

January 29, 1970

Passed on File

*Transportation 1-30, Pass in
Amended 2-10
Am " 3/10*

Reprinted 3/6
SENATE FILE 1157

By DeKOSTER, NEU, LAMBORN,
KLINK and NICHOLSON

Passed Senate, Date.....*3-5-70*..... Passed House, Date

Vote: Ayes*40*..... Nays*5*..... Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to closed highways.

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

3 Section 1. Chapter three hundred six (306), Code 1966, is

4 hereby amended by adding the following new section:

5 "The board or commission having jurisdiction and control
6 over any highway in the state may temporarily close sections
7 of a highway for the purpose of construction, reconstruction,
8 or maintenance, and cause to be erected 'road closed' signs
9 and partial or total barricades in the roadway at each end of
10 the closed highway section. The board or commission having
11 jurisdiction over a section of highway closed under the pro-
12 visions of this Act, or the persons or contractors employed
13 to carry out the construction, reconstruction, or maintenance
14 of the closed section of highway, shall not be liable for any
15 damages to any motor vehicle or for any injuries to any person
16 riding in a motor vehicle that enters the closed section of
17 highway, unless the damages are caused by willful or reckless
18 conduct of the board, commission or contractor.

19 Nothing herein shall be construed to prohibit or deny any
20 person from gaining lawful access to his property or residence."

EXPLANATION

This bill will make it clear that any person who enters a closed section of highway will travel thereon at his own risk. This bill does not deny access to such highways, it merely deals with the liability problem if an accident occurs. The bill is necessary because a recent court case held a county and a contractor liable in just such a case.

- 1 Amend Senate File 1157, page 1, line 8, by striking
- 2 the words "road closed" and inserting in lieu
- 3 thereof the words "road closed—travel at your
- 4 own risk".

Filed - *Withdrawn 3/5*
January 30, 1970

By KLINK

- 1 Amend Senate File 1157 as follows:
- 2 1. Page 1, line 15 by striking the words
- 3 "motor vehicle" and inserting the word
- 4 "property".
- 5 2. Page 1, line 16, by striking the words
- 6 "riding in a motor vehicle".

Filed - *Withdrawn 3/5*
February 4, 1970

By KLINK

- 1 Amend Senate File 1157 by adding the following new
- 2 sentence after the period in line 10:
- 3 For purposes of this Act, a section of highway shall
- 4 be considered closed only if an approved detour is provided.

Filed - *Withdrawn 3/5*
February 10, 1970

By COMMITTEE ON TRANSPORTATION
CLIFTON C. LAMBORN, Chairman

- 1 Amend the DeKoster amendment to Senate File 1157, filed
- 2 February 24, 1970, found on page 616 of the Senate Journal
- 3 as follows:
- 4 1. By inserting in line 8 after the word "highway" the
- 5 words "by formal resolution entered upon the minutes of such
- 6 board or commission".
- 7 2. By inserting in line 23 after the word "contractor"
- 8 the following:
- 9 " , but only during the period of time encompassed by one-
- 10 half hour before sunrise and one-half hour after sunset on days
- 11 that such section of such highway is actually being worked
- 12 upon".

Filed, division 1 adopted, division 2 lost
March 5, 1970

By GAUDINEER

- 1 Amend Senate File 1157, page 1, line 6, by striking
- 2 the words, "road closed" and inserting in lieu
- 3 thereof the words "road closed-enter at your own
- 4 risk".

Filed - *Withdrawn 3/5*
February 19, 1970

By KLINK

1 Amend Senate File 1157 as follows:
2 1. By inserting in line 8 after the word, "maintenance"
3 the words "by formal resolution entered upon the minutes of such
4 board or commission".
5 2. By inserting in line 10 after the word "section" the
6 following::
7 "and at the point where each highway intersects with that
8 section of the highway under construction, reconstruction, or
9 maintenance".
10 3. By inserting in line 18 after the word, "contractor"
11 the following:
12 ", but only during the period of time encompassed by one-
13 half hour before sunrise and one-half hour after sunset on days
14 that such section of such highway is actually being worked upon".

