

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 209

February 5, 1947.
Passed on File.

By ROADS AND HIGHWAYS.

A BILL FOR

An Act to repeal sections four hundred seventy-eight point twenty-one (478.21), four hundred seventy-eight point twenty-five (478.25), and four hundred seventy-eight point twenty-six (478.26), Code 1946, and to enact a substitute therefor relating to railway crossings with highways, streets and alleys.

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

1 Section 1. Section four hundred seventy-eight point
2 twenty-one (478.21), Code 1946, is repealed and the following
3 enacted in lieu thereof:
4 "Wherever a railway track crosses or shall hereafter
5 cross a highway, street or alley, the railway company owning
6 such track and the state highway commission, in the case of
7 primary highways, the board of supervisors of the county in
8 which such crossing is located, in the case of secondary
9 roads, or the council of the city or town, in the case of
10 streets and alleys located within such city or town, may
11 agree upon the location and manner of crossing, or upon a
12 separation of grades so as to carry such highway over or
13 under the railway track, and upon any change, alteration,
14 vacation or relocation of such highway, street or alley, and

15 upon repairs, alteration, or elimination of any crossing, and
16 upon the expense each party shall pay for such changes;
17 provided, however, nothing contained herein shall be construed
18 to affect any of the provisions of chapter 387.”

1 Sec. 2. Sections four hundred seventy-eight point
2 twenty-five (478.25) and four hundred seventy-eight point
3 twenty-six (478.26), Code 1946, are repealed.

1 Sec. 3. The provisions of this act shall be applicable
2 to cities under special charter.

EXPLANATION OF H. F. 209

This bill brings the present railroad and highway crossing statute up to date. Boards of supervisors no longer have jurisdiction over primary roads, and all other roads are now a part of the secondary road system under the jurisdiction of the boards of supervisors. It will permit the highway commission and city and town councils, as well as boards of supervisors, to make agreements with railroad companies respecting railroad-highway crossings with highways and streets within their respective jurisdictions, and allows appeals to the state commerce commission over disagreements, the same as the law now provides. In the case of repairs the authority having jurisdiction over the highway now has to go to the district court. This bill provides the same procedure with respect to repairs as it does to other changes or alterations; that is, by agreement with the railroad company or application to the state commerce commission.