

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1923.

CHAPTER 439—S. F. No. 1067.

An act to amend Chapter 323, Laws 1921, entitled, "An act relating to public highways; the powers and duties of the commissioner of highways, subordinate officers and employes, and various governmental agencies in relation thereto; providing for the location, construction and maintenance of trunk highways under Article 16 of the state constitution and all other roads in the state; relating to the establishment and disposition of the trunk highway sinking fund and the trunk highway fund; for the payment of state aid for the construction and maintenance of roads; authorizing and directing the levy of taxes for highway purposes; repealing inconsistent laws and laws expressly mentioned; and providing penalties."

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Width of roads.**—That Section 3 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Section 3. All roads, except cartways, established by town and county boards shall be at least four (4) rods wide and when necessary for construction and maintenance, *or the safety of public travel*, additional right of way may be procured by purchase or condemnation, *and the necessity for the taking of such additional right of way shall be determined by the town board in the case of town roads and by the county board in the case of county roads.*"

Sec. 2. **Powers of commissioner of highways.**—That subdivision 1 of section 13 of Chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 1. The commissioner of highways is empowered to carry out the provisions of section 1 of Article 16, of the Constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by statute all necessary right of way needed in lay out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, *to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways*, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, *and to lease or rent grounds and buildings necessary for the storing and housing of such material, machinery, tools and supplies; and*

in carrying out the provisions of said section 1, of Article 16 of the Constitution of the State, is hereby authorized to expend out of the trunk highway fund such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund the entire amount thereof or so much as shall be necessary for the location, construction, reconstruction, improvement and maintenance of the trunk highway system including the cost of acquiring title to any needed right of way, *and the cost of leasing or renting grounds and buildings for such storage and housing*, the purchase of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary water or runs into any city or village situated on such water boundary and intersects any street thereof adjacent to and connecting with any such bridge, in every such case all that part of any such bridge within the limits of this state shall be considered as a part of such trunk highway system except where any such bridge is owned by a private person or corporation or is operated as toll bridge and said commissioner is authorized and directed to co-operate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction and reconstruction of any such bridge."

Sec. 3. Same.—That subdivision 2 of section 13 of chapter 323, Laws of 1921, be and the same hereby is amended so as to read as follows:

"Sub. 2. On the first Tuesday on April of each year it shall be the duty of the commissioner of highways, state auditor and state treasurer following the transfer of the trunk highway fund of any surplus remaining in the trunk highway sinking fund, as provided in this act, to set aside from the total sum in said fund—

- "1. The proportion of expense of the highway department to be borne by the trunk highway fund authorized by section 12 of this act not to exceed One Hundred Fifty Thousand (\$150,000) Dollars.
- "2. The proportion of the trunk highway fund provided by this act to be set aside for maintenance.
- "3. Such sum as may be found necessary for the payment of interest and refundment purposes.
- "4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

"Any sum remaining in the trunk highway fund after setting

aside the sums hereinbefore mentioned together with the sum set aside to meet the government aid, and the total amount received as government aid, *excepting such portion of government aid as may be required to make connections on the Federal Aid System with adjoining states*, shall constitute the portion of the trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to use during the ensuing year for hard surface construction on the trunk highway not to exceed 20% of such construction fund, provided that the commissioner of highways may, in his discretion, if the provisions of federal aid should so require as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such fund shall be used by the commissioner on the trunk highway system *for the acquisition of right of way and for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system*, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided further, that the commissioner of highways shall have authority to use for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system any portion of the funds set aside as herein provided that shall not be needed as a part of the fund so set aside, and is further authorized to use any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein."

Sec. 3½. Trunk highways sinking fund—Trunk highway fund.—That section 15 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sec. 15. The proceeds of the tax imposed and collected on motor vehicles, shall constitute the trunk highway sinking fund.

"On or before the 1st Tuesday in April of each year, the commissioner of highways, the state auditor and the state treasurer, shall determine the sum of money required during the year beginning on said 1st Tuesday in April, for the payment of principal and interest of any bonds which may have been issued and sold under the provisions of section 4, article 16 of the constitution of the state of Minnesota.

"After such sum shall have been determined, which shall be evidenced by an order of the commissioner of highways, the state auditor and the state treasurer (a majority of whom may act), the moneys in or accruing to said trunk highway sinking fund, in excess of such requirements, shall be transferred to the trunk highway fund. Not less than 40% of the funds so transferred shall

be set aside by the commissioner of highways to be expended in providing for the adequate maintenance of the trunk highway system in the several counties of the state and not more than 4% of the sum set aside for maintenance shall be used in any one county in any one year.

