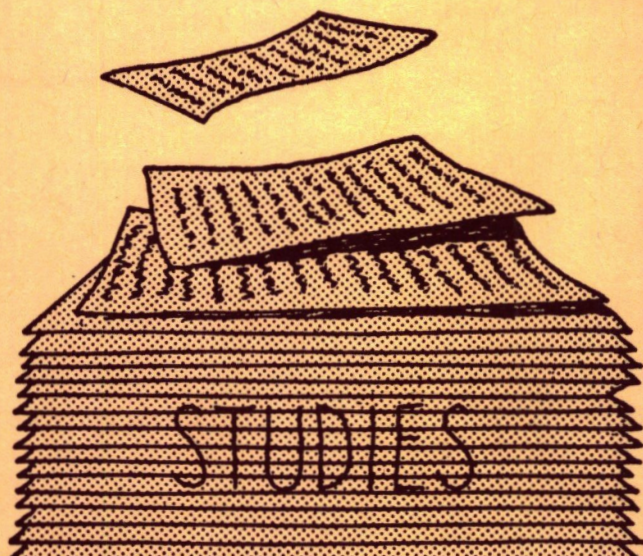
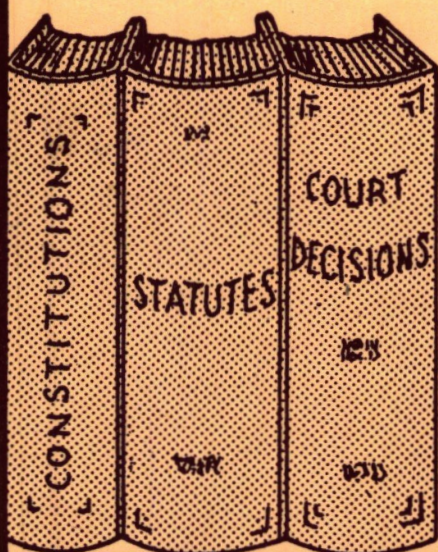
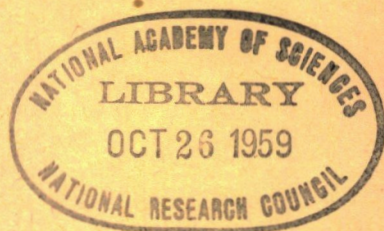


HIGHWAY RESEARCH BOARD

Special Report 49

INTERGOVERNMENTAL RELATIONS
IN STATE HIGHWAY LEGISLATION

AN ANALYSIS



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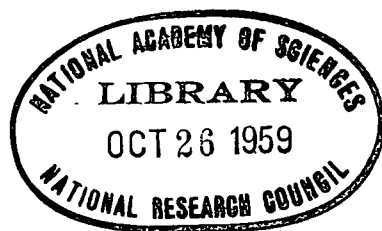
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" **Special Report 49**

**INTERGOVERNMENTAL RELATIONS
IN STATE HIGHWAY LEGISLATION**
AN ANALYSIS



A Report of the
Highway Laws Project

1959

Washington, D. C.

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PREFACE

The Committee on Highway Laws of the Highway Research Board is in the process of preparing comprehensive reports on the legal aspects of all major highway functions. To date, the Committee staff has completed reports on several main segments of its program, including "Relocation of Public Utilities Due to Highway Improvement" (Special Report 21), "Expressway Law" (Special Report 26), "Acquisition of Land for Future Highway Use" (Special Report 27), "Condemnation of Property for Highway Purposes" (Part I, Special Report 32 and Part II, Special Report 33), "Legislative Purpose in Highway Law" (Special Report 39), "Outdoor Advertising Along Highways" (Special Report 41), "Highway System Classification" (Part I, Special Report 42), and "Federal-Aid Provisions in State Highway Laws" (Special Report 48). Subjects currently being prepared for publication include Part III of "Condemnation of Property for Highway Purposes," Part II of "Highway System Classification," "State Constitutional Provisions Concerning Highways," and "Contracts."

Almost every strip of highway is of actual or potential concern to more than one unit of government. The purpose of this study is to ascertain how the several States and territories have divided the authority and responsibility for roads in the various highway systems among the State and local governments, and the extent of cooperating authority granted to the various governmental units.

The subject matter researched includes all phases of highway activity except financing, traffic regulation and enforcement, bridges, and toll facilities. Although intergovernmental cooperation in these four excluded areas is extremely important, they can be much more expeditiously and meaningfully researched as separate topics. Effective intergovernmental relations within a particular jurisdiction are of course, largely dependent on the adequacy of its highway financing.

In addition, this report does not include cooperation with the Federal Government or intergovernmental relationships in system designation, inasmuch as these were covered in other recently published Highway Law studies, as previously noted.

This is a survey and analysis of statutory law only, and does not include judicial decisions. In the initial stages of research, an examination of a number of court decisions involving intergovernmental relationships was made, but they were generally decided on issues outside the scope of this study, such as traffic regulation, financing and system designation.

Also, this study does not include administrative practices and formal and informal working arrangements necessary to complete the picture of intergovernmental relationships on highway matters. Rather it is a study of the statutes which serve as the basis upon which highway officials must work.

This report was researched and written by Mary O. Eastwood of the Highway Laws staff. The photographs used are by courtesy of the U.S. Bureau of Public Roads.

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SUMMARY OF FINDINGS

The provision of adequate highway facilities is, in varying degrees, the responsibility of the State, Federal and local governments. Intergovernmental relationships involving the Federal Government were reviewed in another Highway Research Board study of "Federal-Aid Provisions in State Highway Laws—An Analysis" (Special Report 48) The current study concerns the relationships between States, between State and local governments, and between the various types of local governments.

In the 52 jurisdictions, the laws of which were reviewed to determine the extent of authority for intergovernmental cooperation, four types of local governments, as defined by the United States Bureau of the Census, were found to be concerned with highways—counties, municipalities, townships and special districts set up with specified highway responsibilities.

Of course, all jurisdictions do not have all types of local governments. All jurisdictions except Rhode Island and Alaska have counties, 22 jurisdictions have townships and 11 have highway or road districts, recognized by the Bureau of the Census as governmental units

Presumably, the relative responsibility of the State and local governments would be different for highways which serve different functions For example, local governments would be expected to have greater responsibility for highways in local road systems than for State highways Thus, the highway system that a particular law applies to is a relevant factor to be considered in a review of intergovernmental relationships.

A Highway Research Board study of highway system classification indicates that 51 jurisdictions have State systems, 40 have county systems, 49 have municipal street systems, 16 have township systems and nine have miscellaneous systems

Obviously, a complete picture of intergovernmental relations in highway matters cannot be obtained from a review of the statutes only. How the law is administered

and the effect of the personalities who administer it are also important, but these factors are beyond the scope of this study However, the statutes constitute the basic framework from which the highway administrators must work, and, accordingly, they constitute the subject matter of this report.

Although the types of governmental units, their traditional functions, and their types of highway systems vary considerably, two basic principles seem to apply to all jurisdictions:

1 The law should be clear as to which governmental units are responsible for the various highway activities

2 Sufficient authority to cooperate should be granted, to avoid waste and inefficiency and to insure a well-integrated system of highways

Legislation of General Application

The construction of a public facility such as a highway, or the provision of a governmental service, may often be of benefit to more than one political unit. Accordingly, eighteen States have enacted legislation which provides for intergovernmental cooperation in many areas of governmental activity, including the construction or maintenance of highways. These laws generally provide that any power or authority exercised or capable of being exercised by a public agency, may be exercised jointly with any other public agency, or agencies, by cooperative agreements.

In order for political units within a geographic area to cooperate in the planning and provision of governmental services and facilities, particularly in metropolitan areas, 30 States have provided for metropolitan areas or regional planning commissions to deal with common problems of the local governmental units within the area. These laws usually provide for the creation of a master plan for the region, including the location of streets and highways. The relevant portions of the plan may then be adopted

by the various political units included in the region.

Cooperation in Providing for Highway Facilities

In order that highways may be constructed and maintained with the greatest degree of economy and efficiency and to better integrate the total highway system for the several States and territories, authority and responsibility may be shared through the cooperative efforts of two or more governmental units. Three States (Florida, Nebraska and North Dakota) have recognized the importance of cooperation in their declarations of legislative intent.

A majority of the States have some legislation authorizing State and local highway authorities to cooperate. These provisions include the authority to cooperate "in highway matters," in the "planning, establishment, acquisition, construction, improvement and maintenance," and for the purpose of obtaining Federal aid. Legislation framed in such general terms vests considerable discretionary power in the highway officials, and the actual cooperative power granted depends to a great degree upon the rest of the law applying to a particular jurisdiction.

These provisions phrased in general terms and provisions authorizing cooperation involving certain basic highway functions, such as, construction and maintenance, often apply only to a particular highway system. Also, the authority to cooperate is sometimes granted only to the State or certain local governments. This does not imply that these limitations show an inadequacy in the law, however. It would serve no purpose to authorize a county to cooperate with the State in the construction and maintenance of a municipal connecting link where the county has no power or authority concerning such highways.

Authority for State-county cooperation without specific limitation as to highway system may be found in 41 jurisdictions. Thirty States provide for State-county cooperation on the State highway system, 23 on the county system, and three on the township system. Colorado provides for

cooperation in the construction and maintenance of municipal streets

State-municipal cooperation without reference to a specific system is found in 44 jurisdictions. Forty States provide for such cooperation on the State highway system, nine on the municipal system, and one on the county system.

Statutory reference to State-township cooperation is as follows: System not specified—16 States, State system—13 States, township system—six States, and municipal system—one State.

Of the 11 States which have some form of highway or road districts, four authorize State-district cooperation on the State highway system and two of these also have provisions not limited as to system

Twenty-five States have laws providing for cooperation between counties without limitation as to system. Two of these also have provisions which specify the county system.

Thirty-one States provide for county-municipal cooperation without referring to specific highway systems, 17 refer to the county system, ten refer to the municipal street system, and seven to the State highway system.

Ten States authorize county-township cooperation without specifying system, seven specify the county system, 12 the township system, and five the State system. One State has a provision applying to the municipal street system

County-district cooperation, without limitation as to system, is found in three States. One of these also has a provision specifying the county system.

Cooperation between municipalities is authorized in 22 States. One of these also has a provision applying to the municipal system.

Six States provide for municipal-township cooperation without specifying system, three have provisions specifying the township system, and one the municipal system.

Three States provide for municipal-district cooperation, one of which also has a provision applying only to the municipal street system.

Cooperation between townships without

limitation as to system is found in four States. Four other States provide for cooperation on the township system. No provision authorizing township-district cooperation was found, but two States provide for cooperation between districts.

A summary of the number of jurisdictions authorizing intergovernmental cooperation, without regard to whether such authority is limited to a particular highway system, is as follows:

| Kind of Cooperation | Number of Jurisdictions |
|-------------------------------|-------------------------|
| State-county | 45 |
| State-municipal | 50 |
| State-township | 19 |
| State-district | 4 |
| County-county | 25 |
| County-municipal | 36 |
| County-township | 17 |
| County-district | 3 |
| Municipal-municipal | 22 |
| Municipal-township | 7 |
| Municipal-district | 3 |
| Township-township | 8 |
| Township-district | 0 |
| District-district | 2 |

(These figures do not reflect statutory provisions designed to meet specific problems, which were considered separately.)

A statutory provision authorizing all governmental units of a particular jurisdiction to cooperate with each other in highway matters would seem to leave highway officials with sufficient discretion to carry out their legislative mandates in the most efficient, practical and economical manner possible.

Legislation Applying to Specific Highway Activities

Programing and Long Range Planning — One of the first phases in which intergovernmental cooperation might come into play is in the area of programing and long-range planning. It is important that there be some over-all coordination at the State level while permitting local officials adequate powers as to highways within their jurisdiction in order that both State-wide and local

interests may be reflected in the highway planning and programing.

A few States provide for State-local cooperation in this area. In Florida and North Dakota, for example, the State highway administrators are vested with the responsibility for coordinating the total highway program of the State and for reviewing the annual programs of the various highway systems to insure coordination of planning. Five States provide for State-county cooperation and four provide for State-municipal cooperation in developing a long-range highway improvement plan. Counties in eight States are required to submit highway programs under their jurisdiction to the State for approval.

Annual meetings whereby the State and county authorities may discuss plans for State secondary roads is provided for in Virginia. Maryland counties may request the State to suggest an annual program for county road construction. Michigan counties may cooperate in the planning of a system of inter-county highways, super highways, and limited-access highways.

Authority of Highway Officials to Cooperate with Each Other.—Although there is considerable cooperation between highway officials of the several States and territories, only three States authorize by statute the joining of associations of highway officials of other States. Three other States specifically authorize their highway officials to attend meetings within or without the State.

Thirty-eight States authorize State advice and assistance to be rendered to local highway officials. In some States, this service is free, while in others, the local government bears the cost. Also, a few States provide for county assistance to township or district highway officials.

Eight States provide for some State supervision of the selection of local highway personnel, such as requiring the approval of the appointment of county engineers or providing for State-administered examinations for such local highway officials. Twelve States authorize two or more counties to jointly employ a county engineer.

To provide for the maximum use of avail-

able talents of highway officials of the various units of government, provision might be made for State advice and assistance to local units, free or at cost, and for the sharing of personnel by local governments. A State may also wish to insure high standards of performance by local officials, by requiring State approval of appointments or State-administered examinations.

Research and Testing—Only eleven States have statutes authorizing their highway officials to cooperate with other States in conducting research and test experiments. Seven States provide for State-local cooperation in these matters. A few States make available to local governments, State laboratory services for testing materials and soils.

The authority to cooperate with other States, research agencies, and local governments, in research and test projects would encourage the most advanced and efficient highway construction and maintenance practices. Additionally, where a State has laboratory facilities, it would seem to make sense to make such available for the use of local governments, where possible.

Agreements to Share Cost of Construction and Maintenance—Although this study of intergovernmental relations does not include the subject of financing, numerous provisions may be found in the statutes authorizing State-county, State-municipal, county-county, county-municipal, and other governmental unit combination agreements for the purpose of sharing the cost of construction and maintenance of a project for their mutual benefit. Approximately, one-half of the jurisdictions have one or more provisions of this type.

In many instances, more than one political unit actually benefits from the construction and repair of a single facility. Authorizing agreements to share the cost in such situations in some appropriate proportion would provide for an equitable sharing of the cost burden and may well make the project feasible.

Acquisition of Land—Effective legal mechanisms for intergovernmental cooperation in this area would depend upon the policy a particular State wishes to follow.

Some States authorize agreements for the acquisition of property or authorize one unit of government to acquire land for another. A few States provide that local governments may or shall furnish right-of-way for State highways within their limits. Twenty-two States so provide as to counties, eight as to municipalities, and two authorize townships to provide highway right-of-way.

Three States provide for State-county or State-city cooperation in determining maximum appraisals for land to be acquired. In California and Minnesota, the State may acquire rights-of-way for county roads with Federal aid. In addition, the California Department of Public Works is authorized to acquire real property for a city at municipal request.

Local Government Contracts to Do State Highway Work—Where a local government is equipped to do so, it may well be mutually advantageous to both the State and local government if the local government is authorized to contract to do work on a State highway. Counties in 11 States, townships in four States, cities in Louisiana, and districts in Idaho are so authorized.

Provision for Greater Width or Higher Standards of Construction—In many instances, particularly in municipalities, a local government may wish to have a State highway constructed to a greater width or to higher standards than necessary for State highway purposes. Seven States provide for agreements for the construction or maintenance of such additional width. Local governments are authorized to construct State highways to a greater width, at local expense, in nine States. Also, a few States provide for payment of the additional cost by the local government for higher standards of construction than planned by the State. In addition, villages in New York and municipalities in Ohio are authorized to pay all or part of additional cost of constructing county roads to a greater width than outside municipal limits.

Construction and Maintenance Standards—In order to insure adequate standards of construction and maintenance and a reasonable degree of uniformity for high-

ways of the various systems, three States make the State highway authorities responsible for developing standards. Twelve States provide for State supervision of county road construction. A Washington law provides for State-county cooperation in developing design standards for county roads. Requirements applying to townships or municipalities may be found in eight States.

In addition, 11 States provide for supervision by the county of road construction or maintenance by townships or districts.

Materials and Equipment—More than half of the States provide for some cooperation in the acquisition or transfer of materials or equipment. Only West Virginia provides for cooperation with other States—in the operation of plants for the preparation of road construction materials. Twenty-two States provide for State-local cooperation and 15 States provide for cooperation between local governments, in this segment of highway activity. Five States also have provisions requiring counties to meet State standards involving materials or equipment.

Authorizing one political unit to transfer materials and equipment to another government and authorizing the joint purchase of materials or land for materials might prevent undue waste and inefficiency. Additionally, some States may wish to consider the establishment of State standards for materials or equipment used by local governments in highway construction and maintenance.

Labor—Twelve jurisdictions provide for State-local cooperation in the employment of convict labor. Three States have laws authorizing the use of State employees by local governments in connection with use of State equipment.

Six States authorize cooperation between counties in the use of county convict labor. In addition, a few States provide for the use of county prisoners by municipalities or townships or the use of municipal prisoners by the county.

Highways on or Traversing Jurisdictional Lines—The most obvious need for inter-governmental cooperation occurs when a

highway is located on or traverses jurisdictional lines. Thirty-four States have some legislation dealing with this type of highway. A tabulation showing the number of States having statutes dealing with the various jurisdictional-line highways is as follows:

| Type of Highway | Number of States |
|--------------------------------------------------|------------------|
| State line | |
| State highway department may cooperate | 5 |
| Local governments may cooperate | 11 |
| County line | |
| Cooperation between counties | 28 |
| County-township cooperation | 3 |
| County-city cooperation | 5 |
| Township line | |
| Cooperation between townships | 14 |
| Township-city cooperation | 7 |
| Municipal line | |
| County-city cooperation | 3 |
| Cooperation between cities | 7 |

In order that there be no doubt as to who is responsible for the construction and maintenance of highways on or traversing jurisdictional lines, the legislature might either specify the responsibility by statute or authorize agreements concerning such highways between the governmental agencies concerned. The latter method would have the advantage of allowing for the exercise of discretion by the officials concerned so that the most practical division of responsibility might be made.

Detour Facilities—A number of States have statutory provisions dealing with the responsibility for maintenance of a road being used as a detour facility. Eight States make the State responsible for maintenance and repair of a detour facility used during State highway construction. Four States provide for cooperative arrangements with the local authorities concerning maintenance. Three States make the State responsible for damage to local roads due to transporting equipment and materials for State highway construction.

In addition, three States make the county

responsible for maintenance of detour roads while county roads are under construction or repair, or damaged due to transportation of material and equipment. Pennsylvania and New Jersey have similar requirements applying to townships and municipalities, respectively.

Where a highway of one unit of government is used as a detour while a highway of another unit of government is under construction or repair, a State legislature may wish to place the responsibility for the work, or cost, or both, of maintaining and repairing the detour facility upon the latter unit of government. Similarly, the responsibility for repairing damage due to transportation of equipment and materials might be placed upon the government which transported the equipment or materials.

Grade Crossing Elimination—Several States provide for cooperation in the elimination of highway-highway crossings, particularly intersections with expressways, and highway-railway crossings. An Oregon law, for example, authorizes formal agreements between the State and a municipality for closing a city street which intersects a State highway. A California law provides for the formation of separation-of-grade districts for projects on roads of the various highway systems and provides for agreements between the district and the governmental unit concerned.

A statute authorizing State-local agreements for the elimination of highway-highway and highway-railway crossings, where such is the concern of both governments, would provide for appropriate treatment of both State and local interests.

Public Utilities—Ten States authorize

municipalities to dig up a State highway for the purpose of installing utility facilities provided the highway is replaced in good condition. Eight States require State approval for opening such streets. In nine jurisdictions, municipalities may grant franchises on State highways and three States require State approval of municipally-granted franchises on State highways.

Filing of Reports—The requirement of filing reports by one unit of government to another is generally a means of carrying out other substantive provisions of the law. Fourteen States require the filing of a map of the State highway system with counties or towns, and 17 States require counties or municipalities to file highway maps with the State highway department. Local reports concerning the expenditure of funds are required in 17 States, and reports on the status of highway construction and improvement must be filed by local governments in 11 States. Six States require the filing of reports containing information requested by the State highway department. Reports by one local government to another, such as township or district reports to the county, are provided for in nine States.

Miscellaneous Provisions—In addition to the foregoing statutory provisions relative to specific highway activities, a few States provide for: the adoption of uniform accounting systems to be used by local governments, cooperation in the construction and maintenance of sidewalks along State highways or the provision of lighting along highways, cooperation in the removal of debris or weed control, and cooperation in the planting and care of vegetation along highways.

BACKGROUND

RESPONSIBILITY OF GOVERNMENTAL UNITS FOR PROVIDING HIGHWAY FACILITIES

The primary responsibility for providing adequate highway facilities lies at the State level,¹ the role of the Federal Government being essentially that of assisting the States in carrying out their responsibility. Local governments derive their power concerning roads and streets from the State constitution and legislative enactments "The power of the State to exercise the function of road construction and repair is inherent, plenary, and part of its police powers, but the power of local authorities to provide for the improvement of roads is statutory"² How much power a county or a city may have thus depends entirely on the positive law of the State in which it is located. It is the function of the State legislatures, subject to constitutional limitations, to delegate authority concerning public highways to State and local agencies.

TYPES OF LOCAL GOVERNMENTS

There are four types of local governmental units—counties, municipalities, townships, and special districts. Table 1 indicates the number and type of local governments found in each State, based on a Bureau of the Census report on local government structure in the United States.³ The extent of highway functions bestowed upon them varies from none to a great deal.

All jurisdictions except Rhode Island and Alaska have counties, all have municipalities, 22 have townships, and 11 have highway or road districts recognized as governmental units by the Bureau of the Census. "Towns" in New England, New York and Wisconsin are classified as townships,

¹ For the purposes of this study, the governments of the territories and the District of Columbia are included as State units of government since they play a similar role in highway matters.

² C. J. S., Highways, §177.

³ *Local Government Structure in the United States*, U. S. Dept. of Commerce, Bureau of the Census, Spec. Studies #34, 1954.

rather than municipalities, since they serve inhabitants of a defined area, without regard to population concentration.

RESPONSIBILITY FOR HIGHWAYS IN A PARTICULAR HIGHWAY SYSTEM

Presumably, the relative responsibility of the State and county governments, for example, with respect to a State highway would differ from their responsibility on a county highway. Therefore, it was necessary to consider the authority of the various units of government as it applied to a particular highway system. Table 2 shows the highway systems to be found in each State, based on information derived from a recent study of the Highway Laws Project.⁴

NECESSITY FOR SPECIFIC LEGISLATIVE AUTHORIZATION

A question which will arise in the mind of the reader throughout this report is whether or not it is really necessary to have a statute spelling out the authority to cooperate on a particular subject. This study does not mean to infer that every type of statutory provision is necessary in every State. When considering intergovernmental relationships, the entire governmental and highway system setup of the particular jurisdiction must be considered along with all the substantive powers granted to the various governmental agencies. However, two basic principles would seem to apply to all jurisdictions:

- 1 The law should be clear as to which governmental units are responsible for the various highway activities.
- 2 Sufficient authority to cooperate should be granted to avoid waste and inefficiency and to insure a well-integrated system of highways.

⁴ "Highway System Classification," H. R. B. Special Report 42.

Table 1 Number of Local Governmental Units, by State

| State | Counties | Municipalities | Townships | Special Highway Districts | State | Counties | Municipalities | Townships | Special Highway Districts |
|--------|-----------------|----------------|------------------|---------------------------|--------|----------------------|---------------------------|-----------------------------|---------------------------|
| Ala. | 67 | 302 | — | — | N J | 21 | 334 | 233 | 2 ³ |
| Alaska | — | 28 | — | — | N M | 32 | 72 | — | — |
| Ariz. | 14 | 48 | — | — | N Y | 57 | 610 | 932 ² | — |
| Ark | 75 | 360 | — | 10 ¹ | N C | 100 | 401 | — | — |
| Calif | 57 | 306 | — | 7 | N D | 53 | 348 | 1393 ⁸ | — |
| Colo | 62 | 241 | — | — | Ohio | 88 | 904 | 1338 | — |
| Conn | 8 | 33 | 152 ² | — | Okla | 77 | 499 | — | — |
| Del | 3 | 49 | — | — | Ore | 36 | 213 | — | 5 ³ |
| Fla | 67 | 294 | — | — | Pa | 66 | 990 | 1564 | — |
| Ga. | 159 | 475 | — | — | R I | — | 7 | 32 ² | 2 ³ |
| Idaho | 44 | 193 | — | 90 | S C. | 46 | 237 | 2 ⁹ | — |
| Ill. | 102 | 1157 | 1433 | 1 ³ | S D | 64 | 307 | 1090 ¹⁰ | — |
| Ind | 92 | 540 | 1009 | — | Tenn | 95 | 241 | — | — |
| Iowa | 99 | 934 | — | — | Tex | 254 | 738 | — | — |
| Kan | 105 | 606 | 1514 | 3 ⁴ | Utah | 29 | 209 | — | — |
| Ky. | 120 | 313 | — | 4 | Vt | 14 | 71 | 238 ² | 2 ³ |
| La | 62 ⁵ | 215 | — | — | Va | 98 | 223 | — | — |
| Me. | 16 | 42 | 473 ² | — | Wash | 39 | 240 | 70 ¹¹ | — |
| Md. | 23 | 146 | — | — | W Va | 55 | 216 | — | — |
| Mass. | 12 | 39 | 312 ² | — | Wis. | 71 | 534 | 1281 ² | — |
| Mich | 83 | 489 | 1264 | — | Wyo | 23 | 86 | — | — |
| Minn. | 87 | 796 | 1844 | — | D C | — | 1 | — | — |
| Miss. | 82 | 263 | — | — | Hawaii | 3 | 1 | — | — |
| Mo. | 114 | 781 | 329 ⁶ | 582 | P R | — | 75 | — | — |
| Mont. | 56 | 121 | — | — | | | | | |
| Neb. | 93 | 533 | 477 ⁷ | — | Total | 3050 (in 48 jur) | 16,887 (in 52 jur) | 17,202 (in 22 States) | 708 (in 11 States) |
| Nev | 17 | 15 | — | — | | | | | |
| N. H. | 10 | 12 | 222 ² | — | | | | | |

Source *Local Government Structure in the United States*, U S Dept of Commerce, Bureau of the Census, Spec Studies #34, 1954

¹ One highway right-of-way district, 9 suburban improvement districts

² Towns

³ Street lighting district

⁴ Improvement districts

⁵ Parishes

⁶ In 23 counties

⁷ In 27 counties

⁸ In 51 counties

⁹ In Charleston County

¹⁰ In 58 counties

¹¹ In 2 counties

Table 2 Statutory Highway Systems, by State

| State | State | County | Municipal | Township | Miscellaneous |
|--------|-------|--------|-----------|------------------|-------------------------------------|
| Ala | × | × | × | | |
| Alaska | × | | × | | |
| Ariz | × | × | × | | |
| Ark | × | × | × | | |
| Calif | × | × | × | | |
| Colo. | × | × | × | | |
| Conn | × | | × | (*) | |
| Del | × | | | | |
| Fla | × | × | × | | St. Pk Rd Syst |
| Ga | × | × | | | U.S. Post Roads |
| Idaho | × | × | × | | Good Roads Dist Syst |
| Ill | × | | × | × | |
| Ind. | × | × | × | | |
| Iowa | × | | × | | St. Pk & Institutional Rd Syst |
| Kan | × | × | × | × | |
| Ky | × | × | × | | |
| La | × | × | × | | Class C hwy (farm-to-market system) |
| Me. | × | × | × | × | |
| Md. | × | × | × | | |
| Mass. | × | × | × | (*) | |
| Mich | × | × | × | | |
| Minn | × | × | × | × | |
| Miss. | × | × | × | | Local farm roads |
| Mo | × | × | × | × | |
| Mont | × | × | × | | |
| Neb | × | × | × | × | |
| Nev. | × | × | × | | |
| N. H | × | | × | Class V & VI hwy | Class III hwy |
| N J. | × | × | × | × | |
| N M. | × | × | × | | |
| N. Y. | × | × | × | × | |
| N. C. | × | | × | | Neighborhood Public Roads |
| N. D | × | × | × | × | |
| Ohio | × | × | × | × | |
| Okla | × | × | × | × | |
| Ore | × | × | × | | |
| Pa | × | × | × | × | |
| R I. | × | | × | (*) | |
| S C | × | × | × | × | |
| S. D. | × | × | × | | |
| Tenn | × | × | × | | |
| Tex | × | × | × | | |
| Utah | × | × | × | | |
| Vt | × | | × | (*) | |
| Va | × | × | × | | |
| Wash. | × | × | × | × | |
| W Va | × | | × | | |
| Wis | × | × | × | × | |
| Wyo | × | × | × | | Co farm-to-mkt syst |
| D. C. | | | × | | |
| Hawaii | × | × | | | |
| P R | × | | × | | |
| Total | 51 | 40 | 49 | 16 | 9 |

* New England towns have authority over highways also but these have been classified with municipal systems for the purposes of the Highway Laws Project study of Highway System Classification

LEGISLATION OF GENERAL APPLICATION

AUTHORITY TO EXERCISE GOVERNMENTAL FUNCTIONS JOINTLY

The construction of a public facility or the providing of a governmental service, be it the construction of a road, bridge or sewer system or the provision of fire protection, is often of concern not only to one political unit, but to one or more adjacent or partially-superimposed political units. It may be more economical and practical and otherwise more advantageous to the people served if the two or more governments interested would construct the facility or provide the service cooperatively. The advantages of intergovernmental cooperation apply not only to the providing of highway

facilities, but to many other responsibilities of government as well

A few States have statutes which provide for the joint exercise of governmental powers. Table 3 indicates the governmental units to which the authority to cooperate extends in each State having such a statute. An example of a law granting general authority to cooperate might provide that any power or authority exercised or capable of being exercised by a public agency may be exercised jointly with any other public agency, or agencies, by cooperative agreements. Thus, if the public agencies involved have the necessary power to act as provided by the law of the jurisdiction to which

Table 3. Extent of Authority to Exercise Governmental Functions Jointly

| State | Federal | State | Other State | Any Political Subdivision ^a | Political Subdivision of Other State | Counties | Cities | Townships | Special Districts |
|--------------|----------|-----------|-------------|----------------------------------------|--------------------------------------|----------|-----------|-----------|-------------------|
| Calif | × | × | × | × | × | | | | |
| Ga | | × | | | | × | × | | |
| Ind. | × | × | | × | × | | | | |
| Kan | × | × | × | × | × | | | | |
| La | | | | | | × | × | | |
| Md | | × | | | | × | × | | |
| Mich | | | | | | × | × | × | |
| Mo | × | × | × | × | × | | | | |
| Nev. | × | × | × | × | × | | | | |
| N. J. | | | | | | × | × | | × |
| Ohio | | | | | | | × | | |
| Ore | | | | | | × | × | | |
| Pa | | | | × | | | × | × | |
| S C | × | × | | × | | × | × | | |
| Va | | | | × | | × | × | | |
| W Va | | | | × | | × | × | | |
| Wis. | | × | | × | | | | | |
| P R. | | × | | | | | × | | |
| Total | 6 | 10 | 4 | 9 | 5 | 9 | 11 | 2 | 1 |

^a When authority is granted to political subdivisions, it is presumed to include counties, cities, townships and districts, if the particular jurisdiction has these as governmental units

Citations DEERING'S CALIF CODES, Gov Code, §§6500 to 6513, GA CONST, art VII, §6, CODE OF GA ANN. (§2-5901), BURNS' IND STATS ANN, §§53-1101 to 53-1107, GEN STATS OF KAN, §§12-2901 to 12 2907, LA REV STATS, §§3 1324, ANN CODE OF MD, 1957, art 23B, §22, MICH STATS ANN, §§5 4081 *et seq*, MD REV STATS, 1949, §§70 220, 70 260, CONST, art VI, §§14, 16, NEV REV STATS, §277 010, N J S A, §§40 23-14, 40 23-16, 40 56 17, joint municipal improvements, BALDWIN'S OHIO REV CODE, §715 02, ORE REV STATS, §230 150, PURDON'S PA STATS ANN, §§53-471, 53 572, third class cities, boroughs, incorporated towns and townships, §§53-5653 townships and other political subdivisions, CODE OF LAWS OF S C, 1952, §14-1160(9), CODE OF VA, 1950, §15-13 1, authorizes two or more political subdivisions to form associations for cooperative effort in promoting their common interests, W VA CODE OF 1955, §357(1) provides for county agreements with municipalities within the county and with adjoining counties, WIS STATS 1957, §66 30, LAWS OF P R, tit 21, §35

they are subject, they may perform the service or provide the facility jointly. The administration of the agreement might be carried out either by one of the parties or by a separate administrative body created for that purpose.

It should be noted that such statutory provisions by their very terms do not grant additional substantive powers other than the power of cooperation. Rather, they refer to powers already granted by law to the governing agencies participating. Also, where reference is made to governmental bodies outside the jurisdiction of the statute (that is, in another State) the power to cooperate would depend upon whether, by the law of the other State, such governmental agencies were authorized to cooperate.

COOPERATION BETWEEN POLITICAL SUBDIVISIONS IN A PARTICULAR AREA

Geography, economics and population patterns sometimes demand that there be some coordination of planning and provision of governmental services and facilities in a particular functional area which includes more than one governmental unit. The problem is especially acute in metropolitan areas where the population concentration is expanding over the boundaries of numerous local governmental units.

Political boundaries can be changed in many instances, through annexation and severance procedures, or the consolidation of municipalities, to more nearly conform to the "area of common problems." The interest here, however, is the attempted solution of the problem by providing for cooperation between the existing political subdivisions of the area.

A number of States have provided for

metropolitan area or regional planning commissions which may be set up to deal with common problems.⁵ Although there is some variation from State to State, the metropolitan or regional planning laws usually provide for the creation of a master plan for the region (including the location of streets and highways) portions of which may be adopted by the various political units included.

A few States also provide for cooperation in metropolitan areas which cross State lines.⁶

In addition, statutes authorizing the exercise of extraterritorial planning, subdivision control, official map and zoning powers tend to induce cooperation between the local unit which has the extraterritorial power and the local unit in which the land is located. Statutes in Michigan and Wisconsin,⁷ providing for review of subdivision plans by the respective State highway commissions, also encourage cooperation between the State highway commission and the local unit in which the land is located.

⁵ See CODE OF ALA 1940, tit 37, §§809 *et seq.*, ARK STATS 1947, §§19-2820 *et seq.*, DEERING'S CALIF CODES, Gov't Code, §§65090 *et seq.*, 65300 *et seq.*, 65403, 65404, 13168, 13169, COLO REV STATS, 1953, §106-2-4 as amend by Laws of 1956, ch 97, GEN STATS OF CONN, §§868, 987, LAWS OF 1957, Act #13, §§43, 44, DEL CODE ANN, tit 9, §2502, CODE OF GA ANN, §69-1201, IDAHO CODE, §50 2706, SMITH-HURD ILL ANN STATS, ch 34, §§152a *et seq.*, 351 *et seq.*, BURNS' IND STATS ANN, §§53 801 *et seq.*, 53 901 *et seq.*, GEN STATS OF KAN, §§12-716 to 12 721, 12-2514 to 12-2523, KY REV STATS, §§147 130 to 147 180, LA REV STATS 1950, §§33-118, 33-119, 33 131 *et seq.*, REV STATS OF ME 1954, ch 90-A, §§64, 65, ANN LAWS OF MASS, ch 40B, MICH STATS ANN, §§5 1192(3), (4), (7), 5 2148, 5 3008(1) *et seq.*, MISS CODE, 1942, §2890 5, NEV REV STATS, §§278 090 *et seq.*, N H REV STATS, §36 37, N J S A, §§40 27-2, 40 27-9 *et seq.*, N Y CONSOL LAWS SERVICE, Gen Munic Law, §§239b *et seq.*, 239c, GEN STATS OF N C, §§153 9(40), 160-22, BALDWIN'S OHIO REV CODE, §713 21, OKLA STATS 1951, §§19 863 1, 19-860 1 *et seq.*, ORE REV STATS, §215 100, PURDON'S PA STATS ANN, §§16-2009 *et seq.*, 16-5209 *et seq.*, 53-67051 *et seq.*, TENN CODE ANN, §§13 201 *et seq.*, CODE OF VA 1950, §§15-927 *et seq.*, 15-891 *et seq.*, REV CODE OF WASH, §§5 63 070, WIS STATS 1957, §§60 29(41), 66 045, 236 46.

⁶ SMITH-HURD ILL ANN STATS, ch 127, §§63r, 63s (Ill & Mo), GEN STATS OF KAN, §§12 2514 *et seq.* (Kan & Mo), MO REV STATS, §70 370 (Mo & Ill)

⁷ MICH STATS ANN, §26 465, WIS STATS 1957, §236 12

COOPERATION IN PROVIDING FOR HIGHWAY FACILITIES

In general, the primary responsibility for State highways lies with the State; the primary responsibility for county and township roads and city streets lies with the counties, townships and municipalities, respectively. In the interest of economy, efficiency, and practicality, and for the purpose of providing a better integrated total highway system for the several States and territories, the authority and responsibility may be shared through the cooperative efforts of two or more governmental units.

In addition, some statutes specifically place the responsibility for performing certain highway functions on a unit of government other than the one that might normally be responsible for highways of that particular system. For example, a few States vest considerable control over their State secondary highway system in the counties.⁸ In Illinois, Kansas and Nebraska, counties may adopt the county unit system instead of the county township system, in which case the townships relinquish their authority over roads within the township to the county.⁹ In a number of States, the authority and responsibility concerning State highways within municipalities or municipal connecting links is spelled out in the statute.¹⁰ A Texas law provides that the State and municipal authorities shall cooperate in determining and fixing the respective responsibilities.¹¹

DECLARATIONS OF LEGISLATIVE INTENT

A few State legislatures have formally declared the necessity of fixing the responsibilities for the several highway systems and authorizing State and local governments to cooperate with each other in order to have an integrated, safe and efficient system of

roads and streets.¹² It may be noted that all three of the States which have such a provision have recently rewritten their State highway laws.¹³

GENERAL PROVISIONS AUTHORIZING COOPERATION

A majority of the States have statutory provisions in general terms authorizing the State and local highway officials to cooperate. These general provisions include the granting of authority to cooperate: (1) "in highway matters", (2) in the "planning, establishment, acquisition, construction, improvement and maintenance" of all highways, highways in a particular system, or expressway facilities, and (3) for the purpose of obtaining Federal aid.¹⁴

The extent of authority granted by general provisions such as these would, of course, depend upon the authority granted in the remainder of the legislation of a particular jurisdiction. As a practical matter, the amount of cooperation would be to a great extent subject to the discretion of State and local highway officials.

The statutory provisions indicated in the following State-by-State summary indicate the extent of cooperative powers granted to the governmental units of each jurisdiction. The symbols used are as follows:

- X—Highway system not stipulated in the statute (unless otherwise indicated in the notes). Presumably, the authority applies to all highways over which the cooperating units have jurisdiction.
- S—State highway system.
- MCL—Municipal connecting link, where the statute does not specify the highway system.
- C—County highway system.
- M—Municipal street system.
- T—Township highway system.

⁸ FLA STATS 1957, §335 04(4), SMITH-HURD ILL ANN STATS, Ch 121, §347, CODE OF IOWA, 1958, §306 3, State-aid highways in Vermont are under the jurisdiction of the towns. VT LAWS OF 1957, Act #250, §2.

⁹ SMITH-HURD ILL ANN STATS, ch 121, §§45a, 45b, 47, GEN STATS OF KAN, §§88-516a to 68 517, NEB LAWS OF 1957, LB 111, Art II, §§13 *et seq*.

¹⁰ CODE OF ALA 1940, tit 23, §78(22), ALASKA COMP LAWS ANN 1949, §14A-2-22, COLO REV STATS, 1953, §120 13 35, FLA STATS, 1957, §335 05, BURNS' IND STATS ANN, §36 2902, LA REV STATS 1950, §48 193, REV STATS OF NEB, §39-1339, PURDON'S PA STATS ANN, tit 36, §§105, 670-521, 670 522, 670 542, GEN LAWS OF R I 1956, §24 8 5, REV CODE OF WASH, §47 24 02, W VA CODE OF 1955, §1474(9).

¹¹ VERNON'S TEX CIV STATS 1948, Art 6673-b.

¹² FLA STATS 1957, §334 02(9), REV STATS OF NEB, §39 1301, N D REV CODE OF 1943, §24-A0101.

¹³ A recent Highway Laws Project study on declarations of legislative intent or purpose in highway legislation gives a comprehensive analysis of this type of provision (HRB Special Report 39).

¹⁴ See HRB, Special Report 48, "Federal-Aid Provisions in State Highway Laws," for laws authorizing State-Federal cooperation.

STATUTORY PROVISIONS AUTHORIZING COOPERATION IN BASIC HIGHWAY FUNCTIONS

ALABAMA (Code of Ala. 1940)

| | State | County | Municipal |
|----|-------|--------|-----------|
| 1. | S | S | |
| 2. | X | X | |
| 3. | | X | X |
| 4. | C | C | |
| 5. | MCL | | MCL |
| 6. | | X | X |
| 7. | X | X | |
| | X | | X |

1. Tit. 23, §20. County may apply to the department for construction and maintenance of State highways with State aid and the department may accept appropriations from the county.

2. Tit. 23, §22. For any work in the construction or maintenance of highways.

3. Tit. 23, §49. Provides for municipal consent in the establishment, construction and maintenance by the county of roads and streets within the corporate limits.

4. Tit. 23, §78(3) *et seq.* Provides for a bureau of county aid as a division of the State highway department. Counties may provide for aid in county road construction. Details of the construction are subject to State approval. Provision for agreements setting forth conditions under which the county roads are to be constructed. Sec. 78(15) provides for maintenance by the county in accordance with standards established by the bureau of county aid and agreements thereto provided for.

