

CHAPTER 230

PUBLIC WAREHOUSES, ELEVATORS, COAL SHEDS; SITES

Sec.
230.09 Railroad right of way; use for certain purposes.

Sec.
230.10 Procedure upon disagreement with railroad.
230.11 Hearing; order.

NOTE: For penalties for violation of the provisions of this chapter, see section 235.13.

- 230.01** [Repealed, 1963 c 60 s 1]
- 230.02** [Repealed, 1963 c 60 s 1]
- 230.03** [Repealed, 1963 c 60 s 1]
- 230.04** [Repealed, 1963 c 60 s 1]
- 230.05** [Repealed, 1963 c 60 s 1]
- 230.06** [Repealed, 1963 c 60 s 1]
- 230.07** [Repealed, 1963 c 60 s 1]
- 230.08** [Repealed, 1963 c 60 s 1]

230.09 RAILROAD RIGHT OF WAY; USE FOR CERTAIN PURPOSES. Any person, firm, or corporation shall have the right to use as a site for a public elevator, warehouse, coal shed, icehouse, buying station, selling station, or weighing scales or other instrumentalities for weighing livestock, or use ground space for receiving, storing, or distributing any article of commerce, transported or to be transported, a proper portion of the right of way of any railroad within the outside switches at any station or siding upon the payment of reasonable compensation therefor.

[1921 c 140 s 1; 1925 c 177 s 1] (5106)

230.10 PROCEDURE UPON DISAGREEMENT WITH RAILROAD. Any such person, firm, or corporation desiring to construct, operate or use a public elevator, warehouse, coal shed, icehouse, buying station, selling station, or weighing scales or other instrumentalities for weighing livestock, or use ground space for receiving, storing, or distributing any article of commerce transported or to be transported, or to continue the use and operation of any such buildings, structures, instrumentalities, or ground space where the same are already constructed or used, upon such right of way of any railroad, if unable to agree with the person, firm, or corporation operating such railroad upon the site for such buildings, structures, instrumentalities, or ground space or the compensation to be paid therefor, may file a verified complaint with the department of public service setting forth the facts and requesting it to establish the location of the site for such buildings, structures, instrumentalities, or ground space or the compensation to be paid therefor, or both, as the case may be. Such complaint shall be served upon such railroad company and 20 days, exclusive of the day of such service, shall be allowed for answer. After the time for answering has expired the department shall fix the time and place for a hearing and give at least ten days notice thereof to both parties.

[1921 c 140 s 2; 1925 c 177 s 2; 1971 c 25 s 67] (5107)

230.11 HEARING; ORDER. The hearing shall be held pursuant to such notice and thereafter the department, if it finds that the complainant is entitled thereto, may make an order establishing the location of the site for such buildings, structures, instrumentalities, or ground space, at a suitable place within the outside switches at any station, or siding, and fixing the reasonable annual compensation to be paid therefor. Where such buildings, structures, instrumentalities, or ground space are already established or used upon such right of way and the compensation therefor is not fixed by order of the department or by contract, the department may fix the reasonable compensation to be paid for the occupation thereof.

[1921 c 140 s 3; 1971 c 25 s 67] (5108)