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SENATE FILE 234

BY BOLKCOM

TRANSPORTATION

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act requiring notice and consent for certain transfers of
2 jurisdiction of a highway.

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

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SF 234 TRANSPORTATION

1 Section 1. Section 306.8, Code 2005, is amended to read as
2 follows:

3 306.8 TRANSFER OF JURISDICTION.

4 1. Prior to a change in jurisdiction of a road or street,
5 the unit of government having jurisdiction shall either place
6 the road or street and any structures on the road or street in
7 good repair or provide for the transfer of money to the
8 appropriate jurisdiction in an amount sufficient for the
9 repairs to the road or street and any structures on the road
10 or street.

11 2. Transfers of the jurisdiction and control of roads and
12 streets may take place if agreements are entered into between
13 the jurisdictions of government involved in the transfer of
14 such roads and streets and the requirements of sections 306.8B
15 and 313.2 are met.

16 Sec. 2. NEW SECTION. 306.8B TRANSFER BY THE DEPARTMENT.

17 1. If the department and a county or city agree to
18 transfer a portion of a highway that is under the jurisdiction
19 of the department to the county or city and a part of the
20 highway sought to be transferred is located outside the
21 boundaries of the county or city seeking the transfer, an
22 agreement shall not be executed without the consent of the
23 county or city having any part of such highway located within
24 its boundaries. Without such consent, the department shall
25 retain jurisdiction of that part of the highway. For purposes
26 of this section, "transferee" means a county or city seeking a
27 transfer of that part of a highway located outside of its
28 boundaries.

29 2. The department and the transferee shall publish a
30 notice of intent to execute such agreement in a newspaper of
31 general circulation within the county in which the highway is
32 located. The cost of such notice shall be jointly borne by
33 the department and the transferee.

34 3. If one hundred or more residents of the county or city
35 in which the highway is located request by petition that a

1 hearing be held in regard to such agreement within ten days
2 after the publication of the notice, the board of supervisors
3 or city council of the county or city in which the highway is
4 located shall hold such a hearing not more than seven days
5 after receiving the petition, and based upon evidence
6 presented at such hearing shall decide whether to consent to
7 the agreement.

8 4. If no hearing is requested, the board of supervisors or
9 city council of the county or city in which the highway is
10 located shall decide whether or not to consent to such
11 agreement.

12 5. Within sixty days of the date of publishing the notice
13 of intent to execute such agreement, the board of supervisors
14 or city council of the county or city in which the highway is
15 located shall give written notice to the department and the
16 transferee of its consent to or rejection of the agreement.
17 If the board of supervisors or city council fails to give such
18 notice, consent to the agreement is deemed given and the
19 department may execute an agreement with the transferee.

20 Sec. 3. Section 313.2, Code 2005, is amended to read as
21 follows:

22 313.2 "ROAD SYSTEMS" DEFINED -- TRANSFER OF JURISDICTION
23 -- ROADSIDE PARKS.

24 1. The roads and streets of the state are, for the purpose
25 of this chapter, those roads and streets established under
26 chapter 306.

27 2. Whenever the board of supervisors of a county and the
28 department mutually determine that a portion of a highway
29 under the jurisdiction of either party should be transferred
30 to the jurisdiction of the other party, the board and
31 department may enter into an agreement to effect such
32 transfer; however, the department shall comply with section
33 306.8B to transfer a part of a highway that is located beyond
34 the county's boundaries. Such agreement may provide that each
35 party may undertake or share responsibility for improving said

1 road with the costs of such improvement to be borne entirely
2 by either the county or the department or equitably divided
3 between the two jurisdictions. All such improvements shall be
4 completed and all actual costs thereof paid or reimbursed
5 prior to the time transfer of the road is made. In carrying
6 out such agreement, the board of supervisors may expend
7 secondary road funds of the county and the department may
8 expend primary road funds.

9 3. However, prior to entering into the agreement, a notice
10 of intent to execute such agreement shall be published in a
11 newspaper of general circulation within the county and the
12 cost of such notice shall be jointly borne by the department
13 and the board of supervisors. If one hundred or more
14 residents of the county request by petition or in writing that
15 a hearing be held in regard to such agreement within ten days
16 after the publication of the notice, the board of supervisors
17 and the department shall hold such a hearing not more than
18 seven days after receiving the petition or written instrument,
19 and based upon evidence presented at such hearing shall re-
20 examine the merits of executing such agreement and make a
21 decision in regard to it.

22 4. The department may, for the purpose of affording access
23 to cities or state parks, or for the purpose of shortening the
24 direct line of travel on important routes, or to effect
25 connections with interstate roads at the state line, add such
26 road or roads to the primary system.

27 5. The department, either alone or in co-operation with
28 any county, shall have the authority to utilize any land
29 acquired incidental to the acquisition of land for highway
30 right of way and to also accept by gift, lands not exceeding
31 two acres in area for roadside parks and parking areas. The
32 department may furnish necessary maintenance. The department
33 shall also have authority to accept by gift, equipment or
34 other installations incidental to the use of said parks and
35 parking areas. Said parks and parking areas shall be a part

1 of the primary road system and the department may at its
2 discretion sell or otherwise dispose of said lands.

3 6. Reasonable maintenance and surveillance of rest area
4 sites and buildings located thereon shall be provided by
5 employees of the department within the limits of
6 appropriations provided for such purpose.

7 EXPLANATION

8 This bill relates to the transfer of jurisdiction of
9 highways which are under the jurisdiction of the state
10 department of transportation. The department may agree with a
11 county or city to transfer jurisdiction of a highway to the
12 county or city. The bill provides that the department cannot
13 agree to a transfer of that part of the highway that extends
14 beyond the transferee county's or city's boundaries without
15 the consent of the county or city, not party to the agreement,
16 in which the highway is located. The bill provides notice and
17 hearing procedures.

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