

b. Initiation, in cooperation with associations of health care providers of an information and education effort regarding the current requirements for special waste authorizations prior to the disposal of infectious wastes in a landfill. The effort shall include an attempt to compile an inventory of the number of generators and the volumes generated. The inventory shall be completed and a report regarding the results of the inventory submitted to the general assembly by no later than January 15, 1991.

c. Upon completion of the compilation of the inventory, the department shall recommend, for adoption by the commission, standards for on-site and off-site treatment of infectious waste. In developing standards, the department shall consider factors affecting the feasibility of alternative methods of treatment and disposal, including but not limited to the volume of infectious waste generated, the availability of treatment facilities within geographic areas, and the costs of transporting infectious wastes to treatment facilities. The standards shall include monitoring requirements for treatment facilities, and training requirements for operators of facilities. The standards may include requirements for management plans dealing with the plans for management of infectious wastes in compliance with adopted standards. In cases in which an individual generator of infectious waste is served by a person treating or disposing of the infectious waste, the person treating or disposing of the waste may prepare the plan for all generators served.

d. The department shall undertake a public information program, in conjunction with the Iowa department of public health and health care providers, to promote public understanding of the scope and features of state and private efforts to manage infectious wastes.

Approved May 27, 1989

CHAPTER 246

ROADSIDE VEGETATION MANAGEMENT

H.F. 723

AN ACT relating to the implementation of a program for integrated roadside vegetation management and weed control, including the crediting of moneys to the living roadway trust fund, and providing an effective date.

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

Section 1. Section 312.2, subsection 9, Code 1989, is amended to read as follows:

9. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the division of soil conservation in the department of agriculture and land stewardship living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax funds fund. ~~The division of soil conservation, in co-operation with the state department of transportation and the department of natural resources shall expend the funds, for the lease or other use of land intended for the planting or maintenance of wind erosion control barriers designed to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highway. However, the funds shall not be expended for wind erosion control barriers located more than forty rods from the highway.~~

Sec. 2. Section 312.2, subsection 12, Code 1989, is amended to read as follows:

12. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the state department of transportation living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax funds fund. ~~The state department of transportation shall expend the funds for the planting or maintenance of trees~~

or shrubs in shelter belts for erosion control to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highways.

Sec. 3. Section 314.13, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 3. "Committee" means the integrated roadside vegetation management technical advisory committee created in section 314.22.

NEW SUBSECTION. 4. "Coordinator" means the integrated roadside vegetation management coordinator.

Sec. 4. Section 314.20, Code 1989, is amended to read as follows:

314.20 UTILITY EASEMENTS ON HIGHWAY RIGHT-OF-WAY.

The department shall develop an accommodation plan for the longitudinal utility use of free-way right-of-way, in consultation with the utilities board. The plan shall be consistent with the rules of the federal highway administration of the United States department of transportation and shall be submitted to the federal highway administration for its approval by January 1, 1989. In developing the plan, the department shall provide for extended payment and lease agreements to provide continuous funding for the living roadway trust fund. The plan shall provide for charges for the use of the right-of-way and all moneys collected shall be credited to the living roadway trust fund established in under section 314.21, and shall be used by the department for the planting and maintenance of alternative roadside vegetation on interstate highways.

Sec. 5. Section 314.21, Code 1989, is amended to read as follows:

314.21 LIVING ROADWAY TRUST FUND.

1. The treasurer of state shall credit for the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys received under section 314.20 to the living roadway trust fund, which is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of alternative integrated roadside vegetation for living windbreaks, wildlife habitat, roadside erosion control, and aesthetic purposes plans. The Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to streets road, street, and highways highway right-of-ways. The state department of transportation and in consultation with the department of natural resources shall jointly establish standards relating to the type of projects available for assistance. Of For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund, shall be expended as follows: fifty-six percent shall be expended for on state department of transportation projects. Thirty; thirty percent shall be expended on county projects; and fourteen percent shall be expended for on city projects.

PARAGRAPH DIVIDED. Any A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary system. The state department of transportation and in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. Funds allocated under this subsection shall be in addition to expenditures currently made for the purposes specified in this subsection. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The

department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

PARAGRAPH DIVIDED. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, subsections 1, 2, 3, and 4. However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22.

