

Senate File 102 - Introduced

SENATE FILE 102
BY SINCLAIR

A BILL FOR

1 An Act relating to the classification and reclassification
2 of certain secondary roads, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 309.57, Code 2021, is amended to read as
2 follows:

3 **309.57 Area service classification.**

- 4 1. 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 three classifications termed area service "A", area
8 service "B", and area service "C". ~~The area~~
- 9 a. Area service "A" classification roads shall be maintained
10 in conformance with applicable statutes.
- 11 b. Area service "B" classification roads may have a lesser
12 level of maintenance as specified by the county board of
13 supervisors, after consultation with the county engineer.
- 14 c. Area service "C" classification roads may have restricted
15 access and a minimal level of maintenance as specified by the
16 county board of supervisors after consultation with the county
17 engineer.
- 18 ~~2. (1) Roads within area service "B" and "C"~~
19 ~~classifications shall have appropriate signs, conforming to~~
20 ~~the Iowa state sign manual, installed and maintained by the~~
21 ~~county at all access points to roads on this system from other~~
22 ~~public roads, to adequately warn the public they are entering a~~
23 ~~section of road which has a lesser level of maintenance effort~~
24 ~~than other public roads. In addition, area Area service "C"~~
25 ~~classification roads shall adequately warn the public that~~
26 ~~access is limited.~~
- 27 ~~3. (2) Roads may only be classified as area service "C"~~
28 ~~by ordinance or resolution. The ordinance or resolution shall~~
29 ~~specify the level of maintenance effort and the persons who~~
30 ~~will have access rights to the road. The county shall only~~
31 ~~allow access to the road to the owner, lessee, or person in~~
32 ~~lawful possession of any adjoining land, or the agent or~~
33 ~~employee of the owner, lessee, or person in lawful possession,~~
34 ~~or to any peace officer, magistrate, or public employee whose~~
35 ~~duty it is to supervise the use or perform maintenance of the~~

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

3 (3) An area service "C" classification shall apply to the
4 entire portion of a road between the road's access points. The
5 county board of supervisors shall not classify only part of a
6 road between the road's access points, or only a bridge on the
7 road, as area service "C". This subparagraph does not apply
8 to a road that terminates in a dead end. For purposes of this
9 subparagraph, "access point" includes but is not limited to a
10 driveway as defined in section 306.19.

11 ~~4.~~ (4) Notwithstanding [section 716.7, subsection 2,](#)
12 paragraph "b", subparagraph (2), entering or remaining upon
13 an area service "C" classification road without justification
14 after being notified or requested to abstain from entering or
15 to remove or vacate the road by any person lawfully allowed
16 access shall be a trespass as defined in [section 716.7.](#)

17 ~~5.~~ (5) A road with an area service "C" classification shall
18 retain the classification until such time as a petition for
19 reclassification is submitted to the board of supervisors. The
20 petition shall be signed by one or more adjoining landowners.
21 The board of supervisors shall approve or deny the request for
22 reclassification within sixty days of receipt of the petition.

23 ~~6.~~ 2. a. Roads within area service "B" and "C"
24 classifications shall have appropriate signs, conforming to
25 the manual of uniform traffic-control devices adopted by the
26 department, installed and maintained by the county at all
27 access points to roads on this system from other public roads,
28 to adequately warn the public they are entering a section of
29 road which has a lesser level of maintenance effort than other
30 public roads.

31 b. The county and officers, agents, and employees of
32 the county are not liable for injury to any person or for
33 damage to any vehicle or equipment, or contents of any vehicle
34 or equipment, which occurs proximately as a result of the
35 maintenance of a road which is classified as area service "B"

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

3 Sec. 2. APPLICABILITY. All area service "C"
4 classifications in effect on the effective date of this
5 Act that are not in compliance with this Act shall be expanded
6 or reclassified to meet the requirements of this Act on or
7 before January 1, 2022.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 Under current law, a county board of supervisors, after
12 consultation with the county engineer, and for purposes
13 of specifying levels of maintenance effort and access, may
14 classify an area service system into three classifications
15 termed area service "A", area service "B", and area service
16 "C". Area service "C" classification roads may have restricted
17 access, but must allow access to adjoining landowners, and
18 may have a minimal level of maintenance as specified by the
19 county board of supervisors after consultation with the county
20 engineer. A road with an area service "C" classification
21 retains the classification until such time as a petition
22 for reclassification is submitted to the county board of
23 supervisors. The petition must be signed by one or more
24 adjoining landowners.

25 This bill provides that an area service "C" classification
26 must apply to the entire portion of a road between the
27 road's access points. The bill prohibits a county board of
28 supervisors from classifying as area service "C" only part of a
29 road between the road's access points, or only a bridge on the
30 road. This provision does not apply to roads that terminate in
31 a dead end. The bill specifies that "access point" includes
32 but is not limited to a driveway.

33 The bill provides that all area service "C" classifications
34 currently in effect that are not compliant with the bill must
35 be expanded or reclassified to meet the requirements of the

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1 bill on or before January 1, 2022.

2 The bill makes organizational and conforming changes to Code
3 section 309.57.