

Sen. County Govt. 2/5, Pass per 3283 3/6

FEB 21 1975

HOUSE FILE 286

Place On Calendar

By COMMITTEE ON TRANSPORTATION

House File 286
County Government
Scott, Chairman
Robinson
Briles

Passed House, Date 2-27-75 (p. 458) Passed Senate, Date 3-24-75 (685)

Vote: Ayes 89 Nays 1 Vote: Ayes 46 Nays 0

Approved 4-16-75

Motion to reconsider filed 2-28 (471) in 2-23 (487)

Passed House per Senate amendment

3-31-75 (p. 786)

84-0

A BILL FOR

1 An Act relating to the duties and responsibilities of the
2 state department of transportation and the counties
3 regarding secondary roads.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section three hundred seven A point two
2 (307A.2), subsections one (1) and four (4), Code 1975, is
3 amended to read as follows:

4 1. Devise and adopt standard plans of highway construction
5 ~~and-maintenance~~, and furnish the same to the counties and
6 provide information to the counties on the maintenance
7 practices and policies of the department.

8 4. ~~Investigate~~ Review highway conditions in any county,
9 ~~and-report-all-violations-of-duty-to-the-department-general~~
10 ~~counsel~~ on a routine basis and report unsatisfactory conditions
11 to the county engineer and county board of supervisors and
12 obtain a schedule of corrective action.

13 Sec. 2. Section three hundred nine point three (309.3),
14 Code 1975, is amended to read as follows:

15 309.3 SECONDARY BRIDGE SYSTEM. The secondary bridge
16 system of a county shall embrace all bridges and culverts
17 ~~on-all-public-highways-within-the-county-except-on-primary~~
18 ~~roads-and-on-highways-within-cities-which-control-their-own~~
19 ~~bridge-levies,-except-that-culverts-which-are-thirty-six~~
20 ~~inches-or-less-in-diameter-shall-be-constructed-and-maintained~~
21 ~~by-the-city-in-which-they-are-located~~ on secondary roads as
22 defined in section three hundred six point three (306.3),
23 subsection four (4) of the Code.

24 Sec. 3. Section three hundred nine point seven (309.7),
25 Code 1975, is amended to read as follows:

26 309.7 LEVY FOR CONSRUCTION AND MAINTENANCE. The board
27 of supervisors may annually, ~~at-its-September-session~~ as a
28 part of its regular budget preparation, levy for secondary
29 road construction and maintenance purposes:

30 1. A tax of not to exceed three dollars and three-eighths
31 cent per thousand dollars of assessed value of all taxable
32 property in the county except on property within cities ~~which~~
33 ~~control-their-own-bridge-levies.~~

34 2. A tax not to exceed sixteen and seven-eighths cents
35 per thousand dollars of assessed value of all taxable property

1 in the county.

2 Sec. 4. Section three hundred nine point twenty-two
3 (309.22), Code 1975, is amended to read as follows:

4 309.22 CONSTRUCTION PROGRAM OR PROJECT--PROGRESS REPORT
5 BY ENGINEER. On or before the first day of December of each
6 year the board of supervisors shall, subject to the approval
7 of the department, adopt a comprehensive-program project
8 accomplishment list for the next calendar year, and a project
9 priority list for the next-calendar-year succeeding four years
10 based upon the construction funds, local secondary and farm-
11 to-market, estimated to be available for such year. Subject
12 to departmental approval, any project on the approved priority
13 list may be advanced to and constructed in the accomplishment
14 year and the project accomplishment list may be revised due
15 to unforeseen conditions.

16 At the close of each year, the county engineer as a part
17 of his annual report to the said department shall include
18 a statement of the progress made toward the completion of
19 each project contained in the approved program project
20 accomplishment list on which work was accomplished, a statement
21 of the total amount expended on each such project during the
22 year, and a statement of what portion of the work on each
23 such project was done on contract and the amount so expended
24 on each contract for each such project.

