

# House Study Bill 197

## Conference Committee Text

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1 1 Section 1. Section [309.57](#), Code 1995, is amended to read  
1 2 as follows:

1 3 309.57 AREA SERVICE CLASSIFICATION.

1 4 The county board of supervisors, after consultation with  
1 5 the county engineer, and for purposes of specifying levels of  
1 6 maintenance effort and access, may classify the area service  
1 7 system into

~~two~~

- ~~three~~ classifications termed area service "A".

1 8

~~and~~

- area service

~~"B."~~

- ~~"B", and area service "C".~~ The area

1 9 service "A" classification shall be maintained in conformance  
1 10 with applicable statutes.

~~Roads on the area~~

- ~~Area service "B"~~

1 11 classification roads may have a lesser level of maintenance as  
1 12 specified by the county board of supervisors, after  
1 13 consultation with the county engineer. Area service "C"  
1 14 classification roads may have restricted access and a minimal  
1 15 level of maintenance as specified by the county board of  
1 16 supervisors after consultation with the county engineer.

1 17 Roads within area service "B"

~~classification~~

- ~~and "C"~~

1 18 classifications shall have appropriate signs, conforming to  
1 19 the Iowa state sign manual, installed and maintained by the  
1 20 county at all access points to roads on this system from other  
1 21 public roads, to adequately warn the public they are entering  
1 22 a section of road which has a lesser level of maintenance  
1 23 effort than other public roads. In addition, area service "C"  
1 24 classification roads shall adequately warn the public that  
1 25 access is limited.

1 26 Roads may only be classified as area service "C" by  
1 27 ordinance upon petition signed by all landowners adjoining the  
1 28 road. The ordinance shall specify the level of maintenance  
1 29 effort and the persons who will have access rights to the  
1 30 road. The county shall only allow access to the road to the  
1 31 owner, lessee, or person in lawful possession of any adjoining  
1 32 land, or the agent or employee of the owner, lessee, or person  
1 33 in lawful possession, or to any peace officer, magistrate, or  
1 34 public employee whose duty it is to supervise the use or  
1 35 perform maintenance of the road. Access to the road shall be  
2 1 restricted by means of a gate or other barrier.

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

2 7 A road which is given an area service "C" classification  
2 8 shall retain the classification for two years. After two  
2 9 years, a petition for area service "C" classifications may  
2 10 again be submitted to the board of supervisors. The board of  
2 11 supervisors, within sixty days of receipt of the petition,  
2 12 shall approve or deny the request for area service "C"  
2 13 classification.  
2 14 The county and officers, agents, and employees of the  
2 15 county are not liable for injury to any person or for damage  
2 16 to any vehicle or equipment, or contents of any vehicle or  
2 17 equipment, which occurs proximately as a result of the  
2 18 maintenance of a road which is classified as area service

"B,"

2 19 "B" or "C" if the road has been maintained to the level  
2 20 required for roads classified as area service

"B."

"B" or "C".

2 21 EXPLANATION  
2 22 Currently, the county board of supervisors in consultation  
2 23 with the county engineer may classify area service system  
2 24 roads for the purpose of determining levels of maintenance.  
2 25 The county has the authority to classify "A" and "B" area  
2 26 service system roads.  
2 27 This bill allows the county board of supervisors to  
2 28 designate area service roads as class "C" roads to allow for  
2 29 restricted access and a minimal level of maintenance. Roads  
2 30 may only be classified as area service "C" by ordinance upon  
2 31 petition signed by all landowners adjoining the road. The  
2 32 ordinance must specify the level of maintenance effort and the  
2 33 persons who will have access rights to the road. The county  
2 34 may restrict access to the road to the owner, lessee, or  
2 35 person in lawful possession of any adjoining land, or the  
3 1 agent or employee of the owner, lessee, or person in lawful  
3 2 possession, or to any peace officer, magistrate, or public  
3 3 employee whose duty it is to supervise the use or perform  
3 4 maintenance of the road. Access to the road shall be  
3 5 restricted by means of a gate or other barrier. Class "C"  
3 6 roads must have appropriate warning signs posted. The  
3 7 classification of a class "C" road is valid for two years.  
3 8 After the two-year period, a road may be redesignated as a  
3 9 class "C" road if a petition signed by all of the adjoining  
3 10 landowners is submitted to the board of supervisors. The  
3 11 board of supervisors must approve or deny the petition within  
3 12 60 days of receipt of the request.  
3 13 The bill provides that the county is not liable for injury  
3 14 to any person or damage to a vehicle or equipment which occurs  
3 15 as a result of the maintenance of a class "C" road. The bill  
3 16 provides that a person who has been notified and requested to  
3 17 abstain from entering or to leave a class "C" road and who  
3 18 enters or remains on the road without justification will be  
3 19 guilty of a trespass. A trespass under section 716.8 is  
3 20 punishable as a simple misdemeanor, which carries a fine of at  
3 21 least \$50, but not to exceed \$100, or imprisonment not to  
3 22 exceed 30 days.  
3 23 LSB 2091HC 76  
3 24 js/jj/8