

CHAPTER 309

SECONDARY ROADS

Referred to in §73A.21, 307.24, 311.32, 331.362, 331.502

[P]

Subject to reciprocal resident bidder preference in §73A.21

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SECONDARY ROAD AND BRIDGE SYSTEMS  
IN GENERAL**309.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “*Book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. “*Bridge*” includes any structure including supports, erected over a depression or an obstruction, such as water, a highway, or railway. A bridge has a track or passageway for carrying traffic or other moving loads and has an opening measured along the center of the roadway of more than twenty feet. 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.

a. The length of a bridge is the overall measurement from back to back of backwalls and abutments measured along the center of the roadway.

b. 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 subsection.

3. “*Culvert*” includes any structure not classified as a bridge which provides an opening under any roadway, except that this term does not include tile crossing the road, or intakes thereto, where the tile are a part of a tile line or system designed to aid subsurface drainage.

4. “*Department*” means the state department of transportation.

5. “*Fiscal year*” means the period of twelve months beginning on July 1 and ending on June 30.

[C75, 77, 79, 81, §309.1]

84 Acts, ch 1102, §2; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §40, 200, 201

**309.2** Reserved.

**309.3 Secondary bridge system.**

The secondary bridge system of a county shall embrace all bridges and culverts on secondary roads as defined in section 306.3.

[C24, 27, §4664, 4665; C31, 35, §4644-c3; C39, §4644.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.3]

98 Acts, ch 1075, §9

**309.4 through 309.9** Reserved.

**309.10 Use of farm-to-market road fund.**

1. Notwithstanding section 310.4, if the board of supervisors of a county does not plan to utilize its farm-to-market road fund allocation for the succeeding fiscal year for farm-to-market projects, the board may annually, by stipulation in the secondary road construction program and secondary road budget submitted to the department in accordance with sections 309.22 and 309.93, determine an amount of the unobligated portion of its allocation, up to a maximum of fifty percent of its anticipated total annual allocation, for the construction and reconstruction of local secondary roads. However, moneys from the farm-to-market road fund shall not be so used if the moneys are needed to match federal funds available for farm-to-market road projects.

2. A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs “a”, “b”, “d”, and “e”, are at least seventy-five percent of the sum of the following:

a. From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

b. From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

[C81, S81, §309.10; 81 Acts, ch 117, §1045]

83 Acts, ch 123, §108, 208, 209; 84 Acts, ch 1102, §3; 84 Acts, ch 1178, §4; 90 Acts, ch 1267, §29; 91 Acts, ch 258, §42; 2010 Acts, ch 1061, §180

Referred to in §331.401

**309.11** Repealed by 98 Acts, ch 1075, § 17.

**309.12 Construction of terms.**

The classification of county road funds into “secondary road construction funds” and “secondary road maintenance funds” is hereby abolished. Wherever in any statute the words, “secondary road construction fund” or “secondary road maintenance fund” appear, they shall be construed to mean, “secondary road fund”.

[C24, 27, §4635, 4797; C31, 35, §4644-c13; C39, §4644.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.12]

**309.13 through 309.15** Reserved.

**309.16 Duty of department.**

The department shall when requested by the board of supervisors advise with said board as to the manner of constructing and maintaining the secondary roads.

[C31, 35, §4644-c18; C39, §4644.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.16]

## COUNTY ENGINEER

**309.17 Engineer — term.**

The board of supervisors shall employ one or more licensed civil engineers who shall be known as county engineers. The board shall fix their term of employment which shall not exceed three years, but the tenure of office may be terminated at any time by the board.

[C24, 27, §4641; C31, 35, §4644-c19; C39, §4644.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.17]

2007 Acts, ch 126, §52

Referred to in §331.321

**309.18 Compensation.**

The board shall fix the compensation of the engineers.