Filed - *Withdrawn 3-5*
February 24, 1970

By GAUDINEER

1 Amend Senate File 1157 by striking all after the enact-
2 ing clause and inserting in lieu thereof the following:
3 Section 1. Chapter three hundred six (306), Code 1966,
4 is hereby amended by adding the following new section:
5 "The board or commission having jurisdiction and control
6 over any highway in the state, or the chief engineer of said
7 board or commission when delegated by such board or commission,
8 may temporarily close sections of a highway when reasonably
9 necessary because of construction, reconstruction, maintenance
10 or natural disaster and shall cause to be erected "road closed—
11 enter at your own risk" signs and partial or total barricades
12 in the roadway at each end of the closed highway section and
13 on the closed highway where that highway is intersected by
14 other highways if such intersection remains open. The board
15 or commission having jurisdiction over a section of highway
16 closed in accordance with the provisions of this Act, or the
17 persons or contractors employed to carry out the construction,
18 reconstruction, or maintenance of the closed section of highway,
19 shall not be liable for any damages to any vehicle that enters
20 the closed section of highway or the contents of such vehicle
21 or for any injuries to any person that enters the closed section
22 of highway, unless the damages are caused by gross negligence of
23 the board, commission or contractor.
24 Nothing herein shall be construed to prohibit or
25 deny any person from gaining lawful access to his property
26 or residence."

Filed - *Adopted as amended 3/5*
February 26, 1970

By DeKOSTER

1 Amend the DeKoster amendment filed on February 26, 1970, to
2 20, the following new section:
3 Sec. 2. This Act being deemed of immediate importance shall be
4 in full force and effect from and after its final approval
5 and publication in the Ames Daily Tribune, a newspaper
6 published at Ames, Iowa, and the Charles City Press, a
7 newspaper published at Charles City, Iowa.

Filed and adopted
March 5, 1970

By COMMITTEE ON TRANSPORTATION

1 Amend the DeKoster amendment of February 26, 1970,
2 to Senate File 1157 by adding the following new
3 sentence after the word "open." in line 14:
4 "For purpose of this Act, a section of
5 highway shall be considered closed, other than by
6 a natural disaster, only if an approved detour is
7 provided."

Filed and lost
March 5, 1970

By COLEMAN

March 6, 1970

SENATE FILE 1157

By DeKOSTER, NEU, LAMBORN,
KLINK and NICHOLSON
(AS PASSED BY THE SENATE)

Passed Senate, Date 3-5-70 Passed House, Date 3-19-70

Vote: Ayes 40 Nays 5 Vote: Ayes 96 Nays 14

Approved April 6, 1970

*Passed as amended by House
3-24-70
aye 57, nay 1*

A BILL FOR

- 1 An Act relating to closed highways.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 *Section 1. Chapter three hundred six (306), Code 1966,*
- 4 *is hereby amended by adding the following new section:*
- 5 *“The board or commission having jurisdiction and control*
- 6 *over any highway in the state, or the chief engineer of said*
- 7 *board or commission when delegated by such board or commission,*
- 8 *may temporarily close sections of a highway by formal resolution*
- 9 *entered upon the minutes of such board or commission when*
- 10 *reasonably necessary because of construction, reconstruction,*
- 11 *maintenance or natural disaster and shall cause to be erected*
- 12 *‘road closed—enter at your own risk’ signs and partial or*
- 13 *total barricades in the roadway at each end of the closed high-*
- 14 *way section and on the closed highway where that highway is*
- 15 *intersected by other highways if such intersection remains open.*
- 16 *The board or commission having jurisdiction over a section of*
- 17 *highway closed in accordance with the provisions of this Act, or the*
- 18 *persons or contractors employed to carry out the construction,*
- 19 *reconstruction, or maintenance of the closed section of highway,*
- 20 *shall not be liable for any damages to any vehicle that enters*
- 21 *the closed section of highway or the contents of such vehicle*
- 22 *or for any injuries to any person that enters the closed section*
- 23 *of highway, unless the damages are caused by gross negligence of*
- 24 *the board, commission or contractor.*
- 25 *Nothing herein shall be construed to prohibit or deny any*

- 1 person from gaining lawful access to his property or residence.”
 2 Sec. 2. This Act being deemed of immediate importance shall
 3 be in full force and effect from and after its final approval
 4 and publication in the Ames Daily Tribune, a newspaper published
 5 at Ames, Iowa, and the Charles City Press, a newspaper published
 6 at Charles City, Iowa.

