

## CHAPTER 164

## BRIDGES ON ROADS

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90500ab  
215 164.01 **INTERSTATE BRIDGES.** The purpose of sections 164.01 to 164.12 is to provide for connecting the highway system of the State of Minnesota, including the trunk highway system, with the highway systems of adjoining states by means of interstate bridges.

[1925 c. 403 s. 1] (2564-1)

90500ab  
215 164.02 **INTERSTATE BRIDGE DEFINED.** The term "interstate bridge" means and includes all bridges now existing or which shall be hereafter constructed across boundary waters between the State of Minnesota and any adjoining state thereby connecting any trunk highway, county-state aid highway or municipal-state aid street, of this state with the highway system of any adjoining state.

[1925 c 403 s 2; 1957 c 334 s 1] (2564-2)

90500ab  
215 164.03 [Repealed, 1957 c 300 s 1]

90500ab  
215 164.04 **INTERSTATE BRIDGES AS PART OF HIGHWAY SYSTEM.** When any trunk highway, county-state aid highway or municipal-state aid street of this state leads to and connects with any such interstate bridge so that such bridge is essential in order to provide a continuous passage from any such highway of this state to any highway constituting part of the highway systems of any adjoining state every such interstate bridge, or so much thereof as lies within the boundaries of this state, is hereby declared to be and the same for all purposes shall be deemed to be an essential and necessary part of the highway system of this state; and, if so connected with a trunk highway, shall be deemed to be a part thereof; if so connected with a county-state aid highway, shall be deemed to a part thereof; if so connected with a municipal-state aid street, shall be deemed to be a part thereof; if so connected with any other road, except a trunk highway, shall be deemed to be a part of the state aid highway system of this state for all purposes when the commissioner of highways shall certify that in his judgment such road is of such importance for the purposes of traffic and interstate travel that it should be connected with the highways of the adjoining states by an interstate bridge.

[1925 c 403 s 4; 1957 c 531 s 1] (2564-4)

90500ab  
215 164.05 **CONSTRUCTION AND MAINTENANCE OF BRIDGES.** The commissioner of highways is hereby authorized and directed to construct, reconstruct, maintain, and repair every such interstate bridge so forming a part of the state trunk highway system, or such part thereof as may be necessary in order to connect such highways with the highway system of any adjoining state, and is authorized and directed to cooperate with the duly authorized authorities of any such adjoining state in the construction, reconstruction, maintenance, repair, and operation of any such bridge, and shall have full power and authority to make all agreements with reference thereto with the authorized authorities of adjoining states in reference to all matters included in this section.

[1925 c. 403 s. 5] (2564-5)

*C500 ab 2/13*  
*9 C500 2/6*  
**164.06 LOCATION OF BRIDGES.** In case of the construction or reconstruction of any interstate bridge the commissioner of highways shall have power after hearing to determine the location where and the manner in which such bridge shall be constructed or reconstructed.

[1925 c. 403 s. 6] (2564-6)

*C500 ab 2/13*  
*9 C500 5/27*  
**164.07 CONVEYANCE OF BRIDGES BY CITIES OR VILLAGES.** In case any existing interstate bridge is owned by any city or village the commissioner of highways is authorized to accept a conveyance thereof or any part thereof from such city or village upon such terms and conditions as he shall determine to be just and equitable; and, for such purposes, shall have full power to cooperate and agree with the duly authorized authorities of any adjoining state, and any such city or village is authorized to convey any such bridge to this state, or to this state and an adjoining state, upon such terms and conditions as may be agreed upon by and between such city or village, the commissioner of highways, and the authorities of the adjoining state.

