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HOUSE FILE 723

BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 353)

Passed House, Date 3-30-89 (p. 118) Passed Senate, Date 4-17-89 (p. 142)  
 Vote: Ayes 94 Nays 1 Vote: Ayes 46 Nays 0  
 Approved May 27, 1989

A BILL FOR

3707 - 1 An Act relating to the implementation of a program for integrated  
 2 roadside vegetation management, including the crediting of  
 3 moneys to the living roadway trust fund, and providing an  
 4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 723

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

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

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

20 12. The treasurer of state, before making the allotments  
21 provided for in this section, shall credit annually to the  
22 ~~state-department-of-transportation~~ living roadway trust fund  
23 created under section 314.21 one hundred thousand dollars from  
24 the road use tax funds fund. ~~The-state-department-of~~  
25 ~~transportation-shall-expend-the-funds-for-the-planting-or~~  
26 ~~maintenance-of-trees-or-shrubs-in-shelter-belts-for-erosion~~  
27 ~~control-to-reduce-wind-erosion-interfering-with-the~~  
28 ~~maintenance-of-highways-in-the-state-or-the-safe-operation-of~~  
29 ~~vehicles-on-the-highways.~~

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

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

35 NEW SUBSECTION. 4. "Coordinator" means the integrated

1 roadside vegetation management coordinator.

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

4 314.20 UTILITY EASEMENTS ON HIGHWAY RIGHT-OF-WAY.

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

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

22 314.21 LIVING ROADWAY TRUST FUND.

23 1. ~~The treasurer of state shall credit for the fiscal~~  
24 ~~period beginning July 1, 1988, and ending March 31, 1990, the~~  
25 ~~moneys received under section 314.20 to the living roadway~~  
26 ~~trust fund, which is created in the office of the treasurer of~~  
27 ~~state. The moneys in this fund shall be used exclusively for~~  
28 ~~the development and implementation of alternative integrated~~  
29 ~~roadside vegetation for living windbreaks, wildlife habitat,~~  
30 ~~roadside erosion control, and aesthetic purposes plans.~~ The  
31 Except as provided in subsections 2 and 3, the moneys shall  
32 only be expended for areas on or adjacent to streets road,  
33 street, and highways highway right-of-ways. The state  
34 department of transportation and in consultation with the  
35 department of natural resources shall jointly establish

1 standards relating to the type of projects available for  
2 assistance. ~~Of~~ For the fiscal period beginning July 1, 1988,  
3 and ending March 31, 1990, the moneys in the fund, shall be  
4 expended as follows: fifty-six percent shall-be-expended-for  
5 on state department of transportation projects---~~Thirty;~~  
6 thirty percent shall-be-expended on county projects; and  
7 fourteen percent shall-be-expended-for on city projects.

8 PARAGRAPH DIVIDED. Any A city or county which has a  
9 project which qualifies for the use of these funds shall  
10 submit a request for the funds to the state department of  
11 transportation. A city or county may, at its option, apply  
12 moneys allocated for use on city or county projects under this  
13 subsection toward qualifying projects on the primary system.  
14 The state department of transportation and in consultation  
15 with the department of natural resources shall determine which  
16 projects qualify for the funds and which projects shall be  
17 funded if the requests for the funds exceed the availability  
18 of the funds. Funds-allocated-under-this-subsection-shall-be  
19 in-addition-to-expenditures-currently-made-for-the-purposes  
20 specified-in-this-subsection. In ranking applications for  
21 funds, the department shall consider the proportion of  
22 political subdivision matching funds to be provided, if any,  
23 and the proportion of private contributions to be provided, if  
24 any. In considering the proportion of political subdivision  
25 matching funds provided, the department shall consider only  
26 those moneys which are in addition to those which the  
27 political subdivision has historically provided toward such  
28 projects. Funds allocated to the cities, the counties, and  
29 the department which are not programmed by the end of each  
30 fiscal year shall be available for redistribution to any  
31 eligible applicant regardless of the original allocation of  
32 funds. Such funds shall be awarded for eligible projects  
33 based upon their merit in meeting the program objectives  
34 established by the department under section 314.22. The  
35 department shall submit a report of all projects funded in the

1 previous fiscal year to the governor and to the general  
2 assembly on January 15 of each year.

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

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

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

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

33 d. The department may authorize projects which provide  
34 grants or loans to local jurisdictions for increased  
35 protection through the use of easements, fee title

1 acquisition, covenants, zoning ordinances, or other provisions  
2 for protection of vegetation and desirable environment  
3 adjacent to the right-of-way. Off-right-of-way projects shall  
4 emphasize vegetation protection or enhancement, scenic and  
5 wildlife values, erosion control and enhancement of vegetation  
6 management projects within the right-of-ways.

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

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

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

31 a. Maintain a safe travel environment.

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

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

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

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

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

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

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

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

28 3. INTEGRATED ROADSIDE VEGETATION MANAGEMENT TECHNICAL  
29 ADVISORY COMMITTEE.

30 a. The director of the department shall appoint members to  
31 an integrated roadside vegetation management technical  
32 advisory committee which is created to provide advice on the  
33 development and implementation of a statewide integrated  
34 roadside vegetation management plan and program and related  
35 projects. The department shall report annually in January to

1 the general assembly regarding its activities and those of the  
2 committee. Activities of the committee may include, but are  
3 not limited to, providing advice and assistance in the  
4 following areas:

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

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

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

32 Members of the committee shall serve without compensation,  
33 but may be reimbursed for allowable expenses from the living  
34 roadway trust fund created under section 314.21. No more than  
35 a simple majority of the members of the committee shall be of

1 the same gender as provided in section 69.16A. The director  
2 of the department shall appoint the chair of the committee and  
3 shall establish a minimum schedule of meetings for the  
4 committee.

5 4. INTEGRATED ROADSIDE VEGETATION MANAGEMENT COORDINATOR.

6 The integrated roadside vegetation management coordinator  
7 shall administer the department's integrated roadside  
8 vegetation management plan and program. The department may  
9 create the position of integrated roadside vegetation  
10 management coordinator within the department or may contract  
11 for the services of the coordinator. The duties of the  
12 coordinator include, but are not limited to, the following:

- 13 a. Conducting education and awareness programs.
- 14 b. Providing technical advice to the department and the  
15 department of natural resources, counties, and cities.
- 16 c. Conducting demonstration projects.
- 17 d. Coordinating inventory and implementation activities.
- 18 e. Providing assistance to local community-based groups  
19 for undertaking community entryway projects.
- 20 f. Being a clearinghouse for information from Iowa  
21 projects as well as from other states.
- 22 g. Periodically distributing information related to  
23 integrated roadside vegetation management.
- 24 h. General coordination of research efforts.
- 25 i. Other duties assigned by the director of  
26 transportation.

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

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

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

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

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

22 (1) Benefits of various types of roadside vegetation.

