

CHAPTER 86

RAILROADS

S. F. 429.

AN ACT to require every railroad, whether operated by steam or electricity, to acquire rights of way for, construct, connect, maintain, and operate spur tracks, and providing for payment thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Spur tracks required.** Every railroad, whether op-
2 erated by steam or electricity, shall acquire the necessary rights of way
3 for, by condemnation or purchase, and shall construct, connect and
4 operate and maintain a reasonably adequate and suitable spur track
5 whenever such spur track does not necessarily exceed three miles in
6 length, and is required for the successful operation of any existing or
7 proposed mill, elevator, storehouse, warehouse, dock, wharf, pier, man-
8 ufacturing establishment, lumber yard, coal dock, or other industry or
9 enterprise, and its construction and operation is not unusually unsafe
10 and dangerous, and is not unreasonably harmful to public interest,
11 provided, however, that no such track is required to be constructed
12 until, or if hereafter constructed need not be maintained unless, the
13 board of railroad commissioners, after hearing, shall have declared
14 the same to be necessary.

SEC. 2. Cost of construction—construction by benefited party.
1 Such railroad may require the person or persons, firm, corporation
2 or association primarily to be served thereby, to pay the legitimate
3 cost and expense of acquiring, by condemnation or purchase, the nec-
4 essary rights of way for such spur track, and of constructing the
5 same, as shall be determined in separate items by the board of rail-
6 road commissioners, in which case the total estimated cost thereof
7 shall be deposited with the railroad before the railroad shall be re-
8 quired to incur any expense whatsoever therefor; provided, however,
9 that when any such person, firm, corporation or association, shall be
10 required by commission to deposit with the railroad, the total esti-
11 mated cost, as herein provided, such person; firm, corporation or as-
12 sociation, may offer or cause to be offered, a proposition in writing to
13 such railroad, to construct such spur track, such proposition to be
14 accompanied by a surety company bond, running to such railroad,
15 and conditioned upon the construction of such spur track in a good
16 and workmanlike manner, according to the plans and specifications
17 provided by such railroad, and approved by the said commission, and
18 deposit with such railroad the estimated cost of the necessary right
19 of way for such spur track; and whenever such proposition and
20 security company bond shall be offered the person, firm, corporation,
21 or association primarily to be served thereby, shall not be required
22 to deposit as herein provided, as the total estimated cost of such con-
23 struction, an amount in excess of the estimated cost of the right of
24 way, and the total amount stated in such written proposition. Pro-
25 vided further that before the railroad shall be required to incur any
26 expense whatever in the construction of said spur track, the per-
27 son, firm, corporation or association primarily to be served thereby,
28 shall give the railroad a bond to be approved by the board of rail-

29 road commissioners as to form, amount and surety, securing the rail-
30 road against loss on account of any expenses incurred beyond the
31 amount so deposited with the railroad.

1 SEC. 3. Subsequent connections. Whenever such spur track is
2 so connected with the main line, as provided in this act, at the ex-
3 pense of the owner of such proposed or existing mill, elevator, store-
4 house, warehouse, dock, wharf, pier, manufacturing establishment,
5 lumber yard, coal dock, or other industry or enterprise, and any per-
6 son, firm, corporation or association shall desire a connection with
7 such spur track, application therefor shall be made to the commis-
8 sion, and such person, firm, corporation, or association shall be re-
9 quired to pay to the person, firm, corporation, or association that
10 shall have paid or contributed to the primary cost and expense of
11 acquiring the right of way for such original spur track, and of con-
12 structing the same, an equitable proportion thereof, to be determined
13 by the commission, upon such application and notice, to the persons,
14 firms, corporations, or associations that have paid or contributed
15 towards the original cost and expense of acquiring the right of way
16 and constructing the same.

1 SEC. 4. Power of railroad commissioners. In case of the fail-
2 ure or refusal of any railroad to comply with any of the provisions
3 of this act, the person or persons, firm, corporation or association
4 aggrieved thereby may file a complaint with the board of railroad
5 commissioners setting forth the facts, and the said commission shall
6 investigate and determine the matter in controversy, and any order
7 it shall make in said proceeding shall have the same force and effect
8 as an order by said board in any other proceeding properly begun
9 under and by virtue of the provisions of law.

1 SEC. 5. Publication clause. This act, being deemed of immedi-
2 ate importance shall be in effect from and after its publication in the
3 Des Moines Register and Des Moines Capital, newspapers published
4 in Des Moines, Iowa.

Approved March 30, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register and
the Des Moines Capital April 1, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 87

PROTECTION OF FUR BEARING ANIMALS

S. F. 457.

AN ACT to amend the law as it appears in section one (1), chapter three hundred nine-
ty-six (396), acts of the thirty-seventh general assembly (C. C. 1128), relating
to the protection of certain fur bearing animals.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Raccoons protected. That section one (1), chapter
2 three hundred ninety-six (396), acts of the thirty-seventh general