

and military property for which he shall be accountable or responsible.

(3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service is determined by the duly approved findings of an efficiency board appointed for that purpose.

Passed the House November 20, 1925.

Passed the Senate December 21, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 73.

[H. B. 24.]

### RAILROAD AND HIGHWAY CROSSINGS.

AN ACT relating to the construction and maintenance of railroad crossings and amending section 6 of chapter 30 of the Laws of 1913.

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

SECTION 1. That section 6 of chapter 30 of the Laws of 1913 be amended to read as follows:

Section 6. Apportionment of Cost of Crossings.

#### SUBDIVISION A.

Whenever, under the provisions of this act, new railroads are constructed across existing highways, or highway changes are made either for the purpose of avoiding grade crossings on such new railroads, or for the purpose of crossing at a safer and more accessible point than otherwise available, the entire expense of crossing above or below the grade of the existing highway, or changing the route thereof, for the purpose mentioned in this subdivision, shall be paid by the railroad company.

Amends  
Rem. Comp.  
Stat.,  
§ 10516;  
Pierce's  
Code § 5643.

Railroad to  
pay cost of  
construction.

## SUBDIVISION B.

Railroad to pay part of cost, when.

Whenever, under the provisions of this act, a new highway is constructed across a railroad, or an existing grade crossing is eliminated or changed, (or the style or nature of construction of an existing crossing is changed,) the entire expense of constructing an over-crossing, under-crossing, or safer grade crossing, or changing the nature and style of construction of an existing crossing, including the expense of constructing approaches to such crossing and the expense of securing rights-of-way for such approaches, as the case may be, shall be apportioned by the department of public works between the railroad, municipality or county affected, or if the highway is a state road, between the railroad and the state, as justice may require, regard being had for the benefits accruing to the railroad, municipality, county or state by reason of the improvement. If the highway involved is a state road, the amount not apportioned to the railroad company shall be paid as provided by law for constructing such state road. When an existing grade crossing is ordered eliminated by the construction of an over-crossing or under-crossing, the department may in its discretion pay an amount not to exceed ten per cent of the cost thereof out of the appropriation provided in this act, and in such case the state auditor is hereby authorized and required upon the requisition of the department, to draw warrants on the state treasury payable to the party designated by the department for such amount, and the state treasurer is hereby authorized and required to pay such warrants on presentation.

## SUBDIVISION C.

Apportionment of cost between railroads.

Whenever two or more lines of railroad owned or operated by different companies cross a highway, or each other, by an over-crossing, under-crossing, or grade crossing required or permitted by this act

or by an order of the department, the portion of the expense of making such crossing not chargeable to any municipality, county or to the state, and the expense of constructing and maintaining such signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and the employes of the railroad company, as the department may require to be constructed and maintained, shall be apportioned between said railroad companies by the department unless said companies shall mutually agree upon an apportionment. If it becomes necessary for the department to make an apportionment between the railroad companies, a hearing for that purpose shall be held, at least ten days' notice of which shall be given.

Passed the House December 8, 1925.

Passed the Senate December 21, 1925.

Approved by the Governor December 23, 1925.

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## CHAPTER 74.

[H. B. 125.]

### ADMISSION TO COLONY OF STATE SOLDIERS' HOME.

AN ACT relating to the Colony of the State Soldiers' Home, and amending section 10730 of Remington's Compiled Statutes.

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

SECTION 1. That section 10730 of Remington's  
Compiled Statutes be amended to read as follows: Amends  
Pierce's  
Code § 6235.

Section 10730. There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and are indigent and unable to earn a support for themselves