

CHAPTER 313

PRIMARY ROADS

Referred to in §307.24, 315.9

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GENERAL PROVISIONS

313.1 Federal and state cooperation.

The department is empowered on behalf of the state to enter into any arrangement or contract with and required by the duly constituted federal authorities, in order to secure the full cooperation of the government of the United States, and the benefit of all present and future federal allotments in aid of highway construction, reconstruction, improvement or maintenance. The good faith of the state is hereby pledged to cause to be made available each year, sufficient funds to equal the total of any sums now or hereafter apportioned to the state for road purposes by the United States government for such year, and to maintain the roads constructed with said funds.

[C24, §4688; C27, 31, 35, §4755-b1; C39, §4755.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.1]

313.2 “Road systems” defined — roadside parks.

1. The roads and streets of the state are, for the purpose of [this chapter](#), those roads and streets established under [chapter 306](#).

2. *a.* Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds.

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument. Based upon evidence presented at the hearing, the board of supervisors and the department shall reexamine the merits of executing such agreement and make a decision in regard to it.

3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary road system.

4. The department, either alone or in cooperation with any county, shall have the authority to utilize any land acquired incidental to the acquisition of land for highway right-of-way and to also accept by gift lands not exceeding two acres in area for roadside parks and parking areas. The department may furnish necessary maintenance. The department shall also have authority to accept by gift equipment or other installations incidental to the use of said parks and parking areas. The parks and parking areas shall be a part of the primary road system and the department may at its discretion sell or otherwise dispose of the lands.

5. Reasonable maintenance and surveillance of rest area sites and buildings located on the sites shall be provided by employees of the department within the limits of appropriations provided for such purpose.

[C24, §4689; C27, 31, 35, §4755-b2; C39, §4755.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.2]

88 Acts, ch 1072, §1; 98 Acts, ch 1075, §13; 2014 Acts, ch 1092, §68; 2016 Acts, ch 1073, §97; 2017 Acts, ch 29, §86

Referred to in §306.42, 331.362

Subsection 2, paragraph b amended

313.2A Commercial and industrial highways.

1. *Purpose.* It is the purpose of [this section](#) to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network.

2. Network selection.

a. The commission shall identify, within the primary road system, a network of commercial and industrial highways. The commission shall consider all of the following factors in the identification of this network:

- (1) The connection by the most direct routes feasible of major urban areas and regions

of the state to each other and to the national system of interstate and defense highways and priority routes in adjacent states.

(2) The existence of high volumes of total traffic and commercial traffic.

(3) Long distance traffic movements.

(4) Area coverage and balance of spacing with service to major growth centers within the state.

(5) Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

b. The network of commercial and industrial highways shall not exceed two thousand six hundred miles including municipal extensions of these highways.

3. *Standards.* The department shall establish standards pertaining to the specific location, design, and access control for each segment of the commercial and industrial highways.

4. *Network development.* In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects.

[89 Acts, ch 134, §5](#); [90 Acts, ch 1267, §34, 35](#); [91 Acts, ch 268, §14, 15](#); [2010 Acts, ch 1061, §180](#); [2012 Acts, ch 1032, §1](#)

Referred to in [§307A.2](#)

313.3 Primary road fund.

1. There is hereby created a primary road fund which shall include and embrace:

a. All road use tax funds which are by law credited to the primary road fund.

b. All federal aid primary and urban road funds received by the state.

c. All other funds which may by law be credited to the primary road fund.

d. All revenue accrued or accruing to the state of Iowa on or after January 26, 1949, from the sale of public lands within the state, under Acts of Congress approved March 3, 1845, supplemental to the Act for the Admission of the States of Iowa and Florida into the Union, chapters 75 and 76, 5 Stat. 788, 790, shall be placed in the primary road fund.

