

House File No. 451.  
By LARSON and SHORTESS.

Roads and Highways.  
March 6, 1917.

## A BILL FOR AN ACT

To provide for the acceptance of the proposal made by the United States relating to federal aid in the construction of rural post roads, as set forth in the Act of Congress, approved July eleventh, nineteen hundred and sixteen (1916); to amend the law as it appears in sections four hundred three (403), four hundred sixty-eight-a (468-a), supplement to the code, 1913, and sections fifteen hundred twenty-seven-s five (1527-s5), fifteen hundred seventy-one-m thirty-two (1572-m32), supplemental supplement to the code, 1915; to repeal the law as it appears in sections fifteen hundred twenty-seven-s seven (1527-s7), fifteen hundred twenty-seven-s eighteen (1527-s18), supplement to the code, 1913, and sections fifteen hundred twenty-seven-s two (1527-s2), fifteen hundred twenty-seven-s three (1527-s3), fifteen hundred twenty-seven-s eight (1527-s8), fifteen hundred twenty-seven-s ten (1527-s10), fifteen hundred twenty-seven-s eleven (1527-s11), fifteen hundred twenty-seven-s thirteen (1527-s13), fifteen hundred twenty-seven-s sixteen (1527-s16), supplemental supplement to the code, 1915, and to enact substitutes therefor; and to repeal the law as it appears in sections fifteen hundred twenty-seven-f (1527-f), fifteen hundred twenty-seven-g (1527-g), fifteen hundred twenty-seven-h (1527-h), fifteen hundred twenty-seven-i (1527-i), fifteen hundred twenty-seven-j (1527-j), fifteen hundred twenty-seven-k (1527-k), fifteen hundred twenty-seven-l (1527-l), fifteen hundred twenty-seven-m (1527-m), fifteen hundred twenty-seven-o (1527-o), fifteen hundred twenty-seven-q (1527-q), fifteen hundred twenty-seven-r (1527-r), fifteen hundred twenty-seven-s fifteen (1527-s15), supplement to the code, 1913, and fifteen hundred twenty-seven-s thirteen-a (1527-s13a), supplemental supplement to the code, 1915; all relating to public highways, to the issuance of county bridge bonds by vote of the people, and to the powers and duties of the state highway commission, county board of supervisors,

township trustees, and others, with reference to such highways and bridges.

*Be it Enacted by the General Assembly of the State of Iowa:*

1 Section 1. The state of Iowa, through its legislature, here-  
2 by accepts the proposal of the United States as set forth in the Act  
3 of Congress, approved July eleventh, nineteen hundred and sixteen  
4 (1916), entitled, "An Act to provide that the United States shall  
5 aid the states in the construction of rural post roads, and for other  
6 purposes," thirty-ninth United States Statutes at Large, page three  
7 hundred and fifty-five, and assents to the provisions of said Act of  
8 Congress. For the construction and maintenance of rural post roads  
9 the good faith of the state is hereby pledged to cause to be made  
10 available funds sufficient to equal the sums apportioned to the state  
11 by or under the United States Government during each of the five  
12 years for which federal funds are apportioned by Section three of the  
13 said Act, and to maintain the roads so constructed with the aid of  
14 funds so appropriated, and to make adequate provisions for carrying  
15 out such maintenance.

1 Sec. 2. The state highway commission is hereby author-  
2 ized and directed to enter into and complete negotiations with the  
3 secretary of agriculture to secure the full apportionment from the  
4 federal aid fund for and on behalf of the state of Iowa and the sev-  
5 eral counties thereof, and is further authorized to enter into all  
6 contracts and agreements with the United Sates government relating  
7 to the survey, construction and maintenance of roads under the pro-

8 visions of the said act of Congress, to submit such plan or program  
9 of construction and maintenance as may be required by the secretary  
10 of agriculture, and do all other things necessary to fully carry  
11 out the co-operation contemplated and provided for by the said act.

1 Sec. 3. All sums received under the said federal aid act  
2 shall be apportioned among the several counties in the same ratio  
3 and on the same basis as the apportionment of the motor vehicle funds,  
4 provided there may be expended in each county, in any one year a larg-  
5 er or smaller amount as may be demanded to meet the conditions, con-  
6 tracts and agreements between the highway commission and the federal  
7 government, but in no case shall the total amount expended from the  
8 federal aid fund in any county exceed the proportion hereinbefore  
9 specified. The fund to be set aside by any county to meet the re-  
10 quirements of the federal aid act shall be taken from the funds re-  
11 ceived from the motor vehicle apportionment, and if the same is not  
12 sufficient, any additional funds required for bridge work shall be  
13 taken from the bridge fund, and any additional fund required for road  
14 work shall be taken from the road fund, but no additional levy shall  
15 be made to provide such funds.

1 Sec. 4. That section fifteen hundred twenty-seven-s two  
2 (1527-s2), supplemental supplement to the code, 1915, be and the  
3 same is hereby repealed, and the following enacted in lieu thereof:

4 "The duties of said state highway commission shall be:

5 1st. To prepare and adopt plans of highway, bridge and cul-  
6 vert construction and maintenance suited to the needs of the differ-  
7 ent counties of the state, and furnish standard plans to the counties

8 in accordance therewith, and to furnish special plans for bridges and  
9 culverts upon the request of the board of supervisors.

10 2d. To keep a record of all important operations of the high-  
11 way commission, and to annually report the same to the governor by the  
12 first day of January, which report shall be printed as a public docu-  
13 ment; but the summary report of the county highway engineers shall be  
14 reported not later than February first.

