

## CHAPTER 187.

[S. B. 146.]

## WASHINGTON STATE AID HIGHWAY ACT.

AN ACT providing for the administration of county roads by counties and city streets by incorporated cities and towns and state supervision thereof; prescribing the powers and duties of certain officers; providing procedure for the establishing, laying out, vacating, constructing and maintaining of county roads and the granting of franchises thereon; providing for acquisition of bridges and power of eminent domain; providing for the construction and maintenance of city streets designated as forming a part of the route of primary state highways and other city streets; providing for the expenditures of state funds on county roads and city streets; defining terms; providing for use of Federal aid funds; defining offenses and providing penalties; saving certain acts performed and rights vested; repealing certain acts and parts of acts and all acts and parts of acts in conflict herewith; and declaring an emergency.

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

## CHAPTER I. DEFINITIONS.

SECTION 1. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

"Alley."

(a) "Alley." A public highway within the ordinary meaning of alley not designed for general travel and primarily used as a means of access to the rear of residences and business establishments.

"Arterial highway."

(b) "Arterial Highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority.

"Business district."

(c) "Business District." The territory contiguous to and including the public highway, as herein defined, when fifty per cent (50%) or more of the frontage thereon on either side thereof for a continuous distance of three hundred (300) feet or more is occupied by buildings in use for business.

(d) "Center Line." The line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway. "Center line."

(e) "Center of Intersection." The point of intersection of the center lines of the roadway of intersecting public highways. "Center of intersection."

(f) "City Street." Every public highway as herein defined, or part thereof, located within the limits of incorporated cities and towns, except alleys. "City street."

(g) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway. "County road."

(h) "Crosswalk." The portion of the roadway between the intersection area and the prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten (10) feet therefrom, except as modified by a marked crosswalk. "Crosswalk."

(i) "Department of Highways." The department of highways of the State of Washington, as now constituted by law, or such state agency as may hereafter succeed to its powers and duties. "Department of highways."

(j) "Director of Highways." The duly appointed, authorized and acting director of the department of highways or his duly authorized assistant. "Director of highways."

(k) "Intersection Area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another. "Intersection area."

(l) "Intersection Center Marker." Any standard, button, flag, painted or raised marker, or other device located at and intended to designate the approximate center of intersection. "Intersection center marker."

- "Intersection control area." (m) "Intersection Control Area." The intersection as herein defined, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.
- "Intersection entrance marker." (n) "Intersection Entrance Marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto.
- "Lane highway." (o) "Lane Highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic.
- "Local authorities." (p) "Local Authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the constitution and laws of this state.
- "Marked crosswalk." (q) "Marked Crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.
- "Metal tire." (r) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- "Multiple lane highway." (s) "Multiple Lane Highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four (4) separate lanes of vehicular traffic, two (2) lanes in each direction, each lane of which shall be not less than eight (8) feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking.
- "Operator." (t) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined.

(u) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state. "Peace officer."

(v) "Pedestrian." Any person afoot. "Pedestrian."

(w) "Person." Every natural person, firm, co-partnership, corporation, association or organization. "Person."

(x) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. "Pneumatic tires."

(y) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment. "Primary state highway."

(z) "Private Road or Driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. "Private road or driveway."

(aa) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns. "Public highway."

(bb) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad."

(cc) "Railroad Sign or Signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. "Railroad sign or signal."

(dd) "Residence District." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public "Residence district."

highway for a continuous distance of three hundred (300) feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

"Revoke." (ee) "Revoke." In all its forms shall mean the invalidation for a period of one calendar year and thereafter until reapplication.

"Road way." (ff) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel.

"Safety zone." (gg) "Safety Zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise, so as to be plainly discernible.

"Sidewalk." (hh) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

"Solid tire." (ii) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

"Street car." (jj) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns.

"Suspend." (kk) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstatement.

"Traffic." (ll) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel.

"Traffic control signal." (mm) "Traffic Control Signal." Any traffic device, as herein defined, whether manually, electri-

cally or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

(nn) "Traffic Devices." All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. "Traffic devices."

(oo) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars. "Train."

(pp) "Trolley Vehicle." A vehicle as herein defined, the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. "Trolley vehicle."

(qq) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. "Vehicle."

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

## CHAPTER II. ADMINISTRATION.

SEC. 2. All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved and maintained by the board of county commissioners of the respective counties as agents of the State of Washington Administration of county roads by counties.

and subject to the directions and approval of the director of highways to the extent provided in this act.

County commissioners, duties and powers.

SEC. 3. For the purpose of carrying out the provisions of this act the board of county commissioners of each county shall have the power and it shall be its duty:

(a) To acquire in the manner provided by law, property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(b) To maintain a county engineering office and to keep record of all proceedings and orders pertaining to the county roads of such county;

(c) To acquire land for county road purposes by purchase, gift or condemnation, and to exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;

(d) Except as otherwise provided in this act, or other law of this state, to perform all acts necessary and proper for the administration of the county roads of such county and in relation thereto to exercise all other powers and perform all other duties by this act required or hereafter provided by law.

County road engineer.

SEC. 4. In the exercise of any of the powers and duties by this act or other law of this state vested in or imposed upon the boards of county commissioners with respect to the establishing, laying out, examining, surveying, constructing, altering, repairing, improving and maintaining of the county roads of any county, the same shall be under the supervision and direction of an engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction.

Elective office of county engineer abolished.

At the general county election in the year 1938 and thereafter no county engineer shall be elected in

any county of the state. The board of county commissioners of each county shall exercise all the powers and perform all the duties that have been, now are, or shall be, by law vested in the county engineer.

The board of county commissioners shall employ a county road engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction, who shall serve at the pleasure of the board of county commissioners and who shall have the supervision, under the direction of the board of county commissioners, of the establishing, laying out, constructing, altering, improving, repairing and maintaining of all county roads of such county. Such county road engineer shall examine and certify to the board of county commissioners all estimates and all bills for labor, materials, provisions and supplies with respect to county roads and perform such other duties as may be required by lawful order of the board of county commissioners of such county. Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such a reasonable amount as the board of county commissioners shall determine, conditioned that he will faithfully perform all the duties of his employment and will account for all property of the county entrusted to his care.

Qualifications and duties of county engineer.

Official bond.

SEC. 5. For the purpose of administration of the county roads of each county the board of county commissioners may, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records: *Provided*, That unless the board shall decide otherwise by unanimous vote, there shall be at least one road district in each county commissioner's district embrac-

Road districts, number.



Commissioners to file annually itemized estimates of road district expenditures.

ing territory outside of incorporated cities and towns, and no road district shall extend into more than one county commissioner's district, and each county commissioner shall prepare and file with the county auditor on or before the second Monday in August in each year, the detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law.

County road fund.

Certain funds abolished.

Monies transferred to county road fund.

SEC. 6. There is hereby created in each county of the state a county fund to be known as the "county road fund." From and after the taking effect of this act, the secondary highway fund, general road and bridge fund, road district funds and any and all other funds existing in any county, in which funds for use upon roads herein classified as county roads are deposited, are hereby abolished. Any funds in the secondary highway fund, general road and bridge fund, road district fund or any other fund in which funds are deposited in any county for use upon roads herein classified as county roads, shall be and the same are hereby transferred to and deposited in the county road fund of such county. Any funds which may hereafter accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon roads herein classified as county roads, shall be credited to and deposited in the county road fund of such county. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected. It shall be the duty of the county auditor of each county to set up within the county road fund of such county, a separate fund for each road district and to keep a separate and detailed accounting of all funds arising from any levy for proper county road

purposes in each such road district and all expenditures made therefrom, and it shall be the duty of the board of county commissioners of each county to provide and submit to the director of highways such reports and records with respect to expenditures from such road district fund accounts in the county road fund as shall be from time to time required by the director of highways.

