

February 22, 1955.
Passed on File.

Senate File 321

By STUART of Lucas, NOLAN, DEWEL,
JOHNSON, VAN EATON, LYNES,
WATSON of O'Brien, WATSON of Pot-
tawattamie.

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act relating to secondary roads and amending various sections
and chapters relating thereto.

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

1 Chapter three hundred nine (309), Code 1954, and section
2 three hundred twenty-one point three hundred fifty-one (321.351),
3 Code 1954, are hereby repealed, and the following, except
4 section twenty-three (23) hereof, is enacted in lieu thereof.

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

4 1. 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 2. 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
10 shall be required, as a condition precedent to being eligible
11 to receive farm-to-market road funds on an equalization basis,

12 to levy in excess of five and five-eighths mills under this
13 subsection.

14 3. A tax not to exceed five-eighths mills on the dollar
15 on all taxable property in the county.

16 (New. Sections 309.6, 309.7, 309.11 and 309.14, Code 1954.)

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

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

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

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

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

11 (New.)

1 Sec. 3. 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. Interest on and principal of any bonds of the county
10 issued on account of secondary roads, bridges or culverts

11 constructed by the county.

12 5. Any legal obligation or contract in connection with
13 secondary roads and bridges which the statutes require to be
14 taken over and assumed by the county,

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

17 (New.)

1 Sec. 4. The board of supervisors shall, not later than
2 March first of each year, adopt a budget of the secondary road
3 fund for the current calendar year, showing the amount budgeted
4 for each of the items listed in the preceding section for which
5 secondary road funds may be expended. Said budget may be
6 reviewed and revised by the board of supervisors at any time
7 during the year to meet unforeseen or emergency conditions.

8 Such budget of secondary road funds and any revision thereof
9 shall be approved by the state highway commission before becoming
10 effective. The budget of secondary road funds and any revision
11 thereof shall be acted upon by the state highway commission and
12 returned to the county within thirty days after it is received
13 by the commission from the county.

14 (New.)

1 Sec. 5. 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 street or highway in any town or
5 in any city which does not control its own bridge fund, shall

6 be constructed and maintained by the county board of supervisors
7 and the cost paid out of the secondary road fund.

8 (Section 309.3, Code 1954, rewritten.)

1 Sec. 6. The state highway commission shall when requested
2 by the board of supervisors advise with said board as to the
3 manner of constructing and maintaining the secondary roads.

4 (Old. Section 309.16, Code 1954.)

1 Sec. 7. The board of supervisors shall employ one or more
2 registered civil engineers who shall be known as county engineers.
3 The board shall fix their term of employment which shall not
4 exceed three years, but the tenure of office may be terminated
5 at any time by the board subject to the provisions of chapter
6 sixty-six (66).

7 (Old. Section 309.17, Code 1954.)

1 Sec. 8. The board shall fix the compensation of said
2 engineer or engineers, and pay the same, together with all
3 engineering costs, from the general county fund, or from the
4 secondary road fund, or from both of said funds.

5 (Section 309.18, Code 1954, amended.)

1 Sec. 9. Said engineers shall, in the performance of their
2 duties, work under the directions of said board and shall give
3 bonds for the faithful performance of their duties in a sum
4 not less than two thousand nor more than five thousand dollars,
5 to be approved by the board.

6 (Old. Section 309.19, Code 1954).

1 Sec. 10. All construction and maintenance work shall be

2 performed under the direct and immediate supervision of the
3 county engineer who shall be deemed responsible for the
4 efficient, economical and good-faith performance of said work.

5 (Old. Section 309.21, Code 1954.)

1 Sec. 11. Before proceeding with any construction work on
2 the secondary road system for any year, the board of supervisors
3 shall, subject to the approval of the state highway commission,
4 adopt a comprehensive program based upon the construction funds
5 estimated to be available for such year.

6 (Section 309.22, Code 1954, amended.)

