

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 08/19/2021

Weekly Agenda Date: 08/24/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of setting a public hearing date for establishment of a Level of Service B road system

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☒

Attachments ☒

EXECUTIVE SUMMARY:

In July 2004, the Board of Supervisors established an "Area Service B Road Maintenance Ordinance", but as yet has not placed any roads within that system. The ordinance complies with section 309.57 of the Code of Iowa and provides the county significant liability protection for roads placed within the level B system and maintained in compliance with the county ordinance.

When the county began work on financing the gravel road improvement project, the county selected roads for the program that met specific criteria including traffic counts in excess of 50 vpd, presence of a residence, confinement feeding operation or other rural agribusiness, or state classification as a farm to market route. A system of roads that included 750 of the county's approximately 960 miles of gravel roads was selected for this project. A system of 122 miles of roads was identified that did not meet improvement criteria, but would continue to receive normal gravel road maintenance as is currently provided. Also identified was 60 miles of dirt roads and 59 miles of lesser used gravel roads that receive minimal maintenance, but have not been resurfaced and signed as level B roads.

The county engineer is requesting consideration and direction in determining whether to establish a level B road system.

BACKGROUND:

The 119 miles of county roads that receive minimal maintenance during much of the year and do not have snow plowed off the road in the winter proposed for level B classification. At this time they do not have signing that warns the public that they are receiving minimal maintenance. As was related during the recent discussion of closing Garner Avenue between 130th Street and 140th Street, a minimally maintained dirt road on the county system, sometimes drivers are directed to use these roads when following GPS navigation without warning that the roads are not receiving a normal level of maintenance or snow removal.

The county is given significant liability protection as provided in section 309.57 of the code of Iowa for roads placed under a level B, minimum maintenance classification. The code states:

309.57 Area service classification. subsection 6. 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, or contents of 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 required for roads classified as area service "B" or "C".

In addition to liability protection, warning drivers who may be unfamiliar with county rural roads can increase safety for those drivers by preventing entry upon installation of suitable signing and notice at each end of the road. Most of the dirt roads could only be upgraded to gravel at significant expense to the county both in construction costs and necessary right of way acquisition with little gain in service for landowners who use these roads only for land access at this time. Lesser used gravel roads could be improved at a lower, but still significant cost, with the addition of adequate gravel to provide a stable road surface. The cost of either of these upgrades is not provided for in the \$10,000,000 allocated to the recently funded gravel road upgrade program.

FINANCIAL IMPACT:

The financial impact for the county would be in the purchase of signage for the level B road system. We have identified the need for 231 Level B road sign sets at a cost of about \$200 per set for a total of \$46,200. Employee time will also be necessary for installing signs at each road.

The potential savings for the county is in limiting the liability for roads that are already receiving maintenance that is at the level specified in the Level B ordinance. Additional savings is currently being accrued by the department by reducing gravel replacement and not providing snow removal on the identified 59 miles of lightly used gravel roads.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☒

RECOMMENDATION:

That the Board hold a public hearing to discuss the establishment of a Level B road system.

ACTION REQUIRED / PROPOSED MOTION:

Motion: Set October 12, 2021 at 4:45 PM for a public hearing in the Courthouse Basement Board meeting room to discuss the establishment of a level B road system and to direct the county engineer to publish notice as required by state law and county ordinance number 17.

AREA SERVICE "B" ROAD MAINTENANCE ORDINANCE

Woodbury County Ordinance No. 17

TITLE. An ordinance establishing the Area Service System B Road Classification in Woodbury County, Iowa.

Be it Enacted by the Board of Supervisors, Woodbury County, Iowa:

Section 1. PURPOSE

The purpose of this ordinance is to classify certain roads on the area service system in Woodbury County to provide for a reduced level of maintenance.

Section 2. DEFINITIONS

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

Section 3. POWERS OF THE BOARD

All jurisdiction and control over Area Service System "B" roads as provided by this ordinance shall rest with the Board of Supervisors of Woodbury County.

Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Woodbury County is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System "B" Road in Woodbury County after consultation with the County Engineer.

