

Chapter 334 Fla Highway Code and Chapter 29965 Laws of Fla-1955

State Road Dept established, was previously State Road Board.

State highway system defined as primary plus other routes

Primary system defined as ALL arterial highways.

Arterial defined as continuous route *between* incorporated areas greater than 10,000 and FAI.

Chapters 334, 335, and 336 Florida Statutes-1975

State highway system defined as primary plus other routes

Primary system defined as roads designated by Law (?)

Arterial defined as continuous route *between* urban areas greater than 10,000 and FAI.

Chapters 334 and 335 Florida Statutes-1977

State highway system defined as:

FAI

All rural arterials and extensions into and through urban areas

All urban principal arterial routes

Urban minor arterial routes on the primary system as of July 1, 1977

First time 2% Rule mentioned

First time City Street system mentioned *by definition*

Arterial definition changed. Continuous, high traffic volume, long average trip length, high operating speed, high mobility importance and all U.S. numbered highways. No mention of *between* urban areas or *between* incorporated areas.

## CHAPTER 335

## FLORIDA HIGHWAY CODE, SECOND PART

## State Highway System

- 335.01 Designation and classification of state roads.
- 335.02 Authority to designate roads of the state highway system.
- 335.03 Interstate highways; designation.
- 335.04 Classification of roads; standards; distinctions.
- 335.05 Certain streets designated as municipal connecting link roads.
- 335.06 State park road system.
- 335.07 Sufficiency rating of roads.
- 335.08 Numbering roads of state highway system.
- 335.09 Uniform marking and erection of signs; historical points of interest.
- 335.10 Regulation of use of state roads; civil liability for injury thereto.
- 335.11 Determination of speed.
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- 335.13 Regulation of advertising signs.
- 335.14 Traffic devices on state highway system.
- 335.15 Detour roads.
- 335.16 Wayside parks.

**335.01 Designation and classification of state roads.—**

(1) All public roads open to travel by the public generally and dedicated to the public use, according to law or by prescription, and roads which are constructed out of public funds and dedicated for general public usage and all extensions thereof, and connections thereto are hereby designated and declared to be and are established as state roads.

(2) State roads shall be divided into four classes:

- (a) the state highway system;
- (b) the state park road system;
- (c) the county road systems; and
- (d) the city street systems.

History.—Comp. §25, ch. 29965, 1955.

**335.02 Authority to designate roads of the state highway system.—**

(1) The board shall have authority to locate and designate certain roads as state roads in the state highway system and construct and maintain the same with funds which are now or which may hereafter become available from the state or from the state and federal government. Such roads when so located and designated shall become the property of the state, and shall be under the jurisdiction and control of the board.

(2) The board may determine and fix the lines and locations of such roads between the cities and places thereon. The department may survey and locate the line or route of any road or section of any road, designated as part of the state highway system. Whenever such survey and location shall be made and adopted by the board, a map or plat of such survey and location, certified by the director, shall be filed in the office of the clerk of the circuit court of each county through which such state road, or section thereof, so surveyed and located, shall run.

History.—Comp. §25, ch. 29965, 1955.

**335.03 Interstate highways; designation.—**The board shall have the powers and authority to select, in cooperation with the state highway departments of adjoining states, routes of the national system of interstate highways.

History.—Comp. §27, ch. 29965, 1955.

**335.04 Classification of roads; standards; distinctions.—**

(1) The board shall by regulation adopt a classification plan for all roads in the state highway system, which shall be based upon standards relating to financing, design and service. The board shall not designate a road as part of the state highway system unless the route of such road meets the requirements herein, and complies with regulations of the board.

(2) The state highway system shall be divided into the primary road system and the secondary road system and the distinction between each system shall be as prescribed herein, and as prescribed by regulations of the board.

(3) The primary road system shall be divided into arterial highways and other primary roads, and shall be limited to eleven thousand miles.

(a) Arterial highways shall be such roads as are designated federal interstate highways and other roads connecting cities having a population in excess of ten thousand inhabitants and following a continuous and reasonably direct route between such cities, and municipal connecting links of such roads.

(b) Other primary roads shall be all federal numbered highways not designated as arterial highways and such roads that connect the county seats of adjacent counties of the state in a reasonably direct route, and municipal connecting links on such roads.

(4) The secondary road system shall consist of such roads selected by resolution of the county commissioners of the several counties of the state. The secondary system shall not exceed eleven thousand miles.

History.—Comp. §28, ch. 29965, 1955.

**335.05 Certain streets designated as municipal connecting link roads.—**

(1) City and town streets, roads, and structures, or portions thereof, that constitute the route of connection between, or extension of, state roads in the state highway system, and referred to as municipal connecting link roads, shall be designated by the board as part of the state highway system.

(2) The department shall keep a record of



such municipal connecting link roads, so designated, and forthwith shall furnish to each city and town a statement of the municipal connecting link roads, so designated, in such city or town.

(3) The department is authorized, and required to maintain under its control and supervision such designated municipal connecting link roads; and is authorized to enter into any and all contracts, inclusive of agreements with cities and towns, and with any federal agency of the United States, for such purpose; provided nothing herein contained shall require the department to sweep, sprinkle or light said municipal connecting link roads.

(4) The department, whenever it constructs or reconstructs any state road in the state highway system which enters or passes through any city or town, shall construct or reconstruct the municipal connecting link of such road to conform to the standards of construction approved by the board. Provided, however, that whenever any such municipal connecting link is constructed or reconstructed, no obligation shall rest upon the department to remove or relay any public utility.

(5) The board is authorized to provide and maintain signs and markers for the regulation of traffic and shall prescribe regulations for traffic, including traffic signal lighting, minimum and maximum speeds, and parking upon such roads. Such regulations, when made and once published in a newspaper published and having a general circulation in such city or town or posted at the city hall when there is no such newspaper, shall supersede any and all regulations relating to such traffic made by such city or town, or any laws regulating traffic upon such roads. Such regulations shall have the force and effect of law and violation of any of said regulations shall be a misdemeanor. Such regulations shall be enforced by all law enforcement officers.

(6) Before any person shall enter upon such roads, or the rights-of-way thereof, for the purpose of laying conduits, pipes, poles or wires, or making any obstruction, or any excavation, which necessitates any change in the condition or structure thereof, a permit for any such purpose must be secured from the board with the concurrence of the affected city or town where such city or town is not itself making the application for the permit; and the board is hereby authorized to prescribe rules and regulations under which such permits will be issued, and to require indemnity for any damage occasioned by the issuance of any such permit.

History.—Comp. §29, ch. 29965, 1955.

#### 335.06 State park road system.—

(1) The board is authorized to expend state road funds to construct, reconstruct, and maintain roads within the boundaries of any lands embraced within the state park system.

(2) The board is authorized to provide suit-

table roads leading to any lands or other property embraced within the state park system.

(3) Such roads shall be located, relocated, constructed, reconstructed, and maintained, numbered, marked and regulated in such manner as shall be agreed upon between the board and the Florida board of parks and historic memorials, and both boards are authorized to enter into such agreements.

(4) Such roads shall not be included in the state highway system unless so designated by the state road board.

History.—Comp. §30, ch. 29965, 1955.

#### 335.07 Sufficiency rating of roads.—

(1) The board is authorized and required to adopt a system of sufficiency rating of roads in the state highway system.

(2) Such system shall include, but shall not be limited to, the consideration of the following factors:

- (a) Structural adequacy;
- (b) Safety, and
- (c) Service.

