

Purposes  
not  
specifically  
set forth.

to be expended by the Director of Highways for the biennium ending March 31, 1947, the sum of ten million two hundred fifty-one thousand five hundred twenty-five dollars (\$10,251,525), to be expended as may be necessary to secure participation of Federal funds and for any and all other proper state highway purposes not specifically set forth in the preceding sections of this act.

Passed the Senate March 3, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

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## CHAPTER 222.

[ S. B. 320. ]

### MINE TO MARKET ROADS.

AN ACT relating to public highways and the establishment, location, construction and maintenance of mine to market roads and trails; and amending section 2, chapter 175, Laws of 1939 (section 6450-25b, Remington's Revised Statutes, also Pierce's Perpetual Code 615-3), section 3, chapter 175, Laws of 1939, as amended by section 1, chapter 146, Laws of 1943 (section 6450-25c, Rem. Supp. 1943, also Pierce's Perpetual Code 615-5), section 4, chapter 175, Laws of 1939, as amended by section 2, chapter 146, Laws of 1943 (section 6450-25d, Rem. Supp. 1943, also Pierce's Perpetual Code 615-7), section 5, chapter 175, Laws of 1939, as amended by section 3, chapter 146, Laws of 1943 (section 6450-25e, Rem. Supp. 1943, also Pierce's Perpetual Code 615-9), section 6, chapter 175, Laws of 1939, as amended by section 4, chapter 146, Laws of 1943 (section 6450-25f, Rem. Supp. 1943, also Pierce's Perpetual Code 615-11), and section 7, chapter 175, Laws of 1939 (section 6450-25g, Remington's Revised Statutes, also Pierce's Perpetual Code 615-13); creating a fund and appropriating money.

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

Amend-  
ment.

SECTION 1. Section 2, chapter 175, Laws of 1939 (section 6450-25b, Remington's Revised Statutes, also Pierce's Perpetual Code 615-3), is amended to read as follows:

Section 2. For the purposes of this act a mine to market road shall be any public highway or any public trail established, located and constructed to locations of mineral deposits and of existing or potential mineral development: *Provided*, That the standard of construction upon any such mine to market road or trail shall be determined by the Mine to Market Road Commission. Definition.

SEC. 2. Section 3, chapter 175, Laws of 1939, as amended by section 1, chapter 146, Laws of 1943 (section 6450-25c, Rem. Supp. 1943, also Pierce's Perpetual Code 615-5), is amended to read as follows: Amendment.

Section 3. A written petition for the designation and establishment of a mine to market road or trail may be presented to the Board of County Commissioners of the county wherein such road is to be established or to the respective Boards of County Commissioners wherein such road is to be established if the same extends into or through two or more counties, by five (5) or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road or trail. Petition for mine to market road.

SEC. 3. Section 4, chapter 175, Laws of 1939, as amended by section 2, chapter 146, Laws of 1943 (section 6450-25d, Rem. Supp. 1943, also Pierce's Perpetual Code 615-7), is amended to read as follows: Amendment.

Section 4. No mine to market road or trail shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for and such petition shall have been approved by the Board of County Commissioners of the county wherein such proposed road is situated

or by the respective Boards of County Commissioners if said road or trail extends into more than one county, and such petition, by such board or boards, shall have been forwarded to the Mines to Market Roads Commission. The Commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said Commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road or trail and as to the value of such mine to market road or trail to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road or trail. The results of such independent investigations by the two directors shall be considered by the Commission, and if the Commission finds that the facts indicate that the proposed mine to market road or trail is not feasible the petition shall be then dismissed with notification accordingly in writing by the Commission forwarded to the Board or Boards of County Commissioners that previously approved such petition; but when the Commission finds that the investigations show feasibility and advisability the Commission shall find and determine that said mine to market road or trail is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter provided and the Commission shall accordingly in writing notify the Board

Commission shall pass on road petition.

Dismissal of application.

or Boards of County Commissioners that shall have previously approved the petition: *Provided*, That in thus establishing a mine to market road or trail the Commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition. Approval.

SEC. 4. Section 5, chapter 175, Laws of 1939, as amended by section 3, chapter 146, Laws of 1943 (section 6450-25e, Rem. Supp. 1943, also Pierce's Perpetual Code 615-9, is amended to read as follows: Amendment.

Section 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads and trails providing access to such mineral areas or centers of mining development as shall have been determined by the Commission. The Commission may, in its discretion, authorize such construction either by day labor or contract. The right of way for such road or trail shall be furnished by the county at its own expense. Construction of access roads.

SEC. 5. Section 6, chapter 175, Laws of 1939, as amended by section 4, chapter 146, Laws of 1943 (section 6450-25f, Rem. Supp. 1943, also Pierce's Perpetual Code 615-11), is amended to read as follows: Amendments.

Section 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road or trail, shall be expended by the Director of Highways for such purposes from the Mine to Market Road Fund hereinafter provided for. In the event that any funds are made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road or trail, such funds shall be received by the State Treasurer of the State of Washington and deposited by him in the Mine to Market Road Fund: *Provided*, That the Director of Highways and all officers, departments, boards or commissions Funds.

Federal  
aid.

of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contributions shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road or trail, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of Mine to Market Road Fund for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road or trail, or that portion thereof for which such contribution was made.

Unexpended  
balances.

Whenever, upon completion of a mine to market road or trail, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine [to] market road or trail the Commission shall submit its voucher to the State Auditor for the issuance of a warrant in favor of the donor against the Mine to Market Road Fund in the amount of such unexpended balance.

Donated  
labor.

In the event that any private individual, firm, corporation or association desires to donate labor, machinery or equipment in aid of the location or construction of a mine to market road or trail the Director of Highways is authorized to accept and use the same.

Amend-  
ment.

SEC. 6. Section 7, chapter 175, Laws of 1939 (section 6450-25g, Remington's Revised Statutes, also Pierce's Perpetual Code 615-13), is amended to read as follows:

Section 7. Upon the completion of the construction of any mine to market road or trail the Director of Highways shall certify to the Board of County Commissioners of the county in which such mine to market road or trail, or any portion thereof, is

located, that the same has been completed and such mine to market road or trail, or portion thereof in each such county shall then become and thereafter be a county road or trail of the county in which located, and shall thereafter be maintained, kept up, repaired and protected by such county in the same manner as all other county roads and from funds available for county road purposes in the county road fund.

Maintenance  
by counties.

SEC. 7. There is hereby created in the State Treasury a fund to be known as the Mine to Market Road Fund. All funds coming into the hands of the State Treasurer and directed to be deposited in the Mine to Market Road Fund shall be deposited in the State Treasury to the credit of the Mine to Market Road Fund and expended therefrom as by appropriation provided.

Mine to  
Market  
Road Fund.

SEC. 8. There is hereby appropriated from the Motor Vehicle Fund the sum of three hundred thousand dollars (\$300,000) to the Mine to Market Road Fund for the location, establishment and construction of mine to market roads and trails, which sum shall be contributed in the following manner: Seventy-five per cent (75%) from that portion of the net tax amount remaining in the Motor Vehicle Fund after credit has been made to the incorporated cities and towns and to the counties, and twenty-five per cent (25%) from that portion of the net tax amount in the Motor Vehicle Fund credited to counties, the said twenty-five per cent (25%) of the county's share of the net tax amount in the Motor Vehicle Fund to be set aside for their Mine to Market Road Fund as soon as such an amount has been accumulated and before any monthly disbursements are made to the counties from the county's share of the Motor Vehicle Fund.

Appropriation.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.