

# Highway Legislation -1969

(PANEL DISCUSSION)



Fig. 1. One of the most popular sessions during the 55th annual Purdue Road School was that devoted to a discussion of 1969 Indiana highway legislation. Speakers at this meeting, shown left to right, are Ivan Brinegar, executive secretary, Indiana Association of Cities and Towns; Dean V. Kruse, Auburn, chairman of the state senate committee on roads and transportation; Stephen L. Ferguson, Bloomington, chairman of the house committee on roads; Prof. Harold L. Michael, Purdue, session chairman; Ruel W. Steele, Bedford, chairman, State Highway Commission, and Claude Hodson, Greensburg, executive secretary, Indiana County Commissioners Association.

## EDITORS NOTE

The topic "Highway Legislation—1969" was discussed by the above panel members at the Tuesday morning general session. A full-house audience of over 400 listened to opening comments by each speaker and then many of the audience participated enthusiastically in a question and answer session.

The panel reviewed seven Acts by the 1969 General Assembly. Three of the Acts were discussed in considerable detail: (1) S.B. 26—Arterial Road and Street Board, (2) S.B. 27—Highway Classification, and (3) H.B. 1024—Allocation of New Highway Revenue. The other four Acts discussed, but in lesser detail, were: (1) H.B. 1026—Tax Increase on Motor Fuel, (2) H.B. 1027—Tax Increase on Diesel Fuel, (3) H.B. 1029—Trucks Registration Fees, and (4) H.B. 1411—Road Tax on Interstate Motor Carriers.

Copies of the first three Acts, S.B. 26, S.B. 27 and H.B. 1024, are provided below in their entirety. Summaries of the other four Acts, as well as many other 1969 Acts pertaining to highways, are also printed in the following pages.

During the general session program Senator Kruse explained primarily the two Senate bills and fielded most of the questions on them while Congressman Ferguson did the same on the House bills.

Ruel Steele thanked Senator Kruse, Congressman Ferguson and the Highway Needs Study Committee and others for getting the new tax bills through the General Assembly. He felt that the added revenue would give a big boost to the State primary system and would provide for much needed improvements on our "killer" highways. He noted that the fact that the State Highway Commission, county highway officials and city street officials were not all completely happy with the way the new tax money will be distributed indicates that it may have been the best possible distribution formula.

Ivan Brinegar, executive director of the Indiana Association of Cities and Towns stated that his association was not satisfied with the old distribution formula used by the Motor Vehicle Highway Account and they also were not satisfied with the distribution formula for new monies derived mainly for the two-cent tax increase on motor fuel. Brinegar's prepared statement on the matter appears in the following pages.

Claude Hodson, executive secretary, Indiana Association of County Commissioners, commented that the commissioners were not completely satisfied with the distribution formula for the additional tax monies but that it was acceptable to them. Hodson also commented on H.B. 1465, County Ambulance Service and H.B. 1532, County Engineering Department. Summary descriptions of each of these bills appear in the following pages.

Between the date of the Road School and the first part of July 1969 a number of developments have answered a number of questions that were raised about the three major bills discussed. Below are several excerpts from Purdue's Highway Extension News that help to answer some questions and to clarify several other matters.

*Excerpt from Highway Extension News Dated July 14, 1969 Pertaining to S.B. 26—Arterial Road and Street Board.*

**"ARTERIAL ROAD AND STREET BOARD APPOINTED—**Last week Governor Edgar D. Whitcomb appointed the five-member board created by the last session of the General Assembly to establish policies on state-collected highway user revenues for local roads and streets.

"Ruel W. Steele (Bedford) was appointed chairman of the newly-created Arterial Road and Street Board; Steele is also chairman of the Indiana State Highway Commission.

“Kokomo Mayor John W. Miller was appointed vice-chairman; other members named are:

Charles H. Weyrick (Fort Wayne), Allen County commissioner;

Richard E. Mitchell (Tipton), Tipton County engineer; and Roger E. DeVore, Columbus City engineer.

Both Mitchell and DeVore are registered professional engineers.

“The appointments and composition of the board follows the provisions of the new legislation (Acts 1969, Chap 352) requiring an elected city official (Miller), a city engineer (DeVore), an elected county official (Weyrick), and a county highway engineer (Mitchell) to represent local units of government and to serve four-year staggered terms.

“To achieve the staggering of terms these initial appointments were made from one to four years as follows: Mayor Miller—one year; DeVore—two years; Commissioner Weyrick—three years; and Mitchell—four years.

“The fifth member is appointed on the basis of experience and qualifications to serve a term concurrent with that of the Governor making the appointment. Thus, Steele was appointed for four years.

“The chairman and vice-chairman of the board are appointed annually by the Governor.

“The board will assist in the distribution of highway user taxes to cities, towns and counties and certify factors on which the distributions are to be made.

“Other duties and functions of the Board are to:

(a) prepare a suggested list of minimum engineering standards and specifications, by functional classification, for county roads and city streets.