(3) The determination of rating accorded to such factors shall take into consideration the volume of traffic using the roads, and the minimum engineering standards required to safely accommodate such volume of traffic; age of roads; width of pavement and shoulders; number and degree of curves, both horizontal and vertical; ridability; and maintenance economy. In addition to the factors and considerations herein required, the board may prescribe by regulation other factors or considerations to be used in obtaining sufficiency rating.

History.—Comp. §31, ch. 29965, 1955.

#### 335.08 Numbering roads of state highway system.—

(1) The board is authorized to number and renumber the roads of the state highway system, and to reduce the total numbers of same as far as practicable.

(2) The board may establish a systematic numbering plan, giving even numbers to roads extending in the general direction of east and west, and odd numbers to roads extending in the general direction of north and south, and federal numbered highways shall be given the same state numbers.

History.—Comp. §32, ch. 29965, 1955.

#### 335.09 Uniform marking and erection of signs; historical points of interest.—

(1) The department shall erect suitable road signs indicating the distance between cities and towns, and markers showing the numbers assigned to each road in the state highway system. Such system of marking shall correlate with, and, as far as possible, shall conform to the recommendations of the manual on traffic control devices as adopted by the American association of state highway officials.

(2) The department may erect and maintain

along the state highway system signs indicating the historical points of interest.

History.—Comp. §33, ch. 29965, 1955.

**335.10 Regulation of use of state roads; civil liability for injury thereto.—**

(1) The department shall prevent use of, and traffic on, the state highway system and the state park road systems that might injure or destroy the same.

(2) Any person shall be civilly liable to the department for the actual damage to a road in such systems by reason of his wrongful act, which damage may be recovered by suit, and when collected shall be paid into the state treasury to the credit of the state road maintenance fund.

History.—Comp. §34, ch. 29965, 1955.

**335.11 Determination of speed.—**The board, with respect to the state highway and the state park road systems, may conduct an investigation and determine safe speed limits as provided under chapter 317.

History.—Comp. §35, ch. 29965, 1955.

**335.12 Vehicle size and weight controlled.—**

(1) The board, with respect to the state highway and state park road systems may:

(a) Limit the use of highways and enforce limitations as to weight, load and size of vehicles as provided for under chapters 317, 320, 323, and 861;

(b) Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for in §§317.81 and 320.40;

(c) Prohibit the operation or impose restrictions on vehicular use of certain highways because of hazardous conditions existing thereon as provided for under §317.82.

History.—Comp. §36, ch. 29965, 1955.

**335.13 Regulation of advertising signs.—**

(1) No person shall erect any billboard or advertisement adjacent to the right-of-way of the state highway system, outside the corporate limits of any city or town, except as provided for in chapter 479.

(2) No person shall erect any billboard, advertisement, advertising signs, advertising structures or lights within the right-of-way limits of any road in the state road system, the state road park system or the county road system or any municipal connecting link thereof. The chairman shall have the authority to direct immediate removal of any violations of the above section; provided, however, that in the event the value of the billboard, advertisement, advertising signs, advertising structures or lights have a value greater than one

hundred dollars and bears thereon the name of the owner no such billboards, advertisement, advertising signs, advertising structures or lights shall be removed until the owner thereof, as shown thereon, shall have received a thirty-day notice as provided by chapter 479.

History.—Comp. §37, ch. 29965, 1955.

**335.14 Traffic devices on state highway system.—**The board shall have the power and authority to designate and prescribe the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings and traffic signals installed or placed by any public authority, or other agency, upon any road in the state highway system. No such sign, marking or signal shall be located or placed without the approval of the state highway engineer, and, if the road is a federal aid road, the additional concurrence of the United States commissioner of public roads.

History.—Comp. §38, ch. 29965, 1955.

**335.15 Detour roads.—**

(1) Whenever any road or structure in the state highway system shall be repaired, reconstructed, relocated or in anywise altered, in such a manner as necessitates the closing of such road or structure to use by the public, the department shall provide a detour road to afford a safe means of travel around such road or structure so closed. The department may use as a part of such detour road any other existing road. The length of the detour route shall be as short as may be practicable.

(2) The provision of subsection (1) of this section shall not be construed to prevent the board from adopting regulations for one-way travel for a distance not in excess of one mile.

(3) The provisions of this section shall be applicable in all cases, whether the work provided for in subsection (1) shall be done by the department, or at its direction or under its supervision.

(4) The provisions of this section shall not apply where the same would be contrary to the regulations or requirements of any federal agency providing all or a part of the funds for any such work.

(5) This section shall not apply in cases of emergency highway work caused by act of God or other sudden, unexpected event.

History.—Comp. §39, ch. 29965, 1955.

**335.16 Wayside parks.—**The board is authorized to adopt regulations for the establishment, maintenance and use of wayside parks along the side of roads in the state highway system.

History.—Comp. §40, ch. 29965, 1955.

CHAPTER 336

FLORIDA HIGHWAY CODE, THIRD PART

County Road System

- 336.01 Designation of county road system.
- 336.02 Responsibility for county road system.
- 336.03 County engineer; duties and compensation.
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- 336.05 Naming of county roads.
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- 336.07 Establishing new or changing old road; petition; procedure.
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- 336.35 Construction of additional roads and bridges.
- 336.36 Abolition of districts; restriction.
- 336.37 Special road, bridge and ferry districts; petition; law applicable.
- 336.38 Election to be called.
- 336.39 Contracts for ferries; bids; bonding.

**336.01 Designation of county road system.**—The county road system shall consist of all public roads outside of municipalities, not included in the state highway system or state park road system, and such municipal connecting links and extensions as may be agreed upon by the boards of county commissioners and municipal authorities.

*History.*—Comp. §41, ch. 29965, 1955.

**336.02 Responsibility for county road system.**—The county commissioners are invested with the general superintendence and control of the county roads and structures within their respective counties, and may establish new roads, change and discontinue old roads, and keep the same in good repair in the manner herein provided. They shall be responsible for establishing the width and grade of such roads and structures in their respective counties; provided, however, the width of the rights-of-way of all public roads hereafter established shall be not less than sixty-six feet.

*History.*—Comp. §42, ch. 29965, 1955.

**336.03 County engineer; duties and compensation.**—The commissioners may employ a county engineer, whenever in the judgment of the commissioners the work and affairs of the county require the attention and services of such engineer. The county engineer shall have general supervision and control of all road work of the county, subject only to the order of the board of county commissioners. The compensation of the engineer shall be fixed by the

county commissioners, and shall be payable out of the county general fund.

*History.*—Comp. §43, ch. 29965, 1955.

**336.04 Superintendent of county roads; duties and compensation.**—The commissioners may appoint an experienced and competent road builder, who shall be known as the superintendent of public roads. All work on the public roads of the county, outside of cities and towns, shall be under the supervision of such superintendent, who shall be responsible to and subject to the direction of the commissioners. The compensation of the superintendent shall be fixed by the commissioners.

*History.*—Comp. §44, ch. 29965, 1955.

**336.05 Naming of county roads.**—

(1) The commissioners are authorized to name and rename streets and roads (except state roads designated by number by the department), lying outside the boundaries of any incorporated municipality.

(2) The commissioners are authorized to refuse to approve for recording any map or plat of a subdivision when recording of such plat would result in duplication of names of streets or roads.

*History.*—Comp. §45, ch. 29965, 1955.

**336.06 Sign boards to be placed at public road crossings.**—The commissioners may cause mile posts to be erected on all public roads under their jurisdiction, and may place at all crossings and intersections a sign board with proper indicating marks pointing in each direc-



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tion to the city, town, village or community which such roads enter; giving the number of miles in each direction; with lettering in black color on a white background, the letters and figures to be not less than three inches high.

History.—Comp. §46, ch. 29965, 1955.

