

CHAPTER 78

HIGHWAY LAW
STATE HIGHWAY DEPARTMENT CREATED

(S. B. No. 328, by Senator Napier)

AN ACT

RELATING TO HIGHWAYS; TO CREATE A STATE HIGHWAY DEPARTMENT CONSISTING OF A STATE HIGHWAY COMMISSION, A STATE HIGHWAY COMMISSIONER, AND SUCH ASSISTANTS AND EMPLOYES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY COMMISSIONER AND TO DEFINE AND PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT AND EMPLOYMENT OF ALL ASSISTANTS AND EMPLOYES OF THE STATE HIGHWAY DEPARTMENT; TO PROVIDE FOR CLASSIFICATION OF HIGHWAY AND TO ESTABLISH A SYSTEM OF PROPOSED STATE HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR THE CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCES OF INCOME AND TO REGULATE ITS EXPENDITURES; TO PROVIDE A BUDGET SYSTEM IN THE WORK OF THE STATE HIGHWAY DEPARTMENT AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

*ARTICLE I.**TITLE, DEFINITION AND CLASSIFICATION OF HIGHWAYS.**I. TITLE.**An Act Relating to Highways.*

Section 1. The short title of this Act shall be The Highway Law, and references herein to "this act" shall be understood to mean The Highway Law, including all its provisions.

Title

2. DEFINITIONS.

Section 2. All roads and highways which are, at the time of the passage of this Act, by law open to public traffic shall be public highways or roads within the meaning of this Act, provided that no portion of a public highway within the limits of any incorporated city or town having a population of more than twenty-five hundred shall come under the provisions of this Act, except as specifically provided herein.

Definitions and designations

Section 3. The term "highway" as used in this Act includes bridges on the roadway, as well as culverts, sluices, drains, ditches, waterways, embankments, retaining walls, trees, shrubs and fences along or upon the same and within the right of way.

Section 4. A "State Route" within the meaning of this Act, is a right of way or location, whether actually used as a highway or not, designated for the construction of a state highway upon it.

Section 5. For convenience, the following short designations are used in this Act in referring to certain official bodies and officers: "The Department" for the State Highway Department created by this act; "The Commission" for the State Highway Commission created by this act; "The County Board of Commissioners" for the

Board of County Commissioners of a county as constituted under existing legislation; and "The Highway Commissioner" or "The Commissioner" for the State Highway Commissioner referred to in Article II below.

3. CLASSIFICATION OF HIGHWAYS.

Classification
of highways

Section 6. Public highways are divided for the purposes of this Act, into two classes: State Highways and County Highways. State Highways are those portions of State Routes which shall be accepted as such by the Commission, and are to be maintained by the State in accordance with the provisions of Article III of this Act. County Highways are those portions of the public highways constructed and to be maintained by the counties in accordance with the provisions of laws now in force or hereafter enacted.

ARTICLE II.

STATE ORGANIZATION FOR HIGHWAY WORK.

STATE HIGHWAY DEPARTMENT.

State Highway
Department
created

Section 1. There is hereby created a State Highway Department, which shall consist of a State Highway Commission of five members, a State Highway Commissioner and such assistants, clerks and other employes as may be employed to carry out the provisions of this Act.

Offices

Section 2. The Board of Capitol Managers shall provide for the State Highway Department suitable offices in the Capitol or other State Building at Denver. In addition to the offices to be maintained in the City of Denver, the Commission may maintain such additional offices in other cities of the State as it may find most convenient for the prosecution of its work.

