

MAR 16 1982

HOUSE FILE 2469

Place On Calendar

BY COMMITTEE ON TRANSPORTATION

(Formerly Study Bill 728)

Passed House, Date 3-24-82 (p 984) Passed Senate, Date 4-8-82 (P 1105)
 Vote: Ayes 94 Nays 0 Vote: Ayes 44 Nays 0
 Approved 4-30-82

A BILL FOR

1 An Act relating to requirements of the state department of
 2 transportation and county officials with regard to
 3 secondary and farm-to-market highways.

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

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2469

1 Section 1. Section 309.42, Code 1981, is amended to read
2 as follows:

3 309.42 APPROVAL REVIEW OF ROAD, BRIDGE OR CULVERT
4 CONTRACTS. Contracts for road, bridge or culvert construction
5 work which, according to the engineer's estimate, involve
6 a cost of more than twenty thousand dollars in the aggregate
7 shall be first approved reviewed by the department to assure
8 compliance with this chapter before the same-shall-be contracts
9 are effective as-a-contract.

10 Sec. 2. Section 309.68, Code 1981, is amended to read
11 as follows:

12 309.68 INTERCOUNTY HIGHWAYS. Boards of supervisors of
13 adjoining counties in this state shall, ~~subject to the approval~~
14 ~~of the department:~~

- 15 1. Make proper connections between roads which cross
16 county lines and which afford continuous lines of travel.
- 17 2. Adopt plans and specifications for road, bridge, and
18 culvert construction, reconstruction, and repairs upon highways
19 along and across county boundary lines, and make an equitable
20 division between said counties of the cost and work attending
21 the execution of ~~such~~ the plans and specifications.
- 22 3. Make joint agreements for the location, construction,
23 and maintenance of roads under their jurisdiction wholly
24 within one county to provide road access to lands in an
25 adjoining county, when ~~such~~ the location provides the most
26 economical and practical method of providing ~~such~~ road access.
27 The expense of constructing and maintaining ~~such-a~~ the road
28 shall be equitably shared by the counties in ~~such~~ a proportion
29 as the boards may determine.

30 Sec. 3. Section 309.69, Code 1981, is amended to read
31 as follows:

32 309.69 ENFORCEMENT OF DUTY. ~~In case such boards fail~~
33 ~~to perform such duty, the department may, on its own motion,~~
34 ~~or in case said~~ If the boards are unable to agree and one
35 of said the boards appeals to ~~said~~ the department, ~~said~~ the

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

12 Sec. 4. Section 309.75, Code 1981, is amended to read
13 as follows:

14 309.75 DEFINITIONS. ~~The term "culvert" shall include~~
15 "Culvert" includes any structure not classified as a bridge
16 which provides an opening under any roadway, except that ~~such~~
17 this term shall does not include tile crossing the road, or
18 intakes thereto, where ~~such~~ the tile are a part of a tile
19 line or system designed to aid subsurface drainage.

20 ~~The term "bridge" shall include~~ "Bridge" includes any
21 structure including supports, erected over a depression or
22 an obstruction, as water, a highway, ~~or railroad, and railway,~~
23 having a track or passageway for carrying traffic or other
24 moving loads and having a ~~length~~ an opening measured along
25 the center of the roadway of more than twenty feet between
26 ~~the undercroppings of abutments or extreme ends of openings~~
27 ~~for multiple boxes.~~ The measurement shall be between the
28 inside faces of abutments, the inside faces of the exterior
29 walls of multiple box culverts, the spring lines of arches,
30 and the horizontal measurement of circular or elliptical
31 structures.

32 The length of a bridge structure is the overall length
33 ~~measured along the line of survey stationing~~ measurement from
34 back to back of backwalls and abutments, ~~if present, or~~
35 ~~otherwise from end to end of the bridge floor, but in no case~~

1 ~~less-than-the-total-clear-opening-of-the-structure~~ measured
2 along the center of the roadway.

3 Multiple pipes, where the distance between openings is
4 less than half the smaller contiguous opening, may be included
5 as a bridge.