15 3d. To disseminate information and instruction to county super-  
16 visors and other highway officers, to answer inquiries and advise such  
17 supervisors, township trustees and officers on questions pertaining to  
18 highway improvements, construction and maintenance, and shall each  
19 month, or upon request, furnish the board of supervisors a schedule of  
20 prevailing prices of all materials used in road, bridge and culvert  
21 construction.

22 4th. To appoint such assistants as are necessary to carry on  
23 the work of the commission, define the duties and fix the compensation  
24 of each, and terminate at will the terms of employment of all employ-  
25 ees, provide for the necessary bonds and fix the amount of same; pro-  
26 vided, however, that not more than three (3) engineers, exclusive of  
27 the chief engineer, may be employed in field or inspection work, and  
28 no specific district or territory of the state shall be assigned to  
29 any such engineers.

30 5th. To make investigation as to conditions in any county up-  
31 on their own initiative, or upon complaint, in writing, of five citi-  
32 zens of the county. If, upon said investigation, they shall find any  
33 violation of duties enjoined by this act, whether of omission or com-

34 mission, they shall report the same to the attorney general, who shall  
35 take such steps as are by him deemed advisable to cause the provisions  
36 of this act to be fully complied with.

37 6th. To have general supervision of the various county officers  
38 named in this act, with reference to the performance of their duties  
39 herein provided, and shall have full power and authority to enforce  
40 the provisions of this act.

41 7th. In any case where complaint is made as provided in the  
42 fifth paragraph hereof, the state highway commission shall have full  
43 power to investigate the acts of township officers named in this act  
44 and to enforce the provisions of the same to the extent as provided  
45 in relation to county officers in paragraph five hereof.

46 8th. The state highway commission shall assist the county  
47 board of supervisors and the attorney general in the defense of  
48 patent suits relative to road or bridge construction, make surveys  
49 for the state board of control when so requested, and perform all  
50 other duties required by law.

51 9th. To acquire knowledge of the latest methods of road and  
52 bridge construction and collect such other information as will be of  
53 value to the highway officers of the state and transmit same to such  
54 officers.

55 10th. To attend county road meetings upon request of the  
56 board of supervisors and confer with road officials on any matters  
57 pertaining to road work, but shall not incur any expense to the  
58 state for road lectures.”

1 Sec. 5. That section fifteen hundred and twenty-seven-s  
2 three (1527-s3), supplemental supplement to the code, 1915, be and  
3 the same is hereby repealed, and the following enacted in lieu thereof:

4 "The board of supervisors of each county shall employ, from time  
5 to time, a competent engineer and such assistants as may be necessary,  
6 and at such compensation, to be paid out of the county funds, as may be  
7 fixed by the board of supervisors. Such engineer and assistants shall  
8 work under the direction and instruction of the board of supervisors  
9 in the performance of his or their duties as hereinafter provided, and  
10 each shall give bonds for the faithful performance of his duties in a  
11 sum not less than two thousand dollars (\$2,000.00), nor more than five  
12 thousand dollars (\$5,000.00), to be determined and approved by the  
13 board of supervisors.

14 The tenure of office of any engineer or assistants may be ter-  
15 minated by the board of supervisors whenever, in their judgment, such  
16 action be deemed advisable, or by the highway commission for incom-  
17 petency or inefficiency. Said engineer and assistants shall not be  
18 related to any member of the board of supervisors or to any member of  
19 the state highway commission, and said engineer shall, before being  
20 county board in Iowa, pass an examination before the state highway  
21 commission for competency and efficiency to which said highway com-  
22 mission shall certify; provided, however, that no engineer, who is,  
23 at the time of taking effect of this act, employed as engineer, shall  
24 be required to take said examination by the said highway commission.

25 The highways now designated as county roads by the plans and  
26 records now on file in the county auditor's office of each county

27 and all county highways from time to time added thereto, shall be  
28 known as the county highway system. All other highways in the  
29 county shall be known as the township road system.

30 The system of road construction herein provided shall apply  
31 only to highways outside of the limits of cities and towns; provided,  
32 however, that whenever any public highway, located along the corpor-  
33 ate line of any city or town is partly within said city or town and  
34 partly without the same, the said highway or any part thereof, may  
35 be included in and made a part of the county road system, and when  
36 so included it may be improved by the board of supervisors as are  
37 other parts of the county highway system.

38 The system of bridge and culvert work herein provided for  
39 shall apply to all highways throughout the county outside of the  
40 limits of cities of the first class; provided, however, that when  
41 any part of any public highway located along the corporate line of  
42 a city of the first class is included in the county highway system,  
43 as herein provided, the board of supervisors and city council shall  
44 meet jointly and adopt plans and specifications with the approval of  
45 the highway commission for the construction of bridges and culverts,  
46 one-half of the cost of the same to be paid by the city and one-half  
47 by the county, and in case the city council and the board of super-  
48 visors are unable to agree upon any question or questions involved  
49 in the construction of same, it shall be referred to the state high-  
50 way commission, whose decision therein shall be final and binding  
51 upon each party.

52 In matters involving highway improvements upon or across state

53 lines or in determining continuous routes for interstate roads, the  
54 state highway commission shall be authorized to confer with the au-  
55 thorities of bordering states and to agree upon proper connections  
56 or plans and the apportionment of costs of such improvements.