23 (2) Long-term results expected from planting and  
24 maintenance practices.

25 (3) Purposes for short-term disturbances in the roadside  
26 landscapes.

27 (4) Interesting aspects of the Iowa landscape and  
28 individual landscape regions.

29 (5) Other aspects relating to wildlife and soil erosion.

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

35 6. RESEARCH AND DEMONSTRATION PROJECTS. The department,

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

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

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

15 c. Impacts of burning as an alternative vegetation  
16 management tool on all categories of roads.

17 d. Techniques for more quickly establishing erosion  
18 control and permanent vegetative cover on recently disturbed  
19 ground as well as interplanting native species in existing  
20 vegetative cover.

21 e. Effectiveness of techniques for reduced or selected use  
22 of herbicides to control weeds.

23 f. Identification of cross section and slope steepness  
24 design standards which provide for motorist safety as well as  
25 for improved establishment, maintenance, and replacement of  
26 different types of vegetation.

27 g. Identification of a uniform inventory and assessment  
28 technique which could be used by many counties in establishing  
29 integrated roadside management programs.

30 h. Equipment innovations for seeding and harvesting  
31 grasses in difficult terrain settings, roadway ditches, and  
32 fore-slopes and back-slopes.

33 i. Identification of the perceptions of motorists and  
34 landowners to various types of roadside vegetation and  
35 configuration of plantings.

1 j. Market or economic feasibility studies for native seed,  
2 forb, and woody plant production and propagation.

3 k. Impacts of vegetation modifications on increasing or  
4 decreasing wildlife populations in rural and urban areas.

5 l. Effects of vegetation on the number and location of  
6 wildlife road-kills in rural and urban areas.

7 m. Costs to the public for improper off-site resource  
8 management adjacent to roadsides.

9 n. Advantages, disadvantages, and techniques of  
10 establishing pedestrian access adjacent to highways and their  
11 impacts on vegetation management.

12 o. Identification of alternative techniques for snow  
13 catchment on farmland adjacent to roadsides.

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

26 8. VEGETATION INVENTORIES AND STRATEGIES.

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

32 (1) Additional development and funding of state gateways  
33 projects.

34 (2) Accelerated replacement of dead and unhealthy plants  
35 with native and hardy trees and shrubs.

1 (3) Special interest plantings at selected highly visible  
2 locations along primary and interstate highways.

3 (4) Pilot and demonstration projects.

4 (5) Additional snow and erosion control plantings.

5 (6) Welcome center and rest area plantings with native and  
6 aesthetically interesting species to create mini-arboretums  
7 around the state.

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

3710, 3709

20 Sec. 7. Section 317.11, Code 1989, is amended to read as  
21 follows:

22 317.11 WEEDS ON ROADS OR-HIGHWAYS -- HARVESTING OF GRASS.

23 The ~~board~~ county boards of supervisors ~~shall-destroy~~  
24 ~~noxious-weeds-growing-in-secondary-roads,~~ and the state  
25 department of transportation shall ~~destroy~~ control noxious  
26 ~~weeds growing-on-primary-roads~~ that economically impact  
27 adjoining landowners and grow on the roads under their  
28 jurisdiction. Nothing herein shall prevent the landowner from  
29 harvesting, in proper season, the grass grown on the road  
30 along the landowner's land except for vegetation maintained  
31 for highway purposes as part of an integrated roadside  
32 vegetation management plan which is consistent with the  
33 objectives in section 314.22.

3704

34 Sec. 8. The state department of transportation shall  
35 report to the governor and the general assembly by January 15,

1 1992, on the allocation of moneys of the living roadway trust  
2 fund under section 314.21, and shall include in its report any  
3 recommended changes in the allocation of the moneys in the  
4 living roadway trust fund.

5 Sec. 9. This Act, being deemed of immediate importance,  
6 takes effect upon its enactment.

7 EXPLANATION

8 This bill requires the state department of transportation  
9 to provide an integrated roadside vegetation management plan  
10 and program. The management plan and program is to be  
11 administered by the integrated roadside vegetation management  
12 coordinator. The bill also creates the integrated roadside  
13 vegetation management technical advisory committee to provide  
14 advice on the development and implementation of a statewide  
15 integrated roadside vegetation management plan and program and  
16 related projects.

17 The bill provides for road use tax fund moneys to be  
18 credited to the living roadway trust fund from moneys  
19 currently credited to the division of soil conservation in the  
20 department of agriculture and land stewardship for planting or  
21 maintenance of wind erosion control barriers and moneys  
22 credited to the state department of transportation for  
23 plantings or maintenance of trees or shrubs in shelter belts  
24 for erosion control.

25 The bill also changes a requirement that county boards of  
26 supervisors and the state department of transportation destroy  
27 all noxious weeds growing in roads under their respective  
28 jurisdictions to a requirement that they control noxious weeds  
29 that economically impact adjoining landowners and grow on  
30 roads under their respective jurisdictions. The bill adds a  
31 condition to a landowner's right to harvest grass grown on the  
32 road, prohibiting the harvesting of vegetation which is  
33 maintained for highway purposes as part of an integrated  
34 roadside vegetation management plan which is consistent with  
35 the bill's objectives.

1 The bill takes effect upon its enactment.  
2 The bill may include a state mandate as defined in section  
3 25B.3.

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**HOUSE FILE 723  
FISCAL NOTE**

A fiscal note for **HOUSE FILE 723** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 723 eliminates current "off the top" credits from the Road Use Tax Fund and credits the same amount to the Living Roadway Trust Fund. The bill establishes an allocation method for the Living Roadway Trust Fund and authorizes the implementation of projects and programs to be funded by the Fund.

ASSUMPTIONS

1. Section 1 eliminates an annual credit of \$150,000 from the Road Use Tax Fund to the Department of Agriculture, Division of Soil Conservation, for wind erosion control barriers, and instead credits the amount to the Living Roadway Trust Fund.
2. Section 2 eliminates an annual credit of \$100,000 from the Road Use Tax Fund to the Department of Transportation, for erosion control, and instead credits the amount to the Living Roadway Trust Fund.
3. Section 5 allocates moneys in the Living Roadway Trust Fund for Department of Transportation projects (56%), county projects (30%) and city projects (14%). This allocation will be in effect for the period July 1, 1988 through March 31, 1990. Beginning on April 1, 1990, the funds will be allocated among state, county, and city projects in the same proportion that the Road Use Tax Fund is allocated. However, prior to formula distribution, in FY 1990 and FY 1991, \$50,000 is allocated to the University of Northern Iowa to maintain its integrated roadside vegetation management program, and prior to formula distribution, the Department of Transportation may also authorize expenditures of moneys from the Living Roadway Trust Fund for projects that benefit all jurisdictions.
4. The bill requires the Department of Transportation to implement programs for integrated roadside vegetation management. This includes programs to provide funds for local units of government.

