

CHAPTER 101
FARM-TO-MARKET REVIEW BOARD

761—101.1(306) Purpose. The purpose of these procedural rules is to formalize the process by which the farm-to-market review board, created by Iowa Code section 306.6, will administer its duties.

101.1(1) Iowa Code section 306.6 requires the farm-to-market review board to make final administrative decisions based on sound farm-to-market road system designation principles for all modifications relative to the farm-to-market road system.

101.1(2) Iowa Code section 306.6A requires the farm-to-market review board to adopt procedural rules for modifications to the existing farm-to-market road system and designation of farm-to-market routes on new alignment. These rules implement this requirement.

101.1(3) Iowa Code section 306.5 states that the farm-to-market road system shall be a continuous, interconnected system and that provision shall be made for continuity by the designation of extensions within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas.

761—101.2(306) Definitions.

“Area service roads” or *“local roads”* or *“local road system”* means those secondary roads that are not a part of the farm-to-market road system.

“Board” means the farm-to-market review board.

“Executive board” means the Iowa county engineers association executive board.

“Farm-to-market extensions” means extensions of the farm-to-market road system within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of these extensions of the system shall be included in the total mileage of the farm-to-market road system.

“Farm-to-market roads” or *“farm-to-market road system”* means those county jurisdiction intracounty and intercounty roads which serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market and area service roads, and includes those secondary roads which are federal aid eligible. The farm-to-market road system shall not exceed 35,000 miles.

“President” means the president of the Iowa county engineers association.

761—101.3(306) Composition and membership of the farm-to-market review board.

101.3(1) The farm-to-market review board shall be composed of 12 county engineers selected by the Iowa county engineers association. Two members shall be selected from each district to serve staggered terms. After the first complete term rotation as shown below, the members shall serve six-year terms. Rotations shall be staggered so that no more than one-sixth of the membership is rotated off the board in any one year. The rotation of board members shall further provide that two members from one district will not be rotated off the board in the same year, and that their rotations will be varied by three years. Initial board rotation shall be as follows and shall be extended in future years in the same pattern:

<u>Year</u>		<u>Rotation</u>
2000	District 1 Representative A	District 4 Representative A
2001	District 2 Representative A	District 5 Representative A
2002	District 3 Representative A	District 6 Representative A
2003	District 1 Representative B	District 4 Representative B
2004	District 2 Representative B	District 5 Representative B
2005	District 3 Representative B	District 6 Representative B

101.3(2) Members shall be nominated by their districts and approved by the executive board. A county engineer may serve multiple, consecutive terms if so nominated by the county engineer’s district.

If a county engineer is unable to complete a term for any reason, the president shall select another county engineer within the district to serve the balance of the term.

101.3(3) The farm-to-market review board shall select from its membership a chair and a vice-chair to serve one-year terms. The chair serves at the pleasure of the board and may be elected to multiple terms as deemed appropriate by the board. The vice-chair shall preside at a meeting in the absence of the chair.

761—101.4(306) Collection of system modification requests and frequency of meetings.

101.4(1) The department of transportation will collect applications for modifications to the farm-to-market road system. The board chair shall schedule meetings of the board. In general, the farm-to-market review board shall meet in conjunction with statewide meetings of the Iowa state association of counties and Iowa county engineers association to review accumulated applications for farm-to-market road system modifications. Applications must be filed no less than 30 days prior to each scheduled board meeting. Additional board meetings shall be called as determined by the chair.

101.4(2) The farm-to-market review board is required to follow the provisions of Iowa Code chapter 21 with regard to open meetings. The chair shall post a meeting agenda on the “Service Bureau Bulletin Board” and send copies of the agenda to all counties.

101.4(3) Minutes of each meeting shall be kept; the chair shall be responsible for the minutes. Meetings may be tape recorded to facilitate the preparation of meeting minutes, but any tapes made shall not be retained after the minutes have been completed.

761—101.5(306) Procedure for requesting modifications to the farm-to-market road system. To apply for a modification to the farm-to-market road system, a county must file an application through the department of transportation.

101.5(1) The application must include the following:

a. A copy of a resolution of the county board of supervisors requesting the modification to the existing farm-to-market road system. Farm-to-market modifications may include proposed roads, redesignation of area service roads, or transfers of jurisdiction.

b. A report of the county engineer explaining and justifying the addition of new mileage to the farm-to-market road system or the change in the route or farm-to-market classification proposed by the county.

101.5(2) In the case of intercounty routes, joint applications may be filed. Resolutions shall be required of each county.

761—101.6(306) Review criteria for determining eligibility for inclusion of additional roads into the farm-to-market road system.

101.6(1) The farm-to-market review board shall make final administrative determinations based on sound farm-to-market road system designation principles for all modifications relative to the farm-to-market road system.

101.6(2) The board shall consider the following factors in making decisions to modify the farm-to-market road system:

- a.* Intracounty and intercounty continuity of systems.
- b.* Properly integrated systems.
- c.* Existing and potential traffic.
- d.* Land use.
- e.* Location of the route.
- f.* Equitable distribution of farm-to-market mileage.

761—101.7(306) Voting and approval of requested modifications. Each member is a voting member and is eligible to vote at every meeting at which that member is in attendance. Attendance may include members being present at the meeting through a conference telephone call, Iowa communications network connection, or other electronic means deemed appropriate by the chair.

101.7(1) *Determination of a quorum.* A minimum of eight board members is required for a quorum. If a quorum is not present at a meeting, the meeting shall be rescheduled.

101.7(2) *Number of votes needed to approve or deny a modification.* For a requested modification to the farm-to-market road system to be approved, it must receive a minimum of seven affirmative votes; in other words, a majority of the entire board. A motion to deny a requested modification need only receive six votes for the denial to be approved.

761—101.8(306) Report of board decision to applicant county. Within 30 calendar days after a board meeting, the chair shall send a letter to each county whose request was acted upon by the board at the meeting. The letter shall apprise each applicant of the decision of the farm-to-market review board, briefly explain the reasons for the board's decision, and explain the reapplication and judicial review processes.

761—101.9(306) Reapplication for modification. A county may reapply for a modification to the farm-to-market road system if its initial request is denied. The county must again follow all provisions for requesting a modification and should be prepared to present additional information in support of the requested change. Any requested system modification that receives two denials may not be resubmitted for consideration for a minimum of three years.

761—101.10(306) Judicial review. Any county that is aggrieved or adversely affected by a decision of the farm-to-market review board may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

761—101.11(306) Adoption and modification of rules. The chair shall direct the board to review these rules annually. Board members may recommend changes to these rules.

761—101.12(306) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of these rules as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

These rules are intended to implement Iowa Code sections 306.6 and 306.6A.

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