57 Boards of supervisors of adjoining counties shall confer with  
58 each other to determine and secure continuity of roads leading from  
59 the principal points in one county to the principal points in the  
60 other county. In case the boards of the two counties cannot agree  
61 in designating which road or roads, running between their respective  
62 counties or across their dividing lines, shall become a part of the  
63 county highway system in order to maintain continuity, either party  
64 may appeal to the state highway commission who shall thoroughly in-  
65 vestigate the roads in dispute and shall decide which road or roads  
66 shall become a part of the county highway system of each county, and  
67 its decision shall be final.”

1 Sec. 6. That section fifteen hundred twenty-seven-s five (1527-  
2 s5), supplemental supplement to the code, 1915, be and the  
3 same is hereby amended by striking out all following the word “com-  
4 mission” in line eleven thereof, and substituting in lieu thereof  
5 the following:

6 “Provided that the board of supervisors of any county shall  
7 notify such highway commission of any change or modification of the  
8 established county highway system, when such change is proposed for  
9 the purpose of eliminating, from such road, dangerous railroad cross-  
10 ings, road crossings, curves, bridges, culverts, or when such change

11 would materially decrease the cost of improving and maintaining the  
12 road.”

1 Sec. 7. That section fifteen hundred twenty-seven-s seven  
2 (1527-s7), supplement to the code, 1913, and section fifteen hundred  
3 twenty-seven-s eight (1527-s8), supplemental supplement to the code,  
4 1915, be and the same are hereby repealed, and the following enacted  
5 in lieu thereof:

6 “As soon as any part of said approved map is returned to the  
7 county auditor, showing the final designation of county roads, the  
8 county engineer, upon and under the direction of the board of super-  
9 visors, shall, in writing, divide said road into sections designat-  
10 ing each section by some appropriate number, name or letter, and  
11 clearly designating the starting point and terminus and each said  
12 section, and such designation shall be recorded at length in a county  
13 road book, whereupon the engineer shall proceed to survey said roads  
14 from established corners and report to the board of supervisors the  
15 plan for road, bridge, tile and culvert work thereon. Such survey  
16 and report shall be made on the basis and with the object in view of  
17 the permanent improvement of said county roads, both as to bridge,  
18 culvert, tile and drainage work. Said survey and report shall consist  
19 of an accurate plan and profile of said roads showing cuts and fills  
20 and outline of grades with careful attention to surface and lateral  
21 drainage, and subdrainage, and shall show the location of all lines  
22 of tile and size thereof, and of all bridges and culverts, their  
23 length, height and width, and foundation soundings, and an estimate  
24 of the water shed relating to each bridge and culvert. Culverts con-

25 structed under the provision of this act shall have a clear roadway  
26 of not less than twenty feet. All permanent grading shall provide  
27 for a roadway of not less than twenty-four feet in width. Proper  
28 bench marks shall be established on each permanent bridge,  
29 which shall be duly recorded on both profile and plan of roads, for  
30 future reference. The engineer shall clearly designate and credit  
31 on said plan and profile all existing permanent bridges, culverts and  
32 grades. The board may cause all sections to be fully surveyed and a  
33 report made thereon before proceeding with the improvement contem-  
34 plated by this act, or, in order to enable the board to proceed with the  
35 most necessary and urgent work, said board may designate the order in  
36 which the different sections shall be surveyed and planned, and may  
37 order the engineer to survey and report on certain named sections be-  
38 fore completing the survey and report on all sections.

39 The board of supervisors shall, at the September meeting of  
40 each year, determine what sections, if any, of the county highway  
41 system shall be permanently improved during the coming year and shall  
42 designate the character of such improvement, and the county engineer  
43 shall not be required to draw plans or profiles for permanent improve-  
44 ments on other than such designated sections except by express direc-  
45 tion of the board, the intention being to save the expense of surveys  
46 and plans to be carried out at a more remote time.

47 The survey and report of each section or any portion thereof,  
48 as soon as completed and approved by the board of supervisors, shall  
49 be submitted to the state highway commission, and the board of super-  
50 visors may designate to the said commission what sections or portions

51 thereof, in their estimation, should be first passed upon by said state  
52 highway commission.

53 The said commission is hereby charged with the duty of forth-  
54 with passing upon such reports and plans, and in so doing, shall take  
55 into consideration the thoroughness, feasibility and practicability  
56 of such plans, and may approve or modify the same, except as other-  
57 wise provided by law.

58 After such survey and plan for each section is passed upon by  
59 the state highway commission, they shall be immediately returned to  
60 the county auditor with full and explicit directions as to modifica-  
61 tions, if there be any. The county auditor shall, upon the receipt  
62 of the approved and modified survey and plans, record the same at  
63 length in a county road book, and the board of supervisors shall, at  
64 the time of construction, proceed in accordance therewith, and as pro-  
65 vided by law.

66 When, in the judgment of the board of supervisors, conditions  
67 of any road to be graded are such as to render work commonly known  
68 as back cutting practicable, they shall order the engineer to amend  
69 the plans and specifications so as to provide for such back cutting.

70 And where any such plans or designated improvements contemplate  
71 the moving of a considerable yardage of earth or other material or the  
72 hauling and placing of gravel or other surfacing material within a  
73 locality or distance readily accessible to the same labor, the same  
74 shall be grouped in the engineer's plans as a unit of work and when  
75 the estimated cost thereof exceeds one thousand dollars (\$1,000.00),  
76 the same shall be advertised for a public letting, as provided in

77 section ten of this act.