"The proceeds of the sale of bonds as authorized by article 16 of the state constitution, moneys received from time to time from the federal government as aid in the construction or maintenance of roads, license fees or charges imposed by law upon motor vehicles or the operators thereof, except wheelage tax, so-called, which may be imposed by any borough, city or village, the balance on hand at the passage of this act in the expense fund of the highway department as created by section 10 of chapter 119, Laws 1917, and moneys otherwise allotted or appropriated therefor or otherwise accruing thereto shall be paid into the treasury of the state and credited to the trunk highway fund.

"Moneys set apart for the payment of principal and interest on trunk highway bonds issued by the state and on highway bonds issued by counties and assumed by the state shall be invested, upon request of the commissioner of highways, the state auditor and the state treasurer, by the state board of investment in the class of securities specified and in the manner prescribed by chapter 516, Laws 1921, and acts amendatory thereof and supplemental thereto. All interest and profit from such investments, and all interest earned on moneys in the trunk highway sinking fund and in the trunk highway fund in the state treasury, shall be credited to the fund on which such interest or profit is earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section."

Sec. 4. Powers of county board—General supervision.—That subdivision 2 of section 24 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 2. The county board of any county may appropriate from its road and bridge fund to any town in its county, such sums of money as are available and which it deems advisable to aid such towns in the construction and maintenance of roads therein, and such appropriation may be directly expended by the county board, upon which roads as shall be designated by the town board, provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county aid may be expended in accordance with the provisions of Chapter 164, Laws 1905, as amended by Chapter 208, Laws of 1909.

Sec. 5. Law repealed.—That section 25 of chapter 323, Laws 1921, be and the same hereby is repealed.

Sec. 6. Powers of town board.—That subdivision 2 of section 31 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 2. The town board may appropriate money from the

town road and bridge fund to aid in the construction or improvement *within the town of any county road or any road which has been designated as a state aid road.* Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation."

Sec. 7. Establishment, alteration or vacation by county boards.—That subdivision 5 of section 42 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 5. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and shall also appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes, at which said committee shall meet for the purpose. At least twenty days before the time fixed for such committee meeting, and not less than thirty days (30) before the time of *said hearing the board shall cause posted notice of the time and place* of such meeting and hearing to be given in each town affected, setting forth a copy of the petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings."

Sec. 8. Cartways.—That subdivision 1 of section 45 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 1. Any town board may establish a cartway two rods wide *and not more than three rods wide* on petition of not less than five voters, freeholders of such town. All their proceedings shall be the same as provided in this act of establishing town roads. The cost and expense thereof and the damage awarded for lands taken therefor, shall be paid by the town, as in the case of town roads, and a record of such cartway shall be filed with the town clerk; provided, that, when a road or cartway is established which will not be a continuous road from one highway to another, one-half of the damages to the land through which it passes shall be paid by the persons benefited thereby."

Sec. 9. Drainage of roads.—That subdivision 7 of section 60 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 7. The county auditor shall, after the expiration of the time for appeals, *certify such statement to the register of deeds of such county, who shall record the same.* All of the provisions of section 5544, General Statutes 1913, shall apply to such assessments. Such assessments shall bear interest at the rate of six per cent per annum from the date of such filing, and shall be collected in the manner provided by section 5548, General Statutes 1913, as amended by section 5 of chapter 300, Laws 1915, and

when paid or collected shall be paid into the town treasury in case such ditch is ordered by the town board, into the county road and bridge fund if such ditch is ordered by the county board, and into the state treasury for credit to the trunk highway fund if such ditch is ordered by the district court, and shall be expended in paying the cost of constructing and maintaining such ditch."

Sec. 10. Same.—That section 60 of chapter 323, Laws 1921, be and the same hereby is amended by adding thereto a subdivision, to be designated as subdivision 13, reading as follows:

"Sub. 13. Whenever any such drainage ditch shall cross the right of way of any railroad, the owner of such railroad shall forthwith, upon demand of the town board in the case of a ditch ordered by the town board, and of the county board in the case of a ditch ordered by the county board, and of the commissioner of highways in the case of a ditch ordered by the district court, at its own expense and without compensation, carry such ditch under and across its right of way and construct necessary culverts therefor."

