

CHAPTER 173.

[H. B. 506.]

TOLL BRIDGES.

AN ACT relating to toll bridges; creating the Washington Toll Bridge Authority and providing for certain officers as members thereof; relating to the powers and duties of the Washington Toll Bridge Authority and certain officers; providing for the investigation, examination, survey, reconnaissance [reconnaissance], construction and operation of toll bridges; providing for the examination, survey, reconnaissance, construction and operation of toll tunnels; providing for the acquisition of property for toll tunnels, their approaches, and establishment; providing for the issuance and sale of bonds and the conditions, terms and redemption thereof; providing for the deposit and use of certain funds and revenues; defining terms; repealing acts and parts of acts in conflict; providing for constitutionality; and declaring an emergency.

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

Definitions.

SECTION 1. Words and phrases used in this act shall have the meaning in this section ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(a) "Washington Toll Bridge Authority" and "Authority" shall be used herein interchangeably, and shall mean the "Washington Toll Bridge Authority" as created by this act.

(b) "Governor," "State Auditor," "Director of Public Service," "Director of Highways" and "Director of Finance, Business and Budget" shall mean those state officers now designated as such in the State of Washington, duly qualified and elected or appointed, as the case may be, and acting, and such officers as may succeed to their powers and duties.

(c) "Toll Bridge." Any bridge constructed under the provisions of this act under the authority of the Washington Toll Bridge Authority, upon which tolls are or will be charged as hereinafter provided, to-

gether with all appurtenances and additions, alterations or improvements thereto, or replacements thereof, and the approaches to the ends thereof, and all lands and interests therein used therefor and buildings and improvements thereon.

(d) "Bonds." Any bonds or other written evidence of indebtedness which the Washington Toll Bridge Authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

(e) "Person." Any corporation other than municipal, firm, copartnership, association, organization and any natural person.

Words and phrases herein used in the past, present or future tense shall include the past, present and future tenses; words and phrases herein used in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter gender; words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall clearly indicate to the contrary.

SEC. 2. There is hereby created an authority to be known as the Washington Toll Bridge Authority which shall be composed of the governor, the state auditor, the director of public service, the director of highways, and the director of finance, business and budget. In the event that any of the offices above named should be abolished then the vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties of the officer whose office has been so abolished. All members of the board shall serve without compensation other than that received in the office by virtue of which they have become members of the board. Any expenses incurred for such assistance as shall be required and for necessary supplies shall be paid for in the manner and from funds as provided in this

Washington
toll bridge
authority
created.

act therefor. A majority of the members of the Washington Toll Bridge Authority shall constitute a quorum for the transaction of business and may act for the authority.

Toll bridges.

SEC. 3. The Washington Toll Bridge Authority is empowered, in accordance with the provisions of this act, to provide for the establishing and constructing of toll bridges upon any public highways of this state together with approaches thereto wherever the same is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation whether the same is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the Washington Toll Bridge Authority and the feasibility of financing any toll bridge in the manner provided by this act shall be a primary consideration and determined according to the best judgment of the Washington Toll Bridge Authority. For the purpose of obtaining information for the consideration of the authority upon the construction of any toll bridge or any other matters pertaining thereto it shall be the duty of any cognizant officer or employee of the state upon the request of the authority to make reasonable examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority. The cost of any such examination, investigation, survey or reconnaissance shall be borne by the department or office conducting the same from the funds provided for such department or office for its usual functions.

Toll tunnels.

SEC. 3½. The Washington Toll Bridge Authority is hereby empowered to provide for the establishment, construction and operation of toll tunnels and other facilities necessary for their construction and

connection with public highways of this state. They shall have power to cause surveys to be made for the purpose of investigating the propriety of their establishment, construction and operation and to acquire rights of way and other facilities necessary to carry out the provisions of this act, together with the power of issuance, sale and redemption of bonds and the deposit and payment of proceeds for the financing thereof; the collection of tolls and deposit and expenditure thereof; the securing and remission of financial and other assistance in the construction thereof; the carrying of insurance thereon; and any and all other matters pertaining thereto, shall be conducted in the same manner and under the same procedure as in this act provided for the establishing, constructing, operating and maintaining of toll bridges by the Washington Toll Bridge Authority, in so far as such manner and procedure for the establishing, constructing, operating and maintaining of toll bridges is reasonably consistent with and applicable to the establishing, constructing, operating and maintaining of toll tunnels and other toll facilities.

SEC. 4. In the event that the Washington Toll Bridge Authority should determine that any toll bridge should be constructed under its authority it shall authorize and direct the director of highways to construct such toll bridge. In the event the director of highways is authorized and directed to construct such toll bridge all cost thereof including right of way, survey and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this act.

Construction of bridge by director of highways.

SEC. 5. Whenever the Washington Toll Bridge Authority shall authorize and direct the director of highways to construct a toll bridge the director of highways is empowered to secure right of way therefor and for approaches thereto by gift or purchase,

Right of way.

or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Recommendation by director.