78 The duty to maintain and construct all bridges and culverts  
79 throughout the county is imposed upon the board of supervisors. All  
80 bridges and culverts shall be paid for out of the county bridge fund,  
81 except as provided in section fifteen hundred seventy-one-m thirty-  
82 two (1571-m32), supplemental supplement to the code, 1915, as  
83 amended by this act.

84 Where conditions are such as to warrant or necessitate the same,  
85 the board of supervisors shall furnish township trustees metal or  
86 temporary culverts authorized by the state highway commission to be  
87 placed by them on their township road system. Said culverts to be pur-  
88 chased by the board of supervisors and paid for out of the county  
89 fund and shall not exceed in size thirty-six (36) inches in diameter or  
90 its equivalent.

91 The county, however, shall be at no expense for placing, fill-  
92 ing or transportation of said temporary culverts other than their  
93 delivery at a railroad station to be designated by the board of super-  
94 visors.

95 Immediately upon the completion by the board of supervisors of  
96 any bridge or culvert situated upon the township road system, or the  
97 installation of a temporary culvert furnished to the township by the  
98 board of supervisors, it shall be the duty of the township trustees  
99 to properly fill over with dirt all such culverts, and fill in and  
100 uniformly grade the approaches to all such bridges. Should the  
101 trustees fail, for a period of two weeks after notification, to make such fill,

102 or fail to fill in and grade over such culvert, as herein provided,  
103 the board of supervisors shall proceed to do so, and the engineer shall  
104 report the actual cost of so doing and such amount, not exceeding one  
105 hundred fifty dollars (\$150.00), for any bridge or culvert, shall be  
106 certified by the board of supervisors to the county treasurer who shall  
107 transfer said amount to the county road cash fund from the first col-  
108 lection of road funds belonging to said township.

109 The county road fund, the county road building fund, the county  
110 drainage fund, and all other moneys received by the board of super-  
111 visors for road purposes, except as otherwise provided, shall be  
112 placed in the county road cash fund, and shall be paid out only on  
113 order of the said board of supervisors for the purchase of tools,  
114 machinery and equipment, or for tile and tiling, or for filling on  
115 culverts and bridge approaches as herein provided, or for work done  
116 on the county road system, or for the elimination of dangers at rail-  
117 road crossings on both county and township roads at the discretion  
118 of the board of supervisors, on an adjustment of such dangerous con-  
119 ditions by negotiations between the railroad companies and the board  
120 of supervisors, or upon an order and finding of the railroad commis-  
121 sion.

122 All culverts having a span of four feet or less may be classi-  
123 fied as road work and may be paid for out of the county road fund.  
124 All bridges having a clear span of less than sixteen feet shall be  
125 classified as culverts. All culverts over four feet and all bridges  
126 shall be paid for out of the county bridge fund. All moneys received  
127 by the township trustees for road purposes shall be expended for and

128 upon the township road system. Permanent work as contemplated by  
129 this act shall include all bridges constructed of steel, concrete or  
130 stone, all culverts constructed of concrete or stone, and all roads  
131 built and improvements completed on the public highways, done under  
132 and according to the plats filed in the office of the county auditor.  
133 All other work shall be known as temporary work.

134 All money received by the township trustees for road purposes  
135 shall be expended for and upon the township road system, or for the  
136 elimination of dangers at railroad crossings on the township roads,  
137 at the discretion of the township trustees, on an adjustment of such  
138 dangerous conditions by negotiations between the railroad company  
139 and the township trustees, or upon an order and finding of the rail-  
140 road commission.

141 Whenever it may become necessary in grading the highways to  
142 make a cut which will disturb or destroy, or a fill which will cover  
143 up a government or other established corner, it shall be the duty of  
144 the engineer to establish permanent witness corners, and make a  
145 of the same, which shall show the distance and direction the witness  
146 corner is from the corner disturbed or covered up. A failure to per-  
147 form this duty shall subject the engineer to a fine of not less than  
148 ten dollars (\$10.00) nor more than fifty dollars (\$50.00), to be col-  
149 lected on his bond.”

1 Sec. 8. That the law as it appears in section four hundred  
2 three (403), supplement to the code, 1913, be and the same is hereby  
3 amended by inserting after the word “date” in line seven of said  
4 section the following:

5 “, provided, however, that the provisions of this section shall  
6 not apply to indebtedness incurred for road work or for bridges and  
7 culverts except in the following instances: (a) for indebtedness out-  
8 standing at the time of the taking effect of this act; (b) for in-  
9 debtedness incurred, or to be incurred, under and by virtue of con-  
10 tracts for road or bridge work entered into prior to the taking effect  
11 of this act; (c) for indebtedness incurred in completing road or bridge  
12 work which had been ordered by resolutions of the board and the esti-  
13 mated cost thereof specified in the resolution and entered on record  
14 prior to the taking effect of this act; (d) and for indebtedness in-  
15 curred in the repairing, rebuilding or reconstruction of roads or  
16 bridges made necessary by washout or accident or other emergency,  
17 the necessity of which was unknown and which could not have been  
18 foreseen at the time of the making of the preceding annual levy of  
19 taxes for road and bridge purposes; (e) when authorized by a vote  
20 of the qualified electors as hereinafter provided.”

