

## CHAPTER 53.

[S. B. 112.]

## WASHINGTON STATE HIGHWAY ACT.

AN ACT prescribing certain powers and duties of the director of highways; classifying highways of the state and designating the routes of primary state highways; providing for the acquisition of right of way for primary state highways; prescribing procedure for the contracting of highway construction and work by day labor; assenting to and providing for financial cooperation with the Federal Aid Road Act and other Federal donation acts; providing for the improvement, preservation, protection and maintenance of primary state highways; providing for highway signs and markings; providing for closing and restricting highways, granting of franchises, removal of obstructions, planting of vegetation and regulation of lights and signs on public highways; saving certain acts performed and rights vested; repealing certain acts and parts of acts and all acts and parts of acts in conflict; and declaring an emergency.

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

## CHAPTER I. DEFINITIONS.

SECTION 1. That 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:

(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; "Alley."

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

(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 con- "Business District."

tinuous distance of three hundred (300) feet or more is occupied by buildings in use for business;

"Center Line."

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

"Center of Intersection."

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

"City Street."

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

"Combina-  
tion of  
Vehicles."

(g) "Combination of Vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals;

"Commercial Vehicle."

(h) "Commercial Vehicle." Any vehicle (of) the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire;

"County Road."

(i) "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;

"Crosswalk."

(j) "Crosswalk." The portion of the roadway between the intersection area and a 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;

"Intersection Area."

(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 Center Marker."

(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;

(m) "Intersection Control Area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

"Intersection Control Area."

(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;

"Intersection Entrance Marker."

(o) "Laned Highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

"Laned Highway."

(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;

"Local Authorities."

(q) "Marked Crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

"Marked Crosswalk."

(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;

"Metal Tire."

(s) "Motor Truck." Any motor vehicle as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals;

"Motor Truck."

(t) "Motor Vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

"Motor Vehicle."

(u) "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,

"Multiple Lane Highway."

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." (v) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined;

"Peace Officer." (w) "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;

"Pedestrian." (x) "Pedestrian." Any person afoot;

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

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

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

"Private Road or Driveway." (bb) "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;

"Public Highway." (cc) "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;

"Railroad." (dd) "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;

(ee) "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."

(ff) "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 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; "Residence District."

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

(hh) "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; "Safety Zone."

(ii) "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; "Sidewalk."

(jj) "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; "Solid Tire."

(kk) "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; "Street Car."

(ll) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances "Traffic."

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, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

"Traffic Devices."

(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;

"Train."

(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;

"Vehicle."

(pp) "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.

Words and phrases used herein in (as) 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. GENERAL ADMINISTRATION.

Director of Highways.

SEC. 2. The director of highways of the State of Washington shall be a registered professional engineer under the law of this state and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a

Qualifications.

civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five (5) years.

SEC. 3. The director of highways shall have the power and it shall be his duty:

(a) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of his duties as the director of highways;

(b) To keep at the office of the director of highways in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under his direction and copies of all maps, plans and specifications prepared by him, and to prepare and submit to the governor thirty (30) days before each regular session of the legislature of the State of Washington a report of work constructed or under construction and to make recommendations as to needed primary state highways and improvements of the primary state highway system, together with estimated cost thereof;

(c) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the director of highways and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the primary state highways of this state;

Powers and duties:

Supervision of Department of Highways.

Records kept.

Acquisition of property.

Employment  
of engineers.

(d) To employ such qualified engineers who shall be registered professional engineers under the laws of the State of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any primary state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of primary state highways;

Primary  
state  
highways.

(e) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any primary state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor;

Biennial  
report.

(f) To publish biennially and before the end of each even numbered year a report of the department of highways with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the department of highways;

Merit  
system.

(g) To devise and place in operation in the department of highways of the State of Washington a practical and workable merit system for the rating of employees of the department of highways and the same shall by him be followed as closely as possible in the classification of employees, setting of wages and the determination of eligibility for promotion, to effect the most efficient and economical conduct of the department of highways;



(h) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the State of Washington and conducting investigations and research thereof in the State of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs;

Compilation of statistics.

Test roads.

