

# INSTRUCTIONAL MEMORANDUMS

## To Local Public Agencies



To: Counties	Date: December 31, 2015
From: Local Systems Bureau	I.M. No. 2.220
Subject: Establishing and Signing Area Service Roads	

**Contents:** This Instructional Memorandum (I.M.) includes guidelines and procedures for a Local Public Agency (LPA) to establish different levels of maintenance for Area Service Roads and to instruct counties of the options available and requirements for the establishment of these roads. This I.M. also includes the following attachments:

- [Attachment A](#) - Area Service “B” Road Maintenance Ordinance (Sample) ([Word](#))
- [Attachment B](#) - Resolution for Reduced Level of Maintenance to Area Service “B” Road (Sample) ([Word](#))
- [Attachment C](#) - Area Service “C” Road Maintenance Ordinance (Sample) ([Word](#))
- [Attachment D](#) - Resolution for Reduced Level of Maintenance to Area Service “C” Road (Sample) ([Word](#))
- [Attachment E](#) - Resolution for Increased Level of Maintenance to Area Service Road (Sample) ([Word](#))

### Introduction

Iowa Code Section [309.57](#) allows a County Board of Supervisors, after consultation with the County Engineer, to classify their area service roads into three classifications termed Area Service A, Area Service B, and Area Service C. Area Service A roads are to be maintained in conformance with applicable statutes. Area Service B roads may have a lesser level of maintenance, as specified by the County Board of Supervisors, after consultation with the County Engineer. Area Service C roads have restricted access and a minimal level of maintenance, as specified by the County Board of Supervisors, after consultation with the County Engineer.

House File (HF) 768 enacted during the 1981 legislative session allowed counties to designate a lower level of maintenance for certain Area Service Roads which would be known as Level B roads. The legislation did not designate a procedure to establish Level B roads.

The Iowa State Association of Counties (ISAC) asked their legal counsel to review the legislation and recommend a procedure. ISAC subsequently issued a memo, dated [November 18, 1981](#), and on file in the Local Systems Bureau, to Boards of Supervisors recommending that an ordinance be used to establish a Level B system. The basis for the recommendation was that an ordinance is actually a county law and a resolution is simply a setting of county policy, usually an administrative type act. A quote from the ISAC memo: “A county supervisor acting in a legislative capacity is immune from personal liability. A supervisor would not be immune from personal liability as a result of an administrative act unless it could be established that you acted in good faith.” Ordinances also require hearings and publication, resolutions do not. ISAC also developed a model ordinance that they distributed later. See [Attachment A](#) ([Word](#)) and [Attachment C](#) ([Word](#)) to this I.M.

The Level C classification was added in 1991 by HF 419. This third classification was developed to provide a means to limit access to roads that primarily serve adjacent farming operations and there has been resistance to vacating them. This legislation included language stating that stated Level C roads may only be established by ordinance or resolution. The original legislation required a petition from adjacent landowners before the Board of Supervisors could act on a reclassification. This requirement was removed as part of the SF 451 legislation that was passed in 2003.

The decision whether to classify roads as Level B or Level C by ordinance or resolution, rests with the Board of Supervisors. According to ISAC, the ordinance process provides more opportunity for public notification and reduces personal liability for board members. Several counties have established a Level B or Level C system by ordinance and then use resolutions to add or remove roads from the system.

### **AREA SERVICE B ROADS**

Roads may only be classified as Area Service B by ordinance or resolution, see [Attachment A](#) ([Word](#)) and [Attachment B](#) ([Word](#)), respectively, to this I.M. Roads designated as Area Service B are required to have

appropriate warning signs, erected and maintained by the county, at all access points from other public roads. The warning sign size, type, and message are illustrated on page two of this I.M.

