

## CHAPTER 18.

[S. H. B. 135.]

## TOLL BRIDGES.

AN ACT granting the board of county commissioners of each county of the State of Washington the power to construct, improve, operate and maintain bridges on any public road within their respective counties over any navigable or other stream or body of water, the issuance of bonds payable solely out of the net revenues of such bridges; the fixation and collection of tolls and charges to be used for the payment of such bonds and the cost of operation of such bridges; the execution of contracts or the taking of action necessary or desirable in connection with the construction, maintenance [maintenance] and operation of such bridges, the issuance and payment of such bonds; and providing that such bonds shall not be debts of the county or counties issuing such bonds; and declaring an emergency.

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

SECTION 1. The following terms wherever used or referred to in this act, shall have the following meaning unless a different meaning appears from the context:

- "County." (a) The term "county" shall mean a county of the State of Washington and may mean two or more of such counties;
- "Board." (b) The term "board" shall mean the board of county commissioners of any county of the State of Washington and may mean two or more such boards;
- "Bridge." (c) The term "bridge" shall mean all property, rights of way, easements, approaches and franchises relating to any bridge authorized to be constructed by this act and may mean two or more of such bridges;
- "Net revenues." (d) The term "net revenues" shall mean the gross revenues of a bridge constructed as authorized by this act, less the reasonable cost of operating and maintaining said bridge;

(e) The term "purchaser" shall mean the purchaser or purchasers of any of the bonds issued as authorized by this act; "Purchaser."

(f) The term "holder" shall mean the holder or holders of any of the bonds issued as authorized by this act. "Holder."

SEC. 2. The board of each county of this state is hereby authorized to construct, improve, operate and maintain bridges on any public road now or which may be hereafter established within their respective counties and any such bridge may be over any navigable or other stream, lake or other body of water. The boards of two or more counties of this state are hereby authorized to construct, improve, operate and maintain bridges on public roads over any navigable or other stream which constitutes a boundary line between the counties and the boards of the said counties may enter into any contract whatsoever relating to the construction, improvement, operation and maintenance of any such bridge and the issuance and payment of the bonds authorized by this act. The board shall in its discretion have authority to employ engineers specially qualified to design and supervise the construction of any toll bridge built pursuant to this act. Board:  
authorized to  
construct and  
maintain  
bridges.

SEC. 3. The board shall operate the bridge as a toll bridge until the bonds issued to finance the construction of the same are paid in full, at which time the board may cause the bridge to be operated free of tolls. The board shall have the power to fix a schedule of tolls to be charged for the use of said bridge and may enter into any contract whatsoever with the purchaser with respect to the fixation, collection, segregation and allocation of such toll charges. The board shall maintain the bridge in good condition. Employ  
engineers.

SEC. 4. The board is authorized to issue and sell, in appropriate amounts, bonds of the county to Operate as  
toll bridge  
until bonds  
are paid  
in full.  
Board to  
fix schedule  
of tolls.  
Board may  
issue bonds.

Interest and principal payable from net revenue.

Provisions of resolution authorizing bonds.

finance in whole or in part the construction of the bridge, the interest and principal of which bonds shall be payable solely out of the net revenues derived from the operation of the bridge. The said bonds shall be in form and maturity, bear interest, be executed and issued, and sold in the manner provided for in the contract or contracts entered into by the board and the purchaser pursuant to section 5 of this act. Said bonds shall be authorized by resolution or resolutions adopted by a majority of the members of the board. Any resolution or resolutions authorizing the bonds may contain provisions which shall be a part of the contract made with the purchaser or the holder of the bonds as to (a) pledging the tolls and revenues of the bridge to secure the payment of the principal of and interest on the bonds; (b) the rates of the tolls to be charged for use of the bridge and the amounts to be raised in each year by tolls and the use and disposition of the tolls and other revenues; (c) setting aside of reserves and fixing funds and the regulation and disposition thereof; (d) redemption of all or any part of the bonds prior to maturity and the redemption price or prices; (e) limitations on the right of the board and its successors to restrict and regulate the use of the bridge; (f) limitations on the purpose to which the proceeds of the sale of the bonds may be applied; (g) limitations on the issuance of additional bonds; (h) the procedure, if any, by which the terms of any contract with the holder of the bonds may be amended or abrogated, the principal amount of the bonds the holder of which must consent thereto, and the manner in which such consent may be given. The board shall have power out of any funds available therefor to purchase the bonds at a price not more than the principal amount thereof and accrued interest. All bonds so purchased shall be cancelled.

