



**INSTRUCTIONAL MEMORANDUMS  
To County Engineers**

To County Engineers	Date August 2003
From Office of Local Systems	IM No. 1.12
Subject References to the Iowa Code	

This I.M. provides a list of Iowa Code references that are relevant to county engineers. This list is not exhaustive. However, the references listed include most of the Iowa Code sections that govern the functions of the county engineer and the secondary road departments. When another I.M. references a code section or chapter listed below, that I.M. is identified in the "I.M. Ref." column. Chapter references and titles are shown in **bold**.

Chapter or Section	Chapter or Section Title	Remarks or Description of Contents	I.M. Ref.
<b>6A</b>	<b>Eminent Domain Law (Condemnation)</b>		
<b>6B</b>	<b>Procedure Under Eminent Domain</b>	Public notification and condemnation procedures.	
<b>20</b>	<b>Public Employment Relations</b>	Employer / employee relationships and the rights and duties of each.	
<b>22</b>	<b>Examination of Public Records (Open Records)</b>		
<b>24</b>	<b>Local Budgets</b>	Property tax levy requirements, budget hearings, amendments, state appeal board, budget protests.	
<b>28E</b>	<b>Joint Exercise of Governmental Powers</b>	Agreements between agencies (28E Agreements).	
<b>73A</b>	<b>Public Contracts and Bonds</b>	Public improvements \$25,000 or higher require contracts, plans, specifications, public hearing, and bid letting.	
<b>74</b>	<b>Public Obligations Not Paid for Want of Funds</b>	Dealing with warrants, anticipatory warrants, improvement certificates, and anticipatory certificates	
<b>74A</b>	<b>Interest Rates for Public Obligations and Assessments</b>		
<b>75</b>	<b>Authorization and Sale of Public Bonds</b>	Votes in favor must equal 60% or more of total votes cast.	
<b>89B</b>	<b>Hazardous Chemical Risks -- Right to Know</b>	Division of Labor Services has enforcement powers.	
<b>306</b>	<b>Establishment, Alteration and Vacation of Highways</b>		<a href="#">2.11</a> <a href="#">4.03</a>

<b>Chapter or Section</b>	<b>Chapter or Section Title</b>	<b>Remarks or Description of Contents</b>	<b>I.M. Ref.</b>
306.3	Definition throughout Code	Defines the various road systems as used in the Code.	<a href="#">2.21</a>
306.4	Jurisdiction of Systems		
306.6	Farm-to-Market review board	FM Review Board reviews for approval any and all FM system modifications.	<a href="#">4.21</a>
306.6A	Farm-to-Market road system modifications	Instructions for modification of the FM road system.	
306.8	Transfer of Jurisdiction	Requires an agreement.	
306.10 - 306.18	Power to Establish, Alter or Vacate	Requirements relating to streets and highways.	<a href="#">4.03</a>
306.19	Right-of-Way -- Access -- Notice	Describes procedures to purchase or condemn ROW or close driveways.	
306.21	Plans, Plats and Field Notes Filed	Requirements for rural subdivisions.	
306.22 - 306.26	Sale of Unused Right of Way		<a href="#">4.03</a>
306.27 - 306.37	Changes for Safety, Economy and Utility	Changes in roads, streams or dry runs.	
306.41	Temporary Closing for Construction	Instructions for <b>all</b> road closings.	
306.42	Transfer of Rights-of-Way	Title transfers between agencies.	
306.44	Study of Road Systems		
306.50	Construction Program Notice	Must provide notice to the Soil and Water Conservation district commissioner's office.	
<b>306A</b>	<b>Controlled - Access Highways</b>		
306A.7	Authority of Local Units to Consent		
<b>306D</b>	<b>Scenic Routes</b>		
<b>307</b>	<b>Department of Transportation (DOT)</b>		
<b>307A</b>	<b>Transportation Commission</b>		
307A.2	Duties	Must develop and provide standard plans for highway construction to counties and provide information to counties regarding maintenance practices of the Iowa DOT.	
<b>309</b>	<b>Secondary Roads</b>		<a href="#">3.43</a>
309.1	Definitions	Provides definitions of bridges and culverts.	
309.10	Use of Farm-to-Market Road Fund	Procedures for transfer of Farm-to-Market (FM) funds to local secondary road fund.	<a href="#">2.03</a> <a href="#">2.04</a>

