

A BILL

FOR AN ACT TO REPEAL CHAPTER I-A, OF TITLE VIII, SUPPLEMENT TO THE CODE, 1913, AND TO ENACT A SUBSTITUTE IN LIEU THEREOF, CREATING A STATE HIGHWAY ENGINEER, PROVIDING FOR HIS APPOINTMENT, TERM OF OFFICE, COMPENSATION, POWERS, AND DUTIES, PROVIDING FOR HIS REMOVAL, CREATING A SYSTEM OF COUNTY AND TOWNSHIP ROAD, BRIDGE AND CULVERT CONSTRUCTION, AND MAINTENANCE, PRESCRIBING THE PROCEDURE AND MANNER OF CARRYING ON SUCH IMPROVEMENT, AND THE RIGHTS, DUTIES, AND POWER OF COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES WITH REFERENCE THERETO, PROVIDING THAT THE BOARD OF SUPERVISORS OF EACH COUNTY SHALL HAVE FULL CONTROL AND SUPERVISION OF THE COUNTY ROAD SYSTEM, PROVIDING FOR THE REGISTRATION OF HIGHWAY ROUTES, TOGETHER WITH THE NAMES, COLOR OR COMBINATIONS AND DESIGNS USED IN MARKING THE SAME; PROHIBITING THE DUPLICATIONS THEREOF, AND PROVIDING PENALTIES THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That chapter I-A, title VIII, supplement to the code, 1913, be and the same is hereby repealed, and the following substitute enacted in lieu thereof.

Sec. 2. The office of state highway engineer is hereby created and located at the state capitol. Said engineer shall be appointed by the governor immediately upon the taking effect of this act, for a period of two (2) years from the first day of July, 1915, and his term of office shall thereafter be for the period of two (2) years. Such engineer first appointed shall fill the interim between the taking effect of this act and the first of July, 1915. Said engineer shall be subject to removal as provided by section twelve hundred fifty-eight-b (1258-b), supplement to the code, 1913. If for any reason a vacancy occurs in said office, the governor shall fill such vacancy for the unexpired term. The attorney general shall act as attorney and advise said engineer on all legal matters pertaining to his office.

Sec. 3. Said state engineer shall be a resident of the state at the time of his appointment, and a graduate of some accredited school of civil engineering, highway and bridge construction work.

Sec. 4. Said state engineer shall receive an annual salary of twenty-five hundred dollars (\$2,500) for his services, and actual expenses while traveling in the performance of his duties.

3 He shall be required to give a bond in the sum of ten thousand dollars (\$10,000) for the faith-
4 ful performance of his duties.

Sec. 5. Said state engineer may appoint such assistants and clerks as are necessary to carry
2 on the work of the office, but the total expenditure for assistants, clerks and other expenses
3 shall not exceed ten thousand dollars (\$10,000) in any year.

Sec. 6. The duties of such state engineer shall be:

2 a. To acquire knowledge of the latest improved methods of road and bridge construction
3 and collect such other information as will be of value to the highway officers of the state.

4 b. To investigate the road and bridge work in any county upon the request of the board
5 of supervisors, or when in his judgment, it would be necessary to do so, to become familiar
6 with the highway and bridge construction of that county.

7 c. To attend county road meetings when it is practical to do so, and confer with road officials
8 on any matters pertaining to road work.

9 d. To devise plans and specification for highway and bridge construction and mainten-
10 ance suited to the needs of the different counties of the state. He shall also keep on hand
11 standard plans for the different designs of permanent bridges and culverts of all sizes, to be
12 furnished to the county upon the request of the board of supervisors or county engineer.

13 e. To disseminate information and instructions to county boards of supervisors or other
14 highway officers; answer inquiries, and advise such supervisors and officers on questions per-
15 taining to highway improvement, construction and maintenance, and of reasonable prices
16 for materials and construction.

17 f. To keep a record of his office, and the progress of the road work in the state, and an-
18 nually report same to the governor, which report shall be printed as a public document. He
19 shall also render an itemized statement of the expenses of his office to the governor on the
20 last day of December for the preceding year.

