

HANCOCK COUNTY ORDINANCE NO. 29

TITLE: AREA SERVICE ROAD CLASSIFICATION, AN ORDINANCE TO ESTABLISH A POLICY FOR HANCOCK COUNTY ROADS AND DRAINAGE STRUCTURE IN RESPECT TO CLASSIFICATION, MAINTENANCE, NEW CONSTRUCTION, AND RECONSTRUCTION

Be it ordained by the Board of Supervisors of Hancock County:

Section 1 - Purpose

The purpose of this policy is to classify all county roads as a part of the county infrastructure highway system as to provide for levels of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57; to set road and bridge standards for secondary roads; and to provide procedures for the upgrading of non-surfaced area service roads.

Section 2 - Definitions

For use in this policy, certain items or words used herein shall be interpreted or defined as follows:

1. "Farm-to-Market" roads shall mean those county jurisdiction intracounty and intercounty roads designated by the Farm-to-Market Review Board which serve principal traffic generated areas and connect such areas to other Farm-to-Market roads and primary roads as classified in Iowa Code Section 306. Farm-to-Market roads include those secondary roads which are federal aid eligible.
2. "Area Service System" shall include those secondary roads that are not part of the Farm-to-Market road system.
 - a. "Class A" roads shall mean an Area Service road with a maintained surface.
 - b. "Class B" roads shall be all non-surfaced area service roads with a reduced level of maintenance from Farm-to-Market or Area Service Class A roads.
 - c. "Class C" roads shall be area service roads with a reduced level of maintenance from Farm-to-Market or Area Service Class A & B roads and have a restricted access. Area Service Class C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
3. "Board" shall mean the Board of Supervisors of Hancock County
4. "Engineer" shall mean the County Engineer of Hancock County
5. "County" shall be Hancock County

Section 3 - Road and Bridge Standards

Hancock County road and bridge standards for new or complete reconstruction projects shall be according to the current Iowa Department of Transportation Instructional Memorandum 3.210. I.M. 3.210 sets minimum design criteria and Hancock County hereby sets their own standards for the following design elements:

Paved Routes

1. New Pavements
 - a. New pavements shall be constructed with a minimum of 22' wide pavement and granular shoulders. Intersections with non-paved roads shall have pavement extended back on the intersecting road to the right of way line.
 - b. Paved shoulders and edge line rumble strips shall be constructed if crash data warrants based on accepted HSIP and TSIP cost/benefit analysis.
 - c. Rumble strips shall be installed on all approach stop situations.
 - d. Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.
2. Reconstruction of Pavement
 - a. Paved roads shall be reconstructed with a 22' wide pavement or to the previous pavement width, whichever is greater with granular shoulders.
 - b. Rumble strips shall be installed on all approach stop situations.
 - c. Choice of pavement type shall be based on current existing conditions and geometry.

Unpaved Routes

1. Gravel Roads
 - a. New construction of a gravel road shall have a 28' finished top, including shoulders.
 - b. Granular surfacing on new construction shall be applied at a rate of 1,500 tons per mile.
 - c. Reconstruction of a gravel road shall be to the previous width prior to reconstruction.
2. Class B & C Roads
 - a. Class B and C roads will be built to the minimums as outlined by the Iowa Code.

Bridges & Drainage Structures

1. Paved Routes
 - a. Bridges on paved routes shall be built with a minimum width of 30'. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage, or other issues where the additional width is felt to be warranted.
 - b. Culverts under paved roads shall be concrete.
 - c. Pipe culverts larger than 54" in diameter may be substituted with reinforced concrete box culverts.
 - d. Design for drainage structures will be governed by accepted hydraulic design standards. Input from the IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
 - e. Water and livestock will use separate structures whenever possible.
2. Unpaved Routes
 - a. Bridges will normally be a minimum of 24' on gravel roads except if the gravel route is a Farm-to-Market Routes then bridge width shall be a minimum of 30'. Dead end roads may be narrower at the discretion of the County Engineer.
 - b. Culverts may be metal or concrete. Pipe culverts larger than 54" in diameter may be substituted with reinforced concrete box culverts.
 - c. Design for drainage structures will be governed by accepted hydraulic design standards. Input from the IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
 - d. Water and livestock will use separate structures whenever possible.
3. Class B & C Roads

- a. Class B and C roads will be built to the minimums as outlined by the Iowa Code
4. Entrance Bridges
 - a. Any NBIS structure that are fully or partially in the road right-of-way that serve as an entrance to private property from the public roadway shall be considered the jurisdiction and responsibility of the County.

Section 4 - Area Service "Class A" Roads

Class A roads shall be surfaced roads and shall be maintained in conformance with applicable State statutes.

Section 5 - Area Service "Class B" Roads

The Board is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the Area Service System in the County as Area Service "B" roads so as to provide for a reduced level of maintenance effort on roads so designated.

