

LYON COUNTY SECONDARY ROAD DEPARTMENT
POLICY AND PROCEDURE MEMORANDUM

PPM Origination Date: October 2016

Revisions:

SUBJECT: Lyon County Policy for Farm to Market Extension Roads and Bridges

I. DEFINITIONS:

Jurisdiction: The agency in control of the area in which the road or street is located.

Farm to Market: Roads identified on the Iowa DOT Rural Federal Functional Classification Map as a Minor or Major Collector. See the first Appendix.

Farm to Market Extension: Roads identified on the Iowa DOT Rural Federal Functional Classification Map as a Minor or Major Collector, that continue into the corporate limits of a city.

Federal Aid Eligible System: Roads identified by the Iowa DOT as Federal Aid Eligible Routes.

II. BACKGROUND:

Farm to Market roads are funded by Road Use Tax Funds (RUTF). After some off-the-top diversions, receipts into the RUTF are distributed according to a formula of 47.5 percent for the Primary Road System which is maintained by the Iowa DOT. For the Secondary Road System maintained by the County Engineer, 32.5 percent is divided among a formula created by the Secondary Road Fund Distribution Advisory Committee (SRFDAC) based on County area, miles of road, vehicle miles of travel, rural population, length of bridges, and farm to market roads. The remaining 20 percent for municipal or city streets are divided on a per capita basis. A visual diagram of the breakdown for fiscal year 2015 is shown in the second Appendix and information from the State Treasurer for fiscal year 2016 is shown in the third Appendix.

Farm to Market Extensions do not receive specific funds, but are counted as mileage within City limits. As detailed in Code 306.4, jurisdiction and control over a farm-to-

market extension within a city with a population of less than five hundred shall be vested in the county board of supervisors of the respective county. Hence, the County shall receive the RUTF from the Cities under 500 by means of the percentage of roadways that are Farm to Market Extensions within the City limits. Below is an example of fiscal year 2014 provided by the Iowa DOT:

| City | Farm-to-Market Extension Mileage | Other City Street Mileage | Total Mileage | 2010 Population | Percent City RUTF Transfer to County | Estimate of RUTF & TIME 21 Transfer to County |
|-------------|----------------------------------|---------------------------|---------------|-----------------|--------------------------------------|---|
| ALVORD | 0.67 | 2.93 | 3.60 | 196 | 18.61111% | \$3,502 |
| LESTER | 1.19 | 3.97 | 5.16 | 294 | 23.06202% | \$6,509 |
| LITTLE ROCK | 2.29 | 3.95 | 6.24 | 459 | 36.69872% | \$16,171 |

Cities over 500 in population, do not transfer funds to the County.

III. PURPOSE:

To provide a uniform policy and procedure for construction repairs or reconstruction of farm to market extension roads and bridges within city corporate limits in Lyon County as proposed by the Lyon County Secondary Roads Department. Identifying, defining, and resolving jurisdictional responsibilities, level and limitations of service and expectation of costs involved in cooperative projects. These guidelines are intended to take Iowa Code and apply it to the Farm to Market Extension roads and bridges within the cities. County expenditures are intended for roads and structures which Lyon County Secondary Roads are obligated by Iowa Code to maintain.

IV. REFERENCES:

Code of Iowa, Section 306.3, 306.4, 311.5, 314.5, and 314.6. All code sections are found in the appendices. Additional reference includes the Final Report from the Secondary Road Fund Distribution Advisory Committee.

V. GENERAL GUIDELINES:

As written in Appendix 306.4 Jurisdiction of Systems, the County has complete jurisdiction of all secondary roads outside the corporate limits and farm to market extensions within cities with 500 populations or less. Cities over 500 populations, but less than 2500 populations have concurrent jurisdiction with Lyon County of all roads and structures within the corporate limits on Farm to Market Extensions. Cities over

2500 populations have complete jurisdiction of all roads and structures within the corporate limits.

Cities will be categorized into two Service Levels based on population as defined by various Iowa Code requirements the first level is all Cities with populations of more than 500 and the second level is all Cities with 500 populations or less. The level may be adjusted based on current Census data as per Iowa Code 306.4 as found in Appendix 306.4 Jurisdiction of Systems.

A construction project agreement identifying the scope of work, opinion of probable, costs, and sources of funding may be required for each construction project eligible under this policy.

VI. ROAD PROJECT GUIDELINES:

This section is for projects that were initiated by the Lyon County Engineer.

