

CHAPTER 164

BRIDGES ON ROADS

164.01 INTERSTATE BRIDGES CONNECTING STATE HIGHWAY SYSTEM WITH THOSE OF ADJOINING STATES; PURPOSE OF LAW.

HISTORY. 1925 c. 403 s. 1; M.S. 1927 s. 2564-1.

164.02 INTERSTATE BRIDGE.

HISTORY. 1925 c. 403 s. 2; M.S. 1927 s. 2564-2.

164.03 STATE AID HIGHWAY.

HISTORY. 1925 c. 403 s. 3; M.S. 1927 s. 2564-3.

164.04 INTERSTATE BRIDGES PART OF HIGHWAY SYSTEM, ON CERTIFICATE OF COMMISSIONER OF HIGHWAYS.

HISTORY. 1925 c. 403 s. 4; M.S. 1927 s. 2564-4.

164.05 CONSTRUCTION AND MAINTENANCE OF BRIDGES BY COMMISSIONER OF HIGHWAYS.

HISTORY. 1925 c. 403 s. 5; M.S. 1927 s. 2564-5.

165.06 LOCATION OF BRIDGES.

HISTORY. 1925 c. 403 s. 6; M.S. 1927 s. 2564-6.

164.07 CONVEYANCE OF BRIDGES BY CITIES OR VILLAGES.

HISTORY. 1925 c. 403 s. 7; M.S. 1927 s. 2564-7.

164.08 ACQUISITION OF BRIDGES OWNED BY VILLAGES OR CITIES IN ADJOINING STATES.

HISTORY. 1925 c. 403 s. 8; M.S. 1927 s. 2564-8.

164.09 TRUNK HIGHWAYS TO BE RUN ON BRIDGES.

HISTORY. 1925 c. 403 s. 9; M.S. 1927 s. 2564-9.

164.10 CONSTRUCTION AND MAINTENANCE OF BRIDGES BY COMMISSIONER IN CERTAIN CASES.

HISTORY. 1925 c. 403 s. 10; M.S. 1927 s. 2564-10.

164.11 ACQUISITION BY COMMISSIONER OF PRIVATELY OWNED BRIDGES AND TOLL BRIDGES.

HISTORY. 1925 c. 403 s. 11; M.S. 1927 s. 2564-11.

164.12 USE OF STATE ROAD AND BRIDGE FUND.

HISTORY. 1925 c. 403 s. 12; M.S. 1927 s. 2564-12.

164.13 CONSTRUCTION AND MAINTENANCE OF BRIDGES OVER STREAMS FORMING STATE BOUNDARY.

HISTORY. 1907 c. 399 s. 1; M.S. 1927 s. 2564-15.

164.14 BRIDGES OVER NAVIGABLE RIVER FORMING STATE BOUNDARY; COUNTY MAY PAY HALF OF COST.

HISTORY. 1909 c. 425 s. 1; M.S. 1927 s. 2564-16.

164.15 COMMITTEE TO CONFER WITH NEIGHBORING STATE OR MUNICIPALITY.

HISTORY. 1909 c. 425 s. 2; M.S. 1927 s. 2564-17.

164.16 BONDS; TAX LEVY.

HISTORY. 1909 c. 425 s. 3; M.S. 1927 s. 2564-18.

164.17 NOT MORE THAN ONE WAGON BRIDGE; LIMIT OF COST.

HISTORY. 1909 c. 425 s. 4; M.S. 1927 s. 2564-19.

164.18 BRIDGE BONDS.

HISTORY. 1921 c. 323 s. 27; G.S. 1923 s. 2567; M.S. 1927 s. 2567.

County board may issue bonds to finance the construction of a bridge without a vote of the electors, provided the road has no outstanding road or bridge bonds, and also provided that 25 or more voters who are also freeholders, have petitioned the board. If the county cannot qualify under those provisions, bonds may not be issued until the issuance shall have first been submitted to a vote of the electors. 1934 OAG 453, Nov. 17, 1933 (642b-3).

164.19 REPLACEMENT OF BRIDGES DESTROYED BY FLOOD OR CYCLONE.

HISTORY. 1911 c. 161 ss. 1, 2; M.S. 1927 ss. 2567-1, 2567-2.

164.20 TAX LEVY.

HISTORY. 1911 c. 161 s. 3; M.S. 1927 s. 2567-3.

164.21 BONDS FOR BRIDGES OVER STREAMS MARKING STATE BOUNDARY.

HISTORY. 1921 c. 323 s. 28; G.S. 1923 s. 2568; M.S. 1927 s. 2568.

164.22 CONTRACTS FOR BRIDGES.

HISTORY. 1913 c. 235 s. 7; G.S. 1913 s. 2494; 1915 c. 160 s. 1; 1917 c. 119 s. 5; 1921 c. 323 s. 55; G.S. 1923 s. 2595; M.S. 1927 s. 2595.

The court was amply justified in finding that where the ground was so infested with boulders that it was impracticable to plow it, the whole mass so filled with boulders should be classified as "loose rock." *Foley Bros. v County of St. Louis*, 158 M 320, 197 NW 763.

