

19 county in any court having jurisdiction. Electric lines as defined in
20 this act shall not be construed to include electric railways.

Approved April 11, A. D. 1921.

CHAPTER 206

LEVEES, DITCHES AND DRAINS

H. F. 680.

AN ACT to amend section nineteen hundred eighty-nine-a two (1989-a2), supplement to the code, 1913, as amended by section one (1) of chapter three hundred forty-four (344), acts of the thirty-seventh (37th) general assembly, section one (1) of chapter four hundred fifteen (415), acts of the thirty-seventh (37th) general assembly, and section one (1) of chapter one hundred forty-one (141), acts of the thirty-eighth (38th) general assembly (C. C. Sec. 4837); and to amend section nineteen hundred eighty-nine-a18 (1989-a18), supplement to the code, 1913 (C. C. Sec. 4858), relating to levees, ditches, drains and watercourses, and providing for passage of machines and other equipment of contractor across railroad right of way and other highways.

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

1 SECTION 1. Carrying ditch across railway. That the law as it
2 appears in section nineteen hundred eighty-nine-a two (1989-a2),
3 supplement to the code, 1913, as amended by section one (1) of chap-
4 ter three hundred forty-four (344) of the acts of the thirty-seventh
5 (37th) general assembly, section one (1) of chapter four hundred
6 fifteen (415) of the acts of the thirty-seventh (37th) general assem-
7 bly, and section one (1) of chapter one hundred forty-one (141) of
8 the acts of the thirty-eighth (38th) general assembly (C. C. Sec.
9 4837), be amended by adding thereto the following:

10 "The engineer shall also provide plans for the most economical and
11 practicable method of passing the machines and other equipment of
12 the contractor across railroad right of way and other highways."

1 SEC. 2. Right to cross railway—procedure. That the law as it
2 appears in section nineteen hundred eighty-nine-a eighteen (1989-
3 a18), supplement to the code, 1913 (C. C. Sec. 4858), be amended by
4 inserting in the thirty-eighth (38) line thereof, after the period fol-
5 lowing the word "therefor", the following, to wit:

6 "It shall be the duty of any railroad company to furnish the con-
7 tractor free passage across its right of way, telegraph, telephone and
8 signal lines, for his machines and equipment without dismantling
9 the same, whenever recommended by the engineer and approved by
10 the board of supervisors, and the cost thereof shall be considered as
11 an element of such company's damages by the appraisers thereof;
12 provided that if such company shall fail to do so within thirty (30)
13 days after written notice from the auditor, the engineer shall cause
14 the same to be done under his direction, and the company shall be
15 liable for the cost thereof to be collected by the county in any court
16 having jurisdiction. Provided, further, that the railway company
17 shall have the right to designate the day and hours thereof within
18 said period of 30 days above mentioned when such crossing shall be
19 made."

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