6 Sec. 5. Section 310.9, Code 1981, is amended to read as
7 follows:

8 310.9 ~~PROJECTS APPROVED~~ AUTHORIZED BY DEPARTMENT. Before
9 ~~approving~~ authorizing for letting any farm-to-market road
10 project, the department shall satisfy itself that the county
11 engineer's office in that county is organized, equipped and
12 financed to discharge satisfactorily the duties ~~herein~~ required
13 in this chapter.

14 Sec. 6. Section 310.13, Code 1981, is amended to read
15 as follows:

16 310.13 SURVEYS, PLANS AND ESTIMATES. If the department
17 approves a project submitted by the board of supervisors,
18 the county engineer shall proceed to make or cause to be made,
19 the surveys, plans and estimates for ~~said~~ any project, and
20 submit ~~the same~~ them to the board of supervisors and the
21 department for ~~approval~~ authorization for letting. The
22 construction work on ~~said~~ a project shall be done in accordance
23 with ~~said~~ the approved plans, except insofar as ~~the same may~~
24 be they are modified to meet unforeseen or better understood
25 conditions, and ~~no such~~ modification shall not be deemed an
26 invalidating matter.

27 Sec. 7. Section 310.14, Code 1981, is amended to read
28 as follows:

29 310.14 BIDS--DEPARTMENT OR COUNTY SUPERVISORS. When the
30 approved plans and specifications for any farm-to-market
31 funded project are filed with and authorized for letting by
32 the department, it shall, if the estimated cost exceeds one
33 thousand dollars, proceed to advertise for bids and make
34 recommended award of contract. ~~Said~~ The recommended award
35 of contract shall be submitted to the board of supervisors

1 of the county in which said the project is located for its
 2 ~~concurrence~~ approval and signature. Upon receiving the
 3 ~~concurrence~~ approval of the county board on said the
 4 recommended contract award, the department shall take final
 5 action ~~awarding-said~~ authorizing the contract. Provided,
 6 ~~that-the-said-department-shall-determine-and-advise-the-county~~
 7 ~~board-as-to-any-approved-farm-to-market-road-project-which~~
 8 ~~is-to-be-financed-without-the-use-of-federal-funds---~~ On such
 9 For a project without federal funds the above procedure may
 10 be reversed and the county board ~~shall~~ may be authorized to
 11 advertise for bids, and, subject to concurrence by the
 12 department, award a contract for the construction work.

13 Sec. 8. Section 310.19, Code 1981, is amended to read
 14 as follows:

15 310.19 SUPERVISION AND INSPECTION OF WORK. The county
 16 engineer is charged with the duty of supervision, inspection
 17 and direction of the work of construction of farm-to-market
 18 road projects under this chapter. In ~~such~~ this capacity,
 19 the county engineer ~~shall-be-under-the-supervision-of-the~~
 20 ~~department~~ is responsible for the efficient, economical, and
 21 good-faith performance of the work.

22 Sec. 9. Section 310.22, Code 1981, is amended to read
 23 as follows:

24 310.22 RIGHT OF WAY--HOW ACQUIRED. Right of way for farm-
 25 to-market road projects under this chapter shall be acquired
 26 by the county in accordance with chapter 306 and chapter 316.

27 Sec. 10. Section 310.29, Code 1981, is amended to read
 28 as follows:

29 310.29 MAINTENANCE BY COUNTY. Any farm-to-market road
 30 constructed under ~~the-provisions-of~~ this chapter shall be
 31 maintained by the county ~~in-a-manner-satisfactory-to-the~~
 32 ~~federal-authorities-and-to-the-department.~~ Should if any
 33 county ~~fail~~ fails to satisfactorily maintain any such road
 34 that is part of the federal aid secondary system, the
 35 department shall give the board of supervisors notice of that