(b) review the functional classification of county arterial roads and municipal arterial streets.

(c) recommend changes to meet minimum engineering standards for roads and streets.

(d) coordinate road and street systems between various units of government.

“The new legislation creating the Arterial Road and Street Board (Acts 1969, Chap 352) also creates a State-Aid Section in the Indiana State Highway Department to provide technical services to the Board.

“The State-Aid Section will operate under policies established by the Board; provide assistance as requested by counties and cities in the areas of management, programming and financing; and administer federal-aid secondary highway funds allocated to local government.

“The Arterial Road and Street Board has a big job ahead—yet an important job and in many ways, long overdue. Administrative procedures for road and street programs drawn by the Board will serve some 550 cities and towns and 92 counties, spanning the many varied conditions of traffic, soils and drainage from Lake Michigan to the Ohio River. Drawing guideline standards that are *effective, equitable* and *practical* will be a real challenge.”

*Excerpt from Highway Extension News dated March-April 1969 Pertaining to S.B. 27—Highway Classification.*

“FUNCTIONAL CLASSIFICATION OF HIGHWAYS, ROADS AND STREETS—The 1969 Indiana General Assembly enacted a “package” of highway legislation that will produce many long-term benefits, especially for local road and street programs. One item of legislation that will need immediate attention by state, county and city highway officials is a requirement (S.B. 27 or Acts 1969, Chap 353) to classify by *function* all systems of roads and streets in the state.

“In addition to the state highway system, this new law requires each county to establish a system of county arterial roads and a system of county local roads; likewise all cities are required to establish a system of municipal arterial streets and a system of municipal local streets. Such a classification will provide an integrated system of roads and streets to better serve local community needs. By assigning realistic standards to each system, counties and cities can provide a higher level of road and street service with the limited funds available.

“This new law also provides broad guidelines for the selection of the arterial and local systems of roads and streets, but assigns the authority for approval to a five-member Arterial Road and Street Board composed of state, county and city officials.

“Incidentally, this new Indiana law dovetails with federal legislation passed by Congress in 1968, requiring the Bureau of Public Roads to undertake a systematic nationwide functional highway classification study to be made in cooperation with state highway departments and local governments.”

*Excerpt from Highway Extension News Dated July 3, 1969 Pertaining to H.B. 1024—Allocation of New Highway Revenue.*

“ATTORNEY GENERAL RULES ON DISTRIBUTION OF NEW ROAD AND STREET FUNDS TO STATE, COUNTIES AND CITIES—The Indiana Attorney General has just released Official Opinion No. 14 in response to six questions raised by the auditor of State regarding the implementation of House Enrolled Act No. 1024, designated as Chapter 392, Acts 1969.

“This new legislation (H.B. 1024) provides for the distribution of an estimated additional \$66 million (annually) in highway, road and street funds provided by the two-cent increase in the Indiana motor fuel and fuel use tax and certain increases in truck registration fees (Acts 1969, Chapters 319, 320, 321, respectively). These new funds are earmarked for engineering, construction, and reconstruction of roads, streets and bridges—55 per cent share to the State Highway Commission for Indiana’s federal-aid primary highway system and 45 per cent share to counties, cities and towns for Indiana’s local roads and streets.

“Because there is a high level of interest in this new law, this bulletin, summarizing the Attorney General’s five-page opinion, is being distributed to all highway, road and street officials in Indiana.

“In summary, the interpretation and opinion on H.B. 1024 from the Office of Attorney General has ruled that:

(1) The act requires the distribution of the new funds from the Local Road and Street Account to be made on the basis of population according to the last preceding United States *Decennial* Census.

*(Comment: This temporarily excludes a small group of cities and towns until qualified by the 1970 census.)*

(2) Allocations from the LRSA are available to counties for a period of four years and to cities and towns for a period of two years; allocations not used by a county will be available for a period of one year to cities and towns located in that county; allocations not used by a city or town will be available for a period of one year to the county in which that city or town is located; allocations not requested by local governmental units for specific projects within the time limits set out above are to be made available to local units throughout the state (ie, re-allocated among all local units).

*(Comment: This seems to be a logical clarification of some otherwise contradictory time periods appearing in the act.)*

(3) Credits and deposits to the Primary Highway Special Fund and to the Local Road and Street Account are to be based on the *gross amounts collected* under the increased rates.

*(Comment: Under this procedure the collection, administration and refund costs presumably will be assigned to the Motor Vehicle Highway Account.)*

(4) Although not specifically set forth, the Official Opinion, when considered in relation to certain questions raised by the State Auditor, infers that the Arterial Road and Street Board, provided under Chapter 352, Acts 1969, is to have the authority to pass on the *eligibility of specific projects* proposed by local units.

*(Comment: Assuming that such is the case, then the actual distribution of the new LRSA funds must await the appointment of the five-member, Arterial Road and Street Board by the Governor.)*"

## HIGHWAY LEGISLATION—1969

(Panel Discussion—Continued)

IVAN H. BRINEGAR  
Executive Director

Indiana Association of Cities and Towns

The Indiana Association of Cities and Towns appreciates this opportunity to present its appraisal of the work of the 96th General Assembly as it affects roads and streets in Indiana.

