

JAN 11 1971

TRANSPORTATION

Sen. Commerce

"

Pass per amendment 3/25  
5/25 Pass per amendment 6/7  
11/10/72 Pass a/c amend. 2/28

HOUSE FILE 10

By HOLDEN, STROMER, PRIEBE, FISCHER  
of Grundy, COCHRAN, REX, DOUGHERTY,  
and WINKELMAN  
(Briles, Ollenburg, Griffin, and  
Potgeter)

Passed House, Date 5-20-71

Passed Senate, Date 3-22-72

Vote: Ayes 78 Nays 3

Vote: Ayes 31 Nays 12

Approved \_\_\_\_\_

### A BILL FOR

- 1 An Act relating to the maintenance of access roads.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 Section 1. Section three hundred six point nineteen (306.19),
- 4 Code 1971, is amended as follows:
- 5 306.19 PURCHASE OR CONDEMNATION OF RIGHT OF WAY--PROCEDURE--
- 6 CLOSING DRIVEWAY--ALTERNATIVE ACCESS. In the maintenance,
- 7 relocation, establishment, or improvement of any road, includ-
- 8 ing the extension of such road within cities and towns, the
- 9 commission or board having jurisdiction and control of such
- 10 road shall have authority to purchase or to institute and main-
- 11 tain proceedings for the condemnation of the necessary right
- 12 of way therefor. Such board or commission shall likewise have
- 13 power to purchase or institute and maintain proceedings for
- 14 the condemnation of land necessary for highway drainage, for
- 15 weighing stations, or land containing gravel or other suitable
- 16 material for the improvement or maintenance of highways, to-
- 17 gether with the necessary road access thereto. Whenever such
- 18 board or commission condemns or purchases property rights or
- 19 otherwise denies direct access to a road or highway from
- 20 abutting property, the board or commission shall establish and
- 21 maintain an alternative temporary or permanent access facility
- 22 to any an-alternate road or highway to the extent that said
- 23 temporary or permanent access facility shall connect with any
- 24 lane or driveway in existence at the time of the condemnation
- 25 or purchase, or if none exists after condemnation, then said

1 temporary or permanent access facility shall connect at another  
2 place as agreed to by the parties. The alternative temporary  
3 or permanent access facility so constructed shall meet the  
4 minimum standards for local secondary roads with all-weather  
5 surfacing and shall be maintained in the same manner and to the  
6 same extent. Compensation for any property rights taken in  
7 the establishment of any alternative temporary or permanent  
8 access shall be paid as in any other purchase or condemnation  
9 of property. Proceedings for the condemnation of land for any  
10 highway shall be under the provisions of chapter 471 and chap-  
11 ter 472 or as said chapters may be amended. Provided that, in  
12 the condemnation of right of way for secondary roads, the board  
13 of supervisors may proceed as provided in sections 306.28 to  
14 306.37, both inclusive.

EXPLANATION

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16 This bill clarifies section 306.19 so that the county board  
17 of supervisors and the Iowa State Highway Commission are  
18 required to maintain temporary or permanent access roads.

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House 4  
March 26, 1971

HOUSE FILE 10

1 Amend House File 10 by striking everything after  
2 the enacting clause and inserting in lieu thereof the  
3 following:

4 Section 1. Section three hundred six point nine-  
5 teen (306.19), Code 1971, is amended by striking the  
6 section and inserting in lieu thereof the following:

7 306.19 PURCHASE OR CONDEMNATION OF RIGHT-OF-WAY--  
8 PROCEDURE--CLOSING DRIVEWAY--ALTERNATIVE ACCESS.

9 1. In the maintenance, relocation, establishment,  
10 or improvement of any road, including the extension  
11 of the road within cities and towns, the commission  
12 or board having jurisdiction and control of the road  
13 may purchase or institute and maintain proceedings  
14 for the condemnation of the necessary right-of way  
15 for the road. The board or commission may also  
16 purchase or condemn land necessary for highway  
17 drainage, and borrow pits, for the improvement or  
18 maintenance of highways, together with the necessary  
19 road access thereto. Nothing herein shall be  
20 construed to permit the condemnation of gravel,  
21 stone or other mineral deposits.