5. Tit. 23, §78(19) *et seq.* Cooperation in construction, maintenance and repair of municipal connecting links authorized.

6. Tit. 37, §§661, 662. Provides for city resolution for taking over maintenance and improvement of a street under the control of the county. County to agree to pay sums designated in the resolution before same becomes effective.

7. Laws of 1956, H.B. 148, §§3, 7. Co-



PLATE A

A majority of States have general statutory authorization for some State-local cooperation. Looking south along Main Street in Salt Lake City, Utah.

operation in providing for controlled-access facilities

ALASKA (Alaska Comp Laws 1949)

| | State | Municipal |
|----|-------|-----------|
| 1 | X. | .. X |
| 2 | X .. | .X |
| 3. | MCL. | .. MCL |
| 4 | MCL | . MCL |

- §14A-1-42 Cooperation in highway matters.
- §14A-2-13 For Federal-aid highways within the municipality
- §14A-2-22 Cooperation in construction and maintenance authorized.
- §14A-2-42 Municipalities of over 5000 population together with the Highway and Public Works Board, shall adopt a master highway plan

ARIZONA (Ariz. Rev. Stats)

| | State | County | Municipal |
|----|-------------|-------------|-----------|
| 1. | X.....X | | |
| | X | | ..X |
| 2. | S .. | | .S |
| | | C | C |
| 3. | X | .X | |
| 4 | | C.....C | |

- §18-106(5). State highway engineer is authorized to enter into agreements with counties and cities for improvement or maintenance of State routes (only those State routes designated as State highways are on the State system §18-151).
- §18-156 Connecting highways through a city or town may by agreement with the State or county be considered State highways or county highways respectively The agreement shall make provisions for maintenance
- §18-157(D). Agreements for construction of intercounty routes on the Federal-aid secondary system
- §18-208 County highways within a municipality may through cooperation be improved in the same manner as if lying without the municipality.

ARKANSAS (Ark. Stats. 1947)

| | State | County | Municipal |
|----|-------|---------|-----------|
| 1 | C |C | |
| 2. | X |X | |
| | X | ..... | X |
| | | X .X | |
| | | X.....X | |
| | | | X..X |

- §§76-1034, 76-1035. State may enter into agreement with as many as two counties whereby State assumes the construction and maintenance of all or parts of county roads Counties to pay agreed sums.
- §§76-2203, 76-2208. Cooperation in providing for controlled-access facilities

CALIFORNIA (Deering's Calif. Codes)

| | State | County | Municipal | District |
|-----|-----------|-------------|-----------|----------|
| 1. | X | | X | |
| | X.....X.. | | ..X | |
| | X .. | | ..X.. |X |
| 2 | S..... | | ..S | |
| 3 | S.... | ..S | | |
| | S.... | |S | |
| | S.... | |S | |
| 4. | X.. | ..X | | |
| | X..... | | ..X | |
| 5 | S..... | S | | |
| 6 | X.... | ..X | | |
| 7 | X |X | | |
| | X | | ..X | |
| 8 | | X..... | X | |
| 9 | | X..X | | |
| 10. | | X | X | |
| 11 | | C | ..C | |
| 12 | | C..... | ..C | |
| 13 | | X..X | | |
| 14. | | | X.....X | |
| | | X |X | |
| 15. | X.. | ..... | ..X | |
| 16. | | | M.....M | |
| | | C .. |C | |
| | S | | ..S | |
| 17 | X... ..X | | | |

- Sts. & Hwys. §202. City may contract with the department for performance of any or all street work by the department and may transfer moncy to the department. A

city, with approval of the county may contract with the county for performance by the county of projects within the city, which projects have been approved by the department. A city and joint highway district may with the approval of the department contract for the performance by the district of any project which the district may lawfully perform and which the department has approved

2. Sts. & Hwys. §116 Department may delegate, to a city, any powers vested in the department regarding State highways except the power of approval, and may withdraw such delegation.

3. Sts. & Hwys §130. Department may agree with counties, or cities and joint highway districts regarding expense, acquisition, construction, improvement and maintenance of State highways

4 Sts. & Hwys §131. Upon application of county or city, the department shall, among other things, prepare plans, specifications and estimates for construction and maintenance and accept moneys to be used within the local unit on terms agreed upon.

5. Sts. & Hwys §131.5. Applies to counties having park commissions. Authority to enter into agreements regarding grading, development, planting and maintenance of roadside areas along any State highway.

6 Sts & Hwys. §§790 *et seq* Cooperation on highways which connect a forest highway system road or national park road with any State highway.

7. Sts. & Hwys. §822 5. For acquisition, construction, improvement and maintenance of any highway to be constructed with Federal aid.

8. Sts & Hwys. §1623 County may expend funds for construction and maintenance work within a city, which city has authorized same by ordinance or resolution.

9. Sts. & Hwys §1624. Counties authorized to expend funds outside the county for acquisition and construction outside the county when such construction is authorized by the adjoining county.

10 Sts. & Hwys §§1685, 1803. City-county agreements for construction and maintenance of streets and roads by the county.

11. Sts & Hwys §1710. City and county may agree that city shall construct and maintain county highways in unincorporated territory, cost to be paid by county.

12 Sts & Hwys §1850 Any city may, by ordinance, permit the use of its streets for construction and maintenance by the county as part of the county highway system.

13 Sts. & Hwys §25025. Authorizes establishment of joint highway districts composed of two or more counties to be created for improving public highways

14 Sts. & Hwys §25155 If a joint highway district improves highways beyond the boundaries of the district, consent of the governing body controlling the territory is required

15 Sts. & Hwys §25300 Joint highway district board of directors may enter into negotiations with the Federal government, directly or through the State, regarding highways improved or to be improved by the district and if the Federal government desires to include the highways in the scheme of national defense and use for military or other purposes.

16 Sts. & Hwys. §25321 Control of completed improvement by a joint highway district rests in the State, county or city, as the case may be, along with liability for maintenance.

17. Sts & Hwys. §26115. Cooperation between boulevard districts (subordinate agencies of the county) and the department regarding construction, improvement, maintenance, plans and specifications and handling of moneys.

COLORADO (Colo Rev. Stats. 1953)

| | State | County | Municipal |
|----|-------------|-------------|-----------|
| 1. | S | | S |
| | | C | C |
| 2. | X | X | |
| 3 | S | | S |
| 4 | S | S | |
| 5 | S | S | S |
| | C | C | C |
| | M | M | M |
| | | X X | |

1 §120-3-17. Agreements whereby municipality performs or pays for all or part

of maintenance work within the municipality

2. §120-6-11 Cooperation in acquisition of property for State highway, freeway or local service road

3 §120-13-3 Department may agree with city for construction or maintenance where it appears that the city has adequate facilities

4 §120-13-4 For maintenance or construction of State highways directly by the county

5 §120-13-44 State, counties and cities are authorized to contract for construction and maintenance of State or county highways or municipal streets Adjoining counties may agree for construction and maintenance of public highways where roads in one county may be constructed or maintained more economically by an adjoining county

CONNECTICUT (Gen Stats of Conn 1949)

| | State | County | Municipal | Town |
|----|--------------|--------|-----------|------|
| 1. | X..... | | | X |
| 2 | S | | | S |
| 3 | S | | S | |
| | S | | | S |
| 4 | S | | | S |
| | M | | | M |
| 5 | S..... | | S | |
| 6 | S... | | | S |
| 7 | S | | | S |

1 §2171 Agreements regarding location, construction and maintenance

2. §2220 Whenever a town declares its intention to build or improve a state road or bridge, and funds have been allotted by the state highway commissioner for such purpose, the highway commissioner shall select the project and make surveys, plans and estimates as if such state aid road were a trunk line road.

3. §2221 When a town, city or borough has constructed a road connecting a state road, the highway commissioner may accept same as a state aid road

4. §2234. Agreements whereby towns accept a state highway and the state highway commissioner accepts an equivalent section of town maintained road, contiguous to the state highway. Also temporary re-

ciprocal agreements for snow removal authorized.

5. §2240 Agreements regarding snow removal on state trunk line highways

6 §2262 Commissioner may direct town selectmen to remove snow on trunk line highway at state expense

7. §2263. Maintenance of trunk line highways is responsibility of the town, except sections built under state aid, until they are improved at the expense of the state.

DELAWARE (Del Code Ann.)

| | State | County | Municipal |
|----|-------------|--------|-----------|
| 1 | S. | | S |
| 2. | X..... | X | |
| | X | | X |

1 Tit 17, §134 State highway department has no power over streets of an incorporated city or town unless it is voluntarily surrendered by the municipality, except the department shall at State expense construct and maintain State highways Municipal consent is required for change of width of streets

2. Tit 17, §§173, 177 Cooperation in providing for controlled-access facilities

FLORIDA (Fla Stats 1957)

| | State | County | Municipal |
|----|-------------|-------------|-----------|
| 1 | X | X | |
| | X | | X |
| 2. | S..... | | S |
| 3. | C | C | |
| 4. | X | X | |
| | X | | X |
| | | X . X | |
| | | X | X |
| | | | X . X |

1. §334 11 The chairman of the State Road Board is responsible for the coordination of the total highway program of the state, including the designation of systems and development of construction standards and shall review the annual programs for each of the major systems to ensure coordination of planning Local authorities authorized to cooperate with the chairman

2 §335 05. Agreements for maintenance authorized.

3 §336 13 State Road Board authorized to make such regulations regarding county roads as may by law or resolution of any county, be placed under its supervision and control State may prepare the plans and specifications (other than for routine maintenance work) and let the contracts

4. §§338 01, 338 05. Cooperation in providing for expressway facilities

1. §23-601 *et seq.* For construction and improvement on terms and conditions agreed upon Work may be done by either county or city or jointly contracted to a contractor

2 §§95-2217, 95-2220 Department authorized to contract with county for construction of rural post roads by the county

3. §95-2609. Contracts for construction authorized

4. Ga Laws of 1955, No 333 (H B 305), §3 Cooperation in providing limited access highways

GEORGIA (Code of Ga)

| | State | County | Municipal |
|----|-------------|---------------|-------------|
| 1. | | S S | S |
| | | C C | |
| 2 | X | .X | |
| 3 | X | X | |
| | X | | .X |
| 4. | X | .X | |
| | X | | X |
| | | X. X | |
| | | X. X | |
| | | | X. X |

1 §40-120(11) Improvement and construction

2 §40-123. State responsible for maintenance of width of traveled way only. Agreements for equitable division of maintenance authorized, or the State highway board may arrange to have municipality maintain, cost to be reimbursed by the State.

3 §40-131 Construction and maintenance

IDAHO (Idaho Code)

| | State | County | Municipal | District |
|----|-------------|-------------|-------------|-------------|
| 1 | S | . . . S | | |
| | S | | S | |
| | S | | | S |
| 2. | S | | S | |
| 3 | | C . C | | |
| 4. | | C C | | |
| | | C | C | |
| | | M | M | |
| | C | . . . C | | |
| | S | . . . S | | |
| 5 | M | | . . . M | |
| | | M | . . . M | |
| 6 | | X . X | | |
| 7 | X | X | | |
| | X | | | X |
| 8 | X | | | X |
| | | X | | X |
| | | | X | X |
| 9 | | | | X. X |
| 10 | S | . . . S | | |
| | S | | | . . . S |
| 11 | X | . . . X | | |
| | X | | . . . X | |
| | X | | | X |

4. §40-133(b). County authorized to make agreements with any municipality, other county, or the state, for the construction or maintenance of its own road system by the other jurisdiction or of the systems of other jurisdictions by its own road organization; but the county shall compensate or be compensated for the fair cost of any such work.

5. §40-136 Agreements for municipal street work authorized, but municipality shall compensate county or State for work performed.

6 §§40-505, 40-506. County authorized to construct and maintain roads in an ad-

joining county whenever it benefits its people Provides for notice to the adjoining county of intent to do the work.

7. §40-525 Construction

8. §40-1611. For construction, maintenance and division of cost

9. §§40-1701, 40-1801 Two or more highway districts in same or different counties may consolidate.

10. §67-3201(9). Improvement and construction of State highways and stock trails

11. §§67-3201(16), 40-120(14). For construction and maintenance of secondary or feeder roads not upon the State system.

ILLINOIS (Smith-Hurd Ill. Ann Stats)

| | State | County | Municipal | Township | District |
|-----|---------------|------------|-------------|----------|----------|
| 1. | S | S | | | |
| 2. | S | S | | | |
| 3. | T | T | .. . . . | .....T | |
| 4. | S . . . . . |  | .. . . . | S | |
| 5. | S | S | | | |
| 6. | S | S | | | |
| 7. | S | S | | | |
| | S | |S | | |
| 8. | | | | X..X | |
| 9. | | X |X | | |
| | | X |X | | |
| 10. | | | X | X | |
| | | | X |X | |
| 11. | S | S | | | |
| 12. | S | |S | | |
| 13. | S | S | | | |
| 14. | S | S | | | |
| | X.....X.....X | | | | |

1. Ch 34, §25 10 Counties authorized to widen or improve any State road in accordance with plans and specifications of the department

2 Ch. 34, §47. County boards have general supervision of all highways in the county, including State roads

3 Ch 120, §425½ For construction and improvement Contracts to be let by the county and work under county supervision and subject to approval of the department

4 Ch 120, §426½ Municipalities authorized to use funds in construction of State highways and highways not on the

State system Provides for State approval of improvements made with the allotted funds

5. Ch 121, §9. Cooperation in construction and improvement of State aid roads.

6. Ch. 121, §19 *et seq.* Cooperation in construction of State aid roads

7 Ch 121, §37. For maintenance of State aid highways by the municipality, under state supervision and at State expense Hard surfaced pavement State aid roads maintained by State; gravel or macadam roads maintained by the county

8 Ch 121, §47a Provides for consoli-

dation of two or more townships for construction and maintenance of roads and bridges.

9. Ch. 121, §123 In construction of hard roads

10 Ch 121, §133 Agreements with municipalities of less than 10,000 for extension of roads improved by levy of a special tax

11. Ch. 121, §§282, 283 State may delegate power to construct durable hard surfaced state roads to the counties. Counties authorized to aid state in construction of same.

12. Ch. 121, §§296b, 296d. Department to supervise any construction of state highway extensions performed by municipalities. For maintenance by municipality under supervision and at expense of the state

13 Ch 121, §301a Agreements for maintenance by the county of Federal-aid secondary roads.

14. Ch. 121, §302. County, with approval of the department and municipal authorities may improve, construct or repair a road within the municipality which connects or completes a state highway State aid roads are under the control of the county for construction and repair until taken over by the state.

or municipality shall reassume jurisdiction and maintain same.

2. Ch 36, §301 Counties authorized to establish, change, construct, improve and maintain all public highways, including those under the supervision of the state highway department or federal highway commission, if approved by such commission or commissions

3 Ch 36, §605 Township may donate labor, materials, equipment or funds for road improvements by the county.

4 Ch. 36, §§701, 702, 1211. Consent of municipality required for certain street improvements by the county. Municipality may repair same if county fails to do so.

5 Ch 36, §2920 State highway department authorized to improve federal aid roads not on the state system, with the consent of the county and municipality through which it passes. Provides for agreements whereby the local government maintains

6. Ch 36, §2921. Department authorized to improve federal aid routes within cities. Agreement whereby city maintains, if the department is not required by law to do so

7. Ch. 36, §§3103, 3108 Cooperation in providing limited-access facilities.

INDIANA (Burns' Ind. Stats Ann)

| | State | County | Municipal | Township |
|----|--------|--------|-----------|----------|
| 1. | X..... | ..X | | |
| | X..... | | .. | X |
| | M... | .... | .. | .M |
| 2 | S..... | .S | | |
| 3. | | X..... | ..... | X |
| 4. | | C.... | .C | |
| 5. | C..... | C | | |
| 6. | X..... | .... | .. | X |
| 7 | X..... | X | | |
| | X..... | .... |  | X |
| | | X. X | | |
| | | X..... | X | |
| | | | X .X | |

1. Ch. 36, §181 Agreements for selection, construction and maintenance of federal aid roads. State authorized to improve local roads and streets with federal aid. County

IOWA (Code of Iowa 1958)

| | State | County | Municipal | Township |
|-----|----------|---------|-----------|----------|
| 1 | X .. | X | | |
| | X.. .. | | | X |
| | | X..X | | |
| | | X. | .. | X |
| | | | X..X | |
| 2 | S | .S | | |
| 3 | S. .. | S | | |
| 4. | X.... | ..X | | |
| 5 | X..... | ..X | | |
| 6 | S..... | S | | |
| 7. | S... .. | ..... | .. | S |
| 8 | S. .. | | | .S |
| 9 | S.... .. | | .. | S |
| | | S | .. | S |
| 10 | S... .. | | .. | S |
| 11. | | S | .. .. | ..S |

1. §§306A 3, 306A.7. Cooperation in providing for controlled-access facilities.

2. §309.42. Provides for state approval

of state secondary highway construction contracts of a certain amount let by the county.

3 §309 56 State approval of secondary highway construction plans

4 §310 2. Cooperation for federal aid

5 §310 13. County shall submit plans and estimates for farm to market roads for approval.

6 §310 14 Cooperation in the construction of farm to market roads Upon receiving the concurrence of the county, state shall award the contract. If it is not a federal aid project, the county lets the contract, with the concurrence of the state

7 §313 21 Provides for municipal approval of construction and improvement of primary road extensions

8 §313 22 Agreements regarding paving The agreement may authorize the State Highway Commission to let the contracts and supervise construction

9. §314 5 Provides for municipal approval of construction and maintenance of state primary and secondary extensions

10 §391 74 Provides for state approval of municipal improvement of primary road extensions

11 Iowa Laws of 1957, SB 42, §6 County board shall consult township trustees as to improvements needed for secondary roads in the various townships. (The Census Bureau does not include townships in Iowa as governmental unit)

1. §§12-647 *et seq* For the improvement of certain streets, city and county officials shall act as a joint board

2 §§13-10,116; 15-718 City of over 120,000 population authorized to cooperate with the state and federal government in planning and financing improvements of major traffic streets.

3 §14-556 City of second class may improve state or federal highway within its limits.

4 §19-212 County boards are authorized to alter or change the route of state roads within the county

5 §68-115 Duty of county engineer to open and keep in repair state roads

KANSAS (Gen Stats of Kan 1949)

| | State | County | Municipal | Township |
|-----|---------|--------|-----------|----------|
| 1. | | X | ..X | |
| 2 | X.. | .. | . X | |
| 3. | S. . | ..... | . S | |
| 4 | S. . | S | | |
| 5. | S | S | | |
| 6 | X.. | ...X | | |
| | X.. |X | | |
| | X. | . | . X | |
| | X.. | ..... | . . | ...X |
| 7. | S.. | .... | .. S | |
| 8 | S | | ..S | |
| 9 | | T | .. | T |
| 10 | | C |C | |
| 11. | | MCL. | .. MCL | |
| 12 | | T | .. | T |
| 13 | | T.. | .. | T |
| 14 | X | X | | |
| | X | .. | .. X | |
| | | X. X | | |
| | | X.. | ..X | |
| | | | X. X | |

6 §§68-402b, 68-405 Agreements for federal aid

7 §68-412. State may assist city in construction and improvement of a street designated as a connecting link in the state system Type of construction determined by agreement and construction is under supervision of the state highway commission.

8 §68-416. State to apportion funds to cities for maintenance of state highways, or in lieu thereof, may with municipal consent, be maintained by the state

9 §68-502 Duty of county engineer to prepare plans and specifications regarding construction and maintenance of township roads and furnish same to township officials

10. §§68-506, 68-506d County may designate a county road within a city, with consent of the municipal governing body City may aid in construction and maintenance. City to maintain county roads improved with state or federal aid.

11. §506e County shall annually apportion \$250 per mile for maintenance of streets serving as connecting links in the county system. In cities of the third class, such

streets may be maintained by the county in lieu of the apportionment

12. §§68-560, 68-561 Township may elect to turn over township road construction and maintenance to the county and also may elect to revert to taking care of its own roads County not obligated to spend more money on township roads than in the township funds.

13 §68-572. Agreements for construction, reconstruction and maintenance

14 §§68-1902, 68-1903, 68-1904 Cooperation in providing for controlled access highways

KENTUCKY (Ky. Rev Stats.)

| | State | County | Municipal |
|---|--------|--------|-----------|
| 1 | S..... | .. |S |
| 2 | S.... | ..S | |
| 3 | X.... | ..X | |
| | X..... | .. | X |
| | | X.X | |
| | | X..... | X |
| | | | X.X |
| 4 | S.. |S | |
| 5 | X |X | |
| 6 | C |C | |

1 §§177 043, 177 044 Agreements for maintenance and construction of municipal connecting links Plans and specifications shall be submitted to city authorities for approval Department shall not proceed until city has established the grade in conformity with the plans and specifications.

2 §177 050 County may request state to construct a road before the state is prepared to do so and advance funds State shall reimburse county for same

3 §177.230, 177 280 Cooperation in providing limited access facilities

4 §177 330. Cooperation in selection of state roads for construction and maintenance

5 §178 150 Department to furnish county with plans and specifications in constructing hard surfaced roads, but county is not compelled to accept same

6. §179 420 Provides for annual agreement regarding plan for expenditures on county road construction and maintenance

LOUISIANA (La Rev Stats 1950)

| | State | County | Municipal |
|---|--------|--------|-----------|
| 1 | C. | ..C | |
| | M. | .. | M |
| 2 | S | .... | S |
| | X | ..X | |
| | X.. | .... | X |
| | C |C | |
| 3 | X.. |X | |
| | X | .. | X |
| | | X X | |
| | | X | X |
| | | | X. X |
| 4 | X..... | X | |
| 5 | | X..X | |

1 Tit 48, §21 Department may aid in construction and repair of roads not in state system

2. Tit 48, §193 State-city cooperation in new construction or relocation of state highway, board of highways authorized to enter into agreements with municipalities, parishes and other public agencies In any parish with less than 100 miles of road not on the state system, parish may contract with the department to perform maintenance and construction work on parish roads.

3 Tit 48, §§301, 305. Cooperation in providing controlled access facilities

4 Tit 48, §214 State-parish agreements for the construction and improvement* of rural mail routes and farm-to-market roads

5. Tit 48, §583 Regarding parish road district formation: If district is in more than one parish, officers of parish where most territory within district is located shall be the officers of the district

MAINE (Rev. Stats of Me 1954)

| | State | County | Municipal | Town |
|----|-------|--------|-----------|------|
| 1. | X | .. | X | |
| | X.. | .... | .. | X |
| 2. | S | .... | .S | |
| | S.. | .... | ..S | |
| 3 | T... | .... | ..T | |
| 4 | S | .... | .S | |
| 5 | | T | .... | T |
| 6 | | T. | .... | T |
| 7. | | X.. | ..X | |
| | | X. | .... | X |

1. Ch 23, §18 In designation and construction of federal aid secondary roads.

2 Ch 23, §19 Commission, on its own, or upon petition from municipal officers may open a new highway as a state aid highway

3. Ch 23, §29. Agreements for expenditure of town funds for maintenance State highway commission is authorized when requested by the towns, to accept town funds for expenditure under its direction.

4. Ch. 23, §§68, 71 Maintenance by state, except in compact, built-up areas of towns and cities of 5,000 or more population, maintenance is the responsibility of the town

5. Ch. 89, §51. When a town way is not opened or made passable by the town, the county may, after notice to the town, cause it to be done at town expense.

6. Ch. 96, §40 When a town unreasonably refuses to lay out or alter a town way, county may do so

7. Ch 96, §125. County commissioners, on petition, after notice and hearing, may relieve town or city of obligation of keeping highways open in the winter months

MARYLAND (Ann Code of Md 1957)

| | State | County | Municipal |
|----|-------|---------|-----------|
| 1. | S. | ..... | S |
| 2 | C | .. C | |
| 3. | C | .. C | |
| 4 | X | .. X | |
| | X | .. |X |
| 5 | C | C | |

1 Art. 89B, §7 State Roads Commission authorized to improve the system of main roads of the state, including portions inside Baltimore Upon completion, same shall be city streets

2. Art. 89B, §24 (a) Provides for state approval of construction plans and specifications (b) If county does not have adequate facilities, state may undertake construction and maintenance to the extent of funds available to such county

3 Art 89B, §58 County (except Anne Arundel County) may request the state to construct a county highway into a state park or recreation area, to be maintained by the county.

4 Art 89B, §76. Cooperation for federal aid

5 Art 89B, §§171, 172, 173 State authorized to construct and maintain county roads in certain specified counties County shall recommend such roads and state shall determine which roads to be constructed Roads may be turned over to the county (except in Charles County) for maintenance and construction at county request, if the county has adequate facilities

MASSACHUSETTS (Ann Laws of Mass)

| | State | County | Municipal | Town |
|-----|--------|--------|-----------|------|
| 1. | S | ..... | ..... | S |
| 2 | X. |X | | |
| | X | ..... | ..... | X |
| 3. | X. | ... X | ..... | X |
| 4. | X... | ...X | ..... | X |
| 5 | X. | ... X | ..... | X |
| 6 | X. | ..... | ..... | X |
| | X | ..... | .....X | |
| 7 | X... | ...X | | |
| | X | ..... | ...X | |
| | X | ..... | ..... | X |
| 8 | | X | ..... | X |
| 9. | | X. | ..... | X |
| 10. | | X | ... X | |
| | | X | ..... | X |
| 11 | | X | .. X | |
| | | X | ..... | X |
| 12. | | M | ..... | M |
| 13. | | C | ..... | C |
| 14 | X..... | X | | |
| | X..... | ..... | .....X | |
| | X.. | ..... | ..... | X |

1 Ch 81, §19. Towns shall notify state of want of repair on state highways. May also make temporary repairs without the approval of the department.

2 Ch 81, §24 Department may expend funds for construction or improvement of new or existing locations that may be established by town or county officials

3 Ch 81, §26 Provides for appropriations to small towns and contributions by the towns, to be expended under the direction of the department on such ways as agreed upon.

4 Ch. 81, §26A. County may also participate and enter into agreements

5. Ch 81, §28 Towns may agree to perform the work or the department, at the request of the town selectmen, may have the work done by contract

6 Ch 81, §29A Department may lay out ways, other than state highways, with federal aid, if city or town consents thereto and may acquire land on behalf of the local government

7 Ch 81, §30 For federal aid

8 Ch 82, §8 County commissioners shall specify the manner in which a highway shall be constructed or repaired and each town shall perform the work so required within its limits unless other provision is made

9 Ch 82, §§10, 11 County commissioners may order towns to perform specific repairs A town or five inhabitants thereof may apply to the county commissioners to relocate or order specific repairs of a public way

10. Ch. 82, §14 If city or town neglects to complete a highway laid out by the county, the county may do so and notify each city or town of its proportion of the expense

11 Ch 82, §17 Cities and towns may exercise original jurisdiction concurrent with the county, of petitions for altering, relocating or making specific repairs, but shall not discontinue or diminish the width thereof nor assess upon the county part of the expense.

12. Ch 82, §§26 *et seq* Provides that when the town unreasonably refuses or neglects to lay out, relocate or alter a town way or private way, the county may do so

13 Ch 84, §1. Provides that highways and town ways, unless otherwise provided, be repaired at the expense of the town. (It is presumed that this includes county roads)

14 Ch 84, §11 Cooperation regarding highways selected by the department for their importance in commercial use. Cooperation in keeping open in winter months

MICHIGAN (Mich. Stats Ann)

| | State | County | Municipal | Township |
|-----|-------------|-------------|------------|----------|
| 1. | | C. | C | |
| 2 | | X | | .X |
| 3. | X. | X | | |
| | X. | | | X |
| 4 | S. | S | | |
| | S. | | | . . .S |
| 5 | X. | X | | |
| 6 | X. | X | | |
| | X | | | X |
| | | X. | X | |
| | | X. | | X |
| | | | X. | X |
| 7. | S. | | | .S |
| 8 | S. | S. | | S |
| 9 | X | X | | |
| | X | | | .X |
| 10 | | X. X | | |
| | | X | | .X |
| | S | S | | |
| 11. | | X. | | .X |
| | X | | | X |
| 12 | X | X | | X |

1. §9 118. Cities and villages retain authority to improve county roads by surfacing outside the portion constructed by the county and by addition of gutters, curbs, sidewalks and other improvements.

2. §9 195(1) Contracts providing for acquisition, establishment, opening, altering, improving and maintaining highways within the township authorized

3 §9 832 At request of county or township, or at his own option, commissioner shall furnish estimates, plans and specifications for any Federal aid improvements

4 §9 921 Cooperation in selection of additional routes for State trunk line system

5. §9 1081 Two or more counties may contract for the purpose of planning a system of inter-county highways, super highways and limited access highways

6 §9 1094(2),(6 1),(7) State and local cooperation for expressway facilities

7 §9 1097(1c) By agreement may determine a lesser width than prescribed in the statute

8 §9 1097(1e) County may contract or agree to carry on, in whole or part, State trunk line improvement or construction within municipality.

9 §9 1097(11) Agreements for work on any highway, road or street by any of the contracting parties Agreement may include engineering services, acquisition of right of way and joint participation of cost

10 §9 1097(12) Agreements between counties, and between counties and cities and villages for work on any highway Also agreements authorized between county and State for work on State highway within the county.

11. §9 1097(13) Cities and villages may enter into agreements with the county and with the state for performance of work by any party, on any road or street

12 §9 1097(18d) Agreements for construction and reconstruction of highways, including limited access highways, to the extent of authorized expenditure of funds The contracts shall designate which party shall carry on the work and acquisition of right-of-way.

In addition to provisions indicated on the chart, there are some provisions on the books pertaining to cooperation with townships on township roads See, for example, §9 192 county-township agreements. The township roads have been taken over into the county road system (§9 1097(19))

1 §161 03(3). Municipal approval of plans and specifications, construction and improvement of State trunk highways within municipalities

2. §161 03(26) Cooperation for Federal aid

3. §162 01(1). Consent of certain class municipalities and towns for opening, improving and vacating county roads within municipality

4. §162.01(2). County may appropriate funds to towns and certain class municipalities for construction of such roads as designated by the town or municipality

5 §163 01 Town may appropriate funds for such county or state aid road construc-

MINNESOTA (Minn Stats 1953)

| | State | County | Municipal | Township |
|-----|--------|--------|-----------|----------|
| 1 | S | .. | ..... | .S |
| 2 | X | .. | .X | |
| | X | ..... | .. | ...X |
| | X | .. | .. |X |
| 3 | | C..... | C | |
| | | C..... | ..... | C |
| 4 | | X .. | .X | |
| | | X .. | .. | .X |
| 5 | | T .. | .. | T |
| | | C..... | ..... | C |
| | | S..... | ..... | S |
| 6 | | T .. | .. | T |
| 7 | S | .. | ..S | |
| | C..... | .. | C | |
| 8 | X..... | .. | .X | |
| | X .. | .. | .. | X |
| | | X..X | | |
| | | X .. | .. | .X |
| | | | X X | |
| 9 | | T .. | ..... | .. |
| 10 | S .. | S | | .T |
| | S..... | ..... | .. | ..S |
| | S..... | ..... | .. | ..... S |
| 11. | C..... | ..C | | |
| | | C .. | C | |
| 12 | M..... | ..... | .. | M |
| 13 | M..... | ..... | .. | M |
| 14 | | C .. | C | |
| | | M .. | M | |

tion and improvement as designated by the town. Also, town may appropriate, to the county, funds for construction, improvement and maintenance of highways for which the town is liable

6 §§163 02, 163 03 Provides for appropriations by town boards to the county for expenditures on such town roads as designated by the town board, with consent of the county board

7 §435 36. Agreements for construction, improvement and maintenance of county aid and State aid roads in municipality

8 Laws of 1957, Ch 865, §2 Cooperation in providing controlled-access highways

9 Laws of 1957, Ch 943, §8 Counties may aid in construction and maintenance of town roads

10 Laws of 1957, Ch 943, §54(3). Provides for agreements of construction and maintenance of State trunk highway, including frontage roads

11 Laws of 1957, Ch 943, §55 Provides for county State aid highway system to be selected by the county boards acting through the officers of the State-wide association of county commissioners, with the concurrence of the State highway commissioner. Municipal approval required for portions within municipalities

12 Laws of 1957, Ch 943, §63 Provides for cooperation in selecting municipal State aid streets.

13 Laws of 1957, Ch 943, §68(3) Provides for joint determination as to use of funds for maintenance of municipal State aid streets

14 Laws of 1957, Ch 943, §70 Cooperative agreements for financing, right of way, construction and maintenance of county State aid highways and municipal State aid streets within municipalities

counties in setting up state-aid system Designated by the counties, with state approval §8035-02 Provides for division of state-aid road construction within the state highway department §8035-10 Cooperation concerning work with federal aid secondary funds County requests such funds

2 §§8039-03, 8039-08. Cooperation in providing controlled access facilities

3 §8323 Counties and cities within the county may join in constructing, improving and maintaining a highway.

4 §8324 County may construct, reconstruct and maintain, or contribute to construction, reconstruction or maintenance of state highways

5 §8325 County may, by consent of or agreement with municipality, assume concurrent jurisdiction over any street, for maintenance purposes, where such street is a continuation of, or intersects, a county road

6 §§8328-03 *et seq* Cooperation on county federal aid highway system §8328-07 Projects and order of construction to be selected jointly. §8328-09 Provides for cooperative agreements necessary to carry out the purposes of the act §8328-12 Contracts to be let by the state highway commission

7. §8354 Cooperation by county engineer furnishing plans and estimates and superintending construction of roads under state supervision when such can be done and reduce the expense of such road

8 §8401 Boards of supervisors of counties, at the request of a separate road district, are authorized to cooperate in construction and maintenance of a road connecting two such districts

9 §8409 Municipality, with consent of county road commissioners, may add such improvements to a public highway constructed by the county as it may desire

MISSISSIPPI (Miss Code Ann 1942)

| | State | County | Municipal |
|---|-------|--------|-----------|
| 1 | C . | .. C | |
| 2 | X . | . X | |
| | X | . | ... X |
| | | X..X | |
| | | X . | ..X |
| | | | X .X |
| 3 | | X |X |
| 4 | S . | S | |
| 5 | | X . | . X |
| 6 | C. | C | |
| 7 | X | X | |
| 8 | | X X | |
| 9 | | X. | . .X |

1 §8035-01 *et seq* Cooperative actions between state highway department and

MISSOURI (Mo Rev Stats 1949)

| | State | County | Municipal | Township | District |
|---|-------|--------|-----------|----------|----------|
| 1 | S . | . S | | | |
| | S . . | | S | | |
| | S | | | S | |
| | S | ... | | | ..S |
| 2 | | X .. | X | | |
| 3 | S . | S | | | |
| | S | . | | S | |
| | S ... | ... | | | S |
| 4 | C .. | C | | | |

1 Const. Art. IV, §31 Agreements for maintenance and regulation of traffic authorized.

2. §71 340 Municipality may appropriate funds for expenditure on roads leading into or from such municipality, to be expended under the supervision of county and municipal engineers.

3. §227.140(2). Local governments may elect to have additional roads or roads of higher type than proposed by the commission in lieu of reimbursement of local expenditures on state highways

4 §231.450. County aid road committee to meet with the chairman of the state highway commission and formulate general plans, specifications and minimum requirements for county road construction and maintenance.

MONTANA (Rev. Codes of Mont. 1947)

| | State | County | Municipal |
|----|--------|--------|-----------|
| 1. | X..... | | X |
| 2. | X..... | X | |
| 3. | S | S | |
| 4. | S | S | |
| 5. | X..... | X | |
| | X | | X |
| | | X..X | |
| | | X..... | X |
| | | | X..X |
| 6. | X..... | X | |
| 7 | X..... | | X |
| 8 | S | | S |

1. §11-1023: Contracts for projects financed with federal funds.

2. §32-302(12) Agreements for construction, survey and acquisition and other things essential for federal aid highways

3. §32-1606 Cooperation for designation of highways for federal aid and in formulating rules and regulations for construction, maintenance and marking, and may provide for local supervision

4. §32-1610 Cooperation in maintenance of state highway constructed by the state

5. §32-2006. Cooperation in acquiring property for controlled access facilities

6. Laws of 1957, Ch 43 (§32-1608) For acquisition of right of way, survey and con-

struction of farm to market or secondary or feeder roads

7. Laws of 1957, Ch. 69. Agreements for construction and acquisition for federal aid highways.

8. Laws of 1957, H B. 274 (§32-1606(2)). For maintenance work on urban portions of state highways.

NEBRASKA (Rev. Stats. of Neb.)

| | State | County | Municipal | Township |
|----|--------|--------|-----------|----------|
| 1. | | M | M | |
| 2. | X..... | X | | |
| | X | | X | |
| | X | | | X |
| | | X..... | X | |
| | | X | | X |
| | | X..X | X | X..X |
| 3. | S..... | | S | |
| 4. | X..... | X | | |
| | X | | X | |
| | X | | | X |
| 5. | X | X | | |
| 6 | X | X | | |
| | | X..... | X | |
| | | X | | X |
| 7. | | X..... | X | |
| 8. | | C | | C |

1 §17-508 01. When a city of the second class or a village does not have sufficient funds to purchase equipment to maintain its streets, it may contract with the county for county maintenance, at municipal expense

2 §39-1307. Authority to enter into agreements with each other for planning, designating, financing, establishing, constructing, maintaining, relocating and vacating highways and streets.

3 §39-1339(5). Special agreements authorizing department to assume maintenance of appurtenances §39-1339(7) Agreements regarding reconstruction and maintenance.

4 §39-1350 The department, with the written consent of political subdivision, is authorized to act for the local government in taking bids and letting contracts

5 Laws of 1957, L B 111, Art I, §7, Art II, §3(4) County board may authorize the department of roads to take and let bids on behalf of the county

6 Laws of 1957, L B 111, Art II, §1(4). Agreements for planning, designating, financing, establishing, constructing, maintaining, relocating or vacating highways.

7 Laws of 1957, L B. 111, Art. V, §4 County may, with municipal approval, spread gravel on main thoroughfares in municipalities of 1500 or less, which connect with the county system.

8 Laws of 1957, L B. 111, Art VII, §3 County may delegate duty to maintain county roads to townships in counties under township organization (same as §39-228)

NEVADA (Nev. Rev. Stats)

| | State | County | Municipal |
|---|--------------|--------|-----------|
| 1 | X. ....X | | |
| | X .. ... ..X | | |

1. §408 940 Provides for county and city approval of state freeway establishment, construction, maintenance and abandonment

NEW HAMPSHIRE (N H Rev. Stats.)

| | State | County | Municipal | Town |
|----|--------------|--------|-----------|--------|
| 1. | S | |S | |
| | S.... |  | ..... | .....S |
| 2 | X. .. . .... |  | ..... | .....X |

1 §§231:4, 240:3 Cities and towns shall maintain unimproved class II highways and may improve same to the satisfaction of the commissioner with the use of state funds.

2. §239:5 Highways improved with federal aid within compact sections of towns of over 2500 population to be maintained by the town to the satisfaction of the commissioner

1 §27:7-15. Agreements for work which will place streets connecting with state highway in a condition in keeping with the nature of state highways approaching and leaving the municipality. Municipality may improve state highway

NEW JERSEY (N J S A)

| | State | County | Municipal | Township |
|-----|---------------|----------|-----------|----------|
| 1 | MCL | | MCL | |
| | S. | | .S | |
| 2. | S... .. | | S | |
| | | S.... |S | |
| 3. | S. | S | | |
| 4. | S... . . . | | ... S | |
| 5 | S. | S | | |
| 6 | S.... | .S | | |
| 7. | S... | |S | |
| 8. | C.. | C | | |
| 9 | | C.. .. | .C | |
| 10. | M | |M | |
| | T | |T | |
| 11 | | M... .. | M | |
| | | T..... |T | |
| 12 | C. | C | | |
| 13 | | C.. | C | |
| 14 | | X..... | X | |
| 15. | | X. | X | |
| 16 | | C..... | C | |
| | | M.. . . | .M | |

2 §27:7-16. Municipality may contract with state highway commissioner for making the improvement and pay agreed cost to the state, or may contract with county for making the improvement and paying the cost to county (Streets part of state system or connecting with state system.)

3 §27:7-19. Agreements for cooperation in any work and sharing of cost

4. §27:7-20. If the commissioner deems it advantageous, the contract may be let by the cooperating board, body or person; contract subject to commissioner's approval.

5 §27:7-36 Cooperation with county park commission regarding location of state highways within area under park commissioner's control.

6 §27:9-1 *et seq.* County may construct and improve state highway route with consent of state highway commissioner. §27:9-3 County reimbursed cost when road taken over by state highway commission.

7. §27:10-1 *et seq.* Municipality may construct and improve state highway within municipality with the consent of the state highway commissioner. §27:10-4. Munic-

ipality reimbursed when road taken over by state highway commission

8 §27 14-1 *et seq* Provides for state aid to counties Provides for approval of the commissioner of projects

9 §27.14-30 Provides for improvement of county road by borough, to be reimbursed by state and county §27.14-32 Provides for consent and approval of commissioner and county §27.14-35 Municipality may conform the grade of highway within municipality §27 14-36 Municipality authorized to make improvements, but shall not interfere with or impair roadway improved under this article (state aid to counties) without consent and approval of county

10 §27 15-1 *et seq* Provides for state aid to municipalities §27 15-1 7 Provides for state approval of plans and specifications

11. §27:15-1 11 Municipality may request county to perform all or part of work with state aid and enter into agreement so providing

12 §27.15A-1 Provides for state aid for extraordinary repairs on county roads, upon application of county and approval of state highway commissioner

13 §27 16-69 Municipality may widen or straighten county road within municipality §27-16-70 May improve county road with consent of county Agreement for sharing cost authorized §27:16-71 Municipality may take over care and control of county road, with consent of county

14 §27:22-1. Municipality may apply to have road which is an extension of a county or state road improved by county, cost as per agreement §27 22-4. Agreements whereby municipality pays county for maintenance and upkeep of such streets §27 22-7 Agreements whereby county pays municipality portion of cost of maintenance and upkeep of streets connecting with county or state highway, or over which through traffic is routed Work to be done as per agreement and subject to approval of both parties Any dispute concerning the agreement to be decided by the state highway commissioner §27 22-8 Municipality or municipalities, in case road is on boundary line, two municipalities, may apply for

county improvement and agreement for paying such cost as fixed in the contract.

