

**House File 729 - Introduced**

HOUSE FILE 729  
BY DETERMANN

**A BILL FOR**

- 1 An Act relating to a railway tracks overpass and underpass fund,
- 2 and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **307.19 Railway tracks overpass and**  
2 **underpass fund.**

3 1. A railway tracks overpass and underpass fund is created in  
4 the state treasury under the control of the department. The fund  
5 shall consist of all moneys appropriated to the fund.

6 2. Moneys in the fund are appropriated to the department to  
7 distribute in the form of grants to cities and counties to assist  
8 with the construction of highway overpasses and underpasses  
9 across railway tracks.

10 3. Notwithstanding section 12C.7, subsection 2, interest or  
11 earnings on moneys deposited in the fund shall be credited to the  
12 fund. Notwithstanding section 8.33, moneys in the fund shall not  
13 revert at the close of a fiscal year.

14 EXPLANATION

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

17 Under current law, a city may by ordinance require a railway  
18 company operating railway tracks on or across a city street to  
19 construct and maintain an overpass or underpass over or under  
20 the tracks, and may establish specifications for the construction  
21 of such an overpass or underpass (see Code section 364.8). The  
22 department of transportation (DOT) must approve the overpass or  
23 underpass specifications and determine whether an overpass or  
24 underpass is necessary for public safety and convenience. A  
25 city must pay one half of all required maintenance costs, and  
26 may allocate costs between railway companies whose tracks are to  
27 be crossed by an overpass or underpass. Similar provisions for  
28 secondary roads under county jurisdiction do not exist.

29 This bill creates the railway tracks overpass and underpass  
30 fund (fund) under the control of the DOT. Moneys in the fund are  
31 appropriated to the DOT to distribute in the form of grants to  
32 cities and counties to assist with the construction of highway  
33 overpasses and underpasses across railway tracks.