Sec. 7. The highways now designated as county roads by the plats and records now on file in
2 the county auditor's office of each county and all county highways from time to time added
3 thereto shall be known as the county road system. All other highways in the county shall
4 be known as the township road system.

Sec. 8. All county system road plats, profiles, engineers' records and records of surveys
2 now on file in the auditor's office of each county under and in accordance with which per-
3 manent highways, culverts and bridges have been constructed or are in the process of con-
4 struction, or highways designated or established as county roads for improvement shall be
5 a part of the system known as the county road system and are hereby so recognized. Such
6 highways, culverts and bridges as at the present time are completed or are in course of con-
7 struction under the said county highway system, are deemed to be of proper width and are

8 hereby so recognized. All of said plats, profiles, engineers' records and records of surveys
9 shall be preserved by the auditor for future references.

Sec. 9. The county board of supervisors shall have full control and supervision of the
2 highways in the county, designated as county road system, as shown by the plat now on
3 file in the county auditor's office in each county, and such other roads as they shall from
4 time to time add to said system. County boards of supervisors of adjoining counties, shall
5 confer with each other and determine and secure continuity of roads leading from the prin-
6 cipal points in one county to the principal points in the other county.

Sec. 10. The board of supervisors may from time to time add to the county road system such
2 roads from the township road system as in their judgment have become sufficiently im-
3 proved to become a part of said system, but in no case shall more than ten per cent (10%) of
4 the township roads be added to the county road system in one year. They shall cause a map
5 to be made plainly marking the road or roads proposed to be added to said system, and file
6 the same with the county auditor to be kept open for public inspection. Upon the filing of
7 said map the county auditor shall at once fix a date of hearing thereon, which shall not be
8 more than twenty (20) days distant from the date of filing same, and ten (10) days notice
9 of the filing of said map with the county auditor, and the date of hearing fixed, shall be
10 published in one issue of each of the official county papers.

11 At any time before said hearing is concluded, any ten (10) freeholders of the county may
12 file a petition with the county auditor asking for any change in said designated roads which
13 may be deemed advisable, which petition shall set forth the reasons for the proposed change,
14 and shall be accompanied by a plat accurately showing such proposed change. Upon such
15 hearing the board of supervisors shall after taking into consideration the volume of traffic,
16 continuity, and maintenance, finally determine the road or roads that are to become a part
17 of the county road system, and cause said map to be marked in conformity to the added road
18 or roads as finally designated.

Sec. 11. The board of supervisors of each county may employ a competent engineer or
2 engineers, who shall be employed for such length of time and at such compensation as may
3 be fixed by the board of supervisors, and to be paid out of the county fund, and who shall
4 make general specifications for grading, repairing, and building of roads, bridges and cul-
5 verts, and who shall perform such other duties as the board of supervisors may determine.
6 Said engineer or engineers shall give bond for the faithful performance of their duties in
7 a sum of not less than Two Thousand Dollars (\$2000), or more than Five Thousand Dol-
8 lars (\$5000), to be fixed by the board of supervisors.

Sec. 12. Upon and under the direction of the board of supervisors, the engineer shall in
2 writing divide said roads into sections, designating each section by some appropriate num-

3 ber, name or letter, and clearly designate the starting point and terminus of each such sec-
4 tion, and such designation shall be recorded at length in the county road book, whereupon
5 the engineer shall proceed to survey said roads and report to the board of supervisors the
6 plan for the road, bridge, tile and culvert work thereon. Such survey and report shall be
7 on the basis and with the object in view of the permanent improvement of said roads as to
8 bridge, culvert, tile and road work. Said survey and report shall consist of an accurate plan
9 and profile of said roads, showing cuts and fills and outline of grades, with careful atten-
10 tion to surface, and lateral drainage and sub-drainage, and shall show the location of all
11 lines of tile and the size thereof, and of all bridges and culverts, their length, height and
12 width, and foundation soundings, and an estimate of the watershed relating to each bridge
13 and culvert.

Sec. 13. After said survey and plan for each section has been approved and filed by the
2 board of supervisors, the county auditor shall record same at length in the county road
3 book, and the board of supervisors shall thereupon proceed with the construction of the
4 road, tile, bridge and culvert work in accordance therewith.