15 §40.56-48 Agreements for permanent improvement and maintenance of roads within municipality

16 §40 67-25 Contracts for improvements.

NEW MEXICO (N M Stats 1953)

| | State | County | Municipal |
|----|-------|--------|-----------|
| 1. | X.... | .X | |
| 2 | X .. | X | |
| 3 | S .. | ..S | |
| 4 | S ... | S | |
| 5 | S . | S | |
| 6 | C .. | C | |
| 7 | X | .X | |
| | X. | .... | X |
| | X..X | | |

1 §55-2-19 Cooperation in construction of highways

2 §55-2-22 Such agreements as provided in §55-2-20 (See Item 7)

3 §55-2-23 Counties may apply for state aid for improvements and state may undertake the work (or the state may do so on its own initiative)

4 §55-3-13 If insufficient funds for state to maintain, may so inform the county to be maintained at expense of the county until there are sufficient funds

5 §55-2-30 Contracts for county maintenance authorized

6 §55-3-4. Contracts whereby all or part of maintenance and construction shall be under the direction of the state highway commission

7. Laws of 1957, ch 244 (amending §55-2-20). For construction and improvement, division of expense and acquisition of right of way or for materials

Highway Law (New York):

1 §10(27). Department authorized to do any work of construction or reconstruction for a municipality at the request of the municipality and at municipal expense

2 §12(2). Agreements for removal of snow and ice between department and

NEW YORK (N Y Consol Laws Service)

| | State | County | Municipal | Town- ship |
|-----|-------|--------|-----------|---------------|
| 1 | X | | X | |
| 2 | S | S | | |
| | S | | S | |
| | S | | | S |
| | | S | S | |
| | | S | | S |
| 3 | S | S | | |
| 4 | S | | S | |
| | S | S | | |
| 5. | X | X | | |
| | X | | X | |
| | X | | | X |
| 6 | X | X | | |
| | X | | X | |
| | X | | | X |
| 7 | X | X | | |
| 8 | | C | C | |
| | | C | | C |
| 9 | | | X | X |
| 10. | | T | | T |
| 11 | S | | S | |
| 12 | | T | | T |
| 13 | | X | X | |
| 14 | S | | S | |
| 15 | S | | S | |
| | | C | C | |
| | | | T | T |
| 16 | T | T | | T |

county, town or incorporated village Counties authorized to enter into a contract with another municipality within the county for performance of work of snow and ice control as a subcontractor under any agreement with the superintendent of public works

3 §§29, 30(1) State highway may be constructed and improved as a controlled access highway upon adoption of resolution by county board of supervisors where the highway is located Also provides for county approval of relocation plans

4. §47 Village may petition superintendent of public works for construction or improvement of street connecting with state highways. Superintendent shall transmit plans, specifications and estimates to county, which may adopt resolution relating to such construction or improvement

5 §55. Superintendent authorized to give emergency aid in control of snow and ice where local government is unable to perform the immediate work.

6. §81 Reference to maintenance assurances from town, county or village for federal aid projects

7 §84 County may request a road be included as a project on the federal principal secondary and feeder road system If superintendent approves, surveys and plans shall be made by the county or the department.

8 §135-a Agreements for work of controlling snow and ice

9 §142-c Town board may permit town superintendent to remove snow and ice upon streets and sidewalks within a village pursuant to terms agreed upon by village and town

10 §170 When town superintendent shall lay out a highway, shall notify the county superintendent who shall cause a survey to be made

11. §187. Agreements for allotting to city portions of highway partly within city for improvement

12. §194(1) County board of supervisors may provide for construction or improvement of a town highway §194(9) Town highway to be thereafter maintained by the towns

13. §196 Village may petition county to construct or improve a highway connecting with a county, state or town highway, at joint expense

14 §349-c(1) State approval of plans and specifications for designated existing or proposed routes within municipality, where the superintendent of public works has authorized city to prepare same (excluding New York City) §349-c(2). A city (designated in the act) may apply for change in street designations Additional expense borne by city. §349-c(3) Cooperation re State Arterial system in New York City between superintendent of public works and the city planning commission §349-c(7), (8), (9) Agreements for maintenance and repair under the supervision and approval of the superintendent of public works

Village Law

15 §146a. Consent of governing body having jurisdiction over street required for village improvement

Unconsolidated Law

16 Ch 303 provides for state aid for town highways §5 Work to be subject to inspection of state superintendent of highways and county superintendent. Work may be performed by contract with the county, or the contract shall be approved by the county and state superintendents §6 Adjoining towns may cooperate with a view to coordinating projects so that town highways may provide connecting routes.

NORTH CAROLINA (Gen Stats of N C)

| | State | County | Municipal |
|---|---------|--------|-----------|
| 1 | S. ... | | S |
| 2 | X | | X |
| 3 | S ... | S | |
| 4 | S. ... | S | |
| 5 | X..... | X | |
| 6 | X..... | X | |
| | X.. .. | .. | .X |

- 1 §136-27 Arrangements with city when city desires to widen a state highway
- 2 §136-41 3. Two year agreements whereby state does such street construction and maintenance as the municipality may request to the extent of funds due to the municipality
- 3. §136-61. County shall participate in state secondary highway planning
- 4 §136-64. County may complain to state if roads inadequately maintained The commission shall investigate and remedy the situation
- 5 §136-67 State authorized to place neighborhood public roads in passable condition at county request
- 6 §136-89 4 Agreements for providing controlled access facilities.

1 §11-3103 Duty of county engineer to design and make plans for county and township roads and to cooperate with the

NORTH DAKOTA (N D. Rev Code 1943)

| | State | County | Municipal | Township |
|----------------|-------------|------------|-----------|----------|
| 1 | X... .. | X | | |
| | | X..... | | ..X |
| | | T..... | | T |
| 2 | S | | | S |
| 3 | S..... | S | | |
| 4 | X | X | | |
| | X..... | | | .X |
| | | X X | | |
| | | X... .. | | X |
| | | | X. X | |
| 5. C | C | | | |
| 6 | | T. | | T |
| | | | | T..T |
| 7 | | X..... | | X |
| 8 | X..... | | | X |
| | | X. | | X |

U.S, the state and the townships of the county

- 2. §24-0103 Agreements for construction and maintenance.
- 3 §24-0105, as amended by Laws of 1957, ch 188. Consent of county required for placing state highway mileage on federal aid feeder road system
- 4 §§24-0130, 24-0134. Cooperation in providing controlled access facilities
- 5 §24-0518 County may apply for state cooperation in construction and improvement County to provide its share of the cost
- 6 §24-0609 Authorizes contracts for construction, improvement or repair of township roads and bridges without advertising for bids.
- 7. §40-0514. Municipalities of 10,000 or less may agree with county for county maintenance and construction and municipality to pay agreed sums.
- 8 §§40-2206, 40-22061 Agreements for street improvement authorized

- 1 §315 13 County authorized to make emergency repairs of less than \$1000 on state highways
- 2. §5501 02 Cooperation in establishment, construction, reconstruction, maintenance, repair and improvement

OHIO (Baldwin's Ohio Rev Code)

| | State | County | Municipal | Township |
|-----|-------------|-------------|-----------|----------|
| 1. | S | S | | |
| 2. | X | X | | |
| | X | | X | |
| | X | | | X |
| 3. | S | | S | |
| 4. | S | | S | |
| 5. | S | S | | |
| 6. | | S | S | |
| 7. | S | S | | S |
| | S | S | S | |
| 8. | | T | | T |
| 9. | C | C | | |
| | | T | | T |
| 10. | X | X | | |
| | X | | | X |
| 11. | | C | | C |
| | | T | | T |
| 12. | | C | | C |
| 13. | S | S | | |
| 14. | S | S | | |
| 15. | | X | X | |
| 16. | | C | C | |
| 17. | | C | | C |
| | S | | | S |
| 18. | | T | | T |
| 19. | | T | | T |
| 20. | | T | | T |
| | T | T | | T |

3 §5501 14 Municipal consent for snow removal by state

4. §5521 01. The director, upon request of a village shall maintain, or construct or improve a state highway within the village. Municipal consent required for state construction and maintenance, except where the road is a federal aid primary or interstate route in which case the director may proceed with or without municipal cooperation.

5 §5521 02 Cooperation in establishing, constructing, improving and widening state highways

6 §5521 03 Cooperation in the work of constructing, improving or widening as per §5521 02.

7. §5521 11. Local bodies may construct or improve state highways Plans and spe-

cifications must first be approved by the director of highways and construction work is under his supervision.

8. §5535 01 County may assist township in maintenance of township roads

9. §5535 06 State or county shall specify to county and township respectively what changes are needed to bring a county or township road to standard of state or county road, respectively.

10. §5535 07 Authorizes state to take over intercounty routes for state maintenance, thereby relieving county and township from maintenance responsibility This section does not prevent county and township from cooperating with the state in construction and maintenance

11. §5535 08 County and township may agree to contribute to the repair and maintenance of roads under the control of the other.

12. §5541 03 Township may apply to county for construction or improvement of county road If approved, county engineer shall prepare plans and cost estimates

13. §5553.02. Director's approval required for county to improve or change state route.

14 §5555 02. County may construct or improve a state road only under plans, specifications and supervision of the director

15 §5557 02 County may construct a road improvement through a municipality with municipal consent

16. §5557 08 Provides for municipal consent for county road repairing through the municipality.

17 §5571 01 Townships authorized to construct, reconstruct, resurface or improve county or state roads with county and state approval, respectively §5571 02 Townships similarly authorized to maintain or repair state or county highways

18 §5571 05 County engineer to supervise township maintenance Township trustees shall follow direction of the engineer as to repairing methods

19 §5573 01 County engineer to make surveys, plans and specifications for township road improvements §§5575 07, 5543 01 Work to be done under county engineer's supervision

20 §5573 22 County-township agreements for construction, improvement or maintenance Also provides for agreements between county and townships providing for construction by the department of highways upon application of the county

OKLAHOMA (Okla Stats 1951)

| | State | County | Municipal |
|---|--------------------------|----------------|-------------------------|
| 1 | X X | X .. | X ... X |
| 2 | X .X X . X | X X . .. | X X . X X . . . X |
| 3 | X | X | |
| 4 | S | ... .. | S C .. C |
| 5 | MCL | MCL | |
| 6 | S C . . . | S C | |

1 Tit 69, §§11 3, 11 5 Cooperation in providing limited-access facilities

2 Tit 69, §20.8 State highway department authorized to cooperate by providing surveys, maps, specifications and other things necessary in highway construction

3 Tit 69, §44(d) For construction and maintenance of federal aid secondary and feeder roads

4 Tit 69, §50 Agreements for determining location of improvements within municipality by State or county

5 Tit 69, §84 For drainage, grading or hard surfacing of streets within municipalities which are connecting links in the state or county system

6 Tit. 69, §262 Agreements whereby county funds are expended under the direction of the State highway commission for grading or drainage.

1 §366 770. For construction or maintenance

2 §366 775 Agreements for construction, improvement or repair of any road or street

OREGON (Ore Rev Stats)

| | State | County | Municipal | District |
|-----|-------------|----------|-----------|----------|
| 1 | S | .S | | |
| | S .. | .... | ..... | S |
| 2 | X... .. | X | | |
| | X | .. | .X | |
| 3 | X ... | X | | |
| 4 | | X..X | | |
| 5. | S. | | |S |
| 6 | | | | X .X |
| 7 | S | | |S |
| 8 | | C . . . | | C |
| | | M . . . | | M |
| 9 | | C . . . | | C |
| 10. | | C. . . . | | C |
| 11 | X... . | X | | |
| | X. | .. | .X | |

3 §368 805 In the improvement of any road in the county

4 §371 205 *et seq* Two or more counties may cooperate in the formation of a joint road building district

5 §372 150 Highway lighting districts shall maintain and operate illumination on state highways in cooperation with and with the approval of the state highway commission

6 §372 330 Two or more adjoining highway lighting districts may consolidate

7 §373 210. City of less than 100,000 authorized to improve state or county roads within municipality at partial expense of the municipal general fund

8 §373 260 For construction, improvement, repair and acquisition of right of way of highways or streets within the city for connecting roads outside a city of less than 100,000.

9 §373 270 City may request county to surrender jurisdiction of a county road to it. After notice and hearing county may so order

10 §373 290 *et seq.* Certain specified cities are vested with control over county roads within the municipality

11. §374 080 Agreements for providing throughways.

PENNSYLVANIA (Purdon's Pa Stats Ann)

| | State | County | Municipal | Town- ship |
|----|-------|--------|-----------|---------------|
| 1 | | X | ...X | |
| 2 | | MCL | MCL | |
| 3 | | MCL | ...MCL | |
| 4 | | X | ..X | |
| | | X | ..... | ...X |
| 5 | | MCL | MCL | |
| 6 | X | ..X | | |
| | X | .. | X | |
| | X | ..... |  | .X |
| 7 | S | S | | |
| 8 | X | ..... | X | |
| 9 | S | ..S | ...S | |
| | S | ..S | ..... | S |
| 10 | S | ..... | S | |
| 11 | S | ..... | S | |
| 12 | S | ..... | S | |
| 13 | X |X | | |
| | X | .. | ..X | |
| | X | .. | ..... | .X |
| 14 | S | .. | S | |
| 15 | | | X | ...X |
| | | | X..X | |
| 16 | | MCL | ...MCL | |
| 17 | S | ..... | ..... | S |
| | | | T | ...T |
| | | | | T..T |
| | T | .. | ..... | T |

1. Tit 16, §§2732, 5903(c). County may with consent of city or borough appropriate any road for improvement, construction or maintenance. County is thereafter liable for maintenance

2. Tit. 16, §§2756, 2757, 2758, 5920, 5921, 5922; tit 53, §1835 Agreements for improving street which connects with county roads where municipality has failed to improve same

3. Tit 16, §§2759, 5923, tit 53, §1836 Agreements for maintenance of such streets

4 Tit 16, §§2760, 5924; tit. 53, §1831 Counties may contract with boroughs, townships or incorporated town providing that the county shall construct an improved road in a similar manner as a county road is constructed Expense is borne jointly as agreed upon. Tit. 16, §§2762, 5926, tit 53, §1834.

Agreements for maintenance of same authorized

5 Tit 16, §§2769, 5933 County may singly or jointly with city or borough expend funds on roads outside municipal limits for connecting street with a state highway

6 Tit 36, §176 Cooperation for Federal aid

7 Tit 36, §253 Department shall consult counties as to their preference of which sections of state highways to be constructed or improved in the county County may indicate their choice or the department may improve other sections

8. Tit 36, §391 Agreements between the department and second class, second class A and third class cities for construction, improvement or maintenance of existing width or lesser width of streets which are contributors of, but not part of, the state highway system. Work may be done by either party or by contract let by either or both. Also may contract for improvement, construction or reconstruction of additional width at city expense

9 Tit 36, §415 County and borough or county and township may contract with the department for construction or improvement of a state or state-aid highway Agreements regarding cost

10 Tit 36, §670-221. Approval of city or borough required for relocation or change of lines or widths or construction on new alignment

11. Tit 36, §670-523. Department shall not change width, lines, location or grade without consent of municipality

12. Tit. 36, §670-544 Agreements for change of line, widths or grade by first or second class city Tit 36, §670-545 Agreements for taking, opening, relocating, widening or change of grade by the State

13 Tit 36, §670-907; tit 36, §670-908. Department may let contracts on behalf of a local government when highway construction may be done in conjunction with construction by the department

14. Tit 36, §951-15 Agreements with first class city (Philadelphia) for taking, opening, relocating, widening and change of grade

15 Tit. 36, §1762. When city, borough, town or township has adopted street plans, of streets leading to adjacent municipalities and townships, it shall notify the local governments involved of plan and any subsequent changes

16 Tit 53, §46756 County-borough agreements for improving street between two ends of county road Tit 53, §46758 Shall agree as to maintenance of same by either party

17 Tit 53, §66101 Second class townships may improve state highway with the consent of the Secretary of Highways Second class townships and all political subdivisions wherem the township road is located may cooperate in surveying, widening, opening, straightening and vacating roads

SOUTH CAROLINA (Code of Laws of S C. 1952)

| | State | County | Municipal | Township |
|----|-------|--------|-----------|----------|
| 1 | C |C | | |
| 2 | S | ..... | ..... S | |
| 3 | S... | S | | |
| 4 | S | ..... | ..... S | |
| 5 | S | ..... | .....S | |
| 6 | X.. | X | | |
| | X | ..... | ..... X | |
| 7 | X | ... X | | |
| 8. | | T | ..... | T |
| 9 | X | ..X | | |
| 10 | | M | M | |
| 11 | X | ... X | | |
| 12 | | T. | ..... | ...T |
| 13 | | M. | M | |

RHODE ISLAND (Gen Laws of R I 1956)

| | State | Municipal | Township |
|---|-------|-----------|----------|
| 1 | X.. | .. X | |
| | X | ..... | ..... X |
| 2 | S | S | |
| 3 | S |S | |
| | S. | ..... | .....S |
| 4 | S | ..... | .....S |
| 5 | X |X | |
| | X | ..... | ..... X |

1 §§24-4-1 to 24-4-8 Cooperation for federal aid

2 §24-8-5 Provides for municipal approval of state constructing and maintaining After agreement as to location and grade of state highway in municipality the director may relinquish same to city for maintenance

3 §24-8-15. Town or city to keep roads clear of snow and ice and shall notify the department of any defect or want of repair of such roads.

4 §24-8-16 Provides for annual appropriation to towns for maintenance of highways adopted by the plan of the state highway system

5 §37-5-2. Cooperation in construction

1. Tit 33, §79 County may designate State highway department as its agent in acquiring right of way for county roads with federal aid.

2. Tit. 33, §112. Municipality may improve or maintain in addition to the work the department is able to undertake.

3 Tit 33, §165 Contracts for construction and improvement by any county of farm-to-market roads in the the state system, according to standards and specifications required by the department.

4 Tit 33, §172 All work by the department shall be with the consent and approval of the municipality.

5 Tit 33, §175 Municipality shall not alter state highway without approval of the department

6. Tit 33, §352 5 Agreements for controlled-access facilities

7. Tit 33, §1581 Dorchester county may agree with the state highway commissioner whereby the state maintains roads and bridges at agreed upon cost.

8 Tit 33, §1634 Fairfield county—township highway commissioner shall keep roads in repair and the county supervisor shall cooperate with the commissioners.

9 Tit 33, §1730. Kershaw county road supervisor shall cooperate with State highway engineers in grading and hard surfacing the roads in the county

10. Tit. 33, §1755 Lancaster county may maintain unpaved streets in the towns of the county

11. Tit. 33, §1841. Orangeburg county may cooperate for federal aid

12 Tit 33, §1872 In Spartanburg county, the county supervisor shall maintain township roads and bridges where the cost does not exceed \$50 00, with funds specifically appropriated therefor

13. Tit. 33, §1873 Spartanburg county may construct and maintain roads not in the county system within cities and towns Municipality must furnish the materials

SOUTH DAKOTA (S D. Code of 1939)

| | State | County | Municipal | Town-ship |
|----|---------|---------|-----------|-----------|
| 1. | S..... | | S | |
| 2 | S | | S | |
| 3 | S..... | S | | |
| 4 | X... .. | X | | |
| | X..... | | | X |
| | X..... | | X | |
| 5 | | C..... | | C |
| 6. | | S | | S |
| 7 | X | X | | |
| | X..... | | X | |
| | | X..X | | |
| | | X..... | X | |
| | | | X..X | |

1 §28 0210 City of over 2,500 to maintain connecting streets where change in state system includes such street

2 §28.0211-1 State may cause street to be subjected to a palliation oil treatment for dust control

3. §28 0215 In construction and maintenance of State trunk highways.

4 §28 0226 *et seq* In selection and maintenance of secondary and feeder roads for federal aid

5. §28 0314 Agreements for construction and maintenance of county aid roads by county

6 §28 0401 Township to arrange for construction and maintenance of secondary roads Improvement contract may be let

without advertising for bids if the county highway superintendent shall supervise plans, specifications and the completion of the work

7 Laws of 1953, Ch 155, §§3, 8 Cooperation for controlled-access facilities

TENNESSEE (Tenn Code Ann)

| | State | County | Municipal |
|---|----------|--------|-----------|
| 1 | S... .. | S | |
| 2 | C. | C | |
| 3 | S | S | |
| | S | | S |
| 4 | S | | S |
| 5 | S | | S |
| 6 | S | S | |
| 7 | X.. ... | X | |
| | X | | X |
| | | X X | |
| | | X.... | X |
| | | | X .X |

1 §§54-206, 54-211, 54-212 In construction, reconstruction and maintenance of state aid roads

2. §54-401 Provides for state funds appropriated to counties for county highway system County highway may be taken over and constructed, improved or maintained as a hard surface road by the state highway department, out of its own funds

3 §54-529 If any county, district, city, town or person desires immediately to improve a section of a state highway, may agree with the commissioner to finance same and later be reimbursed

4 §54-531. Agreements for right of way acquisition.

5 §54-533 Where municipality is organized to care for its own streets, construction, improvement and maintenance may be done by the municipality, to be reimbursed by the state

6 §54-613 Maintenance of state rural roads system to be by county in accordance with standards

7 §§54-2002, 54-2006 Cooperation for controlled-access facilities

TEXAS (Vernon's Tex Civ Stats. 1948)

| | State | County | Municipal |
|----|-------------|--------|-----------|
| 1. | S | ... | S |
| 2. | C | C | |

1. Art. 6673-b. State authorized to cooperate with municipalities providing for the location, relocation, construction, reconstruction, maintenance, regulation, determining and fixing the respective responsibilities of the parties resulting therefrom.

2. Art 6673-c State highway commission authorized to designate county roads as farm-to-market roads and may enter into contracts setting forth the duties of the state in construction and maintenance of county roads in consideration of the county relinquishing all claims for state participation in any county indebtedness outstanding against such roads.

UTAH (Utah Code Ann 1953)

| | State | County | Municipal |
|----|-------------|-------------|-----------|
| 1. | X . . . . . | ..... | ...X |
| | X | ...X | |
| 2 | S | S | |
| | S . . . . . | ..... | ...S |
| 3. | M . . . . . | ..... | M |
| | | M | M |
| 4 | X | ..X | |
| | X . . . . . | ..... | X |
| | | X X | |
| | | X | X |
| | | | X..X |

1 §27-2-4 In construction of highways, roads and bridges

2. §27-2-7(5). Agreements for acquisition of right-of-way, improvement or maintenance at state, local, or joint expense.

3 §27-8-4 State-city cooperation in construction and maintenance of class C roads Town or city of third class may contract with the county for construction and maintenance of class C roads or, with the consent of the county, may transfer to the class B system.

4. §§27-9-2, 27-9-6 Cooperation for limited access facilities

VERMONT (Vt. Stats. Rev of 1947)

| | State | County | Municipal | Town |
|----|-------------|--------|-----------|------|
| 1. | S . . . . . | ..... | ...S | |
| | | | X... .. | X |
| | | | | X X |
| 3 | X . . . . . | ..... | X | |
| | X . . . . . | ..... | ... X | |
| 4. | S . . . . . | ..... | ...S | |
| 5 | X | ..X | | |
| | X . . . . . | ..... | X | |
| | X . . . . . | ..... | ... X | |

1. §5157 Town selectmen, with approval of the state highway board, may designate all or part of the state aid system to be maintained for three years by the state at town expense

2 §5160. Two or more towns or cities and towns may unite for the purpose of highway improvement The officials shall constitute a joint committee

3. Vt. Laws of 1955, Act 153 At town or village request the state highway board may agree to do any construction or maintenance work on state aid or town highways or bridges and advance the cost thereof. Upon demand of the highway board, municipality shall reimburse the state

4. Vt Laws of 1957, Act 250, §§2, 14. Town has control over state aid highways and is responsible for maintenance Location of each year's work, plans of construction and the foremen to take charge of the work is determined by the state highway board, but the local officials shall be consulted in the location and plans of the work

5 Vt Laws of 1955, H.B. 414, §4 Cooperation with any state or local agencies for limited-access facilities.

1 §33-35. Maintenance of portions of bypass city routes on the state system within the municipality shall be borne by the municipality State shall contribute to maintenance however

2 §33-46 State is responsible for state secondary system. §33-53. Any county which has withdrawn its roads from the secondary system has a right to bring itself back within the system by election of voters §33-140. Arlington, Henrico and

VIRGINIA (Code of Va 1950)

| | State | County | Municipal |
|---|-------|--------|-----------|
| 1 | S. | . . . | . . . S |
| 2 | C | . C | |
| 3 | S | S | |
| 4 | X | | . . . X |
| 5 | X | | X |
| | X | X | |
| 6 | MCL | | MCL |
| 7 | M. | | . . M |
| 8 | X. | X | |
| | X. | | X |
| 9 | S. | . S | |

Warwick counties are without the state secondary system §15-321 There is no department of public works in counties where in maintenance and construction of county roads and bridges have been assumed by the state

3 §33-47 Provides for annual meeting in each county by a representative of the Department of Highways in charge of the state secondary system, to discuss plans for maintenance and improvement of secondary roads with the county boards County shall make recommendations and the department shall follow as far as compatible with the plans and shall notify the county of changes in the recommendations so made

4 §33-50 1 At the request of an incorporated town of less than 3500, the state highway commissioner is authorized to select certain streets for maintenance, improvement and construction from state secondary fund allocations Shall not exceed two miles §33-50 2 Plans and specifications to be approved by the commission §33-50 4 Where there is no request for financial assistance the commission is authorized to maintain and construct all streets of a specified width

5 §33-112 State highway commission may oil the highways in any town and in any county, upon request, the roads of which are not part of the state secondary system

6 §33-113 State highway commission to select streets for routing state highway connecting traffic If same are maintained to state highway standards, shall pay sums to

cities of certain population class for maintenance, construction and improvement §33-113 1 With consent of municipality may take over connecting streets into the state system Municipality obligated to pay cost in excess of the amount authorized to be spent by the state. Commissioner may permit municipality to maintain and reimburse the state's share of maintenance cost

7 §33-118 Commissioner, at request of municipality of less than 1500 and at municipal expense, may maintain and improve local streets not on the state system

8 §33-131 Cooperation for Federal aid

9 §33-141 When local county road districts establish new roads they become part of the state secondary system Counties may alter or change the location of any secondary road, provided the commissioner shall be a party in any such proceeding The commissioner, with approval of the state highway commission and the county authorized to make route changes and additions

1. §36 75 030 Reciprocal agreements for highway improvement or maintenance providing that either the county assist the department on a state highway or the state assist the county on a county highway, under circumstances where a necessity appears or where economy will be best served

2 §47 24 050 If city or town is unable to construct or maintain its streets for good cause, may authorize state to perform same whether or not its streets are part of the state system The director may in certain special cases, enter into agreements with municipal officials for performance of such work The municipality may also authorize the county to perform construction or maintenance work at municipal expense

3 §43 27 050 Provides for an "assistant director of highways for state aid" to administer programs of state aid for county roads and city streets

4 §47 24 020(15) Agreements concerning acquisition of right-of-way authorized §47 24 020(16) Refers to cooperative agreements for maintenance

5 §47 28 140. Cooperative agreements whereby either party agrees to perform the

WASHINGTON (Rev. Code of Wash)

| | State | County | Municipal | Town-ship |
|----|--------------|--------------|--------------|--------------|
| 1 | SS | | | |
| | CC | | | |
| 2. | XX | |X | |
| | | XX | | |
| 3. | CC | | | |
| | MM | | | |
| 4 | SS | | | |
| 5 | SS | | | |
| | SS | | | |
| | SS | | |S |
| | CC | | | |
| | | CC | | |
| | | CC | | C |
| | | C . C | | |
| | MM | |M | |
| | | MM | | |
| | | | MM | |
| | | | MM | |
| | TT | | |T |
| | | TT | |T |
| | | | TT |T |
| | | | | TT |
| 6 | XX | | | |
| | XX | |X | |
| | XX | | |X |
| 7. | XX | | | |
| | XX | |X | |
| | | XX | | |
| | | XX | | |
| 8. | CC | | | |

work of construction improvement or maintenance of the other party and furnish the materials and pay the cost, to be reimbursed by the party whose responsibility it was to do the work in the first instance

6 §47.28.140. Where a public works project appears to benefit a state highway the state may agree to pay part of the cost

7. §§47.52 020, 47.52 090. Cooperation for limited access facilities

8 §78 48 010 *et seq* Provides for cooperation on mine-to-market roads

1. §1448(8) [32]. Cooperation concerning plans, surveys, construction, reconstruction, improvement, maintenance and supervision of highways roads and streets.

WEST VIRGINIA (W Va. Code of 1955)

| | State | County | Municipal | Town-ship |
|----|--------------|--------|------------|-----------|
| 1 | XX | | | |
| | XX | |X | |
| 2. | XX | | | |
| | XX | |X | |

2. §1474(26) Cooperation for controlled-access facilities or other public ways.

WISCONSIN (Wis Stats 1957)

| | State | County | Municipal | Town-ship |
|-----|------------------|------------------|--------------|--------------|
| 1 | | MM | | |
| | | TT | | T |
| 2 | | XX | | |
| 3 | | XX | | |
| 4 | XX | | | |
| 5. | XX |X | | |
| 6 | | XX | | |
| 7. | XX | | | |
| | XX | |X | |
| | XX | | |X |
| 8. | MCLMCL | | | |
| 9 | XX | | | |
| 10. | XX | | | |
| | XX | |X | |
| | XX | | |X |
| | | X X | | |
| | | XX | | |
| | | XX | |X |
| | | | XX | |
| | | | XX | XX |
| | | | | XX |
| 11 | SS | | | |
| | SS | |S | |
| | SS | | |S |
| 12 | SS | | | |
| | SS | |S | |
| | SS | | |S |
| 13 | SS | | | |
| | | XX | | |
| 14 | XX | | | |
| | XX | |X | |
| | XX | | |X |
| 15 | | TT | | T |
| | | MM | | |
| 16 | SS | | | |
| 17 | | MCLMCL | | |

1 §80 04 When the county board lays out a highway, it reverts to the control of the town, village or city in which it lies, except county trunk highways, where control rests with the county.

2 §80.64 County may establish street or highway in excess of widths in use, with approval of municipality.

3 §83 05 County aid highways within municipalities City may determine type of improvement, subject to approval of county highway committee Municipality shall improve the street under supervision of the county highway commissioner §83 06 Maintenance by the towns, cities and villages wherein the county aid highway lies

4. §83 025(3) County highway committee, with approval of the county board, authorized to enter into agreements as provided in §86 25(2).

5 §83 026 Cooperation in selection of roads for federal aid secondary system. Counties shall consider recommendations from municipalities

6 §83 035 Agreements to enable county to construct and maintain streets and highways in municipality

7 §84 01(17). Cooperation in maintenance by subdivisions of the state of federal aid roads

8 §84 02(6) Where a State highway does not pass through the central or business part of a municipality, the state highway commission may on petition of the municipality designate an alternate route through the business section, to be constructed and maintained to the satisfaction of the commission, without expense to the state

9. §84.07. State trunk highway system maintenance responsibility on the state The commission may however arrange with the county highway committee to have all or parts of the maintenance work within or beyond the limits of the county, at state expense.

10. §84 25(9). Agreements for controlled-access facilities or other public ways

11 §84.29 Cooperation in planning, development and construction of interstate system highways.

12. §84 105(1) Cooperation in planning and development of national parkways.

13. §86.18(1). Counties of 250,000 or more (Milwaukee County) authorized to establish, relocate, widen, extend, improve and maintain state and county trunk highways, and when requested by municipality any other highway located in such municipality.

14. §86 25 Agreements for construction or improvement with state or federal aid of highways or bridges which the local government is authorized to construct, providing for subsequent maintenance by the local government

15. §86 31. Provides for state allotments to towns, villages and cities for snow clearance, ice prevention and dust alleviation. Town or village may authorize the work to be done by the county.

16. §86 185 Counties of 150,000 or over may widen, improve and maintain state or county trunk highways.

17. §86.331 City or village may arrange to have maintenance of state highway connecting streets (marked as state highway but not part of the state system) done by the county

WYOMING (Wyo Comp. Stats. 1945)

| | State | County | Municipal | Township |
|----|--------|---------|-----------|----------|
| 1 | C..... | .C | | |
| 2. | MCL... | .... | .MCL | |
| 3. | C.. | ... C | | |
| 4. | S.. |S | | |
| 5. | X ... | .X | | |
| 6. | X ... | .X | | |
| | X... |X | | |
| | | X .X | | |
| | | X.. | ...X | |
| | | | X. X | |

1 §48 107 State-county road construction program Cooperation in construction. Work under the supervision of the commission and in accordance with state plans and specifications Work commenced at request of county Cost shared: 93 percent state, 7 percent county.

2. §48-108. Cooperation in construction of streets and highways connecting state highways. Work is under supervision of the commission.

3 §48-109 Maintenance of county roads with federal aid shall be performed by and under the supervision of the state highway commission at county expense

4 §48-304 In incorporated cities and towns, municipal authorities shall construct and maintain state highways

5 §48-345 County farm to market roads—construction under supervision of state highway commission and in accordance with plans and specifications of the state highway superintendent and commenced at county request Construction cost is shared: State 93 percent, county 7 percent Maintenance cost paid by county

6 §§48-348, 48-352 Cooperation in providing access facilities

HAWAII (Rev Laws of Hawaii 1955)

| | State | County |
|---|-------|--------|
| 1 | X | .X |

1 §111-8 Cooperation on federal aid projects §111-11 Territorial engineer may have maintenance of federal aid roads performed by county road department

PUERTO RICO (Laws of P R)

| | State | Municipal |
|---|-------|-----------|
| 1 | X | X |
| 2 | X | X |

1 Tit 3, §413a Agreements for the carrying out of permanent public works or improvements

2 Tit 9, §12 Maintenance of highways through urban zones by the commonwealth §15 Municipality which declares they do not desire to accept intervention of the department of public works may be exempt from the sections providing for maintenance by the department

SUMMARY

Tables 4 through 16 summarize the State-by-State statutory provisions contained in the preceding pages Each table concerns cooperative authority granted to particular combinations of governmental units, such as State-county, county-municipal and county-township cooperation, by highway systems

Table 4 State-County Cooperation

| State* | Highway Systems | | | | |
|--------|-----------------|-------|--------|-----------|----------|
| | Not Specified | State | County | Municipal | Township |
| Ala | × | × | × | | 0 |
| Ariz. | × | | | | 0 |
| Ark | | | × | | 0 |
| Calif. | × | × | | | 0 |
| Colo. | × | × | | × | 0 |
| Conn | | | 0 | | 0 |
| Del | × | | 0 | 0 | 0 |
| Fla | × | | × | | 0 |
| Ga | × | | | 0 | 0 |
| Idaho | × | × | × | | 0 |
| Ill. | × | × | 0 | | × |
| Ind | × | × | × | | 0 |
| Iowa | × | × | 0 | | 0 |
| Kan | × | × | | | 0 |
| Ky. | × | × | × | | 0 |
| La | × | | × | | 0 |
| Me | | | | | |
| Md | × | | × | | 0 |
| Mass | × | | | | 0 |
| Mich | × | × | | | 0 |
| Minn | × | × | × | | |
| Miss | × | × | × | | 0 |
| Mo | | × | × | | |
| Mont | × | × | | | 0 |
| Neb | × | | | | |
| Nev | × | | | | 0 |
| N H | | | 0 | | |
| N J | | × | × | | |
| N M | × | × | × | | 0 |
| N. Y | × | × | | | × |
| N C | × | × | 0 | | 0 |
| N D | × | × | × | | |
| Ohio | × | × | × | | × |
| Okla | × | × | × | | |
| Ore | × | × | | | 0 |
| Pa | × | × | | | |
| S C | × | × | × | | |
| S D | × | × | | | 0 |
| Tenn | × | × | × | | 0 |
| Texas | | | × | | 0 |
| Utah | × | × | | | 0 |
| Vt | × | | 0 | | 0 |
| Va | × | × | × | | 0 |
| Wash | × | × | × | | |
| W Va | × | | 0 | | 0 |
| Wis | × | × | | | |
| Wyo | × | | × | | 0 |
| Hawaii | × | | | 0 | 0 |
| Total | 41 | 30 | 23 | 1 | 3 |

* Jurisdictions not having counties not included
0 Jurisdiction does not have this highway system

Table 5 State-Municipal Cooperation

Table 6 State-Township Cooperation

| State | Highway System | | | |
|--------------|----------------|-----------|----------|-----------|
| | Not Specified | State* | County | Municipal |
| Ala | × | × | | |
| Alaska | × | × | 0 | |
| Ariz | × | × | | |
| Ark. | × | | | |
| Calif | × | | | |
| Colo | | × | × | × |
| Conn | | × | 0 | |
| Del | × | × | 0 | 0 |
| Fla | × | × | | |
| Ga | × | | | 0 |
| Idaho | × | × | | × |
| Ill | × | × | 0 | |
| Ind. | × | | | × |
| Iowa | × | × | 0 | |
| Kan | × | × | | |
| Ky | × | × | | |
| La | × | × | | × |
| Me | × | × | | |
| Md | × | × | | |
| Mass. | × | | | |
| Mich | × | × | | |
| Minn | × | × | | × |
| Miss. | × | | | |
| Mo | | × | | |
| Mont. | × | × | | |
| Neb | × | × | | |
| Nev. | × | | | |
| N. H | | × | 0 | |
| N. J | | × | | × |
| N. M | × | | | |
| N. Y | × | × | | |
| N. C. | × | × | 0 | |
| N. D | × | × | | |
| Ohio | × | × | | |
| Okla | × | × | | |
| Ore | × | × | | |
| Pa | × | × | | |
| R. I. | × | × | 0 | |
| S. C | × | × | | |
| S. D | × | × | | |
| Tenn. | × | × | | |
| Texas | | × | | |
| Utah | × | × | | × |
| Vt | × | | 0 | |
| Va. | × | × | | × |
| Wash | × | × | | × |
| W. Va | × | | 0 | |
| Wis | × | × | | |
| Wyo | × | × | | |
| Hawai | | | | 0 |
| P. R. | × | | 0 | |
| Total | 44 | 40 | 1 | 9 |

| State* | Highway System | | | |
|--------------|----------------|-----------|-----------|----------|
| | Not Specified | State | Municipal | Township |
| Conn | × | × | × | 0 |
| Ill | | | | × |
| Ind. | | | | 0 |
| Kan | | | | |
| Me | × | × | | × |
| Mass | × | × | | 0 |
| Mich | × | | | 0 |
| Minn | × | × | | |
| Mo | | × | | |
| Neb | × | | | |
| N. H | × | × | | |
| N. J | | | | × |
| N. Y | × | × | | × |
| N. D | | | | |
| Ohio | × | × | | × |
| Pa | × | × | | |
| R. I | × | × | | 0 |
| S. C | | | | |
| S. D | × | | | 0 |
| Vt | × | × | | 0 |
| Wash | × | × | | × |
| Wis | × | × | | |
| Total | 16 | 13 | 1 | 6 |

* Includes States having townships
0 Jurisdiction does not have this highway system

Table 7. State-District Cooperation

| State* | Highway Systems | |
|--------------|-----------------|----------|
| | Not Specified | State |
| Ark | | |
| Calif | × | × |
| Idaho | × | × |
| Ill | | |
| Kan | | |
| Ky | | |
| Mo | | × |
| N. J | | |
| Ore | | × |
| R. I | | |
| Vt. | | |
| Total | 2 | 4 |

* Including municipal connecting links
0 Jurisdiction does not have this highway system

* Includes only States having districts recognized by U. S. Census Bureau as governmental units

Table 8 County-County Cooperation

| State* | Highway Systems | |
|--------|-----------------|--------|
| | Not Specified | County |
| Ala | | |
| Ariz | | |
| Ark | × | |
| Calif. | × | |
| Colo. | × | |
| Conn | | 0 |
| Del | | 0 |
| Fla. | × | |
| Ga | × | |
| Idaho | × | × |
| Ill | | 0 |
| Ind. | × | |
| Iowa | × | 0 |
| Kan. | × | |
| Ky | × | |
| La | × | |
| Me. | | |
| Md. | | |
| Mass | | |
| Mich | × | |
| Minn. | × | |
| Miss | × | |
| Mo | | |
| Mont. | × | |
| Neb | × | |
| Nev. | | |
| N H | | 0 |
| N J. | | |
| N M. | | |
| N Y. | | |
| N C | | 0 |
| N D | × | |
| Ohio | | |
| Okla | × | |
| Ore | × | |
| Pa. | | |
| S C | | |
| S D | × | |
| Tenn | × | |
| Tex | | |
| Utah | × | |
| Vt. | | 0 |
| Va | | |
| Wash. | × | × |
| W. Va | | 0 |
| Wis | × | |
| Wyo | × | |
| Hawai | | |
| Total | 25 | 2 |

* Jurisdictions not having counties not included
0 Jurisdiction does not have this highway system