(i) To appoint, with the approval of the governor, a qualified assistant to act temporarily in the capacity of director of highways in his absence which assistant shall exercise all the powers and discharge all the duties of the director of highways during such absence;

Appointment of assistant.

(j) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer;

Duties of state highway board, commission and committee, performed by director.

(k) To exercise all other powers and perform all other duties now or hereafter provided by law.

SEC. 4. The state auditor shall have the power and it shall be his duty to inspect, examine and audit the books, accounts and records of the department of highways periodically and as often as he shall deem necessary and proper.

State auditor to audit books.

## CHAPTER III. PRIMARY STATE HIGHWAYS.

Primary  
state high-  
ways and  
county  
roads.

SEC. 5. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as primary state highways and county roads. All primary state highways shall be established by the legislature of the State of Washington and shall be described, and designated by convenient number and descriptive name. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns, not established as primary state highways, are hereby declared to be county roads.

## CHAPTER IV. RIGHT OF WAY.

Acquisition  
of right of  
way, etc.

SEC. 25. Whenever it is necessary to secure any lands for a right of way for any primary state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any primary state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the primary state highways of this state, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the director of highways is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands the action shall be brought in the name of the State of Washington in the manner provided for the acquiring of property for the public

Gift or  
purchase.  
Condemna-  
tion.

uses of the state, and in such action the selection of the lands by the director of highways shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for public use for the purposes sought. The cost and expense of such lands may be paid as a part of the cost of the primary state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are acquired. Whenever it is necessary to locate and construct a primary state highway over and across any of the public lands of the State of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any primary state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such primary state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the director of highways shall file in the office of the commissioner of public lands a map showing the location of such primary state highway over and across such land, or the additional land needed, for drainage thereof or construction of a protection therefor or for unobstructed vision as above provided therefor,

Cost and  
expense.

Primary  
state high-  
ways over  
state lands.

Map filed  
with com-  
missioner of  
public lands.

or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any primary state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp site or other structure site, it shall be the duty of the director of highways forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of such certificate in the office of said commissioner of public lands the lands

Certificate  
releasing  
public lands.

described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further,* That if there be timber on any such public lands of the State of Washington or portion thereof required under the provisions of this section for the right of way of any primary state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the director of highways shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the director of highways for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further,* That the director of highways shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the State of Washington a sum of one and one-half cents ( $1\frac{1}{2}c$ ) per cubic yard for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands.

State re-imbursed for timber.

Sand, gravel, etc., located upon state lands.

SEC. 26. Whenever it is necessary to secure any lands for primary state highway right of way or

County lands acquired.

other primary state highway purposes, the title to which is in any county of the state, which land is not at the time being used as a public highway, the board of county commissioners are empowered to execute a deed of such land passing title to the State of Washington. Whenever any primary state highway is established by legislative enactment and such primary state highway is upon the former route of any county road, the board of county commissioners shall cause the title to the existing right of way or so much thereof as the director of highways shall require to be transferred to the State of Washington by proper instrument.

Work performed as a portion of right of way cost.

SEC. 27. Whenever it is considered in the securing of any lands for primary state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the director of highways as all or a part of the consideration or satisfaction of the judgment therefor, in which event the director of highways may perform such work as a portion of the right of way cost of such primary state highway.

Conveyance of abandoned right of way.

SEC. 28. Whenever any primary state highway is relocated across any lands and by reason thereof the existing primary state highway across said lands will be useless to the state and will be abandoned, the director of highways may, if the owner of any lands embraced within the relocated primary state highway is also the owner of the abutting lands on one or both sides of the useless primary state highway right of way, agree with such owner, as the consideration or as a part of the consideration for

the conveyance to the state of the lands required for the relocated primary state highway right of way, to cause to be made to such owner a deed of conveyance of the useless primary state highway right of way or part thereof. Whenever the director of highways shall make such an agreement with any property owner and shall certify to the governor that he has made such an agreement and give a description of the useless right of way agreed to be conveyed to such owner, the governor may execute and the secretary of state shall attest and deliver to such owner a deed of conveyance on behalf of the state to such useless primary state highway right of way or part thereof.

Deed  
executed.

