

January 17, 1951.
Roads and Highways.

House File 83
By BROWN and GOODE.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend, revise and codify chapter three hundred nine (309), Code 1950, and to repeal section three hundred twenty-one point three hundred fifty-one (321.351), Code 1950, relating to secondary roads.

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

1 Section 1. The board of supervisors of each county shall
2 maintain the secondary roads of said county in the best practicable
3 manner and shall proceed to the improvement of the secondary roads
4 of said county as rapidly as funds become available therefor.
5 Improvements shall be made and work carried on in such manner as
6 to equalize the condition of the secondary roads, as nearly as
7 possible, in all parts of the county.

1 Sec. 2. The board of supervisors may annually, at its
2 September session, levy for secondary road construction and
3 maintenance purposes

4 a. A tax of not to exceed two and one-half mills on the
5 dollar on all taxable property in the county except on
6 property in cities which control their own bridge levies.

7 b. A tax of not to exceed eight and five-eighths mills on
8 the dollar on all taxable property in the county, except on

9 property within cities and towns, provided, that no county shall
10 be required, as a condition precedent to being eligible to
11 receive farm-to-market road funds on an equalization basis,
12 to levy in excess of five and five-eighths mills.

13 c. A tax not to exceed five-eighths mills on the dollar on
14 all taxable property in the county.

1 Sec. 3. There is hereby created a secondary road fund which
2 fund shall embrace

3 a. All funds derived from the foregoing secondary road tax
4 levies.

5 b. All funds allotted to the county from the state road use
6 tax fund.

7 c. All funds provided by individuals for the improvement of
8 any secondary road from their own contribution.

9 d. All other funds which may by law be dedicated to said
10 fund.

1 Sec. 4. The secondary road fund is hereby appropriated for
2 and shall be used in the payment of

3 1. Construction and reconstruction of secondary roads and
4 costs incident thereto.

5 2. Maintenance and repair of secondary roads and costs
6 incident thereto.

7 3. Special drainage assessments levied on account of
8 benefits to secondary roads.

9 4. Any bonds of the county issued on account of secondary
10 roads, bridges or culverts constructed by the county.

11 5. Any legal obligation or contract in connection with
12 secondary roads and bridges which the statutes require
13 to be taken over and assumed by the county, and

14 6. Secondary road equipment, materials, supplies, and
15 garages or sheds for the storage, repair and servicing thereof.

1 Sec. 5. The board of supervisors shall not later than March
2 first adopt a budget of the secondary road fund for the ensuing
3 year, showing the amount budgeted for each of the items listed
4 in the preceding section for which secondary road funds may be
5 expended. Said budget may be reviewed and revised by the board
6 of supervisors at any time during the year to meet unforeseen or
7 emergency conditions. Such budget of secondary road funds and
8 any revision thereof shall be approved by the state highway
9 commission before becoming effective.

1 Sec. 6. Sixty-five percent of the secondary road funds
2 budgeted for construction or reconstruction in any county in any
3 year shall be expended on those secondary roads which are
4 designated as farm-to-market roads, until such time as the entire
5 mileage of farm-to-market roads in said county has been built to
6 grade, bridged and surfaced with gravel, stone, or other material
7 suitable for the traffic thereon. The remainder of the secondary
8 road fund budgeted for construction or reconstruction shall be
9 spent on local secondary roads. Provided that in case of an
10 emergency created by floods, or other natural causes, the division
11 of secondary road construction funds between farm-to-market roads
12 and local secondary roads may, on request of the board of

13 supervisors and approval of the state highway commission, be varied
14 from that specified in this section.

1 Sec. 7. Culverts thirty-six inches or less in diameter,
2 located in any town or city, shall be constructed and maintained
3 by such town or city. Culverts over thirty-six inches in diameter,
4 and bridges, located in any town or in any city which does not
5 control its own bridge fund, shall be constructed and maintained
6 by the county board of supervisors and the cost paid out of the
7 secondary road fund.

1 Sec. 8. Section three hundred nine point twenty-two (309.22),
2 Code 1950, is hereby amended by striking from lines two (2) and
3 three (3) of said section the words "or years"; also by striking
4 from lines seven (7) and eight (8) of said section the words "or
5 years, not exceeding three years."

1 Sec. 9. Section three hundred nine point twenty-six (309.26),
2 Code 1950, is hereby amended by inserting after the word "shall"
3 in line three (3) of said section the words "not later than
4 December"; also by inserting after the word "program" and
5 preceding the comma (,) in line five (5) of said section the
6 words "for the next calendar year."

1 Sec. 10. Section three hundred nine point twenty-eight
2 (309.28), Code 1950, is hereby amended by striking lines seven
3 (7) and eight (8) of said section, and substituting the following
4 in lieu thereof, "shall state his reasons therefor."

5 The said engineer's report shall be filed with the county
6 board not later than February first of the year to which the

7 proposed secondary road construction program is intended to
8 apply.”