21 Also by inserting after the period following the word “class”  
22 in line fourteen (14) of said section the following:

23 “The board of supervisors, upon the filing with the county  
24 auditor of a petition requesting such election signed by qualified  
25 electors of the county, in a number equal to ten (10) per cent of  
26 the electors voting at the last preceding general election, so dis-  
27 tributed among the various voting precincts of the county as that  
28 at least five (5) per cent of the electors in each such voting  
29 precinct shall have signed such petition, shall submit to the quali-  
30 fied electors of the county a proposition to issue county bridge

31 bonds in sums and amounts to be specified in the proposition, which  
32 proposition shall also specify the total amount of the proposed bond  
33 issue and the denomination of the bonds proposed to be issued. Such  
34 proposition may be determined by resolution of the board and it  
35 shall be submitted to the qualified electors of the county outside  
36 cities of the first class. The voters residing upon the territory  
37 outside the incorporated limits of cities, towns and villages shall  
38 vote separately upon the proposition for the issuing of such bonds.  
39 If a majority of the votes cast by the voters residing either within  
40 or without the incorporated limits of such cities, towns and villages  
41 shall be against the bonds, the proposition shall not carry. If a  
42 majority of the vote cast, both by voters upon territory outside the  
43 incorporated limits of cities, towns and villages and of voters upon  
44 territory inside the incorporated limits of said cities, towns and  
45 villages, shall be in favor of the proposition, then it shall carry,  
46 and the bonds shall be issued. Funds realized from the proceeds of  
47 any such bond issue shall be used only for the purposes specified in  
48 the proposition submitted and any diversion of the same to other uses  
49 shall constitute embezzlement.”

1 Sec. 9. That section fifteen hundred twenty-seven-s ten  
2 (1527-s10), supplemental supplement to the code, 1915, be and the  
3 same is hereby repealed and the following enacted in lieu thereof:  
4 “All bills for road work, tile and tiling, culvert and bridge  
5 construction or for repairs designated by the engineer, shall be filed  
6 in itemized form and certified to by the engineer before being allowed  
7 by the board and before warrants in payment therefor are drawn by

8 the county auditor.

9 Before any warrant shall be issued by the county auditor upon  
10 the funds of the county highway system in payment for any work  
11 or construction of bridges, culverts, or highways, except for dragging,  
12 maintenance, emergency repairs or other repairs not designated by  
13 the engineer, he must secure on this bill the certificate of the engineer  
14 employed by the board of supervisors, that such improvement has been  
15 made in accordance with the plans and specifications as herein pro-  
16 vided, and when so endorsed warrants may be drawn for the amount  
17 so certified by the county engineer and the engineer shall not certify  
18 any bill for final payment to any contractor for the construction of  
19 bridges or culverts until such contractor has removed all obstruc-  
20 tions to the waterway and rendered the same free from dirt, earth,  
21 soil, weeds, brush or any material that will, in any manner, prevent  
22 the free discharge of surface water unless it has been otherwise pro-  
23 vided by the contract providing for such construction, but if said  
24 engineer make said certificate when said work was not done in accord-  
25 ance with the plans and specifications, and the same be not properly  
26 made good, without additional cost, then the full cost of making same  
27 good, may be recovered upon said engineer's bond, and his bond shall  
28 be liable therefor.

29 Partial payments may be allowed by the board on contract work  
30 on the basis of the engineer's certified estimates and the percent-  
31 ages specified in the standard specifications of the state highway  
32 commission.

33 Repair work shall be defined as follows:

34 (a) Work not designated by the county highway engineer.

35 (b) All road construction work costing not in excess of one  
36 hundred dollars (\$100.00) per mile.

37 (c) Work of a temporary character, including construction of  
38 township roads to natural grade by blade graders, regardless of  
39 the same costs in excess of one hundred dollars (\$100.00) per mile. <sup>whether</sup>

40 (d) All work of immediate necessity to maintain finished roads  
41 completed under this act.

42 Emergency repair work on the county highway, bridge and culvert  
43 system shall be defined as any work of immediate necessity required to  
44 make a road safe for travel and which may be done at an expense of <sup>not</sup>  
45 more than twenty-five dollars (\$25.00) on each such emergency.

46 The board of supervisors at each January meeting hereafter shall  
47 make arrangements with the township trustees in the respective town-  
48 ships to do such emergency repair work as may from time to time <sup>arise</sup>  
49 on any county highway, bridge or culvert system; and when the neces-  
50 for any such emergency repair work is called to the attention of any <sup>sity</sup>  
51 member of the board of township trustees by any citizen of the com-  
52 munity in which such emergency repair work is required, the member <sup>of</sup>  
53 the board of trustees so notified shall forthwith proceed to have such  
54 emergency repair work done, and may employ in the making of such <sup>re-</sup>  
55 pairs, any other person or persons. Any township trustee undertaking  
57 to do or causing to be done any such emergency repair work shall forth-  
58 with notify the county auditor of the existence of the emergency, and  
59 the exact location of the emergency work to be done.

60 The county board of supervisors, or any member of such board,  
61 shall, upon notification of the existence of any necessity for emergency  
62 repair work not already reported to the county auditor, cause same to  
63 be done, either by delegating such repair work to the township trustee  
64 or trustees of the township in which such emergency exists, or under  
65 direct supervision of the board of supervisors or any member thereof.

66 In any case where necessity for an emergency repair exists on  
67 any highway, bridge or culvert located on a township line, any trustee  
68 of either township shall have power to make the repair, as provided in  
69 this act.

