
UNIVERSITY OF MISSOURI-COLUMBIA

Missouri Local Government Administrative Guide Series

County Road Administration

A Guide for County

Court Judges



David Burch and John Ballard

**Governmental Affairs Program
Department of Political Science
College of Administration and Public Affairs
and the University Extension Division Cooperating**

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INTRODUCTION

Roads are important to everyone, county roads, in particular. The basis for that importance can range from economic necessity, the farmer transporting crops to market, to pleasure, the family out for a Sunday afternoon drive. County court judges are only too well aware that complaints regarding the condition of county roads often consume much of the time for county court sessions. The Extension Division of the University of Missouri through this manual and a video tape program will present some practical information on law, administrative practice and common sense operating practices for county roads.

DEDICATION

For a road to be a county road it must have been dedicated to the county. Dedication, however, may be formal or informal. Filing a plat for recordation in the county records is an example of a formal dedication.

The Missouri Revised Statutes provide three different methods of establishing public roads. (1) Sections 228.020 to 228.140 provide for the establishment of a public road by order of the county court. The right-of-way for such a road is acquired either through condemnation (eminent domain) or donation (dedication) by the land owner. (2) Section 228.190 recognizes establishment of a public road if the road was established by order of the county court and was used by the public for a period of ten years or more. (3) Section 228.190 also provides that if a road has been used continuously by the public for ten years and public money or labor has been expended on the road then the road becomes a legally established public road. The public money or labor requirement is met without having to be expended every year during the ten year period. The public work requirement is met

so long as enough work is done on the road to keep the road in substantial repair or to put the road in condition for public use.

A public road can be closed or vacated either by action of the county court or by non-use by the public. Section 228.110 sets forth the procedural requirements for closing a public road. Vacation by non-use occurs if the road has not been used for five years continuously. Section 228.190. A road which was originally obtained by dedication is not covered by Section 228.190 and such a road is held in perpetual trust and can only be abandoned by county court order under Section 228.110.

Chapter 228

ESTABLISHMENT AND VACATION OF ROADS

PUBLIC ROADS

228.010. Definitions.—The words “established” and “establishing”, as used in sections 228.010 to 228.190 in relation to public roads, shall be held to embrace the locating, relocating, changing or widening of roads, and the word “road” shall include bridges and culverts.

(RSMo 1939 § 8487)
Prior revisions: 1929 § 7841; 1919 § 10637

228.020. Petition for establishing road.—Applications for the establishment of all public roads, except state roads, shall be made by petition to the county court. Such petition shall be signed by at least twelve freeholders of the municipal township or townships through which said proposed road may run, three of whom shall be of the immediate neighborhood, and shall specify the proposed beginning, course and termination thereof, and shall be accompanied by the names of all persons owning land through which said road shall run, with the amount of damages, if any, claimed by them, so far as can be ascertained, and also the names of those who are willing to give the right-of-way for said proposed road; provided, that if said proposed road begins or terminates on, or runs along a boundary between the county wherein such petition is filed and an adjoining county, any or all of the petitioners herein required may be freeholders of such adjoining county, and of the municipal township or townships thereof through which said proposed road may run, or in which said proposed road may begin or terminate.

(RSMo 1939 § 8473)
Prior revisions: 1929 § 7827; 1919 § 10625; 1909 § 10435

228.030. Notice of application for road.—Notice of such intended application shall be given by printed or written handbills put up in three or more public places in such municipal township or townships, one of which shall be put up at the proposed beginning, and one at the proposed termination of said road, at least twenty days before the first day of a regular or adjourned term of the county court to which the petition is to be presented, which notice shall apply to and be binding upon all persons and corporations whatsoever having any interest in or title to the lands, or any part thereof, over which said proposed road may run.

(RSMo 1939 § 8474)
Prior revisions: 1929 § 7828; 1919 § 10626; 1909 § 10436

228.040. County court required to open road, when.—When the petition required by section 228.020 is presented, and upon proof of notice having been given as required in section 228.030, if no remonstrance is filed and if the petitioners give the right-of-way for the proposed road or pay into the county treasury an amount of money equal to the whole amount of damages claimed by landowners through whose land the proposed road would run, the county court, without discretion to do otherwise, must open said road and thereupon the court shall proceed as in sections 228.010 to 228.190 provided in cases where upon a hearing the court find it necessary to establish a road.
(L. 1949 p. 551 § 8475)

228.050. Remonstrances — hearing — findings.—1. If a remonstrance be presented signed by twelve or more freeholders residing in the municipal township or townships

through which it is proposed to establish such road, three of whom shall reside in the immediate neighborhood, the county court shall hear such witnesses as the respective parties may produce in regard to the public necessity, practicability and probable damages, if any claimed, to the owner of the land through which it is proposed to establish such road, and the expense of establishing and building the same, including bridges and culverts therein.

2. If the court upon such hearing shall find that the facts in the case do not justify the establishing of such road, the proceedings shall be dismissed. If the court shall find that the facts do justify the establishing of such road, either at the expense of the county, or of the petitioners, or both, it shall make an order accordingly.

(L. 1949 p. 551 § 8475a)

228.060. Survey of road by county highway engineer, when—report.—If the county court finds it necessary to establish such road, either at the expense of the county or wholly or partly at the expense of the petitioners, and the petitioners pay into the county treasury, on or before a time to be fixed by such court, the probable amount of damages or a sum to be fixed by the court, to the use of the owners of such lands, the county court, by order, shall direct the county highway engineer, within sixty days thereafter, to view, mark out and survey such road, take all relinquishments of the right-of-way of those who will give the same, and take the names of all owners of land through which said road may run who have not given or will not give the right-of-way, and the amount of damages claimed by each one separately, together with a legal description of the lands of each owner sought to be taken, and also the engineer's estimate of the cost of the bridges, culverts, and grading that may be necessary upon such road. The engineer shall report his proceedings in the premises, together with his survey and plat of said road to the county court.

(L. 1949 p. 551 § 8475b)

228.070. Road change or establishment—approval of highway engineer.—No county court shall order a road established or changed until such proposed road or change has been examined and approved by the county highway engineer.

(L. 1949 p. 551 § 8475e, A. L. 1953 p. 666)

228.080. Order to establish road, when.—If it shall appear from the engineer's report that the right-of-way has been secured, and needs therefor filed, or that the damages claimed do not exceed the amount offered by the court or deposited by the petitioners, or both, the court shall order the road established.

(L. 1949 p. 551 § 8475c)

228.090. Relinquishments, deeds, plats to be filed and recorded.—The county highway engineer shall file all relinquishments, deeds and plats of said road in the office of the county clerk, who shall preserve them together with the order of the court establishing the road as public records in a book to be provided for that purpose. All such deeds shall be filed and recorded in the office of the recorder of deeds.

(L. 1949 p. 551 § 8475d)

228.100. Condemnation proceedings, when.

—If it appears that any person through whose lands such proposed road should run has failed or refused to relinquish the right-of-way, or is not willing to take the amount of damages offered him by the court or petitioners, or both, or in case any such owner is incapable of contracting or is a nonresident of this state, and it further appears to the county court that the proposed road is of such great public utility as to warrant its establishment, the county court shall order the road established and shall direct the prosecuting attorney of the county to institute proceedings in the name of the county in the circuit court for the purpose of condemning such lands. Such proceedings shall be instituted and conducted by said prosecuting attorney under the provisions of chapter 523, RSMo.

(L. 1949 p. 551 § 8476)

County court may institute condemnation proceedings for what purposes, RSMo 49.300

(1965) Sections 49.300 and 228.100 in combination indicate a legislative intent to cover the entire subject of the judicial phases of condemnation proceedings by county courts and, therefore, they supersede and by implication repeal contrary provisions in § 228.180. County of Greene v. Hammons (Mo.), 389 S.W.(2d) 843.

228.110. Roads may be vacated, how.—1.

Any twelve freeholders of the township or townships through which a road runs may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts. The petition shall be publicly read on the first day of the term at which it is presented, and the matter continued without further proceedings until the next term.

2. Notice of the filing of such petition and of the road sought to be vacated shall be posted up in not less than three public places in such township or townships, at least twenty days before the first day of the next term of the court, and a copy of the same shall be personally served on all the persons residing in said district whose lands are crossed or touched by the road proposed to be vacated in the same manner as other notices are required to be served by law; and at the next regular term the same shall again be publicly read on the first day thereof.

3. If no remonstrances be made thereto in writing, signed by at least twelve freeholders, the court may proceed to vacate such road, or

any part thereof, at the cost of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve freeholders, residents of such township or townships, be filed, and the court after considering the same shall decide that it is just to vacate such road, or any part thereof, against the vacation of which the remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original costs, and damages for opening such vacated road shall be paid by the petitioners to those who paid the same; provided, that if five years have elapsed since the original opening of the same no such reimbursement shall be made.

(RSMo 1939 § 8482)

228.120. Record of proceedings—judicial review.—1. Upon the request and at the expense of any petitioners or remonstrators, a stenographic record shall be made of all proceedings before the county court upon any petition to establish or vacate any public road.

2. Any order of the county court establishing or vacating a public road shall be subject to judicial review to the same extent and in the manner prescribed by chapter 536, RSMo.

(L. 1949 p. 551 § 8477)

228.130. No revocation of order establishing or vacating road—amendment of order.—The county court shall not revoke or set aside any order establishing or vacating any public road, nor shall a petition to vacate or reestablish such road be entertained by such county court for a period of one year from the time of entering the order; except that the county court may amend any such order where necessary to carry out the purposes of this law.

(L. 1949 p. 551 § 8477)

228.140. Roads on county lines established, how.—1. The county courts of the several counties in this state shall have authority to establish highways on the boundary lines of their respective counties in the same manner as provided in sections 228.020 to 228.130, and when so established such roads shall not be less than forty feet wide. Each county shall provide one-half of the cost of establishing and keeping in repair such road.