Expenditures from fund reported to director.

SEC. 7. For the purpose of raising revenue for the establishing, laying-out, constructing, altering, repairing, improving, and maintaining of the county roads, bridges and wharves necessary for vehicle ferriage and for other proper county road purposes, the board of county commissioners shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ten mills on the dollar on all taxable property in such county, or road district thereof, unless other law of the state provides a lower maximum levy allowable, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund to be expended therefrom as in this act provided.

Tax levy for roads and bridges.

Moneys accruing from levy.

SEC. 8. Any funds accruing to the credit of any county from the motor vehicle fund shall, when paid in accordance with the provisions of this act, be credited to and deposited in the county road fund of such county to be expended therefrom as in this act provided.

Allocation to county from motor vehicle fund.

Any funds accruing to any county by way of reimbursement by the Federal government for expenditures made from the county road fund of such county for any proper county road purpose shall be credited to and deposited in the county road fund of such county to be expended therefrom as in this act provided for the expenditure of the funds thereby reimbursed.

Reimbursements from Federal government.

## CHAPTER III. RIGHT OF WAY.

Acquisition of right of way by gift, purchase or condemnation.

SEC. 9. Whenever it is necessary to secure any lands for a right of way for any county road or for the drainage thereof or to afford unobstructed view toward any intersection or point of possible danger to public travel upon any county road or for any borrow pit, gravel pit, quarry or other land for the extraction of material for county road purposes or right of way for access thereto, the board of county commissioners is authorized to acquire such lands on behalf of the county by gift, purchase or condemnation. When the board of county commissioners shall so direct, the prosecuting attorney of the county shall institute proceedings in condemnation to acquire such land for a county road in the manner provided by law for the condemnation of land for public use by counties. All cost of acquiring land for right of way or for other purposes aforementioned by purchase or condemnation shall be paid out of the county road fund of the county and chargeable against the project for which the same is acquired.

Roads by user, certain roads declared highways.

SEC. 10. All public highways in this state, outside incorporated cities and towns and not designated as primary state highways that have been used as public highways for a period of not less than seven years prior to the effective date of this act and are now so used, where the same have been worked and kept up at the expense of the public, and all public highways outside of incorporated cities and towns and not designated as primary state highways that may at any time hereafter be and for a period of not less than seven years prior thereto have been so used and the same worked and kept up at the expense of the public, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state, outside incorporated cities and

towns and not designated as primary state highways that have been used as public highways for a period of not less than ten years prior to the effective date of this act and all public highways in this state outside of incorporated cities and towns and not designated as primary state highways that may at any time hereafter be and for a period of not less than ten years prior thereto have been used as public highways, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state which have been a part of the route of a primary state highway and have been or may hereafter be no longer necessary as such shall, upon certification thereof by the director of highways to the board of county commissioners of the county in which any portion of such highway may be located henceforth, be and become a county road of such county.

SEC. 11. No informalities in the records in laying out, establishing or altering any public highways such as contemplated in the last preceding section, now existing on file in the offices of the various county auditors of this state or in the records of the department of highways, shall be construed to invalidate or vacate such public highways.

Informalities shall not be construed to vacate road.

SEC. 12. Whenever the board of county commissioners shall declare by resolution that the true location, course or width of any county road is uncertain and that the same should be determined, they shall direct the county road engineer employed by the county to make examination and survey thereof, which shall embrace an examination and survey of the original petition, report and field notes on the establishment of such road; a survey of the present traveled roadway; all topography within a reasonable distance and having a bearing on the true location of such road; the distance from the center line

Location and width of county road, survey and map.

of the traveled roadway to the nearest section and quarter section corners; a map of sufficient scale accurately showing the above with field notes thereon; a map on the same scale showing the original field notes, such field notes to be transposed and the same meridian used on both maps.

Court actions.

SEC. 13. When the true location, course or width of a county road, which was prior thereto uncertain, has been reported by the examining engineer, the board of county commissioner[s] shall file an action in the superior court of such county for the determination thereof. All persons affected by the determination of such true location, course or width in so far as the same may vary from the originally established location, course or width shall be made parties defendant in such action and service had and return made as in the case of civil actions. Upon the hearing the court shall consider the survey, maps and all data with reference to the investigation of the examining engineer and may demand such further examination as he may deem necessary and any objection of any party defendant may be heard and considered. The court shall determine the true location, course and width of such county road and may in his discretion assess the cost of such action against the county and to be paid from the county road fund of such county.

Width of county road.

SEC. 14. From and after the taking effect of this act, the width of thirty (30) feet on each side of the center line of county roads, exclusive of such additional width as may be required for cuts and fills, is the necessary and proper right of way width for county roads, unless the board of county commissioners, shall, in any instance, adopt and designate a different width. This section shall not be construed to require the acquisition of increased right of way for any county road established prior to the taking

effect of this act and the right of way for which has been secured.

SEC. 15. The board of county commissioners of any county shall have the power to establish county roads over, across or along any dike maintained by any diking, or diking and drainage district, in the manner provided by law for establishing county roads over or across private property, and shall determine and offer the amount of damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: *Provided*, That every such county road shall be so constructed, maintained, and used as not to impair the use of the dike.

County roads over and along dikes.

SEC. 16. If any offer of damages to any diking, or diking and drainage district is not accepted in the manner provided by law, it shall be deemed rejected, and the board of county commissioners by order, shall direct condemnation proceedings to procure the right of way to be instituted in the superior court of the county by the prosecuting attorney of the county in the manner provided by law for the taking of private property for public use, and to that end the board of county commissioners is hereby authorized to institute and maintain in the name of the county such proceedings against the diking, or diking and drainage district, and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board of county commissioners: *Provided*, No real or other property taxes shall be charged or collected by any diking, or diking and drainage district for any county road as provided in this section.

Proceedings to procure right of way.

SEC. 17. The board of county commissioners in their respective counties in this state are hereby authorized and empowered to accept the grant of rights of way for the construction of public high-

Right of way, acceptance by commissioners.

ways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States, and said rights of way shall henceforward not be less than sixty (60) feet in width unless a lesser width is specified by the United States and such acceptance shall be by resolution of such board of county commissioners spread upon the records of their proceedings: *Provided*, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.

Former  
acceptances  
ratified.

SEC. 18. The action heretofore of boards of county commissioners in their respective counties purporting to accept the grant of rights of way under section 2477 of the Revised Statutes of the United States for the construction of public highways over public lands of the United States, as provided in the preceding section, is hereby approved, ratified and confirmed and all such public highways shall be deemed duly laid out county roads and such boards of county commissioners may at any time by recorded resolution cause any of such county roads to be opened and improved for public travel.

#### CHAPTER IV. ESTABLISHMENT.

County  
roads,  
establish-  
ment by  
resolution.

SEC. 19. The board of county commissioners may by original resolution upon the vote of such board entered upon their minutes declare their intention to establish any county road in such county and declare that the same is a public necessity and direct the county road engineer employed by the county to report upon such project.

Petition to  
establish.