### 336.07 Establishing new or changing old road; petition; procedure.—

(1) No public road may be established, changed or discontinued except on application to the commissioners, unless otherwise provided herein. Such application may be made by petition duly signed by citizens, freeholders living in the vicinity of the road sought to be established or changed.

(2) When a new road is to be established, or an old road changed, the commissioners shall issue an order to three disinterested freeholders in the county to view and mark out the best route for such proposed road, who shall subscribe to an oath to perform their duties faithfully; provided, such persons shall not receive any compensation for such services. After the route is marked out and their report is accepted, the commissioners shall make an order for the opening of said new road or changed road, after giving thirty days notice thereof, by posting such notice at the courthouse and at some public place nearest the road sought to be changed or established; and if the road so laid out shall pass through the lands of any persons who shall object to or consider themselves aggrieved by the same, and the commissioners and the persons aggrieved cannot agree upon a reasonable compensation to be paid out of the county treasury to any such aggrieved person, then the commissioners may proceed under chapter 73, to acquire such lands by eminent domain. The commissioners shall order the damages assessed to be paid out of the county treasury, together with all costs of the proceedings. All new roads laid out and established shall be run as near as practicable upon section lines and subdivisions thereof.

History.—Comp. §47, ch. 29965, 1955.

### 336.08 Relocation or change of roads.—

Subject to the approval of the commissioners, the superintendent of roads may relocate or change any part of a public road where, in his judgment, such relocation or change will prove advantageous to public travel; provided, however, that any such change or relocation shall be subject to the same proceedings as control the original establishment or location of a public road.

History.—Comp. §48, ch. 29965, 1955.

### 336.09 Closing and abandonment of roads; authority.—

(1) The commissioners, with respect to property under their control may in their own discretion, and of their own motion, or upon the request of any agency of the state, or of the federal government, or upon petition of any person or persons, are hereby authorized and empowered to:

(a) Vacate, abandon, discontinue and close any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof, other than a state or federal highway, and to renounce and disclaim any right of the county and the public in and to any land in connection therewith;

(b) Renounce and disclaim any right of the county and the public in and to any land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes, other than lands acquired for state and federal highway; and

(c) Renounce and disclaim any right of the county and the public in and to land, other than land constituting, or acquired for, a state or federal highway, delineated on any recorded map or plat as a street, alleyway, road or highway.

(2) The commissioners, upon such motion, request, or petition, may adopt a resolution declaring that at a definite time and place a public hearing will be held to consider the advisability of exercising the authority granted in this section.

History.—Comp. §49, ch. 29965, 1955.

### 336.10 Same; publication of notice.—

Before any such road shall be closed and vacated, or before any right or interest of the county or public in any land delineated on any recorded map or plat as a road shall be renounced and disclaimed, the commissioners shall hold a public hearing, and shall publish notice thereof, one time, in a newspaper of general circulation in such county at least two weeks prior to the date stated therein for such hearing. After such public hearing, any action of the commissioners, as herein authorized, shall be evidenced by a resolution duly adopted and entered upon the minutes of the commissioners. The request of any agency of the state, or of the United States, or of any person, to the commissioners to take such action shall be in writing and shall be spread upon the minutes of the commissioners; provided, however, that the commissioners of their own motion and discretion, may take action for the purposes hereof. Notice of the adoption of such a resolution by the commissioners shall be published one time, within thirty days following its adoption, in one issue of a newspaper of general circulation published in the county. The proof of publication of notice of public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the county.

History.—Comp. §50, ch. 29965, 1955.

### 336.11 Same; ratification of prior actions.—

The actions by the commissioners, heretofore taken, closing, vacating or abandoning any road as herein described, and appearing in the minutes of such commissioners, are hereby ratified, approved and confirmed in all respects, and such roads are declared closed, vacated



**335.04 Functional classification of roads; designation of state and local responsibilities.—**

(1)(a) The department has the responsibility of data collection for planning and functional classification purposes and shall evaluate and functionally classify all the public roads in the state. Each road shall be assigned to the appropriate public road system, as defined in s. 334.03, on the basis of its functional classification.

(b)1. Beginning July 1, 1982, the department shall evaluate and classify every public road at least once every 5 years. The functional evaluations shall consider the character of service of the roads in relation to the total public road system, including traffic volume, route length, truck volumes, mobility, land access, and other significant factors. The factors which are used in such evaluations shall include, but not be limited to, quantitative criteria and shall be adopted by rule pursuant to chapter 120. The department shall hold a public hearing in the county affected as an integral part of its evaluation procedures in order to receive public input prior to making any final determination of classification.

2. When the department determines that a public road has changed function, it shall within 30 days notify the affected governmental entities in writing. A transfer of responsibility between local governmental entities as the result of functional classification requirements shall be accomplished on a schedule mutually agreed upon by such governmental entities; however, such transfer shall occur no later than 3 years after the date the governmental entities are notified.

3. Any road for which responsibility is being transferred from the department to a county or municipality shall be brought to a physical condition commensurate with contemporary roads of like age and existing functional classification within that county or municipality. Any bridge for which responsibility is being transferred from the department to a county or municipality and which has a projected life expectancy, as determined by the latest department "Structural Inventory and Appraisal Report," of less than 10 years may not be transferred until rehabilitation or reconstruction of that bridge has been performed at the expense of the state to ensure a 10-year life expectancy subsequent to the date of transfer. Prior to the transfer of a road or bridge from the department to a county or municipality, the department shall notify such county or municipality of the pending transfer by certified mail, return receipt requested. The county or municipality shall have 30 days after receipt of such notice to file an objection with the department concerning the physical condition of the road or the life expectancy of the bridge to be transferred to a county or municipality from the state. If no objection is received by the department, the road or bridge shall be transferred. If an objection is received and the department and the county or municipality are unable to agree on the physical condition of the road or on the life expectancy of the bridge, either party shall have the right to administrative and judicial review as provided in chapter 120. The requirement relating to the physical condition of roads at the time of transfer may be waived upon mutual consent.

4. After July 1, 1982, the department, if requested by cities or counties, shall, within a reasonable period

not to exceed 1 year, perform functional evaluations of specific roads utilizing the criteria referred to in this subsection, and the transfers resulting from such evaluations shall be accomplished as provided in this subsection.

(c) All obligations of the department, a county, or a city, under any maintenance, utility, or railroad crossing agreement or other such agreement, relating to any specific road to be transferred, shall be transferred at the same time and in the same manner as jurisdictional responsibility. Transfers of functionally classified roads to and from state jurisdiction shall be deemed to have occurred upon approval of the secretary of the Department of Transportation, provided that the department shall have provided at least 30 business days advance notification to the affected county or municipality of the intended transfer.

(2) The department and local governmental entities shall have the responsibility for the operation and maintenance of the roads under their respective jurisdictions, except as otherwise provided by law. The responsibility of a county for the operation and maintenance of any roads under its jurisdiction that extend into and through any incorporated area is limited to the roadbed, curbs, culverts, drains, and other drainage appurtenances and does not include sidewalks and any other ways in existence at the time of transfer that are open to the public within the right-of-way of the road. The department and local governmental entities may enter into such agreements as are deemed necessary and convenient for the proper exercise of their responsibilities provided herein; however, the department shall not maintain any facilities which are located off the State Highway System.

(3) Local governmental entities shall sign an agreement with the department which requires them to maintain in accordance with approved federal guidelines any road or portion thereof under their respective jurisdiction which was constructed with federal assistance and is located on a federal-aid system.

(4) Any toll facility administered by the department shall remain under department administration pursuant to the terms of the trust indenture. Toll facilities administered by cities or counties shall be transferred to another jurisdiction only upon mutual agreement of the concerned parties.