2. The proceedings may be brought in any one of the counties concerned, but the justices of the county court of each of the counties shall sit as one court, and a majority of the judges shall decide all questions, and all matters therein shall be heard and determined in the county where the proceedings are first instituted. A certified copy of any final judgment establishing such road and the report of the county highway engineer thereon shall be filed in the office of the clerk of the county court of each county, and spread of record therein. The court having jurisdiction of the proceedings shall set all hearings for such days as may not interfere with like proceedings in the other counties concerned.

(RSMo 1939 § 8479)

Prior revisions: 1929 § 7833; 1919 § 10631; 1909 § 10441

228.150. Districting and repair of new roads—owner of land given time to yield possession—penalty for refusal.—1. When a new road has been opened, it shall be districted and kept in repair as other public roads.

2. The county court or circuit court, as the case may be, at the time of giving judgment for the establishment of the road, shall specify the time when possession shall be given by the owner, allowing the owner of the land a reasonable time, not exceeding six months, to erect fences, if any are required, and also time to gather growing crops, if any are growing at the time on the premises, which time shall be stated in the judgment. Any landowner who shall fail or refuse to open said road within the time specified in the judgment shall be deemed guilty of obstructing a public highway and punished accordingly.

(RSMo 1939 § 8480)

Prior revisions: 1929 § 7834; 1919 § 10632; 1909 § 10442

Highway engineer to supervise construction and maintenance of roads, RSMo 61.071

228.160. Roads may be enclosed and route changed, when.—Any person wishing to cultivate or enclose land through which any road may run may petition the county court, first giving notice, as in the case of new roads, for permission to turn such road on his own land or on the land of any other person consenting thereto, at his own expense. The court shall thereupon cause the county highway engineer to view the same and report the practicability of the proposed change and distances and situation of the ground, and proposed changes, at the first term of the court thereafter; and if upon the report the court be satisfied that the public will not be in any manner injured thereby, or said road lengthened or the grade thereof increased, or the road thrown on rougher land, it shall order such a change, and upon satisfactory proof of such road being opened in such manner as to be equally convenient to travelers, the court shall make an order vacating so much of the former road as lies between the different points of intersections, and cause the report thereof to be recorded.

(RSMo 1939 § 8481)

Prior revisions: 1929 § 7835; 1919 § 10633; 1909 § 10444

228.180. Condemnation of private property for public road—survey—claims for damages—hearings—jury trial, when.—1. The right of eminent domain is vested in the several counties of the state to condemn private property for public road purpose, including any land, earth, stone, timber, rock quarries or gravel pits necessary in establishing, building, grading, repairing or draining said roads, or in building any bridges, abutments or fills thereon.

2. If the county court be of the opinion that a public necessity exists for the establishment of a public road, or for the taking of any land or property for the purposes herein mentioned, it shall by an order of record so declare, and shall direct the county highway engineer within

fifteen days thereafter to survey, mark out and describe said road, or the land or material to be taken, or both, and to prepare a map thereof, showing the location, courses and distances, and the lands across or upon which said proposed public road will run, or the area, dimensions, description and location of any other property to be taken for the purposes herein, or both, and said highway engineer shall file said map and a report of his proceedings in the premises in the office of the county clerk. Thereupon the county court shall cause to be published in some newspaper of general circulation in the county, once each week for three consecutive weeks, a notice giving the width, beginning, termination, courses and distances and sections and subdivisions of the land over which the proposed road is to be established, or the location, area, dimensions and descriptions of any other land or property to be taken, or both, and that said land or property is sought to be taken for public use for road or bridge purposes.

3. Claims for damages for the taking of any of such land or property may be filed in the county clerk's office by the owner of said property or by the guardians or curators of insane persons or minors owning said property, within twenty days after the last day of said publication. If any claim for damages be filed, the same shall be heard on the first day of any regular or adjourned term of the county court after the expiration of the twenty days last aforesaid.

4. If the county court and the land or property owner be unable to agree on the amount of the damages, or if persons owning land or property sought to be taken or the guardian or curator of any insane person or minor owning such property shall fail to file a claim for damages, the county court shall make an order reciting such fact, or facts, as the case may be, and cause a copy of same to be delivered to the judge of the circuit court of that county, and a transcript of the record and the original files in said cause shall be transmitted by the county clerk to the circuit clerk of the county. Upon receipt of the copy of the order of the county court last aforesaid by the circuit judge, the circuit court, or the judge thereof in vacation, shall make an order setting the cause for hearing within thirty days, and if the order fixing the date of said hearing be made by the judge in vacation, it shall forthwith be filed in the office of the circuit clerk and the clerk shall cause copies of said orders to be served on owners of the property or material to be taken, and also the guardians and curators of insane persons or minors having any interest in such property or material, not less than ten days before the date of said hearing.

5. The court, or judge in vacation, shall cause to be impaneled a jury of six freeholders not interested in the matter or of kin to any

member of the county court, or to any landowner in interest. Said jury shall view the land, or other property, proposed to be taken, and shall hear the evidence and determine the question of damages under the direction of the court or judge. Five of said jury concurring may return a verdict, and in case of a disagreement another jury may be impaneled.

6. The public necessity for taking said property shall in no wise be inquired into by the circuit court, and the judgment of the circuit court, or judge thereof in vacation, in said cause shall not be reviewed on appeal or by writ of error.

(RSMo 1939 § 8486)

Prior revisions: 1929 § 7840; 1919 § 10636

228.190. Roads legally established, when—deemed abandoned, when.—All roads in this state that have been established by any order of the county court, and have been used as public highways for a period of ten years or more, shall be deemed legally established public roads; and all roads that have been used as such by the public for ten years continuously, and upon which there shall have been expended public money or labor for such period, shall be deemed legally established roads; and non-use by the public for five years continuously of any public road shall be deemed an abandonment and vacation of the same.

(RSMo 1939 § 8485, A. L. 1953 p. 674)

Prior revisions: 1929 § 7839; 1919 § 10635; 1909 § 10446

County court judges need to know which roads for which they are responsible. The following newspaper article appeared in the St. Francois Daily Journal, Flat River, Missouri, on June 25, 1980:

WHOSE ROAD IS IT? Cemetery Group, Court Wrangle Over Needed Repair

By Jim Michels
Daily Journal Staff Writer

A road bordering the Doe Run Memorial Cemetery has fell into disrepair over a disagreement on who is responsible for maintenance.

Although a petition with 109 signatures was presented requesting county maintenance of the roadway, the county court has refused to spend taxpayers' dollars on the repairs.

"It will just have to go undone if they won't do it," Floyd Larmer, president of the Doe Run Memorial Cemetery Board said. "I would think a cemetery should have some consideration."

But Presiding Judge Elliott Straughan of the county court said the county will not maintain the short road which serves one residence and two entrances to the cemetery. He said maintenance would only be provided if a plat of Hamiltontown, which is now a part of Doe Run, shows the road has been platted as a county road.

Straughan said the plat had been sought from the petition bearers, but it has not yet been brought before the county court.

"You know what we run into if we maintain a road that's not a county road,"

Straughan said. "If it is a road strictly for that cemetery it would be a different situation. We can't take care of cemetery roads."

The gravel roadway extends along the eastern boundary of the cemetery ending at the residence of Stanford Carr. It is approximately a quarter mile long and extends northward from Hildebrecht Road. Larmer and Carr contend that the county had in the past maintained the roadway. However, that was stopped in the mid-70s.

"If it could be proved to us it was originally built by the county or maintained by the county then we would take care of it," Judge Ray Adams explained. "It isn't because we don't want to do it, but is it the correct thing to do."

Larmer said the county had placed gravel on the road and graded it in the past.

"They stopped whenever this second class county or whatever you call it went in," Larmer explained. He said although the cemetery board does maintain the other drives through the cemetery it can not afford to maintain the road for which it requested county maintenance.

"The question to us is it a county road or is it a road for the cemetery," Straughan said. "We can't keep up cemetery roads unless they are dedicated to the county."

One way to insure that future courts will not be faced with such dilemmas is to establish a uniform system of accepting roads which someone desires to dedicate to the county. One county, in response to an increase in requests for decisions on roads or alley ways within the county adopted a list of standards for county maintenance of newly constructed roads.

The list requires the road meet certain basic minimum width and construction specifications before the court will accept the road for maintenance. The county also requires a minimum population. A rural roadway must have at least three families living along it and a subdivision must have at least 75 percent of its lots occupied before a road can be accepted.

Here is an example of a set of minimum standards adopted by the St. Francois County Court. While some counties might not desire to have identical provisions, these do serve as an excellent example of what one county has tried.

MINIMUM ACCEPTABLE STANDARDS FOR COUNTY MAINTENANCE OF NEWLY CONSTRUCTED STREETS AND ROADWAYS AND REQUIREMENTS FOR THE INSTALLATION OF UTILITIES ON SAID STREETS OR ROADWAY RIGHTS-OF-WAYS WITHIN SUBDIVISIONS AND UNINCORPORATED URBAN AREAS IN ST. FRANCOIS COUNTY, MISSOURI HAVE BEEN ESTABLISHED BY ORDER OF THE COUNTY COURT OF SAID COUNTY.

AUTHORITY FOR THIS ORDER IS FOUND IN THE LAWS OF THE STATE OF MISSOURI R.S.MO. 228.010 THROUGH 228.190.

SECTION I. Definitions of Terms.

Wherever the following terms, or pronouns in place of them, are used in the general requirements and covenants of this Order, the intent and meaning shall be interpreted as follows:

COUNTY

The County of St. Francois acting through its County Court.

AUTHORIZED REPRESENTATIVE

The superintendent of Streets and Roads for St. Francois County, Highway Engineer of St. Francois County, or any other individual duly authorized by the County Court to act in their behalf.

PLANS

All drawings or reproductions thereof pertaining to the work as approved by the County Court.

SPECIFICATIONS

The directions, provisions and requirements designated for the performance of the work and for the quality, quantity and proportion of materials.

RIGHT-OF-WAY

All lands acquired for the construction of the particular work.

STREETS OR ROADWAYS

The right-of-way, the roadway, and all improvements, not to include utilities, constructed thereon.