Chapter or Section	Chapter or Section Title	Remarks or Description of Contents	I.M. Ref.
309.16	Duty of Department	When requested, the Iowa DOT is available to the board of supervisors for advice.	
309.17	Engineer -- Term	Requirement to hire and term of employment for a county engineer.	
309.19	Adjacent Counties Joining in Employment	Requirements for a joint county engineer.	
309.21	Supervision of Construction and Maintenance Work	Work must be performed under direct and immediate supervision of the county engineer.	
309.22	Construction Project -- Progress Report by Engineer	Requirements for the secondary road construction program and annual report. (Annual report must include day labor, construction contracts and equipment purchase, rental or lease rates.)*	<a href="#">3.11</a>
309.23	Review by Department and Operation of Program		
309.35	When Surveys Required	Surveys and plans required when estimated costs exceed \$10,000 per mile.	
309.39	Contracts and Specifications	Minimum shoulder-to-shoulder roadway width is 22 feet.	
309.40	Advertisement and Letting	Work for which engineer's estimate is greater than \$50,000 must be advertised and let. Day Labor Limit.	<a href="#">3.43</a>
309.40A	Emergency Highway and Bridge Projects	Under certain conditions, the county may solicit bids without the advertisement requirements of Section 309.40 for emergency projects with a cost less than \$100,000.	
309.41	Optional Advertisement and Letting	Requirements for informal bid procedures. Can be used when the Engineer's estimate is less than \$50,000.	<a href="#">3.43</a>
309.46 - 309.55	Construction Fund Anticipated	Anticipation of funds and procedures to issue anticipatory certificates.	
309.57	Area Service Classification	Classification requirements for Area Service "B" and Area Service "C" roads.	<a href="#">2.22</a>
309.58	Action on Bond -- Limitation	Not less than 5 years for concrete work. Not less than 1 year for other types of work.	
309.61	Advance Payment of Payrolls		
309.63	Gravel Beds	Secondary Road funds may be used to purchase/condemn land for gravel for roads or to purchase gravel.	

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309.66	Use of Gravel Beds	Serious misdemeanor to use gravel for other than road purposes.	
309.67	Duties of County Board of Supervisors and the County Engineer	Board is charged with duty to set policies and provide adequate funds to maintain the secondary road system.	
309.68	Intercounty Highways	Duties of Boards of Supervisors to maintain county roads across county boundaries.	
309.69	Enforcement of Duty	Iowa DOT shall act as an arbitrator in a dispute between boards.	
309.74	Width of Bridges and Culverts	Minimum of 20 feet for culverts; 16 feet for bridges.	
309.79	Bridge Specifications	Iowa DOT shall furnish bridge and culvert standards and specifications to counties free of charge.	
309.81	Record of Plans	Plans, specifications and estimate must be on file with the county engineer before construction of a permanent bridge or culvert by contract or day labor.	
309.82	Record of Final Cost	Retain a permanent record for bridge and culvert projects.	
309.93 - 309.96	Itemized Statement	Requirements for county secondary road budget and detailed cost reporting for all project costs and equipment costs.	
<b>310</b>	<b>Farm-To-Market Roads</b>		
310.3 - 310.8	Funds	FM Funds – makeup, use and account balance.	
310.9	Projects Authorized by Department	Before letting any FM projects, the Iowa DOT must determine that the county engineer’s office is organized, equipped and financed to discharge its duties.	
310.10	Farm-to-Market System Defined	For definition, refer to Section 306.3.	
310.11	Participating County--Funds Reserved		<a href="#">3.11</a> <a href="#">3.211</a>
310.13	Surveys, Plans and Estimates	Must be submitted to county board of supervisors for approval and to the Iowa DOT for authorization for letting.	
310.14	Bids--Department or County Supervisors	FM projects with an estimated cost greater than \$1,000 must be advertised and let.	
310.16	Claims Charged to County Allotment		
310.18	Partial Payments During Construction	Explains who may approve claims.	

