

## **CHAPTER 24-08 BRIDGES**

### **24-08-01. Construction of bridges by board of county commissioners - Petition - Bids - Rejection.**

Whenever a majority of the freeholders of a civil township, or a majority of the freeholders living within a radius of three miles [4.83 kilometers] of the proposed location, petition the board of county commissioners for a bridge at a specified location within such township, or within any incorporated city, if the cost of the bridge exceeds the sum of five hundred dollars, the board of county commissioners shall view and investigate the necessity of the proposed bridge. If the board approves the petition, it shall proceed to advertise in the official newspaper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of such bridge, to be submitted to it at the next regular or special meeting, at which the board shall proceed to examine all proposals or bids for the building of such bridge. The board shall award the contract to the lowest responsible bidder, requiring the bidder to give a bond in a sum not less than the amount stipulated in the bid or contract, conditioned for the faithful compliance with the terms of the bid or contract, the bond to be approved by the board and filed in the office of the county auditor but the board may reject all bids. If all bids are rejected, the board shall readvertise as provided herein. Provided, however, that if the amount of the lowest responsible bid is less than fifteen thousand dollars, the board may refuse all bids received and proceed to construct the bridge under its own supervision as it deems most expedient and may enter into contracts for the labor or material to be used in the construction of the bridge.

### **24-08-02. Expense of bridge - How paid.**

The expense of constructing a bridge built as provided in section 24-08-01 must be paid out of the county bridge fund, if such bridge is accepted and approved by the board of county commissioners.

#### **24-08-02.1. County to furnish and pay for culverts on township roads.**

The county shall furnish and install, at county expense, such culverts as are necessary to be used along township roads at points of intersection with established drains, in accordance with sections 24-08-01 and 24-08-02.

### **24-08-03. Bridges - Supervision, repairs, bids, signs - Liability.**

1. Each bridge built under the provisions of section 24-08-01 is under the supervision of the board of county commissioners, and the county shall pay the cost of rebuilding or repairing these bridges.
2. If the cost of rebuilding or repairing a bridge would exceed thirty thousand dollars on estimate of the county engineer and upon the approval of the estimate by the department, the county commissioners shall advertise for bids and award the contract pursuant to section 24-08-01. If a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by the delay from advertising for bids and awaiting the contract pursuant to section 24-08-01, the county commissioners may promptly contract for the rebuilding or repair of the bridge without advertising for bids, regardless of the cost.
3. The board of county commissioners at least every four years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county.
4. If any bridge on the county road system is deemed unsafe for public use by the board of commissioners, it immediately shall take steps to close the bridge and prevent its use by the public.
5. If any bridge on the county road system is deemed unsafe for loads in excess of a certain weight, the board of commissioners shall post, by January 1, 1985, load limit

signs which must comply with the standards for uniform traffic control devices prescribed by the director under section 39-13-07.

6. The county is not immune from claims or suits for damages arising out of negligent failure to perform the inspection, signing, and repair duties required by this section.

**24-08-04. Bridges part of highway.**

Bridges erected or maintained by the public constitute a part of the public highway.

**24-08-05. Petition for bridges across navigable rivers.**

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

**24-08-06. Board of county commissioners may act with representatives of other governmental agency.**

If the remaining one-half of the cost of any bridge to be constructed as provided in section 24-08-05 is made up by an appropriation from any neighboring state or by any municipality in this state, to be expended under a commission or through any other agency, the board of county commissioners shall appoint a committee from its own number, of three or more, to meet such other municipal agency, confer with its members, and advise and assist in the accomplishment of such improvement in the best possible manner, and when the work is completed and approved jointly by such agency and committee, such approval to be in writing and duly reported to such board and recorded in the minutes thereof, the board shall direct the county auditor to draw the county auditor's warrant upon the treasurer in favor of the contractor for the amount due the contractor from such county.

**24-08-07. Issuance of bonds to meet expenses of construction of bridge.**

When one-half, or such other proportion as may be provided, of the cost of a bridge to be constructed as provided in section 24-08-05 is provided by any municipality within this state, it may issue bonds for this purpose in accordance with chapter 21-03. In case the limit of indebtedness of such municipality would be exceeded thereby, then it is lawful for such municipality to make a sufficient tax levy for general purposes to meet the necessary expenditure in the construction of such bridge, and when the same is completed and accepted, the share of the cost thereof to be borne by such municipality must be paid out of the general fund by orders drawn in the usual form and manner.

**24-08-08. Bridge funds to be turned over to city.**

The county treasurer of each county wherein any city has constructed a bridge, or hereafter shall construct a bridge, over any navigable stream, shall pay to the auditor of such city whereby such bridge has been constructed or is about to be constructed, all money in the county treasury or which may come into the county treasury in the bridge fund of such county, which

may have been or which shall be levied, assessed, and collected from persons and property, or either, in said city.

**24-08-09. Cost of bridge limited.**

The total cost to any county of any bridge built under the provisions of section 24-08-05 across a navigable river in no case may exceed the sum of three hundred thousand dollars.

**24-08-10. Counties or municipalities may assist in constructing bridge.**

Any county or municipality within this state desiring to assist in the construction, maintenance, or repair of a bridge over a navigable river, regardless of whether such county or municipality borders the river at the point where the bridge is to be built, by a majority vote of its board or governing body:

1. May enter into an agreement for the construction, maintenance, and repair of such a bridge with other municipalities or counties, whether such municipalities or counties are located within the state of North Dakota or a state bordering North Dakota; and
2. May appropriate any sum that to the said board or governing body may seem reasonable and shall direct the proper officer to draw a warrant on the general fund for the payment of such appropriation.

Bridges constructed pursuant to this section may not be required to comply with the provisions of sections 24-08-01 and 24-08-05, except that bridges constructed entirely within the state of North Dakota must comply with the bidding requirements of section 24-08-01.

**24-08-11. Plans for bridge when state aid is used in paying cost.**

Repealed by S.L. 1953, ch. 177, § 120.

**24-08-12. Bridge across Yellowstone River in McKenzie County.**

Repealed by S.L. 1953, ch. 177, § 120.

**24-08-13. Liberty memorial bridge.**

A bridge replacing the bridge between Mandan and Bismarck presently known as the liberty memorial bridge is designated the liberty memorial bridge upon the completion of the replacement bridge.