

## CHAPTER 151

## PRIMARY ROAD CONTINGENT FUND

S. F. 241

AN ACT to amend section three hundred thirteen point seventeen (313.17), Code 1954, relating to the primary road contingent fund.

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

1 SECTION 1. Section three hundred thirteen point seventeen  
2 (313.17), Code 1954, is hereby amended by striking the words "three  
3 hundred thousand" in lines three (3) and four (4) in said section,  
4 and substituting in lieu thereof the words "five hundred thousand"  
5 (500,000).

Approved April 27, 1955.

## CHAPTER 152

## TOLL ROADS

S. F. 96

AN ACT providing for the construction, maintenance, repair and operation or\* toll road projects; creating the Iowa toll road authority and defining its powers and duties; granting it power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for changes and reconstruction in the lines and location of highways, railroads and public facilities, the procedure and payment for cost or damage; providing for financing the construction of such projects by the issuance of revenue bonds of the authority, payable solely from the revenues and funds provided for such payment; providing that no liability or debt of the state shall be incurred in the exercise of any such powers; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such projects; exempting from taxes and assessments such toll road projects and such bonds and the interest thereon, making such bonds eligible for certain investments; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of bonds issued under the provisions of this Act; authorizing the issuance of revenue refunding bonds; authorizing municipalities and state agencies to convey property to the authority; providing for the operation and supervision of the projects after the retirement of such bonds, and for making an appropriation for preliminary expenses.

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

1 SECTION 1. As used in this Act, the following words and terms,  
2 unless the context indicates another or different meaning, shall mean:  
3 1. "Authority", the Iowa Toll Road Authority created by section  
4 3 of this Act, or if said Authority shall be abolished, the board, body  
5 or commission succeeding to the principal function thereof or to whom  
6 the powers given by this Act to the Authority shall be given by law.  
7 2. "Project", or "Toll Road Project", any express highway, super-  
8 highway, or motorway constructed under the provisions of this Act,  
9 at such location as may be approved by the governor of Iowa, includ-  
10 ing all bridges, tunnels, overpasses, underpasses, interchanges, en-  
11 trance plazas, approaches, approach roads, toll houses, service sta-  
12 tions, restaurants, and administration, storage and other buildings

\*According to enrolled Act.

13 and facilities which the Authority may deem necessary for the opera-  
14 tion of the project, and such tollfree access or connecting roads or  
15 bridges, if any, as the Authority may determine are necessary to ac-  
16 commodate the flow of traffic to and from the project, together with  
17 all property, rights, easements, and interests which may be acquired  
18 by the Authority for the construction or the operation of the project.  
19 Each project or toll road project may be separately designated by  
20 name or number and may be constructed, improved, or extended in  
21 such sections and stages as the Authority may from time to time de-  
22 termine.

23 3. "Cost", as applied to a toll road project, the cost of construction,  
24 including bridges over or under existing public roads and railroads,  
25 all or a part of the cost of any bridge over a stream forming a bound-  
26 ary between the state of Iowa and another state, the cost of acquisi-  
27 tion of all lands, rights-of-way property, rights, easements, and in-  
28 terests acquired by the Authority for such construction, the cost of  
29 demolishing or removing any buildings or structures on land so ac-  
30 quired, including the cost of acquiring any lands to which such build-  
31 ings or structures may be moved, the cost of diverting highways, in-  
32 terchange of highways, the cost of all machinery and equipment,  
33 financing charges, interest prior to and during construction and for  
34 one year after opening the entire project for traffic, cost of traffic esti-  
35 mates and of engineering and legal expenses, plans, specifications, sur-  
36 veys, estimates of cost and revenues, other expenses necessary or in-  
37 cident to determining the feasibility or practicability of constructing  
38 any such project, administrative expense, and such other expense  
39 as may be necessary or incident to the construction of the project,  
40 the financing of such construction, and the placing of the project in  
41 operation. If the Iowa state highway commission shall incur any ex-  
42 pense for surveys, borings, preparation of plans and specifications,  
43 and other engineering services in connection with the construction  
44 of a project, such expense shall be regarded as a part of the cost of  
45 such project and shall be reimbursed to the Iowa state highway com-  
46 mission out of the proceeds of toll revenue bonds issued for such proj-  
47 ect.

48 4. "Owner", all individuals, co-partnerships, associations or corpo-  
49 rations, and also municipalities, political subdivisions and all public  
50 agencies and instrumentalities, having any title or interest in any  
51 property, rights, easements, or interest authorized to be acquired by  
52 this Act.

53 5. "Revenues", all tolls, rentals, and other income derived by the  
54 Authority from the operation or ownership of a toll road project.

55 6. "Public roads", all public highways, roads and streets in the  
56 state, whether maintained by the state, county, city, township, or  
57 other political subdivision.

58 7. "Bonds", or "toll road revenue bonds", revenue bonds of the  
59 Authority authorized under the provisions of this Act.

1 SEC. 2. In order to facilitate vehicular traffic throughout the state,  
2 reduce the present handicaps and hazards on the congested highways  
3 in the state, promote the agricultural and industrial development of  
4 the state, and provide for the general welfare by the construction of  
5 modern express highways embodying, where deemed feasible and  
6 necessary by the Authority, such safety devices as center division,

7 ample shoulder widths, longsight distances, multiple lanes in each  
8 direction, and grade separations at intersections with other highways  
9 and railroads, the Iowa toll road authority is hereby authorized and  
10 empowered to construct, maintain, repair, improve, extend, and oper-  
11 ate toll road projects at such locations as herein provided, and to issue  
12 toll road revenue bonds of the Authority, payable solely from tolls  
13 and other revenues and funds of the Authority, to pay the cost of such  
14 projects as hereinafter provided.