Table 9 County-Municipal Cooperation

| State* | Highway System | | | |
|--------|----------------|-------|--------|-----------|
| | Not Specified | State | County | Municipal |
| Ala | × | | | |
| Ariz | | | × | |
| Ark | × | | | |
| Calif | × | | × | |
| Colo | | × | × | × |
| Conn. | | | 0 | |
| Del. | | | 0 | 0 |
| Fla | × | | | |
| Ga. | × | × | × | 0 |
| Idaho | | | × | × |
| Ill. | × | | 0 | |
| Ind | × | | × | |
| Iowa | × | × | 0 | |
| Kan | × | | × | |
| Ky | × | | | |
| La | × | | | |
| Me | × | | | |
| Md. | | | | |
| Mass | × | | | |
| Mich | × | | × | |
| Minn | × | | × | × |
| Miss | × | | | |
| Mo. | × | | | |
| Mont | × | | | |
| Neb. | × | | | × |
| Nev | | | | |
| N H. | | | 0 | |
| N. J | × | × | × | × |
| N. M | | | | |
| N Y | × | × | × | |
| N C | | | 0 | |
| N. D | × | | | |
| Ohio | × | × | × | |
| Okla | × | | × | |
| Ore | × | | × | × |
| Pa | × | × | × | |
| S C | | | | × |
| S. D | × | | | |
| Tenn | × | | | |
| Tex | | | | |
| Utah | × | | | × |
| Vt | | | 0 | |
| Va | | | | |
| Wash. | × | | × | × |
| W Va | | | 0 | |
| Wis | × | | × | × |
| Wyo | × | | | |
| Hawai | | | | 0 |
| Total | 31 | 7 | 17 | 10 |

* Jurisdictions not having counties not included
0 Jurisdiction does not have this highway system

Table 10. County-Township Cooperation

| State* | Highway System | | | | |
|--------|----------------|-------|--------|-----------|----------|
| | Not Specified | State | County | Municipal | Township |
| Conn | | | 0 | | 0 |
| Ill | × | | 0 | | × |
| Ind | × | | | | 0 |
| Kans. | | | | | × |
| Me | × | | | | × |
| Mass | × | | × | × | 0 |
| Mich | × | | | | 0 |
| Minn | × | × | × | | × |
| Mo | | | | | |
| Neb. | × | | × | | |
| N. H | | | 0 | | |
| N J | | | | | × |
| N Y | | × | × | | × |
| N D. | × | | | | × |
| Ohio | | × | × | | × |
| Pa | × | × | | | × |
| S C | | | | | × |
| S D | | × | × | | 0 |
| Vt | | | 0 | | 0 |
| Wash | | | × | | × |
| Wis | × | | | | × |
| Total | 10 | 5 | 7 | 1 | 12 |

* Includes only States having townships and counties
 0 Jurisdiction does not have this highway system

Table 12 Municipal-Municipal Cooperation

| State | Highway System | |
|--------|----------------|-----------|
| | Not Specified | Municipal |
| Ala. | | |
| Alaska | | |
| Ariz | | |
| Ark. | × | |
| Calif. | | |
| Colo | | |
| Conn | | |
| Del | | 0 |
| Fla | × | |
| Ga. | × | 0 |
| Idaho | | |
| Ill. | | |
| Ind. | × | |
| Iowa | × | |
| Kan. | × | |
| Ky | × | |
| La | × | |
| Me. | | |
| Md | | |
| Mass | | |
| Mich. | × | |
| Minn. | × | |
| Miss. | × | |
| Mo | | |
| Mont | × | |
| Neb. | × | |
| Nev | | |
| N. H. | | |
| N J | | |
| N M. | | |
| N Y. | | |
| N C | | |
| N. D | × | |
| Ohio | | |
| Okla. | × | |
| Ore | | |
| Pa | × | |
| R I | | |
| S C | | |
| S D | × | |
| Tenn. | × | |
| Tex | | |
| Utah | × | |
| Vt | | |
| Va | | |
| Wash. | × | × |
| W Va | | |
| Wis | × | |
| Wyo | × | |
| D. C. | | |
| Hawan | | 0 |
| P R. | | |
| Total | 22 | 1 |

Table 11. County-District Cooperation

| State* | Highway System | |
|--------|----------------|--------|
| | Not Specified | County |
| Ark | | |
| Calif | × | × |
| Idaho | × | |
| Ill. | × | 0 |
| Kan | | |
| Ky | | |
| Mo | | |
| N J | | |
| Ore | | |
| Vt | | 0 |
| Total | 3 | 1 |

* Includes only States having counties and districts recognized by U S Census Bureau as governmental units
 0 Jurisdiction does not have this highway system

Table 13 Municipal-Township Cooperation

| State* | Highway System | | |
|--------------|----------------|-----------|----------|
| | Not Specified | Municipal | Township |
| Conn. | | | 0 |
| Ill | × | | |
| Ind. | | | 0 |
| Kan. | | | |
| Me | | | |
| Mass. | | | 0 |
| Mich | | | 0 |
| Minn | | | |
| Mo | | | |
| Neb | × | | |
| N H. | | | |
| N. J. | | | |
| N. Y. | × | | × |
| N. D | | | |
| Ohio | | | |
| Pa. | × | | × |
| R I | | | 0 |
| S C | | | |
| S D. | | | 0 |
| Vt. | × | | 0 |
| Wash | | × | × |
| Wis | × | | |
| Total | 6 | 1 | 3 |

* Includes only States having townships
0 Jurisdiction does not have this highway system

Table 15 Township-Township Cooperation

| State* | Highway System | |
|--------------|----------------|----------|
| | Not Specified | Township |
| Conn | | 0 |
| Ill | × | |
| Ind | | 0 |
| Kan | | |
| Me | | |
| Mass | | 0 |
| Mich | | 0 |
| Minn | | |
| Mo | | |
| Neb | × | |
| N H | | |
| N J | | |
| N Y | | × |
| N D | | × |
| Ohio | | |
| Pa | | × |
| R I | | 0 |
| S C | | |
| S D | | 0 |
| Vt | × | 0 |
| Wash | | × |
| Wis | × | |
| Total | 4 | 4 |

* Includes only States having townships
0 Jurisdiction does not have this highway system

Table 14 Municipal-District Cooperation

| State* | Highway System | |
|--------------|----------------|-----------|
| | Not Specified | Municipal |
| Ark | | |
| Calif | × | × |
| Idaho | × | |
| Ill | × | |
| Kan | | |
| Ky | | |
| Mo | | |
| N J | | |
| Ore | | |
| R I | | |
| Vt | | |
| Total | 3 | 1 |

* Includes only States having districts recognized by U S Census Bureau as governmental units

Table 16 District-District Cooperation

| State* | Highway System Not Specified |
|--------------|------------------------------|
| Ark | |
| Calif | |
| Idaho | × |
| Ill | |
| Kan | |
| Ky | |
| Mo | |
| N J | |
| Ore | × |
| R I | |
| Vt | |
| Total | 2 |

* Includes only States having districts recognized by U S Census Bureau as governmental units

Table 17 summarizes the cooperative provisions considered in this study, by governmental-unit combinations for all highway systems. It may be noted that all jurisdictions have some legal authority for cooperation on highway matters, though the authority may not extend to all governmental units or to all highways within their jurisdiction. (The table does not include legislation applying to specific highway activities, discussed in the next section of this study.)

Table 17. Summary of Cooperative Provisions by Governmental Unit Combinations

| State | St-Co | St-Mun | St-Twsp | St-Dist | Co-Co | Co-Mun | Co-Twsp | Co-Dist | Mun.-Mun. | Mun.-Twsp | Mun.-Dist | Twsp-Twsp | Twsp-Dist. | Dist-Dist |
|--------|-------|--------|---------|---------|-------|--------|---------|---------|-----------|-----------|-----------|-----------|------------|-----------|
| Ala | X | X | 0 | 0 | X | 0 | 0 | | | 0 | 0 | 0 | 0 | 0 |
| Alaska | 0 | X | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Ariz | X | X | 0 | 0 | | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Ark | X | X | 0 | 0 | X | X | 0 | | X | | | 0 | 0 | 0 |
| Calif | X | X | 0 | X | X | X | 0 | X | | 0 | 0 | 0 | 0 | 0 |
| Colo | X | X | 0 | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Conn | | X | X | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Del | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Fla | X | X | 0 | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Ga. | X | X | 0 | 0 | X | X | 0 | 0 | X | | | 0 | 0 | 0 |
| Idaho | X | X | X | 0 | X | X | 0 | X | X | | | 0 | 0 | X |
| Ill | X | X | X | X | X | X | X | X | | X | X | X | | |
| Ind | X | X | 0 | 0 | X | X | X | 0 | | 0 | 0 | 0 | 0 | 0 |
| Iowa | X | X | 0 | 0 | X | X | X | X | X | | | 0 | 0 | 0 |
| Kan. | X | X | X | X | X | X | X | | X | X | | | | |
| Ky | X | X | 0 | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| La | X | X | 0 | 0 | X | X | 0 | 0 | X | | | 0 | 0 | 0 |
| Me | X | X | 0 | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Md | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Mass | X | X | X | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Mich. | X | X | X | 0 | X | X | X | 0 | X | | | 0 | 0 | 0 |
| Minn. | X | X | X | 0 | X | X | X | 0 | X | | | 0 | 0 | 0 |
| Miss | X | X | 0 | 0 | X | X | 0 | 0 | X | | 0 | 0 | 0 | 0 |
| Mo | X | X | X | X | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Mont | X | X | 0 | 0 | X | X | 0 | 0 | X | | 0 | 0 | 0 | 0 |
| Neb | X | X | X | 0 | X | X | X | 0 | X | X | | 0 | 0 | 0 |
| Nev | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| N H | X | X | X | 0 | | | 0 | 0 | | | 0 | 0 | 0 | 0 |
| N J | X | X | X | X | X | X | X | | | | | | | |
| N Mex | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| N Y | X | X | X | 0 | X | X | 0 | 0 | | X | 0 | X | 0 | 0 |
| N C | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| N D | X | X | 0 | 0 | X | X | 0 | 0 | X | | | 0 | 0 | 0 |
| Ohio | X | X | X | 0 | X | X | X | 0 | | 0 | 0 | 0 | 0 | 0 |
| Okla | X | X | 0 | 0 | X | X | 0 | 0 | X | | 0 | 0 | 0 | 0 |
| Ore | X | X | X | X | X | X | 0 | | | 0 | 0 | 0 | 0 | X |
| Pa | X | X | X | 0 | X | X | 0 | X | X | X | | 0 | 0 | 0 |
| R I | 0 | X | X | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| S C | X | X | X | 0 | X | X | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| S D | X | X | X | 0 | X | X | X | 0 | X | | | 0 | 0 | 0 |
| Tenn | X | X | 0 | 0 | X | X | 0 | X | | 0 | 0 | 0 | 0 | 0 |
| Tex | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Utah | X | X | 0 | 0 | X | X | 0 | 0 | X | | 0 | 0 | 0 | 0 |
| Vt | X | X | X | | | | | | | X | | X | | |
| Va | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Wash | X | X | X | 0 | X | X | 0 | X | X | X | | 0 | 0 | 0 |
| W Va | X | X | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Wis | X | X | X | 0 | X | X | X | 0 | X | X | | 0 | 0 | 0 |
| Wyo | X | X | 0 | 0 | X | X | 0 | X | X | | 0 | 0 | 0 | 0 |
| D C | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Hawai | X | | 0 | 0 | | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| P R | 0 | X | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 |
| Total | 45 | 50 | 19 | 4 | 25 | 36 | 17 | 3 | 22 | 7 | 3 | 8 | 0 | 2 |

0 Jurisdiction does not have the governmental unit combinations

LEGISLATION APPLYING TO SPECIFIC HIGHWAY ACTIVITIES

The preceding sections of this report have dealt with statutory provisions granting general cooperative powers. The following sections are concerned with legislation which is designed to deal with specific highway functions.

PROGRAMING AND LONG RANGE PLANNING

The statutes of a few States provide for some State-local cooperation in long range planning and programing. For example in Florida¹⁵ and North Dakota,¹⁶ State highway officials are made responsible for the coordination of the total highway program of the State and are required to review the annual programs of the various highway systems to insure coordination of planning. The North Dakota law provides that the local road programs shall be initiated by the respective county and city authorities and approved by the State Highway Commissioner.

State-county¹⁷ and State-municipal¹⁸ cooperation in developing a long range highway improvement plan is provided for in some State statutes. In several States, counties are required to submit programs for construction and improvement of roads under their jurisdiction for State approval.¹⁹ Municipalities in Colorado are required to submit priorities for road and street construction to the State highway commission.²⁰

¹⁵ FLA STATS 1957, §334 11

¹⁶ N D REV CODE OF 1943, §24 0208

¹⁷ CODE OF GA ANN, §§95-1611 *et seq* provides for State highway department inspections and records for long range planning of State and county roads. County may request an official inspection not more than every four years. SMITH-HURD ILL ANN STATS, ch 121, §354, the department shall advise and assist the county. GEN STATS OF KAN, §§68-151K, 68-573, counties of 175,000 or more. MICH STATS ANN, §9 1097(14), UTAH CODE ANN 1953, §27-2-3, State Roads Commission authorized to cooperate with national, State and local planning and zoning agencies in promoting and constructing road building projects.

¹⁸ LA REV STATS 1950, §48-193C, MICH STATS ANN, §9 1097(14), REV STATS OF NEB, §39-1312, N D REV CODE OF 1943, §24 0104

¹⁹ COLO REV STATS 1953, §120 13 37, priorities for construction of roads and streets under their jurisdiction, SMITH-HURD ILL STATS, ch 121, §354 submission of annual construction plans for approval, CODE OF IOWA 1958, §309 22, annual programs for State secondary system, MISS CODE 1942, §§8035-03, 8035 04, for State and roads, §8328 07 for Federal aid, N Y CONSOL LAWS SERVICE, Hwy Law, §§115, 116, N J S A, §27 13 2, also applies to cities. TENN CODE ANN, §54 609, annual programs for rural roads, REV CODE OF WASH, §36 81 120 county road engineer shall file copy of long range program for county road construction

²⁰ COLO REV STATS 1953, §120-13 38

A Virginia statute²¹ provides for annual meetings whereby the State and county authorities discuss plans for State secondary road maintenance and improvement. The county boards thereafter make recommendations to the department as to the expenditure of funds, which the department shall follow as far as compatible with the plans and shall notify the county of any changes from the recommendations. At the request of a county in Maryland, the State shall suggest an annual program for county road construction.²² County boards in Nebraska are authorized to coordinate highway programs and activities of the county with the related activities of State and local governments.²³ State-county agreements as to State trunk highway projects for which county allotments are to be expended are authorized in Wisconsin.²⁴

Submission to and approval by the department of a planned program of improvement is a prerequisite for a township obtaining its allocation from the State in Illinois.²⁵ In addition, some States, Idaho²⁶ and Kansas,²⁷ for example, provide for State approval of roads selected for the county system.

Michigan provides for cooperation between two or more counties for planning a system of inter-county highways, super highways and limited-access highways.²⁸

In long range planning and programing, perhaps more than in any other phase of highway activity, it is important that there be some over-all coordination at the State level, and at the same time allow local officials adequate powers as to highways within their jurisdiction. To effect this, a State statute might vest responsibility for coordinating the total highway program of the State in the State highway department and authorize local officials to initiate the pro-

²¹ CODE OF VA 1950, §33-47

²² ANN CODE OF MD 1957, art 89B, §64

²³ NEB LAWS OF 1957, L B 111, art II, §1(3)

²⁴ WIS STATS 1957, §§84 01(21), 84 03(5)

²⁵ SMITH-HURD ILL ANN STATS, ch 20, §424

²⁶ IDAHO CODE, §40 130

²⁷ GENERAL STATS OF KAN, §§68 513, 68 514

²⁸ MICH STATS ANN, §§9 1081, 9 1083 provide for an inter-county highway commission, which includes as a member the State Highway Commissioner, for planning the systems

grams of their respective jurisdictions to be submitted to the State highway department for approval. Provision for annual meetings between State and local officials to discuss long range planning would also be of assistance.

Closely related to planning and programing is the selection of highways for the various systems. The intergovernmental relations aspect of highway system classification is included in the Highway Laws Project study on highway system classification.²⁹ In general, this includes the responsibility for the designation of the various highway systems within a particular jurisdiction; county participation in the selection of State roads, particularly the State secondary systems; State supervision of local roads selected for local road systems; county supervision of selection of township systems; requiring local consent for deletions or relocations in the State highway system; the transfer of a road from one highway system to another.

²⁹ See "Highway System Classification, A Legal Analysis, Part I." HRB Special Report 42.

AUTHORITY OF HIGHWAY OFFICIALS TO CO-OPERATE WITH EACH OTHER

Cooperation with Other States

Although only a few States have specific statutory authorization for highway officials to cooperate with officials of other States, there is considerable cooperation among all the States. The Highway Laws Project, for example, was initiated by the American Association of State Highway Officials, whose membership includes representatives from each State highway department. The merits of providing for the exchange of information and establishment of standards among the several States are obvious.

California,³⁰ Louisiana³¹ and Nevada³² specifically authorize the joining of associations of highway officials of other States. Three other States³³ authorize their highway departments to attend meetings within or without the State.³⁴

³⁰ DEERING'S CALIF. CODES, Sts. & Hwy., §141(c).

³¹ LA. REV. STATS. 1950, §48:216.

³² NEV. REV. STATS. §408.125.

³³ UTAH CODE ANN. 1953, §27-2-7(7); W. VA. CODE, §1448(8); WIS. STATS., §84.01(9).

³⁴ See also the section on research in this monograph for States which authorize cooperation with other States.



PLATE B

State and local highway officials are authorized to cooperate with each other in most jurisdictions.
US 40 south of Farnhurst, Delaware.

Advice and Assistance to Local Governments

A majority of States provide by statute that the State highway department shall give advice and assistance to local governments at their request³⁵ In some cases it is specified that this service shall be free³⁶ and in others the local government may be responsible for the actual cost³⁷ of such services

Similarly a few States³⁸ provide that the county engineer or superintendent of highways shall assist the township or district highway officials For example, Missouri and Ohio provide that the county engineer shall call meetings for district and township officials (respectively) for discussing methods of road construction and repair and for promoting uniformity

State Supervision of Selection of Local Personnel

A few States provide that the State highway department shall supervise, in varying degrees, appointments of county highway officials³⁹ For example, Kansas provides that the State shall approve all appointments of county engineers.⁴⁰ Illinois and Oklahoma provide for State administered examinations for eligibility⁴¹

Texas and Wisconsin provide that the State may recommend or appoint (respectively), at the request of the county, competent county highway officials.⁴² A Mississippi statute provides that if the county is unable to obtain an engineer, the State highway commission may loan one for a period

of time at county expense⁴³ If a New York county fails to appoint a superintendent of highways, the Department of Public Works shall do so,⁴⁴ and the department may remove a town or county superintendent for cause⁴⁵

Kansas provides for approval by the county engineer of appointments by the township board of township overseers⁴⁶

Sharing of Local Personnel

In a number of States two or more counties may cooperate in hiring a single highway engineer⁴⁷ For example, in Missouri up to 10 contiguous counties may join in the employment of any county officer,⁴⁸ and in Kansas, up to six counties⁴⁹ and in Mississippi up to five counties⁵⁰ may form an engineering district and employ a single engineer In Montana, counties may jointly employ an engineer in connection with the State secondary system,⁵¹ and in Oregon, two or more counties may petition the State for an engineer⁵² A Michigan statute provides for inter-county highway commissions for supervising the construction of inter-county, super and limited-access highways⁵³

In Massachusetts, two or more towns may hire the same person, with the approval of the department of public works,⁵⁴ and in California two or more cities may jointly exercise the power of having their engineering or administrative work done by contract⁵⁵

Miscellaneous Provisions

Several States have rather unique provisions concerning cooperation between highway officials⁵⁶ For example, the Texas State Highway Commission is authorized to exchange engineering employees with Mexico, and the director of highways in Ohio

³⁵ See Table 18

³⁶ ARK STATS 1947, §76 223, FLA STATS 1957, §334 24, furnish data and information, free on request, to counties, REV STATS OF ME 1954, ch 23, §27, ANN CODE OF MD 1957, art 89B, §64A, ANN LAWS OF MASS, §81 I, N H REV STATS, §229 19, ORE REV STATS, §366 155(k), WYO COMP STATS 1945, §48 110

³⁷ DERRING'S CALIF CODES, Sts & Hwy, §131, State authorized to accept payment, COLO REV STATS 1953, §120 13 16, for services rendered in connection with expenditure of Federal funds, GEN STATS OF CONN, §2197, FLA STATS 1957, §336 13(1), IDAHO CODE, §40-131, BURNER' IND STATS ANN, §§36-705, 36-179, MINN STATS 1957, §161 03(12), REV CODES OF MONT 1947, §32-1608, OKLA STATS 1951, tit. 69, §294, ORE REV STATS, §366 780, commission may assign an engineering assistant to county, at county request and upon agreed terms, REV CODE OF WASH., §47 24 050, WIS STATS 1957, §84 01(7), LAWS OF P R, tit 21, §35

³⁸ See Table 18, Column 3

³⁹ See Table 18, Column 4

⁴⁰ GEN STATS OF KAN, §68 501

⁴¹ SMITH-HURD ILL ANN STATS, ch 121, §8, OKLA STATS 1951, tit 69, §294

⁴² VERNON'S TEXAS CIV STATS, art 6668, WIS STATS 1957, §883 01, 84 01(14)

⁴³ MISS CODE 1942, §8035 04

⁴⁴ N Y CONSOL LAWS SERVICE, Hwy Law, §100

⁴⁵ N Y CONSOL LAWS SERVICE, Hwy Law, §§101, 160

⁴⁶ GEN STATS OF KAN, §68 530

⁴⁷ See Table 18, Column 5

⁴⁸ MO CONST, art VI, §14

⁴⁹ GEN STATS OF KAN, §68 508

⁵⁰ MISS CODE 1942, §8035-04

⁵¹ MONT LAWS OF 1957, H B 274 (amending §32 1606(7))

⁵² ORE REV STATS, §368 075

⁵³ MICH STATS ANN, §9 1083

⁵⁴ ANN LAWS OF MASS, ch 41, §67

⁵⁵ DERRING'S CALIF CODES, Sts & Hwy, §197 5

⁵⁶ See Table 18, Column 6

may call into conference any employee or any official of a county, city or township, concerning his official duties.

In addition, some States provide for meetings whereby State and local officials may discuss common problems and the State may give advice and assistance to local officials.⁵⁷ Provisions requiring local officials to submit general information concerning highways to the State highway departments at the department's request may also be found in several States⁵⁸

As a practical matter, there is probably considerably more cooperation among the various State and local highway officials than this study of the positive law might indicate. Merely because a State does not have a statute specifically requiring the State to give assistance to a local government, for example, would not necessarily prevent a county engineer from picking up the telephone and asking a State highway engineer a question on a technical matter. A statute does have the merit of serving as a mandate to provide assistance, however.

In drafting a statute, elements which might be considered include, specifically authorizing the State highway authorities to cooperate with other States and attend meetings within or without the State, authorizing the State highway department to give advice and assistance to local authorities, with a stipulation as to whether such shall be free or at the expense of the local government, authorizing officials of all units of government to give such assistance to officials of other units of government as will be mutually beneficial; and providing for meetings of State and local officials for the purpose of discussing methods of construction and maintenance, in the interest of efficiency and uniformity, and for discussing other common problems.

⁵⁷ COLO. REV. STATS. 1953, §120 13 11(5), BURNS' IND. STATS. ANN., §36 126, meetings held in cooperation with Purdue University, §§48 1248 and 49-3323 provide for attendance of city and county engineers at the road school at Purdue University, KY. REV. STATS., §176 250, ANN. LAWS OF MASS §81 1, annual meetings, MICH. STATS. ANN., §9 205, N. H. REV. STATS., §220 20, for advising re local road maintenance, N. Y. CONSOL. LAWS SERVICE, HWY. LAWS, §§10(13), 102(8), 140, PURDON'S PA. STATS. ANN., §71-515, such meetings as deemed wise to assist in the formation of county associations of township officers, CODE OF VA. 1950, §33-47, annual meetings in each county.

⁵⁸ CODE OF ALA. 1940, tit. 23, §13, DEERING'S CALIF. CODES, Sts. & Hwy., §141, ANN. LAWS OF MASS., §81 2, NEV. REV. STATS., §408 200, N. M. STATS. 1953, §55-2 18, TENN. CODE ANN., §54-113, VERNON'S TEX. CIV. STATS. 1948, art. 6667, LAWS OF P. R., tit. 3, §420.

RESEARCH AND TESTING

Several States provide for cooperation with the United States, other States and local governments in research and testing projects.⁵⁹ For example, the Nebraska law provides that the Department of Roads may cooperate in research and test projects with other States, the United States, and political subdivisions or research organizations. The Oklahoma Highway Department is authorized to conduct or participate in road tests alone or in cooperation with Federal, State or local agencies or with other States. Montana authorizes cooperation with other States in research in determining the effect of weights on highway construction.

In Indiana, the State Highway Department and the counties are authorized to cooperate with Purdue University in research on maintenance methods. Also, in Indiana, Ohio and North Dakota, the State highway authorities may extend the services of the State testing laboratory to local governments for testing road building materials. Similarly, Oklahoma provides for testing of soils for counties at county expense.

In order to provide for the most advanced and efficient highway construction and maintenance, a State may wish to authorize the State highway department to cooperate with the United States, other States, local governments, and research agencies in research and test projects and to make available to local governments, at cost or free, laboratory services for testing soils and materials.

AGREEMENTS TO SHARE COST OF CONSTRUCTION AND MAINTENANCE

Although all the intergovernmental relationships involved in highway financing are not included in this report, it might be pointed out that a number of States have statutes authorizing various governmental units to enter into agreements for the sharing of the cost of a project.

For example, Oregon authorizes agreements between counties and cities for sharing cost on county roads or city streets.⁶⁰ Pennsylvania provides for State-city agree-

⁵⁹ See Table 19.

⁶⁰ ORE. REV. STATS., §373 260.

Table 18 Extent of Authority of Highway Officials to Cooperate with Each Other

| State | Cooperation with Other States ^a | State to Advise and Assist Local Authorities ^b | County to assist Municipal, Township or District Authorities ^c | State Supervision of Local Personnel ^d | Cooperation between Counties in Sharing Personnel ^e | Miscellaneous Provisions ^f | State | Cooperation with Other States ^a | State to Advise and Assist Local Authorities ^b | County to assist Municipal, Township or District Authorities ^c | State Supervision of Local Personnel ^d | Cooperation between Counties in Sharing Personnel ^e | Miscellaneous Provisions ^f |
|-------|--------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|---------------------------------------|--------|--------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|---------------------------------------|
| Ala | | X | | | | | Nev | X | X | | | | X |
| Ark | | X | | | | | N H | | X | | | | |
| Calif | X | X | X | | | | N M | | X | | | | |
| Colo. | | X | | | X | | N Y | | X | | | | X |
| Conn | | X | | | | | N D | | X | | | | |
| Fla | | X | | | | | Ohio | | X | | | | X |
| Idaho | | X | | | | | Okla | | X | X | X | X | X |
| Ill | | X | X | X | X | | Ore | | X | | | X | |
| Ind | | X | | | | | Pa | | X | | | | |
| Iowa | | X | | | | | S C | | X | | X | | |
| Kan | | X | X | X | X | | S D | | X | | | | |
| Ky | | X | | | | | Tenn | | X | | | | |
| La | X | X | | | | | Texas | | X | | X | | X |
| Me. | | X | | | | | Utah | X | X | | | | |
| Md | | X | | | | | Vt | | X | | | | |
| Mass. | | X | | | | | Va | | X | | | X | |
| Mich | | X | | | | X | Wash. | | X | | | | X |
| Minn | | X | | | | | W Va | X | X | | | | |
| Miss | | X | | X | X | | Wis | X | X | | X | | |
| Mo. | | X | X | | | | Wyo | | X | | | | |
| Mont | | X | | | | | P R | | X | | | | |
| Neb | | X | | | | | Totals | 6 | 38 | 7 | 8 | 12 | 6 |

^a DEERING'S CALIF CODES, Sts & Hwy, §141(c), LA REV STATS 1950, §48 216, NEV REV STATS, §408 125, UTAH CODE ANN, 1953, §27-2-7(7), W VA CODE 1955, §1448(8), WIS STATS 1957, §8.4 01(9)

^b CODE OF ALA 1940, tit 23, §13, ARK STATS 1947, §§76-223, 76 1211, counties and improvement districts, DEERING'S CALIF CODES, Sts & Hwy, §131, COLO REV STATS 1953, §§120-2-5(8), 120-13-38, GEN STATS OF CONN 1940, §2197, TOWN OFFICERS, FLA STATS 1957, §§334 17, 334 24, 336 13(1), IDAHO CODB, §840 131, 67-3201(15), counties and districts, SMITH-HURD ILL ANN STATS, ch 121, §§3(3), 4, 354, counties and townships, BURNS' IND STATS ANN, §§36-179, 36-705, CODE OF IOWA 1958, §307 5, 309 16, counties, GEN STATS OF KAN, §68-404, KY REV STATS, §176 250, counties, REV STATS OF MD 1954, ch 23, §27, AN V CODE OF MD 1957, art 89B, §64A, counties, ANN LAWS OF MASS, §81 1, MINN STATS 1953, §161-03(12), counties, MO REV STATS 1949, §226 130, counties, re alignments and maintenance systems, REV CODES OF MONT 1947, §§32 1604, 32-1608, counties The latter provides for temporary assignment of an engineer, at county request, REV STATS OF NEB, §39 1308, NEV REV STATS, §§403 570, 408 200, counties, N H REV STATS ANN, §229 19, 229 21, N MEX STATS 1953, §§55-2 10, 55-2-18, N Y CONSOL LAWS SERVICE, Hwy Law §10(9), (11), N D REV CODE OF 1943, §24 0208, BALDWIN'S OHIO REV CODE, §§5501 11, 5543 08, counties, OKLA STATS 1951, tit 69, §294, 304, counties, ORE REV STATS, §366 155(k), 366 780, 368 075, 371 230, counties, FURDON'S PA STATS ANN, tit 36, §670-901, tit 71, §§515, 516, CODE OF LAWS OF S C 1952, §§33-71(6), S D CODE OF 1939, §28-0207, 28-0208, counties, TENN CODE ANN, §54 113, counties, VERNON'S TEX CIV STATS 1948, art 6667, UTAH CODE ANN, §27 2-7(13), State Roads Commission shall furnish plans, specifications and estimates as desired by the county for use on State or county roads, VT LAWS OF 1957, Act #250, §5(1) municipal officers, REV CODE OF WASH, §47 24 050, municipalities, WIS STATS, 1957, §84 01(7), LAWS OF P R ANN, tit 31, §35

^c DEERING'S CALIF CODES, Sts & Hwy, §1682, county aid in city improvement by furnishing labor and engineering, SMITH HURD ILL ANN STATS, ch 121, §8 3, township officials, GEN STAT OF KAN, §§68-502, 68-542, county engineer to call semi annual meetings of county and township officials for systematizing and standardizing highway improvement, MO REV STATS 1949, §861-220, §1 240, county supervision of district road overseers §61-260, county engineer to call annual meeting of district road overseers to instruct them in the best and most economical plans for road improvement and if practical, to adopt a uniform system of road work for the county N Y CONSOL LAWS SERVICE, Hwy Law, §102(2), (5), county superintendent to assist town superintendent, BALDWIN'S OHIO REV CODE, §§5543 01, 5543 06, 5543 07, provide for annual meetings with township officials, OKLA STATS, tit 69, §299, assistance to township, at cost of township

^d SMITH-HURD ILL ANN STATS, ch 121, §8, Department to approve appointments of county highway superintendents County submits a list, department holds an examination and certifies those who qualify, from which the county selects a superintendent, GEN STATS OF KAN, §68 501, State to approve all county engineer appointments, MISS. CODE ANN 1942, §5035 04, to be eligible for State aid for county roads a county must have employed a registered professional engineer, N Y CONSOL LAWS SERVICE, Hwy Law, §100, if county fails to appoint a superintendent the department may do so from an eligible list §101, department may remove county superintendent for cause §102, county superintendent subject to rules and supervision of the State §160, town superintendent may be removed by the department for cause, OKLA STATS 1951, tit 69, §294, county engineers must pass examination given by the department before being eligible for appointment State highway commissioner may recall or cancel certificates of engineers for neglect of duty or other just cause, CODE OF LAWS OF S C 1952, §33-1922, York county shall select county engineer from recommended list of State highway department, VERNON'S TEX CIV STATS 1948, art 6668, upon application of county, district or municipality, State highway commission may recommend for appointment a competent civil engineer, WIS STATS 1957, §§83 01, 84 01(14), State highway commission shall appoint, at the request of the county board, a county highway commissioner

^e COLO REV STATS 1953, §120 13 11, SMITH-HURD ILL ANN STATS, ch 121, §8, with approval of the department, GEN STATS OF KAN, §68 503, KY REV STATS, §179 020, MO CONST, art VI, §14, MONT LAWS OF 1957, H R 274 (am §32-1606(7)), NFB LAWS OF 1957, L B 111, art II, §1(2), OKLA STATS 1951, tit 69, §294, ORE REV STATS, §368 075, CODE OF VA 1950, §15 490, MICH STATS ANN, §89 110, 9 1083, MISS CODE ANN, §8035-04

^f MICH STATS ANN, §9 205, NEV REV STATS, §408 155, provides for an advisory board to the State highway department appointed by the county boards, N Y CONSOL LAWS SERVICE, Hwy Law, §10(13), superintendent of public works authorized to compile statistics and collect information, BALDWIN'S OHIO REV CODE, §5501 21, VERNON'S TEX CIV STATS 1948, art 6669b, REV CODE OF WASH, §§36 32 340, 36 32 350, boards of county commissioners shall cooperate in coordinating their administrative programs

Table 19. Cooperation in Highway Research and Testing

| State and Citation | Coop. with Other States | State-Local Cooperation | Miscellaneous |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------|
| Alaska: Comp. Laws Ann. Ill.: Smith-Hurd Ill. Ann. Stats. | §14A-2-44 | §14A-2-44 | §120-425, §120-426½ |
| Ind.: Burns' Ind. Stats. Ann. Iowa: Code of Iowa 1958 Kans.: Gen. Stats. of Kan. Mont.: Rev. Codes of Mont. 1947 Neb.: Rev. Stats. of Neb. N. D.: N. D. Rev. Code of 1943 Ohio: Baldwin's Ohio Rev. Code Okla.: Okla. Stats. 1951 S. D.: Laws of 1955 Tenn.: Tenn. Code Ann. Va.: Code of Va. 1950 Wash.: Rev. Code of Wash. Wis.: Wis. Stats. 1957 | §36-186 §32-1622 §39-1317 §24-0319 Tit. 69, §30.3 Ch. 105 §54-123 §33-132 §43.27.020 §84.01(9) | §36-126, §36-179 §310.36 §39-1317 §24-0317 §5501.12 Tit. 69, §§30.3, .4 | §68-404 |
| Total | 11 | 7 | 2 |

Alaska—Agreements with States, municipalities and research organizations for research and test projects.
Illinois—§120-425. County may with approval of the department, use funds to carry on investigations and may cooperate with other counties, municipalities, the State, United States and other States pursuant to agreements to share cost thereof. §120-426½ is a similar provision for municipalities.
Indiana—§36-126. State and counties may cooperate with Purdue University in research on maintenance methods. §36-179. Department may extend services of the State testing laboratory for testing materials at cost of county or city.
Iowa—Provides for State-county cooperation in secondary road research projects and engineering studies.
Ohio—Director of highways may make tests of road building materials for local governments at local cost in the State testing laboratory.
Kansas—State highway commission authorized to cooperate with State and national organizations for the support and advancement of highway construction.
Montana—For the effect of weights on highway construction.
Nebraska—Cooperation in research and test projects with other States, the United States and political subdivisions or research organizations.
North Dakota—§24-0317. Commission may make testing laboratory services (for materials and equipment) available at the request of any agency or division of government.
Oklahoma—Tit. 69, §30.3. Department authorized to conduct or participate in road tests alone or in cooperation with Federal, State or local agencies or other States. §30.4. Department authorized to make soil tests for counties at county expense.
Tennessee—Cooperation with other southeastern States in the construction of a bituminous test road.
Virginia—Cooperation with AASHO in research and testing.
Washington—Authorized to participate in research in the State or elsewhere.

