

House Study Bill 152

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state department of transportation duties
2 concerning its budget, distribution of state institutional,
3 secondary, and farm-to-market road funds, vehicle weight
4 restrictions, all-terrain vehicle use, and airport transfers
5 to aviation authorities.

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

7 TLSB 1252DP 81

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1 1 Section 1. Section 307.10, subsection 5, Code 2005, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 307.22, Code 2005, is amended to read as
1 4 follows:

1 5 307.22 PLANNING AND RESEARCH.

1 6 The department's administrator of planning and research
1 7 shall:

1 8 1. Assist the director in planning all modes of
1 9 transportation in order to develop an integrated
1 10 transportation system providing adequate transportation
1 11 services for all citizens of the state.

1 12 2. Develop and maintain transportation statistical data
1 13 for the department.

1 14 3. Assist the director in establishing, analyzing and
1 15 evaluating alternative transportation policies for the state.

1 16 4. Coordinate planning and research duties and
1 17 responsibilities with the planning functions carried on by
1 18 other administrators of the department.

~~1 19 5. Conduct a study of the road and bridge facilities in
1 20 state parks, state institutions, state fairgrounds, and on
1 21 community college property. The study shall evaluate the
1 22 construction and maintenance needs and projected needs based
1 23 upon estimated growth for each type of facility to provide a
1 24 quadrennially updated standard upon which to allocate funds
1 25 appropriated for the purposes of this subsection.~~

~~1 26 5. a. Annually report by July 1 of each year, for both
1 27 secondary and farm-to-market systems, miles of earth,
1 28 granular, and paved surface roads; the daily vehicle miles of
1 29 travel; and lineal feet of bridge deck under the jurisdiction
1 30 of each county's secondary road department, as of the
1 31 preceding January 1, taking into account roads whose
1 32 jurisdiction has been transferred from the department to a
1 33 county or from a county to the department during the previous
1 34 year. The annual report shall include those roads transferred
1 35 to a county pursuant to section 306.8A.~~

~~2 1 b. Miles of secondary and farm-to-market roads shall not
2 2 include those miles of farm-to-market extensions within cities
2 3 under five hundred population that are placed under county
2 4 secondary road jurisdiction pursuant to section 306.4.~~

~~2 5 c. The annual report of updated road and bridge data of
2 6 both the secondary and farm-to-market roads shall be submitted
2 7 to the Iowa county engineers association service bureau.~~

~~2 8 6. Prepare, adopt, and cause to be published the results
2 9 of a study of secondary roads in the state. The study shall
2 10 be designed to investigate present deficiencies and future
2 11 twenty-year maintenance and construction needs of the roads.
2 12 The study shall be referred to as the "quadrennial need study"
2 13 for the purposes of this chapter, chapter 307A, and chapter
2 14 312. The department shall report the results of the study to
2 15 the general assembly by July 1, 2002, and the study results
2 16 shall take effect July 1, 2003.~~

2 17 7. Annually recalculate the construction and maintenance
2 18 needs of roads under the jurisdiction of each county to take
2 19 into account the needs of a road whose jurisdiction has been
2 20 transferred from the department to a county or from a county
2 21 to the department during the previous year. Prior to the
2 22 fiscal year beginning July 1, 2013, the annual recalculation
2 23 shall not include those roads transferred to a county pursuant
2 24 to section 306.8A. The recalculation shall be reported by
2 25 January 1 of the year following the transfer and shall take
2 26 effect the following July 1 for the purposes of allocating
2 27 moneys under sections 312.3 and 312.5.

2 28 ~~8- 6.~~ Perform such other planning functions as may be
2 29 assigned by the director.

2 30 The functions of planning and research do not include the
2 31 detailed design of highways or other modal transportation
2 32 facilities, but are restricted to the needs of this state for
2 33 multimodal transportation systems.