70 A sworn itemized statement of the work done and the material  
71 furnished, and that the same was for emergency work under the pro-  
72 visions of this act, shall be filed with the county auditor. When  
73 such sworn statement is accompanied by the written approval of a  
74 member of the board of supervisors or township trustees, who author-  
75 ized such emergency work, the county auditor shall upon presentation  
76 issue a warrant in payment of such emergency claim without the  
77 of the approval of the board of supervisors or county engineer. All  
78 claims filed with the county auditor or paid by him under the provi-  
79 of this act shall be passed upon by the board of supervisors at their  
80 first meeting following such filing or payment, and shall be made a  
81 matter of record as provided for in the allowance and payment of other  
82 claims.

83 Emergency repair work arising on the township road, bridge and  
84 culvert system shall be done by or under the direction of the township  
85 trustees; and when the necessity for any such emergency repair work

86 is called to the attention of any member of the board of township  
87 trustees by any citizen of the community in which such emergency re-  
88 pair work is required, the member of the board so notified shall forth-  
89 with proceed to have such emergency repair work done, and may employ  
90 in the making of such repairs, any other person or persons.”

1 Sec. 10. That section four hundred sixty-eight-a (468-a),  
2 supplement to the code, 1913, be and the same is hereby amended by  
3 adding thereto the following:

4 “Provided, however, that nothing herein shall be construed to  
5 prevent such supervisors or trustees from making emergency repairs and  
6 recovering from his county or township the reasonable value of his ser-  
7 vices not exceeding his regular per diem and not exceeding twenty-five  
8 dollars (\$25.00), for each such emergency repair.”

1 Sec. 11. That section fifteen hundred twenty-seven-s eleven  
2 (1527-s11), supplemental supplement to the code, 1915, be and the  
3 is hereby repealed and the following enacted in lieu thereof: same

4 “Standard specifications for all bridges and culverts, catch  
5 basins and tile drains directly connected therewith, used to eliminate  
6 culverts which shall be classified as bridge construction work, and  
7 paid for as such, and for railroad overhead crossings or subways, shall  
8 be furnished without cost to the counties and railroad companies, by  
9 the state highway commission, and work shall be done in accordance  
10 therewith, and when said bridge and culvert work is completed and ap-  
11 proved, a duplicate statement of the cost thereof shall be filed with  
12 the state highway commission by the county auditor, as a part of the  
13 county engineer’s report.

14 All bridge and culvert construction, tile and tiling and repair  
15 work designated by the engineer, or materials therefor, of which the  
16 engineer's estimated cost shall be one thousand dollars (\$1,000.00) or  
17 less, may be advertised and let at a public letting, or may be let pri-  
18 vately at a cost not to exceed the engineer's estimate, or lowest bid,  
19 if bids were received, or may be built by day labor and at a cost not  
20 to exceed the engineer's estimate, or the lowest bids received, pro-  
21 vided bids have been received.

22 All road, bridge and culvert construction, grading, tile and  
23 tiling and repair work, or materials therefor, of which the engineer's  
24 cost shall exceed one thousand dollars (\$1,000.00) shall be advertised  
25 and let at a public letting, provided that the board shall have the  
26 power to reject all bids, in which event they may re-advertise or let  
27 privately by submitting contract to the state highway commission for  
28 approval, provided the same is within the lowest bid, or build by day  
29 labor at a cost not to exceed the lowest bid received.

30 All bids received shall be publicly opened, at the time and  
31 place specified in the advertisement, and shall be recorded in detail,  
32 in a book kept for that purpose, by the county auditor; said book shall  
33 be at all times open to the public for inspection.

34 Any proposed contract which shall exceed the sum of two thousand  
35 dollars (\$2000.00) for any one bridge or culvert, or repairs thereon,  
36 or for any one mile of road, shall be first approved by the state high-  
37 way commission before the same shall be effective as a contract. Be-  
38 fore beginning the construction of any permanent bridge or culvert by  
39 day labor or by contract, the plans, specifications, estimate of

40 drainage area, estimates of cost, and their specific location shall  
41 be filed in the county auditor's office by the engineer.

42 Bridges erected over drainage ditches shall, where necessary,  
43 be so constructed to allow the superstructure to be removed for clean-  
44 ing said ditches with as little damage to the removal and permanent  
45 parts of said bridge as practicable.

46 On completion, a detailed statement of cost, and of any addi-  
47 tions or alterations to the plans, shall be added to the above records  
48 of the engineer, all of which shall be retained in the county audi-  
49 tor's office as permanent records, and when said work is completed  
50 and approved, a duplicate statement of the cost thereof shall be  
51 filed at once with the state highway commission by the county audi-  
52 tor, provided said structure costs in excess of two thousand dollars  
53 (\$2,000.00); otherwise, report shall be filed by the county auditor  
54 as a part of the engineer's annual report, unless reports are oftener  
55 demanded by the commission.

56 The board of supervisors may authorize the county auditor to  
57 draw warrants for the amount of pay rolls for labor furnished under  
58 the day labor system, when said pay rolls are certified to by the  
59 engineer in charge of the work. Said bills shall be passed upon by  
60 the board at the first meeting following said payment.

61 The county board of supervisors and county engineers are  
62 charged with the duty of repairing and dragging the county highway  
63 system as may be required to keep the same in proper condition, and  
64 of keeping the openings to all bridges, culverts, or other drains

65 upon the county highway system, free from weeds, brush and other  
66 rials that may, in any way, prevent the free discharge of surface  
67 water, but such duties may be performed by a township trustee or  
68 trustees, or any other person employed for such purpose, and the board  
69 shall adopt such other methods as are necessary to maintain continu-  
70 ously in the best condition practicable, the entire mileage of this  
71 system.