2. Unless otherwise provided, the primary road fund is hereby appropriated for highway construction.

[C24, §4690; C27, 31, 35, §4755-b3; C39, §4755.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.3]

[2010 Acts, ch 1061, §180](#); [2012 Acts, ch 1023, §41](#)

Allocation of funds, [§312.2](#), [312A.3](#)

313.4 Disbursement of fund.

1. a. The primary road fund is hereby appropriated for and shall be used in the establishment, construction, and maintenance of the primary road system, including the drainage, grading, surfacing, and construction of bridges and culverts; the elimination or improvement of railroad crossings; the acquiring of additional right-of-way; and all other expense incurred in the construction and maintenance of the primary road system and the maintenance and housing of the department.

b. The department may expend moneys from the fund for dust control on a secondary road or municipal street within a municipal street system when there is a notable increase in traffic on the secondary road or municipal street due to closure of a road by the department for purposes of establishing, constructing, or maintaining a primary road.

c. The commission may, after consultation with stakeholders including regional planning affiliations, metropolitan planning organizations, the Iowa state association of counties, and the Iowa league of cities, periodically allocate moneys from the fund for the establishment, construction, and maintenance of the secondary road system and the municipal street system in exchange for retaining all or a portion of federal aid road funds that would otherwise be allocated to counties and cities.

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement, and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in [section 307.24, subsection 5](#), for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in [section 307.45](#).

3. There is appropriated from funds appropriated to the department which would otherwise revert to the primary road fund pursuant to the provisions of the Act appropriating the funds or [chapter 8](#), an amount sufficient to pay the increase in salaries, which increase is not otherwise provided for by the general assembly in an appropriation bill, resulting from the annual review of the merit pay plan as provided in [section 8A.413, subsection 3](#). The appropriation herein provided shall be in effect from the effective date of the revised pay plan to the end of the fiscal biennium in which it becomes effective.

4. *a.* Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards.

b. The costs of serving freeway lighting for each utility providing the service shall be determined by the utilities division of the department of commerce, and rates for such service shall be no higher than necessary to recover these costs. Funds received under the provisions of [this subsection](#) shall be used solely for the operation and maintenance of a freeway lighting system.

5. During the fiscal year beginning July 1, 1990, and ending June 30, 1991, and each subsequent fiscal year, the department shall spend from the primary road fund an amount of not less than thirty million dollars for the network of commercial and industrial highways.

6. *a.* A transfer of jurisdiction fund is created in the office of the treasurer of state under the control of the department. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is transferred from the primary road fund to the transfer of jurisdiction fund one and seventy-five hundredths percent of the moneys credited to the primary road fund pursuant to [section 312.2, subsection 1, paragraph "a"](#).

b. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is appropriated the following percentages of the moneys deposited in the transfer of jurisdiction fund for the fiscal year for the following purposes:

(1) Seventy-five percent of the moneys shall be apportioned among the counties and cities that assume jurisdiction of primary roads pursuant to [section 306.8A](#). Such apportionment shall be made based upon the specific construction needs identified for the specific counties and cities in the transfer of jurisdiction report on file with the department pursuant to [section 306.8A](#). All funds, including any interest or other earnings on the funds, received by a county from the transfer of jurisdiction fund shall be deposited in the secondary road fund of the county to be used only for the maintenance and construction of roads under the county's jurisdiction. All funds received by a city from the transfer of jurisdiction fund shall be used only for the maintenance and construction of roads under the city's jurisdiction.

(2) Twenty-two and one-half percent of the moneys shall be deposited in the secondary road fund.

(3) Two and one-half percent of the moneys shall be deposited in the street construction fund of the cities.

7. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to [section 312.2, subsection 1, paragraph "a"](#), to the following funds:

a. One and five hundred seventy-five thousandths percent to the secondary road fund.

b. One hundred seventy-five thousandths of one percent to the street construction fund of the cities.