Section 5. NOTICE AND HEARING

The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set for the termini of the Area Service System "B" Road as set out in the

Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

Section 6. **HEARING – AREA SERVICE SYSTEM “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 of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System “B” is practicable, it may establish it by proper Resolution.

Section 7. **MAINTENANCE POLICY**

Only the minimum effort, expense and attention will be provided to keep Area Service System “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 limitation. For the various maintenance activities, the minimum maintenance on Area Service System “B” Roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis.
3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE SYSTEM “B” ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush, and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System “B” Roads on a regular basis.
7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.
9. Repairs. There will be no road repair on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted

Section 8. **EXEMPTION FROM LIABILITY**

As provided in said 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 approximately as a result of the maintenance of a road which is classified as Area Service System "B", if the road has been maintained as provided in Section 7 of this ordinance.

Section 9. **REPEALER**

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

Section 10. **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.

Section 11. **WHEN EFFECTIVE**

This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

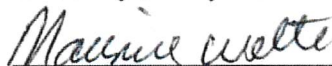
This Ordinance passed and approved by the Woodbury County Board of Supervisors this 29th day of June, 2004.

First Hearing: May 18, 2004


Second Hearing: June 1, 2004

Third Hearing: June 29, 2004

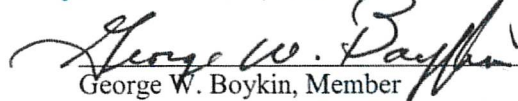
Woodbury County Board of Supervisors



Maurice Welte, Chairman



G. R. Batcheller, Member



George W. Boykin, Member

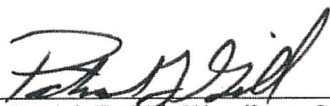


Larry D. Clausen, Member



Douglas Walish, Member

Attest:



Patrick F. Gill, Woodbury County Auditor

PROOF OF PUBLICATION

STATE OF IOWA
COUNTY OF WOODBURY,

WOODBURY COUNTY ORDINANCE ESTABLISHING AREA SERVICE "B" ROAD CLASSIFICATION

On June 29, 2004, the Woodbury County Board of Supervisors approved the third and final reading of the Area Service "B" Road Maintenance Ordinance. The following description is only a summary of the ordinance. The full text of this ordinance is open to inspection Monday through Friday, between the hours of 8:00 a.m. - 4:30 p.m., at the Board Administration office of the Woodbury County Board of Supervisors, Room 104 of the Woodbury County Courthouse, 620 Douglas St., Sioux City, Iowa 51101.

The purpose of this ordinance is to classify certain secondary roads on the area service system in Woodbury County to provide for a reduced level of maintenance and establishes jurisdiction and control over Area Service System roads with the Woodbury County Board of Supervisors.

The ordinance defines "Area Service System" as including those public roads outside of municipalities not otherwise classified.

The ordinance provides that roads designated as Area Service System "A" roads will be maintained in conformance with applicable state statutes.

The ordinance provides that roads designated by the Woodbury County Board of Supervisors as Area Service System "B" roads shall not require standards maintenance equal to farm to market or area service system "A" roads.

The ordinance provides that the Board of Supervisors provide notice and a public hearing prior to a road being classified as an Area Service System "B" road.

The ordinance provides that only the minimum effort, expense and attention will be provided to keep Area Service System "B" roads open to traffic. Area Service System "B" roads will not be maintained on a regular basis. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitation. All Area Service System "B" roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.

The ordinance also provides that the County and its Officers, Agents, or 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 an Area Service System "B" road, provided that the road has been maintained in accordance with the ordinance.

This ordinance shall take effect upon official publication of this summary.

Published in the Sioux City Journal July 19, 2004.
Legal #5467

The undersigned, of said County, being duly sworn, on oath states that the undersigned is an employee of THE SIOUX CITY JOURNAL, printed and published by Sioux City Newspapers, Inc., at Sioux City, in said County and issued daily and Sunday and that the annexed printed notice Road Classification Service "B" was regularly published in said newspaper for one consecutive Mon issues, the first publication thereof being on the 19 day of July, 2004.