Section 3. One member of the Highway Commission hereby created shall be appointed from each of the following districts: District No. 1. The Counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Gilpin, Jefferson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma. District No. 2. The counties of Chaffee, Cheyenne, Douglas, Elbert, El Paso, Kit Carson, Lake, Lincoln, Park and Teller. District No. 3. The counties of Baca, Bent, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo. District No. 4. The counties of Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel. District No. 5. The counties of Eagle, Garfield, Grand, Jackson, Mesa, Moffat, Pitkin, Rio Blanco, Routt and Summit. Each member shall actually reside in the district he represents, and his removal from the same shall be considered as constituting his resignation as a member of the Commission. The five members of the Advisory Board heretofore appointed under the provisions of Chapter Eighty-eight of the Session Laws of 1913, and now in office, are hereby appointed members of the State Highway Commission hereby created to serve for the remainder of the terms for which they were respectively appointed, and until their successors are appointed and qualified. At least thirty days before the expiration of the term for which each member is appointed, and thereafter annually as the successive terms expire, the Governor shall appoint one person as the successor of the member of the Commission whose term shall expire, to serve as a member of the Commission for a term of five years, or until his successor is appointed and qualified. Members of the Commission, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State for State officers, and the oath shall be filed in the office of the Secretary of State. Members of the Com-

Districts

Member must
be resident
of districtPresent mem-
bers continued
in officeGovernor to
appoint
successors

Term

Oath

Removals

mission shall be removed by the Governor only for cause, and then after a proper hearing. Upon the inauguration of a Governor he shall not ask, nor shall it be expected, that any member of the Commission shall resign because of any change in the administration. If a vacancy occurs in the membership of the Commission for any cause, the person appointed to fill such a vacancy shall be appointed only for the unexpired portion of the term of the member whose place he fills, and he shall be a resident of the same district. Members of the Commission shall serve without pay, but shall be allowed their actual traveling and other necessary expenses incurred in the performance of their official duties.

Compensation of members

Organization of commission

Affirmative vote of all members necessary for any action

Section 4. Within thirty days after the members of the Commission shall have been appointed they shall meet at the capitol building in Denver and organize by selecting one of their members as chairman and one as vice-chairman, and appointing a secretary. The affirmative vote of all the members of the Commission shall be necessary for any action taken by the Commission, but if the members fail to agree in regard to any action proposed, the Governor shall decide the matter, and his decision shall be binding upon the Commission. The Commission may, however, act in any matter within its powers at any time without any meeting, by means of a resolution signed by all the members of the Commission on the same copy or on duplicates, and approved in writing by the State Highway Commissioner.

POWERS AND DUTIES OF STATE HIGHWAY COMMISSION.

Powers and duties of commission

Section 5. The Commission shall in general exercise those powers and duties that relate to determining and carrying out the general policy of the State Highway Department and controlling its financial affairs. It shall exercise such control over the establishment, changing, construction and maintenance of highways as is author-

ized by this Act. The Commission shall have the following powers and duties: 1. To hold regular meetings at the office of the State Highway Department in Denver, at such times as it may determine, such regular meeting dates to be duly announced by the Commission. 2. To hold such special meetings for the transaction of any business not by law required to be transacted at a regular meeting, at such times and such places as the Commission may determine. The State Highway Commissioner shall attend all meetings of the Commission. 3. To formulate and adopt rules and regulations for the expenditure, by or under the direction of, the State Highway Commissioner, of public funds for the construction, improvement and maintenance of highways and other purposes authorized by law and for letting contracts for any work which the Commission or the Department is authorized by law to do. 4. To formulate and adopt regulations governing the qualifications for the employment of all persons in the State Highway Department and fix their salaries, if such qualifications or salaries are not otherwise provided by law, and to inquire into the official conduct of any person in the Department. 5. To prepare and submit annually to the Governor, on or before the first day of January, a budget for the State Highway Department. 6. To require from the Highway Commissioner complete information concerning the work of the Department under his charge. 7. To authorize and require the Highway Commissioner to make such special investigations and compile such special data as the Commission may deem to be of value for the work of the Department. 8. To establish, open, re-locate, alter, widen or change any portion of a State Route or State Highway. 9. To determine what portion or portions of any State Route shall be accepted as a State Highway. 10. To determine what portion or portions of State Routes shall be improved at the expense of the State. 11. To make agreements on behalf of the State of Colorado with the

