one (471) and four hundred seventy-two (472) of the Code, authority to condemn, ~~and take additional land for such purposes when necessary, and shall determine a solution to~~ resolving the controversy including what portion of the expense shall be paid by any each party to such controversy. In determining what portion of the expense shall be paid by each party the department board may consider the ratio of the benefits accruing to the railroad or the governmental unit or both as it bears to the general public use and benefit and such benefits shall may in the case of construction be consistent with the standards adopted for similar purposes by the federal highway administration under the federal aid highway Act of 1973 as amended to July 1, 1976.

Sec. 43. Chapter four hundred seventy-eight (478), Code

1975, is amended by adding the following new sections:

NEW SECTION. There is established a highway railroad grade crossing surface repair fund in the office of the treasurer of state. The department may credit to this fund:

1. Moneys appropriated to the department from the general fund of the state.
2. Moneys appropriated to the department from the road use tax fund.
3. Available federal funds.
4. Moneys acquired by the department from any gift, grant, or contributions from any source.

The total amount of funds, except funds acquired pursuant to subsections three (3) and four (4) of this section, which shall be credited to the highway railroad grade crossing surface fund shall not exceed two hundred fifty thousand dollars in any one year.

NEW SECTION. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for such maintenance may be paid equally by the owner of the track, the jurisdiction having primary authority over the highway, street, or alley, and the highway grade crossing surface repair fund.

If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute one-third of the costs, a copy of the agreement shall be filed with the department which shall allocate an amount equal to one-third of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under the provisions of this section until additional funds are available. The fund shall be administered by the department.

Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad

corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount equal to one-third of the cost of the work from the highway railroad grade crossing surface repair fund. The owner of the track and the jurisdiction entering into the agreement shall each pay one-third of the cost.

NEW SECTION. If a railroad corporation and the jurisdiction having authority cannot reach agreement on grade crossing surface repair and maintenance, either party may appeal to the board if prior to disagreement both parties have filed a statement with the department to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing. The board shall resolve the dispute in the manner provided in section four hundred seventy-eight point twenty-two (478.22) and section four hundred seventy-eight point twenty-three (478.23) of the Code, except for the allocation of costs.

NEW SECTION. A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten minutes except:

1. When necessary to comply with signals affecting the safety of the movement of trains.
2. When necessary to avoid striking any object or person on the track.
3. When the train is disabled.
4. When the train is in motion except while engaged in switching operations.
5. When there is no vehicular traffic waiting to use the crossing.
6. When necessary to comply with governmental safety regulations.

Any officer or employee of a railroad corporation violating any provision of this section shall, upon conviction be subject

to the penalty provided in section four hundred seventy-eight point twenty (478.20) of the Code. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

The provisions of this section notwithstanding, a political subdivision may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates such a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political subdivision shall immediately notify the board and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall become effective thirty (30) days after such notification unless a person files an objection to the resolution or ordinance with the board. If an objection is filed the board shall hold a hearing according to the rules established by the board. The board may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. Public safety or convenience may include, but shall not be limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Political subdivisions shall notify the board within sixty (60) days of the effective date of this Act, of each existing resolution or ordinance which does not conform with the provisions of this section.

Such ordinances or resolutions may remain in effect until the board has acted upon each ordinance or resolution under the procedures specified in this section.

Sec. 44. 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~~
intrastate transport of persons and property.

Sec. 45. Section four hundred seventy-nine point two (479.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.2 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Railroad" means the terminal facilities necessary in the transportation of persons and property and includes bridges, railroad right-of-way, trackage, switches, and other appurtenances necessary for the operation of a railroad, whether owned, leased, or operated under some other contractual agreement.

2. "Railway" means a railroad as defined in subsection one (1) of this section.

3. "Railway corporation" means all corporations, companies, or persons owning or operating any railroad or carrier in whole or in part within the state.

4. "Railroad corporation" means a railway corporation as defined in subsection three (3) of this section.

5. "Switching service" means the shifting of a car between two points, both of which are within the industrial vicinity of an industry, a group of industries, a station, or a city, as such industrial vicinity may be defined by the department.

