

1967 Highway Legislation —State and Local

JOSEPH H. HARRISON
Assistant to the Executive Director
Indiana State Highway Commission

INTRODUCTION

It has been inferred that sometimes some engineers become politically oriented to the degree that they lose basic concepts of sound engineering judgment. To some degree, I may be guilty of this aspect, however, to some degree I believe some engineers are not politically oriented enough to do an effective job of administration. Regardless of whether or not any engineer works in an administrative capacity, the federal government, the state highway commission, the board of county commissioners, or is a member of a city board of works, the top official in all departments is elected and by being so is involved in the science of practical politics.

Therefore, it seems that it would be advantageous for any engineering school to offer as an elective, a course in human relations or political engineering, especially for students interested in governmental service. Too often communication is broken down and public works programs disrupted from the inability of politicians or elected officials to understand the thought processes of professional people and the professional technicians to understand the thought processes of the elected officials. With this handicap to overcome—being designated legislative coordinator to be polite or an unofficial lobbyist, to be realistic—it is a challenging experience to one interested in advancing highway legislation.

95TH INDIANA GENERAL ASSEMBLY

The 95th session of the Indiana General Assembly has been referred to by many as the “do nothing—do little” session. It contained no reapportionment, a two-plus billion dollar budget which after 61 days was finally resolved by a four-member conference committee. One house endorsed lowering the legal voting age to nineteen, the other to eighteen; as a result, nothing was enacted. A bill providing pay increases for county officials was finalized two hours before the

end of the session into a bill which gave the state highway commission the authority to condemn land for weigh stations, rest parks, and scenic enhancements. The 1967 General Assembly was endowed with its share of agreements, disagreements, scuffles—both mental and physical, power plays, bill stripping, summit meetings, and log rolling. The proposed bills which were apparently approved for submission in December were vetoed in March. Sessions were long, sleep was scarce, and alcohol plentiful, but to anyone who dogged it—day after day and came away with his head bloody but unbowed—it was an experience in government that one can never forget.

Highway legislation, both good and bad, was passed, killed, or vetoed. After the halls of the general assembly finally became silent, and one reminisces on the 61 days of hell and high water, he can cuss and discuss this particular session, but all in all, the 95th General Assembly did enact some good, needed, highway legislation.

LEGISLATION AFFECTING HIGHWAYS

Agriculture

S. 186—Exempts fertilizer tank trailers or spreaders from regulation requiring maintenance of lamps on moving vehicles.

Cities and Towns

S. 178—Extends to cities of the fourth and fifth class the same power given cities of first, second and third class in the construction of underpasses and overpasses under existing law.

S. 386—Authorizes common councils and town boards to appropriate funds to pay expenses of city and town officials incurred in promoting the best interests of the city including meals and rental of meeting places.

H. 1259—Authorizes state board of accounts to prescribe different forms for street records and reports for different classes and sizes of cities and towns.

Civil Law

S. 423—Amends law on eminent domain actions by providing that when damages set by court appraisal are paid to the clerk the plaintiff may take possession and title to the land appropriated, with the auditor then to transfer the real estate to the plaintiff on the tax records.

H. 1249—Establishes a ten-year period of limitation on lawsuit against architect, engineer or contractor arising over injury, death or property damage due to structural defect in improvement to real estate.

County Government

S. 134—Adds county and state units to law authorizing some governmental agencies to contract with other governmental agencies for supplies and equipment.

S. 295—Permits counties with second class cities to appoint study committees to investigate need for a data processing system and create a board which could establish data processing system.

S. 354—Allows county commissioners to subdivide classes of materials in awarding contracts; applies the provisions of general purchase law to items omitted in specifications and requires secrecy on bids submitted and requires from each bidder an affidavit that the bid price is not higher than the lowest price he has charged any other person for a similar article in comparable-sized lots.

H. B. 1505—Extends the deadline from 1965 to 1969 for counties to designate preferential highways and erect stop signs.

H. 1867—Raises from \$8,000 to \$20,000 the cost of projects which may be repaired by county commissioners without awarding a contract.

Indianapolis and Marion County

H. 1195—Creates Mass Transportation Authority of Greater Indianapolis, replacing the Metropolitan Thoroughfare Authority, assuming control Jan. 1, 1968, over thoroughfares in Marion County and over Indianapolis Off-Street Parking Commission; grants the authority one-fourth of motor fuel tax revenue due to the county and its municipalities, all inheritance tax revenue due to the county, and all cigarette tax revenue due to the capital improvement funds except as provided in other laws; grants the authority power to issue bonds and to levy property tax; establishes the authority's partisan governing commission of six members—the mayor of Indianapolis or his appointee, two appointees each by the Indianapolis City Council and the Marion County Commissioners and one by the County Council. Emergency.

Roads

S. 87—Permits state highway commission, at request of department of natural resources and with the governor's approval, to do construction and maintenance work over existing county highways connecting state highways with state park and recreation areas.