22 2. Whenever the board or commission condemns  
23 or purchases property access rights or alters by  
24 lengthening any existing direct access to a road from  
25 abutting property, except during the time required  
26 for construction and maintenance of the road or  
27 highway, the board or commission shall:

28 a. By mutual agreement, provide the property  
29 owner with adequate compensation to privately con-  
30 struct an alternate access to a road and to maintain  
31 any additional length made necessary by the change; or

32 b. Establish and construct an alternate access  
33 facility from a point on the original access to a  
34 point on an existing public road and to maintain  
35 any additional length made necessary by the change; or

36 c. If no portion of the original access remains  
37 or connection with the original access would be  
38 impractical, establish and construct an alternate  
39 access facility from a point near the original access  
40 facility and acceptable to the property owner to a  
41 point on an existing public road and maintain the  
42 additional length made necessary by the change; or

43 d. If in the opinion of the board or commission  
44 it would be more economical to purchase the entire  
45 tract of the property owner than to provide and  
46 maintain the access required under the provisions  
47 of this section, proceed with the acquisition of  
48 the entire tract of land; or

House 5  
March 26, 1971

49 e. If mutually agreeable, move buildings from an  
50 existing location to a location requiring an equal  
51 or lesser length of access and provide an adequate  
52 access to a public road.

53 3. None of the foregoing requirements shall  
54 prohibit the property owner and the board or commiss-  
55 ion from entering into any mutually acceptable agree-  
56 ment for the replacement, relocation, construction,  
57 or maintenance of an alternate access.

58 4. Compensation for any property rights taken  
59 in the establishment of any alternative temporary  
60 or permanent access shall be paid as in any other  
61 purchase or condemnation of property. Proceedings  
62 for the condemnation of land for any highway shall  
63 be under the provisions of chapter 471 and chapter  
64 472 or as said chapters may be amended. Provided  
65 that, in the condemnation of right-of-way for  
66 secondary roads, the board of supervisors may pro-  
67 ceed as provided in sections 306.28 to 306.37, both  
68 inclusive.

Filed - *W.D. 5/20*  
March 25, 1971

By COMMITTEE on TRANSPORTATION  
GOODE, Chairman

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1 Amend the committee amendment of March 25th to House  
2 File 10 as follows:  
3 1. By striking all after the period in line 19,  
4 and all of lines 20 and 21.  
5 2. By inserting in line 23, after the word "rights"  
6 the words "from owners of agricultural property".

Filed - *W.D. 5/20*  
April 2, 1971

By UBAN of Black Hawk  
District 38

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1 Amend the Committee on Transportation amend-  
2 ment to House File 10 by striking from lines 19,  
3 20, and 21 the following sentence: "Nothing herein  
4 shall be construed to permit the condemnation of  
5 gravel, stone or other mineral deposits."

Filed - *W.D. 5/20*  
May 6, 1971

By RADL of Linn, District 43  
LARSON of Story, District 34

House 6  
May 10, 1971

HOUSE FILE 10

1 Amend House File 10 by striking everything after  
2 the enacting clause and inserting in lieu thereof the  
3 following:

4 Section 1. Section three hundred six point nine-  
5 teen (306.19), Code 1971, is amended by striking the  
6 section and inserting in lieu thereof the following:

7 306.19 PURCHASE OR CONDEMNATION OF RIGHT OF WAY--  
8 PROCEDURE--CLOSING DRIVEWAY--ALTERNATIVE ACCESS.

9 1. In the maintenance, relocation, establishment,  
10 or improvement of any road, including the extension of  
11 such road within cities and towns, the commission or  
12 board having jurisdiction and control of such road  
13 shall have authority to purchase or to institute and  
14 maintain proceedings for the condemnation of the  
15 necessary right of way therefor. Such board or com-  
16 mission shall likewise have power to purchase or  
17 institute and maintain proceeding for the condemnation  
18 of land necessary for highway drainage, or land con-  
19 taining gravel or other suitable material for the  
20 improvement or maintenance of highways, together with  
21 the necessary road access or right of access thereto.

