

Reprinted

MAR 14 1995
Place On Calendar

HOUSE FILE 419
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 197)

Passed House, ^(p.1308) Date 4-6-95 Passed Senate, Date 3/25/96 (P. 994)
Vote: Ayes 95 Nays 0 Vote: Ayes 44 Nays 0
Approved April 16, 1996

A BILL FOR

1 An Act providing for class "C" area service system roads and
2 providing a penalty.

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

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HOUSE FILE 419

H-3725

1 Amend House File 419 as follows:
2 1. Page 2, line 14, by inserting after the word
3 "classification." the following: "Failure of the
4 board of supervisors to act within the sixty-day time
5 period shall be deemed an approval of the request for
6 area service "C" classification."

By MAY of Worth

H-3725 FILED APRIL 4, 1995

Adopted 4-6-95 (p.1308)

HF 419

1 Section 1. Section 309.57, Code 1995, is amended to read
2 as follows:

3 309.57 AREA SERVICE CLASSIFICATION.

4 The county board of supervisors, after consultation with
5 the county engineer, and for purposes of specifying levels of
6 maintenance effort and access, may classify the area service
7 system into ~~two~~ three classifications termed area service "A",
8 ~~and area service "B."~~ "B", and area service "C". The area
9 service "A" classification shall be maintained in conformance
10 with applicable statutes. ~~Roads-on-the-area~~ Area service "B"
11 classification roads may have a lesser level of maintenance as
12 specified by the county board of supervisors, after
13 consultation with the county engineer. Area service "C"
14 classification roads may have restricted access and a minimal
15 level of maintenance as specified by the county board of
16 supervisors after consultation with the county engineer.

17 Roads within area service "B" classification and "C"
18 classifications shall have appropriate signs, conforming to
19 the Iowa state sign manual, installed and maintained by the
20 county at all access points to roads on this system from other
21 public roads, to adequately warn the public they are entering
22 a section of road which has a lesser level of maintenance
23 effort than other public roads. In addition, area service "C"
24 classification roads shall adequately warn the public that
25 access is limited.

26 Roads may only be classified as area service "C" by
27 ordinance or resolution upon petition signed by all landowners
28 adjoining the road. The ordinance or resolution shall specify
29 the level of maintenance effort and the persons who will have
30 access rights to the road. The county shall only allow access
31 to the road to the owner, lessee, or person in lawful
32 possession of any adjoining land, or the agent or employee of
33 the owner, lessee, or person in lawful possession, or to any
34 peace officer, magistrate, or public employee whose duty it is
35 to supervise the use or perform maintenance of the road.

1 Access to the road shall be restricted by means of a gate or
2 other barrier.

3 Notwithstanding section 716.7, subsection 4, entering or
4 remaining upon an area service "C" road without justification
5 after being notified or requested to abstain from entering or
6 to remove or vacate the road by any person lawfully allowed
7 access shall be a trespass as defined in section 716.7.

8 A road which is given an area service "C" classification
9 shall retain the classification for two years. After two
10 years, a petition for area service "C" classifications may
11 again be submitted to the board of supervisors. The board of
12 supervisors, within sixty days of receipt of the petition,
13 shall approve or deny the request for area service "C"
14 classification.

15 The county and officers, agents, and employees of the
16 county are not liable for injury to any person or for damage
17 to any vehicle or equipment, or contents of any vehicle or
18 equipment, which occurs proximately as a result of the
19 maintenance of a road which is classified as area service "B,"
20 "B" or "C" if the road has been maintained to the level
21 required for roads classified as area service "B," "B" or "C".

22 EXPLANATION

23 Currently, the county board of supervisors in consultation
24 with the county engineer may classify area service system
25 roads for the purpose of determining levels of maintenance.
26 The county has the authority to classify "A" and "B" area
27 service system roads.

