

CHAPTER 167

DEPARTMENT OF TRANSPORTATION

H. F. 286

AN ACT relating to the duties, responsibilities and powers of the state department of transportation and the counties regarding secondary roads.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred seven A point two (307A.2), sub-
2 section one (1), Code 1975, is amended to read as follows:
3 1. Devise and adopt standard plans of highway construction ~~and~~
4 ~~maintenance~~, and furnish the same to the counties *and provide infor-*
5 *mation to the counties on the maintenance practices and policies of*
6 *the department.*

1 SEC. 2. Section three hundred seven A point two (307A.2), Code
2 1975, is amended by striking subsection four (4).

1 SEC. 3. Section three hundred nine point three (309.3), Code 1975,
2 is amended to read as follows:
3 **309.3 Secondary bridge system.** The secondary bridge system of
4 a county shall embrace all bridges and culverts ~~on all public highways~~
5 ~~within the county except on primary roads and on highways within cit-~~
6 ~~ies which control their own bridge levies, except that culverts which are~~
7 ~~thirty-six inches or less in diameter shall be constructed and main-~~
8 ~~tained by the city in which they are located on secondary roads as de-~~
9 ~~finied in section three hundred six point three (306.3), subsection~~
10 ~~four (4) of the Code.~~

1 SEC. 4. Section three hundred nine point seven (309.7), Code 1975,
2 is amended to read as follows:
3 **309.7 Levy for construction and maintenance.** The board of su-
4 pervisors may annually, ~~at its September session as a part of its regu-~~
5 ~~lar budget preparation~~, levy for secondary road construction and
6 maintenance purposes:
7 1. A tax of not to exceed three dollars and three-eighths cent per
8 thousand dollars of assessed value of all taxable property in the county
9 except on property within cities ~~which control their own bridge levies.~~
10 2. A tax not to exceed sixteen and seven-eighths cents per thousand
11 dollars of assessed value of all taxable property in the county.

1 SEC. 5. Section three hundred nine point twenty-two (309.22), Code
2 1975, is amended to read as follows:
3 **309.22 Construction program or project—progress report by en-**
4 **gineer.** On or before the first day of December of each year the
5 board of supervisors shall, subject to the approval of the department,
6 adopt a ~~comprehensive program~~ *project accomplishment list for the*
7 *next calendar year, and a project priority list for the next calendar*
8 *year succeeding four years* based upon the construction funds, *local*
9 *secondary and farm-to-market*, estimated to be available for such
10 year. *Subject to departmental approval, any project on the approved*
11 *priority list may be advanced to and constructed in the accomplish-*
12 *ment year and the project accomplishment list may be revised due*
13 *to unforeseen conditions.*

14 At the close of each year, the county engineer as a part of his annual
15 report to the said department shall include a statement of the progress
16 made toward the completion of each project contained in the approved
17 ~~program~~ *project accomplishment list on which work was accom-*

18 *plished*, a statement of the total amount expended on each such proj-
 19 *ect* during the year, and a statement of what portion of the work on
 20 each such project was done on contract and the amount so expended on
 21 each contract for each such project.

1 SEC. 6. Section three hundred nine point fifty-six (309.56), Code
 2 1975, is amended to read as follows:

3 **309.56 Surveys and reports Project plans.** The survey and re-
 4 *port of plans for each section, project, on which contracts will be let*
 5 *pursuant to the provisions of sections three hundred nine point for-*
 6 *ty (309.40), three hundred nine point forty-two (309.42), and three*
 7 *hundred nine point eighty (309.80), of the Code as soon as completed*
 8 *and approved by the board of supervisors, shall be submitted to the de-*
 9 *partment, and the board of supervisors may designate to the said de-*
 10 *partment what sections which projects, in their estimation, should be*
 11 *first passed upon by said department. The said department shall pass*
 12 *on such reports and plans, and in so doing, shall take into consider-*
 13 *ation the thoroughness, feasibility, and practicability of such plans*
 14 *and may approve or modify the same.*

