

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties	Date: August 7, 2020
From: Local Systems Bureau	I.M. No. 1.020
Subject: References to the Iowa Code	

Contents: This Instructional Memorandum (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, Description of Contents, Additional Links	Reference
6A	Eminent Domain Law (Condemnation)		
6B	Procedure Under Eminent Domain	Public notification and condemnation procedures.	
20	Public Employment Relations (Collective Bargaining)	Employer/employee relationships and the rights and duties of each.	
22	Examination of Public Records (Open Records)		
24	Local Budgets	Property tax levy requirements, budget hearings, amendments, state appeal board, budget protests.	
28E	Joint Exercise of Governmental Powers	Agreements between agencies (28E Agreements).	
73A	Public Contracts and Bonds	Public improvements \$25,000 or higher require contracts, plans, specifications, public hearing, and bid letting.	
74	Public Obligations Not Paid for Want of Funds	Dealing with warrants, anticipatory warrants, improvement certificates, and anticipatory certificates	
74A	Interest Rates for Public Obligations and Assessments		
75	Authorization and Sale of Public Bonds	Votes in favor must equal 60% or more of total votes cast.	
89B	Hazardous Chemical Risks -- Right to Know	Division of Labor Services has enforcement powers.	
306	Establishment, Alteration and Vacation of Highways		I.M. 7.110 I.M. 2.270
306.3	Definition throughout Code	Defines the various road systems as used in the Code.	
306.4	Jurisdiction of Systems		
306.6	Farm-to-Market review board	FM Review Board reviews for approval any and all FM system modifications.	I.M. 2.170

Chapter or Section	Chapter or Section Title	Remarks, Description of Contents, Additional Links	Reference
306.6A	Farm-to-Market road system modifications	Instructions for modification of the FM road system.	I.M. 2.170
306.8	Transfer of Jurisdiction	Requires an agreement.	
306.10 - 306.18	Power to Establish, Alter or Vacate	Requirements relating to streets and highways.	I.M. 2.270
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		I.M. 2.270
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 all 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.	
306A	Controlled - Access Highways		
306A.7	Authority of Local Units to Consent		
306D	Scenic Routes		
307	Department of Transportation (DOT)		
307.24	Commission Duties	Must develop and provide standard plans for highway construction to counties and provide information to counties regarding maintenance practices of the Iowa DOT.	
307.32	Annual Report - secondary road construction program - structurally deficient bridges	Iowa DOT shall submit the county structurally deficient bridge report to the Legislature by February 15 each year.	County SD Bridge Report
307A	Transportation Commission		
309	Secondary Roads		
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.	I.M. 2.100 I.M. 2.140
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.	

Chapter or Section	Chapter or Section Title	Remarks, Description of Contents, Additional Links	Reference
309.18	Compensation		
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 Instructions , Budget & Program Instructions)	I.M. 2.050
309.23	Review by Department and Operation of Program		
309.35	When Surveys Required	Surveys and plans required where grading, exclusive of bridges and culverts, when estimated costs exceed \$10,000 per mile.	
309.39	Contracts and Specifications	No traveled roadway width shall be less than 22 feet shoulder to shoulder.	
309.40	Advertisement and Letting	Work for which engineer's estimate is greater than the bid threshold must be advertised and let. Day Labor Limit.	I.M. 5.100 Bid Threshold
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.	I.M. 5.100 Bid Threshold
309.57	Area Service Classification	Classification requirements for Area Service "B" and Area Service "C" roads.	I.M. 2.220
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.	
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.	

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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.	Budgets & Programs Annual Report
<u>310</u>	Farm-To-Market Roads		FM Balance
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		I.M. 2.100
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.	I.M. 2.100
310.16	Claims Charged to County Allotment		
310.18	Partial Payments During Construction	Explains who may approve claims.	
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.	I.M. 2.130
310.22	Right of Way--How Acquired	In accordance with Chapters 306 and 316.	I.M. 3.600
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.	I.M. 2.140 I.M. 2.120
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.	

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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 fund and guidelines for use of fund. Requires the Iowa DOT to submit an annual report of the use of such funds.	
311	Secondary Road Assessment Districts		
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.	
312	Road Use Tax Fund		
312.1	Fund Created		
312.2	Allocations from Fund		
312.2(5)		Details local tax effort requirements.	
312.2(11)		Provides ½ of 1% for traffic safety improvement projects.	
312.2(12)		Provides for county and city bridge construction funds.	I.M. 1.100
312.3	Apportionment to Counties and Cities	Apportionments from various transfers and other funds.	
312.3A	Street 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.	
312.3B	Iowa County Engineers Association Service Bureau Support Fund	Establishes fund from 0.25% of the Secondary Road Fund.	
312.3C	Secondary Road Fund Distribution Committee	Establishes committee to determine Secondary Road and Farm-to-Market Distribution factors.	761 IAC 102
312.3D	Street Construction Fund Distribution Advisory Committee	Establishes committee to determine distribution factors for cities.	
312.5	Division of Farm-to-Market Road Funds	Essentially distributes FM Funds according to 312.3C.	
312A	TIME-21 Fund		
312A.2	Transportation Investment Moves the Economy in the Twenty-first Century (TIME-21) Fund	Establishes the TIME-21 fund.	

