

Senate File 403 - Introduced

SENATE FILE 403

BY SHIPLEY

A BILL FOR

1 An Act relating to the payment of costs by railroad track
2 owners and railroad corporations for certain railroad
3 construction, maintenance, and other related projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 312.2, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. The treasurer of state shall before making the allotments
4 in ~~subsection 1 credit annually to the highway grade crossing~~
5 ~~safety fund the sum of seven hundred thousand dollars, credit~~
6 ~~annually from the road use tax fund the sum of nine hundred~~
7 ~~thousand dollars to the highway railroad grade crossing surface~~
8 ~~repair fund, credit monthly to the primary road fund the~~
9 dollars yielded from an allotment of sixty-five hundredths of
10 one percent of all road use tax funds for the express purpose
11 of carrying out section 307.24, subsection 5, section 313.4,
12 subsection 2, and section 307.45, and credit annually to the
13 primary road fund the sum of five hundred thousand dollars to
14 be used for paying expenses incurred by the state department
15 of transportation other than expenses incurred for extensions
16 of primary roads in cities. All unobligated funds provided by
17 this subsection, ~~except those funds credited to the highway~~
18 ~~grade crossing safety fund, shall at the end of each year~~
19 ~~revert to the road use tax fund. Funds in the highway grade~~
20 ~~crossing safety fund shall not revert to the road use tax~~
21 ~~fund except to the extent they exceed five hundred thousand~~
22 ~~dollars at the end of any biennium. The cost of each highway~~
23 ~~railroad grade crossing repair project shall be allocated in~~
24 ~~the following manner:~~

25 ~~a. Twenty percent of the project cost shall be paid by the~~
26 ~~railroad company.~~

27 ~~b. Twenty percent of the project cost shall be paid by the~~
28 ~~highway authority having jurisdiction of the road crossing the~~
29 ~~railroad.~~

30 ~~c. Sixty percent of the project cost shall be paid from the~~
31 ~~highway railroad grade crossing surface repair fund.~~

32 Sec. 2. Section 327F.13, subsection 7, Code 2023, is amended
33 to read as follows:

34 7. ~~This section~~ only applies to a location where a
35 close-clearance warning device is required to be placed

1 pursuant to rules of the department ~~when funds are available~~
2 ~~from the department to reimburse the owner of the railroad~~
3 ~~track for the cost of the close-clearance warning device,~~
4 ~~including cost of installation.~~ The owner of the railroad
5 track is responsible for costs associated with placing warning
6 devices under this section.

7 Sec. 3. Section 327G.11, Code 2023, is amended to read as
8 follows:

9 **327G.11 Private farm crossings.**

10 When a person owns farmland on both sides of a railway, or
11 when a railway runs parallel with a public highway thereby
12 separating a farm from such highway, the corporation owning
13 or operating the railway, on request of the owner of the
14 farmland, shall construct and maintain a safe and adequate farm
15 crossing or roadway across the railway and right-of-way at such
16 reasonable place as the owner of the farmland may designate.
17 A private farm crossing established or installed pursuant to
18 this section shall be used solely for farming or agricultural
19 purposes. The railroad corporation is responsible for costs
20 associated with constructing and maintaining the farm crossing.

21 Sec. 4. Section 327G.15, subsections 1 and 2, Code 2023, are
22 amended to read as follows:

23 1. ~~Wherever a railway track crosses or shall hereafter cross~~
24 ~~a highway, street or alley, the railway corporation owning such~~
25 ~~track and the~~ The department, in the case of primary highways
26 crossed by railway tracks, the board of supervisors of the
27 county in which ~~such~~ a crossing is located, in the case of
28 secondary roads crossed by railway tracks, or the city council
29 of the city in which a crossing is located, in the case of
30 streets and alleys ~~located~~ crossed by railway tracks within
31 a city, may agree with the railroad corporation owning such
32 tracks upon the location, manner, vacation, physical structure,
33 and characteristics ~~and maintenance~~ of the crossing and flasher
34 lights or gate arm signals at the crossing and allocation of
35 costs thereof. ~~The department shall become a party to the~~

1 ~~agreement if grade crossing safety funds are to be used. Up to~~
2 ~~seventy five percent of the maintenance cost of flasher lights~~
3 ~~or gate arm signals at the crossing and an unlimited portion of~~
4 ~~the cost of installing flasher lights or gate arm signals at~~
5 ~~the crossing may be paid from the grade crossing safety fund.~~

6 2. ~~Notwithstanding other provisions of this section,~~ The
7 construction of a crossing and the installation and maintenance
8 of flasher lights or gate signals installed or ordered to be
9 installed before July 1, 1973, shall be assumed wholly by the
10 railroad corporation.

