

CHAPTER 162.

[S. B. 254.]

RELATING TO RAILROAD CROSSINGS.

AN ACT to regulate the manner in which railroads shall cross highways and other railroads and the manner in which highways shall cross railroads in the State of Washington.

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

SECTION 1. That all railroads and extensions of railroads hereinafter constructed within the State of Washington shall cross all established and existing railroads and established and existing highways by either passing over or under such highways and railroads and shall not cross the same at grade without first obtaining the consent of the Railroad Commission of Washington permitting the same to be done, and all highways and extensions of highways hereafter laid out and constructed shall cross railroads by either passing over or under such railroad and shall not cross at grade without first obtaining the consent of such Commission authorizing the same to be done.

SEC. 2. Whenever any railroad company desires to cross any established and existing highway or railroad at grade, it shall file with the Railroad Commission of Washington its petition in writing setting forth the objections and difficulties to making such crossing either above or below the grade of such highway or railroad; and whenever the county commissioners of any county or the municipal authorities of any city or town desire to lay out or extend any highway over and across any established and existing railroad at grade, they shall file with the Railroad Commission of Washington their petition in writing setting forth the objections and difficulties of making such crossing either above or [below] the grade of such railroad. On receiving such petition it shall be the duty of the Railroad Commission to immediately investigate the same, notifying the railroad company and the county or municipality affected thereby of the time and place of

Grade
crossings
abolished.

Petition for
grade
crossing.

Hearings.

such investigation, to the end that all parties interested may be present and heard at such investigation. The evidence introduced shall be reduced to writing and filed by the Commission. If the Commission finds that it ought not to require such highway or railroad to be so constructed as to cross above or below the grade of the existing railroad or highway, it shall by resolution filed in the cause and duly entered upon its minutes, grant the right and privilege to construct such railroad or highway across such established railroad or highway at grade. The Commission may in its discretion provide that such railroad shall, before operating its trains over any established highway or at any subsequent time, install and maintain proper signal, warnings, gates or other devices to warn and protect the public, and it may also require such railroad before operating its trains over and across such established railroad at grade, or at any subsequent time, to install and maintain proper interlocking devices and gates or flagmen to protect the traveling public and railroad employees, and may order the installation and maintenance of proper signals, warning, gates or other devices to warn and protect the public, before granting permission for such highway to be constructed across said established railroad at grade. The cost and expenses of such installation shall be apportioned by the Railroad Commission in such manner as shall be just and equitable under the circumstances surrounding each case.

Safety devices
at grade
crossings.

Expenses of
safety
devices.

SEC. 3. This act shall not be construed as applying to highways and railroads in cities framing their own charters.

Cities of first
class ex-
cluded.

Passed by the Senate February 19, 1909.

Passed by the House March 11, 1909.

Approved March 17, 1909.