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312A.3	Allocation and Use of Funds	https://iowadot.gov/local_systems/County-Reports-Funding-Resources/Funding-information	
313	Primary Roads		
313.2	"Road Systems" defined--roadside parks	Requirements for transfers of jurisdiction.	
313A	Interstate Bridges		
313A.23	Political Subdivision May Aid		
314	Administrative Provisions for Highways		
314.1	Bidding Procedures--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.	
314.1A	Detailed Cost Accounting by Cities and Counties-- Rules		I.M. 2.070
314.1B	Bid Threshold Subcommittees -- Adjustments -- Notice.	Establishes advisory committees for horizontal and vertical construction. https://iowadot.gov/local_systems/publications/bid-and-quote-thresholds	
314.2	Interest in Contract Prohibited	No state or county official or employee, elective or appointive, shall be directly or indirectly interested in any contract for the construction, reconstruction, improvement, or maintenance of any highway, bridge, or culvert, or the furnishing of materials therefor.	
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.	I.M. 1.300
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.	

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314.9	Entering Private Property	The agency in control of a highway may after thirty days' written notice by restricted certified mail addressed to the owner and also to the occupant, enter upon private property for the purpose of making surveys, soundings, drillings, appraisals, and examinations as the agency deems appropriate or necessary to determine the advisability or practicability of locating and constructing a highway on the property or for the purpose of determining whether gravel or other material exists on the property of suitable quality and in sufficient quantity to warrant the purchase or condemnation of the property.	
314.12	Borrow Pits--Topsoil Preserved	Borrow areas must be restored to prevent erosion.	I.M. 4.140
314.12A	Preservation of Topsoil in Highway Construction	Topsoil must be preserved to prevent erosion.	I.M. 4.140
314.14	Contracts set aside for small businesses	There may be set aside contracts for bidding by prequalified small businesses.	
314.15	Disadvantaged Business Enterprises-- Rules	Iowa DOT shall provide rules for affirmative action requirements related to DBE participation in federal-aid projects. https://iowadot.gov/civilrights/disadvantaged-business-enterprise-program-dbe/dbe-program	
314.18	Responsibility for Bridge Inspections	Public agencies shall inspect bridges according to National Bridge Inspection Standards	I.M. 1.100 I.M. 7.020
314.21	Living Roadway Trust Fund	https://www.iowadot.gov/lrtf/	
314.22	Integrated Roadside Vegetation Management	https://iowadot.gov/lrtf/integrated-roadside-vegetation-management/irvm	
314.23	Environmental Protection	Protection of woodlands, wetlands, public parks and prime agricultural lands.	
314.24	Natural and Historic Preservation		
315	Revitalize Iowa's Sound Economy Fund	Provides for Revitalize Iowa's Sound Economy (RISE) program. https://iowadot.gov/systems_planning/Grant-Programs/Revitalize-Iowas-Sound-Economy-RISE-Program	
317	Weeds		
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.	
318	Obstructions in Highway Rights-of-Way		

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318.4	Duty of Highway Authorities	The highway authority shall cause all obstructions in a highway right-of-way under its jurisdiction to be removed.	
320	Use of Highways for Sidewalks, Service Mains or Cattleways	Board may permit sidewalks, gas and water lines (with conditions) in ROW.	
321	Motor Vehicles and Law of the Road		
321.233	Road Workers Exempted	Exemptions are provided for closed roads and while performing surface maintenance.	
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.	
321.260	Interference with Devices, Signs, or Signals -- Unlawful Possession – Traffic Signal Preemption Devices	Sign / signal vandalism and penalties.	
321.285	Speed Restrictions	Business, school, suburban, and rural speed limits set.	I.M. 8.210
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.	
321E	Vehicles of Excessive Size and Weight	Single and annual trip permits.	
327F.2	Maintenance of Bridges - Damages	Every railroad company shall build, maintain, and keep in good repair all bridges...	
327G	Railroad Right-of-Way, Crossings, Tracks, and Fencing	Highway / railroad crossing information and details.	
331	County Home Rule Implementation		
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		

Chapter or Section	Chapter or Section Title	Remarks, Description of Contents, Additional Links	Reference
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		
331.424	Supplemental levies		
331.425	Additions to Levies--Special Levy Election	Details the requirements for a special levy election.	
331.426	Additions to Basic Levies	If a county has unusual circumstances, the maximum levies may be exceeded.	
331.427	General Fund	Describes the sources and distribution of the county general fund.	
331.428	Rural Services Fund	Describes the sources and distribution of the rural services fund.	
331.429	Secondary Road Fund	Details what secondary road funds may be spent on. 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		
335	County Zoning		
349	Official Newspapers		
349.18	Supervisors Proceedings -- Each Payee listed -- Publication	Proceedings of Board meetings, including bills approved for payment, must be published in an official newspaper.	
455A	Department of Natural Resources		
455B	Jurisdiction of Department of Natural Resources		
455E	Groundwater Protection		
460	Agricultural Drainage Wells and Sinkholes		
461A	Public Lands and Waters		

Chapter or Section	Chapter or Section Title	Remarks, Description of Contents, Additional Links	Reference
468	Levee and Drainage Districts and Improvements		
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.	
470	Life Cycle Cost Analysis of Public Facilities		
476	Public Utility Regulation		
542B	Professional Engineers and Land Surveyors		
573	Labor and Material on Public Improvements		
573.27	Payment Before Work Completed	Provides for payment of completed work, when 95% complete, and significant conditions cause a delay.	
589	Real Property	Conveyances by county, establishment of ancient county roads, deeds.	
668	Liability in Tort -- Comparative Fault	Joint and several liability, contribution, governmental exemptions.	
668.10	Governmental Exemptions	Provides liability exemption for signage, snow and ice control, contribution.	
670	Tort Liability of Governmental Subdivisions	Liability imposed, claims exempted, insurance.	
679A	Arbitration	Process relating to controversies between contractual parties, governmental agencies.	