United States Government, or any department of the same, in any manner affecting the Public Highways of the State. 12. To make agreements on behalf of the State with any county, city or town of the State for the improvement or maintenance of any part of a State Route, or at the joint expense of the State and the County, city or town. 13. To formulate reasonable rules and regulations governing the use by the public of state highways such as may be necessary to provide for the public safety and against undue use of the State Highways. 14. To send its members or other representatives to attend meetings within or outside the State of Colorado, as the Commission deems will be of benefit to the work of the State Highway Department. 15. To prescribe standard guide boards and road signs or other devices for the guidance of traffic to be erected upon all State Highways; and prohibit the use of all guide boards and road signs not conforming to such standard, on any State Highway in the State. 16. To exercise such other powers and duties as may be necessary for giving full force and effect to the foregoing provisions.

STATE HIGHWAY COMMISSIONER.

Term of office
of State
Highway
Commissioner

Section 6. The term of office of the State Highway Commissioner shall be four years, or until his successor is appointed and qualified. Upon the expiration of the successive terms of office of the State Highway Commissioner, the Governor shall appoint a successor. In making the appointment, particular consideration shall be given to the executive ability and experience in highway work. The person appointed must be at least thirty-five years old and have had at least three years' practical experience in the construction and maintenance of public highways. The State Highway Commissioner shall be removed from office only for cause and after due hearing, and by the vote of all the members of the Commission

Qualifications

Removal from
office

at a meeting duly called. If the Commission at such meeting cannot agree regarding such removal, the Governor together with the majority of said Commission shall decide the matter. Any vacancy in the office of Highway Commissioner shall be filled by the Commission for the unexpired term only. The Commissioner shall, within thirty days after his appointment, appoint, with the approval of the Commission, a person in the employment of the State Highway Department to act as his deputy, in case of his absence from the State or inability, from any cause, to act. When both the Commissioner and his Deputy are absent from the State or unable, from any cause to act, the chairman of the Commission, or if he is absent from the State or unable from any cause to act, the Vice-Chairman shall act in the place of the Commissioner, until the Commissioner or his deputy returns to the State, or is able to perform the duties of the office. The Highway Commissioner shall take the same oath of office as prescribed from members of the Commission, and shall execute a bond in the sum of not less than twenty-five thousand dollars, conditioned upon the faithful performance of his duties, to be approved by the Commission and filed with the Secretary of State. The expense of such bond shall be paid from the State Highway Fund.

Filling vacancy

Deputy
Highway
CommissionerCommissioner
to take oath
and give bond

Section 7. The salary of the State Highway Commissioner shall be three thousand six hundred dollars per year, to be paid in twelve equal monthly installments by the State Treasurer from the State Highway Fund hereinafter referred to.

Salary

POWERS AND DUTIES OF THE STATE HIGHWAY COMMISSIONER.

Section 8. The State Highway Commissioner shall be the chief executive officer of the State Highway Department and have control of all work done by the State on State Highways and State Routes, under the general

Powers and
duties of State
Highway
Commissioner

direction of the Commission. He shall have the following powers and duties: 1. Act as chief executive and administrative officer of State Highway Department. 2. Have charge of all employes of the Department and issue rules and regulations for the guidance of all employes of the Department. 3. Appoint all persons who may be duly qualified to positions in the department. 3-a. Outline an organization for the Department, defining the duties of persons who may fill such positions but the qualifications for the various positions are to be such as are prescribed by the Commission. 4. Fill all vacancies that occur in positions under him in the department. 5. Suspend for due cause any employe in the Department, but reporting the same immediately to the Commission, whose determination in the matter shall be final. 6. Prepare all plans and specifications, and advertise and let all contracts for work for the State on State Highways or State Routes authorized or approved by the Commission. 7. Have supervision of all work on State Highways and State Routes authorized by the Commission. Except that nothing in this act contained shall in any manner interfere with the supervision of the road work by discipline or custody of the warden of the State Penitentiary, of convicts employed in highway construction, maintenance and improvement as is now provided by law. 8. Have charge of the maintenance or upkeep of all State Highways and State Routes, when authorized by the Commission. 9. Approve all payments for work done by the State on, or in connection with, State Highways or State Routes, and no payment shall be made by the State Treasurer for such work without the written approval of the Commissioner or his deputy or substitute. 10. Make an annual report to the Commission of all expenditures by the Department, together with a statement of work accomplished under his direction, and include such other matters as he or the Commission may determine to be of interest and value to the people of the State.