28 This bill allows the county board of supervisors to
29 designate area service roads as class "C" roads to allow for
30 restricted access and a minimal level of maintenance. Roads
31 may only be classified as area service "C" by ordinance or
32 resolution upon petition signed by all landowners adjoining
33 the road. The ordinance or resolution must specify the level
34 of maintenance effort and the persons who will have access
35 rights to the road. The county may restrict access to the

1 road to the owner, lessee, or person in lawful possession of
2 any adjoining land, or the agent or employee of the owner,
3 lessee, or person in lawful possession, or to any peace
4 officer, magistrate, or public employee whose duty it is to
5 supervise the use or perform maintenance of the road. Access
6 to the road shall be restricted by means of a gate or other
7 barrier. Class "C" roads must have appropriate warning signs
8 posted. The classification of a class "C" road is valid for
9 two years. After the two-year period, a road may be
10 redesignated as a class "C" road if a petition signed by all
11 of the adjoining landowners is submitted to the board of
12 supervisors. The board of supervisors must approve or deny
13 the petition within 60 days of receipt of the request.

14 The bill provides that the county is not liable for injury
15 to any person or damage to a vehicle or equipment which occurs
16 as a result of the maintenance of a class "C" road. The bill
17 provides that a person who has been notified and requested to
18 abstain from entering or to leave a class "C" road and who
19 enters or remains on the road without justification will be
20 guilty of a trespass. A trespass under section 716.8 is
21 punishable as a simple misdemeanor, which carries a fine of at
22 least \$50, but not to exceed \$100, or imprisonment not to
23 exceed 30 days.

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HOUSE FILE 419
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 197)

(As Amended and Passed by the House April 6, 1995)

Re-Passed House, Date 4/8/96 (p. 1423) Passed Senate, Date 3/25/96 (p. 994)
Vote: Ayes 97 Nays 0 Vote: Ayes 44 Nays 0
Approved April 16, 1996

A BILL FOR

1 An Act providing for class "C" area service system roads and
2 providing a penalty.

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

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House Amendments _____

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1 Section 1. Section 309.57, Code 1995, is amended to read
2 as follows:

3 309.57 AREA SERVICE CLASSIFICATION.

4 The county board of supervisors, after consultation with
5 the county engineer, and for purposes of specifying levels of
6 maintenance effort and access, may classify the area service
7 system into ~~two~~ three classifications termed area service "A",
8 ~~and area service "B-"~~ "B", and area service "C". The area
9 service "A" classification shall be maintained in conformance
10 with applicable statutes. ~~Roads-on-the-area~~ Area service "B"
11 classification roads may have a lesser level of maintenance as
12 specified by the county board of supervisors, after
13 consultation with the county engineer. Area service "C"
14 classification roads may have restricted access and a minimal
15 level of maintenance as specified by the county board of
16 supervisors after consultation with the county engineer.

17 Roads within area service "B" classification and "C"
18 classifications shall have appropriate signs, conforming to
19 the Iowa state sign manual, installed and maintained by the
20 county at all access points to roads on this system from other
21 public roads, to adequately warn the public they are entering
22 a section of road which has a lesser level of maintenance
23 effort than other public roads. In addition, area service "C"
24 classification roads shall adequately warn the public that
25 access is limited.

26 Roads may only be classified as area service "C" by
27 ordinance or resolution upon petition signed by all landowners
28 adjoining the road. The ordinance or resolution shall specify
29 the level of maintenance effort and the persons who will have
30 access rights to the road. The county shall only allow access
31 to the road to the owner, lessee, or person in lawful
32 possession of any adjoining land, or the agent or employee of
33 the owner, lessee, or person in lawful possession, or to any
34 peace officer, magistrate, or public employee whose duty it is
35 to supervise the use or perform maintenance of the road.

1 Access to the road shall be restricted by means of a gate or
2 other barrier.

3 Notwithstanding section 716.7, subsection 4, entering or
4 remaining upon an area service "C" road without justification
5 after being notified or requested to abstain from entering or
6 to remove or vacate the road by any person lawfully allowed
7 access shall be a trespass as defined in section 716.7.

