

# HIGHWAYS, BRIDGES, AND FERRIES

## CHAPTER 199

H. B. No. 670  
(Meschke)

### DEPOSIT OF HIGHWAY REVENUES

#### AN ACT

To provide for the crediting of revenues of the state highway department to the state highway fund and declaring an emergency.

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

**§ 1. Highway Department Revenues to State Highway Fund.)** All revenue in the form of charges, reimbursements or earnings as hereinafter specified, accruing to the state highway department or any of its agencies or divisions, shall be collected and received by the state highway commissioner or his agent, and deposited with the state treasurer weekly, who shall credit all such deposits to the state highway fund:

1. Overload fees or charges, permit fees, proceeds from sales, and reimbursements from other entities.
2. Service fees and charges for furnishing documents, material, information, or performing work at the request of, or for the convenience of other entities.
3. Income resulting from ownership of rights or properties.
4. Funds collected pursuant to a reciprocal or other agreement, which are in lieu of mile tax.
5. Other income resulting from authorized activities of the department and the discharge of its statutory responsibilities.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1965.

## CHAPTER 200

H. B. No. 622

(Borstad, Bruner, Hoffner)

## ENCROACHMENTS ON HIGHWAYS

## AN ACT

To define and prohibit encroachments on state highways and to provide the removal thereof.

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

**§ 1. Encroachments on State Highways.)** No part of the right-of-way for state highways shall be encroached upon by erection thereon of any structure, or placing thereon any personal property, other than a temporary parking of a motor vehicle, without a written permit from the state highway commissioner. Any encroachment may be caused to be removed, obliterated or corrected by order of the highway commissioner and the total cost thereof shall be paid by the person responsible for the encroachment. Vehicles and other property left upon highway right-of-way for a period exceeding seventy-two hours, the ownership of which cannot be determined after reasonable effort has been made to do so, shall be deemed abandoned and may be removed from the right-of-way and stored at the nearest site available for thirty days and if it is not claimed by the owner during such period, and the cost of removal and storage paid, it may be disposed of in the manner prescribed by the commissioner. If such property shall be disposed of by sale it shall, except as otherwise provided by this section, be sold in the manner provided in section 40-05-15. The receipts therefrom shall be deposited in the state treasury as provided in section 153 of the Constitution and credited to the permanent school fund.

Approved March 2, 1965.

## CHAPTER 201

H. B. No. 850  
(Elkin)

## SECTION LINE ROADS

## AN ACT

To amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines and authorizing the county commissioners to close section line roads intersected by interstate highways if petitioned to do so by adjoining landowners.

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

**§ 1. Amendment.)** Section 24-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**24-07-03. Section Lines Considered Public Roads — Closing Same Under Certain Conditions.)** In all townships in this state outside the limits of incorporated cities and villages, the congressional section lines shall be considered public roads, to be opened to the width of two rods on each side of such section lines, where the same have not been opened already upon the order of the board having jurisdiction, without any survey being had, except where it may be necessary on account of variations caused by natural obstacles, subject, however, to all the provisions of this chapter in relation to assessments of damages.

The county commissioners, if petitioned by the adjoining landowners, are authorized to close section line roads or portions thereof which are intersected by interstate highways causing such section line road to be a dead-end, providing the closing of such dead-end section line road does not deprive adjacent landowner access to his property.

Approved March 2, 1965.

## CHAPTER 202

S. B. No. 230  
(Nelson)

## COST OF GRADE CROSSING DEVICES

## AN ACT

To amend and reenact section 24-09-08.1 of the 1963 Supplement to the North Dakota Century Code, relating to apportionment of cost of automatic grade crossing protection devices and payment of the state of North Dakota's apportioned share of such cost.

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

§ 1. **Amendment.)** Section 24-09-08.1 of the 1963 Supplement to 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 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 1, 1965.