1 Sec. 12. Said program shall be planned on the basis of
2 one general, uniform, and unified plan for the complete and
3 permanent construction of the roads embraced therein as to
4 bridge, culvert, tile, and grading or other improvements.

5 (Old. Section 309.24, Code 1954, amended.)

1 Sec. 13. The board after due consultation with the county
2 engineer shall, not later than December first, select in a
3 provisional way the roads which they then consider advisable
4 to embrace in said program for the next calendar year, and
5 direct said engineer to make a reconnaissance survey and
6 estimate of all said roads, or of such part thereof, as, in
7 view of the public necessity and convenience, present the most
8 urgent need for early construction.

9 (Section 309.26, Code 1954, amended.)

1 Sec. 14. The engineer may in his report recommend that
2 certain definitely described roads or parts thereof be omitted

3 from the provisional program, or that certain definitely
4 described roads or parts thereof be added thereto, and in such
5 case he shall state his reasons therefor. The said engineer's
6 report shall be filed with the county board not later than
7 February first of the year to which the proposed secondary road
8 construction program is intended to apply.

9 (Section 309.28, Code 1954, amended.)

1 Sec. 15. The county board shall, after consulting with the
2 township trustees of the various townships in the county, and
3 not later than March first, finally adopt the construction
4 program of secondary roads for said county for the current
5 calendar year. The program as adopted by the county board
6 shall, subject to approval by the state highway commission, be
7 final. At the close of said year, the county engineer as a part
8 of his annual report to the state highway commission shall show
9 the progress made toward the construction of said approved
10 program. The board may also authorize tentative planning for
11 an additional one or two year program.

12 (New.)

1 Sec. 16. After the construction program is finally
2 determined, the county auditor shall record the same at length
3 in a county road book.

4 (Old. Section 309.34, Code 1954.)

1 Sec. 17. Before proceeding to the construction of any
2 road or roads included in said program where the grading,
3 exclusive of bridges and culverts, is estimated to cost over

4 one thousand dollars per mile, the county engineer shall cause
5 detailed surveys and plans for said road or roads to be prepared.

6 (Old. Section 309.35, Code 1954.)

1 Sec. 18. The engineer's survey shall be on the basis of
2 the permanent improvement of said roads, as to bridge, culvert,
3 tile, and road work.

4 (Old. Section 309.36, Code 1954.)

1 Sec. 19. Said survey shall show:

2 1. A division into sections of all the roads embraced
3 in said approved program, a designation of each section by some
4 appropriate number, name, or letter, the starting point and
5 terminus of each section, and the mileage of each section.

6 2. An accurate plan and profile of the roads surveyed,
7 showing (1) cuts and fills, (2) outline of grades, (3) all
8 existing permanent bridges, culverts and grades, and (4) proper
9 bench marks on each bridge and culvert.

10 3. The drainage, both surface and subdrainage, necessary
11 to prepare said roads for complete construction.

12 4. The location of all lines of tile and size thereof.

13 5. All necessary bridges and culverts, their length,
14 height, and width and foundation soundings.

15 6. An estimate of the watershed having relation to each
16 bridge and culvert.

17 7. An estimate of the construction cost of said roads
18 on the basis of permanent bridges, culverts, tile and road work.

19 (Old. Section 309.37, Code 1954, amended.)

1 Sec. 20. The survey and report of each section, as soon
2 as completed and approved by the board of supervisors, shall be
3 submitted to the state highway commission for approval. The
4 said commission may approve or modify the same.

5 (Section 309.56, Code 1954, amended.)

1 Sec. 21. All contracts for road or bridge construction work
2 and materials therefor which according to the engineer's estimate,
3 exceeds one thousand dollars, shall be advertised and let at a
4 public letting.

5 Contracts, not embraced within the provisions of the
6 preceding paragraph, may be advertised and let at a public
7 letting, or may be let privately at a cost not to exceed the
8 engineer's estimate, or may be built by day labor.

9 (Old. Sections 309.40 and 309.41, Code 1954, combined.)