2. a. The department may authorize projects which provide grants or loans to local governments and organizations which are developing community entryway enhancement and other planting demonstration projects. Planning, public education, installation, and initial maintenance planning and development may be determined by the department to be eligible activities for funding under this paragraph. Projects approved under this paragraph require a local match or contribution toward the overall project cost.

b. The department may authorize projects which provide grants or loans to local governments for the purchase of specialized equipment and special staff training for the establishment of alternative forms of roadside vegetation. Projects approved under this paragraph require a local match or contribution toward the overall project cost.

c. The department, in order to create greater visual effect, shall investigate alternatives for concentrating plantings at strategic locations to gain a greater visual impact and appeal as well as stronger scenic value. Equal attention shall be given to providing safe and effective habitats for wildlife which can coexist with highways.

d. The department may authorize projects which provide grants or loans to local jurisdictions for increased protection through the use of easements, fee title acquisition, covenants, zoning ordinances, or other provisions for protection of vegetation and desirable environment adjacent to the right-of-way. Off-right-of-way projects shall emphasize vegetation protection or enhancement, scenic and wildlife values, erosion control and enhancement of vegetation management projects within the right-of-ways.

3. Notwithstanding subsections 1 and 2, prior to the distribution of the moneys in the living roadway trust fund under subsections 1 and 2, the department may authorize expenditures of moneys from the living roadway trust fund for projects that benefit all road jurisdictions by providing research, education, training, technical advice and services, demonstrations, seminars, and meetings. For the fiscal period beginning July 1, 1989, and ending June 30, 1991, the department shall allocate no less than fifty thousand dollars in each fiscal year to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management pilot program providing research, education, training, and technical assistance.

Sec. 6. NEW SECTION. 314.22 INTEGRATED ROADSIDE VEGETATION MANAGEMENT.

1. OBJECTIVES. It is declared to be in the general public welfare of Iowa and a highway purpose for the vegetation of Iowa's roadsides to be preserved, planted, and maintained to be safe, visually interesting, ecologically integrated, and useful for many purposes. The state department of transportation shall provide an integrated roadside vegetation management plan and program which shall be designed to accomplish all of the following:

a. Maintain a safe travel environment.

b. Serve a variety of public purposes including erosion control, wildlife habitat, climate control, scenic qualities, weed control, utility easements, recreation uses, and sustenance of water quality.

c. Be based on a systematic assessment of conditions existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for cost-effective maintenance and vegetation planting.

d. Emphasize the establishment of adaptable and long-lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside.

e. Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and invader plant species.

f. Build upon a public education program allowing input from adjacent landowners and the general public.

g. Accelerate efforts toward increasing and expanding the effectiveness of plantings to reduce wind-induced and water-induced soil erosion and to increase deposition of snow in desired locations.

h. Incorporate integrated roadside vegetation management with other state agency planning and program activities including the recreation trails program, scenic highways, open space, and tourism development efforts. Agencies should annually report their progress in this area to the general assembly.

2. **COUNTIES MAY ADOPT PLANS.** A county may adopt an integrated roadside vegetation management plan consistent with the integrated roadside vegetation management plan adopted by the department under subsection 1.

3. **INTEGRATED ROADSIDE VEGETATION MANAGEMENT TECHNICAL ADVISORY COMMITTEE.**

a. The director of the department shall appoint members to an integrated roadside vegetation management technical advisory committee which is created to provide advice on the development and implementation of a statewide integrated roadside vegetation management plan and program and related projects. The department shall report annually in January to the general assembly regarding its activities and those of the committee. Activities of the committee may include, but are not limited to, providing advice and assistance in the following areas:

- (1) Research efforts.
- (2) Demonstration projects.
- (3) Education and orientation efforts for property owners, public officials, and the general public.
- (4) Activities of the integrated roadside vegetation management coordinator for integrated roadside vegetation management.
- (5) Reviewing applications for funding assistance.
- (6) Securing funding for research and demonstrations.
- (7) Determining needs for revising the state weed law and other applicable Code sections.
- (8) Liaison with the Iowa state association of counties, the league of Iowa municipalities, and other organizations for integrated roadside vegetation management purposes.

b. The director may appoint any number of persons to the committee but, at a minimum, the committee shall consist of all of the following:

- (1) One member representing the utility industry.
- (2) One member from the Iowa academy of sciences.
- (3) One member representing county government.
- (4) One member representing city government.
- (5) Two members representing the private sector including community interest groups.
- (6) One member representing soil conservation interests.
- (7) One member representing the department of natural resources.
- (8) One member representing county conservation boards.

Members of the committee shall serve without compensation, but may be reimbursed for allowable expenses from the living roadway trust fund created under section 314.21. No more than a simple majority of the members of the committee shall be of the same gender as provided in section 69.16A. The director of the department shall appoint the chair of the committee and shall establish a minimum schedule of meetings for the committee.