1. How Established: The Board shall, by resolution, declare its intention to establish an Area Service "B" road in the County after consultation with the County Engineer.
2. Notice of Action: Before the Board may take action to establish an Area Service "B" road, a notice of the proposed action, including the location of the Area Service "B" road and the time and place of the meeting at which the Board proposes to take action shall be published as provided in Iowa Code Section 331.305.
3. Board Action: At the meeting, the Board shall receive oral and written objections from any resident or property owner of the County. After all objections have been received and considered, the Board, at that meeting or a date to which it is adjourned, after consultation with the County Engineer, may by resolution establish the proposed Area Service "B" road.
4. Reclassification: A road with an Area Service "B" classification shall retain the classification until such time as a request for reclassification is submitted to the Board. The Board may add or delete any road from the Area Service "B" classification by following the preceding procedure.
5. Maintenance Policy: Only the minimum effort, expense and attention will be provided to keep Area Service "B" roads open to traffic. For various maintenance activities, the minimum maintenance on Area Service "B" roads shall be as follows:
 - a. Blading or dragging will not be performed on a regular basis.
 - b. Snow and ice removal will not be performed. Sanding and salting will not be performed.
 - c. Bridges and culverts on Area Service "B" roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
 - d. Mowing or spraying weeds, cutting brush and tree removal may not be performed on a regular basis. Adequate sight distances may not be maintained.
 - e. Granular surfacing will not be applied on a regular basis but may be applied at the discretion of the County.
 - f. Shoulders will not be maintained.
 - g. A crown will not be maintained.
 - h. There will be no road repairs done on a regular basis.

- i. Uniform width for the traveled portion of the road will not be maintained.
- j. Regular inspections will not be conducted.
- k. Except for load limit posting for bridges, signing shall not be continued or provided. Area Service "B" roads shall have signs conforming to the Manual of Uniform Traffic Control Devices and maintained by the County at all access points to Area Service "B" roads from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

Section 6 - Area Service "Class C" Roads

The Board is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the Area Service System in the County as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access on roads so designated.

1. **How Established:** Roads may only be classified as Area Service "C" by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land or agent or employee of the owner, lessee, or a person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.
2. **Notice of Action:** Before the Board may take action to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action shall be published as provided in Iowa Code Section 331.305.
3. **Board Action:** At the meeting, the Board shall receive oral or written comments from any resident or property owner of the County. After all comments have been received and considered, the Board, at that meeting or a date to which it is adjourned, may take action after consultation with the County Engineer.
4. **Reclassification:** A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.
5. **Access:** Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. A gate may be purchased, installed and maintained by the adjoining landowners.
6. **Signs:** Area Service "C" road shall have signs conforming to the Manual on Uniform Traffic Control Devices. The signs shall be installed and maintained by the County at all access points to the Area Service "C" road from other public roads to warn the public that access is limited.
7. **Trespass:** Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined by Iowa Code Section 716.7.

Section 7 - Power of the Board

All jurisdiction and control over Farm-to-Market roads and Area Service roads shall rest with the Board, pursuant to Iowa Code Section 309.57.

Section 8 - Exemption from Liability

As provided in Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "B" or "C", if the road has been maintained to the level of maintenance effort described in the chapter or in the establishing resolution.

Section 9 - Additions to Area Service System

It shall be the policy of the Board not to accept any additional roads or streets into the County Highway System.

Section 10 - Reclassification to Area Service "Class A"

The Board may consider reclassifying as Area Service "Class B" or "Class C" road to Area Service "Class A" classification. All Area Service Class B or Class C roads to be improved, must be improved full length and must connect to a present Class A or FM roads at each end of the road to be improved. It is the policy of the County not to improve dead end roads.

1. The Board may, upon petition by property owner(s) who occupy land adjacent to the Area Service "B" road and in consultation with the Engineer, determine to re-establish a roadway as an Area Service System Level A road. A property owner who occupies land adjacent to an Area Service "B" or "C" shall make such petition 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 the minimum standards as detailed in Section 3. The Engineer shall provide such cost estimate, together with a recommendation either in support of or against such petition to the Board, and a copy to the applicant. The Board, in its sole discretion, may determine to grant the application or deny application. In the event the Board grants the petition, the applicant shall pay all actual costs of upgrading the roadway. Upon the road improvements being satisfactorily made to bring the road up to Area Service "A" standards, the Board will reclassify the road.

Section 11 - Repealer

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

Section 12 - 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, provision, or part thereof not adjudged invalid or unconstitutional.

Adopted and passed by the Hancock County Board of Supervisors on this 18th day of April, 2016.

Signed:

Ron Sweers

Chairman, Hancock County Board of Supervisors

Attest:

Michelle Eisenman

Hancock County Auditor

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Second reading:	April 18, 2016
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