1 fact. If within sixty days after receipt of such notice the
2 said highway has not been placed in proper condition of
3 maintenance the department shall ~~proceed immediately to have~~
4 ~~such highway placed in proper condition of maintenance and~~
5 ~~charge the cost thereof against said county's allotment of~~
6 ~~the farm-to-market road fund~~ may withhold authorization for
7 letting of any project using farm-to-market funds until a
8 proper condition of maintenance has been restored. ~~The amount~~
9 ~~so expended for maintenance work by the department shall be~~
10 ~~reimbursed to said county's allotment of the farm-to-market~~
11 ~~road fund, from said county's secondary road maintenance fund,~~
12 ~~before any more farm-to-market road projects in said county~~
13 ~~are approved by the department.~~

14 Sec. 11. Sections 309.70, 309.71, and 309.80, Code 1981,
15 are repealed.

16 EXPLANATION

17 This bill amends certain sections in chapters 309 and 310
18 which are concerned with secondary and farm-to-market roads
19 and the respective authority of the county and the state
20 department of transportation.

21 Section 1 changes the department's authority to one of
22 "review" rather than "approval" of county construction
23 contracts. Under current law the department must approve
24 all road construction contracts over \$20,000 and all bridge
25 and culvert construction contracts over \$10,000. This section
26 along with section 11 makes the contracts subject to review
27 if the cost is over \$20,000.

28 Section 2 negates the necessity of receiving the approval
29 of the department on intercounty agreements on the connection
30 and construction of intercounty highways.

31 Section 3 eliminates the authority of the department to
32 conduct a hearing on the connections and construction of
33 intercounty highways on the department's own motion. However
34 if two boards of supervisors are unable to agree, either board
35 may appeal to the department which will conduct a hearing

1 on the matter and adjudicate the dispute.

2 Section 4 redefines "bridge". A bridge is required to
3 have an opening of 20 feet measured along the center of the
4 roadway. The section outlines methods for measuring the
5 length of a bridge and defines certain multiple pipes as being
6 bridges.

7 Sections 5 through 7 relate to the review and letting of
8 farm-to-market road projects. Section 5 changes the authority
9 of the department from that of approving farm-to-market road
10 projects to one of "authorizing for letting". Sections 6
11 and 7 require projects approved by the department to be
12 submitted to the board of supervisors and the department for
13 authorization of letting.

14 Section 8 removes the supervision of the county engineer
15 by the department. The county engineer is deemed responsible
16 for the efficient, economical, and good-faith performance
17 of the construction project.

18 Section 9 clarifies that right of way for farm-to-market
19 projects is to be acquired under chapters 306 and 316.

20 Section 10 limits the review of the satisfactory mainte-
21 nance of farm-to-market roads by the department to those roads
22 that are part of the federal aid secondary system. Under
23 current law if the department finds the maintenance of any
24 farm-to-market road to be in improper condition, the department
25 is required to restore the highway to proper condition and
26 charge the cost against the county's allotment of the farm-
27 to-market road fund. Also the department is required to be
28 reimbursed before any more farm-to-market road projects are
29 approved for that county by the department. Under the bill
30 the department does not have the duty to restore the road
31 to its original condition, however the department may withhold
32 authorization for letting of any project using farm-to-market
33 funds until a proper condition of maintenance of the farm-
34 to-market road that is part of the federal aid secondary
35 system has been restored.

1 Section 11 repeals sections 309.70, 309.71, and 309.80
2 from the Code.

3 This bill takes effect July 1 following its enactment.

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HOUSE FILE 2469

H-5534

1 Amend the Harbor amendment, H-5509, to House File
2 2469 as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "_____. Page 3, by striking lines 16 through 26
6 and inserting in lieu thereof the following:

7 "310.13 SURVEYS, PLANS AND ESTIMATES. ~~If the~~
8 ~~department approves a project submitted by the board~~
9 ~~of supervisors, the~~ The county engineer shall proceed
10 ~~to make or cause to be made, the surveys, plans and~~
11 ~~estimates for said any project, and submit the same~~
12 ~~them to the board of supervisors for approval and~~
13 ~~the department for approval authorization for letting.~~
14 The construction work on said a project shall be done
15 in accordance with said approved the plans, except
16 insofar as the same may be they are modified to meet
17 unforeseen or better understood conditions, and no
18 such modification shall be deemed an invalidating
19 matter."