FISCAL EFFECT:

The Living Roadway Trust Fund will receive a credit of \$250,000 annually from the Road Use Tax Fund. There is no estimate available on receipts the Living Roadway Trust Fund may receive from the charge of fees for the longitudinal utility use of freeway right-of-way. To fully implement the programs in the bill, as recommended in the consultants study, will cost approximately \$4 million annually.

Source: Department of Transportation.

(LSB 2272hv, DEP)

FILED MARCH 30, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 723

H-3709

1 Amend House File 723 as follows:

2 1. Page 12, by inserting before line 20, the  
3 following:

4 "Sec. \_\_\_\_ . Section 317.5, Code 1989, is amended to  
5 read as follows:

6 317.5 WEEDS IN ABANDONED CEMETERIES.

7 The commissioner shall spray control the weeds  
8 growing in abandoned cemeteries in the county as often  
9 as needed to-keep-said-weeds-under-control."

10 2. Page 12, by inserting after line 33 the  
11 following:

12 "Sec. \_\_\_\_ . Section 317.13, Code 1989, is amended  
13 to read as follows:

14 317.13 PROGRAM OF CONTROL.

15 The board of supervisors of each county may each  
16 year, upon recommendation of the county weed  
17 commissioner by resolution prescribe and order a  
18 program of weed destruction control for purposes of  
19 complying with all sections of this chapter. The  
20 county board of supervisors of each county may also by  
21 adopting an integrated roadside vegetation management  
22 plan prescribe and order a program of weed control for  
23 purposes of complying with all sections of this  
24 chapter.

25 Sec. \_\_\_\_ . Section 317.18, Code 1989, is amended to  
26 read as follows:

27 317.18 ORDER FOR DESTRUCTION ON ROADS.

28 The board of supervisors may order all noxious  
29 weeds, within the right-of-way of all county trunk and  
30 local county roads to be cut, burned or otherwise  
31 destroyed controlled to prevent seed production,  
32 either upon its own motion or upon receipt of written  
33 notice requesting the action from any residents of the  
34 township in which the roads are located, or any person  
35 regularly using the roads. The order shall be  
36 consistent with the county integrated roadside  
37 vegetation management plan, if the county has adopted  
38 such a plan, and the order shall define the roads  
39 along which noxious weeds are required to be cut,  
40 burned or otherwise destroyed controlled and shall  
41 require the weeds to be cut, burned or otherwise  
42 destroyed controlled within fifteen days after the  
43 publication of the order in the official newspapers of  
44 the county or as prescribed in the county's integrated  
45 roadside vegetation management plan.

46 Sec. \_\_\_\_ . Section 317.19, Code 1989, is amended to  
47 read as follows:

48 317.19 ROAD CLEARING APPROPRIATION.

49 The board of supervisors may appropriate moneys to  
50 be used for the purposes of cutting, burning, or

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1 otherwise destroying controlling weeds or brush within  
2 the right-of-way of county trunk roads and local  
3 county roads in time to prevent reseeding or in a  
4 manner consistent with the county's roadside  
5 vegetation management plan, if the county has adopted  
6 such a plan.

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

10 3. Title page, line 2, by inserting after the  
11 word "management" the following: "and weed control".

By FEY of Scott

SPENNER of Henry

MUHLBAUER of Crawford

McKEAN of Jones

BRANSTAD of Winnebago

MAY of Worth

JOHNSON of Winneshiek

CONNOLLY of Dubuque

BLACK of Jasper

DVORSKY of Johnson

OSTERBERG of Linn

H-3709 FILED MARCH 29, 1989

Adopted 3-30-89 (p. 113)

## HOUSE FILE 723

H-3710

1 Amend House File 723 as follows:

2 1. Page 12, by inserting after line 19 the fol-  
3 lowing:

4 "Sec. \_\_\_\_ . NEW SECTION. 314.23 ENVIRONMENTAL  
5 PROTECTION.

6 It is declared to be in the general public welfare  
7 of Iowa and a highway purpose that highway  
8 maintenance, construction, reconstruction, and repair  
9 shall protect and preserve, by not causing unnecessary  
10 destruction, the natural or historic heritage of the  
11 state. In order to provide for the protection and  
12 preservation, the following shall be accomplished in  
13 the design, construction, reconstruction, relocation,  
14 repair, or maintenance of roads, streets, and  
15 highways:

16 1. WOODLANDS. Woodland removed shall be replaced  
17 by plantings as close as possible to the initial site,  
18 or by acquisition of an equal amount of woodland in  
19 the general vicinity for public ownership and  
20 preservation, or by other mitigation deemed to be  
21 comparable to the woodland removed, including, but not  
22 limited to, the improvement, development, or  
23 preservation of woodland under public ownership.

24 2. WETLANDS. Wetland removed shall be replaced by  
25 acquisition of wetland, in the same general vicinity  
26 if possible, for public ownership and preservation, or  
27 by other mitigation deemed to be comparable to the  
28 wetland removed, including, but not limited to, the  
29 improvement, development, or preservation of wetland  
30 under public ownership.

31 3. PUBLIC PARKS. Highways, streets, and roads  
32 constructed on or through publicly owned lands  
33 comprising parks, preserves, or recreation areas,  
34 shall be located and designed, in consultation with  
35 the public entity owning the land, so as to blend  
36 aesthetically with the areas and to minimize noise.  
37 When land is taken from the areas for highway  
38 construction and, if, in consultation with the public  
39 entity owning the land, mitigation is deemed  
40 necessary, the land shall be replaced by an equal or  
41 greater amount for public use, or by other mitigation,  
42 undertaken in consultation with the public entity own-  
43 ing the land, and deemed to be appropriate to the  
44 amount of land taken, including, but not limited to,  
45 the improvement, development, or preservation of the  
46 areas.

47 4. PRIME AGRICULTURAL LANDS. Topsoil removed may  
48 be utilized for landscaping and other necessary  
49 construction. Excess topsoil shall be made available  
50 to the former landowner or other landowners whose land

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1 was purchased for the construction or others, and if  
2 not acquired by one of these parties, it may be  
3 disposed of."

4 2. By renumbering sections as necessary.