72 No member of the highway commission, their deputies or assist-  
73 ants, or any other person in the employ of such commission, no county  
74 supervisor, township trustee, county engineer, road superintendent,  
75 or any person in their employ or one holding an appointment under  
76 them, shall be, either directly or indirectly, interested in any con-  
77 tract for the construction or building of any bridge, or bridges,  
78 culvert, or culverts, or any improvement of any road or parts of road  
79 coming under the provisions of this act, except the board of super-  
80 visors may employ a township trustee or trustees to perform labor  
81 the county highway, bridge and culvert system or contract with them  
82 as individuals the same as any other person with reference to road,  
83 bridge, and culvert repair or construction work, and except as to  
84 emergency repair work, as provided in section nine of this act.

85 It is hereby made the imperative duty of the board of super-  
86 visors in undertaking road work in late summer or fall to carefully  
87 take into consideration weather and soil conditions to the end that  
88 as far as possible work shall not be undertaken which may be left  
89 in an incomplete condition at the end of the season .

90 It is further made the duty of the board of supervisors to

91 prevent contractors or day laborers from commencing more road con-  
92 struction work than can be completed within a reasonable length of  
93 time. And no contractor or day laborer shall, on a job under con-  
94 struction, commence new grading or construction work, the nature of  
95 of which obstructs or partially obstructs travel, until work of a  
96 similar character, previously begun in the same job, has been com-  
97 pleted so as to render the crown surface of the road free from sod,  
98 stone or other material which impedes travel.”

1 Sec. 12. That section fifteen hundred twenty-seven-s  
2 thirteen (1527-s13), supplemental supplement to the code, 1915, be  
3 and the same is hereby repealed, and the following enacted in lieu  
4 thereof:

5 “At every February meeting, or as soon thereafter as possible,  
6 the township trustees of each township shall select from its township  
7 road system the roads to be dragged for the year to be known as drag-  
8 gable roads, and shall employ a superintendent or superintendents of  
9 the township roads, whose term of office and compensation shall be  
10 at the discretion of the township trustees, and shall give bond for  
11 the faithful performance of their duties in such sum as the township  
12 trustees may direct. Said superintendent or superintendents shall  
13 have the general supervision of all dragging on the township road  
14 system, and shall annually file a report with the township clerk of  
15 the work performed on the township road system for the year. Each  
16 superintendent shall see that the approaches to all the bridges in  
17 the district of his charge on said roads are maintained in such man-  
18 ner as to present smooth and uniform surfaces, and keep the openings

19 to all culverts and ditches free from weeds, brush and other mate-  
20 rial that will in any manner prevent the free discharge of surface  
21 water. He shall have charge of all draggable roads of the township  
22 system, and make contracts for dragging, and shall see that all drag-  
23 gable roads, which shall include all rural mail routes and school  
24 wagon routes in consolidated school districts and all other roads in  
25 the township where dragging is practicable, are properly dragged at  
26 such times as are necessary to maintain such roads in a smooth condi-  
27 tion, at a price to be fixed by the township trustees. For this pur-  
28 pose there shall be expended, under the direction of the township  
29 trustees, through the road superintendent upon the township road  
30 as much of the one mill drag tax now authorized by law as is required  
31 to maintain said roads in a smooth condition. Any unused balances in  
32 the drag fund of any township at the end of each year, may, by unani-  
33 mous resolution of the township trustees, be placed to the credit of  
34 the township road fund. The township trustees shall not allow any  
35 bills for dragging, maintenance or repair work, nor shall any warrants  
36 in payment therefor be drawn by the township clerk upon the funds of  
37 the township road system, until itemized bills therefor shall have been  
38 certified thereto by the township trustees or road superintendent hav-  
39 ing such work in charge. A violation of this section shall render the  
40 township clerk liable on his bond for the amount of said warrant. The  
41 compensation for such superintendent for all duties including any drag-  
42 ging actually performed by him, and the cost of all equipment for  
43 drainage, shall be paid for out of the township road funds.”

1     Sec. 13. That section fifteen hundred twenty-seven-s thir-  
2 teen-a (1527-s13a), supplemental supplement to the code, 1915, be and  
3 the same is hereby repealed.

1     Sec. 14. That section fifteen hundred twenty-seven-s fif-  
2 teen (1527-s15), supplement to the code, 1913, be and the same is  
3 hereby repealed.

1     Sec. 15. That section fifteen hundred twenty-seven-s sixteen  
2 (1527-s16), supplemental supplement to the code, 1915, be and the same  
3 is hereby repealed, and the following enacted in lieu thereof:

4     “Not later than the first day of January, or at any time upon  
5 the demand of the township trustees, the township clerk shall report  
6 the work accomplished on the township road system in his township,  
7 including number of culverts installed, location thereof and the num-  
8 ber and size of culverts on hand and not installed.

9     Said township trustees shall prepare a list of the culverts and  
10 bridges which in their judgment should be constructed by the board of  
11 supervisors in their township during the succeeding year, giving the  
12 proposed location of such culverts, the material of which such culverts  
13 should be constructed, and the approximate size of same, together with  
14 any and all recommendations concerning such culverts as the board of  
15 township trustees sees fit to give, which list, report and recommenda-  
16 tion shall be filed on or before the first day of January each year,  
17 or oftener if the emergency required, in the office of the county  
18 auditor.