20 _____ . By striking page 3, line 29 through page
21 4, line 12, and inserting in lieu thereof the
22 following:

23 "310.14 BIDS--DEPARTMENT OR COUNTY SUPERVISORS.
24 When the approved plans and specifications for any
25 farm-to-market funded project are filed with and
26 authorized for letting by the department, it shall,
27 if the estimated cost exceeds one thousand dollars,
28 proceed to advertise for bids and make recommended
29 a recommendation to award or reject a contract.
30 ~~Said recommended~~ The recommendation to award of a
31 contract shall be submitted to the board of supervisors
32 of the county in which said the project is located
33 for its concurrence approval and award of contract.
34 Upon receiving the concurrence approval of the county
35 board on said the recommended contract award, the
36 department shall take final action awarding said to
37 concur in the award of the contract. Provided, that
38 ~~the said department shall determine and advise the~~
39 ~~county board as to any approved farm-to-market road~~
40 ~~project which is to be financed without the use of~~
41 ~~federal funds.---On such~~ For a project without federal
42 funds the above procedure may be reversed and the
43 county board shall may be authorized to advertise
44 for bids, and, subject to concurrence by the
45 department, award a contract for the construction
46 work."

47 2. Renumber as necessary.

H-5509

1 Amend House File 2469 as follows:

2 1. Page 1, by inserting after line 9 the following:

3 "Sec. ____ Section 309.56, Code 1981, is amended

4 to read as follows:

5 309.56 PROJECT PLANS. The plans for each project,
6 on which contracts will be let pursuant to the
7 provisions of sections 309.40, ~~and~~ 309.42 ~~and~~ 309-80
8 as soon as approved by the board of supervisors, shall
9 be submitted to the department, and the board of
10 supervisors may designate to the department which
11 projects, in their estimation, should be first passed
12 upon by ~~said~~ the department. The department shall
13 pass on such reports and plans, and ~~in so doing~~, shall
14 take into consideration the thoroughness, feasibility,
15 and practicability of ~~such~~ the plans."

16 2. Page 2, lines 22 and 23, by striking the words
17 "railway, having" and inserting in lieu thereof the
18 words "having railway. A bridge has".

19 3. Page 2, line 24, by striking the words "having
20 a-length" and inserting in lieu thereof the words
21 "having-a-length has".

22 4. Page 3, line 5, by inserting after the word
23 "bridge" the words ", provided the pipes meet the
24 other definitional requirements for bridges in this
25 section".

26 5. Renumber as necessary.

H-5509 FILED MARCH 22, 1982

BY HARBOR of Mills

*Adopted as amended by 5534
3/24 (p. 984)*

Transportation
Drake, Chair
Hutchins
Comito

HOUSE FILE 2469

BY COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House)

Passed House, Date 3-24-82 (p. 987) Passed Senate, Date 4-8-82 (p. 1105)

Vote: Ayes 94 Nays 0 Vote: Ayes 44 Nays 0

Approved April 30, 1982

A BILL FOR

1 An Act relating to requirements of the state department of
2 transportation and county officials with regard to
3 secondary and farm-to-market highways.

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

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House Amendments _____

HOUSE FILE 2369

H-5930

1 Amend amendment H-5926 to amendment H-5884, the
2 Senate amendment to House File 2369, as amended,
3 passed and reprinted by the House, as follows:
4 1. Page 1, line 29, by striking the word "the"
5 and inserting in lieu thereof the word "or".

H-5930 FILED APRIL 21, 1982 BY RITSEMA of Sioux
ADOPTED BY UNANIMOUS CONSENT

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1 Section 1. Section 309.42, Code 1981, is amended to read
2 as follows:

3 309.42 APPROVAL REVIEW OF ROAD, BRIDGE OR CULVERT
4 CONTRACTS. Contracts for road, bridge or culvert construction
5 work which, according to the engineer's estimate, involve
6 a cost of more than twenty thousand dollars in the aggregate
7 shall be first approved reviewed by the department to assure
8 compliance with this chapter before the ~~same shall be~~ contracts
9 are effective as-a-contract.