[1925 c. 403 s. 7] (2564-7)

*3500 ab 2/13*  
*9 C500 5/28*  
**164.08 ACQUISITION OF BRIDGES OWNED BY VILLAGES OR CITIES IN ADJOINING STATES.** In case any such interstate bridge shall be owned and operated by any city or village of an adjoining state, the commissioner of highways is hereby authorized to acquire such bridge or any part thereof necessary to connect the highways of this state with the highways of such adjoining state, or may acquire the same in cooperation with the duly authorized authorities of an adjoining state upon such terms and conditions as the commissioner of highways may determine to be just and equitable.

[1925 c. 403 s. 8] (2564-8)

*00 ab 2/13*  
*9 C500 5/29*  
**164.09 TRUNK HIGHWAYS TO BE RUN ON BRIDGES.** In case any route of the trunk highway system described in the Constitution of the State of Minnesota, Article 16, runs into or through any city of the second, third, or fourth class, or village situate on the bank of any river or stream forming a boundary between the State of Minnesota and an adjoining state, and an interstate bridge owned and operated by any such city or village connects such city or village with the highway system of such adjoining state, then and in every such case, it is hereby made the duty of the commissioner of highways to so specifically designate and locate such trunk highway route that the same shall be run to the state boundary upon such bridge so as to include the same as a part of such trunk highway.

[1925 c. 403 s. 9] (2564-9)

*3500 ab 2/13*  
*159 C500 5/210*  
**164.10 CONSTRUCTION AND MAINTENANCE OF BRIDGES.** In case any existing route of any trunk highway runs through or into any city of the second, third, or fourth class, or any village situate on any stream or river forming a boundary between Minnesota and an adjoining state where no interstate bridge exists, and if the commissioner of highways shall find after a public hearing that by reason of increased travel a public demand exists for communication between the highway system of Minnesota and such adjoining state at any such city or village, that a public necessity exists for the construction of an interstate bridge at such city or village, that the construction of such interstate bridge will improve post roads and promote interstate travel, that the construction of such bridge would materially increase the public usefulness of such trunk highway and of the highway system of this state, and that the public interests of the state require the construction of such interstate bridge, then, upon filing such findings in his office, the commissioner of highways is authorized to designate such interstate bridge as a part of the route of such trunk highway, to construct, maintain, and repair an interstate bridge at such point in cooperation with the duly authorized authorities of such adjoining state.

[1925 c. 403 s. 10] (2564-10)

*C500 ab 2/13*  
*159 C500 5/211*  
**164.11 ACQUISITION OF BRIDGES.** In case any interstate bridge is owned by any private person or corporation or is operated as a toll bridge, the commissioner of highways shall not be required to designate the same as a part of the trunk highway system, nor to expend any money thereon for any purpose; but he may acquire any part of any such bridge necessary to connect the highways of this state with the highways of an adjoining state by gift, purchase, or condemnation, if he shall determine after a hearing that the public interests require such acquisition by gift, purchase, or condemnation, and if and when so acquired the same shall be subject

to all of the provisions of sections 164.01 to 164.12, and may so acquire, operate, maintain, and reconstruct the same in cooperation with the authorized authorities of an adjoining state.

[1925 c 403 s 11; 1957 c 583 s 1] (2564-11)

**164.12 USE OF COUNTY ROAD AND BRIDGE FUND.** Any county in this state is hereby authorized to appropriate any money in its road and bridge fund for the purpose of aiding in the construction, reconstruction, maintenance, or repair of any interstate bridge forming a part of any county-state aid highway whether situate within the limits of any such county or in any other county in this state.

[1925 c 403 s 12; 1957 c 403 s 1] (2564-12)

**164.13 BRIDGES OVER STREAMS FORMING STATE BOUNDARY.** Counties, towns, cities, and villages bordering upon streams of water which form the boundary line of this state may construct and maintain foot and wagon bridges across any such stream the same as if such stream was wholly within the limits of the county, town, city, or village constructing the same; and any such local subdivision within which such bridge may be desired may, singly or in conjunction with other such subdivisions, unite in the construction and maintenance of such bridge with any one or more of the local subdivisions in the adjoining state or province into which any such bridge may extend; provided, that in such construction and maintenance the rights of adjoining states and provinces shall in nowise be infringed.