1 SEC. 3. There is hereby created an Authority to be known as  
2 the "Iowa toll road authority", and by that name the Authority  
3 may sue and be sued. It shall be a body both corporate and politic  
4 in the state of Iowa and is hereby constituted an agency and instru-  
5 mentality of the state. The exercise by the Authority of the powers  
6 conferred by this Act in the construction, operation and maintenance  
7 of toll road projects shall be deemed and held to be the performance  
8 of essential governmental functions of the state.

1 SEC. 4. The Iowa toll road authority shall consist of five members,  
2 the governor of Iowa as an ex-officio member, a member of the Iowa  
3 highway commission as an ex-officio member, and three members who  
4 shall be appointed by the governor with the approval of two-thirds  
5 of the members of the senate in executive session at a general or  
6 special session of the legislature; provided, however, that if such ap-  
7 pointments are not made prior to the adjournment of the general as-  
8 sembly, the lack of approval by the Senate shall not impair the validity  
9 of the establishment of the Authority and the individuals named by  
10 the governor shall constitute the Authority until the next succeeding  
11 general or special session of the legislature. Not more than two of the  
12 appointive members shall be of the same political party. The Iowa  
13 state highway commission shall designate one of its members, to serve  
14 as an ex-officio member of said Authority. Each of said appointed  
15 members shall be a taxpayer and resident of the state for at least five  
16 years prior to said appointment. The members of the Authority first  
17 appointed by the governor shall continue in office for terms expiring  
18 on June 30, 1957, June 30, 1959 and June 30, 1961 respectively; the  
19 term of each such appointed member to be designated by the governor.  
20 Upon the expiration of each of the foregoing terms of said members,  
21 a successor shall be appointed for a term of six years from and after  
22 said expiration date or until his successor is appointed and qualified  
23 and said term of six years calculated as aforesaid, shall thereafter be  
24 the length of term of each member of the Authority unless removed  
25 as by law provided. Any member, unless removed from office, shall  
26 serve until his successor is appointed and qualified. Any member ap-  
27 pointed to fill a vacancy shall be appointed to serve only for the unex-  
28 pired term. A member of the Authority shall be eligible for reap-  
29 pointment. Each appointed member of the Authority before entering  
30 upon his duties, shall take an oath as provided by law for other public  
31 officers.

1 SEC. 5. 1. The Authority shall elect one of the appointed mem-  
2 bers as chairman and another as vice-chairman and shall appoint and  
3 fix the salary of a secretary-treasurer who need not be a member of the  
4 Authority; each such officer shall serve at the pleasure of the Author-  
5 ity. Any three members of the Authority shall constitute a quorum

6 and the affirmative vote of any two members shall be necessary for  
7 any action taken by the Authority. No vacancy in the member-  
8 ship of the Authority shall impair the right of a quorum to exercise  
9 all the rights and perform all the duties of the Authority.

10 2. The secretary-treasurer shall keep full and true records of  
11 the proceedings of the Authority and shall be the custodian of all  
12 books, maps, documents, and papers filed with the Authority and of  
13 the minute book or journal of the Authority and of its seal. The rec-  
14 ord of the proceedings of the Authority shall show all final actions of  
15 the Authority and shall be open to the inspection of the public at all  
16 reasonable times. Under the direction of the Authority, the secretary-  
17 treasurer shall have general charge of its office, shall superintend its  
18 clerical business and perform such other duties as it may require. The  
19 Authority may designate one of the clerks in the office of the sec-  
20 retary-treasurer to perform the duties of the secretary-treasurer dur-  
21 ing the latter's absence and during such time the person so designated  
22 shall possess the powers of the secretary-treasurer.

1 SEC. 6. Before the issuance of any toll road revenue bonds under  
2 the provisions of this Act, each appointed member of the Authority  
3 shall give a surety bond to the state in the penal sum of one hundred  
4 thousand dollars (\$100,000.00), and the secretary-treasurer and the  
5 clerk designated to perform his duties shall give surety bonds to the  
6 state in like amount, each such surety bond to be conditioned upon the  
7 faithful performance of the duties of the office, to be executed by a  
8 surety company authorized to transact business in this state as surety  
9 and to be approved by the secretary of state and filed in his office.

1 SEC. 7. Each member of the Authority appointed by the governor  
2 shall receive as compensation for his services twenty dollars (\$20.00)  
3 per diem and each member and officer shall be reimbursed for his  
4 actual expenses necessarily incurred in the performance of his duties  
5 including the cost of the surety bond filed under section 6. All obliga-  
6 tions and expense incurred in carrying out the provisions of this Act  
7 shall be payable solely from the funds provided under the authority  
8 of this Act and no liability or obligation shall be incurred by the  
9 Authority hereunder beyond the extent to which moneys shall have  
10 been provided under the authority of this Act. Provided, however,  
11 that any improvements built hereon and leased or rented shall be sub-  
12 ject to the same property tax as other property in the same taxing  
13 district.

1 SEC. 8. The Authority is hereby authorized and empowered:  
2 1. To adopt by-laws for the regulation of its affairs and the conduct  
3 of its business;  
4 2. To adopt an official seal and alter the same at pleasure;  
5 3. To maintain an office and branch offices;  
6 4. To sue, and be sued in its own name, provided however, that any  
7 and all actions at law or in equity against the Authority shall be  
8 brought in the county in which the office of the Authority is located,  
9 or in the county in which the cause of action arose, if said county is  
10 located within the state of Iowa. All duties enjoined upon it by the  
11 provisions of this Act may be enforced in a court of competent juris-  
12 diction in an action in mandamus;  
13 5. To determine the location, subject to the approval of the gover-

14 nor of Iowa, of each toll road project; to determine, in its discretion  
15 and without reference to any other provisions of this Act or any other  
16 law, the design standards and materials of construction, to construct,  
17 maintain, repair, police and operate each such toll road project, and  
18 to establish rules and regulations for its use;

19 6. To issue toll road revenue bonds of the Authority, payable solely  
20 from revenues or other funds pledged for their payment as herein  
21 provided and to refund its bonds, all as provided in this Act;

22 7. To fix and revise from time to time and charge and collect tolls  
23 for transit over each toll road project constructed by it;