ROADBED

That portion of the street or roadway extending from shoulder line to shoulder line.

SUBGRADE

That portion of the roadway or street upon which the surfacing material or pavements are to be placed.

WORK

All performance required by the Owner, Contractor or Builder under the terms of and executed agreement.

BRIDGES

Structures having a clear span greater than 20 feet when measured along the center line of the street or roadway.

CULVERTS

All drainage structures not defined as bridges, having a width or diameter of opening not less than 12 inches.

A.A.S.H.O.

The American Association of State Highway Officials, Reference -- Standard Specifications for Highway Materials and Methods of Testing.

B.P.R.

Bureau of Public Roads of the U.S. Dept. of Commerce.

SECTION II. Design.

1.) All new streets or roadways shall have a minimum R-O-W width of 50 feet, shall be extensions of existing streets or shall intersect at right angles with existing streets or roadways. The streets shall be located within the subdivision so as to properly care for storm drainage and facilitate the construction of all utilities.

2.) A survey of the proposed streets or roadways should be made and a plan, accompanied by material specifications, prepared showing the alignment, gradients, and particular type of construction proposed to include bridges, culverts, storm sewers and appurtenances, curbs, gutters, walks and surfacing to include pavements. The plan must show sufficient detail to satisfy the County Court that the following minimum standards of construction and materials will be met.

A. Materials. All materials shall meet the standards as set forth by the A.A.S.H.O., B.P.R. and the Missouri State Highway Department.

B. Design. The following design criterion shall be met:

Gradient	Maximum of 12%
Degree of Curve	Maximum of 15 degrees
Surface Width	36 feet, ½" crown per foot (urban) 24 feet (rural)
Cut slopes, Fill	
Slopes & Inslopes	1½ to 1 unless rock is encountered.
Depth of ditches	1 foot unless a "Village Section" is preferred.
Bridges	H-15 loading, 24 foot minimum width.
Pipe culverts	Minimum size 15", minimum length 40 feet (urban) 32 feet (rural) except for entrances.
Surfacing	Crushed stone, 1" minus, applied at rate of 25 cubic yards to each 100 feet of street surface.

C. Construction. Upon approval of the proposed plan or work by the County Court, work may be carried forth by the Owner in the proper sequence to produce a useable street. The street or roadway shall be bridged, storm-sewered, graded to approved cross-section, compacted and surfaced. This work shall be done to the complete satisfaction of the County or their authorized representative, and said streets or roadways shall be accepted for maintenance by the County only after the subdivision has more than 75 per cent occupancy, and all other regulations and specifications have been met.

SECTION III. Installation of Utilities.

All utilities including water, sewer, gas, telephone and electric lines shall be installed prior to surfacing of streets or roadways. All utilities shall be designed, installed and maintained in accordance with the requirements of Federal, State or other Agencies regulating the installation, use and maintenance of said utilities. Any individually owned utility shall be subject to the regulations of said Agencies and sewage disposal facilities shall meet the requirements of the Missouri Clean Water Commission for disposal of waste water in subdivisions. Sewage facilities shall not drain to street or roadway right-of-ways.

The operation and maintenance of all utilities shall be the responsibility of the Utility Companies or the Owner, however, prior to any excavation for maintenance, repair or extension of said utilities on street R-O-W, an application for an excavation permit shall be submitted to the County. The application shall describe the work to be performed and shall be accompanied by a Certified check, made payable to the County Treasurer, and in the amount as determined by the County as being sufficient to insure and guarantee to said County the proper performance of the work and the restoration of said street surface and placing street in a satisfactory and useable condition. In the event of failure or refusal of the Utility Owner or Company to per-

form said work in accordance with the directions of the County, the County may use said sum so deposited, or any part as needed in the restoration of said street. The Certified check or deposit may be held by the County for one year to allow for complete settlement of trenches, pits, and etc.

The County Court waives none of its powers or rights to require the removal, relocation, or proper maintenance of any facility placed within the R-0-W of said streets or roadways.

In the event of needed repair to said facilities which creates an emergency situation directly affecting traffic on said streets or endangering public health or safety, an excavation permit for repairs will be granted immediately upon notice to the County Court.

So ordered by the County Court of St. Francois County.

/s/ Elliott Straughan
ELLIOTT STRAUGHAN, PRESIDING JUDGE

/s/ Bryant Aubuchon
BRYANT AUBUCHON, ASSOC. JUDGE 1ST DIST.

/s/ Ray Adams
RAY ADAMS, ASSOC. JUDGE 2ND DIST.

REVISED: October 18, 1979

RECORD KEEPING

Paper work! Red tape! Few people really like paper work and record keeping, however for an efficient system to operate records are essential and can help avoid headaches in the future. Good record keeping will include at least five items: road name, dedication, recordations, permanent data and timely data. A simple way to arrange this information would be in columns:

ROAD NAME	DEDICATION	RECORDATION	PERMANENT DATA	TIMELY DATA
River Drive	Dedicated 1875	Plat re- corded Book 28, Page 425	30 ft. Right- of-Way 15.2 miles length	Graded 8-3-78 4-2-79 7-3-79

The information could be placed on file cards and indexed by the name of the road.

Road Name

The following article is from the Lebanon Daily Record, February 4, 1981.

ROADS: County Road Maze Amazing

By Wayne Greer
Of The Daily Record Staff

"Go to Conway. Head towards Morgan on LL and turn left at the first silo on the left. I'm in the second house on the left."

If you're from this area, you know those directions are impossible to follow, but those directions (with a minor exception) were given to a reporter recently.

Despite a few minutes of worry concerning whether or not to count silos which could be seen on distant hills to the left of the road, or whether one only counted silos which were within 50 feet of the road, the reporter found the house in question.

However, people in Laclede County who know where they live are in a minority.

Precious minutes can be lost by an ambulance driver searching for the oak tree where he is supposed to turn left.

In an attempt to remedy that situation, the judges of the County Court are working with representatives of the Lake of the Ozarks Council of Local Governments in an effort which is to be coordinated by the Planned Progress Committee of the Lebanon Area Chamber of Commerce to provide a numbering system for county roads.

A number of plans have been submitted to the group, which includes the judges, law enforcement and emergency system per-

sonnel, and in the near future a map with a proposed numbering plan will be presented to the public for review and comment.

Plans include the positioning of signposts throughout the county, and possibly within a year or so county residents will be able to say, "I live on road 66-14. It's the second house on the left...you know, right past the old Jones place."

Formal Dedication

When someone has time, an extra clerk or perhaps a summer intern, start back through the court minutes. Note not only the known current roads, but also any roads mentioned. Names may have changed and roads once open may have been closed. Errors may need to be corrected. Some roads doubtless will never be mentioned and go back to Indian trails unrecorded. The goal of all this searching is to locate all roads and formally dedicate them uniform with the county's current practice. This work cannot and should not be done rapidly. Errors of a hundred years standing take time to correct.

While the time involved may seem excessive, systematically searching the records for all roads takes only a little more effort than searching all the records for just one road. And when a question arises as to whether or not a road is open to the public and maintainable by the county, that search is exactly what the county may end up having to do.

Recordation

As each dedication is copied or corrected, enter the now available legal description on a platbook. The location of the recorded plat can then be entered in the data file. Counties might want to consider setting up a

"Roads Books" like the Subdivision or Pipeline book in the Recorder's office. This would be a permanent and accessible record of rights-of-way.

Permanent Data

Such facts as right-of-way width and measured length should be listed here. Landowners sometimes have placed fences beyond the right-of-way often resulting in disputes. Keeping such information on each particular road readily accessible could help resolve some of these disputes. Road length should be measured with some gauge of verifiable reliability. A vehicle odometer is sufficient, if checking for accuracy.

Timely Data

One copy of this road listing should be arranged to contain such relevant points as follows: date of last surfacing, quality and depth of base, dates of maintenance operations and so forth. Each county will have slightly different day-to-day needs, and most counties will find added information of benefit. Knowing what was done when and where can quiet complainers who swear the county has never worked their road. It can be of great help to the road supervisor in scheduling. Finally, it can give the county court, as administrators, proof in hand of fairness and equality in distributing effort. A listing of complaints may also lead to changes in policy or procedure.

Chapter 231

MAINTENANCE OF PUBLIC ROADS

GENERAL PROVISIONS—ROAD OVERSEERS

- Sec.
- 231.010. County courts to divide counties into road districts.
- 231.020. Road overseers to be appointed—when.
- 231.030. Overseer to give bond—approved by county court.
- 231.040. Copies of road laws to be furnished county court.
- 231.050. Overseer to make monthly statement—file with county clerk.
- 231.060. Overseer to make annual report and settlement.
- 231.070. Overseer to keep roads in repair—to conform to specifications of engineer.
- 231.080. Highway engineer or overseer to contract for ditching and draining, when.
- 231.090. Overseer may remove obstruction in ditch—penalty for obstructing.
- 231.100. Officials authorized to make settlement for damages.
- 231.110. County court in second class counties to set aside land for shade trees.
- 231.120. County court may construct footpaths, when.
- 231.130. Overseer to care for trees.

GENERAL PROVISIONS—ROAD OVERSEERS

231.010. County courts to divide counties into road districts.—The county courts of all counties, other than those under township organization, shall, during the month of January, 1918, with the advice and assistance of the county highway engineer, divide their counties into road districts, all to be numbered, of suitable and convenient size, road mileage and taxable property considered. Said courts shall, during the month of January biennially thereafter, have authority to change the boundaries of any such road district as the best interest of the public may require.

(RSMo 1939 § 8514)
Prior revisions: 1929 § 7868; 1919 § 10661; 1909 § 10464

231.020. Road overseers to be appointed—when.—In all counties of classes two, three and four not adopting an alternative form of county government, all road overseers shall be appointed by the county court of the county during the month of February.