Roadway Work Service Level I – Cities with populations of more than 500:

Lyon County will contribute 25% of a roadway project cost and the City will contribute 75% of a roadway project cost for the center two lanes (24 feet) of roadway work within the corporate limits by following the guidelines stated in Appendix 311.5 Project in City.

If Lyon County is performing construction or road repairs on a Farm to Market route which continues into the city, the city may request construction outside of the 24 feet of roadway and non-roadway work to be included in the project as a separate division of work and pay the cost of services provided within the scope of the project as approved by the County Engineer. This is to be completed at no additional cost to the County.

Roadway Work Service Level II – Cities with 500 populations or less:

As required by Code, Lyon County will contribute 100% of project cost for the center two lanes (24 feet) of pavement within the corporate limits. Lyon County's contribution shall not include underground utilities, water or sewer infrastructure, curb and gutter, or specially requested features such as crosswalks, lighting, or other aesthetic appurtenances. The city may request construction outside of the 24 feet of roadway and non-roadway work to be included in the project as a separate division of work and pay the cost of services provided within the scope of the project as approved by the County Engineer. This is to be completed at no additional cost to the County.

VII. BRIDGE PROJECT GUIDELINES:

Bridge Work Service Level I – Cities with populations of more than 500:

Lyon County does not receive bridge funds for structures located within the City Limits. The County will not participate in any cost share. All bridges within corporate limits will be the responsibility of the City and any expenditure for repairs or reconstruction shall be paid from the City or Urban Bridge Funds at no cost to the County.

Bridge Work Service Level II – Cities with 500 populations or less:

Lyon County does receive Highway Bridge Program funds for structures located within the City Limits, but the County does not receive Secondary Road Surface Fund Dollars for those bridges. Major bridge projects within the City limits will need to have Urban Bridge Fund Dollars to do the projects. Maintenance work for the bridges will be determined by the County Engineer and will be paid for by the County as required by Iowa Code.

VIII. PROJECTS PROPOSED BY CITIES:

Lyon County Secondary Roads has over 1000 roadway miles and over 4000 structures. Lyon County has an obligation to prioritize projects based on overall need for the entire County. Lyon County Secondary Road projects are proposed with a five year project plan.

Cities will need to give the Lyon County Engineer and the Board of Supervisors at least 5 years of planning before the County would consider any joint project for a city proposed project. On city proposed projects, the Lyon County Engineer and the Board of Supervisors may not be able to joint fund the center 24 feet of the roadway project at 25%. These projects may be funded at less than 25%.

Project design and inspection will need to be done with the oversight of a professional engineer and at the City cost. The Lyon County Engineer and the Secondary Road staff have a priority to take care of the County system, but at times it may be possible that a 28E agreement can be proposed to the Lyon County Board of Supervisors and the County Engineer by a City if the City would want Lyon County Secondary Roads Department to assist in administering projects. If the County takes responsibility of the project, the City would be billed based on Federal Rates, State Codes, and the burden to the current and proposed County Construction schedule.

IX. SUMMARY TABLE:

A quick summary of the PPM for Farm to Market Extensions is found below.

| | Service Level I | Service Level II |
|----------------------------------|--|--|
| City Population | More than 500 | 500 or less |
| 2016 Cities | Doon, George, Inwood, Larchwood, Rock Rapids | Alvord, Lester, Little Rock |
| County Share of Roadway Projects | 25% of the center 24' pavement | 100% of the center 24' pavement |
| County Share of Bridge Projects | 0% | Everything not covered by Urban Bridge funding |
| Proposed City Projects | Maximum of 25% of the center 24' pavement, must be in a 5 year program, and must be approved by the County Engineer and Board of Supervisors | 100% of the center 24' pavement, must be in a 5 year program, and must be approved by the County Engineer and Board of Supervisors |

Submitted and acceptance this 24 day of October, 2016.

