

House File 239 - Introduced

HOUSE FILE 239

BY KAUFMANN

A BILL FOR

1 An Act relating to public utility crossings of railroad
2 rights-of-way.

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

1 Section 1. Section 476.27, subsection 1, paragraphs g and h,
2 Code 2019, are amended to read as follows:

3 *g.* "Railroad" or "railroad corporation" means a railroad
4 corporation as defined in [section 321.1](#), which is the
5 owner, operator, occupant, manager, or agent of a railroad
6 right-of-way or ~~the railroad corporation's successor in~~
7 interest any other entity created by a railroad. "Railroad" and
8 "railroad corporation" include an interurban railway.

9 *h.* "Railroad right-of-way" means one or more of the
10 following:

11 (1) A right-of-way or other interest in real estate that is
12 owned or operated by a railroad corporation, the trustees of a
13 railroad corporation, or ~~the successor in interest of any other~~
14 entity created by a railroad corporation.

15 (2) A right-of-way or other interest in real estate that is
16 occupied or managed by or on behalf of a railroad corporation,
17 the trustees of a railroad corporation, or ~~the successor in~~
18 interest of any other entity created by a railroad corporation,
19 including an abandoned railroad right-of-way that has not
20 otherwise reverted pursuant to [chapter 327G](#).

21 ~~(3) Another interest in a former railroad right-of-way that~~
22 ~~has been acquired or is operated by a land management company~~
23 ~~or similar entity.~~

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill modifies certain definitions in Code section
28 476.27, which prescribes conditions relating to the crossing
29 of railroad rights-of-way by public utilities. Code section
30 476.27 defines "railroad" or "railroad corporation" to
31 mean a railroad corporation which is the owner, operator,
32 occupant, manager, or agent of a railroad right-of-way or
33 successor in interest. "Railroad right-of-way" is defined
34 to mean one or more of the following: a right-of-way or
35 other interest in real estate that is owned or operated by a

1 railroad corporation, its trustees, or successor in interest; a
2 right-of-way or other interest in real estate that is occupied
3 or managed by or on behalf of a railroad corporation, its
4 trustees, or successor in interest; or another interest in
5 a former railroad right-of-way that has been acquired or is
6 operated by a land management company or similar entity.

7 The bill modifies the definitions of "railroad" and
8 "railroad right-of-way" in Code section 476.27 by replacing
9 references to a railroad corporation's "successor in
10 interest" with references to "any other entity created by a
11 railroad". The bill also removes interests in former railroad
12 rights-of-way acquired or operated by land management companies
13 from the definition of "railroad right-of-way".