(RSMo 1939 § 8516, A. L. 1945 p. 1478)
Prior revisions: 1929 § 7870; 1919 § 10662; 1909 § 10465

231.030. Overseer to give bond—approved by county court.—Before entering upon his duties each road overseer shall execute to the county a bond in such sum as may be fixed by the county court, with good and sufficient security to be approved by the court, the condition of such bond to be that he will faithfully discharge his duties as such road overseer, and that he will account for all sums of money received by him as such overseer, and that he will account to the county highway engineer, at

the expiration of his term of office, for all tools, machinery, books, papers and other property belonging to the county or district, and such bond may be sued upon by the county to the use of the road district or any person injured by a breach thereof.

(RSMo 1939 § 8518)
Prior revisions: 1929 § 7872; 1919 § 10663; 1909 § 10467
County officer or road overseer not to be sales agent for road material or machinery, penalty, RSMo 229.090, 229.200

231.040. Copies of road laws to be furnished county court.—Five copies of the road laws of this state, properly indexed, in pamphlet form shall be forwarded to the clerk of each of the counties for the use of the county court. Additional copies shall be forwarded upon application by the court.

(RSMo 1939 § 8592, A. L. 1961 p. 558)
Prior revisions: 1929 § 7943; 1919 § 10730; 1909 § 10548

231.050. Overseer to make monthly statement—file with county clerk.—Each road overseer shall file with the county highway engineer, or the county clerk in counties that have no highway engineer, between the first and tenth day of each month, a detailed statement of his transactions as road overseer during the preceding month, showing the amounts collected by him and from whom collected, and the amounts disbursed, and on what account, and what work has been done in his district, including the amount of his own work, and when and where done, and for the making of which reports suitable blanks shall be furnished by the county.

(RSMo 1939 § 8519)
Prior revisions: 1929 § 7873; 1919 § 10664; 1909 § 10468

231.060. Overseer to make annual report and settlement.—It shall be the duty of every road overseer to make a detailed report, under oath, to the county court at each regular term thereof, and he shall, in February of each year, make to the court his final report and settlement, under oath, of all moneys received and expended by him, from what source received and on what account expended.

(RSMo 1939 § 8521, A. L. 1945 p. 1478)
Prior revisions: 1929 § 7875; 1919 § 10666; 1909 § 10469

231.070. Overseer to keep roads in repair—to conform to specifications of engineer.—It shall be the duty of the road overseer to keep the roads in his district in as good repair as the funds at his command will permit. He shall at all times conform to the plans and specifications and instructions of the county highway engineer for the character of the work in question.

(RSMo 1939 § 8520)
Prior revisions: 1929 § 7874; 1919 § 10665; 1909 § 10470

231.080. Highway engineer or overseer to contract for ditching and draining, when.—The county highway engineer or the overseer of any road district, with the approval of the engineer, is authorized to contract with any owner of land adjacent to the line of public roads for the purpose of opening any ditch or ditches for the drainage of the road, or to procure any necessary material for road purposes, and to pay a reasonable compensation therefor. Said contracts shall be in writing, and, if they relate to the opening of ditches and drains, shall describe the lands on which said ditches or drains are situated, and the location of same, and shall be acknowledged by the landowner and filed and recorded in the office of the recorder of deeds of the county.

(RSMo 1939 § 8523)
Prior revisions: 1929 § 7877; 1919 § 10669

231.100. Officials authorized to make settlement for damages.—Whenever the construction or operation by any person, firm, corporation or association of any power, or a hydroelectric project results in the inundation of roads other than state highways, the county court or proper officers of the political subdivision, having jurisdiction of such roads, are hereby authorized to make settlement therefor, and all money received therefrom shall be placed to the credit of the road fund of such county or political subdivision as the case may be.

(RSMo 1939 § 8515)
Prior revision: 1929 § 7869

231.110. County court in counties of second class to set aside land for shade trees.—The county courts of class two counties shall have the power and it is hereby made their duty, upon the petition of a majority of the resident property owners adjoining such road or roads, by order of record, to set aside a strip of land not less than six feet in width, along and from each side of every public road or highway of fifty feet or more in width now or hereafter laid out as a public road, within a distance of two miles of the corporate limits of any city, for the purpose of having planted and cared for shade and ornamental trees and providing for and maintaining footpaths on said strip of land.

(RSMo 1939 § 8574, A. L. 1945 p. 1500)
Prior revisions: 1929 § 7925; 1919 § 10713; 1909 § 10516

231.120. County court may construct footpaths, when.—Whenever such a strip of land shall have been set aside by the county court, and the said road, including said strip of land graded to the established grade, the said county court shall have the power to have footpaths constructed and cause shade trees of uniform variety and size to be planted thereon, under the supervision of the county highway engineer; after which it shall be the duty of the road overseer of the district containing such road or roads to care for and protect the same

out of the road funds of such district; provided, the said county court may in its discretion, before appropriating any money for the construction of such footpaths, or the purchase and planting of the trees aforesaid, require the property owners owning the property adjoining said road to deposit such part of the total cost of the same with the county treasurer as the court may deem just and proper.

(RSMo 1939 § 8575)
Prior revisions: 1929 § 7926; 1919 § 10714; 1909 § 10517

231.130. Overseer to care for trees.—It shall be the duty of the road overseer of the district, including any of the roads aforesaid, to protect and care for any and all of the trees so planted under the supervision of the county highway engineer, and to file information against and prosecute any person or persons who shall injure or destroy any of such trees.

(RSMo 1939 § 8576)
Prior revisions: 1929 § 7927; 1919 § 10715; 1909 § 10518

TOWNSHIP ORGANIZATION—ROAD OVERSEERS

- 231.150. Road laws—how applied.
- 231.160. Board to form districts—boundary lines—established how—overseer—appointment.
- 231.170. Overseer—qualifications—compensation.
- 231.180. Overseer—bond.
- 231.190. Overseer shall make reports, when.
- 231.200. Overseer—employees—material.
- 231.210. Duties of road overseer.
- 231.220. Bridges—repairs—bids—notice—contract.
- 231.230. Bridges costing more than one hundred dollars, how built.
- 231.240. Contract system—how adopted—publication.
- 231.250. Property tax in districts under contract system, how paid—contracts, how let—notice—contractor to give bond.
- 231.260. Contractor liable on bond for damages—when.
- 231.270. May abolish contract system of working roads—how.
- 231.280. Clerk to make itemized statement—publication—filing of certain copies.
- 231.290. County clerk to furnish forms.
- 231.300. County court may appropriate money, when.
- 231.310. Highway engineer to make surveys, when—report.
- 231.320. Prosecuting attorney to prosecute actions.
- 231.330. Violations—penalty.

TOWNSHIP ORGANIZATION—ROAD OVERSEERS

231.150. Road laws—how applied.—All road laws of this state shall apply to counties under township organization, unless by their terms limited to counties not under township organization, or in conflict with the provisions of this law.

(RSMo 1939 § 8813)
Prior revisions: 1929 § 8149; 1919 § 10911

231.160. Board to form districts—boundary lines—established how—overseer—appointment.—The township board of directors shall form the township into one or more road districts. If the boundary line of any road district is along a public road, then one or the other edge of said road, and not the center line, shall be the boundary line of such road; and, in the event the township boards of adjoining town-

ships, are unable to agree upon the boundary lines of roads that are on the boundary lines of townships, then the county court, or county courts, of the particular county, or counties, interested shall settle boundary lines along such township lines. In the month of April each year the board shall appoint a road overseer for each district, who shall serve for one year and until his successor is appointed and qualified. Any road overseer may be removed from office by the township board for incompetency, neglect or other good cause, and a successor may be appointed by them in his stead.

(RSMo 1939 § 8814)

Prior revisions: 1929 § 8150; 1919 § 10912; 1909 § 11751

Road districts, township board to establish as needed, RSMo 65.390

231.170. Overseer—qualifications—compensation.—The person appointed to the office of road overseer shall be a citizen of the township from which he is appointed, and shall be a practical road builder, or possessed of technical or scientific knowledge of such work. His compensation shall be fixed by the board of directors at the time of his appointment, and shall be not more than thirty cents per hour for each hour he is actually and necessarily employed as such overseer.

(RSMo 1939 § 8815)

Prior revisions: 1929 § 8151; 1919 § 10913; 1909 § 11752

231.180. Overseer—bond.—Before entering upon the performance of his duties each road overseer shall execute and deliver to the township board a bond in such sum as may be fixed by the board, and with good and sufficient security, to be approved by the board, conditioned that he will faithfully discharge all the duties devolving upon him by law as such overseer.

(RSMo 1939 § 8816)

Prior revisions: 1929 § 8152; 1919 § 10914; 1909 § 11753

231.190. Overseer shall make reports, when.—It shall be the duty of every road overseer to make a detailed report and settlement, under oath, to the township board at each regular meeting thereof, and on or before the twentieth day of March next after his appointment he shall make final report, under oath, of all moneys received and expended by him, and from what source received and on what account expended, and final report of the disposition of all tools, machinery, books, papers and other property received by him as such overseer and belonging to such township or road district, and shall settle in full with said board for all moneys which he may have belonging to such road district or which may be owing by him to such district, and shall deliver to said board all tools, machinery, books, pa-

pers and other property belonging to such township or road district and received by him as such overseer.

(RSMo 1939 § 8817)

Prior revisions: 1929 § 8153; 1919 § 10915; 1909 § 11754

231.200. Overseer—employees—material.—The overseer shall not employ any member of the township board nor enter into any contract for road work, material, tools, teams, nor purchase any machinery or material for the use of the road district from any member of the board or a member of his own family, either directly or indirectly, nor in any way use the funds of the district so as to become the beneficiary in the disbursement of the same. The tools of the district shall not be loaned to any person, except persons doing free work upon the roads of the district.

(RSMo 1939 § 8818)

Prior revisions: 1929 § 8154; 1919 § 10916; 1909 § 11755

231.210. Duties of road overseer.—It shall be the duty of the road overseer to keep the roads in his district in as good repair as the funds at his command will permit. It shall also be his duty to keep all culverts and holes in the floors of bridges in his district repaired, and to make an inspection of the roads, bridges and culverts in his district as often as practicable and to see that they are kept in a safe condition.