2 34 Sec. 3. Section 307A.2, subsection 11, Code 2005, is
2 35 amended to read as follows:

3 1 11. Construct, reconstruct, improve, and maintain state
3 2 institutional roads and state park roads, which are part of
3 3 the state park, state institution, and other state land road
3 4 system as defined in section 306.3, and bridges on such roads,
3 5 roads located on state fairgrounds as defined in chapter 173,
3 6 and the roads and bridges located on community college
3 7 property as defined in chapter 260C, upon the request of the
3 8 state board, department, or commission which has jurisdiction
3 9 over such roads. This shall be done in such manner as may be
3 10 agreed upon by the state transportation commission and the
3 11 state board, department, or commission which has jurisdiction.
3 12 The commission may contract with any county or municipality
3 13 for the construction, reconstruction, improvement, or
3 14 maintenance of such roads and bridges. Any state park road
3 15 which is an extension of either a primary or secondary highway
3 16 which both enters and exits from a state park at separate
3 17 points shall be constructed, reconstructed, improved, and
3 18 maintained as provided in section 306.4. Funds allocated from
3 19 the road use tax fund for the purposes of this subsection
3 20 shall be apportioned in the ratio that the needs of the state
3 21 institutional roads and bridges, park roads and bridges, or
3 22 community college roads and bridges bear to the total needs of
3 23 these facilities based upon the most recent quadrennial park
3 24 and institution need study, following manner and amounts:

3 25 a. For department of natural resources facility roads,
3 26 forty-five and one-half percent.

3 27 b. For department of human services facility roads, six
3 28 and one-half percent.

3 29 c. For department of corrections facility roads, five and
3 30 one-half percent.

3 31 d. For national guard facility roads, four percent.

3 32 e. For state board of regents facility roads, thirty
3 33 percent.

3 34 f. For state fair board facility roads, two percent.

3 35 g. For department of administrative services facility
4 1 roads, one-half percent.

4 2 h. For department of education facility roads, six
4 3 percent.

4 4 Sec. 4. Section 312.3, subsection 1, Code 2005, is amended
4 5 to read as follows:

4 6 i. Apportion among the counties in the ratio that the
4 7 needs of the secondary roads of each county bear to the total
4 8 needs of the secondary roads of the state for each fiscal year
4 9 based upon the total needs of secondary roads of the state as
4 10 shown in the latest quadrennial need study report developed by
4 11 the state department of transportation, and which is on record
4 12 at the department, seventy percent of the allocation from road
4 13 use tax funds which is credited to the secondary road fund of
4 14 the counties, and apportion among the counties in the ratio
4 15 that the area of each county bears to the total area of the
4 16 state, thirty percent of the allocation from road use tax
4 17 funds which is credited to the secondary road fund of the
4 18 counties.

4 19 For the purposes of this subsection, "latest quadrennial
4 20 need study report" includes the annual recalculation of
4 21 construction and maintenance needs of roads whose jurisdiction
4 22 has been transferred from the department to a county or from a
4 23 county to the department during the previous year as
4 24 recalculated pursuant to section 307.22, subsection 7.

4 25 1. For the fiscal year ending June 30, 2006, apportion
4 26 among the counties the road use tax funds credited to the
4 27 secondary road fund by using the allocation method contained

4 28 in section 312.3, subsection 1, Code 2005. For subsequent
4 29 fiscal years, apportion among the counties the road use tax
4 30 funds credited to the secondary road fund by using the
4 31 distribution methodology adopted pursuant to section 312.3C.

4 32 Sec. 5. Section 312.3B, Code 2005, is amended by adding
4 33 the following new unnumbered paragraph:

4 34 NEW UNNUMBERED PARAGRAPH. The Iowa county engineers
4 35 association service bureau shall annually compute the
5 1 secondary road fund and farm-to-market road distributions
5 2 using the methodology determined by the secondary road fund
5 3 distribution committee pursuant to section 312.3C. The Iowa
5 4 county engineers association service bureau shall report the
5 5 computations to the secondary road fund distribution
5 6 committee, the department, the treasurer of state, and the
5 7 counties.

5 8 Sec. 6. Section 312.3C, Code 2005, is amended to read as
5 9 follows:

5 10 312.3C SECONDARY ROAD FUND DISTRIBUTION ADVISORY
5 11 COMMITTEE.

5 12 A secondary road fund distribution advisory committee is
5 13 established to consider develop one or more alternative
5 14 methodologies for distribution of moneys in the secondary road
5 15 fund and farm-to-market road fund. The committee shall be
5 16 comprised of representatives appointed by the president of the
5 17 Iowa county engineers association, the president of the Iowa
5 18 county supervisors association, and the department. ~~The~~
~~5 19 committee shall recommend to the general assembly, for the~~
~~5 20 general assembly's consideration and adoption, one or more~~
~~5 21 alternative methodologies for distribution of moneys in the~~
~~5 22 secondary road fund and the farm-to-market road fund.~~

5 23 The committee shall determine the methodology to be used
5 24 for distribution of moneys in the secondary road fund and the
5 25 farm-to-market road fund. The methodology shall be phased in
5 26 over a five-year time period, beginning July 1, 2006.