We commenced the legislative session with the hope that the MVHA formula last amended in 1949 could be revised so as to more accurately reflect road and street usage. Even though Commissioner Gingrich of Tippecanoe County in his presentation to the 54th Annual Road School last year properly concluded that "the formula . . . places too much emphasis on mileage and not enough on vehicles and traffic," there was expressed by legislators the firm belief that the existing formula was somehow akin to the inspired word and could not be changed.

Granted the sanctity of the current formula, the logical conclusion was that distribution of new monies generated by the imposition of higher use fees and taxes would be geared towards filling the inequitable gap inherent in the 53-32-15 formula. And it must be fairly

stated that House Enrolled Act No. 1024, now Chapter 392 of the 1969 Acts, starts out on the right foot by allocating the 45% for local government among the 92 counties on the basis of the ratio of each county's passenger car registrations to total passenger car registrations in the State. From this point on, however, the formula begins to break down rapidly.

The anticipated \$66 million new annual revenues breakdown according to Chapter 392 as follows: \$36 million to the State Highway Commission, \$17 million to county highway departments and \$13 million to city and town streets, or in terms of percentage: 55%—25.5%—19.5%. If one would add old and new monies together you would find that the composite distribution is 53.65% to the State, 30.08% to counties and 16.27% to cities and towns, not much of a change but accompanied by a much more complex set of requirements upon which actual distribution will be made.

One of the features of the new formula which is most difficult to comprehend is the division of counties into groups of those over 50,000 population and those under and the concurrent measurement for allocation which is 60% population and 40% mileage versus 20% population and 80% mileage respectively. A gross breakdown reveals that while the county share is \$17 million, \$7 $\frac{3}{4}$  million is allocated to the 18 counties of over 50,000 population, while the \$13 million for cities and towns is so allocated that a little over \$11 million go to the cities and towns in the 18 counties having populations of over 50,000. The result is that while the 74 county highway departments in the less populated counties share in some \$9 $\frac{1}{4}$  million, 404 cities and towns in those same counties must divide up a mere \$1,863,320. Expressed in terms of street mileage and population, cities in counties of over 50,000 population are getting 91% of the city share of the dollars while they possess only 60% of the street mileage and 67% of the urban population.

Our suggested method for distribution to units of local government based upon allocation to counties on a registered car basis (as in Chapter 392) and then among the units of government on a population basis would have taken nothing from the heavily populated counties and cities therein and would have more equitably distributed among *all* of the units of government the available dollars based upon need and usage.

For example, let us compare third class cities of approximately the same size, one being in a county of under 50,000, the other in a county over 50,000 to demonstrate the differences between our sug-

gested formula and the formula we will operate under for the next two years:

	<i>Chap. 392</i> <i>Formula</i>	<i>I A C T</i> <i>Formula</i>
Logansport (pop. 21,106)	\$ 42,079.90	\$ 129,637.45
LaPorte (pop. 21,157)	95,198.60	132,590.60

(Incidentally, Logansport's street mileage is 79.5 while LaPorte has 88 miles of street.)

It is quite obvious that for most cities the formula we must abide by until the next session of the General Assembly bears no semblance of rationality.

The following listing, I believe, presents in bold relief the differences between the new formula and the formula we trust will be enacted in 1971:

	<i>Chap. 392</i>	<i>I A C T</i>
Adams Co. Hwy. Dept.	\$ 128,607.14	\$ 75,767.88
Decatur (Pop. 8,327)	15,757.24	52,056.04
Berne (Pop. 2,644)	6,261.74	16,528.90
Allen Co. Hwy. Dept.	754,770.59	456,921.93
Fort Wayne (Pop. 161,776)	853,204.16	1,143,372.05
New Haven (Pop. 3,396)	18,976.83	24,001.65
DeKalb Co. Hwy. Dept.	155,244.65	83,029.19
Auburn (Pop. 6,350)	14,909.35	43,735.82
Garrett (Pop. 4,364)	10,016.58	29,933.21
Lawrence Co. Hwy. Dept.	187,880.21	118,253.59
Bedford (Pop. 13,024)	29,339.04	81,713.43
Mitchell (Pop. 3,552)	9,619.56	22,285.48
Oolitic (Pop. 1,140)	2,566.14	7,152.43
Madison Co. Hwy. Dept.	441,588.94	308,744.37
Alexandria (Pop. 5,582)	29,318.47	37,380.13
Anderson (Pop. 49,061)	235,602.77	328,539.37
Elwood (Pop. 11,793)	61,805.98	78,972.40
Monroe Co. Hwy. Dept.	249,715.78	179,965.02
Bloomington (Pop. 31,357)	146,173.73	214,096.79
Ellettsville (Pop. 1,222)	6,625.14	8,343.47
Tippecanoe Co. Hwy. Dept.	316,258.20	209,902.51
Battle Ground (Pop. 804)	3,986.13	5,179.28
Lafayette (Pop. 42,330)	192,957.74	272,685.17
West Lafayette (Pop. 12,680)	57,361.77	81,683.15



The formula contained in the 1969 Acts is particularly disappointing in light of the Governor's veto of House Enrolled Act No. 1415 which would have removed from cities and towns the burden of paying for the cost of drainage required when a state highway is either constructed or improved, a cost for which other local units of government are not responsible. The equitable nature of this bill, now vetoed, merely places a greater load on property taxpayers and we fail to understand the logic in the Governor's action.