<b>Chapter or Section</b>	<b>Chapter or Section Title</b>	<b>Remarks or Description of Contents</b>	<b>I.M. Ref.</b>
310.19	Supervision and Inspection of Work	County Engineer's construction responsibilities on FM projects.	
310.20	Supervisors Resolution to State Treasurer	Secondary road funds may be transferred to FM fund by board of supervisors resolution.	<a href="#">2.01</a>
310.22	Right of Way--How Acquired	In accordance with Chapters 306 and 316.	<a href="#">3.31</a>
310.27	Period of Allocation -- Reversion -- Temporary Transfers	Reapportionment of unused FM funds to all counties 3 years after fiscal year of allocation. Borrow ahead provisions..	<a href="#">2.03</a> <a href="#">2.04</a>
310.28	Engineering and other Expense	Engineering, inspection and administration costs may be paid from FM funds, except for county engineer or Iowa DOT staff.	
310.29	Maintenance by County	FM roads on the federal aid system must be satisfactorily maintained. The Iowa DOT may withhold letting of any FM projects until the road is restored to satisfactory condition.	
310.34 - 310.36	Secondary Road Research Fund	Establishes funds and guidelines for use of funds. Requires the Iowa DOT to submit an annual report of the use of such funds.	
<b>311</b>	<b>Secondary Road Assessment Districts</b>		
311.5	Project in City		
311.7	Improvement by Private Funds	If owners of 75% of abutting land petition the board for improvement of a secondary road, the board may approve the petition and adjacent land owners would be assessed for at least 50% of the improvement costs.	
<b>312</b>	<b>Road Use Tax Fund</b>		
312.1	Fund Created		
312.2	Allocations From Fund		
312.2(8)		Details local tax effort requirements.	
312.2(15)		Provides ½ of 1% for traffic safety improvement projects.	
312.2(17)		Provides for county and city bridge construction funds.	<a href="#">2.02</a>
312.3	Apportionment to Counties and Cities		
312.5	Division of Farm-to-Market Road Funds		
<b>313</b>	<b>Primary Roads</b>		

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313.2	"Road Systems" defined--roadside parks	Requirements for transfers of jurisdiction.	
<b>313A</b>	<b>Interstate Bridges</b>		
313A.23	Political Subdivision May Aid		
<b>314</b>	<b>Administrative Provisions for Highways</b>		
314.1	Bidder's Statement of Qualifications--Basis for Awarding Contracts	The county has the option to reject all bids and build by day labor, provided the cost is less than the lowest bid.	<a href="#">3.43</a>
314.1A	Detailed Cost Accounting by Cities and Counties		
314.2	Interest in Contract Prohibited	County employees or officials may not have any direct or indirect interest in a contract for public improvements.	
314.3	Claims--Approval and Payment	County officials that approve claims for work not done according to the contract documents can be held personally liable for the amount of such claims.	
314.4	Partial Payments	Partial payments do not constitute final acceptance of the work.	
314.5	Extensions in Certain Cities	This provision allows a county to do work on a secondary road extension within a city. However, cities over 2,500 population where houses average less than 200 feet apart are excluded.	<a href="#">2.31</a>
314.6	Highways Along City Limits	FM highways along city corporate limits are considered part of the FM road system.	
314.7	Trees -- Ingress or Egress -- Drainage	Care must be used so as not to remove or injure trees unnecessarily. Roadway drainage must be directed into a natural channel.	
314.8	Government Markers Preserved	Restoration of section corners or other land monuments that are disturbed by construction is the duty of the engineer in charge of the project.	
314.9	Entering Private Property	After 30 days notice, a highway agency may enter private property for the purpose of conducting surveys, borings, soundings, appraisals, etc, in order to evaluate the proposed location of a highway.	
314.12	Borrow Pits--Topsoil Preserved	Borrow areas must be restored to prevent erosion.	

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314.14	Contracts set aside for Disadvantage Business Enterprises	Defines disadvantaged business enterprises (DBE) and provides for set aside contracts.	
314.15	Disadvantaged Enterprises -- Rules	Iowa DOT shall provide rules for affirmative actions requirements related to DBE participation in federal-aid projects.	
314.21	Living Roadway Trust Fund		
<b>315</b>	<b>Revitalize Iowa's Sound Economy Fund</b>	Provides for Revitalize Iowa's Sound Economy (RISE) program.	
315.6	Funding of Projects	Describes various funding mechanisms for qualifying projects.	
<b>317</b>	<b>Weeds</b>		
317.11	Weeds on Roads -- Harvesting of Grass	The Board of Supervisors have a duty to control weeds on roads under their jurisdiction.	
317.12	Weeds on Railroad or Public Land and Gravel Pits	Gravel pits infested with noxious weeds cannot be used as a source of gravel for public highways without previous treatment.	
<b>319</b>	<b>Obstructions in Highways</b>		<a href="#">3.211</a>
319.1	Removal	Counties are responsible to removing obstructions in roadways under their jurisdiction.	
319.2	Fences and Electric Transmission Poles	30 days notice must be given to owners of fences or poles before they can be removed.	
319.3	Notice	Notice must specify line to which poles or fences must be removed.	
319.4	Refusal to Remove		
319.9	Injunction to Restrain Obstructions		
319.10	Billboards and Signs		<a href="#">2.11</a>
319.13	Right and Duty to Remove		
319.14	Permit Required	No work in ROW without a permit.	
<b>320</b>	<b>Use of Highways for Sidewalks, Service Mains or Cattleways</b>	Board may permit sidewalks, gas and water lines (with conditions) in ROW.	
<b>321</b>	<b>Motor Vehicles and Law of the Road</b>		
321.233	Road Workers Exempted	Exemptions are provided for closed roads and while performing surface maintenance.	

