
HIGHWAYS

CHAPTER 179.

[S. B. No. 333—Hyland.]

HIGHWAY COMMISSION.

AN ACT Creating a State Highway Commission, Defining Their Duties and Powers. Emergency.

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

§ 1. The governor, state engineer and one other member to be appointed by the governor shall constitute the state highway commission. They shall serve without extra compensation.

§ 2. The Governor shall be ex-officio chairman of the said highway commission. The commission shall have a common seal. The members thereof shall have power to administer oath, and it shall hold regular meetings at the state capital not less than once in every two months. The state engineer shall be secretary of the commission. The state engineer shall file and safely keep all maps and paper belonging to the commission, and shall keep a record of every vote and official act of the said commission. It shall be the duty of the state engineer to prepare plans and specifications and superintend the construction of any road under the direction of the highway commission when requested by any board having jurisdiction over said road, also to give such advice, assistance and supervision with regard to road construction throughout the state as time and conditions will permit, and as rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission to attend any public meeting held by the commission or other parties in the interest of road improvement in the state.

§ 3. It shall be the duty of the state highway commission upon request of any board of county commissioners to require the state engineer to prepare plans and specifications for the construction or improvement of any road within such county, and to make surveys, and in general supervise road construction in said county. It shall also be the duty of the state highway commission to require the state engineer to prepare maps of each county showing the roads in the county and the location of all bridges and culverts, and also showing the roads on which it is proposed to utilize state

funds whenever such funds may be by law provided for this purpose.

§ 4. The attorney general shall be ex-officio attorney of the commission and he shall give the commission such legal counsel, advice and service as it may from time to time require.

§ 5. It shall be the duty of the highway commission to issue bulletins containing advice and suggestions and the law concerning highway construction from time to time as they shall deem most practicable.

§ 6. County commissioners and city and town officials having the care of and authority over roads throughout the state shall on request furnish said highway commission any information which they may possess and required by said highway commission, concerning roads within their jurisdiction.

§ 7. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1913.

CHAPTER 180.

[H. B. No. 249—Martin.]

STATE ENGINEER'S DUTIES IN CONSTRUCTION OF HIGHWAYS AND CULVERTS.

AN ACT Prescribing the Duties of the State Engineer in Connection with the Construction of Bridges and Culverts.

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

§ 1. It shall be the duty of the State Engineer, whenever requested by any board of county commissioners of any county in the state, or by any board of township supervisors, to prepare plans for the construction of any bridge or culvert, or to examine and report on any existing bridge or culvert. In making examinations and surveys and plans for such bridges or culverts, he shall, in so far as possible, co-operate with the county surveyor or county superintendent of highways in such county.

§ 2. For any services rendered under Section one of this act, he shall receive for such services the sum of ten dollars per day and actual and necessary traveling expenses while employed on this work, to be paid by the board of county commissioners or the board of township supervisors, as the case may be. All fees received for services rendered under Section one of this act shall be transmitted to the State Treasurer monthly.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1913.

CHAPTER 181.

[H. B. No. 380—Committee on Highways.]

AUTHORIZING PRIVATE ASSOCIATIONS TO BUILD ROADS

AN ACT Entitled "An Act Authorizing Private Associations or Organizations to Work Upon and Improve the Public Roads at Their Own Expense, and to Name Said Roads Under the Authority and With the Approval of the County Commissioners of the Various Counties."

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

§ 1. It shall be lawful for any private organization or association of people to enter upon any work of improvement or construction of the public highways of this state under authority of the county commissioners of the county in which such road lies, and to construct, work upon, improve, drain, and guide board the same at their own expense in such manner as said county commissioners shall approve of; *provided*, however, that this act shall not apply to highways in any city or town without the consent of the proper authorities thereof.

§ 2. Wherever any such association or organization desires to so enter upon and improve or do any such work of road construction of a trunk line of road in or across any county they shall first apply to the county commissioners of such county for permission to make such improvement or do such work of construction, furnishing a general statement and plan of the work to be so done to the satisfaction of such board, and if such commissioners are satisfied that the proposed work will result in the betterment of the road in question they may grant such application.

§ 3. Where application is made as in section two hereof provided for permission to so improve or construct a trunk line of road the association or organization proposing to do such work, may present with their application a proposed distinctive name for such road, which name so proposed shall thereupon become the name of such road if the application is allowed, unless the county commissioners for good cause shown refuse to allow such name.

§ 4. In any case where any association or organization has heretofore entered upon any work of improvement of any such road as is mentioned in section two hereof, and worked, built, or improved the same, or erected guideboards along the line thereof, or named and marked any

such road, their acts in that regard shall be deemed in all things equivalent to a naming of such road under the provisions of section three hereof, and the name so heretofore given to such road shall be recognized as the name thereof.

§ 5. *Provided*, wherever any road has heretofore or may hereafter be named as provided herein no other parallel or competing road in the state shall be named with the same name or any combination or variation thereof likely to attract travel from said road so first named, and in all cases the road so first named by designation with the county commissioners as herein provided, or the road so first actually named and marked heretofore shall have the right to use such name to the exclusion of all other roads, except roads being improved under the provisions hereof and connecting with and extending said road in the same general course.

§ 6. This act shall not be construed as in any manner excluding any of the public authorities from also working upon or improving such roads, except that it shall be unlawful for anyone working under public authority to so work upon such roads as to destroy their usefulness as highways of general travel, or destroy, or obstruct the same, or the improvements so made upon them, and anyone doing so shall be guilty of a misdemeanor.

§ 7. It shall be unlawful for anyone to destroy or remove from any such road as described in section two any guide-boards or markings indicating the course, condition, or name of such road, and anyone violating this section shall be guilty of a misdemeanor.

§ 8. No work done by any such organization or association under the provisions hereof shall be or become a public charge upon any municipality, but any of the towns, cities, villages, or townships through, or by which said road runs, or the county in which the same lies may work upon and improve such road in connection with such organization or society in the same manner and to the same extent as though no private work was being done thereon.

§ 9. It is the purpose of this act to encourage the cooperation of private enterprise with the public authorities in the construction of through lines of road in this state, and to permit roads so constructed to become known and recognized as highways of travel, and to protect the private interests engaged in the improvement thereof from appropriation by others of their distinctive name, and this act shall be liberally construed to effectuate that purpose.

§ 10. Whereas, an emergency exists this law shall take effect immediately after its passage and approval.

Approved March 6, 1913.