

## Iowa LTAP Mission

To foster a safe, efficient, and environmentally sound transportation system by improving skills and knowledge of local transportation providers through training, technical assistance, and technology transfer, thus improving the quality of life for Iowans.

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# Final Iowa rule on obstructions in ROW

The 2006 Iowa Legislature passed and Governor Vilsack signed legislation that enhances public safety and makes it easier and more economical for transportation agencies to maintain highway rights-of-way (ROW).

Under this new legislation (Chapter 318 of the Iowa Code, House File 2515), obstructions are more clearly defined. People are prohibited from the following activities in the highway ROW:

- Excavating, filling, or making physical changes.
- Growing crops.
- Destroying plants.
- Placing fences or ditches.
- Altering ditches, water breaks, or drainage tiles.
- Dumping trash, rocks, crop residue, brush, vehicles, etc.
- Placing billboards or signs.
- Placing red reflectors on objects.

Although the word “mailbox” is not explicitly mentioned (it was removed from the bill by the legislature), the law still permits highway agencies to remove unsafe mailboxes and supports.

The new chapter also specifies in more detail the rights of highway agencies to collect fees for the removal of obstructions (see 318.5).

## Origins of the new legislation

In 2001, just a few weeks after starting his new job as Story County engineer, Bob Sperry had to have an immediate safety hazard—a decorative fence—removed from the ROW on a gravel road. The home owner was incensed and started a “Beware the new county engineer” campaign.

Sperry initiated a public information campaign to explain the reasoning for all such safety hazard removals. Story County also adopted an ordinance to more explicitly define obstructions and explain the removal process, collection fees, and liability.

Due to his recent experience, Sperry was asked to lead a committee that would get a bill similar to Story County’s ordinance through the Iowa Legislature.

A committee of 15 people from counties and the Iowa DOT originally tried to tweak Iowa Code Chapter 319 Obstructions in Highways (which the new legislation repealed). With the help of John Easter and Mike Wentzien, lobbyists with the Iowa State Association of Counties, the committee eventually decided to write the bill from scratch.

Getting the bill passed was the next hurdle. Utility companies opposed it in 2005.

Sperry and Royce Fitchner, Marshall County engineer, met with the utility companies to explain the language of the new bill. Once the bill was slightly reworded, the utility companies dropped their opposition.

The bill was introduced in the 2006 session and passed. It goes into effect July 1, 2006.

## For more information

To see the full text of the new rules, go to [www.legis.state.ia.us/asp/Cool-ICE/DisplayBills.htm](http://www.legis.state.ia.us/asp/Cool-ICE/DisplayBills.htm), select the House File dropdown menu, then select “HF 2515.” A new window will open. ■



Circled above is the decorative fence that began Story County’s campaign to remove roadside safety hazards.