SEC. 20. Ten or more freeholders of any county may petition the board of county commissioners for the establishing of a county road in the vicinity of their residence, setting forth and describing the gen-

eral course and terminal points of such proposed county road improvement or work and that the same is a public necessity. Such petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300.00), payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties and conditioned that the petitioners will pay into the county road fund of the county all costs and expenses incurred by the county in examining and surveying the proposed road and in the proceedings thereon in case the said county road may not be established by reason of the same being impracticable or there not being funds therefor. When the cost is assessed against the principal or principals on such bond, the clerk of the board of county commissioners shall file a cost bill with the county treasurer, who shall proceed to collect the same. The board of county commissioners may require the petitioners to secure deeds and waivers of damages for the right of way from the land owners, and, in such case, before an examination or survey by the county road engineer employed by the county is ordered, such deeds and waivers shall be filed with the board of county commissioners. Upon the filing of such petition and bond and being satisfied that the same has been signed by freeholders residing in the vicinity of such proposed county road, the board of county commissioners shall direct the engineer to report upon such project.

Bond  
required.

Cost bill.

Waivers.

SEC. 21. Whenever directed by the board of county commissioners to report upon the establishing of such county road the engineer employed by the county shall make an examination of such county road and if necessary a survey thereof. After examination, if the engineer deems such county road to be impracticable, he shall so report to the board of county commissioners without making any survey,

Survey.



Report of  
county  
engineer.

or he may examine or examine and survey any other practicable route which would serve such purpose. Whenever he shall consider any such county road or modified county road as practicable, he shall report thereon in writing to the board of county commissioners giving his opinion: (1) As to the necessity of such county road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of right of way therefor; (4) as to the estimated cost of construction of such county road, including all necessary bridges, culverts, clearing, grubbing, drainage and grading; (5) and such other facts, matters and things as he may deem of importance to be considered by such board of county commissioners. He shall file with such report a correctly prepared map of such county road as surveyed, which map must show the tracts of land over which such county road passes, with the names, if known, of the several owners thereof, and shall file therewith his field notes and profiles of such survey.

Hearing.

SEC. 22. The board of county commissioners shall fix a time and place for hearing upon the report of the examining engineer and cause notice thereof to be published once a week for two successive weeks in the county official newspaper and to be posted for at least twenty days at each of the termini of such proposed county road.

Notice.

The notice shall set forth the termini of such county road as set out in the resolution of the board of county commissioners or the freeholders' petition, as the case may be, and shall state that all persons interested may appear and be heard at such hearing upon the report and recommendation of the examining engineer either to proceed or not to proceed with such establishing of such county road. On the day fixed for such hearing or any day to which such hearing has been adjourned, the said board of county commissioners upon due proof to the satisfaction of

such board of county commissioners made by affidavit, of due publication and posting of such notice of hearing, shall consider said report and any and all evidence relative thereto, and if such board of county commissioners finds that such proposed county road is a public necessity and practicable it may establish such county road by proper resolution. The cost and expense of such county road, together with cost of proceedings thereon and of right of way and any quarries or other land acquired therefor, and the maintenance of such county road shall be paid out of the county road fund of the county.

Findings.

Resolution establishing road.

SEC. 23. Whenever a county road shall have been or shall hereafter be established within any county, and such county road shall cross the boundary of such county and again enter such county, it shall be lawful for the board of county commissioners of the county within which the major portion of such county road is located to expend the county road funds of such county in the laying out, establishing, constructing, altering, repairing, improving and maintaining of that portion of such county road lying outside the county, in the manner provided by law for the expenditure of county funds for the construction, alteration, repair, improvement, and maintenance of county roads lying within such county.

Roads passing outside of county.

SEC. 24. Whenever two counties are separated by an intervening portion of a third county not exceeding one mile in width, and each of said counties has constructed or shall construct a county road to the boundary thereof, and the boards of county commissioners of the two counties deem it beneficial to such counties to connect said county roads by the construction and maintenance of a county road across such intervening portion of the third county, it shall be lawful for the boards of county commissioners of the two counties to expend jointly the

Connecting road and bridge not within either county.

county road funds of their respective counties in acquiring right of way for the construction, improvement, repair and maintenance of such connecting county road and any necessary bridges thereon, in the manner provided by law for the expenditure of county road funds for the construction, improvement, repair and maintenance of county roads lying within a county.

Right of way acquired.

SEC. 25. For the purpose of carrying into effect the two preceding sections and under the circumstances therein set out the boards of county commissioners are empowered to secure land necessary for the right of way for such portion of such county road so lying outside such county or counties by gift or purchase or by condemnation in the manner provided for the taking of property for public use by counties.

Construction of sidewalks parallel or adjacent to county road.

The boards of county commissioners of respective counties are hereby empowered to expend funds credited to the county road fund from any county or road district levied for the construction of county roads of such county for the construction of sidewalks and pedestrian allocated paths or walks, or either, parallel and adjacent to any county road.

Commissioners granted power to erect bridge at county boundary.

SEC. 26. The power is granted the board of county commissioners of any county in the State of Washington to erect and construct or to acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure for the continuation or connection of any county road where such stream, body of water, gulch, navigable water, swamp, or other topographical formation constitutes a boundary between the county and any city or town, other county, property of the State of Washington, or any other state or county, city or town of any other state. The power is fur-

ther granted the board of county commissioners of such county to join with such city or town, other county, the State of Washington, or such other state, county, city or town of such other state, as the case may be, in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or any other structure for the continuation or connection of any such county road across any such stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure and forming such boundary, and the purchase or condemnation of right of way therefor.

Bridges, joint construction by counties and cities.

SEC. 27. The board of county commissioners may by original resolution upon the vote of such board entered upon their minutes declare their intention to pay for and erect or construct, or acquire by purchase, gift, or condemnation any bridge, trestle, or other structure upon any county road which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting a county boundary, by such county, or to join therein with any other county, city or town or with this state or with any other state, or any county, city or town of any other state, as by law provided, for the erecting, or constructing, or acquiring by purchase, gift or condemnation of any such structure, and that the same is a public necessity, and directing the county road engineer employed by the county to report upon such project, dividing, as the case may be, any just proportional cost thereof to such county.

Resolution.

In the event two (2) counties of this state or any county and any city or town wish to join in paying for the erection or acquisition by purchase, gift, or condemnation of any such structure, the resolution provided in this section shall be a joint resolution of the governing authorities of the counties, cities

Joint resolution.

or towns and they shall further, by such resolution, designate an engineer employed by one county only to report upon such proposed erection or acquisition.

Petition.

SEC. 28. Ten (10) or more freeholders of any county may petition the board of county commissioners for the erection and construction or acquiring by purchase, gift, or condemnation of any bridge, trestle, or any other structure in the vicinity of their residence, and upon any county road which crosses any stream, body of water, gulch, navigable waters, swamp or other topographical formation constituting a county boundary by joining with any other county, city or town, or the State of Washington, or with any other state or any county, city or town of any other state, setting forth and describing the location proposed for the erection of such bridge, trestle, or other structure, and that the same is a public necessity. Such petition shall be accompanied by bond upon the same requirements, conditions and amount and in the same manner as in case of freeholders' petition for the establishing of any county road. Upon the filing of such petition and bond and being satisfied that the same has been signed by the freeholders residing in the vicinity of such proposed bridge, trestle, or other structure, the board of county commissioners shall direct an engineer employed by the county to report upon such project, and, as the case may be, any just proportioned cost thereof to such county.

Bond required.

Counties and cities petitioned to act jointly.

In the event two counties of this state or any county and any city or town are petitioned to join in paying for the erection or acquisition by purchase, gift or condemnation of any such structure, the board of county commissioners of the counties or the board of county commissioners of the county and governing authorities of the city or town shall act jointly in the selection of the engineer who shall report upon such acquisition or erection for which petition has been filed.

