

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”.

a. Area service “A” classification roads shall be maintained in conformance with applicable statutes.

b. 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.

c. 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.

(1) Area service “C” classification roads shall adequately warn the public that access is limited.

(2) 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.

(3) An area service “C” classification shall apply to the entire portion of a road between the road’s access points. The county board of supervisors shall not classify only part of a road between the road’s access points, or only a bridge on the road, as area service “C”. This subparagraph does not apply to a road that terminates in a dead end. For purposes of this subparagraph, “*access point*” includes but is not limited to a driveway as defined in [section 306.19](#).

(4) Notwithstanding [section 716.7, subsection 2](#), paragraph “b”, subparagraph (2), 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.

2. a. Roads within area service “B” and “C” classifications shall have appropriate signs, conforming to the manual of uniform traffic-control devices adopted by the department, 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.

b. 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; 2013 Acts, ch 90, §242; 2021 Acts, ch 144, §1, 2

Referred to in §314.30

All area service “C” classifications in effect on July 1, 2021, that are not in compliance with 2021 Acts, ch 144; 2021 Acts, ch 144, shall be expanded or reclassified to meet such requirements on or before January 1, 2022; 2021 Acts, ch 144, §2