By McKEAN of Jones

JOHNSON of Winneshiek

FEY of Scott

CONNOLLY of Dubuque

H-3710 FILED MARCH 29, 1989

*NOT Germane 3-30-89 (p. 1118)*

WEN-TRANS  
DO PASS 4-7-89 (p.1262)

HOUSE FILE 723  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO HSB 353)

(As Amended and Passed by the House March 30, 1989)

Passed House, Date 4-24-89 (p.180) Passed Senate, Date 4-17-89 (p.1482)  
Vote: Ayes 96 Nays 1 Vote: Ayes 46 Nays 0  
Approved May 27, 1989

**A BILL FOR**

1 An Act relating to the implementation of a program for integrated  
2 roadside vegetation management and weed control, including the  
3 crediting of moneys to the living roadway trust fund, and  
4 providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments \_\_\_\_\_

**HOUSE FILE 723**

**S-3685**

- 1 Amend the amendment, S-3669, to House File 723, as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "possible" and inserting the following: "practical".
- 5 1. Page 1, line 11, by striking the word
- 6 "possible" and inserting the following: "practical".
- 7 1. Page 1, line 20, by striking the word
- 8 "possible" and inserting the following: "practical".
- 9 1. Page 1, line 25, by striking the word
- 10 "possible" and inserting the following: "practical".
- 11 1. Page 1, line 30, by striking the word
- 12 "possible" and inserting the following: "practical".

By JOHN W. JENSEN

**S-3685 FILED APRIL 12, 1989** Adopted 4-11-89 (p.1413)

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

3685-3 9. The treasurer of state, before making the allotments  
4 provided for in this section, shall credit annually to the  
5 ~~division-of-soil-conservation-in-the-department-of-agriculture~~  
6 ~~and-land-stewardship~~ living roadway trust fund created under  
7 section 314.21 one hundred fifty thousand dollars from the  
8 road use tax funds fund. ~~The-division-of-soil-conservation,~~  
9 ~~in-co-operation-with-the-state-department-of-transportation~~  
10 ~~and-the-department-of-natural-resources-shall-expend-the~~  
11 ~~funds,-for-the-lease-or-other-use-of-land-intended-for-the~~  
12 ~~planting-or-maintenance-of-wind-erosion-control-barriers~~  
13 ~~designed-to-reduce-wind-erosion-interfering-with-the~~  
14 ~~maintenance-of-highways-in-the-state-or-the-safe-operation-of~~  
15 ~~vehicles-on-the-highway.--However,-the-funds-shall-not-be~~  
16 ~~expended-for-wind-erosion-control-barriers-located-more-than~~  
17 ~~forty-rods-from-the-highway-~~

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

3685-20 12. The treasurer of state, before making the allotments  
21 provided for in this section, shall credit annually to the  
22 ~~state-department-of-transportation~~ living roadway trust fund  
23 created under section 314.21 one hundred thousand dollars from  
24 the road use tax funds fund. ~~The-state-department-of~~  
25 ~~transportation-shall-expend-the-funds-for-the-planting-or~~  
26 ~~maintenance-of-trees-or-shrubs-in-shelter-belts-for-erosion~~  
27 ~~control-to-reduce-wind-erosion-interfering-with-the~~  
28 ~~maintenance-of-highways-in-the-state-or-the-safe-operation-of~~  
29 ~~vehicles-on-the-highways-~~

3685-30 Sec. 3. Section 314.13, Code 1989, is amended by adding  
31 the following new subsections:

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

35 NEW SUBSECTION. 4. "Coordinator" means the integrated

1 roadside vegetation management coordinator.

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

4 314.20 UTILITY EASEMENTS ON HIGHWAY RIGHT-OF-WAY.

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

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

22 314.21 LIVING ROADWAY TRUST FUND.

23 1. ~~The treasurer of state shall credit for the fiscal~~  
24 ~~period beginning July 1, 1988, and ending March 31, 1990, the~~  
25 ~~moneys received under section 314.20 to the living roadway~~  
26 ~~trust fund, which is created in the office of the treasurer of~~  
27 ~~state. The moneys in this fund shall be used exclusively for~~  
28 ~~the development and implementation of alternative integrated~~  
29 ~~roadside vegetation for living windbreaks, wildlife habitat,~~  
30 ~~roadside erosion control, and aesthetic purposes plans. The~~  
31 Except as provided in subsections 2 and 3, the moneys shall  
32 only be expended for areas on or adjacent to streets road,  
33 street, and highways highway right-of-ways. The state  
34 department of transportation and in consultation with the  
35 department of natural resources shall jointly establish

1 standards relating to the type of projects available for  
2 assistance. ~~Of~~ For the fiscal period beginning July 1, 1988,  
3 and ending March 31, 1990, the moneys in the fund, shall be  
4 expended as follows: fifty-six percent shall-be-expended-for  
5 on state department of transportation projects.---Thirty;  
6 thirty percent shall-be-expended on county projects; and  
7 fourteen percent shall-be-expended-for on city projects.  
8 PARAGRAPH DIVIDED. Any A city or county which has a  
9 project which qualifies for the use of these funds shall  
10 submit a request for the funds to the state department of  
11 transportation. A city or county may, at its option, apply  
12 moneys allocated for use on city or county projects under this  
13 subsection toward qualifying projects on the primary system.  
14 The state department of transportation and in consultation  
15 with the department of natural resources shall determine which  
16 projects qualify for the funds and which projects shall be  
17 funded if the requests for the funds exceed the availability  
18 of the funds. Funds-allocated-under-this-subsection-shall-be  
19 in-addition-to-expenditures-currently-made-for-the-purposes  
20 specified-in-this-subsection: In ranking applications for  
21 funds, the department shall consider the proportion of  
22 political subdivision matching funds to be provided, if any,  
23 and the proportion of private contributions to be provided, if  
24 any. In considering the proportion of political subdivision  
25 matching funds provided, the department shall consider only  
26 those moneys which are in addition to those which the  
27 political subdivision has historically provided toward such  
28 projects. Funds allocated to the cities, the counties, and  
29 the department which are not programmed by the end of each  
30 fiscal year shall be available for redistribution to any  
31 eligible applicant regardless of the original allocation of  
32 funds. Such funds shall be awarded for eligible projects  
33 based upon their merit in meeting the program objectives  
34 established by the department under section 314.22. The  
35 department shall submit a report of all projects funded in the

1 previous fiscal year to the governor and to the general  
2 assembly on January 15 of each year.

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

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

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

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

33 d. The department may authorize projects which provide  
34 grants or loans to local jurisdictions for increased  
35 protection through the use of easements, fee title

1 acquisition, covenants, zoning ordinances, or other provisions  
2 for protection of vegetation and desirable environment  
3 adjacent to the right-of-way. Off-right-of-way projects shall  
4 emphasize vegetation protection or enhancement, scenic and  
5 wildlife values, erosion control and enhancement of vegetation  
6 management projects within the right-of-ways.

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

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

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

31 a. Maintain a safe travel environment.

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

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

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

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

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

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

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

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

28 3. INTEGRATED ROADSIDE VEGETATION MANAGEMENT TECHNICAL  
29 ADVISORY COMMITTEE.

