

Reprinted 3/79

FEB 21 1979

HOUSE FILE 450

Place On Calendar

By COMMITTEE ON AGRICULTURE

(Formerly Study Bill 40)

Passed House, Date 3-12-79 (p. 879) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 80 Nays 15 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved June 5

# A BILL FOR

1 An Act relating to the responsibilities of a person who  
2 acquires a railroad right-of-way outside of a city  
3 or contiguous to agricultural land in a city.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

450

HOUSE FILE 450

H-3361

1 Amend House File 450 as follows:

2 1. Page 1, line 8, by inserting after the word  
3 "property" the words ", however, this requirement  
4 may be waived by a written agreement with the adjoining  
5 landowner if the agreement is revocable by either  
6 party at any time".

7 2. Page 1, by striking lines 24 through 28.

H-3361 FILED A-Adopted 3/12 (p. 878) BY PERKINS of Greene  
MARCH 9, 1979 B-Withdrawn

1 Section 1. NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG  
2 RIGHTS-OF-WAY. A person, including a state agency or political  
3 subdivision of the state, who acquires a railroad right-of-  
4 way after the effective date of this Act for a purpose other  
5 than farming has all of the following responsibilities  
6 concerning that right-of-way:

7 1. Construction, maintenance, and repair of the fence  
336/-8 on each side of the property.

9 2. Private crossings as provided for in section three  
10 hundred twenty-seven G point eleven (327G.11) of the Code.

11 3. Drainage as delineated in chapter four hundred sixty-  
12 five (465) of the Code.

13 4. Overhead, underground or multiple crossings in accord  
14 with section three hundred twenty-seven G point twelve  
15 (327G.12) of the Code.

16 5. Weed control in accord with chapter three hundred  
17 seventeen (317) of the Code.

18 This section does not absolve the property owners of other  
19 duties and responsibilities that they may be assigned as  
20 property owners by law. Subsection one (1) of this section  
21 does not apply to rights-of-way located on land within the  
22 corporate limits of a city except where the acquired right-  
23 of-way is contiguous to land assessed as agricultural land.

336/ 24 Sec. 2. This Act being deemed of immediate importance  
25 shall take effect from and after its publication in the  
26 *Griswold American*, a newspaper published in Griswold, Iowa,  
27 and in *The Cedar Valley Times*, a newspaper published in Vinton,  
28 Iowa.

29 EXPLANATION

30 The bill requires that anyone acquiring a railroad right-  
31 of-way for a purpose other than farming shall be responsible  
32 for fencing, crossings, drainage and weed control. The fencing  
33 is not required inside a city unless the contiguous land is  
34 assessed as agricultural land. This bill is effective upon  
35 publication.

House File 450

Agriculture  
Tieden, Chairperson  
E. Miller  
Hutchins

*3/16*  
*Do pass per 3334*  
*3/30 (p. 1631)*

HOUSE FILE 450

By COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House)

Passed House, Date 5-2-79 (p. 2011) Passed Senate, Date 4-25-79 (p. 1392)

Vote: Ayes 92 Nays 2 Vote: Ayes 43 Nays 0

Approved June 5, 1979

### A BILL FOR

1 An Act relating to the responsibilities of a person who  
2 acquires a railroad right-of-way outside of a city  
3 or contiguous to agricultural land in a city.

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

5  
6  
7  
8  
9

#### HOUSE FILE 450

S-3616

1 Amend House File 450 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 9, by striking the word "land-  
4 owner" and inserting in lieu thereof the word  
5 "landowner."  
6 2. Page 1, by striking line 10.

S-3616 FILED & ADOPTED (p. 1392) BY ARTHUR A. SMALL, JR.  
APRIL 25, 1979

#### HOUSE FILE 450

S-3334

1 Amend House File 450 as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 1, by striking line 1 and inserting in  
4 lieu thereof the following:  
5 "Section 1. Chapter three hundred twenty-seven  
6 G (327G), Code 1979, is amended by adding the following  
7 new section:  
8 NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG.  
9 2. Page 1, by striking lines 26 through 30.

