

CHAPTER 102
SECONDARY ROAD FUND DISTRIBUTION COMMITTEE

761—102.1(312) Purpose. The purpose of these rules is to adopt the formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund and to formalize the process by which the secondary road fund distribution committee will administer its duties.

102.1(1) Iowa Code section 312.3C creates a secondary road fund distribution committee and requires the committee to be comprised of representatives appointed by the president of the Iowa County Engineers Association, the president of the Iowa State Association of County Supervisors, and the department of transportation.

102.1(2) Iowa Code section 312.3C requires the secondary road fund distribution committee to:

a. Determine the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund.

b. Adopt rules to govern the determination and modification of the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund.

102.1(3) Iowa Code section 312.3B requires the Iowa County Engineers Association Service Bureau to annually compute secondary road fund and farm-to-market road fund distributions using the methodology determined by the secondary road fund distribution committee.

[ARC 2232C, IAB 11/11/15, effective 12/16/15]

761—102.2(312) Formulas.

102.2(1) Definitions. As used in this chapter:

“Bridges” means those structures under the jurisdiction of a county secondary roads department which are included in the National Bridge Inventory System.

“Daily vehicle miles of travel” means the product of a road segment’s length, in miles, multiplied by the daily traffic count thereon, in vehicles per day, reported for that segment by the Iowa department of transportation, based on the most recent counts available.

“Earth surfaced” means roads under the jurisdiction of a county secondary roads department which are not surfaced.

“Formula” means the appropriate secondary road fund distribution formula or farm-to-market road fund distribution formula as defined in subrules 102.2(2) and 102.2(3).

“Granular surfaced” means roads under the jurisdiction of a county secondary roads department which have crushed rock, gravel, or oiled earth surfaces.

“Paved surfaced” means roads under the jurisdiction of a county secondary roads department with hot mix asphalt, Portland cement concrete, or stabilized base with waterproof surfacing.

“Rural population” means the count, taken from the most recently certified decennial federal census, of persons who reside in the unincorporated areas of a county.

102.2(2) Formula for determining secondary road fund allocation factors. The Iowa County Engineers Association Service Bureau shall annually compute percentage allocation factors for the allocation of secondary road fund revenues among the counties by calculating and summing the following percentage subtotals for each county:

a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.

b. Ten percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Twelve and one-half percent times the ratio that the total daily vehicle miles of travel on each county’s secondary roads bears to the total daily vehicle miles of travel on all secondary roads in the state.

d. One-half percent times the ratio that the earth-surfaced miles of secondary roads of each county bears to the total miles of earth-surfaced secondary roads in the state.

e. Twenty percent times the ratio that the granular-surfaced miles of secondary roads of each county bears to the total miles of granular-surfaced secondary roads in the state.

f. Thirteen percent times the ratio that the paved-surfaced miles of secondary roads of each county bears to the total miles of paved-surfaced secondary roads in the state.

g. Fourteen percent times the ratio that the length, in lineal feet, of secondary road bridges of each county bears to the total length of secondary road bridges in the state.

102.2(3) Formula for determining farm-to-market road fund allocation factors. The Iowa County Engineers Association Service Bureau shall annually compute percentage allocation factors for the allocation of farm-to-market road fund revenues among the counties by calculating and summing the following percentage subtotals for each county:

a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.

b. Fifteen percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Ten percent times the ratio that the total daily vehicle miles of travel on each county's farm-to-market roads bears to the total daily vehicle miles of travel on all farm-to-market roads in the state.

d. Nine percent times the ratio that the granular-surfaced miles of farm-to-market roads of each county bears to the total miles of granular-surfaced farm-to-market roads in the state.

e. Twenty-three percent times the ratio that the paved-surfaced miles of farm-to-market roads of each county bears to the total miles of paved-surfaced farm-to-market roads in the state.

f. Thirteen percent times the ratio that the length, in lineal feet, of farm-to-market road bridges of each county bears to the total length of farm-to-market road bridges in the state.

[ARC 2232C, IAB 11/11/15, effective 12/16/15]

761—102.3 and 102.4 Reserved.

761—102.5(312) Composition and membership of the secondary road fund distribution committee.

102.5(1) The secondary road fund distribution committee shall be composed of six county engineers, six county supervisors, two representatives of the department of transportation, and the executive director of the Iowa County Engineers Association Service Bureau.

102.5(2) The county engineers shall be appointed by the president of the Iowa County Engineers Association, the county supervisors shall be appointed by the president of the Iowa State Association of County Supervisors, and the department of transportation representatives shall be appointed by the department of transportation.

102.5(3) The county engineer members and the county supervisor members shall be selected according to the population of their counties, as follows:

a. Two county engineers and two county supervisors from large counties.

b. Two county engineers and two county supervisors from medium counties.

c. Two county engineers and two county supervisors from small counties.

102.5(4) To the extent possible, the committee shall be geographically diverse, and no county may have both an engineer and a supervisor as members simultaneously.

102.5(5) All county members shall be voting members. The department of transportation representatives and the executive director of the Iowa County Engineers Association Service Bureau shall be nonvoting members.

[ARC 2232C, IAB 11/11/15, effective 12/16/15]

761—102.6(312) Terms of office and rotation of seats.