11. Attend such meetings and conventions within or outside of the State of Colorado, inspect such roads, serve on such committees and attend such conferences as the Commission shall consider for the benefit of the work of the Department. 12. Formulate rules and regulations for the guidance of County Boards in regard to work on State Highways in the counties; he shall have the same printed and issued to all County Boards. 13. Give County Boards and other officials charged with public highway work such information and advice as he may have at hand and as may be requested. 14. Exercise such other powers as may be necessary to carry on the work of the State Highway Department as by law provided or implied.

OTHER EMPLOYEES OF THE STATE HIGHWAY DEPARTMENT.

Section 9. All employees of the State Highway Department not otherwise provided for in this Act shall be appointed by the Highway Commissioner from such lists of persons as may be certified by the Commission as duly qualified for the position to be filled, and he shall not employ any persons not so duly certified, except that he may make temporary appointments of persons not so certified; but no person shall be paid for temporary employment in any calendar year for a longer period than four months. The Commissioner shall, without reference to the Civil Service Commission, prescribe the qualifications and tests for each position or grade of service in the Department, and all persons employed in the Department shall be required to have the qualifications so prescribed for the particular positions they are to fill. Employees appointed by the Highway Commissioner shall hold office during good behavior, but their services may be terminated by him upon the close of the particular work for which they were employed. If for any cause the Commissioner shall dispense with the services of any employees

Employees—
how-appointed

Commissioner
to prescribe
tests without
reference to
Civil Service
Commission

Commission to
fix salaries

of the Department he shall report such action, together with his reason for the same, to the Commission at its next meeting, and if it shall appear desirable to the Commission to reverse or modify the action of the Commissioner in regard thereto, such action shall be duly entered in the minutes of the Commission, and the Commissioner shall be governed thereby. Employees of the State Highway Department shall be paid such salaries as the Commission may fix, unless otherwise provided by law. The Commission may make such rules and regulations regarding promotions within the Department as it deems proper; due consideration having been given to the recommendation of the Commissioner in regard thereto. The duties of all employes in the Department shall be such as are assigned them by the Commissioner. Upon request of the Commission, the Commissioner shall assign to the Commission such clerks or other employes as it may require to keep its records, compile reports and budgets and for such other purposes as are required by it.

Duties

Attorney
General to be
legal adviser

Section 10. The Attorney General of the State shall be, *ex officio*, attorney and legal adviser for the State Highway Department, and shall give it such legal counsel, advice and service as it may from time to time require, and shall bring and prosecute in the name of the State Highway Department such suits and proceedings as may be required for carrying out the provisions of this act.

ARTICLE III.

CLASSIFICATION OF HIGHWAYS STATE ROUTES.

State Routes

Section 1. A system of proposed State Highways, to be known as State Routes, is hereby established, and the said system shall consist in the first instance of the highways heretofore constituting or declared to be State Highways under authority of previous legislation, but

the Highway Commission hereby created shall have full power to abandon or change any part of the same, or to add thereto.

STATE HIGHWAYS.

Section 2. A system of state highways is also hereby established which are to be improved and maintained as hereinafter provided, and which are to consist of such parts of the State Routes as are designated and accepted as State Highways by the Commission, as hereinafter provided. No highway or part of the same that has not been designated under the provisions of this Act as a State Route shall become a State Highway, nor shall any portion of a State Route become a State Highway until by a proper resolution it shall have been specifically designated and accepted by the Commission as a State Highway. Until so designated and accepted, all State Routes shall be part of the County Highways and be constructed, improved and maintained as such, except as otherwise provided in this Act.

