

## CHAPTER 57.

APPROPRIATION.  
HIGHWAY COMMISSION.

(H. B. No. 271, by Mr. Hilts.)

## AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A STATE HIGHWAY COMMISSION AND DEFINING ITS POWERS AND DUTIES, AND PROVIDING FOR THE CONSTRUCTION, MAINTENANCE AND REPAIRS OF PUBLIC HIGHWAYS BY EXTENDING STATE AID FOR THAT PURPOSE TO THE SEVERAL COUNTIES THEREIN, AND MAKING AN APPROPRIATION THEREFOR.

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

Board of  
Highway  
Commissioners  
appointed by  
Governor.

Terms.

Vacancies.

Quorum.

Salary of  
chairman.  
Of other  
members.  
Expenses.

Section 1. Within thirty days after the passage of this act, the Governor shall appoint a board of three commissioners, representing the eastern, central and western portions of the State, to be known as the State highway commissioners. One shall serve two years, one four years, and the other six years. Biennially thereafter he shall appoint one commissioner for six years or until his successor has qualified. The Governor shall fill all vacancies and may remove a member for inefficiency, malfeasance or neglect of duty. A majority of said commission shall constitute a quorum and be empowered to act on all matters pertaining to the duties of said commission.

The chairman of said highway commission shall receive a salary of \$1,200 per annum and the other two members of said highway commission shall each receive a salary of \$600 per annum. The members of said highway commission shall also receive their actual and necessary expenses while away from their respective resi-

dences in discharge of their duties, and the same shall be audited and allowed by said commission before the State Auditor shall be authorized to issue a warrant for the same.

Section 2. Said highway commission shall elect one Powers, of its number chairman and shall have a common seal. The members thereof shall have power to administer oaths, and it shall be provided with a suitable office at the State Capitol; it shall hold regular meetings not less Meetings, than once in each month; and said office shall, so far as is practicable, be kept open during business hours.

Said commission shall employ a secretary who shall Board to employ be a civil engineer and practical road builder, who shall a secretary hold his office subject to the pleasure of said commission, who shall be and who shall receive a salary of not to exceed \$2,500 an engineer. per annum, and it may also employ a stenographer at a Salary. salary of not to exceed \$75 per month, to serve during Stenographer. the pleasure of said commission. Salary.

The commission shall keep a record of every vote and Records of official act of said commission, shall file and safely keep Board. all maps and papers belonging to it. It shall be the duty Duty of Board. of the said highway commission and their assistants to give such advice, assistance and supervision with regard to road construction, improvement and maintenance throughout the State as time and conditions will permit, and as the rules and regulations of the commission may prescribe.

Employees of said commission shall, in addition to Employees the salaries herein provided for, be allowed and paid allowed their actual and necessary expenses while away from expenses in their respective residences in discharge of their duties addition to under the direction of said commission. salary.

All of the files and records of said commission shall, Records open under reasonable regulations, be kept open for public to public inspection, and certified copies thereof shall be received inspection. in evidence in any court.

The Attorney General of the State shall be an ex-Attorney officio attorney for the commission, and shall render to General to be it such legal counsel, advice and services as it may from legal adviser. time to time require.

Section 3. The board of county commissioners of County each county in this State shall, within six (6) months commissioners. to have after the passage of this act, be required to have pre- duplicate road maps made.

Roads  
constituting  
boundaries.

pared duplicate road maps showing, with approximate correctness, all public roads within said county, and also all public roads which constitute a part of the boundary between same and adjoining counties, and designate thereon such of said roads as are, by the said board, deemed of sufficient public importance to justify their improvement under this act, and which will, in their opinion, when so improved, provide an appropriate system of main or market roads within such county.

One filed with  
county clerk,  
other with  
Highway  
Commission.

Also a statement  
of deposits of  
road material.

Procedure in  
case of failure  
of county  
commissioners  
to act.

One of said maps shall be filed with the county clerk and recorder of such county and the other, duly certified to by said county clerk and recorder, shall be by the board of county commissioners forwarded to the office of the State highway commission, together with a statement of the location within such county of all deposits of road material and the nature and extent of the same so far as known, and said board shall forward to said commission, on its request, samples of such material. If the board of county commissioners of any county shall fail to prepare such map and statement for the State commission within the time stated, to forward said samples at its request, it shall be the duty of said commission to procure the necessary information and samples and prepare such map for its office, and deduct the amount thus expended from the amount of the first appropriation to such county.

Map of all open  
public roads in  
State on file  
in office of  
Commission.