SEC. 5. The board is hereby authorized to enter into contracts with the purchaser containing such terms and provisions as may be agreed upon by the purchaser and the board; and said contracts may contain provisions binding the board to do any of the following: (a) to issue, in appropriate amounts, bonds of the county payable out of the net revenues derived from the operation of the bridge; (b) maintain such bridge in good condition; (c) to fix, pursuant to agreement between the purchaser and the board, the terms upon which said loans shall be made, including the rate of interest, maturity dates, interest payment dates, manner of execution, issuance and sale of the bonds, and any other matters relating thereto.

Contract between board and purchasers of bonds.

SEC. 6. Bonds issued under the provisions of this act shall be payable both as to principal and interest solely from the net revenues derived from the operation of the bridge. It shall be plainly stated on the face of each bond that said bond is a special obligation of the county payable solely from the net revenues from the bridge, that such bond does not constitute a general obligation of the county, and that such bond is not an indebtedness within the meaning of any statutory or constitutional restriction or limitation.

Bonds payable solely from net revenues of bridge.

SEC. 7. The board shall make provision for the payment of the principal of and interest on the bonds issued under the provisions of this act by the fixing, collection, segregation and allocation of the tolls and charges received from the operation of the bridge. Such tolls and charges shall be fixed by the board and shall be revised from time to time so as to produce at all times revenues from the bridge in an amount sufficient at all times to cover the cost of operation and maintenance of the bridge, to pay the principal of and interest on the bonds issued for the purpose of constructing such bridge,

Provision for payment of principal and interest.

to create a fund for the purchase or redemption of bonds, and reserves therefor, to comply with the terms of any contract between the board and the purchaser or the holder of the bonds, and to meet any obligation of the board in connection with the construction of the bridge. No contract entered into by the board shall be construed to permit or require the cost or expense of operation and maintenance of the bridge to be paid out of any funds other than the revenues thereof.

Bondholder  
may sue.

SEC. 8. The purchaser or the holder of any of the bonds or any of the coupons for interest may, by suit, action, mandamus or other proceedings, either at law or in equity, enforce and compel performance of all of the duties of the board, including the fixing of sufficient tolls and charges and the collections, segregation and application of the revenues derived from the operation of the bridge.

Default in  
payment of  
principal or  
interest.

SEC. 9. In the event of default in the payment of the principal of or interest on any of the bonds after the same shall become due and such default shall continue for a period of thirty (30) days, or in the event the board shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the purchaser or the holder of the bonds, the holder of fifteen (15) per cent in the aggregate principal amount of the bonds then outstanding, by instrument or instruments, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee may, and upon the written request of the holder of fifteen (15) per cent in the aggregate principal amount of the bonds then outstanding shall, in his or its own name (a) by mandamus or other suit, action or proceeding, at law or in equity, enforce all rights of the bondholders, including the right to require the board to collect tolls and charges adequate to carry out any

Appointment  
of trustee.

agreement as to, or pledge of, such tolls and charges, and to require the board to carry out any other agreements with the purchaser or the holder of the bonds and to perform its duties under this act; (b) bring suit upon the bonds; (c) by action or suit in equity, require the board to account as if it were the trustee of an express trust for the bondholders; (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders; (e) declare all bonds due and payable and if any default shall be made good to annul such declaration and its consequences: *Provided however*, That before declaring the principal of all bonds due and payable the trustee shall give thirty (30) days notice in writing to the board. Any such trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the bridge, or any part or parts thereof and operate and maintain the same and collect and receive all tolls and charges thereafter arising from the bridge in the same manner as the board itself might do, and any such receiver shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding brought by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any tolls and charges or other revenues derived from the bridge. The trustee shall in addition to the foregoing have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Appointment  
of receiver.