SEC. 6. Whenever in the judgment of the director of highways it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp or other topographical formation and operated by the state the director of highways shall submit his recommendation to that effect to the Washington Toll Bridge Authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington Toll Bridge Authority concurs in the recommendation of the director of highways or on its own motion determines to construct any toll bridge or toll bridges, the Washington Toll Bridge Authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this act for the construction of more than one toll bridge may at the discretion of the Washington Toll Bridge Authority be included in the same authority and issue of bonds.

Issuance of bonds for construction of toll bridges.

SEC. 7. The Washington Toll Bridge Authority is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this act. Any and all bonds issued for the construction of any toll bridge or toll

bridges under the authority of the Washington Toll Bridge Authority, shall be issued in the name of the Washington Toll Bridge Authority and shall constitute obligations only of said Washington Toll Bridge Authority and shall be identified as..... Toll Bridge Bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability or obligation of the State of Washington. The Washington Toll Bridge Authority is empowered to receive and accept funds from the State of Washington or the Federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this act and is empowered to enter into such agreements with the State of Washington or the Federal government as may be required for the securing of such funds.

State or Federal funds.

SEC. 8. All revenue bonds authorized under the terms of this act may be issued and sold by the Washington Toll Bridge Authority from time to time and in such amounts as may be deemed necessary in the judgment of said authority to provide sufficient funds for the construction of any such toll bridge or toll bridges, and to pay interest on outstanding bonds issued for the construction of the same toll bridge or bridges during the period of actual construction of any such toll bridge or toll bridges and for six months after the completion thereof and the proceeds of such bond issue are hereby made available for such purposes.

Revenue bonds.

The Washington Toll Bridge Authority shall de-

termine the form, conditions and denominations of all such bonds, and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon, which shall not exceed six per cent per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the Washington Toll Bridge Authority, and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the said Washington Toll Bridge Authority, and shall mature at such times and in such amounts as the said authority may prescribe. The Washington Toll Bridge Authority may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined in the resolution of such authority providing for the issuance of such bonds and referred to therein. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor. All interest coupons shall bear the facsimile signature of the state auditor. In case any of such officers whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the construction of any particular toll bridge or toll bridges shall have equal preference with respect to the redemption thereof

and the payment of interest thereon: *Provided, however,* The Washington Toll Bridge Authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the Washington Toll Bridge Authority may deem proper: *Provided, however,* Said authority may reject any and all bids so submitted and may thereafter sell such bonds so advertised for sale at private sale under such terms and conditions as said authority may deem most advantageous to its own interests: *Provided,* They are not sold at a price below that of the best bid which was rejected. The Washington Toll Bridge Authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any of its departments, agencies or instrumentalities upon such conditions and terms as may be agreed to and such bonds shall be subject to all the provisions of this act except the requirement that bonds be first offered at public sale pursuant to advertisement.

Temporary or interim bonds, certificates, or receipts, of any denomination whatever and with or without coupons attached thereto, to be signed by the state auditor, may be issued and delivered until the definitive bonds are executed and available for delivery.

Temporary
or interim
bonds.

The purchase price of all bonds issued hereunder shall be paid to the state treasurer of the State of Washington for the account of the Washington Toll Bridge Authority.

Disposition
of proceeds

SEC. 9. The Washington Toll Bridge Authority is hereby empowered to fix the rates of toll and other

Toll rates
and charges.

charges for all toll bridges built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the same become due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or toll bridges and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

Bond redemption and interest payments constitute exclusive lien on tolls and charges.

Construction, operation and maintenance of bridges.

Collection of tolls.

SEC. 10. The director of highways shall have full charge of the construction of all toll bridges that may be authorized by the Washington Toll Bridge Authority, the operation and maintenance thereof and the collection of tolls thereon. The director of highways shall proceed with the construction of such toll bridge and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable.

Resolution of public interest and necessity.

SEC. 11. Before the director of highways shall proceed with any action to secure right of way or

with construction of any toll bridge under the provisions of this act the Washington Toll Bridge Authority shall have first passed a resolution that public interest and necessity require the acquisition of right of way for and the construction of such toll bridge. Such resolution shall be conclusive evidence (a) of the public necessity of such construction; (b) that such property is necessary therefor and, (c) that such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the director of highways to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the director of highways. In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridge, real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, town, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

Eminent domain.

Attorney general to represent director.

City, county
or other
political
subdivision
may contrib-
ute financial
aid.