Section 4. The State highway commission shall, on or before January 1, 1912, prepare and keep on file in its office, subject to public inspection, a map showing all open public roads in each county in the State, and in color, all roads and proposed roads which the said commission deem of sufficient public importance to entitle them to State aid in their construction, improvement and maintenance under this act, and which, when completed, will provide an adequate system of State roads to the various market and business centers of the State, and connect such centers with each other.

Roads divided  
into two classes.

The highway commission may divide such roads into two classes, one class to include those of primary importance, and the other of secondary importance, and, unless otherwise ordered, the roads of primary importance shall be first constructed or improved, and the map so prepared shall be followed, unless otherwise changed by order of the said commission.

All roads constructed or improved under this act shall be known and designated as State roads.

Section 5. For the purpose of State aid in the construction, improvement and maintenance of public highways under this act, there shall be appropriated the sum of fifty thousand dollars (\$50,000), from the general funds of the State, not otherwise appropriated, which shall constitute the State road fund.

Section 6. There is hereby appropriated out of the general funds of the State six thousand (\$6,000) dollars, or so much thereof as may be necessary, to pay the expenses of said commission and salaries and expenses of its employes, until the appropriation in section 5 of this act is available, and thereafter such salary and expenses shall be paid out of the State road fund.

All accounts and expenditures shall be certified by the chairman of said commission, and paid by the State Treasurer upon orders drawn by the State Auditor.

Section 7. No member of the State highway commission, nor any person in the employ of the highway commission, shall be either directly or indirectly interested in any contract for constructing, improving or maintaining any road under this act.

Section 8. On or before the first Tuesday in March of each year, the highway commission shall apportion the State road fund among the different counties of the State, as herein provided, and shall immediately send a notice to the board of county commissioners of each county stating the amount that such county shall be entitled to receive for said year out of said fund.

In making an estimate of the amount of the State road fund, accruing to the several counties in the State, and determining the amount to be expended in any one county, the said highway commission shall take into consideration the extent of the area of such county, the amount of money expended by it in road construction, the difficulty and expense of such road construction, and the extraordinary expenses connected with the development of new territory; provided, however, that no money shall be expended by said commission out of said funds upon roads within the corporate limits of any city or town, nor expended in any county in which the county commissioners of such county have not provided for the raising,

Conditions to be fulfilled by counties. by taxation by said county, of an amount equal to twice the amount set aside by the said highway commission for the construction, improvement and maintenance of State roads in said county, and, in the event that the county commissioners of any county shall not, within ninety (90) days after the mailing of the said notice above provided for, notify said highway commission of the amount said county will expend for said year upon State roads, the amount set aside for said county, for such year may be distributed by the said highway commission among the other counties in the State which have so complied with the act.

Improvement of boundary roads. In the event that any road designated by the highway commission for improvement as a State road, is located on the boundary between two counties, it shall be the duty of the county commissioners of each county to provide for the payment by the respective counties for the construction, improvement and maintenance of such boundary road, and, in case either of said counties shall fail to make the necessary provisions for the payment of its proportion of the construction, improvement and maintenance of such road, the highway commission may pay for the work expended upon said road, and deduct from the amount apportioned for State roads in the county failing to make such provision, such counties' proportion of the amount paid by the State in the construction of said road.

Failure of county to pay its share.

Procedure.

Location of available road material. Section 9. As soon as practicable after the passage of this act, the highway commission shall ascertain the location of the road material available throughout the several parts of the State, and the best methods of road construction for the various sections of the State as far as the same may be practicable, and shall prepare and adopt such rules and regulations for the construction, improvement and maintenance of State roads as shall be most suitable for the requirements of, and bring the most practical results to, the several parts of the State.

Distribution of rules and regulations. Such rules and regulations shall be printed and not less than fifty copies thereof forwarded to the county commissioners of each county in the State, for distribution therein.

Amendments of rules and regulations. Such rules and regulations may be amended from time to time, and on the first day of March in each year, not less than fifty copies of such amended rules and regu-

lations shall be forwarded to the county commissioners of each county.

Section 10. The board of county commissioners of the several counties shall make the necessary surveys, establish grades, prepare plans and specifications and preliminary estimates of cost for all work upon State roads within their respective counties, in accordance with the rules and regulations adopted by the State Highway commission, and report the same to said commission. The State highway commission may make such changes therein as they may see fit, or adopt the same without change, or may order such further surveys, plans and specifications or estimates as in their opinion may be necessary, and such road shall be constructed or improved according to the plans, specifications and estimates finally approved by said commission.

