

Senate File 2234 - Introduced

SENATE FILE 2234

BY SWEENEY

A BILL FOR

1 An Act relating to improvements to land in drainage and
2 levee districts, by providing for the construction or
3 reconstruction of drainage tile lines by railroad companies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.109, Code 2020, is amended to read
2 as follows:

3 **468.109 Construction across railroad.**

4 Whenever the board of supervisors shall have established
5 any levee, or drainage district, or change of any natural
6 watercourse and the levee, ditch, drain, or watercourse as
7 surveyed and located crosses the right-of-way of any railroad
8 company, the county auditor shall immediately cause to be
9 served upon ~~such~~ the railroad company, in the manner provided
10 for the service of original notices, a notice in writing
11 stating the nature of the improvement to be constructed, the
12 place where it will cross the right-of-way of such company,
13 and the full requirements for its complete construction across
14 ~~such~~ the right-of-way as shown by the plans, specifications,
15 plat, and profile of the engineer appointed by the board, and
16 directing ~~such~~ the company to construct ~~such~~ the improvement
17 according to said plans and specifications at the place
18 designated, across its right-of-way, and to build and construct
19 or rebuild and reconstruct the necessary drainage tile line,
20 culvert, or bridge where any ditch, drain, or watercourse
21 crosses its right-of-way, so as not to obstruct, impede, or
22 interfere with the free flow of the water therein, within
23 thirty days from the time of the service of such notice upon
24 it.

25 Sec. 2. Section 468.110, Code 2020, is amended to read as
26 follows:

27 **468.110 Duty to construct.**

28 Upon receiving the notice provided in [section 468.109](#), ~~such~~
29 the railroad company shall construct the improvement across
30 its right-of-way according to the plans and specifications
31 prepared by the engineer for ~~said district~~ the board, and build
32 or rebuild the necessary drainage tile line, culvert, or bridge
33 and complete the same within the time specified.

34 Sec. 3. Section 468.111, Code 2020, is amended to read as
35 follows:

1 **468.111 Bridges at natural waterway — costs.**

2 The cost of building, rebuilding, constructing,
3 reconstructing, changing, or repairing, as the case may be,
4 any drainage tile line, culvert, or bridge, when ~~such~~ the
5 improvement is located at the place of the natural waterway
6 or place provided by the railroad company for the flow of the
7 water, shall be borne by ~~such~~ the railroad company without
8 reimbursement therefor.

9 Sec. 4. Section 468.113, Code 2020, is amended to read as
10 follows:

11 **468.113 Cost of construction across railway.**

12 The cost of constructing the improvement across the
13 right-of-way of ~~such~~ the railroad company, not including
14 the cost of building or rebuilding and constructing or
15 reconstructing any necessary drainage tile line, culvert, or
16 bridge, when ~~such~~ the improvement is located at the place of
17 the natural waterway or place provided by the railroad company
18 for the flow of the water, shall be considered as an element
19 of ~~such~~ the company's damages by the appraiser to appraise
20 damages.

21

EXPLANATION

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

24 This bill provides for improvements to land which is part
25 of a drainage or levee district as established by a board of
26 supervisors (board), and which may include land owned by a
27 railroad company (company). The board may notify a company to
28 construct or reconstruct a culvert or bridge that intersects
29 with a railroad right-of-way so as not to interfere with the
30 drainage of surface water. The company must comply with the
31 terms of the board's notice at the company's expense. The bill
32 provides that the same procedure governs the construction or
33 reconstruction of a drainage tile line.