(5) The department shall establish and distribute to local jurisdictions quantitative parameters as may apply to "arterial roads" within the definition established by s. 334.03(1).

(6) If, as a result of the functional classification of a road pursuant to this section, a municipality would otherwise be required to assume the operation and maintenance responsibility of a mechanically operated bridge over the Florida Intracoastal Waterway in addition to the road attendant to such bridge, and if, prior to such functional classification, the bridge had been constructed, operated, and maintained with funds of a governmental entity other than that municipality, then the bridge and roadway shall continue to be operated and maintained by, and be within the jurisdiction of, that governmental entity. Further, the provisions of this subsection shall be applicable to all transfers or attempted transfers of responsibility pursuant to functional classification in

## CHAPTER 335

## HIGHWAY SYSTEM

## 335.01 Designation and systemization of public roads.—

(1) All roads which are open and available for use by the public and dedicated to the public use, according to law or by prescription, are hereby declared to be, and are established as, public roads.

(2) Public roads shall be divided into four systems:

- (a) The State Highway System;
- (b) The State Park Road System;
- (c) The county road system; and
- (d) The city street system.

History.—s. 25, ch. 23965, 1955; s. 6, ch. 77-165, s. 31, ch. 84-309.

## 335.02 Authority to designate transportation facilities and rights-of-way and establish lanes; procedure for redesignation and relocation.—

(1) The department shall have the authority to locate and designate certain transportation facilities as part of the State Highway System and to construct and maintain them with funds available to the department. Any transportation facility when so located and designated shall become the property of the state and shall be under the jurisdiction and control of the department. Such a transportation facility may not be redesignated or relocated until after a public hearing is conducted by the department in each county affected. Reasonable notice of the hearing shall be published in a newspaper of general circulation in such county 14 days prior to the hearing in addition to any other notice required by law. Any interested party shall have the opportunity to be heard either in person or by counsel and to introduce testimony in such person's behalf at the hearing.

(2) The department may survey and locate the line or route of any existing or proposed transportation facility or section thereof designated as part of the State Highway System or the line or route of any transportation corridor designated by the department. When locating the line or route, the department shall consider the availability of property currently owned by this state. Right-of-way maps used for the acquisition of real property rights and adopted by the department shall, upon completion of monumentation, be filed in accordance with chapter 177 in the office of the clerk of the circuit court in the appropriate county.

(3) The department may establish standards for lanes on the State Highway System, including the Florida Intrastate Highway System established pursuant to s. 338.001. The standards may include the maximum number of lanes to be provided by state funds and access requirements for such facilities.

History.—s. 26, ch. 23965, 1955; s. 1, ch. 59-224, ss. 23, 35, ch. 69-106; s. 1, ch. 69-188, s. 2, ch. 77-416, s. 56, ch. 78-95, s. 137, ch. 79-400, s. 32, ch. 84-309, s. 30, ch. 85-160, s. 1, ch. 85-183, s. 12, ch. 86-169, s. 22, ch. 95-257.

## 335.0415 Public road jurisdiction and transfer process.—

(1) The jurisdiction of public roads within the state, county, and municipal road system shall be that which exists on July 1, 1995.

(2) Notwithstanding any provision of law to the contrary, any change of the jurisdiction of a public road subsequent to July 1, 1995, shall be governed by the provisions set out herein.

(3) Public roads may be transferred between jurisdictions only by mutual agreement of the affected governmental entities.

(4) Decisions to transfer public roads to or from the State Highway System which occur after July 1, 1995, shall be based upon the consideration of criteria including but not limited to the following:

- (a) National defense needs;
- (b) Travel to and through urban areas;
- (c) Access to intermodal facilities including but not limited to airports, seaports, major terminals and transfer points;
- (d) Access to regional public facilities; and
- (e) Disaster preparedness and emergency evacuation.

(5) In order to take effect, all transfers of public roads to or from the State Highway System must be by mutual agreement of the affected governmental entities and approved by the secretary of the Department of Transportation.

History.—s. 34, ch. 95-257.

## 335.055 Routine maintenance contracts.—

(1) The Department of Transportation may enter into contracts with counties and municipalities to perform routine maintenance work on the State Highway System within the appropriate boundaries.

(2) Each county or municipality which completes the work described in subsection (1) shall be relieved from any tort liability arising after completion of such work if the completed project conforms to the standards of the contract as agreed to by the department.

(3) Each county or municipality shall be entitled to receive payment or reimbursement from the department, in accordance with the contract, if the work is completed to the standards of the contract as agreed to by the department.

(4) Nothing contained in this section shall impair, suspend, contract, enlarge, extend, or affect in any manner the powers and duties of the department.

History.—s. 1, ch. 87-164.

## 335.06 Access roads to the state park system.—

Any road which provides access to property within the state park system shall be maintained by the department if the road is a part of the State Highway System or shall be maintained by the appropriate county or municipality if the road is a part of the county road system.

authorized to construct and maintain pedestrian walks, ways, fishing walks, or fishing bays on public bridges; under its jurisdiction whenever it is deemed necessary to do so in the interest of safety.

History.—s. 4, ch. 84-309.  
Note.—Former s. 339.27(5).

## 335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(1)(a) Bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into state, regional, and local transportation plans and programs. Bicycle and pedestrian ways shall be established in conjunction with the construction, reconstruction, or other change of any state transportation facility, and special emphasis shall be given to projects in or within 1 mile of an urban area.

(b) Notwithstanding the provisions of paragraph (a), bicycle and pedestrian ways are not required to be established:

- 1. Where their establishment would be contrary to public safety;
- 2. When the cost would be excessively disproportionate to the need or probable use;
- 3. Where other available means or factors indicate an absence of need.

(2) The department shall establish construction standards and a uniform system of signing for bicycle and pedestrian ways.

(3) The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.

History.—ss. 1, 2, 4, 5, ch. 73-339; s. 5, ch. 84-284; s. 38, ch. 84-309; s. 26, ch. 85-180; s. 163, ch. 94-356.

## 335.07 Sufficiency rating system for roads on State Highway System.—

(1) The department shall adopt a sufficiency rating system for roads on the State Highway System.

(2) Such system shall include, but shall not be limited to, the consideration of the following factors:

- (a) Structural adequacy;
- (b) Safety; and
- (c) Service.

(3) The determination of rating, at a minimum, shall take into consideration the volume of traffic using the roads and the minimum engineering standards required to safely accommodate such volume of traffic; the age of the roads; the width of pavement and shoulders; the number and degree of curves, both horizontal and vertical.

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out of state road funds to the universities under all such contracts an amount not to exceed thirty thousand (\$30,000) dollars per year.

Section 24. Seal of board.—The board shall adopt and use a common seal, and a certificate under seal of the board signed by the chairman, or as otherwise provided by regulation of the board, shall constitute sufficient evidence of the action of the board.

Section 25. Designation of state roads.—

(1) All public roads open to travel by the public generally and dedicated to the public use, according to law or by prescription, and roads which are constructed out of public funds and dedicated for general public usage and all extensions thereof, and connections thereto are hereby designated and declared to be and are established as state roads.

→ (2) State roads shall be divided into four (4) classes:

- (a) the state highway system;
- (b) the state park road system;
- (c) the county road systems; and
- (d) the city street systems.

Section 26. Authority to designate the state highway system.—

(1) The board shall have authority to locate and designate certain roads as state roads in the state highway system and construct and maintain the same with funds which are now or which may hereafter become available from the state or from the state and federal government. Such roads when so located and designated shall become the property of the state, and shall be under the jurisdiction and control of the board.