1 Sec. 11. The county board shall, after consulting with
2 the township trustees of the various townships in the county,
3 and not later than March first, finally adopt the construction
4 program of secondary roads for said county for the ensuing
5 year. The program as adopted by the county board shall, subject
6 to approval by the state highway commission, be final. At the
7 close of said year, the county engineer, as a part of his annual
8 report to the state highway commission, shall show the progress
9 made toward the construction of said approved program.

1 Sec. 12. Section three hundred nine point thirty-nine
2 (309.39), Code 1950, is hereby amended by striking from lines
3 six (6), seven (7) and eight (8) of said section the following
4 “, and no traveled roadway shall be less than twenty-two feet
5 from shoulder to shoulder”.

1 Sec. 13. Section three hundred nine point seventy-four
2 (309.74), Code 1950, is hereby repealed and the following is
3 enacted as a substitute therefor.

4 “Bridges, culverts and grades constructed on secondary roads
5 shall have at least the following clear roadway width:

6 a. Bridges, sixteen (16) feet between handrails.

7 b. Culverts, twenty (20) feet between headwalls or roadway
8 shoulders.

9 c. Grade or roadbed, twenty-two (22) feet shoulder to
10 shoulder.

1 Sec. 14. Section three hundred nine point forty-two
2 (309.42) and three hundred nine point eighty (309.80), Code 1950,
3 are hereby repealed and the following enacted in lieu thereof.

4 “Any proposed contract for road construction work which will
5 cost more than two thousand dollars per mile or more than five
6 thousand dollars in the aggregate, or for any one bridge or
7 culvert or repairs thereon which will cost more than two thousand
8 dollars, shall be approved by the state highway commission before
9 becoming effective as a contract.”

1 Sec. 15. Section three hundred nine point eighteen (309.18),
2 Code 1950, is hereby amended by striking all of said section after
3 the word “road” in line five (5) thereof and substituting the
4 following, “fund or from both of said funds.”

1 Sec. 16. Section three hundred nine point fifty-six (309.56),
2 Code 1950, is hereby amended by striking all of said section after
3 the word “commission” in line five (5) thereof and substituting
4 the following, “for approval. The said commission may approve or
5 modify the same.”

1 Sec. 17. Section three hundred nine point seventy-three
2 (309.73), Code 1950, is hereby amended by striking from lines
3 one (1) and two (2) of said section the words “on highways or
4 parts thereof” and substituting the words “secondary roads”,
5 also by striking from lines five (5), six (6) and seven (7) of
6 said section the words “and which highways are in whole or in
7 part secondary roads.”

1 Sec. 18. Section three hundred nine point sixty-nine

2 (309.69), Code 1950, is hereby amended by striking lines one
3 (1), two (2), three (3) and four (4), and the words “and one
4 of said boards appeals to said”, in line five (5), and
5 substituting the following in lieu thereof, “In case said
6 boards are unable to agree and one of said boards appeals
7 to the state highway”.

1 Sec. 19. Section three hundred nine point seventy-five
2 (309.75), Code 1950, is hereby amended by striking the word
3 “twelve” in line three (3) and in line ten (10) of said section
4 and substituting the word “twenty” in each of said lines.

1 Sec. 20. The classification of secondary roads into
2 “county trunk roads” and “local county roads” is hereby
3 abolished. Wherever in any statute the words “county trunk
4 road”, “county road” or “local county road” appear, they shall
5 be construed to mean “secondary road.”

1 Sec. 21. Sections three hundred nine point three (309.3)
2 to three hundred nine point sixteen (309.16), both inclusive,
3 three hundred nine point twenty (309.20), three hundred nine
4 point twenty-three (309.23), three hundred nine point twenty-
5 five (309.25), three hundred nine point twenty-seven (309.27),
6 three hundred nine point twenty-nine (309.29) to three hundred
7 nine point thirty-three (309.33), both inclusive, three hundred
8 nine point thirty-seven (309.37), three hundred nine point
9 thirty-eight (309.38), three hundred nine point forty-six (309.46),
10 to three hundred nine point fifty-five (309.55) both inclusive, three
11 hundred nine point fifty-eight (309.58), three hundred nine

- 12 point eighty-five (309.85) to three hundred nine point
- 13 eighty-nine (309.89), both inclusive, three hundred nine point
- 14 ninety-one (309.91), and three hundred twenty-one point three
- 15 hundred fifty-one (321.351), Code 1950, are hereby repealed.

EXPLANATION OF H. F. 83

This bill pertains to chapter 309, Code 1950, and section 321.351, Code 1950, relating to secondary roads.

In the transition of our highway laws from the horse and buggy days to the motor vehicle age, there have heretofore been two major legislative enactments relating to secondary roads—the “Balkema-Brockway Bill” of 1913 (chapter 122, Laws of the 35th G. A.) and the “Bergman Secondary Road Law” of 1929 (chapter 20, Laws of the 43rd G.A.). This bill is of the same general character. Principally this bill seeks to eliminate dead, useless, and obsolete code sections and language, relating to secondary roads. In addition this bill proposes revisions of the secondary road law to harmonize with the rapidly changing secondary road problems brought on by the motorizing of nearly all highway traffic.