SEC. 29. Upon the taking effect of this act all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, independent highway district, or other highway or road district or political subdivision of the State of Washington shall be and the same is hereby transferred to and vested in the State of Washington for use in conjunction with such primary state highways under the director of highways.

Title to  
highways  
and appur-  
tenances  
vested in  
state.

All public highways in the State of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven (7) years prior to the effective date of this act at the expense of the state shall operate to vest in the State of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public

highways or to divest the State of Washington of any right, title and interest in the right of way thereof.

Right of way width.

SEC. 30. That from and after the taking effect of this act, the width of one hundred feet is the necessary and proper right of way width for primary state highways unless the director of highways, for good cause, may adopt and designate a different width. This section shall not be construed to require the director of highways to acquire increased right of way for any primary state highway in existence at the time of the taking effect of this act.

#### CHAPTER V. CONSTRUCTION.

Designation and construction of primary state highways.

SEC. 31. Whenever the general route of any primary state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the director of highways shall determine the particular route to be followed by said primary state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such primary state highway, the whole or any part of any existing public highway previously designated as a county road, primary road or secondary road or now or hereafter classified as a county road. The director of highways need not select and adopt the entire routes for such primary state highways at one time, but may select and adopt parts of such routes from time to time as he deems advisable. Where a primary state highway is designated as passing by way of a certain point, this shall not require the director or highways to cause such primary state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The director of highways is empowered to construct as a part of any



primary state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a by-pass section either through or around any such incorporated city or town.

SEC. 32. Whenever there is provided an allocation for the construction or improvement of primary state highways the same shall be under the sole charge and direct control of the director of highways. Before entering into any contract for the construction, alteration, repair or improvement of any primary state highway the director of highways shall cause the same to be surveyed throughout the entire length of such proposed construction, alteration, repair or improvement and cause to be prepared maps, plans and specifications, together with an estimate of the cost of such proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications and directions shall be approved by the director of highways and a copy thereof filed permanently in the office of the department of highways.

Allocation  
for con-  
struction.

Survey.

SEC. 33. The director of highways shall, after the approval of the copy of the maps, plans, specifications and directions for the construction or improvement of any primary state highway, publish a call for bid proposals for the construction thereof according to such maps, plans and specifications. Such call for bid proposals shall be published once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks, if such longer period of publication is deemed necessary by the director of highways, next preceding the day set for the receiving and opening of bid proposals, in not less than one trades paper and one other paper, both of general circulation in the state. Such call for bid proposals shall state the time, place

Publication  
of call for  
bids.

and date for the receiving and opening of bid proposals, a brief description of the location and extent of such work, and such special provisions or specifications as the director of highways shall deem necessary.

Copies of specifications furnished contractors.

SEC. 34. Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the director of highways by cash, certified check, cashier's check or money order, the sum of two dollars (\$2.00) for each copy of such maps, plans and specifications. Any money so received shall be in payment of rental for such maps, plans and specifications, and the same shall be certified by the director of highways to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, The director of highways may deliver without charge informational copies of maps, plans, specifications and directions at such places as he may from time to time designate.

Contract proposal form.

SEC. 35. Bid proposals upon any construction or improvement of any primary state highway, a call for bid proposals for which has been published by the director of highways, shall be made upon contract proposal form supplied by the department of highways, and in no other manner. The director of highways shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other

Questionnaire.

person authorized to take acknowledgment of deeds. Whenever the director of highways is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement he may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five (5) days, which appeal shall be heard summarily within ten (10) days after the same is taken and on five (5) days' notice thereof to the director of highways.

SEC. 36. Any person, firm, or corporation proposing a bid for the construction or improvement of any primary state highway in response to a call for bids published therefor may withdraw such bid proposal without forfeiture and without prejudice to the right of such bidder to file a new bid proposal before the time fixed for the opening of such bid proposals: *Provided*, The request for such withdrawal shall have been made in writing, signed by the person proposing such bid or his duly authorized agent, and filed with the director of highways before the time fixed for the opening of such bid proposals. No bid proposal shall be considered which has not been filed with the director of highways before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when such bid proposals are actually opened.

Withdrawal  
of bid.