25 Sec. 5. Section three hundred nine point fifty-six
26 (309.56), Code 1975, is amended to read as follows:

27 309.56 SURVEYS-AND-REPORTS PROJECT PLANS. The survey
28 and-report-of plans for each section, project, on which
29 contracts will be let pursuant to the provisions of sections
30 three hundred nine point forty (309.40), three hundred nine
31 point forty-two (309.42), and three hundred nine point eighty
32 (309.80), of the Code as soon as completed-and approved by
33 the board of supervisors, shall be submitted to the department,
34 and the board of supervisors may designate to the said
35 department what-sections which projects, in their estimation,

1 should be first passed upon by said department. The said
2 department shall pass on such reports and plans, and in so
3 doing, shall take into consideration the thoroughness,
4 feasibility, and practicability of such plans ~~and may approve~~
5 ~~or modify the same.~~

6 Sec. 6. Section three hundred nine point sixty-seven
7 (309.67), Code 1975, is amended to read as follows:

8 309.67 REPAIR-AND-DRAGGING DUTIES OF COUNTY BOARD OF
9 SUPERIVSORS AND THE COUNTY ENGINEER. The county board of
10 supervisors ~~and the engineer are charged with the duty of~~
11 ~~causing the secondary road system to be so repaired and dragged~~
12 ~~as to keep same in proper condition, and shall adopt such~~
13 ~~methods as are~~ is charged with the duty of establishing
14 policies and providing adequate funds to properly maintain
15 the secondary road system. The county engineer, pursuant
16 to section three hundred nine point twenty-one (309.21) of
17 the Code and board policy, shall adopt such methods and
18 recommend such personnel and equipment necessary to maintain
19 continuously, in the best condition practicable, the entire
20 mileage of said system.

21 ~~In addition to the above they shall specifically:~~

22 ~~1.--Keep all sluices, culverts, and bridges, and the~~
23 ~~openings thereof, and all side ditches of the road, free from~~
24 ~~obstructions.~~

25 ~~2.--Provide such side ditches with ample outlets.~~

26 ~~3.--Remove loose stones and other impediments from the~~
27 ~~traveled part of the highway.~~

28 ~~4.--Fill depressions and keep the road free from ruts,~~
29 ~~water pockets, and mud holes.~~

30 ~~5.--Repair the approaches to bridges and culverts and keep~~
31 ~~such approaches smooth and free from obstruction.~~

32 Sec. 7. Section three hundred nine point seventy-three
33 (309.73), unnumbered paragraph one (1), Code 1975, is amended
34 to read as follows:

35 Bridges and culverts on highways or on parts thereof, which

1 are located along the corporate limits of cities and which
2 are partly within and partly without such limits and which
3 highways are in whole or in part secondary roads, shall be
4 constructed under plans and specifications, jointly agreed
5 on by the city council and board of supervisors, and approved
6 by the department. The city and county shall share equally
7 proportionally in the cost. All matters in dispute between
8 such city and county relative to such bridges and culverts
9 shall be referred to the department and its decision shall
10 be final and binding on both the city and county.

11 Sec. 8. Section three hundred nine point seventy-five
12 (309.75), Code 1975, is amended to read as follows:

13 309.75 DEFINITIONS. The term "culvert" shall include
14 ~~all-waterway-structures-having-a-total-clear-span-of-twelve~~
15 ~~feet-or-less,~~ any structure not classified as a bridge which
16 provides an opening under any roadway except that such term
17 shall not include tile crossing the road, or intakes thereto,
18 where such tile are a part of a tile line or system designed
19 to aid subsurface drainage.

20 The term "bridge" shall include ~~all-waterway-structures~~
21 ~~having-a-clear-span-in-excess-of-twelve-feet~~ any structure
22 including supports, erected over a depression or an
23 obstruction, as water, a highway or railroad, and having a
24 track or passageway for carrying traffic or other moving loads
25 and having a length measured along the center of the roadway
26 of more than twenty feet between the undercopings of abutments
27 or extreme ends of openings for multiple boxes.

28 The length of a bridge structure is the overall length
29 measured along the line of survey stationing back to back
30 of backwalls and abutments, if present, or otherwise from
31 end to end of the bridge floor, but in no case less than the
32 total clear opening of the structure.