Approved:



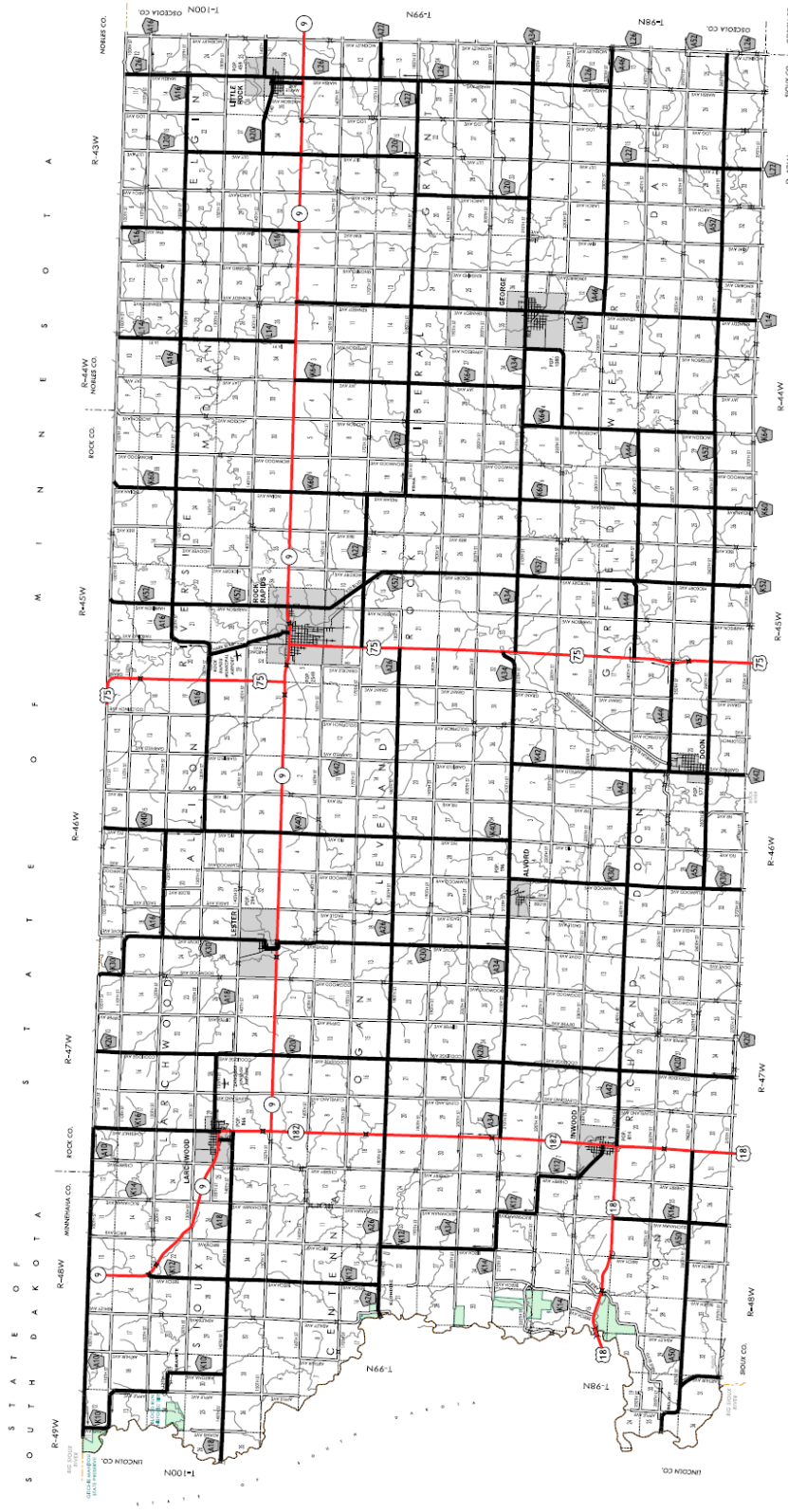
Randy Bosch, Chair, Lyon County Board of Supervisors

Attest:

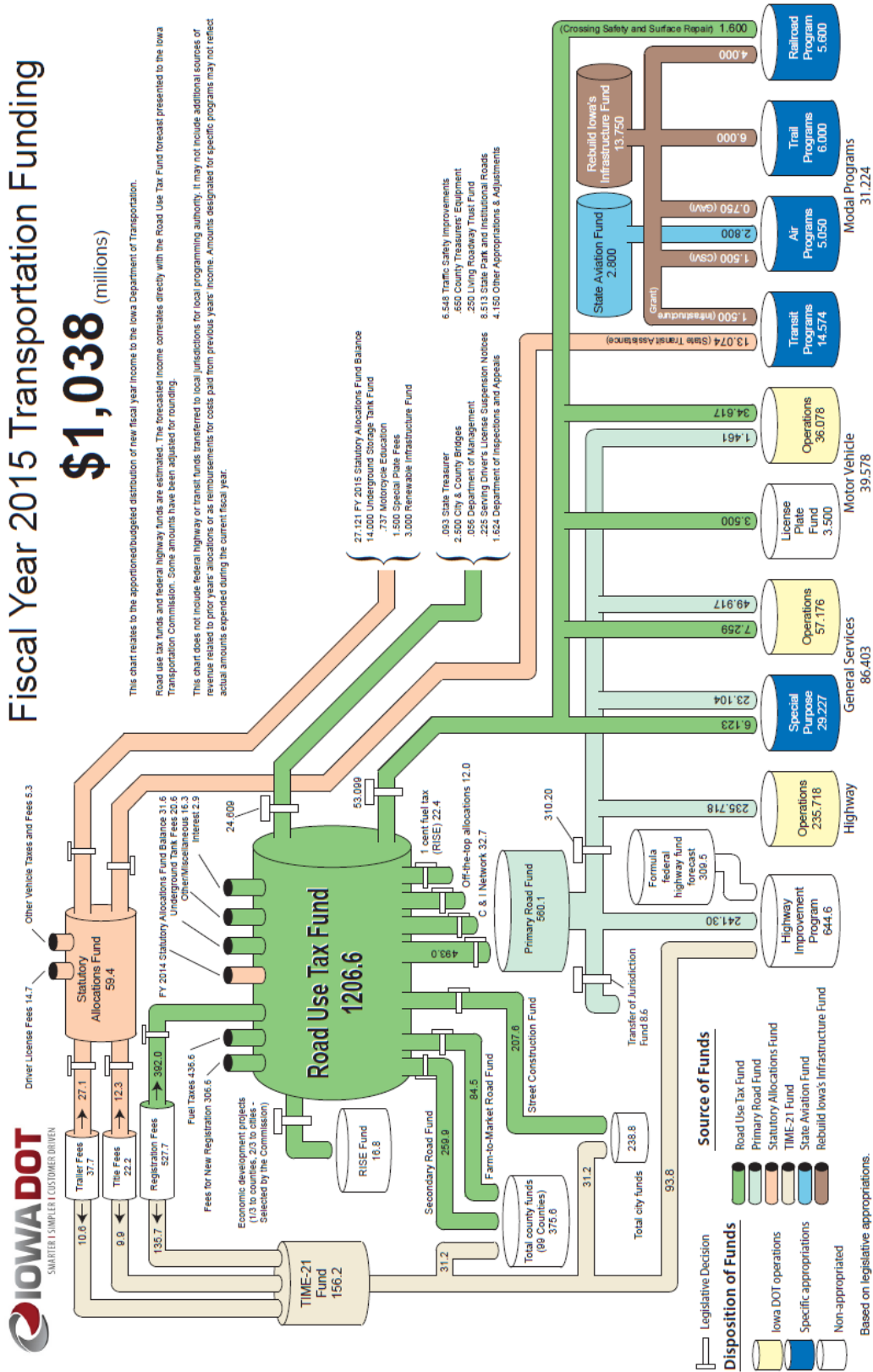


Jen Smit, Lyon County Auditor

Appendix Farm to Market Roads in Lyon County – heavy black lines



Appendix Road Use Tax Fund Diagram for Fiscal Year 2015



Appendix the State Treasurer of Iowa provides the following distribution of RUTF each fiscal year on their website <http://www.iowatreasurer.gov/roadusetax/index.cfm> :

| | Road Use Tax Funds in Fiscal Year 2016 | City Transferred Funds to County in 2016 |
|-------------|---|---|
| Lyon County | \$3,800,441.72 | |
| Alvord | \$17,946.18 | \$4,507.88 |
| Doon | \$64,912.22 | |
| George | \$121,499.47 | |
| Inwood | \$91,574.61 | |
| Larchwood | \$97,424.58 | |
| Lester | \$25,447.12 | \$8,378.95 |
| Little Rock | \$32,687.03 | \$20,816.59 |
| Rock Rapids | \$286,761.27 | |

Appendix 306.3 DEFINITION THROUGHOUT CODE.