5 27 The committee shall adopt rules pursuant to chapter 17A to
5 28 govern the determination and modification of the methodology
5 29 to be used for distribution of moneys in the secondary road
5 30 fund and the farm-to-market road fund.

5 31 Sec. 7. Section 312.5, Code 2005, is amended to read as
5 32 follows:

5 33 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

5 34 1. ~~The road use tax funds credited to the farm-to-market~~
~~5 35 road fund and federal aid secondary road funds received by the~~
~~6 1 state by the treasurer of state are hereby divided as follows,~~
~~6 2 and are to be known respectively as:~~

6 3 a. ~~Need allotment farm-to-market road funds, seventy~~
~~6 4 percent; and~~

6 5 b. ~~Area allotment farm-to-market road funds, thirty~~
~~6 6 percent.~~

6 7 1. For the fiscal year ending June 30, 2006, the treasurer
6 8 of state shall apportion among the counties the road use tax
6 9 funds credited to the farm-to-market road fund by using the
6 10 allocation method contained in section 312.5, subsection 1,
6 11 Code 2005. For subsequent fiscal years, the treasurer of
6 12 state shall apportion among the counties the road use tax
6 13 funds credited to the farm-to-market road fund by using the
6 14 distribution methodology adopted pursuant to section 312.3C.

6 15 2. All farm-to-market road funds, except funds which under
6 16 section 310.20 come from any county's allotment of the road
6 17 use tax funds, shall be allotted apportioned among the
6 18 counties by the department as provided by this section.

6 19 3. ~~Area allotment farm-to-market road funds shall be~~
~~6 20 allotted among all the counties of the state in the ratio that~~
~~6 21 the area of each county bears to the total area of the whole~~
~~6 22 state.~~

6 23 4. ~~Need allotment farm-to-market road funds shall be~~
~~6 24 allotted among the counties in the ratio that the needs of the~~
~~6 25 farm-to-market roads in each county bear to the total needs of~~
~~6 26 the farm-to-market roads in the state for each fiscal year~~
~~6 27 based upon the total needs of the farm-to-market roads in the~~
~~6 28 state as shown in the latest quadrennial need study report~~
~~6 29 developed by the state department of transportation, and which~~
~~6 30 is on record at the department.~~

6 31 "Latest quadrennial need study report" includes the annual
~~6 32 recalculation of construction and maintenance needs of roads~~
~~6 33 whose jurisdiction has been transferred from the department to~~
~~6 34 a county or from a county to the department during the prior~~
~~6 35 year as recalculated pursuant to section 307.22, subsection 7.~~

7 1 Sec. 8. Section 321.463, subsection 5, paragraph a,
7 2 unnumbered paragraph 1, Code 2005, is amended to read as
7 3 follows:

7 4 The maximum gross weight allowed to be carried on a vehicle
7 5 or combination of vehicles on highways which are part of the
7 6 ~~interstate primary~~ system is as follows:

7 7 Sec. 9. Section 321.463, subsection 5, paragraph b,
7 8 unnumbered paragraph 1, Code 2005, is amended to read as
7 9 follows:

7 10 The maximum gross weight allowed to be carried on a vehicle
7 11 or combination of vehicles on ~~noninterstate nonprimary~~
7 12 highways is as follows:

7 13 Sec. 10. Section 321.463, subsection 8, Code 2005, is
7 14 amended to read as follows:

7 15 8. A vehicle or combination of vehicles transporting
7 16 materials to or from a construction project or commercial
7 17 plant site may operate under the maximum gross weight table
7 18 for ~~interstate primary~~ highways in subsection 5, paragraph
7 19 "a", if the route is approved by the department or appropriate
7 20 local authority. Route approval is not required if the
7 21 vehicle or combination of vehicles transporting materials to
7 22 or from a construction project or commercial plant site
7 23 complies with the maximum gross weight table for noninterstate
7 24 highways in subsection 5, paragraph "c".

7 25 Sec. 11. Section 321I.2, unnumbered paragraph 2, Code
7 26 2005, is amended by striking the unnumbered paragraph.

