

That section fifty hundred ninety-two (5092) of the compiled Code of Iowa, and sections fifty-two hundred forty-one (5241) and fifty-two hundred forty-one-a one (5241-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Grade crossings--jurisdiction of board. The board of railroad commissioners of the state shall have jurisdiction over all crossings at grade of steam and interurban railways within the state. Upon the application of any interurban railway or upon its own motion, the said board may require the trains of any steam railway to stop at any crossing of such railway tracks at grade or said board may make such rules and regulations in relation to speed or other methods of operation at such grade crossings as in its judgment are necessary to protect the public safety. This section shall be construed as an exception to the general rule as provided by law, with reference to interurban railways being street railways within cities and towns.

Sec. 2. Grade crossings--duties of employees. Wherever the tracks of an interurban railway cross the tracks of any steam railway at grade, the steam railway shall, except where required to stop by order of the railroad commissioners, have the right of way and not be compelled to stop its trains and the interurban company operating its line shall cause its cars to come to a full stop not nearer than ten (10) feet nor more than fifty (50) feet from such crossing. Before proceeding to cross said steam railway tracks some employee of the interurban company shall first cross said track ahead of its car or cars and ascertain if the way is clear and free from danger for the passage of such interurban cars. The interurban car or cars shall not proceed to cross until signalled to do so by such person employed as aforesaid. No steam railway in the operation of its engine and cars shall obstruct the free passage of cars of an intersecting interurban railway at such crossing except in the exercise of its right of way as provided in this section.

Sec. 3. Stopping at crossings--exceptions. Except as otherwise in this chapter provided in relation to interlocking switches at railway grade crossings and except as otherwise provided in the preceding section, all trains run upon any steam railroad in this state which intersects and crosses any other railroad upon the same level, shall be brought to a full stop at a distance of not less than two hundred (200) nor more than eight hundred (800) feet from the point of intersection or crossing, before such intersection or crossing is passed.

Sec. 4. Violation--penalty. Any person in charge of an interurban car or cars, who shall violate the provisions of the second preceding section and any engineer or person in charge of an engine, who shall violate the provisions of the preceding section shall be fined for each offense not exceeding one hundred dollars (\$100.00) and the corporation or company on whose road such offense is committed, shall be fined not exceeding two hundred dollars (\$200.00) for each offense.

Approved February 7, 1924.

CHAPTER 135

REGULATION OF CARRIERS

H. F. 196

AN ACT to amend, revise, and codify sections fifty-one hundred seventy-three (5173) and fifty-one hundred seventy-six (5176) of the compiled code of Iowa, and sections fifty hundred nineteen (5019) of the supplement to said code, relating to regulation of carriers and definition of terms.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-one hundred seventy-three (5173) and fifty-one hundred seventy-six (5176) of the compiled Code of Iowa, and section fifty hundred nineteen (5019) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. To what applicable. The provisions of this chapter shall apply to the transportation of passengers and property, and to the receiving, delivering, storing and handling of property wholly within this state, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight or freight line companies, and to any common carrier engaged in this state in the transportation of passengers or property by railroad therein, and to the shipments of property made from any point within the state to any point within the state, whether the transportation of the same shall be wholly within this state or partly within this state and partly within an adjoining state.

Sec. 2. Duty of railroad to furnish cars and transport freight. Every railway corporation shall upon reasonable notice, and within a reasonable time, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and receive and transport such freight with all reasonable dispatch, and provide and keep suitable facilities for the receiving and handling thereof at any depot on the line of its road. It shall receive and transport in like manner the empty or loaded cars furnished by any connecting road, to be delivered at any station or stations on the line of its road, to be loaded or discharged or reloaded and returned to the road so connecting. For compensation it shall not demand or receive any greater sum than is accepted by it from any connecting railroad for a similar service.

Sec. 3. Passenger service - frequency - presumption. Every railway corporation owning or operating lines of railroad of more than seventeen (17) miles in length within the limits of the state, shall maintain a service of not less than two (2) passenger trains each way every twenty-four (24) hours, over the entire length of each division of such line or lines, when so ordered by the board of railroad commissioners. Passenger service of less than the number of trains provided herein shall be presumed to be unreasonable.

Sec. 4. Burden of proof as to compliance. In any action in court, or before the board, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this and the two (2) preceding sections, the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

Sec. 5. Definition of terms. The terms "railroad" and "railway" as used in this chapter shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation, receiver, trustee, or other person operating a railroad, whether owned or operated under contract, agreement, lease or otherwise.

The term "transportation" shall include all instrumentalities of shipment or carriage.

The term "railway corporation" shall mean all corporations, companies, or individuals owning or operating any railroad or carrier in whole or in part in this state, except street railways.

The term "switching service" is hereby defined to be shifting of a car or of cars between two (2) points, both of which points are within the industrial vicinity of an industry, a group of industries, a station, a village or a city, as such industrial vicinity may be defined by the board of railroad commissioners.

Sec. 6. Preference prohibited - exception. It shall be unlawful for any common carrier to give any preference or advantage to, or entail any prejudice or disadvantage upon any particular person, company, firm, corporation, locality, or any class of business or traffic, by any rate, rule, regulation, or practice whatsoever. This provision shall not prevent any common carrier from giving preference as to time of shipping live stock, live poultry, uncured meats, fruits, vegetables, or other perishable property.

Sec. 7. Interchange - switching and forwarding. All common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars, passengers, and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be prescribed by the board of railroad commissioners.

Approved April 1, 1924.

CHAPTER 136

REGULATION OF CARRIERS

S. F. 197

AN ACT to amend, revise, and codify sections fifty-two hundred one (5201), fifty-two hundred five (5205), fifty-two hundred twenty (5220) to fifty-two hundred twenty-two (5222), inclusive, of the compiled code of Iowa, relating to regulation of carriers.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty-two hundred one (5201) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Discrimination as to quantity. For transporting freight over the same railway for the same distance in the same direction, no common carrier shall charge, collect, demand or receive more for transporting a car of freight than it at the same time charges, collects, demands or receives per car for more than one (1) car of a like class of freight; nor more for transporting a ton of freight than it charges, collects, demands, or receives per ton for more than one (1) ton of freight but less than a carload of a like class; nor more for transporting one hundred (100) pounds of freight than it charges, collects, demands or receives per hundred for more than one hundred (100) pounds of freight but less than a ton of a like class.

Sec. 2. Not applicable to new industry--limitation. For the protection and development of any new industry in the state, any common carrier may grant concessions or special rates for any agreed number of carloads or for a specified period of time, which rates and period of time shall be fixed and approved by the board of railroad commissioners, and a copy thereof filed in its office.