

House File 2227 - Introduced

HOUSE FILE 2227
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 526)

A BILL FOR

1 An Act relating to land restoration following the initial
2 construction of electric transmission lines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 478.18, Code 2026, is amended to read as
2 follows:

3 **478.18 Supervision of construction — location.**

4 1. The utilities commission shall have power of supervision
5 over the construction of a transmission line and over its future
6 operation and maintenance, including inspections for compliance
7 with the standards adopted under section 478.34 after restoration
8 of the land is complete.

9 2. A transmission line shall be constructed near and parallel
10 to roads, to the right-of-way of the railways of the state,
11 or along the division lines of the lands, according to
12 the government survey, wherever the same is practicable and
13 reasonable, and so as not to interfere with the use by the
14 public of the highways or streams of the state, nor unnecessarily
15 interfere with the use of any lands by the occupant.

16 3. The utilities commission may contract a qualified
17 individual for the purpose of inspections authorized under
18 section 478.34. The reasonable cost of the inspection shall
19 be paid by the electric transmission owner. The utilities
20 commission shall instruct the inspector appointed by the
21 commission regarding the content of the statutes and rules
22 and the responsibility of the inspector to require restoration
23 conforming with the applicable standards established in section
24 478.34. For purposes of this section, "qualified individual"
25 means the same as defined in section 478.34.

26 Sec. 2. NEW SECTION. **478.34 Land restoration.**

27 1. As used in this section, unless the context otherwise
28 requires:

29 a. "Electric transmission line" means a high-voltage electric
30 transmission line with a capacity of two hundred kilovolts
31 or more that has been approved on or after July 1, 2022,
32 for construction in a federally registered planning authority
33 transmission plan with costs allocated regionally.

34 b. "Electric transmission owner" means an individual or
35 entity who owns and maintains an electric transmission line.

1 c. "Landowner" means the same as defined in section 478.2.

2 d. "Qualified individual" means someone who is capable and
3 knowledgeable enough to determine compliance with the standards
4 set forth in this section.

5 2. The commission shall adopt rules pursuant to chapter 17A
6 to administer this section, which shall include rules regarding
7 the restoration of agricultural lands following the initial
8 construction of an electric transmission line, as specified in
9 subsection 3.

10 3. The commission shall adopt rules to implement the
11 following requirements, which shall not apply within the
12 corporate limits of a city or to any construction, activity, or
13 electric transmission lines other than the initial construction
14 of an electric transmission line with a voltage of two hundred
15 or more kilovolts and for which an election to construct has been
16 made under this section:

17 a. An electric transmission owner shall repair a damaged
18 underground drain tile as soon as practicable during construction
19 of the electric transmission line. Permanent repairs to the
20 damaged underground drain tile shall be completed as soon as
21 practicable after the initial construction of the electric
22 transmission line is complete. The repairs made to the damaged
23 drain tile shall be of at least equal quality, size, and flow
24 capacity of the original drain tile.

25 b. Following the initial construction of an electric
26 transmission line, the electric transmission owner shall remove
27 from the easement area all rock larger than three inches in
28 average diameter not native to the soil of the excavated land.
29 The rock removed from the excavated land that cannot be used
30 to backfill shall be disposed of at a location and in a manner
31 agreed upon by the electric transmission owner and the landowner.

32 c. Upon completion of construction activities on a property,
33 the electric transmission owner shall deep till agricultural
34 land, including right-of-way access points or roads traversed by
35 heavy construction equipment, to alleviate soil compaction. The

1 land shall be tilled at least eighteen inches deep in land used
2 for crop production and twelve inches deep in other lands unless
3 otherwise agreed to by the landowner.

4 d. Upon completion of the electric transmission line, the
5 electric transmission owner shall restore the soil conservation
6 practices and structures damaged during construction of the
7 electric transmission line to the elevation and grade existing
8 on the land prior to the construction. The soil used to
9 repair embankments intended to retain water shall be well
10 compacted. Any vegetation disturbed during construction shall be
11 reestablished, including cover crops when appropriate.

12 e. Following compaction of the land, agricultural land that
13 is not in row crop or small grain production at the time of
14 construction, including hay ground and land in conservation or
15 set-aside programs, shall be reseeded and a cover crop shall
16 be utilized when appropriate. Seeding for cover crops may be
17 delayed if the construction of the electric transmission line
18 is completed too late in the year for a cover crop to become
19 established and is not required if the land will be tilled in
20 the following year. The landowner may request ground cover to
21 prevent soil erosion in areas where construction on the electric
22 transmission line is completed if the season is not suitable for
23 seeding a cover crop.