SEC. 12. Any city, county, or other political subdivision of the state may upon the request of the director of highways of [or] the Washington Toll Bridge Authority advance or contribute money, rights of way, labor, materials and other property toward the expense of building the toll bridge or toll bridges referred to in this act, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state. Money or property so advanced or contributed may be immediately transferred or delivered to the Washington Toll Bridge Authority to be used for the purpose for which such advance or contribution was made. The Washington Toll Bridge Authority may enter into a binding agreement with any city, county, or other political subdivision of the state to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of constructing any toll bridge or toll bridges constructed as provided for in this act: *Provided*, No repayment therefor shall be made until all obligations issued by the Washington Toll Bridge Authority for the construction of any such toll bridge or toll bridges have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of any such toll bridge or toll bridges. After all bonds issued hereunder for the construction of any toll bridge or toll bridges have been fully redeemed and paid the Washington Toll Bridge Authority may continue to collect tolls and other revenues for the use of such toll bridge or toll bridges for the purpose of defraying all costs of operation and maintenance thereof, for the purpose of reimbursing the State of Washington for any expenditures which may have been made by it in con-

nection with said toll bridge or bridges and for the purpose of repayment to any city, county, or other political subdivision of the state of any amount the Washington Toll Bridge Authority shall have agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the construction of any such toll bridge or toll bridges.

Repayment
to cities,
counties, etc.

SEC. 13. As long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge or other crossing over, under, through or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: *Provided, however,* That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or ex-

Unlawful to
construct
competitive
bridge or
crossing.

tension thereof. The provisions of this section shall be binding upon the Washington Toll Bridge Authority, the State of Washington and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, and other political subdivisions and the prohibitions of this section shall restrict and limit the powers of the legislature of the State of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

Disposition
of proceeds
from sale
of bonds.

SEC. 14. The proceeds from the sale of all bonds authorized under the provisions of this act shall be paid to the state treasurer for the credit of the Washington Toll Bridge Authority and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six (6) months thereafter, only as the need therefor shall arise and the Washington Toll Bridge Authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All monies in such fund and not re-

quired to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state monies: *Provided*, The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such monies shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call and in the event such bonds cannot be purchased at a price satisfactory to the Washington Toll Bridge Authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately cancelled.

All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the director of high-

Disposition
of tolls and
revenues.

ways to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

Transfer of moneys to bond interest and redemption fund.

From the money so deposited in each separate construction fund as hereinabove provided, the state treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application

of all surplus monies in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said Washington Toll Bridge Authority.

The monies remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of such toll bridge or bridges as the Washington Toll Bridge Authority may determine.

Maintenance and operation costs.

Warrants for payments to be made on account of such bonds shall be duly drawn by the state auditor on vouchers approved by the Washington Toll Bridge Authority.

Warrants.

Monies required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state auditor upon voucher submitted by the director of highways approved by the Washington Toll Bridge Authority.

Moneys required to meet costs of construction.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Interest.

The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all monies consti-

tuting the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds: *Provided, however,* That the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law.

Expenses.

Notwithstanding anything contained in this act the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the Washington Toll Bridge Authority in connection with and incidental to the issuance and sale of bonds for the construction of such toll bridge or toll bridges including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds: *Provided, however,* That the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified.

Insurance.

SEC. 15. When any such toll bridge or bridges authorized hereunder is being built by the director of highways the Washington Toll Bridge Authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the Washington Toll Bridge Authority may deem proper. The Washington Toll Bridge Authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of such toll bridge or toll bridges and interest accrued thereon have been fully re-

deemed and paid. All monies collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding of any such toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The Washington Toll Bridge Authority is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of such toll bridge or toll bridges from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other monies in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or toll bridges during any period of time that may be determined upon by the Washington Toll Bridge Authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this act, and the purchase and carrying of insurance as authorized by this act, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings.

SEC. 16. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facili-

Right of way
over state
lands
granted.

Compensation.

ties thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington Toll Bridge Authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

General powers and duties.

SEC. 17. The Washington Toll Bridge Authority, the officials thereof and all state officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The Washington Toll Bridge Authority and the director of highways shall keep full, complete and separate accounts of each toll bridge and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open to the inspection of holders of bonds issued by said authority at all reasonable times.

Annual financial statement.

Bondholders' rights protected.

SEC. 18. While any bonds issued by said Washington Toll Bridge Authority remain outstanding,

the powers, duties or existence of the said Washington Toll Bridge Authority or of the director of highways or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official or employee or imposed upon the authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds: *Provided, however,* That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

SEC. 19. That all acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof.

Conflicting
acts
repealed.

SEC. 20. That if any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Partial
invalidity.

SEC. 21. That an emergency exists and that this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its

Effective
April 1, 1937.

existing institutions, and shall take effect on the first day of April, 1937.

Passed the House March 3, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 174.

[H. B. 630.]

BRIDGE ACROSS HYLEBOS WATERWAY.

AN ACT providing for a bridge across Hylebos waterway in the City of Tacoma.

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

SECTION 1. The director of highways is hereby authorized to build and construct a bridge across Hylebos waterway at East 11th Street in the City of Tacoma.

SEC. 2. That the director of highways is hereby empowered to perform such construction as is authorized by this act in the event only that sufficient funds are made available by the county of Pierce, City of Tacoma, and the Federal government, or any thereof, to accomplish complete construction thereof.

Passed the House March 6, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 16, 1937.