

2 1954, is amended by striking from lines five (5) and six (6) the fol-
 3 lowing: “, for providing and equalizing public library service in Iowa”.

1 SEC. 13. Section three hundred three point fourteen (303.14),
 2 Code 1954, is hereby repealed.

Approved April 15, 1955.

CHAPTER 148

CONTROLLED-ACCESS FACILITIES

S. F. 48

AN ACT to provide for highways to be known as controlled-access facilities.

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

1 SECTION 1. **Declaration of policy.** The legislature hereby finds,
 2 determines, and declares that this act is necessary for the immediate
 3 preservation of the public peace, health, and safety, and for the pro-
 4 motion of the general welfare.

1 SEC. 2. **Definition of a controlled-access facility.** For the purposes
 2 of this act, a controlled-access facility is defined as a highway or street
 3 especially designed for through traffic, and over, from or to which own-
 4 ers or occupants of abutting land or other persons have no right
 5 or easement or only a controlled right or easement of access, light, air,
 6 or view by reason of the fact that their property abuts upon such con-
 7 trolled-access facility or for any other reason. Such highways or
 8 streets may be freeways open to use by all customary forms of street
 9 and highway traffic or they may be parkways from which trucks,
 10 busses, and other commercial vehicles shall be excluded.

1 SEC. 3. **Authority to establish controlled-access facilities.** Cities,
 2 towns, and highway authorities having jurisdiction and control over
 3 the highways of the state, as provided by chapter 306, Code 1954,
 4 acting alone or in cooperation with each other or with any Federal,
 5 State, or local agency or any other state having authority to participate
 6 in the construction and maintenance of highways, are hereby author-
 7 ized to plan, designate, establish, regulate, vacate, alter, improve, main-
 8 tain, and provide controlled-access facilities for public use wherever
 9 such authority or authorities are of the opinion that traffic conditions,
 10 present or future, will justify such special facilities; provided, that
 11 within cities and towns such authority shall be subject to such municip-
 12 al consent as may be provided by law. Said cities, towns, and high-
 13 way authorities, in addition to the specific powers granted in this act,
 14 shall also have and may exercise, relative to controlled-access facilities,
 15 any and all additional authority now or hereafter vested in them rela-
 16 tive to highways or streets within their respective jurisdictions. Said
 17 cities, towns and highway authorities may regulate, restrict, or pro-
 18 hibit the use of such controlled-access facilities by the various classes
 19 of vehicles or traffic in a manner consistent with section 2 of this act.

1 SEC. 4. **Design of controlled-access facility.** Cities, towns, and
 2 highway authorities having jurisdiction and control over the highways