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

[C24, 27, §4641; C31, 35, §4644-c20, -c21; C39, §4644.18, 4644.19; C46, 50, 54, 58, 62, 66, §309.18, 309.19; C71, 73, 75, 77, 79, 81, §309.18]

83 Acts, ch 123, §109, 209

Referred to in §331.321, 331.429

**309.19 Adjacent counties joining in employment.**

The boards of supervisors of two or more adjacent counties may enter into an agreement to jointly employ a county engineer, employ professional and clerical assistants for the engineer, and to provide such services as can be carried on jointly and will operate to their mutual benefit. Such agreement shall be written and entered in their respective minutes. The engineer employed under such agreement shall be the official county engineer for each of the respective boards and shall be employed for such term of years as shall be determined by the boards but in no event longer than the period of time the mutual agreement between the boards is to be in effect. The written agreement shall provide for the determination of the cost of such joint program and the manner of allocation of the cost to each board for

inclusion in the respective budgets. The boards by mutual agreement shall designate one board to make payments for salaries and other costs of the joint program. The board shall be reimbursed by the other board or boards in accordance with the joint agreement. The provisions of chapter 28E shall be applicable to this section.

[C71, 73, 75, 77, 79, 81, §309.19]

Referred to in §331.321

### **309.20 Engineers — itemized account.**

County engineers and their assistants shall file an itemized and verified account with the board of supervisors for the reimbursement of all expenses incurred. Mileage may be claimed as provided in section 70A.9.

[C24, 27, §4642; C31, 35, §4644-c22; C39, §4644.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.20]

### **309.21 Supervision of construction and maintenance work.**

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

[C31, 35, §4644-c23; C39, §4644.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.21]

Referred to in §309.67

## CONSTRUCTION PROGRAM

### **309.22 Construction project — progress report by engineer.**

On or before the fifteenth day of April of each year the board of supervisors, with the assistance of the county engineer, shall, subject to the approval of the department, adopt a secondary road construction program which shall include a project accomplishment list for the next fiscal year, and a project priority list for the succeeding four fiscal years based upon the construction funds, local secondary and farm-to-market, estimated to be available for the period. Subject to departmental approval, any project on the approved priority list may be advanced to and constructed in the accomplishment year and the project accomplishment list may be revised due to unforeseen conditions.

After the close of each fiscal year, and not later than September 15, the county engineer shall submit an annual report to the department. The annual report shall include a statement of the progress made toward the completion of each project contained in the approved project accomplishment list on which work was accomplished, a statement of the total amount expended on each project during the year, and a statement of what portion of the work on each project was done on contract and the amount expended on each contract for each project.

[C31, 35, §4644-c24; C39, §4644.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.22]

84 Acts, ch 1102, §4

Referred to in §309.10

### **309.23 Review by department and operation of program.**

The secondary road construction program is subject to review by the department under section 309.94 and subject to program operation requirements under section 309.96, subsection 2.

84 Acts, ch 1102, §5

### **309.24 Uniform and unified plan required.**

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

[C31, 35, §4644-c26; C39, §4644.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.24]

**309.25 Material considerations for farm-to-market roads.**

In planning and in adopting said program or project by the board of supervisors, said board and the county engineer shall give due and careful consideration, to the location of primary roads, and of roads heretofore improved as county roads, to the market centers and main roads leading thereto, and to rural mail and school bus routes, it being the intent of this chapter that said program or project will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county.

[C31, 35, §4644-c27; C39, §4644.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.25]  
[P] Farm-to-market roads, chapter 310

**309.26 Provisional selection of roads.**

The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in said program, and direct said engineer to make a reconnaissance survey and estimate of all said roads, or of such part thereof as, in view of the public necessity and convenience, present the most urgent need and necessity for early construction.

[C24, 27, §4643; C31, 35, §4644-c28; C39, §4644.26; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.26]

**309.27 Report of engineer.**

In addition to the foregoing, the engineer, when so ordered by the board, shall make written report to the board and shall designate therein in their order of importance the roads which, in the engineer's judgment, are most urgently in need of construction.

[C24, 27, §4643; C31, 35, §4644-c29; C39, §4644.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.27]

**309.28 Recommendations.**

The engineer may in the engineer's report recommend that certain definitely described roads or parts thereof be omitted from the provisional program or project, or that certain definitely described roads or parts thereof be added thereto, and in such case the engineer shall clearly enter on the report the reasons therefor.

[C31, 35, §4644-c30; C39, §4644.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.28]

**309.29 Map required.**

A map of the county showing the location of the proposed program or project shall accompany the report of the engineer.