All road construction, improvements, or maintenance on State roads in the several counties shall be under the direction of the board of county commissioners of the county in which work is done, in accordance with the rules and regulations and subject to the supervision and approval of the State highway commission; Provided, that if any such construction, improvement or maintenance is upon a road on the boundary between two counties, the boards of county commissioners of said counties shall determine by mutual agreement the portion of said road to be constructed, improved or maintained by each, and if said boards cannot agree, said apportionment shall be made by the State highway commission.

For the purpose of carrying out the provisions of this act, the board of county commissioners of any county may employ a competent civil engineer and road builder who shall be paid for his services not to exceed \$7.00 per day; who shall serve during the pleasure of said board, whose duty it shall be, under the direction and control of said board to make all surveys, establish grades, prepare plans and specifications and estimates, supervise the construction and repair of all roads within the county; prescribe the time and place when and where all work shall be done on such roads; report any delinquency or inefficiency of any road overseer or other person employed upon such roads to the board of

Plans and estimates by county commissioners of each county.

Changes by board.

County commissioners to be board of construction of several counties

Apportionment of boundary roads.

Engineer to be employed by county commissioners.

Compensation. Duties of engineer.

county commissioners, and perform such other duties as may be prescribed by said board.

Contracts for  
work let by  
county  
commissioners.  
Approved by  
Highway  
Commission.  
Notice in case  
cost exceeds  
\$1,000.  
Publication.

All contracts for work on State roads shall be let by the board of county commissioners of the county where such work is to be done, but shall first be approved by the State highway commission. Where the estimated cost of such work exceeds \$1,000 upon any road or part thereof, it shall be the duty of the county commissioners letting such contract, to give 14 days' notice in at least two newspapers, one published at the State Capital, of general circulation throughout the State, and the other published in the county where the proposed road is located and of general circulation therein, calling for sealed bids upon such work, and if the lowest responsible bidder does not exceed the estimate of cost, the contract may be let to such bidder. All of the bids may be rejected and new bids called for in the same manner, or the work may be done by day labor or convict or prison labor as may be deemed for the best interests of the general public.

Calls for  
sealed bids.

Bids may  
be rejected.

Bond of  
contractor.

The contractor shall at once after being awarded a contract for construction, improvement or maintenance work on a State road, and before entering upon the work thereunder, execute to the people of the State of Colorado a bond in a penal sum equal to one-half of the amount of such contract price, with approved securities, conditioned upon the faithful discharge of his duties under such contract.

Payments on  
contract made  
by county  
commissioners.

All payments made upon contract work upon State roads shall be made by the board of county commissioners of the county in which such road is located (except where the road is a county line between two counties, in which case each county shall pay its pro-rata of the cost as fixed by the highway commission), upon estimates furnished by the engineer or superintendent in charge of such construction and approved by the highway commission, but at least 10 per cent. of the amount of each estimate shall be withheld until the final completion and acceptance of the work, and then paid with the final estimate. The said commission may from time to time, as work progresses, under contracts on State roads, direct the State Auditor to draw warrant in favor of the treasurer of the county in which

10% withheld  
till final  
completion.  
Auditor to draw  
warrants on  
order of  
commission,  
and charge to  
said county.

such work is being done, and charge the same to the amount set aside for such county.

Section 11: The board of county commissioners of each county in the State, shall, on or before November 30th of each year, make to the highway commission two detailed reports of all moneys expended by such county for the current year in the construction, improvement and maintenance of roads in said county. One of said reports shall cover all items expended upon State roads under this act under the supervision and direction of the highway commission, and the other report shall cover all moneys expended by the county for other roads in said county or upon the line thereof.

Reports of county commissioners to Board of Highway Commissioners.  
Contents of reports.

The said commission shall also in such reports make recommendation as to the roads in said county which in their judgment should be improved or constructed the following year, under this act, and report all new discoveries of road material, giving location, character and extent or amount of same as nearly as possible.

Recommendations for work for following year.

The State highway commission shall, on or before December 15th of each year, certify to the State Auditor the amount of the State road fund which each of the counties is to receive for the current year under the provisions of this act, and the State Auditor shall at once draw his warrant on said fund in favor of the county treasurer of each county for the amount due the several counties in the State, remaining to the credit of such county.

Commission to certify to Auditor money due each county.  
Auditor to draw warrants.

Section 12. That State Highway commission shall, on the 1st of December preceding the biennial session of each Legislature, make to the Governor a detailed report of the work of such commission for the time intervening between its prior report, and such suggestions and recommendations as to legislation as will in the judgment of the commission advance the interest of good roads in the State.

Report of Highway Commission to Governor.  
Contents.

Section 13. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Section 14. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency.

APPROVED May 5th 1909, at 3:15 P. M.