24 8. To acquire, hold and dispose of real and personal property and  
25 execute conveyance thereof in the exercise of its powers and the per-  
26 formance of its duties under this Act. The power of disposition shall  
27 include although it is not limited to excess property acquired under  
28 subsection 4 of section 18 of this Act and such power may be exer-  
29 cised by the Authority through its designated agents whether title  
30 has vested in the state or in the Authority;

31 9. To acquire in the name of the state by purchase or otherwise,  
32 on such terms and conditions and in such manner as it may deem  
33 proper, or by the exercise of the power of eminent domain as herein-  
34 after provided, such public or private lands, or parts thereof, or rights  
35 therein, property rights, rights-of-way, franchises, easements, and  
36 interests, as it may deem necessary for carrying out the provisions of  
37 this Act; provided, however, that the Iowa Toll Road Authority  
38 created under this Act shall not acquire property rights, rights-of-  
39 way, franchises, easements, and interests in real estate by grant, pur-  
40 chase, gift, condemnation, or otherwise, and shall not issue any toll  
41 road revenue bonds until an adjoining state has created a similar  
42 toll road authority, has made plans and has negotiated the sale of  
43 revenue bonds to construct a toll road, which shall extend to the bound-  
44 ary of Iowa;

45 10. To designate the locations, and establish, limit and control such  
46 points of ingress to and egress from each toll road project as may be  
47 necessary or desirable in the judgment of the Authority to insure  
48 the proper operation and maintenance of such project, and to prohibit  
49 entrance to such projects from any point not so designated;

50 11. To make and enter into all contracts and agreements necessary  
51 or incidental to the performance of its duties and the execution of its  
52 powers under this Act;

53 12. To employ consulting engineers, superintendents, managers  
54 and such other engineers, construction and accounting experts, law-  
55 yers, and other employees and agents as may be necessary in its judg-  
56 ment, and to fix their compensation, provided that all such expenses  
57 shall be payable solely from the proceeds of toll road revenue bonds  
58 issued under the provisions of this Act or from revenues;

59 13. To receive and accept from any federal agency, grants for or in  
60 aid of the construction of any toll road project, and to receive and ac-  
61 cept aid or contributions from any source of either money, property,  
62 labor, or other things of value, to be held, used and applied only for  
63 the purposes for which such grants and contributions may be made;

64 14. To adopt such rules and regulations and to do any and all things  
65 necessary to comply with the rules, regulations or requirements of the  
66 United States bureau of public roads or any other federal agency

67 administering any law enacted by the congress of the United States to  
68 aid or encourage the construction of highways;

69 15. To do all acts and things necessary or proper to carry out the  
70 powers expressly granted in this Act. The recitation of specific pow-  
71 ers hereinabove shall not be construed to limit the generality of the  
72 powers elsewhere conferred by the provisions of this Act.

1 SEC. 9. 1. When the cost under any construction contract or  
2 agreement involves an expenditure of more than twenty-five thousand  
3 dollars (\$25,000.00), the Authority shall make a written contract  
4 with the lowest and best bidder after the publication for not less than  
5 two consecutive weeks of an advertisement in the "Weekly Letting  
6 Report", a publication of the Iowa state highway commission, and in  
7 a newspaper published in the county or counties where the work is to  
8 be done and in such other publications as the Authority may determine;  
9 provided however, that if after advertising for bids as aforesaid, no  
10 bid satisfactory to the Authority shall be received, it may reject all  
11 bids and the Authority may itself perform the work without further  
12 advertisement. If the unit of construction advertised shall be for the  
13 construction of a portion of a toll road of a length longer than five  
14 miles, such advertisement shall provide for separate bids on sections  
15 of said road not to exceed five miles in length, as well as for bids on  
16 sections of a greater length or on that portion of the toll road adver-  
17 tised as a whole. The Authority may also let contracts for component  
18 parts of the construction such as bridge, culvert, grading and paving  
19 separately on the same basis. The contract shall be let so as to provide  
20 for the most economical construction of the project. All notices of the  
21 letting of contracts under the provisions hereof shall state the time  
22 and place when and where bids will be received and opened; and all  
23 bids shall be sealed and opened only at the time and place mentioned  
24 in such notice and in the presence of some member of the Authority  
25 or some person named by the Authority for such purpose;

26 2. The second paragraph of section 309.39 Code of Iowa, 1954 with  
27 reference to the qualifications of bidders for construction contracts,  
28 shall be complied with. Each bid shall contain the full name of every  
29 person or company interested in it and shall be accompanied by a suf-  
30 ficient bond or certified check on a solvent Iowa bank that if the bid is  
31 accepted, a contract will be entered into and the performance of the  
32 proposal secured. The Authority may reject any or all bids;

33 3. A bond with good and sufficient surety executed by a surety  
34 company authorized to do business in the state of Iowa, shall be re-  
35 quired of all contractors in an amount equal to at least fifty per cent  
36 of the contract price conditioned upon the faithful performance of  
37 the contract.

1 SEC. 10. The Authority shall have power and authority to con-  
2 struct grade separations at intersections of any toll road project with  
3 public roads, state highways, and railroads, and to change and adjust  
4 the lines and grades of such public roads, state highways, railroads,  
5 and public utility facilities, provided however, that in such matters  
6 the Authority shall advise and consult with the Iowa state highway  
7 commission so as to accommodate the same to the design of such grade  
8 separation, and in case of railroads and public utility facilities, only  
9 after reasonable notice to such railroad or utility, of the proposed

10 change or adjustment, and after fair consideration of any plans,  
11 methods or suggestions therefor, to be promptly submitted by the  
12 railroad or utility to the Authority. The cost of such grade separa-  
13 tion and any damage incurred in changing and adjusting the lines  
14 and grades of such roads, highways, railroads, and public utility  
15 facilities, shall be ascertained and paid by the Authority as a part of  
16 the cost of such toll road project.