1 Sec. 22. The various contracts for carrying out said
2 approved construction program in the most efficient, practicable
3 and economical manner shall, as far as possible, be accompanied
4 by standard specifications.

5 (First paragraph of Section 309.39, Code 1954, amended.)

1 Sec. 23. Amend chapter three hundred fourteen (314),
2 Code 1954, by adding thereto the following new section:

3 "The board or commission having charge of the receipt of
4 bids and the award of contracts for the construction, recon-
5 struction, improvement, repair, or maintenance of any highway,
6 may require, for any highway contract letting, that each bidder
7 shall file with said board or commission a statement showing

8 his financial standing, his equipment, and his experience in
9 the execution of like or similar work. Said statements shall
10 be on standard forms prepared by the state highway commission
11 and shall be filed with said board or commission previous to the
12 letting at which such bidder expects to bid. The board or
13 commission may, in advance of the letting, notify the bidder
14 as to the amount and nature of the work for which he is deemed
15 qualified to bid.

16 (Old. Second paragraph of Section 309.39, Code 1954. This
17 paragraph is a general administrative provision which
18 applies to all highways.)

1 Sec. 24. All bids received shall be publicly opened at the
2 time and place specified in the advertisement, and shall be
3 recorded in detail, in the road book, by the county auditor;
4 and the county engineer shall in all instances of day labor,
5 private or public contracts, file a detailed cost accounting
6 sheet with the county auditor; said book and cost sheets shall
7 at all times be open to public inspection.

8 (Old. Sections 309.43, Code 1954.)

1 Sec. 25. Any proposed contract for road construction work
2 which, according to the engineer's estimate, involves a cost of
3 four thousand dollars or more per mile, or more than eight
4 thousand dollars in the aggregate, shall be first approved by
5 the state highway commission before the same shall be effective
6 as a contract. Any proposed contract which shall exceed the
7 sum of four thousand dollars for any one bridge or culvert, or

8 repairs thereof, shall be first approved by the state highway
9 commission before the same shall be effective as a contract.

10 (Old. Sections 309.42 and 309.80, Code 1954. amended.)

1 Sec. 26. The board of supervisors may authorize the
2 county auditor to draw warrants for the amount of pay rolls
3 for labor furnished under the day labor system, when said pay
4 rolls are certified by the engineer in charge of the work.
5 Said bills shall be passed on by the board at the first meeting
6 following said payment.

7 (Old. Section 309.61, Code 1954.)

1 Sec. 27. The board of supervisors of any county may,
2 within the limits of such county and without the limits of any
3 city or town, purchase or condemn any lands for the purpose of
4 obtaining gravel or other suitable material with which to
5 improve the secondary highways of such county, including a
6 sufficient roadway to such land by the most reasonable route,
7 or the board may purchase such material outside the limits of
8 their county, and in either case pay for the same out of the
9 secondary road fund.

10 (Old. Section 309.63, Code 1954.)

1 Sec. 28. The board of supervisors may permit private
2 parties or municipal corporations to take materials from
3 such acquired lands in order to improve any street or highway
4 in the county, but it shall be a misdemeanor for any person to
5 use or for the board of supervisors to dispose of any such
6 material for any purpose other than for the improvement of

7 such streets or highways.

8 (Old Section 309.66, Code 1954.)

1 Sec. 29. The county board of supervisors and the engineer
2 are charged with the duty of causing the secondary road system
3 to be so repaired and dragged as to keep same in proper condition,
4 and shall adopt such methods as are necessary to maintain
5 continuously, in the best condition practicable, the entire
6 mileage of said system.

7 In addition to the above, they shall specifically:

- 8 1. Keep all sluiccs, culverts, and bridges, and the
9 openings thereof, and all side ditches of the road, free from
10 obstructions.
- 11 2. Provide such side ditches with ample outlets.
- 12 3. Remove loose stones and other impediments from the
13 traveled part of the highway.
- 14 4. Fill depressions and keep the road free from ruts,
15 water pockets, and mud holes.
- 16 5. Repair the approaches to bridges and culverts and
17 keep such approaches smooth and free from obstruction.