8 A road which is given an area service "C" classification
9 shall retain the classification for two years. After two
10 years, a petition for area service "C" classifications may
11 again be submitted to the board of supervisors. The board of
12 supervisors, within sixty days of receipt of the petition,
13 shall approve or deny the request for area service "C"
14 classification. Failure of the board of supervisors to act
15 within the sixty-day time period shall be deemed an approval
16 of the request for area service "C" classification.

17 The county and officers, agents, and employees of the
18 county are not liable for injury to any person or for damage
19 to any vehicle or equipment, or contents of any vehicle or
20 equipment, which occurs proximately as a result of the
21 maintenance of a road which is classified as area service "B,"
22 "B" or "C" if the road has been maintained to the level
23 required for roads classified as area service "B," "B" or "C".

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SENATE AMENDMENT TO HOUSE FILE 419

H-5566

1 Amend House File 419, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 8 through 16 and
4 inserting the following:
5 "A road with an area service "C" classification
6 shall retain the classification until such time as a
7 petition for reclassification is submitted to the
8 board of supervisors. The petition shall be signed by
9 adjoining landowners. The board of supervisors shall
10 approve or deny the request for reclassification
11 within sixty days of receipt of the petition."

RECEIVED FROM THE SENATE

H-5566 FILED MARCH 25, 1996

House concurred 4/8/96 (p. 1423)

HOUSE FILE 419

S-5030

1 Amend House File 419, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 8 through 16 and
4 inserting the following:
5 "A road with an area service "C" classification
6 shall retain the classification until such time as a
7 petition for reclassification is submitted to the
8 board of supervisors. The petition shall be signed by
9 adjoining landowners. The board of supervisors shall
10 approve or deny the request for reclassification
11 within sixty days of receipt of the petition."

By COMMITTEE ON TRANSPORTATION
DON E. GETTINGS, Chairperson

S-5030 FILED JANUARY 31, 1996

adopted 3/25/96 (p. 999)

CARROLL, CHAIR
ARNOLD
MUNDIE

HSB 197

TRANSPORTATION

HOUSE FILE

419

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON WELTER)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for class "C" area service system roads and
2 providing a penalty.

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

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1 Section 1. Section 309.57, Code 1995, is amended to read
2 as follows:

3 309.57 AREA SERVICE CLASSIFICATION.

4 The county board of supervisors, after consultation with
5 the county engineer, and for purposes of specifying levels of
6 maintenance effort and access, may classify the area service
7 system into ~~two~~ three classifications termed area service "A",
8 ~~and~~ area service "~~B.~~" "B", and area service "C". The area
9 service "A" classification shall be maintained in conformance
10 with applicable statutes. ~~Roads-on-the-area~~ Area service "B"
11 classification roads may have a lesser level of maintenance as
12 specified by the county board of supervisors, after
13 consultation with the county engineer. Area service "C"
14 classification roads may have restricted access and a minimal
15 level of maintenance as specified by the county board of
16 supervisors after consultation with the county engineer.

17 Roads within area service "B" classification and "C"
18 classifications shall have appropriate signs, conforming to
19 the Iowa state sign manual, installed and maintained by the
20 county at all access points to roads on this system from other
21 public roads, to adequately warn the public they are entering
22 a section of road which has a lesser level of maintenance
23 effort than other public roads. In addition, area service "C"
24 classification roads shall adequately warn the public that
25 access is limited.

26 Roads may only be classified as area service "C" by
27 ordinance upon petition signed by all landowners adjoining the
28 road. The ordinance shall specify the level of maintenance
29 effort and the persons who will have access rights to the
30 road. The county shall only allow access to the road to the
31 owner, lessee, or person in lawful possession of any adjoining
32 land, or the agent or employee of the owner, lessee, or person
33 in lawful possession, or to any peace officer, magistrate, or
34 public employee whose duty it is to supervise the use or
35 perform maintenance of the road. Access to the road shall be

1 restricted by means of a gate or other barrier.

