

HOUSE BILL NO. 10
69th GENERAL ASSEMBLY:
FEDERAL HIGHWAY:

The term "federal highway" means
only those which are marked as
U. S. routes.



August 8, 1957

Colonel Hugh H. Waggoner, Superintendent
Missouri State Highway Patrol
State Office Building
Jefferson City, Missouri

Dear Colonel Waggoner:

In your recent request for an official opinion from this office you inquired about the meaning of House Bill No. 10, passed by the 69th General Assembly, and stated your inquiry as follows:

"This bill does not define the term 'federal highway'. It is respectfully requested that you inform us if the term 'federal highway' applies only to those highways marked with the U. S. route markers or if it includes any highway on which federal funds have been expended for construction or maintenance."

There are no federal highways, as such, that is, none in the sense that the Federal Government owns, controls, etc. The U. S. routes are part of an interstate system; they are determined and decided upon by the joint action of the state highway officials of the various states and the department of commerce. The state highway officials act through the American Association of State Highway Officials; the Commerce Department acts through its Bureau of Public Roads. All of the U. S. marked highways in the State of Missouri are state highways and can be and, presumably, in some cases are part of the state highway system. The state highway system is provided for in Section 227.020.

The case of Sternberg Dredging Company v. Walling, 158 Fed. 2d 678, is authority for the proposition that in the

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interpretation of a statute its words are to be taken according to the meaning given them in common usage, unless to do so produces an absurd result or one which defeats the purpose for which the act was passed.

A further general rule in the interpretation of a statute is that in ascertaining legislative intention reference should be had to the policy adopted by the legislature in reference to the particular subject matter, the object of the statute, and the mischief sought to be prevented or remedied. *State ex rel Lentine v. State Board of Health*, 65 S.W. 2d 943.

The courts will also, in determining the meaning of a statute, consider the particular mischief to be remedied and the history of the period and of the act itself. See *State ex rel Rippey v. Forrest*, 162 S.W. 2d 706.

The cases of *Betts v. Kansas City Southern Railway*, 284 S.W. 455; *Hannibal Trust Company v. Elzea*, 286 S.W. 371; *Christy v. Petrus*, 295 S.W. 2d 122; *State ex rel Jack Frost Abattoirs, Inc. v. Steinbach*, 274 S.W. 2d 588, are a few which are authority for the proposition that in construing statutes words of common use are to be construed in their natural and ordinary meaning. We think there can be no doubt but that the common understanding of the general public, when they speak of or read the term "federal highway" is that which means one marked with the U. S. highway sign.

The conviction that the legislature, in using the term "federal highways," meant only the marked U. S. routes becomes more firm upon a study of the act in question because, as you mentioned in your inquiry, federal funds are used on countless scores of our secondary roads, so-called farm to market roads, and others. Significant, too, we think, is the fact that the highway department has made an administrative interpretation that "federal highways" means only those marked as U. S. routes through the state. We think there can be no question but what these, and these only, are the ones that the legislature had in mind when they used the term "federal highway."

CONCLUSION

Thus, from the provisions of the act itself, from the history of the so-called speed law in our state, from the

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general public's understanding of the term "federal highway" and from an application of the rules laid down in the above cited cases, we think that there can be no question but that the legislature, in using the term "federal highway," meant only those which are marked as U. S. routes.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Russell S. Noblet.

Very truly yours,

John M. Dalton
Attorney General

RSN:lc