[1907 c. 399 s. 1] (2564-15)

**164.14 BRIDGES OVER NAVIGABLE RIVER FORMING STATE BOUNDARY;**

**COST.** When one-half of the resident taxpayers of any county whose county line is the boundary line of a state, as appears by the last preceding assessment roll of such county, shall petition the board of county commissioners of such county praying for an appropriation to build a bridge across any navigable river on the line of any such county when the county line is the boundary line of a state, setting forth therein the location of such bridge, as near as may be, its estimated cost, and the necessity therefor to accommodate the general traveling public, the manner in which it is proposed to pay for such structure, and the time when it will be completed, such petition to be duly verified by the affidavits of at least 15 of the petitioners therein named, it shall be the duty of the board of county commissioners to publish a notice in the official newspaper of the county once each week for three consecutive weeks briefly stating the object of such petition and that the same will be heard and considered at the next regular meeting of such board. At the time appointed for the hearing of such petition, the board of county commissioners shall investigate the need of such bridge; and, if it finds the same to be necessary, shall by resolution duly entered upon the minutes of the board appropriate towards the building of such bridge from the county treasury a sum not exceeding one-half of the estimated cost of such bridge to be paid as hereinafter provided. The appropriation hereinbefore mentioned shall be upon condition that a sufficient bond be given, conditioned that the remaining one-half or more, as the case may be, of the cost of such bridge will be paid and that the consent of the general government to span such river shall first have been obtained.

[1909 c. 425 s. 1] (2564-16)

**164.15 CONFERENCE WITH NEIGHBORING STATE OR MUNICIPALITY.**

If the remaining one-half of the cost of such bridge shall be made up by an appropriation from any neighboring state or by a municipality in this state, to be expended under a commission or through any other agency, the board of county commissioners shall appoint a committee from its own number, of three or more, to meet such other municipal agency, confer with its members, and advise and assist in the accomplishment of such improvement in the best possible manner, and when the work is completed and approved jointly by such agency and committee, which approval shall be in writing and duly reported to such board and recorded in the minutes thereof, the board shall thereupon direct the county auditor to draw his warrant upon the treasurer in favor of the contractor for the amount due him from such county.

[1909 c. 425 s. 2] (2564-17)

**164.16 BONDS; TAX LEVY.** When one-half, or such other proportion as may be, of the cost of such improvement shall be provided for by any municipality within this state it shall be lawful for such municipal corporation by a majority vote of the legal voters thereof after ten days notice to meet the necessary expense

by the issuance of bonds bearing interest not to exceed seven per cent per annum and not to run longer than 20 years after the date of issue, nor to be sold for less than par value, interest payable semiannually; provided, that the limit of indebtedness of such corporation prescribed in the constitution is not hereby exceeded. In case the limit of indebtedness of such municipality would be thereby exceeded, it shall be lawful for such municipality to make a sufficient tax levy for general purposes to meet the necessary expenditure in the construction of such bridge, and when the same shall be completed and accepted the share of the cost thereof to be borne by such municipality shall be paid out of the general fund by orders drawn in the usual form and manner.

[1909 c. 425 s. 3] (2564-18)

*59 C 500*  
*abs 13* **164.17 ONLY ONE WAGON BRIDGE; LIMIT OF COST.** Not more than one wagon bridge across a navigable river in each county shall be built under sections 164.14 to 164.17 and the total cost of such bridge shall in no case exceed the sum of \$50,000.