24 f. Unless agreed upon by the electric transmission owner
25 and the landowner, the electric transmission owner shall remove
26 field entrances or temporary roads built for the purpose of
27 constructing the electric transmission line upon the completion
28 of the initial construction and restore the area to its previous
29 use.

30 g. An electric transmission owner shall use good utility
31 practices for constructing the electric transmission line in
32 wet conditions, such as electing to use matting or padding
33 when utilizing heavy equipment. An electric transmission owner
34 shall grade and till any rutted land to restore, to the extent
35 practicable, the original condition of the land prior to the

1 construction of the electric transmission line. If agreed
2 upon by the electric transmission owner and the landowner, the
3 landowner may repair any damage caused by construction activities
4 in wet conditions and the electric transmission owner shall
5 reimburse the landowner for the reasonable cost incurred to
6 repair the damage. If an electric transmission owner utilizes
7 heavy equipment in wetlands or mudflats, mats or other measures
8 shall be utilized to minimize soil disturbance.

9 h. For each electric transmission line, the electric
10 transmission owner shall designate a point of contact for
11 inquiries or claims from an affected person. The designation
12 shall include a name, a telephone number, an email address, and
13 an address.

14 4. a. If an electric transmission owner and a landowner
15 dispute a potential violation of the restoration standards
16 provided in subsection 3, the commission may appoint a qualified
17 individual to inspect the property for compliance. If the
18 qualified individual determines that there has been a violation
19 of the applicable restoration standards, the commission shall
20 provide oral notice, followed by written notice, to the electric
21 transmission owner and the contractor operating for the electric
22 transmission owner and order corrective action to comply with the
23 restoration standards. The electric transmission owner shall be
24 responsible for the costs of the corrective action.

25 b. If the electric transmission owner or the contractor
26 for the electric transmission owner does not comply with a
27 valid order for corrective action issued by the commission, the
28 commission may issue an order requiring corrective action to be
29 taken and may impose civil penalties under section 478.29.

30 c. The commission shall instruct the inspector appointed by
31 the commission regarding the content of the statutes and rules
32 and the responsibility of the inspector to require restoration
33 conforming with the standards established in subsection 3.

34 5. a. A petitioner for a franchise for an electric
35 transmission line shall file with the petition a written land

1 restoration plan that documents how the requirements and rules of
2 subsection 3 will be met. The petitioner shall provide a copy of
3 the plan to all landowners of property that will be disturbed by
4 the initial construction.

5 b. Nothing in this section shall preclude the application
6 of provisions for protecting or restoring property that are
7 different than those prescribed in subsection 3, in rules adopted
8 under subsection 3, or in the land restoration plan, if the
9 alternative provisions are contained in agreements independently
10 executed by the electric transmission owner and the landowner.
11 Independent agreements for land restoration between the electric
12 transmission owner and the landowner shall be in writing and
13 provided to the commission.

14 c. The commission may by waiver allow variations from the
15 requirements of subsection 3 if the electric transmission owner
16 requesting a waiver satisfies the standards set forth in section
17 17A.9A and if the alternative methods proposed by the electric
18 transmission owner would restore the land to a condition as good
19 as or better than as provided for in subsection 3.

20 d. The commission may waive preparation of a separate land
21 restoration plan if the electric transmission owner enters into
22 an agricultural impact mitigation plan or similar agreement
23 with the appropriate agencies of this state that satisfies the
24 requirements of subsection 3. If a mitigation plan or agreement
25 is used to fully or partially meet the requirements of a land
26 restoration plan, the statement or agreement shall be filed with
27 the commission and shall be considered to be, or to be part of,
28 the land restoration plan for purposes of subsection 3.

29 6. Nothing in this section shall limit, expand, or otherwise
30 modify the rights of access and obligations for damages set forth
31 in section 478.17.

32 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
33 importance, takes effect upon enactment.

34 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
35 retroactively to transmission lines included in a federally

1 registered planning authority long-term transmission plan
2 approved on or after July 1, 2022.