4. **INTEGRATED ROADSIDE VEGETATION MANAGEMENT COORDINATOR.** The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department

or may contract for the services of the coordinator. The duties of the coordinator include, but are not limited to, the following:

- a. Conducting education and awareness programs.
- b. Providing technical advice to the department and the department of natural resources, counties, and cities.
- c. Conducting demonstration projects.
- d. Coordinating inventory and implementation activities.
- e. Providing assistance to local community-based groups for undertaking community entry-way projects.
- f. Being a clearinghouse for information from Iowa projects as well as from other states.
- g. Periodically distributing information related to integrated roadside vegetation management.
- h. General coordination of research efforts.
- i. Other duties assigned by the director of transportation.

5. EDUCATION PROGRAMS. The department shall develop educational programs and provide educational materials for the general public, landowners, governmental employees, and board members as part of its program for integrated roadside vegetation management. The educational program shall provide all of the following:

a. The development of public service announcements and television programs about the importance of roadside vegetation in Iowa.

b. The expansion of existing training sessions and educational curriculum materials for county weed commissioners, government contract sprayers, maintenance staff, and others to include coverage of integrated roadside management topics such as basic plant species identification, vegetation preservation, vegetation inventory techniques, vegetation management and planning procedures, planting techniques, maintenance, communication, and public relations. County and municipal engineers, public works staffs, planning and zoning representatives, parks and habitat managers, and others should be encouraged to participate.

c. The conducting of statewide and regional conferences and seminars about integrated roadside vegetation management, community entryways, scenic values of land adjoining roadsides, and other topics relating to roadside vegetation.

d. The preparation, display, and distribution of a variety of public relations material, in order to better inform and educate the traveling public on roadside vegetation management activities. The public relations material shall inform motorists of a variety of roadside vegetation issues including all of the following:

- (1) Benefits of various types of roadside vegetation.
- (2) Long-term results expected from planting and maintenance practices.
- (3) Purposes for short-term disturbances in the roadside landscapes.
- (4) Interesting aspects of the Iowa landscape and individual landscape regions.
- (5) Other aspects relating to wildlife and soil erosion.

e. Preparation and distribution of educational material designed to inform adjoining property owners, farm operators, and others of the importance of roadside vegetation and their responsibilities of proper stewardship of that vegetation resource.

6. RESEARCH AND DEMONSTRATION PROJECTS. The department, as part of its plan to provide integrated roadside vegetation management, shall conduct research and feasibility studies including demonstration projects of different kinds at a variety of locations around the state. The research and feasibility studies may be conducted in, but are not limited to, any of the following areas:

a. Cost effectiveness or comparison of planting, establishing and maintaining alternative or warm-season, native grass and forb roadside vegetation and traditional cool-season nonnative vegetation.

b. Identification of the relationship that roadsides and roadside vegetation have to maintaining water quality, through drainage wells, sediment and pollutant collection and filtration, and other means.

- c. Impacts of burning as an alternative vegetation management tool on all categories of roads.
- d. Techniques for more quickly establishing erosion control and permanent vegetative cover on recently disturbed ground as well as interplanting native species in existing vegetative cover.
- e. Effectiveness of techniques for reduced or selected use of herbicides to control weeds.
- f. Identification of cross section and slope steepness design standards which provide for motorist safety as well as for improved establishment, maintenance, and replacement of different types of vegetation.
- g. Identification of a uniform inventory and assessment technique which could be used by many counties in establishing integrated roadside management programs.
- h. Equipment innovations for seeding and harvesting grasses in difficult terrain settings, roadway ditches, and fore-slopes and back-slopes.
- i. Identification of the perceptions of motorists and landowners to various types of roadside vegetation and configuration of plantings.
- j. Market or economic feasibility studies for native seed, forb, and woody plant production and propagation.
- k. Impacts of vegetation modifications on increasing or decreasing wildlife populations in rural and urban areas.
- l. Effects of vegetation on the number and location of wildlife road-kills in rural and urban areas.
- m. Costs to the public for improper off-site resource management adjacent to roadsides.
- n. Advantages, disadvantages, and techniques of establishing pedestrian access adjacent to highways and their impacts on vegetation management.
- o. Identification of alternative techniques for snow catchment on farmland adjacent to roadsides.

7. **GATEWAYS PROGRAM.** The department shall develop a gateways program to provide meaningful visual impacts including major new plantings at the important highway entry points to the state and its communities. Substantial and distinctive plantings shall also be designed and installed at these points. Creative and artistic design solutions shall be sought for these improvements. Communications about these projects shall be provided to local groups in order to build community involvement, support, and understanding of their importance. Consideration shall be given to a requirement that gateways projects produce a local match or contribution toward the overall project cost.