[1909 c. 425 s. 4] (2564-19)

*9 C 500 a 6*  
*a 13* **164.18 BRIDGE BONDS.** When the county board of any county in this state shall deem it advisable to construct, repair, or renew any bridge over water within the county or bordering thereon and such county has no outstanding road and bridge bonds issued as such and such board has been previously petitioned by 25 or more voters of the county, who are also freeholders, to take such action such county board may cause the bridge bonds of the county to be issued and sold in an amount not exceeding one-half of one percent of the assessed valuation of the taxable property within the county without submitting the matter to a vote of the electors of the county. Such bonds shall be signed by the chairman of such board and countersigned by the county auditor and shall be payable not more than 20 years from their date and bear interest, evidenced by coupons, which shall not exceed six percent per annum payable semiannually and not sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways, as same have heretofore been defined by statute, shall not be considered road and bridge bonds within the meaning of chapters 160 to 164.

[1921 c 323 s 27] (2567)

*C 500 a 6*  
*a 13* **164.19 BRIDGES DESTROYED BY FLOOD OR CYCLONE.** Subdivision 1. **Certificates of indebtedness.** When any bridge in any county is destroyed by flood or cyclone and there are not sufficient funds available in the county road and bridge fund of such county to replace such bridge, the county board may issue and sell the bonds or certificates of indebtedness of the county for such sum as may be necessary to replace such bridge.

**Subd. 2. Sale of certificates; interest.** These bonds or certificates of indebtedness shall not be sold for less than par nor bear a higher rate of interest than six percent. They shall be sold upon competitive bids after two weeks published notice in the official newspaper of the county and after such other public notice as the county board shall direct.

**Subd. 3. Apportionment of cost.** When a bridge over a natural watercourse which is located on a town road, has been destroyed by unusual flood or calamity, and the county in which such bridge is situated contributed to the cost of construction thereof, and the town resolves to reconstruct such bridge, the county shall reimburse the town in an amount which shall be in the same proportion to the cost of such reconstruction as the amount contributed by the county for the original construction bore to the cost of the original construction of the bridge destroyed. If the county board shall so direct, upon receipt of notice of the resolution of the town to reconstruct such bridge, the county board may undertake the reconstruction thereof and prepare all plans and specifications therefor and supervise the construction thereof, including the letting of the contract therefor, in which case said county shall pay all of the costs of the reconstruction of said bridge and said town shall pay to the county an amount which shall be in the same proportion to the cost of such reconstruction as the amount contributed by the town for the original construction bore to the cost of the original construction of the bridge destroyed.

[1911 c 161 s 1, 2; 1947 c 49 s 1; 1953 c 526 s 1] (2567-1, 2567-2)

9C500  
6213 164.20 **TAX LEVY.** The county board may levy an annual tax upon the taxable property of the county to pay such bonds or certificates of indebtedness as they mature.

[1911 c. 161 s. 3] (2567-3)

9C500  
6213 164.21 **BONDS FOR BRIDGES OVER STREAMS MARKING STATE BOUNDARY.** When the county board of any county in this state bordering on a navigable river forming part of the boundary of the state deems it advisable to join with the adjoining state, or any county or municipality thereof, in constructing and maintaining a bridge over such navigable river and connecting with any public street of an incorporated village within such county, and such county has no outstanding road or bridge bonds and such board has previously been petitioned by 100 or more voters of such county, who are also freeholders, to take such action such county board may cause the bonds of the county to be issued for one-half of the total cost of such bridge, but not to exceed in the aggregate \$60,000, without submitting the matter to the vote of the electors of the county. Such bonds shall be signed by the chairman of the county board, countersigned by the county auditor, payable not more than 20 years from their date, and bear interest, evidenced by coupons, which shall not exceed six percent per annum and not sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways shall not be considered as road and bridge bonds within the meaning of chapters 160 to 164. Only one such bridge may be constructed by any county under the provisions of chapters 160 to 164.