5 The duty to construct and maintain all bridges and culverts throughout the county
6 shall be imposed on the board of supervisors, with the exception of temporary culverts and
7 repair work done upon the culverts of the township road system, which work shall be under
8 the supervision of the township trustees, and the cost of which shall, when the work has
9 been authorized by the board of supervisors, be paid for out of the county road fund when
10 itemized bills therefor are certified to by one or more trustees.

11 Repair work shall be known as work of a temporary character, or of immediate necessity,
12 to maintain finished roads completed under this act.

Sec. 14. All permanent bridges having a clear span of less than sixteen (16) feet shall be
2 classified as culverts and shall be so constructed as to carry a clear roadway of not less
3 than twenty (20) feet in width.

4 All permanent bridges with a clear span of sixteen (16) feet or more shall not be less than
5 sixteen feet in width. All culverts having a span of four (4) feet or less may be classified
6 as road work and may be paid out of the county road funds. All culverts having a span of
7 over four (4) feet, and all bridges shall be paid for out of the county bridge fund.

8 All permanent grading shall provide for a roadway of not less than twenty-four feet in
9 width.

Sec. 15. Standard plans and specifications for all permanent bridges and culverts shall
2 be furnished without cost to the counties by the state engineer, and the work shall be done
3 in accordance therewith and when said work is completed and approved, a duplicate state-
4 ment of the cost thereof shall be filed with the state highway engineer by the county aud-

5 itor. All culverts and bridge construction, tile and tiling and repair work, or materials
6 therefor, of which the engineer or supervisors' estimated cost shall be One Thousand Dol-
7 lars (\$1000) or less, may be advertised and let at the public letting, or may be let privately
8 at a cost not to exceed the engineer's or supervisor's estimated cost, or may be built by day
9 labor.

10 All culverts and bridge construction, tile and tiling, and repair work on materials there-
11 for, of which the engineer's or supervisors' estimated cost shall exceed One Thousand Dol-
12 lars (\$1000) shall be advertised and let at a public letting, provided that the board shall
13 have the power to reject any or all bids, in which event they may re-advertise or let pri-
14 vately, or build by day labor. All bids received shall be opened at the time and place spe-
15 cified in the advertisement and shall be recorded in detail in a book kept for that purpose
16 by the county auditor, which book shall at all times be open to the public for inspection. Be-
17 fore beginning the construction of any bridge or culvert by day labor or contract, the plans,
18 specifications, estimate of drainage area, estimates of cost and their specific location shall
19 be filed in the county auditor's office by the engineer or board of supervisors. On comple-
20 tion a detailed statement of cost and of any additions or alterations to the plans shall be
21 added to the above records by the engineer or board of supervisors, all of which shall be
22 retained in the county auditor's office as permanent records, and when said work is com-
23 pleted and approved a duplicate statement of the cost thereof shall be filed at once with
24 the state highway engineer by the county auditor.

Sec. 16. All bills for road work, tile and tiling, culvert and bridge construction, or for re-
2 pairs, made or done under the supervision of the engineer, shall be filed in itemized form
3 and certified to by the engineer before being allowed by the board, and before warrants
4 in payment therefor are drawn by the county auditor.

5 Before any warrant shall be issued by the county auditor upon the county road fund
6 in payment for grading or construction of highways, or culverts made under the supervision
7 of the engineer, the person to whom the money is due must secure on his bill a certificate
8 of the county engineer that such improvement has been made in accordance with the plans
9 and specifications approved by the board of supervisors, and when so endorsed and allowed
10 by the board of supervisors warrants may be drawn for the amount so certified by the county
11 engineer, but if said engineer makes said certificate when said work has not been done in
12 accordance with the plans and specifications and the same be not properly made good with-
13 out additional cost then the full cost of making good may be recovered upon said engineer's
14 bond.