3 of the state, as provided by chapter 306, Code 1954, are authorized to
4 so design any controlled-access facility and to so regulate, restrict, or
5 prohibit access as to best serve the traffic for which such facility is intended. In this connection such cities, towns, and highway authorities
6 are authorized to divide and separate any controlled-access facility into
7 separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such
8 separate roadways by signs, markers, stripes, and other devices. No
9 person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at such designated
10 points at which access may be permitted, upon such terms and
11 conditions as may be specified from time to time.
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1 **SEC. 5. Acquisition of property and property rights.** For the purposes of this Act, cities, towns, and highway authorities having jurisdiction and control over the highways of the state, as provided by
2 chapter 306, Code 1954, may acquire private or public property rights
3 for controlled-access facilities and service roads, including rights of
4 access, air, view, and light, by gift, devise, purchase, or condemnation
5 in the same manner as such units are now or hereafter may be authorized by law to acquire such property or property rights in connection
6 with highways and streets within their respective jurisdictions. All
7 property rights acquired under the provisions of this act shall be in
8 fee simple. In connection with the acquisition of property or property
9 rights for any controlled-access facility or portion thereof, or service
10 road in connection therewith, the said cities, towns and highway authorities, in its discretion, acquire an entire lot, block, or tract of land,
11 if, by so doing, the interests of the public will be best served, even
12 though said entire lot, block, or tract is not immediately needed for the
13 right-of-way proper.
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1 **SEC. 6. New and existing facilities; grade-crossing eliminations.** Cities, towns and highway authorities having jurisdiction and control
2 over the highways of the state, as provided by chapter 306, Code 1954,
3 may designate and establish an existing street or highway as included
4 within a controlled-access facility. The state or any of its subdivisions
5 shall have authority to provide for the elimination of intersections at
6 grade of controlled-access facilities with existing state and county
7 roads, and city or town or village streets, by grade separation or
8 service road, or by closing off such roads and streets at the right-of-
9 way boundary line of such controlled-access facility; and after the
10 establishment of any controlled-access facility, no highway or street
11 which is not part of said facility shall intersect the same at grade. No
12 city, town, or village street, county or state highway, or other public
13 way shall be opened into or connected with any such controlled-access
14 facility without the consent and previous approval of the highway
15 authority in the state, county, city, town or village having jurisdiction
16 over such controlled-access facility. Such consent and approval shall be
17 given only if the public interest shall be served thereby.
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1 **SEC. 7. Authority of local units to consent.** Cities, towns and
2 highway authorities having jurisdiction and control over the highways
3 of the state, as provided by chapter 306, Code 1954, are authorized
4 to enter into agreements with each other, or with the Federal Government,
5 respecting the financing, planning, establishment, improvement,

6 maintenance, use, regulation, or vacation of controlled-access facilities
7 or other public ways in their respective jurisdictions, to facilitate the
8 purposes of this act.

1 **SEC 8. Local service roads.** In connection with the development
2 of any controlled-access facility cities, towns and highway authorities
3 having jurisdiction and control over the highways of the state, as pro-
4 vided by chapter 306, Code 1954, are authorized to plan, designate,
5 establish, use, regulate, alter, improve, maintain, and vacate local
6 service roads and streets or to designate as local service roads and
7 streets any existing road or street, and to exercise jurisdiction over
8 service roads in the same manner as is authorized over controlled-
9 access facilities under the terms of this act, if, in their opinion, such
10 local service roads and streets are necessary or desirable. Such local
11 service roads or streets shall be of appropriate design, and shall be
12 separated from the controlled-access facility proper by means of all
13 devices designated as necessary or desirable by the proper authority.

1 **SEC. 9. Unlawful use of controlled-access facilities; penalties.** It
2 is unlawful for any person (1) to drive a vehicle over, upon, or across
3 any curb, central dividing section, or other separation or dividing line
4 on controlled-access facilities; (2) to make a left turn or a semicircular
5 or U-turn except through an opening provided for that purpose in the
6 dividing curb section, separation, or line; (3) to drive any vehicle
7 except in the proper line provided for that purpose and in the proper
8 direction and to the right of the central dividing curb, separation sec-
9 tion, or line; (4) to drive any vehicle into the controlled-access facility
10 from a local service road except through an opening provided for that
11 purpose in the dividing curb or dividing section or dividing line
12 which separates such service road from the controlled-access facility
13 property. Any person who violates any of the provisions of this section
14 is guilty of a misdemeanor and upon arrest and conviction therefor,
15 shall be punished by a fine of not less than five dollars (\$5.00), nor
16 more than one hundred dollars (\$100.00), or by imprisonment in the
17 city or county jail for not less than 5 days nor more than 90 days, or
18 by both such fine and imprisonment.

1 **SEC. 10. Severability.** If any section, provision, or clause of this
2 act shall be declared invalid or inapplicable to any person or circum-
3 stance such invalidity or inapplicability shall not be construed to affect
4 the portions not so held or persons or circumstances not so affected.
5 All laws or portions of laws inconsistent with the policy and pro-
6 visions of this act are hereby repealed to the extent of such incon-
7 sistency in its application to controlled-access facilities provided for
8 in this act.

Approved April 15, 1955.