Engineer's report.

SEC. 29. Upon report by the examining engineer for the erection and construction upon any county road or acquiring by purchase, gift or condemnation of any bridge, trestle, or any other structure crossing any stream, body of water, gulch, navigable water, swamp or otherwise, which constitutes a county boundary, publication shall be made and joint hearing had upon such report in the same manner and upon the same procedure as in the case of resolution or petition for the laying out and establishing of county roads. If upon such hearing the governing authorities shall jointly order the erecting and constructing or acquiring by purchase, gift, or condemnation of such bridge, trestle, or other structure, they may jointly acquire land necessary therefor by purchase, gift, or condemnation in the manner as provided for acquiring land for county roads, and shall advertise calls for bids, require contractor's deposit and bond, award contracts, and supervise construction as by law provided and in the same manner as required in the case of the construction of county roads.

Publication  
of hearing  
upon report.

Any such bridges, trestles or other structures may be operated free, or may be operated as toll bridges, trestles or other structures under the provisions of the laws of this state relating thereto.

Bridge may  
be free or  
tolls may be  
charged.

SEC. 30. The boards of county commissioners of the several counties are hereby empowered to expend funds from the county road fund of their county for the construction, improvement, repair, and maintenance of any bridge upon any city street within any incorporated city or town in such county where such city street and bridge are essential to the continuation of the county road system of such county. Such construction, improvement, repair or maintenance shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as in this act provided for the laying out and

City bridges  
on county  
roads.

establishing of county roads by counties, and the preparation of maps, plans and specifications, advertising and award of contracts therefor shall be as provided in this act.

Ferries.

SEC. 31. The power is hereby granted the board of county commissioners of any county in the State of Washington to severally or jointly with any other county, city or town, or the State of Washington or any other state or any county, city or town of any other state, construct or acquire by purchase, gift, or condemnation and operate any ferry necessary for continuation or connection of any county road across any navigable water. The procedure with respect to the exercise of the power herein granted shall be the same as provided for the joint erection or acquisition of bridges, trestles or other structures. Any such ferries may be operated as free ferries or as toll ferries under the provisions of the laws of this state relating thereto.

#### CHAPTER V. CONSTRUCTION.

Construction of county roads.

SEC. 32. Whenever it is ordered by resolution of the board of county commissioners that any county road shall be laid out and established and altered, widened or otherwise constructed or improved, the county road engineer employed by the county shall prepare such maps, plans and specifications as shall be necessary and sufficient. A copy of such maps, plans and specifications shall be approved by the board of county commissioners, their approval endorsed thereon and such copy of the maps, plans and specifications filed with the clerk of the board of county commissioners. Upon approval of such maps, plans and specifications and the filing thereof the board of county commissioners shall, if they determine that such work shall be done by contract, advertise a call for bids upon such construction work by publication in the official county paper and also

Maps, plans and specifications prepared.

Advertising call for bids.

one trade paper of general circulation in the county, in one issue of each such paper at least once in each week for two consecutive weeks prior to the time set in such call for bids for the opening of such bids. All bids shall be submitted under sealed cover before the time set for the opening of such bids. At the time fixed in the call for bids the board of county commissioners shall proceed to publicly open and read such bids as have been submitted in the board room at the county seat of such county. No bid shall be considered unless it is accompanied by a bid deposit in the form of cash, cashier's check or certified check in an amount equal to five per cent (5%) of the amount of the bid proposed. Said board of county commissioners shall proceed to award the contract to the lowest and best bidder but may have the right to reject any or all bids if in its opinion good cause exists therefor. The board of county commissioners shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of such award, exclusive of the day of notice, the amount of such bid deposit shall be forfeited to the county and placed in the county road fund and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder and accepted by the board of county commissioners.

Opening of bids.

Bid deposit.

Awarding of contract.

Contractor's bond.

Forfeiture of bid deposit.

SEC. 33. No contract shall be awarded for the construction or improvement of any county road, the total amount of the bid proposal for which or the contract for which exceeds the estimate of the engineer employed by the county by more than ten per cent (10%) thereof.

Contract shall not be awarded if bid proposal exceeds engineer's estimate.



Day labor.

SEC. 34. The board of county commissioners may, in its discretion, cause any county road to be constructed or improved by day labor in an amount not to exceed seven thousand five hundred dollars (\$7,500) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of seven thousand five hundred dollars (\$7,500) shall be performed by contract as in this act provided. In the event that the board of county commissioners should determine that any construction should be performed by day labor, as provided in this section, it shall cause to be published in one issue of a paper of general circulation in the county a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board of county commissioners shall cause to be published in one issue of a paper of general circulation in the county a similar brief description of such work, together with an accurate statement of the true and complete cost of the performing of such construction by day labor.

Description of work published.

Penalty for not publishing.

Failure to make publication as herein required shall subject each county commissioner to a fine of one hundred dollars (\$100) for which they shall be liable individually and upon the official bond of each and it shall be the duty of the prosecuting attorney to file information and prosecute for violation of the provisions of this section.

Maps, plans etc. to be submitted to and approved by director before construction performed.

SEC. 35. No construction work shall be performed and paid for from any money accruing to any county from the motor vehicle fund or other fund in the state treasury nor shall any money expended from the county road fund of any county for construction work be reimbursed from the motor vehicle fund or

any other fund in the state treasury unless such construction work is done on maps, plans, specifications and estimates first submitted to and approved by the director of highways, nor shall any final payment be made upon any construction work done on any county road payable as above set forth unless the director of highways shall have first inspected and approved such construction work: *Provided*, In case of actual emergency repair, construction or reconstruction work, and in case of repair, construction or reconstruction work in an amount not in excess of five hundred dollars (\$500) on any one project, or either, such work may be performed without such approval of maps, plans and specifications with the permission of the director of highways.

Inspection  
before final  
payment.

SEC. 36. It shall be the duty of the board of county commissioners and the engineer employed by them, at the time of establishing, constructing, improving or paving any county road, to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right of way of any county road, and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any county road heretofore established, by permitting inspection of the records in the office of the board of county commissioners and the county engineering office.

Permanent  
monuments.

#### CHAPTER VI. MAINTENANCE.

SEC. 37. The board of county commissioners shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards and guide posts and appropriate stop, caution, warning, restric-

Signs and  
signals.

tive and directional signs and markings as they shall deem necessary or as may be required by law. All such markings shall be in accordance with the uniform state standard of color, design, erection and location adopted and designated by the director of highways.

Franchises,  
public  
utilities.

SEC. 38. The board of county commissioners of the several counties in the State of Washington is hereby authorized and empowered to grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of water works, gas pipes, telephone, telegraph and electric light lines, sewers and any other such facilities: *Provided*, That hereafter on application being made to the board of county commissioners for any such franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county and in at least one conspicuous place on the county road, or portion thereof, upon which application is made, at least fifteen (15) days before the day fixed for such hearing, and by publishing a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five (5) days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the county road, or parts thereof, upon which the application for franchise is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by the order of the board of county commissioners. If, after such hearing, the board of county commissioners shall deem

Application.

