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Passed on File.

Senate File 30
By HATTERY and DYKHOUSE.

Passed Senate, Date
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to define the powers of municipal corporations in respect to carriers of passengers or merchandise for hire operating within such municipal corporations and upon the streets thereof and to amend certain sections of the Code relating thereto and to repeal certain sections of the Code relating thereto and to enact substitutes therefor.

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

1 Section 1. Carriers defined. For the purposes of this
2 Act a carrier shall be any person or corporation engaged in
3 the business of transporting passengers or merchandise for hire
4 and operating in whole or in part upon the streets of a
5 municipal corporation.

Passengers over fixed routes

1 Sec. 2. Franchise. Municipal corporations may grant
2 franchises for terms not to exceed ten years, in the manner
3 provided by chapter three hundred eighty-six (386), to any
4 person or corporation, for the purpose of carrying passengers
5 for hire over fixed routes upon the streets of such corpora-
6 tions. Said franchise may specify the routes, rates, type of
7 service, and provide for the establishment of schedules, and
8 may be amended or renewed in the same manner as granted but

9 no such franchise shall be exclusive. (386.2, C50, revised.)

1 Sec. 3. Regulation. Municipal corporations shall have
2 power, by ordinance, to protect the health, safety, and comfort
3 of the passengers carried by any franchised carrier and of the
4 employees operating such carrier's equipment, by establishing
5 standards for equipment, maintenance, personnel training,
6 safety devices, terminal and route facilities, and regular
7 and periodic safety inspections. They may provide fines and
8 penalties for failure to comply with such standards.

9 (ch 402, C50, revised.)

1 Sec. 4. Street maintenance. In all municipal corporations,
2 the owner of any railway or street, railway occupying or using
3 any public street or bridge shall construct, reconstruct, repair,
4 and maintain the paving of such street between the rails and one
5 foot outside thereof and shall maintain the paving or flooring
6 of such bridge three and one-half feet each way from the center
7 line of the space between the rails of its tracks. The
8 aforesaid construction, reconstruction, repair, and maintenance
9 shall be done by said owner upon order of the council, and in the
10 event that such order is not promptly complied with, the council
11 shall cause the work to be done, assess the cost thereof against
12 the property of said railway, and certify said cost to the
13 county auditor to be collected in the same manner as general
14 taxes. (391.77 to 391.83, 416.102, C50, revised.)

1 Sec. 5. Taxation of trackless trolleys and busses.

2 1. Every passenger carrier operating trackless trolley or

3 other passenger busses over fixed routes wholly within the
4 limits of a municipal corporation shall pay into the treasury
5 of such municipal corporation an annual license fee or tax in
6 quarterly installments, which the council shall allocate for
7 the purpose of paving, repaving, constructing, reconstructing,
8 resurfacing, repairing, or maintaining streets over which
9 busses are operated, and for the reconstruction, repair,
10 servicing, and maintenance of sewers and catch basins serving
11 said streets as follows:

12 For each trackless-trolley or other passenger bus having
13 forty-five or less passenger seats, not to exceed sixty-five
14 dollars per annum as fixed by the council.

15 For each trackless-trolley or other passenger bus having
16 more than forty-five passenger seats, not to exceed eighty-five
17 dollars per annum as fixed by the council.

18 2. The proceeds of collection of said tax or license fee
19 and of the further license fee or tax provided in subsection
20 three (3) hereof shall be used for no purpose other than those
21 set forth in subsection one (1) hereof.

22 3. In addition to the license fee or tax provided by the
23 foregoing, every passenger carrier operating trackless-trolley
24 or other passenger busses over fixed routes wholly within such
25 municipal corporation shall pay into the municipal treasury
26 an amount fixed by the council not to exceed two and three-
27 fourths percent of the gross passenger revenue from such busses.
28 The said gross passenger-revenue tax or license fee shall be

29 payable in semiannual installments and within thirty days after
30 the expiration of each six months period.

31 4. The license fees or taxes hereby imposed upon passenger
32 carriers operating trackless-trolley or other passenger busses
33 over fixed routes shall be in lieu of all general property taxes
34 and property assessments upon such busses and of all special
35 assessments for the purposes enumerated in subsection one (1)
36 hereof and all other license fees and taxes except motor vehicle
37 fuel license fees and motor vehicle registration fees imposed
38 by the state.

Passenger carriers without fixed routes

39 5. Any such municipal corporation shall have the authority
40 to issue bonds in anticipation of the collection of any such
41 taxes or license fees, in accordance with the provisions of
42 chapter three hundred ninety-six (396). (417.54, C50, revised.)

1 Sec. 6. Taxicabs. Municipal corporations shall have
2 power:

3 1. To regulate, license, and tax all taxicabs and other
4 passenger carrying vehicles for hire operating on the streets
5 of such corporations but not on fixed routes and schedules.

6 2. To fix the rates and prices for the transportation of
7 persons from one part of the municipal corporation to another
8 in such vehicles, and to require a table of such rates to be
9 exposed to view in or upon such vehicles.