3 EXPLANATION

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

6 This bill relates to land restoration following the initial
7 construction of electric transmission lines.

8 The bill directs the commission to adopt rules to implement
9 the land restoration requirements after initial construction of
10 an electric transmission line as set forth in the bill.

11 The bill requires electric transmission owners to repair drain
12 tiles damaged during construction as soon as practicable and to
13 complete permanent repairs as soon as practicable after initial
14 construction. The permanent repairs must be of the same quality,
15 size, and flow capacity as the original drain tile.

16 The bill requires electric transmission owners to remove all
17 nonnative rocks larger than three inches in diameter from the
18 easement area. The disposal of rock that cannot be used as
19 backfill must be done at a location and in a manner agreed to
20 between the electric transmission owner and the landowner.

21 The bill requires the electric transmission owner to
22 till agricultural land affected by construction, including
23 right-of-way access points or roads, after electric transmission
24 line construction activities are completed on the affected
25 property. The land must be tilled at least 18 inches deep in
26 land used for crop production and 12 inches deep in all other
27 land, unless otherwise agreed to by the landowner.

28 The bill requires the electric transmission owner to restore
29 soil conservation practices and structures damaged during
30 construction to their previous state, compact the soil used to
31 repair embankments intended to retain water, and reestablish any
32 vegetation disturbed during construction, including cover crops.

33 The bill requires the electric transmission owner to reseed
34 the agricultural land, excluding row crops and small grain
35 production, following compaction of the land. Seeding for cover

1 crops may be delayed if construction is completed too late in
2 the year, and is not required if the land will be tilled the
3 following year. When the season is not suitable for the seeding
4 of cover crops, the landowner may request ground cover to prevent
5 soil erosion.

6 The bill requires the electric transmission owner to remove
7 all field entrances and temporary roads used during construction
8 and to restore the areas to their previous state following the
9 completion of the initial construction.

10 The bill requires the electric transmission owner to use good
11 practices when constructing in wet conditions and to grade and
12 till any rutted land in order to restore the land to its original
13 condition to the extent practicable. Additionally, the bill
14 allows the landowner to repair damage caused by construction
15 in wet conditions. The electric transmission owner shall then
16 reimburse the landowner for reasonable costs of repair. The
17 bill requires an electric transmission owner to utilize mudflats,
18 mats, or other measures to minimize soil disturbance when using
19 heavy equipment in wetlands.

20 The bill requires the electric transmission owner to provide
21 contact information to all persons affected by the construction
22 of each transmission line.

23 The bill allows the commission to appoint an inspector to
24 determine compliance with restoration standards in the event
25 the electric transmission owner and the landowner dispute over
26 potential violations. The cost of the inspection shall be paid
27 by the electric transmission owner. If the inspector determines
28 there have been violations of the restoration standards, the
29 commission will provide oral and written notice to the electric
30 transmission owner. The commission will order corrective actions
31 be taken to comply with the standards. The costs of the
32 corrective actions will be borne by the electric transmission
33 owner.

34 The bill allows the commission to issue an order requiring
35 corrective action and impose civil penalties if the electric

1 transmission owner or its contractor do not comply with the
2 required standards.

3 The bill requires the commission to instruct the inspectors on
4 the statutes, rules, and responsibilities regarding restoration
5 standards.

6 The bill requires petitioners for a franchise for electric
7 transmission construction to file a land restoration plan
8 outlining how the construction will conform to the required
9 standards. The restoration plan will also be provided to all
10 property owners affected by the construction.

11 The bill allows alternative provisions in independent
12 agreements with landowners regarding protecting or restoring
13 property as long as these provisions are in writing and are
14 provided to the commission.

15 The bill allows electric transmission owners to propose
16 alternate methods of land restoration to the commission.
17 The commission, by waiver, may allow variations to the land
18 restoration requirements if the proposed alternate methods would
19 restore the land to a condition as good or better than those
20 required by the bill.

21 The bill allows the commission to waive the preparation of
22 a separate land restoration plan, in whole or in part, if the
23 electric transmission owner satisfies the requirements through
24 similar agreement with other agencies in the state. The relevant
25 agreements must be filed with the commission.

26 The bill does not limit, expand, or otherwise modify the
27 rights of access and obligations for damages set forth in Code
28 section 478.17.

29 The bill takes effect upon enactment.

30 The bill applies retroactively to an electric transmission
31 line included in a federally registered planning authority
32 long-term transmission plan approved on or after July 1, 2022.