33 Sec. 9. Section three hundred nine point eighty-five
34 (309.85), Code 1975, is amended to read as follows:

35 309.85 BRIDGES OVER STATE BOUNDARY LINE STREAMS. Ten

1 percent of the legal voters, as shown by the returns of the
2 last general election, of any county bordering upon a stream
3 of water which forms the boundary line of this state, may
4 petition the board of supervisors to submit to the voters
5 the question whether such county shall be authorized to
6 construct and maintain a ~~foot-and-wagon~~ bridge extending from
7 such county across such boundary line river. Said petition
8 shall state the amount to be expended for said purpose.

9 Sec. 10. Section three hundred nine point ninety-four
10 (309.94), Code 1975, is amended to read as follows:

11 309.94 REVIEW BY DEPARTMENT. The department shall have
12 the power to approve or disapprove the budget adopted by the
13 board of supervisors. If the budget is not approved, the
14 department shall list the disapproved expenditures and shall
15 state the reasons for disapproval when the budget is returned
16 to the county. The department shall act upon a budget and
17 return the budget to the county within forty-five days after
18 the budget is received by the department. Upon disapproval
19 of any proposed expenditure in a budget, the county may submit
20 a revised budget to the department for approval. The
21 department shall act upon such a revised budget within ~~ten~~
22 thirty days.

23 Sec. 11. Section three hundred nine point ninety-five
24 (309.95), Code 1975, is amended to read as follows:

25 309.95 AMENDMENTS. The budget shall be binding except
26 that should bona fide unforeseen ~~or-emergency~~ conditions
27 arise, the board of supervisors may amend such budget during
28 the year for which it was adopted. Such amendments shall
29 be submitted to the department for approval with a statement
30 of the reasons necessitating the amendment. The department
31 shall approve or disapprove such amendments in the same manner
32 as original budget estimates except that the department shall
33 act upon and return such amendments within ~~fifteen~~ thirty
34 days after their receipt by the department. The department
35 acting upon budget amendments is directed to approve only

1 such amendments as are actually necessitated by emergency
2 unforeseen conditions.

3 Sec. 12. Section three hundred ten point fourteen (310.14),
4 Code 1975, is amended as follows:

5 310.14 BIDS--DEPARTMENT OR COUNTY SUPERVISORS. When the
6 approved plans and specifications for any farm-to-market ~~road~~
7 funded project are filed with the department, it shall, if
8 the estimated cost exceeds one thousand dollars, proceed to
9 advertise for bids and make recommended award of contract.
10 Said recommended award of contract shall be submitted to the
11 board of supervisors of the county in which said project is
12 located for its concurrence. Upon receiving the concurrence
13 of the county board on said recommended contract award, the
14 department shall take final action awarding said contract.
15 Provided, that the said department shall determine and advise
16 the county board as to any approved farm-to-market road project
17 which is to be financed without the use of federal funds.
18 On such project the above procedure ~~shall~~ may be reversed.
19 ~~The~~ and the county board ~~shall~~ advertise for bids, and, subject
20 to concurrence by the department, award contract for the
21 construction work.

22 Sec. 13. Section three hundred ten point twenty-seven
23 (310.27), Code 1975, is amended to read as follows:

24 310.27 PERIOD OF ALLOCATION--REVERSION. The farm-to-
25 market road fund allotted to any county as provided in this
26 chapter shall remain available for expenditure in said county
27 for three years after the close of the fiscal year during
28 which said sums respectively were allocated. Any sum remaining
29 unexpended at the end of the period during which it is
30 available for expenditure, shall be reapportioned among all
31 the counties as provided in section 312.5 for original
32 allocations.

33 For the purposes of this section, any sums of the farm-
34 to-market road fund allotted to any county shall be presumed
35 to have been "expended" when a contract shall have been ~~let~~

1 ~~by-the-department~~ awarded obligating said sums.

2 Sec. 14. Sections three hundred nine point ten (309.10)
3 and three hundred ten point thirty-two (310.32), Code 1975,
4 are repealed.

5 EXPLANATION

6 Section 1 removes the present requirement that standard
7 plans for highway maintenance be devised, adopted and furnished
8 to counties and provides for the dissemination of maintenance
9 information to the counties. Section 1 provides that condition
10 of highways in each county must be reviewed on a periodic
11 basis and corrective action initiated.

12 Section 2 provides that the counties do not have any
13 jurisdictional authority or control over bridges or culverts
14 within the boundaries of any incorporated place.