6. "Transportation" means all instrumentalities of shipment

or carriage as well as services in connection with the actual transport.

7. "Rates" means fares, tariffs, tolls, charges, and all classifications, contracts, practices, and rules of common carriers relating to such rates.

8. "Joint tariffs" embraces joint rates, tolls, contracts, classifications, and charges.

9. "Department" means the state department of transportation.

10. "Board" means the transportation regulation board.

Sec. 46. Section four hundred seventy-nine point four (479.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.4 CONNECTIONS. If a railroad corporation in this state refuses to connect by proper switches or tracks with the tracks of another railroad corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, the board shall hold a hearing on the dispute. Upon conclusion of the hearing, the board shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties.

Sec. 47. Section four hundred seventy-nine point eight (479.8), Code 1975, is amended to read as follows:

479.8 TRANSPORTING PERSONS OR PROPERTY FOR HIRE--LIMITATION ON LIABILITY. ~~No~~ A contract, receipt or rule shall not exempt any ~~corporation or~~ person engaged in transporting persons for hire from the liability of a common carrier, or carrier of passengers, which would exist had no contract, receipt, or rule or regulation been made except as may be provided for liability for property loss by order of the board.

Sec. 48. Section four hundred seventy-nine point ten (479.10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-three (23), is amended to read as

follows:

479.10 INTERCHANGE OF TRAFFIC--SWITCHING AND FORWARDING. ~~All-common~~ 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 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~~ ordered by the department board.

Sec. 49. Section four hundred seventy-nine point twelve (479.12), Code 1975, is amended to read as follows:

479.12 RECONSIGNMENT WITHOUT CHARGE. Upon request of the consignee it shall be the duty of any common carrier of freight to re consign, rebill, and reship from any place of destination within the state to any other place within the state any property in carload lots, ~~whether accompanied by any person or not~~, brought to said place of destination over its own or other line and treat the same in all respects as an original shipment between such places, provided the charges to first place of destination are paid or secured to the satisfaction of such company corporation.

Sec. 50. Section four hundred seventy-nine point thirteen (479.13), Code 1975, is amended to read as follows:

479.13 CHARGES TO BE REASONABLE. All rates and charges made for any service rendered or to be rendered in the transportation of passengers or property in this state, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just, ~~and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.~~

Sec. 51. Section four hundred seventy-nine point fourteen (479.14), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

No such ~~common carrier, or carriers~~, shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance, over the same line or route in the same direction within this state, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier ~~or carriers~~ to charge or receive as great a compensation for a shorter as for a longer distance or haul; provided that upon application to the department board such common carrier ~~or carriers~~ may, in special cases, after investigation, be authorized by the department board to charge less for a longer than for a shorter distance for the transportation of persons or property; and the department board may from time to time prescribe the extent to which such designated common carrier ~~or carriers~~ may be relieved from the operation and requirement of this section; but in exercising the authority conferred upon it in this proviso, the department board shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and, if a circuitous rail line or route is, because of such circuitry, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points.

Sec. 52. Section four hundred seventy-nine point fifteen (479.15), Code 1975, is amended to read as follows:

479.15 POOLING CONTRACTS. It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any contract, agreement, or combination with any other common carrier ~~or carriers~~ for the pooling of freight of different and competing railroads, or divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof without the approval of the board when determined to be in the public interest by the board; and in case of an agreement for the pooling of freights ~~as aforesaid~~ without such approval, each day of its continuance shall be a separate offense.

Sec. 53. Section four hundred seventy-nine point seventeen (479.17), Code 1975, is amended to read as follows:

479.17 VIOLATIONS--TREBLE DAMAGES. In case any common carrier subject to the provisions of this chapter shall do, cause, or permit to be done anything herein prohibited or declared to be unlawful, or shall ~~omit~~ willfully fail to do anything in this chapter required to be done, it shall be liable to the person ~~or persons~~ injured thereby for three times the amount of damages sustained in consequence, together with costs of suit, and a reasonable attorney's fee to be fixed by the court, on appeal or otherwise, which shall be taxed and collected as part of the costs in the case; but in all cases demand in writing shall be made of the carrier for the money damages sustained before action is brought for a recovery under this section, and no action shall be brought until the expiration of fifteen days after such demand.