10 Sec. 2. Section 309.56, Code 1981, is amended to read
11 as follows:

12 309.56 PROJECT PLANS. The plans for each project, on
13 which contracts will be let pursuant to the provisions of
14 sections 309.40, and 309.42 and-309-80 as soon as approved
15 by the board of supervisors, shall be submitted to the
16 department, and the board of supervisors may designate to
17 the department which projects, in their estimation, should
18 be first passed upon by said the department. The department
19 shall pass on such reports and plans, and in-so-doing, shall
20 take into consideration the thoroughness, feasibility, and
21 practicability of such the plans.

22 Sec. 3. Section 309.68, Code 1981, is amended to read
23 as follows:

24 309.68 INTERCOUNTY HIGHWAYS. Boards of supervisors of
25 adjoining counties in this state shall ~~subject to the approval~~
26 ~~of the department:~~

- 27 1. Make proper connections between roads which cross
28 county lines and which afford continuous lines of travel.
- 29 2. Adopt plans and specifications for road, bridge, and
30 culvert construction, reconstruction, and repairs upon highways
31 along and across county boundary lines, and make an equitable
32 division between ~~said~~ counties of the cost and work attending
33 the execution of such the plans and specifications.
- 34 3. Make joint agreements for the location, construction,
35 and maintenance of roads under their jurisdiction wholly

1 within one county to provide road access to lands in an
 2 adjoining county, when ~~such~~ the location provides the most
 3 economical and practical method of providing ~~such~~ road access.
 4 The expense of constructing and maintaining ~~such-a~~ the road
 5 shall be equitably shared by the counties in ~~such~~ a proportion
 6 as the boards may determine.

7 Sec. 4. Section 309.69, Code 1981, is amended to read
 8 as follows:

9 309.69 ENFORCEMENT OF DUTY. ~~In-case-such-boards-fail~~
 10 ~~to-perform-such-duty,-the-department-may,-on-its-own-motion,~~
 11 ~~or-in-case-said~~ If the boards are unable to agree and one
 12 of ~~said~~ the boards appeals to ~~said~~ the department, ~~said~~ the
 13 department shall notify the auditors of the interested counties
 14 that it will, on a day not less than ten days hence, at a
 15 named time and place within any of ~~said~~ the interested
 16 counties, hold a hearing to determine all matters relating
 17 to ~~such~~ any anticipated duty. At ~~said~~ the hearing the
 18 department shall fully investigate all questions pertaining
 19 to ~~said~~ the disputed matters, and shall, as soon as
 20 practicable, certify its decision to the different boards,
 21 which decision shall be final, and ~~said~~ the boards shall
 22 forthwith comply with ~~said~~ the order in the same manner as
 23 though ~~such~~ the work was located wholly within the county.

24 Sec. 5. Section 309.75, Code 1981, is amended to read
 25 as follows:

26 309.75 DEFINITIONS. ~~The-term-"culvert"-shall-include~~
 27 "Culvert" includes any structure not classified as a bridge
 28 which provides an opening under any roadway, except that ~~such~~
 29 this term ~~shall~~ does not include tile crossing the road, or
 30 intakes thereto, where ~~such~~ the tile are a part of a tile
 31 line or system designed to aid subsurface drainage.

32 ~~The-term-"bridge"-shall-include~~ "Bridge" includes any
 33 structure including supports, erected over a depression or
 34 an obstruction, as water, a highway, or railroad, and having
 35 railway. A bridge has a track or passageway for carrying

1 traffic or other moving loads and having-a-length has an
2 opening measured along the center of the roadway of more than
3 twenty feet ~~between-the-undercroppings-of-abutments-or-extreme~~
4 ~~ends-of-openings-for-multiple-boxes.~~ The measurement shall
5 be between the inside faces of abutments, the inside faces
6 of the exterior walls of multiple box culverts, the spring
7 lines of arches, and the horizontal measurement of circular
8 or elliptical structures.

