

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 236

SENATE BILL NO. 2142
(Committee on Transportation)
(At the request of the Highway Department)

FUNCTIONAL CLASSIFICATION OF HIGHWAYS

AN ACT to amend and reenact subsection 42 of section 24-01-01.1, sections 24-01-01.2, 24-01-02, 24-01-05, and 24-02-08 of the North Dakota Century Code, relating to the definition, mileage, and designation of the state and county road systems and the coordination of systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

Section 1. AMENDMENT.) Subsection 42 of section 24-01-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42. "State highway system" shall mean the system of state principal roads designated by the state highway commissioner, the responsibility for which is lodged in the state highway department.

SECTION 2. AMENDMENT.) Section 24-01-01.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-01.2. STATE HIGHWAY SYSTEM - MILEAGE.) The state highway system shall not exceed seven percent of the entire road mileage of the state, whether such roads are township, county, or state roads, which may be functionally classified as to service, and in no case shall such highway system exceed seven thousand seven hundred miles in length.

SECTION 3. AMENDMENT.) Section 24-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-02. DESIGNATION OF STATE HIGHWAY SYSTEM.) The commissioner is hereby vested with complete authority to designate, locate, create, and determine what roads, highways, and streets shall constitute the state highway system, subject however, to such conditions, requirements, and mileage limits as provided for by law. The total mileage of the state highway system may be increased by not to exceed one hundred miles in any one calendar year. In designating, locating, creating, and determining the several routes of the state highway system, the commissioner shall take into account such factors as the actual or potential traffic

volumes, the type of service class, the construction of bypasses and alternate routes, the conservation and development of the state's natural resources, the general economy of the state and communities, and the desirability of fitting such system into the general scheme of the nationwide network of highways.

SECTION 4. AMENDMENT.) Section 24-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-05. DESIGNATION OF COUNTY SYSTEM - REMOVAL FROM STATE HIGHWAY SYSTEM.) The state highway commissioner may designate, from time to time, a county highway system not exceeding twenty-two thousand five hundred miles in length on which federal aid funds shall be expended as may be provided by such appropriations. In designating such system, he may remove from the state highway system those parts which are low in standard of improvement and type of traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the county road system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

SECTION 5. AMENDMENT.) Section 24-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-08. ENGINEERING CONSULTING SERVICES - COORDINATOR OF HIGHWAY, ROAD, AND STREET PROGRAM WITHIN STATE.) The commissioner is authorized to provide consulting engineering services, upon request, to any governmental unit.

The commissioner shall have the authority and responsibility for the coordination of the total highway, road, and street program within this state, including the designation of systems, which he may functionally classify as to the types of service, and the development of construction standards as hereinafter provided for, and shall review the annual programs for each of the major systems to ensure coordination of planning and general conformity with the law. To obtain coordination, programs for the road systems of the counties and cities shall be initiated by the respective county and city authorities and approved by the commissioner.

Approved March 19, 1975

CHAPTER 237

HOUSE BILL NO. 1464
(Olson, Dick, Tennefos)

APPROACHES OR ESCAPE ROADS

AN ACT to provide that all dead end roads and roads having an intersection on the state or county road systems have an approach or safety road.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. APPROACH OR ESCAPE ROAD TO BE BUILT AT ALL DEAD END ROADS OR INTERSECTIONS OF COUNTY AND STATE HIGHWAYS.) Whenever any highway on the state or county highway system has an intersection or dead end, there shall be constructed, whenever feasible, an approach or escape road, and when not feasible other protective devices such as warning signs, rumble strips, or barricades. This Act shall apply to new road construction and reconstruction after July 1, 1975.