Sec. 54. Section four hundred seventy-nine point twenty (479.20), unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph and inserting in lieu thereof the following:

The provisions of the following subsections shall constitute prima facie evidence of undue and unjust discriminating rates, charges, accommodations, collections, or receipts.

Sec. 55. Section four hundred seventy-nine point twenty

(479.20), subsection seven (7), Code 1975, is amended to read as follows:

7. Charge, collect, or receive from any person for the use and transportation of any railway car ~~or cars~~ upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect, or receive from any other person for the use and transportation of any railway car ~~or cars~~ of the same class for a like purpose, being transported from the same original point in the same direction, over an equal distance of the same railway ~~all such discriminating rates, charges, collections, or receipts, whether made directly or by means of any rebate, drawback, or other shift or evasion, shall be received as prima facie evidence of the unjust discriminations prohibited by this chapter; or~~

Sec. 56. Section four hundred seventy-nine point twenty (479.20), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Charge any undue or unjust discriminatory rates, charges, accommodations, collections or receipts whether made directly or indirectly by means of a rebate or other method.

Sec. 57. Section four hundred seventy-nine point twenty-nine (479.29), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-seven (27), 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 freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering ~~freights, freight~~ 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. 58. Section four hundred seventy-nine point thirty (479.30), Code 1975, is amended to read as follows:

479.30 CIVIL FORFEITURE. Any ~~such~~ railway 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~~ freight, shall forfeit and pay to the state not less than one thousand nor more than five thousand dollars for the first offense, and not less than five thousand nor more than ten thousand dollars for each subsequent offense, to be recovered in a civil action in the name of the state; and the release from liability or penalty provided for in this chapter shall not apply to a criminal prosecution under section 479.29, or to a civil action under this section.

Sec. 59. Section four hundred seventy-nine point forty-six (479.46), Code 1975, is amended to read as follows:

479.46 DIVISION OF JOINT RATES. Before the promulgation of such rates, the department board shall notify the railroad companies corporations interested ~~of~~ in the schedule of joint rates fixed, and give them a reasonable time ~~thereafter~~ to agree upon a division of the charges provided ~~for therein~~. If such companies corporations fail to agree upon a division, and to notify the department board thereof, ~~it~~ the board shall, after a hearing of the companies corporations interested, decide the same, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it shall, in all controversies or actions between the ~~railway-companies~~ railroad corporations interested, be prima-facie evidence of a just and reasonable division thereof.

Sec. 60. Section four hundred seventy-nine point forty-

nine (479.49), Code 1975, is amended to read as follows:

479.49 RATE SCHEDULES--FILING AND PUBLICATION PUBLIC ACCESS. Every common carrier, subject to the provisions of this chapter shall file with the department board and shall print ~~and-keep-open-to-public-inspection~~ schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, applicable to the through transportation.

Subject to rules which the board shall adopt, the schedules shall be plainly printed and a copy of often used schedules shall be kept by every carrier readily accessible to and for inspection by the public in every station and office of the carrier where passengers or property are received for transportation when the station or office is in the charge of an agent. A notice printed in bold type and stating that the often used schedules are on file with the agent and open to public inspection, and that the agent will assist any person to determine from the schedule any rate shall be posted by the carrier in public and conspicuous places in each station or office. The board shall, by rule, provide that adequate public access to schedules not often used be provided in a different manner.

Sec. 61. Section four hundred seventy-nine point fifty (479.50), Code 1975, is amended to read as follows:

479.50 DETAILED REQUIREMENTS. The schedules aforsaid shall plainly state the places between which such property

and persons will be carried, and, separately, all terminal charges, storage charges, ~~icing~~ refrigeration charges, and all other charges which the department board may require to be stated, all privileges or facilities granted or allowed, and all rules ~~or regulations~~ which may in any wise way change, affect, or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee.