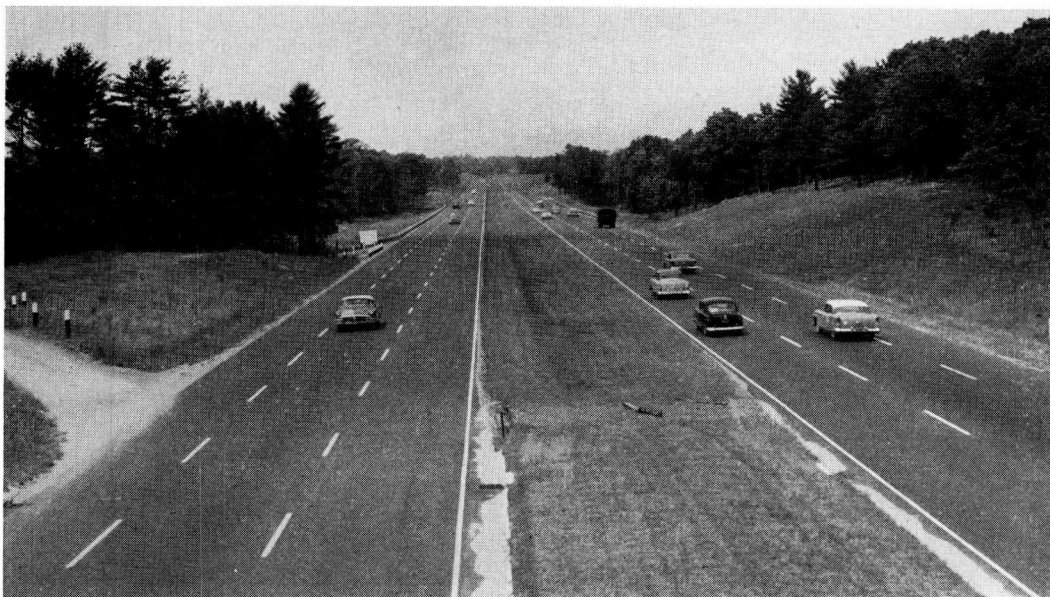


PLATE C

The authority to cooperate with other governmental units in research and test projects encourages the most advanced and efficient highway construction and maintenance. US 1 near Newburyport, Massachusetts.

ments for sharing cost of constructing or resurfacing a State highway⁶¹ Utah provides for State-city and State-county agreements for joint expense of State highway construction.⁶² Agreements for division of expense are authorized in New Mexico, with other States, counties and cities⁶³ Idaho provides that by mutual agreement two or more governmental units may share jointly the cost of construction or maintenance of State, county or municipal highways and streets⁶⁴

In Minnesota, a county may appropriate funds to another county for construction and maintenance of roads running into it.⁶⁵ Similarly, North Dakota townships may expend money in adjoining townships, under the joint direction of the townships interested⁶⁶ In Vermont, two or more towns or cities and towns may unite for highway improvement purposes and apportion expenses⁶⁷ In addition, numerous other examples of cooperative financing provisions may be found⁶⁸

A statute authorizing two or more units of government to enter into agreements for the purpose of jointly sharing the cost of projects which are for the mutual benefit of the participating governments would provide broad authority for cooperative financing

ACQUISITION OF LAND

In some States the authority to cooperate in the acquisition of right-of-way is granted to various governmental units along with the authority to cooperate in other highway functions These statutory provisions are

included in a previous section of this report⁶⁹

In addition, some States provide more specifically that local governments may or shall furnish right-of-way for State highways within their limits⁷⁰ For example, in Alabama and South Carolina either the State may acquire right-of-way or the county may acquire at the request of the State. Counties in Wyoming are required to furnish right-of-way for new State highways at county expense

State-county or State-city cooperation in determining maximum appraisal is provided for in New Mexico, Oklahoma and Wisconsin.⁷¹

code 1942, §8323, county and city, §8328 16, county agreements with another county, §8328-29, State-county agreements for expenditure of State aid funds on secondary State highways, MO REV STATS 1949, §231 465, road district or township may agree with county to pay county's share of cost of county road project for which State aid is extended, REV STATS OF NEB, §39-1355, political subdivision authorized to contribute to cost of State highway construction within same, N H REV STATS, §§234 44, 245 19, town may petition county to have another town, benefited by an improvement, contribute financially, §240 4 *et seq.*, State city or town cooperation for State aid for Class II highways, §241 1 provides for State aid for municipal or township highways, N.J.S.A., §27 9 7, county State agreements to share cost of State highway construction, §27 16 71, county city for county road improvement by city, §27 22-9, county-city on connecting roads, BALDWIN'S OHIO REV CODE, §5557 02 *et seq.*, county city agreements for sharing cost, §5521 01, State city agreements on State highways, ORE REV STATS, §366 200, State county agreements for expense of State secondary road construction and maintenance, §366 770, State county and State-city agreements for State highway construction and maintenance, PURDON'S PA STATS ANN, tit 16, §§2760, 5824, tit 53, §1831, agreements for sharing expense of construction between county and borough, township, or incorporated town, tit 16, §2766, §5930, county-township agreements for maintenance cost, tit 36, §§252, 415, county, borough, town or township authorized to agree with department for State highway construction and improvement, tit 36, §670-307, State county, borough or township agreements to share cost of grade crossing elimination on State highway paid in part by the Federal government, tit 36, §670 502, State county and State-township agreements to share cost of rural State highway system, tit 36, §670-905, county may expend money on State highway or jointly with township or municipality, TENN CODE ANN, §54-206 *et seq.*, county-State participation in cost of State aid roads, §54-529, county or city may finance section of State highway construction and later be reimbursed, §54-530, commissioner authorized to require county to contribute up to 50% of construction cost of State highway, VERNON'S TEX CIV STATS 1948, §778a, two or more adjoining counties authorized to issue bonds for highway construction and maintenance, WIS STATS 1957, §83 14, county-city sharing cost on county aid highways, WYO COMP STATS 1945, §48 107, State-county road construction program, and §48 345, county farm to market roads—State contributes 98% of construction costs, §48-108, State city sharing of cost of municipal connecting links State bears entire cost in towns and villages of less than 1500, LAWS OF P R, tit 3, §413a, political subdivisions authorized to transfer funds to the Department of Public Works pursuant to agreements for permanent public improvements

⁶⁹ See also "Condemnation of Property for Highway Purposes" Part I, HRB Special Report 32

⁷⁰ See Table 20

⁷¹ N MEX LAWS OF 1957, ch 244, (am §55-2 22 1) appraisal is to be made by a board of three appraisers, one selected by the State, one by the county and a third, by the other two The State reimburses the county for right-of-way cost, but not in excess of the total appraisal figure, OKLA STATS 1951, tit 69, §46 5 State and local governments shall agree on a reasonable offer and if right-of way cannot be secured by negotiation, the local government shall pay the amount in excess, WIS STATS 1957, §§81 09(3a), (3m). (7)

⁶¹ PURDON'S PA STATS ANN, tit 36, §670 542

⁶² UTAH CODE ANN 1953, §27-2-7(5)

⁶³ N MEX LAWS OF 1957, ch 244 (am §55 2-20)

⁶⁴ IDAHO CODE, §40-137

⁶⁵ MINN STATS ANN 1953, §162 01(3)

⁶⁶ N D REV CODE OF 1943, §§24-0612, 57-1519

⁶⁷ VT STATS 1947, §§5160, 5161

⁶⁸ See, CODE OF ALA 1940, tit 37, §657, State city and county-city agreements, SMITH-HURD ILL ANN STATS, ch 121, §349, State county agreements for State secondary road construction and maintenance, BURNS' IND STATS ANN, §36-1314, 48 2823, county-city agreements to share cost of municipal extensions §36-185, State county agreements whereby county contributes to cost of construction of a highway under the control of the Department, GEN STATS OF KAN, §68-412a, State-city of third class agreements for State contribution to right-of-way costs for State highway connecting links, ANN LAWS OF MASS, §82 8, agreements between county and town and/or the State for expense of construction or repair of highways, MICH STATS ANN, §9 195(2), county and township agreements, §§9 852, 9 1097, State-county, State city, county-city and county county agreements, MISS

In California and Minnesota, the State may acquire right-of-way for the county roads with Federal aid⁷² The California Department of Public Works is authorized to acquire real property for a city at municipal request, and may acquire property for a city or county where State highway construction necessitates changes in a city street or county highway⁷³

Political subdivisions in Maryland are authorized to convey land to the State for public highways.⁷⁴ The Washington State Highway Commission is authorized to sell land no longer needed for State highway purposes to a county or municipality⁷⁵

⁷² MINN. STATS. ANN. 1953, §162 015, DEERING'S CALIF. CODES, Sts & Hwy., §822 5
⁷³ DEERING'S CALIF. CODES, Sts & Hwy., §§134, 134 5, 822 5
⁷⁴ ANN. CODE OF MD 1957, art. 89B, §10
⁷⁵ REV. CODE OF WASH., §47 12 070

State approval is required for sale by a county of property no longer needed for highway purposes in Wisconsin, where other than county funds were used⁷⁶

In California, the counties composing a joint highway district, or any city within the district may convey to the district lands needed for highway improvements by the district⁷⁷ Also, the joint highway district may request a county to acquire the necessary lands⁷⁸ Certain cities in Texas⁷⁹ and counties in Washington⁸⁰ are specifically authorized to acquire land outside their limits

⁷⁶ WIS. STATS. 1957, §83 08(4)
⁷⁷ DEERING'S CALIF. CODES, Sts & Hwy., §25051
⁷⁸ DEERING'S CALIF. CODES, Sts & Hwy., §25280
⁷⁹ VERNON'S TEX. CIV. STATS. 1948, §969b, applies to cities of over 350,000. City may exercise this power separately or jointly with another city or county
⁸⁰ REV. CODE OF WASH., §36 75 230

Table 20 Cooperation in Acquisition of Land for State Highways

| State Citation | County May Acquire | City May Acquire | Township May Acquire |
|-------------------------------|--------------------------|---------------------------------------------|----------------------|
| Code of Ala 1940 | Tit 23, §§25, 25½ | | |
| Ark. Stats 1947 | §§76-510, 76-511 | | |
| Deering's Calif Codes | St & Hwy, §760 | | |
| Colo Rev. Stats. 1953 | §120-6-11 | §120-13-35(10) | §2225 |
| Gen Stats of Conn 1949 | | | |
| Fla Stats 1957 | §337 28(1) | | |
| Code of Ga Ann | §§95-1721, 95-2219 | | |
| Smith-Hurd Ill Ann Stats | §121-299 | | |
| Burns' Ind Stats Ann | | §36-169a, §36-2902 | |
| Ky Rev Stats | | §177 045 | |
| Mich Stats Ann | §9 1097(1e), (13a) | | |
| Miss Code 1942 | §8324 | | |
| Mo Rev Stats 1949 | §227 170 | | §227 170 |
| Nev Rev Stats. | §408 995 | | |
| N Mex Stats 1953 | §55-2-28 | | |
| Baldwin's Ohio Rev Code | §5521 06 | §5521 06 | |
| Okla Stats 1951 | Tit 69, §46 4 | Tit 69, §46 4 | |
| Purdon's Pa. Stats Ann | Tit 36, §§670-302 et seq | | |
| Code of Laws of S C 1952 | §33-148 | | |
| Tenn Code Ann | §54-510, §54-610 | | |
| Vernon's Tex. Civ Stats 1948, | Arts 6674n, 6674q, | Art 6674q; | |
| Laws of 1957 | H B 670, §1 | H B 670, §1 | |
| Utah Code Ann 1953 | §27-2-9 | | |
| Code of Va 1950 | §33-52 | | |
| Rev Code of Wash | | §47 24 020 (as am by c 83, Laws 1957) | |
| Wis. Stats 1957 | §§84 09(3a), (7) | §84 09(3m) | |
| Wyo Comp Stats 1945 | §48-303 | | |
| Total | 22 | 8 | 2 |

Arkansas—State may call on county to acquire right-of-way for changing or widening a State highway
 Colorado—Right of-way acquired either by municipality or State as shall be mutually agreed upon
 Georgia—§95 1721 county to assist in procuring right-of-way for State aid roads §95-2219 counties to furnish right-of-way necessary for U S Post Roads and farm to market roads
 Missouri—Civil subdivision authorized to convey right-of-way to the State for construction of State highways and bridges
 Oklahoma—For other than Interstate highways, county or city shall furnish right of way, without cost to the State
 Pennsylvania—For construction, reconstruction or improvement of a State highway wherein change of width or existing lines is necessary
 Washington—Right of-way shall be acquired by either municipality or State as shall be mutually agreed upon

LOCAL GOVERNMENT CONTRACTS TO DO STATE
HIGHWAY WORK

In some instances, it may be mutually advantageous for the State to contract with a local government to do State highway work, where the local government is equipped to do so, rather than let the work to a private contractor. Several States grant authority to do so in their statutes.

The Wisconsin State Highway Commission may contract with counties for improvement work on State highways without bids, if it is deemed advantageous and feasible⁸¹ Construction of roads on the State system of rural roads may be by contract with the county highway departments in Tennessee, if the counties are equipped to do it⁸² The Kansas State Highway Commission is authorized to enter into contracts with counties and the Michigan State Highway Commissioner is authorized to contract with counties and townships for work in the construction and maintenance of the State system⁸³

Similarly, Georgia counties are authorized to so contract to do work with convict labor or with county forces⁸⁴

Counties in Colorado, Illinois, Oregon, South Carolina, and South Dakota,⁸⁵ towns in Connecticut and Maine,⁸⁶ and highway or good roads districts in Idaho⁸⁷ are authorized to bid on and enter into contracts for State highway work Towns in Massachusetts and counties in New Jersey may contract to do maintenance work on State highways⁸⁸ Work on municipal extension of State highways may be contracted to the municipality in Louisiana.⁸⁹

Counties in New York may let contracts for county roads⁹⁰ and town roads, where the county is constructing or improving same, to a town.⁹¹

PROVISION FOR GREATER WIDTH OR HIGHER
STANDARDS OF CONSTRUCTION

A number of State statutes provide that a State highway may be constructed to a greater width or higher type through a county or a city, if the local government so desires, at local expense

For example, the North Dakota statute provides that the governing body of a county, municipality or township may enter into written agreements with the State Highway Commissioner for the construction of a roadway or structure of greater width or capacity than needed for State highway traffic and pay agreed upon sums⁹² A municipality may construct such portions without agreement if it conforms to the department's standards as to grade and drainage. Also, a municipality may agree with the department for maintenance of the additional width by the department and pay agreed sums. The city may also maintain at its own expense, subject to the written approval of the department Illinois, Michigan, Minnesota, Nebraska, Rhode Island and Pennsylvania provide for similar agreements.⁹³

Local governments are authorized to construct State highways to a greater width, at local expense, in Indiana, Minnesota, Nebraska, New Jersey, North Carolina, North Dakota, Pennsylvania, Utah and Puerto Rico⁹⁴ Counties and municipalities in Idaho, Michigan and New York and municipalities in Louisiana and New Jersey which desire a higher standard of construction or reconstruction than planned, may

⁸¹ N D REV CODE OF 1943, §§24-0110, 24 0111

⁸² SMITH-HURD ILL ANN STATS, ch 121, §296c, agreements with municipalities for greater width or different type of construction, MINN LAWS OF 1957, ch, 943, §54(1) and (2) agreements with counties, cities, boroughs or townships, REV STATS OF NEB, §§39-1340, 39-1341, agreements with political subdivisions, GEN LAWS OF R. I 1956, §24-8 4, agreements with cities or towns, PURDON'S PA STATS ANN, tit 36, §§670-906, 670-911, agreements with counties, cities, boroughs, towns and townships authorized

⁸³ BURNS' IND STATS ANN, §36-116, municipalities may improve, MINN LAWS OF 1957, ch 943, §54(1), municipality may construct if it conforms to commissioner's rules re grade and drainage, REV STATS OF NEB, §§39-1340, 39 1341, political subdivision may construct if such conforms to department's standards and may also maintain, at its own expense, N J S A, §40 56-49, GEN STATS OF N C, §160-223, city or town may increase width, N D REV CODE, 1943, §24-0110, municipality may construct and maintain, PURDON'S PA STATS ANN, tit 36, §670-911, county, township or borough may increase width with consent of the Secretary of Highways, UTAH CODE ANN 1953, §27-1-4, cities or towns may lay out streets to any width the governing body shall deem proper, LAWS OF P R, tit 9, §17, municipalities may pave or provide macadam of better quality

⁸¹ WIS STATS 1957, §84 06(3)

⁸² TENN CODE ANN, §54-612

⁸³ GEN STATS OF KAN, §68 407, MICH STATS ANN, §9 902

⁸⁴ CODE OF GA ANN, §§95-1630, 95 2217, 95 2220

⁸⁵ COLO REV STATS 1953, §120-1-8, not exceeding 100,000, SMITH-HURD ILL ANN STATS, ch 121, §§285, 286, ORE. REV STATS, §366 400(3), for State highway construction, CODE OF LAWS OF S C 1952, §33-1531, applies to Chesterfield county, S D CODE OF 1939, §28 0215

⁸⁶ GEN STATS OF CONN, §2229, REV STATS OF MD, ch 23, §40, for State highway construction

⁸⁷ IDAHO CODE, §§40-2301, 40 2303, 40-2305 District may also let out the work in whole or part, by contract, with approval of the board of county commissioners

⁸⁸ ANN LAWS OF MASS, ch 81, §15, N J S A, §27-16-40

⁸⁹ LA REV STATS 1950, §48 193A

⁹⁰ N Y CONSOL LAWS SERVICE, Hwy Law, §126

⁹¹ N Y CONSOL LAWS SERVICE, Hwy Law, §194

pay the additional cost.⁹⁵ Missouri has a similar provision applying to counties and civil subdivisions.⁹⁶ A Missouri law also provides that a county or political subdivision may elect to have a State highway constructed to a higher type than proposed by the commission, in lieu of reimbursement for local expenditures on State highways.⁹⁷

If the expense of a State highway within a municipality in Indiana is greater than outside, the extra cost is to be paid by the municipality.⁹⁸ In Missouri, the State shall not pay for road surfacing wider or of a higher type than as constructed up to the boundary of a municipality.⁹⁹

An Iowa law provides that State highways in cities are not to exceed in width the width of the primary road system.¹⁰⁰ In Wisconsin, it is stipulated that the State is not compelled to construct or reconstruct any connecting street to a greater

width than the portions of the State trunk system connecting therewith.¹⁰¹

The Kentucky Highway Department is required to construct streets as part of the State system in no *lower* type than outside the city,¹⁰² and in Delaware, municipal consent is required before the State can change the width of a State highway.¹⁰³

In addition to provisions applying to State highways, a few States have provisions relating to county road construction within municipalities. If an Ohio municipality or a village in New York desires the county to construct a road of greater width, it may so certify to the county board and pay all or part of the expense.¹⁰⁴ Counties in Indiana are not to improve connecting streets to greater width than outside the city limits, but the city has the right to further improve the street.¹⁰⁵ Cities in Utah are also insured the right to improve their streets to the width they choose.¹⁰⁶ A Wisconsin law declares that the county is not

⁹⁵ IDAHO CODE, §40-122; LA. REV. STATS. 1950, §48:193B; MICH. STATS. ANN., §§9.1097(1c), 9.1097(20); N.J.S.A., §40:56-50; N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §§12(5), 46, 47, 48, 49, 59, 349-C(2.4).

⁹⁶ MO. REV. STATS. 1949, §227.160.

⁹⁷ MO. REV. STATS. 1949, §227.140(2).

⁹⁸ BURNS' IND. STATS. ANN., §36-116.

⁹⁹ MO. REV. STATS. 1949, §227.070.

¹⁰⁰ CODE OF IOWA 1958, §313.21.

¹⁰¹ WIS. STATS. 1957, §84.03(10).

¹⁰² KY. REV. STATS., §177.044.

¹⁰³ DEL. CODE ANN., §17-134(b).

¹⁰⁴ BALDWIN'S OHIO REV. CODE, §5557.07; N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §§131, 196.

¹⁰⁵ BURNS' IND. STATS. ANN., §36-703, 36-1404.

¹⁰⁶ UTAH CODE ANN. 1953, §27-1-4.

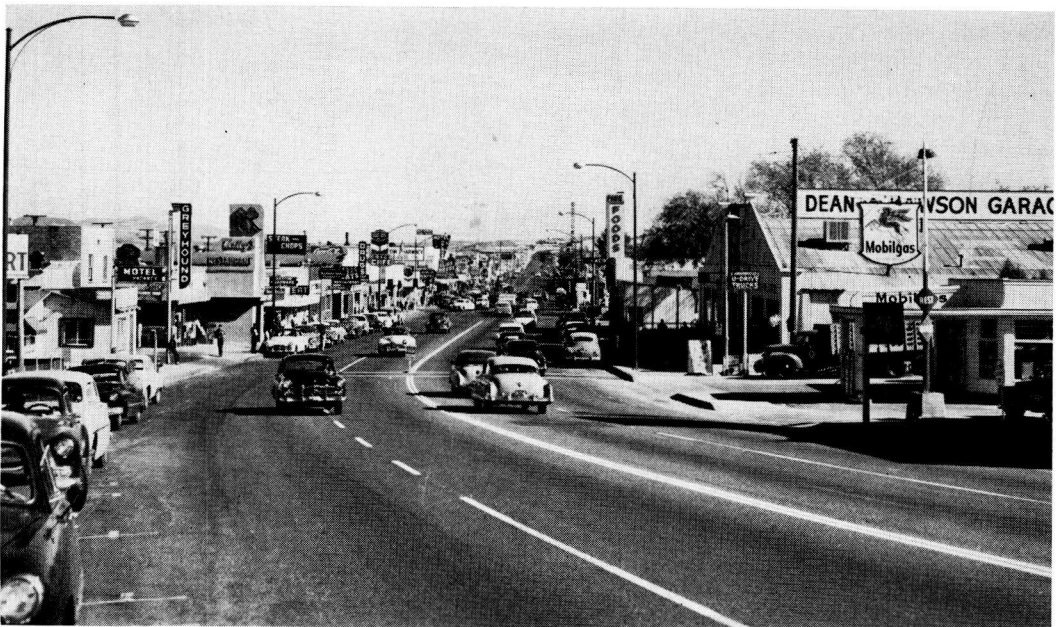


PLATE D

The law of some States provides for the construction and maintenance of State highways within municipalities to greater width or higher type. US 66 through Barstow, California.

responsible for constructing or maintaining the county system inside a municipality to a greater width than outside ¹⁰⁷

Providing for the construction of a State highway of greater width or higher type through a county or a municipality, or the construction of a county highway of such higher standards through a municipality, in order to accommodate local needs, could be accomplished by authorizing the governmental units involved to enter into an agreement concerning the construction, maintenance, and payment of extra cost or by simply authorizing the local unit to do the work at its own expense or by authorizing use of either method. It would seem that doing so by agreement would be the more efficient and economical method where the State (or county, if a county highway) is constructing or reconstructing the portion of road under consideration.

CONSTRUCTION AND MAINTENANCE STANDARDS

State Supervision of Local Road Construction and Maintenance

The uniformity of standards of construction and maintenance is perhaps more obvious to the motorist than any other aspect involving intergovernmental relations included in this report. To insure adequate standards of construction and maintenance and a reasonable degree of uniformity for highways of the various systems, a State may wish to place the responsibility of developing construction and maintenance standards in the State highway department. For roads under local jurisdiction, a statute might provide for the cooperation of local highway authorities. In addition, the State highway department should be responsible for formulating and enforcing minimum requirements for construction and maintenance of all highways for which Federal or State funds are used, since such is of State-wide concern.

The statutes of Florida, Louisiana, and North Dakota provide that the State highway authorities are responsible for developing construction standards ¹⁰⁸. The West

Virginia State Road Commissioner is authorized to exercise control and supervision over local roads to the extent it is expedient or practical ¹⁰⁹. The Kansas State Highway Commission has general supervision over all but township roads ¹¹⁰ and the Pennsylvania State Highway Department has supervision over all township roads built or maintained with the aid of State moneys ¹¹¹.

Provisions for State supervision of county road construction may be found in a number of States ¹¹². For example, the Missouri law provides that the county aid road committee is to meet with the State highway commission chairman and formulate general plans, specifications and minimum requirements, which are subject to the approval of the commission ¹¹³. In Washington, the State design standards committee, composed of six members appointed by the State association of county commissioners and a seventh being the assistant State director of highways in charge of State aid, adopts uniform design standards for the county primary road system. The counties may not deviate from same without approval of the assistant director of highways for State aid ¹¹⁴. Similarly, Mississippi provides for the establishment by the State aid engineer of uniform design standards for county roads ¹¹⁵. It may be noted that without exception, these statutes apply to construction with State or Federal aid.

Requirements applying to townships or

¹⁰⁸ W. VA. CODE, §1448(8).

¹⁰⁹ GEN. STATS. OF KAN., §68-404.

¹¹⁰ PURDON'S PA. STATS. ANN., tit. 71, §516(a).

¹¹¹ COLO. REV. STATS. 1953, §120-13-44, county primary roads shall conform to State highway commissioner's standards §120-13-22 for projects constructed with Federal funds, GEN. STATS. OF KAN., §68-533, LA. REV. STATS. 1950, §48-193E, projects constructed with State funds shall be constructed and maintained in accordance with engineering standards established by the Board of Highways. §48-484 provides for State approval of hard surfaced road design, MISS. CODE 1942, §§8035-03, 8035-06, 8035-08. If maintenance of State aid roads not properly performed by the county, further State aid may be withheld, MINN. LAWS OF 1957, ch. 943, §62-5, projects using State aid funds, MO. REV. STATS. 1949, §230-040, requires State approval of location §§231-450, 231-470, 231-490, N. J. S. A. §27-13.1, no State aid funds shall be made available to a county unless construction conforms to State standards and county has entered into agreement that the road will be kept in repair, N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §§116, 117, 129, construction and maintenance of county highways to be in accordance with requirements of Superintendent of Public Works, ORE. REV. STATS., §§375-010, 375-020, State shall adopt, and furnish to counties, specifications for hard surface pavements, TENN. CODE ANN., §54-842, REV. CODE OF WASH., §§36-86-020, 36-86-080, 43-32-010, 43-32-020, WYO. COMP. LAWS 1945, §§48-107, 48-345.

¹¹² MO. REV. STATS. 1949, §§231-450, 231-470, 231-490.

¹¹⁴ REV. CODE OF WASH. §§36-86-020, 36-86-080, 43-32-010, 43-32-020.

¹¹⁵ MISS. CODE 1942, §8035-03.

¹⁰⁷ WIS. STATS. 1957, §83-025(2).

¹⁰⁸ FLA. STATS. 1957, §334-11, LA. REV. STATS. 1950, §48-754, N. D. REV. CODE OF 1943, §24-0208.

municipalities may be found in Colorado, Kansas, Louisiana, Minnesota, New Hampshire, Vermont, Virginia, and Washington.¹¹⁶ The New Hampshire law applies to maintenance of Class 5 highways, which shall be under the supervision of and in accordance with specifications of the commissioner. The Washington law applies to cities and is similar to the provisions for counties mentioned above. An Idaho law provides that State highways through municipalities shall be coordinated with standards in use for the street systems of same.¹¹⁷ In Utah, public highways in cities and towns shall conform to the direction and grade of other streets.¹¹⁸

In addition, other statutory provisions may carry implications of enforcing minimum standards. For example, Illinois has many provisions which contain the phrase, "subject to the approval of the department."¹¹⁹

The law pertaining to maintaining standards for Federal aid has been reported in another Highway Laws Project study on "Federal Aid Provisions in State Highway Laws."¹²⁰

County Supervision of Township and District Construction and Maintenance

A few States provide for county supervision of township or district road maintenance. In Ohio, the county engineers have general supervision and direction over township road maintenance and repair. The township trustees are required to follow the direction of the engineer as to methods of repair.¹²¹ Similarly, New York

county superintendents have general charge of the construction and maintenance of town roads.¹²² District road overseers are subject to the supervision of the county road engineers in Missouri.¹²³ In several States, if the township¹²⁴ or district¹²⁵ fails to repair a road, the county may order it to be done. In Connecticut, Maine, New Hampshire, Vermont, and Wisconsin, counties may have the work done, if the town refuses or fails to do as ordered. Idaho similarly provides for the county doing the work where district highway commissioners fail.

In Nebraska, county and township roads which lie within incorporated cities or villages must conform to the direction and grade of other streets of the municipality.¹²⁶

Change of Grade

A few States provide that the grade of a State highway within a municipality shall not be changed without the consent of the municipal governing body.¹²⁷ Pennsylvania provides for agreements between the State and cities for change of grade.¹²⁸ In Rhode Island, the State and city agree on the particular location and the grade of a State highway.¹²⁹

MATERIALS AND EQUIPMENT

In the interest of economy and expediency, it may be practical if the State and local governments have the power to rent, loan or sell road building machinery, equipment and materials to another unit of government or to purchase jointly such equip-

¹¹⁶ N. Y. CONROL LAWS SERVICE, *How Law*, §§102(1), (2), (6), 195.

¹¹⁷ MO. REV. STATS. 1949, §231.070.

¹¹⁸ GEN. STATS. OF CONN., §2127, §2128 is a similar provision applying to boroughs. SMITH HURD ILL. ANN. STATS., §121-56a, REV. STATS. OF ME. 1954 ch. 96, §§64, 66, MINN. STATS. ANN. 1953, §162.24, N. H. REV. STATS. §247.11 *et seq.* VT. STATS. 1947, §§5215 *et seq.*, WIS. STATS. 1957, §§80.39, 81.14.

¹¹⁹ IDAHO CODE, §40-1613, SMITH HURD ILL. ANN. STATS. ch. 121, §56a.

¹²⁰ NFB LAWS OF 1957, L. B. 111, art. IV, §21, REV. STATS. OF NEB., §39-144.

¹²¹ ALASKA COMP. LAWS ANN. 1949, §14A 213(a), MINN. STATS. ANN. 1953, §161.03(3), N. D. REV. CODE OF 1943, §24.0103, ORE. REV. STATS., §373.030, PURDON'S PA. STATS. ANN., tit. 36, §670-523, REV. CODE OF WASH., §47.24.020(1), except on limited access facilities. See also, UTAH CODE ANN. 1953, §27-1-8 which provides that public highways shall conform to the direction and grade of other streets of a municipality.

¹²² PURDON'S PA. STATS. ANN., tit. 36, §§670.544, 670.545.

¹²³ GEN. LAWS OF R. I. 1956, §24.8-5. See also, DEFRING'S CALIF. CODES, Sts & HWS., §1852 which prohibits a city from changing the grade of a State or county highway which was established prior to the incorporation of the city, without State or county consent.

¹¹⁶ COLO. REV. STATS. 1953, §120-13-33, for Federal aid projects, GEN. STATS. OF KAN., §68.533, township roads, LA. REV. STATS. 1950, §48.193E, municipal streets constructed with State funds shall be constructed and maintained in accordance with engineering standards established by the Board of Highways, MINN. LAWS OF 1957, ch. 55, §68(4), State approval for municipal State-aid streets, N. H. REV. STATS., §241.11, N. J. S. A., §27.13-1, No State aid funds shall be made available to a municipality unless construction conforms to State standards and municipality has entered into agreement that the road will be kept in repair. §27.15.1.3, Maintenance of State aid roads shall be performed in accordance with State highway commissioner's standards, VT. LAWS OF 1957, Act #250, §23 for State aid or town highway work, Code of Va. 1950, §33.113.2 for State aid streets in cities of 3500 or more. Construction plans and specifications to be approved by the commission, REV. CODE OF WASH., §§35.78.020, 35.78.030, 35.78.040.

¹¹⁷ IDAHO CODE, §40-120(5).

¹¹⁸ UTAH CODE ANN. 1953, §27.1.8.

¹¹⁹ SMITH-HURD ILL. ANN. STATS. ch. 34, §25.10, ch. 121, §§19, 75, 302, ch. 120, §§4254, 4261.

¹²⁰ H. R. B. Special Report 48.

¹²¹ BALDWIN'S OHIO REV. CODE, §5571.05.

ment or materials. The statutory provisions found in the several States are outlined in Table 21 and the accompanying notes.

Only West Virginia provides by statute for cooperation with other States. It provides for cooperation in the operation of plants for the preparation of road construction materials. Provisions for State-local cooperation are more numerous. For example, the Florida State Road Board is authorized to sell obsolescent machinery and equipment, and materials which are no longer needed, to the counties. The Maine State Highway Commission may sell, lease or give materials and equipment obtained from the Federal government to towns which request same. In Minnesota, the Commissioner of Highways may agree with any political subdivision for the sale and transfer of road materials. (Political subdivisions are also authorized to agree with each other for the same purpose.) North Carolina provides for agreements with municipalities for rental of State highway equipment, when not needed for State highways.¹³⁰ A Louisiana law specifies that the department shall not loan, rent, or lease any of its active or standby equipment.¹³¹

Several States also provide for cooperation between local governments. Counties in Kansas may rent machinery and equipment to townships or cities within the county and townships may likewise rent machinery and equipment to the county or a city in the county. The Missouri constitution authorizes counties to cooperate with each other in the construction and maintenance of road machinery. Ohio townships are authorized to jointly purchase real property for materials and the necessary machinery for operation of such property.¹³²

¹³⁰ See Table 21 for citations to these and similar provisions. See also, GEN STATS OF KAN., §68 138, county may appeal to State Highway Commission to assist in the purchase of road materials in another county. MO REV STATS., §226 150, State authorized to sell road machinery, trucks or supplies. LAWS OF VT 1957, Act #250, §5(o), State highway board authorized to let trucks and other machinery under such terms as it sees fit. LAWS OF P. R., tit. 21, §34(5), municipalities authorized to sell or lease property to the United States or the Commonwealth of Puerto Rico without public sale and bids.

¹³¹ LA REV STATS 1950, §46 262.

¹³² See Table 21 for citations to these and similar provisions. See also, CODE OF IOWA 1958, §309-63, county board may purchase materials outside the limits of the county for State secondary roads. MO REV STATS 1949, §61 210, county highway engineer is the custodian of machinery and materials of the road districts. BALDWIN'S OHIO REV CODE,

A few States require that counties meet State standards for road materials. An Indiana law, for example, provides that the county board shall determine the materials best suited for highways and that all paving and other materials shall meet tests and standards adopted by the State highway department.

A statute providing for the most efficient use of materials and equipment might authorize all governmental units to sell, loan or rent road equipment and machinery, and to sell road materials to other units of government, when not currently needed. It might also provide for two or more governmental units jointly owning and operating machinery, equipment and real property for road materials.

LABOR

Statutory provisions for cooperation in labor for highway work for the most part relate to convict labor. For example, a few States authorize the State highway department to employ county¹³³ or municipal¹³⁴ convict labor, or provide for the use of State convict labor by counties or municipalities.¹³⁵ Use of State employees in connection with the use of State equipment by local governments is provided for in Minnesota, Nevada and New Mexico.¹³⁶

Cooperation between counties in the use of county convict labor is provided for in several States.¹³⁷ In California, two or more counties may form a district for the purpose of requiring convicts to work on the public highways. Florida counties may hire

§5549 02 provides for county approval of township purchase of machinery and tools.

¹³³ ARK STATS 1947, §76 527, in preparing road materials. DEERING'S CALIF CODES, Pen Code, §4215, FLA STATS 1957, §951 06, BURNS' IND STATS ANN., §30-124, for the manufacture of road materials, ANN LAWS OF MASS., §127 84, N. H. REV STATS., §607 28, N. MEX STATS 1953, §55-2-33, TENN CODE ANN., §54 528.

¹³⁴ BURNS' IND STATS ANN., §30-124 for manufacture of road materials, ANN LAWS OF MASS., §81 10 provides that a city or town may contribute labor toward the cost of a State highway within such city or town.

¹³⁵ ARK STATS 1947, §76 528, CODE OF GA ANN., §877 325, 77-330, 95-1718, OKLA STATS 1951, tit. 69, §101 *et seq.*, 237, ORE REV STATS., §144 510, 421 415, REV LAWS OF HAWAII, §83 21. See also, ARIZ REV STATS., §31-292 which provides that State prisoners may be worked on State highways if not objected to by the county board where the work is to be done.

¹³⁶ MINN STATS ANN 1953, §§161 03(30), 161 031, NEV REV STATS., §403 570, N. MEX STATS 1953, §55 3 4.

¹³⁷ ARK STATS 1947, §870-524, 76 1101 *et seq.*, DEERING'S CALIF CODES, Pen Code, §4201 *et seq.*, COLO REV STATS 1953, §39 10-13, FLA STATS 1957, §951 06, CODE OF GA ANN., §§23-1802, 77-203, ORE REV STATS., §169 190.

Table 21 Cooperation Involving Highway Materials and Equipment

| State Citation | Cooperation in Acquisition or Transfer | | | County Must Meet Standards |
|----------------------------------------|----------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| | Between States | Between State and Local Governments | Between Local Governments | |
| Ark. Stats 1947 | | | §76-1103, counties | |
| Deering's Calif. Codes St & Hwys Code | | | §§1682, 1803, co -city | |
| Fla Stats 1957 | | §§337 05, 337 28(4) | | |
| Smith-Hurd Ill. Ann Stats | | Ch 121, §284 | Ch 121, §37, co -twsp | |
| Burns' Ind Stats Ann | | | | §§36-307, 36-705 |
| Code of Iowa 1958 | | §§20 1, 20 5, 307 6 | | |
| Gen Stats of Kan 1949 | | | §68-141a, co -twsp, co -city, city-twsp; §68-572, co -twsp, §68-561, co -twsp | §68-553, §68-704 price to be approved |
| Ky Rev Stats | | §178 150 | | §179 070(6) |
| Rev Stats of Me 1954 | | Ch 23, §17 | | |
| Ann. Laws of Mass | | §§81 3, 81 10, 81 11 | | |
| Mich Stats. Ann | | §9 110 | | |
| Minn Stats. 1953 | | §§161 033, 161 03(30), 161 031, 161 032, 161 04 | §161 033, pol sbdv §163 10 certain munic, twsp, & co | |
| Mo Rev. Stats 1949 | | | Const Art. VI, §14, co | |
| Rev Codes of Mont 1947 | | | §16-1005, co -munic | |
| Rev Stats of Neb 1943 | | §§39-1356, 39-1357 | | |
| Nev Rev Stats | | §403 570 | §277 020, co & munic | |
| N J S A | | §27 16-39 | §§27 16-39, 27 16-40 co -munic | |
| N Mex Stats 1953 | | §55-2-20 (as am by Laws '57, ch 244), §55-3-4 | | |
| N. Y. Consol. Laws Service Highway Law | | §12(3), §135 | §§102(16), co -city, §117, co -town, §133-a, co -city or town, §135, co -St, §135-a, co -city, town or village, §142-b(4), town-city, village, town or co, §142-c town-village, §142-d town-co or munic, §142(5), town-village | §102(4) |
| Gen Stats of N C | | §136-34 | | |

Table 21.—Continued

| State Citation | Cooperation in Acquisition or Transfer | | | County Must Meet Standards |
|--------------------------|----------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| | Between States | Between State and Local Governments | Between Local Governments | |
| Baldwin's Ohio Rev Code | | §5513 04 | §5549 22, twsps | |
| Okla Stats 1951 | | | Tit 69, §342, co -twsp; §349, co -munic | |
| Purdon's Pa Stats Ann | | Tit 36, §670-904; tit 71, §513(c)(f) | Tit 16, §§2770, 5934, co -twsp, tit 53, §56511, twsps-twsps, munics, tit 53, §§56553, 65740, twsps- other pol sbdvs | |
| Code of Laws of S C 1952 | | §33-1582 | | |
| S D Code of 1939 | | §28 0215 | | §28 1400 |
| Code of Va 1950 | | §33 111 | | |
| Rev Code of Wash | | §§36 34 130, 36 82 - 100, 36 82 220, 45 12 100, 47 08 - 120 | §§36 34 130, 36 82 100, 36 82 220 cos -other governmental agen- cies; §45 12 100 twsp- co | |
| W. Va Code 1955 | §1474(7) | §§357(1), 1474(7), 1590 | | |
| Wis Stats 1957 | | §66 299 | §66 299 twsps, munics & cos, §83 018 co - munic, twsp | |
| Total | 1 | 22 | 15 | 5 |

Arkansas—§76 1103 Counties adopting the county convict system may together purchase a road working outfit and equipment or the counties may provide such equipment they may have on hand
California—Sts & Hwy, §1682 Counties authorized to aid in improvement within city by acquiring and delivering materials and loaning its road machinery §1803 Contracts for rental by city of county equipment
Florida—§337 05 State authorized to sell obsolescent machinery and equipment and material no longer needed to counties §337 28(4) Counties may contract with the department to furnish road material and property
Illinois—ch 121, §37 Counties authorized to lease machinery to townships §284 Department authorized to purchase or advance funds to county for purchase of materials and equipment for building hard surfaced State roads
Iowa—§20 1, 20 5 Provides for sale of surplus war materials to local governments §307 6 Authorizes commission to apportion free equipment and machinery (obtained from the Federal government) to counties
Kansas—§68 141a County may rent machinery and equipment to township or city in the county Township may rent machinery and equipment to the county or city in the county §68 572 Use of county machinery on township roads pursuant to agreement for construction or maintenance §68-561 Where road duties turned over to county, no rental charge shall be made by the county for use of machinery on township roads except as shall be mutually agreed upon between the county and township
Kentucky—§175 150 County engineer shall notify the department, which shall furnish cost estimates for purchase of county road machinery over \$500 §179 070(6) Duty of county engineer to ascertain suitable road materials and submit samples to the department at its request
Maine—Ch 23 §17 Commission may sell, lease or give materials and equipment obtained from the Federal government to towns which request same
Massachusetts—§81 3 State authorized to furnish machinery to towns of 12,000 or less at request §81 10 City or town may agree to contribute materials toward cost of State highway §81 11 Department may take land for materials and allow county, city or town to use materials therefrom
Michigan—§9 110 Counties may purchase surplus properties from State and Federal governments
Minnesota—§161 033 Commissioner of highways may agree with any political subdivision for the sale and transfer for trunk highway purposes of road material Political subdivisions authorized to agree with each other for sale and transfer of such road materials §163 10 Villages, boroughs, cities of the fourth class, townships and counties may manufacture crushed rock and convey by gift or sale to other municipalities §161 03(3) State authorized to furnish snow removal equipment to local governments at local cost §§161 031, 161 032 Same for pavement marking equipment §161 04 Commissioner authorized to accept excess war materials from the Federal government and loan same to the counties Counties to pay expense of delivery
Missouri—Const Art VI, §14 Counties may cooperate with each other in the construction and maintenance of road machinery
Montana §16 1005 Counties may authorize the use of county machinery or equipment when not in use in any rural



PLATE E

Authority to rent, loan or sell equipment and material to another governmental unit is provided in some statutes. A paving operation on the Palmer Highway near Lanham, Maryland, with US 50 overpass in the background.

district, in connection with construction and maintenance of streets within any incorporated city or town of 4,000 or less within the county.

Nebraska—§§39-1356, 39-1357. Department authorized to sell surplus materials to political subdivisions and to transfer any materials salvaged from highway construction and repair, not needed by the department, to political subdivisions.

Nevada—§403.57. In case of great necessity the State highway engineer may contract with counties for use of State highway equipment for repair, snow removal or clearance of county roads at county expense. §277.020. Counties and cities may agree with each other for joint use of road equipment.

New Jersey—§27:16-39. County may sell surplus materials to the State, a municipality within the county or to contractors performing work for the State, the county or a municipality within the county. §27:16-40. County may rent material, equipment and forces, when not needed by the county, to a municipality not properly equipped.

New Mexico—§55-2-20 (as amended by Laws of 1957, ch. 244). State highway commission authorized to agree with counties and municipalities for acquisition of materials. §55-3-4. If county has inadequate equipment to grade and maintain county roads, may request use of State equipment at county cost.

New York—§12(3). Municipalities (including towns and counties) authorized to rent or sell equipment to the State for snow and ice control. §102(4). County to submit sample of materials to the department upon request of the department. §102(16). County may loan machinery and equipment to a city within the county. §117. County may rent machinery from a town within the county. §135. County may lease equipment not in use to town or State. §133-a. County may rent machinery and equipment to city or town partly or wholly within the county. §135-a. City, town or village may rent snow removal equipment to the county. §142(5). Town may authorize a village wholly or partly within the town to use machinery and equipment upon agreed terms. §142-b(4). Town may rent snow removal equipment during an emergency to city, village or county. §142-c. Town may permit snow removal equipment to be used by village. §142-d. Town, with county approval, may permit use of machinery and equipment by the county or any municipality wholly or partly within the county.

North Carolina—§136-34. Provides for State-municipal agreements to rent State highway equipment to municipalities, when not needed for State highways.

Ohio—§5513.04. Director of Highways may transfer structures or structural materials salvaged on the State highway system, which are no longer needed, to counties, municipal corporations or other governmental subdivisions. §5549.22. Townships authorized to cooperate with each other in the purchase of real property for materials and the necessary machinery for operating such property. Shall set up a joint board to manage it.

Oklahoma—Tit. 69, §349. County authorized to loan machinery and equipment to cities and towns within the county. §342. County may permit townships to use county machinery and equipment for township roads. Township is to pay expenses and return equipment in good condition.

Pennsylvania—Tit. 16, §§2770, 5934. County may rent machinery to townships. Tit. 36, §670-904. Political subdivisions authorized to sell, lease, donate or transfer materials, equipment and supplies to the commonwealth. Tit. 53, §56511. Townships authorized to lend or lease road tools and machinery to other townships, boroughs or cities. Tit. 53, §56553, 65740. Agreements between townships and other political subdivisions for joint purchase of materials and supplies. Tit. 71, §513(c). State authorized to sell or supply stone and other quarried material to townships. Tit. 71, §513(f). State authorized to rent equipment to political subdivisions or the Federal government.

South Carolina—§33-1582. Provides for agreement with Dorchester county for purchase by the department from the county of equipment and material.

South Dakota—§28-0215. State highway commission may arrange with municipalities or contractors for use of machinery purchased by the State.

Virginia—§33.111. State authorized to lend or rent equipment and sell materials to counties, cities or towns provided the local body certifies it cannot be furnished from private sources within a reasonable length of time.

Washington—§47.08.120. State may rent equipment or sell supplies to Federal government, counties, cities or political subdivisions. §36.34.130. County may dispose of county property and acquire property for the county from another governmental agency. §36.82.100. County may sell road building material not used, to the State, another county, municipality or other political subdivision. §36.82.220. County may rent or sell equipment or material to another governmental unit. §45.12.100. Townships authorized to raise money for the purchase and repair of certain equipment, in cooperation with the State and county authorities.

West Virginia—§357(1). County authorized to rent equipment from the State road commissioner. §1474(7). Cooperation with other States in operating plants for preparation of road construction materials and in the disposition of products. Commission may sell surplus materials and equipment to county or municipality. §1590. State Road Commissioner authorized to purchase or rent from the county, equipment not needed by the county.

Wisconsin—§66.299. City, village, town, or county may purchase from another unit of government, including the Federal and State governments, without intervention of bids. §83.018. County authorized to sell supplies to city, village or town within the county.

out county prisoners to any other county in the State.

County prisoners may be worked within a municipality in Colorado, with the consent of the municipality.¹³⁸ California counties are authorized to aid in improvements within cities by furnishing labor and engineering services.¹³⁹ Arkansas counties may use municipal prisoners for highway work.¹⁴⁰ Agreements for working county prisoners on township roads are authorized in Kansas, Massachusetts, and New Hampshire.¹⁴¹ New York towns may apply for the use of county prisoners.¹⁴²

In Wisconsin, the county may assume workmen's compensation liability by agreement with the town, village, or city, on a county aid project.¹⁴³

HIGHWAYS ON OR TRAVERSING JURISDICTIONAL LINES

Perhaps the need for intergovernmental cooperation is most obvious where the highway is located on or traverses State, county, municipal, or township lines. Most jurisdictions have specific legislation which deals with some of these situations (see Table 22). The following examples may serve as a representative sample of statutory provisions found in the several States.