[1921 c. 323 s. 28] (2568)

9C500  
6213 164.22 **CONTRACTS FOR BRIDGES.** No contract for the construction or erection of a bridge shall be entered into by any county, town, village, or city of the fourth class where the contract price of such bridge exceeds the sum of \$500, unless plans and specifications for the proposed bridge be filed with the county auditor, in case of county contracts, or with the town, village, or city clerk, respectively, in case a contract is to be entered into by a town, village, or city of the fourth class, at least three weeks prior to the time when such bids are to be considered and the contract entered into; nor shall any contract be let without first advertising for bids or proposals therefor in a legal newspaper published in the county. Such advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten, and not more than 30 days before the time fixed for receiving bids and letting the contract, shall state the time and place of receiving bids and awarding the contract, and refer to the fact that plans and specifications are on file in the office hereinbefore specified.

[1921 c. 323 s. 55; 1953 c. 45 s. 1] (2595)

9C500  
6213 164.23 **STRENGTH OF BRIDGES.** All bridges hereafter constructed on any public street or highway in any county, township, town, or village shall be of sufficient strength to support, with perfect safety, any wagon, engine, or other vehicle with a weight of 20 tons on two axles with ten-foot centers, with not to exceed three-fourths of the weight concentrated on one axle, when driven at a speed of not to exceed three miles an hour.

[1921 c. 323 s. 61] (2601)

9C500  
6213 164.24 **TOLL BRIDGES.** Subdivision 1. **Joint ownership by municipalities.** Any corporation organized for the purpose, or any counties, towns, cities, or villages interested, may jointly or separately lease or erect and operate or repair a bridge or bridges over any navigable stream constituting a boundary thereof and construct suitable approaches thereto, and such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge. A county, town, city, or village shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries. Before any such bridge is erected over the Minnesota or Mississippi river, the location and plan thereof shall be approved by the governor. Bridges over the Minnesota river below the city of Le Sueur shall be built with a suitable draw of not less than 80-foot opening or, in lieu of such opening, built at such clear height above the ordinary high-water stage as will be sufficient to accommodate the ordinary navigation of the river. All bridges over navigable waters of the United States shall receive the approval of the secretary of war before construction. All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Subd. 2. **Tax levy.** The county board of any county interested shall have power to levy, at or after the time of making a contract for the construction or

repair of any such bridge, a tax on all the taxable property of the county sufficient to pay such county's agreed share of the cost of the construction or repair of such bridge and approaches and interest thereon. Such tax shall be collected in annual instalments corresponding to the amounts of interest and principal of certificates or bonds, as herein provided, falling due from year to year. The county board may issue and sell from time to time special bridge certificates of indebtedness or bonds of the county sufficient in amount to pay the county's agreed share of the cost of the construction or repair of such bridge and approaches and engineering and other expenses incidental thereto, the principal of which certificates of indebtedness or bonds shall mature and be payable in not more than 15 annual instalments as nearly equal as practicable; and the first annual instalment of principal shall mature not more than five years after the contract is ordered. Such certificates or bonds shall be sold in the manner provided by section 475.60 to the purchaser who will pay the par value thereof, at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed six percent per annum payable annually or semiannually. The county auditor shall extend the tax so levied by the county board in sufficient amounts, from year to year, to cover the interest and principal as they mature. The credit of the county shall be pledged to the payment of the principal and interest of such certificates or bonds. Certificates or bonds under this section may be issued by a four-fifths vote of the board of county commissioners without submission to the voters of the county; provided, that the aggregate amount of certificates and bonds so issued shall not exceed one-fourth of one percent of the assessed valuation of the taxable property of the county, exclusive of money and credits.

**Subd. 3. Toll rates.** Any corporation maintaining a bridge under this section may charge and receive the following rates of toll from all persons using the same: For each foot passenger or bicycle rider, five cents; for each hog, sheep, or calf, two cents; for each head of cattle, five cents; for each vehicle or sleigh drawn by one animal, 20 cents; for each additional animal used, five cents; for each automobile, 20 cents; for any other vehicle or animal, a reasonable rate of toll. Such rates of toll may be changed by law whenever the net annual income from such bridge shall exceed a reasonable percentage of the cost thereof.

