

68-1404. Counties over \$90,000,000 valuation; joint contracts; duties and liabilities of railways; monthly rental contracts. The board of county commissioners is hereby authorized to enter into contracts with any county, township, city, drainage district, municipality, person, company or corporation, located within or without this state, for the reconstruction, improvement, removal, relocation, maintenance, regulation or use of any bridge and approaches thereto, reconstructed under this act, and if such contract shall be entered into between any board of county commissioners of such county and any other county, township, city, drainage district, municipality, person, company or corporation, as to the reconstruction, improvement, removal, relocation, maintenance, regulation or use of any such bridge or bridges, then such commissioners shall not issue the bonds of the county for a greater amount on account of the reconstruction, improvement, removal or relocation of any such bridge or bridges than the cost thereof, after deducting therefrom the amount paid or agreed to be paid by such other county, township, city, drainage district, municipality, person, company or corporation: *Provided*, That no contract with or contribution by any such other county, township, city, drainage district, municipality, person, company or corporation for the joint use of any bridge or the construction thereof shall confer upon any such other county, township, city, drainage district, person, company or corporation any exclusive privilege or right to use such bridge or preclude the county commissioners of the county reconstructing, improving or relocating any such bridge from the granting of like or similar privileges to others to use such bridge upon such terms as may be prescribed by such board of county commissioners or other authorities having control thereof.

No railway company, other than a street railway company, shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge reconstructed or improved under the provisions of this act without first paying to the county reconstructing or improving such bridge one-half of the net cost to the county of the latest such reconstruction or improvement of such bridge and the approaches thereto; and no street railway company shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge reconstructed or improved under the provisions of this act without first paying to the county reconstructing or improving such bridge such sum as the board of county commissioners or other authorities having control of such bridge shall deem reasonable but not less than twenty percent of the net cost to the county of the latest such reconstruction or improvement of such bridge and the approaches thereto; and no other person or corporation shall use such bridge or the piers thereof for any private use without first paying to the county constructing the same such sum as the county commissioners thereof, or other authorities having control of such bridge, shall require as compensation for such use.

If any railway corporation, other than a street railway corporation, shall construct, and use any tracks upon, or use any tracks constructed by the county upon, any bridge reconstructed or improved under the provisions of this act without first paying therefor as above provided, it shall thereupon become liable to the county for one-half of the net cost to the county of the latest reconstruction or improvement of such bridge, and such county may sue for and recover such sum in any court of competent jurisdiction, and the use of the tracks on such bridge by such railway corporation may also be enjoined until compensation is made therefor, as hereinbefore provided. If any street railway corporation shall construct and use any tracks upon, or use any tracks constructed by the county upon, any bridge reconstructed or improved under the provisions of this act without first paying therefor as above provided, it shall thereupon become liable to the county for the reasonable value of such use but not less than twenty percent of the net cost to the county of the latest such reconstruction or improvement of such bridge, and such county may sue for and recover such sum in any court of competent jurisdiction, and the use of the tracks on such bridge by such street railway corporation may also be enjoined until compensation is made therefor, as hereinbefore provided.

All money received for the use of such bridges shall be used in the reconstruction or improvement thereof, or in the payment of bonds and interest thereon, issued on account of the reconstruction or improvement of such bridges: *Provided, however*, That the board of county commissioners may make a contract for monthly rental with any street railway company for the construction and use of tracks upon, or for the use of tracks constructed by the county upon, any such bridge. Such monthly rental shall not be less than a sum sufficient to pay the interest on one-twelfth of twenty percent of the annual interest charge on the bonds issued by the county for the latest reconstruction or improvement of such bridge and the approaches thereto and one-twelfth of twenty percent of the principal to be retired each year of the bonds issued therefor.

History: R.S. 1923, 68-1404; L. 1947, ch. 346, § 1; Feb. 11.