The California Department of Public Works is authorized to enter into agreements with any adjoining State concerning the construction and maintenance of highways within the State or within the adjoining State when such highways are at or near the common boundary. California counties are authorized to enter into cooperative agreements with adjoining counties of another State concerning construction and maintenance of county highways which form the boundary line or which cross and recross the boundary line. Similarly, Illinois townships and road districts are authorized to cooperate with authorities of an adjoining State, whenever the laws of such adjoining State provide for such cooperation.

The most numerous provisions are those authorizing cooperation on roads between counties. Pennsylvania and Nebraska, for example, provide for joint action by counties in establishing county roads along county lines and from one county to another. Kentucky provides for agreements for construction and maintenance of county line roads. In Pennsylvania, where a road is on a line between a township and city in an adjoining county, the township may agree with the county in which it is located and the city in the adjoining county for the improvement, and the cost of same is divided. Also, where a road is on the boundary between a city or borough and township located in an adjoining county, the county and municipality may contract for grading, improving, and paving the roadway. Cost is to be paid one-half by the municipality, and one-half by the township and county where the township is located, in equal portions. Oklahoma provides that if counties should fail to agree on the division of a county line road for construction or maintenance, the State Highway Engineer is authorized to so determine, when called upon by the county board of either county.

In North Dakota, jurisdiction for opening, vacating or changing lines of highways outside municipal limits situated between two townships or in more than one township is in the board of supervisors of each township. Where they cannot agree, the county shall take action. Adjoining municipalities in Texas are authorized to cooperate in street improvement and share cost of same.

The authority to cooperate with adjoining governmental units in the planning, construction, maintenance and financing of highways on or traversing jurisdictional lines should be granted to all governmental units having highway responsibilities. A statute might stipulate the manner of dividing up the responsibilities between the governments concerned, *i.e.*, it could be discretionary with the highway authorities, who would stipulate the responsibility of each participating unit by agreement, or the statute itself could provide for cost apportionment and division of the road for construction and maintenance purposes. Where

¹³⁸ COLO. REV. STATS. 1953, §105-7-14.

¹³⁹ DEERING'S CALIF. CODES, Sts. & Hwy., §1682(c).

¹⁴⁰ ARK. STATS. 1947, §76-1110.

¹⁴¹ GEN. STATS. OF KAN., §68-572; ANN. LAWS OF MASS., §127:84; N. H. REV. STATS., §607:28.

¹⁴² N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §155.

¹⁴³ WIS. STATS. 1957, §83.17.

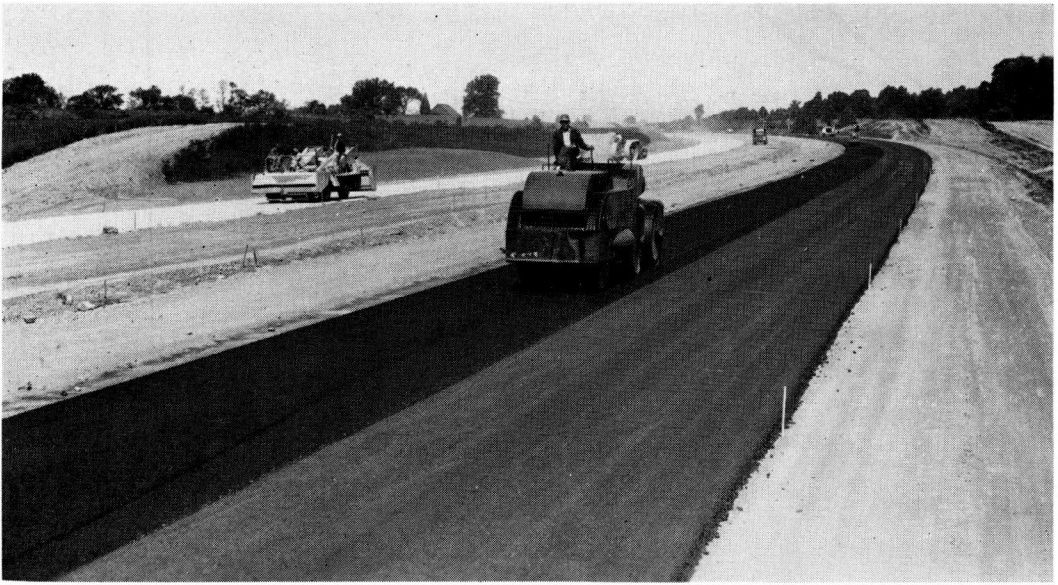


PLATE F

The law of several States provides for State maintenance of local roads used as detours during State highway construction. Rolling of pavement on US 240 near Rockville, Maryland.

local governments are in disagreement as to certain aspects of the division of responsibility, provision should be made for settling the dispute, perhaps by appealing to the State highway department, or the county engineer, in the case of townships failing to agree.

DETOUR FACILITIES

When a highway or street is under construction and closed to traffic, provision must be made for routing the traffic over another road. If the closed highway is a State highway, for example, State highway traffic may be detoured via a county road or city street. The question arises as to whether the responsibility for maintenance of the detour remains with the local government or whether the State assumes this responsibility.

Several States (Connecticut, Indiana, Mississippi, New York, Nebraska, Pennsylvania, Rhode Island and Wisconsin) provide by statute that the State must maintain and repair the detour route and return the same to the local government in as good condition as it was when the State designated it as a detour route.¹⁴⁴ The Wisconsin

State Highway Commission is also authorized to lay out temporary detour routes and improve or maintain same as part of the cost of construction or maintenance of the State highway system.¹⁴⁵ In New Jersey the counties and the State may make repairs in detour roads, with the consent of the body having control over the road, and the cost of repair and maintenance may be considered part of the cost of construction or repair.¹⁴⁶

Cooperation with local authorities concerning maintenance of detours is provided for in Illinois, Mississippi, Texas and Virginia.¹⁴⁷ In Illinois, the Department may arrange with local authorities to maintain or otherwise maintain efficient detours. Counties in Texas are required to cooperate with the State Highway Commission, and in Mississippi and Virginia, the State Highway Commission is authorized to agree with county authorities to pay all or part of the cost of laying out and maintaining detours.

The State is responsible for repairing or

1942, §§8034, 8034.5; REV. STATS. OF NEB. §39-1347; N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §§42, 43; PURDON'S PA. STATS. ANN., tit. 36, §670-423; GEN. LAWS OF R. I., 1956, §24-8-19; WIS. STATS. 1957, §84.20.

¹⁴⁵ WIS. STATS. 1957, §84.02(10). This does not change the system status of the highway, however.

¹⁴⁶ N.J.S.A., §§27:3-2, 27:3-3.

¹⁴⁷ SMITH-HURD ILL. ANN. STATS., ch. 121, §300; MISS. CODE, 1942, §8034; VERNON'S TEX. CIV. STATS., §6674c; CODE OF VA. 1950, §33-110.

¹⁴⁴ GEN. STATS. OF CONN., §2261; BURNS' IND. STATS. ANN., §36-142, when county highway used as a detour; MISS. CODE

Table 22 Cooperation Relating to Highways on or Traversing Jurisdictional Lines

| State or State Citation | Highways on State Lines | | Highways on County Lines | | | | Highways on Township Lines | | | Highways on Municipal Lines | |
|-----------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------|-------------------------|---------------------------|-------------------------------------|---------------------------|----------------------------|-----------------------------|----------------------------|
| | State Highway Department to Cooperate with Adjoining States | Local Governments May Cooperate with Authorities of Adjoining State | Cooperation between Counties | County-Township Cooperation | County-City Cooperation | State Arbitrates Disputes | Cooperation between Townships | Township-City Cooperation | County Arbitrates Disputes | County-City Cooperation | Cooperation between Cities |
| Alaska | No provisions | | | | | | | | | | |
| Code of Ala | | | Tit 23, §§51, 52 | | Tit 23, §53 | | | | | | |
| Ariz Rev Stats | | | §18-157(D) | | | | | | | | |
| Arkansas | No provisions | | | | | | | | | | |
| Deering's Calif Codes, Sts & Hwys | §100 6 | §1626 | §§972 et seq, 1101, 1626 | | | | | | | | |
| Colo Rev Stats | | | §§120-1-13, 120-13-17 | | §120-1-13 | | | | | | |
| Gen Stats of Conn | | | | | | | §2142 | | | | |
| Delaware | No provisions | | | | | | | | | | |
| Florida | No provisions | | | | | | | | | | |
| Code of Ga Ann | | | §23-1801 et seq | | | | | | | | |
| Idaho | No provisions | | | | | | | | | | |
| Smith-Hurd III Annot State | | §121-109 | §§121-36, 121-302, 121-351 | | | §121-106 | §§121-106 et seq, §§121-75, 121-351 | §121-106 | | §121-351 | |
| Burns' Ind Stats Ann | | §§36-1001, 36-1002 | §§36-220, 36-221, 36-401 et seq, 36-501 et seq, 36-716 et seq, 36-1315, 36-1317, 36-1452 et seq | | | | | | | | |
| Code of Iowa | | §314 10 | §§306 5, 309 68 | | | §309 69 | | | | | |
| Gen Stats of Kans | | §68-113 | §§68-109, 68-507, 68-527, 68-716 | | | §68-507, §68-528 | §68-527 | | | §68-109, §14-540 | |
| Ky Rev Stats | | | §178 250 | | | §178 250 | | | | | |
| Louisiana | No provisions | | | | | | | | | | |
| Rev Stats of Maine | | | Ch 89, §46 et seq | | | | Ch 96, §§67, 68 | | | | |
| Maryland | No provisions | | | | | | | | | | |
| Massachusetts | No provisions | | | | | | | | | | |
| Mich Stats Ann | | | §§9 117, 9 118, 9 1101 | | §9 1127 | §9 117 | | | | | |

| | | | | | | | | | | |
|-------------------------|---------------|--------------------|----------------------------------------------------------------|--------------------------------|--------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------|------------------------------------------------|
| Miss Stats 1957 | §161 03(24) | | §§162 20, 163 10, Laws of '57, ch 943, §56 | | | §163 10, §163 17 (as amended by Laws of '55 ch 838) | §163 17 | §163 17 | §163 10 | Laws of '57, ch 943, §83(10) [§160 621] 163 11 |
| Miss Code 1942 | §8038 8 | | §§8322, 8329 | | | | | | | |
| Mo Rev Stats | | | §228 140 | | | | | §231 160 | | |
| Rev Codes of Mont | §32-1623 | | §§16-1004, 32-401 | | | | | | | |
| Rev Stats of Neb | | | §§39-145, 39-146, Laws of '57 L B 111, Art 1V, § 11 | | | | | §39-405 | §§23-340, 39-207, Laws of '57 L B 111, Art V, §3 | |
| N H Rev Stats | | | §234 31 | | | §§234 10 234 11, 234 21, 234 22, 234 47, 234 48 | | | | |
| Nev Rev Stats | §408 125 | | | | | | | | | |
| N J S A | | | §§27 14-33, 27 14-34, 27 16-20, 27 16-72, to 27 16-76, 27 20-4 | §§27 22-13, 27 22-14 | §40 56-2 | | | | | §§27 22-1 to 27 22-8 §40 67-24 |
| N Mex Stats | | | §§55-4-4, 55-4-7 et seq | | | | | | | |
| N Y Consol Laws Service | | | | | | Hwy Law §§184, 185, 186, 187 | Hwy Law, §§184, 185, 186 | Hwy Law, §§184, 185, 186 | | Village Law §160 |
| North Carolina | No provisions | | | | | | | | | |
| N D Rev Code | | §24-0508 | §§24-0704, 24-0712 | | | §§24-0612, 24-0704 | §24-0734 | §24-0704 | | |
| Baldwin's Ohio Rev Code | | §§5555 81, 5555 82 | §§5553 13 et seq 5555 21 et seq 4957 09 | §5555 43 | §5555 25 | §§5573 15, 5579 03 | §5579 03 | | | §728 08 |
| Okla Stats | | | Tit 69, §§251, 254 | | Tit 69 §253 | | | | | |
| Ore Rev Stats | | §369 480 | §§369 410 et seq | | | | | | | |
| Purdon's Pa Stats Ann | | §36-2361 | §§16-2704, 16-5901(d), 36-1902 | §§53-37987, 53-57115, 53-66215 | §§16-2765, 16-5929 | §§53-37101, 53-66201, 53-66202 | §§16-2763, 16-2764, 16-5927, 16-5928, 53-1862, 53-37985, et seq, 53-46725, 53-46730, 53-57101, 53-57110, 53-57115, 53-57130, 53-66205, 53-66210, 53-66215, 53-66230 | | | §§53-1862, 53-37980, 53-47725 |
| Rhode Island | No provisions | | | | | | | | | |
| Code of Laws of S C | | | | | | §§33-1630, 33-1637 | | | | |
| S D Code | | §28 0701 | §§28-0703, 28-0704 | | §§28-0703, 28-0705 | §§28-0414, 28-0702 | §28-0704 | §28-0702 | | |
| Tennessee | No provisions | | | | | | | | | |
| Vernon's Tex Civ Stats | | | | | | | | | | Art 1105b |

Table 22—Continued

| State or State Citation | Highways on State Lines | | Highways on County Lines | | | | Highways on Township Lines | | | Highways on Municipal Lines | |
|-------------------------|-------------------------------------------------------------|---------------------------------------------------------------------|------------------------------|-----------------------------|-------------------------|---------------------------|-------------------------------|---------------------------|----------------------------|-----------------------------|----------------------------|
| | State Highway Department to Cooperate with Adjoining States | Local Governments May Cooperate with Authorities of Adjoining State | Cooperation between Counties | County-Township Cooperation | County-City Cooperation | State Arbitrates Disputes | Cooperation between Townships | Township-City Cooperation | County Arbitrates Disputes | County-City Cooperation | Cooperation between Cities |
| Utah | No provisions | | | | | | | | | | |
| Virginia | No provisions | | | | | | | | | | |
| Vt Stats | | | | | | | §§5054 et seq | | | | |
| Rev Code of Wash | | §36 75 210 | §§36 75 210, 36 75 220 | | | | | | | | |
| West Virginia | No provisions | | | | | | | | | | |
| Wis Stats | | | §§81 14, 83 025 | | | | §80 11 | §80 12 | §§80 30, 81 14 | | |
| Wyoming | No provisions | | | | | | | | | | |
| District of Columbia | No provisions | | | | | | | | | | |
| Hawaii | No provisions | | | | | | | | | | |
| Puerto Rico | No provisions | | | | | | | | | | |

Alabama—Column 5 Any municipality that would be benefited may aid in improvements
California—Column 2 Counties may agree with adjoining counties of another state for construction and maintenance
Colorado—Columns 3 and 5, §120-1-13 joint action in vacating
Illinois—Column 2, provides for procedure for cooperation between townships and districts when laws of adjoining state are applicable Columns 3, 7 and 11 §121-351 responsibility assigned by Statute
Indiana—Column 2 Counties authorized to cooperate with proper authorities of adjoining State
Iowa—Column 2 Board or commission in control authorized to cooperate with officials of the adjoining State
Kansas—Column 2 County may establish a road 20' wide provided adjoining state shall provide for and establish its proportionate share
Kentucky—Column 4 Representatives from the State and counties shall meet and arrange the matter
Maine—Column 3 Provides for petitions to both counties for laying out
Michigan—Columns 3 and 5 §§9 1101 and 9 1127 provide for joint action in separating grade on county line
Minnesota—Column 11 §163 11 city of fourth class may delegate authority to improve any public highway within such city to an adjoining municipality Columns 3, 7 and 10 §163 10, villages, boroughs, cities of the fourth class or any county board may expend sums to assist in improvement of roads lying beyond their boundaries within or without the county
Mississippi—Column 1 §8038 8, provides for an agreement with Louisiana for maintenance and improvement of roads on Australia Island Maintenance by Mississippi to be reimbursed by Louisiana
Montana—Column 1 Authorized to designate state highways outside the state federal-aid route if same is not part of the state highway system of the adjoining state
Nebraska—Column 9 In counties under township organization, county board shall allot portions to townships to be considered wholly belonging to such townships
New Jersey—Column 5 §40 56 2 city authorized to construct and lay out street in adjoining county Columns 3 and 4 §§27 16 20, 27 22 13, 27 22 14, roads leading to a county institution
New York—Columns 7, 8 and 9 Hwy Law, §§184, 185, cooperation in settling differences concerning the establishment, relocation or improvement of such highways
North Dakota—Column 2 Counties authorized to cooperate with officials of adjoining States regarding opening and construction of State line road
Ohio—Column 2 Counties authorized to cooperate with adjoining state or subdivisions thereof regarding state line roads Column 3 §4957 09, cooperation in abolition of railroad crossing on county line road Column 4 For apportionment of expenses between county and township or townships
Oregon—Column 2 Counties authorized to cooperate with adjoining counties within or without the state regarding roads on county lines
Pennsylvania—Column 2 Between Pennsylvania and Ohio adjoining townships to meet and divide sections of the road between them for maintenance purposes Column 4 For roads on line between township and municipality in adjoining county Column 5 For roads on line between municipality and township in adjoining county
South Carolina—Column 7 Applies to Fairfield county
South Dakota—Column 2 Counties to confer with adjoining state regarding assignment of road for construction and maintenance Column 3 §28-0703, county assigns portions to townships
Washington—Column 2 Counties authorized to enter into joint contracts for construction and maintenance
Wisconsin—Column 3 §81 14, if county fails to open a line highway, adjoining county may do so and charge to the first county §83 025 counties shall confer and cause systems to join Column 9 §80 39 where adjoining towns cannot agree on a line road in different counties and one town lays out its share, county may continue such road §81 14 freeholders may appeal to county in case of neglect to repair

paying the cost of repairing damage to local roads due to transporting equipment and materials for State highway construction in Connecticut, Ohio, and Wisconsin¹⁴⁸

Local governments are prohibited from closing local roads used as detours by the State without its consent or where it is necessary for public safety in Pennsylvania¹⁴⁹ Local governments in Illinois may apply to the Department to have a State highway temporarily closed The local government assumes all liability and is responsible for maintaining a suitable detour¹⁵⁰ Municipalities in Wisconsin are prohibited from closing any street over which a State trunk highway is marked without making arrangements with the State Highway Commission for marking a detour¹⁵¹ Municipalities in Pennsylvania are required to notify the Department of creations of the removal of detours¹⁵²

Counties in Kansas and Pennsylvania are required to maintain roads used as detours when county roads are under construction¹⁵³ Ohio counties must repair substantial damage to county or township roads due to transportation of materials and equipment for road construction and repair¹⁵⁴

Where a township road is closed in Pennsylvania, the township supervisors are required to designate and maintain a detour, except in the case of a State or county highway¹⁵⁵ New Jersey municipalities are required to provide for detours and return the same in as good condition as when taken over¹⁵⁶

The legislature should clearly indicate which governmental unit is responsible for the work and the cost of maintenance and repair of a highway being used as a detour while another highway is being constructed,

reconstructed, or repaired Provision should also be made for reimbursing the government responsible for a road when it is damaged due to the transporting of road equipment of another governmental unit, or it might be repaired by the latter governmental unit

GRADE CROSSING ELIMINATION

The elimination of railway-highway grade crossings and highway grade intersections may involve more than one unit of government California, Colorado, Illinois and Wisconsin authorize agreements with local authorities for the elimination of grade intersections with an expressway¹⁵⁷ County or township roads in Nebraska may be barricaded by the State Road Department for the purpose of prohibiting access to a State controlled-access highway Notice to the local government and opportunity to oppose the barricading is first provided for, and the statute assures a crossing at least every five miles, unless the county consents to less¹⁵⁸ For a discussion of statutes pertaining to the elimination of expressway crossings, see the Highway Laws Project study of expressway law¹⁵⁹

The Oregon State Highway Commission may close a city street which intersects a State highway, by formal agreement with the municipality¹⁶⁰ Municipalities in Tennessee are prohibited from constructing entrances into a State highway except by agreement with the Commissioner¹⁶¹

Several States provide for cooperation between State and local authorities in eliminating railroad grade crossings on local roads¹⁶² A Georgia law provides that no

¹⁴⁷ DEERING'S CALIF CODES, Sts & Hwy, §100 2, COLO REV STATS 1953, §120-6 3, SMITH-HURD ILL ANN STATs, ch 101, §340, WIS STATS 1957, §84 29(5), (6)

¹⁴⁸ NEB LAWS OF 1957, L B 111, art IV, §28

¹⁴⁹ "Expressway Law, An Analysis," H R B Special Report 26, p 40

¹⁵⁰ ORE REV STATS, §373 050

¹⁵¹ TENN CODE ANN, §54-541

¹⁵² DEERING'S CALIF CODES, Sts & Hwy, §190, agreements between county, city or separation of grade districts and the department for separation of crossings on county roads or city streets §8181, 8145 department approval for separation of grade district projects on State highway BURNS' IND STATS ANN, §48-3705 *et seq* State county agreements concerning work and division of cost: ANN CODE OF MD 1957, art 89B, §45 State may relocate or change grade of a crossing on own motion or upon petition of municipality or county BALDWIN'S OHIO REV CODE, §5521 02, State-county on State highway, §5523 15, 5531 03, State-municipal on State highway, §5524 01 (as amended, LAWS OF 1957, HB #772) §5561 01 *et seq*, county may raise or lower grade of State or intercounty highway at railroad crossing, with Director's approval PURDON'S PA STATS ANN, tit 36, §670 307, State

¹⁴⁸ CONN LAWS OF 1957, P A No 611, agreements with municipalities as to cost of damage by operation of equipment used in construction of an expressway, BALDWIN'S OHIO REV CODE, §5517 04, WIS STATS 1957, §84 20

¹⁴⁹ PURDON'S PA STATS ANN, tit 16, §§2775, 5940, applies to counties, tit 53, §37976, third class cities, tit 53, §866112, 57014 townships

¹⁵⁰ SMITH HURD ILL ANN STATs, ch 121, §300

¹⁵¹ WIS STATS 1957, §84 07(4)

¹⁵² PURDON'S PA STATS ANN, tit 36, §2203, when the municipal street forms part of a State highway, tit 53, §37977

¹⁵³ GEN STATS OF KAN, §68 2103 applies to township roads used as detours, PURDON'S PA STATS ANN, tit 16, §§2775, 5940

¹⁵⁴ BALDWIN'S OHIO REV CODE, §5555 04

¹⁵⁵ PURDON'S PA STATS ANN, tit 53, §537104, 66112

¹⁵⁶ N J S A, §27 8 6 to 27 8-10

railroad grade crossing of a county road shall be eliminated without approval of the Department¹⁶³ Approval of town or city authorities is required for elimination by the State of railroad grade crossings not on the State system in Rhode Island¹⁶⁴ In Kansas, the State Highway Commission determines the necessity of eliminating crossings on county roads¹⁶⁵ Illinois and Ohio provide for cooperation between counties in grade crossing elimination¹⁶⁶

California law provides for the formation of separation of grade districts for projects on roads of the various highway systems, and provides for agreements between the district and the governmental unit concerned¹⁶⁷ California also has a procedure for notice to cities of proposed change of grade of a State highway affecting an intersecting local street The Department is authorized to cause the local street to meet the intersecting State highway at grade or may enter into agreements with the city concerning the doing of any of the work¹⁶⁸

A statute authorizing State-local agreements for the elimination of highway-highway and highway-railway crossings would provide for consideration of both State and local interests in situations of concern to both

PUBLIC UTILITIES

The statutory provisions pertaining to intergovernmental relations in public utility facility installations for the most part apply to State highways within municipalities For example, a municipality may be authorized to dig up a State highway for the purpose of installing facilities provided it replaces it in the same condition¹⁶⁹ or

county, borough or township agreements to share cost of elimination paid in part with Federal aid on a State highway MICH STATS ANN, §9 1101 Grade separation by joint action of city and county where the crossing is on a city line N H REV STATS ANN, §373 23, representatives appointed by the selection of each town directly served by a crossing shall be invited to sit in an advisory capacity at the Public Utility Commission's hearing re elimination of the railroad grade crossing ANN LAWS OF MASS, §§159 65, 159 70 provides for county, city and town participation in Public Utility Commission hearings re railroad grade crossing elimination

¹⁶³ CODE OF GA ANN, §95 1902

¹⁶⁴ GEN LAWS OF R I 1950, §24 8 10

¹⁶⁵ GEN STATS OF KAN, §68 509

¹⁶⁶ SMITH-HURD ILL ANN STATS, ch 121, §§39, 40, BALDWIN'S OHIO REV CODE, §4957 09

¹⁶⁷ DEERING'S CALIF CODES, Sts & Hwy, §§190, 8115, 8145 8181 8237

¹⁶⁸ DEERING'S CALIF CODES, Sts & Hwy, §§854 *et seq*

¹⁶⁹ CODE OF ALA 1940, tit 23, §78(22), DEERING'S CALIF CODES, Sts & Hwy, §810, COLO REV STATS 1953, §120 13-

State approval may be required¹⁷⁰ Municipalities may be authorized to grant franchises on State highways¹⁷¹ and provision may be made for State approval of municipality-granted franchises¹⁷² A few State statutes require county approval for installation of municipal utility facilities in county roads¹⁷³ In 1955 a comprehensive study of laws pertaining to public utility facilities was made under the auspices of the Highway Research Board¹⁷⁴

FILING OF REPORTS

In addition to statutory provisions discussed in the previous sections pertaining to cooperation in various aspects of highway construction and maintenance, numerous provisions may be found which require the filing of maps or reports These provisions relate to previous sections of this report, for example, programing and standards

Provisions requiring the filing of maps of a particular highway system include those requiring the State to file maps of the State system with the counties or towns¹⁷⁵ and requiring counties or municipalities to file highway maps with the State highway department¹⁷⁶

35, ANN LAWS OF MASS §18 21, NEV REV STATS §§405 190, 408 955, N D REV CODE, §24 0103, ORE REV STATS §373 020, CODE OF LAWS OF S C 1952, §§33-171, VERNON'S TEX CIV STATS 1948, arts 1433a, 1436a, §1a, 1436b, REV CODE OF WASH, §47 24 020

¹⁷⁰ CODE OF ALA 1940, tit 23, §78(22), ALASKA COMP LAWS 1949, §14A-2 22, COLO REV STATS 1953, §120-13-35, FLA STATS 1957, §335 05 permits for installations upon the right-of way must be secured from the board with concurrence of the municipality, MISS CODE 1942, §8037 municipality retains the right to grant franchises Permission to open street must be obtained from both the State highway commission and the city, N D REV CODE, §24-0103, ORE REV STATS, §373 020, REV CODE OF WASH, §47 24 020

¹⁷¹ DEERING'S CALIF CODES, Sts & Hwy, §810, DEL CODE ANN, §17-134(c), KY REV STATS, §177 047, MICH STATS ANN, §9 264, N J S A, §27 7 12, VERNON'S TEX CIV STATS 1948, arts 1433a, 1436a, §1a, 1436b, W VA CODE 1955, §1474(13), REV LAWS OF HAWAII, §111-13

¹⁷² MICH STATS ANN, §9 264, N J S A, §40 63-21, WIS STATS 1957, §84 08

¹⁷³ MICH STATS ANN, §9 264, N J S A, §840 63-21, 27 16 23, N Y CONSOL LAWS SERVICE, Hwy Law, §136, county permit required for installation of utility facilities any municipal franchise notwithstanding

¹⁷⁴ "Relocation of Public Utilities Due to Highway Improvement," IIRB Special Report 21

¹⁷⁵ DEERING'S CALIF CODES, Sts & Hwy, §§128, 129, 740 2, 740 4, GEN STATS OF CONN 1949, §1199d, FLA STATS 1957, §335 02, SMITH-HURD ILL ANN STATS, ch 121, §294, ANN CODE OF MD 1957, art 89B, §7, ANN LAWS OF MASS, §§81 5, 81 6, REV CODES OF MONT 1947, §32 1614, N Y CONSOL LAWS SERVICE, Hwy Law, §§29, 30, 347, maps showing property deemed necessary for State highways BALDWIN'S OHIO REV CODE, §149 17, S D CODE OF 1939, §§28-0209, 28-0209 1 (as am by LAWS OF 1953, ch 139), CODE OF VA 1950, §33-51, VT LAWS OF 1957, Act #250, §82, 14, W REV CODE 1955, §§1459, 1463, WIS STATS 1957, §84 02(12)

¹⁷⁶ COLO REV STATS 1953, §120 13-20, 120-13 25, CODE OF GA ANN, §§85 2211, 95 2212, IDAHO CODE, §40-1621 road districts, SMITH HURD ILL ANN STATS, ch 121, §§12, 123, ch 120, §425½, GEN STATS OF KAN, §68 510, LA RA STATS 1950, §48 752 map of parish road system, IFA

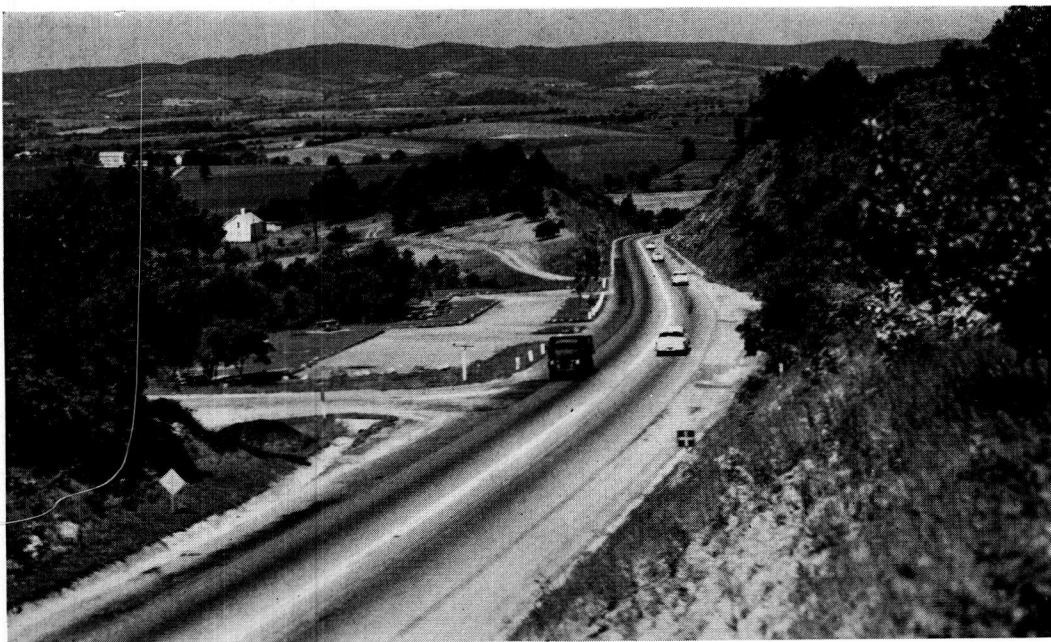


PLATE G

Federal, State, and local cooperation have made through highways a reality instead of a dream.
US 40 west of Frederick, Maryland.

In Washington, counties and municipalities are required to file reports necessary for the State highway department to make its annual report.¹⁷⁷ Local reports concerning the expenditure of funds are often required to be filed with the State highway departments.¹⁷⁸ Local reports to the State showing

the status of highway construction and improvement¹⁷⁹ and reports containing information requested by the State highway department¹⁸⁰ are required in some States.

A few States also require the filing of re-

STATS. OF ME., 1954, ch. 89, §71 county shall notify State of changes, additions or discontinuances of State, State-aid or third class highways; MICH. STATS. ANN., §9.118 county to file map with its application for State reward; MO. REV. STATS. 1949, §61.270, upon request of State highway engineer; NEB. LAWS OF 1957, L.B. 111, art. VII, §1; N.J.S.A., §27.15-11 filing of maps by municipalities and townships re State aid roads; N. MEX. STATS. 1953, §§55-2-18, 55-3-1; N. Y. CONSOL. LAWS SERVICE Hwy. Law, §§115, 116 map of county road system to be improved with State-aid; BALDWIN'S OHIO REV. CODE, §5543.04; ORE. REV. STATS., §369.120; WIS. STATS. 1957, §86.31 municipalities to file plats of road mileage with State Highway Commission; WYO. COMP. STATS. 1945, §48-110.

¹⁷⁷ REV. CODE OF WASH., §35.21.260, municipalities, §36.75-260 counties.

¹⁷⁸ ARK. STATS. 1947, §76-2101 road improvement districts; DEBERING'S CALIF. CODES, Sts. & Hwy., §197 annual city budget reports, §199 city to submit cost estimates for approval, §201 cities' reports on expenditures for maintenance, when State highway funds have been delegated; §2151 *et seq.*, county and city reports re expenditures; COLO. REV. STATS. 1953, §120-13-26 annual county reports, §120-13-26 annual reports by city street supervisors; IDAHO CODE, §40-130, State may require counties to submit financial data; SMITH-HURD ILL. ANN. STATS., ch. 120, §425½, counties in cooperation with townships to submit cost estimates for township road construction to the department; ANN. CODE OF MD. 1957, art. 89B, §13(e) annual county reports; §19A reports on expenditures by county and city of Baltimore; MICH. STATS. ANN., §9.1097(14), (15) county and municipal annual reports regarding disposition of funds; MINN. LAWS OF 1957, ch. 943, §61(4) counties to submit information regarding money needs, §62(5) county reports regarding finances as work on county State aid system progresses, ch. 943, §67(3) cities to file information regarding money needs, §68(4) cities

shall report regarding finances as municipal State aid street work progresses; MO. REV. STATS. 1949, §230.100, counties detailed reports of money received and expenditures; N.J.S.A., §27.15-1.8, municipal reports regarding State-aid expenditures; N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §113 annual county reports regarding State-aid funds; Baldwin's Ohio Rev. Code, §5543.05 counties and townships may be required to submit cost records; OKLA. STATS. 1951, tit. 69, §300 county to submit cost records; GEN. LAWS OF R. I. 1956, §24-8-18 annual town reports; CODE OF VA. 1950, §33-50.3, town quarterly accounting reports, §33-113.2, city quarterly accounting reports; REV. CODE OF WASH., §86.82.170 county road budgets; WIS. STATS. 1957, §86.32, municipalities, re connecting streets, §83.01 annual county reports.

¹⁷⁹ IDAHO CODE, §40-1621 road districts annual reports; GEN. STATS. OF KAN., §68-540 county to report re county and township roads; MICH. STATS. ANN., §9.1097(14) county and municipal annual reports re mileage and condition of each road system under their jurisdiction; MINN. STATS. 1953, §162.11(6) annual county reports; MO. REV. STATS. 1949, §861.090, 61.270 annual county reports; N. Y. CONSOL LAWS SERVICE, Hwy. Law, §140(12) towns to file reports re mileage of town highways; OKLA. STATS. 1951, tit. 69, §322 county reports of each section of road completed with State funds; ORE. REV. STATS., §369.140 regarding county market road system, §369.260 county to submit annual inspection of system report; VT. LAWS OF 1957, Act #250, §16, towns; REV. CODE OF WASH., §36.81.120 county road engineer to file long range program for county road construction; WIS. STATS. 1957, §83.14(8) regarding improvement on county aid system.

¹⁸⁰ IDAHO CODE, §§40-120(6), 67-3201(14) from highway district commissioners, county commissioners and other road officers; KY. REV. STATS., §179.350 counties; REV. CODES OF MONT. 1947, §832-302(10), 32-1605, counties; N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §102(7) annual county reports of such matters as the Department specifies; BALDWIN'S OHIO REV. CODE, §5543.03 counties regarding highways and bridges in the county, §5543.04 counties, regarding county and township roads.

ports by one local unit to another, particularly by the townships or road districts to the county¹⁸¹

The statutory provisions a State should have concerning the filing of reports would depend entirely upon the substance of its highway law, since such reports are not ends, but means of carrying out or enforcing other provisions of the statutes

MISCELLANEOUS PROVISIONS

A few States provide for the adoption of uniform accounting systems to be used by local governments¹⁸² The California Department of Public Works may cooperate

¹⁸¹ IDAHO CODE, §40 1621 district annual reports to county of work of construction and maintenance including a map, SMITH-HURD ILL ANN STATS, ch 121, §56 1, township to report to county concerning expenditure of funds, §123, counties shall file maps, plans, specifications and cost estimates of township system with the township, GEN STATS OF KAN, §68 502, county engineer to file copies of plans and specifications for township roads with township and also maps of the roads in the different counties §68 539 township monthly or quarterly reports to county engineer of work completed and progress and expenditures on township roads, REV STATS OF ME, ch 96, §62 municipal officials to notify county of changes or additions in State aid or third class highways, MO REV STATS 1949, §231 050, Road district overseers to make monthly reports to county highway engineer regarding finances and work done §231 060 provides for annual reports, BALDWIN'S OHIO REV CODE, §5571 13, township annual reports to county engineer regarding highways, bridges, and culverts §§5541 01, 5541 02 township reports to county regarding relative use of roads for purpose of county road system selection §5543 02 county statements to township for funds needed, to be used by township for information in tax levies, N Y CONSOL LAWS SERVICE, Hwy Law, §140(12) town to file report of mileage of town highways with the county §140(16) provides for annual town reports to the county, WIS STATS 1957, §83 01 county highway commissioner has access to records of town clerks §86 31 municipality shall file plat with road mileage with county clerk

¹⁸² IDAHO CODE, §40 408 counties and good road districts, SMITH HURD ILL ANN STATS, ch 121, §3(11) counties, townships and districts, MISS. CODE 1942, §8035 03 for expenditure of State-aid road funds, WIS STATS 1957, §83 015 counties, except for Milwaukee county, UTAH CODE ANN 1953, §27-8 5, counties and cities

with counties and cities concerning subdivision development along a State highway¹⁸³ Connecticut and New York provide for cooperation between the State and local governments concerning construction and maintenance of sidewalks along State highways¹⁸⁴ In New Jersey, cities may enter into agreements with the county for the construction and maintenance of sidewalks along county roads.¹⁸⁵ Townships in North Dakota may cooperate in determining uniform construction standards for drainage purposes.¹⁸⁶ Kansas counties are authorized to provide lighting on State, county and township highways, subject to the approval of the State highway commission¹⁸⁷ Counties and towns in New York may provide for lighting of public roads, subject to the approval of the State superintendent of public works.¹⁸⁸ In addition a few States have provisions concerning removal of debris or weed control,¹⁸⁹ and provide for cooperation in the planting and care of vegetation.¹⁹⁰

¹⁸³ DEERING'S CALIF CODES, Bus & Prof., §11528 1

¹⁸⁴ GEN STATS OF CONN 1949, §2242, N Y CONSOL LAWS SERVICE, Hwy Law, §§54, 140(18)

¹⁸⁵ N J S A, §27 16 22

¹⁸⁶ N D REV CODE OF 1943, §24-06261

¹⁸⁷ GEN STATS OF KAN, §§68 161, 68 164

¹⁸⁸ N Y CONSOL LAWS SERVICE, Hwy Law, §§327, 328, See also MICH STATS ANN §§5 2481, 5 2491, 5 2492 cooperation between township, counties and townships in lighting public roads, N J S A, §40 67-15 cooperation between county park commission and city for street lighting

¹⁸⁹ DEERING'S CALIF CODES, Sts & Hwy §953 counties may cooperate with state, Federal agencies or other counties in removal of debris from county highways, GEN STATS OF KAN, §2-1317 cooperation between State and local governments for weed control, CODE OF VA 1950, State prohibited from planting weeds along a State highway if county has declared them to be injurious to adjacent property

¹⁹⁰ N J S A, §27 14-28 State county cooperation for the removal and treatment of trees along the roadside, UTAH CODE ANN 1953, §27-2-7(18) State-municipal cooperation along a State highway

APPENDIX

SUMMARY OF STATE STATUTES

ALABAMA

Code of Ala. 1940

Provision for regional planning commissions (§37-809 *et seq*)

County may apply to the department for construction and maintenance of State highways with State aid and the department may accept appropriations from the county. (tit 23, §20)

State and county may cooperate for any work in the construction or maintenance of highways (tit 23, §22)

Municipal consent required for construction by the county of roads and streets within the corporate limits (tit 23, §49)

Provision for a bureau of county aid as a division of the State highway department. Counties may provide for aid in county road construction. Details of the construction are subject to State approval. Provision for agreements setting forth conditions under which the county roads are to be constructed (tit 23, §78(3) *et seq*) Maintenance by the county in accordance with standards established by the bureau of county aid and agreements thereto provided for (§78(15))

State-Municipal cooperation in construction, maintenance and repair of municipal connecting links (tit 23, §78(19) *et seq*)

Provision for city resolution for taking over for maintenance and improvement a street under the control of the county. County to agree to pay sums designated in the resolution before same becomes effective (tit 37, §§661, 662)

State-local cooperation in providing for controlled-access facilities (Laws of 1956, H B 148, §§3, 7)

County and municipal officials may consult the State highway department concerning construction of roads and bridges. The department may call on county and municipal officials for any information or assistance it may require (tit 23, §13)

County may acquire right-of-way for

State highways (tit 23, §§25, 25½)

City or town may agree with county or State to share cost of construction or improvement of street within municipality (tit 37, §657)

Cooperation between counties and municipalities concerning roads traversing county lines. (tit 23, §§51, 52, 53)

ALASKA

Alaska Comp. Laws 1949

Highway and Public Works Department authorized to cooperate in highway matters. (§14A-1-42)

State-municipal cooperation for Federal-aid highways within the municipalities (§14A-2-13)

State-municipal cooperation in construction and maintenance of municipal connecting links authorized. (§14A-2-22)

Municipalities of over 5,000 population together with the Highway and Public Works Board shall adopt a master highway plan. (§14A-2-42)

Highway director authorized to enter into agreements with States, municipalities, or research organizations to carry on research and test projects involving highway development (§14A-2-44)

ARIZONA

Ariz Rev. Stats.

