

TITLE II - TRANSPORTATION

CHAPTER 14

AREA SERVICE SYSTEM LEVEL B ROAD CLASSIFICATION
IN DALLAS COUNTY, IOWA

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14.01 PURPOSE. The purpose of the ordinance is to classify certain roads as Level "B" on the area service system in Dallas County to provide for a reduced level of maintenance.

Additionally, the ordinance provides for re-instatement of Level B roads to Level A maintenance. Typically, a Level B road has minimal traffic and often serves only as field access. However, given changing land use, it may become necessary to upgrade the roadway and restore full service thereby requiring reclassification as "Area Service System Level A".

14.02 DEFINITIONS. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities that are not otherwise classified.
 - A. "Area Service System Level A" roads shall be maintained in conformance with applicable state statutes.
 - B. "Area Service System Level B" roads shall not require standards of maintenance equal to trunk, trunk collector, or Area Service System Level A roads. Area Service System Level B roads shall not be what is construed in the normal sense as a driveway or a private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Dallas County.
3. "Engineer" shall mean the County Engineer of Dallas County.

14.03 POWERS OF THE BOARD. All jurisdiction and control over

Area Service System Level B roads as provided by this ordinance shall rest with the Board.

14.04 AUTHORITY TO ESTABLISH. The Board is empowered under authority of chapter 309.57 of the Code of Iowa, (as may be amended hereafter) to classify secondary roads on the area system which may provide for a reduced level of maintenance on roads so designated. The Board may, by resolution, declare its intention to establish an Area Service System Level B road in Dallas County after consultation with the Engineer. The Board may, upon consultation with the Engineer, by resolution, declare its intention to re-establish an Area Service System Level B road in Dallas County, or portion thereof, to an Area Service System Level A road.

1. The Board may, of its own motion, or upon recommendation of the Engineer, determine to establish a roadway or portion thereof as an Area Service System Level B road.

2. The Board may, of its own motion, or upon recommendation of the Engineer, determine to re-establish a roadway or portion thereof as an Area Service System Level A road. Such determination may be made upon a finding that the proposed upgrade in service level is in the interests of the general public welfare.

3. The Board may, upon application of a resident, landowner, or tenant, who occupies land adjacent to a Level B road of the county, and in consultation with the Engineer, determine to re-establish a roadway or portion thereof as an Area Service System Level A road. Such determination may be made upon a finding that the proposed upgrade in service level is in the interests of the public welfare. A resident, landowner or tenant, who occupies land adjacent to a Level B road of the county shall make such application to the Engineer upon forms or format determined by the Engineer. Upon receipt of such application, the Engineer shall prepare an estimate of the costs to upgrade the road to Level A standards (e.g.: IDOT I.M. 3.210). The Engineer shall provide such cost estimate, together with a recommendation either in support of or against such application to the Board, and a copy to the applicant. Upon hearing hereafter set forth, the Board, in its sole discretion, may determine to grant the application or deny the application. Should the Board determine to grant the application, the Board shall determine, in its sole discretion, whether the benefit of such road or portion of such road inures primarily to the applicant or to the general public. Should the Board determine that the benefit of such

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road inures primarily to the applicant, the board may require as a condition of approving such upgrade from Level B to Level A road, that the applicant perform or assume the costs of performing all of the following:

a. Adjacent landowners must provide a minimum of 33 feet right-of-way on each side of the centerline of the roadway. Additional right-of-way may be required to meet the referenced design standards. Acquisition of such right-of-way shall be at no cost to the County.

b. The Applicant shall pay ½(one-half) of the costs of restoring the road to an Area Service System Level A road, including, but not limited to granular surfacing application to a depth of not less than 4 inches, and culvert and/or bridge repair or replacement as determined by the Engineer in the estimate of costs to restore the road. The Applicant shall provide said funds (1/2 the overall cost estimate) to the County prior to the commencement of work. Said funds shall be held in escrow, and shall be disbursed on not less than a monthly basis upon percentage completion of the work or restoring the road. The engineer shall, together with the County Auditor, account for such funds and the disbursement thereof to the Board and to the applicant. Should the actual cost of restoring the road to a Level A service be less than estimated, the County, upon completion of the work and accounting thereof, refund the pro-rata share to the applicant. Should the actual cost of restoring the road to a Level A service be more than estimated, the applicant shall not be required to further contribute, and the county shall bear the additional cost.

14.05 NOTICE OF HEARING. The Board shall fix a time and place for a hearing for classification of a road or portion thereof as an Area Service Level B road, or for re-establishment of an Area Service System Level B road to an Area Service System Level A road, and cause notice to be published as provided by law for normal public meeting of the Board. The notice shall set forth the termini of the affected road or portion thereof, as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

14.06 HEARING-AREA SERVICE SYSTEM LEVEL B ROAD ESTABLISHED BY RESOLUTION. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit or the due publication and posting of the notice of hearing, the Board shall consider any and all relevant
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evidence. If the Board finds that the proposed Area Service System Level B road is practicable, it may establish it by proper resolution.

If the Board finds that the proposed re-establishment to an Area Service System Level A road is practicable, as set forth in this chapter, it may so re-establish, or re-establish with certain conditions as set forth herein, by proper resolution.

14.07 MAINTENANCE POLICY.

1. Level A roads. Roads re-established as Area Service System Level A roads under this chapter will be maintained as all other county Level A roads.

2. Level B roads. Only the minimum effort, expense, and attention will be provided to keep Area Service System Level B roads open to traffic. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service Level B roads will be as follows:

A. "Blading" - Blading or dragging will not be performed on a regular basis.

B. "Snow and Ice Removal" - Snow and ice will not be removed nor will the road surface be sanded or salted.

C. "Signing" - Except for load limit posting for bridges, signing shall not be continued or provided. However, Area Service Level B roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.

D. "Weeds, Brush and Trees" - Mowing or spraying weeds, cutting brush, and tree removal will not be performed. Adequate sight distances will not be maintained.

E. "Structures" - Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the structure may not be replaced.

F. "Road Surfacing" - There will be no surfacing materials applied to Area Surface System Level B Roads.

G. "Shoulders" - Shoulders will not be maintained.

H. "Crown" - A crown will not be maintained.

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I. "Repairs" - There will be no road repair on a regular basis.

J. "Uniform Width" - Uniform width for the traveled portion of the road will not be maintained.

K. "Inspections" - Regular inspections will not be conducted.

14.08 OTHER MAINTENANCE. Nothing in Paragraph 14.07 shall be construed to limit such other maintenance that the Engineer and Board may deem appropriate from time to time with respect to an Area System Service Level B Road.

Performing any such maintenance shall not be construed as a modification of the maintenance standards set forth in Paragraph 14.07.

14.09 EXEMPTION FROM LIABILITY. As provided in Section 309.57 of the Code of Iowa, (as may be amended hereafter) the county and its officers, agents, and employees are not liable for injury to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System Level B, if the road has been maintained as provided in Paragraph 14.07 of this ordinance.

14.10 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

14.11 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, paragraph, provision or part thereof not adjudged invalid or unconstitutional.