(RSMo 1939 § 8819, A. L. 1945 p. 1497)

Prior revisions: 1929 § 8155; 1919 § 10917

231.220. Bridges—repairs—bids—notice—contract.—The township board of directors shall construct and keep in repair all bridges in their district costing less than one hundred dollars; and shall make all necessary repairs, costing less than twenty-five dollars, upon bridges which are now or may hereafter be built within the township; provided, whenever it shall be necessary in any road district for the township board to cause to be built a bridge, the cost of which exceeds twenty-five dollars, the board may, in its discretion, advertise for bids by giving at least fifteen days' notice, by five written notices, posted in as many public places in said township, or by publication in some newspaper published in the district of the time and place of letting the contract.

(RSMo 1939 § 8824)

Prior revisions: 1929 § 8164; 1919 § 10926; 1909 § 11773

231.230. Bridges costing more than one hundred dollars, how built.—Whenever it shall be necessary in any township to build a bridge, the cost of which shall exceed one hundred dollars, the township board of directors shall make out and cause to be presented to the county court a certified statement of the

amount of money necessary for the construction thereof, and, if deemed proper, the said county court shall cause the bridge to be built by contract as provided by law.

(RSMo 1939 § 8825)

Prior revisions: 1929 § 8165; 1919 § 10927; 1909 § 11774

231.240. Contract system—how adopted—publication.—Whenever the inhabitants of any road district of any county of this state having heretofore adopted or which may hereafter adopt township organization may desire to adopt the contract system of working roads in such road district, it may be accomplished in the following manner: Upon the receipt by the township clerk of a petition from a majority of the resident householders of such road district, residing outside of an incorporated city, town or village, setting forth the facts, the township board of directors shall at its next regular meeting, if such meeting be held within thirty days after the receipt by the township clerk of such petition, and otherwise at a special meeting of the township board to be held not later than thirty days after the receipt of such petition, order the adoption of said system in said road district. The township clerk shall enter in the record of the township board all of the proceedings concerning the adoption of said contract system and shall declare, by publication, the adoption of said system in such road district.

(RSMo 1939 § 8826)

Prior revisions: 1929 § 8166; 1919 § 10928; 1909 § 11775

231.250. Property tax in districts under contract system, how paid—contracts, how let—notice—contractor to give bond.—Upon the adoption of the contract system of working the roads, the township board of the road district so adopting the same shall, on or before the fifteenth day of April, next following such adoption, make an order, duly entered of record, requiring the property tax of such road district assessed for road purposes to be paid in money. The said township board shall immediately give notice of the letting of the working of the roads in such road district by contract, publicly, to the lowest and best bidder, with specifications in such notice of the work to be done; said notice shall be given by at least four written or printed handbills, posted in at least four public places in such road district at least ten days before the letting of such contract. The township board at the time set forth in the notices above provided for shall proceed to let the contract for the working of the roads in said road district to the lowest and best bidder; provided, that no person or persons who are in any wise connected with any member of such township board shall be an eligible bidder. The person or persons whose bid shall

be accepted shall, within ten days thereafter, severally enter into bond with the township board in such amount and with such personal security as shall be acceptable to and be approved by said township board, conditioned that they will faithfully perform the conditions and stipulations contained in said contract, and any breach of the conditions of said bond may be sued on in any court of competent jurisdiction in the corporate name of such township.

(RSMo 1939 § 8828)

Prior revisions: 1929 § 8168; 1919 § 10929; 1909 § 11776

231.260. Contractor liable on bond for damages—when.—Any contractor who shall willfully fail or neglect to keep any road under his care in good repair, or shall in any manner fail or neglect to keep any road under his care in good repair, or shall in any manner fail to faithfully perform or discharge any of his duties according to the terms of his contract, or shall willfully fail or refuse after five days' notice to repair any bridge or culvert which under the terms of the contract it is his duty to repair, shall be held responsible upon his said bond for any and all damages which occur to persons or property by reason of such failure; provided, that nothing herein contained shall prevent the contractor from pleading as a defense for such failure to perform his work in the time specified in the contract that same was caused by unusual weather and that with due care and diligence he could not have avoided such delay.

(RSMo 1939 § 8829)

Prior revisions: 1929 § 8169; 1919 § 10930; 1909 § 11778

231.270. May abolish contract system of working roads—how.—Whenever the inhabitants of any township under township organization having previously adopted the contract system of working roads, as provided for in section 231.240, desire to change such system, they may abolish said system in the same manner as provided in section 231.240 for the establishment of said system.

(RSMo 1939 § 8827)

Prior revision: 1929 § 8167

231.280. Clerk to make itemized statement—publication—filing of certain copies.—The township board of directors in all counties under township organization shall keep, or cause to be kept, a full, true and correct record of all moneys received and disbursed on account of roads and bridges and all other receipts and disbursements of every nature in such township, showing in detail from whom and on what account such money was received, and to whom and for what purpose disbursed, together with a complete inventory of all tools, road machinery and other property belonging

to the township, together with such other information as to the condition of roads and bridges and the needs of same as may be deemed of value, and within thirty days after the end of the fiscal year of said township board of directors, which fiscal year shall begin and end on the same date as the fiscal year of the county in which such township is located, shall cause to be published an itemized statement of such receipts and expenditures, inventory of tools, machinery and other property in some newspaper published in such township, and if there be no newspaper published in the township, then such publication may be made in any newspaper of general circulation within such township published in the county. Such statement shall be made by the township clerk under the direction of the township board, and shall be sworn to by such clerk, and it shall be the duty of the township clerk within thirty days after the end of the fiscal year of said township board to file one copy each of such detailed statement with the chief engineer of the Missouri state highway commission at Jefferson City, and with the county clerk of such county, and the county clerk shall lay the same before the county court at its next regular meeting.

(RSMo 1939 § 8830, A. L. 1945 p. 1497 § 8830)
Prior revisions: 1929 § 8170; 1919 § 10931; 1909 § 11781.

231.290. County clerk to furnish forms.—For the purpose of carrying out the provisions of section 231.280, it shall be the duty of the county clerk in counties having township organization to prepare, at the expense of the county, forms for the publication of the detailed statement of the township's receipts and disbursements, on or before the twentieth day of February of each year, and submit the same to the township clerk of each township, together with any other information he may deem necessary, and the county clerk shall require each township board to make such publication according to the form submitted, and also require a certified copy of such statement to be filed in his office on or before the twentieth day of March of each year.

(RSMo 1939 § 8831)
Prior revisions: 1929 § 8171; 1919 § 10932

231.300. County court may appropriate money, when.—Whenever the citizens along the line of any public road in a district subscribe any sum not less than twenty-five dollars for grading, graveling or otherwise improving any portion of such road, and shall deposit the same with the township treasurer, the county court may appropriate a like amount for such purpose out of any funds of the county not otherwise appropriated.

(RSMo 1939 § 8832)
Prior revisions: 1929 § 8172; 1919 § 10933; 1909 § 11785

231.310. Highway engineer to make surveys, when—report.—It shall be lawful for the county court of any county upon the application of the township board of directors, to empower and authorize the county highway engineer of said county, under the direction of the township board of such township, to survey, locate and plat the public highways of such township; and when such plat shall have been completed and approved by the township board, it shall be filed in the office of the township clerk, together with the minutes and report of such survey, to be kept by such township clerk as a part of his official records, the expenses of such proceeding to be paid out of the road fund of the township. The said plat, minutes and reports, or a certified copy of the same, over the hand and seal of the township clerk, shall be prima facie evidence that the road or roads therein contained or described have been constituted a public highway according to law.

(RSMo 1939 § 8833)
Prior revisions: 1929 § 8173; 1919 § 10934; 1909 § 11786

231.320. Prosecuting attorney to prosecute actions.—It shall be the duty of the prosecuting attorney of the county or his assistant to prosecute all actions brought under sections 231.150 to 231.330.

(RSMo 1939 § 8834)
Prior revisions: 1929 § 8174; 1919 § 10935; 1909 § 11787

231.330. Violations—penalty.—Any official or other person who shall willfully fail to comply with any of the provisions of sections 231.150 to 231.330, and any person who shall willfully violate any of the provisions thereof, shall be deemed guilty of a misdemeanor, and where no other or different punishment is provided, shall be punished by a fine of not less than five dollars nor more than five hundred dollars.

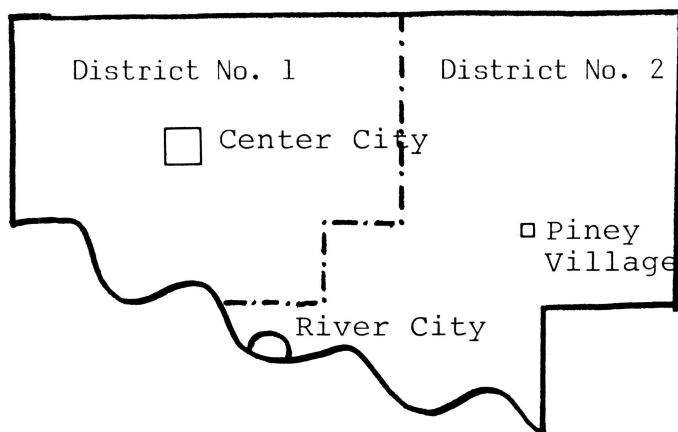
(RSMo 1939 § 8835)
Prior revisions: 1929 § 8175; 1919 § 10936; 1909 § 11788

ROAD DISTRICTS

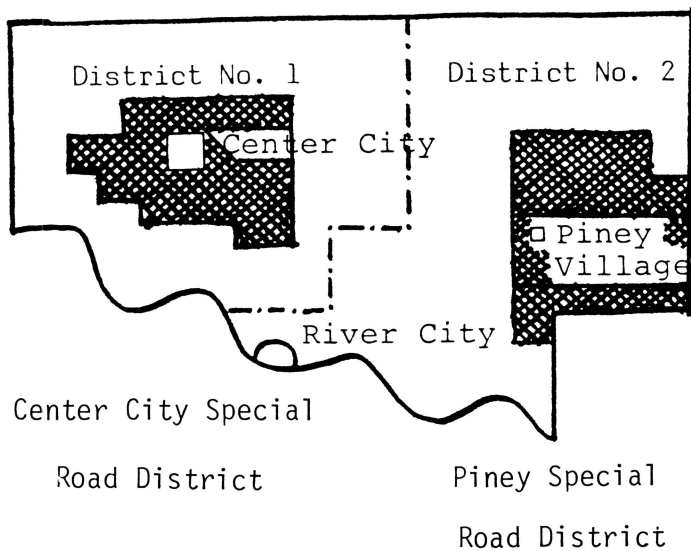
ROAD DISTRICTS IN NON-TOWNSHIP COUNTIES

There are two basic types of road districts, common which are found in all counties and special or incorporated road districts. Some counties have

MISSOURI COUNTY



MISSOURI COUNTY



only one common district covering the entire county, others have two districts coinciding with the districts for the Associate County Judges. Incorporated places withdraw from the county road district upon incorporation, although several methods of city county cooperation exist.

