

CHAPTER III.—BRIDGES.

BRIDGES OVER NAVIGABLE STREAMS; RAILROADS MAY BUILD.

AN ACT granting to railroad corporations the right to bridge the navigable streams of this state, and declaring an emergency to exist.

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

SECTION 1. Any railroad corporation heretofore duly incorporated and organized under the laws of this state or of the Territory of Washington, or which may hereafter be duly incorporated and organized under the laws of this state, or heretofore or hereafter incorporated and organized under the laws of any other state or territory of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have and hereby is given the right to construct bridges across the navigable streams within this state over which the projected line or lines of railway of said railroad corporations will run: *Provided*, That said bridges are constructed in good faith for the purpose of being made a part of the constructed line of said railroad: *And provided*, That they shall be constructed in the course of the construction of said railroad or thereafter for the more convenient operation thereof: *And provided further*, That such bridges shall be so constructed as not to interfere with, impede or obstruct the navigation of such streams.

SEC. 2. Inasmuch as there is no law now in force in this state granting to railroad companies the right to construct bridges across the navigable waters of this state, there is, therefore, hereby declared to be an emergency, and this bill shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

DRAW-BRIDGES; CITIES MAY ERECT OVER NAVIGABLE STREAMS.

AN ACT to authorize cities and incorporated towns to erect and maintain draw-bridges across navigable streams that flow through or penetrate the boundaries of such cities, and to authorize such cities and towns to grant franchises to persons and corporations to erect toll bridges across such navigable streams within the corporate limits of such cities and towns, and declaring an emergency.

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

SECTION 1. It shall be lawful for cities and incorporated towns, and they are hereby authorized by their respective legislative bodies, to erect and maintain draw-bridges across navigable streams that flow through or penetrate the boundaries of such cities or towns, when the public necessity requires it, or to grant franchises to persons or corporations to erect the same and charge tolls thereon.

SEC. 2. Whenever any common council of any city, or board of trustees of any incorporated town, desire to erect a draw-bridge across any navigable stream on any street, or to grant the privilege so to do to any corporation or individual under the provisions of this act, such boards or trustees or common council shall notify the board of commissioners of the county in which such city or incorporated town is situated of such purpose, and the precise point where such bridge is proposed to be located. Said board of commissioners shall, within ten days from the receipt of the notice, if in session, and if not in session, then within five days after the first day of the next regular or special session, designate the width of the draw to be made in such bridge, and the length of span necessary to permit the free flow of water: *Provided*, That in case any person or body shall deem itself or themselves aggrieved by the determination of the matter by said board, an appeal shall be allowed to the superior court of the county, which court shall have power and jurisdiction to hear and determine the matter upon such further notice and on such testimony as it shall direct to be produced.

Notice to
county commis-
sioners.

Appeal.

SEC. 3. Before any franchise to build any bridge across any such navigable stream shall be granted by any such board of trustees or common council, they shall fix a license License tax. tax, not to exceed ten per cent. of the tolls collected annually, and upon the completion of said bridge shall inspect the same, and if the same be found to comply in all respects with the specification previously made, and to be safe and convenient for the public, they shall declare the same open as a toll bridge, and shall immediately fix Fix toll rates. the rates of toll thereof.

SEC. 4. The owner or keeper of any toll bridges in any city or town shall, before the renewal of any license, report to the common council of the city, or the board of trustees of a town, under oath, the actual cost of construction and equipment of the toll bridge, the repairs and cost of maintaining the same during the preceding year, the amount of tax collected and the estimated cash value of the bridge, exclusive of the franchise; and all funds arising License fund. from license tax shall be paid into the general fund of the city or town.

SEC. 5. All bridges constructed under the provisions of this act must be so constructed as not to obstruct navigation, and must have a draw or swing of sufficient space or Width of draw. span to permit the safe, convenient and expeditious passage at all times of any steamer, or vessel, or raft which may navigate the stream or waters bridged.

SEC. 6. The cities and towns of this state may build Municipal toll bridges. and maintain toll bridges, and charge and collect tolls thereon, and to that end may provide a system and elect or appoint persons to operate the same, or the said bridges may be made free, as they may elect.

SEC. 7. Whereas, there are numerous cities and towns through which run navigable streams, which, for lack of bridging, retard the development of said cities and towns; therefore, an emergency exists, and this act shall be in force from and after its passage and approval by the governor.

Approved March 28, 1890.