[C24, §4690; C27, 31, 35, §4755-b4; C39, §4755.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.4]

88 Acts, ch 1019, §6; 90 Acts, ch 1253, §120; 92 Acts, ch 1163, §74; 92 Acts, ch 1238, §29; 99 Acts, ch 118, §1; 2000 Acts, ch 1017, §1; 2003 Acts, ch 144, §8; 2003 Acts, ch 145, §243; 2008 Acts, ch 1031, §110; 2009 Acts, ch 133, §236, 237; 2011 Acts, ch 25, §27; 2015 Acts, ch 123, §30; 2016 Acts, ch 1011, §47; 2017 Acts, ch 13, §1

Referred to in §312.2, 312.3, 312.4, 313.5
Subsection 1, NEW paragraph c

313.5 Biennial appropriation — budget.

1. The department shall submit to the department of management, as provided by [chapter 8](#), a detailed estimate of the amount required by the department during each succeeding biennium for the support of the department and for engineering and administration of highway work and maintenance of the primary road system. Such estimate shall be in the same general form and detail as is required by [chapter 8](#) and said chapter shall apply to the budgeting, appropriation, and expenditure of funds in the primary road fund in the same manner as such chapter applies to other departments. However, the amount of contracts for bituminous resurfacing, bridge painting and repair, pavement and shoulder repair, agreements with cities for maintenance on primary road extensions and agreements with counties, cities, and institutions for maintenance on state park, state institution, and other state land roads need not be included in the amount appropriated for maintenance.

2. The provisions of [chapter 8](#) shall apply except that the provisions of [section 8.39](#) shall not apply to funds appropriated to the department under [section 313.4](#); however, [section 8.39, subsection 1](#), shall apply to appropriations for support of the department and for engineering and administration of highway work and maintenance of the primary road system.

3. Any contingent fund appropriated to the department from the primary road fund shall be subject to the following conditions:

a. A written statement from the department of management shall be obtained, recommending expenditures from the fund for the purposes requested by the department.

b. The department of management and the governor shall determine that the expenditures contemplated are in the best interest of the state, and that the purpose or project for which funds are requested was not presented to the general assembly by way of a bill and which failed to become enacted into law.

[C39, §4755.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.5]

2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §87

Subsection 2 amended

313.6 Accounts and records required.

The department shall keep accounts in relation to the primary road fund, crediting said fund with all amounts by law creditable thereto and charging said fund with the amount of all duly and finally approved vouchers for claims properly chargeable thereto.

[C24, §4692; C27, 31, 35, §4755-b6; C39, §4755.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.6]

313.7 Monthly certification of funds.

The account of the primary road fund kept by the department of administrative services and the state treasurer shall show the amount of the primary road fund with all credits thereto and disbursements therefrom.

[C24, §4693; C27, 31, 35, §4755-b7; C39, §4755.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.7]

2003 Acts, ch 145, §286

313.8 Improvement of primary road system.

The department shall proceed to the improvement of the primary road system as rapidly as funds become available therefor until the entire mileage of the primary road system is built to

established grade, bridged and surfaced with pavement or other surface suited to the traffic on such road. Improvements shall be made and carried out in such manner as to equalize the condition of the primary roads and accessibility for commercial and industrial economic development purposes, as nearly as possible, in all sections of the state.

[C27, 31, 35, §4755-b8; C39, §4755.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.8] [88 Acts, ch 1019, §7](#)

313.9 Surveys, plans, and specifications.

Before proceeding with the improvement of any primary road, the department shall cause suitable surveys, plans and specifications for said proposed work to be prepared and filed in its office, and the work shall be done in accordance therewith, except insofar as the same may be modified to meet unforeseen or better understood conditions, and no such modification shall be deemed an invalidating matter.

[C24, §4699; C27, 31, 35, §4755-b9; C39, §4755.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.9]

313.10 Bids — advertising.

1. As soon as the approved plans and specifications for any primary road construction project are filed with the department, the department shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids for the construction of the improvement.