As used in this chapter or in any chapter of the Code relating to highways:

1. "*Area service*" or "*area service system*" means those secondary roads that are not part of the farm-to-market road system.
2. "*County conservation parkways*" or "*county conservation parkway system*" means those parkways located wholly within the boundaries of county lands operated as parks, forests, or public access areas.
3. "*Farm-to-market roads*" or "*farm-to-market road system*" means those county jurisdiction intracounty and intercounty roads which serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market roads and area service roads, and includes those secondary roads which are federal aid eligible. The farm-to-market road system shall not exceed thirty-five thousand miles.
4. "*Interstate roads*" or "*interstate road system*" means those roads and streets of the primary road system that are designated by the secretary of the United States department of transportation as the national system of interstate and defense highways in Iowa.
5. "*Municipal street system*" means those streets within municipalities that are not primary roads or secondary roads.
6. "*Primary roads*" or "*primary road system*" means those roads and streets both inside and outside the boundaries of municipalities which are under department jurisdiction.
7. "*Public road right-of-way*" means an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes. The right-of-way for all secondary roads is sixty-six feet in width, unless otherwise specified by the county board of supervisors of the respective counties.
8. "*Road*" or "*street*" means the entire width between property lines through private property or the designated width through public property of every way or place of whatever nature if any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
9. "*Secondary roads*" or "*secondary road system*" means those roads under county jurisdiction.
10. "*State park, state institution, and other state land road system*" consists of those roads and streets wholly within the boundaries of state lands operated as parks, or on which institutions or other state governmental agencies are located.

Appendix 306.4 JURISDICTION OF SYSTEMS.

The jurisdiction and control over the roads and streets of the state are vested as follows:

1. Jurisdiction and control over the primary roads shall be vested in the department.
2. Jurisdiction and control over the secondary roads shall be vested in the county board of supervisors of the respective counties.
3. *a.* Effective July 1, 2004, jurisdiction and control over a farm-to-market extension or road transferred pursuant to section 306.8A within a city with a population of less than five hundred shall be vested in the county board of supervisors of the respective county.
b. If the population of a city drops below five hundred after July 1, 2004, as determined by the latest available federal census or special census, jurisdiction and control over a farm-to-market extension located within the city shall be vested in the county board of supervisors of the respective county effective July 1 following census certification by the secretary of state.
c. If the population of a city from which jurisdiction and control over a road has been transferred pursuant to paragraph "a" or "b" exceeds seven hundred fifty, as determined by the latest available federal census or special census, such jurisdiction and control shall be transferred back to the city effective July 1 following census certification by the secretary of state.
4. Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. When concurrent jurisdiction is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs thereof. When the two parties cannot initially come to agreement as to the division of costs under this subsection, they shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association.
5. Jurisdiction and control over the roads and streets in any state park, state institution or other state land shall be vested in the board, commission, or agency in control of such park, institution, or other state land; except that:
 - a.* The department and the controlling agency shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The department may expend the moneys available for such roads in the same manner as the department expends such funds on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and

maintenance and the division of costs thereof. In the absence of such agreement the jurisdiction and control of such road shall remain in the department.

b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the board expends such funds on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such road shall remain in the board of supervisors of the county.

6. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within their respective counties; except that:

a. The department and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The department may expend moneys available for such roads in the same manner as the department expends such funds on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such roads shall remain in the department.

b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such funds on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such roads shall remain in the board of supervisors of the county.

Appendix 311.5 PROJECT IN CITY.

A road or street which is a continuation of a secondary road within a city and which the county board desires to improve, may by resolution of the county board and concurrence by the council of the city be improved as a secondary road assessment district project or part of a project as provided in this chapter. The lands within the city abutting on or adjacent to the street or road may be included within the secondary road assessment district and assessed for the improvement upon the same basis and in the same manner as though the lands were located outside of a city.

Appendix 314.5 EXTENSIONS IN CERTAIN CITIES.

The agency in control of a secondary road, subject to approval of the council, may eliminate danger at railroad crossings and construct, reconstruct, improve, repair, and maintain any road or street which is an extension of the secondary road within a city. However, this authority does not apply to the extensions of secondary roads located in cities over twenty-five hundred population, where the houses or business houses average less than two hundred feet apart.

The phrase "*subject to the approval of the council*" as it appears in this section, shall be construed as authorizing the council to consider said proposed improvement only in its relationship to municipal improvements such as sewers, water lines, establishing grades, change of established street grades, sidewalks and other public improvements. The locations of such road extensions shall be determined by the agency in control of such road or road system.

Appendix 314.6 HIGHWAYS ALONG CITY LIMITS.

Whenever any public highway located along the corporate line of any city is an extension of a farm-to-market road, or of a primary road, it may be included in the farm-to-market road system or the primary road system, as the case may be, and may be constructed, reconstructed, improved, repaired, and maintained as a part of said road system.