(2) The board may determine and fix the lines and locations of such roads between the cities and places thereon. The department may survey and locate the line or route of any road or section of any road, designated as part of the state highway system. Whenever such survey and location shall be made and adopted by the board, a map or plat of such survey and location, certified by the director, shall be filed in the office of the clerk of the circuit court of each county through which such state road, or section thereof, so surveyed and located, shall run.



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# TITLE XXIV

## HIGHWAYS, BRIDGES AND FERRIES

### CHAPTER 334

#### FLORIDA HIGHWAY CODE, FIRST PART

##### Highway Administration

- 334.01 Short title.
- 334.02 Declaration of legislative intent.
- 334.03 Definition of words and phrases.
- 334.04 State road department established.
- 334.05 Headquarters of department; rental of office room, etc.
- 334.06 Road districts; state road board; members; terms; vacancies.
- 334.08 Headquarters of board; bonds of members.
- 334.09 State road board; salaries and allowances.
- 334.10 Powers and duties of chairman.
- 334.11 Coordination of highway program; duties of chairman.
- 33 Regulations of board; notice; meetings; quorum; minutes.
- 334.13 Executive director; qualifications; salary; bond, payment; duties.
- 334.14 State highway engineer, deputy and assistants; compensation and duties.
- 334.17 Engineering consulting services.
- 334.171 State to assist counties and municipalities; procedure.
- 334.18 Board to employ legal counsel.
- 334.19 Employment of comptroller and internal auditor; duties; financial records and accounts.
- 334.20 Expenditures.
- 334.21 Budget; preparation; adoption; execution; and amendment.
- 334.22 Biennial reports.
- 334.23 Annual audit by state auditor.
- 334.24 Road appraisal reports; research studies.
- 334.25 Seal of board.
- 334.26 Laws repealed.

334.01 Short title.—Chapters 334-339 may be cited as "Florida highway code of 1955."

History.—Comp. § 168, ch. 29965, 1955.

334.02 Declaration of legislative intent.—Recognizing that safe and efficient highway transportation is a matter of important interest to all the people in the state, the legislature hereby determines and declares that:

(1) An integrated system of roads and connecting urban streets is essential to the general welfare of the state.

(2) Providing of such a system of facilities, its efficient management, operation and control, is recognized as an urgent problem, and as the proper objective of highway legislation.

(3) Inadequate roads and streets obstruct the free flow of traffic; result in undue cost of motor vehicle operation; endanger the health and safety of the citizens of the state; depreciate property values and impede general economic and social progress of the state.

(4) In designating the highway systems of this state, as hereinafter provided, the legislature places a high degree of trust in the hands of those officials whose duty it shall be, within the limits of available funds, to plan, develop, operate, maintain and protect the highway facilities of this state, for present as well as for future use.

(5) To this end, it is the intent of the legislature to make the state road board custodian

of the state highway system and to provide sufficiently broad authority to enable the board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the constitution and the legislative mandate hereinafter imposed.

(6) The legislature intends to declare, in general terms, the powers and duties of the state road board, leaving specific details to be determined by reasonable rules and regulations which the board may promulgate. The legislature intends, by a general grant of authority to the state road board, to delegate sufficient power and authority to enable the board to carry out the broad objectives stated above.

(7) It is the further intent of the legislature to bestow upon local officials adequate authority with respect to the roads under their jurisdiction. The efficient management, operation and control of our county roads, city streets and other public thoroughfares are likewise a matter of vital public interest.

(8) The problem of establishing and maintaining adequate roads and streets, eliminating congestion, reducing accident frequency, providing parking facilities and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

(9) The legislature, recognizing the necessity of fixing responsibilities for the construction, maintenance and operation of the several



systems of highways, intends that the state shall have an integrated system of all roads and connecting urban streets to provide safe and efficient highway transportation throughout the state. The authority hereinafter granted to the state road board and to counties and municipalities to assist and cooperate with each other and to coordinate their activities is therefore essential.

(10) The legislature hereby finds, determines, and declares that this code is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of transportation facilities in the state, including the most effective utilization of parkways, scenic drives, residential streets and roads, elimination of hazards at grade intersections, and other related purposes, and as a contribution to the national defense.

*History.*—Comp. §1, ch. 29965, 1955; similar provisions in former §348.01.

### 334.03 Definition of words and phrases.—

The following words and phrases when used in this code shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Arterial highway."—A continuous route between urban areas having a population of 10,000 or more, also such roads as are designated federal interstate highways.

(2) "Board."—The state road board.

(3) "Chairman."—The chairman of the state road board.

(4) "Commissioners."—Board of county commissioners.

(5) "Department."—The road department of this state.

(6) "Director."—Executive director of the state road department.

(7) "Freeway."—An expressway with full control of access.

(8) "Limited access facility."—A street or highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways, from which trucks, busses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

(9) "Member."—A member of the state road board appointed by the governor.

(10) "Municipal connecting links."—City and town streets and roads, or portions thereof, including structures, that constitute routes between, or extensions of said roads in the state highway system and feeder roads from by-passed areas.

(11) "Person."—Any person, firm, partner-

ship, association, corporation, cooperation, organization or business trust.

(12) "Primary road system."—Those state roads designated by the board, under the provisions of law, as primary roads.

(13) "Road."—The term "road" shall be construed to include streets, alleys, highways, and other ways open to travel by the public, including the road bed, right-of-way, and all culverts, drains, sluices, ditches, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(14) "Right of access."—The right of ingress to a highway from abutting land and egress from a highway to abutting land.

(15) "Right-of-way."—Land in which the state, the department, a county or a municipality owns the fee or has an easement devoted to or required for the use as a public road.

(16) "Secondary road system."—Those state roads designated as hereinafter provided, consisting of connections between primary system routes and existing, new, or potential areas of economic development.

(17) "State highway system."—The system of state primary and secondary roads designated by the state road board including necessary urban connections and extensions, the responsibility for which is lodged in the state road department.

(18) "State park road system."—Roads embraced in boundaries of state parks and state roads leading to state parks other than roads of the state highway system, county roads, or municipal roads.

(19) "State roads."—All streets, roads, highways and other public ways open to travel by the public generally and dedicated to the public use, according to law or by prescription and designated by the board or the commissioners as provided by law as parts of the state highway system, including the roadbed, right-of-way, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel thereon and all ferries in connection therewith.

(20) "Structures."—Bridges, viaducts, tunnels, causeways, approaches, ferry slips, culverts, toll-houses and gates, and other similar facilities used in connection with roads.

(21) "Sufficiency rating."—The objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

*History.*—§2, ch. 29965, 1955; similar provisions in former §§341.09, 341.28, 341.61, 341.64(1), 341.81 and 348.02; (1), (11), (13), (20) a. by §1, (5) R. by §2, ch. 57-318, remaining subsections renumbered.

cf.—§335.01 State roads defined.  
§338.01(4) Definition of limited access facilities.

**334.04 State road department established.**—There is hereby established a department of government which shall be known as the state road department. The department shall be un-

## CHAPTER 335

## FLORIDA HIGHWAY CODE, SECOND PART

## State Highway System

- 335.01 Designation and classification of state roads.  
 335.02 Authority to designate roads of the state highway system.  
 335.03 Interstate highways; designation.  
 335.04 Classification of roads; standards; distinctions.  
 335.05 Certain streets designated as municipal connecting link roads.  
 335.06 State park road system.  
 335.07 Sufficiency rating of roads.  
 335.08 Numbering roads of state highway system.

- 335.09 Uniform marking and erection of signs; historical points of interest.  
 335.091 Blue Star memorial highway designation.  
 335.10 Regulation of use of state roads; civil liability for injury thereto.  
 335.11 Determination of speed.  
 335.12 Vehicle size and weight controlled.  
 335.13 Regulation of advertising signs.  
 335.14 Traffic devices on state highway system.  
 335.15 Detour roads.  
 335.16 Wayside parks and access roads to public waters.