The form of every schedule shall be prescribed by the board and shall conform, in the case of common carriers, as nearly as may be to the form prescribed by the interstate commerce commission.

Sec. 62. Section four hundred seventy-nine point fifty-five (479.55), Code 1975, is amended to read as follows:

479.55 INTERSTATE COMMERCE SCHEDULES. When schedules and classifications required by the interstate commerce commission contain in whole or in part the information required by the provisions of this chapter, the posting~~ing~~, ~~publishing~~, and filing of a copy ~~or copies~~ of such schedules and classifications with the board shall be deemed a compliance with the requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted~~ed~~, ~~published~~, and filed in a supplementary schedule.

Sec. 63. Section four hundred seventy-nine point fifty-six (479.56), Code 1975, is amended to read as follows:

479.56 PARTIAL SCHEDULES. In lieu of filing its entire often used schedule in each station or office, any common carrier may ~~be subject to the regulations of the department,~~ file ~~or~~ with the board and keep posted at such stations or offices, schedules of such rates as are applicable at, to, and from the places where such stations or offices are located subject to rules adopted by the board.

Sec. 64. Section four hundred seventy-nine point fifty-seven (479.57), Code 1975, is amended to read as follows:

479.57 CHANGES IN SCHEDULES. The department board shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders or rules in respect thereto.

Sec. 65. Section four hundred seventy-nine point fifty-eight (479.58), Code 1975, is amended to read as follows:

479.58 JOINT TARIFF SCHEDULES. The names of the several common carriers which are parties to any joint tariff shall be specified in the schedule ~~or schedules~~ showing the same. Unless otherwise ordered by the department board, a schedule showing such joint tariff need be filed with the department board by only one of the parties if there is also filed with the department board, in such form as the department board may require, a concurrence in such joint tariff by each of the other parties thereto.

Sec. 66. Section four hundred seventy-nine point sixty (479.60), Code 1975, is amended to read as follows:

479.60 TRANSPORTATION PROHIBITED. No common carrier shall undertake to perform any service nor engage or participate in the transportation of persons or property between points within this state, until its schedule of rates shall have been filed and published posted as herein provided.

Sec. 67. Section four hundred seventy-nine point sixty-one (479.61), Code 1975, is amended to read as follows:

479.61 CHANGE IN RATE. Unless the department board otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the department board and to the public as herein provided. The board shall adopt rules to insure public notice in any action instituted under this section.

Sec. 68. Section four hundred seventy-nine point sixty-two (479.62), Code 1975, is amended to read as follows:

479.62 NOTICE OF CHANGE. Such notice shall be given by

filing with the ~~department and by keeping open for public inspection~~ board new schedules or supplements stating plainly the change ~~or changes~~ to be made in the schedule ~~or schedules~~ then in effect, and the time when the change ~~or changes~~ will go into effect.

Sec. 69. Section four hundred seventy-nine point sixty-three (479.63), Code 1975, is amended to read as follows:

479.63 CHANGES WITHOUT NOTICE. The department board, for good cause shown, may allow changes without requiring ~~said~~ thirty days' notice by an order specifying the changes ~~se~~ to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 70. Section four hundred seventy-nine point sixty-four (479.64), Code 1975, is amended to read as follows:

479.64 INDICATING CHANGE. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the department board, by some typographic character immediately preceding or following the item.

Sec. 71. Section four hundred seventy-nine point sixty-five (479.65), Code 1975, is amended to read as follows:

479.65 SCHEDULE CHARGE MANDATORY--REFUNDS AND DISCRIMINATION. No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the department board as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

Sec. 72. Section four hundred seventy-nine point sixty-

six (479.66), Code 1975, is amended to read as follows:

479.66 POWER TO REVISE RATES. Whenever there shall be filed with the department board any schedule, stating an individual or joint rate, the ~~department shall have power~~ board may, either upon complaint or upon its own motion, at immediately enee, and, if it so orders, without answer or formal pleadings by the interested common carrier, or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate.