1 SEC. 7. Section three hundred nine point sixty-seven (309.67), Code
 2 1975, is amended to read as follows:

3 **309.67 Repair and dragging Duties of county board of supervi-**
 4 **sors and the county engineer.** The county board of supervisors and
 5 the engineer are charged with the duty of causing the secondary road
 6 system to be so repaired and dragged as to keep same in proper condi-
 7 tion, and shall adopt such methods as are is charged with the duty of
 8 establishing policies and providing adequate funds to properly
 9 maintain the secondary road system. The county engineer, pursu-
 10 ant to section three hundred nine point twenty-one (309.21) of the
 11 Code and board policy, shall adopt such methods and recommend
 12 such personnel and equipment necessary to maintain continuously, in
 13 the best condition practicable, the entire mileage of said system.

14 In addition to the above they shall specifically:

15 1. Keep all sluices, culverts, and bridges, and the openings thereof,
 16 and all side ditches of the road, free from obstructions.

17 2. Provide such side ditches with ample outlets.

18 3. Remove loose stones and other impediments from the traveled
 19 part of the highway.

20 4. Fill depressions and keep the road free from ruts, water pockets,
 21 and mud holes.

22 5. Repair the approaches to bridges and culverts and keep such ap-
 23 proaches smooth and free from obstruction.

1 SEC. 8. Section three hundred nine point seventy-three (309.73), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Bridges and culverts on highways or on parts thereof, which are lo-
 5 cated along the corporate limits of cities and which are partly within
 6 and partly without such limits and which highways are in whole or in
 7 part secondary roads, shall be constructed under plans and specifica-
 8 tions, jointly agreed on by the city council and board of supervisors,
 9 and approved by the department. The city and county shall share
 10 equally proportionally in the cost. All matters in dispute between such
 11 city and county relative to such bridges and culverts shall be referred
 12 to the department and its decision shall be final and binding on both
 13 the city and county.

1 SEC. 9. Section three hundred nine point seventy-five (309.75),
2 Code 1975, is amended to read as follows:

3 **309.75 Definitions.** The term "culvert" shall include ~~all water-~~
4 ~~way structures having a total clear span of twelve feet or less, any~~
5 ~~structure not classified as a bridge which provides an opening un-~~
6 ~~der any roadway except that such term shall not include tile crossing~~
7 ~~the road, or intakes thereto, where such tile are a part of a tile line or~~
8 ~~system designed to aid subsurface drainage.~~

9 The term "bridge" shall include ~~all waterway structures having a~~
10 ~~clear span in excess of twelve feet any structure including supports,~~
11 ~~erected over a depression or an obstruction, as water, a highway or~~
12 ~~railroad, and having a track or passageway for carrying traffic or~~
13 ~~other moving loads and having a length measured along the center~~
14 ~~of the roadway of more than twenty feet between the undercopings~~
15 ~~of abutments or extreme ends of openings for multiple boxes.~~

16 *The length of a bridge structure is the overall length measured*
17 *along the line of survey stationing back to back of backwalls and*
18 *abutments, if present, or otherwise from end to end of the bridge*
19 *floor, but in no case less than the total clear opening of the struc-*
20 *ture.*

1 SEC. 10. Section three hundred nine point eighty-five (309.85),
2 Code 1975, is amended to read as follows:

3 **309.85 Bridges over state boundary line streams.** Ten percent
4 of the legal voters, as shown by the returns of the last general election,
5 of any county bordering upon a stream of water which forms the
6 boundary line of this state, may petition the board of supervisors to
7 submit to the voters the question whether such county shall be autho-
8 rized to construct and maintain a ~~foot and wagon~~ bridge extending
9 from such county across such boundary line river. Said petition shall
10 state the amount to be expended for said purpose.

