

of 1949; chapter 230, Laws of 1951; and RCW 21.04-.010 through 21.04.220; and

(2) Chapter 178, Laws of 1937; chapter 64, Laws of 1951; and RCW 21.08.010 through 21.08.120; and

(3) Chapter 110, Laws of 1939 and RCW 21.12-.010 through 21.12.080.

SHORT TITLE

Short title.

SEC. 69. This act shall be known as "The Securities Act of Washington."

Passed the Senate March 8, 1959.

Passed the House March 8, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 283.

[S. B. 375.]

RAILROADS—GRADE CROSSINGS.

AN ACT relating to railroad grade crossings; amending section 3, chapter 310, Laws of 1955 and RCW 81.52.100; amending section 1, chapter 30, Laws of 1913, section 1, chapter 161, Laws of 1941 and RCW 81.52.080; adding new sections to chapter 30, Laws of 1913 and to chapter 81.52 RCW; repealing section 8, chapter 310, Laws of 1955 and RCW 47.36.055.

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

RCW 81.52.100 amended.

SECTION 1. Section 3, chapter 310, Laws of 1955 and RCW 81.52.100 are each amended to read as follows:

Petition for crossing —Hearing —Order.

Whenever any railroad company desires to cross any highway or railroad at grade, it shall file a written petition with the commission setting forth the reasons why the crossing cannot be made either above or below grade, and whenever the county commissioners of any county, or the municipal authorities of any city, or the state officers authorized to lay out and construct state roads, or state parks committee, desire to extend any highway across any

railroad at grade, they shall file a written petition with the commission, setting forth the reasons why the crossing cannot be made either above or below grade. Upon receiving such petition the commission shall immediately investigate it, giving at least ten days' notice to the railroad company and the county or city affected thereby, of the time and place of such investigation, to the end that all parties interested may be present and heard. If the highway involved is a state road or parkway, the director of highways or state parks committee shall be notified of the time and place of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If it finds that it is not practicable to cross the railroad or highway either above or below grade, the commission shall enter a written order in the cause, either granting or denying the right to construct a grade crossing at the point in question. The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. In respect to existing railroad grade crossings over highways the construction of which grade crossings was accomplished other than pursuant to a commission order authorizing the same, the commission may in any event require the railroad company to install and maintain, at or near each crossing, on both sides thereof, a sign known as the sawbuck crossing sign with the lettering "Railroad Crossing" inscribed thereon with a suitable inscription indicating the number of tracks. Such a sign shall be of standard design conforming to specifications furnished by the Washington state highway commission.

SEC. 2. Section 1, chapter 30, Laws of 1913 and section 1, chapter 161, Laws of 1941 (heretofore

RCW 81.52.080
amended.

combined and codified as RCW 81.52.080) are each amended to read as follows:

Definitions.

As used in RCW 81.52.090 to 81.52.300, inclusive and sections 3 to 5 of this amendatory act, inclusive:

"Highway."

"Highway" means all state and county roads, streets, alleys, parkways, and other public places used for travel by the public;

"Railroad."

"Railroad" includes all logging or industrial railroads;

"Logging or industrial railroad."

"Logging or industrial railroad" means a railway owned or operated primarily for the purpose of carrying the property of its owners or operators, or a limited class of persons, with all tracks, spurs, and sidings used in connection therewith;

"Over-crossing."

"Over-crossing" means any point or place where a highway crosses a railroad by passing above it;

"Under-crossing."

"Under-crossing" means any point or place where a highway crosses a railroad by passing under it;

Crossings not at grade.

"Over-crossing" or "under-crossing" shall also mean any point or place where one railroad crosses another railroad not at grade;

"Grade crossing."

"Grade crossing" means any point or place where a railroad crosses a highway or a highway crosses a railroad or one railroad crosses another, at a common grade.

New section.

SEC. 3. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows:

Railroad signals, warning devices. Procedure to obtain—Cost apportioned.

Whenever the director of highways or the governing body of any city, town or county shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the public service commission a petition in writing, alleging that the public

safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall set the matter for hearing, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall find from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make findings to that effect and enter an order denying said petition in toto. If the commission shall find from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make findings to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing receive evidence as to the benefits to be derived by the railroad and the public, respectively, and shall on the basis of such benefits apportion the entire cost, including installation, of such signals or other warning devices, other than sawbuck signs, between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state: *Provided*, That the commission shall in no case apportion more than fifty percent of the cost of such installation or change in existing warning devices

Procedure to
obtain—Cost
apportioned.

Procedure
to obtain—
Cost appor-
tioned.

to the public body involved nor shall the commission require the public body involved to pay its share of the cost so apportioned sooner than one year from the date of the order: *And provided further*, That no railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof. Nothing herein shall be deemed to foreclose the right of the interested parties to enter into an agreement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost thereof.

The investigation herein authorized may be instituted by the commission on its own motion, and the proceedings, hearing and determination thereon shall be the same as herein provided for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the investigation herein provided for and no finding, conclusion or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result of any such investigation.

Any order entered by the public service commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through RCW 81.04.190.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to provide adequate protective devices at any such crossing.

SEC. 4. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows: New section.

The governing body of any city or county may petition the public service commission requesting the commission to allocate to the city or county such funds as are needed by the city or county to defray the cost of installing railroad grade crossing signals and warning devices on city streets, highways or county roads. The petition shall set forth by description the location of the crossing or crossings, the type of signal or warning device to be installed, the necessity from the standpoint of public safety for such installation and the approximate cost of installation, the ability of the city or county to finance such installation from other funds available to it and such other information as will enable the commission to determine the necessity for such installation and the requirement for the allocation by the commission of funds to assist in such installation. —Petition to commission for allocation of funds for.

SEC. 5. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows: New section.

Upon receipt of a petition as provided for in section 4 of this amendatory act and upon finding (1) the public safety requires the installation of such signals or warning devices; (2) the need exists for an allocation of funds to effect such installation; (3) the circumstances and conditions at the crossing or crossings in question, when considered with the circumstances and conditions at grade crossings generally throughout the state, are such as to warrant an allocation of funds at that time and (4) all other matters necessary to the installation thereof have been resolved or provided for, the commission may allocate from any fund available to the commission from appropriations made for the purpose of carrying out the provisions of this act up to one- —Equitable allocations authorized, when.

half of the cost of the city's or county's share of installing such signals or warning devices. The commission may make such investigation including the holding of a hearing as it may deem necessary before taking any action on the petition. The commission may adopt reasonable rules and regulations to effectuate the making of equitable allocations.

New section.

SEC. 6. There is added to chapter 30, Laws of 1913 and to chapter 81.52 RCW a new section to read as follows:

—Payment, audit, of allocations for.

At the time the commission makes each allocation under section 5 of this amendatory act it shall certify such to the state auditor. The public body involved shall present claims for reimbursement of the state's share of the cost of the projects under such allocations to the state auditor for payment. The state auditor shall make such audit as he deems necessary before or after disbursement for the purpose of determining that the money allocated has been expended for the purpose and under the conditions authorized under this amendatory act.

Inoperative, where.

SEC. 7. This act shall not be operative within the limits of first class cities.

Repeal.

SEC. 8. Section 8, chapter 310, Laws of 1955 and RCW 47.36.055 are each hereby repealed.

Passed the Senate February 25, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 24, 1959.