

House Study Bill 697 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to crossings of rights-of-way owned by
2 successors in interest of railroad corporations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.27, subsection 3, paragraph a, Code
2 2020, is amended to read as follows:

3 a. (1) Notwithstanding subsection 2, rules adopted by the
4 board shall not prevent a railroad and a public utility other
5 than a public utility as provided in subparagraph (2) from
6 otherwise negotiating the terms and conditions applicable to
7 a crossing or the resolution of any disputes relating to such
8 crossing.

9 (2) Rules adopted by the board pursuant to subsection 2
10 prescribing the terms and conditions for a crossing shall apply
11 to facilities located within the railroad right-of-way of a
12 railroad corporation's successor in interest by any of the
13 following public utilities and the terms and conditions thereof
14 shall not be subject to negotiation:

15 (a) Municipally owned facilities.

16 (b) Unincorporated villages.

17 (c) Municipally owned waterworks.

18 (d) Joint water utilities.

19 (e) Rural water districts incorporated under chapter 357A
20 or 504.

21 (f) Cooperative water associations.

22 (g) Persons furnishing electricity to five or fewer
23 persons.

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 relates to crossings of rights-of-way owned by
28 successors in interest of railroad corporations.

29 Current law provides that, unless the parties agree
30 otherwise, a public utility that locates its facilities within
31 a right-of-way owned by a successor in interest of a railroad
32 corporation for a crossing shall pay the successor in interest
33 a one-time standard crossing fee of \$750 for each crossing.
34 The standard fee is in lieu of any license or any other fees or
35 charges to reimburse the successor in interest for the direct

1 expenses incurred by the successor in interest as a result of
2 the crossing. Current law also provides that such rules shall
3 not prevent a railroad and a public utility from otherwise
4 negotiating the terms and conditions applicable to a crossing
5 or the resolution of any related disputes.

6 The bill provides that rules adopted by the board
7 prescribing the terms and conditions for a crossing shall apply
8 to facilities located within the railroad right-of-way of a
9 railroad corporation's successor in interest by any of the
10 following without further or other negotiation: municipally
11 owned facilities, unincorporated villages, municipally owned
12 waterworks, joint water utilities, rural water districts
13 incorporated under Code chapter 357A or 504, cooperative water
14 associations, or persons furnishing electricity to five or
15 fewer persons.