1 SEC. 11. If the Authority shall find it necessary to change the  
2 location of any portion of any public road, highway, railroad or public  
3 utility facilities, it shall cause the same to be reconstructed of sub-  
4 stantially the same type and in as good condition as the original road,  
5 highway, railroad or public utility facility and at such location as the  
6 Authority may deem best, provided such new location shall be reason-  
7 able, and in any case only after reasonable notice of the proposed  
8 change or adjustment, and after fair consideration of any plans,  
9 methods or suggestions therefor to be promptly submitted to the  
10 Authority. The cost of such reconstruction, relocation or removal and  
11 any damage incurred in changing the location of any such road, high-  
12 way, railroad, or public utility facility, shall be ascertained and paid  
13 by the Authority as a part of the cost of such toll road project.

1 SEC. 12. Any public road or highway affected by the construction  
2 of any toll road project, may be vacated, relocated, or re-established  
3 in the manner now provided by law for the vacation, relocation, or re-  
4 establishment of public roads or highways, and any damages awarded  
5 on account thereof shall be paid by the Authority as a part of the cost  
6 of such project.

1 SEC. 13. Whenever the toll road project divides a tract of land,  
2 the Authority shall provide a suitable livestock and machinery pass  
3 or passes to the end that said tract may continue to be operated as a  
4 unit. However, if the construction of such pass or passes is not prac-  
5 ticable because of excessive construction costs due to unusual condi-  
6 tions or because only a small portion of a tract is separated from the  
7 rest of a tract by the project, then and in that event the authority  
8 may purchase all or part of the tract in question.

1 SEC. 14. In addition to the foregoing powers, the Authority and  
2 its authorized agents and employees may enter upon any lands,  
3 waters, and premises in the state for the purpose of making surveys,  
4 soundings, drillings, and examinations as may be deemed necessary  
5 or proper for the purposes of this Act, and such entry shall not be  
6 deemed a trespass, nor shall an entry for such purposes be deemed an  
7 entry under any condemnation proceedings which may be then pend-  
8 ing. The Authority shall make reimbursement for any actual damages  
9 resulting to such lands, waters and premises as a result of such  
10 activities.

1 SEC. 15. The Authority shall also have power to make reasonable  
2 regulations for the installation, construction, maintenance, repair,  
3 renewal, relocation and removal of tracks, pipes, mains, conduits,  
4 cables, wires, towers, poles, and other equipment and appliances  
5 (herein called "public utility facilities") of any public utility or pipe  
6 line company in, on, along, over or under any toll road project. When-  
7 ever the Authority shall determine that it is necessary that any such

8 public utility facilities which now are, or hereafter may be, located in,  
9 on, along, over or under any toll road project should be relocated in  
10 such project, or should be removed from such project, the owner or  
11 operator of such facilities shall be given a reasonable notice in writing  
12 of the proposed relocation or removal and an opportunity to appear  
13 and be heard before the Authority as to the manner, method and  
14 place of the relocation or removal, and after such written notice and  
15 opportunity to be heard, the Authority may then order the relocation  
16 or removal of the public utility facilities; provided however, that the  
17 cost and expense of such relocation or removal, including the cost of  
18 installing such facilities in a new location or new locations, and the  
19 cost of any lands, or any rights or interests in lands, and any other  
20 rights acquired to accomplish such relocation or removal, shall be  
21 ascertained and paid by the Authority as a part of the cost of such  
22 project. In case of any such relocation or removal of facilities, the  
23 owner or operator of the same, its, his or their successors or assigns,  
24 may maintain and operate such facilities, with the necessary appurte-  
25 nances, in the new location or new locations, for as long a period,  
26 and upon the same terms and conditions, as they had the right to  
27 maintain and operate such facilities in their former location or loca-  
28 tions.

1 SEC. 16. The state of Iowa hereby consents to the use of all lands  
2 owned by it, including lands lying under water, which are deemed by  
3 the Authority to be necessary for the construction or operation of any  
4 toll road project. Whenever any such land shall have been appro-  
5 priated to the use of any other state agency, compensation shall be  
6 paid therefor by the Authority and the damages shall be assessed in  
7 the same manner as though the Authority were exercising its power  
8 of eminent domain as hereinafter provided in section 18, but neither  
9 the Authority or the state agency concerned shall have a right of  
10 appeal from the award of damages assessed by the condemnation  
11 commission.

1 SEC. 17. The Authority is hereby authorized and empowered to  
2 acquire by purchase, whenever it shall deem such purchase expedient,  
3 any lands, including the fee simple title thereto, property rights,  
4 rights-of-way, franchises, easements, and other interests in land as it  
5 may deem necessary or convenient for the construction or operation  
6 of any toll road project upon such terms and at such price as may be  
7 considered by it to be reasonable and can be agreed upon between the  
8 Authority and the owner thereof, and to take title thereto in the name  
9 of the state.

1 SEC. 18. 1. The Authority is hereby granted power to acquire  
2 by the exercise of the right of eminent domain in the same manner  
3 as prescribed for the Iowa state highway commission, any land nec-  
4 essary to carry out the duties imposed upon it by this Act, including  
5 the fee simple title thereto, property, rights, rights-of-way, franchises,  
6 easements, or any other interests in land deemed necessary or proper  
7 for the construction or the efficient operation of any toll road project  
8 or projects, and also that it deems necessary for the restoration of  
9 private or public property destroyed or damaged in the construction  
10 of any such project. Title to any property so acquired shall be taken  
11 in the name of the state of Iowa and the commission shall be selected



12 by the chief justice of the supreme court under section 472.6, Code of  
13 Iowa 1954, in the same manner as though the damages were payable  
14 out of the state treasury. The provisions of section 472.26, Code of  
15 Iowa 1954, shall not be applicable and the Authority may take pos-  
16 session of any land condemned immediately upon complying with  
17 section 472.25, Code of Iowa 1954. Attorney fees shall be taxable  
18 against the Authority as applicant under the provisions of section  
19 472.33, Code of Iowa 1954. The proceedings on behalf of the  
20 Authority shall be conducted by an attorney at law selected and em-  
21 ployed by the Authority.

