

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 261

H. B. No. 223
(Boustead, Boyum, Kuehn)

HIGHWAY PROPERTY RELOCATION ASSISTANCE PAYMENTS

AN ACT

To create and enact section 24-01-41.1 of the North Dakota Century Code, relating to the expenditure of highway funds for state participation in relocating property as necessitated in accordance with chapter 5 of title 23 of the Federal Aid Highway Act of 1968.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) Section 24-01-41.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-01-41.1. Relocation of Property Other Than Utilities.)
The legislature assents that highway relocation assistance payments, as defined in chapter 5 of title 23 of the Federal Aid Highway Act of 1968, and such changes or amendments thereof which Congress may hereafter enact, are to be considered a necessary cost in the construction or reconstruction of public highways which are eligible for federal aid funds. The commissioner is authorized and empowered to expend highway funds for the cost of the state's participation in highway relocation assistance payments. Relocation assistance payments as defined in chapter 5 of title 23 of the Federal Aid Highway Act of 1968, and such changes or amendments thereof which Congress may hereafter enact, shall not be construed as creating any element of damages recognized in eminent domain.

Approved March 18, 1969.

CHAPTER 262

S. B. No. 326

(Kautzmann, Doherty, Kelly, Freed, Coughlin, Roen)

**HIGHWAY COMMISSIONER TO
PUBLISH TOURIST INFORMATION****AN ACT**

To amend and reenact section 24-03-21 of the North Dakota Century Code, relating to the publication of tourist information and making such publication mandatory upon the state highway commissioner.

**Be It Enacted by the Legislative Assembly of the State of
North Dakota:**

Section 1. Amendment.) Section 24-03-21 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-03-21. Preparation of Road Maps—Publication of Tourist Information.) The commissioner shall prepare for general distribution, road maps of the state highway system and such other roads as he shall deem necessary; and the commissioner shall provide for publication, advertising, and dissemination of information concerning highways or such other publicity matter as he shall deem advisable to promote the use of North Dakota highways and attract tourists to the state or to prolong their stay in the state.

Approved March 14, 1969.

CHAPTER 263

H. B. No. 359
(Bier)

LEASING OF POLITICAL SUBDIVISION'S
ROAD EQUIPMENT

AN ACT

To prevent counties from leasing their county road machinery for less than cost of operation of the equipment.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. County Not To Lease its Equipment for Less Than Cost of Operation.) No county, city or township shall lease, rent, or enter into a contract or agreement for the use of any road construction or maintenance equipment belonging to any county, city or township on other than county, city or township roads or projects at a rate which is less than the current equipment rental rates adopted by the North Dakota state highway department.

Approved March 26, 1969.

CHAPTER 264

H. B. No. 312

(S. McDonald, Reimers, Bernabucci, Haugland)
(J. Peterson, White, Boustead, Emerson, Sanstead)

COUNTY CONSTRUCTION OF BRIDGES

AN ACT

To amend and reenact section 24-08-01 of the North Dakota Century Code, relating to the construction of bridges by board of county commissioners.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 24-08-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-01. Construction of Bridges by Board of County Commissioners—Petition—Bids—Rejection.) Whenever a majority of the freeholders of a civil township, or a majority of the freeholders living within a radius of three miles of the proposed location, shall petition the board of county commissioners for a bridge at a specified location within such township, or within any incorporated city, if the cost of such bridge shall exceed the sum of one hundred dollars, the board of county commissioners shall view and investigate the necessity of such proposed bridge. If the board approves the petition, it shall proceed to advertise in the official paper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of such bridge, to be submitted to it at the next regular or special meeting, at which the board shall proceed to examine all proposals or bids for the building of such bridge. The board shall award the contract to the lowest responsible bidder, requiring such bidder to give a bond in a sum not less than the amount stipulated in the bid or contract, conditioned for the faithful compliance with the terms of such bid or contract, such bond to be approved by the board and filed in the office of the county auditor but the board may reject all bids. If all bids are rejected, the board shall re-advertise as provided herein. Provided, however, that in any case where the amount of the lowest responsible bid is less than seven thousand dollars, the board shall have the authority to refuse all bids received, and to proceed to construct such bridge

under its own supervision, and in the manner deemed by it most expedient, and to enter into contracts for the labor or material to be used in the construction of the same.

Approved March 17, 1969.