[C24, 27, §4644; C31, 35, §4644-c31; C39, §4644.29; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.29]

**309.30 Additional estimates.**

Additional reconnaissance surveys and estimates may be ordered by the board when it deems the same necessary or advisable.

[C31, 35, §4644-c32; C39, §4644.30; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.30]

**309.31 through 309.33 Reserved.****309.34 Record required.**

After the construction program or project is finally determined, the county auditor shall record the same at length in a county road book.

[C24, 27, §4646; C31, 35, §4644-c36; C39, §4644.34; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.34]

**309.35 When surveys required.**

Before proceeding to the construction of any road or roads included in the secondary road construction program where the grading, exclusive of bridges and culverts, is estimated to

cost over ten thousand dollars per mile, the county engineer shall cause detailed surveys and plans for the road or roads to be prepared.

[C24, 27, §4643; C31, 35, §4644-c37; C39, §4644.35; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.35]

2001 Acts, ch 32, §2

### **309.36 Nature of survey.**

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

[C24, 27, §4644; C31, 35, §4644-c38; C39, §4644.36; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.36]

### **309.37 Details of survey.**

Said survey shall show:

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

2. An accurate plan and profile of the roads surveyed, showing all of the following:

- a. Cuts and fills.
- b. Outline of grades.
- c. All existing permanent bridges, culverts and grades.
- d. Proper bench marks on each bridge and culvert.

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

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

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

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

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

[C24, 27, §4644; C31, 35, §4644-c39; C39, §4644.37; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.37]

2011 Acts, ch 34, §76

### **309.38 Existing surveys.**

The engineer may adopt any existing survey of any road or part thereof which is embraced in said program or project, provided such existing survey substantially complies, or is made to comply, with the requirements of this chapter.

[C31, 35, §4644-c40; C39, §4644.38; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.38]

### **309.39 Contracts and specifications.**

The various contracts for the carrying out of said construction program or project in the most efficient, practicable and economical manner shall, as far as possible, be accompanied by standard specifications, and no traveled roadway shall be less than twenty-two feet from shoulder to shoulder.

[C31, 35, §4644-c41; C39, §4644.39; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.39]

### **309.40 Advertisement and letting.**

All contracts for road or bridge construction work and materials for which the engineer's estimate exceeds fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

[C24, 27, §4647; C31, 35, §4644-c42; C39, §4644.40; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.40]

91 Acts, ch 53, §1

Referred to in §309.40A, 309.41, 314.1, 314.1B, 331.341

**309.40A Emergency highway and bridge projects.**

Notwithstanding section 309.40, a county may contract for the emergency repair, restoration, or reconstruction of a highway or bridge under the county's jurisdiction without advertising for bids if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss.
2. The county solicits written bids from three or more contractors engaged in the type of work needed.
3. The necessary work can be done for less than one hundred thousand dollars.
4. If possible, the county notifies the appropriate Iowa highway contractors' associations of the proposed work.

2001 Acts, ch 32, §3

Referred to in §309.41, 314.1, 331.341

**309.41 Optional advertisement and letting.**

Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting; or, where the cost does not exceed the engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

Nothing contained in this section shall be deemed to prohibit the board of supervisors from purchasing material and using county equipment and regularly employed county road personnel on a project within their capability as determined by the county engineer.

[C24, 27, §4648; C31, 35, §4644-c43; C39, §4644.41; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.41]

2002 Acts, ch 1119, §41

Referred to in §331.341

**309.42** Repealed by 99 Acts, ch 13, § 28, 29.

**309.43 Record of bids.**

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

[C24, 27, §4649; C31, 35, §4644-c45; C39, §4644.43; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.43]

Referred to in §331.341

**309.44 and 309.45** Reserved.

## ANTICIPATION OF FUNDS

**309.46 Construction fund anticipated.**

The board before issuing anticipatory certificates shall seek the advice of the department and issue said certificates to an amount not exceeding fifty percent of the estimated funds which will accrue to the secondary road fund during any stated period of from one to two years.