Sec. 73. Section four hundred seventy-nine point sixty-seven (479.67), Code 1975, is amended to read as follows:

479.67 SUSPENSION OF RATES. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty days beyond the time when such rate would otherwise go into effect, ~~unless the department, in its discretion, extends the period of suspension for a further period of not exceeding thirty days.~~

Sec. 74. Section four hundred seventy-nine point sixty-eight (479.68), Code 1975, is amended to read as follows:

479.68 DECISION. On such hearing the department board shall establish the rates, in whole or in part, or other in lieu thereof, which it shall find to be just and reasonable.

Sec. 75. Section four hundred seventy-nine point sixty-nine (479.69), Code 1975, is amended to read as follows:

479.69 WHEN RATES EFFECTIVE. All such rates not so suspended shall, on the expiration of thirty days from the time of filing the same with the department board or of such less time as the said department board may grant, go into effect and be the established and effective rates, subject to the power of the department board after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 76. Section four hundred seventy-nine point seventy (479.70), Code 1975, is amended to read as follows:

479.70 POSTING AND FILING OF REVISED SCHEDULES. After such changes have been authorized by the department board, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the department board.

Sec. 77. Section four hundred seventy-nine point seventy-two (479.72), Code 1975, is amended to read as follows:

479.72 COMPLAINT OF VIOLATION. When any person ~~in-his own-behalf, or-in-behalf-of-a-class-of-persons-similarly situated, or-a-firm, corporation, or-association, or-any mercantile, agricultural, or-manufacturing-society, or-any body-politic-or-municipal-organization, city, or county~~ shall make complaint to the department board that the rate charged or published by any railway company corporation, ~~or-the-maximum rates-fixed-by-the-department-in-the-schedule-of-rates-made by-it,~~ or the maximum rate fixed by law, is unreasonably high or discriminating, the ~~department-shall~~ board may investigate the matter, and, ~~if-the-charge-appears-to-be-well-founded, fix-a-day-for hold a hearing the-same,~~ giving the railway company parties notice of the time and place ~~thereof-by-mail, directed-to-any-division-superintendent, general-or-assistant superintendent, general-manager, president, or-secretary-of such-company, which-notice-shall-contain-the-substance-of the-complaint, also-the-person-or-persons-complaining of the hearing.~~

Sec. 78. Section four hundred seventy-nine point seventy-three (479.73), Code 1975, is amended to read as follows:

479.73 HEARING--EVIDENCE. ~~Upon~~ At the time of the hearing the department board shall receive any evidence and listen to any arguments ~~offered-or~~ presented by either party relevant to the matter under investigation, and the burden of proof shall not be upon the person ~~or-persons~~ making the complaint, ~~but-it~~ The complainant shall add to the showing made at such hearing whatever information ~~it~~ the complainant may then have, or can obtain from any source, including schedules of rates

actually charged by any railway company corporation for substantially the same kind of service, in this or any other state. The lowest rates published or charged by any railway company corporation for substantially the same kind of service whether in this or another state, shall, at the instance of the person ~~or-persons~~ complaining, be accepted as prima-facie evidence of a reasonable rate for the services under investigation; and if the railway company corporation complained of is operating a line of railroad beyond the state, or has a traffic arrangement with any such railway company corporation, the same shall be taken into consideration in determining what is a reasonable rate; if it be operating a line of railway beyond the state, the rate charged or established for substantially a similar or greater service by it in another state shall also be considered. The board shall establish just and reasonable rates, in whole or in part or modified as the board shall determine.

Sec. 79. Section four hundred seventy-nine point ninety-nine (479.99), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.99 PASSENGER TICKETS--REDEMPTION. Every railroad corporation shall redeem in whole or in part any unused passenger ticket at a rate equal to the transportation value of the unused portion. Any redemption shall be made not more than forty-five days from the date of the refund request.