7 27 Sec. 12. Section 321I.10, Code 2005, is amended by adding
7 28 the following new subsection:

7 29 NEW SUBSECTION. 5. The department of transportation may
7 30 issue a permit to a state agency, a county, or a city to allow
7 31 an all-terrain vehicle trail to cross a primary highway. The
7 32 trail crossing shall be part of an all-terrain vehicle trail
7 33 designated by the state agency, county, or city. A permit
7 34 shall be issued only if the crossing can be accomplished in a
7 35 safe manner and allows for adequate sight distance for both
8 1 motorists and all-terrain vehicle operators. The department
8 2 may adopt rules to administer this subsection.

8 3 Sec. 13. NEW SECTION. 330.23A TRANSFER TO AVIATION
8 4 AUTHORITY.

8 5 Pursuant to an agreement between the political
8 6 subdivisions, an airport commission or joint airport
8 7 commission may be abolished for the purpose of transferring
8 8 management and control of the airport to an aviation authority
8 9 established in accordance with chapter 330A.

8 10 Sec. 14. CODE EDITOR DIRECTIVE. The Code editor shall
8 11 correct the titles of the charts in section 321.463,
8 12 subsection 5, paragraphs "a" and "b", to conform with the
8 13 amendments to those provisions of section 321.463 as contained
8 14 in this Act.

8 15 EXPLANATION

8 16 This bill makes changes to various transportation-related
8 17 provisions of the Code as follows:

8 18 Code section 307.10 is amended to strike the requirement
8 19 that the state transportation commission approve the state
8 20 department of transportation's budget before it is submitted
8 21 to the governor and the general assembly.

8 22 Code sections 307.22 and 307A.2 are amended to strike the
8 23 requirement that the state department of transportation
8 24 conduct a quadrennial need study of state park and institution
8 25 roads. Code section 307A.2 is amended to provide that road
8 26 use tax funds allocated pursuant to Code section 312.2,
8 27 subsection 5, for the purpose of state institutional and park
8 28 roads be apportioned based on specific percentages, e.g., the
8 29 department of natural resources facility roads, 45.5 percent.

8 30 Code sections 312.3, 312.3B, 312.3C, and 312.5 are amended
8 31 to provide a new methodology for distribution to the counties
8 32 of moneys in the secondary road fund and the farm-to-market
8 33 road fund.

8 34 Code sections 312.3 and 312.5 are amended to strike the
8 35 need and area allotments, including the quadrennial need study
9 1 report, used to apportion among the counties the road use tax
9 2 funds credited to the secondary road fund and the farm-to-
9 3 market road fund, respectively. These sections are amended to
9 4 apportion the funds according to the new distribution
9 5 methodology adopted pursuant to Code section 312.3C.

9 6 Code section 312.3C is amended to strike the general
9 7 assembly as the entity designated to consider and adopt a
9 8 method for distribution of moneys in the secondary road fund
9 9 and farm-to-market road fund. Instead, the secondary road
9 10 fund distribution committee, no longer an advisory committee,
9 11 will develop the methodology for distribution of such moneys,
9 12 and is granted rulemaking authority to formally adopt the
9 13 methodology. The application of the new distribution
9 14 methodology is to be phased in over five years, beginning July

9 15 1, 2006.
9 16 Using the new methodology, the Iowa county engineers
9 17 association service bureau computes the distribution. Code
9 18 section 312.3B is amended to direct the Iowa county engineers
9 19 association service bureau to annually compute and report the
9 20 county distributions to the secondary road fund distribution
9 21 committee, the department, the treasurer of state, and the
9 22 counties.
9 23 Code section 321.463 is amended to change the application
9 24 of the vehicle weight tables. The maximum weight table for
9 25 interstate highways is applied to all primary highways. The
9 26 maximum weight table for noninterstate highways applies to all
9 27 nonprimary highways. The bill includes a Code editor
9 28 directive to conform the weight table headings.
9 29 Code section 321I.2 is amended to strike a duplicative
9 30 provision, contained in Code section 321I.10, that cities may
9 31 designate streets for driving all-terrain vehicles. The
9 32 amendment also strikes a provision authorizing the state
9 33 department of transportation to make rules governing the use
9 34 of all-terrain vehicles on streets and highways.
9 35 Code section 321I.10 is amended to allow the state
10 1 department of transportation to issue permits to state
10 2 agencies, counties, or cities for all-terrain vehicles to
10 3 cross primary highways. The department may adopt rules to
10 4 implement such permitting.
10 5 Code section 330.23A is created to allow a joint airport
10 6 commission or airport commission to transfer its airport
10 7 operations to an aviation authority established under Code
10 8 chapter 330A.
10 9 LSB 1252DP 81
10 10 eg:rj/gg/14.1