It is our fervent hope that when the arterial road and street board is appointed and commences functioning pursuant to the provisions of Senate Enrolled Act 26, now Chapter 352 of the Acts of 1969, many of the problems relating to the use of funds for road and street construction will be solved and that this body, properly constituted, will provide the impetus for establishing a roads distribution formula which meaningfully recognizes needs and usage.

REPRINTS OF SENATE ENROLLED ACTS NO. 26 and NO. 27 AND HOUSE ENROLLED ACT NO. 1024

SENATE ENROLLED ACT NO. 26

AN ACT creating an arterial road and street board, prescribing its powers and defining its duties, and directing the state to provide the board clerical and engineering support.

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*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. It is the intent of the legislature to strengthen the administration of local road and street departments and thereby to contribute to the increased safety and utility of Indiana's highways. It is also the intent that the use by local government of state collected highway user revenues shall be devoted exclusively to highway purposes, allocated and programmed to best serve the highway user, and to better coordinate the various highway systems within the state.

SEC. 2. There is hereby created an arterial road and street board consisting of five (5) members to be appointed by the governor. One (1) of the members shall be an elected city or town official, one (1) member shall be a city engineer employed by a city and having had highway engineering training and experience, one (1) member shall be an elected county official, one (1) member shall be a county highway engineer having had highway engineering training and experience, and one (1) member shall be appointed with due regard for experience and qualifications. The four (4) members

representing local government shall serve staggered terms of four (4) years and until their successors are appointed and further that the initial appointments under this act shall be for terms of from one (1) to four (4) years to achieve staggering of terms. The fifth member shall serve a term concurrent with that of the governor appointing him. The governor shall fill any vacancy for the unexpired term. Immediately upon taking effect of this act, and annually thereafter, the governor shall appoint one (1) member of the board as chairman and another as vice-chairman.

SEC. 3. Three (3) members of the arterial road and street board shall constitute a quorum and the affirmative vote of three (3) members shall be necessary for the transaction of official business. A vacancy in membership of the committee shall not impair the rights of the quorum to exercise all the rights and perform the duties of the board.

SEC. 4. No member of the arterial road and street board shall receive a salary as compensation for his services. Each member shall, however, receive a per diem allowance for each full day of service to the committee to cover expenses and in addition to a mileage allowance for travel in connection with official duties. The amount shall be fixed by the governor and approved by the State Budget Agency, and shall be no less than twenty-five dollars (\$25.00) or more than seventy-five (\$75.00) per day. Total annual per diem plus expenses shall not exceed four thousand dollars (\$4,000). The members shall not be required to devote their full time to departmental duties. All meetings of said board shall be upon call of the chairman. In the event members of the board are state employees, their departmental per diem and expense allowance regulations shall prevail.

SEC. 5. The arterial road and street board shall have the following powers, responsibilities and duties:

(a) promulgate and adopt rules, regulations and bylaws governing its own operation, and to establish policies, not in conflict with those of the state highway commission, for the organization and operation of the section of state aid;

(b) serve as final board of appeals in disputes relating to the application to local government of the motor vehicle highway account allocation formula;

(c) certify annually on or before January 1 to the auditor of state those factors applied in the distribution formula for motor vehicle highway account funds and any other state-collected highway

user revenues and as to the eligibility of the various local governmental units to receive such funds;

(d) prepare a suggested list of minimum engineering standards and specifications, by functional classification, for all public highways and streets in the state except those highways under the jurisdiction of the state highway commission;

(e) review systems of functionally classified county arterial highways and municipal arterial streets, recommend changes necessary for certain highways and streets to meet minimum engineering standards and specifications, and to coordinate systems between the various units of government;

(f) continuously review the services state agencies may supply to county and municipal officials charged with road and street responsibilities;

(g) adopt rules and regulations necessary to implement the provisions of the act relating to the allocation of state-collected highway user revenues to the counties and municipalities of the state.

SEC. 6. The Indiana Department of Transportation, or a like agency designated by the Governor, is hereby directed to create, under its jurisdiction, a section to be known as the state-aid section. The head of the section shall be appointed by the department, after conferring with the arterial road and street board created by this act, and shall be qualified as a registered professional engineer.