EXPLANATION

This bill will make it clear that any person who enters a closed section of highway will travel thereon at his own risk. This bill does not deny access to such highways, it merely deals with the liability problem if an accident occurs. The bill is necessary because a recent court case held a county and a contractor liable in just such a case.

- 1 Amend Senate File 1157 as follows:
 2 1. By adding thereto as section 2 the following:
 3 Sec. 2. Section three hundred six point thirteen (306.13),
 4 Code 1966, is hereby amended by inserting in line sixteen (16) after
 5 the period the following:
 6 “Whenever such board or commission condemns or purchases
 7 property rights or otherwise denies direct access to a road
 8 or highway from abutting property, the board or commission
 9 shall establish and maintain an alternative access facility
 10 to an alternate road or highway to the extent that said access
 11 facility shall connect with any lane or driveway in existence
 12 at the time of the condemnation or purchase, or if none exists
 13 after condemnation, then said access facility shall connect at
 14 another place as agreed to by the parties. The alternative
 15 access facility so constructed shall meet the minimum standards
 16 for local secondary roads with all-weather surfacing and shall
 17 be maintained in the same manner and to the same extent.
 18 Compensation for any property rights taken in the establish-
 19 ment of any alternative access shall be paid as in any other
 20 purchase or condemnation of property.”
 21 2. By renumbering section 2 as section 3.
 22 3. By adding to the title the following:
 23 “and to the purchase or condemnation of property rights
 24 for establishment of an alternative access.”

Filed - *adopted 3/17*
 March 18, 1970
 In: Transportation

CHRISTENSEN of Clarke-Union Counties
 SCHROEDER of Pottawattamie

- 1 Amend Senate File 1157 page 2, line one (1), by striking
- 2 the period and inserting in lieu thereof the following:
- 3 “, nor shall it change or limit liability to such
- 4 persons.”

Offered from the floor and lost
Reconsidered and adopted
March 19, 1970

JESSE of Polk

- 1 Amend Senate File 1157 page 1, line twenty-three (23)
- 2 by striking the word “gross”.

Offered from the floor and lost
March 19, 1970

RENDA of Polk

HOUSE AMENDMENT TO SENATE FILE 1157

- 1 Amend Senate File 1157, as amended, passed and reprinted
- 2 by the Senate, as follows:
- 3 1. By adding thereto as Section 2 the following:
- 4 Sec. 2. Section three hundred six point thirteen (306.13),
- 5 Code 1966, is hereby amended by inserting in line sixteen (16)
- 6 after the period the following:
- 7 “Whenever such board or commission condemns or purchases
- 8 property rights or otherwise denies direct access to a road
- 9 or highway from abutting property, the board or commission
- 10 shall establish and maintain an alternative access facility
- 11 to an alternate road or highway to the extent that said
- 12 access facility shall connect with any lane or driveway in
- 13 existence at the condemnation or purchase, or if
- 14 none exists after condemnation, then said access facility
- 15 shall connect at another place as agreed to by the parties.
- 16 The alternative access facility so constructed shall meet the
- 17 minimum standards for local secondary roads with all-weather
- 18 surfacing and shall be maintained in the same manner and to
- 19 the same extent. Compensation for any property rights taken
- 20 in the establishment of any alternative access shall be paid
- 21 as in any other purchase or condemnation of property.”
- 22 2. By renumbering Section 2 as Section 3.
- 23 3. Page 2, line 1, by striking the period and inserting
- 24 in lieu thereof the following:
- 25 “, nor shall it change or limit liability to such persons.”
- 26 4. By striking the period at the end of the title and
- 27 adding the following:
- 28 “and to the purchase or condemnation of property rights
- 29 for establishment of an alternative access.”

*Senate
concerned
3/24*

Received from the House
March 23, 1970