Sec. 80. Section four hundred seventy-nine point one hundred three (479.103), Code 1975, is amended to read as follows:

479.103 ~~COAL~~ BULK COMMODITIES IN CAR LOTS. Every person, ~~firm, or-corporation~~ engaged in operating any railroad within the state shall ~~equip-the-line-of-its-track-and-thereafter~~ maintain ~~thereon~~ in good order, track scales of sufficient capacity to weigh all carloads of ~~coal~~ bulk commodities which the department may specify that may be transported over the ~~said~~ railroad, and shall weigh the same at the request of

any owner, consignor, or consignee of such commodities, and furnish written certificates of such weights to such owner, consignor, or consignee ~~as hereinafter provided. Such track scales shall be so installed and maintained at all division stations along the line of such railroads within the state, and at such other stations as the department shall from time to time direct.~~

Sec. 81. Section four hundred seventy-nine point one hundred four (479.104), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.104 COMMODITY WEIGHING--DISAGREEMENT. If a railroad corporation and the owner, consignor, or consignee of bulk commodities which are specified by the department cannot reach agreement relative to the weighing of such commodities, appeal may be made to the board which shall, after hearing, issue such order as may be equitable to all parties. The order may include, but not be limited to allocation of installation costs and other costs and place and manner of weighing. The board may adopt rules for the administration of this section.

Sec. 82. Section four hundred seventy-nine point one hundred five (479.105), Code 1975, is amended to read as follows:

479.105 WEIGHT AT DESTINATION--FEE. Such ~~coal~~ bulk commodities designated by the department shall be weighed at destination upon request of consignee when there are track scales at such point. If not equipped with track scales at such point, then at nearest practicable point ~~enroute where such scales are maintained, and certificate of weight, showing actual gross, tare, and net weights, shall be furnished to consignee and settlement of freight charges based on these weights agreed to by both parties.~~ A reasonable charge of ~~not more than one dollar per car~~ may be made for such weighing on request.

Sec. 83. Section four hundred seventy-nine point one hundred six (479.106), Code 1975, is amended by striking the

section and inserting in lieu thereof the following:

479.106 WEIGHING COMMODITIES. The department may adopt rules establishing standards by which bulk commodities specified by the department shall be weighed. The rules shall include safety standards, accuracy, style and content of applicable forms and certificates to be used for weighing. Certificates of weight shall be furnished to the consignee and settlement of freight charges shall be based upon those weights but weight shall not be warranted for any other commercial purpose unless so stated upon its face. The department may enter into agreements with the department of agriculture for the administration of part or all of this section.

Sec. 84. Section four hundred seventy-nine point one hundred sixteen (479.116), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.116 RULES. The board shall prescribe by rule, pursuant to chapter seventeen A (17A) of the Code, such regulations as may be reasonably necessary for the orderly disposition of claims arising from loss or damage to property tendered for transportation.

Sec. 85. Chapter four hundred seventy-nine (479), Code 1975, is amended by adding the following new section:

NEW SECTION. An employee of the railroad division of the department designated by the director of the department may conduct spot inspections of vehicles subject to registration which are owned or operated by a railroad corporation to determine whether the vehicle is used to transport products or property which may be a safety hazard for the operator of the vehicle subject to registration or any other employee of the railroad corporation who is transported in the vehicle.

Sec. 86. Section four hundred eighty-one point one (481.1), Code 1975, is amended to read as follows:

481.1 BUILDINGS ON RAILROAD LANDS. When a disagreement arises between a railroad ~~company~~ corporation and the owner

of any building used for receiving, storing, or manufacturing any article of commerce transported or to be transported, situated on the railroad right of way or any land owned or controlled by the railroad company corporation for railroad purposes, as to the terms and conditions on which the same is to be continued thereon or removed therefrom, ~~or when application is made by any person, firm, or corporation for a site on such lands for the erection and maintenance of such improvements, and the railway company and the applicant cannot agree as to whether such improvement shall be placed on such lands, or as to the character and location of the buildings to be erected and maintained thereon, or as to the terms and conditions under which the same may be placed or operated,~~ such railway ~~company, person, firm, or~~ corporation or person may make written application to the department board and ~~such department the board~~ shall, ~~as speedily as possible after the filing of such application,~~ hear and determine such controversy and make such order in relation thereto as shall be just and equitable between the parties, which order shall be enforced in the same manner as other orders of the department board.