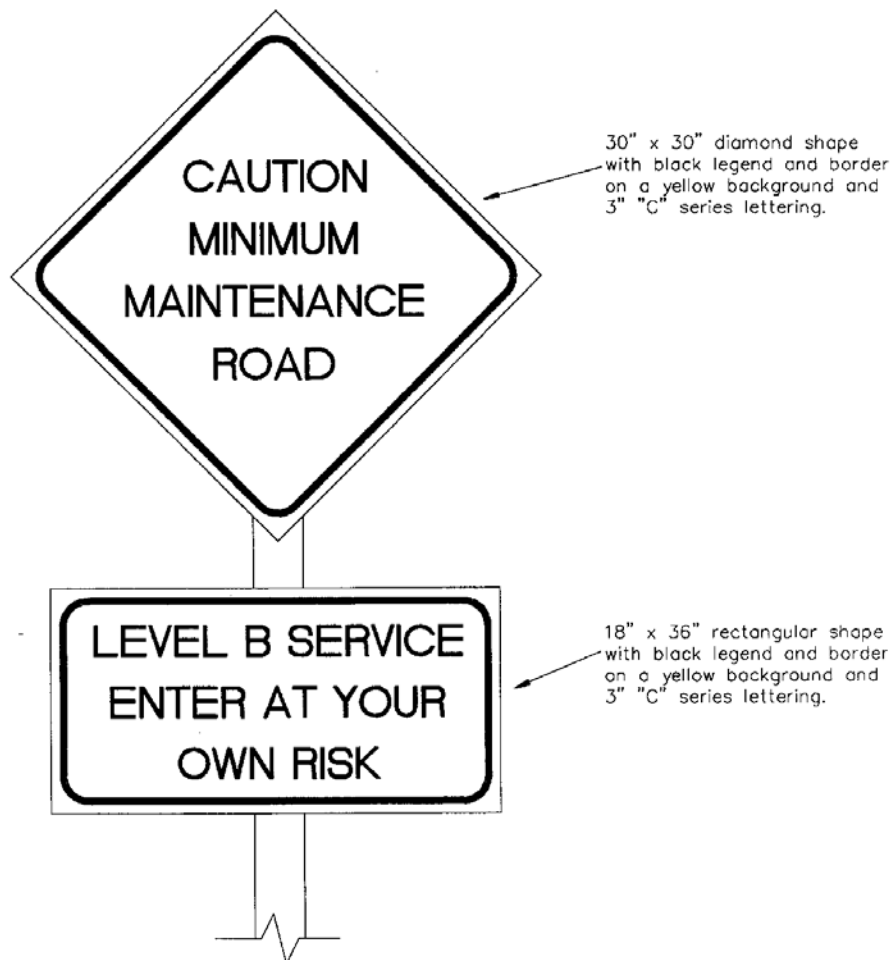
### **AREA SERVICE C ROADS**

Roads may only be classified as Area Service C by ordinance or resolution, see [Attachment C \(Word\)](#) and [Attachment D \(Word\)](#), respectively, to this I.M. The ordinance or resolution shall specify the level of maintenance and the persons who will have access rights to the road. Roads designated as Area Service C are required to have appropriate regulatory signs, erected and maintained by the county, at all access points from other public roads. In addition, Area Service C classification roads shall adequately warn the public that access is limited. Access to the road shall be restricted by means of a gate or other barrier. The regulatory sign size, type, and message are illustrated on page three of this I.M.

Installation of the signs shall be in accordance with the current Iowa Signing Manual as per 761 Iowa Administrative Code (IAC) [Section 130](#).

### **INCREASING AREA SERVICE OF A ROAD**

There may be situations where requests are made to counties for an increase in the level of maintenance to roads classified as Area Service B or Area Service C. Counties should have policies or include language in their ordinances that address a procedure for these requests and a method to accomplish the road improvement (if necessary). See [Attachment E \(Word\)](#) to this I.M.



**SIGNS REQUIRED AT ALL ACCESS POINTS OF LEVEL B ROADS**



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