

WHEREAS, absent any action by the board of supervisors, section 49.4 provides that civil townships shall constitute election precincts; NOW THEREFORE,

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

Section 1. That the action of February 1, 1982, by the board of supervisors of Dubuque county making Cascade and Whitewater townships separate election precincts is legalized and confirmed and the townships shall constitute separate election precincts.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Mount Ayr Record-News, a newspaper published in Mount Ayr, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

Approved April 23, 1982

I hereby certify that the foregoing Act, House File 2427 was published in the Mt. Ayr Record-News, Mt. Ayr, Iowa on April 29, 1982 and in The Waterloo Courier, Waterloo, Iowa, on April 29, 1982.

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1981, there being no newspaper by the name of The Waterloo Courier, published in Waterloo, Iowa, I hereby designate the Waterloo Courier, published in Waterloo, Iowa to publish the foregoing Act, House File 2427.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1110

SECONDARY AND FARM-TO-MARKET HIGHWAYS

H.F. 2469

AN ACT relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways.

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

Section 1. Section 309.42, Code 1981, is amended to read as follows:

309.42 ~~APPROVAL~~ REVIEW OF ROAD, BRIDGE OR CULVERT CONTRACTS. Contracts for road, bridge or culvert construction work which, according to the engineer's estimate, involve a cost of more than twenty thousand dollars in the aggregate shall be first approved reviewed by the department to assure compliance with this chapter before the same shall be contracts are effective as a contract.

Sec. 2. Section 309.56, Code 1981, is amended to read as follows:

309.56 **PROJECT PLANS.** The plans for each project, on which contracts will be let pursuant to the provisions of sections 309.40, and 309.42 ~~and 309.80~~ as soon as approved by the board of supervisors, shall be submitted to the department, and the board of supervisors may designate to the department which projects, in their estimation, should be first passed upon by said the department. The department shall pass on such reports and plans, and in so doing, shall take into consideration the thoroughness, feasibility, and practicability of such the plans.

Sec. 3. Section 309.68, Code 1981, is amended to read as follows:

309.68 **INTERCOUNTY HIGHWAYS.** Boards of supervisors of adjoining counties in this state shall, subject to the approval of the department:

1. Make proper connections between roads which cross county lines and which afford continuous lines of travel.

2. Adopt plans and specifications for road, bridge, and culvert construction, reconstruction, and repairs upon highways along and across county boundary lines, and make an equitable division between said counties of the cost and work attending the execution of such the plans and specifications.

3. Make joint agreements for the location, construction, and maintenance of roads under their jurisdiction wholly within one county to provide road access to lands in an adjoining county, when such the location provides the most economical and practical method of providing such road access. The expense of constructing and maintaining such a the road shall be equitably shared by the counties in such a proportion as the boards may determine.

Sec. 4. Section 309.69, Code 1981, is amended to read as follows:

309.69 ENFORCEMENT OF DUTY. In case such boards fail to perform such duty, the department may, on its own motion, or in case said If the boards are unable to agree and one of said the boards appeals to said the department, said the department shall notify the auditors of the interested counties that it will, on a day not less than ten days hence, at a named time and place within any of said the interested counties, hold a hearing to determine all matters relating to such any anticipated duty. At said the hearing the department shall fully investigate all questions pertaining to said the disputed matters, and shall, as soon as practicable, certify its decision to the different boards, which decision shall be final, and said the boards shall forthwith comply with said the order in the same manner as though such the work was located wholly within the county.

Sec. 5. Section 309.75, Code 1981, is amended to read as follows:

309.75 DEFINITIONS. The term "culvert" shall include "Culvert" includes any structure not classified as a bridge which provides an opening under any roadway, except that such this term shall does not include tile crossing the road, or intakes thereto, where such the tile are a part of a tile line or system designed to aid subsurface drainage.