SEC. 37. At the time and place named in the publication of the call for bid proposals the director of highways shall proceed to publicly open and read according to bid items, all bid proposals properly filed and shall award such contract to the lowest

Opening of  
bid  
proposals.

responsible bidder unless the director of highways shall have, for good cause, continued the date of opening bid proposals to a day certain. All bid proposals shall have been presented under sealed cover and shall be accompanied by bid proposal deposit in cash, certified check or cashier's check in an amount equal to five per cent (5%) of the amount of such bid proposal and no bid proposal shall be considered unless such bid proposal deposit is enclosed therewith.

Bid proposal deposit.

Failure of successful bidder to enter into contract or furnish bond.

Forfeiture of bid proposal deposit.

Second lowest bidder.

Extension of time for execution of contract.

SEC. 38. Should the successful bidder to whom the contract is awarded fail to enter into such contract and furnish satisfactory bond as by law provided within a period of ten (10) days from and after such award, exclusive of the day of such award, the bid proposal deposit of such bidder shall be forfeited to the State of Washington and shall be deposited by the state treasurer to the credit of the motor vehicle fund, and the director of highways may award such contract to the second lowest responsible bidder. If the second lowest bidder fails to enter into such contract and furnish bond within ten (10) days after award to him, then forfeiture of the bid proposal deposit shall also be made as to such second lowest responsible bidder and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by some responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That in the event that such contract should not be executed or no such contractor's bond provided by any bidder to whom award has been made within the time required, and there appear circumstances which are deemed to warrant an extension of such time, the director of highways may extend the time for execution of the contract or furnishing of satisfactory contractor's bond for a period not to

exceed ten (10) additional days. After the opening of bid proposals and awarding of the contract to the lowest responsible bidder, the bid proposal deposit of unsuccessful bidders shall be returned: *Provided*, The director of highways may retain the bid proposal deposit of such next lowest responsible bidder or bidders as he may desire until such time as the contract is entered into and satisfactory contractor's bond provided by the bidder to whom award has ultimately been made. If in the opinion of the director of highways the acceptance of the bid proposal of the lowest responsible bidder or bidders or, on prior failure of the lowest responsible bidder, or bidders, the acceptance of the bid proposal of the remaining lowest responsible bidder or bidders shall not be for the best interest of the state, he may reject all bid proposals or all remaining bid proposals and republish call for bids in the same manner as an original publication thereof.

Return of  
bid proposal  
deposits.

Rejection of  
all bid  
proposals.

SEC. 39. At any time and as often as it may be deemed necessary, the director of highways may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever such surety or sureties upon any contractor's bond become insufficient or may be deemed by the director of highways to have become insufficient, the director of highways may demand in writing that the contracting person, firm or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon such contract. No further payments shall be made on such contract until such additional surety as required is furnished.

Sureties.

Additional  
surety.

SEC. 40. Any contracting person, firm or corporation performing any labor or furnishing any materials upon their contract or otherwise for public

Actions to be  
instituted in  
Thurston  
County.

work or improvement under the direction of the director of highways or any person claiming any right of action upon any such contract with the State of Washington or who claims a cause of action against the State of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the director of highways; otherwise such action shall be forever barred.

Day labor.

SEC. 41. The director of highways may, in his discretion, cause any primary state highway to be constructed, altered, repaired or improved by contract in the manner provided by law or by day labor. Any construction may be done by day labor in all cases where the estimated cost of such work is in a sum less than ten thousand dollars (\$10,000). The director of highways shall by resolution entered upon his records determine when construction in any case shall be done by day labor, which resolution shall state the reason for such determination. In all other cases construction shall be let by contract and awarded to the lowest responsible bidder in the manner provided by law. In the event that the director of highways considers bid proposals when received as too high, or for other reasons deems it inadvisable that said contract be awarded to any bidders, he may readvertise a new call for bids, or do the work by day labor, which decision shall be ordered by resolution to that effect entered upon the records of said director of highways, which resolution shall set out the amount of the bid proposals submitted with the names of the bidders and the fact that the director of highways has found that in his judgment the said work may be more satisfactorily done by day labor. In any such case where work is performed by day labor, the director

of highways shall, upon the completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of such work and the actual cost of the completion thereof by day labor: *Provided*, No publication shall be required for any work, the cost of which is less than twenty-five hundred dollars (\$2,500).