SEC. 7. The Division of State Aid shall have the following powers, responsibilities and duties:

(a) Provide technical services to the arterial road and street board necessary to carry out provisions of section 5 of this act;

(b) Assist cities and counties in their efforts to secure engineers and other technically qualified personnel to staff their street and highway departments;

(c) Advise and cooperate with local government agencies upon construction programs with the view of improving coordination among road building agencies;

(d) Provide assistance, as requested by counties and cities, in the areas of management, programming and financing;

(e) Administration of federal-aid secondary highway funds allocated to local government;

(f) Coordination with the Office of Highway Development in updating local road and street inventories, highway needs data, local road and street maps, and other planning statistics;

(g) All other activities which may be directed by the arterial road and street board.

SEC. 8. Finances for such board shall be included in the Indiana Department of Transportation, or a like agency, budget and appropriation, and these funds shall come specifically from the local government allocation from the arterial road and street fund. Funds unobligated at the end of any fiscal year shall be returned to the local government share of the arterial road and street fund for distribution in the manner prescribed by law. The Department of Transportation or a like agency, shall supply office space, utilities and supplies and other support as part of the cost of its regular administrative function.

SEC. 9. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 10. If any of the provisions of this act, or the application thereof in any manner, are invalid, such invalidity shall in no way affect the other provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SENATE ENROLLED ACT NO. 27

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AN ACT to establish various systems of highways, roads and streets in the State of Indiana, to provide for the classification and reclassification of all public highways, roads and streets in the State of Indiana, and to establish standards and procedures for carrying out the classification and reclassification of such highway systems, and for making additions to, deletions from and relocation of parts of such systems.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. Declaration of Legislative Intent. Systems of roads and streets which are adequate and integrated facilitate the free flow of traffic, promote economy in the cost of motor vehicle operation, protect the health and safety of the citizens of this state, stabilize the value of real property and generally serve the economic and social welfare of this state. The legislature therefore determines and declares that its intention in this act is to: (1) Integrate all public highways, roads and streets into complete systems, and these systems into a comprehensive network to serve the highway transportation needs of the state; (2) to bring together in each system those highways which should be under the same jurisdiction because of the character of the highway transportation service the system offers, and the type and extent of

demand for such service; (3) to group together those highways requiring a similar level of technical competence for design, construction and operation; (4) to provide for integrated and systematic planning and orderly development of these public highway systems in accordance with actual needs; and (5) group highways basically according to the functions they serve in order that they may be readily subclassified to accommodate minor needs.

SEC. 2. Definitions. The following words and phrases when used in this act shall, for the purposes of this act have the meanings respectively ascribed to them as follows:

(a) "Abandonment." Cessation of use of right-of-way activity upon a site with no intention to reclaim or use it again for highway purposes.

(b) "Arterial highway or arterial street." A highway or street primarily for through traffic, usually on a continuous route.

(c) "Local road and street board." The committee appointed by the governor which shall be responsible for the establishment of standards relating to local roads and streets.

(d) "Board." The governing body of a county acting directly or through its authorized agents.

(e) "County arterial highway system." A system of highways designated by the county highway authorities, with the approval of the arterial road and street board, which are of greatest general importance to the county, for which responsibility is assigned to the county highway authorities.

(f) "County local highway system." Those roads and streets used primarily for access to residence, business, farm, or other abutting property and for which responsibility is assigned to the county highway authorities.

(g) "Executive director." The chief administrative officer of the state highway commission, acting directly or through his authorized agents.

(h) "Highway, street, or road." A public way for purposes of vehicular travel, including the entire area within the right-of-way.

(i) "Municipal arterial street system." A system of arterial streets and highways designated by the municipal street authorities, and the approval of the arterial road and street board, which are of the greatest importance to the municipality, and for which responsibility is assigned to municipal street authorities.

(j) "Municipality." A city, town, or other municipal corporation organized under the laws of this state.

(k) "Municipal local street system." Those roads and streets used primarily for access to residence, business, or other abutting property and for which responsibility is assigned to the municipal street authorities.

(l) "State-aid director." The chief administrative officer of the state-aid division of the state highway commission, acting directly or through his agents.

(m) "State highway system." A system of highways and streets which are of general economic importance to the state as a whole, and for which responsibility is assigned to the state highway commission.

SEC. 3. Highway Systems. The highway and street systems of the state shall consist of: (1) a state highway system; (2) a county arterial highway system in each county; (3) a county local highway system in each county; (4) a municipal arterial street system in each municipality; and (5) a municipal local street system in each municipality.

SEC. 4. State Highway System. (a) How selected. The State highway system shall be designated by the state highway commission and its total extent shall not exceed twelve thousand (12,000) miles. The state highway system shall be made up of the principal arterial highways in the state, and shall include a highway to the seat of government in each county and connecting arteries and extensions through municipalities.

In determining which highways or sections thereof shall be a part of the state highway system, the commission shall consider the relative importance of each highway to county or municipal government, existing business and land use, and the development of natural resources, industry and agriculture, and the economic welfare of the state. The commission shall also consider the safety and convenience of highway users, and the financial capacity of the state to reconstruct, construct and maintain the highways selected to desirable standards.