[C31, 35, §4644-c48; C39, §4644.46; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.46]

Referred to in §331.402, 331.478

**309.47 Anticipatory resolution.**

Such certificates shall be authorized by a duly adopted resolution which shall specify:

1. The secondary road funds, specifying the year or years, which are to be anticipated.
2. The amount of certificates authorized.
3. The denomination of each certificate.
4. The rate of interest which each certificate shall bear which shall not exceed that permitted by chapter 74A, payable annually.
5. The authorization of the chairperson of the board of supervisors and of the county auditor, respectively, to sign and countersign such certificates.

[C31, 35, §4644-c49; C39, §4644.47; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.47]  
 Referred to in §331.402, 331.478

**309.48 Recitals.**

Each certificate shall recite:

1. The annual accruing secondary road funds (naming the year) of which the certificate is anticipatory.
2. That said certificate shall be payable on or before December 31 of said year.
3. That said certificate is payable solely from said accruing secondary road funds.

[C31, 35, §4644-c50; C39, §4644.48; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.48]  
 Referred to in §331.402, 331.478

**309.49 Consecutive numbering and payment.**

The series of certificates which anticipate the accruing of funds during a given year shall be numbered consecutively and paid in the order of said numbering.

[C31, 35, §4644-c51; C39, §4644.49; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.49]  
 Referred to in §331.402, 331.478

**309.50 Execution.**

Upon the signing of each of said certificates by the chairperson of the board, said certificates shall be delivered to the county auditor, who shall countersign the same, charge the county treasurer with the amount thereof, and deliver the same to such latter officer, who shall be responsible therefor on the county treasurer's bond.

[C31, 35, §4644-c52; C39, §4644.50; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.50]  
 Referred to in §331.402, 331.478, 331.552

**309.51 Taxation.**

Said certificates shall be exempt from taxation.

[C31, 35, §4644-c53; C39, §4644.51; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.51]  
 Referred to in §331.402, 331.478, 331.552

**309.52 Duty of treasurer.**

The treasurer shall sell the certificates in accordance with chapter 75, or if unable to sell the certificates for par plus accrued interest, the treasurer may apply the certificates at par plus accrued interest in payment of any warrants duly authorized and issued for secondary road work.

[C31, 35, §4644-c54; C39, §4644.52; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.52]  
 83 Acts, ch 123, §110, 209  
 Referred to in §331.402, 331.429, 331.478, 331.552

**309.53 Registration of certificate holders.**

The county treasurer shall enter on a record to be kept by the county treasurer the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person.

[C31, 35, §4644-c55; C39, §4644.53; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.53]  
 Referred to in §331.402, 331.478, 331.552



**309.54 Registration of new holder.**

Any subsequent holder may present certificates to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder.

[C31, 35, §4644-c56; C39, §4644.54; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.54]  
 Referred to in §331.402, 331.478, 331.552

**309.55 Terminating interest.**

When the accruing funds in the hands of the county treasurer, for a year covered by anticipatory certificates, are sufficient to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact, and ten days from and after the mailing of such letter all interest on such certificates shall cease.

[C31, 35, §4644-c57; C39, §4644.55; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.55]  
 98 Acts, ch 1107, §3  
 Referred to in §331.402, 331.478, 331.552

## MISCELLANEOUS PROVISIONS

**309.56** Repealed by 99 Acts, ch 13, § 28, 29.

**309.57 Area service classification.**

1. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort and access, may classify the area service system into three classifications termed area service "A", area service "B", and area service "C". The area service "A" classification shall be maintained in conformance with applicable statutes. Area service "B" classification roads may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer. Area service "C" classification roads may have restricted access and a minimal level of maintenance as specified by the county board of supervisors after consultation with the county engineer.

2. Roads within area service "B" and "C" classifications shall have appropriate signs, conforming to the Iowa state sign manual, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads. In addition, area service "C" classification roads shall adequately warn the public that access is limited.

3. Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier.

4. Notwithstanding section 716.7, subsection 4, entering or remaining upon an area service "C" classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7.

5. A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

6. The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is

classified as area service “B” or “C” if the road has been maintained to the level required for roads classified as area service “B” or “C”.