Approved April 8, 1975

CHAPTER 238

HOUSE BILL NO. 1105
(Committee on Transportation)
(At the request of the Highway Department)

OFFICE HOURS OF COMMISSIONER

AN ACT to amend and reenact section 24-02-05 of the North Dakota Century Code, relating to the office hours, sessions, and hearings of the commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-05. OFFICE HOURS, SESSIONS, AND HEARINGS OF COMMISSIONER.) The office of the commissioner shall be open for the transaction of business every day of the year, except Saturdays, Sundays, and legal holidays, and the commissioner, or whosoever may be designated by him, may hold sessions or conduct investigations or hearings at the capitol, or at any other place within the state when deemed necessary to facilitate the work of the department.

Approved March 6, 1975

CHAPTER 239

SENATE BILL NO. 2185
(Committee on Appropriations)
(At the request of the Highway Department)

BUILDING LIMITATION REPEAL

AN ACT to repeal section 24-02-39 of the North Dakota Century Code,
relating to building limitation by the Highway Department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 24-02-39 of the 1973 Supplement
to the North Dakota Century Code is hereby repealed.

Approved March 19, 1975

CHAPTER 240

HOUSE BILL NO. 1067

(Winge)

(From Legislative Council Study)

RURAL TRANSPORTATION SYSTEMS

AN ACT to amend and reenact section 24-04-03 of the North Dakota Century Code, relating to the authority of the state highway commissioner to receive and expend funds made available by Congress for feeder roads and for rural transportation assistance programs, and imposing limitations on the operation of bus transportation systems and on state highway funds which may be expended on such programs; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-04-03. FEEDER ROADS AND RURAL TRANSPORTATION ASSISTANCE PROGRAMS - COMMISSIONER MAY COOPERATE WITH FEDERAL GOVERNMENT.) The commissioner may receive and expend any funds within the limits of legislative appropriations made available by the Congress of the United States to be applied on the county road system, and other roads or streets not on the state highway system and to assist in the development and improvement of surface transportation systems in rural and small urban areas, including projects and programs for the construction of public roads not on any federal-aid system, correction of safety hazards and replacement of bridges, development of parking facilities to serve buses and other means of public transportation of passengers, and for the purchase of buses used in public transportation service. The commissioner may carry out the intent and purpose of rural transportation assistance programs authorized by Congress to the same extent that he now may cooperate legally with federal-aid highway construction and maintenance programs, except as hereinafter provided. The highway commissioner shall not engage in or provide state funds for the operation of any public bus transportation system except by contract with a local governmental entity or a private operator and shall expend no revenue derived from gas tax or motor vehicle licensing in the establishment or operation of such public bus transportation system.

SECTION 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 18, 1975

CHAPTER 241

HOUSE BILL NO. 1151
(Fagerholt)

TOWNSHIP ROAD BUILDING ELECTION
LAW REPEAL

AN ACT to repeal section 24-06-03 of the North Dakota Century Code,
relating to a required election if a township wishes to spend
more than four hundred dollars on road building equipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 24-06-03 of the North Dakota
Century Code is hereby repealed.

Approved March 12, 1975

CHAPTER 242

HOUSE BILL NO. 1082
(Murphy)

SECTION LINE FENCES

AN ACT to amend and reenact sections 24-06-28 and 24-06-30 of the North Dakota Century Code, relating to construction and removal of fences along or across section lines; and providing a penalty, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-06-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-06-28. OBSTRUCTION OF SECTION LINES PROHIBITED - EXCEPTION - CERTAIN FENCES NOT CONSIDERED OBSTRUCTIONS - PENALTY.) No person shall place or cause to be placed any permanent obstruction or stones or rubbish within thirty-three feet of any section line, unless he first shall secure written permission from the board of county commissioners or the board of township supervisors, as the case may be. Such permission shall be granted only where the topography of the land along such section line is such that in the opinion of the board of county commissioners or board of township supervisors, as the case may be, the construction of a road on the section line is impracticable. The provisions of this section shall not prohibit construction of fences along or across section lines if gateways or cattleguards, constructed pursuant to chapter 24-10, are provided where fences cross the lines, but such fences shall be subject to removal as provided in section 24-06-30. Where an issue arises as to whether the situation is better served by the installation of a gateway or a cattleguard, the ultimate decision will be left to the board of county commissioners or board of township supervisors, as the case may be. The construction of fences pursuant to the provisions of this section shall not be considered an obstruction of section lines and any person who damages any fence or who opens and fails to close any gate constructed under the provisions of this section is guilty of an infraction.