2. The department may contract for the emergency repair, restoration, or reconstruction of a highway or bridge without advertising for bids if all of the following conditions are met:

a. 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.

b. The department solicits written bids from three or more contractors engaged in the type of work needed.

c. The necessary work can be done for less than one million dollars.

d. If possible, the department notifies the appropriate Iowa highway contractors' associations of the proposed work.

[C24, §4700; C27, 31, 35, §4755-b10; C39, §4755.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.10]

[2001 Acts, ch 32, §6](#); [2008 Acts, ch 1124, §2](#)

Referred to in [§313.11, 314.1](#)

See [§314.2](#)

313.11 Bids — specialized construction.

The department may contract for specialized construction work for beam straightening, beam replacement, and beam repair on bridges, without advertising for bids as required under [section 313.10](#), if all of the following conditions are met:

1. The work is of a specialized type in which fewer than five contractors engage.

2. The department solicits written bids from all available contractors engaged in the specialized type of work.

3. The work can be done for less than forty thousand dollars.

[90 Acts, ch 1137, §1](#)

313.12 Supervision and inspection.

The department is expressly charged with the duty of supervision, inspection, and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary road system and it shall do and perform all other matters and things necessary to the faithful completion of the work authorized in [this section](#).

[C24, §4701; C27, 31, 35, §4755-b12; C39, §4755.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.12]

[2016 Acts, ch 1073, §98](#); [2017 Acts, ch 29, §88](#)

Section amended

313.13 Engineers — bonds.

All engineers having responsible charge of any improvements, shall give bonds for the faithful performance of their duties and for like accounting for all property entrusted to their custody. All bonds given by such engineers in the employ of the department shall be deemed to embrace any and all improvements of which they may be in charge.

[C24, §4701; C27, 31, 35, §4755-b13; C39, §4755.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.13]

313.14 Claims.

All claims for improving and maintaining the primary road system shall be paid from the primary road fund.

[C24, §4702; C27, 31, 35, §4755-b14; C39, §4755.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.14]

313.15 Reserved.**313.16 Payment of awards or judgments.**

There is hereby appropriated from the primary road fund to the department a sum sufficient for the purpose of paying any award or judgment to a claimant under [chapters 25](#) and [669](#) on a claim arising out of activities of the department when such an award cannot be charged to a current appropriation.

[C71, 73, 75, 77, 79, 81, §313.16]

313.17 Contingent fund.

The state treasurer is hereby directed to set aside from the primary road fund the sum of five hundred thousand dollars to be known as the primary road contingent fund.

[C24, §4703; C27, 31, 35, §4755-b17; C39, §4755.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.17]

313.18 Use of contingent fund.

When claims for labor, freight, or other items which must be paid promptly are presented to the said department for payment, the said department may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the director of the department of administrative services, shall be honored by the treasurer of state for payment from said contingent fund. The primary road contingent fund shall be reimbursed for expenditures made by the state department of transportation from the fund to which the expenditure should be properly charged.

[C24, §4704; C27, 31, 35, §4755-b18; C39, §4755.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.18]

[2003 Acts, ch 145, §286](#)

313.19 Audit of contingent claims.

The claims in payment of which warrants are drawn on the primary road contingent fund, shall be audited in the usual manner prescribed by law and shall have noted thereon that warrants in payment thereof have been drawn on the said contingent fund. After the final audit of such claims, the director of the department of administrative services shall draw warrants therefor payable to the treasurer of state and forward the same to the department for record. When such warrants have been recorded in the office of the said department, they shall be forwarded to the state treasurer who shall redeem the same, charge them to the proper fund and credit the primary road contingent fund with the amount thereof.

