

**CHAPTER 134****STREETS, ROADS, AND COMMERCIAL AND INDUSTRIAL HIGHWAYS***S.F. 408*

**AN ACT** relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

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

Section 1. Section 306.4, subsection 3, Code 1989, is amended to read as follows:

3. Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. ~~The parties exercising~~ When concurrent jurisdiction shall enter into agreements with each other is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs thereof.

When the two parties cannot initially come to agreement as to the division of costs under this subsection, they shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association.

Sec. 2. Section 306.9, Code 1989, is amended to read as follows:

**306.9 DIAGONAL ROADS – RESTORING AND IMPROVING EXISTING ROADS.**

It is declared to be the policy of the state of Iowa that relocation of primary highways through cultivated land shall be avoided to the maximum extent possible. ~~Whenever~~ When the volume of traffic for which the road is designed or other conditions, including designation as part of the network of commercial and industrial highways, require such relocation, diagonal routes shall be avoided wherever if feasible and prudent alternatives consistent with efficient movement of traffic exist.

~~It is further declared that~~ The improvement of two-lane roads shall utilize the existing right of way right-of-way unless alignment or other conditions, including designation as part of the network of commercial and industrial highways, make changes imperative, and when any a two-lane road is expanded to a four-lane road, the normal procedure would shall be that the additional right of way would right-of-way be contiguous to the existing right of way right-of-way unless relocated for compelling reasons, including the need to provide efficient movement of traffic on the network of commercial and industrial highways. This policy shall does not apply to any a highway project for which the corridor has been approved by the state department of transportation and which the corridor has been finalized by September 1, 1977.

~~It is further declared to be the policy of the state of Iowa that on construction of roads classified as freeway-expressway and which are designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary as determined by the department to ensure the safe and efficient movement of traffic or to comply with federal aid requirements.~~

Unless otherwise required by the federal law or regulation, it is also the policy of this state that road use tax fund moneys shall be used to rehabilitate or reconstruct existing roads, streets, and bridges using substantially existing right of way right-of-way. This paragraph shall does

not apply where additional ~~right of way~~ right-of-way is needed for the construction or completion of designated interstate or city routes and highway bypasses or highways designated as part of the network of commercial and industrial highways.

Sec. 3. Section 307.36, Code 1989, is amended to read as follows:  
307.36 PROJECT NEEDS — RETENTION OF PROPERTY.

It is the intent of the general assembly that not later than July 1, 1992, the state department of transportation shall dispose of all right-of-way owned by the department and not needed for projects. In determining need, the department shall consider both its five-year program requirements and its long-range, statewide corridor development needs, including the development of the network of commercial and industrial highways. The department may also act to preserve right-of-way for improvements to the network of commercial and industrial highways by acquiring options, easements, rights of first refusal, or other property interests less than fee title. In determining need based upon long-range, statewide corridor development, the department shall give careful consideration to economically depressed urban areas not served directly by the national system of interstate and defense highways.

Sec. 4. Section 307A.2, subsection 14, unnumbered paragraph 2, Code 1989, is amended to read as follows:

~~15. The commission shall identify~~ Identify, within the primary road system, a network of commercial and industrial highways in accordance with section 313.2A. The improvement of this network shall be considered in the development of the long-range program and plan of improvements under this section.

Sec. 5. NEW SECTION. 313.2A COMMERCIAL AND INDUSTRIAL HIGHWAYS.

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network except as provided in subsection 4.

2. NETWORK SELECTION. The commission shall identify, within the primary road system, a network of commercial and industrial highways. The commission shall consider all of the following factors in the identification of this network:

a. The connection by the most direct routes feasible of major urban areas and regions of the state to each other and to the national system of interstate and defense highways and priority routes in adjacent states.

b. The existence of high volumes of total traffic and commercial traffic.

c. Long distance traffic movements.

d. Area coverage and balance of spacing with service to major growth centers within the state.

The network of commercial and industrial highways shall not exceed two thousand five hundred miles including municipal extensions of these highways.

3. STANDARDS. The department shall establish standards pertaining to the specific location, design, and access control for each segment of the commercial and industrial highways.

4. JURISDICTIONAL TRANSFERS. When the construction, reconstruction, relocation, or other improvement to the network of commercial and industrial highways results in a change in the function of a bypassed primary road, municipal extension of a primary road, or other connecting road, the department, upon approval of the state transportation commission, shall

transfer jurisdiction of the road to the city or county as appropriate. Before the transfer takes place the department shall place the road and any structures on the road in good repair for continued maintenance or provide for the transfer of money to the appropriate jurisdiction sufficient for the repairs to the road and any structures on the road. If the department cannot come to agreement with the jurisdiction to which the road is transferred as to the necessary repairs, they shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the parties. If after submitting to mediation the parties still cannot come to agreement as to the necessary repairs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association. Section 306.43 does not apply to transfers of jurisdiction under this subsection.

Sec. 6. Section 313.21, Code 1989, is amended to read as follows:

313.21 PRIMARY EXTENSION IMPROVEMENTS IN CITIES.

The department, ~~is hereby given authority, subject to the approval of upon consultation with the council, to may~~ construct, reconstruct, improve, and maintain extensions of the primary road system within any city, including the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto, ~~provided that such.~~ However, the improvement, exclusive of storm sewers, shall not exceed in width that of the primary road system and the amount of funds expended in any one year shall not exceed thirty-five percent of the primary road construction fund.

The phrase "subject to approval of the council," as it appears in this section, shall be construed as authorizing department shall consult with the council to consider said the proposed improvements improvement in its relationship to municipal improvements (such as sewers, water lines, sidewalks, and other public improvements, and the establishment or re-establishment of street grades). The location of ~~said the~~ primary road extensions and the location, design, and degree of access control for improvements to them shall be determined by the department.

Sec. 7. Section 313.42, Code 1989, is amended to read as follows:

313.42 DEFINITION DEFINITIONS.

As used in this chapter, unless the context otherwise requires, "department":

1. "Department" means the state department of transportation.
2. "Commission" means the state transportation commission.

Sec. 8. Section 314.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The agency in control of ~~any a secondary road or any primary road is authorized,~~ subject to approval of the council, ~~to may~~ eliminate danger at railroad crossings and ~~to~~ construct, reconstruct, improve, repair, and maintain any road or street which is an extension of ~~such the secondary road within any a city.~~ ~~Provided, that~~ However, this authority shall does not apply to the extensions of secondary roads located in cities over twenty-five hundred population, where the houses or business houses average less than two hundred feet apart.

Approved May 5, 1989