
SUBJECT: COUNTY HIGHWAYS WITHIN ANNEXED CITIES

ADOPTED DATE: FEBRUARY 20, 2007

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Background

Funding formulas for distribution of the State Highway Distribution Funds and Federal Highway Funds in North Dakota are based on the premise that county highways have traditionally been turned over to the larger cities (over 5,000 in population) as the land adjacent to the highways is annexed. These formulas are population-based resulting in increased city funding and decreased county funding as annexations take place although there may be a lag of several years in the change, pending census updates.

Counties do not have authority to levy special assessments for highway improvements within an incorporated area.

Cities with population over 5,000

It is the policy of the county commission that in cities with populations over 5,000, county highways should be targeted to be turned over to the city within two years of annexation of the majority of the land on both sides of the highway. The policy recognizes that segments should be turned over with logical termini, such as mile line road intersections. The county should work cooperatively with the cities to accomplish an orderly transfer of ownership. Interim partnership arrangements should be considered during transitional periods to provide for logical and efficient delivery of government services. The county may participate in funding of improvement projects in connection with the change in ownership. Factors to be considered in determining if the county participates in project funding and the extent of county participation may include but are not limited to traffic volume, highway condition, county funding of previous projects, project scope, trip origins/destinations, land use and available funding.

Cities with population of less than 5,000

It is the policy of the county commission that county highways running through or adjacent to cities with populations of less than 5,000 will generally remain on the county highway system. This presupposes that the cities will not take actions that preclude safe and efficient traffic operations on the county highway. North Dakota Century Code gives cities considerable authority regarding streets within the city boundaries. This policy is not intended to circumvent state statute. The county and city are obligated to exercise good engineering judgment and apply appropriate design standards to highways. Project agreements should be developed for improvement projects outlining funding and maintenance responsibilities. In general the county will fund all of the costs of basic rural design section pavement improvements and county funds may be applied to related infrastructure enhancements. City participation will generally be expected for municipal enhancements such as sidewalks, bike paths, storm sewers and curbing. All signing will

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be in strict accordance with the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCD). County funding of improvement projects will be contingent upon the city complying with county policies and decisions regarding access spacing, right of way dedication, and corridor preservation.

HISTORICAL REFERENCE DATE: DECEMBER 4, 2006
FEBRUARY 20, 2007