

# CHAPTER 310

## FARM-TO-MARKET ROADS

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

[P]

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

|        |  |        |   |
|--------|--|--------|---|
| 310.1  | Definitions.                             | 310.16 | Claims charged to county allotment.                     |
| 310.2  | Supervisors agreement.                   | 310.17 | Reserved.   |
| 310.3  | Funds.                                   | 310.18 | Partial payments during construction.                   |
| 310.4  | Use of fund.                             | 310.19 | Supervision and inspection of work.                     |
| 310.5  | Reserved.                                | 310.20 | Supervisors resolution to state treasurer.              |
| 310.6  | Accounts by department.                  | 310.21 | Reserved.   |
| 310.7  | Treasurer’s monthly statement.           | 310.22 | Right-of-way — how acquired.                            |
| 310.8  | Quarterly statement to county engineer.  | 310.23 | through 310.26 Reserved.                                |
| 310.9  | Projects authorized by department.       | 310.27 | Period of allocation — reversion — temporary transfers. |
| 310.10 | Farm-to-market road system defined.      | 310.28 | Engineering and other expense.                          |
| 310.11 | Participating county — funds reserved.   | 310.29 | Maintenance by county.                                  |
| 310.12 | Reserved.                                | 310.30 | through 310.33 Reserved.                                |
| 310.13 | Surveys, plans and estimates.            | 310.34 | Secondary road research fund.                           |
| 310.14 | Bids — department or county supervisors. | 310.35 | Use of fund.  |
| 310.15 | Reserved.                                | 310.36 | Report to governor.                                     |

### 310.1 Definitions.

As used in this chapter, the following words, terms or phrases shall be construed or defined as follows:

1. “County’s allotment of road use tax fund” or “allotment of road use tax fund” means that part of the road use tax fund allotted to any county by the treasurer of state from the portion of the state road use tax fund which the treasurer has credited to the secondary road fund of the counties.
2. “Federal aid” or “federal aid secondary road fund” shall mean funds allotted to the state of Iowa by the federal government to aid in the construction of secondary roads and which funds must be matched with funds under the control of the department.
3. “Department” means the state department of transportation.  
[C39, §4686.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.1]  
83 Acts, ch 123, §111, 209

### 310.2 Supervisors agreement.

The county board of supervisors of any county is empowered, on behalf of the county, to enter into any arrangement or agreement with or required by the duly constituted federal or state authorities in order to secure the full cooperation of the government of the United States and of the state of Iowa, and the benefit of all present and future federal or state allotments in aid of secondary road construction, reconstruction or improvement.

[C39, §4686.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.2]

### 310.3 Funds.

There is hereby created a fund which shall be known as the farm-to-market road fund which shall be made up as follows:

1. All federal aid secondary road funds received by the state.
2. All road use tax funds by law credited to the farm-to-market road fund.
3. All other funds which may, under the provisions of this chapter or any other law, be credited or appropriated for the use of the farm-to-market road fund.

[C39, §4686.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.3]

[P] Allocation of funds, §312.2

**310.4 Use of fund.**

Said farm-to-market road fund is hereby appropriated for and shall be used in the establishment, construction, reconstruction or improvement of the farm-to-market road system, including the drainage, grading, surfacing, resurfacing, construction of bridges and culverts, the elimination, protection, or improvement of railroad crossings, the acquiring of additional right-of-way and all other expenses incurred in the construction, reconstruction or improvement of said farm-to-market road system under this chapter.

[C39, §4686.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.4]  
Referred to in §309.10

**310.5 Reserved.****310.6 Accounts by department.**

The department shall keep accounts in relation to the farm-to-market road fund and each county's allotment thereof, crediting each fund with all amounts by law creditable thereto, and charging each with all duly and finally approved vouchers for claims properly chargeable thereto.

[C39, §4686.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.6]

**310.7 Treasurer's monthly statement.**

The account of the farm-to-market road fund, kept by the director of the department of administrative services and the state treasurer, shall deal with said funds as a single fund with all credits thereto and disbursements therefrom.

[C39, §4686.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.7]

2003 Acts, ch 145, §286

[P] See treasurer's report to department of transportation, §312.4

**310.8 Quarterly statement to county engineer.**

The department shall, quarterly, advise each county engineer of the condition of said county's allotment of the farm-to-market road fund. Said statement shall show the balance in said county's allotment at the beginning of said period, the amount or amounts allotted to said county during said period, the amount disbursed from said county's allotment during said period, and the balance in said county's allotment at the end of the said period. Said statement shall also show the estimated outstanding obligations against the said county's allotment at the date of said statement.

[C39, §4686.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.8]

**310.9 Projects authorized by department.**

Before 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 required in this chapter.

[C39, §4686.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.9; 82 Acts, ch 1110, §6]

**310.10 Farm-to-market road system defined.**

The farm-to-market road system means the farm-to-market road system as defined in section 306.3.