Notice of  
hearing.

it to be for the public interest to grant such franchise in whole or in part, the board of county commissioners may make and enter proper resolution granting the franchise applied for or so much thereof as it deems to be for the public interest, and may require any such utility and its appurtenances to be placed in such location on or along the county road as the board of county commissioners finds will cause the least interference with other uses of the county road. Any person or corporation constructing or operating such utility on or along such county road shall be liable to the county for all necessary expense incurred in restoring such county road to a suitable condition for travel. This act shall be construed as an addition to existing laws and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided, further*, No exclusive franchise or privilege shall be granted: *Provided, further*, That the facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to other location on such county road in the event such county road is to be constructed, altered or improved or shall become a primary state highway and such removal is reasonably necessary for the construction, alteration or improvement thereof.

Resolution granting franchise.

Liability.

Franchise shall not be exclusive nor granted for a period longer than fifty years.

Removal of facilities.

SEC. 39. The board of county commissioners of any county of this state may grant to any person, firm or corporation the right to build and maintain tram roads and railway roads upon county roads under such regulations and conditions as said board of county commissioners may prescribe: *Provided*, Such tram road or railway road shall not occupy more than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel upon such county road.

Franchise for tram roads.

Franchises  
upon jointly  
maintained  
bridges.

SEC. 40. The board of county commissioners are hereby empowered to grant franchises upon bridges, trestles or other structures constructed and maintained by them severally or jointly with any other county or incorporated city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as in the act provided for the granting of franchises on county roads.

Prior grants  
held valid.

SEC. 41. Any and all grants, rights, privileges, franchises or powers heretofore made or attempted to be made, given or granted by the board of county commissioners of any county of this state, when such board of county commissioners was in regular or special session, and when the action of such board of county commissioners is shown by its records, to any person, firm or corporation, to erect, construct, maintain or operate any railway or poles, pole lines, wires, or any other matter or thing for the furnishing, transmission, delivery, enjoyment or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter or thing relating to said matters and things or either of them, or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads be and they are hereby confirmed and declared to be valid to the extent that such grants, rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has been, prior to the passage of this act, actually occupied by the *bona fide* construction and operation of such utility and no farther [further], and such rights, powers and grants hereby confirmed shall have and be of the same force and effect as if the board of county commissioners in any county of this state, prior to the time of giving or granting said rights, privileges

and franchises, had been specifically authorized and empowered to give and grant the same.

SEC. 42. It shall be the duty of the board of county commissioners to cause to be recorded with the clerk of the board of county commissioners of their respective counties within thirty days after the effective date of this act a complete record of all existing franchises upon the county roads of their respective counties and to henceforth keep and maintain a currently correct record of all franchises existing or granted with information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted and date of expiration, and any other information with reference to any special provisions of such franchises.

Record of existing franchises.

Current record.

SEC. 43. No oil or other material shall be used in the treatment of any county road or private road or driveway, of such consistency, viscosity or nature or in such quantities and in such proximity to the entrance to or intersection with any primary state highway or county road, the roadway of which is surfaced with cement concrete or asphaltic concrete, that such oil or other material is or will be tracked by vehicles thereby causing a coating or discoloration of such cement concrete or asphaltic concrete roadway. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Use of oil in proximity to primary highway.

Penalty.

SEC. 44. The boards of county commissioners of the several counties are empowered to purchase and operate, out of the county road fund, rock crushing, gravel or other road building material extraction equipment, and any crushed rock, gravel or other road building material extracted and not directly used or needed by such county in the construction, alteration, repair, improvement or maintenance of its county roads may be sold at actual cost of production by said board of county commissioners to the

Commissioners may operate road building material extraction equipment.

Sale of surplus product.

state or any other county, city, town or other political subdivision to be used in the construction, alteration, repair, improvement or maintenance of any state, county, city, town or other proper highway, road or street purpose.

Voluntary contribution for road improvement.

Upon voluntary contribution and payment by any person, firm, corporation or association to the board of county commissioners for the actual cost of placing upon any county road of crushed rock, gravel or other road building material, the board of county commissioners are empowered to place such crushed rock, gravel or other road building material upon such county road if it be otherwise a proper county road purpose and receive payment therefor at the actual cost thereof.

All proceeds from the sale or placing of any crushed rock, gravel or other road building material as provided in this section shall be deposited in the county road fund of such county to be expended under the same provisions as are by law imposed upon the funds used to produce the crushed rock, gravel or other road building material extracted and sold.

Forest roads.

SEC. 45. The boards of county commissioners of the several counties are hereby empowered to maintain any forest roads within its county and to expend for the maintenance thereof funds accruing to the county road fund of such county in the same manner and under the same provisions as in this act provided for the maintenance of county roads.

Failure of county to maintain county roads as per agreement with Federal government.

SEC. 46. In the event that any county has heretofore or may hereafter enter into any agreement with the Federal government or any agency thereof or with the State of Washington or any agency thereof according to the terms of which such county has agreed to maintain certain county roads or any portion thereof and such maintenance is not being

performed to the satisfaction of the Federal government or the director of highways, reasonably consistent with original construction, notice thereof may be given by the director of highways to the board of county commissioners of such county and if the board of county commissioners of such county does not thereafter and within ten (10) days provide for such maintenance, authority is hereby given to the director of highways to perform such maintenance and the state auditor shall pay the cost thereof on vouchers submitted by the director of highways and deduct the cost thereof from any sums in the motor vehicle fund credited or to be credited to the county in which such county road is located.

Director  
may perform  
such  
maintenance.

SEC. 47. No items of equipment shall be purchased by any county and paid for from the county road fund of such county where the sales price thereof is in excess of five hundred dollars (\$500), except upon a call for bids published at least once a week for two consecutive weeks prior to the day of receiving and opening such bids. Such call for bids shall specify the equipment to be purchased and the time and place when bids will be received and opened. Bids shall be publicly opened and read and award shall be made to the lowest and best bidder: *Provided*, That in the event of any evidence of collusion as between bidders or in the event that it is considered that an insufficient number of bids has been received or for other good cause, the board of county commissioners may reject all bids and re-advertise for bids in the same manner as above provided.

Items of  
equipment  
purchased in  
excess of  
\$500.

#### CHAPTER VII. VACATION.

SEC. 48. When a county road or any part thereof is considered useless, the board of county commissioners may, by unanimous resolution entered upon their minutes, declare their intention to vacate and

County road  
may be  
vacated.



abandon the same or any portion thereof and shall direct the county road engineer employed by the county to report upon such vacation and abandonment.

Petition.

SEC. 49. Ten freeholders residing in the vicinity of any county road or portion thereof may petition the board of county commissioners to vacate and abandon the same or any portion thereof, such petition to show the land owned by each petitioner and set forth that such county road will be useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The petition shall be accompanied by a bond in the penal sum of one hundred dollars (\$100), payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of such county the amount of all costs and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon. On the filing of such petition and bond and on being satisfied that the petition has been signed by petitioners residing in the vicinity of such county road or portion thereof, the board of county commissioners shall direct the county road engineer employed by the county to report upon such vacation and abandonment.

Report of  
engineer.

SEC. 50. When directed by the board of county commissioners the engineer employed by the county shall examine any county road or portion thereof proposed to be vacated and abandoned and report his opinion as to whether the county road should be vacated and abandoned, whether the same is in use or has been in use, the condition of such county road, whether it will be advisable to preserve the same for the county road system in the future, whether the public will be benefited by the vacation and aban-

donment and all other facts, matters and things which will be of importance to the board of county commissioners, and also file his cost bill.