Carolyn Pederson

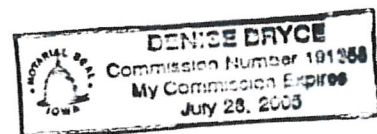
Carolyn Pederson

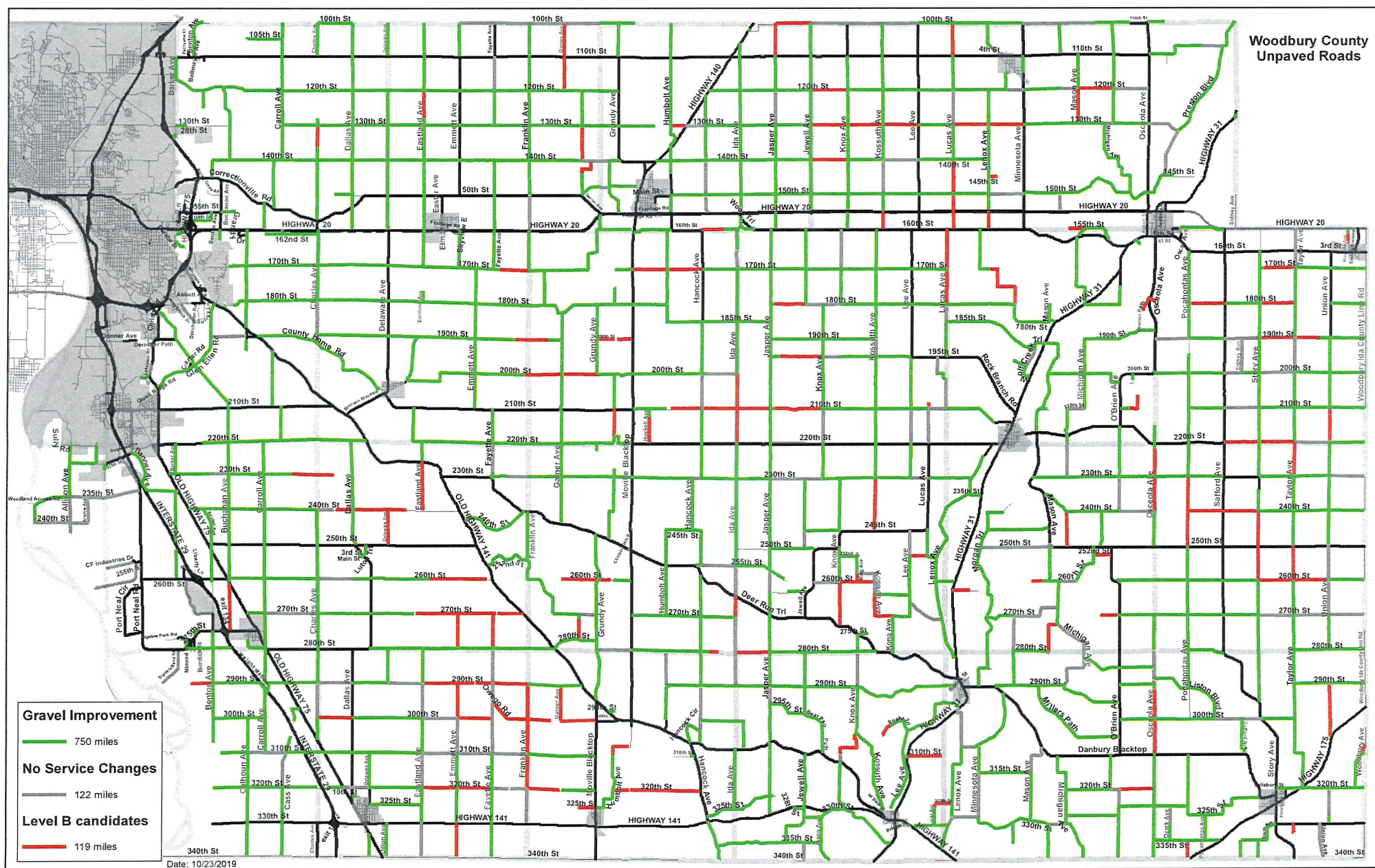
Subscribed and sworn to before me at Sioux City, in said County, this 26 day of July, 2004.

Denise Dryce

Notary Public
In and for Woodbury County.

54 Lines 1 Times, \$ 24.62





**Level B
Candidates
121 total miles**