[1921 c 323 s 62; 1957 c 353 s 1] (2602)

*9C500 a.6*  
*213* **164.25 FREE USE OF TOLL BRIDGE.** Any counties, towns, cities, or villages interested may secure the free public use of any toll bridge hereafter built across any streams in this state and may jointly or severally, together or separately, enter into any contract with the owner of such bridge, or with each other, or with each other and the owner of such bridge, as they shall deem proper, to secure such free public use of such bridge, whether by purchase, lease, or otherwise.

[1921 c. 323 s. 63] (2603)

*9C500 a.6*  
*213* **164.26 BRIDGES OVER DITCHES.** In all cases in this state where a public drainage ditch has been or shall hereafter be constructed wholly or partly along the boundary line between towns or counties and the excavated material or a portion thereof has been or shall hereafter be deposited on this boundary line or within two rods on either side thereof the cost of construction and maintenance of all bridges heretofore or hereafter constructed across any such ditch along this boundary line shall be paid for and borne equally by the town or county wherein such bridges are or shall be constructed and situated and the town or county adjoining this boundary line.

[1921 c. 323 s. 64] (2604)

*9C500 a.6*  
*213* **164.27 BRIDGES OVER STATE DRAINAGE DITCHES.** When the director of drainage and waters shall have heretofore constructed an outlet for a state ditch under the provisions of Laws 1911, Chapter 138, which state ditch was constructed under the provisions of Laws 1893, Chapter 221, which outlet has been constructed across a town road at a point other than where the channel of a stream or river which has been widened and straightened and used for such outlet crosses such town road, the county board of a county in which such outlet has been so constructed is hereby authorized, empowered, and directed to construct a substantial bridge suitable for public travel across such outlet ditch on such town road at the place where such outlet ditch is constructed across such town road and such bridge shall be paid for out of the road and bridge fund of such county.

[1921 c. 323 s. 65] (2605)

**164.28 MAINTENANCE OF BRIDGES ON COUNTY AND TOWN ROADS.**

**Subdivision 1. Duty of county board.** It shall be the duty of the county to reconstruct, repair, and maintain all bridges on county roads. In case any bridge on a county road is totally wrecked or destroyed and the county charged with the duty of reconstructing, repairing, and maintaining such bridge has not sufficient money in its road and bridge fund to defray the cost and expense of reconstructing, repairing, and maintaining such bridge, the county board may borrow money therefor by the issuance of certificates of indebtedness, which certificates shall be payable in not more than five years from the date thereof and bear interest at not to exceed six percent per annum. Such certificates shall be sold to the highest bidder. They shall not be sold for less than par and accrued interest, if any, and the principal and interest thereof shall be paid from the road and bridge fund.

**Subd. 2. Duty of county when town fails.** When it becomes necessary to reconstruct or repair a bridge on any town road in any town or upon any town line in this state, and such bridge is unsafe for travel or has been condemned by the proper authorities, and the town or towns charged with the duty of maintaining such bridges fail, neglect, or omit to construct, reconstruct, or repair the same or provide for the expense or cost of so constructing, reconstructing, or repairing the same, the county board of the county in which the town is located shall have the power and authority to reconstruct and repair any such bridge upon giving notice to the town board of the town or towns of its intention to do so and fixing the time and place for a hearing as to the necessity and advisability of such reconstruction or repair.