SEC. 51. Notice of hearing upon such report for vacation and abandonment of a county road shall be published at least once a week for two consecutive weeks preceding the date fixed for such hearing in the county official newspaper and a copy of the notice thereof posted for at least twenty days preceding the date fixed for such hearing at each termini of the county road or portion thereof proposed to be vacated or abandoned. On the day fixed for the hearing, the board of county commissioners shall proceed to consider the report of the engineer thereon, together with any evidence for or objection against such vacation and abandonment, and if the county road may be found useful as a part of the county road system it shall not be vacated, but if the county road is not useful and the public will be benefited by the vacation, then the board of county commissioners may vacate such county road or any portion thereof, and not otherwise; if the board of county commissioners determine to vacate such county road, they shall certify all costs and expenses incurred in the proceedings and file the same with the county treasurer and upon payment of such certified costs and expenses by the principal or principals or sureties upon such bond the board of county commissioners shall declare such county road, or portion thereof, vacated and enter the same in their minutes. No county road shall be vacated and abandoned unless by unanimous vote of the board of county commissioners properly entered or by operation of law, or judgment of a court of competent jurisdiction.

Notice of hearing upon report.

Findings.

Unanimous vote required.

SEC. 52. Any county road, or part thereof, which has heretofore been, or may hereafter be authorized, which remains unopen for public use for a space of

Vacation of road by nonuser.

five years after the order is made or authority granted for opening the same, shall be, and the same is hereby vacated, and the authority for building the same barred by lapse of time: *Provided, however,* That the provisions of this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat be within or without the limits of any incorporated city or town, nor to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys or other public places.

#### CHAPTER VIII. STATE AID.

State aid for  
county roads.

SEC. 53. Any monies accruing to the credit of any county in the motor vehicle fund may be paid to such county, as provided by law, for the construction, alteration, repair, improvement or maintenance of the county roads of such county and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic and therefore essential to the county road system, and for ferries, and for the acquiring, operating and maintaining of machinery, equipment, quarries, or pits for the extraction of materials and for the cost of establishing county roads, acquiring rights of way therefor in the manner provided by law and expenses for the operation of the county engineering office and for any other proper road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town or tax district within the county. For the purpose of this act, the payment of interest or principal on general obligation county road bonds, or independent highway district bonds or retirement of registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are hereby declared to be a proper county road purpose.

SEC. 54. No monies shall be paid by the state auditor from funds accruing to the credit of any county in the motor vehicle fund for deposit in the county road fund of any county except on vouchers for reimbursement of proper county road expenditures theretofore made and properly supported and approved by the director of highways. All funds for the construction, alteration, repair, improvement and maintenance of the county roads of any county or for any other proper county road purpose shall be deposited in and expended from the county road fund of such county and no other fund, and no county shall be entitled to receive any funds from the motor vehicle fund of the state unless and until the board of county commissioners shall have satisfied the director of highways of compliance with the provisions of this section. The board of county commissioners are empowered to expend funds from the county road fund or register warrants against the county road fund in anticipation of reimbursement thereof from funds credited or to be credited to such county in the motor vehicle fund.

Method of payment.

SEC. 55. No maps, plans, specifications and estimates submitted to the director of highways by any county for approval shall be filed, retained or approved by the director of highways when the aggregate amount of work approved shall exceed the construction percentage of the total amount which has accrued or which is reasonably anticipated to accrue to the credit of such county in the motor vehicle fund during any current calendar year. The board of county commissioners are empowered to substitute a preferred county road project for another, the maps, plans, specifications and estimates for which have been approved, in which event the board of county commissioners shall request in writing the withdrawal of such previously approved project and the director of highways shall withdraw his approval thereof.

Aggregate amount of work exceeding construction percentage.

Substitution of projects.

County road  
budget.

Director's  
estimate of  
moneys to be  
credited  
county.

SEC. 56. On or before the eighth day of July of each year, the director of highways shall prepare and file with the board of county commissioners of each county an estimate of the amount of money which will be credited to such county for the forthcoming calendar year in order that each board of county commissioners may prepare the necessary county road budget. In the preparation and adoption of the county road budget of each county the board of county commissioners shall determine and budget the respective percentages of the sum to become available for the following county road [purposes]: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance, and; (4) construction. Not less than fifty per cent (50%) of the sum to become available shall be budgeted for county road construction and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided and with the approval of the director of highways: *Provided*, The board of county commissioners of any county may, in adopting the county road budget, adopt another percentage than that herein prescribed upon the approval of the director of highways.

Upon the final adoption of the county road budgets of the several counties as provided by law, the boards of county commissioners shall file a copy thereof in the office of the director of highways.

Supple-  
mental  
budget.

In the event that any funds should accrue to any county in the motor vehicle fund in excess of the amount estimated by the director of highways and such excess funds have not been included by the board of county commissioners in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of such county road budget,

then the board of county commissioners may on the unanimous consent of such board and with the approval of the director of highways consider and adopt a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year. The board of county commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The board of county commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The board of county commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the board of county commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director of highways and one to the division of municipal corporations.

SEC. 57. For the purpose of enabling the several boards of county commissioners to comply with the provisions of this act during the present calendar year, the director of highways shall prepare and file

Estimate of monies credited during present calendar year.

with the boards of county commissioners of each county on April 1, 1937, an estimate of the amount of money which will be credited to such county for the remaining portion of the present calendar year. On or before the 15th day of April, 1937, the board of county commissioners of the several counties shall determine by resolution, a copy of which shall be immediately filed in the office of the director of highways, the respective percentages of the amount estimated to become available during the remaining portion of the present calendar year for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance, and; (4) construction. Not less than fifty per cent (50%) of the sum to become available in the remaining portion of the present calendar year shall be set aside for county road construction and the respective percentages, as set forth in such resolution for these several items for the remaining portion of the present calendar year shall not be altered or exceeded except with the approval of the director of highways.

Upon the adoption of such resolution a copy thereof, certified by the clerk of the board of county commissioners, shall be filed in the office of the director of highways as above required, together with a copy of the current county road budget.

Supple-  
mental  
budget for  
remainder  
of current  
fiscal year.

In the event that any funds should accrue to any county in the motor vehicle fund in excess of the amount estimated by the director of highways and such excess funds have not been included by the board of county commissioners in the county road budget for the remaining portion of the present calendar year, then, the board of county commissioners may, on the unanimous consent of such board and with the approval of the director of highways expend such funds in the remaining portion of the present calendar year upon consideration and adop-

tion of a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year. The board of county commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The board of county commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The board of county commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the board of county commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director of highways and one to the division of municipal corporations.

SEC. 58. The board of county commissioners of each county shall, from time to time, report to the director of highways or other agency of the State of Washington, in such form and in such manner as prescribed, any records and reports required by law or which may be required by the director of highways. Reports required by the director of highways

Commission-  
ers' report  
to director.



shall be on a form prescribed by him and shall be concise and plain and required only in such detail and upon such subjects as will enable the director of highways to understand and assist in the administration of the county road system. In case any records or reports required by law or by the director of highways are not made after due notice in the manner or at the time so required, the director of highways or other state agency shall so notify the state auditor and no further funds shall be paid to such county until such reports have been made.

Federal aid.

SEC. 59. In the event that any funds should become available from the Federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the director of highways, the state auditor shall, upon notice from the director of highways thereof, set aside from any monies in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the Federal government to accomplish such work, the same to be performed by the director of highways and paid from the money so set aside upon vouchers approved and submitted by the director of highways in the same manner as payment is made for such work on primary state highways: *Provided*, The board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the director of highways and approved by him, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the Federal government.