## 335.01 Designation and classification of state roads.—

(1) All public roads open to travel by the public generally and dedicated to the public use, according to law or by prescription, and roads which are constructed out of public funds and dedicated for general public usage and all extensions thereof, and connections thereto are hereby designated and declared to be and are established as state roads.

(2) State roads shall be divided into four classes, to-wit:

- (a) the state highway system;
- (b) the state park road system;
- (c) the county road systems; and
- (d) the city street systems.

History.—Comp. §25, ch. 29965, 1955; similar provisions in former §341.81.

—§334.03, State roads, defined.

## 335.02 Authority to designate roads of the state highway system.—

(1) The board shall have authority to locate and designate certain roads as state roads of the state highway system and construct and maintain the same with funds which are now or which may hereafter become available from the state or from the state and federal government. No such federal or state roads shall be redesignated or relocated until after public hearing held thereon by the board and a member thereof designated by the chairman in each county affected after reasonable notice published in a newspaper of such county and for opportunity to any interested party to be heard either in person or by counsel and to produce testimony in their behalf at a public hearing to be held for that purpose. Such roads when so located and designated shall become the property of the state, and shall be under the jurisdiction and control of the board.

(2) The board may determine and fix the sites and locations of such roads between the cities and places thereon. The department may survey and locate the line or route of any road or section of any road, designated as part of the state highway system. Whenever such survey location shall be made and adopted by the board, a map or plat of such survey and location, certified by the director, shall be filed in the office of the clerk of the circuit court of each county through which such state

road, or section thereof, so surveyed and located, shall run.

History.—Comp. §26, ch. 29965, 1955; similar provisions in former §§341.16 and 341.47; (1) by §1, ch. 59-224. Cf.—§335.06 State park road system.

## 335.03 Interstate highways; designation.—

(1) The board shall have the powers and authority to select, in cooperation with the state highway departments of adjoining states, routes of the national system of interstate highways.

(2) The board shall have the authority to make necessary special rules and regulations to enable and assure expeditious planning and construction of the federal interstate system of highways in Florida and to take full advantage of the federal highway act of 1956, and amendments thereto. Such regulations, to apply only to the federal interstate system of highways, may provide for the budgeting and expenditure of any funds now or to be available for the purpose including all necessary state matching funds.

History.—§27, ch. 29965, 1955; similar provisions in former §341.621(4)(a); §1, ch. 57-85.

## 335.04 Classification of roads; standards; distinctions.—

(1) The board shall by regulation adopt a classification plan for all roads in the state highway system, which shall be based upon standards relating to financing, design and service. The board shall not designate a road as part of the state highway system unless the route of such road meets the requirements herein, and complies with regulations of the board.

(2) The state highway system shall be divided into the primary road system and the secondary road system and the distinction between each system shall be as prescribed herein, and as prescribed by regulations of the board.

(3) The primary road system shall be divided into arterial highways and other primary roads and, excluding the interstate system, shall be limited to eleven thousand miles. Provided, however, that the interstate system shall be entitled to all of the benefits and privileges of the state primary road system.

(a) Arterial highways shall be such roads as are designated federal interstate highways



and other roads connecting urban areas having a population in excess of ten thousand inhabitants and following a continuous and reasonably direct route between such areas, and municipal connecting links of such roads.

(b) Other primary roads shall be all federal numbered highways not designated as arterial highways and such roads that connect the county seats of adjacent counties of the state and county seats of counties of the state with county seats of adjoining states in a reasonably direct route, and municipal connecting links of such roads.

(c) Provided that the board shall have the power, at its discretion, after full public hearing, to designate any other highway on the state highway system carrying primarily through traffic and serving a need not of a local character and which would serve as an integral part of the primary system as a part of the state primary highway system.

(d) Provided further that any roads heretofore maintained at any time as a primary road shall be maintained, constructed and reconstructed as a part of the primary road system.

(4) The secondary road system shall consist of such roads selected by resolution of the county commissioners of the several counties of the state and approved by the board. Provided, no road hereafter established shall be approved as a part of the state highway system by the board with a right-of-way width of less than fifty feet and provided that the board may establish parallel one-way sections with a minimum of fifty feet.

History.—§28, ch. 29965, 1955; (3), (4) by §1, ch. 57-407; (5) by §1, ch. 59-165.

cf.—§349.07 Jacksonville expressway as part of state road system.

§334.03(12) Primary road system defined.

§334.03(16) Secondary road system defined.

### 335.05 Certain streets designated as municipal connecting link roads.—

(1) City and town streets, roads, and structures, or portions thereof, that constitute the route of connection between, or extension of, state roads in the state highway system, including feeder roads from by-passed areas and designated by the board as municipal connecting links or feeder roads shall be designated by the board as a part of the state highway system.

(2) The department shall keep a record of such municipal connecting links and feeder roads designated as part of the state highway system and shall furnish, as soon as practicable, to each affected community and county a list of such roads.

(3) The department is authorized, and required, to maintain under its control and supervision such designated municipal connecting links and feeder roads; and is authorized to enter into any and all contracts, inclusive of agreements with cities and towns, and with any federal agency of the United States, for such purposes; provided, nothing herein contained shall require the department to sweep, sprinkle

or light said municipal connecting links or feeder roads.

(4) The department, whenever it constructs or reconstructs any state road in the state highway system which enters or passes through any city or town, shall construct or reconstruct the municipal connecting link of such road to conform to the standards of construction approved by the board. Provided, however, that whenever any such municipal connecting link is constructed or reconstructed, no obligation shall rest upon the department to remove or relay any public utility.

(5) The board is authorized to provide and maintain signs and markers for the regulation of traffic and shall prescribe regulations for traffic, including traffic signal lighting, minimum and maximum speeds, and parking upon such roads. Such regulations, when made and once published in a newspaper published and having a general circulation in such city or town or posted at the city hall when there is no such newspaper, shall supersede any and all regulations relating to such traffic made by such city or town, or any laws regulating traffic upon such roads. Such regulations shall have the force and effect of law and violation of any of said regulations shall be a misdemeanor. Such regulations shall be enforced by all law enforcement officers.

(6) Before any person shall enter upon such roads, or the rights-of-way thereof, for the purpose of laying conduits, pipes, poles or wires, or making any obstruction, or any excavation, which necessitates any change in the condition or structure thereof, a permit for any such purpose must be secured from the board with the concurrence of the affected city or town where such city or town is not itself making the application for the permit; and the board is hereby authorized to prescribe rules and regulations under which such permits will be issued, and to require indemnity for any damage occasioned by the issuance of any such permit.

History.—§29, ch. 29965, 1955; similar provisions in former §341.64; (1)-(3) by §10, ch. 57-318; (3) by §1, ch. 59-141.

cf.—§334.03(10) Municipal connecting links defined.

### 335.06 State park road system.—

(1) The board is authorized to expend state road funds to construct, reconstruct, and maintain roads within the boundaries of any lands embraced within the state park system.

(2) The board is authorized to provide suitable roads leading to any lands or other property embraced within the state park system.

(3) Such roads shall be located, relocated, constructed, reconstructed, and maintained, numbered, marked and regulated in such manner as shall be agreed upon between the board and the Florida board of parks and historic memorials, and both boards are authorized to enter into such agreements.

(4) Such roads shall not be included in the state highway system unless so designated by the state road board.

History.—Comp. §30, ch. 29965, 1955; similar provisions in former §341.67.

**335.07 Sufficiency rating of roads.—**

(1) The board is authorized and required to adopt a system of sufficiency rating of roads in the state highway system.

