

CHAPTER 146.

[S. H. B. 76.]

MINE TO MARKET ROADS.

AN ACT relating to public highways and the establishment, location, construction and maintenance of mine to market roads, and amending sections 3, 4, 5 and 6, chapter 175, Laws of 1939 (sections 6450-25c, 6450-25d, 6450-25e and 6450-25f, Remington's Revised Statutes).

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

SECTION 1. That section 3, chapter 175, Laws of 1939 (section 6450-25c, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 3. A written petition for the designation and establishment of a mine to market road may be presented to the Board of County Commissioners of the county wherein such road is to be established or to the respective Boards of County Commissioners wherein such road is to be established if the same extends into or through two or more counties, by five (5) or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road. Five or more interested parties may petition.

Petition to state known facts.

SEC. 2. That section 4, chapter 175, Laws of 1939 (section 6450-25d, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 4. No mine to market road shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for and such petition shall have been approved by the Board of County Commissioners of Approval of petition prerequisite.

Petition to
be sent to
commission.

Commission
may dismiss
if not
feasible.

Directors
may cause
separate
investiga-
tions.

Results to be
considered.

Dismiss if
not feasible.

Findings
if feasible.

the county wherein such proposed road is situated or by the respective Boards of County Commissioners if said road extends into more than one county, and such petition, by such board or boards, shall have been forwarded to the Mines to Market Roads Commission. The Commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said Commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road and as to the value of such mine to market road to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road. The results of such independent investigations by the two directors shall be considered by the Commission, and if the Commission finds that the facts indicate that the proposed mine to market road is not feasible the petition shall be then dismissed with notification accordingly in writing by the Commission forwarded to the Board or Boards of County Commissioners that previously approved such petition; but when the Commission finds that the investigations show feasibility and advisability the Commission shall find and determine that said mine to market road is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter pro-

vided and the Commission shall accordingly in writing notify the Board or Boards of County Commissioners that shall have previously approved the petition: *Provided*, That in thus establishing a mine to market road the Commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition.

Notify board or boards in writing.

May change route.

SEC. 3. That section 5, chapter 175, Laws of 1939 (section 6450-25e, Remington's Revised Statutes), is amended to read as follows:

Amendments

Section 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads providing access to such mineral areas or centers of mining development as shall have been determined by the Commission. The Commission may, in its discretion, authorize such construction either by day labor or contract.

Director to construct mine to market roads.

SEC. 4. That section 6, chapter 175, Laws of 1939 (section 6450-25f, Remington's Revised Statutes), is amended to read as follows:

Amendments.

Section 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road shall be expended by the Director of Highways for such purposes upon the basis of the state contributing seventy-five per cent (75%) of the cost of such work and the county through which such mine to market [road], or any portion thereof, shall pass, contributing twenty-five per cent (25%) thereof. The contribution to be made by any county of the State of Washington for the use of the Director of Highways in the establishment, location and construction of mine to market roads, shall be deposited in the motor vehicle fund by such county and set apart for the use of the Director of Highways for such purposes: *Provided, however*, In lieu of such deposit the Board or Boards of County Commissioners, as the case may be, may by resolution, a certified copy

Allocation of cost.

County contribution to be earmarked.

Proviso.

Counties
may direct
use of gas
tax money.

Federal
funds
provided for.

May conform
to Federal
plan.

Contribution
of private
funds.

Contributions
credited to
counties.

of which shall be forwarded to the State Auditor, authorize and direct such Auditor to allocate a sufficient amount of money necessary to total twenty-five per cent (25%) of the cost of any such road from the county's or counties' share of gas tax monies and directing said State Auditor to charge such sum against any gas tax monies payable to such county or counties. In the event that any funds are made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road, such funds shall be received by the State Treasurer of the State of Washington and made available to the Director of Highways for such purpose: *Provided*, That the Director of Highways and all officers, departments, boards or commissions of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contribution shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of the Motor Vehicle Fund of the State of Washington for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road, or that portion thereof for which such contribution was made. Any contribution, from whatever source, received in aid of the construction of a mine to market road shall be first credited by the State Treasurer to that proportion of the cost of such mine to market road which is by this section required to be borne by the county.

Whenever, upon completion of a mine to market road, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine to market road, the Commission shall submit its voucher to the State Auditor for the issuance of a warrant in favor of the donor against the Motor Vehicle Fund in the amount of such unexpended balance.

Refund of
excess con-
tributions.

SEC. 5. This act is necessary for the immediate preservation of the public peace and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Effective
immediately.

Passed the House February 19, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 147.

[H. B. 122.]

SECONDARY STATE HIGHWAYS.

AN ACT relating to Secondary State Highways; and amending section 13, chapter 207, Laws of 1937 (section 6402-13, Remington's Revised Statutes, Volume 7A).

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

SECTION 1. Section 13, chapter 207, Laws of 1937 (section 6402-13, Remington's Revised Statutes, Volume 7A) is amended to read as follows:

Amendments.

Section 13. Secondary state highways as branches of Primary State Highway No. 12 are hereby established according to designation and description as follows:

Secondary
highways
established.

(a) Secondary State Highway No. 12A; beginning at a junction with Primary State Highway No.

S. S. H. 12A.