22 2. Nothing herein shall authorize the Authority to take or disturb  
23 property or facilities belonging to any public utility or to a common  
24 carrier, which property or facilities are required for the proper and  
25 convenient operation of such public utility or common carrier, unless  
26 provision is made for the restoration, relocation or duplication of such  
27 property or facilities elsewhere at the sole cost of the Authority, and  
28 then only after reasonable written notice to such utility or common  
29 carrier of the Authority's proposal to take or disturb its property or  
30 facilities and granting an opportunity for the public utility or common  
31 carrier to be heard and to offer suggestions as to plans and methods  
32 for accomplishing the work contemplated by the Authority.

33 3. With respect to right-of-way above or below any railroad prop-  
34 erty, or right-of-way upon which railroad tracks are located, any pow-  
35 ers of condemnation may be exercised to acquire only an easement  
36 interest therein which shall be located either sufficiently far above  
37 or sufficiently far below the grade of any railroad track or tracks upon  
38 such railroad property, so that neither the proposed project nor any  
39 part thereof, including any bridge, abutments, columns, supporting  
40 structures and appurtenances, nor any traffic upon it, shall interfere in  
41 any manner with the use, operation or maintenance of the trains,  
42 tracks, works or appurtenances or other property of the railroad nor  
43 endanger the movement of the trains or traffic upon the tracks of the  
44 railroad. Prior to the institution of condemnation proceedings for  
45 such easement over or under such railroad property or right-of-way,  
46 plans and specifications of the proposed project showing compliance  
47 with the above mentioned above or below grade requirements and  
48 showing sufficient and safe plans and specifications of such overhead  
49 or undergrade structure and appurtenances, shall be submitted to the  
50 railroad for examination. If the railroad fails or refuses within thirty  
51 days to approve the plans and specifications, the matter shall be sub-  
52 mitted to the state commerce commission whose decision, in accord-  
53 ance with its usual procedure, shall be final as to the findings of fact  
54 on the sufficiency and safety of such plans and specifications.

55 4. In connection with the taking of property or property rights  
56 either by purchase or condemnation, the Authority may in its discre-  
57 tion, acquire an entire lot, block or tract of land, if, by so doing,  
58 the interests of the public will be best served, even though said entire  
59 lot, block or tract is not immediately needed for the right-of-way  
60 proper.

1 SEC. 19. The Authority is hereby authorized to provide by resolu-  
2 tion, at one time, or from time to time, for the issuance of toll road  
3 revenue bonds of the Authority for the purpose of paying all or any  
4 part of the cost of any one or more toll road projects. The principal

5 of and the interest on such bonds shall be payable solely from the  
6 funds herein provided for such payment. The bonds of each issue  
7 shall be dated, shall bear interest at such rate or rates not exceeding  
8 four per cent (4%) per annum, shall mature at such time or times  
9 not exceeding forty (40) years from their date or dates, as may be  
10 determined by the Authority, and may be made redeemable before  
11 maturity at the option of the Authority, at such price or prices and  
12 under such terms and conditions as may be fixed by the Authority  
13 prior to the issuance of the bonds. The Authority shall determine the  
14 form and the manner of execution of the bonds, including any interest  
15 coupons to be attached thereto, and shall fix the denomination or de-  
16 nominations of the bonds and the place or places of payment of prin-  
17 cipal and interest, which may be at any bank or trust company within  
18 or without the state. In case any officer whose signature, or a fac-  
19 simile of whose signature shall appear on any bonds or coupons, shall  
20 cease to be such officer before the delivery of such bonds, such signa-  
21 ture or such facsimile shall nevertheless, be valid and sufficient for all  
22 purposes, the same as if he had remained in office until such delivery.  
23 The bonds may be issued in coupon or in registered form, or both, as  
24 the Authority may determine, and provision may be made for the  
25 registration of any coupon bonds as to principal alone and also as to  
26 both principal and interest, and for the interchange of registered and  
27 coupon bonds. The Authority may sell such bonds in such manner  
28 either at public or private sales and for such price as it may deter-  
29 mine to be for the best interest of the state, but no such sale shall be  
30 made at a price so low as to require the payment of interest on the  
31 money received therefor at more than four per cent (4%) per annum,  
32 computed with relation to the absolute maturity of the bonds in  
33 accordance with standard tables of bond values, excluding, however,  
34 from such computation, the amount of any premium to be paid on  
35 redemption to any bonds prior to maturity.

1 SEC. 20. Except as hereinafter provided in this section, the pro-  
2 ceeds of the bonds of each issue shall be used solely for the payment  
3 of the cost of the toll road project or projects for which such bonds  
4 shall have been issued, and disbursed in such manner and under such  
5 restrictions, if any, as the Authority may provide in the resolution  
6 authorizing the issuance of such bonds or in the trust agreement here-  
7 inafter mentioned securing the same. If the proceeds of the bonds of  
8 any issue, by error of estimates or otherwise, shall be less than such  
9 cost, additional bonds may in like manner be issued to provide the  
10 amount of such deficit, and, unless otherwise provided in the resolu-  
11 tion authorizing the issuance of such bonds, or in the trust agreement  
12 securing the same, shall be deemed to be of the same issue and shall be  
13 entitled to payment from the same fund without preference or pri-  
14 ority of the bonds first issued. If the proceeds of the bonds of any  
15 issue shall exceed the cost of the toll road project, or projects for  
16 which the same shall have been issued, the surplus shall be deposited  
17 to the credit of the sinking fund for such bonds or may be applied to  
18 the payment of the cost of any other toll road project.