State highway engineer is authorized to enter into agreements with counties and cities for improvement or maintenance of State routes (§18-106(5))

Connecting highways through a city or town may by agreement with the State or county be considered State highways or county highways respectively. The agreement shall make provision for maintenance. (§18-156)

State-county and county-county agreements for construction of inter-county routes on the Federal-aid secondary system (§18-157(D))

County highways within a municipality may through cooperation be improved in the same manner as if lying without the municipality (§18-208)

State prisoners may be worked on State highways if not objected to by the board of supervisors of the county where the work is to be done (§31-292)

ARKANSAS

Ark Stats. 1947

Provision for joint planning commissions (§19-2820)

State may enter into agreement with as many as two counties whereby State assumes the construction and maintenance of all or parts of county roads. Counties to pay agreed sums. (§§76-1034, 76-1035)

State and local cooperation in providing for controlled-access facilities (§§76-2203, 76-2208)

State highway commission may call upon county to provide right-of-way for changing or widening State road. (§§76-510, 76-511)

State highway commission shall obtain information valuable on the subject of highways and its services in the matter of consultations and advice on road matters shall be free to local officials (§76-223)

Counties may cooperate in adopting county convict system (§§76-1101, 76-1102, 76-1103)

Commissioners of improvement district authorized to call upon the State highway commission for advice and services of State highway engineer. If the commission deems it inexpedient to furnish such services, district may, with consent of the county court or State highway commission, employ an engineer (§76-1211)

CALIFORNIA

Deering's Calif Codes

Government Code—Authority to jointly exercise governmental functions—Federal, State, another State, political subdivisions, and political subdivisions of another State (§§6500 to 6513)

Provision for area planning commissions

(§65090 *et seq.*) Counties and cities authorized to combine their planning commissions and authorized to hold joint meetings with each other or with regional or area planning commissions (§§65403, 65404)

Streets and Highways Code—City may contract with the department for performance of any or all street work by the department and may transfer money to the department. A city, with approval of the county may contract with the county for performance by the county of projects within the city, which projects have been approved by the department. A city and joint highway district may with the approval of the department contract for the performance by the district of any project which the district may lawfully perform and which the department has approved. (§202)

Department may delegate, to a city, any powers vested in the department regarding State highways except the power of approval, and may withdraw such delegation. (§116)

Department may agree with counties, or cities and joint highway districts regarding expense, acquisition, construction, improvement and maintenance of State highways (§130)

Upon application of county or city, the department shall, among other things, prepare plans, specifications and estimates for construction and maintenance and accept moneys to be used within the local unit on terms agreed upon (§131)

Applies to counties having park commissions. Authority to enter into agreements regarding grading, development, planting and maintenance of roadside areas along any State highway (§131 5)

Cooperation on highways which connect a forest highway system road or national park road with any State highway (§§790 *et seq.*)

State-county and State-municipal cooperation for acquisition, construction, improvement and maintenance of any highway to be constructed with Federal aid (§822 5)

County may expend funds for construction and maintenance work within a city,

which city has authorized same by ordinance or resolution (§1623)

Counties authorized to expend funds outside the county for acquisition and construction outside the county when such construction is authorized by the adjoining county (§1624)

County-city agreements for construction and maintenance of streets and roads by the county. (§§1685, 1803)

City and county may agree that city shall construct and maintain county highway in unincorporated territory, cost to be paid by county. (§1710)

Any city may, by ordinance, permit the use of its streets for construction and maintenance by the county as part of the county highway system (§1850)

Authorizes establishment of joint highway districts composed of two or more counties to be created for improving public highways (§25025)

If a joint highway district improves highways beyond the boundaries of the district, consent of the governing body controlling the territory is required (§25155)

Joint highway district board of directors may enter into negotiations with the Federal government directly or through the State regarding highways improved or to be improved by the district and the Federal government desires to include the highways in the scheme of national defense and use for military or other purposes (§25300)

Control of completed improvement by a joint highway district rests in the State, county or city, as the case may be, along with liability for maintenance (§25321)

Cooperation between boulevard districts (subordinate agencies of the county) and the department regarding construction, improvement, maintenance, plans and specifications and handling of moneys. (§26115)

Authority to join associations of highway officials of other States. (§141(e))

Provision for State advice and assistance to local officials (§131)

Provision for county aid in city improvements by furnishing labor and engineering. (§1682)

Two or more cities may jointly exercise the power of having their engineering or ad-

ministrative work done by contract (§1975)

Department authorized to call on local officials to submit information concerning highways. (§141)

Counties authorized to acquire land for State highways and to contribute money, labor, materials and appurtenances toward State highway construction (§760)

The department is authorized to acquire property for city at municipal request and may acquire property for a city or county where State highway construction necessitates changes in a city street or county highway. (§§134, 134.5, 8225)

Counties composing a joint highway district or any city within the district, may convey land to the district needed for district improvements (§25051) Joint highway district may request a county to acquire the necessary lands. (§25280)

City may contract with county for rental of county equipment (§§1803, 1685) County authorized to aid improvement of city streets by acquiring and delivering material and loaning its road machinery (§1682)

Cooperation concerning highways on State or county lines (§§1006, 972 *et seq.*, 1101, 1626)

State agreements with local authorities for the elimination of grade intersection with expressways. (§1002)

Cooperation in separation of grade projects. Provision for separation of grade districts. (§§190, 8181, 8115, 8145, 8237)

Provision for notice to city for change of grade of State highway Department authorized to cause local street to meet State highway at grade and may enter into agreements with the city concerning the work (§854 *et seq.*)

Business and Professions Code.—State-local cooperation concerning subdivision development along State highways (§155281)

Penal Code.—State may employ county convict labor. (§4215) Two or more counties may form a district for the purpose of requiring convicts to work on public highways. (§4201 *et seq.*)

COLORADO

Colo. Rev Stats 1953

Provision for regional planning commissions (§106-2-4 as amended by Laws of 1956, ch 97)

State-municipal or county-municipal agreements whereby municipality performs or pays for all or part of maintenance work within the municipality. (§120-3-17)

State-county cooperation in acquisition of property for State highway, freeway or local service road (§120-6-11)

Department may agree with city for construction or maintenance of State highway where it appears that the city has adequate facilities (§120-13-3)

State-county cooperation for maintenance or construction of State highways directly by the county (§120-13-4)

State, counties and cities are authorized to contract for construction and maintenance of State or county highways or municipal streets. Adjoining counties may agree for construction and maintenance of public highways where roads in one county may be constructed or maintained more economically by an adjoining county. (§120-13-44)

Counties and municipalities required to submit priorities for construction of roads and streets under their jurisdiction for State approval. (§§120-13-37, 120-13-38)

Provision for State advice and assistance to local officials (§§120-2-5(8), 120-13-38)

Provision for State-local meetings to discuss common problems. (§120-13-11(5))

Counties may share the same road supervisor (§120-13-11)

Counties and cities authorized to acquire land for State highways. (§§120-6-11, 120-13-35(10))

County primary roads shall conform to State highway commissioner's standards (§120-13-44) State supervision of county and municipal projects with Federal aid. (§§120-13-22, 120-13-33)

Cooperation between counties for use of convict labor (§39-10-13). County prisoners may be worked within a municipality, with the latter's consent. (§105-7-14)

County-county and county-city cooper-

ation for highways on county lines (§§120-1-13, 120-13-17)

State-local agreements regarding elimination of grade intersections with an expressway (§120-6-3)

CONNECTICUT

Gen. Stats. of Conn. 1949

Provision for regional planning commissions (§§868, 987; Laws of 1957, Act #13, §§43, 44)

State-town agreements regarding location, construction and maintenance (§2171)

Whenever a town declares its intention to build or improve a State road or bridge, and funds have been allotted by the State highway commission for such purpose, the highway commissioner shall select the project and make surveys, plans and estimates as if such State aid road were a trunk line road (§2220)

When a town, city or borough has constructed a road connecting a State road, the highway commissioner may accept same as a State aid road (§2221)

Agreements whereby towns accept a State highway and the State highway commissioner accepts an equivalent section of town maintained road, contiguous to the State highway. Also temporary reciprocal agreements for snow removal authorized (§2234)

State-municipal agreements regarding snow removal on State trunk line highways (§2240)

Commissioner may direct town selectmen to remove snow on trunk line highway at State expense. (§2262)

Maintenance of trunk line highways is responsibility of the town, except sections built under State aid, until they are improved at the expense of the State (§2263)

Provision for State advice and assistance to town officials. (§2197)

Town may acquire land for State highway. (§2225)

If town or borough fails to repair a road, county may order it to be done. (§§2127, 2128)

Cooperation between towns on town line roads. (§2142)

State to maintain local road used as a detour for State highway traffic (§2261) Agreements with municipalities regarding damage due to operation of State equipment. (Laws of 1957, P A #611)

DELAWARE

Del Code Ann.

Provision for regional planning commission in New Castle County Territory within a municipality may be included at request of governing body of same (tit 9, §2502)

State highway department has no power over streets of an incorporated city or town unless it is voluntarily surrendered by the municipality, except the department shall at State expense construct and maintain State highways Municipal consent is required for change of width of streets (tit 17, §134)

State-local cooperation in providing for controlled-access facilities (tit 17, §§173, 177)

FLORIDA

Fla Stats 1957

Intergovernmental cooperation mentioned in declaration of legislative intent. (§334 02(9))

The chairman of the State Road Board is responsible for the coordination of the total highway program of the State, including the designation of systems and development of construction standards and shall review the annual programs for each of the major systems to insure coordination of planning Local authorities authorized to cooperate with the chairman (§334 11)

State-municipal agreements for maintenance authorized. (§335 05)

State Road Board authorized to make such regulations regarding county roads as may by law or resolution of any county, be placed under its supervision and control. State may prepare the plans and specifications (other than for routine maintenance work) and let the contracts (§336 13)

State and local cooperation in providing for expressway facilities (§§338 01, 338 05)

Provision for State advice and assistance

to local officials (§§334 17, 334 24, 336 13(1))

County commissioners may lease or let convicts to State Road Board. County commissioners may hire out county prisoners to another county. (§951 05)

State Road Board authorized to sell obsolescent road machinery, equipment and material to local authorities (§337 05)

Counties may contract with the department to furnish right-of-way, borrow pits, drainage ditches, material and property for road building purposes. (§337 28(4))

Counties may furnish right-of-way for State highways (§337 28(1))

GEORGIA

Code of Ga Ann

Authority to exercise governmental functions jointly—State, counties and cities (Const. Art VII, §6, §2-5901)

Provision for municipal-county planning commissions (§69-1201)

County-municipal cooperation for construction and improvement on terms and conditions agreed upon Work may be done by either county or city or jointly contracted to a contractor (§23-601 *et seq*)

Department authorized to contract with county for construction of rural post roads by the county (§§95-2217, 95-2220)

State-local contracts for construction authorized (§95-2609)

Cooperation in providing limited access highways (Laws of 1955, No 333 (H B 305) §3)

Provision for State highway department inspections and records for long range planning of State and county roads (§95-1611 *et seq*)

Counties may cooperate in constructing and maintaining inter-county public improvements. (§23-1801 *et seq*.)

State highway department authorized to negotiate contracts with counties for work to be performed by convict labor or county forces (§§95-1630, 95-2217, 95-2220)

Duty of county to assist in procuring right-of-way, at county cost, for State-aid roads (§95-1721)

Counties to furnish right-of-way for U S

Post roads and farm-to-market roads. (§95-2219)

No railroad grade crossing of a county road shall be eliminated without approval of State highway department (§95-1902)

Provision for U.S. Post Roads Division of State Highway Department to supervise U.S. Post road and farm-to-market roads in cooperation with Federal and local governments. (§95-2201 *et seq*)

Intergovernmental cooperation in employing convict labor. (§§23-1802, 23-1804, 77-203, 77-325, 77-330, 95-1718)

IDAHO

Idaho Code

Two or more counties may cooperate in the formation of a regional planning commission (§50-2706)

State-local cooperation in State highway improvement and construction. (§40-120(11))

State responsible for maintenance of width of traveled way only of State highway. Agreements with municipality for equitable division of maintenance authorized, or the State highway board may arrange to have municipality maintain, cost to be reimbursed by the State. (§40-123)

Counties may cooperate in construction and maintenance (§40-131)

County authorized to make agreements with any municipality, other county, or the State, for the construction or maintenance of its own road system by the other jurisdiction or of the systems of other jurisdictions by its own road organization, but the county shall compensate or be compensated for the fair cost of any such work (§40-133(b))

Municipal agreements with State or county for municipal street work authorized, but municipality shall compensate county or State for work performed. (§40-136)

County authorized to construct and maintain roads in an adjoining county whenever it benefits its people. Provides for notice to the adjoining county of intent to do the work (§§40-505, 40-506)

State-county and State-district cooperation in construction. (§40-525)

Highway and good roads districts may cooperate with the State, county and municipality for construction, maintenance and division of cost (§40-1611)

Provision for State advice and assistance to counties and districts (§§40-131, 67-3201(15))

Highway and good roads districts authorized to bid on and enter into contracts for State highway work (§§40-2301, 40-2303, 40-2305)

Counties and municipalities which desire State highway of higher standards than planned may pay additional cost (§40-122)

State highways through municipalities shall be coordinated with standards in use for the street systems of same (§40-120(5))

If a district fails to repair a road, the county may have it done. (§40-1613)

Two or more highway districts in same or different counties may consolidate (§§40-1701, 40-1801)

State-county and State-district cooperation for improvement and construction of State highways and stock trails (§67-3201(9))

State-local cooperation for construction and maintenance of secondary or feeder roads not upon the State system. (§§67-3201(16), 40-120(14))

ILLINOIS

Smith-Hurd Ill. Ann. Stats

Provision for regional planning commissions and Northeast Illinois metropolitan area planning (Ch. 34, §152a *et seq*, §351 *et seq*.) Provision for Bi-State Development District in cooperation with Missouri. (Ch 127, §§63r, 63s)

Counties authorized to widen or improve any State road in accordance with plans and specifications of the department (Ch. 34, §25 10)

County boards have general supervision of all highways in the county, including State roads (Ch 34, §47)

State, county and township may cooperate for construction and improvement of township roads. Contracts to be let by the county and work under county supervision and subject to approval of the department. (Ch 120, §425½)

Municipalities authorized to use funds in construction of State highways and highways not in the State system. Provides for State approval of improvements made with the allotted funds (Ch 120, §426½)

State-county cooperation in construction and improvement of State aid roads (Ch. 121, §9)

State-county cooperation in construction of State aid roads (Ch. 121, §19 *et seq.*)

Cooperation for maintenance of State aid highways by the municipality, under State supervision and at State expense Hard surfaced pavement State aid roads maintained by State; gravel or macadam roads maintained by the county (Ch 121, §37)

Provides for consolidation of two or more townships for construction and maintenance of roads and bridges. (Ch. 121, §47a)

County-township and county-district cooperation in construction of hard roads (Ch. 121, §123)

Township or district agreements with municipalities of less than 10,000 for extension of roads improved by levy of a special tax. (Ch. 121, §133)

State may delegate power to construct durable hard surfaced State roads to the counties Counties authorized to aid State in construction of same. (Ch 121, §§282, 283)

Department to supervise any construction of State highway extensions performed by municipalities Provision for maintenance by municipality under supervision and at expense of the State. (Ch 121, §§296b, 296d)

State-county agreements for maintenance by the county of Federal-aid secondary roads (Ch 121, §301a)

County, with approval of the department and municipal authorities may improve, construct or repair a road within the municipality which connects or completes a State highway. State aid roads are under the control of the county for construction and repair until taken over by the State (Ch. 121, §302)

The department shall advise and assist the county in developing long range highway improvement plans and counties shall submit annual construction plans for approval (Ch 121, §354)

Provision for State advice and assistance to counties and townships (Ch. 121, §§3(3), 4, 354)

Provision for State approval of county appointments and State administered examinations for eligibility of county engineer Counties may share personnel, with State approval (Ch 121, §8)

County to assist township officials (Ch 121, §8 3)

County authorized to acquire land for State highways (Ch 121, §299)

Counties authorized to bid on and enter into contracts for State highway work (Ch 121, §§285, 286)

State-municipal agreements for construction of State highway to greater width or different type through municipality. (Ch 121, §§9, 296c)

If township or district fails to repair a road, the county may order it to be done. (Ch 121, §56a)

State and local cooperation in materials or equipment (Ch 121, §§37, 284)

Cooperation on highways on or traversing State, county, township and municipal lines. (Ch 121, §§109, 36, 302, 351, 106, 75)

INDIANA

Burns' Ind. Stats. Ann.

Authority to jointly exercise governmental functions—Federal, State, political subdivision, and political subdivisions of another State (§§53-1101 to 53-1107)

Provision for metropolitan planning commissions—cooperation between city and county. (§53-801 *et seq.*, §53-901 *et seq.*)

State-local agreements for selection, construction and maintenance of Federal-aid roads State authorized to improve local roads and streets with Federal aid. County or municipality shall reassume jurisdiction and maintain same (§36-181)

Counties authorized to establish, change, construct, improve and maintain all public highways, including those under the supervision of the State highway department or Federal highway commission, if approved by such commission or commissions. (§36-301)

Township may donate labor, materials,

equipment or funds for road improvements by the county (§36-605)

Consent of municipality required for certain street improvements by the county Municipality may repair same if county fails to do so (§§36-701, 36-702, 36-1211)

State highway department authorized to improve Federal-aid roads not on the State system, with the consent of the county and municipality through which it passes Provides for agreements whereby the local government maintains (§36-2920)

Department authorized to improve Federal-aid routes within cities Agreement whereby city maintains, if the department is not required by law to do so (§36-2921)

State and local cooperation in providing limited-access facilities (§§36-3103, 36-3108)

Provision for State advice and assistance to local authorities (§§36-179, 36-705)

Provision for State-local meetings, in cooperation with Purdue University, to discuss common problems (§§48-1248, 49-3323)

Cooperation with other States in research and test experiments (§36-186) State and counties may cooperate with Purdue University in research on maintenance methods (§36-126) Department may extend services of State testing laboratory to local governments (§36-179)

State may require municipality to furnish right-of-way for State highways. (§§36-169a, 36-2902)

Municipalities may improve State highway to greater width (§36-116)

Cooperation regarding highways on State and county lines (§§36-1001, 36-1002, 36-220, 36-221, 36-401 *et seq*, 36-716 *et seq*, 36-1315, 36-1317, 36-1452 *et seq*)

IOWA

Code of Iowa 1958

State and local cooperation in providing for controlled-access facilities (§§306A 3, 306A 7)

Provides for State approval of State secondary highway construction contracts of a certain amount let by the county (§309 42)

State approval of county plans for secondary highway construction (§309 56)

State-county cooperation for Federal aid. (§310 2)

County shall submit plans and estimates for farm-to-market roads to department for approval (§310 13)

State-county cooperation in the construction of farm-to-market roads Upon receiving the concurrence of the county, State shall award the contract If it is not a Federal-aid project, the county lets the contract, with the concurrence of the State. (§310 14)

Provides for municipal approval of construction and improvement of primary road extensions (§313.21)

State-municipal agreements regarding paving of State highways The agreement may authorize the State Highway Commission to let the contract and supervise construction (§313 22)

Provides for municipal approval of construction and maintenance of State primary and secondary extensions (§314 5)

Provides for State approval of municipal improvement of primary road extensions (§391 74)

County board shall consult township trustees as to improvements needed for secondary roads in the various townships (Laws of 1957, S B 42, §6)

Counties to submit annual programs for State secondary system for State approval (§309.22)

Provision for State advice and assistance to counties (§§307 5, 309 16)

State-county cooperation in secondary road research projects and engineering studies. (§310 36)

State-local cooperation concerning materials or equipment (§§20 1, 20 5, 307 6)

Cooperation regarding highways on State and county lines (§§314 10, 306 5, 309 68, 309 69)

KANSAS

Gen Stats of Kan. 1949

Authority to jointly exercise governmental functions—Federal, State, another State, political subdivisions and political subdivisions of another State (§§12-2901 to 12-2907)

Joint planning commissions for metropolitan areas (§§12-716 to 12-721) Provision for compact with Missouri for Missouri-Kansas Metropolitan Development District (§§12-2514 to 12-2523)

For the improvement of certain streets, city and county officials shall act as a joint board (§12-647 *et seq*)

City of over 120,000 population authorized to cooperate with the State and Federal government in planning and financing improvements of major traffic streets (§§13-10, 116, 15-718)

City of second class may improve State or Federal highway within its limits. (§14-556)

County boards are authorized to alter or change the route of State roads within the county (§19-212)

Duty of county engineer to open and keep in repair State roads (§68-115)

State-county agreements for Federal aid. (§§68-402b, 68-405)

State may assist city in construction and improvement of a street designated as a connecting link in the State system Type of construction determined by agreement and construction is under supervision of the State highway commission (§68-412)

State to apportion funds to cities for maintenance of State highways, or in lieu thereof, may with municipal consent, be maintained by the State (§68-416)

Duty of county engineer to prepare plans and specifications regarding construction and maintenance of township roads and furnish same to township officials (§68-502)

County may designate a county road within a city, with consent of the municipal governing body City may aid in construction and maintenance City to maintain county roads improved with State or federal aid. (§§68-506, 68-506d)

County shall annually apportion \$250 per mile for maintenance of streets serving as connecting links in the county system. In cities of the third class, such streets may be maintained by the county in lieu of the apportionment (§68-506e)

Township may elect to turn over township road construction and maintenance to the county and also may elect to revert to taking care of its own roads County not ob-

ligated to spend more money on township roads than in the township funds (§§68-560, 68-561)

County-township agreements for township road construction, reconstruction and maintenance (§68-572)

State-local cooperation in providing for controlled access highways. (§§68-1902, 68-1903, 68-1904)

State-county cooperation in developing long range highway improvement plan (§§68-151k, 68-573)

Provision for State advice and assistance to local officials (§68-404)

State shall approve all appointments of county engineers (§68-501)

Township appointments to be approved by county engineer. (§68-530)

Up to six counties may form an engineering district and employ a single engineer. (§68-503)

County engineer to call semi-annual meetings of township and county officials for systematizing and standardizing highway improvement. (§§68-502, 68-542)

State highway commission is authorized to enter into contracts with the counties for State highway construction (§68-407)

State highway commission has general supervision over all but township roads (§68-404)

Counties may rent machinery and equipment to townships or cities within the county Townships may rent to county or a city in the county (§§68-141a, 68-561, 68-572)

Cooperation re highways on State, county, township and municipal lines (§§68-113, 68-109, 68-507, 68-527, 68-716, 68-528, 14-540)

KENTUCKY

Ky Rev. Stats

Provides for regional planning commissions (§§147 130 to 147 180)

State-municipal agreements for maintenance and construction of municipal connecting links. Plans and specifications shall be submitted to city authorities for approval Department shall not proceed until city has established the grade in conform-

ity with the plans and specifications (§§177.043, 177 044)

County may request State to construct a road before the State is prepared to do so and advance funds State shall reimburse county for same (§177 050)

State and local cooperation in providing limited access facilities. (§§177.230, 177 280)

State-county cooperation in selection of State roads for construction and maintenance. (§177 330)

Department to furnish county with plans and specifications in constructing hard surfaced roads, but county is not compelled to accept same (§178 150)

Provides for annual State-county agreement regarding plan for expenditures on county road construction and maintenance (§179.420)

Provision for State advice and assistance to counties. Provision for State-local meetings to discuss common problems. (§176.250)

Counties may cooperate in employing the same road engineer or supervisor. (§179.020)

Cities authorized to acquire land for State highways. (§177.045)

State-local cooperation concerning materials or equipment (§§178.150, 179 070(6))

Cooperation re county line highways (§178 250)

LOUISIANA

La. Rev. Stats. 1950

Authority to jointly exercise governmental functions—parishes and cities (§33:1324)

Cooperation between municipal and parish planning commissions (§§33:118, 33:119) Provision for regional planning. (§33:131 *et seq*)

Department may aid in construction and repair of roads not in State system (§48:21)

State-city cooperation in new construction or relocation of State highway; Board of highways authorized to enter into agreements with municipalities, parishes and other public agencies In any parish with less than 100 miles of road not on the State system, parish may contract with the de-

partment to perform maintenance and construction work on parish roads (§48:193)

State-parish agreements for the construction and improvement of rural mail routes and farm-to-market roads (§48 214)

Cooperation in providing controlled access facilities (§§48:301, 305)

Regarding parish road district formation: If district is in more than one parish, officers of parish where most territory within district is located shall be the officers of the district. (§48:583)

State-municipal cooperation in long range planning. (§48.193C)

Authority to join associations of highway officials of other States (§48:216)

Work on municipal extensions of State highways may be contracted to municipalities. (§48:193A)

Municipalities which desire higher standards than planned on State highways may pay additional cost (§48:193B)

State highway officials responsible for developing construction standards (§48:754)

MAINE

Rev. Stats of Me. 1954

Provision for regional planning commissions (Ch. 90A, §§64, 65)

State-local cooperation in designation and construction of Federal-aid secondary roads. (Ch 23, §18)

Commission, on its own, or upon petition from municipal officers may open a new highway as a State aid highway. (Ch. 23, §19)

State-town agreements for expenditure of town funds for maintenance of State highway Commission is authorized when requested by the towns, to accept town funds for expenditure under its direction. (Ch 23, §29)

Maintenance of State highways by State, except in compact, built-up areas of towns and cities of 5,000 or more population, maintenance is the responsibility of the town (Ch. 23, §§68, 71)

When a town way is not opened or made passable by the town, the county may, after notice to the town, cause it to be done at town expense (Ch 89, §51)

When a town unreasonably refuses to lay out or alter a town way, county may do so (Ch. 96, §40)

County commissioners, on petition, after notice and hearing may relieve town or city of obligation of keeping highways open in the winter months. (Ch 96, §125)

Provision for State advice and assistance to local officials. (Ch. 23, §27)

Towns authorized to bid on and enter into contracts for State highway work. (Ch. 23, §40)

If town fails to repair a road, the county may order it to be done. (Ch 96, §§64, 66)

State highway commission may sell, lease or give materials and equipment obtained from the Federal government to towns which request same (Ch 23, §17)

Cooperation re county and town line highways (Ch 89, §§46 *et seq*, ch. 96, §§67, 68)

MARYLAND

Ann Code of Md. 1957

Authority to jointly exercise governmental functions—State, counties and cities (Art. 23B, §22)

State Roads Commission authorized to improve the system of main roads of the State, including portions inside Baltimore. Upon completion, same shall be city streets (Art. 89B, §7)

(a) Provides for State approval of construction plans and specifications (b) If county does not have adequate facilities, State may undertake construction and maintenance to the extent of funds available to such county (Art 89B, §24)

County (except Anne Arundel County) may request the State to construct a county highway into a State park or recreation area, to be maintained by the county. (Art. 89B, §58)

State-local cooperation for Federal aid. (Art 89B, §76)

State authorized to construct and maintain county roads in certain specified counties County shall recommend such roads and State shall determine which roads to be constructed Roads may be turned over to the county (except in Charles County) for maintenance and construction at county

request, if the county has adequate facilities (Art 89B, §§171, 172, 173)

At county request, State shall suggest annual program for county road construction. (Art. 89B, §64)

Provision for State advice and assistance to counties (Art 89B, §64A)

Political subdivisions authorized to convey land to the State for public highways (Art. 89B, §10)

MASSACHUSETTS

Ann. Laws of Mass.

Provisions for regional planning districts (Ch 40B)

Towns shall notify State of want of repair on State highways. May also make temporary repairs without the approval of the department. (Ch 81, §19)

Department may expend funds for construction or improvement of new or existing locations that may be established by town or county officials (Ch. 81, §24)

Provides for appropriations to small towns and contributions by the towns, to be expended under the direction of the department on such ways as agreed upon. (Ch. 81, §26)

County may also participate and enter into agreements (Ch 81, §26A)

Towns may agree to perform the work, or the department, at the request of the town selectmen, may have the work done by contract. (Ch. 81, §28)

Department may lay out ways, other than State highways, with Federal aid, if city or town consents thereto and may acquire land on behalf of the local government. (Ch. 81, §29A)

State-local cooperation for Federal aid (Ch. 81, §30)

County commissioners shall specify the manner in which a highway shall be constructed or repaired and each town shall perform the work so required within its limits unless other provision is made (Ch 82, §8)

County commissioners may order towns to perform specific repairs A town or five inhabitants may apply to the county commissioners to relocate or order specific repairs of a public way (Ch 82, §10, 11)

If city or town neglects to complete a highway laid out by the county, the county may do so and notify each city or town of its proportion of the expense (Ch. 82, §14)

Cities and towns may exercise original jurisdiction concurrent with the county, of petitions for altering, relocating or making specific repairs, but shall not discontinue or diminish the width thereof nor assess upon the county part of the expense (Ch 82, §17)

Provides that when the town unreasonably refuses or neglects to lay out, relocate or alter a town way or private way, the county may do so (Ch 82, §26 *et seq*)

Provides that highways and town ways, unless otherwise provided, to be repaired at the expense of the town (Ch 84, §1)

State-local cooperation regarding highways selected by the department for their importance in commercial use Cooperation in keeping open in winter months (Ch 84, §11)

Provision for State advice and assistance to local officials Provision for annual meetings to discuss common problems. (Ch 81, §1)

Two or more towns may hire the same person, with the approval of the department of public works (Ch. 41, §67)

Towns may contract to do State highway maintenance work (Ch 81, §15)

State-local cooperation concerning materials or equipment (Ch 81, §§3, 10, 11)

MICHIGAN

Mich Stats Ann.

Authority to jointly exercise governmental functions—counties, cities and townships (§5.4081 *et seq*)

Provides for regional planning commissions (§5 3008(1) *et seq*) Cooperation between county planning commissions and other governmental units. (§§5 1192(3), (4), (7) The Huron-Clinton metropolitan authority. (§5 2148)

Cities and villages retain authority to improve county roads by surfacing outside the portion constructed by the county and by addition of gutters, curbs, sidewalks and other improvements (§9.118)

County-township contracts providing for acquisition, establishment, opening, altering, improving and maintaining highways within the township authorized (§9 195(1))

At request of county or township, or at his own option, commissioner shall furnish estimates, plans and specifications for any Federal-aid improvements (§9 832)

State-county and township cooperation in selection of additional routes for State trunk line system (§9 921)

Two or more counties may contract for the purpose of planning a system of inter-county highways, super highways and limited access highways (§9 1081) Provides for inter-county highway commissions, which shall include members from each county participating and the State highway commission (§9 1083)

State and local cooperation for expressway facilities. (§§9 1094(2), (6 1), (7))

By agreement between State and municipality a State highway may be of less width than prescribed in the statute (§9.1097(1c))

County may contract or agree to carry on, in whole or part, State trunk line improvement or construction within municipality. (§9 1097(1e))

State, county and municipal agreements for work on any highway, road or street by any of the contracting parties Agreement may include engineering services, acquisition of right-of-way and joint participation of cost (§9 1097(11))

Agreements between counties, and between counties and cities and villages for work on any highway Also agreements authorized between county and State for work on State highway within the county (§9 1097(12))

Cities and villages may enter into agreements with the county and with the State for performance of work by any party, on any road or street (§9 1097(13))

State, county and municipal agreements for construction and reconstruction of highways, including limited access highways, to the extent of authorized expenditure of funds The contracts shall designate which party shall carry on the work and acquisition of right-of-way (§9.1097(18d))

State-local cooperation in developing long range improvement plan. (§9 1097(14))

Cooperation between counties in planning system of inter-county highways, super highways and limited access highways (§§9 1081, 9 1083)

Provision for State-local meetings to discuss common problems (§9 205)

Counties may cooperate in sharing an engineer. (§9.110)

Local officials may meet annually to discuss road matters (§9 205)

Counties authorized to acquire land for State highways (§9.1097(1e) (13a))

Commissioner authorized to contract with counties and townships for State highway construction and maintenance work (§9 902)

Counties and municipalities which desire higher standards on State highway than planned may pay additional cost (§§9 1097(1c), 9.1097(20))

State-local cooperation concerning materials or equipment (§9.110)

Cooperation re county line highways (§§9 117, 9.118, 9 1101, 9 1127)

MINNESOTA

Minn. Stats 1953

Municipal approval of plans and specifications, construction and improvement of State trunk highways within municipalities (§161 03(3))

State-local cooperation for Federal aid. (§161.03(26))

Consent of certain class municipalities and towns for opening, improving and vacating county roads within municipality. (§162 01(1))

County may appropriate funds to towns and certain class municipalities for construction of such roads as designated by the town or municipality. (§162.01(2))

Town may appropriate funds for such county or State aid road construction and improvement as designated by the town. Also, town may appropriate, to the county, funds for construction, improvement and maintenance of highways for which the town is liable (§163 01)

Provides for appropriations by town

boards to the county for expenditures on such town roads as designated by the town board, with consent of the county board (§§163 02, 163 03)

Agreements for construction, improvement and maintenance of county aid and State aid roads in municipality (§435 36)

State and local cooperation in providing controlled-access highways (Laws of 1957, ch. 865, §2)

Counties may aid in construction and maintenance of town roads (Laws of 1957, ch 943, §8)

Provides for State-local agreements of construction and maintenance of State trunk highway, including frontage roads. (Laws of 1957, ch 943, §54(3))

Provides for county-State aid highway system to be selected by the county boards acting through the officers of the State-wide association of county commissioners, with the concurrence of the State highway commissioner. Municipal approval required for portions within municipalities. (Laws of 1957, ch 943, §55)

Provides for State-municipal cooperation in selecting municipal State aid streets (Laws of 1957, ch 943, §63)

Provides for joint determination as to use of funds for maintenance of municipal State aid streets. (Laws of 1957, ch 943, §68(3))

County-municipal cooperative agreements for financing right-of-way, construction and maintenance of county-State aid highways and municipal State aid streets within municipalities (Laws of 1957, ch 943, §70)

Provision for State advice and assistance to counties (§161 03(12))

State may acquire right-of-way for the county for county roads with Federal aid (§162.015)

State-local agreements for construction and maintenance of State highway to greater width or higher standards (Laws of 1957, ch. 943, §54(1), (2))

Municipality may improve State highway if same conforms to State standards (Laws of 1957, ch 943, §54(1))

If town fails to repair a road, the county may order it to be done. (§162 24)

State-local agreements and agreements

between political subdivisions for sale and transfer of road materials (§§161 03(30), 161 033, 161 031, 161 032, 161 04, 163.10)

Cooperation re State, county, town and municipal lines (§§161 03(24), 162 20, 163 10, 163 11, 163 17, Laws of 1957, ch 943, §§56, 63(10))

MISSISSIPPI

Miss Code 1942

Municipalities and counties may jointly create planning commissions and cooperate with other governmental agencies. (§2890 5)

Cooperative actions between State highway department and counties in setting up State aid system. Designated by the counties, with State approval. (§8035.01 *et seq.*) Provides for division of State aid road construction within the State highway department (§8035-02) Cooperation concerning work with Federal-aid secondary funds County requests such funds. (§8035-10)

State and local cooperation in providing controlled access facilities. (§§8039-03, 8039-08)

Counties and cities, within the county, may join in constructing, improving, and maintaining a highway. (§8323)

County may construct, reconstruct and maintain, or contribute to construction, reconstruction or maintenance of State highways. (§8324)

County may, by consent of or agreement with municipality, assume concurrent jurisdiction over any street, for maintenance purposes, where such street is a continuation of, or intersects, a county road. (§8325)

State-county cooperation on county Federal-aid highway systems (§8328-03 *et seq.*) Projects and order of construction to be selected jointly. (§8328-07) Provides for cooperative agreements necessary to carry out the purposes of the act (§8328-09) Contracts to be let by the State highway commission. (§8328-12)

State-county cooperation, by county engineer furnishing plans and estimates and superintending construction of roads under State supervision when such can be done and reduce the expense of such road. (§8354)

Boards of supervisors of counties, at the request of a separate road district, are authorized to cooperate in construction and maintenance of a road connecting two such districts (§8401)

Municipality, with consent of county road commissioners, may add such improvements to a public highway constructed by the county as it may desire. (§8409)

Counties to submit programs for State aid and Federal-aid roads to State for approval (§§8035-03, 8035-04, 8028-07)

If a county is unable to obtain an engineer, State highway commission may loan one at county expense (§8035-04)

Up to five counties may form an engineering district and employ a single engineer (§8035-04)

Counties authorized to acquire land for State highways. (§8324)

Provides for establishment by the State aid engineer of uniform design standards for county roads. (§8035-03)

Cooperation re State line and county line highways (§§8038-8, 8322, 8329)

MISSOURI

Mo Rev. Stats 1949

Authority to jointly exercise governmental functions—Federal, State, another State, political subdivisions and political subdivisions of another State. (§§70 220, 70 260, Const. Art. VI, §16)

Cooperation with Illinois in Bi-State Metropolitan Development District (§70-370)

State-local agreements for maintenance and regulation of traffic authorized (Const., Art. IV, §31)

Municipality may appropriate funds for expenditure on roads leading into or from such municipality, to be expended under the supervision of county and municipal engineers. (§71 340)

Local governments may elect to have additional roads or roads of higher type than proposed by the commission in lieu of reimbursement of local expenditures on State highways. (§227 140(2))

County aid road committee to meet with the chairman of the State highway commis-

sion and formulate general plans, specifications and minimum requirements for county road construction and maintenance (§231.-450)

Provision for State advice and assistance to counties. (§226 130)

Up to 10 contiguous counties may join in employment of a county officer (Const Art. VI, §14)

Provision for county supervision and advice to district road overseers. (§§61 220, 61.240, 61.260)

Counties and townships authorized to acquire land for State highways. (§227.170)

Counties and civil subdivisions desiring higher standards than planned may pay additional cost. May elect a higher type of construction than proposed by the commission in lieu of reimbursement for local expenditures on State highways. (§§227 160, 227.140(2))

County aid road committee to meet with chairman of State Highway Commission and formulate general plans, specifications and minimum requirements, which are subject to the approval of the commission (§§231.450, 231.470, 231 490)

District road overseers are subject to the supervision of the county road engineer. (§231.070)

Counties may cooperate in construction and maintenance of road machinery. (Const. Art. VI, §14)

Cooperation re county and town line highways (§§228 140, 231 160)

MONTANA

Rev. Codes of Mont. 1947

State-municipal contracts for projects financed with Federal funds (§11-1023)

State-county agreements for construction, survey and acquisition and other things essential for Federal-aid highways. (§32-302(12))

State-county cooperation for designation of highways for Federal aid and in formulating rules and regulations for construction, maintenance and marking, and may provide for local supervision. (§32-1606)

State-county cooperation in maintenance of State highway constructed by the State. (§32-1610)

State-county cooperation in acquiring property for controlled access facilities (§32-2006)

State-county cooperation for acquisition of right-of-way, survey and construction of farm-to-market or secondary or feeder roads. (Laws of 1957, ch 43 (§32-1608))

State-municipal agreements for construction and acquisition for Federal-aid highways. (Laws of 1957, ch. 69)

State-municipal cooperation for maintenance work on urban portions of State highways (Laws of 1957, H B. 274 (§32-1606(2))

Provision for State advice and assistance to counties. (§§32-1604, 32-1608)

Counties may jointly employ an engineer in connection with the State secondary system (Laws of 1957, H B 274 (amend. §32-1606(7))

Cooperation with other States in research concerning the effect of weights on highway construction (§32-1622)

County-municipal cooperation concerning materials or equipment. (§16-1005)

Cooperation re highways on State and county lines. (§§32-1623, 16-1004, 32-401)

NEBRASKA

Rev Stats of Neb. 1943

Intergovernmental cooperation mentioned in declaration of legislative intent. (§39-1301)

When a city of the second class or a village does not have sufficient funds to purchase equipment to maintain its streets, it may contract with the county for county maintenance, at municipal expense (§17-588 01)

State and local authority to enter into agreements with each other for planning, designating, financing, establishing, constructing, maintaining, relocating and vacating highways and streets. (§39-1307)

Special State-municipal agreements authorizing department to assume maintenance of appurtenances (§39-1339(5)) Agreements regarding reconstruction and maintenance. (§39-1339(7))

The department, with the written consent of political subdivision, is authorized

to act for the local government in taking bids and letting contracts (§39-1350)

County board may authorize the department of roads to take and let bids on behalf of the county (Laws of 1957, L B 111, Art I, §7, Art II, §3(4))

County agreements with State, municipality or township for planning, designating, financing, establishing, constructing, maintaining, relocating or vacating highways. (Laws of 1957, L B 111, Art. II, §1(4))

County may with municipal approval, spread gravel on main thoroughfares in municipalities of 1500 or less, which connect with the county system (Laws of 1957, L B 111, Art V, §4)

County may delegate duty to maintain county roads to townships in counties under township organization (same as §39-228) (Laws of 1957, L B 111, Art VII, §3)

State-municipal cooperation in long range planning (§39-1312)

Counties authorized to coordinate highway programs and activities with related activities of State and local governments (Laws of 1957, L B 111, Art. II, §1(3))

Provision for State advice and assistance to local officials (§39-1308)

Counties may cooperate in employing county highway officials. (Laws of 1957, L B 111, Art II, §1(2))

Cooperation in research and test projects with the U S, other States, and local governments (§39-1317)

State-local agreements for construction and maintenance of State highways to greater width or higher standards of construction. Political subdivision may improve State highway if same conforms to State standards. (§§39-1340, 39-1341)

State-local cooperation concerning materials or equipment. (§§39-1356, 39-1357)

Cooperation re highways on county, township and municipal lines. (§§39-145, 39-146, 39-405, 23-340, 39-207, Laws of 1957, L B. 111, Art IV, §31, Art V, §3)

NEVADA

Nev. Rev Stats

Authority to exercise governmental functions jointly—Federal, State, another State,

political subdivisions and political subdivisions of another State (§277.010)

Provision for regional planning commissions (§278 090 *et seq*)

Provides for county and city approval of State freeway establishment, construction, maintenance and abandonment (§408 940)

Authority to join associations of highway officials of other States (§408 125)

Provision for State advice and assistance to counties (§§403 570, 408 200)

Provision for advisory board to the State highway department, appointed by the county boards (§408 155)

Counties authorized to acquire land for State highways (§408 995)

State and local cooperation concerning materials or equipment (§§403 570, 277 020)

Cooperation re highways on State lines (§408 125)

NEW HAMPSHIRE

N H Rev Stats Ann.