15 Section 3 provides that the secondary road tax levy shall
16 not be levied on any property within an incorporated place.

17 Section 4 provides the counties with more latitude, but
18 retains the department approval, in determining the work to
19 be done each year without requiring the submission of a new
20 program.

21 Section 5 requires the department to review and approve
22 only those projects for which the engineer's estimate requires
23 public letting or contract approval by the department.

24 Section 6 clarifies the responsibilities of the board and
25 engineer with respect to the maintenance of the secondary
26 road system.

27 Section 8 changes the definitions for bridges and culverts
28 compatible with the rest of the states.

29 Sections 10 and 11 changes the time allowed for the
30 department to act upon budget resubmissions by the county.
31 The word "emergency" is difficult to define. By using the
32 word "unforeseen", the counties and the department have the
33 needed latitude to operate.

34 Section 12 permits the counties to let projects which do
35 not include Federal-aid funds.

Publication of Certification 5/21, p. 189^o -7-

H-3155

1 Amend House File 286, page 7, by inserting after
2 the period in line 1 the words "If a county does not
3 plan to utilize its allotted funds in any period up
4 to one year, the funds may be temporarily allocated
5 to another county, at no interest, by written agree-
6 ment between the counties involved. The total of
7 the temporarily allocated funds received by a county
8 shall not exceed the total anticipated funds to that
9 particular county's farm-to-market fund in the
10 succeeding fiscal year and total reimbursement shall
11 be completed by the end of the succeeding fiscal
12 year."

H-3155 FILED - *Adopted 2/27 (457)*
FEBRUARY 25, 1975

BY KRAUSE of Palo Alto
DRAKE of Muscatine
WELDEN of Hardin
WOODS of Polk
BORTELL of Madison

H-3156

1 Amend House File 286, page 1, line 12, by
2 striking the word "obtain" and inserting in lieu
3 thereof the word "recommend".

H-3156 FILED - *Lost 2/27 (456)*
FEBRUARY 25, 1975

BY BENNETT of Ida

H-3172

1 Amend House File 286 by striking all after the
2 word "duties" in line 1 of the title page and
3 inserting in lieu thereof the following:
4 ", responsibilities and powers of the".

H-3172 FILED - *Adopted 2/27 (457)*
FEBRUARY 27, 1975

BY KOOGLER of Mahaska

H-3168

1 Amend House File 286, page 7 by inserting after
2 line 4 the following new section:
3 "Sec. 15. This Act, being deemed of immediate
4 importance, shall take effect, and be in force upon
5 its publication in the Algona Upper Des Moines, a *4/24/75*
6 newspaper published in Algona, Iowa and the Humboldt- *4/23/75*
7 Republican, a newspaper published in Humboldt, Iowa."

H-3168 FILED, ADOPTED (*page 457*)
FEBRUARY 27, 1975

BY KRAUSE of Palo Alto
DRAKE of Muscatine
BRUNOW of Appanoose

Senate Amendment
to
House File 286

H-3337

- 1 Amend House File 286 as follows:
- 2 1. Page 1, line 2, by striking the words "and four
- 3 (4)".
- 4 2. Page 1, by striking lines 8 through 12 and inserting
- 5 in lieu thereof the following:
- 6 "Sec. 2. Section three hundred seven A point two
- 7 (307A.2) is amended by striking subsection four (4)."
- 8 3. By renumbering the remaining sections in accordance
- 9 with this amendment.

H-3337 RECEIVED FROM
THE SENATE
MARCH 26, 1975

House concurred 3/31 (p. 785)

HOUSE FILE 286

S-3283

- 1 Amend House File 286 as follows:
- 2 1. Page 1, line 2, by striking the words "and four
- 3 (4)".
- 4 2. Page 1, by striking lines 8 through 12 and inserting
- 5 in lieu thereof the following:
- 6 "Sec. 2. Section three hundred seven A point two
- 7 (307A.2) is amended by striking subsection four (4)."
- 8 3. By renumbering the remaining sections in accordance
- 9 with this amendment.

S-3283 FILED *adopted 3/24 (685)* BY COMMITTEE ON COUNTY GOVERNMENT
MARCH 6, 1975