9 The length of a bridge structure is the overall length
10 ~~measured-along-the-line-of-survey-stationing~~ measurement from
11 back to back of backwalls and abutments, if present, or
12 ~~otherwise-from-end-to-end-of-the-bridge-floor, but-in-no-case~~
13 ~~less-than-the-total-clear-opening-of-the-structure~~ measured
14 along the center of the roadway.

15 Multiple pipes, where the distance between openings is
16 less than half the smaller contiguous opening, may be included
17 as a bridge, provided the pipes meet the other definitional
18 requirements for bridges in this section.

19 Sec. 6. Section 310.9, Code 1981, is amended to read as
20 follows:

21 310.9 PROJECTS APPROVED AUTHORIZED BY DEPARTMENT. Before
22 approving authorizing for letting any farm-to-market road
23 project, the department shall satisfy itself that the county
24 engineer's office in that county is organized, equipped and
25 financed to discharge satisfactorily the duties ~~herein~~ required
26 in this chapter.

27 Sec. 7. Section 310.13, Code 1981, is amended to read
28 as follows:

29 310.13 SURVEYS, PLANS AND ESTIMATES. If-the-department
30 approves-a-project-submitted-by-the-board-of-supervisors,
31 the The county engineer shall proceed-to make or cause to
32 be made, the surveys, plans and estimates for said any project,
33 and submit the-same them to the board of supervisors for
34 approval and the department for approval authorization for
35 letting. The construction work on said a project shall be

1 done in accordance with ~~said-approved~~ the plans, except insofar
2 ~~as the same may be~~ they are modified to meet unforeseen or
3 ~~better understood conditions, and no such modification shall~~
4 ~~be deemed an invalidating matter.~~

5 Sec. 8. Section 310.14, Code 1981, is amended to read
6 as follows:

7 310.14 BIDS--DEPARTMENT OR COUNTY SUPERVISORS. When the
8 approved plans and specifications for any farm-to-market
9 funded project are filed with and authorized for letting by
10 the department, it shall, if the estimated cost exceeds one
11 thousand dollars, proceed to advertise for bids and make
12 recommended a recommendation to award of or reject a contract.
13 Said-recommended The recommendation to award of a contract
14 shall be submitted to the board of supervisors of the county
15 in which said the project is located for its concurrence
16 approval and award of contract. Upon receiving the concurrence
17 approval of the county board on said the recommended contract
18 award, the department shall take final action awarding said
19 to concur in the award of the contract. Provided, that the
20 ~~said department shall determine and advise the county board~~
21 ~~as to any approved farm-to-market road project which is to~~
22 ~~be financed without the use of federal funds.--On such For~~
23 a project without federal funds the above procedure may be
24 reversed and the county board shall may be authorized to
25 advertise for bids, and, subject to concurrence by the
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30 engineer is charged with the duty of supervision, inspection
31 and direction of the work of construction of farm-to-market
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33 the county engineer ~~shall be under the supervision of the~~
34 department is responsible for the efficient, economical, and
35 good-faith performance of the work.

1 Sec. 10. Section 310.22, Code 1981, is amended to read
2 as follows:

3 310.22 RIGHT OF WAY--HOW ACQUIRED. Right of way for farm-
4 to-market road projects under this chapter shall be acquired
5 by the county in accordance with chapter 306 and chapter 316.

6 Sec. 11. Section 310.29, Code 1981, is amended to read
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8 310.29 MAINTENANCE BY COUNTY. Any farm-to-market road
9 constructed under ~~the provisions of~~ this chapter shall be
10 maintained by the county ~~in a manner satisfactory to the~~
11 ~~federal authorities and to the department.~~ Should if any
12 county ~~fail~~ fails to ~~so~~ satisfactorily maintain any such road
13 that is part of the federal aid secondary system, the
14 department shall give the board of supervisors notice of that
15 fact. If within sixty days after receipt of such notice the
16 said highway has not been placed in proper condition of
17 maintenance the department ~~shall proceed immediately to have~~
18 ~~such highway placed in proper condition of maintenance and~~
19 ~~charge the cost thereof against said county's allotment of~~
20 ~~the farm-to-market road fund~~ may withhold authorization for
21 letting of any project using farm-to-market funds until a
22 proper condition of maintenance has been restored. ~~The amount~~
23 ~~so expended for maintenance work by the department shall be~~
24 ~~reimbursed to said county's allotment of the farm-to-market~~
25 ~~road fund, from said county's secondary road maintenance fund,~~
26 ~~before any more farm-to-market road projects in said county~~
27 ~~are approved by the department.~~

