

## CHAPTER 320

## HIGHWAY-RAILROAD GRADE CROSSINGS

H. F. 157

AN ACT relating to the creation of a highway grade crossing safety fund and to amend chapter four hundred seventy-eight (478), Code 1958, relating to cattle guards, fences, crossings, and interlocking switches and the authority of the state commerce commission to allocate funds for the protection of the public in the use of highway railroad grade crossings.

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

1     SECTION 1. There is hereby created a fund which shall be known  
2     as the highway grade crossing safety fund and shall be made up of  
3     the amount allocated by the state treasurer from the road use tax  
4     fund.

1     SEC. 2. Section four hundred seventy-eight point twenty-three  
2     (478.23), Code 1958, is hereby amended by inserting after the period  
3     in line fourteen (14) the following:

4     “In determining what portion of the expense shall be paid by each  
5     party to such controversy the commission may consider the ratio of  
6     the benefits accruing to the railroad and/or the governmental unit as  
7     it bears to the general public use and benefit and such benefits shall  
8     be consistent with the standards adopted for similar purposes by the  
9     United States Bureau of Public Roads under the Federal Aid High-  
10    way Act of 1944 as amended.”

1     SEC. 3. Chapter four hundred seventy-eight (478), Code 1958, is  
2     hereby amended by adding hereto a new section as follows:

3     “When application is before the state commerce commission, as  
4     provided in section four hundred seventy-eight point twenty-two  
5     (478.22) of the Code, and after hearing has been held, and deter-  
6     mination as to allocation of costs as provided in section four hundred  
7     seventy-eight point twenty-three (478.23) of the Code, the state com-  
8     merce commission is hereby empowered to allocate proceeds from the  
9     highway grading crossing safety fund for the protection of the public  
10    in the use of the highway railroad grade crossings involved in the  
11    application, in addition to any portion of the cost to be paid by the  
12    railroad company or other public authority. Upon reaching a decision  
13    as to the amount to be allocated from the highway grade crossing  
14    safety fund, the commission shall forthwith direct the treasurer of  
15    state to distribute said amount from the funds then available in the  
16    highway grade crossing safety fund. Provided, however, the state  
17    commerce commission may not allocate any part of the proceeds of  
18    the highway grade crossing safety fund for improvement or construc-  
19    tion of highway-railroad grade crossings located on federal or federal-  
20    aid highways.”

Approved April 7, 1959.