In addition, two types of special road districts may be incorporated, withdrawing both roads and revenues from county jurisdiction. One includes within its boundaries an incorporated place the other need not.

COMMON ROAD DISTRICT

By statute, the county court of all counties other than township

counties divided the county into numbered road districts in 1918. The court has authority to change those boundaries in January of even numbered years. The standard for these common road districts is as follows: ". . . of suitable and convenient size, road mileage and taxable property considered." Section 231.010, RSMo, 1978.

The road overseer is to keep the roads in his district in proper repair. "It shall be the duty of the road overseer to keep the roads in his district in as good repair as the funds at his command will permit." Section 231.070.

SPECIAL ROAD DISTRICTS

Territory in counties may be organized in one of two types of special road districts under Chapter 233, City or Town Road Districts or Benefit Assessment Special Road Districts.

CITY OR TOWN

Territory not exceeding eight miles square, wherein is located any city, town or village containing less than one hundred thousand inhabitants, may be organized into a city or town road district. Neither territory in class one counties nor territory in township counties may utilize this law. Section 233.010.

A road district may by majority vote annex additional territory, but may not become larger than seventeen miles square. Section 233.155 sets forth the procedure for annexation.

Such a district is created by majority vote within the proposed district as provided in Section 233.015. The district is governed by three commissioners who are appointed in one of two ways.

(1) The mayor and members of the city council of any municipality within the district meet with the members of the county court. The meeting

is held in the county court room presided over by the presiding judge. A commissioner is selected who serves a three year term beginning in February. Since the original appointment of the members was for staggered terms, one member's term should expire each year.

(2) Where the city is located more than ten miles from the meeting place of the county court, the mayor and city council may make a written certification of their choice to the court for commissioner, designating their first, second and third choice. Section 233.040.

Once formed, the board has sole jurisdiction over the public highways of the county within the district outside the corporate limits of any city or village. The board may enter into contracts with cities or towns within the district relating to improvements of the streets, roads or highways or any bridge thereon, located in the city, town or village. Section 233.070.

SPECIAL BENEFIT ASSESSMENT DISTRICT

An area containing at least 640 acres of contiguous territory may be organized into a special road district. Such a district may not be formed in a township organized county.

Landowners of a majority of the acreage in the proposed district petition the county court. The county court will hear the petition and any objections, or remonstrances, of landowners who opposed formation of the special district. The county court at this hearing may make any change in the boundaries of the proposed district as the public good may require and make necessary.

Further, the court is not obligated to approve the district. The judges are free to exercise their discretion and "if it finds that the public good will be benefited" order the incorporation of the district.

If there are no objections (remonstrances) filed, or if all of them are overruled, then the court does not have discretion and must establish the district if the petition is signed by owners of the majority of the acreage.

The district is run by a board of three commissioners who are elected for three year terms. The terms are staggered so that one commissioner's term is completed and an election held in April of each year.

The owners of a majority of the acreage within one-half mile of a public road in the district may petition the commissioner to have the road permanently improved and the cost of improvement assessed against all land in the district.

If the commission approves the improvement will be made and billed against all property in the district in the following ratios: that within one-half mile at the listed valuation; that more than one-half mile but less than one mile at 75% of value; that more than one mile but less than one and one-half mile at 50%, and that more than one and one-half mile at 25%. These assessments may be paid in annual installments up to fifteen years. Chapter 233 sets out the details on such procedures.

ROAD DISTRICTS IN TOWNSHIP COUNTIES

In the twenty-three township counties in Missouri, the township board rather than the county court has the responsibility of dividing the township into road districts. Thus, in such counties there is at least one common road district for each township. In addition, an incorporated special road district may be found which can include all or part of one or more townships.

COMMON ROAD DISTRICT

The township board of directors shall form the township into one or

more road districts. The road overseer has the duty to maintain the roads in his district in "as good repair as the funds at his command will permit." Section 231.210.

A majority of the resident households in any district may petition the township board to adopt the contract system, or if the district is operating under the contract system, to abolish the contract system.

INCORPORATED ROAD DISTRICTS

Territory in township organized counties may be formed into benefit assessment special road districts. Such districts may be of any size advisable but must contain at least 640 acres of contiguous territory.

Landowners of a majority of the acreage in the proposed district may petition the county court. The county court will hear the petition and any objections, or remonstrances, of landowners who oppose formation of the district. The county court at the hearing may make any change in the boundaries of the district as the public good may require and make necessary.

If, after making these changes the court determines the petition is signed or consented to in writing by the owners of a majority of all the acres of land owned by residents of the county residing in the district, the court shall make an order incorporating such public road district. The court also must establish the district if there are no objections (remonstrances) and the petition is signed by the owners of the majority of the acres of land owned by residents of the county residing in the district.

The district is to be governed by a board of three commissioners who shall serve three year terms. The terms are staggered so that a commissioner will be elected in April of each year.

Property owners may petition for improvement of roads in the same manner as for benefit assessment special districts in non-township counties.

COUNTY HIGHWAY COMMISSION

Third and Fourth Class counties in Missouri have an optional organization of their road and bridge operations. Under provisions of the County Highway Commission, alternative form, Sections 230.200-230.260, RSMo, all township and special road districts are abolished and these powers are taken over by a county highway commission of five members, the three county judges and one person elected from the unincorporated area of each of the two associate judge districts. These two elected members must reside in different townships than any members of the county court.

The alternative is adopted by a majority vote of county residents and may be abolished in the same way. Voters equal to five percent of the vote cast for governor in the last preceding general election petition the county court to present the question to the voters at the next general election.

Third class counties are required to employ a qualified graduate civil engineer as county highway engineer.

At least twenty-five percent of the road and bridge tax collected in any incorporated city, town or village shall be expended within the city, town, or village. The Highway Commission does not have to turn this money over to the municipality, the commission may choose to do the work itself, or it may contract with the city municipality to perform the work.

The act does not apply to any special named road district which lies in more than one county unless all counties where it is located have adopted the alternative form.

The county highway commission under Section 230.200-230.260, is an alternative worth examining for counties. The alternative is not for all counties and the question of its adoption or elimination is a local one the

individual voter must decide.

The following article appeared in the Joplin Globe, June 26, 1980:

Petitions To Abolish Road Commission Undergoing Verification By County

NEOSHO, Mo.--Petitions calling for the abolishment of the Newton County Highway Commission have been turned in to the office of County Clerk Bob Bridges and are undergoing verification.

Edgar Carpenter, rural Start City, was in charge of the petition drive, according to Associate Judge Richard Harter, Fairview, another proponent of dissolving the countywide road system.

Harter says he feels the petitioners will meet the required 711 signatures, but he encouraged anyone with petitions out to turn them in to the county clerk today.

Harter, who has long been an advocate of returning to localized special road districts, says he favors the dissolution of the county highway commission because "it was too big of an operation to try and undertake. It was too scattered out and just didn't work."

One of the main reasons for its failure, he believes, is the lack of support among county residents. He noted that a tax

levy increase has been defeated at the polls three times.

Harter said that when county roads were supervised by special road district, there was more support for needed tax increases and he favors putting the roads "back under local control."

The county highway commission was approved by voters in November, 1972, consolidating 11 existing special road districts, or the entire county except for the Joplin Special Road District in the northern portion. Since that time it has had numerous financial problems and commissioners have said the present 35-cent tax levy is not sufficient to do the job.

While defeating tax levy increases, however, Newton Countians also rejected a similar proposal to abolish the district in 1978.

If the required number of signatures are on the petitions, the county court will place the issue on the August ballot, the county clerk said.

COUNTY HIGHWAY COMMISSION, ALTERNATIVE FORM

230.200. Alternative form authorized in certain counties.—There is hereby provided an alternative county highway commission which may be adopted by any county of the third or fourth class in this state, except counties of the third class containing all or a part of a city having a population of three hundred fifty thousand or more, in lieu of the county highway commission established by sections 230.020 to 230.110.

(L. 1971 H. B. 105 § 1)

230.205. Alternative form effective, when—abolished how.—1. The alternative county highway commission provided by sections 230.200 to 230.260 shall not become operative in any county unless adopted by a vote of the majority of the voters of the county voting upon the question at an election. All counties of this state which have adopted the alternative county highway commission may abolish it and return to the county highway commission provided for by sections 230.010 to 230.110 by submitting the question to a vote of the voters of the county in the manner provided by law.

2. Any county which does not adopt the alternative county highway commission provided by sections 230.200 to 230.260, or any county in which a majority of the voters of the county voting upon the question reject the alternative county highway commission provided by sections 230.200 to 230.260 shall retain the county highway commission provided by sections 230.010 to 230.110.

(L. 1971 H. B. 105 § 2, A. L. 1978 H. B. 971)

230.210. Petition, where filed, contents—form of ballot.—1. Upon petition filed in the office of the clerk of the county court, of voters equal to five percent of the vote cast for governor in the last preceding general election, requesting the adoption of the alternative county highway commission provided by sections 230.200 to 230.260, the county court shall, by order of record, submit the question of the adoption of the alternative county highway commission to a vote of the voters of the county at the next general election.

