

February 25, 1953.

Passed on File.

Highways 1/25

Senate File 314

By WATSON of O'Brien and NOLAN.

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled-access facilities; the acquisition of lands required therefore; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor.

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

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

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

11 busses, and other commercial vehicles shall be excluded.

1 *Sec. 3. Authority to establish controlled-access facilities.*

2 Cities, towns, and highway authorities having jurisdiction and
3 control over the highways of the state, as provided by chapter
4 103, Acts of the 54th General Assembly, acting alone or in
5 cooperation with each other or with any Federal, State, or local
6 agency or any other state having authority to participate in the
7 construction and maintenance of highways, are hereby authorized
8 to plan, designate, establish, regulate, vacate, alter, improve,
9 maintain, and provide controlled-access facilities for public
10 use wherever such authority or authorities are of the opinion
11 that traffic conditions, present or future, will justify such
12 special facilities; provided, that within cities and towns such
13 authority shall be subject to such municipal consent as may be
14 provided by law. Said cities, towns, and highway authorities,
15 *in addition to the specific powers granted in this act*, shall
16 also have and may exercise, relative to controlled-access
17 facilities, any and all additional authority now or hereafter
18 vested in them relative to highways or streets within their
19 respective jurisdictions. Said cities, towns and highway
20 authorities may regulate, restrict, or prohibit the use of such
21 controlled-access facilities by the various classes of vehicles
22 or traffic in a manner consistent with section 2 of this act.

1 *Sec. 4. Design of controlled-access facility.* Cities, towns,
2 and highway authorities having jurisdiction and control over
3 the highways of the state, as provided by chapter 103, Acts

4 of the 54th General Assembly, are authorized to so design any
5 controlled-access facility and to so regulate, restrict, or
6 prohibit access as to best serve the traffic for which such
7 facility is intended. In this connection such cities, towns,
8 and highway authorities are authorized to divide and separate
9 any controlled-access facility into separate roadways by the
10 construction of raised curbsings, central dividing sections,
11 or other physical separations, or by designating such separate
12 roadways by signs, markers, stripes, and the proper lane for such
13 traffic by appropriate signs, markers, stripes, and other devices.
14 No person shall have any right of ingress or egress to, from,
15 or across controlled-access facilities to or from abutting lands,
16 except at such designated points at which access may be permitted,
17 upon such terms and conditions as may be specified from time to
18 time.

1 Sec. 5. Acquisition of property and property rights. For
2 the purposes of this Act, cities, towns, and highway authorities
3 having jurisdiction and control over the highways of the state, as
4 provided by chapter 103, acts of the 54th General Assembly,
5 may acquire private or public property rights for controlled-access
6 facilities and service roads, including rights of access, air,
7 view, and light, by gift, devise, purchase, or condemnation
8 in the same manner as such units are now or hereafter may be
9 authorized by law to acquire such property or property rights
10 in connection with highways and streets within their respective
11 jurisdictions. All property rights acquired under the provisions

12 of this act shall be in fee simple. In connection with the
13 acquisition of property or property rights for any controlled-
14 access facility or portion thereof, or service road in connection
15 therewith, the said cities, towns and highway authorities, in its
16 discretion, acquire an entire lot, block, or tract of land, if, by
17 so doing, the interests of the public will be best served, even
18 though said entire lot, block, or tract is not immediately needed
19 for the right-of-way proper.

1 Sec. 6. New and existing facilities; grade-crossing
2 eliminations. Cities, towns and highway authorities having
3 jurisdiction and control over the highways of the state, as provided
4 by chapter 103, Acts of the 54th General Assembly, may designate
5 and establish an existing street or highway as included within
6 a controlled-access facility. The state or any of its
7 subdivisions shall have authority to provide for the elimination
8 of intersections at grade of controlled-access facilities with
9 existing state and county roads, and city or town or village
10 streets, by grade separation or service road, or by closing off
11 such roads and streets at the right-of-way boundary line of such
12 controlled-access facility; and after the establishment of any
13 controlled-access facility, no highway or street which is not
14 part of said facility shall intersect the same at grade. No
15 city, town, or village street, county or state highway, or other
16 public way shall be opened into or connected with any such
17 controlled-access facility without the consent and previous
18 approval of the highway authority in the state, county, city,

19 town or village having jurisdiction over such controlled-access
20 facility. Such consent and approval shall be given only if the
21 public interest shall be served thereby.

1 Sec. 7. Authority of local units to consent. Cities, towns
2 and highway authorities having jurisdiction and control over the
3 highways of the state, as provided by chapter 103, Acts of the 54th
4 General Assembly, are authorized to enter into agreements with
5 each other, or with the Federal Government, respecting the
6 financing, planning, establishment, improvement, maintenance, use,
7 regulation, or vacation of controlled-access facilities or other
8 public ways in their respective jurisdictions, to facilitate
9 the purposes of this act.

1 Sec. 8. Local service roads. In connection with the
2 development of any controlled-access facility cities, towns and
3 highway authorities having jurisdiction and control over the
4 highways of the state, as provided by chapter 103, Acts of the
5 54th General Assembly, are authorized to plan, designate,
6 establish, use, regulate, alter, improve, maintain, and vacate
7 local service roads and streets or to designate as local service
8 roads and streets any existing road or street, and to exercise
9 jurisdiction over service roads in the same manner as is authorized
10 over controlled-access facilities under the terms of this act,
11 if, in their opinion, such local service roads and streets are
12 necessary or desirable. Such local service roads or streets shall
13 be of appropriate design, and shall be separated from the
14 controlled-access facility proper by means of all devices designated

15 as necessary or desirable by the proper authority.

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

1 Sec. 10. Severability. If any section, provision, or clause
2 of this act shall be declared invalid or inapplicable to any
3 person or circumstance such invalidity or inapplicability shall
4 not be construed to affect the portions not so held or persons
5 or circumstances not so affected. All laws or portions of laws

6 inconsistent with the policy and provisions of this act are
7 hereby repealed to the extent of such inconsistency in its
8 application to controlled-access facilities provided for in this
9 act.

