

FILED FEB 19 1986

SENATE FILE 2190
BY COMMITTEE ON LOCAL
GOVERNMENT

(formerly SSB 2074)
Approved (p. 363)

Passed Senate, Date _____

Passed House, Date 4-3-86 (p. 1018)

Vote: Ayes _____ Nays _____

Vote: Ayes 32 Nays 8

Approved _____

Motion to Reconsider (p. 1019)

A BILL FOR

1 An Act relating to the removal of trees, brush, and underbrush,
2 and other growth within the highway right-of-way.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2190

1 Section 1. Section 314.7, Code 1985, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 314.7 TREES AND OTHER GROWTH -- INGRESS OR EGRESS --
5 DRAINAGE.

5258, 5225
5595

6 The agency in control of any secondary road or primary road
7 may cause all or part of trees, shrubs, underbrush, and other
8 growth to be removed from within the highway right-of-way,
9 whether the right-of-way was acquired by title or easement,
10 if, in the opinion of the agency, the trees, shrubs,
11 underbrush, or other growth are a safety hazard to the public
12 traveling upon the highway, obstruct the highway or tile
13 drains, or interfere with proper improvement or maintenance of
14 the highway. An owner, lessee, or tenant of property abutting
15 a highway does not have any right, title, or interest in
16 trees, shrubs, underbrush, and other growth other than grass,
17 growing within the highway right-of-way. Neither the agency,
18 nor an employee or representative of the agency, is liable in
19 damages for injury, death, or property damage based upon a
20 claim of failure to remove trees, shrubs, underbrush, and
52 21 other growth from the highway right-of-way. This section does
22 not prevent a landowner from harvesting grass grown along the
23 owner's land as provided in section 317.11.

24 Officers, employees, and contractors in charge of improve-
25 ment and maintenance work on a highway shall not destroy or
26 injure reasonable ingress or egress to property, or turn the
27 natural drainage of the surface water to the injury of
28 adjoining owners, but shall use strict diligence in draining
29 the surface water from the public road in its natural channel.
30 To this end they may enter upon the adjoining lands for the
31 purpose of removing from the natural channel obstructions that
32 impede the flow of surface water.

33 EXPLANATION

34 This bill allows authorities in control of secondary or
35 primary roads to remove trees, shrubs, underbrush, and other

1 growths within the highway right-of-way when in their opinion
2 the growths constitute a safety hazard, obstruct the highway
3 or tile drains, or interfere with proper improvement or
4 maintenance of the highway. Currently they are prohibited
5 from removing any tree which does not materially obstruct the
6 highway or tile drains or interfere with the improvement or
7 maintenance of the road if it stands in front of a city lot,
8 farmyard, orchard, feedlot, or public grounds. The bill
9 states that the landowners do not possess any right, title, or
10 interest in the growths which are to be removed, but it still
11 allows a landowner to harvest grass which grows along the
12 owner's land.

13 The bill also exempts the agency in control of the primary
14 or secondary road, and any employees of the agency, from
15 liability for damages for injury, death, or property damage
16 based upon a claim of failure to remove growths from the
17 highway right-of-way.

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SENATE FILE 2190

S-5225

1 Amend Senate File 2190 as follows:

2 1. Page 1, by striking lines 10 through 14 and
3 inserting the following: "in order to maintain safe
4 sight distance, control drifting of snow and dispose
5 of dead or diseased trees and other vegetation which
6 obstruct the highway or tile drains, interfere with
7 proper improvement projects or pose a safety hazard to
8 the public traveling upon the highway.

9 Each agency shall develop written guidelines and
10 procedures regarding the maintenance and removal of
11 vegetation in highway rights-of-way under its control
12 by July 1, 1987. The guidelines shall be based on
13 approved department of transportation roadside
14 maintenance guidelines and procedures, and the public
15 shall be given notice and opportunity to comment on
16 the agency guidelines and procedures. An owner,
17 lessee, or tenant of property abutting".

18 2. Page 1, line 17, by striking the word "right-
19 of-way" and inserting the following: "right-of-way,
20 if such vegetation constitutes a safety hazard to the
21 public traveling upon the highway".

S-5225 Filed February 27, 1986

BY BRUNER

W/S 4/2 (p. 992)

SENATE FILE 2190

S-5258

1 Amend Senate File 2190 as follows:

2 1. Page 1, by striking lines 17 through 21 and
3 inserting the following: "growing within the highway
4 right-of-way. This section does".

S-5258 Filed March 5, 1986 BY MANN

Loss 4/2 (p. 992) Motion to reconsider (p. 994)

S-5269

1 Amend Senate File 2190 as follows:

2 1. Page 1, line 21, by striking the word "right-
3 of-way." and inserting the following: "right-of-way,
4 unless the failure to remove trees, shrubs,
5 underbrush, and other growth creates a hazard
6 unreasonably dangerous to persons traveling along the
7 right-of-way."

S-5269 Filed March 6, 1986

BY READINGER, MANN, WELSH, GRONSTAL, SOORHOLTZ

Adopted 4/3 (p. 1018) Motion to reconsider (p. 1028)

SENATE FILE 2190

S-5595

1 Amend Senate File 2190 as follows:

2 1. Page 1, by striking lines 14 through 17 and
3 inserting the following: "the highway. Neither the
4 agency,".

S-5595 Filed April 4, 1986
BY HALL

LOCAL GOVERNMENT: Hall, Chair; Goodwin and C. Miller

New
SF 2190

SENATE FILE 2190

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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