15 Partial payment may be allowed on contract work not to exceed sixty per cent (60%)
16 of the work actually done.

1 Sec. 17. All moneys, except the bridge fund, received by the board of supervisors for
2 road purposes shall be paid out only on the order of said board for the purchase of tools,
3 machinery, and equipment, or for work done upon the county road system, or for tile or til-
4 ing or for culverts, classified as road work as herein provided. All moneys received by the
5 township trustees for road purposes shall be expended for and upon the township road sys-
6 tem.

1 Sec. 18. At the February meeting or as soon thereafter as possible, the township trus-
2 tees of each township shall select from its township road system, the roads to be dragged for
3 the year, to be known as draggable roads, and shall employ a superintendent or superintend-
4 ents of the township road system, who shall give bond for the faithful performance of his
5 duties in such sum as the township trustees may direct. Such superintendent or superin-
6 tendents shall have the general supervision of all dragging and repair work on the township
7 road system, whose term of office and compensation shall be at the discretion of the town-
8 ship trustees. He shall see that the approaches to all the bridges on the said roads are
9 maintained in such manner as to present smooth and uniform surfaces; keep the openings
10 to all culverts and ditches free from weeds, brush and other material that will in any man-
11 ner prevent the free discharge of surface water.

12 He shall have charge of all draggable roads of the township road system and make con-
13 tracts for dragging, and shall see that all draggable roads of the township road system are
14 properly dragged at such times as are necessary to maintain such roads in a smooth condi-
15 tion, at such price as is reasonable and necessary to secure such contracts. For this pur-
16 pose there shall be expended, under the direction of the township trustees, through the road
17 superintendent or superintendents, upon the township road system not less than the one mill
18 drag tax now authorized by law. The township trustees shall not allow any bills for drag-
19 ging, maintenance, or repair work, nor shall warrants in payment therefor be drawn by the
20 township clerk upon funds of the township road system until itemized bills therefor shall
21 have been certified to by the township road superintendent or superintendents. A violation
22 of this section shall render the township clerk liable on his bond for the amount of said war-
23 rant. The compensation of such superintendent or superintendents for all duties, including
24 any dragging actually performed by him or them, and the cost of all equipment for drag-
25 ging, shall be paid for out of the township road funds. Each superintendent shall at least
26 once a year, or on demand, furnish the township trustees a report of all work done under
27 and by them.

1 Sec. 19. Before beginning any work upon the township road system, other than herein-
2 before described as repair work, the trustees shall make application to the board of super-
3 visors, who may furnish them with an engineer to be paid out of the county fund, who shall

4 survey and lay off such roads according to plans and specifications approved by the board
5 of supervisors, and the work shall be done in accordance therewith. The county board of su-
6 pervisors are charged with the duty of repairing and dragging the county road system as
7 is required to keep the same in proper condition, and shall adopt such methods as are nec-
8 essary to maintain continuously, in the best condition practicable, the entire mileage of this
9 system.

Sec. 20. No state engineer or assistant, or any other person in the employ of the state en-
2 gineer, supervisor, township trustee, county engineer, road superintendent, or any person in
3 their employ or one holding an appointment under them, shall be either, directly or in-
4 directly, interested in any contract for the construction or building of any bridge or bridges,
5 culvert or culverts or any improvement of any road or parts of road coming under the pro-
6 vision of this act.

Sec. 21. Not later than the first Monday in November, or at any time upon the demand
2 of the township trustees, the township clerk shall report the work accomplished on the town-
3 ship road system in his township, and said township trustee shall, as nearly as practicable,
4 recommend what is to be done upon the township road system for the succeeding year. A
5 duplicate report of the work accomplished shall be filed by the clerk with the county auditor;
6 and the county board as nearly as practicable, shall credit the same on the township road
7 system of the county map.

8 It shall also be the duty of the board of supervisors to cause to be made a written report
9 of the work accomplished upon the roads for the current year, which report shall show what
10 roads of the county and township system have been completed or partially completed, and
11 credit to such roads shall be shown upon the county road plan not later than January 1st,
12 and a copy of said report shall be immediately forwarded to the state highway engineer upon
13 standard printed forms.

14 All forms and blanks necessary to secure uniformity of records and reports in the systems
15 herein provided, shall be furnished by the state highway engineer.