1 SEC. 21. Bonds may be issued under the provision of this Act  
2 without obtaining the consent of any department, division, commis-  
3 sion, board or agency of the state, and without any other proceedings

4 or the happening of any other conditions or things than those proceed-  
5 ings, conditions or things which are specifically required by this Act.  
6 Prior to the preparation of definitive bonds, the Authority may, under  
7 like restrictions, issue interim receipts or temporary bonds, with or  
8 without coupons, exchangeable for definitive bonds when such bonds  
9 shall have been executed and are available for delivery. The Authority  
10 may also provide for the replacement of any bonds which shall become  
11 mutilated or shall be destroyed or lost.

1 SEC. 22. In the discretion of the Authority, any bonds issued  
2 under the provisions of this Act may be secured by a trust agreement  
3 by and between the Authority and a corporate trustee, which may be  
4 any trust company or bank within or without the state, having the  
5 powers of a trust company. Such trust agreement or the resolution  
6 providing for the issuance of such bonds, shall pledge or assign the  
7 tolls and other revenues to be received, but shall not convey or mort-  
8 gage any toll road project or any part thereof. Such trust agreement  
9 or resolution providing for the issuance of such bonds, may contain  
10 such provisions for protecting and enforcing the rights and remedies  
11 of the bondholders as may be reasonable and proper and not in viola-  
12 tion of law, including covenants setting forth the duties of the  
13 Authority in relation to the acquisition of property and the construc-  
14 tion, improvement, maintenance, repair, operation and insurance of  
15 the toll road project or projects or the portion thereof in connection  
16 with which such bonds shall have been authorized, in relation to the  
17 rates, establishment and subsequent revision of toll to be charged,  
18 the custody, safeguarding and application of all moneys, and condi-  
19 tions or limitations with respect to the issuance of additional bonds.  
20 It shall be lawful for any bank or trust company incorporated under  
21 the laws of the state which may act as depository of the proceeds of  
22 bonds or of revenues, to furnish such indemnifying bonds or to pledge  
23 such securities as may be required by the Authority. Any such trust  
24 agreement may set forth the rights and remedies of the bondholders  
25 and of the trustee and may restrict the individual right of action by  
26 bondholders. In addition to the foregoing, any such trust agreement  
27 or resolution may contain such other provisions as the Authority may  
28 deem reasonable and proper for the security of the bondholders. All  
29 expenses incurred in carrying out the provisions of such trust agree-  
30 ment or resolution, may be treated as a part of the cost of the opera-  
31 tion or construction of the toll road project or projects.

1 SEC. 23. Toll road revenue bonds issued under the provisions of  
2 this Act shall not be deemed to constitute a liability or debt of the  
3 state or of any political subdivision thereof or a pledge of the faith and  
4 credit of the state or of any such political subdivision, but such bonds  
5 shall be payable solely from the funds pledged for their payment as  
6 authorized herein, unless such bonds are refunded by refunding bonds  
7 issued under the provisions of this Act, which refunding bonds shall  
8 be payable solely from funds pledged for their payment as authorized  
9 herein. All such toll road revenue bonds shall contain on the face  
10 thereof a statement to the effect that the bonds, as to both principal  
11 and interest, are not an obligation or liability or debt of the state of  
12 Iowa, or of any political subdivision thereof, but are payable solely  
13 from the revenues and funds pledged for their payment.

1     **SEC. 24.** The Authority is hereby authorized to combine any two  
2 or more toll road projects for financing purposes and to fix, revise,  
3 charge, and collect tolls for the use of each toll road project financed  
4 under the provisions of this Act and the different parts or sections  
5 thereof, and to contract in the manner herein provided, with any  
6 person, partnership, association, or corporation desiring the use of  
7 any part thereof, including the right-of-way adjoining the paved portion,  
8 for placing thereon telephone, telegraph, electric light or power  
9 lines, service stations, garages, and restaurants, and to fix the term,  
10 conditions, rents and rates of charge for such use, provided that no  
11 toll, charge or rental shall be made by the Authority for placing in,  
12 on, along, over or under such toll road project, such telephone, tele-  
13 graph, electric light or power lines, equipment or facilities as may be  
14 necessary to serve establishments located on the toll road project,  
15 or as may be necessary to inter-connect any public utility facilities,  
16 and provided that if service stations, restaurants, or other facilities  
17 or locations thereof are authorized on any toll road, then a sufficient  
18 number of such stations or locations shall be established to permit  
19 reasonable competition by private business in the public interest. Any  
20 person having acquired the right to use a service station or location  
21 therefor upon any toll road, may equip and operate the same or pro-  
22 vide for the operation thereof by a third person, but no person shall  
23 have the use of nor shall the automotive fuel products of any refiner,  
24 supplier or distributor be dispensed through (a) more than twenty  
25 (20) per cent of the service stations along any toll road, nor (b) more  
26 than one service station in the same service area. Contracts for the  
27 operation of service stations, garages, restaurants, parking facilities,  
28 or other purposes, to any one concessionaire shall not exceed twenty  
29 (20) percent of such number of similar establishments along any toll  
30 road, and shall be made in writing with the bidder whose bid in con-  
31 sideration of the public interest is determined by the Authority to be  
32 the best bid received, after advertising for three consecutive weeks  
33 in two newspapers in the state, and in such other publications as the  
34 Authority shall determine. Such notice shall state the general char-  
35 acter of the operation proposed, where plans and specifications may  
36 be examined, and the time and place of receiving bids. Bids shall  
37 contain the full name of every person or company interested in it, and  
38 shall be in such form as the Authority shall require. The Authority  
39 may reject any and all bids. All contracts shall be preserved in the  
40 office of the Authority. Such tolls shall be so fixed and adjusted in  
41 respect to the aggregate of tolls on each toll road project, or the  
42 projects so combined and the different parts or sections thereof so as  
43 to provide funds sufficient with other revenues from such project or  
44 projects, if any, to pay (a) the cost of maintaining, repairing and  
45 operating such toll road project or projects, and (b) the principal of  
46 and the interest on the bonds issued under the provisions of this Act  
47 on account of such project or projects as the same shall become due  
48 and payable, and to create reserves for such purposes. Such tolls shall  
49 not be subject to supervision or regulation by any other commission,  
50 board or agency of the state. The tolls and all other revenues derived  
51 from each toll road project or the projects so combined and the dif-  
52 ferent parts or section thereof, except such part thereof as may be  
53 necessary to pay such cost of maintenance, repair and operation and

