

37 hundred twenty-seven A (327A), and three hundred twenty-seven B
 38 (327B.), and chapters four hundred seventy-four (474) through four
 39 hundred eighty-six (486), inclusive, of the Code shall continue in full
 40 force and effect as rules of the state department of transportation
 41 until amended or supplemented by affirmative action of the state
 42 transportation commission.

1 SEC. 199. All employees of the state highway commission, Iowa
 2 aeronautics commission, and Iowa reciprocity board are transferred to
 3 the state department of transportation. Any employee of the Iowa state
 4 commerce commission and the department of public safety whose duty
 5 assignments will be terminated because of this Act may be reassigned
 6 to other duties or may be transferred to the state department of trans-
 7 portation. The Iowa merit employment commission shall promulgate
 8 rules and regulations to carry out such reassignment or transfer and
 9 shall arbitrate and decide any written appeal made by any employee
 10 concerning any transfer, reassignment, or reclassification made neces-
 11 sary by this Act. No employee shall lose any benefits he may have
 12 accrued, including but not limited to salary, retirement, vacation, sick
 13 leave, or longevity, because of reassignment provided in this section.

1 SEC. 200. The provisions of divisions one (I) and two (II) of this
 2 Act shall become effective July 1, 1974. The provisions of divisions
 3 three (III) and four (IV) of this Act shall become effective July 1,
 4 1975.

Approved May 29, 1974

CHAPTER 1181

GREAT RIVER ROAD

H. F. 1465

AN ACT relating to the great river road and to scenic and recreational parkways.

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

1 SECTION 1. Section three hundred eight point three (308.3), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **308.3 Definitions.** As used in this chapter:

5 1. "Secretary", "parkway", "scenic landscape", "slightly or safety
 6 easement", "access", "parkway road", "parkway development",
 7 "frontage", and other similar terms have the same meaning as defined
 8 in any act of the Congress of the United States related to a national
 9 parkway.

10 2. "National parkway" has the same meaning as defined in Public
 11 Law ninety-three dash eighty-seven (93-87), first session, Ninety-third
 12 Congress of the United States.

13 3. "Great river road" means a scenic and recreational highway con-
 14 sisting of a designated system of roads and streets along the Missis-
 15 sippi River in this state.

16 4. "A scenic and recreational highway" means a public highway des-
 17 igned to allow enjoyment of aesthetic and scenic views, points of his-
 18 torical, archeological, and scientific interest, state parks and other rec-
 19 reational areas and includes both the right-of-way and conservation
 20 area.

21 5. "Scenic easement" means a servitude which is acquired by gift,
 22 purchase, exchange, or condemnation and is designed to permit land
 23 to remain in private ownership for its normal agricultural, residential
 24 or other use and, at the same time, to restrict and control the future
 25 use of the land for the purpose of preserving, restoring, or enhancing
 26 the natural and historic beauty of the land subject to the scenic ease-
 27 ment.

28 6. "Right-of-way" means land area dedicated to public use for a
 29 highway and its maintenance, and includes land acquired in fee simple
 30 or by permanent easement for highway purposes, but does not include
 31 temporary easements or rights for supplementary highway appurte-
 32 nances.

33 7. "Conservation area" means land in which the state highway com-
 34 mission or the state conservation commission has acquired rights other
 35 than that land necessary for a right-of-way.

1 SEC. 2. Section three hundred eight point four (308.4), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **308.4 Highway commission authority.**

5 1. The state highway commission shall make such investigations,
 6 surveys, studies and plans in connection with any proposed national
 7 parkway or parkway development as it shall deem necessary or desir-
 8 able to determine if the proposed development is under the terms of
 9 the act of the United States Congress applicable to such parkway or
 10 any regulations under such act and is advantageous to the state. Such
 11 parkway development may be any portion of the proposed parkway
 12 which is proposed to be constructed as a project under such act.

13 2. The state highway commission, with the cooperation of the state
 14 conservation commission, shall also:

15 a. Plan, designate and establish the exact routing of the great river
 16 road, utilizing the general guidelines established in Title twenty-three
 17 (23), United States Code.

18 b. Acquire all rights in land necessary for reconstruction or reloca-
 19 tion of any portions of the great river road where such reconstruction
 20 or relocation is imperative for the safety of the traveling public, or
 21 where the condition or location of existing segments of the highway
 22 is not in keeping with the intent of the provisions of this Act. Acqui-
 23 sitions of such rights in land shall be by gift, purchase, exchange, or by
 24 instituting and maintaining proceedings for condemnation. Gift, pur-
 25 chase, exchange, and condemnation shall include acquisition of a scenic
 26 easement. A scenic easement acquired under this Act shall constitute
 27 easements both at law and in equity, and all legal and equitable reme-
 28 dies, including prohibitory and mandatory injunctions, shall be avail-
 29 able to protect and enforce the state's interest in such scenic ease-
 30 ments. Any scenic easement acquired under this Act shall be deemed
 31 to be appurtenant to the roadway to which it is adjacent or from which
 32 it is visible. The duties created by any scenic easement acquired under
 33 this Act shall be binding upon and enforceable against the original

34 owner of the land subject to the scenic easement and his heirs, succes-
 35 sors, and assigns in perpetuity, unless the instrument creating the
 36 scenic easement expressly provides for a lesser duration. A court
 37 shall not declare any scenic easement acquired under this Act to have
 38 been extinguished or to have become unenforceable by virtue of
 39 changed conditions or frustration of purpose.