State Highways

Section 3. As soon as the Commission has designated any portion of a State Route to become a State Highway, the State Highway Commissioner shall proceed to maintain or improve the same as authorized by the Commission. In designating portions of State Routes as State Highways, the Commission shall be governed by the program of work provided in the budget for that year, which is to be prepared as hereinafter provided.

Commissioner
to improve
State Highways

Section 4. Any part of the system of State Routes designated and accepted as State Highways by the Commission shall thereafter be maintained by the State Highway Department at the joint expense of the state and the county in which the same is situated, in such proportions as the Commission shall prescribe; *provided, however*, that the county shall not in any case be required to pay more than one-half of such expense of mainte-

Joint maintenance
by state
and county

When any county fails to pay its proportion of expense

nance. If any county shall fail to pay its proportion of the cost of maintenance of any State Highway as herein provided, or its share of the expense of construction or maintenance of any State Route, in accordance with the provisions of any agreement between the State Highway Department and the county, within thirty days after it is requested by the State Highway Commissioner to pay the same, the State Highway Commissioner may pay the same and deduct the amount from any future credit of state funds to said county.

Petition for creation of State Highway

Section 5. If a County Board desires to have the Commission accept as a State Highway any section of road on a State Route, in the county, the county Board may, by resolution, so request the Commission and the Commissioner shall then examine the section of road referred to and report to the Commission as to whether it is of such construction and in such state of repair as will make it proper to accept it as a State Highway. The Commission may in its discretion, accept such section as a State Highway if the Commissioner's report is favorable, but not otherwise.

Commissioner to control construction and maintenance

Section 6. The construction and maintenance of all State Highways shall be under the immediate control of the State Highway Commissioner, subject to the rules and regulations prescribed by the Commission.

County Highways defined

Section 7. All roads now accepted or hereafter accepted by lawful authority as public highways, except State Highways (but including all parts of State Routes in the county not yet accepted as State Highways) shall be County Highways, within the meaning of this Act.

ARTICLE IV.

ESTABLISHMENT OF HIGHWAYS.

Establishing, Opening, Altering, Widening and
Abandoning Public Highways.

1. BY THE STATE.

Section 1. Any Public Highway or portion of a Public Highway designated as a State Highway or State Route, may be established, relocated, altered or widened, when in the opinion of the Commission, such establishment or change is for the public interest or convenience, in the manner herein provided.

Commission
may alter or
change public
highways

Section 2. The State Highway Commissioner shall, when he deems it desirable to establish, open, relocate, widen or alter a portion of a State Highway or State Route, or when so required by the Commission, make a written report to the Commission describing the portion of the highway to be established, opened or changed, and the portions of land of each land owner to be taken for the purpose, and accompanying his report with a map showing the present and proposed boundaries of the portion of the highway to be established, opened, or changed, together with an estimate of the damages and benefits accruing to each land owner, the boundaries of whose land may be affected thereby. If, upon receipt of such report, the Commission shall decide that public interest or convenience will be subserved by the proposed change, it shall enter a resolution upon its minutes, approving the same, and authorizing the Commissioner to tender to each land owner, the amount of damages, as estimated by him, and approved by the Commission. In estimating the amount of damages to be tendered a land owner, due account shall be taken of any benefits which will accrue to such land owner by the proposed action; *provided, how-*