(b) Administrative classification. The state highway system shall be further classified for purposes of management, establishment of standards and priority for use of funds and resources, and this classification shall be spread of record in the minutes of a regular commission meeting as follows:

1. Portions of the National System of Interstate and Defense Highways located in the State of Indiana,

2. Those highways connecting centers of twenty-five thousand (25,000) or more population or serving other traffic corridors of similar importance,

3. Those highways connecting centers of five thousand (5,000) or more population or serving other traffic corridors of similar importance,

4. Additional highways necessary to provide state highway service within a reasonable distance of all areas of the state or necessary to conform to the requirements of section 4, subsection (a).

SEC. 5. County Arterial Highway Systems. (a) How selected. Within six (6) months after the taking effect of this act, a system of county arterial highways shall be selected by the board of county commissioners in each county and certified to the arterial road and street board for its approval. Such system shall be selected on the basis of greatest general importance to the county, after an evaluation of each road in the county including municipal connecting links and the state highway system. In selecting such system, the board shall be guided by standards adopted by the arterial road and street board and shall consider the kind and amount of traffic, the length and condition of each particular highway, the mileage which can be effectively improved to specified standards with funds available, together with any other data considered applicable in this connection.

The board may use the engineering report prepared for the legislature under the provisions of Chapter 465, Acts 1965, as the basis for their selection of a system of county arterial highways.

(b) Approval by arterial road and street board. Each such system of county arterial highways certified to the arterial road and street board shall be checked and reviewed under its direction. Such review shall consider the desirability of each system in relation to an integrated and coordinated system of highways, and the long range needs and costs thereof. Within six (6) months after receipt by the state aid standards committee of each such certification, it shall approve such part of the system of county arterial highways as complies or may be improved to comply with the uniform standards and specifications adopted as hereinbefore provided and according to the legislative intent of this act, and shall certify to the board of county road commissioners the approved portion of the system and any deletions therefrom. So much of the system of county arterial highways of any county as is approved by the state aid standards committee shall con-

stitute the county arterial highway system of that county for all purposes and shall be officially known as the county arterial highway system of that county.

(c) Additions, relocations, deletions. Roads may from time to time be included in, relocated, or deleted from the county arterial highway system of any county upon recommendation from the board of county commissioners and approval by the arterial road and street board in the same manner and by the same procedure as provided hereinbefore for the adoption of the county arterial highway system in the first instance.

(d) Disposition of deleted highways. If a highway or segment thereof is deleted from the county system of arterial highways either because of a relocation or because it is no longer considered of sufficient importance to be continued as a part of such system, it may become a part of the county local highway system, or if located in a municipality, it may become a part of the system of major streets or the local street system of such municipality, subject to agreement between the arterial road and street board, the board of county commissioners and the highway authorities of the municipality. If the highway is no longer considered necessary to any highway system of the state, it may be abandoned and discontinued in accordance with the state law.

(e) County local highway system. All roads under the jurisdiction of the county highway authorities in each of the several counties of the state not included in the county arterial highway system as finally approved shall be a part of and constitute the county local highway system of that county.

SEC. 6. Municipal Arterial Street System. (a) How selected. Within six (6) months after the taking effect of this act, a system of arterial streets shall be selected by the agency responsible for highways in each city or town with a population, according to the most recent United States census, of five thousand (5,000) persons or over and certified to the arterial road and street board for its approval. Such system shall be selected on the basis of greatest general importance to the municipality, after an evaluation of each highway in the municipality, and shall not include highways which are a part of the state highway system. Such system of arterial streets shall consist of transportation arteries connecting focal points of traffic interest, providing communication with other communities and outlying areas and shall provide for the continuity of the county arterial highway system into or through the municipalities. In selecting such system the agency re-



sponsible for highways in the municipality covered in this act shall be guided by standards adopted by the arterial road and street board. In each city or town of less than five thousand (5,000) persons the arterial street system may be limited to the extensions of the county arterial highway system or the municipal arterial street system of adjoining cities into or through the municipality. The municipality may use the engineering report prepared for the legislature under the provisions of Chapter 465, Acts 1965, as the basis for their selection of a system of arterial streets.

(b) Approval by arterial road and street board. Each such system of arterial streets certified to the arterial road and street board shall be checked and reviewed under its direction. Such review shall consider the desirability of each system in relation to an integrated and coordinated system of highways, and the long range needs and costs thereof. Within six (6) months after receipt by the arterial road and street board of each such certification, the arterial road and street board shall approve such part of the system of arterial streets as complies or may be improved to comply with uniform standards and specifications adopted as hereinbefore provided and according to the legislative intent of this act, and shall certify to that municipality the approved portion of the system and any deletions therefrom. So much of the system of arterial streets of any municipality as is approved by the arterial road and street board shall constitute the municipal arterial street system of that municipality for all purposes, and shall be known officially as the municipal arterial street system of that municipality.