The term "bridge" shall include "Bridge" includes any structure including supports, erected over a depression or an obstruction, as water, a highway, or railroad, and having railway. A bridge has a track or passageway for carrying traffic or other moving loads and having a length has an opening measured along the center of the roadway of more than twenty feet between the undercroppings of abutments or extreme ends of openings for multiple boxes. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures.

The length of a bridge structure is the overall length measured along the line of survey stationing measurement from back to back of backwalls and abutments, if present, or otherwise from end to end of the bridge floor, but in no case less than the total clear opening of the structure measured along the center of the roadway.

Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this section.

Sec. 6. Section 310.9, Code 1981, is amended to read as follows:

310.9 PROJECTS APPROVED AUTHORIZED BY DEPARTMENT. Before approving authorizing for letting any farm-to-market road project, the department shall satisfy itself that the county engineer's office in that county is organized, equipped and financed to discharge satisfactorily the duties herein required in this chapter.

Sec. 7. Section 310.13, Code 1981, is amended to read as follows:

310.13 SURVEYS, PLANS AND ESTIMATES. If the department approves a project submitted by the board of supervisors, the The county engineer shall proceed to make or cause to be made, the surveys, plans and estimates for said any project, and submit the same them to the board of supervisors for approval and the department for approval authorization for letting. The construction work on said a project shall be done in accordance with said approved the plans, except insofar as the same may be they are modified to meet unforeseen or better understood conditions; and no such modification shall be deemed an invalidating matter.

Sec. 8. Section 310.14, Code 1981, is amended to read as follows:

310.14 BIDS—DEPARTMENT OR COUNTY SUPERVISORS. When the approved plans and specifications for any farm-to-market funded project are filed with and authorized for letting by the department, it shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids and make recommended a recommendation to award of or reject a contract. Said recommended The recommendation to award of a contract shall be submitted to the board of supervisors of the county in which said the project is located for its concurrence approval and award of contract. Upon receiving the concurrence approval of the county board on said the recommended contract award, the department shall take final action awarding said to concur in the award of the contract. Provided, that the said department shall determine and advise the county board as to any approved farm-to-market road project which is to be financed without the use of federal funds. On such For a project without federal funds the above procedure may be reversed and the county board shall may be authorized to advertise for bids, and, subject to concurrence by the department, award a contract for the construction work.

Sec. 9. Section 310.19, Code 1981, is amended to read as follows:

310.19 SUPERVISION AND INSPECTION OF WORK. The county engineer is charged with the duty of supervision, inspection and direction of the work of construction of farm-to-market road projects under this chapter. In such this capacity, the county engineer shall be under the supervision of the department is responsible for the efficient, economical, and good-faith performance of the work.

Sec. 10. Section 310.22, Code 1981, is amended to read as follows:

310.22 RIGHT OF WAY—HOW ACQUIRED. Right of way for farm-to-market road projects under this chapter shall be acquired by the county in accordance with chapter 306 and chapter 316.

Sec. 11. Section 310.29, Code 1981, is amended to read as follows:

310.29 MAINTENANCE BY COUNTY. Any farm-to-market road constructed under the provisions of this chapter shall be maintained by the county in a manner satisfactory to the federal authorities and to the department. Should If any county fail fails to so satisfactorily maintain any such road that is part of the federal aid secondary system, the department shall give the board of supervisors notice of that fact. If within sixty days after receipt of such notice the said highway has not been placed in proper condition of maintenance the department shall proceed immediately to have such highway placed in proper condition of maintenance and charge the cost thereof against said county's allotment of the farm-to-market road fund may withhold authorization for letting of any project using farm-to-market funds until a proper condition of maintenance has been restored. The amount so expended for maintenance work by the department shall be reimbursed to said county's allotment of the farm-to-market road fund, from said county's secondary road maintenance fund, before any more farm-to-market road projects in said county are approved by the department.

Sec. 12. Sections 309.70, 309.71, and 309.80, Code 1981, are repealed.