Sec. 87. Section four hundred eighty-one point three (481.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section thirty (30), is amended to read as follows:

481.3 SPUR TRACKS. Every railroad corporation 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 board, after hearing, shall have declared the same to be necessary.

Sec. 88. Section four hundred eighty-one point four (481.4), Code 1975, is amended to read as follows:

481.4 COST OF CONSTRUCTION. Such railroad company corporation may require the person ~~or persons, firm, corporation, or association~~ primarily to be served thereby to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary right of way for such spur track and of constructing the same as shall be determined in separate items by the department. Except as provided in section 481.5 provided, the total estimated cost thereof as ascertained by said department shall be deposited with the railroad company corporation before it shall be required to incur any expense ~~whatsoever therefor~~. If an agreement cannot be reached, the question shall be referred to the board which may after hearing issue an order.

Sec. 89. Section four hundred eighty-one point nine (481.9), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Board" means the transportation regulation board.

Sec. 90. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section one (1), is amended to read as follows:

SECTION 1. NEW SECTION. RAILROAD ASSISTANCE FUND ESTABLISHED. There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance to railroads for the upgrading railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way of railroad branch-lines restoration, conservation, and improvement of

railroad branch lines. Any unencumbered funds appropriated pursuant to Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred thirteen (1113), section thirteen (13), or other funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. Any moneys received by ~~the energy policy council or~~ the state department of transportation by agreements, grants, gifts, or other means from individuals, companies or other business entities, or ~~political subdivisions of the state~~ cities and counties for the purposes set forth for the fund established pursuant to this section shall be credited to the railroad assistance fund.

Sec. 91. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section two (2), is amended to read as follows:

SEC. 2. NEW SECTION. ASSISTANCE AGREEMENTS. ~~The energy policy council and, after the transfer of its duties pursuant to section seven (7) of this Act the~~ director of the department of transportation with the approval of the state transportation commission, may enter into agreements with railroads, the United States government, ~~individuals, companies or other business entities~~ persons, or ~~political subdivisions of the state~~ cities, counties, or railroad districts for carrying out the purposes of this Act. Agreements entered into between ~~the energy policy council or the~~ director of the department of transportation and railroad ~~companies~~ corporations pursuant to this section may require payment by the railroad corporation of a portion of increased revenue derived from the improved branch line into the railroad assistance fund. The board of supervisors of a county may enter into an agreement with the state department of transportation to receive a portion

of the payments made by a railroad corporation to the railroad assistance fund pursuant to this section. The amount received by a county shall not exceed the amount appropriated to the railroad assistance fund by the county pursuant to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section five (5).

Sec. 92. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section three (3), is amended to read as follows:

SEC. 3. NEW SECTION. FEDERAL FUNDS. ~~The energy policy council and the~~ state department of transportation ~~commission~~ may accept federal funds to carry out the provisions of this Act. All federal funds received under the provisions of this Act are appropriated for the purposes set forth in the federal grants.

Sec. 93. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section four (4), is amended to read as follows:

SEC. 4. NEW SECTION. RAILROAD ACCOUNTS. Agreements between the railroad ~~companies~~ corporations and ~~and the energy policy council or~~ the state department of transportation which do not require payment of a portion of the increased revenue derived from the improved branch line railroad to be paid by the railroad to the railroad assistance fund shall require that the railroad establish and maintain a separate railroad ~~company~~ corporation fund to which a specified portion of the increase in revenue derived from the improved railroad branch line shall be credited and that these funds shall be used by the railroad for improvement ~~of branch line railroad roadbed, track, track structure, and other appurtenances,~~ restoration, or conservation of railroad right-of-way railroad branch lines within the state. The terms and conditions governing the use of moneys in the special railroad ~~company~~ corporation fund shall be stipulated in the agreement. The agreement shall also stipulate a penalty for use of the funds

in a manner other than as set forth in the agreement.

