

Sen. Transportation 3/21 Do pass 3/22 (p. 632)

HOUSE FILE 2283

Transportation
Drake, Chairperson
Ashcraft
Robinson
Coleman
Hutchins

AR 1 1978

ce On Calendar

HOUSE FILE 2283

BY COMMITTEE ON TRANSPORTATION

(Formerly Study Bill 412)

Passed House, Date 3.20.78 (p. 1013) Passed Senate, Date 3.28.78 (p. 651)

Vote: Ayes 84 Nays 6 Vote: Ayes 46 Nays 0

Approved April 17, 1978

A BILL FOR

1 An Act relating to railroad spur tracks.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3
4
5
6
7
8
9
10
11
12
--

HOUSE FILE 2283

H-5694

1 Amend House File 2283 as follows:
2 1. Page 2, by inserting after line 2 the
3 following:
4 "Sec, _____, Section six hundred fourteen
5 point seventeen (614.17), Code 1977, is amended by
6 adding the following new paragraph:
7 NEW PARAGRAPH. The provisions of this section
8 shall not apply to reversions of railroad property
9 under the provisions of sections three hundred
10 twenty-seven G point seventy-six (327G.76) and
11 three hundred twenty-seven G point seventy-seven
12 (327G.77) of the Code.

H-5694 FILED *Not german* BY WYCKOFF of Benton
MARCH 20, 1978 *3/20 (p. 1072)* HARBOR of Mills
MILLER of Buchanan
EVANS of Grundy
HUSAK of Tama

1 Section 1. Section three hundred twenty-seven G point
2 sixty-one (327G.61), Code 1977, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 3. "Spur track" means a railroad track
5 located wholly within the state connected to a main or branch
6 line of a railroad and used to originate or terminate traffic
7 at one or more industries or a railroad track not subject
8 to the jurisdiction of the interstate commerce commission.
9 A spur track shall not include a railroad line used to provide
10 line-haul or intercity transportation.

11 Sec. 2. Section three hundred twenty-seven G point sixty-
12 four (327G.64), Code 1977, is amended by striking the section
13 and inserting in lieu thereof the following:

14 327G.64 SPUR TRACKS.

15 1. Every railroad corporation may acquire, by condemna-
16 tion or purchase, the necessary rights-of-way and may
17 construct, connect, operate and maintain a reasonably adequate
18 and suitable spur track if the construction and operation
19 is not unsafe and is in the public interest.

20 2. Any party may make application to the board to re-
21 quire a railroad corporation to construct a spur track. The
22 board shall consider the location, necessity and expense of
23 such a track and other equitable considerations.

24 3. A railroad coporation or any other party may make
25 application to the board for permission to discontinue service
26 on or remove a spur track. The board shall consider the loca-
27 tion, necessity and expense of maintaining such track and
28 other equitable considerations. The board may order the
29 railroad company to discontinue service or remove the spur
30 track, and may allocate the cost of removal between the parties
31 in an equitable manner.

32 4. Any action commenced under the provisions of subsec-
33 tion two (2) or three (3) of this section shall be completed
34 within one year from the effective date of the board order.
35 The board shall make a final determination of any action com-

1 menced under subsection two (2) or three (3) of this section
2 within one year from the date of the application.

3 Sec. 3. The provisions of this Act shall become effective
4 January 1, 1979.

5 EXPLANATION

6 This bill defines railroad spur track and provides pro-
7 cedures before the transportation regulation board for regu-
8 lation of the construction, operation or termination of such
9 tracks.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2283

AN ACT
RELATING TO RAILROAD SPUR TRACKS.

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

Section 1. Section three hundred twenty-seven G point sixty-one (327G.61), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "Spur track" means a railroad track located wholly within the state connected to a main or branch line of a railroad and used to originate or terminate traffic at one or more industries or a railroad track not subject to the jurisdiction of the interstate commerce commission. A spur track shall not include a railroad line used to provide line-haul or intercity transportation.

Sec. 2. Section three hundred twenty-seven G point sixty-four (327G.64), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

327G.64 SPUR TRACKS.

1. Every railroad corporation may acquire, by condemnation or purchase, the necessary rights-of-way and may construct, connect, operate and maintain a reasonably adequate and suitable spur track if the construction and operation is not unsafe and is in the public interest.

2. Any party may make application to the board to require a railroad corporation to construct a spur track. The board shall consider the location, necessity and expense of such a track and other equitable considerations.

3. A railroad corporation or any other party may make application to the board for permission to discontinue service on or remove a spur track. The board shall consider the location, necessity and expense of maintaining such track and other equitable considerations. The board may order the

railroad company to discontinue service or remove the spur track, and may allocate the cost of removal between the parties in an equitable manner.

4. Any action commenced under the provisions of subsection two (2) or three (3) of this section shall be completed within one year from the effective date of the board order. The board shall make a final determination of any action commenced under subsection two (2) or three (3) of this section within one year from the date of the application.

Sec. 3. The provisions of this Act shall become effective January 1, 1979.

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 2283, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 17, 1978

ROBERT D. RAY
Governor