54 to provide such reserves therefor as may be provided for in the reso-  
55 lution authorizing the issuance of such bonds, or in the trust agree-  
56 ment securing the same, shall be set aside at such regular intervals  
57 as may be provided in such resolution or such trust agreement in a  
58 sinking fund which is hereby pledged to, and charged with, the pay-  
59 ment of the principal of and the interest on such bonds as the same  
60 shall become due, and the redemption price or the purchase price of  
61 bonds retired by call or purchase as therein provided. Such pledge  
62 shall be valid and binding from the time when the pledge is made.  
63 The tolls or other revenues or other moneys so pledged and thereafter  
64 received by the Authority shall immediately be subject to the lien of  
65 such pledge without any physical delivery thereof or further act, and  
66 the lien of any such pledge shall be valid and binding as against all  
67 parties having claims of any kind in contract or otherwise against the  
68 Authority, irrespective of whether such parties have notice thereof  
69 and without regard to the dates on which said claims accrued. Neither  
70 the resolution nor any trust agreement by which a pledge is created  
71 need be filed or recorded except in the records of the Authority. The  
72 use and disposition of moneys to the credit of such sinking fund shall  
73 be subject to the provisions of the resolution authorizing the issuance  
74 of such bonds or of such trust agreement. Except as may be otherwise  
75 provided in such resolution or such trust agreement, such sinking fund  
76 shall be a fund for all such bonds without distinction or priority of  
77 one over another.

1 SEC. 25. All moneys received pursuant to the Authority of this  
2 Act, whether as proceeds from the sale of bonds or as revenues, shall  
3 be deemed to be trust funds, to be held and applied solely as provided  
4 in this Act. The resolution authorizing the issuance of bonds of any  
5 issue or the trust agreement securing such bonds, shall provide that  
6 any officer with whom or any bank or trust company with which such  
7 money shall be deposited shall act as trustee of such moneys and shall  
8 hold and apply the same for the purposes hereof, subject to such reg-  
9 ulations as this Act and such resolution or trust agreement may pro-  
10 vide. Said resolution or trust agreement may provide for the invest-  
11 ment of such moneys, or any part thereof not needed for current use.

1 SEC. 26. Any holder of bonds issued under the provisions of this  
2 Act or any of the coupons appertaining thereto, and the trustee under  
3 any trust agreement, except to the extent the rights herein given  
4 may be restricted by such trust agreement or the resolution authoriz-  
5 ing the issuance of such bonds, may, either at law or in equity, by suit,  
6 action, mandamus or other proceedings, protect and enforce any and  
7 all rights under the laws of the state or granted hereunder or under  
8 such trust agreement or the resolution authorizing the issuance of  
9 such bonds, and may enforce and compel the performance of all duties  
10 required by this Act or by such trust agreement or resolution to be  
11 performed by the Authority or by any officer thereof, including the  
12 fixing, charging and collection of tolls. Notwithstanding any of the  
13 foregoing provisions of this Act, all such bonds shall be deemed nego-  
14 tiable instruments under the laws of this state.

1 SEC. 27. The exercise of the powers granted by this Act will be  
2 in all respects for the benefit of the people of the state and for the  
3 increase of their commerce and prosperity, and the operation and

4 maintenance of toll road projects by the Authority and will constitute  
5 the performance of essential governmental functions.

1 SEC. 28. The Authority shall not be required to pay any taxes or  
2 assessments upon any toll road project or any property acquired or  
3 used by the Authority under the provisions of this Act or upon the  
4 income therefrom, and the bonds issued under the provisions of this  
5 Act, their transfer and the income therefrom, including any profit  
6 made on the sale thereof, shall at all times be free from taxation  
7 within the state provided, however, that nothing herein shall be con-  
8 strued as exempting said bonds in the hands of the purchasers thereof  
9 from any applicable taxes imposed by the state of Iowa.

1 SEC. 29. Bonds issued by the Authority under the provisions of  
2 this Act, are hereby made securities in which the state and all political  
3 subdivisions of the state, all banks, savings banks, trust companies,  
4 insurance companies, assurance, casualty, fidelity and guaranty com-  
5 panies, savings and loan associations, all administrators, executors,  
6 guardians, trustees, and all other fiduciaries, and all others who now  
7 are or may hereafter be authorized to invest in bonds or other obliga-  
8 tions of the state, may properly and legally invest funds, including  
9 capital belonging to them or within their control. Such bonds are  
10 hereby made securities which may properly and legally be deposited  
11 with and received by any state or municipal officer or any agency or  
12 political subdivision of the state for any purpose for which the deposit  
13 of bonds or obligations is now or may hereafter be authorized by law.

1 SEC. 30. The statutes of the state of Iowa relative to motor ve-  
2 hicles and the law of the road, shall be applicable to this project and  
3 public police officers shall be afforded ready access while in the per-  
4 formance of their official duty to all property under the jurisdiction  
5 of the Authority without the payment of tolls.

1 SEC. 31. 1. Each toll road project when constructed and opened  
2 to traffic, shall be maintained and kept in good condition and repair  
3 by the Authority, and the Authority shall have power to purchase or  
4 otherwise acquire all necessary tools, machinery, supplies and mate-  
5 rials, and to employ all necessary labor therefor, or the Authority may  
6 provide for the proper repair and maintenance of such project by con-  
7 tract. Each such project shall be policed and operated by such force  
8 of police, tolltakers and other operating employees as the Authority  
9 may in its discretion employ.

10 2. All public or private property damaged or destroyed by the con-  
11 struction of any toll road project under the provisions of this Act,  
12 shall be restored or repaired and placed in its original condition as  
13 nearly as practicable or adequate compensation made therefor out of  
14 funds provided under the authority of this Act.