[C24, §4705; C27, 31, 35, §4755-b19; C39, §4755.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.19]

[2003 Acts, ch 145, §286](#)

313.20 Auditor — appointment — bond — duties.

The director of the department of administrative services shall appoint the auditor of the department who shall give bond in the sum of fifty thousand dollars for the faithful performance of the auditor's duties. The premium on said bond shall be paid by the department from the primary road fund. Said auditor shall check and audit all claims against the department before such claims are approved by the department, and shall keep all records and accounts relating to the expenditures of the department. The auditor shall, in the checking and auditing of claims against the department, and keeping the records and accounts of the department, be under the direction and supervision of the director of the department of administrative services, and act as an agent of said director. The department shall furnish said auditor with such help and assistants as may be necessary to properly perform the duties herein specified. The said auditor may be removed by the director of the department of administrative services.

[C24, §4706; C27, 31, 35, §4755-b20; C39, §4755.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.20]

[2003 Acts, ch 145, §286](#)

313.21 Primary extension improvements in cities.

1. The department, upon consultation with the council, may construct, reconstruct, improve, and maintain extensions of the primary road system within any city, including the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto. However, the improvement, exclusive of storm sewers, shall not exceed in width that of the primary road system and the amount of funds expended in any one year shall not exceed thirty-five percent of the primary road construction fund.

2. The department shall consult with the council to consider the proposed improvement in its relationship to municipal improvements such as sewers, water lines, sidewalks, and other public improvements, and the establishment or reestablishment of street grades. The location of the primary road extensions and the location, design, and degree of access control for improvements to them shall be determined by the department.

[C24, §4731; C27, 31, 35, §4755-b26; C39, §4755.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.21]

[89 Acts, ch 134, §6](#)

Referred to in [§384.76](#)

See [§313.36](#)

Section not amended; unnumbered paragraphs 1 and 2 editorially numbered as subsections 1 and 2

313.22 Paving of whole street by department.

Any city and the department may enter into an agreement with respect to any project for the paving of any portion of a primary road extension, and for the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto, within such city. Said agreement shall specify that the city shall pay for that portion of the cost of said project which is not payable out of primary road funds, and may authorize the department to advertise for bids, let contracts, and supervise the construction of that portion of said project to be paid for by the city. Such agreement shall be a valid and binding obligation on the parties thereto.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.22]

Referred to in [§384.76](#)

313.23 Reimbursement by city.

Payment for the work, including the city's portion thereof, may in the first instance be made out of the primary road fund. Upon completion of the project, the city shall reimburse the department for the amount so advanced out of the primary road fund, including the city's portion of the engineering and inspection costs.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.23]

Referred to in [§384.76](#)

313.24 Separated cities.

The department shall designate the street or streets which shall constitute the primary road extensions in any city of the state, which city is separated from the remainder of the state by a river more than five hundred feet in width from bank to bank. The laws of this state relating to the construction, reconstruction or maintenance of the extensions of primary roads in cities, and to the purchase or condemnation of right-of-way therefor, and to the expenditure of primary road funds thereon, shall apply to the roads or streets designated hereunder, the same as though said community were not so separated from the rest of the state.

[C39, §4755.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.24]

313.25 and 313.26 Reserved.

313.27 Bridges, viaducts, etc., on municipal primary extensions.

The department may construct or aid in the construction, and may maintain bridges, viaducts, and railroad grade crossing eliminations on primary road extensions in cities.

[C31, 35, §4755-d1; C39, §4755.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.27]

See §313.36

313.28 Temporary primary road detours.

1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

2. Prior to revoking the designation, the department shall:

a. Restore the secondary road or portion thereof to as good condition as it was prior to its designation as a temporary primary road, or

b. Determine such amount as will adequately compensate the county exercising exclusive or concurrent jurisdiction over the secondary road or portion thereof for excessive traffic upon the secondary road or portion thereof during the period of its designation as a temporary primary road. The department shall certify the amount determined to the director of the department of administrative services. The director of the department of administrative services shall credit the amount to the county.

3. If on examination of the route, it is determined that the road can be restored to its original condition only by reconstruction, the department shall cause plans to be drawn, award the necessary contracts for work and proceed to reconstruct and make payments for in the same manner as is prescribed for primary construction projects.