19     But no bridges or culverts shall be constructed upon the town-  
20 ship road system other than as recommended as hereinbefore provided,

21 except by consent of the township board.”

1     Sec. 16. That section fifteen hundred twenty-seven-s  
2 eighteen (1527-s18), supplement to the code, 1913, be and the same  
3 is hereby repealed and the following enacted in lieu thereof:

4     “The board of supervisors shall require all contractors to  
5 give bond for the faithful performance of the contract, in such sum  
6 as the board of supervisors may deem necessary.

7     The surety of any bond given to guarantee the faithful per-  
8 formance and execution of any work shall be deemed and held, any  
9 contract to the contrary notwithstanding, to consent without notice:

10    To any extension of time to the contractor in which to perform  
11 the contract when each particular extension does not exceed sixty days;

12    To any change in the plans, specifications or contract when  
13 such change does not involve an increase of more than twenty percent  
14 of the total contract price, and shall be released only as to such  
15 excess increase.

16    No provision in a bond or contract shall be valid which seeks  
17 to limit the time to less than five years in which an action may be  
18 brought upon the bond covering concrete work, nor less than one year  
19 upon the bond covering other work. But such bond shall be valid for  
20 the period of time herein named and for such additional time as may  
21 be provided by the terms of the bond. Unless otherwise specifically  
22 stated, in contracts for the construction of bridges or culverts, it  
23 shall be the duty of the contractor to remove all obstructions to the  
24 waterway and render the same free from earth, weeds, brush or any

25 other material which will in any manner prevent the free discharge  
26 of surface water.”

1     Sec. 17. The contractor shall, as a part of the perform-  
2     ance of the contract, provide and install the necessary notices,  
3     warnings, and barriers to protect travelers upon the public highway  
4     from dangers due to work in the process of construction. In cases  
5     where work is being done under the direct supervision of the board  
6     of supervisors, by day laborers, it shall be the duty of the board  
7     of supervisors to provide such notices, warnings and barriers for the  
8     protection of the public and in all cases it shall be their duty to  
9     see that such notices, warnings and barriers for the protection of  
10    the public are in position. A plain warning sign of sufficient size  
11    to be easily read shall also be posted at the road crossing or corner  
12    on each side of said construction and nearest thereto, stating whether  
13    the road is entirely closed or partially closed, and indicating the  
14    detour to be made to avoid the obstruction. Any person who shall be  
15    guilty of removing or disturbing barriers placed by said contractors,  
16    or by the county authorities, shall be guilty of a misdemeanor, and  
17    punished by a fine of not less than twenty-five dollars (\$25.00).”

1     Sec. 18. That section fifteen hundred seventy-one-m-  
2     thirty-two (1571-m32), supplemental supplement to the code, 1915,  
3     be and the same is hereby amended by striking out all of lines three  
4     and four of said section and inserting the following in lieu thereof:  
5     “Ninety-seven percent of all moneys paid into the said treasury  
6     pursuant to the provisions of this act, less the running expenses of  
7     the motor vehicle department as hereafter specified, shall be appor-

8 tioned among the several counties.”

9 Also by striking out of line forty-five of said section the  
10 words “five percent” and inserting in lieu thereof the words “three  
11 percent” and by striking out of line forty-eight of said section the  
12 words “five percent” and inserting in lieu thereof the words “three  
13 percent”. And that the said section be further amended by striking  
14 out all of said section following the period in the fifty-fourth line  
15 of said section, and by inserting in lieu thereof the following :

16 “At the end of each biennial period ending January first of  
17 odd numbered years, the funds remaining in the highway maintenance  
18 fund shall be placed to the credit of the motor vehicle fund. The  
19 salaries and actual running expenses, including the cost of number  
20 plates, stamps and other incidental expenditures of the automobile  
21 registration department, shall be paid out of the motor vehicle fund  
22 upon warrants drawn by the auditor of state upon the filing with the  
23 auditor, itemized vouchers covering the same and certified to by the  
24 secretary of state.”

1 Sec. 19. From and after the taking effect of this act,  
2 members of the state highway commission, county engineers and assist-  
3 ants shall be subject to removal from office as provided in section  
4 twelve hundred and fifty-eight-b (1258-b), supplement to the code,  
5 1913.

1 Sec. 20. Sections fifteen hundred twenty-seven-f (1527-f),  
2 fifteen hundred twenty-seven-g (1527-g), fifteen hundred twenty-  
3 h (1527-h), fifteen hundred twenty-seven-i (1527-i), fifteen hundred  
4 twenty-seven-j (1527-j), fifteen hundred twenty-seven-k (1527-k),

5 fifteen hundred twenty-seven-l (1527-l), fifteen hundred twenty-seven-  
6 m (1527-m), fifteen hundred twenty-seven-o (1527-o), fifteen hundred  
7 twenty-seven-q (1527-q), and fifteen hundred twenty-seven-r (1527-r),  
8 supplement to the code, 1913, be and the same are hereby repealed.

1 Sec. 21. All acts, or parts of acts, in conflict with this  
2 act, are hereby repealed.

1 Sec. 22. This act, being deemed of immediate importance,  
2 shall be in full force and effect upon publication in the Des Moines  
3 Register, the Des Moines Capital, and the Des Moines Daily News,  
4 newspapers published in Des Moines, Iowa.