22 2. Whenever the board or commission condemns or  
23 purchases property access rights or alters by length-  
24 ening any existing driveway to a road from abutting  
25 property, except during the time required for con-  
26 struction and maintenance of the road or highway, the  
27 board or commission shall:

28 a. Compensate the owner for any diminution in  
29 the market value of the property by the denial or  
30 alteration by lengthening the driveway; however, in  
31 computing such diminution in value no consideration  
32 shall be given to the additional maintenance expense  
33 for maintaining the additional length of driveway,  
34 but in lieu thereof, both in condemnation proceedings  
35 or negotiated purchases, the board or commission shall  
36 pay to the owner the sum of five dollars for every  
37 lineal foot of additional length of driveway located  
38 on said owner's property. This payment shall repre-  
39 sent just compensation to said property owner for the  
40 additional driveway maintenance caused by reason of  
41 the highway or road project.

42 b. If in the opinion of the board or commission  
43 it would be more economical to purchase the entire  
44 tract of the property owner than to provide and pay  
45 the maintenance expense required under the provisions

House 7  
May 10, 1971

46 of this section, proceed with the acquisition of the  
47 entire tract of land; or

48 c. If mutually agreeable, move buildings from  
49 an existing location to a location requiring an equal  
50 or lesser length of driveway and provide an adequate  
51 driveway to a public road.

52 3. None of the foregoing requirements shall  
53 prohibit the property owner and the board or commis-  
54 sion from entering into a mutually acceptable agree-  
55 ment for the replacement, relocation, construction,  
56 or maintenance of any alternate driveway on the owner's  
57 property.

58 4. Compensation for any property rights taken in  
59 the establishment of any alternative temporary or  
60 permanent access shall be paid as in any other purchase  
61 or condemnation of property. Proceedings for the  
62 condemnation of land for any highway shall be under  
63 the provisions of chapter 471 and chapter 472 or as  
64 said chapters may be amended. Provided that, in the  
65 condemnation of right of way for secondary roads, the  
66 board of supervisors may proceed as provided in sec-  
67 tions three hundred six point twenty-eight (306.28) to  
68 three hundred six point thirty-seven (306.37), both  
69 inclusive, of the Code.

70 5. For the purposes of this section, the term  
71 "driveway" shall mean a way of ingress and egress  
72 located entirely on private property, consisting of  
73 lane or passageway leading from a residence to a  
74 public roadway or highway.

Filed - *Adopted 5/20*  
May 7, 1971

By CHRISTENSEN of Union  
District 95  
HOLDEN of Scott  
District 75  
KEHE of Bremer  
District 12

1 Amend House File 10, as amended and passed by the  
2 House, as follows:  
3 1. Page 1, line 26, by inserting after the word  
4 "shall" the words "establish and construct an alternate  
5 access facility from a point on the original access to  
6 a point on an existing public road and to maintain any  
7 additional length made necessary by the change. If no  
8 portion of the original access remains or connection  
9 with the original access would be impractical, establish  
10 and construct an alternate access facility from a point  
11 near the original access facility and acceptable to the  
12 property owner to a point on an existing public road and  
13 maintain the additional length made necessary by the  
14 change. The board or commission shall".  
15 2. Page 2, line 5, by striking the words ", but in  
16 lieu thereof, both" and inserting in lieu thereof a period.  
17 3. Page 2, by striking all of line 6.  
18 4. Page 2, line 7, by striking the words "the board  
19 or commission shall" and inserting in lieu thereof the  
20 following:  
21 "b. If mutually agreeable, in lieu of maintaining the  
22 additional length of driveway, the board or commission  
23 may".  
24 5. Renumber sections and correct internal references

PAGE 2

1 in accordance with the provisions of this amendment.

Filed - *w. D. 3/22/72 (1162)*  
March 17, 1972

By LAVERTY and POTTER

1 Amend House File 10, page 2, line 8 by striking the words  
2 "every lineal foot of additional" and inserting in lieu thereof  
3 the words "the first three hundred lineal feet and three dollars  
4 for each lineal foot over three hundred of additional".

Filed - *Last 3/22/72*  
June 7, 1971

By COMMITTEE ON COMMERCE