40 c. Accept and administer state, federal, and any other public or pri-
 41 vate funds made available for the acquisition of rights in land and for
 42 the planning and construction or reconstruction of any segment of the
 43 great river road and any state and federal funds for the maintenance
 44 of that part of the great river road constituting the right-of-way.

1 SEC. 3. Section three hundred eight point five (308.5), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 308.5 **Jurisdiction and control.** Jurisdiction and control of the
 5 great river road shall be vested in the state highway commission.

1 SEC. 4. Chapter three hundred eight (308), Code 1973, is amended
 2 by adding the following new sections:

3 **NEW SECTION. Transferring jurisdiction.** The state highway com-
 4 mission, with the concurrence of the state conservation commission,
 5 shall transfer jurisdiction of any adjacent conservation area to the
 6 state conservation commission upon completion of any new segment of
 7 the great river road.

8 **NEW SECTION. Duties of the state conservation commission.** The
 9 state conservation commission, with the cooperation of the state high-
 10 way commission, shall:

11 1. Control the conservation area acquired by the state highway com-
 12 mission.

13 2. Protect all scenic easements.

14 3. Maintain, improve, and beautify according to plans made under
 15 paragraph a of subsection two (2) of section two (2) of this Act, all
 16 conservation areas, including the establishment of off-road-vehicle
 17 trails, equestrian trails, and hiking paths.

18 4. Accept and administer state, federal, and any other public or pri-
 19 vate funds made available for the maintenance, improvement, and
 20 beautification of conservation areas.

21 **NEW SECTION. Agreements authorized.** The state highway com-
 22 mission and the state conservation commission may enter into agree-
 23 ments with the United States secretary of transportation, as provided
 24 under the United States Code, Title twenty-three (23) relating to
 25 scenic and recreational highway system, and with any other agency
 26 and jurisdiction, and take action in the name of the state to comply
 27 with the terms of any agreement.

28 **NEW SECTION. Establishing locations for the highway.**

29 1. When, as a result of its investigations and studies, the state high-
 30 way commission, in cooperation with the state conservation commis-
 31 sion, finds that there may be a need in the future for the development
 32 and construction or reconstruction of segments of the great river road
 33 and when the state highway commission determines that in order to
 34 prevent conflicting costly economic development on areas of lands to
 35 be available for the great river road when needed for such future de-
 36 velopment, there is need to establish and to inform the public of the

37 approximate location and widths of new or improved segments of the
38 great river road to be needed, the state highway commission may pro-
39 ceed to establish such location and the approximate widths in the man-
40 ner provided in this section. The state highway commission shall give
41 notice and hold a public hearing on the matter in a convenient place
42 in the area to be affected by the proposed improvement of the great
43 river road. The state highway commission shall consider and evaluate
44 the testimony presented at the public hearing and it shall make a study
45 and prepare a map showing location of the proposed new or recon-
46 structed segment of the great river road and the approximate widths
47 of right-of-way needed. There shall be shown on such map the exist-
48 ing roadway and the property lines and record owners of lands to be
49 needed. The approval of such map shall be recorded by reference in
50 the state highway commission's minutes, and a notice of such action
51 and a copy of the map showing the lands or interest in the lands
52 needed in any county shall be filed in the office of the county recorder
53 of such county. Notice of the action and of the filing shall be pub-
54 lished once in a newspaper of general circulation in such county, and
55 within sixty days following the filing, notice of the filing shall be
56 served by registered mail on the owners of record on the date of filing
57 and on the functional classification board of the county. Using the
58 same procedures for approval, notice and publications, and notice to
59 the affected record owners, the state highway commission may, from
60 time to time, amend the map.

61 2. After such location is established, within the area of the great
62 river road as shown on the map or in such proximity to it as to result
63 in consequential damages when the rights in land for the great river
64 road are acquired, a person shall not erect or move in any additional
65 structure or rebuild, alter or add to any existing structure, without
66 giving to the state highway commission by registered mail sixty-days'
67 notice of such contemplated construction, alteration, or addition de-
68 scribing the same. However, this prohibition and requirement shall
69 not apply to any normal or emergency repairs or replacements which
70 are necessary to maintain an existing structure of a facility in approx-
71 imately its previously existing functioning condition. When the rights
72 in land for a segment of the great river road are acquired, damages
73 shall not be allowed for any construction, alterations, or additions in
74 violation of this subsection.

75 3. Without limiting any authority otherwise existing, rights in land
76 needed for the great river road may be acquired at any time by the
77 state, the county, or the municipality in which such segment of the
78 great river road is located. If an owner's contiguous land is acquired
79 to an extent which is less than the total amount shown on the map as
80 needed, consequential damages to the land not acquired shall be allowed
81 as found to exist.

Approved May 27, 1974