102.6(1) Committee members shall serve six-year terms. Terms of office shall begin on January 1 in the year of appointment and expire on December 31 in the year of expiration. Members may be reappointed to serve consecutive terms.

102.6(2) Rotations shall be staggered so that no more than two county members are rotated off the committee in any single year.

102.6(3) As terms expire, the incumbents may be reappointed or replaced.

102.6(4) If a committee member is unable to complete a term of office for any reason, a replacement member of the same class (county engineer or county supervisor) and from the same group (a large, medium or small county) shall be appointed to serve the balance of the term.

102.6(5) The committee shall select from its membership a chair and a vice-chair to serve one-year terms. The chair and vice-chair serve at the pleasure of the committee and may be elected to multiple terms as the committee deems appropriate. The vice-chair shall preside at a meeting in the absence of the chair.

[ARC 2232C, IAB 11/11/15, effective 12/16/15]

761—102.7(312) Committee meetings. Committee meetings shall be held at the call of the chair or when two committee members so request. Committee meetings shall be conducted in accordance with Iowa Code chapter 21. Committee meetings may be held electronically, in accordance with Iowa Code section 21.8. The committee shall meet at least once annually.

102.7(1) Each county member is a voting member and is eligible to vote at every committee meeting the member attends. Attendance may include members who are present at the meeting electronically through a telephone conference call, an Iowa communications network connection or other electronic means deemed appropriate by the chair.

102.7(2) A minimum of eight voting members is required for a quorum. If a quorum is not present at a meeting, the meeting shall be rescheduled.

102.7(3) A majority of voting members shall be required to pass ordinary items of business.

102.7(4) A resolution to propose a new or modified secondary road fund distribution formula or farm-to-market road fund distribution formula shall require ten affirmative votes.

102.7(5) A resolution to adopt, amend or rescind administrative rules shall require ten affirmative votes.

102.7(6) In addition to the requirements of Iowa Code chapter 21, the chair shall post meeting agendas on the Iowa County Engineers Association Web site and the Iowa State Association of County Supervisors Web site and shall send copies of agendas to all county engineers and to all county auditors for distribution to supervisors.

102.7(7) Minutes of each meeting shall be kept; the presiding chair shall be responsible for the minutes. Minutes of a meeting shall be presented to the committee for approval at its next meeting. The chair shall post approved minutes on the Iowa County Engineers Association Web site and the Iowa State Association of County Supervisors Web site and shall file the minutes with the office of systems planning of the department of transportation.

[ARC 2232C, IAB 11/11/15, effective 12/16/15]

761—102.8 and 102.9 Reserved.

761—102.10(312) Considerations for a new or modified distribution formula. A distribution formula that is proposed in accordance with rule 761—102.11(312) should substantially meet the following objectives:

1. Funding levels to counties should be relatively stable, with only small changes occurring from year to year.

2. The formula should be able to factor in changes in population, mileages, the centerline lineal feet of bridges, and traffic levels as they occur over time, without needing to be revised.

761—102.11(312) Process for approval of a new or modified distribution formula.

102.11(1) Proposals to adopt a new or modified distribution formula may be initiated by the committee itself or by the executive board of either the Iowa County Engineers Association or the Iowa State Association of County Supervisors upon request to the committee.

102.11(2) When a formula change has been initiated or requested, the committee shall meet, establish a work plan, and set up a work schedule.

102.11(3) The committee shall conduct such studies, research, development, and testing as are required to evaluate the proposal and shall, within 18 months after initiation or receipt of the proposal, publish an official report outlining the committee's findings and recommendations.

102.11(4) If the official report recommends adoption of a new or modified distribution formula, the chair shall communicate the details of the committee's recommendations to all county engineers, all county supervisors and the department of transportation in such a manner as the committee deems appropriate. This communication shall solicit comments on the committee's recommendations.

102.11(5) After receipt and consideration of comments from counties, the committee may adopt a resolution that formally proposes a distribution formula and places it into official consideration.

102.11(6) The chair shall forward the resolution to the executive boards of both the Iowa County Engineers Association and the Iowa State Association of County Supervisors, with a request for endorsement of the proposed distribution formula.

102.11(7) If both executive boards endorse the proposed distribution formula, the chair shall request each individual county to consider and adopt a resolution in favor of or in opposition to the proposed distribution formula.

102.11(8) If at least 66 counties adopt resolutions in favor of the proposed distribution formula, the distribution formula is adopted without further committee action.

102.11(9) The chair shall notify the following organizations and groups when the distribution formula has been adopted:

- a.* The executive board of the Iowa County Engineers Association.
- b.* The executive board of the Iowa State Association of County Supervisors.
- c.* The office of systems planning of the department of transportation.
- d.* The office of the treasurer of state.
- e.* All county engineers and county supervisors.
- f.* The Iowa County Engineers Association Service Bureau.

761—102.12(312) Judicial review. Any county that is aggrieved or adversely affected by a decision of the secondary road fund distribution committee may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

761—102.13(312) 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 312.2, 312.3, 312.3B, 312.3C and 312.5.

[Filed 3/27/06, Notice 2/15/06—published 4/26/06, effective 5/31/06]

[Filed ARC 2232C (Notice ARC 2126C, IAB 9/2/15), IAB 11/11/15, effective 12/16/15]