18 (Old. Section 309.67, Code 1954.)

1 Sec. 30. Boards of supervisors of adjoining counties in
2 this state shall, subject to the approval of the state highway
3 commission:

- 4 1. Make proper connections between secondary roads which
5 cross county lines and which afford continuous lines of travel.
- 6 2. Adopt plans and specifications for road, bridge, and

7 culvert construction, reconstruction, and repairs upon secondary
8 roads along and across county boundary lines, and make an
9 equitable division between said counties of the cost and work
10 attending the execution of such plans and specifications.

11 (Section 309.68, Code 1954, amended.)

1 Sec. 31. In case said boards are unable to agree and one
2 of said boards appeals to the state highway commission, said
3 commission shall notify the auditors of the interested
4 counties that it will, on a day not less than ten days hence,
5 at a named time and place within any of said counties, hold a
6 hearing to determine all matters relating to such duty. At
7 said hearing the commission shall fully investigate all questions
8 pertaining to said matters, and shall, as soon as practicable,
9 certify its decision to the different boards, which decision
10 shall be final, and said boards shall forthwith comply with
11 said order in the same manner as though such work was located
12 wholly within the county.

13 (Section 309.69, Code 1954, amended.)

1 Sec. 32. If the said boards or any of them should, for a
2 period of sixty days, fail to comply with said decision, the
3 said commission shall proceed to locate, construct, alter, or
4 improve said road, bridge, or culvert in accordance with said
5 decision. Bills therefor duly audited by said commission in
6 accordance with said decision, shall be forwarded to the auditors
7 of the respective counties, and said auditors shall forthwith
8 draw warrants on the secondary road fund for the amounts so

9 audited, and the county treasurers shall pay the same as other
10 county warrants.

11 (Section 309.70, Code 1954, and Section 309.71, Code 1954,
12 amended.)

1 Sec. 33. Bridges and culverts on secondary roads which
2 are located along the corporate limits of cities which control
3 their own bridge funds, and which are partly within and partly
4 without such limits, shall be constructed under plans and
5 specifications, jointly agreed on by the city council and board
6 of supervisors, and approved by the highway commission. The
7 city and county shall share equally in the cost. All matters
8 in dispute between such city and county relative to such
9 bridges and culverts shall be referred to the highway commission
10 and its decision shall be final and binding on both the city
11 and county.

12 (Section 309.73, Code 1954, amended.)

1 Sec. 34. Bridges, culverts and grades constructed on
2 secondary roads shall have at least the following clear roadway
3 width:

- 4 1. Bridges, sixteen (16) feet between handrails.
- 5 2. Culverts, twenty (20) feet between headwalls or roadway
6 shoulders.
- 7 3. Grade or roadbed, twenty-two (22) feet shoulder to
8 shoulder.

9 (Old. Section 309.74 and part of Section 309.39, Code 1954.)

1 Sec. 35. The term "culvert" shall include all waterway

2 structures having a total clear span of twenty feet or less,
3 except that such term shall not include tile crossing the road,
4 or intakes thereto, where such tile are a part of a tile line
5 or system designed to aid subsurface drainage.

6 The term "bridge" shall include all waterway structures
7 having a clear span in excess of twenty feet.

8 (Section 309.75, Code 1954, amended.)

1 Sec. 36. The board of supervisors of any county may,
2 without authorization from the voters, appropriate, for the
3 substructure, superstructure, and approaches of any one bridge
4 within the county, a sum not exceeding one hundred thousand
5 dollars.

6 The board of supervisors of any county may, without
7 authorization from the voters, appropriate, for the
8 substructure, superstructure, and approaches of any one bridge
9 on a road between such county and another county of this state
10 or on a road between such county and another state, a sum not
11 exceeding fifty thousand dollars.

12 (Sections 309.76 and 309.77, Code 1954, amended.)