28 Sec. 12. Sections 309.70, 309.71, and 309.80, Code 1981,
29 are repealed.

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HOUSE FILE 2469

AN ACT

RELATING TO REQUIREMENTS OF THE STATE DEPARTMENT OF TRANSPORTATION AND COUNTY OFFICIALS WITH REGARD TO SECONDARY AND FARM-TO-MARKET HIGHWAYS.

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

Section 1. Section 309.42, Code 1981, is amended to read as follows:

309.42 APPROVAL REVIEW OF ROAD, BRIDGES OR CULVERT CONTRACTS. Contracts for road, bridge or culvert construction work which, according to the engineer's estimate, involve a cost of more than twenty thousand dollars in the aggregate shall be first approved reviewed by the department to assure compliance with this chapter before the same shall be contracts are effective as-a-contract.

Sec. 2. Section 309.56, Code 1981, is amended to read as follows:

309.56 PROJECT PLANS. The plans for each project, on which contracts will be let pursuant to the provisions of sections 309.40, and 309.42 and 309.80 as soon as approved by the board of supervisors, shall be submitted to the department, and the board of supervisors may designate to the department which projects, in their estimation, should be first passed upon by said the department. The department shall pass on such reports and plans, and in-so-doing, shall take into consideration the thoroughness, feasibility, and practicability of such the plans.

Sec. 3. Section 309.68, Code 1981, is amended to read as follows:

309.68 INTERCOUNTY HIGHWAYS. Boards of supervisors of adjoining counties in this state shall-subject-to-the-approval of-the-department:

1. Make proper connections between roads which cross county lines and which afford continuous lines of travel.
2. Adopt plans and specifications for road, bridge, and culvert construction, reconstruction, and repairs upon highways along and across county boundary lines, and make an equitable division between said counties of the cost and work attending the execution of such the plans and specifications.
3. Make joint agreements for the location, construction, and maintenance of roads under their jurisdiction wholly within one county to provide road access to lands in an adjoining county, when such the location provides the most economical and practical method of providing such road access. The expense of constructing and maintaining such-a the road shall be equitably shared by the counties in such a proportion as the boards may determine.

Sec. 4. Section 309.69, Code 1981, is amended to read as follows:

309.69 ENFORCEMENT OF DUTY. in-case-such-boards-fail to-perform-such-duty, the-department-may, on-its-own-motion, or-in-case-said if the boards are unable to agree and one of said the boards appeals to said the department, said the department shall notify the auditors of the interested counties that it will, on a day not less than ten days hence, at a named time and place within any of said the interested counties, hold a hearing to determine all matters relating to such any anticipated duty. At said the hearing the department shall fully investigate all questions pertaining to said the disputed matters, and shall, as soon as practicable, certify its decision to the different boards, which decision shall be final, and said the boards shall forthwith comply with said the order in the same manner as though such the work was located wholly within the county.

Sec. 5. Section 309.75, Code 1981, is amended to read as follows:

309.75 DEFINITIONS. ~~The term "culvert" shall include~~ "Culvert" includes any structure not classified as a bridge which provides an opening under any roadway, except that such this term shall does not include tile crossing the road, or intakes thereto, where such the tile are a part of a tile line or system designed to aid subsurface drainage.

~~The term "bridge" shall include~~ "Bridge" includes any structure including supports, erected over a depression or an obstruction, as water, a highway, or railroad, and having railway. A bridge has a track or passageway for carrying traffic or other moving loads and having a length has an opening measured along the center of the roadway of more than twenty feet between the undercroppings of abutments or extreme ends of openings for multiple boxes. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures.

