

Reprinted

FEB 16 1990

HOUSE FILE 2465
BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HF 2030)

Passed House, Date 2/23/90 (p.611) Passed Senate, Date 3/13/90 (p.1055)
Vote: Ayes 92 Nays 0 Vote: Ayes 47 Nays 0
Approved April 3, 1990

A BILL FOR

- 1 An Act relating to the removal of railway track from a grade
- 2 crossing once the railway corporation has abandoned the line
- 3 or permitted interim use for the establishment of a trail.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2465

H-5244

- 1 Amend House File 2465 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 327G.24 REMOVAL OF
- 5 TRACKS FROM CROSSINGS.
- 6 Upon consummation of an abandonment of a railway
- 7 line authorized under 49 U.S.C. § 10903, or upon
- 8 interim use of railroad rights-of-way to establish
- 9 appropriate trails pursuant to 16 U.S.C. § 1247(d), if
- 10 the railway tracks adjacent to a crossing have been
- 11 removed, but the railway tracks in the crossing have
- 12 not been removed, the city, county, or other
- 13 jurisdiction having authority over the highway,
- 14 street, or alley containing the crossing may remove
- 15 the tracks from the crossing."

By GRUHN of Dickinson

H-5244 FILED FEBRUARY 20, 1990
Adopted 2/23 (p.611)

HF 2465

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5244 amends all

1 Section 1. Section 327G.23, Code 1989, is amended to read
2 as follows:

3 327G.23 GRADE CROSSINGS -- REMOVAL OF TRACKS.

4 The department shall have jurisdiction over all crossings
5 at grade of railways within the state. Upon the application
6 of any railway or upon its own motion, the said department may
7 require the trains of any railway to stop at any crossing of
8 such railway tracks at grade or said department may make such
9 rules in relation to speed or other methods of operation at
10 such grade crossings as in its judgment are necessary to
11 protect the public safety. Upon consummation of an
12 abandonment of a railway line authorized under 49 U.S.C. §
13 10903, or upon interim use of railroad rights-of-way to
14 establish appropriate trails pursuant to 16 U.S.C. § 1247(d),
15 if the railway tracks adjacent to a crossing have been
16 removed, but the railway tracks in the crossing have not been
17 removed, the city, county, or other jurisdiction having
18 authority over the highway, street, or alley containing the
19 crossing may remove the tracks from the crossing.

20 EXPLANATION

21 The bill permits the jurisdiction having authority over a
22 highway, street, or alley to remove railroad tracks from a
23 crossing upon the consummation of a railway line abandonment
24 or upon the interim use of the railroad right-of-way as a
25 trail, if the railway tracks adjacent to the crossing have
26 been removed, but the railway tracks in the crossing have not
27 been removed.

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Transp. 2/26 Amend per 53674 Do Pass 3/6 (p 905)

HOUSE FILE 2465
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2030)

(As Amended and Passed by the House February 23, 1990)

Passed House, Date 3/20/90 (p. 1261) Passed Senate, Date 3/13/90 (p. 1055)
Vote: Ayes 91 Nays 0 Vote: Ayes 47 Nays 0
Approved April 3, 1990

A BILL FOR

1 An Act relating to the removal of railway track from a grade
2 crossing once the railway corporation has abandoned the line
3 or permitted interim use for the establishment of a trail.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

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1 Section 1. NEW SECTION. 327G.24 REMOVAL OF TRACKS FROM
2 CROSSINGS.

53673 Upon consummation of an abandonment of a railway line
4 authorized under 49 U.S.C. § 10903, or upon interim use of
5 railroad rights-of-way to establish appropriate trails
6 pursuant to 16 U.S.C. § 1247(d), if the railway tracks
7 adjacent to a crossing have been removed, but the railway
8 tracks in the crossing have not been removed, the city,
9 county, or other jurisdiction having authority over the
10 highway, street, or alley containing the crossing may remove
537311 the tracks from the crossing.

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HOUSE FILE 2465

S-5367

- 1 Amend House File 2465 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the figure
- 4 "10903" the following: "adopted as of a specific date
- 5 by rule by the department".
- 6 2. Page 1, line 6, by inserting after the figure
- 7 "1247(d)" the following: "adopted as of a specific
- 8 date by rule by the department".

By COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5367 FILED MARCH 6, 1990

Adopted 3/13 (p. 1055)

HOUSE FILE 2465

S-5373

- 1 Amend House File 2465, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "crossing." the following: "However, this section
- 5 shall not be construed as reducing the obligation or
- 6 liability of a railway corporation to remove the
- 7 railway tracks from the crossing."

By JEAN LLOYD-JONES

S-5373 FILED MARCH 6, 1990

Adopted 3/13 (p. 1055)

SENATE AMENDMENT TO HOUSE FILE 2465

H-5666

- 1 Amend House File 2465 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the figure
- 4 "10903" the following: "adopted as of a specific date
- 5 by rule by the department".
- 6 2. Page 1, line 6, by inserting after the figure
- 7 "1247(d)" the following: "adopted as of a specific
- 8 date by rule by the department".
- 9 3. Page 1, line 11, by inserting after the word
- 10 "crossing." the following: "However, this section
- 11 shall not be construed as reducing the obligation or
- 12 liability of a railway corporation to remove the
- 13 railway tracks from the crossing."
- 14 4. By renumbering, relettering, or redesignating
- 15 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5666 FILED MARCH 14, 1990

House Concurred 3/30 (p. 1260)

reducing the obligation or liability of a railway corporation to remove the railway tracks from the crossing.

HOUSE FILE 2465

AN ACT

RELATING TO THE REMOVAL OF RAILWAY TRACK FROM A GRADE CROSSING ONCE THE RAILWAY CORPORATION HAS ABANDONED THE LINE OR PERMITTED INTERIM USE FOR THE ESTABLISHMENT OF A TRAIL.

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

Section 1. NEW SECTION. 327G.24 REMOVAL OF TRACKS FROM CROSSINGS.

Upon consummation of an abandonment of a railway line authorized under 49 U.S.C. § 10903 adopted as of a specific date by rule by the department, or upon interim use of railroad rights-of-way to establish appropriate trails pursuant to 16 U.S.C. § 1247(d) adopted as of a specific date by rule by the department, if the railway tracks adjacent to a crossing have been removed, but the railway tracks in the crossing have not been removed, the city, county, or other jurisdiction having authority over the highway, street, or alley containing the crossing may remove the tracks from the crossing. However, this section shall not be construed as

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2465, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 3, 1990

TERRY E. BRANSTAD
Governor

HF 2465