Commissioner
to report rec-
ommendations
in writing

Commission to
pass resolution
approving

Damages

Adjustment of
claims for
damage

Procedure

Eminent
domain

Abandoned
highways to
revert to owner
of land through
which it lies

ever, that the amount of benefit shall not in any case exceed the amount of damages awarded. Any person or persons owning or having an interest in any land over which any proposed State Highway extends, who shall be of the opinion that the tender made to him or them by the State Highway Commission is inadequate, may personally or by agent or attorney, on or before ten days from the date of such tender, file a written request addressed to the State Highway Commission for a jury to ascertain the compensation which he or they may be entitled to by reason of damages sustained by altering, widening, changing or laying out such State Highway. Thereupon the State Highway Commission shall apply to the Judge of the District or County Court of the county in which said property is situated, by filing a petition as in other cases under the act of the General Assembly of the State of Colorado, entitled, "An act to provide for the exercise of the right of eminent domain," approved February 12, 1877, and amendments thereof, and the compensation to be paid such person or persons shall be ascertained and the land condemned. The rule of court or decree rendered, and all condemnation proceedings thereupon shall be according to the proceedings of said act, as in other cases. The State Highway Commission may, and it is hereby authorized to, take and condemn or cause to be condemned the lands of private persons, for State Highway purposes, under and according to said eminent domain act in the first instance, without tender or other proceedings under this act.

Section 3. When a portion of a State Highway or State Route is re-located, and because of such re-location a portion of the route as it existed before such re-location is, in the opinion of the Commission, no longer necessary as a Public Highway, such portion shall be considered as abandoned, and title to it shall revert to the owner or owners of the land through which such abandoned por-

tion may lie. If it shall appear that such abandoned portion is necessary for use as a public highway, then such abandoned portion shall become a County Highway, upon the adoption of a resolution to that effect by the County Board of Commissioners within ninety days after such abandonment by the Commission.

May become
County
Highway

Section 4. If it shall appear to the Commission that any land owner suffers damages because of the abandonment as a Public Highway of any portion of a State Highway or State Route, such damages shall be determined, tendered and paid in the same manner as other damages referred to in this article.

Damage
because of
abandonment

GENERAL PROVISIONS.

Section 5. All notices to land owners, referred to in the foregoing provisions of this article, may be given by mailing the same to such land owners, and all tenders of payment of damages to land owners, referred to herein, may be made by mailing to each land owner to whom such tender is to be made a written or printed statement reciting the action of the State Highway Commissioner and of the Commission relating to the award of damages to such land owner, specifying the amount of damages awarded to him, and stating where and by whom payment of the sum so awarded will be made upon demand of such land owner. Depositing in the general post office in the City of Denver, or at the county seat of the county in which the land in controversy is located, a written or printed copy of any notice herein referred to, or any statement tendering payment of damages, signed by the proper officer, enclosed in a sealed envelope with proper postage prepaid, and properly addressed to the land owner at his last known place of residence or address, shall be deemed sufficient mailing of the same for the purposes of this Act.

Notices and
tenders may be
sent by mail

Sufficient
mailing

Section 6. Streets within the limits of incorporated cities or towns having a population of less than twenty-

When streets
in cities and
towns may be
included by
proper
agreement

five hundred, as shown by the last Federal or State census, may, for all the purposes of this act, be included in State Highways, State Routes or County Highways, by agreement between such town or city and the Commission for State Highways or State Routes or of the County Boards for County Highways, when such streets form necessary or convenient connecting links for carrying such highways or routes through such cities or towns; but otherwise streets and other public ways in incorporated cities and towns shall not be subject to the provisions of this act in regard to establishing, changing, constructing or maintaining public highways.

State lands
included

Section 7. The provisions of this article shall apply to State Lands and School Lands, as well as other lands.

ARTICLE V.

FUNDS FOR STATE HIGHWAY WORK AND EXPENDITURE OF SAME.

State Highway
Fund

Section 1. There is hereby created a fund to be known as the State Highway Fund. All moneys paid into the State Highway Fund shall be available immediately, without further appropriation, for the purposes of such fund as provided by law. Any sums paid into the State Treasury, which by law belong to the Highway Fund, shall be immediately placed by the State Treasurer to the credit of such fund. Upon request of the Commission or the Highway Commissioner, it shall be the duty of the State Treasurer to report to the Commission or the Highway Commissioner the amount of the State Highway Fund on hand and the amounts derived from each source from which such fund accumulated. All accounts and expenditures from the State Highway Fund shall be certified by the State Highway Commissioner and audited by the State Auditing Board and paid by the State Treasurer upon warrants drawn by the State Auditor; and the State Auditor is hereby authorized and directed to draw war-

State Treasurer
to report on
request

How expended

rants payable out of the State Highway Fund upon such vouchers properly certified and audited.