SECTION 2. AMENDMENT.) Section 24-06-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-06-30. REMOVAL OF FENCES - NOTICE - COST.) When a public highway is opened along any section line within the state, the board of county commissioners or the board of township supervisors,

as the case may be, shall notify the owner of adjacent property to remove any fences within thirty-three feet of said section line in the manner provided for notice to remove stones or rubbish. If the owner of adjacent property shall fail to remove the same within thirty days after such notice has been given, the board of county commissioners or the board of township supervisors, as the case may be, shall cause such fences to be removed, and the cost thereof shall be returned and entered the same as taxes against the property and shall be paid in the same manner as taxes are paid.

SECTION 3. 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 22, 1975

CHAPTER 243

HOUSE BILL NO. 1509
(Schuett)

ASSISTANCE IN CONSTRUCTING BRIDGES

AN ACT to amend and reenact section 24-08-10 of the North Dakota Century Code, relating to allowing counties or municipalities to assist in constructing bridges.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-08-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-10. COUNTIES OR MUNICIPALITIES MAY ASSIST IN CONSTRUCTING BRIDGE.) Any county or municipality within this state desiring to assist in the construction, maintenance, or repair of a bridge over a navigable river, regardless of whether such county or municipality borders the river at the point where the bridge is to be built, by a majority vote of its board or governing body:

1. May enter into an agreement for the construction maintenance, and repair of such a bridge with other municipalities or counties, whether such municipalities or counties are located within the state of North Dakota or a state bordering North Dakota; and
2. May appropriate any sum that to the said board or governing body may seem reasonable, and shall direct the proper officer to draw a warrant on the general fund for the payment of such appropriation.

Bridges constructed pursuant to this section shall not be required to comply with the provisions of sections 24-08-01 and 24-08-05, except that bridges constructed entirely within the state of North Dakota must comply with the bidding requirements of section 24-08-01.

Approved April 8, 1975

CHAPTER 244

HOUSE BILL NO. 1534
(Rau, R. Metzger)

CONTROL OF OUTDOOR ADVERTISING

AN ACT to amend and reenact the introductory paragraph of section 24-17-03, and to amend and reenact section 24-17-05 of the North Dakota Century Code, relating to control of outdoor advertising adjacent to highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) The introductory paragraph of 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 and, on or after July 1, 1975, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, except the following:

SECTION 2. AMENDMENT.) Section 24-17-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-05. COMPENSATION FOR REMOVAL OF SIGNS.) The state highway commissioner is directed to acquire by purchase, gift, condemnation, or exchange, signs lawfully erected which do not conform to this chapter or the regulations established by the board. Owners of advertising structures, signs, displays, or devices acquired by the commissioner pursuant to this section, and the owners of the land upon which such displays are located shall be paid just compensation for the reasonable damages, if any, suffered by the reason of such removal.

Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected and maintained under state law, provided that federal matching funds

are appropriated, allotted, and made available to this state under Title 23, United States Code, for the purpose of providing just compensation for the removal of such signs, displays, or devices. Should any outdoor advertising sign, display, or device which was erected upon the issuance of an outdoor advertising permit pursuant to the interim policy of the highway commissioner or the highway corridor board be determined to have been erected and maintained under state law for purposes of compensation as provided herein, then payment not to exceed the value of such sign at the expiration date of the existing permit, or at the date the removal is initiated, whichever is earlier, shall be deemed just compensation as required under the provisions of this section. No municipalities, county or local zoning authorities, or political subdivision shall remove or cause to be removed any advertising structures, except such structures that encroach upon the right-of-way, without paying compensation in accordance with this section.

Approved April 8, 1975