

SEC. 6. That chapter 138 of the Laws of 1909, pages 531 to 532, and chapter 141 of the Laws of 1917, pages 581 to 582, (sections 11229 to 11233 of Remington's Compiled Statutes; sections 7024 to 7028 of Pierce's Code) are hereby repealed: *Provided*, Such repeal shall not be construed as affecting the validity of any act done or proceeding had or pending under the provisions of any of said acts repealed. Statutes repealed.

Passed the House January 29, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.

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## CHAPTER 62.

[H. B. 101.]

### BRIDGE ACROSS NARROWS IN PIERCE COUNTY.

AN ACT relating to the construction, maintenance and operation of a bridge and approaches thereto across Puget Sound within the County of Pierce, at or near a point commonly known as the Narrows; granting the consent of the State of Washington therefor to Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their survivors and assigns; and granting a right of way therefor through, over and across the submerged and public lands of the State of Washington, and authorizing the filling in thereof.

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

SECTION 1. That Llewellyn Evans, J. F. Hickey and B. A. Lewis (and in case of the death of any thereof, the survivors or survivor thereof) hereinafter called the grantees, and their assigns, be and they are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the County of Pierce, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the Federal Act entitled

Llewellyn  
Evans, J. F.  
Hickey, B. A.  
Lewis  
granted  
franchise to  
construct.

“An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Plans and specifications to be approved by Secretary of War, Chief Engineer of United States.

SEC. 2. Said bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such maps of the proposed location as may be required for a full understanding of the subject have been submitted to the secretary of war, and chief of engineers of the United States, for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for said bridge have been approved by said chief of engineers and said secretary of war, it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of said chief of engineers and of said secretary of war.

State or any municipality or political subdivision may acquire after completion.

SEC. 3. After the completion of such bridge, as determined by the secretary of war, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such state governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues

Condemnation or expropriation damages not to include good will.

or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

Items of damage.

SEC. 4. A right of way for said bridge and approaches thereto through, over and across the submerged and public lands of the State of Washington, including all tide and shore lands, which have been or may hereafter be established or arise is hereby granted to the grantees and their assigns, together with the right to fill in the same.

Right of way for bridge and approaches over public lands.

SEC. 5. Any and all tolls charged for the transit over said bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers or other passengers shall be reasonable and just, and the secretary of war may, and in case of his failure or refusal to act upon the request of the department of public works of the State of Washington, said department may, at any time and from time to time, prescribe the reasonable rates of tolls for such transit over said bridge and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Toll charges to be reasonable.

SEC. 6. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable

Rate of tolls when taken over by state or municipality.

Sinking fund  
for amorti-  
zation.

cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Grantees  
to file with  
secretary  
sworn state-  
ment of cost.

SEC. 7. The grantees and their assigns, shall within ninety days after the completion of such highway department of the State of Washington, a bridge file with the secretary of war, and with the sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The secretary of war may, and in case of his failure or refusal to act upon the request of the highway department of the State of Washington, said highway department may at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of con-

structing, financing, and promoting such bridge; for the purpose of such investigation the said grantees and their assigns, shall make available all records in connection with the construction, financing and promotion thereof. The findings of the secretary of war, or of said highway department, as the case may be, as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 8. The right to sell, assign, transfer and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Assignment and sale of rights authorized.

SEC. 9. The authority herein granted shall cease and be null and void unless the actual construction of the bridge authorized in this act is commenced within two years and completed within four years from the date of passage of this act.

Franchise to become void unless construction commenced within two years.

SEC. 10. That all acts and parts of acts and/or all resolutions and parts of resolutions of the State of Washington in conflict herewith in any way affecting the use of the stated right-of-way and right to construct and operate a toll bridge as granted and provided herein, are hereby repealed.

Acts and resolutions in conflict are repealed.

Passed the House February 4, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.