CHAPTER 265

H. B. No. 313

(S. McDonald, Reimers, Bernabucci, Haugland)
(J. Peterson, White, Boustead, Emerson, Sanstead)

COUNTY SUPERVISION AND REPAIR OF BRIDGES

AN ACT

To amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the supervision and repairs of bridges.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 24-08-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. Supervision and Repairs of Bridge—Limit of County Liability for Negligence.) Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of seven thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract in the manner provided by section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by delay the county commissioners may proceed to contract for the rebuilding or repair of such bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be

deemed unsafe for public use by the said board of commissioners, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties set out above, but the maximum recovery from the county on such suit or suits shall not exceed the sum of ten thousand dollars for each accident or occurrence caused by any negligent failure to inspect and repair.

Approved March 17, 1969.

CHAPTER 266

H. B. No. 495

(Dahl, Hoffner, Kelsch, Kuehn, Linderman)

SAFEGUARDS AT RAILROAD CROSSINGS

AN ACT

To amend and reenact sections 24-09-08 and 24-09-08.1 of the North Dakota Century Code, relating to safeguards at railroad crossings.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 24-09-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-09-08. Additional Safeguards at Crossings May Be Required.) The commission, upon written application made to it by the state highway commissioner, the board of county commissioners of any county, the board of supervisors of any township, any municipality, the railroad company, or upon its own motion, shall investigate and determine whether any railroad grade crossing over any state, county, township or municipal highway in the state is dangerous to life and property and needs protection further than that set out in this chapter, and may

order the same protected in any manner it may find reasonable and proper, including a requirement that the railroad company separate the grades. In such cases, the commission shall give the railroad company interested such notice of the investigation as it deems reasonable and an opportunity to be heard before any order is made. The railroad company interested, within thirty days after the service of a copy of such order upon it, may appeal to the district court of the county within which such crossing is situated.

Section 2. Amendment.) Section 24-09-08.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-09-08.1. Public Service Commission to Apportion Cost.) In order to promote public safety at intersections of railroad lines and all classes of highways, excepting those for which federal aid is available for automatic grade crossing protection devices, the public service commission shall apportion the cost thereof in accordance with this section. In the event that the public service commission in accordance with the provisions of section 24-09-08 orders that any grade crossing shall be protected by improved or modified automatic grade crossing protection devices, the public service commission shall in its order apportion the cost thereof between the railroad interested, the political subdivision having jurisdiction of the highway involved, and the state of North Dakota. Such cost shall be apportioned to such parties or to any one or more of such parties on the basis of the benefit derived respectively by highway users and the railroad from the installation of such crossing protection device. For the purpose of this section, the cost attributable to the benefit of the highway users shall be apportioned to the state of North Dakota or to the political subdivision having jurisdiction of the highway involved or to both of such parties. The cost apportioned to the state of North Dakota shall be paid out of the highway fund in the state treasury, provided that not more than fifty thousand dollars may be expended for this purpose in any one biennium.

Approved March 15, 1969.

S. B. No. 360
(Nothing, Kautzmann)

LIMITATIONS ON OUTDOOR ADVERTISING

AN ACT

To amend and reenact section 24-17-03 of the North Dakota Century Code, relating to limitations on outdoor advertising.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 24-17-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-03. Limitations of Outdoor Advertising.) Subject to the provisions of this chapter, no sign shall, after January 1, 1968, or any later date established by the Congress of the United States in relation to title 23, United States Code, section 131, or waiver thereof pursuant to said title 23, be erected or maintained within six hundred and sixty feet from the nearest edge of the right-of-way and visible from the main-traveled way of any highway which is a part of the state highway system in this state except the following:

1. Official signs and notices, directional signs and notices, which shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions and outdoor recreational areas subject to the national standards to be promulgated by the secretary of transportation.
2. Signs advertising the sale or lease of property upon which they are located.
3. Signs specifically advertising activities conducted, services rendered, goods sold, stored, produced or mined, or the name of the enterprise on the property and which are within fifty feet of the area used for the purpose advertised and upon which they are located.

4. Signs in areas which are now or hereafter zoned industrial, commercial, or the like by the board as provided in this chapter.
5. Signs in unzoned commercial or industrial areas, which now or hereafter qualify as such, pursuant to the agreement between the board and the secretary of transportation according to title 23, United States Code, section 131.
6. Signs relocated by reason of the construction or reconstruction of the state highway system.
7. Official highway signs within interstate rights-of-way giving specific information for the traveling public pursuant to title 23, United States Code, section 131(f) and the rules and regulations promulgated thereunder.
8. Signs calling attention to the location of buried utility lines.

Approved March 6, 1969.