[S81, §309.57; 81 Acts, ch 100, §1]

96 Acts, ch 1103, §1; 2002 Acts, ch 1063, §10; 2003 Acts, ch 144, §5

**309.58 Action on bond — limitation.**

No provision in a contract shall be valid which seeks to limit the time to less than five years in which an action may be brought upon the bond covering concrete work nor to less than one year upon the bond covering other work.

[S13, §1527-s18; C24, 27, 31, 35, 39, §4652; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.58]

**309.59 and 309.60** Reserved.

**309.61 Advance payment of payrolls.**

The board of supervisors may authorize the county auditor to draw warrants for the amount of payrolls for labor furnished under the day labor system, when said payrolls are certified to by the engineer in charge of the work. Said bills shall be passed on by the board at the first meeting following said payment.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §4655; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.61]

**309.62** Reserved.

**309.63 Gravel beds.**

The board of supervisors of any county may, within the limits of such county and without the limits of any city, purchase or condemn any lands for the purpose of obtaining gravel or other suitable material with which to improve the secondary highways of such county, including a sufficient roadway to such land by the most reasonable route, or the board may purchase such material outside the limits of their county, and in either case pay for the same out of the secondary road funds.

[S13, §4024-i; C24, 27, 31, 35, 39, §4657; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.63]

**309.64** Reserved.

**309.65 Sale of gravel bed property.**

Notwithstanding section 309.66, after notice as provided in section 331.305 and a public hearing, the board of supervisors may sell all or part of the property acquired for gravel and other highway improvement materials if the property has been owned by the county for more than five years and the board finds that the property to be sold is not needed for highway improvement purposes or the property is not suitable for those purposes.

88 Acts, ch 1254, §1

**309.66 Use of gravel beds.**

The board of supervisors may permit private parties or municipal corporations to take materials from such acquired lands in order to improve any street or highway in the county, but it shall be a serious misdemeanor for any person to use or for the board of supervisors to dispose of any such material for any purpose other than for the improvement of such streets or highways.

[S13, §2024-i1, -i2; C24, 27, 31, 35, 39, §4659; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.66]

Referred to in §309.65

**309.67 Duties of county board of supervisors and the county engineer.**

The county board of supervisors is charged with the duty of establishing policies and providing adequate funds to properly maintain the secondary road system. The county engineer, pursuant to section 309.21 and board policy, shall adopt such methods and recommend such personnel and equipment necessary to maintain continuously, in the best condition practicable, the entire mileage of said system.

[S13, §1527-s15; C24, 27, 31, 35, §4660; C39, §4660, 4778; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.67]

[P] Duty to remove obstruction, chapter 318

**309.68 Intercounty highways.**

Boards of supervisors of adjoining counties in this state shall:

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 counties of the cost and work attending the execution of 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 the location provides the most economical and practical method of providing road access. The expense of constructing and maintaining the road shall be equitably shared by the counties in a proportion as the boards may determine.

[C24, 27, 31, 35, 39, §4661; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.68; 82 Acts, ch 1110, §3]

**309.69 Enforcement of duty.**

If the boards are unable to agree and one of the boards appeals to the department, 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 the interested counties, hold a hearing to determine all matters relating to any anticipated duty. At the hearing the department shall fully investigate all questions pertaining to the disputed matters, and shall, as soon as practicable, certify its decision to the different boards, which decision shall be final, and the boards shall forthwith comply with the order in the same manner as though the work was located wholly within the county.

[C24, 27, 31, 35, 39, §4662; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.69; 82 Acts, ch 1110, §4]

**309.70 through 309.73** Reserved.

**309.74 Width of bridges and culverts.**

All culverts shall have a clear width of roadway of at least twenty feet. Bridges shall have a clear width of roadway of at least sixteen feet.

