

A BILL

FOR AN ACT DEFINING THE DUTIES OF RAILROAD COMPANIES WITH REFERENCE TO FENCING THEIR LINES, MAINTAINING CROSSINGS, AND PUNISHING TRESPASSERS UPON SAID LINES; REPEALING PART OF SECTION 1289 OF THE CODE, AND AMENDING SECTION 1268 THEREOF.

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

SECTION 1. That the first fifteen lines of section 1289 of the Code are hereby repealed up
2 to the word "provided" in the 16th line, and the following enacted in lieu thereof:

3 Sec. 1289, Every railroad company owning or operating a line of railway in Iowa
4 shall erect and maintain fences on the sides of their respective lines of road. Said
5 fences shall be lawful fences, as defined by section 1507 of the Code, except that such
6 fences shall be sufficient to keep off sheep and swine. Proper fences connecting with
7 said line fences and cattle-guards shall also be erected and maintained at all highway,
8 street and farm crossings, sufficient to prevent cattle or other animals from getting on
9 such railroads, also convenient farm crossings as hereinafter provided. Until such
10 fences connecting fences, cattle-guards and farm crossings are made, every person, com-
11 pany or corporation owning or operating a line of railway in Iowa shall be liable for all
12 damages done to cattle or other animals thereon in double the amount of actual damage
13 which may result from the neglect of such company or corporation maintaining or oper-
14 ating such road to construct or maintain such fences, connecting fences, cattle-guards
15 and convenient farm crossings as herein required; and after such fences, connecting
16 fences, cattle-guards and convenient crossings as herein required are constructed and
17 maintained, such company shall not be liable for such damages, unless negligently or
18 willfully done. Every corporation owning or operating a line of railway in Iowa shall
19 within six months from the time any section or portion of such road is finished or put
20 in general use by running regular trains thereon, and in case of roads now in use within
21 six months from the time this act shall take effect shall erect and maintain such fences
22 and constructions as herein required. Any violation of the provisions of this section
23 by any railway company or corporation owning or operating such railway shall be a
24 misdemeanor, and shall be punished by a penalty of two hundred dollars per week for
each and every week that they shall fail to comply with the provisions this section.

SEC. 2. If any person shall ride, lead or drive, or intentionally permit any horse or other
2 animal upon such railway and within such fences, cattle-guards or other constructions other

3 than highway, street and farm crossings, or shall injure or destroy or make openings or pas-
4 sages through or over such fences, cattle-guards or other constructions, or neglect to
5 close any gates or bars immediately after passing through the same, without the consent of
6 such company or corporation, he shall for every such offense be liable to a fine not exceed-
7 ing one hundred dollars, and shall also pay all damages which shall be sustained by any
8 party in consequence of his illegal act. Any person other than one connected with the com-
9 pany operating the line of railway, or an employe thereof, walking or standing upon the
10 line thereof at any other part thereof than at street, highway and farm crossings shall be
11 deemed a trespasser, and shall for every such offense pay a fine not exceeding one hundred
12 dollars, and shall also pay all damages which shall be sustained by any person in conse-
13 quence of his illegal act.

SEC. 3 That section 1268 of the Code be, and is hereby amended by adding thereto the
2 following: Such crossings shall whenever practicable be below grade, or by causeway,
3 wherever it can be safely done above grade. If neither are practicable, and the crossing is
4 at grade, cattle guards shall be put in on each side of the crossing, and a fence built at right
5 angles to the right of way fence from said right of way fence to the track on each side of
6 the crossing.