S. 187—Known as the Highway Junkyard Control Act, it restricts establishment and maintenance of junkyards in areas adjacent to interstate and primary highways, provides for the removal and screening of outdoor junkyards; gives power to state highway commission, at-

torney general, and local prosecutors to regulate junkyards and provides for eminent domain acquisition when screening is unfeasible.

S. 276—Allows contractors to be paid 95 percent of estimated cost of completed highway work, instead of 90 percent, prior to completion and final inspection.

S. 305—Directs the Indiana Toll Bridge Commission to conduct a feasibility survey on construction of a bridge over the Ohio River at the Markland Dam site, with a maximum of \$100,000 of commission funds to be used.

S. 436—Empowers the state to obtain land by purchase, grant, donation or eminent domain, when land is needed for weigh stations, rest areas, scenic easements, and is included in areas necessary to cooperate with the federal government.

S. 451—Provides for regulation of outdoor advertising within 660 feet of highways built with federal participation. Emergency.

SCR 15—Authorizes the state highway commission to fully staff and equip the new subdistrict highway garage in Gary for better highway maintenance in Lake county.

SCR 36—Directs the legislative council to appoint a committee to review recommendations of the highway needs study committee.

H. 1178—Permits the state highway commission to award contracts on bids above estimated cost but within five percent of estimated cost.

HCR 29—Creates a committee to study the transportation system of Indiana.

Salaries

S. 313—Permits a county surveyor who also is serving as county highway engineer to claim whichever salary is higher.

State Government

H. 1250—Directs the governor to make appointments to the five-member State Board of Registration for Professional Engineers and Land Surveyors so that it consists of one member from industry, one from government, one from education and two from private practice.

Taxation

S. 116—Makes property acquired by the state highway commission for permanent highway purposes exempt from property taxation from the date of acquisition, and provides that when the land is acquired after March 1 and before December 31 the taxes accruing on the assessment date shall not be a lien and will be removed from tax duplicates by the county auditor.

Traffic and Vehicles

S. 32—Allows use on public roads of tire studs and cleats between October 1 and May 1, if they project no more than three thirty-seconds of an inch and are inserted to provide resiliency on road contact. Emergency.

S. 45—Requires vehicles normally moving at 25 miles an hour or less on public highways to display a triangular warning emblem and a flashing light at night. A maximum \$100 fine is provided for violation. Effective January 1, 1968.

S. 54—Abolishes the governor's traffic study commission, governor's traffic safety committee, and the traffic safety advisory board, and creates a state traffic safety advisory committee of ten state officials, three state senators, three state representatives, and ten lay persons to serve four-year terms, with the last 16 to be appointed by the governor. The committee will meet every two months. The director of the office of traffic safety will be executive director. Emergency.

S. 147—Sets arbitrary maximum speed limits of 30 miles an hour in any urban district, and 65 elsewhere, except 70 on interstate highways, abolishing lower limits for trucks and buses, and modifies city and state highway commission authority to raise or lower these limits. Requires that slow drivers blocking three or more vehicles pull to the side of the road to let them pass.

H. 1340—Directs the commissioner of the bureau of motor vehicles to license commercial driving schools and prohibit the operation of such schools without a license after July 1, 1968.

H. 1356—Requires compulsory annual motor vehicle safety inspection of all cars registered in Indiana under a system administered by a new department of vehicle inspection and controlled by a bipartisan board appointed by the governor. Inspections will cost \$2.50 with state-licensed private inspectors being paid 50 cents per inspection and the remaining \$2 paid to the state for administration of the program. The program will begin between July 1, 1969, and January 1, 1970, at the discretion of the inspection board.

H. 1591—Creates a 20-member city-county traffic safety programs advisory board to study local traffic programs and needs throughout the state, and appropriates \$20,000 for the board's use.

H. 1690—Enables the governor to appoint an administrator and other personnel to carry out provisions of the Federal National Highway Safety Act of 1966, to receive and disburse federal funds under the federal act, and to contract with public or private agencies in effectuating the federal act. Emergency.

Urban Affairs

H. 1347—Provides relocation loans up to \$2,500 at three percent interest to property owners displaced by projects of the Indiana State Highway Commission or state-supported universities, and requires the commission to pay expenses of property owners or tenants for costs incidental to moving, including up to \$300 in closing costs if a displaced person purchases a new home within one year. Also requires 180-day notice for possession of a displaced person's property. Emergency.

Miscellaneous

H. 1251—Requires that firms which practice professional engineering or land surveying be supervised by a registered professional engineer or registered land surveyor.

CONCLUSION

It appears that these acts, thirty-five in all, would indicate that future sessions will become more cognizant of the needs of the traveling public. This was a session that saw more bills introduced, fewer enacted, and lasted longer than any session of legislature in the history of Indiana. I believe that by the time the next session of the Indiana General Assembly convenes in 1969, that the needs for better highways, adequate financing, and equitable distribution will be paramount in the minds of every member of the general assembly and hopefully by that time they will be able to provide the necessary tools to all levels of government to adequately and efficiently meet the demands of the Hoosier motorist.