(c) Additions, relocations, deletions. Streets may from time to time be included in, relocated or deleted from the municipal arterial street system of any municipality upon recommendation from the agency responsible for streets in such municipality and approval by the arterial road and street board in the same manner and by the same procedure as provided hereinbefore for the adoption of the municipal arterial street system in the first instance.

(d) Disposition of deleted highways. If a street or segment thereof is deleted from the municipal arterial street system of a municipality either because of a relocation or because it is no longer considered of sufficient importance to be continued as a part of such system, it may become a part of the municipal local street system of the municipality by agreement between the arterial road and street board and the agency responsible for streets in the municipality. If the highway is no longer considered necessary as a public street, it may be abandoned and discontinued in accordance with state law.

(e) Municipal local street system. All highways under the jurisdiction of the agency responsible for streets in the municipality in each of the several municipalities of the state and not included in the highway systems of the state or county or the municipal arterial street system as finally approved shall be a part of and constitute the municipal local street system of the municipality.

SEC. 7. Periodic Review of State and Local Systems. The highway systems provided for in this act, when approved, shall remain stationary for two (2) years after approval by the arterial road and street board. Thereafter, the arterial road and street board shall re-examine the systems at five (5) year intervals, or more frequently if considered desirable, and recommend making any adjustments found desirable or necessary as a result of any change in conditions. Such changes may include transfers from one (1) system to another.

SEC. 8. Maps of State, County and Municipal Systems. The executive director shall at all times maintain maps of the state, which shall show all the highways which have been designated as and constitute a part of the state highway system, the arterial and local highway systems of each county, and the systems of arterial and local streets of each municipality.

SEC. 9. Severability. If any provision of this act or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SEC. 10. Repeal. All laws or parts of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency in its application to highway systems provided for in this act.

HOUSE ENROLLED ACT NO. 1024

AN ACT to amend the "Motor Vehicle Highway Account Act" in relation to the distribution of funds from such account.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. As used in this act: (a) Primary highway system special fund means the account of the state known as the "primary highway system special fund" to which is credited collections estimated by the Department of Revenue to be derived from fifty-five per cent (55%) of the seventh (7th) and eighth (8th) cent of the Indiana motor fuel and fuel use tax levied in Acts 1943, chapter 73

and chapter 74, and fifty-five per cent (55%) of increases in fees levied in Acts of 1945, chapter 304, as enacted by the 1969 General Assembly.

(b) The term "commission" means the state highway commission created by the General Assembly of the State of Indiana.

(c) The terms "primary highways" shall mean that portion of the Federal-aid highway system designated by the commission and approved by the United States Department of Transportation as being the state "primary highway system."

(d) The term "construction" shall mean both construction and reconstruction to a degree that new, supplementary, or substantially improved traffic service is provided, and significant geometric or structural improvements are effected.

SEC. 2. It is hereby declared to be the policy of the State of Indiana that the monies deposited in the primary highway system special fund shall be used exclusively for engineering, land acquisition and construction of highways on the state's Federal-aid primary highway system and shall not be used directly or indirectly for the payment of wages, salaries or compensation of State or commission employees.

SEC. 3. Fifty-five per cent (55%) of the monies collected from the 7th and 8th cents of Indiana motor fuel tax and fuel use tax (Acts 1943, chapter 73 and chapter 74) and from increases in fees levied in Acts of 1945 chapter 304 shall be deposited in the Primary Highway special fund for use exclusively by the highway commission for engineering, land acquisition, and construction of highway projects on the state's Federal-aid primary system of highways, and the auditor of state shall make an allocation to the highway commission from this account each month. The monies deposited in the Primary highway special fund shall not be used directly or indirectly for the payment of wages, salaries or compensation of State or commission employees.

SEC. 4. (a) The auditor of state shall establish a special account to be called the "Local Road and Street Account" and credit this account monthly with the equivalent of forty-five per cent (45%) of the revenue generated by any increase in the fees and taxes imposed upon vehicles and vehicle use described in Acts of 1945 chapter 304 as amended and the 7th and 8th cent of the fuel use and motor fuel tax (Acts 1943, c. 73 and 74, amended).

(b) The auditor of state shall allocate to each county the monies in this account on the basis of the ratio of each county's passenger car registrations to the total passenger car registration of

the state. Auditor shall further determine the sub-allocation between the county and the cities within the county as follows:

(1) In counties having a population of 50,000 or more, 60% of the monies shall be distributed on the basis of population according to the last preceding United States decennial census and 40% distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of 50,000 or less, 20% of the monies shall be distributed on the basis of population according to the last preceding United States decennial census and 80% distributed on the basis of the ratio of city and town street mileage to county road mileage.

SEC. 5. (a) Monies from the Local Road and Street Account shall be used exclusively by the cities, towns and counties for engineering, construction or reconstruction of roads, streets, and bridges under local jurisdiction or for the payment of principal and interest on bonds sold to finance the preceding.