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321.239	Counties May Restrict Parking of Vehicles		
321.249	School Zones	Cities and counties can establish school zones and use movable stop signs to stop traffic within an established school zone.	
321.255	Local Traffic Control Devices	Traffic control devices must conform to the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Iowa DOT.	<a href="#">2.21</a>
321.260	Interference with Devices, Signs, or Signals -- Unlawful Possession	Sign / signal vandalism and penalties.	
321.285	Speed Restrictions	Business, school, suburban, and rural speed limits set.	<a href="#">2.21</a>
321.345	Stop or Yield at Highways	Board may designate.	
321.346	Cost of Signs		
321.471 - 321.473	Local Authorities may Restrict	Provides for road and bridge weight limitations and embargoes.	
<b>321E</b>	<b>Vehicles of Excessive Size and Weight</b>	Single and annual trip permits.	
<b>327G</b>	<b>Fences, Crossings, Switches, Private Buildings, Spur Tracks and Reversion</b>	Highway / railroad crossing information and details.	
<b>331</b>	<b>County Home Rule Implementation</b>		
331.301	General Powers and Limitations	Law making (ordinance) powers of the Board.	
331.323	Powers Relating to County Officers -- Combining Duties		
331.341	Contracts	Contract requirements for county public improvement projects.	
331.342	Conflicts of Interest in Public Contracts		
331.361	County Property	Owning, leasing, buying, selling, or disposing of real property.	
331.362	Roads and Traffic	County rights and duties under home rule.	
331.422	County Property Tax Levies	Clarification for general, rural, and debt services.	
331.423	Basic Levies -- Maximums		
331.425	Additions to Levies--Special Levy Election	Details the requirements for a special levy election.	
331.427	General Fund	Describes the sources and distribution of the county general fund.	

<b>Chapter or Section</b>	<b>Chapter or Section Title</b>	<b>Remarks or Description of Contents</b>	<b>I.M. Ref.</b>
331.428	Rural Services Fund	Describes the sources and distribution of the rural services fund.	
331.429	Secondary Road Fund	Secondary road funds may be used for construction and maintenance of bridges in cities less than or equal to 8,000 population. Funds also may be used for construction of roads that lead to state parks in cities less than 400 population.	
331.434	County Budget -- Notice and Hearing -- Appropriations	Details the requirements for the substance, review, and approval of the county budget.	
331.435	Budget Amendment		
331.437	Expenditures Exceeding Appropriations	Unlawful for county officials to authorize expenditures exceeding the amount appropriated by the county budget.	
331.476	Expenditures Confined to Receipts		
<b>335</b>	<b>County Zoning</b>		
<b>349</b>	<b>Official Newspapers</b>		
349.18	Supervisors Proceedings -- Each Payee listed -- Publication	Proceedings of Board meetings, including bills approved for payment, must be published in an official newspaper.	
<b>455A</b>	<b>Department of Natural Resources</b>		
<b>455B</b>	<b>Jurisdiction of Department of Natural Resources</b>		
<b>455E</b>	<b>Groundwater Protection</b>		
<b>460</b>	<b>Highway Drainage Districts</b>		
<b>461A</b>	<b>Public Lands and Waters</b>		
<b>468</b>	<b>Levee and Drainage Districts and Improvements</b>		
468.622	Drainage Connection With Highway	Adjacent landowners have the right to enter public highways to make drainage connections, provided they do so according to the county's specifications.	
<b>470</b>	<b>Life Cycle Cost Analysis of Public Facilities</b>		
<b>476</b>	<b>Public Utility Regulation</b>		
<b>542B</b>	<b>Professional Engineers and Land Surveyors</b>		
<b>573</b>	<b>Labor and Material on Public Improvements</b>		

<b>Chapter or Section</b>	<b>Chapter or Section Title</b>	<b>Remarks or Description of Contents</b>	<b>I.M. Ref.</b>
573.27	Payment Before Work Completed	Provides for payment of completed work, when 95% complete, and significant conditions cause a delay.	
<b>589</b>	<b>Real Property</b>	Conveyances by county, establishment of ancient county roads, deeds.	
<b>668</b>	<b>Liability in Tort -- Comparative Fault</b>	Joint and several liability, contribution, governmental exemptions.	
668.10	Governmental Exemptions	Provides liability exemption for signage, snow and ice control, contribution.	
<b>670</b>	<b>Tort Liability of Governmental Subdivisions</b>	Liability imposed, claims exempted, insurance.	
<b>679A</b>	<b>Arbitration</b>	Process relating to controversies between contractual parties, governmental agencies.	