30 a. The director of the department shall appoint members to  
31 an integrated roadside vegetation management technical  
32 advisory committee which is created to provide advice on the  
33 development and implementation of a statewide integrated  
34 roadside vegetation management plan and program and related  
35 projects. The department shall report annually in January to

1 the general assembly regarding its activities and those of the  
2 committee. Activities of the committee may include, but are  
3 not limited to, providing advice and assistance in the  
4 following areas:

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

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

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

32 Members of the committee shall serve without compensation,  
33 but may be reimbursed for allowable expenses from the living  
34 roadway trust fund created under section 314.21. No more than  
35 a simple majority of the members of the committee shall be of

1 the same gender as provided in section 69.16A. The director  
2 of the department shall appoint the chair of the committee and  
3 shall establish a minimum schedule of meetings for the  
4 committee.

5 4. INTEGRATED ROADSIDE VEGETATION MANAGEMENT COORDINATOR.

6 The integrated roadside vegetation management coordinator  
7 shall administer the department's integrated roadside  
8 vegetation management plan and program. The department may  
9 create the position of integrated roadside vegetation  
10 management coordinator within the department or may contract  
11 for the services of the coordinator. The duties of the  
12 coordinator include, but are not limited to, the following:

- 13 a. Conducting education and awareness programs.
- 14 b. Providing technical advice to the department and the  
15 department of natural resources, counties, and cities.
- 16 c. Conducting demonstration projects.
- 17 d. Coordinating inventory and implementation activities.
- 18 e. Providing assistance to local community-based groups  
19 for undertaking community entryway projects.
- 20 f. Being a clearinghouse for information from Iowa  
21 projects as well as from other states.
- 22 g. Periodically distributing information related to  
23 integrated roadside vegetation management.
- 24 h. General coordination of research efforts.
- 25 i. Other duties assigned by the director of  
26 transportation.

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

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

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

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

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

22 (1) Benefits of various types of roadside vegetation.

23 (2) Long-term results expected from planting and  
24 maintenance practices.

25 (3) Purposes for short-term disturbances in the roadside  
26 landscapes.

27 (4) Interesting aspects of the Iowa landscape and  
28 individual landscape regions.

29 (5) Other aspects relating to wildlife and soil erosion.

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

35 6. RESEARCH AND DEMONSTRATION PROJECTS. The department,

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

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

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

15 c. Impacts of burning as an alternative vegetation  
16 management tool on all categories of roads.

17 d. Techniques for more quickly establishing erosion  
18 control and permanent vegetative cover on recently disturbed  
19 ground as well as interplanting native species in existing  
20 vegetative cover.

21 e. Effectiveness of techniques for reduced or selected use  
22 of herbicides to control weeds.

23 f. Identification of cross section and slope steepness  
24 design standards which provide for motorist safety as well as  
25 for improved establishment, maintenance, and replacement of  
26 different types of vegetation.

27 g. Identification of a uniform inventory and assessment  
28 technique which could be used by many counties in establishing  
29 integrated roadside management programs.

30 h. Equipment innovations for seeding and harvesting  
31 grasses in difficult terrain settings, roadway ditches, and  
32 fore-slopes and back-slopes.

33 i. Identification of the perceptions of motorists and  
34 landowners to various types of roadside vegetation and  
35 configuration of plantings.

- 1 j. Market or economic feasibility studies for native seed,  
2 forb, and woody plant production and propagation.
- 3 k. Impacts of vegetation modifications on increasing or  
4 decreasing wildlife populations in rural and urban areas.
- 5 l. Effects of vegetation on the number and location of  
6 wildlife road-kills in rural and urban areas.
- 7 m. Costs to the public for improper off-site resource  
8 management adjacent to roadsides.
- 9 n. Advantages, disadvantages, and techniques of  
10 establishing pedestrian access adjacent to highways and their  
11 impacts on vegetation management.
- 12 o. Identification of alternative techniques for snow  
13 catchment on farmland adjacent to roadsides.
- 14 7. GATEWAYS PROGRAM. The department shall develop a  
15 gateways program to provide meaningful visual impacts  
16 including major new plantings at the important highway entry  
17 points to the state and its communities. Substantial and  
18 distinctive plantings shall also be designed and installed at  
19 these points. Creative and artistic design solutions shall be  
20 sought for these improvements. Communications about these  
21 projects shall be provided to local groups in order to build  
22 community involvement, support, and understanding of their  
23 importance. Consideration shall be given to a requirement  
24 that gateways projects produce a local match or contribution  
25 toward the overall project cost.
- 26 8. VEGETATION INVENTORIES AND STRATEGIES.
- 27 a. The department shall coordinate and compile integrated  
28 roadside vegetation inventories, classification systems,  
29 plans, and implementation strategies for roadsides. Areas of  
30 increased program and project emphasis may include, but are  
31 not limited to, all of the following:
- 32 (1) Additional development and funding of state gateways  
33 projects.
- 34 (2) Accelerated replacement of dead and unhealthy plants  
35 with native and hardy trees and shrubs.

1 (3) Special interest plantings at selected highly visible  
2 locations along primary and interstate highways.

3 (4) Pilot and demonstration projects.

4 (5) Additional snow and erosion control plantings.

5 (6) Welcome center and rest area plantings with native and  
6 aesthetically interesting species to create mini-arboretums  
7 around the state.

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

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

22 317.5 WEEDS IN ABANDONED CEMETERIES.

23 The commissioner shall spray control the weeds growing in  
24 abandoned cemeteries in the county as often-as needed to-keep  
25 said-weeds-under-control.

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

28 317.11 WEEDS ON ROADS OR-HIGHWAYS -- HARVESTING OF GRASS.

29 The board county boards of supervisors shall-destroy  
30 noxious-weeds-growing-in-secondary-roads, and the state  
31 department of transportation shall destroy control noxious  
32 weeds growing-on-primary-roads that economically impact  
33 adjoining landowners and grow on the roads under their  
34 jurisdiction. Nothing herein shall prevent the landowner from  
35 harvesting, in proper season, the grass grown on the road

1 along the landowner's land except for vegetation maintained  
2 for highway purposes as part of an integrated roadside  
3 vegetation management plan which is consistent with the  
4 objectives in section 314.22.

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

7 317.13 PROGRAM OF CONTROL.

8 The board of supervisors of each county may each year, upon  
9 recommendation of the county weed commissioner by resolution  
10 prescribe and order a program of weed ~~destruction~~ control for  
11 purposes of complying with all sections of this chapter. The  
12 county board of supervisors of each county may also by  
13 adopting an integrated roadside vegetation management plan  
14 prescribe and order a program of weed control for purposes of  
15 complying with all sections of this chapter.

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

18 317.18 ORDER FOR DESTRUCTION ON ROADS.

