

January 11, 1949.
Passed on File.

Senate File 41
By DYKHOUSE, HULTMAN, REILLY,
WATSON, HARRY E. (Graham).

Referred to
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend, revise and codify chapter three hundred nine (309), Code 1946, and chapter one hundred sixty-three (163) Laws of the Fifty-second General Assembly, relating to secondary roads.

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

1 Section 1. The board of supervisors of each county shall
2 maintain the secondary roads of said county in the best practicable
3 manner and shall proceed to the improvement of the secondary roads
4 of said county as rapidly as funds become available therefor.
5 Improvements shall be made and work carried on in such manner as
6 to equalize the condition of the secondary roads, as nearly as
7 possible, in all parts of the county.

1 Sec. 2. The board of supervisors may annually, at its
2 September session, levy for secondary road construction and
3 maintenance purposes

4 a. A tax of not to exceed two and one-half mills on the
5 dollar on all taxable property in the county except on
6 property in cities which control their own bridge levies.

7 b. A tax of not to exceed five and five-eighths mills on

8 the dollar on all taxable property in the county,
9 except on property within cities and towns.

10 c. A tax not to exceed five-eighths mills on the dollar on
11 all taxable property in the county.

1 Sec. 3. There is hereby created a secondary road fund which
2 fund shall embrace

3 a. All funds derived from the foregoing secondary road tax
4 levies.

5 b. All funds allotted to the county from the state road use
6 tax fund.

7 c. All funds provided by individuals for the improvement of
8 any secondary road from their own contribution.

9 d. All other funds which may by law be dedicated to said
10 fund.

1 Sec. 4. The secondary road fund is hereby appropriated for
2 and shall be used in the payment of

3 1. Construction and reconstruction of secondary roads and
4 costs incident thereto.

5 2. Maintenance and repair of secondary roads and costs
6 incident thereto.

7 3. Special drainage assessments levied on account of
8 benefits to secondary roads.

9 4. Any bonds of the county issued on account of secondary
10 roads, bridges or culverts constructed by the county.

11 5. Any legal obligation or contract in connection with
12 secondary roads and bridges which the statutes require

13 to be taken over and assumed by the county, and

14 6. Secondary road equipment, materials, supplies, and
15 garages or sheds for the storage, repair and servicing
16 thereof without regard to section three hundred forty-
17 five point one (345.1), Code 1946.

1 Sec. 5. The board of supervisors shall not later than March
2 first adopt a budget of the secondary road fund for the ensuing
3 year, showing the amount budgeted for each of the items listed
4 in the preceding section for which secondary road funds may be
5 expended. Said budget may be reviewed and revised by the board
6 of supervisors at any time during the year to meet unforeseen or
7 emergency conditions. Such budget of secondary road funds and
8 any revision thereof shall be approved by the state highway
9 commission before becoming effective.

1 Sec. 6. Sixty-five per cent of the secondary road funds
2 budgeted for construction or reconstruction in any county in any
3 year shall be expended on those secondary roads which are
4 designated as farm-to-market roads, until such time as the entire
5 mileage of farm-to-market roads in said county has been built to
6 grade, bridged and surfaced with gravel, stone, or other material
7 suitable for the traffic thereon. The remainder of the secondary
8 road fund budgeted for construction or reconstruction shall be
9 spent on local secondary roads. Provided that in case of an
10 emergency created by floods, or other natural causes, the division
11 of secondary road construction funds between farm-to-market roads
12 and local secondary roads may, on request of the board of super-

13 visors and approval of the state highway commission, be varied
14 from that specified in this section.

1 Sec. 7. Culverts thirty-six inches or less in diameter,
2 located in any town or city, shall be constructed and maintained
3 by such town or city. Culverts over thirty-six inches in diameter,
4 and bridges, located in any town or in any city which does not
5 control its own bridge fund, shall be constructed and maintained
6 by the county board of supervisors and the cost paid out of the
7 secondary road fund.

1 Sec. 8. Section three hundred nine point twenty-two (309.22),
2 Code 1946, is hereby amended by striking from lines two (2) and
3 three (3) of said section the words "or years"; also by striking
4 from lines seven (7) and eight (8) of said section the words "or
5 years, not exceeding three years."

1 Sec. 9. Section three hundred nine point twenty-six (309.26),
2 Code 1946, is hereby amended by inserting after the word "shall"
3 in line three (3) of said section the words "not later than
4 December"; also by inserting after the word "program" and
5 preceding the comma (,) in line five (5) of said section the
6 words "for the next calendar year."

1 Sec. 10. Section three hundred nine point twenty-eight
2 (309.28), Code 1946, is hereby amended by striking lines seven (7)
3 and eight (8) of said section, and substituting the following in
4 lieu thereof, "state his reasons therefor.

5 The said engineer's report shall be filed with the county
6 board not later than February first of the year to which the

7 proposed secondary road construction program is intended to apply.”

1 Sec. 11. The county board shall, after consulting with the
2 township trustees of the various townships in the county, and not
3 later than March first, finally adopt the construction program of
4 secondary roads for said county for the ensuing year. The program
5 as adopted by the county board shall, subject to approval by the
6 state highway commission, be final. At the close of said year,
7 the county engineer, as a part of his annual report to the state
8 highway commission, shall show the progress made toward the
9 construction of said approved program.