Sec. 11. Obstruction of or damage to highways.—That section 75, of chapter 323, Laws 1921, be and the same hereby is amended by adding thereto a subdivision, to be designated as subdivision 3, reading as follows:

"Sub. 3. Any person who in any manner places, puts or maintains any advertisement within the limits of a public highway, or who in any manner paints, prints, places, puts or affixes, or causes to be painted, printed, placed or affixed any advertisement on or to any stone, tree, fence, stump, pole, mile-board, mile-stone, danger-sign, danger-signal, guide-sign, guide-post, billboard, building, or other object within the limits of a public highway, shall be guilty of a misdemeanor; Provided, however, that none of the provisions of this act shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed, or destroyed by direction or authority of the commissioner of highways in the case of state trunk highways, by the county board in the case of county and state aid roads and by the town board in the case of town roads."

Sec. 12. Warning signs by contractors.—That section 57 of Chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 1. Whenever a town board, county board or the Commissioner of Highways shall enter into a contract for the construction and improvement of any road, or any culvert, or bridge thereon, they shall as a condition of such contract, provide therein that the contractor shall place suitable warning signs, at the highways intersecting such road so to be constructed or improved, warning the public, if such is the case, that such road so under

construction or improvement is impassable at a designated place or distance from such warning sign. Such signs shall be placed at such places as will obviate the necessity of unnecessary travel by persons not otherwise aware of the impassable condition of such roads. Provided, however that nothing in the provisions of this act shall make any town, county or the state liable in damages for the failure of a town or county board or the Commissioner of Highways to provide in any contract for the erection of a warning sign, such as is herein provided for; or the failure of any contractor to erect same in accordance with the provisions of this act.

"Sub. 2. The contractor, foreman or person in charge of work or repairs on any public road shall, whenever the doing of such work or repairs necessitates the closing of a part of such road to traffic, post signs stating that such road is under repair, and describing the direction and distance of the detour necessary to avoid the part of the road being repaired. Such sign shall be posted at the intersection of the road under repair with the road to be traveled while detouring, and also at appropriate intervals along such road. Violations hereof shall be a misdemeanor, and punishable accordingly.

Sec. 13. Impassable roads—Complaint by freeholder.—That subdivision 1 of Section 67, Chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 1. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, and which said complaint is signed by five or more freeholders of said town or of an adjoining town in said county, and that by reason of such neglect such road is not reasonably passable, the county board shall by resolution fix a time and place when and where it will consider the complaint, and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town, and shall also notify the persons signing the complaint of the time and place of such meeting. At the designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board or the presiding officer thereof may administer oaths to witnesses and require them to testify under oath.

Sec. 14. Powers of commissioner of highways.—That Subdivision 13 of Section 13 of Chapter 323, General Laws of 1921, be and the same is hereby amended to read as follows:

"Sub. 13. When practicable said commissioner of highways shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and

improvement of roads, and investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. *He shall on or before February 1st of each year make a printed report to the governor stating, the condition, management and financial transaction of his department including a statement of the expense incurred in maintaining such department: the number of miles of roads built or improved during the preceding year and their cost; the general character and location of material suitable for road construction; the general character and needs of the roads of the state; and recommend such legislation as he deems advisable. Such report shall be transmitted by the governor to the legislature.*

Sec. 15. **Effective December 1, 1923.**—This act shall take effect and be in force from and after December 1st, 1923.

Approved April 21, 1923.

CHAPTER 440—S. F. No. 1077.

An act permitting the use of an illuminated display plate as a substitute for the rear light required to be displayed on motor vehicles.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Substitutes of rear lights on vehicles.**—In place of the rear light required to be displayed upon motor vehicles, under the provisions of Chapter 472, Laws 1921, there may be substituted and used a plate or placard of glass, or metal enameled, or other material not less than eight and one half inches, nor more than sixteen inches long and not more than six inches wide, which shall display in cut out or stencil form or in other effective manner, the digits and characters of the license number assigned to such motor vehicle, this illuminated light to be placed and displayed in such manner that it will not interfere with the display of the official number plates required to be displayed upon such vehicle. The design and spacing of the characters or numerals shall be such that the stroke shall be not less than one-half inch in width and the space between the digits or characters not less than one-half inch the space following the third digit shall be not less than three-quarters of an inch in width, and the openings in such digits as three, five, six and nine shall be made wide enough to avoid confusion with each other and with the digit eight.

The plate or placard, which shall have a ruby-red glass plate of the same dimensions immediately back of and adjacent to it together with a suitable light placed immediately back of and illuminating them or shall have a ruby red electric light or lights immediately back of, and illuminating said plate or plac-