

**House File 491 - Introduced**

HOUSE FILE 491  
BY GOLDING, THOMPSON, HAYES,  
HENDERSON, and ANDREWS

**A BILL FOR**

1 An Act concerning common carriers and including effective date  
2 and applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 6A.21, subsection 1, Code 2025, is amended  
2 to read as follows:

3 1. Except as otherwise provided, for purposes of this chapter  
4 and chapter 6B:

5 a. "Aboveground merchant line" means "merchant line" as  
6 defined in section 478.6A, subsection 1, excluding those merchant  
7 lines that are underground.

8 b. "Agricultural land" means real property owned by a person  
9 in tracts of ten acres or more and not laid off into lots  
10 of less than ten acres or divided by streets and alleys into  
11 parcels of less than ten acres, and that has been used for  
12 the production of agricultural commodities during three out of  
13 the past five years. Such use of property includes, but is  
14 not limited to, the raising, harvesting, handling, drying, or  
15 storage of crops used for feed, food, seed, or fiber; the care  
16 or feeding of livestock; the handling or transportation of crops  
17 or livestock; the storage, treatment, or disposal of livestock  
18 manure; and the application of fertilizers, soil conditioners,  
19 pesticides, and herbicides on crops. Agricultural land includes  
20 land on which is located farm residences or outbuildings used for  
21 agricultural purposes and land on which is located facilities,  
22 structures, or equipment for agricultural purposes. Agricultural  
23 land includes land taken out of agricultural production for  
24 purposes of environmental protection or preservation.

25 c. "Commodity" means a product that is used by an individual  
26 consumer or is used to produce a product used by an individual  
27 consumer.

28 d. "Common carrier" means a commercial enterprise that holds  
29 itself out as ready to engage in the transportation of goods  
30 or passengers for hire, as a public employment, and not as a  
31 casual occupation, and that undertakes to carry for all persons  
32 indifferently, within the limits of the enterprise's capacity and  
33 the sphere of business required of it. For a carrier engaged in  
34 the transportation of a hazardous liquid to qualify as a common  
35 carrier, the carrier must establish by clear and convincing

1 evidence that it will transport a commodity for one or more  
2 shippers not affiliated with the carrier who will either retain  
3 ownership of the commodity or sell the commodity to a party other  
4 than the carrier. A common carrier determination by the federal  
5 energy regulatory commission shall be controlling for purposes of  
6 this paragraph.

7 ~~e.~~ e. "Private development purposes" means the construction  
8 of, or improvement related to, recreational trails, recreational  
9 development paid for primarily with private funds, aboveground  
10 merchant lines, housing and residential development, or  
11 commercial or industrial enterprise development.

12 ~~d.~~ f. "Public use" or "public purpose" or "public  
13 improvement" does not include the authority to condemn  
14 agricultural land for private development purposes unless the  
15 owner of the agricultural land consents to the condemnation.

16 Sec. 2. Section 6A.24, Code 2025, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 4. Notwithstanding subsection 3, an  
19 acquiring agency proposing to acquire property by eminent domain  
20 pursuant to a grant under chapter 479B shall have the burden of  
21 establishing by clear and convincing evidence that the proposed  
22 use meets the definition of a public use, public purpose, or  
23 public improvement.

24 Sec. 3. Section 479B.16, subsection 1, Code 2025, is amended  
25 to read as follows:

26 1. A pipeline company granted a pipeline permit shall,  
27 subject to subsection 4, be vested with the right of eminent  
28 domain, to the extent necessary and as prescribed and approved  
29 by the commission, not exceeding seventy-five feet in width for  
30 right-of-way and not exceeding one acre in any one location in  
31 addition to right-of-way for the location of pumps, pressure  
32 apparatus, or other stations or equipment necessary to the proper  
33 operation of its pipeline. The commission may grant additional  
34 eminent domain rights ~~where~~ when the pipeline company has  
35 presented sufficient evidence to adequately demonstrate that a

1 greater area is required for the proper construction, operation,  
2 and maintenance of the pipeline or for the location of pumps,  
3 pressure apparatus, or other stations or equipment necessary to  
4 the proper operation of its pipeline.

5 Sec. 4. Section 479B.16, Code 2025, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 4. A pipeline company granted a pipeline  
8 permit shall not be vested with the right of eminent domain  
9 unless the pipeline company is a common carrier, as defined in  
10 section 6A.21.

11 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate  
12 importance, takes effect upon enactment.

13 Sec. 6. APPLICABILITY. This Act applies to condemnation  
14 proceedings for which the application filed under section 6B.3 is  
15 filed on or after the effective date of this Act.

16 EXPLANATION

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

19 This bill defines a common carrier for purposes of Code  
20 chapters 6A (eminent domain law) and 6B (procedure under eminent  
21 domain) as a commercial enterprise that transports goods or  
22 passengers for hire as a public employment. A carrier that  
23 transports hazardous liquid only qualifies as a common carrier  
24 if the carrier transports a commodity, defined as a product  
25 that is used by an individual consumer or used to produce a  
26 product used by an individual consumer, for one or more shippers  
27 that are unaffiliated with the carrier and will not sell the  
28 hazardous liquid to the carrier. The federal energy regulatory  
29 commission's determination on whether a carrier qualifies as a  
30 common carrier is controlling.

31 Under current law, when a property owner or an acquiring  
32 agency seeks judicial review of an exercise of eminent domain,  
33 an acquiring agency must prove by a preponderance of the evidence  
34 that the definition of public use, public purpose, or public  
35 improvement is met. The bill provides that an acquiring agency

1 seeking to use eminent domain pursuant to a grant under Code  
2 chapter 479B (hazardous liquid pipelines and storage facilities)  
3 must prove by clear and convincing evidence that the exercise  
4 of eminent domain meets the definition of a public use, public  
5 purpose, or public improvement.

6 The bill prohibits a pipeline company from being vested with  
7 the right of eminent domain unless the pipeline company qualifies  
8 as a common carrier.

9 The bill takes effect upon enactment and applies to  
10 condemnation proceedings for which the application is filed on or  
11 after the effective date of the bill.

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