[C71, 73, 75, 77, 79, 81, §313.28]

[83 Acts, ch 123, §117, 209; 2003 Acts, ch 145, §286; 2010 Acts, ch 1069, §84; 2014 Acts, ch 1092, §69](#)

Referred to in [§313.29, 331.429](#)

313.29 Detours located in city.

When the temporary primary road detour or temporary primary road haul road, or any portion thereof, is located within the corporate limits of a city, then as to the portion so located, the provisions of [section 313.28](#) as to consultation, designation, restoration and payment by the department shall apply in like manner to the benefit of the city, and credits thereunder shall be made to the general fund of the city. A city may designate the county engineer or city engineer to inspect such street so used jointly with the representative of the department.

[C71, 73, 75, 77, 79, 81, §313.29]

313.30 through 313.35 Reserved.

313.36 Maintenance — limitation in cities.

Primary roads shall be maintained by the department and the cost thereof paid out of the primary road fund. Extensions of primary roads in cities may be maintained by the department and the cost thereof paid out of the primary road fund.

The total amount of funds expended in any one year on extensions of primary roads in cities shall not exceed thirty-five percent of the primary road fund.

[C24, §4736; C27, 31, 35, §4775-b29; C39, §4755.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.36]

See also §306.10 and 313.21

313.37 Road equipment.

The department is authorized to purchase road material or road machinery required in the improvement or maintenance of the primary roads, after receiving competitive bids, and to pay for the same out of the primary road fund, and is directed to purchase, rent or lease any machinery or other articles necessary for the use and most economical operation of the field engineering work, the testing of materials, the preparation of plans, and for all allied purposes, in order to enable the department to carry out the provisions of [this chapter](#).

[C24, §4738; C27, 31, 35, §4755-b30; C39, §4755.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.37]

313.38 through 313.41 Reserved.

313.42 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Commission*” means the state transportation commission.
2. “*Department*” means the state department of transportation.

[C75, 77, 79, 81, §313.42]

[89 Acts, ch 134, §7](#)

MARKINGS FOR MUNICIPALITIES

313.43 Lateral or detour routes in cities.

1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district.

2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district.

3. The cost of the markings shall be without expense to the state.

[C31, 35, §4755-c2; C39, §4755.34; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.43]
[2013 Acts, ch 90, §75](#)

313.44 Standard markings required. Repealed by 2013 Acts, ch 90, §216. See §313.43.

313.45 Cost. Repealed by 2013 Acts, ch 90, §216. See §313.43.

313.46 through 313.58 Reserved.

INTERSTATE BRIDGES — GIFT OR PURCHASE

313.59 Gift of bridge to state — acceptance.

Should the owner of any bridge, for highway traffic, over the Mississippi river or the Missouri river, on the boundary of the state of Iowa, and which bridge is a connecting link between a primary road or primary road extension in a city of this state and a corresponding road or extension thereof in an adjoining state, offer to give such bridge and approaches thereto, or any part thereof, to the state, the department is hereby authorized, in its discretion, to accept such offer in the name of the state of Iowa, and to enter into written agreements evidencing such acceptance.

[C46, §313.28; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.59]

Referred to in [§313.64](#), [313.65](#)

313.60 Indebtedness paid.

When all outstanding indebtedness or other obligations against such bridge and approaches thereto have been paid and discharged the department shall accept transfer of title thereof to the state and is thereafter authorized to take possession of, operate and maintain such bridge and approaches, or any part thereof, free of tolls, as a part of the primary road system.

[C46, §313.29; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.60]

Referred to in [§313.64](#), [313.65](#)

313.61 Taxes forgiven.

Any such bridge and approaches, which has been offered to the department and with respect to which the department has entered into a written agreement accepting such offer, shall after the date of such agreement, be free from state and local property and income taxes in this state.