Fees, ex-  
penses and  
costs first  
charge on  
tolls.

SEC. 10. From time to time, either before or after the construction of the bridge, the board shall have

Powers and duties of board.

the power to make and enter into with the purchaser or holder of any of the bonds any and all kinds of contracts and to take any and all action of whatsoever nature in connection with the construction and operation of the bridge, the payment of the principal and interest of said bonds, or otherwise.

Sale of bonds.

SEC. 11. The board is hereby authorized to sell the bonds authorized to be issued by this act at a public or private sale to the highest bidder and such sale may be made to the United States, the State of Washington or any other political body, person, firm, corporation or organization of whatsoever nature: *Provided however*, That no such bonds shall be sold at less than their par value and accrued interest. The board is hereby authorized to apply for, accept and use any grant or grants made to the county by the United States or to the State of Washington to finance in whole or in part the construction of the bridge.

Grants in aid.

Authority to acquire property, rights, etc.

SEC. 12. The board is hereby authorized to acquire by gift, purchase or condemnation all property, rights, rights-of-way, and easements necessary or desirable for the construction, improvement, operation and maintenance of the bridge, and may purchase or otherwise acquire any rights, privileges, permits, franchises, property or facilities which the board in its discretion and judgment may deem to be of benefit, advantage, necessary or desirable for the proper maintenance or profitable operation of such bridge.

Approval of plans and specifications.

SEC. 13. The plans and specifications for the construction of the bridge shall be approved by the board and after such approval the board shall advertise for bids for the construction of the bridge by giving not less than thirty (30) days notice, which notice shall be published in a newspaper having general circulation within the State of Washington. The

Advertisement for bids.

notice shall provide that the contract for the construction of the bridge shall be awarded to the lowest responsible bidder but that the board reserves the right to reject any and all bids. The board may in its discretion call for separate bids and make separate contracts for separate units or parts of any bridge. Upon the final acceptance of the bid the board shall enter into a contract for the construction of the bridge and shall require the contractor to furnish a surety bond for the faithful performance of the contract in such form and for such sum as shall be fixed by the board. The construction contract shall contain such terms, conditions and provisions as shall be determined by the board or as required by a contract between the purchaser and the board.

Contractor's  
bond.

SEC. 14. Any and all action authorized or required to be taken by the board pursuant to this act shall be valid and sufficient if authorized, ratified or approved by a majority of the members of the board at a regular meeting or a special meeting called for the purpose. All bonds issued pursuant to this act shall be signed by the chairman and clerk of the board.

Ratification.

SEC. 15. The powers conferred by this act shall be cumulative and in addition and supplemental to the powers conferred by any other law. In so far as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repeals con-  
flicting acts.

Invalidity of  
part shall  
not affect  
balance.



Effective  
immediately.

SEC. 16. It is hereby adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of public peace, health and safety; and an emergency is hereby declared to exist; this act shall take effect and be in full force and effect from and after its passage.

Passed the House December 27, 1933.

Passed the Senate January 5, 1934.

Approved by the Governor January 13, 1934.

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## CHAPTER 19.

[H. B. 51.]

### EXEMPTION OF REAL AND PERSONAL PROPERTY FROM TAXATION.

AN ACT relating to taxation and to the exemption of real and personal property from taxation and amending section 1, chapter 115, Session Laws, 1933, which amended section 1, chapter 126, Session Laws, 1929, which amended section 7, chapter 130, Laws of Extraordinary Session, 1925, and declaring that this act shall take effect immediately.

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

Amends  
§ 1, ch. 115,  
Laws 1933;  
§ 1, ch. 126,  
Laws 1929;  
§ 7, ch. 130,  
Laws 1925  
Ex. Sess.

SECTION 1. That section 1, chapter 115, Session Laws, 1933, which amended section 1, chapter 126, Session Laws, 1929, which amended section 7, chapter 130, Laws of Extraordinary Session, 1925, be and the same is amended to read as follows:

Property  
subject to  
assessment.

Section 7. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

When.