10 3. To establish stands for such vehicles and enforce the
11 use or observance thereof. (389.39, C50, revised.)

Merchandise carriers

1 Sec. 7. Trucks and commercial vehicles. Municipal

2 corporations shall have power:

3 1. To regulate, license, and tax all trucks, drays,
4 wagons, and other conveyances kept for hire for the purpose of
5 transporting merchandise or goods over the streets of such
6 corporations.

7 2. To fix the rates and prices for the transportation of
8 property from one part of the municipal corporation to another.

9 3. To establish loading zones and enforce the use and
10 observance thereof.

11 4. To prohibit trucks and commercial vehicles or certain
12 classes thereof from operating upon any residential street which
13 is not an extension of a primary road, except when making bona
14 fide deliveries to a residence or place of business on such
15 street, and to provide fines and penalties for violations of
16 such prohibitions. The proceeds of such fines and penalties
17 shall be used for the repair and maintenance of said streets.

18 5. To designate certain times as "rush hours" and to
19 designate certain streets from which heavy trucks and commercial
20 vehicles shall be excluded during such hours, in order to
21 relieve traffic congestion and to facilitate the flow of
22 passenger vehicles, and to provide fines and penalties for
23 violation thereof. (389.39, C50, revised.)

1 Sec. 8. Railways to maintain drainage. Municipal

2 corporations shall have power to order any railway or street

3 railway to construct and maintain, under the direction and
4 subject to the approval of the municipal engineer, culverts
5 and drains across its rights of way on any street, alley, high-
6 way, or other public place as such council may deem necessary,
7 and if any railway or street railway company neglects or
8 refuses for more than thirty days after such notice as may be
9 prescribed by resolution, to comply with the requirements of
10 any such order, the city may construct such culvert or drain
11 and assess and collect the cost thereof in the same manner
12 as provided for street maintenance in section four (4) of
13 this Act. (420.118, C50, revised.)

1 Sec. 9. Flagmen and gates. Municipal corporations
2 shall have power to compel railroad companies to place flagmen,
3 or to erect suitable mechanical signal devices or gates, upon
4 public streets at railroad crossings, under such regulations
5 as may from time to time be made by the council; provided that
6 in cases where a controversy arises between the railroad
7 company and the council as to the necessity for such flagmen,
8 signal devices, or gates, the matter shall be determined by
9 the Iowa state commerce commission. (389.41, C50, revised.)

1 Sec. 10. Speed of trains. Municipal corporations,
2 subject to the approval of the state commerce commission, shall
3 have power to regulate the speed of trains and locomotives on
4 railways running over the streets or through the limits of
5 the municipal corporation. (389.42, C50, revised.)

1 Sec. 11. Terminal facilities. Municipal corporations

2 shall have power to regulate and inspect all terminal facilities
3 of any carrier or railroad receiving or discharging passengers
4 within the corporate limits for the protection of the health,
5 comfort, and safety of the public using such facilities.

1 Sec. 12. Crossing obstructions. Municipal corporations
2 shall have power, by ordinance, to prohibit any person or
3 corporation operating a railroad from obstructing any street
4 crossing within such municipal corporations for more than a
5 period of five minutes by allowing to stand on its tracks any
6 locomotive or car, and they shall have power to provide fines
7 and penalties for violations of such ordinances.

1 Sec. 13. Section three hundred eighty-six point two
2 (386.2), Code 1950, is hereby repealed. (See sec. 2 of this bill.)

1 Sec. 14. Chapter three hundred eighty-eight (388), Code
2 1950, is hereby repealed.

1 Sec. 15. Section three hundred eighty-nine point thirty-
2 nine (389.39), Code 1950, is hereby repealed. (See secs. 6 and
3 7 of this bill.)

1 Sec. 16. Section three hundred eighty-nine point forty-one
2 (389.41), Code 1950, is hereby repealed. (See sec. 9 of this
3 bill.)

1 Sec. 17. Section three hundred eighty-nine point forty-
2 two (389.42), Code 1950, is hereby repealed. (See sec. 10 of
3 this bill.)

1 Sec. 18. Sections three hundred ninety-one point seventy-
2 seven (391.77), Code 1950, to three hundred ninety-one point

3 eighty-three (391.83), inclusive, Code 1950, are hereby repealed.

4 (See sec. 4 of this bill.)

1 Sec. 19. Chapter four hundred two (402), Code 1950,
2 is hereby repealed. (See sec. 5 of this bill.)

1 Sec. 20. Section four hundred sixteen point one hundred
2 two (416.102), Code 1950, is hereby repealed. (See sec. 4 of
3 this bill.)

1 Sec. 21. Section four hundred seventeen point fifty-four
2 (417.54), Code 1950, is hereby repealed. (See sec. 5 of this
3 bill.)

1 Sec. 22. Section four hundred twenty point one hundred
2 eighteen (420.118), Code 1950, is hereby repealed. (See sec.
3 8 of this bill.)

1 Sec. 23. The explanatory material, notes, and historical
2 references incorporated in this bill shall not be considered
3 any part of the enactment hereof and shall not be included in
4 the enrolled act.