19 The board of supervisors may order all noxious weeds,  
20 within the right-of-way of all county trunk and local county  
21 roads to be cut, burned or otherwise ~~destroyed~~ controlled to  
22 prevent seed production, either upon its own motion or upon  
23 receipt of written notice requesting the action from any  
24 residents of the township in which the roads are located, or  
25 any person regularly using the roads. The order shall be  
26 consistent with the county integrated roadside vegetation  
27 management plan, if the county has adopted such a plan, and  
28 the order shall define the roads along which noxious weeds are  
29 required to be cut, burned or otherwise ~~destroyed~~ controlled  
30 and shall require the weeds to be cut, burned or otherwise  
31 ~~destroyed~~ controlled within fifteen days after the publication  
32 of the order in the official newspapers of the county or as  
33 prescribed in the county's integrated roadside vegetation  
34 management plan.

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

1 follows:

2 317.19 ROAD CLEARING APPROPRIATION.

3 The board of supervisors may appropriate moneys to be used  
4 for the purposes of cutting, burning, or otherwise destroying  
5 controlling weeds or brush within the right-of-way of county  
6 trunk roads and local county roads in time to prevent  
7 reseeding or in a manner consistent with the county's roadside  
8 vegetation management plan, if the county has adopted such a  
9 plan.

3e169-

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

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

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

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HOUSE FILE 723

S-3685

- 1 Amend the amendment, S-3669, to House File 723, as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "possible" and inserting the following: "practical".
- 5 1. Page 1, line 11, by striking the word
- 6 "possible" and inserting the following: "practical".
- 7 1. Page 1, line 20, by striking the word
- 8 "possible" and inserting the following: "practical".
- 9 1. Page 1, line 25, by striking the word
- 10 "possible" and inserting the following: "practical".
- 11 1. Page 1, line 30, by striking the word
- 12 "possible" and inserting the following: "practical".

By JOHN W. JENSEN

S-3685 FILED APRIL 12, 1989

HOUSE FILE 723

S-3669

- 1 Amend House File 723, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 25, by inserting after the word
- 4 "control." the following: "Spraying for control of
- 5 weeds shall be limited to those circumstances when it
- 6 is not possible to mow or otherwise control the
- 7 weeds."
- 8 2. Page 12, line 34, by striking the words
- 9 "Nothing herein" and inserting the following:
- 10 "Spraying for control of noxious weeds shall be
- 11 limited to those circumstances when it is not possible
- 12 to mow or otherwise control the noxious weeds.
- 13 PARAGRAPH DIVIDED. Nothing herein under this
- 14 chapter."
- 15 3. Page 13, line 15, by inserting after the word
- 16 "chapter." the following: "The program for weed
- 17 control ordered or adopted by the county board of
- 18 supervisors shall provide that spraying for control of
- 19 weeds shall be limited to those circumstances when it
- 20 is not possible to mow or otherwise control the
- 21 weeds."
- 22 4. Page 13, line 34, by inserting after the word
- 23 "plan." the following: "The order shall provide that
- 24 spraying for control of noxious weeds shall be limited
- 25 to those circumstances when it is not possible to mow
- 26 or otherwise control the weeds."
- 27 5. Page 14, line 9, by inserting after the word
- 28 "plan." the following: "The moneys appropriated shall
- 29 not be spent on spraying for control of weeds except
- 30 in those circumstances when it is not possible to mow
- 31 or otherwise control the weeds."

By JOHN W. JENSEN  
JEAN LLOYD-JONES

S-3669 FILED APRIL 12, 1989

Amendment below

HOUSE FILE 723

S-3669

1 Amend House File 723, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, line 25, by inserting after the word  
4 "control." the following: "Spraying for control of  
5 weeds shall be limited to those circumstances when it  
6 is not possible to mow or otherwise control the  
7 weeds."

8 2. Page 12, line 34, by striking the words  
9 "Nothing herein" and inserting the following:  
10 "Spraying for control of noxious weeds shall be  
11 limited to those circumstances when it is not possible  
12 to mow or otherwise control the noxious weeds.

13 PARAGRAPH DIVIDED. Nothing herein under this  
14 chapter".

15 3. Page 13, line 15, by inserting after the word  
16 "chapter." the following: "The program for weed  
17 control ordered or adopted by the county board of  
18 supervisors shall provide that spraying for control of  
19 weeds shall be limited to those circumstances when it  
20 is not possible to mow or otherwise control the  
21 weeds."

22 4. Page 13, line 34, by inserting after the word  
23 "plan." the following: "The order shall provide that  
24 spraying for control of noxious weeds shall be limited  
25 to those circumstances when it is not possible to mow  
26 or otherwise control the weeds."

27 5. Page 14, line 9, by inserting after the word  
28 "plan." the following: "The moneys appropriated shall  
29 not be spent on spraying for control of weeds except  
30 in those circumstances when it is not possible to mow  
31 or otherwise control the weeds."

By JOHN W. JENSEN  
JEAN LLOYD-JONES

HOUSE FILE 723

S-3693

- 1 Amend House File 723 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 12, lines 32 through 34, by striking the
- 4 words "that economically impact adjoining landowners
- 5 and grow on the roads under their jurisdiction".

By JOHN W. JENSEN

S-3693 FILED APRIL 13, 1989

*out of order 4-17-89 (p. 1481)*

HOUSE FILE 723

S-3696

- 1 Amend House File 723 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by striking line 33 through page 5,
- 4 line 6.

By LINN FUHRMAN

S-3696 FILED APRIL 13, 1989

*withdrawn 4-17-89 (p. 1473)*

HOUSE FILE 723

S-3724

- 1 Amend House File 723 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 12, by striking lines 32 through 33 and
- 4 inserting the following: "weeds growing on primary
- 5 roads on the roads under their".

By JOHN W. JENSEN  
JEAN LLOYD-JONES

S-3724 FILED APRIL 17, 1989

ADOPTED *4-17-89 (p. 1481)*

SENATE AMENDMENT TO HOUSE FILE 723

H-4072

1 Amend House File 723, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, line 25, by inserting after the word  
4 "~~control.~~" the following: "Spraying for control of  
5 weeds shall be limited to those circumstances when it  
6 is not practical to mow or otherwise control the  
7 weeds."

8 2. Page 12, by striking lines 32 through 33 and  
9 inserting the following: "weeds growing on primary  
10 roads on the roads under their".

11 3. Page 12, line 34, by striking the words  
12 "Nothing herein" and inserting the following:  
13 "Spraying for control of noxious weeds shall be  
14 limited to those circumstances when it is not  
15 practical to mow or otherwise control the noxious  
16 weeds."

17 PARAGRAPH DIVIDED. Nothing herein under this  
18 chapter".

19 4. Page 13, line 15, by inserting after the word  
20 "chapter." the following: "The program for weed  
21 control ordered or adopted by the county board of  
22 supervisors shall provide that spraying for control of  
23 weeds shall be limited to those circumstances when it  
24 is not practical to mow or otherwise control the  
25 weeds."

26 5. Page 13, line 34, by inserting after the word  
27 "plan." the following: "The order shall provide that  
28 spraying for control of noxious weeds shall be limited  
29 to those circumstances when it is not practical to mow  
30 or otherwise control the weeds."