2 Notwithstanding section 716.7, subsection 4, entering or
3 remaining upon an area service "C" road without justification
4 after being notified or requested to abstain from entering or
5 to remove or vacate the road by any person lawfully allowed
6 access shall be a trespass as defined in section 716.7.

7 A road which is given an area service "C" classification
8 shall retain the classification for two years. After two
9 years, a petition for area service "C" classifications may
10 again be submitted to the board of supervisors. The board of
11 supervisors, within sixty days of receipt of the petition,
12 shall approve or deny the request for area service "C"
13 classification.

14 The county and officers, agents, and employees of the
15 county are not liable for injury to any person or for damage
16 to any vehicle or equipment, or contents of any vehicle or
17 equipment, which occurs proximately as a result of the
18 maintenance of a road which is classified as area service "B₇"
19 "B" or "C" if the road has been maintained to the level
20 required for roads classified as area service "B₇" "B" or "C".

21 EXPLANATION

22 Currently, the county board of supervisors in consultation
23 with the county engineer may classify area service system
24 roads for the purpose of determining levels of maintenance.
25 The county has the authority to classify "A" and "B" area
26 service system roads.

27 This bill allows the county board of supervisors to
28 designate area service roads as class "C" roads to allow for
29 restricted access and a minimal level of maintenance. Roads
30 may only be classified as area service "C" by ordinance upon
31 petition signed by all landowners adjoining the road. The
32 ordinance must specify the level of maintenance effort and the
33 persons who will have access rights to the road. The county
34 may restrict access to the road to the owner, lessee, or
35 person in lawful possession of any adjoining land, or the

1 agent or employee of the owner, lessee, or person in lawful
2 possession, or to any peace officer, magistrate, or public
3 employee whose duty it is to supervise the use or perform
4 maintenance of the road. Access to the road shall be
5 restricted by means of a gate or other barrier. Class "C"
6 roads must have appropriate warning signs posted. The
7 classification of a class "C" road is valid for two years.
8 After the two-year period, a road may be redesignated as a
9 class "C" road if a petition signed by all of the adjoining
10 landowners is submitted to the board of supervisors. The
11 board of supervisors must approve or deny the petition within
12 60 days of receipt of the request.

13 The bill provides that the county is not liable for injury
14 to any person or damage to a vehicle or equipment which occurs
15 as a result of the maintenance of a class "C" road. The bill
16 provides that a person who has been notified and requested to
17 abstain from entering or to leave a class "C" road and who
18 enters or remains on the road without justification will be
19 guilty of a trespass. A trespass under section 716.8 is
20 punishable as a simple misdemeanor, which carries a fine of at
21 least \$50, but not to exceed \$100, or imprisonment not to
22 exceed 30 days.

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HOUSE FILE 419

AN ACT

PROVIDING FOR CLASS "C" AREA SERVICE SYSTEM ROADS AND PROVIDING
A PENALTY.

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

Section 1. Section 309.57, Code 1995, is amended to read
as follows:

309.57 AREA SERVICE CLASSIFICATION.

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 two three classifications termed area service "A", and area service "B", and area service "C". The area service "A" classification shall be maintained in conformance with applicable statutes. Roads-on-the-area 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. 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.

Roads within area service "B" classification and "C" classifications shall have appropriate signs, conforming to

the Iowa state sign manual, 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. In addition, area service "C" classification roads shall adequately warn the public that access is limited.

Roads may only be classified as area service "C" by ordinance or resolution upon petition signed by all landowners adjoining the road. 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.

Notwithstanding section 716.7, subsection 4, entering or remaining upon an area service "C" 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.

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 adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

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,"

"B" or "C" if the road has been maintained to the level required for roads classified as area service "B," "B" or "C".

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 419, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 16, 1996

TERRY E. BRANSTAD
Governor