1 SEC. 11. Section three hundred nine point ninety-four (309.94),
2 Code 1975, is amended to read as follows:

3 **309.94 Review by department.** The department shall have the
4 power to approve or disapprove the budget adopted by the board of su-
5 pervisors. If the budget is not approved, the department shall list the
6 disapproved expenditures and shall state the reasons for disapproval
7 when the budget is returned to the county. The department shall act
8 upon a budget and return the budget to the county within forty-five
9 days after the budget is received by the department. Upon disapproval
10 of any proposed expenditure in a budget, the county may submit a re-
11 vised budget to the department for approval. The department shall act
12 upon such a revised budget within ~~ten~~ *thirty* days.

1 SEC. 12. Section three hundred nine point ninety-five (309.95),
2 Code 1975, is amended to read as follows:

3 **309.95 Amendments.** The budget shall be binding except that
4 should bona fide unforeseen ~~or emergency~~ conditions arise, the board
5 of supervisors may amend such budget during the year for which it was
6 adopted. Such amendments shall be submitted to the department for
7 approval with a statement of the reasons necessitating the amendment.
8 The department shall approve or disapprove such amendments in the
9 same manner as original budget estimates except that the department
10 shall act upon and return such amendments within ~~fifteen~~ *thirty* days
11 after their receipt by the department. The department acting upon
12 budget amendments is directed to approve only such amendments as
13 are actually necessitated by ~~emergency~~ *unforeseen* conditions.

1 SEC. 13. Section three hundred ten point fourteen (310.14), Code
2 1975, is amended as follows:

3 **310.14 Bids—department or county supervisors.** When the ap-
4 proved plans and specifications for any farm-to-market ~~road funded~~
5 project are filed with the department, it shall, if the estimated cost ex-
6 ceeds one thousand dollars, proceed to advertise for bids and make rec-
7 ommended award of contract. Said recommended award of contract
8 shall be submitted to the board of supervisors of the county in which
9 said project is located for its concurrence. Upon receiving the concur-
10 rence of the county board on said recommended contract award, the
11 department shall take final action awarding said contract. Provided,
12 that the said department shall determine and advise the county board
13 as to any approved farm-to-market road project which is to be financed
14 without the use of federal funds. On such project the above procedure
15 ~~shall may~~ be reversed. ~~The and the~~ county board ~~shall~~ advertise for
16 bids, and, subject to concurrence by the department, award contract for
17 the construction work.

1 SEC. 14. Section three hundred ten point twenty-seven (310.27),
2 Code 1975, is amended to read as follows:

3 **310.27 Period of allocation—reversion.** The farm-to-market
4 road fund allotted to any county as provided in this chapter shall re-
5 main available for expenditure in said county for three years after the
6 close of the fiscal year during which said sums respectively were allo-
7 cated. Any sum remaining unexpended at the end of the period during
8 which it is available for expenditure, shall be reapportioned among all
9 the counties as provided in section 312.5 for original allocations.
10 For the purposes of this section, any sums of the farm-to-market
11 road fund allotted to any county shall be presumed to have been
12 “expended” when a contract shall have been ~~let by the department~~
13 *awarded* obligating said sums. *If a county does not plan to utilize its*
14 *allotted funds in any period up to one year, the funds may be tem-*
15 *porarily allocated to another county, at no interest, by written*
16 *agreement between the counties involved. The total of the temporar-*
17 *ily allocated funds received by a county shall not exceed the total*
18 *anticipated funds to that particular county’s farm-to-market fund*
19 *in the succeeding fiscal year and total reimbursement shall be com-*
20 *pleted by the end of the succeeding fiscal year.*

1 SEC. 15. Sections three hundred nine point ten (309.10) and three
2 hundred ten point thirty-two (310.32), Code 1975, are repealed.

1 SEC. 16. This Act, being deemed of immediate importance, shall
2 take effect, and be in force upon its publication in The Algona Upper
3 Des Moines, a newspaper published in Algona, Iowa and The Hum-
4 boldt Republican, a newspaper published in Humboldt, Iowa.

Approved April 16, 1975

I hereby certify that the foregoing Act, House File 286, was published in The Algona Upper Des Moines, Algona, Iowa, April 24, 1975, and in The Humboldt Republican, Humboldt, Iowa, April 23, 1975.

MELVIN D. SYNHORST, *Secretary of State*