**Subd. 3. Statement of cost.** When any county board shall have reconstructed or repaired any such bridge, as hereinbefore provided, such county board shall cause to be prepared an itemized statement in duplicate of the cost of such reconstruction or repair. One of such statements shall be filed with the county auditor and the other filed in the office of and with the clerk of such town; and the town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at his office at a time within ten days thereafter specified by the clerk in such notice. The town board shall meet at the time specified in such notice and levy a special tax upon all the taxable property of the town sufficient to pay one-half the amount expended by the county in such reconstruction or repair of such bridge. Any such town board shall certify the tax on or before October fifteenth next succeeding to the county auditor and the county auditor shall extend the same with other town taxes upon the tax list of such town. Mandamus may be brought by such county against such town for failure of its board to do any of the things prescribed within the time fixed for the doing of the same. When two or more towns are interested in such bridge the statement hereinbefore provided for shall be made in as many copies as there are towns interested and one more, and the county board shall apportion to each interested town the amount which each town should properly pay toward the work done by the county and this amount shall be levied by the town board of each town after the filing of the cost of the bridge and the amount belonging to each town with the town clerk thereof. The proportion which each town shall pay shall be determined at the hearing upon the necessity and advisability of reconstructing or repairing such bridge.

[1921 c 323 s 66; 1925 c 139; 1957 c 335 s 1; 1957 c 530 s 1] (2606)

**164.29 COUNTIES MAY PAY BONDS IN CERTAIN CASES.**

Where a village has heretofore issued and sold or shall hereafter issue and sell its bonds to defray the cost of constructing a bridge across a river constituting at such place the boundary line between this state and another state, and the highway of which the portion of such bridge within this state is a part has been or shall be, after the issue of such bonds, made a county-state aid highway, the county within which such portion of such bridge is located is hereby authorized to appropriate money from its road and bridge fund not exceeding the sum of \$20,000, to pay such bonds.

[1929 c 114; 1957 c 442 s 1] (2564-14)

**164.30 BRIDGES, CONDEMNATION.**

Upon the complaint of the commissioner of highways, as to trunk highways, the county board of any county, as to county-state aid highways and county roads, the town board of any town, as to town roads, the governing body of any city, village or borough having a population of 5,000 or more, filed with the railroad and warehouse commission, that any highway bridge over any railroad is unsafe for the accommodation of the travel thereon

on account of the strength or width thereof, the width, manner of construction, or grade of the approaches thereto, the clearance thereof above the rails, or for any other cause, the railroad and warehouse commission shall forthwith proceed to investigate the matters contained in the complaint, giving the complainant and the railroad company an opportunity to be heard, at a time and place to be fixed by it, after such notice as it may deem reasonable. Upon such hearing, or any appeal from the order of the railroad and warehouse commission made thereon, a certified copy of any order of the commissioner of highways or resolution of the county board, town board, or governing body of any city, village or borough having a population of 5,000 or more, as the case may be, condemning such bridge on account of its non-compliance with the provisions of any existing law relating to the construction of bridges on highways shall be deemed prima facie evidence of the facts therein recited and that such bridge is unsafe for travel.

[1921 c 368 s 1; 1957 c 529 s 1] (2628)

9C500 164.31 **BRIDGES RECONSTRUCTED.** Upon such hearing the railroad and  
 p. 13 warehouse commission shall decide the matters set forth in the complaint and make a report in writing thereof, including the findings of fact. If it finds the facts set forth in the complaint to be true, it shall make its order directing the railroad company within a time set forth therein to reconstruct or repair such bridge in such manner as it may direct.

[1921 c. 368 s. 2] (2629)

9C500 164.32 **APPEAL.** Any railroad company, or the commissioner of highways, or  
 p. 13 the county or town making the complaint, may appeal from an order of the railroad and warehouse commission to the district court of the county in which such bridge is located; and, in case of such appeal, the same proceedings shall be had as are now provided by law for an appeal from orders of the railroad and warehouse commission, except as herein otherwise provided.

[1921 c. 368 s. 3] (2630)

9C500 164.33 **FAILURE TO COMPLY; PENALTY.** Any railroad company failing to  
 p. 13 comply with any order of the railroad and warehouse commission shall be liable to a penalty of \$50 for each and every day of such non-compliance, to be collected by the attorney general for the trunk highway fund, in the case of a bridge on a trunk highway, and by the county attorney for the county road and bridge fund, in the case of a bridge on a county or town road.

[1921 c. 368 s. 4] (2631)