The evidence justified the court in finding that the representation on the survey map and statement made by the county board in open meeting induced the construction company to make bid and enter into the contract; that the representations were untrue; that the representations and statements occurred through mutual mistake, and warranted granting a rescission of the contract. The contractor did not waive his rights by continuing with the work after knowledge of the mistake. *Stanton v Morris Const. Co.* 159 M 380, 199 NW 104.

Where the price exceeds \$500.00, a township cannot let a valid bridge contract unless the plans and specifications are on file with the town clerk when the bids are called for, nor unless a bond is filed when the contract is executed. In this case the contractor may not recover the reasonable value of labor and material because, the bridge having collapsed, the town received no benefit. *Lundin v Town of Butternut Valley*, 172 M 259, 214 NW 888.

If the total cost does not exceed \$500.00, and if the work is done by day labor, it is not necessary to advertise for bids. OAG June 10, 1933; OAG May 7, 1937 (125a-17); OAG Sept. 29, 1937 (707a-1); OAG Sept. 13, 1938 (642a3).

In advertising for bids for bridge work, section 164.22 should be followed rather than section 375.21. OAG May 7, 1937 (125a-17).

164.23 STRENGTH OF BRIDGES.

HISTORY. 1921 c. 323 s. 61; G.S. 1923 s. 2601; M.S. 1927 s. 2601.

164.24 TOLL BRIDGES.

HISTORY. 1875 c. 108 ss. 1, 2, 4, 5; G.S. 1878 c. 13 ss. 109 to 112; G.S. 1894 ss. 1918 to 1921; 1901 c. 243; R.L. 1905 ss. 1244, 1245; 1913 c. 235 ss. 83, 84; G.S. 1913 ss. 2570, 2571; 1917 c. 43 s. 1; 1919 c. 349 s. 1; 1921 c. 323 s. 62; G.S. 1923 s. 2602; M.S. 1927 s. 2602.

164.25 FREE USE OF TOLL BRIDGE.

HISTORY. 1913 c. 235 s. 85; G.S. 1913 s. 2572; 1921 c. 323 s. 63; G.S. 1923 s. 2603; M.S. 1927 s. 2603.

164.26 BRIDGES OVER DITCHES.

HISTORY. 1921 c. 323 s. 64; G.S. 1923 s. 2604; M.S. 1927 s. 2604.

When ditches are constructed along a highway separating privately owned farms from the highway the damage must be taken into consideration at the time the ditch is constructed, and the expense of construction and maintenance must be owned by the landowner, except that the municipality to the extent that its moneys for that purpose warranted may use such moneys until the award is exhausted. 1938 OAG 153, July 30, 1937 (125a-41).

On property owners is placed the duty to construct bridges or culverts over drainage ditches, but the expense of constructing or maintaining road ditches is on the municipality. OAG Aug. 24, 1937 (148a-8).

164.27 BRIDGES OVER STATE DRAINAGE DITCHES.

HISTORY. 1921 c. 323 s. 65; G.S. 1923 s. 2605; M.S. 1927 s. 2605.

Subject to the limitations found in section 162.28, when it comes to repairing and rebuilding bridges across judicial ditches, the general rule is that the town must repair or rebuild bridges on town roads, and the county must repair and rebuild bridges on county roads. 1940 OAG 129, Aug. 9, 1940 (148a-3).

164.28 MAINTENANCE OF BRIDGES ON COUNTY AND TOWN ROADS.

HISTORY. 1921 c. 323 s. 66; G.S. 1923 s. 2606; 1925 c. 139; M.S. 1927 s. 2606.

There is a duty upon the town to maintain town roads in a "reasonably passable" condition at the expense of the taxpayers of the town. *U. S. v Wheeler Township*, 66 F(2d) 982.

The duty to construct or repair bridges located on town roads rests with the town rather than with the county. The provisions in section 164.28 relate to the repair and maintenance of bridges on county roads. 1938 OAG 264, June 3, 1938 (377b-10h).

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and the county must repair and rebuild bridges on county roads, subject, however, to the limitations of section 164.28. 1940 OAG 129, Aug. 9, 1940 (148a-3).

Duty on governmental agency relative to maintenance of bridge. OAG May 23, 1944 (642a-9).

164.29 COUNTIES MAY PAY BONDS IN CERTAIN CASES.

HISTORY. 1929 c. 114; M. Supp. s. 2564-14.

164.30 WHO MAY CONDEMN BRIDGES.

HISTORY. 1921 c. 368 s. 1; G.S. 1923 s. 2628; M.S. 1927 s. 2628.

164.31 BRIDGES RECONSTRUCTED.

HISTORY. 1921 c. 368 s. 2; G.S. 1923 s. 2629; M.S. 1927 s. 2629.

164.32 APPEAL.

HISTORY. 1921 c. 368 s. 3; G.S. 1923 s. 2630; M.S. 1927 s. 2630.

164.33 FAILURE TO COMPLY; PENALTY.

HISTORY. 1921 c. 368 s. 4; G.S. 1923 s. 2631; M.S. 1927 s. 2631.