8. **VEGETATION INVENTORIES AND STRATEGIES.**

a. The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program and project emphasis may include, but are not limited to, all of the following:

- (1) Additional development and funding of state gateways projects.
- (2) Accelerated replacement of dead and unhealthy plants with native and hardy trees and shrubs.
- (3) Special interest plantings at selected highly visible locations along primary and interstate highways.
- (4) Pilot and demonstration projects.
- (5) Additional snow and erosion control plantings.
- (6) Welcome center and rest area plantings with native and aesthetically interesting species to create mini-arboretums around the state.

b. The department shall coordinate and compile a reconnaissance of lands to develop an inventory of sites having the potential of being harvested for native grass, forb, and woody plant material seed and growing stock. Highway right-of-ways, parks and recreation areas, converted railroad right-of-ways, state board of regents' property, lands owned by counties, and other types of public property shall be surveyed and documented for seed source potential. Sites volunteered by private organizations may also be included in the inventory. Inventory information shall be made available to state agencies' staffs, county engineers, county conservation board directors, and others.

Sec. 7. Section 317.5, Code 1989, is amended to read as follows:

317.5 WEEDS IN ABANDONED CEMETERIES.

The commissioner shall spray control the weeds growing in abandoned cemeteries in the county as often as needed to keep said weeds under control. Spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

Sec. 8. Section 317.11, Code 1989, is amended to read as follows:

317.11 WEEDS ON ROADS OR HIGHWAYS -- HARVESTING OF GRASS.

The board county boards of supervisors shall destroy noxious weeds growing in secondary roads, and the state department of transportation shall destroy control noxious weeds growing on primary roads on the roads under their jurisdiction. Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.

PARAGRAPH DIVIDED. Nothing herein under this chapter shall prevent the landowner from harvesting, in proper season, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.

Sec. 9. Section 317.13, Code 1989, is amended to read as follows:

317.13 PROGRAM OF CONTROL.

The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed destruction control for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also by adopting an integrated roadside vegetation management plan prescribe and order a program of weed control for purposes of complying with all sections of this chapter. The program for weed control ordered or adopted by the county board of supervisors shall provide that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

Sec. 10. Section 317.18, Code 1989, is amended to read as follows:

317.18 ORDER FOR DESTRUCTION ON ROADS.

The board of supervisors may order all noxious weeds, within the right-of-way of all county trunk and local county roads to be cut, burned or otherwise destroyed controlled to prevent seed production, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan, and the order shall define the roads along which noxious weeds are required to be cut, burned or otherwise destroyed controlled and shall require the weeds to be cut, burned or otherwise destroyed controlled within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan. The order shall provide that spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

Sec. 11. Section 317.19, Code 1989, is amended to read as follows:

317.19 ROAD CLEARING APPROPRIATION.

The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise destroying controlling weeds or brush within the right-of-way of county trunk roads and local county roads in time to prevent reseeding or in a manner consistent with the county's roadside vegetation management plan, if the county has adopted such a plan. The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.

The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out this section.

Sec. 12. The state department of transportation shall report to the governor and the general assembly by January 15, 1992, on the allocation of moneys of the living roadway trust fund under section 314.21, and shall include in its report any recommended changes in the allocation of the moneys in the living roadway trust fund.

Sec. 13. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved May 27, 1989

CHAPTER 247

VEHICLE PARKING AND HANDICAPPED PARKING

H.F. 745

AN ACT relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

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

Section 1. Section 15.286, subsection 4, paragraph a, Code 1989, is amended to read as follows:

a. The Iowa finance authority shall develop criteria to award assistance based upon the applicant's financial need, the cost-benefit of the project, the accessibility to the project by handicapped persons as defined in section ~~601E.1~~ 321L.1, percent of private investment, percent leveraged by other programs, assessment of local housing situation, and ability to administer the program.

Sec. 2. Section 104A.7, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

~~Effective January 1, 1982, all~~ All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ~~forty-eight~~ ten or more parking spaces, shall set aside ~~at least six-tenths of one percent of the parking spaces provided as~~ handicapped parking spaces as defined in ~~required under~~ section ~~601E.1~~ 321L.5, subsection 3.

~~Effective January 1, 1982, all~~ All public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in chapter 499B and which provide ~~twelve~~ ten or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section ~~601E.1~~ 321L.1 for each individual dwelling unit in which a handicapped person resides.

Sec. 3. Section 321.23, subsection 4, Code 1989, is amended to read as follows:

4. A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which