## CHAPTER IX. CITY STREETS.

SEC. 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund may be paid to such incorporated cities and towns as provided by law for the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the director of highways as forming a part of the route of a primary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary state highway system. Such expenditure may be made either independently or in conjunction with the state or any county: *Provided*, That all such funds credited to any incorporated city or town from the motor vehicle fund shall be used only for the construction of those city streets designated by the director of highways as forming a part of the route of a primary state highway through such incorporated cities or towns with so much thereof used for the maintenance of such routes of primary state highways as may be necessary to maintain the same reasonably consistent with original construction: *Provided, further*, In the event that any such funds are permitted with the approval of the director of highways to be used on any city streets of any incorporated city or town other than those designated by the director of highways as forming a part of the route of a primary state highway, the same shall be used for construction and repair only.

State aid for city streets.

Moneys credited used for streets designated as part of primary state highways.

The director of highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the

Director to provide for maintenance of bridges.

director of highways as forming a part of the route of primary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary state highways and in the manner and to the extent provided in this section. The director of highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the director of highways shall be conclusive. Upon determination by the director of highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the director of highways shall so certify to the state auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The director of highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the state auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the director of highways but in no event in excess of the amount determined by the director of highways for any one year.

Director to designate streets forming part of primary state highways.

SEC. 61. The director of highways shall determine what city streets, if any, in any such incorporated cities and towns shall form a part of the

route of any primary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the state auditor and one copy to the clerk of each incorporated city and town, which streets, if any, in such city or town are designated as forming a part of the route of a primary state highway through such city or town.

SEC. 62. No money shall be paid by the state auditor from funds accruing to the credit of any incorporated city or town in the motor vehicle fund for deposit in the city street fund except on vouchers for reimbursement of proper city street expenditures theretofore made and properly supported and approved by the director of highways. All funds for the construction, alteration, repair, improvement and maintenance of the city streets of any incorporated city or town, or for any other proper city street purpose, shall be deposited in and expended from a city street fund and no incorporated city or town shall be entitled to receive any funds from the motor vehicle fund of this state unless and until the governing authorities shall have satisfied the director of highways of compliance with the provisions of this section. The governing authorities of any incorporated city or town are empowered to expend funds from or register warrants against the city street fund in anticipation of reimbursement thereof from funds credited or to be credited to such incorporated city or town in the motor vehicle fund.

Payment of moneys to city or town, method of.

SEC. 63. The director of highways may give local authorities of any incorporated city or town permission to expend any funds accruing to the credit of such incorporated city or town in the motor vehicle fund, upon any other city streets than those designated as forming a part of the route of the primary state highways: *Provided*, That repairs and im-

Expenditures upon streets other than those designated by director.

Repair and maintenance of city streets designated as part of primary state highway.

provements on streets designated as forming a part of the route of primary state highways through any such incorporated city or town are maintained as nearly as possible equal to the standard of original construction: *Provided, further,* That subject to the satisfactory construction and maintenance of those city streets designated as forming a part of the route of a primary state highway through such incorporated city or town, such routes shall be adequately marked and signed with traffic devices satisfactory to the director of highways and in case any incorporated city or town should fail to do so the director of highways may erect such traffic devices and the state auditor shall pay the cost thereof from the funds credited to such incorporated city or town: *Provided, further,* That any expenditure upon other city streets shall be with the approval and under the supervision of the director of highways.

In the event that any money shall accrue in the motor vehicle fund to the credit of any incorporated city or town in which there are no city streets designated as forming a part of the route of any primary state highway, the director of highways may give such city or town authorities permission to expend such money upon any streets of such incorporated city or town: *Provided,* That such expenditure shall be made upon approval and under the supervision of the director of highways.

Whenever the repair or maintenance of any city street designated as forming a part of the route of a primary state highway through an incorporated city or town is delayed or otherwise not satisfactorily accomplished in any manner or in a length of time unsatisfactory to the director of highways, he shall notify the proper authorities of such incorporated city or town to make the necessary repairs or provide the necessary maintenance within a specified time not to exceed thirty (30) days. In the event

of noncompliance with this notice, the director of highways may make such repairs or provide for such maintenance to the extent of and not to exceed the amount of money credited to such incorporated city or town or reasonably anticipated to accrue to the credit of such incorporated city or town in the motor vehicle fund, and the state auditor shall pay therefor on vouchers approved and submitted by the director of highways in the same manner as payment is made for work performed on primary state highways.

In the event that any incorporated city or town, whether or not its city streets or any thereof are designated as forming a part of the route of a primary state highway through such incorporated city or town, is unable to construct, repair or maintain its city streets by reason of lack of equipment or for other good cause, such incorporated city or town may authorize the director of highways to perform such construction, repair or maintenance to the extent of, but not to exceed, the funds credited or to be credited to such incorporated city or town in the motor vehicle fund, or any such incorporated city or town may, by resolution, authorize the board of county commissioners of the county in which such incorporated city or town is located, to perform any such construction, repair or maintenance and the same shall be paid for by such incorporated city or town to such county at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by any county shall be deposited in the county road fund of such county to be expended therefrom under the same provisions as are by law imposed upon the funds used to perform such construction, repair or maintenance.

SEC. 64. The governing authorities of each incorporated city and town shall, from time to time,

Report of  
city  
authorities  
to director.

report to the director of highways or other agency of the State of Washington, in such form and in such manner as prescribed, any records and reports required by law or which may be required by the director of highways. Reports required by the director of highways shall be on a form prescribed by him and shall be concise and plain and required only in such detail and upon such subjects as will enable the director of highways to understand and assist in the administration of the city streets of such incorporated cities and towns. In case any records or reports required by law or by the director of highways are not made in the manner or at the time so required, the director of highways or other state agency shall, after due notice to the governing authorities of any such incorporated city or town, so notify the state auditor and no further funds shall be paid to such incorporated city or town until such reports have been made.

Federal aid  
for city  
streets.

SEC. 65. In the event that any funds should become available from the Federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any primary state highway through such incorporated city or town and the same is to be performed by the director of highways, the state auditor shall, upon notice from the director of highways thereof, set aside from any monies in the motor vehicle fund created to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the Federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the director of

highways in the same manner as payment is made for work on primary state highways. In the event that any such incorporated city or town shall have agreed with the State of Washington or the Federal government as a condition precedent to the acquiring of Federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any primary state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the director of highways may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the director of highways in the same manner as payment is made for work performed on primary state highways.

#### CHAPTER X. OFFENSES AND PENALTIES.

SEC. 66. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Offenses and penalties.

Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

SEC. 67. All fines and forfeitures collected for violation of any of the provisions of this act in any court located in a precinct outside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of such county; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Disposition of fines and forfeitures.

All fines and forfeitures collected for the violation of any of the provisions of this act in any court



located inside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

#### CHAPTER XI. REPEAL.

Statutes  
repealed.

SEC. 68. The following acts and parts of acts be and the same are hereby repealed:

An act entitled "An act authorizing commissioners to lease public roads," approved January 15, 1864;

Sections 54 to 67, both inclusive, being chapter III of an act entitled "An act in relation to roads, ferries, bridges and travel on public highways," approved December 2, 1869, and sections 52 to 65, inclusive, being chapter III of an act entitled "An act in relation to roads, ferries, bridges and travel on public highways," approved November 12, 1879, being sections 6571 to 6584, both inclusive, of Remington's Compiled Statutes of Washington, relating to public roads, the lease thereof and the charging of tolls for the use thereof;

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17 of chapter III of an act to provide for the formation of corporations, approved December 2, 1869, being sections 6585 to 6597, both inclusive, of Remington's Compiled Statutes of Washington, relating to the ownership or control of public highways by private corporations and the charging of tolls for the use thereof and for bridges or ferries thereon;

An act entitled "An act correcting informalities of record in the establishment of the various public roads and highways in this state," approved March 6, 1890;

An act entitled "An act to provide for laying out, establishing, altering, changing the width of, or vacating any county road and providing for assessment, payment of damages, and providing for appeals," approved March 7, 1890; and

Statutes  
repealed.