2. The question shall be submitted in substantially the following form:

Shall the alternative county highway commission be adopted in county?

3. If a majority of the voters voting upon the question vote for its adoption, the alternative county highway commission shall be declared adopted. If a majority of the voters voting upon the question vote against the adoption of the alternative county highway commission, the county in which the election was held shall retain the county highway commission provided by sections 230.010 to 230.110.

(L. 1971 H. B. 105 § 3, A. L. 1978 H. B. 971)

230.215. Clerk to certify returns.—The clerk of the county court shall record the abstract at length upon the records of the county court of the county, and shall certify the abstract to the secretary of state.

(L. 1971 H. B. 105 § 4, A. L. 1978 H. B. 971)

230.220. Commission membership, districts—members, election of—compensation and mileage from road and bridge fund.—1. In each county adopting it, the county highway commission established by sections 230.200 to 230.260 shall be composed of the three judges of the county court and one person elected from the unincorporated area of each of the two county court districts. Except that the presiding judge and one of the associate judges by process of election may reside in the same township, not more than one member of the county highway commission shall be a resident of the same township of the county. The county court shall designate one county court district as district A and the other as district B. The member of the county highway commission first elected from district A shall serve a term of two years. The member first elected

from district B shall serve a term of four years. Upon the expiration of the term of each such member his successors shall be elected for a term of four years. The judges of the county court shall serve as members of the county highway commission during their term as county judge.

2. The elected members of the commission shall be nominated at the primary election and elected at the general election next following the adoption of the proposition for the alternative county highway commission by the voters of the county. Candidates shall file and the election shall be conducted in the same manner as for the nomination and election of candidates for county office. Within thirty days after the adoption of an alternative county highway commission by the voters of any county as provided in sections 230.200 to 230.260, the governor shall appoint a commissioner from each district from which a member will be elected at the next following general election. The commissioners so appointed shall hold their office until their successors are elected at the following general election. Appointments shall be made by naming one member from each of the two political parties casting the highest number of votes in the preceding general election.

3. Members of the county highway commission shall receive as compensation for their services fifteen dollars per day for the first meeting each month and five dollars for each meeting thereafter during the month. The members shall also receive a mileage allowance of eight cents per mile actually and necessarily traveled in the performance of their duties. The compensation and mileage allowance of the members of the commission shall be paid out of the road and bridge fund of the county.

(L. 1971 H. B. 105 § 5, A. L. 1975 H. B. 244)

230.225. Township and special road districts abolished, when—districts in more than one county, how handled.—1. All township road districts in counties adopting sections 230.200 to 230.260 are abolished and all assets and liabilities of each township road district shall be transferred to the county highway commission within thirty days of the adoption of sections 230.200 to 230.260 by the county.

2. All special road districts in counties adopting sections 230.200 to 230.260 are abolished and all assets and liabilities of each special road district shall be transferred to the county highway commission within thirty days of the adoption of sections 230.200 to 230.260 by the county. Whenever any district is located in more than one county, the assets and liabilities of the district shall be transferred to the county adopting sections 230.200 to 230.260 in the proportion that the assessed valuation of that part of the district lying in the adopting county bears to the total assessed value of the district.

(L. 1971 H. B. 105 § 6)

230.230. Powers of commission.—In all counties adopting sections 230.200 to 230.260, all powers and duties heretofore exercised by the county court, township boards, and special road district commissioners relating to the improvement, construction, reconstruction, restoration and maintenance of roads shall be exercised by the county highway commission.

(L. 1971 H. B. 105 § 7)

230.235. Road plan, who shall prepare—approval by state highway commission required.—Every county adopting sections 230.200 to 230.260 shall formulate a comprehensive road plan establishing a systematic program for the development and improvement of county roads. The plan shall be prepared by a qualified civil engineer or engineering firm familiar with road and highway engineering, and shall be approved by the state highway commission.

(L. 1971 H. B. 105 § 8)

230.240. Highway engineer—qualifications, exception—appointment, powers—free service to municipalities—compensation from road and bridge fund (third class counties).—1. In addition to the comprehensive road plan required by section 230.235, all counties of the third class adopting sections 230.200 to 230.260 shall employ a qualified graduate civil engineer as county highway engineer; except that, any person serving as county highway engineer on the date the county for which he serves adopts the provisions of sections 230.200 to 230.260 may be retained as county highway engineer and shall be considered qualified for that position within the meaning of sections 230.200 to 230.260. The county highway commission shall appoint the county highway engineer and shall set his salary to be paid out of the road and bridge fund of the county. The services of the engineer shall be available in an advisory capacity to any incorporated municipality within the county at no charge to the municipality. pality.

2. The county highway engineer shall have general supervision over the construction, maintenance, repair and reconstruction of all public highways, roads, bridges and culverts, subject to the approval of the county highway commission.

(L. 1971 H. B. 105 § 9, A. L. 1975 H. B. 244)

230.245. Priority of roads by usage.—1. In establishing the comprehensive road plan required by sections 230.200 to 230.260, priority in construction, reconstruction, improvement, restoration and maintenance of roads shall be given in the following order:

(1) County roads presently used for school bus routes, mail routes and milk routes;

(2) County roads now used for any two of

the purposes named in subdivision (1) above;

(3) County roads now used for any one of the purposes named in subdivision (1) above;

(4) County roads which may be used if improved or restored for a school bus route, mail route, or milk route;

(5) The construction of county roads which may be used for a school bus route, mail route or milk route;

(6) Any other county road containing a live rural unit, as defined in subsection 2 of this section, if consideration is given to the number of live rural units served by the road, and the amount of traffic on the road.

2. The following terms as used in sections 230.200 to 230.260 mean:

(1) “**County roads**”, all public roads located within the county, except roads or highways constructed or maintained by the state highway department or by the federal government, and except roads, streets, or highways in incorporated villages, towns, or cities;

(2) “**Live rural unit**”, any church, school, dwelling, or farm.

(L. 1971 H. B. 105 § 10)

230.250. County commission may designate certain roads as part of supplemental state highway system—state highway commission to approve.—Any county adopting sections 230.200 to 230.260 may, through their county highway commission, designate not less than twenty-five miles nor more than fifty miles of roads within the county which are connecting roads between present supplementary farm to market state highways. Upon designation and approval by the state highway commission, these roads shall become a part of the permanent supplementary state highway system.

(L. 1971 H. B. 105 § 11)

230.255. Twenty-five percent refund of road and bridge tax to cities, towns and villages required.—In all counties adopting sections 230.200 to 230.260, at least twenty-five percent of the road and bridge tax collected in any incorporated city, town or village in the county shall be expended within the city, town or village.

(L. 1971 H. B. 105 § 12)

230.260. Special named district in two or more counties, effect of.—Sections 230.200 to 230.260 shall not apply to any special named district which is located in two or more counties unless all such counties shall adopt the alternative county highway commission plan as herein provided.

(L. 1971 H. B. 105 § 13)

BRIDGES

According to statute, the responsibility for bridges is divided between the county court and the road districts, with the county court given the authority to determine what bridges shall be built and maintained at the expenses of the county and what by the road districts. However, the statutes limit the responsibility of road districts by providing that no district shall be compelled to build a bridge which costs fifty dollars or more.

REVENUE

The Special Road and Bridge Tax

County courts in non-township counties may levy a tax not to exceed thirty-five cents for road and bridge purposes. These revenues are to be placed in "The Special Road and Bridge Fund" and may be used for no purpose other than for roads and bridges. The county court imposes this tax without approval of county voters. The levy may be increased by fifteen cents to a total of fifty cents, under a constitutional amendment adopted in 1978. However, this increase requires approval by a majority vote of county voters. Art. X, Sec. 12(a), Mo. Const.

The money raised by this tax is paid into the county treasury. Four-fifths of the amount raised by the tax on property within a special road district shall be credited to that district.

In township counties, the township board levies the thirty-five cent tax and, according to the Attorney-General may levy the additional fifteen cents up to a total of fifty cents without a vote of the electors of the township; these funds are collected by the township collector, but turned over to the county treasurer. The county in its discretion may retain an amount not to exceed five cents on the one hundred dollars assessed valuation and transfer that sum to the County Special Road and Bridge Fund, all the rest is returned to the township treasurer and may only be used for road and bridge purposes. The amounts collected within the boundaries of incorporated special road districts shall be paid to the treasurer of those districts rather than the township. Section 137.585.

County courts and township boards may use proceeds of this tax for improving and repairing of streets within any incorporated city, town, or

village, provided that such street forms a part of a continuous highway of the county or township running through the city, town or village. The street must be a connecting link between two portions of a county highway. If the highway ends at the city or village limits or if the city limit is the Mississippi or other river and state line or county line, then county money may not, according to the Attorney-General, be spent on improvement of such city street because the statute only approves county expenditures on continuous county highway leading through a city, town, or village. Opinion of the Attorney General No. 62, Mitchell, 1-10-55.

The above restriction does not apply to certain counties in which the county court is required to spend at least twenty-five percent of the money accruing to it from the road and bridge tax upon property lying within the municipality in that municipality:

- (1) Second class counties containing all or part of a city of more than sixty-five thousand inhabitants and less than one hundred thousand inhabitants. Section 137.554;
- (2) First class counties not having a charter and second class counties which contain more than one hundred thousand inhabitants. Section 137.556.
- (3) Third and fourth class counties which adopt the county highway commission, alternative form. Section 230.255.
- (4) Jackson, Clay and Platte Counties. Section 137.557.

There are also special provision for first class charter counties which do not contain a city of more than four hundred thousand population (Section 137.558) and class one counties not having a charter (Section 137.580).

Both common and special road districts may, by a majority vote levy an additional tax of up to thirty-five cents within the district. Such an election is called when ten or more voters residing in any general or special road district petition the county court. The petition and the ballot must set out the duration of the tax to be levied, but in no event shall the duration of the tax levy be for more than four years. Section 137.565.