Sec. 94. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section five (5), is amended to read as follows:

SEC. 5. NEW SECTION. COUNTY FUNDS. The board of supervisors of a county may with the approval of the ~~energy policy council, and after the transfer of its duties pursuant to section seven (7) of this Act, with the approval of the director~~ state department of transportation, appropriate funds from the county general fund to the railroad assistance fund. The county may, according to the provisions of section ninety-one (91) of this Act, receive a partial or total reimbursement for this appropriation. The money shall be used in accordance with this Act only for ~~upgrading railroad property conservation, restoration, or improvement of railroad branch lines~~ within the county providing the funds. In any year the amount of money transferred to the railroad assistance fund by a county shall not exceed the amount of property taxes levied against the railroad property within the county.

Sec. 95. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section six (6), is amended to read as follows:

SEC. 6. NEW SECTION. NO REVERSION OF FUNDS. Moneys deposited in the railroad assistance fund shall not be subject to sections eight point thirty-three (8.33) and eight point thirty-nine (8.39) of the Code. However, moneys credited to the fund by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be paid back to the city, county, or railroad district.

Sec. 96. Section three hundred seven point twenty-six (307.26), subsection three (3), Code 1975, is amended by striking paragraph c.

Sec. 97. Chapter four hundred eighty (480), Code 1975, is repealed.

Sec. 98. Sections three hundred sixty-four point ten (364.10), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section thirty-nine (39), four hundred seventy-four point thirteen (474.13), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section four (4), four hundred seventy-four point twenty-four (474.24), four hundred seventy-four point forty-nine (474.49), four hundred seventy-four point fifty-three (474.53), four hundred seventy-seven point fourteen (477.14), four hundred seventy-seven point thirty-seven (477.37), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section six (6), four hundred seventy-seven point thirty-eight (477.38), four hundred seventy-seven point thirty-nine (477.39), four hundred seventy-seven point forty (477.40), four hundred seventy-seven point forty-one (477.41), four hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four hundred seventy-eight point twenty-six (478.26), four hundred seventy-nine point seven (479.7), four hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point twenty-two (479.22), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-four (24), four hundred seventy-nine point twenty-three (479.23), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-five (25), four hundred seventy-nine point twenty-four (479.24), four hundred seventy-nine point twenty-five (479.25), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-six (26), four hundred seventy-nine point twenty-six (479.26), four hundred seventy-nine point twenty-seven (479.27), four hundred seventy-nine point twenty-eight (479.28), four hundred seventy-nine point thirty-

three (479.33), four hundred seventy-nine point thirty-six (479.36), four hundred seventy-nine point thirty-eight (479.38), four hundred seventy-nine point thirty-nine (479.39), four hundred seventy-nine point forty (479.40), four hundred seventy-nine point forty-one (479.41), four hundred seventy-nine point forty-two (479.42), four hundred seventy-nine point forty-three (479.43), four hundred seventy-nine point forty-four (479.44); four hundred seventy-nine point forty-seven (479.47), four hundred seventy-nine point forty-eight (479.48), four hundred seventy-nine point fifty-one (479.51), four hundred seventy-nine point fifty-three (479.53), four hundred seventy-nine point fifty-four (479.54), four hundred seventy-nine point fifty-nine (479.59), four hundred seventy-nine point seventy-one (479.71), four hundred seventy-nine point seventy-four (479.74), four hundred seventy-nine point one hundred (479.100), four hundred seventy-nine point one hundred nine (479.109), four hundred seventy-nine point one hundred ten (479.110), four hundred seventy-nine point one hundred eleven (479.111), four hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four hundred seventy-nine point one hundred fourteen (479.114), four hundred seventy-nine point one hundred fifteen (479.115), four hundred seventy-nine point one hundred seventeen (479.117), four hundred seventy-nine point one hundred eighteen (479.118), four hundred seventy-nine point one hundred twenty-one (479.121), four hundred seventy-nine point one hundred twenty-seven (479.127), 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 1480, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 28, 1976

ROBERT D. RAY
Governor