11 Sec. 5. Section 327G.15, subsection 3, Code 2023, is amended
12 by striking the subsection.

13 Sec. 6. Section 327G.24, Code 2023, is amended to read as
14 follows:

15 **327G.24 Removal of tracks from crossings.**

16 Upon consummation of an abandonment of a railway line
17 authorized under 49 U.S.C. §10903 adopted as of a specific date
18 by rule by the department, or upon interim use of railroad
19 rights-of-way to establish appropriate trails pursuant to 16
20 U.S.C. §1247(d) adopted as of a specific date by rule by the
21 department, if the railway tracks adjacent to a crossing have
22 been removed, but the railway tracks in the crossing have not
23 been removed, the city, county, or other jurisdiction having
24 authority over the highway, street, or alley containing the
25 crossing may remove the tracks from the crossing. However,
26 this section shall not be construed as reducing the obligation
27 or liability of a railway railroad corporation to remove the
28 railway tracks from the crossing. The railroad corporation
29 is responsible for all costs associated with removing railway
30 tracks from crossings including all costs incurred by a city,
31 county, or other jurisdiction with authority that removes
32 railway tracks.

33 Sec. 7. Section 327G.30, subsection 1, Code 2023, is amended
34 to read as follows:

35 1. If a grade crossing surface of a railroad track and a

1 highway, street, or alley shall require repairs or maintenance,
2 the costs for the maintenance ~~may be paid as provided in~~
3 ~~section 312.2, subsection 2~~ shall be assumed wholly by the
4 railroad corporation that owns the track.

5 Sec. 8. Section 327G.30, subsections 2 and 3, Code 2023, are
6 amended by striking the subsections.

7 Sec. 9. Section 327G.81, subsection 1, unnumbered paragraph
8 1, Code 2023, is amended to read as follows:

9 A Other than as provided in subsection 1A, a person,
10 including a state agency or political subdivision of the state,
11 who acquires a railroad right-of-way after July 1, 1979,
12 for a purpose other than farming has all of the following
13 responsibilities concerning that right-of-way:

14 Sec. 10. Section 327G.81, Code 2023, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 1A. A railroad corporation that transfers
17 a railroad right-of-way to a person who is not a railroad
18 corporation is responsible for the costs associated with the
19 construction and repair of the fence on each side of the
20 property, private crossings as provided for in section 327G.11,
21 drainage as delineated in chapter 468, subchapter V, and
22 overhead, underground, or multiple crossings in accord with
23 section 327G.12. All such construction and repair shall be
24 completed by the railroad corporation prior to the transfer of
25 the right-of-way, unless a different schedule is agreed to by
26 the person acquiring the right-of-way.

27 Sec. 11. REPEAL. Sections 327G.19 and 327G.29, Code 2023,
28 are repealed.

29 Sec. 12. TRANSFER OF REMAINING MONEYS. There is transferred
30 from the highway grade crossing safety fund established under
31 section 327G.19 and highway railroad grade crossing surface
32 repair fund established under section 327G.29 to the road
33 use tax fund created in section 312.1 all unencumbered or
34 unobligated moneys remaining on the effective date of this Act.

35

EXPLANATION

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

3 Current law requires the owner of a railroad track to
4 place certain warning devices (Code section 327F.13 —
5 close-clearance warning devices; Code section 327G.15 —
6 signals and gate arms at railway and highway crossings at
7 grade). Railroad corporations are required to, among other
8 things, construct and maintain private farm crossings (Code
9 section 327G.11); construct crossings that intersect highways
10 at grade (Code section 327G.15); remove unused crossings
11 that intersect highways (Code section 327G.24); and maintain
12 certain improvements along the railroad track rights-of-way
13 (Code section 327G.81). A railroad corporation is eligible to
14 agree with the department of transportation (DOT) and the local
15 government entity with jurisdiction over the relevant area
16 about certain costs, and the DOT must assist with the project
17 by paying a portion of the cost for the work, if moneys are
18 available, from the highway railroad grade crossing surface
19 repair fund.

20 This bill requires the owner of a railroad track or a
21 railroad corporation, as applicable, to bear the cost of the
22 responsibilities detailed in the bill without assistance from
23 the DOT or another governmental entity.

24 The bill requires a railroad corporation that transfers
25 a railroad right-of-way to a person who is not a railroad
26 corporation to pay the costs associated with the related
27 right-of-way improvements prior to the transfer, or on a
28 schedule agreed to by the transferee.

29 The bill strikes or repeals all provisions relating to the
30 highway grade crossing safety fund and the highway railroad
31 grade crossing surface repair fund. Any moneys remaining in
32 the repealed funds are transferred to the road use tax fund.