1 Sec. 37. No appropriation for a bridge in excess of the
2 authorization contained in the preceding section shall be made
3 until the question of making such appropriation is first
4 submitted to the electors. Such submission shall be made as
5 provided in chapter three hundred forty-five (345).

6 (Old. Section 309.78, Code 1954.)

1 Sec. 38. Standard specifications, for all secondary roads

2 and bridges, culverts, railroad overhead crossings, or subways
3 located thereon, shall be furnished without cost to the
4 counties and railroad companies by the state highway commission,
5 and work shall be done in accordance therewith.

6 (Section 309.79, Code 1954, amended.)

1 Sec. 39. Before beginning the construction of any permanent
2 bridge or culvert by day labor or by contract, the plans,
3 specifications, estimate of drainage area, estimates of cost,
4 and specific designation of the location of the bridge or culvert
5 shall be filed in the county auditor's office by the engineer.

6 (Old. Section 309.81, Code 1954.)

1 Sec. 40. On completion of any bridge or culvert, a detailed
2 statement of cost, and of any additions or alterations to the
3 plans shall be filed by the engineer and recorded by the auditor
4 in connection with the records of bids, all of which shall be
5 retained in the county auditor's office as permanent records,
6 and when said work is completed and approved, a duplicate statement
7 of the costs thereof shall be filed with the state highway commission
8 by the county engineer.

9 (Section 309.82, Code 1954, amended.)

1 Sec. 41. Bridges erected over drainage ditches shall when
2 necessary be so constructed as to allow the superstructure to
3 be removed for cleaning said ditches with as little damage to
4 the removable and permanent parts of said bridge as possible.

5 (Old. Section 309.83, Code 1954.)

1 Sec. 42. Bridges on county line roads may, under joint

2 agreement between the boards of the adjoining counties, be
3 located, constructed, and maintained wholly within one county
4 in order to secure a proper site or in order to avoid
5 unnecessary expense. The resulting work and expense shall be
6 carried on and shared in such proportion as said boards may
7 determine.

8 (Old. Section 309.84, Code 1954.)

1 Sec. 43. 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
5 shall be construed to mean "secondary road".

6 (New.)

1 Sec. 44. Nothing in this Act shall contravene or affect
2 the provisions of chapter twenty-four (24), Code 1954.

3 (New.)

1 Sec. 45. Neither this section nor the historical notes
2 placed at the end of the sections of this bill shall be
3 considered part of the law as enacted and shall not be included
4 in the enrolled act.

1 Amend Senate File 321 as follows:
2 1. Amend section 3 by striking lines 15 and 16
3 and inserting in lieu thereof the following:
4 "6. Secondary road equipment purchases
5 7. Material and supplies for and repairs
6 and servicing of, secondary road equipment.
7 8. Garages or sheds for the storage, repair
8 and servicing of secondary road equipment and storage
9 of materials and supplies therefor."
10 2. Amend section 5 by striking from line 6 the words "board
11 of supervisors".
12 3. Amend section 7 by striking from line 2 the word "civil"
13 and inserting in lieu thereof the word "professional".
14 4. Amend section 17 by striking from line 4 the word "one"
15 and inserting in lieu thereof the word "three".
16 5. Amend section 21 by striking from line 1 the words "contracts
17 for" and the word "construction".
18 6. Amend section 21 by striking from line 2 the word "and"
19 and inserting in lieu thereof the word "or".
20 7. Amend section 21 by striking from line 5 the word "Contracts,"
21 and inserting in lieu thereof the words "All road or bridgework
22 or the purchase of materials therefor,".
23 8. Amend section 29 by striking from line 1 the words "county
24 board of supervisors and the" and by striking from line 2 the
25 word "are" and inserting in lieu thereof the word "is" and by
26 striking from line 7 the word "they" and inserting in lieu
27 thereof the word "he".
28 9. Amend section 34 by striking from line 5 the words and figures
29 "twenty (20)" and inserting in lieu thereof the words and figures
30 "twenty-four (24)".

Filed
March 25, 1955.

By DYKHOUSE.