~~The length of a bridge structure is the overall length measured along the line of survey stationing measurement from back to back of backwalls and abutments, if present, or otherwise from end to end of the bridge floor, but in no case less than the total clear opening of the structure measured along the center of the roadway.~~

~~Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this section.~~

Sec. 5. Section 310.9, Code 1981, is amended to read as follows:

310.9 PROJECTS APPROVED AUTHORIZED BY DEPARTMENT. Before approving authorizing for letting any farm-to-market road project, the department shall satisfy itself that the county engineer's office in that county is organized, equipped and financed to discharge satisfactorily the duties ~~herein~~ required in this chapter.

Sec. 7. Section 310.13, Code 1981, is amended to read as follows:

310.13 SURVEYS, PLANS AND ESTIMATES. ~~if the department approves a project submitted by the board of supervisors, the~~ The county engineer shall ~~proceed to~~ make or cause to be made, the surveys, plans and estimates for ~~said any~~ project, and submit ~~the same them~~ to the board of supervisors for approval and the department for approval authorization for letting. The construction work on ~~said a~~ project shall be done in accordance with ~~said approved the~~ plans, except insofar as ~~the same may be they are~~ modified to meet unforeseen or better understood conditions, ~~and no such modification shall be deemed an invalidating matter.~~

Sec. 8. Section 310.14, Code 1981, is amended to read as follows:

310.14 BIDS--DEPARTMENT OR COUNTY SUPERVISORS. When the approved plans and specifications for any farm-to-market funded project are filed with and authorized for letting by the department, it shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids and make recommended a recommendation to award of or reject a contract. ~~said recommended~~ The recommendation to award of a contract shall be submitted to the board of supervisors of the county in which said the project is located for its concurrence approval and award of contract. Upon receiving the ~~concurrence~~ approval of the county board on ~~said the~~ recommended contract award, the department shall take final action awarding said to concur in the award of the contract. Provided, that the said department shall determine and advise the county board as to any approved farm-to-market road project which is to be financed without the use of federal funds. On such for a project without federal funds the above procedure may be reversed and the county board shall may be authorized to advertise for bids, and, subject to concurrence by the department, award a contract for the construction work.

Sec. 9. Section 310.19, Code 1981, is amended to read as follows:

310.19 SUPERVISION AND INSPECTION OF WORK. The county engineer is charged with the duty of supervision, inspection and direction of the work of construction of farm-to-market road projects under this chapter. In such this capacity, the county engineer ~~shall be under the supervision of the department is responsible for the efficient, economical, and good-faith performance of the work.~~

Sec. 10. Section 310.22, Code 1981, is amended to read as follows:

310.22 RIGHT OF WAY--HOW ACQUIRED. Right of way for farm-to-market road projects under this chapter shall be acquired by the county in accordance with chapter 306 and chapter 316.

Sec. 11. Section 310.29, Code 1981, is amended to read as follows:

310.29 MAINTENANCE BY COUNTY. Any farm-to-market road constructed under ~~the provisions of this chapter shall be maintained by the county in a manner satisfactory to the federal authorities and to the department.~~ Should if any county fails to so satisfactorily maintain any such road that is part of the federal aid secondary system, the department shall give the board of supervisors notice of that fact. If within sixty days after receipt of such notice the said highway has not been placed in proper condition of maintenance the department shall proceed immediately to have such highway placed in proper condition of maintenance and charge the cost thereof against said county's allotment of the farm-to-market road fund may withhold authorization for letting of any project using farm-to-market funds until a proper condition of maintenance has been restored. The amount so expended for maintenance work by the department shall be reimbursed to said county's allotment of the farm-to-market road fund, from said county's secondary road maintenance fund, before any more farm-to-market road projects in said county are approved by the department.

Sec. 12. Sections 309.70, 309.71, and 309.80, Code 1981, are repealed.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2469, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 4/30, 1982

ROBERT D. RAY
Governor