

# **Highways, Bridges and Ferries**

## ***State Highway Systems***

### **Publication of the description of roads by the Department of Transportation**

**57-5-130**

If the Department of Transportation publishes information in a newspaper of general circulation on a road or state highway it shall give the name and numerical address along with a general description of it. This differs from other roads and highways in its vicinity by stating the designated name of the road and giving a general description of it.

Section When	Notice	Where	Where
57-5-130	Information on a road or state highway published by the Department of Transportation needs to give the name and numerical address along with a general description of it.	A newspaper of general circulation	Anytime the Department of Transportation publishes information on a road or state highway.

Exact wording:

“Notwithstanding any other provision of law, when the Department of Transportation publishes the name or description of a state road or highway in a newspaper of general circulation, it shall include not only the numerical designation of such road or highway but also a general description of it. In the general description the department, where possible, shall include the designated name of the road or highway and its general location as compared to other roads and highways in the general vicinity.”

### **Notice of sale or other disposition of real estate**

**57-5-340**

If the Department of Transportation has determined that real property in connection with the state highway system is no longer necessary for the proper operation than they may sell the property. This will be done by competitive bidding and a notice of an advertisement for the bidding needs to be published in local newspapers along with in the minutes of the next succeeding meeting of the commission.

Section When	Notice	Where	Where
57-5-340	An advertisement for the sale of real property in connection with the state highway	Local newspapers	Before the sale of real property during competitive bidding

	system when it is no longer deemed necessary for the proper operation of the Department of Transportation		
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Exact wording:

“The department shall continuously inventory all of its real property. When, in the judgement of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the commission or the department, the sale or transfer shall be made public by publishing notice of it in the minutes of the next succeeding meeting of the commission. The commission and the department shall convey by deed, signed by the Director of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department's acquisition of the property. However, any funds derived from the sale of right-of-way, which the department has purchased, in excess of the department's cost shall be distributed among the counties as C funds pursuant to Section 12-28-2740.”

**Notice for the advertisement of awards made of certain construction contracts  
57-5-1620**

Before the Department of Transportation can award a construction contract for ten thousand dollars or more a notice of advertisement needs to be published. The notice shall go in one or more daily newspapers in the state for at least two weeks, if deemed necessary the notice may run for longer or in other media publications. The award of contract will go to the lowest bidder.

Section When	Notice	Where	
57-5-1620	Notice of advertisement for the awarding of a construction agreement to the lowest bidder for ten thousand dollars or more	One or more daily newspapers	At least two weeks before an award can be made. If deemed necessary it may run longer and in other media publications

Exact wording:

“Awards by the department of construction contracts for ten thousand dollars and more shall be made only after the work to be awarded has been advertised for at least two weeks in one or more daily newspapers in this State, but where circumstances warrant, the department may advertise for longer periods of time and in other publication media. Awards of contracts, if made, shall be made in each case to the lowest qualified bidder whose bid shall have been formally submitted in accordance with the requirements of the department. However, in cases of emergencies, as may be determined by the Director of the Department of Transportation, the department, without formalities of advertising, may employ contractors and others to perform construction or repair work or furnish materials and supplies for such construction and repair work, but all such cases of this kind shall be reported in detail and made public at the next succeeding meeting of the commission.”

**Notice of petition to abandon or close a street, road or highway  
57-9-10**

A notice of the intention to file a petition with a court of competent jurisdiction in the case of the abandoning or closing of a street, road or highway shall be published. The notice needs to be placed in a newspaper published in the county where this will take place once a week for three consecutive weeks. Property owners whose property will be affected must also be mailed a notice with a return receipt request to their last known address.

Section When	Notice	Where
57-9-10	A notice of the intention to file a petition for the abandoning or closing of a street	A newspaper in the county where the street, road or highway is located  Prior to the filing of the petition

Exact wording:

“Any interested person, the State or any of its political subdivisions or agencies may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice shall also be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change.”

**Sale of state highway bonds  
57-11-360**

Upon sealed proposals state highway bonds shall be sold by the Governor and the State Treasurer once publication of the sale of these bonds has been made. The bonds shall be published one or more times, seven days prior to the sale in a newspaper of general circulation and in a financial paper located in New York City that publishes these types of notices.

Section When	Notice	Where
57-11-360	Notice of the sale of state highway bonds	A newspaper of general circulation and in a financial paper located in New York City that publishes this type of material  Upon sealed proposals, one or more times seven days prior to the sale.

Exact wording:

“State highway bonds shall be sold by the Governor and the State Treasurer upon sealed proposals, after publication of notice of such sale one or more times at least seven days before such sale, in a newspaper of general circulation in the State and also in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. The bonds shall be awarded to the bidder offering to purchase the state highways bonds at the lowest net interest cost to the State at a price of not less than ninety-nine percent of par and accrued interest to the date of delivery, but the right shall be reserved to reject all bids and to readvertise the bonds for sale and to waive technicalities in the bidding.

For the purpose of bringing about successful sales of such bonds, the state board may do all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of such bonds shall be paid from the proceeds of the sale of such bonds.”

