

Senate Study Bill 3063 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
BOUSSELOT)

A BILL FOR

1 An Act relating to the installation of transmission lines on
2 highway rights-of-way.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 306.47, Code 2026, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Upon written request, the department
4 shall engage in coordination activities with a utility
5 or transmission line developer to review highway corridors
6 identified in the request for potential locations to place
7 transmission lines. The department shall assign a project
8 coordinator within thirty days of receiving the written request.
9 The department shall share all known plans with affected utility
10 or transmission line developers on planned future projects in
11 the highway corridor if the planned highway project impacts the
12 placement or siting of transmission lines.

13 Sec. 2. Section 306A.3, subsection 2, Code 2026, is amended
14 to read as follows:

15 2. a. The state department of transportation shall adopt
16 rules, pursuant to chapter 17A, embodying a utility accommodation
17 policy which imposes reasonable restrictions on placements,
18 occurring on or after the effective date of the rules, on
19 primary road rights-of-way. The rules may require utilities
20 to give notice to the department prior to installation of a
21 utility system on a primary road right-of-way and obtain prior
22 permission from the department for the proposed installation.
23 The department shall not prohibit longitudinal transmission
24 line installations extending any distance on a primary road
25 right-of-way, including on an interstate road right-of-way,
26 unless the department determines such an installation would
27 endanger public safety or interfere with the proper function of
28 the highway. The rules ~~shall~~ must recognize emergency situations
29 and the need for immediate installation of service extensions
30 subject to the standards adopted by the department and the
31 utilities commission. The rules shall not be ~~no~~ less stringent
32 than the standards adopted by the utilities commission pursuant
33 to chapters 478, 479, and 479B. This subsection shall not be
34 construed as granting the department authority which has been
35 expressly granted to the utilities commission to determine the

1 route of utility installations. If the department requires a
2 utility company permit, the department shall be required to act
3 upon the permit application within thirty days of its filing.
4 In cases of federal-aid highway projects on nonprimary highways,
5 the local authority with jurisdiction over the highway and the
6 department shall comply with all federal regulations and statutes
7 regarding utility accommodation.

8 b. If the department denies an installation of a longitudinal
9 transmission line on a primary road right-of-way, including on
10 an interstate road right-of-way, the department shall make the
11 reason for the denial available to the public within ninety days.

12 Sec. 3. Section 314.20, Code 2026, is amended to read as
13 follows:

14 **314.20 Utility easements on highway right-of-way.**

15 The department shall develop an accommodation plan for the
16 longitudinal utility use of freeway right-of-way, in consultation
17 with the utilities commission. The plan shall be consistent with
18 the rules of the federal highway administration of the United
19 States department of transportation and shall be submitted to
20 the federal highway administration for its approval by January
21 1, 1989. In developing the plan, the department shall provide
22 for ~~extended~~ payment and lease agreements to provide ~~continuous~~
23 funding for the living roadway trust fund. The department shall
24 not provide for payment and lease agreements for a term that
25 exceeds twenty years. The plan shall provide for charges for
26 the use of the right-of-way and all moneys collected shall be
27 credited to the living roadway trust fund established under
28 section 314.21.

29 Sec. 4. Section 478.18, subsection 2, Code 2026, is amended
30 to read as follows:

31 2. A transmission line shall be constructed near, and
32 parallel to, and within the right-of-way beside roads, highways
33 including those that are part of the interstate road system, ~~to~~
34 ~~the right-of-way of the~~ and railways of ~~the~~ this state, or along
35 the division lines of the lands, according to the government

1 survey, wherever the same is practicable and reasonable, and so
2 as not to interfere with the use by the public of the highways or
3 streams of the state, nor unnecessarily interfere with the use of
4 any lands by the occupant.

5

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill relates to the installation of transmission lines on
9 highway rights-of-way.

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Under current law, the general assembly encourages proactive
11 coordination between the department of transportation (DOT),
12 local governments, utility companies, and other affected parties
13 to minimize costs and avoid relocating utilities during highway
14 construction. Affected parties are invited to participate in
15 development meetings. However, failure to participate during the
16 design phase does not prevent a construction project from moving
17 forward. The bill requires the DOT, upon written request, to
18 engage in coordination activities with a utility or transmission
19 line developer to review highway corridors identified in the
20 request for potential locations to place transmission lines.
21 The DOT must share all known plans with affected utility or
22 transmission line developers on planned future projects in the
23 highway corridor if the planned highway project impacts the
24 placement or siting of transmission lines.

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Under current law, the DOT is required to adopt administrative
26 rules embodying a utility accommodation policy imposing
27 reasonable restrictions on utility line placements on primary
28 road rights-of-way. The bill prohibits the DOT from denying
29 longitudinal transmission line installations extending any
30 distance on a primary road right-of-way unless the DOT determines
31 such an installation would endanger public safety or interfere
32 with the proper function of the highway. The DOT must make
33 the reason for denying the installation of a longitudinal
34 transmission line available to the public within 90 days.

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The DOT was previously required to develop an accommodation

1 plan for the longitudinal utility use of freeway right-of-way,
2 in consultation with the utilities commission. The DOT must
3 also provide for extended payment and lease agreements to provide
4 continuous funding for the living roadway trust fund. The
5 bill strikes the requirement that the agreements be "extended"
6 and the funding be "continuous" and instead prohibits the DOT
7 from providing for payment and lease agreements for a term that
8 exceeds 20 years.

9 Current law requires transmission lines to be constructed
10 near and parallel to roads, highways, and railways. The bill
11 specifies that transmission lines must be constructed near,
12 parallel to, and within the right-of-way beside roads, highways,
13 and railways. The lines must not interfere with the use by the
14 public of the highways or streams, nor unnecessarily interfere
15 with the use of any lands by the occupant.

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