

See
Bill 136

By DONNAN.]

[SENATE FILE No. 136.—RAILWAYS.

A BILL

FOR AN ACT TO FACILITATE TRANSPORTATION, BY THE BETTER PROTECTION
OF RAILWAYS AGAINST BLOCKADES BY SNOW.

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

SECTION 1. Any railway corporation owning or operating a completed railway, or build-
2 ing a railway in the State of Iowa, shall have power to condemn lands for additional right
3 of way on which to erect snow fences, or plant hedges, in the same manner as is provided
4 by law for the condemnation of the right of way : *Provided*, that, before any proceedings
5 shall be instituted to condemn such additional grounds, the railway company shall apply to
6 the Railway Commissioners, who shall give notice to land owners and examine into the
7 matter and report by certificate to the Clerk of the circuit court in the county in which the
8 land is situated, the amount and description of the additional lands necessary for the reas-
9 onable use of such railway for protection against blockades by snow. Whereupon, said rail-
10 way company shall have power to condemn the lands so certified by the Commissioners.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force
2 from and after its passage and publication in the Iowa State Register and the Iowa State
3 Leader, newspapers published at Des Moines, Iowa.

A BILL

FOR AN ACT TO FACILITATE TRANSPORTATION BY THE BETTER PROTECTION
OF RAILWAYS AGAINST BLOCKADES BY SNOW.

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

SECTION 1. Any railway corporation owning or operating a completed railway, or building
2 a railway in the State of Iowa, shall have power to condemn lands for additional right of
3 way on which to erect snow fences, or plant hedges, for the prevention of blockades of
4 such railways by snow, in the same manner as is provided by law for the condemnation of
5 the right of way. *Provided*, that before any proceedings shall be instituted to condemn
6 such additional grounds, the railway company shall apply to the Railway Commissioners,
7 who shall give notice to the land owner, such notice to be served at the expense of the rail-
8 way company, and in the manner and under the provisions of sections 1245 and 1247, of the
9 Code, and examine into the matter and report by certificate to the clerk of the circuit court
10 in the county in which the land is situated, the amount and description of the additional
11 lands necessary for the reasonable use of such railway for protection against blockades by
12 snow. Whereupon said railway company shall have power to condemn the land so certified
13 by the commissioners. *Provided, however*, that no such condemnation shall include any
14 dwelling house or other buildings in actual use in connection with such dwelling, or any
15 lands within ten rods of such dwelling except by written consent of the owner filed with
16 the clerk of the county in which such condemnation is sought. It is farther provided that
17 no condemnation provided for in this act shall in any way effect the growing crops of the
18 year A. D. 1886. *Provided, further*, that nothing herein shall be construed as to permit any
19 railway corporation to interfere with or vacate any public highway now established as pro-
20 vided by law. *Provided, further, however*, that nothing herein contained shall be construed
21 to permit condemnation of land for such purposes within the plated portion of any incor-
22 porated city or town.

SEC. 2. The land to be condemned and taken under the provisions of this act shall be
2 adjacent to the right of way of the corporation requiring the same, and shall not exceed
3 two hundred (200) feet in width, and no hedge or trees shall be planted on land so con-
4 demned nearer than twenty feet to the outer edge of such land.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Des Moines Leader and the Iowa State Register, news-
3 papers published in Des Moines, Iowa.