Section 2. All receipts from the following sources shall be paid into and credited to the State Highway Fund as soon as received: 1. From the half-mill tax levied under the act adopted by the people of the State November 3, 1914. 2. From such appropriations as may, from time to time, be made by the legislature to the State Highway Fund. 3. From all moneys now in or that may hereafter be paid into the Internal Improvement Permanent Fund and the Internal Improvement Income Fund. 4. From all revenues accruing to the State Road Fund under the provisions of existing legislation from the registration of motor vehicles and from chauffeurs' licenses, and from fines and penalties. 5. From all receipts from the sale of bonds that may be authorized by the people of the State for Highway purposes. 6. From all public donations, including receipts from any allotments or payments made to the State by the Federal Government or any department of the same, made toward the construction, improvement or maintenance of State Highways. All such donations shall be paid to the State Treasurer and by him deposited to the credit of the State Highway Fund for such particular purpose as may be indicated by the donor; *provided, however,* that the State Treasurer shall not receive any gift for such purposes without the approval of the Commission. 7. Any balance remaining at the time when this Act takes effect in the State Road Fund created by previous legislation, and all receipts accruing to such Road Fund, and the State Highway Commission hereby created shall be deemed to have assumed all lawful financial obligations of the State Highway Commission and Advisory Board created by the Act approved March 17th, 1913.

Sources of
State Highway
Fund

Section 3. The State Highway Fund shall be available to pay for—1. All salaries, wages and necessary

Purposes for
which fund is
available

traveling and other expenses of all persons connected with the State Highway Department. 2. All equipment, furniture and supplies for offices, division offices and laboratories as may be established by the Commission. 3. All incidental office expenses, including telegraph, telephone, postal, express charges and expenses for printing, stationery and advertising. 4. All machines, tools or other equipment necessary for the furtherance of the work of the Department. 5. The construction and maintenance of State Highways and such parts of highways forming State Routes as the Commission shall determine. 6. All land damages incurred by reason of establishing, opening, altering, re-locating, widening or abandoning portions of any State Route or State Highway.

Proceeds from
sale of bonds

Section 4. The proceeds from the sale of any bonds that may be authorized for State Highways shall be expended only for such purposes as are specified in the act authorizing the issue of the bonds and not more than ten per cent. of any bond issue shall be used for administrative and engineering purposes.

Annual budget

Section 5. The State Highway Fund shall be expended by the State Highway Department, subject to the following provisions: There shall be prepared by the Commission, prior to the first of January of each calendar year, a budget which shall show the amount of the State Highway Fund on hand, the amount of outstanding obligations against such Fund, the estimated amount of receipts from all sources that will become available for such fund during the ensuing year, and the estimated amount to be expended for the various activities and projects proposed for the forthcoming year. The total estimated expenditures contemplated for all purposes of the State Highway Department for a given year shall not exceed the total estimated available fund. It shall be the duty of the State Treasurer and the Highway Commissioner to give, on request, such information as the State