Provision for regional planning boards (§36.37)

Cities and towns shall maintain unimproved Class II highways and may improve same to the satisfaction of the commissioner with the use of State funds (§§231:4, 240:3)

Highways improved with Federal aid within compact sections of towns of over 2500 population to be maintained by the town to the satisfaction of the commissioner (§239:5)

Provision for State advice and assistance to local officials (§§229:19, 229:21)

Provision for State-local meetings to advise re local road maintenance (§229 20)

Maintenance of Class V highways shall be under supervision of and in accordance with specifications of the commissioner. (§241.11)

If a town fails to repair a road, the county may order it to be done. (§247.11 *et seq.*)

Cooperation re highways on county and town lines. (§§234:31, 234:10, 234:11, 234:21, 234:22, 234:47, 234:48)

NEW JERSEY

N J S A

Authority to exercise governmental functions jointly—counties, municipalities and districts (§§40.23-14, 40 23-16)

Provision for regional planning boards (§40:27-9 *et seq*) Cooperation of county planning boards with municipalities (§40:27-2)

State-municipal agreements for work which will place streets connecting with State highway in a condition in keeping with the nature of State highways approaching and leaving the municipality Municipality may improve State highway (§27:7-15)

Municipality may contract with State highway commissioner for making the improvement and pay agreed cost to the State, or may contract with county for making the improvement and paying the cost to county (Streets part of State system or connecting with State system) (§27 7-16)

State-local agreements for cooperation in any work and sharing of cost (§27:7-19)

If the commissioner deems it advantageous, the contract may be let by the cooperating board, body or person, contract subject to commissioner's approval (§27:7-20)

Cooperation with county park commissioner regarding location of State highways within area under park commissioner's control. (§27:7-36)

County may construct and improve State highway route with consent of State highway commissioner (§27:9-1 *et seq.*) County reimbursed cost when road taken over by State highway commission. (§27 9-3)

Municipality may construct and improve State highway within municipality with the consent of the State highway commissioner. (§27 10-1 *et seq*) Municipality reimbursed when road taken over by State highway commissioner (§27:10-4)

Provides for State aid to counties. Provides for approval of the commissioner. (§27:14-1 *et seq*)

Provides for improvement of county road

by borough, to be reimbursed by State and county (§27:14-30) Provides for consent and approval of commissioner and county (§27 14-32) Municipality may conform the grade of highway within municipality (§27.14-35) Municipality authorized to make improvements, but shall not interfere with or impair roadway improved under this article (State aid to counties) without consent and approval of county (§27.14-36)

Provides for State aid to municipalities (§27:15-1 *et seq*) Provides for State approval of plans and specifications (§27:15-1 7)

Municipality may request county to perform all or part of work with State aid and enter into agreement so providing (§27·15-1 11)

Provides for State aid for extraordinary repairs on county roads, upon application of county and approval of State highway commissioner (§27·15A-1)

Municipality may widen or straighten county road within municipality (§27:16-69) May improve county road with consent of county. Agreement for sharing cost authorized (§27·16-70) Municipality may take over care and control of county road, with consent of county (§27:16-71)

Municipality may apply to have road which is an extension of a county or State road improved by county, cost as per agreement. (§27:22-1) Agreements whereby municipality pays county for maintenance and upkeep of such streets (§27:22-4) Agreements whereby county pays municipality portion of cost of maintenance and upkeep of streets connecting with county or State highway, or over which through traffic is routed Work to be done as per agreement and subject to approval of both parties Any dispute concerning the agreement to be decided by the State highway commissioner (§27:22-7) Municipality or municipalities, in case road is on boundary line, may apply for county improvement and agreement for paying such cost as fixed in the contract (§27:22-8)

County-municipal agreements for permanent improvement and maintenance of roads within municipality (§40 56-48)

County-municipal contracts for improvements (§40:67-25)

Counties and cities to submit construction programs for approval (§27:13-2)

Counties may contract to do State highway maintenance work (§27:16-40)

Local governments may improve State highway if same conforms to State standards. (§40:56-49)

Municipalities which desire higher standards on State highway than planned may pay additional cost. (§40:56-50)

State and local cooperation concerning materials or equipment (§§27.16-39, 27:16-40)

Cooperation re highways on county and municipal lines. (§§27:14-33, 27:14-34, 27:16-20, 27:16-72 to 27:16-76, 27:20-4, 27:22-13, 27:22-14, 40:56-2, 27:22-1 to 27:22-8, 40:67-24)

NEW MEXICO

N. Mex Stats. 1953

State-county cooperation in construction of highways (§55-2-19)

Such agreements as provided in §55-2-20. (§55-2-22)

Counties may apply for State aid for improvements and State may undertake the work (or the State may do so on its own initiative) (§55-2-23)

If insufficient funds for State to maintain State highways, may so inform the county to be maintained at expense of the county until there are sufficient funds. (§55-3-13)

State-county contracts for county maintenance of State highways authorized. (§55-2-30)

State-county contracts whereby all or part of county road maintenance and construction shall be under the direction of the State highway commission (§55-3-4)

Interstate and State-local agreements for construction and improvement, division of expense and acquisition of right-of-way or for materials (Laws of 1957, ch. 244 (amending §55-2-20))

Provision for State advice and assistance to local officials (§§55-2-10, 55-2-18)

State-county cooperation in determining maximum appraisals for right-of-way

(Laws of 1957, ch 244 (amend. §55-2-22 1))

Counties authorized to acquire land for State highways (§55-2-28)

State-local cooperation concerning materials or equipment (§§55-2-20, 55-3-4)

Cooperation on county line highways. (§§55-4-4, 55-4-7 *et seq.*)

NEW YORK

N Y. Consol. Laws Service

Provision for regional planning boards and for local governmental planning federations. (Gen. Munic Law, §239 *et seq.*)

Highway Law.—Department authorized to do any work of construction or reconstruction for a municipality at the request of the municipality and at municipal expense. (§10(27))

Agreements for removal of snow and ice between department and county, town or incorporated village. Counties authorized to enter into a contract with another municipality within the county for performance of work of snow and ice control as a subcontractor under any agreement with the superintendent of public works (§12(2))

State highway may be constructed and improved as a controlled access highway upon adoption of resolution by county board of supervisors where the highway is located. Also provides for county approval of relocation plans (§§29, 30(1))

Village may petition superintendent of public works for construction or improvement of street connecting with State highways Superintendent shall transmit plans, specifications and estimates to county, which may adopt resolution relating to such construction or improvement. (§47)

Superintendent authorized to give emergency aid in control of snow and ice where local government is unable to perform the immediate work (§55)

Reference to maintenance assurances from town, county or village for Federal-aid projects (§81)

County may request a road be included as a project on the Federal principal secondary and feeder road system. If Superin-

tendent approves, surveys and plans shall be made by the county or the department (§84)

County-municipal and county-township agreements for work of controlling snow and ice (§135-a)

Town board may permit town superintendent to remove snow and ice upon streets and sidewalks within a village pursuant to terms agreed upon by village and town (§142-c)

When town superintendent shall lay out a highway, shall notify the county superintendent who shall cause a survey to be made. (§170)

State-municipal agreements for allotting to city portions of highway partly within city for improvement. (§187)

County board of supervisors may provide for construction or improvement of a town highway (§194(1)) To be thereafter maintained by the towns. (§194(9))

Village may petition county to construct or improve a highway connecting with a county, State or town highway, at joint expense. (§196)

State approval of plans and specifications for designated, existing or proposed routes within municipality, where the superintendent of public works has authorized city to prepare same (excluding New York City). (§349-c(1)) A city (designated in the act) may apply for change in street designations Additional expense borne by city. (§349-c(2)) Cooperation re State Arterial System in New York City between superintendent of public works and the city planning commission (§349-c(3)) Agreements for maintenance and repair under the supervision and approval of the superintendent of public works (§349-c(7), (8), (9))

Village Law—Consent of governing body having jurisdiction over street required for village improvement (§146a)

Unconsolidated Laws.—Provides for State aid for town highways (ch 303) Work to be subject to inspection of State superintendent of highways and county superintendent. Work may be performed by contract with the county, or the contract shall be approved by the county and State

superintendents. (§5) Adjoining towns may cooperate with a view to coordinating projects so that town highways may provide connecting routes. (§6)

Highway Law.—Counties to submit construction program for State approval. (§§115, 116)

Provision for State advice and assistance to local officials. (§10(9), (11))

If a county fails to appoint a superintendent of highways, the department shall do so. (§100)

The department may remove a town or county superintendent for cause. (§§101, 160)

Provision for State-local meetings for discussing common problems (§§10(13), 102(8), 140)

County superintendent to assist town superintendents. (§102(2),(5))

Counties may let contracts to towns (§§126, 194)

Counties and municipalities which desire higher standards on State highway than planned may pay additional cost. (§§12(5), 46 to 49, 59, 349-c(2 4))

Village may pay additional cost of greater width of county road. (§§131, 196)

County superintendents have general charge of the construction and maintenance of town roads (§§102(1), (2), 195)

State and local cooperation concerning materials or equipment (§§12(3), 135, 102(16), 133-a, 135-a, 142-b(4), 142-c, 142-d, 142(5))

Cooperation re highways on town and municipal lines (§§184 to 187)

Village Law—Cooperation re highways on town and municipal lines (§160)

NORTH CAROLINA

Gen. Stats of N. C.

Provision for joint planning boards. (§§153-9(40), 160-22)

State arrangements with city when city desires to widen a State highway (§136-27)

Two year agreements whereby State does such street construction and maintenance as the municipality may request to the extent of funds due to the municipality (§136-41 3)

County shall participate in State secondary highway planning (§136-61)

County may complain to State if State roads inadequately maintained. The commission shall investigate and remedy the situation (§136-64)

State authorized to place neighborhood public roads in passable condition at county request (§136-67)

State-local agreements for providing controlled access facilities (§136-89 4)

City or town may increase width of State highway (§160-223)

Agreements with municipalities for rental of State highway equipment. (§136-34)

NORTH DAKOTA

N. D. Rev. Code of 1943

Intergovernmental cooperation mentioned in declaration of legislative intent (§24-A0101)

Duty of county engineer to design and make plans for county and township roads and to cooperate with the U S, the State and the townships of the county (§11-3103)

State-municipal agreements for construction and maintenance (§24-0103)

Consent of county required for placing State highway mileage on Federal-aid feeder road system (§24-0105, as amended by Laws of 1957, ch 188)

State and local cooperation in providing controlled access facilities (§§24-0130, 24-0134)

County may apply for State cooperation in construction and improvement. County to provide its share of the cost (§24-0518)

Authorizes county-township contracts for construction, improvement or repair of township roads and bridges without advertising for bids (§24-0609)

Municipalities of 10,000 or less may agree with county for county maintenance and construction and municipality to pay agreed sums (§40-0514)

Municipal agreements with State or county for street improvement authorized (§§40-2206, 40-22061)

State highway officials responsible for the coordination of the total highway program

of the State and are required to review the annual programs of the various highway systems. Local road programs shall be initiated by the respective county and city authorities and approved by the State highway commissioner. (§24-0208)

State municipal cooperation in long range planning (§24-0104)

Provision for State advice and assistance to local officials. (§24-0208)

Cooperation with other States in research and test projects (§24-0319). Commission may make testing laboratory services available to other governmental agencies. (§24-0317)

Provision for construction and maintenance of State highway to greater width or higher standards through a political subdivision or municipality may construct or maintain additional width. (§§24-0110, 24-0111)

Cooperation re highways on State, county and township lines (§§24-0508, 24-0704, 24-0712, 24-0612, 24-0734)

OHIO

Baldwin's Ohio Rev Code

Authority to exercise governmental functions jointly—municipalities (§715 02)

Provision for regional planning commissions (§713 21)

County authorized to make emergency repairs of less than \$1000 on State highways (§315 13)

State-local cooperation in establishment, construction, reconstruction, maintenance, repair and improvement (§5501 02)

Municipal consent for snow removal by State (§5501 14)

The director, upon request of a village shall maintain, or construct or improve a State highway within the village. Municipal consent required for State construction and maintenance, except where the road is a Federal-aid primary or interstate route, in which case the director may proceed with or without municipal cooperation (§5521.01)

State-county cooperation in establishing, constructing, improving and widening State highways (§5521 02)

County-municipal cooperation in the

work of constructing, improving or widening as per §5521 02 (§5521 03)

Local bodies may construct or improve State highways Plans and specifications must first be approved by the director of highways and construction work is under his supervision (§5521 11)

County may assist township in maintenance of township roads (§5535 01)

State or county shall specify to county and township respectively what changes are needed to bring a county or township road to standard of State or county road, respectively (§5535 06)

Authorizes State to take over intercounty routes for State maintenance, thereby relieving county and township from maintenance responsibility This section does not prevent county and township from cooperating with the State in construction and maintenance (§5535 07)

County and township may agree to contribute to the repair and maintenance of roads under the control of the other. (§5535 08)

Township may apply to county for construction or improvement of county road If approved, county engineer shall prepare plans and cost estimates (§5541 03)

Director's approval required for county to improve or change State route (§5553 02)

County may construct or improve a State road only under plans, specifications and supervision of the director (§5555 02)

County may construct a road improvement through a municipality with municipal consent (§5557 02)

Provides for municipal consent for county road repairing through the municipality (§5557 08)

Townships authorized to construct, reconstruct, resurface or improve county or State roads with county and State approval, respectively (§5571 01)

Townships similarly authorized to maintain or repair State or county highways (§5571 02)

County engineer to supervise township maintenance Township trustees shall follow direction of the engineer as to repairing methods (§5571 05)

County engineer to make surveys, plans

and specifications for township road improvements (§5573 01) Work to be done under county engineer's supervision. (§§5575 07, 5543 01)

County-township agreements for construction, improvement or maintenance Also provides for agreements between county and townships providing for construction by the department of highways upon application of the county (§5573 22)

Provision for State advice and assistance to counties (§§5501 11, 5543 08)

Director of highways may call into conference any local employee or official concerning his duties. (§5501 21)

Provision for annual county meetings for township officials (§§5543 01, 5543 07)

Counties and municipalities authorized to acquire land for State highways. (§5521 06)

Municipality may pay additional cost to have county road constructed to greater width. (§5557 07)

County engineers have general supervision over township roads. Township trustees are required to follow the directions of the engineer as to methods of repair. (§5571 05)

Cooperation between State and local governments in acquisition and transfer of materials and equipment (§§5513 04, 5549 22)

Cooperation re highways on State, county, township and municipal lines (§§5555 81, 5555 82, 5553 13 *et seq.*, 5555 21 *et seq.*, 4957 09, 5555 43, 5573 15, 5579 03, 728 08)

OKLAHOMA

Okla Stats 1951

City and county cooperative planning commissions Metropolitan area planning commissions (tit 19, §§863 1, 866 1 *et seq.*)

State and local cooperation in providing limited access facilities (tit 69, §§11 3, 11 5)

State highway department authorized to cooperate with local governments by providing surveys, maps, specifications and other things necessary in highway construction (tit 69, §20 8)

State-county cooperation for construction and maintenance of Federal-aid secondary and feeder roads (tit 69, §44(d))

Agreements for determining location of improvements within municipality by State or county (tit 69, §50)

State-county cooperation for drainage, grading or hard surfacing of streets within municipalities which are connecting links in the State or county system (tit 69, §84)

State-county agreements whereby county funds are expended under the direction of the State highway commission for grading or drainage of State or county highways. (tit 69, §262)

Provision for State advice and assistance to counties. (tit 69, §§294, 304)

Provision for State examinations for eligibility of county engineers State may recall or cancel certificates of engineers for neglect of duty. (tit 69, §294)

Provision for county officials to assist townships, at township cost (tit 69, §299)

Counties may cooperate in employing highway officials (tit 69, §294)

Cooperation with other States, U.S and local agencies in road test projects (tit. 69, §30 3)

Department authorized to make soil tests for counties (tit 69, §30 4)

State-local cooperation in determining appraisals for right-of-way (tit 69, §46 5)

Counties and municipalities are authorized to acquire land for State highways. (tit. 69, §46.4)

County-township and county-municipal cooperation concerning materials or equipment. (tit 69, §§342, 349)

Cooperation re highways on county lines (tit 69, §§251, 253, 254)

OREGON

Ore. Rev. Stats

Authority to exercise governmental functions jointly—counties and municipalities. (§280 150)

County planning commissions to cooperate with other planning commissions (§215 100)

State-local agreements for construction or maintenance (§366 770)

State agreements with county or municipality for construction, improvement or repair of any road or street. (§366 775)

State-county cooperation in the improvement of any road in the county. (§368 805)

Two or more counties may cooperate in the formation of a joint road building district (§371 205 *et seq*)

Highway lighting districts shall maintain and operate illumination on State highways in cooperation with and with the approval of the State highway commission. (§372.150)

Two or more adjoining highway lighting districts may consolidate. (§372 330)

City of less than 100,000 authorized to improve State or county roads within municipality at partial expense of the municipal general fund. (§373 210)

County-municipal cooperation for construction, improvement, repair and acquisition of right-of-way of highways or streets within the city for connecting roads outside a city of less than 100,000. (§373 260)

City may request county to surrender jurisdiction of a county road to it After notice and hearing county may so order (§373.270)

Certain specified cities are vested with control over county roads within the municipality. (§373.290 *et seq*)

State-local agreements for providing throughways. (§374 080)

Provision for State advice and assistance to local officials (§§366 155(k), 366 780, 368 075, 371 230)

Two or more counties may petition the State for an engineer (§368 075)

Counties authorized to bid on and enter into contracts for State highway work (§366 400(3))

Cooperation re highways on State and county lines (§§369 480, 369.410 *et seq*)

PENNSYLVANIA

Purdon's Pa. Stats. Ann.

Authority to exercise governmental functions jointly—political subdivisions, municipalities and townships (tit 53, §§471, 472, tit 53, §56553)

Provision for regional planning commis-

sions. (tit 16, §§2209 *et seq*, 5209 *et seq*, tit 53, §67051 *et seq*)

County may with consent of city or borough appropriate any road for improvement, construction or maintenance County is thereafter liable for maintenance (tit. 16, §§2732, 5903(c))

Agreements for improving street which connects with county roads where municipality has failed to improve same (tit 16, §§2756, 2757, 2758, 5920, 5921, 5922, tit 53, §1835)

Agreements for maintenance of such streets (tit 16, §§2759, 5923, tit 53, §1836)

Counties may contract with boroughs, townships or incorporated town providing that the county shall construct an improved road in a similar manner as a county road is constructed. Expense is borne jointly as agreed upon. (tit. 16, §§2760, 5924; tit. 53, §1831) Agreements for maintenance of same authorized (tit 16, §§2762, 5926; tit. 53, §1834)

County may singly or jointly with city or borough expend funds on roads outside municipal limits for connecting street with a State highway. (tit. 16, §§2769, 5933)

State-local cooperation for Federal aid. (tit 36, §176)

Department shall consult counties as to their preference of which sections of State highways to be constructed or improved in the county County may indicate its choice or the department may improve other sections. (tit. 36, §253)

Agreements between the department and second class, second class A and third class cities for construction, improvement or maintenance of existing width or lesser width of streets which are contributors of, but not part of, the State highway system Work may be done by either party or by contract let by either or both Also may contract for improvement, construction or reconstruction of additional width at city expense (tit. 36, §391)

County and borough of county and township may contract with the department for construction or improvement of a State or State-aid highway Agreements regarding cost (tit. 36, §415)

Approval of city or borough required for relocation or change of lines or widths or

construction on new alignment (tit. 36, §670-221)

Department shall not change width, lines, location or grade without consent of municipality. (tit. 36, §670-523)

Agreements for change of line, widths or grade of State highway by first or second class city (tit 36, §670-544) State-municipal agreements for taking, opening, relocating, widening or change of grade by the State. (tit. 36, §670-545)

Department may let contracts on behalf of a local government when highway construction may be done in conjunction with construction by the department (tit. 36, §670-907; tit 36, §670-908)

State agreements with first class city (Philadelphia) for taking, opening, relocating, widening and change of grade (tit 36, §951-15)

When city, borough, town or township has adopted street plans, of streets leading to adjacent municipalities and townships, it shall notify the local governments involved of plan and any subsequent changes (tit 36, §1762)

County-borough agreements for improving street between two ends of county road. (tit 53, §46756) Shall agree as to maintenance of same by either party. (tit. 53, §46758)

Second class townships may improve State highway with the consent of the Secretary of Highways Second class townships and all political subdivisions wherein the township road is located may cooperate in surveying, widening, opening, straightening and vacating roads (tit. 53, §66101)

Provision for State advice and assistance to local officials (tit. 36, §670-901, tit. 71, §§515, 516)

Provision for such meetings as necessary to assist in formation of county associations of township officers (tit 71, §515)

Counties authorized to acquire land for State highways where a change of width or existing lines is necessary (tit. 36, §670-302 *et seq*)

State-local agreements for construction of State highway to greater width or higher standards Local government may increase width with State consent (tit. 36, §§670-906, 670-911)

State highway department has supervision over all township roads built or maintained with State aid. (tit 71, §516(a))

Provides for State-city agreements for change of grade of State highways within a municipality (tit 36, §§670-544, 670-545)

State and local cooperation concerning materials or equipment. (tit 36, §670-904; tit 71, §513(e),(f), tit 16, §§2770, 5934; tit 53, §§56511, 56553, 65740)

Cooperation re highways on State, county, township and municipal lines. (tit 36, §§2361, 1902, tit 16, §§2704, 5901(d), 2765, 5929, 2763, 2764, 5927, 5928; tit 53, §§37987, 57115, 66215, 37101, 66201, 66202, 1862, 3798 *et seq.*, 46725, 46730, 57101, 57110, 57115, 57130, 66205, 66210, 66215, 66230, 47725)

RHODE ISLAND

Gen Laws of R I 1956

State-local cooperation for Federal aid. (§§24-4-1 to 24-4-8)

Provides for municipal approval of State construction and maintenance of State highways After agreement as to location and grade of State highway in municipality the director may relinquish same to city for maintenance (§24-8-5)

Town or city to keep roads clear of snow and ice and shall notify the department of any defect or want of repair of such roads (§24-8-15)

Provides for annual appropriation to towns for maintenance of highways adopted by the plan of the State highway system (§24-8-16)

State-local cooperation in construction of highways (§37-5-2)

State agreements with cities and towns for construction of State highways to greater width within the municipality. (§24-8-4)

State-city agreements re location and grade of State highways (§24-8-5)

SOUTH CAROLINA

Code of Laws of S C. 1952

Authority to exercise governmental functions jointly—Federal, State, political subdivisions, counties (§14-1169(9))

County may designate State highway department as its agent in acquiring right-of-way for county roads with Federal aid (§33-79)

Municipality may improve or maintain State highway in addition to the work the department is able to undertake. (§33-112)

Contracts for construction and improvement by any county of farm-to-market roads in the State system, according to standards and specifications required by the department (§33-165)

All work by the department shall be with the consent and approval of the municipality (§33-172)

Municipality shall not alter State highway without approval of the department (§33-175)

State-local agreements for controlled-access facilities (§33-352 5)

Dorchester county may agree with the State highway commissioner whereby the State maintains roads and bridges at agreed upon cost (§33-1581)

In Fairfield county, township highway commissioner shall keep roads in repair and the county supervisor shall cooperate with the commissioners (§33-1634)

Kershaw county road supervisor shall cooperate with State highway engineers in grading and hard surfacing the roads in the county (§33-1730)

Lancaster county may maintain unpaved streets in the towns of the county (§33-1755)

Orangeburg county may cooperate with State for Federal aid (§33-1841)

In Spartanburg county, the county supervisor shall maintain township roads and bridges where the cost does not exceed \$50.00, with funds specifically appropriated therefor. (§33-1872)

Spartanburg county may construct and maintain roads not in the county system within cities and towns Municipality must furnish the materials (§33-1873)

Provision for State advice and assistance to local officials (§33-71(6))

County may acquire right-of-way for State highways (§33-148)

Chesterfield county authorized to bid on

and enter into contracts for State highway work. (§33-1531)

State-local cooperation concerning materials or equipment (§33-1582)

Cooperation re township line roads (§§33-1630, 33-1637)

SOUTH DAKOTA

S D Code of 1939

City of over 2,500 to maintain connecting streets where change in State system includes such street (§28 0210)

State may cause street to be subjected to a palliation oil treatment for dust control, however. (§28 0211-1)

State-county cooperation in construction and maintenance of State trunk highways (§28 0215)

State-local cooperation in selection and maintenance of secondary and feeder roads for Federal aid. (§28 0226 *et seq*)

County-township agreements for construction and maintenance of county aid roads by county (§28 0314)

Township to arrange for construction and maintenance of secondary roads Improvement contract may be let without advertising for bids if the county highway superintendent shall supervise plans, specifications and the completion of the work. (§28 0401)

State-local cooperation for controlled access facilities (Laws of 1953, ch 155, §§3, 8)

Provision for State advice and assistance to counties (§§28 0207, 28 0208)

Cooperation with other States in research and test experiments (Laws of 1955, ch 105)

Counties authorized to bid on and enter into contracts for State highway work (§28 0215)

State-local cooperation concerning materials or equipment (§§28 0215, 28.1409)

Cooperation re State, county and township line highways (§§28 0701 to 28 0705, 28.0414)

TENNESSEE

Tenn Code Ann

Provision for regional planning commissions (§13-201 *et seq*)

State-county cooperation in construction, reconstruction and maintenance of State aid roads (§§54-206, 54-211, 54-212)

Provides for State funds appropriated to counties for county highway system County highway may be taken over and constructed, improved or maintained as a hard surface road by the State highway department, out of its own funds (§54-401)

If any county, district, city, town or person desires immediately to improve a section of State highway, may agree with the commissioner to finance same and later be reimbursed (§54-529)

State-municipal agreements for right-of-way acquisition (§54-531)

Where municipality is organized to care for its own streets, construction, improvement and maintenance may be done by the municipality, to be reimbursed by the State (§54-533)

Maintenance of State rural roads system to be by county in accordance with standards (§54-613)

State and local cooperation for controlled access facilities (§§54-2002, 54-2006)

Counties to submit annual programs for rural roads for State approval (§54-609)

Provision for State advice and assistance to counties (§54-113)

Cooperation with other southeastern States in construction of a bituminous test road (§54-123)

Counties authorized to acquire land for State highways (§§54-510, 54-610)

State rural road construction may be by contract with county highway department, if the county is equipped to do it (§54-612)

TEXAS

Vernon's Tex Civ Stats 1948

State authorized to cooperate with municipalities providing for the location, relocation, construction, reconstruction, maintenance and regulation of State highways, determining and fixing the respective responsibilities of the parties resulting therefrom (Art 6673-b)

State highway commission authorized to designate county roads as farm-to-market roads and may enter into contracts setting forth the duties of the State in construction

and maintenance of county roads in consideration of the county relinquishing all claims for State participation in any county indebtedness outstanding against such roads. (Art. 6673-c)

Provision for State advice and assistance to local officials. (Art. 6667)

State may recommend competent county highway officials, at county request (Art. 6668)

State highway commission authorized to exchange engineering employees with Mexico. (Art. 6669b)

Counties and municipalities authorized to acquire land for State highways (Art. 6674n, 6674q; Laws of 1957, H B 670, §1)

Cooperation between cities on highways across jurisdictional lines (Art 1105b)

UTAH

Utah Code Ann 1953

State Roads Commission authorized to cooperate with National, State and local planning and zoning agencies in promoting and constructing road building projects (§27-2-3)

State-local cooperation in construction of highways, roads and bridges (§27-2-4)

State-county and State-municipal agreements for acquisition of right-of-way, improvement or maintenance of State highways at State, local or joint expense. (§27-2-7(5))

State-city cooperation in construction and maintenance of class C roads. Town or city of third class may contract with the county for construction and maintenance of class C roads or, with the consent of the county, may transfer to the class B system. (§27-8-4)

State and local cooperation for limited access facilities. (§§27-9-2, 27-9-6)

State highway officials authorized to attend meetings within or without the State. (§27-2-7(7))

State Roads Commission shall furnish plans, specifications and estimates as desired by the county for use on State or county roads. (§27-2-7(13))

Counties authorized to acquire land for State highways. (§27-2-9)

Municipalities may lay out streets to any width they deem proper (§27-1-4)

Public highways in cities and towns shall conform to the direction and grade of other streets (§27-1-8)

VERMONT

Vt. Stats. 1947

Town selectmen, with approval of the State highway board, may designate all or part of the State aid system to be maintained for three years by the State at town expense (§5157)

Two or more towns or cities and towns may unite for the purpose of highway improvement The officials shall constitute a joint committee. (§5160)

At town or village request, the State highway board may agree to do any construction or maintenance work on State aid or town highways or bridges and advance the cost thereof Upon demand of the highway board, municipality shall reimburse the State (Vermont Laws of 1955, Act 153)

Town has control over State aid highways and is responsible for maintenance Location of each year's work, plans of construction and the foreman to take charge of the work is determined by the State highway board, but the local officials shall be consulted in the location and plans of the work. (Vermont Laws of 1957, Act 250, §§2, 14)

State may cooperate with any State or local agencies for limited access facilities (Vermont Laws of 1955, H B 414, §4)

Provision for State advice and assistance to municipal officers. (Vermont Laws of 1957, Act 250, §5(i))

If a town fails to repair a road, the county may have the work done. (§5215 *et seq.*)

Cooperation re town line highways (§5054 *et seq.*)

VIRGINIA

Code of Va. 1950

Authority to exercise governmental functions jointly—political subdivisions, counties and municipalities (§15-13 1)

Provision for regional planning commissions Metropolitan commissions authorized to cooperate with other regional commissions. (§15-927 *et seq.*, §15-891 *et seq.*)

Maintenance of portions of bypass city routes on the State system within the municipality shall be borne by the municipality State shall contribute to maintenance, however. (§33-35)

State is responsible for State secondary system. (§33-46) Any county which has withdrawn its roads from the secondary system has a right to bring itself back within the system by election of voters (§33-53) Arlington, Henrico and Warwick counties are without the State secondary system (§33-140) There is no department of public works in counties wherein maintenance and construction of county roads and bridges have been assumed by the State. (§15-321)

Provides for annual meeting in each county by a representative of the Department of Highways in charge of the State secondary system, to discuss plans for maintenance and improvement of secondary roads with the county boards County shall make recommendations and the department shall follow as far as compatible with the plans and shall notify the county of changes in the recommendations so made (§33-47)

At the request of an incorporated town of less than 3500, the State highway commissioner is authorized to select certain streets for maintenance, improvement and construction from State secondary fund allocations Shall not exceed two miles (§33-50.1) Plans and specifications to be approved by the commission (§33-50.2) Where there is no request for financial assistance the commission is authorized to maintain and construct all streets of a specified width (§33-50.4)

State highway commission may oil the highways in any town and in any county, upon request, the roads of which are not part of the State secondary system (§33-112)

State highway commission to select streets for routing State highway connecting traffic If same are maintained to State highway standards, shall pay sums to cities of certain population class for maintenance,

construction and improvement (§33-113) With consent of municipality may take over connecting streets into the State system. Municipality obligated to pay cost in excess of the amount authorized to be spent by the State Commissioner may permit municipality to maintain and reimburse the State's share of maintenance cost. (§33-113.1)

Commissioner, at request of municipality of less than 1500 and at municipal expense, may maintain and improve local streets not on the State system (§33-118)

State-local cooperation for Federal aid (§33-131)

When local county road districts establish new roads, they become part of the State secondary system Counties may alter or change the location of any secondary road, provided the commissioner shall be a party in any such proceeding The commissioner with approval of the State highway commission and the county authorized to make route changes and additions. (§33-141)

Counties may cooperate in employing highway officials. (§15-490)

Cooperation with AASHO in research and testing (§33-132)

Counties authorized to acquire land for State highways (§33-52)

State-local cooperation concerning materials or equipment. (§33-111)

WASHINGTON

Rev. Code of Wash.

Provision for regional planning commissions (Laws of 1957, ch 130, ch 213, §35 63 070)

Reciprocal agreements for highway improvement or maintenance providing that either the county assist the department on a State highway or the State assist the county on a county highway, under circumstances where a necessity appears or where economy will be best served. (§36 75 030)

If city or town is unable to construct or maintain its streets for good cause, may authorize State to perform same whether or not its streets are part of the State system The director may in certain special cases, enter into agreements with municipal offi-

erals for performance of such work. The municipality may also authorize the county to perform construction or maintenance work at municipal expense (§47 24 050)

Provides for an "assistant director of highways for State aid" to administer programs of State aid for county roads and city streets (§43 27 050)

Agreements concerning acquisition of right-of-way authorized (§47 24 020(15)) Refers to cooperative agreements for maintenance (§47 24 020(16))

Cooperative agreements whereby either party agrees to perform the work of construction, improvement or maintenance of the other party and furnish the materials and pay the cost, to be reimbursed by the party whose responsibility it was to do the work in the first instance (§47 28 140)

Where a public works project appears to benefit a State highway the State may agree to pay part of the cost or contribute by doing a portion of the work (§47.28 - 140)

State and local cooperation for limited access facilities (§§47 52 020, 47 52 090)

Provides for State-county cooperation on mine-to-market roads (§78 48 010 *et seq*)

County to file copy of long range program for county road construction with State (§36 81 120)

Provision for State advice and assistance to municipalities (§47 24 050)

Boards of county commissioners shall cooperate in coordinating their administrative programs (§§36 32 340, 36 32 350)

Cooperation with other States in research (§43 27 020)

Highway Commission authorized to sell land no longer needed to a county or municipality (§47 12 070)

State highway right-of-way may be acquired by the State or the municipality as shall be mutually agreed upon (§47 24 020) (as amend by Laws of 1957, ch 83)

Provision for State design standards committees to adopt, in cooperation with local officials, design standards for local roads (§§36 86 020, 36 86 080, 43 32 010, 43 32 - 020, 35 78 020, 35 78 030, 35 78 040)

State and local cooperation concerning materials or equipment (§§36 34 130, 36 82 100, 36 82 220, 45 12.100, 47 08 120)

Cooperation on State and county line highways. (§§36 75 210, 36 75 220)

WEST VIRGINIA

W Va. Code of 1955

Authority to exercise governmental functions jointly—counties and municipalities. (§357(1))

State-local cooperation concerning plans, surveys, construction, reconstruction, improvement, maintenance and supervision of highways, roads and streets (§1448 (8) [32])

State-local cooperation for controlled access facilities or other public ways. (§1474 (26))

State highway officials authorized to attend meetings within or without the State. (§1448(8))

State Road Commissioner authorized to exercise control over local roads to the extent it is expedient or practical (§1448(8))

Cooperation with other States in the operation of plants for the preparation of road materials (§1474(7)) State-local cooperation concerning materials or equipment (§§357(1), 1590)

WISCONSIN

Wis Stats 1957

Authority to exercise governmental functions jointly—State, political subdivisions (§66 30)

Provision for regional planning commissions Towns may cooperate in regional planning program County planning commissions may cooperate with towns (§§66 - 945, 60 29(41), 236 46)

When the county board lays out a highway, it reverts to the control of the town, village or city in which it lies, except county trunk highways, where control rests with the county (§80 04)

County may establish street or highway in excess of widths in use, with approval of municipality (§80 64)

County aid highways within municipalities City may determine type of improvement, subject to approval of county highway committee Municipality shall improve the street under supervision of the

county highway commissioner (§83 05)
Maintenance by the towns, cities, and vil-
lages wherein the county aid highway lies
(§83 06)

County highway committee, with ap-
proval of the county board, authorized to
enter into agreements as provided in Sec
86 25(2). (§83 025(3))

State, county and city cooperation in se-
lection of roads for Federal-aid secondary
system Counties shall consider recom-
mendations from municipalities (§83 026)

Agreements to enable county to construct
and maintain streets and highways in mu-
nicipality. (§83 035)

Cooperation in maintenance by subdivi-
sions of the State of Federal-aid roads.
(§84 01(17))

Where a state highway does not pass
through the central or business part of a
municipality, the State highway commission
may on petition of the municipality desig-
nate an alternate route through the busi-
ness section, to be constructed and main-
tained to the satisfaction of the commission,
without expense to the State (§84.02(6))

State trunk highway system maintenance
responsibility on the State The commis-
sion may, however, arrange with the county
highway committee to have all or part of
the maintenance work within or beyond the
limits of the county, at State expense
(§84 07)

State and local agreements for controlled-
access facilities or other public ways (§84 -
25(9))

State-local cooperation in planning, de-
velopment and construction of interstate
system highways (§84 29)

State-local cooperation in planning and
development of national parkways (§84 -
105(1))

Counties of 250,000 or more (Milwaukee
County) authorized to establish, relocate,
widen, extend, improve and maintain state
and county trunk highways, and when re-
quested by municipality any other high-
way located in such municipality. (§86 -
18(1))

State-local agreements for construction
or improvement with State or Federal aid
of highways or bridges which the local

government is authorized to construct, pro-
viding for subsequent maintenance by the
local government (§86 25)

Provides for State allotments to towns,
villages and cities for snow clearance, ice
prevention and dust alleviation Town or
village may authorize the work to be done
by the county. (§86 31)

Counties of 150,000 or over may widen,
improve and maintain State or county trunk
highways (§86.185)

City or village may arrange to have
maintenance of State highway connecting
streets (marked as State highway but not
part of the State system) done by the
county. (§86 331)

State-county agreements as to State
trunk highway projects for which county
allotments are to be expended. (§§84 01-
(21), 84 03(5))

State highway officials authorized to at-
tend meetings within or without the State
and cooperate in research (§84 01(9))

Provision for State advice and assistance
to local officials (§84 01(7))

State may recommend competent county
highway officials, at county request. (§§83 -
01, 84 01(14))

State-local cooperation in determining
maximum appraisal for right-of-way. Coun-
ties and municipalities authorized to acquire
land for State highways (§§84 09(3a),
(3m), (7))

State approval necessary for sale of lands
no longer needed by county, where other
than county funds were used (§83 08(4))

State highway commission may contract
with counties for improvement work on
State highway without bids (§84 06(3))

If a town fails to repair a road, the
county may have it done (§§80 39, 81.14)

State and local cooperation concerning
materials or equipment (§66 299)

Cooperation regarding highways on
county and township lines (§§81 14, 83.025,
80 11, 80 12, 80 39)

WYOMING

Wyo Comp Stats. 1945

State-county road construction program
Cooperation in construction. Work under

the supervision of the commission and in accordance with State plans and specifications Work commenced at request of county. Cost shared. 93% State, 7% county (§48-107)

State-municipal cooperation in construction of streets and highways connecting State highways Work is under supervision of the commission. (§48-108)

Maintenance of county roads with Federal aid shall be performed by and under the supervision of the State highway commission at county expense (§48-109)

In incorporated cities and towns, municipal authorities shall construct and maintain State highways (§48-304)

County farm-to-market roads—construction under supervision of State highway commission and in accordance with plans and specifications of the State highway superintendent and commenced at county request. Construction cost is shared: State 93%, county 7% Maintenance cost paid by county (§48-345)

State and local cooperation in providing access facilities (§§48-348, 48-352)

Counties required to furnish right-of-way for new State highways. (§48-303)

HAWAII

Rev Laws of Hawaii 1955

State-county cooperation on Federal-aid projects (§111-8) Territorial engineer may have maintenance of Federal-aid roads performed by county road department. (§111-11)

PUERTO RICO

Laws of P. R.

Authority to exercise governmental functions jointly—State and municipalities (tit. 21, §35)

State-municipal agreements for the carrying out of permanent public works or improvements (tit 3, §413a)

Maintenance of highways through urban zones by the Commonwealth (tit. 9, §12) Municipality which declares they do not desire to accept intervention of the department of public works may be exempt from the sections providing for maintenance by the department. (tit. 9, §15)

Provision for State advice and assistance to local officials (tit 21, §35)

Municipalities may pave or provide macadam of better quality than on State highways outside municipality. (tit 9, §17)

THE NATIONAL ACADEMY OF SCIENCES—NATIONAL RESEARCH COUNCIL is a private, nonprofit organization of scientists, dedicated to the furtherance of science and to its use for the general welfare. The ACADEMY itself was established in 1863 under a congressional charter signed by President Lincoln. Empowered to provide for all activities appropriate to academies of science, it was also required by its charter to act as an adviser to the federal government in scientific matters. This provision accounts for the close ties that have always existed between the ACADEMY and the government, although the ACADEMY is not a governmental agency.

The NATIONAL RESEARCH COUNCIL was established by the ACADEMY in 1916, at the request of President Wilson, to enable scientists generally to associate their efforts with those of the limited membership of the ACADEMY in service to the nation, to society, and to science at home and abroad. Members of the NATIONAL RESEARCH COUNCIL receive their appointments from the president of the ACADEMY. They include representatives nominated by the major scientific and technical societies, representatives of the federal government, and a number of members at large. In addition, several thousand scientists and engineers take part in the activities of the RESEARCH COUNCIL through membership on its various boards and committees.

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The HIGHWAY RESEARCH BOARD was organized November 11, 1920, as an agency of the Division of Engineering and Industrial Research, one of the eight functional divisions of the NATIONAL RESEARCH COUNCIL. The BOARD is a co-operative organization of the highway technologists of America operating under the auspices of the ACADEMY-COUNCIL and with the support of the several highway departments, the Bureau of Public Roads, and many other organizations interested in the development of highway transportation. The purposes of the BOARD are to encourage research and to provide a national clearinghouse and correlation service for research activities and information on highway administration and technology.

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