S-3334 FILED *Adopted 4/17*  
MARCH 30, 1979 (p. 1220)

BY COMMITTEE ON AGRICULTURE  
IRVIN L. BERGMAN, CHAIRPERSON

3334-1 Section 1. NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG  
2 RIGHTS-OF-WAY. A person, including a state agency or political  
3 subdivision of the state, who acquires a railroad right-of-  
4 way after the effective date of this Act for a purpose other  
5 than farming has all of the following responsibilities  
6 concerning that right-of-way:

7 1. Construction, maintenance, and repair of the fence  
8 on each side of the property, however, this requirement may  
9 be waived by a written agreement with the adjoining landowner  
10 if the agreement is revocable by either party at any time.

11 2. Private crossings as provided for in section three  
12 hundred twenty-seven G point eleven (327G.11) of the Code.

13 3. Drainage as delineated in chapter four hundred sixty-  
14 five (465) of the Code.

15 4. Overhead, underground or multiple crossings in accord  
16 with section three hundred twenty-seven G point twelve  
17 (327G.12) of the Code.

18 5. Weed control in accord with chapter three hundred  
19 seventeen (317) of the Code.

20 This section does not absolve the property owners of other  
21 duties and responsibilities that they may be assigned as  
22 property owners by law. Subsection one (1) of this section  
23 does not apply to rights-of-way located on land within the  
24 corporate limits of a city except where the acquired right-  
25 of-way is contiguous to land assessed as agricultural land.

3334-2 Sec. 2. This Act being deemed of immediate importance  
28 Griswold American, a newspaper published in Griswold, Iowa,  
29 and in The Cedar Valley Times, a newspaper published in Vinton,  
30 Iowa.

31  
32  
33  
34  
35

SENATE AMENDMENT TO  
HOUSE FILE 450

H-4147

- 1 Amend House File 450 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 1 and inserting in
- 4 lieu thereof the following:
- 5 "Section 1. Chapter three hundred twenty-seven
- 6 G (327G), Code 1979, is amended by adding the following
- 7 new section:
- 8 NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG.
- 9 2. Page 1, line 9, by striking the word "land-
- 10 owner" and inserting in lieu thereof the word
- 11 "landowner."
- 12 3. Page 1, by striking line 10.
- 13 4. Page 1, by striking lines 26 through 30.

H-4147 FILED  
APRIL 27, 1979

RECEIVED FROM THE SENATE

*Senate concurred 5/2 (p. 2011)*

HOUSE FILE 450

H-4219

- 1 Amend the Senate amendment H-4147 to House File
- 2 450, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 12.
- 5 2. By renumbering as necessary.

H-4219 FILED *Lost 5/2 (p. 2011)* BY PERKINS of Greene  
MAY 1, 1979

HOUSE FILE 450

AN ACT

RELATING TO THE RESPONSIBILITIES OF A PERSON WHO ACQUIRES  
A RAILROAD RIGHT-OF-WAY OUTSIDE OF A CITY OR CONTIGUOUS  
TO AGRICULTURAL LAND IN A CITY.

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

Section 1. Chapter three hundred twenty-seven G (327G),  
Code 1979, is amended by adding the following new section:

NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG RIGHTS-  
OF-WAY. A person, including a state agency or political  
subdivision of the state, who acquires a railroad right-of-  
way after the effective date of this Act for a purpose other  
than farming has all of the following responsibilities  
concerning that right-of-way:

1. Construction, maintenance, and repair of the fence  
on each side of the property, however, this requirement may  
be waived by a written agreement with the adjoining landowner.
2. Private crossings as provided for in section three  
hundred twenty-seven G point eleven (327G.11) of the Code.
3. Drainage as delineated in chapter four hundred sixty-  
five (465) of the Code.
4. Overhead, underground or multiple crossings in accord  
with section three hundred twenty-seven G point twelve  
(327G.12) of the Code.
5. Weed control in accord with chapter three hundred  
seventeen (317) of the Code.

This section does not absolve the property owners of other  
duties and responsibilities that they may be assigned as  
property owners by law. Subsection one (1) of this section  
does not apply to rights-of-way located on land within the

corporate limits of a city except where the acquired right-  
of-way is contiguous to land assessed as agricultural land.

---

FLOYD H. MILLEN  
Speaker of the House

---

TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 450, Sixty-eighth General Assembly.

---

DAVID L. WRAY  
Chief Clerk of the House

Approved *June 5*, 1979

---

ROBERT D. RAY  
Governor