1 SEC. 32. All counties, cities, towns, townships and other political  
2 subdivisions and all public agencies and commissions of the state,  
3 notwithstanding any contrary provision of law, are hereby authorized  
4 and empowered to lease, lend, grant or convey to the Authority at its  
5 request upon such terms and conditions as the proper authorities of  
6 such counties, cities, towns, townships, or other political subdivisions  
7 or public agencies and commissions of the state may deem reasonable  
8 and fair and without the necessity for an advertisement, order of

9 court or other action or formality, other than the regular and formal  
10 action of the authorities concerned, any real property which may be  
11 necessary or convenient to the effectuation of the authorized pur-  
12 poses of the Authority, including public roads and other real property  
13 already devoted to public use.

1 SEC. 33. On or before the first (1st) day of February in each year,  
2 the Authority shall make an annual report of its activities for the pre-  
3 ceding calendar year to the governor and the general assembly. Each  
4 such report shall set forth a complete operating and financial state-  
5 ment covering its operations during the year. The Authority shall  
6 cause an audit of its books and accounts to be made at least once each  
7 year by certified public accountants and the cost thereof may be  
8 treated as a part of the cost of construction or of operation of the  
9 project.

1 SEC. 34. Any member, agent or employee of the Authority who is  
2 interested, either directly or indirectly, in any contract of another  
3 with the Authority, or in the sale of any property, either real or per-  
4 sonal to the Authority, shall be guilty of a misdemeanor and pun-  
5 ished by a fine of not more than one thousand dollars (\$1,000.00),  
6 or by imprisonment in the county jail for not more than one year, or  
7 both. The provisions of this paragraph shall not apply, however, to  
8 contracts or purchases of property, real or personal, between the  
9 Authority and other departments or subdivisions of state government.

1 SEC. 35. The Authority is hereby authorized to provide by reso-  
2 lution for the issuance of toll road revenue refunding bonds payable  
3 solely from revenues for the purpose of refunding any bonds then out-  
4 standing which shall have been issued under the provisions of this  
5 Act, including the payment of any redemption premium thereon and  
6 any interest accrued, or to accrue, to the date of redemption of such  
7 bonds, and, if deemed advisable by the Authority, for the additional  
8 purpose of constructing improvements, extensions or enlargements  
9 of the toll road project, or projects, in connection with which the  
10 bonds to be refunded shall have been issued. The Authority is further  
11 authorized to provide by resolution for the issuance of its toll road  
12 revenue bonds for the combined purpose of (a) refunding any bonds  
13 then outstanding which shall have been issued under the provisions  
14 of this Act, including the payment of any redemption premium there-  
15 on and any interest accrued or to accrue to the date of redemption of  
16 such bonds, and (b) paying all or any part of the cost of any addi-  
17 tional toll road project or projects. The issuance of such bonds, the  
18 maturities and other details thereof, the rights of the holders thereof,  
19 and the rights, duties and obligations of the Authority in respect to  
20 the same, shall be governed by the provisions of this Act insofar as  
21 the same may be applicable.

1 SEC. 36. When all toll road bonds issued under the provisions of  
2 this Act in connection with any project or projects and the interest  
3 thereon, shall have been paid, such project or extension or section  
4 thereof, if then in good condition and repair to the satisfaction of the  
5 Iowa state highway commission, shall become part of the state high-  
6 way system and shall thereafter be maintained under the control and  
7 supervision of the Iowa state highway commission, unless otherwise  
8 directed by the state legislature.

1 SEC. 37. This Act shall be deemed to provide an additional and  
 2 alternative method for the doing of the things authorized thereby, and  
 3 shall be regarded as supplemental and additional to powers conferred  
 4 by other laws, and shall not be regarded as in derogation\* of any  
 5 powers now existing; provided, however, that the issuance of toll road  
 6 revenue bonds, or toll road revenue refunding bonds, under the pro-  
 7 visions of this Act, need not comply with the requirements of any  
 8 other law applicable to the issuance of other types of revenue or gen-  
 9 eral obligation bonds.

1 SEC. 38. This Act, being necessary for the welfare of the state  
 2 and its inhabitants, shall be liberally construed to effect the purposes  
 3 thereof.

1 SEC. 39. The provisions of this Act are severable, and if any of its  
 2 provisions shall be held unconstitutional by any court of competent  
 3 jurisdiction, the decision of such court shall not affect or impair any  
 4 of the remaining provisions.

1 SEC. 40. The Iowa State Highway Commission is hereby author-  
 2 ized to provide the sum of seventy-five thousand dollars (\$75,000.00)  
 3 or so much thereof as may be necessary to carry out the proposals of  
 4 this Act and for compensation and expenses audited according to law.  
 5 None of said funds may be expended for promotion. Upon the sale  
 6 of toll revenue bonds for any project, or projects, any money ex-  
 7 pended from this sum shall be reimbursed to the Iowa State Highway  
 8 Commission from the proceeds of such bonds without interest.

1 SEC. 41. This Act, being deemed of immediate importance, shall be  
 2 in full force and effect from and after its publication in Iowa City  
 3 Press-Citizen, a newspaper published at Iowa City, Iowa, and The  
 4 Daily Reporter, a newspaper published at Sioux City, Iowa.

Approved April 29, 1955.

I hereby certify that the foregoing Act, Senate File 96, was published in the Iowa City  
 Press Citizen, Iowa City, Iowa, May 11, 1955, and in The Daily Reporter, Sioux City,  
 Iowa, May 13, 1955.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 153

### NOXIOUS WEEDS

H. F. 76

AN ACT to amend section three hundred seventeen point one (317.1), Code 1954, re-  
 lating to primary noxious weeds.

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

1 SECTION 1. Section three hundred seventeen point one (317.1),  
 2 Code 1954, is hereby amended by inserting after the word "repens)"  
 3 in line thirteen (13) the following: ", buckthorn (rhamnus)".

Approved April 21, 1955.

\*According to enrolled Act.