(2) Such system shall include, but shall not be limited to, the consideration of the following factors:

- (a) Structural adequacy;
- (b) Safety, and
- (c) Service.

(3) The determination of rating accorded to such factors shall take into consideration the volume of traffic using the roads, and the minimum engineering standards required to safely accommodate such volume of traffic; age of roads; width of pavement and shoulders; number and degree of curves, both horizontal and vertical; ridability; and maintenance economy. In addition to the factors and considerations herein required, the board may prescribe by regulation other factors or considerations to be used in obtaining sufficiency rating.

History.—Comp. §31, ch. 29965, 1955.

**335.08 Numbering roads of state highway system.—**

(1) The board is authorized to number and renumber the roads of the state highway system, and to reduce the total numbers of same as far as practicable.

(2) The board may establish a systematic numbering plan, giving even numbers to roads extending in the general direction of east and west, and odd numbers to roads extending in the general direction of north and south.

History.—§32, ch. 29965, 1955; similar provisions in former §341.65(1); (2) by §11, ch. 57-318.

**335.09 Uniform marking and erection of signs; historical points of interest.—**

(1) The department shall erect suitable road signs indicating the distance between cities and towns, and markers showing the numbers assigned to each road in the state highway system. Such system of marking shall correlate with, and, as far as possible, shall conform to the recommendations of the manual on traffic control devices as adopted by the American association of state highway officials.

(2) The department may erect and maintain along the state highway system signs indicating the historical points of interest.

(3) On state maintained roads outside municipalities where no sidewalks are provided, the state road department shall, where practicable, erect signs warning pedestrians to walk on the left side of the road facing traffic.

History.—§33, ch. 29965, 1955; similar provisions in former §§341.38 and 341.65(2); (3) n. by §2, ch. 59-96.

**335.091 Blue Star memorial highway designation.—**

(1) The chairman of the state road department, in cooperation with the Florida federation of garden clubs, inc., is hereby authorized to designate certain roads and highways in Florida as "Blue Star memorial highway."

(2) It shall be the duty of the executive board of the Florida federation of garden clubs, inc., to submit to the chairman of the state road department routes on certain roads and highways in the state to be designated Blue Star memorial highway. Upon such designation, member clubs of the Florida federation of garden clubs, inc., may, with the advice, cooperation and approval of the state road department, erect suitable markers and beautify said memorial highway.

(3) The chairman of the state road department shall file with the secretary of state a record of such roads and highways so designated as Blue Star memorial highway.

History.—§§1-3, ch. 59-77.

**335.10 Regulation of use of state roads; civil liability for injury thereto.—**

(1) The department shall prevent use of, and traffic on, the state highway system and the state park road systems that might injure or destroy the same.

(2) Any person shall be civilly liable to the department for the actual damage to a road in such systems by reason of his wrongful act, which damage may be recovered by suit, and when collected shall be paid into the state treasury to the credit of the state roads trust fund.

History.—Comp. §34, ch. 29965, 1955; similar provisions in former §341.24; (2) a. by §2, ch. 61-119.

**335.11 Determination of speed.—**The board, with respect to the state highway and the state park road system shall conduct an investigation and determine safe speed limits as provided under chapter 317.

History.—§35, ch. 29965, 1955; §12, ch. 57-318.

**335.12 Vehicle size and weight controlled.—**

(1) The board, with respect to the state highway and state park road systems may:

(a) Limit the use of highways and enforce limitations as to weight, load and size of vehicles as provided for under chapters 317, 320, 323, and 861;

(b) Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for in §§317.81 and 320.40;

(c) Prohibit the operation or impose restrictions on vehicular use of certain highways because of hazardous conditions existing thereon as provided for under §317.82.

History.—Comp. §36, ch. 29965, 1955.

**335.13 Regulation of advertising signs.—**

(1) No person shall erect any billboard or advertisement adjacent to the right-of-way of the state highway system, outside the corporate limits of any city or town, except as provided for in chapter 479.

(2) No person shall erect any billboard, advertisement, advertising signs, advertising structures or lights within the right-of-way limits of any road in the state road system, the state road park system or the county road system or any municipal connecting link there-



of. The chairman shall have the authority to direct immediate removal of any violations of the above section; provided, however, that in the event the value of the billboard, advertisement, advertising signs, advertising structures or lights have a value greater than one hundred dollars and bears thereon the name of the owner no such billboards, advertisement, advertising signs, advertising structures or lights shall be removed until the owner thereof, as shown thereon, shall have received a thirty-day notice as provided by chapter 479.

*History.*—Comp. §37, ch. 29965, 1955.

**335.14 Traffic devices on state highway system.**—The board shall designate and prescribe the location, form and character of informational, regulatory and warning sign, curb and pavement or other markings and traffic signals installed or placed by any public authority, or other agency, upon any road in the state highway or state park road systems. No such sign, marking or signal shall be located or placed without the approval of the board, and, if a federal aid road, the additional concurrence of the United States commissioner of public roads. Any sign, marking or signal placed without the approval of the board (with concurrence of the United States commissioner of public roads where required) may be removed, without payment to the erecting authority, if, upon request of the board said erecting authority refuses to remove such sign, marking or signal.

*History.*—§38, ch. 29965, 1955; similar provisions in former §341.621(4)(c); §13, ch. 57-318.

**335.15 Detour roads.**—

(1) Whenever any road or structure in the state highway system shall be repaired, reconstructed, relocated or in anywise altered, in such a manner as necessitates the closing of such road or structure to use by the public, the department shall provide a detour road to afford a safe means of travel around such road or structure so closed. The department may use as a part of such detour road any other existing road. The length of the detour route shall be as short as may be practicable.

(2) The provision of subsection (1) of this section shall not be construed to prevent the board from adopting regulations for one-way travel for a distance not in excess of one mile.

(3) The provisions of this section shall be applicable in all cases, whether the work provided for in subsection (1) shall be done by the department, or at its direction or under its supervision.

(4) The provisions of this section shall not apply where the same would be contrary to the regulations or requirements of any federal agency providing all or a part of the funds for any such work.

(5) This section shall not apply in cases of emergency highway work caused by act of God or other sudden, unexpected event.

*History.*—Comp. §39, ch. 29965, 1955; similar provisions in former §341.74.

**335.16 Wayside parks and access roads to public waters.**—

(1) The board is authorized to adopt regulations and to expend state road funds for the establishment, construction, reconstruction, and maintenance of wayside parks, boat ramps and other park facilities on and near the edge of public waters and/or along the state highway system.

(2) The board is authorized to adopt regulations and to expend state road funds for the establishment, construction, reconstruction and maintenance of those access roads which extend from a state road to a wayside park, boat ramp or other park facilities which are contiguous to said state road.

(3) The board is authorized to acquire such rights of way for the above purposes as the board may deem necessary by gift or purchase, but not by condemnation.

(4) Such access roads leading to public waters, as described in subsection (2), shall be included in the appropriate state road system as determined by the state road board.

*History.*—§40, ch. 29965, 1955; similar provisions in former §§141.01 and 141.03; §1, ch. 59-227.

tion or flood control district organized under the laws of this state, any person, firm or corporation, is authorized to contribute to the cost of such mapping by depositing with the State Road Department such amounts as may be determined to be applied in like manner toward topographic mapping in this state as set forth in Section 1 hereof.

Section 3. The State Road Department of Florida, the Trustees of the Internal Improvement Fund of the State of Florida, and Central and Southern Florida Flood Control District are hereby authorized to make such arrangements or enter into such agreements with the United States as may be necessary to carry out the purposes of this Act.