[C46, §313.30; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.61]

Referred to in [§313.64](#), [313.65](#)

313.62 Department authority.

The authority herein given to the department to enter into agreements for, accept, take over, operate and maintain such bridges may be exercised by the said department independently or in cooperation with other governmental agencies within this state or in adjoining states.

[C46, §313.31; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.62]

Referred to in [§313.64](#), [313.65](#)

313.63 Action by adjoining state.

The department shall not enter into an agreement of acceptance until the adjoining state enters into an agreement to accept ownership of that portion of the bridge being within the adjoining state.

[C46, §313.32; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.63]

[87 Acts, ch 232, §21](#)

Referred to in [§313.64](#), [313.65](#)

313.64 Financial statement annually.

1. If the department accepts the offer of any bridge over a boundary stream and enters into a written agreement in relation to the bridge as provided in [sections 313.59 through 313.63](#), [this section](#), and [section 313.65](#), the owner or operator of the bridge shall thereafter and until all indebtedness or other obligations against the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to the bridge and bridge approaches.

2. The annual budget of authorized operating and other expenditures for or on behalf of such bridge and approaches shall be approved by the department before becoming effective.

Expenditures during the year shall not exceed the approved budget unless an increase in the annual budget be likewise approved by the department.

[C46, §313.33; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.64]

[2013 Acts, ch 90, §76](#); [2016 Acts, ch 1073, §99](#)

Referred to in [§313.65](#)

313.65 Approval of taxing bodies.

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of [sections 313.59 through 313.64](#), the proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the tax district:

1. The board of supervisors.
2. The city councils.
3. The school board or boards.

[C46, §313.34; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.65]

[2014 Acts, ch 1092, §70](#); [2016 Acts, ch 1073, §100](#)

Referred to in [§313.64](#)

313.66 Mississippi bridges purchased.

1. The department may purchase one-half of any bridge and its approaches for highway traffic over the Mississippi river on the boundary of the state and which is in receivership and is a connecting link between a primary road or primary road extension in a city of the state and a corresponding road or extension thereof in an adjoining state, providing proper approval is granted by the court having jurisdiction of such receivership.

2. The department is authorized to make payment for any such bridge and its approaches from the primary road fund provided however, that in no event shall the amount of such payment be more than one hundred thousand dollars for any one bridge and approaches thereto, and provided further that such purchase shall not be completed or payment made therefor until the adjoining state shall either have purchased or agreed to purchase ownership of the remaining one-half of said bridge and approaches, and agrees to pay the costs of repairing or maintaining such portion of the bridge and all approaches.

3. The department, after the purchase of any such bridge, is authorized to take possession thereof and maintain such portion of the bridge and its approaches thereto free of tolls as a part of the primary road system.

4. Before the purchase of any such bridge shall be completed by the department under the provisions of [this section](#), the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in the district:

- a. The board of supervisors.
- b. The city councils.
- c. The school board or boards.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.66]

[2014 Acts, ch 1092, §71](#)

SCENIC PRIMARY ROADS — IMPROVEMENT FUND

313.67 Scenic and improvement fund.

There is hereby created a primary road scenic and improvement fund which shall include and embrace all funds hereafter credited thereto. Said fund shall be administered by the department and shall be used for the construction, reconstruction, improvement and maintenance of roadside safety rest areas and scenic beautification areas along the primary roads of the state including the acquisition of such property and property rights needed to accomplish said purposes. Part or all of said fund may be used to match federal allotments made available to the state of Iowa for the purposes provided in [this section](#) and to this end, the department is empowered on behalf of the state to enter into any agreements or

contracts with the duly constituted federal authorities in order to secure the benefit of all present and future federal allotments.

[C66, 71, 73, 75, 77, 79, 81, §313.67]

Referred to in [§306C.10](#)

313.68 Bridge safety fund. Repealed by 2010 Acts, ch 1184, §95.