

February 3, 1953.
Roads and Highways.

House File 221
(As Passed by the House)
By BROWN of Mahaska and GOODE.

Passed House, Date 2-18-53
Vote: Ayes 94 Nays 10
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Approved

Senate - Highways 2/19
Re-referred Sifting Com 2/24

A BILL FOR

An Act to amend chapter three hundred nine (309), Code 1950, and to repeal section three hundred twenty-one point three hundred fifty-one (321.351), Code 1950, 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 property
6 in cities which control their own bridge levies.

7 b. A tax of not to exceed eight and five-eighths mills on
8 the dollar on all taxable property in the county, except on

9 property within cities and towns, provided, that no county shall
10 be required, as a condition precedent to being eligible to
11 receive farm-to-market road funds on an equalization basis,
12 to levy in excess of five and five-eighths mills.

13 c. A tax not to exceed five-eighths mills on the dollar on
14 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
6 use 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 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 benefits
8 to secondary roads.

9 4. Any bonds of the county issued on account of secondary roads,
10 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 to be taken
13 over and assumed by the county, and

14 6. Secondary road equipment materials, supplies, and garages
15 or sheds for the storage, repair and servicing thereof.

1 Sec. 5. The board of supervisors shall not later than March
2 first adopt a budget of the secondary road fund for the current
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, and the budget presented to
10 the highway commission shall be ~~sponsored~~^{approved} and or amended, and be
11 returned to the county board of supervisors within 60 days after
12 being presented.

1 Sec. 6. 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 on any streets or highways in any town or in any
5 city which does not control its own bridge fund, shall be constructed
6 and maintained by the county board of supervisors and the cost paid
7 out of the secondary road fund.

1 Sec. 7. Section three hundred nine point twenty-two (309.22),
2 Code 1950, 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. 8. Section three hundred nine point twenty-six (309.26),
2 Code 1950, 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 preceding
5 the comma (,) in line five (5) of said section, the words "for the
6 next calendar year".

1 Sec. 9. Section three hundred nine point twenty-eight (309.28),
2 Code 1950, is hereby amended by striking lines seven (7) and eight (8)
3 of said section, and substituting the following in lieu thereof, "shall
4 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. 10. 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. The board may also authorize
7 tentative planning for an additional two year program. At the close
8 of said year, the county engineer, as a part of his annual report
9 to the state highway commission, shall show the progress made toward
10 the construction of said approved program.

1 Sec. 11. Section three hundred nine point thirty-nine (309.39),

2 Code 1950, is hereby amended by striking from lines six (6), seven (7)
3 and eight (8) of said section, the following "and no traveled roadway
4 shall be less than twenty-two feet from shoulder to shoulder."

1 Sec. 12. Section three hundred nine point seventy-four
2 (309.74), Code 1950, is hereby repealed and the following is enacted
3 as a substitute therfor.

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 if span is over twelve (12) feet.

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

1 Sec. 13. Section three hundred nine point forty-two (309.42)
2 and three hundred nine point eighty (309.80), Code 1950, are hereby
3 repealed and the following enacted in lieu thereof:

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

1 Sec. 14. Section three hundred nine point eighteen (309.18),
2 Code 1950, 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. 15. Section three hundred nine point fifty-six (309.56),

2 Code 1950, 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. 16. Section three hundred nine point seventy-three
2 (309.73), Code 1950, is hereby amended by striking from lines
3 one (1) and two (2) of said section, the words "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. 17. Section three hundred nine point sixty-nine
2 (309.69), Code 1950, is hereby amended by striking lines one
3 (1), two (2), three (3) and four (4), and the words "and one
4 of said boards appeals to said", in line five (5), and substituting
5 the following in lieu thereof, "In case said boards are unable to
6 agree and one of said boards appeals to the state highway".

1 Sec. 18. Section three hundred nine point seventy-five
2 (309.75), Code 1950, 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. 19. The classification of secondary roads into
2 "county trunk roads" and "local county roads" is hereby
3 abolished. Wherever in any statute the words "county trunk
4 road", "county road" or "local county road" appear, they shall
5 be construed to mean "secondary road."

1 Sec. 20. Amend section three hundred nine point seventy-six
2 (309.76) by striking the word fifty in line six (6) and substituting
3 the word one hundred (100).

4 Amend section three hundred nine point seventy-seven (309.77)
5 by striking from line eight (8) the word "twenty-five" (25) and
6 substituting the word "fifty" (50).

1 Sec. 21. Sections three hundred nine point three (309.3)
2 to three hundred nine point sixteen (309.16), both inclusive
3 three hundred nine point twenty (309.20), three hundred nine
4 point twenty-three (309.23), three hundred nine point twenty-
5 five (309.25), three hundred nine point twenty-seven (309.27),
6 three hundred nine point twenty-nine (309.29) to three hundred
7 nine point thirty-three (309.33), both inclusive, three hundred
8 nine point thirty-eight (309.38), three hundred nine point forty-six
9 (309.46), to three hundred nine point fifty-five (309.55) both inclusive,
10 three hundred nine point fifty-eight (309.58), three hundred nine
11 point eighty-five (309.85) to three hundred nine point eighty-nine
12 (309.89) both inclusive, three hundred nine point ninety-one (309.91),
13 and three hundred twenty-one point three hundred fifty-one (321.351),
14 Code 1950 are hereby repealed.

1 Sec. 22. Nothing in this Act shall contravene or affect the
2 provisions of the local budget law.

EXPLANATION OF H. F. 221

This bill pertains to chapter 309, Code 1950, and section 321.351, Code 1950, relating to secondary roads.

In the transition of our highway laws from the horse and buggy days to the motor vehicle age, there have heretofore been two major legislative enactments relating to secondary roads—the "Balkema-Brockway Bill" of 1913 (chapter 122, Laws of the 35th G.A.) and the "Bergman Secondary Road Law" of 1929 (chapter 20, Laws of the 43rd G.A.). This bill is of the same general character. Principally this bill seeks to eliminate dead, useless, and obsolete code sections and language, relating to second-