Sec. 22. County and township boards, charged with the duty of improving public high-
2 ways, shall have power to remove all obstruction in the highways under their jurisdiction,
3 for fences and poles used for telephone, telegraph or other transmission purposes, shall not
4 be removed until notice, in writing, of not less than ten (10) days has been given to the owner,
5 occupant, or agent of the land enclosed in part of such fence or to the owner or company
6 operating such lines. The notice to any owner or operator of any such telephone, telegraph
7 or transmission line may be served on any agent or officer of such line, and all such fences and
8 poles shall, within the time designated, be removed to such line on the highway, as designated
9 by the board of supervisors, and if not removed by the date fixed in such notice, same may be
10 forthwith removed by the proper officials.

11 Any new lines, or part of lines hereinafter constructed, shall be located by the board of
12 supervisors, and shall be removable according to the provisions of this section.

13 The notice of removal may designate to which side of the highway the said poles shall
14 be removed. Any removal made in compliance with this section shall be at the expense of
15 the owners thereof, without liability on the part of any officer ordering or effecting the re-
16 moval.

Sec. 23. The board of supervisors shall require all contractors to give a bond for the faith-
2 ful performance of the contract, in such sum as the board of supervisors may deem neces-
3 sary.

4 The surety on any bond given to guarantee the faithful performance and execution of any
5 work shall be deemed and held, any contract to the contrary notwithstanding, to conesnt with-
6 out notice:

7 a. To any extension of time to the the contractor in which to perform the contract when
8 each particular extension does not exceed sixty (60) days.

9 b. To any change in the plans, specifications or contract when such change does not in-
10 volve an increase of more than twenty per cent (20%) of the total contract price, and shall
11 then be released only as to such excess increase.

12 No contract shall be valid which seeks to limit the time to less than five (5) years in which
13 an action may be brought upon the bond covering concrete work nor to less than one (1)
14 year upon the bond covering other work.

Sec. 24. The board of supervisors shall levy for grading and building of roads not more
2 than two (2) mills on the dollar to be known as the road building fund, but such tax shall
3 not be assessable within the limits of any city or incorporated town. None of such road tax
4 shall be used in the grading or building of any roads within the limits of such cities or towns.

Sec. 25. Any association organized to promote the improvement of any continuous high-
2 way not less than twenty-five miles in length may, by making application to the state high-
3 way engineer, register in the office of said engineer the name, detailed route, color combina-
4 tion and design used in marking said route. The highway engineer shall have power to de-
5 termine priority of right in the use of said name, color combination and designs.

Sec. 26. The application shall be in the form prescribed by the engineer upon blanks fur-
2 nished by him, and shall be properly acknowledged by the president and secretary of the as-
3 sociation before a notary. Said applications shall be accompanied by a registration fee of five
4 dollars (\$5.00), which fee shall be returned to the association if the application be not granted.

Sec. 27. If the state highway engineer shall, after investigation, adjudge the application
2 meritorious and the route to be worthy of the protection of this act, he shall issue to the
3 association a certificate which shall designate in detail the name, the starting and the terminal

4 points, the color combination and designs used in marking the route; all of which facts shall
5 be recorded as a part of the permanent records of the engineer in a book kept for that pur-
6 pose.

Sec. 28. It shall be unlawful for any person or association of persons to use for similar
2 purposes the name, any recorded color combination and design herein referred to.

Sec. 29. Any person who shall injure or deface any signboard, design or other markings
2 designating routes, shall be subject to the provisions of section forty-eight hundred and one
3 of the code.

Sec. 30. When any such highway association ceases to exist or when the interest in the
2 route, name and markings has ceased, the state highway engineer may, after proper investi-
3 gation, cancel the records and registration herein referred to and reassign the name, color
4 combination, designs or other markings to any association making application for their use.

Sec. 31. All fees received by the state highway engineer under this act shall be turned
2 into the state treasury.

Sec. 32. Any person or officer of any association violating any of the provisions of Sec-
2 tions 25, 26, 27, 28, 29, 30 or 31 of this act, shall be guilty of a misdemeanor.

Sec. 33. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 34. This act, being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Des Moines News and the Des Moines Capital, news-
3 papers published at Des Moines, Iowa.