31 6. Page 14, line 9, by inserting after the word  
32 "plan." the following: "The moneys appropriated shall  
33 not be spent on spraying for control of weeds except  
34 in those circumstances when it is not practical to mow  
35 or otherwise control the weeds."

36 7. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4072 FILED APRIL 17, 1989

*House Concurred 4-24-89 (p.1802)*

TRANSPORTATION

*How*

HOUSE FILE 723

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the implementation of a program for integrated  
2 roadside vegetation management, including the crediting of  
3 moneys to the living roadway trust fund, and providing an  
4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

20 12. The treasurer of state, before making the allotments  
21 provided for in this section, shall credit annually to the  
22 ~~state-department-of-transportation~~ living roadway trust fund  
23 created under section 314.21 one hundred thousand dollars from  
24 the road use tax funds fund. ~~The-state-department-of~~  
25 ~~transportation-shall-expend-the-funds-for-the-planting-or~~  
26 ~~maintenance-of-trees-or-shrubs-in-shelter-belts-for-erosion~~  
27 ~~control-to-reduce-wind-erosion-interfering-with-the~~  
28 ~~maintenance-of-highways-in-the-state-or-the-safe-operation-of~~  
29 ~~vehicles-on-the-highways.~~

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

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

35 NEW SUBSECTION. 4. "Coordinator" means the integrated

1 roadside vegetation management coordinator.

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

4 314.20 UTILITY EASEMENTS ON HIGHWAY RIGHT-OF-WAY.

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

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

22 314.21 LIVING ROADWAY TRUST FUND.

23 1. ~~The treasurer-of-state-shall-credit-for-the-fiscal~~  
24 ~~period-beginning-July-17-1987-and-ending-March-31-1990-the~~  
25 ~~moneys-received-under-section-314-20-to-the~~ living roadway  
26 trust fund~~-which~~ is created in the office of the treasurer of  
27 state. The moneys in this fund shall be used exclusively for  
28 the development and implementation of alternative integrated  
29 roadside vegetation ~~for-living-windbreaks-wildlife-habitat~~  
30 roadside-erosion-control-and-aesthetic-purposes plans. The  
31 Except as provided in subsections 2 and 3, the moneys shall  
32 only be expended for areas on or adjacent to streets road,  
33 street, and highways highway right-of-ways. The state  
34 department of transportation and in consultation with the  
35 department of natural resources shall jointly establish

1 standards relating to the type of projects available for  
2 assistance. Of For the fiscal period beginning July 1, 1988,  
3 and ending March 31, 1990, the moneys in the fund, shall be  
4 expended as follows: fifty-six percent shall-be-expended-for  
5 on state department of transportation projects--Thirty;  
6 thirty percent shall-be-expended on county projects; and  
7 fourteen percent shall-be-expended-for on city projects.

8 PARAGRAPH DIVIDED. Any A city or county which has a  
9 project which qualifies for the use of these funds shall  
10 submit a request for the funds to the state department of  
11 transportation. A city or county may, at its option, apply  
12 moneys allocated for use on city or county projects under this  
13 subsection toward qualifying projects on the primary system.  
14 The state department of transportation and in consultation  
15 with the department of natural resources shall determine which  
16 projects qualify for the funds and which projects shall be  
17 funded if the requests for the funds exceed the availability  
18 of the funds. Funds-allocated-under-this-subsection-shall-be  
19 in-addition-to-expenditures-currently-made-for-the-purposes  
20 specified-in-this-subsection. In ranking applications for  
21 funds, the department shall consider the proportion of  
22 political subdivision matching funds to be provided, if any,  
23 and the proportion of private contributions to be provided, if  
24 any. In considering the proportion of political subdivision  
25 matching funds provided, the department shall consider only  
26 those moneys which are in addition to those which the  
27 political subdivision has historically provided toward such  
28 projects. Funds allocated to the cities, the counties, and  
29 the department which are not programmed by the end of each  
30 fiscal year shall be available for redistribution to any  
31 eligible applicant regardless of the original allocation of  
32 funds. Such funds shall be awarded for eligible projects  
33 based upon their merit in meeting the program objectives  
34 established by the department under section 314.22. The  
35 department shall submit a report of all projects funded in the

1 previous fiscal year to the governor and to the general  
2 assembly on March 1 of each year.

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

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

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

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

33 d. The department may authorize projects which provide  
34 grants or loans to local jurisdictions for increased  
35 protection through the use of easements, fee title

1 acquisition, covenants, zoning ordinances, or other provisions  
2 for protection of vegetation and desirable environment  
3 adjacent to the right-of-way. Off-right-of-way projects shall  
4 emphasize vegetation protection or enhancement, scenic and  
5 wildlife values, erosion control and enhancement of vegetation  
6 management projects within the right-of-ways.

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

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

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

30 a. Maintain a safe travel environment.

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

35 c. Be based on a systematic assessment of conditions

1 existing in roadsides, preservation of valuable vegetation and  
2 habitats in the area, and the adoption of a comprehensive plan  
3 and strategies for cost-effective maintenance and vegetation  
4 planting.

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

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

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

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

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

23 2. INTEGRATED ROADSIDE VEGETATION MANAGEMENT TECHNICAL  
24 ADVISORY COMMITTEE.

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

35 (1) Research efforts.

- 1 (2) Demonstration projects.
- 2 (3) Education and orientation efforts for property owners,  
3 public officials, and the general public.
- 4 (4) Activities of the integrated roadside vegetation  
5 management coordinator for integrated roadside vegetation  
6 management.
- 7 (5) Reviewing applications for funding assistance.
- 8 (6) Securing funding for research and demonstrations.
- 9 (7) Determining needs for revising the state weed law and  
10 other applicable Code sections.
- 11 (8) Liaison with the Iowa state association of counties,  
12 the league of Iowa municipalities, and other organizations for  
13 integrated roadside vegetation management purposes.
- 14 b. The director may appoint any number of persons to the  
15 committee but, at a minimum, the committee shall consist of  
16 all of the following:
  - 17 (1) One member representing the utility industry.
  - 18 (2) One member from the Iowa academy of sciences.
  - 19 (3) One member representing county government.
  - 20 (4) One member representing city government.
  - 21 (5) Two members representing the private sector including  
22 community interest groups.
  - 23 (6) One member representing soil conservation interests.
  - 24 (7) One member representing the department of natural  
25 resources.
  - 26 (8) One member representing county conservation boards.
- 27 Members of the committee shall serve without compensation,  
28 but may be reimbursed for allowable expenses from the living  
29 roadway trust fund created under section 314.21. No more than  
30 a simple majority of the members of the committee shall be of  
31 the same gender as provided in section 69.16A. The director  
32 of the department shall appoint the chair of the committee and  
33 shall establish a minimum schedule of meetings for the  
34 committee.
- 35 3. INTEGRATED ROADSIDE VEGETATION MANAGEMENT COORDINATOR.