Monies allocated to the various units of local government shall be distributed, by auditor of state in an amount up to three-fourths ( $\frac{3}{4}$ ) of the cost of engineering, construction, reconstruction of local roads and streets and bridges: Provided, further, that the auditor of state shall be assured that an amount equal to at least one-fourth ( $\frac{1}{4}$ ) of the cost of the eligible projects has been obligated by the participating unit of government and that the funds thus obligated are from any source including but not limited to the motor vehicle highway account allocation, federal funds, cumulative capital improvement funds, cumulative bridge fund, street levies, and any other funds available to local centers of government for these purposes.

(b) Monies allocated to counties from the local road and street account but not requested within 4 calendar years of notification of the allocation for a specific project by the board of commissioners may be made available to cities or towns within the county for roads, streets or bridges for the period of one year, and, further, counties and cities may agree jointly upon improvement of a facility within the county.

Monies allocated to cities and towns and not requested within two calendar years of notification of the allocation for a specific project may be made available to boards of county commissioners for use on roads and on bridges within the county for a period of one year.

(c) Monies allocated to local government from the Local Road and Street Account which are not requested for specific projects within the above 3 year period year by either city or county officials shall be

disbursed by the auditor to any county, city, or town within the state as any other monies under the terms of this act.

SEC. 6. Whereas an emergency exists for the immediate taking effect of this act, the shall shall be in full force and effect from and after its passage.

SUMMARY OF ADDITIONAL ACTS PERTAINING  
TO HIGHWAYS PASSED BY 1969 INDIANA  
GENERAL ASSEMBLY

HB 1026

Increases state motor fuel (gasoline) tax from 6 cents to 8 cents a gallon. Effective April 1.

HB 1027

Increases state motor fuel use tax from 6 cents to 8 cents a gallon. Effective April 1.

HB 1029

Increases most fees collected by the Bureau of Motor Vehicles for services, licenses, and registration of vehicles; authorizes creation of farm vehicle classification at half-rates. No increases for passenger car registration or operator's license fees. Effective January 1, 1970.

HB 1411

Imposes a road tax on fuel used by motor carriers—aimed at motor carriers not licensed in Indiana—calculated on amount of fuel consumed in operations on Indiana highways.

HB 1532

Authorizes county commissioners, except in counties of not less than 60,000 population, to establish departments of county engineering.

HB 1025

Requires State Highway Commission to publish an annual report on the status of primary highways, and to adopt and publish a long-range program of highway construction plans.

HB 1335

Requires all traffic control devices for streets and highways to conform with Indiana Manual on Uniform Traffic Control Devices for Streets and Highways by Jan. 1, 1971.

HB 1313

Amends Highway Traffic Regulation Act to allow right turns at red stop signals if judged by state, county or municipal highway department that this would expedite traffic movement.

**HB 1007**

Requires any railroad whose road or tracks lie in any public street, road or alley in any city, town or county to maintain the property in same condition. On failure to do so, the public agency may after 30 days written notice do the work and either recover the amount required from the railroad through lawsuit or certify the amount to the county auditor, who shall prepare a special tax on the railroad.

**HB 1079**

Makes it unlawful to dump or leave refuse on any public highway, state park or recreation area, or in or adjacent to any lake or stream, except in proper containers. Maximum \$100 fine and-or 30-day jail term provided for violation. Emergency.

**HB 1923**

Authorizes State Highway Commission to do all business necessary to comply with federal regulations on highway relocation assistance.

**HB 1630**

Imposes an excise tax on passenger cars in place of the property tax, due when the motorists purchase license plates. Tax will be based on two schedules: one places the car in a class according to value; the second imposes the tax according to the class of the car and its age; tax ranges from minimum of \$12 to maximum of \$192. Tax will take effect on Jan. 1, 1971, and will be in lieu of 1970 property taxes on autos payable in 1971. License branches will levy extra 50-cent fee for collecting excise tax. Emergency.

**SB 216**

Allows semipermanent auto license plates with annual renewal tag; requires issuance of license plates on a staggered basis, from the end of February to the end of June, according to the first letter of the motorist's surname. Effective April 1.

**SB 236**

Permits State Highway Commission to authorize operation of buses wider than eight feet if wider buses are approved by Federal government.

**HB 1194**

Amends 1967 motor vehicle inspection law; changes makeup of vehicle inspection board; lists items to be inspected, excluding front-end alignment; changes final deadlines for 1969 inspections, to provide that vehicles whose license plates end with 1 or 2 be inspected before

Aug. 31; 3 and 4, before Sept. 30; 5 and 6, before Oct. 31; 7 and 8, before Nov. 30, and 9 and 10, before Dec. 31. Make other changes. Emergency.

#### SB 59

Requires State Highway Commission, railroads, drainage districts, township boards, road districts, public utilities and other public and quasi-public corporations to do anything possible to restrict growth of Johnson grass on lands for which they are responsible from July 1 to Sept. 15.

#### HB 1029

Increases most fees collected by the Bureau of Motor Vehicles for services, licenses, and registration of vehicles; authorizes creation of farm vehicle classification at half-rates. No increases for passenger car registration or operator's license fees. Effective January 1, 1970.