

CHAPTER 160.

[S. B. 116.]

STATE HIGHWAYS.

AN ACT relating to the acquirement of lands for rights of way and drainage of and unobstructed vision for state highways and for the purpose of securing sand pits, gravel pits, borrow pits, stone quarries and maintenance camp sites, and rights of way to gain access thereto, amending section 6766 of Remington's Compiled Statutes, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

Amends § 6786, Pierce's Code.

SECTION 1. That Section 6766 of Remington's Compiled Statutes as amended by Chapter 139 of the Laws of 1923 of Washington be amended to read as follows:

Lands for right of way, drainage, to afford view of railway crossing or other point of danger to public travel, or sand, gravel or borrow pits and quarries.

Section 6766. Whenever it is necessary to secure any lands for a right of way for a state highway, or for the drainage thereof or so as to afford unobstructed vision therefor toward any railway or another highway crossing or any point of danger to public travel or another highway crossing or any point of danger to public travel or for the purpose of acquiring sand pits, gravel pits, borrow pits and stone quarries for the construction or maintenance, or both, or any site for the erection upon and use as a maintenance camp, of any state highway together with right of way to reach such property and gain access thereto, the state highway engineer is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands the action shall be brought in the name of the state under the provisions of Sections 891 to 900, both inclusive, of this code, and in such action the selection of the lands by the state highway engineer shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge

Highway engineer to acquire by purchase or condemnation.

Eminent domain.

§§ 7661-70, Pierce's Code.

Selection by highway engineer conclusive.

before which the action is brought that said lands are for a public use for the purpose sought. The cost of such lands may be paid from the fund apportioned to the state road for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries and maintenance camp sites are acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any state road to have additional land for drainage thereof or to afford unobstructed vision therefor toward any railway or another highway or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit or stone quarry necessary to be located within any such public lands of the state together with any necessary right of way to reach such property and gain access thereto, the state highway engineer shall file in the office of the commissioner of public lands a map showing the location of such road over and across such lands or the area needed for drainage thereof or for unobstructed vision as above provided therefor, or the location of any such sand pit, gravel pit, stone quarry or maintenance camp site together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map the easement for such right of way or for such area for drainage thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit or stone quarry or for the erection and occupancy of any such maintenance camp together with any such required right of way thereto, shall be reserved to the state and such land

Lands are for a public use.

Funds from which cost payable.

Across public lands.

Highway engineer's duty.

when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional area for drainage or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit or stone quarry together with any such required right of way thereto and to the right in the state to use and remove materials therefrom for the construction and maintenance of any state road, and subject to the occupancy and use of any such maintenance camp site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry or maintenance camp site it shall be the duty of the state highway engineer forthwith to so certify to the commissioner of public lands, and from and after receipt and filing of such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from state use and occupancy for such purposes.

When no longer required freed from state use.

Emergency.

SEC. 2. An emergency exists making the provisions of this act necessary for the immediate support of state government and its existing institutions and this act shall take effect immediately.

Passed the Senate December 2, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 18, 1926.