In addition, all three incorporated road districts, with a two-thirds vote approval by district electors may issue general obligation bonds. For statutory authority see Section 233.200 (Benefit Assessment in Non-Township Counties); Section 233.345 (Benefit Assessment in Township Counties) and Section 233.450 (City or Town Special).

Town or city incorporated road districts also receive one-fourth of all the pool or billiard table licenses collected by a city within the district. Section 233.120. The district also receives one-half of the pool and billiard table licenses collected by the county from businesses within the district.

Incorporated road district receives four-fifths of the tax money arising from the road and bridge tax collected on property within that district.

City or town specials are limited to spending no more than one-fourth of its revenues within the corporate limits of any municipality within the district. Section 233.095. There is no such limit for districts in Clay and Platte Counties. Special benefit assessment districts have no authority to expend money within the corporate limits of a municipality. Opinion of the Attorney-General No. 309, Nevins, 8-28-69. However, districts in Clay and Platte Counties may expend money within incorporated cities, towns, or villages. Section 233.195.

CONSTITUTION OF MISSOURI

Art. X

Section 12(a). Additional tax rates for county roads and bridges—road districts—reduction in rate may be required, how. In addition to the rates authorized in section 11 for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties under township organization, and the proper administrative body in counties adopting an alternative form of government, may levy an additional tax, not exceeding fifty cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes; provided that, before any such county may increase its tax levy for road and bridge purposes above thirty-five cents it must submit such increase to the qualified voters of that county at a general or special election and receive the

approval of a majority of the voters voting on such increase. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when so authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law provided that the general assembly may require by law that the rates authorized herein may be reduced.

Source: Const. of 1875, Art. X, §§ 22, 23¹ (as adopted Nov. 3, 1908, and Nov. 2, 1920).
(Amended November 7, 1978)

Section 12(b). Refund of road and bridge taxes. Nothing in this section shall prevent the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

Some counties have reached agreements with cities which have special road districts to give the city the amount of money which it could get from the road district in return for agreeing to dissolve the road district. In counties other than Clay and Platte, a municipal in a city or town special can only receive one-fourth of the four-fifths, or one-fifth of the tax revenue arising from property lying within the municipality. This limitation applies even if the municipal includes most or even all of the territory within the district.

The following article appeared in the Kindom Daily News, Fulton, Missouri, on September 13, 1980:

County To Absorb Defunct Road District

By Kate Link
Kingdom Daily News staff

The Callaway County Court approved the dissolution of the Wainwright-Steedman Special Road District Friday. The dissolution means the county is now responsible for maintaining 80 miles of road in the southern part of Callaway County.

The commissioners of the special road district submitted petitions to the county court Aug. 6 requesting the district be dissolved. The petitions, signed by 94 landowners in the area, asked that the county take over the upkeep of all roads within its boundaries.

County Judge Clarence Kennet said the commissioners sought the road districts dissolution because district maintenance was becoming too costly.

"They just didn't have the money to keep it up," Kennet said.

The special road district had been relying on revenues from its own 35-cent tax levy and 80 percent of the county's 35-cent road tax levied within the Wainwright-Steedman boundaries for operating funds.

Last month, the county court announced the roll back of the county's road and

bridge levy from 35 cents to 33 cents.

In petitioning the county court for dissolution, residents not only were asking for county maintenance of their roads but also were saving themselves some money. Area residents will no longer have to pay two levies, but only the 33-cent county road levy.

Because the county will only be gaining revenues from the one county tax levy, it will be forced to maintain the roads in the Wainwright-Steedman area for almost half the money it had been operating on, according to County Auditor Bob Rankin.

But the county will be receiving money from the County Aid Trust Fund and the "pot hole" bill that was passed by the Missouri legislature last session, Rankin said. Those revenues should make up for the money lost by absorbing the special road district.

At one time, there were seven special road districts in Callaway County: Wainwright-Steedman, Fulton, Portland, New Bloomfield, Stephens-McCredie Auxvasse and Calwood-Williamsburg.

The Calwood-Williamsburg Special Road District was dissolved in June 1978, and the Auxvasse district was dissolved in December 1979.

GENERAL REVENUE FUND

Funds from county general revenues, including receipts from the optional county sales tax may be spent on roads and bridges. The county may spend the money directly or pass it along to the various road districts.

DONATED FUNDS

Some counties have done very well at striking bargains with their citizens. Such a donation program works particularly well for major improvements such as dirt-to-gravel or gravel-to-blacktop. A figure is agreed upon for property owners to raise and the county match in some manner. Care should be taken in arranging such a deal to remember that maintenance is forever.

IMPROVEMENT BY PETITION

County courts in first and second class counties, when petitioned by a majority of the owners resident on a street in an unincorporated village or residence district in the county, may provide for the construction of streets and sidewalks at the expense of the owners of the lots fronting on such street. Section 231.360-231.430.

Roads in special benefit assessment road districts may be improved when owners of a majority of the acres within one-half mile of a road petition for improvement. Hearing and acceptance of objections are required prior to final decision. Costs may be billed over as long as fifteen years.

CART FUNDS

The County Aid Road Trust monies are a portion of some state-levied user fees. State gasoline tax and half the proceeds of state sales tax on vehicle sales are the sources of these funds which can only be spent for road purposes. These are distributed by the Department of Highway and Transportation based on a two-factor formula: mileage and valuation. Half of the funds are allotted according to the ratio a county's road mileage bears to the total county road mileage in the state. Measurement of county

road mileage is by the State Highway and Transportation Department. It is wise for county officials to cross-check this figure for accuracy and document any difference that might be discovered. The other half of these funds is allocated by the ratio rural land valuation of the county bears to total rural land valuation in the state. Rural land valuation is as measured by the State Tax Commission which only recently added a classification to provide this figure.

OTHER STATE FUNDS

At present, few monies other than CART are shared with counties. Occasionally exceptions are made. Wise administrators look for these exceptions. A recent example was the "Pot Hole" Bill sponsored by Senator Merrill and passed by the General Assembly in 1979.

FEDERAL FUNDS

Highway monies from the federal level, with exception come to the state. Some states pass on a large proportion, others, few, to local government agencies. Some federal programs mandate a certain percentage be passed on to counties. Funds received in this manner remain under at least partial state supervision, with projects requiring approval in planning, execution or both. Using federal money administered by the state can often mean meeting rather stringent design and construction criteria.

Some federal funds are specifically earmarked for certain purposes and provide some counties with sizeable revenue. One-fourth of the sale receipts from national forests are returned to counties for schools and roads. The division is statutory: 75% for schools and 25% for roads. The following article appeared in the Fort Gateway Daily Guide, Waynesville, Missouri, January 18, 1980:

County Receives Over \$95 Thousand

Pulaski County has received a total of \$95,436.25 from the annual National Forest Fund payments this year.

The payments, which ran as high as \$211,441.92 to Iron County and as low as \$1,913.78 to St. Francois County, are part of a record amount taken in by the Forest Service in the 1979 Fiscal Year.

Total receipts comprise the base for the 25 percent payment, and they amounted to \$12,406,249.91, an increase of about \$4.8 million over last year.

Included were receipts from timber sales, grazing, land use, recreation area or user fees, minerals, power permits, timber sale area improvement funds, and timber sale purchaser road construction credits.

Forest Supervisor Leon Cambre reports that royalties from lead mined in the Viburnum Trend area, Missouri's newest lead belt, where mineral rights are held by the Mark Twain National Forest, contributed about 86 percent of the total 1979 receipts in Missouri. "In fact," Cambre said, "Missouri's receipts are far and away the highest in the 20-state Eastern Region due mainly to the lead mining industry. The total base receipts for the Eastern Region this year were \$23.6 million, making the Mark Twain's \$12.4 million a little over half the Region's base receipts."

The receipts from timber were \$1,701,364.90, or 7.3 percent of total receipts, which includes timber purchaser roads and timber stand improvement. In 1976 Congress broadened the base used to figure 25 percent shares. Credits to timber purchasers for building roads and funds set aside from timber sales for reforestation or other multiple use improvements within the sale areas were added to the base under provisions of the National Forest Management Act of 1976 (Public Law 94-588).

The remaining forest receipts came from: Grazing - \$10,927.98; Land Use - \$10,438.10; Recreation area or user fees - \$41,005.87; Power - \$4,076.60.

For the first time this year, counties received an earlier partial payment based on projected or estimated receipts for the year. An interim payment of \$1,430,000.00, an estimated 75 percent of the expected return, was mailed to Missouri on October 1 to enable the counties to complete their budget work earlier in the year. The final payment of \$1,671,562.48 was mailed on December 21, and was the difference between the interim payment and the total amount to which Missouri is entitled, based on actual receipts collected. Actually the final payment was a little more than 53 percent of the total, due to the unexpectedly high minerals receipts received in the final quarter of the fiscal year.

The National Forest fund payment, or 25 percent fund payment is made by the U.S. Treasury to the State of Missouri. The state then appropriates the money to the counties for road or school use, and finally, the counties distribute the funds to their road and school districts based on the percent of National Forest land within each district.

In addition to the 25 percent fund payments, the counties receive a Payment in Lieu of Taxes (PILT). This payment is determined according to county population, acres of federal land, and the amount of the 25 percent fund payment. This year the 25 percent fund return per acre figure is \$2.14, and the PILT money that counties will receive will be an additional 10 cents per acre of entitlement land. The acreage on which PILT is based is slightly less than the 25 percent fund land base. PILT money is also paid on other federal government land within the counties such as Corps of Engineer and National Park Service lands.

Other federal funds include a portion of the lease income on holdings of the Army Corp of Engineers which are returned to counties and partially for roads. In the past federal funds were available for economic development, reducing high unemployment or other purposes. In the future, these funds may be coming to the state for disbursement rather than directly to counties.

FOR FURTHER INFORMATION

This brief summary of information needed for the administration of county roads may have raised more questions than it answered. If you as a county judge or a citizen need further information you may contact your local University Extension office located in the county seat. A local government or community development specialist will be glad to assist you. In addition, you may contact the Governmental Affairs Program, 306 Watson Place, University of Missouri, Columbia, Missouri, 65211.

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