Highway Commission may need for the preparation of such budget. The budget shall be so prepared that it may be readily understood how much it is proposed to expend for administrative purposes, which shall not exceed four per centum of the estimated funds available; How much for construction, with an allowance of not more than ten per centum of the amount to be expended on any construction work for engineering and supervision of the same; in general where such construction is to be located, how much for maintenance and the extent of highway it is proposed to maintain, together with such other essential facts as the Commission may deem necessary in order that the people of the State may have full knowledge as to how much money there may be available in a given year for the work of the Department and how it is proposed to spend the money. In adjusting the expenditures for a given year the Commission shall give full consideration to the recommendations of the Highway Commissioner, who shall be present in person or by his deputy or substitute at the discussion of the budget by the Commission. Before the budget shall go into effect it shall be submitted on or before the first day of January to the Governor, who may, after consultation with the Commission and the Highway Commissioner, recommend such changes as he may consider for the best interest of the State. If the Governor does not return the budget to the Commission within ten days, it shall be deemed to be approved. If it shall be returned within ten days with changes recommended, the Commission may by unanimous vote alter or reject any of changes recommended by the Governor, otherwise the changes so recommended shall be incorporated in the budget.

Distribution of expenditures

Commissioner's recommendations

Submitted to Governor for approval or rejection

Section 6. The budget in the final form so prepared shall be issued in printed form and sent free of charge to any citizen of the state who may apply for the same.

Budget printed

Approval

Procedure

Changes in
budgetCash available
for paymentsCommissioner
may issue
voucher checks

Section 7. When a budget has been finally approved the Highway Commissioner shall proceed in accordance therewith, and administer the work of the State Highway Department accordingly, provided that the ratio of actual expenditures for the various projects to such estimated expenditures shall be the same as that of the actual receipts, except that with the approval of the Commission actual expenditures as herein provided may vary therefrom by ten per centum. Changes may be made in the budget at any time by the unanimous vote of all the members of the Commission with the approval in writing of the Governor, when, in their opinion, such changes are necessary or desirable for meeting changed or unexpected conditions, *provided*, the amount of the budget so changed does not exceed the total estimated fund available.

Section 8. In order that the Commissioner may make immediate cash payment to laborers and in other instances where, in his judgment, it is advantageous or necessary for the conducting of the work of the State Highway Department to make such payments, there shall be deposited by the State Treasurer in some bank in the City of Denver, from the State Highway Fund, the sum of Ten Thousand (\$10,000) dollars, which shall be made payable upon order of the State Highway Commissioner in the form of a voucher check, the voucher to show to whom and for what payment is made. A duplicate of all such vouchers shall be retained in the office of the State Highway Department. The voucher checks issued shall be audited by the State Auditor from time to time, when requested by the Commissioner, and an amount equal to the checks returned and found in proper form shall thereupon be deposited by the State Treasurer to the credit of such special fund from the State Highway Fund. Voucher checks drawn upon the special fund shall not be used to pay salaries of officers or regular employes of the Department.

Section 9. If, as the result of any agreement made by the Commission, on behalf of the State, and any branch of the Federal Government, there shall be undertaken actual construction or improvement of highways in the State, the letting of contracts, preparation and approval of specifications and plans, together with supervision of construction, shall, on behalf of the State, be under the direct control of the State Highway Commissioner, subject to the terms of the agreement so made, *provided*, that no agreement or contract shall be made which shall require the expenditure of funds greater than that included in the budget for the current fiscal year.

In case of
agreement
with U. S.
Government

Section 10. The Commission is further authorized and empowered to co-operate in such manner as it may consider for the public benefit, with any department of the Federal Government in undertaking any experiments or collecting any data that has to do with public highways.

Co-operation
with U. S.
Government

ARTICLE VI.

GENERAL PROVISIONS AND REPEAL OF PRIOR LAWS

Section 1. The State Highway Commissioner and Advisory Board, upon the request of the State Highway Department, shall transfer and deliver to the State Highway Department all the files, records, books, maps, papers and other documents belonging to their office and kept by them under the Act approved March 17th, 1913.

Delivery of
records

Section 2. It is hereby declared that this Act is necessary for the immediate preservation of the public safety.

Safety clause

Section 3. Chapter eighty-eight (88) of the Session Laws of 1913 and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause

Section 4. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to

If any portion
is held uncon-
stitutional

be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Emergency
clause

Section 5. In the opinion of the General Assembly, an emergency exists; therefore this Act shall take effect and be in force from and after the date of its passage.

Approved: April 20, 1917.