**Advertisement for bids under contract system**

**57-17-640**

If a governing body is looking to adopt a contract system for working, maintaining and operating of several sections of highways, roads, bridges and ferries in its county than it may place a notice in the newspaper. The notice may be placed once a week for three weeks in a newspaper published in that county. The notice should also be placed in two or more well known places around the township(s) that the sections are to be worked on.

Section When	Notice	Where	Where
57-17-640	A notice of advertisement for bids to adopt a contract system for several sections of highways, roads, bridges and ferries	A newspaper published in the county	When a governing body is looking to adopt bids and it shall be placed once a week for three weeks

Exact wording:

“If the governing body of any county concludes to adopt a contract system for working, maintaining and operating the several sections of highways, roads, bridges and ferries in its county, or any part thereof, the county supervisor or governing body, as soon as practicable thereafter, may advertise in a newspaper published in the county once a week for three weeks and by notices posted in two or more conspicuous places in the several townships or the township to be worked by the contract system for bids from responsible persons for the performance of the work as above set forth, and may furnish specifications of all such work or contracts as have been advertised.”

**Notice of an election for additional special road tax**

**57-19-30**

Electors of a township may raise or collect special road taxes to help with any funds that are used for like purposes as long as they return real or personal property for taxation. A notice of an election on this taxation must be published in a newspaper within the county for at least two weeks. The time and place need to be included in the notice.

Section When	Notice	Where	Where
57-19-30	A notice of a township election for the purpose of raising or collecting special road tax. The notice must state the time and	A newspaper within the county	At least two weeks

	place.		
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**Exact Wording:**

“The electors of any township who return real or personal property for taxation may levy and collect an annual road tax to supplement any special or other funds for like purposes, in the following manner: Upon the written petition or request of at least one fourth of the resident electors of the township and a like proportion of the resident freeholders of the age of twenty-one years, as shown by the tax books of the county, being filed with the governing body of the county asking for such tax and stating the rate of the tax levy proposed, which shall not exceed two mills, the governing body of the county shall order the township board of assessors of such township to hold an election at some place within the township, after giving notice of the time and place thereof for at least two weeks in some newspaper published within the county and by posting notice thereof in at least three public places within such township for such length of time, unless there be no newspaper published within the county, in which event the posting of the notices shall suffice.”

***Paving Districts in Counties with a city over 70,000***

**Time and place of election on the question of taxes for the district  
57-21-60**

After the creation of a paving district in a city over 70,000 an election shall be held on whether or not taxes should be raised and collected annually for this district. A notice of this election shall be given in a newspaper published in the county where the district is located one time at least ten days prior to the election. The notice must state the time, place/places and purpose for the election along with the amount, purpose of the annual levy of taxes and how the taxes will be imposed upon the taxable property. The election itself needs to be held ninety days after the creation of the paving district.

Section When	Notice	Where	
57-21-60	Notice of an election for the purpose of levying taxes for the creation of a paving district in a city over 70,000	A newspaper published in the county where the district is located	The notice needs to be placed one time at least ten days prior to the election. The election itself shall be held ninety days after the creation of the district.

**Exact wording:**

“The election shall be held on such date within ninety days from the creation of the paving district and at such place or places within the district as may be designated by the governing body of the county, and notice of the election shall be given by posting notice thereof in three public places in the district at least ten days before the election and by publishing such notice one time at least ten days before the election in a newspaper published in the county in which the district is located. The notice shall state the time, place or places and purpose of the election and the amount of and purpose for which such annual levy of taxes is to be imposed upon the taxable property in the district.”

**Notice of the sale of bonds  
57-21-130**

A governing body of the county may sell “county paving bonds” at not less than the balance and earned interest on sealed proposals. The sale can only be made after a notice is published one or more times in a newspaper that the governing body decides upon. The governing body has the right to reject bids and if all bids are rejected than a private sale can be made.

Section When	Notice	Where	Where
57-21-130	A notice of the sale of county paving bonds by the governing body of the county in a city over 70,000	A newspaper that the governing body decides upon	When bonds are issued, not less than thirty days after the election.

Exact wording:

“The bonds shall be sold by the governing body of the county at not less than par and accrued interest on sealed proposals after a publication of notice of sale one or more times in a newspaper designated by the governing body. The governing body shall reserve the right to reject all bids. In the event that all bids be rejected, it shall have the right to sell the bonds at private sale if a price in excess of the highest bid received in pursuance of the call for bids is obtainable or, in its discretion, to readvertise for sealed bids.”

**Advertisement and award of contract  
57-21-210**

An advertisement of bids for materials, equipment and the work to be done in a paving district shall be published. The governing body shall place the advertisement of bids for at least thirty days in a newspaper published in the county where the district is located.

Section When	Notice	Where	Where
57-21-210	A notice of an advertisement of bids for materials, equipment and the work to be done in a paving district in a city over 70,000	One or more newspapers published in the county where the paving district is located	At least thirty days

Exact wording:

“The governing body of the county shall advertise for bids for at least thirty days in one or more newspapers published in the county in which the paving district is located for all work to be done and the material to be used in constructing, grading, treating and paving any streets or roadways in the paving district and for equipment to be used in connection therewith, with the right reserved to reject any and all bids, and shall enter into contracts with the lowest responsible bidder therefor and secure competent persons, if deemed advisable, to superintend the work and to counsel and advise in all matters relating thereto.”