[C51, §517; R60, §822; C73, §1001; C97, §1572; S13, §1527-s7; C24, 27, 31, 35, 39, §4667; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.74]

**309.75** Repealed by 2002 Acts, ch 1119, § 110. See § 309.1.

**309.76 through 309.78** Reserved.

**309.79 Bridge specifications.**

Standard specifications for all bridges and culverts, railroad overhead crossings, or subways, shall be furnished without cost to the counties and railroad companies by the department, and work shall be done in accordance therewith.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §4671; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.79]

**309.80** Reserved.

**309.81 Record of plans.**

Before beginning the construction of a permanent bridge or culvert by day labor or by contract, the plans, specifications, estimate of drainage area, estimates of costs, and specific designation of the location of the bridge or culvert shall be filed in the county engineer's office by the engineer.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §4673; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.81]

**309.82 Record of final cost.**

On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the engineer, all of which shall be retained in the county engineer's office as permanent records.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §4674; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.82]

94 Acts, ch 1173, §13

**309.83 through 309.92** Reserved.

COUNTY SECONDARY ROAD BUDGETS

**309.93 Itemized statement.**

On or before April 15 of each year, the board of supervisors, with the assistance of the county engineer, shall adopt and submit to the department for approval the county secondary road budget for the next fiscal year. The budget shall include an itemized statement of:

1. Estimated revenues to be raised by property taxation for secondary road purposes.
2. Estimated revenues to be received from the state road use tax fund.
3. Estimated revenues from all other sources for secondary road purposes.
4. The proposed expenditures from the road fund during the next fiscal year. The estimates of proposed expenditures shall be itemized and classified in a manner prescribed by the department.
5. The actual expenditures for the preceding two fiscal years and the estimated expenditures for the current fiscal year. These shall be itemized and classified in the same manner as proposed expenditures.
6. The cash balance of the road fund at the end of the preceding fiscal year, an estimate of the cash balance at the end of the current fiscal year, and an estimate of the cash balance at the end of the next fiscal year.
7. A detailed cost accounting of all instances in the previous fiscal year of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system, in the manner prescribed by rule of the department under section 314.1A. The statement shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system during the previous fiscal year.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.93]

84 Acts, ch 1102, §6; 2001 Acts, ch 32, §4, 14

Referred to in §309.10, 309.97, 314.1A, 331.401, 331.478

**309.94 Review by department.**

The department shall approve or disapprove the budget adopted by the board of supervisors. If the budget is not approved, the department shall state the reasons for disapproval when the budget is returned to the county. The department shall act upon a budget and return the budget to the county not later than June 1. Upon disapproval of any

proposed expenditure in a budget, the county may submit a revised budget to the department for approval. The department shall act upon the revised budget within thirty days.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.94]

84 Acts, ch 1102, §7

Referred to in §309.23, 309.97, 331.401

### **309.95 Amendments.**

The budget shall be binding except that should bona fide unforeseen conditions arise, the board of supervisors may amend such budget during the year for which it was adopted. Such amendments shall be submitted to the department for approval with a statement of the reasons necessitating the amendment. The department shall approve or disapprove such amendments in the same manner as original budget estimates except that the department shall act upon and return such amendments within thirty days after their receipt by the department. The department acting upon budget amendments is directed to approve only such amendments as are actually necessitated by unforeseen conditions.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.95]

Referred to in §309.97, 331.401

### **309.96 Operation of budgeted program.**

1. No county shall expend from the secondary road fund an amount in excess of the total amount of the budget or amended budget as adopted by the board of supervisors, whether such budget is approved or disapproved by the department. In order to permit any county to adjust its secondary road income to changed needs that may occur after the budget has been approved by the department the expenditures for any individual item within the budget may exceed by not more than ten percent the amount budgeted for that item without department approval or the submission of an amended budget, provided, however, that the expenditures for one or more other individual items are less than budgeted and the total expenditures from the secondary road fund do not exceed the total secondary road budget.

2. In the event that a county secondary road budget or amended budget thereto is disapproved by the department, the county may elect either to revise such budget or amended budget so as to receive approval or the county may elect to operate with such disapproved budget or amended budget. In the event the county secondary road budget is disapproved in whole or in part, within twenty days after receipt of the department's report, the board of supervisors shall cause to be published in the official newspapers of the county, notice of a public hearing to be held within ten days of said publication, on the department's recommendations, and at said hearing the board of supervisors shall amend or adopt their original budget.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.96]

Referred to in §309.23, 309.97, 331.401

### **309.97 Construction of law.**

Nothing in sections 309.93 to 309.96 shall contravene or affect the provisions of chapter 24.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.97]

Referred to in §331.401