An act entitled "An act for laying out, opening, building and maintaining turnpike roads and providing for counties issuing bonds for the same," approved March 7, 1890.

SEC. 69. The following acts and parts of acts be and the same are hereby repealed:

Chapter CLIV (154), Session Laws of 1891; chapter LXX (70), Session Laws of 1901; chapter 96, Session Laws of 1909; chapter 56, Session Laws of 1913; chapter 22, Session Laws of 1915; chapter 157, Session Laws of 1917; chapter 88, Session Laws of 1919; chapter 105, Session Laws of 1919; chapter 103, Laws of Extraordinary Session of 1925; chapter 250, Session Laws of 1927; chapter 99, Session Laws of 1931; chapter 18, Laws of Extraordinary Session of 1933; sections 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, 6519, 6520, 6521, 6522, and 6523 of Remington's Compiled Statutes of Washington; relating to the construction and repair of bridges on county roads, joint construction of bridges by state, counties, cities and towns; relating to the operation, maintenance and repair of bridges within corporate limits of cities and towns of counties of the second and third class; relating to franchises and tolls upon interstate bridges, the Interstate Bridge Commission and the purchase of interstate bridges; relating to the acquisition, operation and supervision of toll bridges and the supervision of persons operating toll bridges under franchises; relating to the construction, improvement, operation and maintenance of bridges by counties, the issuance of bonds therefor and collection of tolls for the use thereof: *Provided*, That franchises, rights or obligations in existence

Statutes  
repealed.

at the time of the taking effect of this act be and the same are hereby preserved in accordance with the terms thereof.

SEC. 70. The following acts and parts of acts be and the same are hereby repealed:

Chapter XC (90), Session Laws of 1901; chapter XCI (91), Session Laws of 1901; chapter XCVI (96), Session Laws of 1901; chapter 103, Session Laws of 1903; chapter 106, Session Laws of 1905; chapter 19, Session Laws of 1907; chapter 238, Session Laws of 1907; chapter 90, Laws of 1909; chapter 17, Laws of Extraordinary Session of 1909; chapter 54, Session Laws of 1911; sections 5615, 5616 and 5617 of Remington and Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 123, Session Laws of 1915; chapter 134, Session Laws of 1921; chapter 186, Session Laws of 1921; chapter 119, Laws of Extraordinary Session of 1925; chapter 167, Session Laws of the Extraordinary Session of 1925; chapter 172, Laws of Extraordinary Session of 1925; sections 1, 2, 3, 4, 5 and 6 of chapter 173, Laws of Extraordinary Session of 1925; sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 184, Laws of Extraordinary Session of 1925; section 2 of chapter 303, Session Laws of 1927; chapter 119, Session Laws of 1929; chapter 189, Session Laws of 1929; chapter 117, Session Laws of 1931; section 5 of chapter 136, Session Laws of 1933; chapter 179, Session Laws of 1935; relating to county roads and the control, management, supervision, establishment, laying-out and maintenance thereof, securing of materials therefor, the granting of franchises thereon, the vacation thereof and certain funds and revenues therefor.

SEC. 71. The following acts and parts of acts be and the same are hereby repealed:

Chapter 98, Session Laws of 1907; chapter 131, Session Laws of 1909; chapter 135, Session Laws of 1919; and chapter 97, Laws of the Extraordinary Ses-

sion of 1925; chapter 268, Session Laws of 1927; relating to the establishment of metropolitan park districts by cities and the joining with counties for the management, control, improvement and maintenance of parks and boulevards; chapter 116, Session Laws of 1917; chapter 81, Session Laws of 1919; and chapter 64, Session Laws of 1931; relating to the establishment of independent highway districts and assessments upon property for the construction of trunkline highways;

Statutes  
repealed.

Chapter XCIII (93), Session Laws of 1897; relating to the authority of cities to acquire, receive, condemn, lay out, grade and improve boulevards or composite highways and walks and cycle paths in connection therewith;

Chapter 35, Session Laws of 1911; chapter 104, Session Laws of 1913; chapter 124, Session Laws of 1913; chapter 154, Session Laws of 1913; chapter 16, Session Laws of 1917; chapter 73, Session Laws of 1919; chapter 95, Session Laws of 1921; chapter 82, Session Laws of 1923; chapter 21, Session Laws of 1925; chapter 23, Session Laws of 1925; chapter 217, Session Laws of 1927; section 1, chapter 308, Session Laws of 1927; chapter 188, Session Laws of 1929, relating to the improvement and maintenance of public highways and of permanent highways and to the disposition of funds therefor;

Chapter 224, Session Laws of 1909, relating to the construction and improvement of county roads at the expense of lands especially benefited, formation of local improvement districts, the levy of special assessments and the payment, issuance and disposal of warrants;

Chapter CXXIII (123), Session Laws of 1893; chapter CIV (104), Session Laws of 1899; chapter 72, Session Laws of 1917; chapter 95, Session Laws of 1919; chapter 127, Session Laws of 1919; chapter 159, Session Laws of 1921; chapter 147, Session Laws

Statutes  
repealed.

of 1923; chapter 271, Session Laws of 1927; relating to the establishment of improved roads in counties, the laying out, establishing, constructing, maintaining and paying for the same, formation of local improvement districts and levy of assessment against property therefor;

Chapter 51, Session Laws of 1913; relating to the improvement of streets and highways and the payment of the cost thereof jointly by the assessment of property specially benefited and by counties and cities and towns;

Chapter XCCII [XCII (92)], Session Laws of 1895; relating to the establishment of private roads of necessity;

Sections 3, 6, 7, 8, 9, 10, 16, 17, 18, 19, 22, 23 and 24 of chapter 41, Session Laws of 1933; chapter 168, Session Laws of 1933; and sections 3, 6, 7, 9, 11, 12 and 13 of chapter 111, Session Laws of 1935, relating to the administration of county roads and city streets and the supervision thereof.

SEC. 72. 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.

SEC. 73. The repeal of any acts or parts of acts hereby shall not be construed to reenact or revive any acts or parts of acts repealed or superseded by the acts or parts of acts hereby repealed.

#### CHAPTER XII. SAVING CLAUSE.

SEC. 74. This act shall not affect any act done, ratified, or confirmed, or any right accrued, vested or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act and its respective provisions take effect, and any such acts done, ratified or confirmed and any rights accrued, vested or established shall be preserved and any such actions or proceedings may be prosecuted

Accrued  
rights  
preserved.

and continued with the same effect and under the same provisions of the law in effect at the time such act was done, ratified or confirmed, or right accrued, vested or established or action or proceeding had or commenced.

#### CHAPTER XIII. SHORT TITLE.

SEC. 75. This act shall be known and cited as Title.  
"The Washington State Aid Highway Act."

#### CHAPTER XIV. CONSTITUTIONALITY.

SEC. 76. 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 e[a]ffect the validity or constitutionality of any other section, sentence, clause or phrase of this act. Partial invalidity.

#### CHAPTER XV. EMERGENCY.

SEC. 77. 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 existing institutions, and shall take effect on the first day of April, 1937. Effective April 1, 1937.

Passed the Senate February 25, 1937.

Passed the House March 4, 1937.

Approved by the Governor March 17, 1937.