1 Sec. 12. Section three hundred nine point thirty-nine
2 (309.39), Code 1946, is hereby amended by striking from lines
3 six (6), seven (7) and eight (8) of said section the following
4 “, and no traveled roadway shall be less than twenty-two feet
5 from shoulder to shoulder.”

1 Sec. 13. Section three hundred nine point seventy-four
2 (309.74), Code 1946, is hereby repealed and the following is
3 enacted as a substitute therefor.

4 “Bridges, culverts and grades constructed on secondary roads
5 shall have at least the following clear roadway width:

6 a. Bridges, sixteen (16) feet between handrails.

7 b. Culverts, twenty (20) feet between headwalls or roadway
8 shoulders.

9 c. Grade or roadbed, twenty-two (22) feet shoulder to
10 shoulder.

1 Sec. 14. Section three hundred nine point forty-two

2 (309.42) and three hundred nine point eighty (309.80), Code 1946,
3 are hereby repealed and the following enacted in lieu thereof.

4 “Any proposed contract for road construction work which will
5 cost more than two thousand dollars per mile or more than five
6 thousand dollars in the aggregate, or for any one bridge or
7 culvert or repairs thereon which will cost more than two thousand
8 dollars, shall be approved by the state highway commission before
9 becoming effective as a contract.”

1 Sec. 15. Section three hundred nine point eighteen (309.18),
2 Code 1946, is hereby amended by striking all of said section after
3 the word “road” in line five (5) thereof and substituting the
4 following, “fund or from both of said funds.”

1 Sec. 16. Section three hundred nine point fifty-six (309.56),
2 Code 1946, is hereby amended by striking all of said section after
3 the word “commission” in line five (5) thereof and substituting
4 the following, “for approval. The said commission may approve or
5 modify the same.”

1 Sec. 17. Section three hundred nine point seventy-three
2 (309.73), Code 1946, is hereby amended by striking from lines
3 one (1) and two (2) of said section the words “on highways or
4 parts thereof” and substituting the words “secondary roads”,
5 also by striking from lines five (5), six (6) and seven (7) of
6 said section the words “and which highways are in whole or in
7 part secondary roads.”

1 Sec. 18. Section three hundred nine point sixty-nine
2 (309.69), Code 1946, is hereby amended by striking lines one (1)

3 to five (5) both inclusive and the partial word "mission" in
4 line six (6) of said section and substituting the following in
5 lieu thereof, "In case said boards are unable to agree and one
6 of said boards appeals to the state highway commission."

1 Sec. 19. Section three hundred nine point seventy-five
2 (309.75), Code 1946, is hereby amended by striking the word
3 "twelve" in line three (3) and in line ten (10) of said section
4 and substituting the word "twenty" in each of said lines.

1 Sec. 20. Chapter one hundred sixty-three (163), Laws of
2 the Fifty-second General Assembly, is hereby repealed and the
3 following is enacted as a substitute therefor.

4 "When any owner or group of owners of lands adjacent to
5 or abutting upon any secondary road or roads shall subscribe
6 sufficient funds to provide for the graveling, oiling or other
7 suitable surfacing of such roads, the board of supervisors shall
8 require the county engineer to make an estimate of the cost of
9 carrying out of the proposed project. Upon deposit of the
10 amount estimated, the board of supervisors shall proceed with the
11 completion of the project proposed, under the same procedure as
12 prescribed generally for the improvement of secondary roads. The
13 board may also expend in connection with such project such amount
14 of the secondary road funds or the farm-to-market road fund as
15 may be available for such project under existing provisions of
16 law. At the completion of the project, the satisfaction of all
17 claims, and the fulfillment of all guarantees made by the sponsors,
18 any balance remaining of the funds made available by the sponsors

19 of the project shall be returned to the original guarantors. Any
20 project constructed under the provisions of this section shall be
21 maintained by the county from the secondary road fund.”

1 Sec. 21. The classification of secondary roads into “county
2 trunk roads” and “local county roads” is hereby abolished.
3 Wherever in any statute the words “county trunk road”, “county
4 road” or “local county road” appear, they shall be construed to
5 mean “secondary road.”

1 Sec. 22. Sections three hundred nine point three (309.3) to
2 three hundred nine point sixteen (309.16), both inclusive, three
3 hundred nine point twenty (309.20), three hundred nine point
4 twenty-three (309.23), three hundred nine point twenty-five (309.25),
5 three hundred nine point twenty-seven (309.27), three hundred
6 nine point twenty-nine (309.29) to three hundred nine point
7 thirty-three (309.33) both inclusive, three hundred nine point
8 thirty-seven (309.37), three hundred nine point thirty-eight
9 (309.38), three hundred nine point forty-six (309.46) to three
10 hundred nine point fifty-five (309.55) both inclusive, three
11 hundred nine point fifty-eight (309.58), three hundred nine point
12 sixty-three (309.63), three hundred nine point sixty-seven (309.67),
13 three hundred nine point seventy-six (309.76) to three hundred
14 nine point seventy-eight (309.78) both inclusive, three hundred
15 nine point eighty-three (309.83), three hundred nine point eighty-
16 five (309.85) to three hundred nine point eighty-nine (309.89),
17 both inclusive, three hundred nine point ninety-one (309.91), and
18 three hundred twenty-one point three hundred fifty-one (321.351),
19 Code 1946, are hereby repealed.