Section 4. The Commissioner of Agriculture of the State of Florida, as and when copies of topographic maps are made available to him, shall file maps in the same manner as other plats and maps of the land surveys by the United States, and said maps shall be available for examination by any interested person, and said Commissioner may supply duplicates or photostat copies thereof to persons applying therefor for a charge to be determined by said Commissioner.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall take effect on July 1, 1957.

Approved by the Governor June 20, 1957.

Filed in Office Secretary of State June 20, 1957.

#### CHAPTER 57-776

#### HOUSE BILL NO. 1071

AN ACT to amend Sections 336.02, 336.05, 336.06, 336.08, 336.35 and repeal Section 336.07, Florida Statutes, relating to the powers of the boards of county commissioners with reference to county roads; authorizing the approval of plats; erection of traffic control and erection of traffic signals; the establishment, location, change or discontinuance of public county roads; providing for reconstruction, repair, replacement of such county roads and providing for an effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. Section 336.02, Florida Statutes, is amended to read:

336.02 *Responsibility for county road system.*—The county commissioners are invested with the general superintendence and control of the county roads and structures within their respective counties, and may establish new roads, change and discontinue old roads, and keep the same in good repair in the manner herein provided. They shall be responsible for establishing the width and grade of such roads and structures in their respective counties.

Section 2. Subsection (2) of Section 336.05, Florida Statutes, is amended to read:

336.05 *Naming of county roads.*—

(2) The commissioners are authorized to refuse to approve for recording any map or plat of a subdivision when recording of such plat would result in duplication of names of streets or roads or when said plat, in the opinion of said commissioners, will not provide adequate and safe access or drainage.

Section 3. Section 336.06, Florida Statutes, is amended to read:

336.06 *Sign boards to be placed at public road crossings.*—

The commissioners may cause mile posts, traffic control and directional signal, signs to be erected on all public roads under their jurisdiction, and may place at all crossings and intersections a sign board with proper indicating marks pointing in each direction to the city, town, village or community which such roads enter; giving the number of miles in each direction; with lettering in black color on a white background, the letters and figures to be not less than three (3) inches high.

Section 4. Section 336.07, Florida Statutes, is hereby repealed.

Section 5. Section 336.08, Florida Statutes, is amended to read:

336.08 *Relocation or change of roads.*—

The board of county commissioners may establish, locate, change or discontinue public county roads, by resolution.

Section 6. Section 336.35, Florida Statutes, is amended to read:

336.35 *Construction of additional roads and bridges.*—

After the construction of the improvements provided by the special election, creating any special road and bridge district, the res-

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# TITLE XXIV

## HIGHWAYS, BRIDGES AND FERRIES

### CHAPTER 334

#### FLORIDA HIGHWAY CODE, FIRST PART

##### Highway Administration

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334.01 Short title.—Chapters 334-339 may be cited as "Florida highway code of 1955."  
History.—Comp. §168, ch. 29965, 1955.

334.02 Declaration of legislative intent.—Recognizing that safe and efficient highway transportation is a matter of important interest to all the people in the state, the legislature hereby determines and declares that:

(1) An integrated system of roads and connecting urban streets is essential to the general welfare of the state.

(2) Providing of such a system of facilities, its efficient management, operation and control, is recognized as an urgent problem, and as the proper objective of highway legislation.

(3) Inadequate roads and streets obstruct the free flow of traffic; result in undue cost of motor vehicle operation; endanger the health and safety of the citizens of the state; depreciate property values and impede general economic and social progress of the state.

(4) In designating the highway systems of this state, as hereinafter provided, the legislature places a high degree of trust in the hands of those officials whose duty it shall be, within the limits of available funds, to plan, develop, operate, maintain and protect the highway facilities of this state, for present as well as for future use.

(5) To this end, it is the intent of the legislature to make the state road board custodian

of the state highway system and to provide sufficiently broad authority to enable the board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the constitution and the legislative mandate hereinafter imposed.

(6) The legislature intends to declare, in general terms, the powers and duties of the state road board, leaving specific details to be determined by reasonable rules and regulations which the board may promulgate. The legislature intends, by a general grant of authority to the state road board, to delegate sufficient power and authority to enable the board to carry out the broad objectives stated above.

(7) It is the further intent of the legislature to bestow upon local officials adequate authority with respect to the roads under their jurisdiction. The efficient management, operation and control of our county roads, city streets and other public thoroughfares are likewise a matter of vital public interest.

(8) The problem of establishing and maintaining adequate roads and streets, eliminating congestion, reducing accident frequency, providing parking facilities and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

(9) The legislature, recognizing the necessity of fixing responsibilities for the construction, maintenance and operation of the sev-



tems of highways, intends that the state shall have an integrated system of all roads and connecting urban streets to provide safe and efficient highway transportation throughout the state. The authority hereinafter granted to the state road board and to counties and municipalities to assist and cooperate with each other and to coordinate their activities is therefore essential.

(10) The legislature hereby finds, determines, and declares that this code is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of transportation facilities in the state, including the most effective utilization of parkways, scenic drives, residential streets and roads, elimination of hazards at grade intersections, and other related purposes, and as a contribution to the national defense.

History.—Comp. §1, ch. 29965, 1955.

**334.03 Definition of words and phrases.**—The following words and phrases when used in this code shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Arterial highway."—A continuous route between incorporated areas having a population of 10,000 or more and such roads as are designated federal interstate highways.

(2) "Board."—The state road board.

(3) "Chairman."—The chairman of the state road board.

(4) "Commissioners."—Board of county commissioners.

(5) "County road system."—The system of state roads outside of municipalities not included in the state primary, state secondary, and state park road systems, and such municipal connecting links as may be agreed upon between the county commissioners and municipal officials.

(6) "Department."—The road department of this state.

(7) "Director."—Executive director of the state road department.

(8) "Freeway."—An expressway with full control of access.

(9) "Limited access facility."—A street or highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways, from which trucks, busses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

(10) "Member."—A member of the state road board appointed by the governor.

(11) "Municipal connecting link roads."—and town streets and roads, or portions

thereof, including structures, that constitute the route of connection between, or extension of, state roads in the state highway system, or of state roads in the county road system.

(12) "Person."—Any person, firm, partnership, association, corporation, cooperation, organization or business trust.

(13) "Primary road system."—Those state roads designated by the board which shall include all arterial highways and federally numbered roads, roads connecting county seats of adjacent counties, and municipal connecting links of all such roads.

(14) "Road."—The term "road" shall be construed to include streets, alleys, highways, and other ways open to travel by the public, including the road bed, right-of-way, and all culverts, drains, sluices, ditches, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(15) "Right of access."—The right of ingress to a highway from abutting land and egress from a highway to abutting land.

(16) "Right-of-way."—Land in which the state, the department, a county or a municipality owns the fee or has an easement devoted to or required for the use as a public road.

(17) "Secondary road system."—Those state roads designated as hereinafter provided, consisting of connections between primary system routes and existing, new, or potential areas of economic development.

(18) "State highway system."—The system of state primary and secondary roads designated by the state road board including necessary urban connections and extensions, the responsibility for which is lodged in the state road department.

(19) "State park road system."—Roads embraced in boundaries of state parks and state roads leading to state parks other than roads of the state highway system, county roads, or municipal roads.

(20) "State roads."—All public roads open to travel by the public generally and dedicated to the public use, according to law or by prescription.

(21) "Structures."—Bridges, viaducts, tunnels, causeways, approaches, ferry slips, culverts, toll-houses and gates, and other similar facilities used in connection with roads.

(22) "Sufficiency rating."—The objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

History.—Comp. §2, ch. 29965, 1955.

**334.04 State road department established.**—There is hereby established a department of government which shall be known as the state road department. The department shall be un-