[C39, §4686.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.10]  
89 Acts, ch 293, §8; 98 Acts, ch 1075, §10

**310.11 Participating county — funds reserved.**

Any county having complied with the provisions of this chapter may by its board of supervisors submit to the department for its approval project statements for the construction, reconstruction, or improvement of farm-to-market roads.

[C39, §4686.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.11]

**310.12 Reserved.**

**310.13 Surveys, plans and estimates.**

The county engineer shall make or cause to be made, the surveys, plans and estimates for any project, and submit them to the board of supervisors for approval and the department for authorization for letting. The construction work on a project shall be done in accordance with the plans, except insofar as they are modified to meet unforeseen or better understood conditions.

[C39, §4686.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.13; 82 Acts, ch 1110, §7]

**310.14 Bids — department or county supervisors.**

When the 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 a recommendation to award or reject a contract. The recommendation to award a contract shall be submitted to the board of supervisors of the county in which the project is located for its approval and award of contract. Upon receiving the approval of the county board on the recommended contract award, the department shall take final action to concur in the award of the contract. For a project without federal funds the above procedure may be reversed and the county board may be authorized to advertise for bids, and, subject to concurrence by the department, award a contract for the construction work.

[C39, §4686.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.14; 82 Acts, ch 1110, §8]

Referred to in §314.1, 314.1B, 331.341

[P] See §314.2

**310.15 Reserved.****310.16 Claims charged to county allotment.**

All claims for improving farm-to-market roads hereunder shall be paid from the farm-to-market road fund and charged to the allotment of said fund for the county in which said project is located.

[C39, §4686.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.16]

**310.17 Reserved.****310.18 Partial payments during construction.**

Partial payments may be made on work in progress, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect in the work. The board of supervisors, the county engineer, or the department may approve claims. Approval may be evidenced by the signature of the county engineer or chairperson of the board or department, or a majority of the members of the board or department, on the individual claims or on the abstract of a number of claims with the individual claims attached to the abstract.

[C39, §4686.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.18]

97 Acts, ch 104, §4

**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 this capacity, the county engineer is responsible for the efficient, economical, and good-faith performance of the work.

[C39, §4686.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.19; 82 Acts, ch 1110, §9]

**310.20 Supervisors resolution to state treasurer.**

Any county may, in any year, by resolution of its board of supervisors, make available for improvement or construction of farm-to-market roads within the county any portion of its allotment of road use tax funds. Upon certification of such a resolution, the state treasurer

shall place in the county's allotment of the farm-to-market road fund the amount authorized by such resolution.

[C39, §4686.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.20]  
Referred to in §312.5

**310.21** Reserved.

**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.

[C39, §4686.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.22; 82 Acts, ch 1110, §10]

**310.23 through 310.26** Reserved.

**310.27 Period of allocation — reversion — temporary transfers.**

The farm-to-market road fund allotted to any county as provided in this chapter shall remain available for expenditure in said county for three years after the close of the fiscal year during which said sums respectively were allocated. Any sum remaining unexpended at the end of the period during which it is available for expenditure, shall be reapportioned among all the counties as provided in section 312.5 for original allocations.

For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been “*expended*” when a contract has been awarded obligating the sums. When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county's anticipated farm-to-market road fund allocation for the current fiscal year plus the four succeeding fiscal years.

If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of management and shall comply with the director of management's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

[C39, §4686.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.27]  
85 Acts, ch 83, §1; 86 Acts, ch 1058, §1

**310.28 Engineering and other expense.**

Engineering, inspection and administration expense in connection with any farm-to-market road project may be paid from said county's allotment of the farm-to-market road fund. Any such expense incurred by the department may in the first instance be advanced out of the primary road fund, said amounts later being reimbursed to said funds out of the farm-to-market road fund.

Provided, that no part of the salary or expense of the county engineer, any member of the county board of supervisors, any member of the department, the chief engineer, or any department head or district engineer of the department shall be paid out of the farm-to-market road fund.

[C39, §4686.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.28]

**310.29 Maintenance by county.**

Any farm-to-market road constructed under this chapter shall be maintained by the county. If any county fails to satisfactorily maintain any 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 notice the highway has not been placed in proper condition of maintenance the department may withhold authorization for letting of any project using farm-to-market funds until a proper condition of maintenance has been restored.

[C39, §4686.29; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.29; 82 Acts, ch 1110, §11]

**310.30 through 310.33 Reserved.****310.34 Secondary road research fund.**

Notwithstanding any law to the contrary, the department is hereby authorized to set aside each year not to exceed one and one-half percent of the receipts in the farm-to-market road fund in a fund to be known as the secondary road research fund.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.34]

**310.35 Use of fund.**

The secondary road research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of secondary roads, including bridges and culverts located thereon.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.35]

Referred to in §310.36

**310.36 Report to governor.**

The research projects and engineering studies authorized shall be conducted in cooperation with the county engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under section 310.35.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.36]

86 Acts, ch 1245, §1933

[P] Annual report, §7A.9