1 The integrated roadside vegetation management coordinator  
2 shall administer, with the assistance of the committee, the  
3 department's integrated roadside vegetation management plan  
4 and program. The department may create the position of  
5 integrated roadside vegetation management coordinator within  
6 the department or may contract for the services of the  
7 coordinator. The duties of the coordinator include, but are  
8 not limited to, the following:

- 9 a. Conducting education and awareness programs.
- 10 b. Providing technical advice to the department and the  
11 department of natural resources, counties, and cities.
- 12 c. Conducting demonstration projects.
- 13 d. Coordinating inventory and implementation activities.
- 14 e. Providing assistance to local community-based groups  
15 for undertaking community entryway projects.
- 16 f. Being a clearinghouse for information from Iowa  
17 projects as well as from other states.
- 18 g. Periodically distributing information related to  
19 integrated roadside vegetation management.
- 20 h. General coordination of research efforts.
- 21 i. Other duties assigned by the director of  
22 transportation.

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

- 29 a. The development of public service announcements and  
30 television programs about the importance of roadside  
31 vegetation in Iowa.
- 32 b. The expansion of existing training sessions and  
33 educational curriculum material for county weed commissioners,  
34 government contract sprayers, maintenance staff, and others to  
35 include coverage of integrated roadside management topics such

1 as basic plant species identification, vegetation  
2 preservation, vegetation inventory techniques, vegetation  
3 management and planning procedures, planting techniques,  
4 maintenance, communication, and public relations. County and  
5 municipal engineers, public works staffs, planning and zoning  
6 representatives, parks and habitat managers, and others should  
7 be encouraged to participate.

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

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

18 (1) Benefits of various types of roadside vegetation.

19 (2) Long-term results expected from planting and  
20 maintenance practices.

21 (3) Purposes for short-term disturbances in the roadside  
22 landscapes.

23 (4) Interesting aspects of the Iowa landscape and  
24 individual landscape regions.

25 (5) Other aspects relating to wildlife and soil erosion.

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

31 5. RESEARCH AND DEMONSTRATION PROJECTS. The department,  
32 as part of its plan to provide integrated roadside vegetation  
33 management, shall conduct research and feasibility studies  
34 including demonstration projects of different kinds at a  
35 variety of locations around the state. The research and

1 feasibility studies may be conducted in, but are not limited  
2 to, any of the following areas:

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

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

11 c. Impacts of burning as an alternative vegetation  
12 management tool on all categories of roads.

13 d. Techniques for more quickly establishing erosion  
14 control and permanent vegetative cover on recently disturbed  
15 ground as well as interplanting native species in existing  
16 vegetative cover.

17 e. Effectiveness of techniques for reduced or selected use  
18 of herbicides to control weeds.

19 f. Identification of cross section and slope steepness  
20 design standards which provide for motorist safety as well as  
21 for improved establishment, maintenance, and replacement of  
22 different types of vegetation.

23 g. Identification of a uniform inventory and assessment  
24 technique which could be used by many counties in establishing  
25 integrated roadside management programs.

26 h. Equipment innovations for seeding and harvesting  
27 grasses in difficult terrain settings, roadway ditches, and  
28 foreslopes and backslopes.

29 i. Identification of the perceptions of motorists and  
30 landowners to various types of roadside vegetation and  
31 configuration of plantings.

32 j. Market or economic feasibility studies for native seed,  
33 forb, and woody plant production and propagation.

34 k. Impacts of vegetation modifications on increasing or  
35 decreasing wildlife populations in rural and urban areas.

- 1 1. Effects of vegetation on the number and location of  
2 wildlife roadkills in rural and urban areas.
- 3 m. Costs to the public for improper off-site resource  
4 management adjacent to roadsides.
- 5 n. Advantages, disadvantages, and techniques of  
6 establishing pedestrian access adjacent to highways and their  
7 impacts on vegetation management.
- 8 o. Identification of alternative techniques for snow  
9 catchment on farmland adjacent to roadsides.
- 10 6. GATEWAYS PROGRAM. The department shall develop a  
11 gateways program to provide meaningful visual impacts  
12 including major new planting at the important highway entry  
13 points to the state and its communities. Substantial and  
14 distinctive plantings shall also be designed and installed at  
15 these points. Creative and artistic design solutions shall be  
16 sought for these improvements. Communications about these  
17 projects shall be provided to local groups in order to build  
18 community involvement, support, and understanding of their  
19 importance. Consideration shall be given to a requirement  
20 that gateways projects produce a local match or contribution  
21 toward the overall project cost.
- 22 7. VEGETATION INVENTORIES AND STRATEGIES.
- 23 a. The department shall coordinate and compile integrated  
24 roadside vegetation inventories, classification systems,  
25 plans, and implementation strategies for roadsides. Areas of  
26 increased program and project emphasis may include, but are  
27 not limited to, all of the following:
- 28 (1) Additional development and funding of state gateways  
29 projects.
- 30 (2) Accelerated replacement of dead and unhealthy plants  
31 with native and hardy trees and shrubs.
- 32 (3) Special interest plantings at selected highly visible  
33 locations along primary and interstate highways.
- 34 (4) Pilot and demonstration projects.
- 35 (5) Additional snow and erosion control plantings.

1 (6) Welcome center and rest area plantings with native and  
2 aesthetically interesting species to create mini-arboretums  
3 around the state.

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

16 Sec. 7. Section 317.11, Code 1989, is amended to read as  
17 follows:

18 317.11 WEEDS ON ROADS OR-HIGHWAYS -- HARVESTING OF GRASS.

19 The ~~board~~ county boards of supervisors ~~shall destroy~~  
20 ~~noxious-weeds-growing-in-secondary-roads,~~ and the state  
21 department of transportation shall ~~destroy~~ control noxious  
22 ~~weeds growing-on-primary-roads~~ that economically impact  
23 adjoining landowners and grow on the roads under their  
24 jurisdiction. Nothing herein shall prevent the landowner from  
25 harvesting, in proper season, the grass grown on the road  
26 along the landowner's land except for vegetation maintained  
27 for highway purposes as part of an integrated roadside  
28 vegetation management plan which is consistent with the  
29 objectives in section 314.22.

30 Sec. 8. The state department of transportation shall  
31 report to the governor and the general assembly by January 1,  
32 1992, on the allocation of moneys of the living roadway trust  
33 fund under section 314.21, and shall include in its report any  
34 recommended changes in the allocation of the moneys in the  
35 living roadway trust fund.



HOUSE FILE 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 freeway 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 17, 1987, 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 entryway 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.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 723, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 27, 1989

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TERRY E. BRANSTAD  
Governor