SEC. 42. It shall be the duty of the director of highways 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 primary state highway and to aid in the re-establishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any primary state highway by permitting inspection of the records in the office of the department of highways.

Permanent monuments.

#### CHAPTER VI. FEDERAL AID.

SEC. 43. The State of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of Congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the State of Washington.

Federal aid.

SEC. 44. In all matters relating to the cooperative construction or improvement of any primary state highway, county road or city or town street for which Federal funds or aid is secured under any act

Federal funds.

of Congress, the director of highways shall act in the manner provided by state law relating to primary state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of Congress and the rules and regulations made by the secretary of agriculture or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the director of highways as may be necessary.

State treasurer to have custody of federal funds.

SEC. 45. That the state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of agriculture or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the Federal Aid Road Act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of agriculture or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the director of highways such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

Anticipation of reimbursement.

Pledge of state to equal federal appropriation.

SEC. 46. For the construction, alteration, repair and improvement of primary state highways, county roads, or city and town streets in the State of Washington which are part of the public highway system, the good faith of the State of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated,



and in the manner and under the rules and regulations imposed by the secretary of agriculture and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

SEC. 47. The director of highways is hereby authorized and directed to act for and on behalf of the State of Washington, and any civil subdivision of the state, in all things pertaining to the selection, construction and maintenance of highways and roads under the provisions of the act of Congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of agriculture or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of primary state highway, county road or city or town street selected by law for construction or improvement through an appropriation for the period in which said construction or improvement is to be made. Said money to be added to and expended in connection with the appropriation aforesaid; and to apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road or street fund of any civil subdivision, and which are available for the construction and maintenance of any section of primary state highway, county road or city or town street selected as aforesaid for such aid and improvement.

Director to act on behalf of state.

SEC. 47 $\frac{1}{2}$ . The director of highways is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the Federal government or any agency thereof, or with any or

Construction of interstate and boundary line bridges.

all thereof, for the erecting and constructing of any bridge, trestle, or any other structure, for the continuation or connection of any primary state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the State of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

#### CHAPTER VII. TRAFFIC CONTROL.

Standard  
traffic devices  
and signs for  
highways.

SEC. 48. The director of highways shall have the power and it shall be his duty to adopt and designate a uniform state standard for the manufacture, display, erection and location of all signs, signals, signboards, guide posts and other traffic devices erected or to be erected upon the primary state highways of the State of Washington for the purpose of furnishing information to persons traveling upon such primary state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The director of highways shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guide posts and other traffic devices erected on county roads shall conform in all

respects to the specifications of color, design and location devised by the director of highways. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

SEC. 49. It shall be the duty of the director of highways to erect and maintain upon every primary state highway in the State of Washington suitable and proper signs, signals, signboards, guide posts and other traffic devices according to the adopted and designated state standard of design, erection and location, and in the manner required by law; it shall be the duty of the director of highways to erect and maintain upon all primary state highways appropriate stop signs, warning signs and school signs. Any person, firm, corporation or municipal corporation, building, owning, controlling or operating a railroad that crosses any primary state highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point or points as will meet the approval of the director of highways, a sign of the type known as the saw buck crossing sign with the lettering "Railroad Crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of standard design that will comply with the plans and specifications furnished by the director of highways. Additional safety devices and signs may be installed at any time when required by the department of public service as provided by laws regulating railroad-highway grade crossings.

Director to erect and maintain signs, signals, etc.

Railroad crossing signs.

SEC. 50. The director of highways shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this act for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Of-

Uniform traffic control signals.

officials and as set out in the manual of uniform traffic control devices for streets and highways.

Traffic devices.

SEC. 51. The director of highways shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all primary state highways as he shall deem necessary to carry out the provisions of this act or to regulate, warn, or guide traffic.

Local authorities to maintain traffic devices.

SEC. 52. Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as they may deem necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. The governing authorities of incorporated cities and towns shall adequately equip with traffic devices those city streets which are designated as forming a part of the route of a primary state highway through any such incorporated cities and towns.

Defacement of signals or signs unlawful.

SEC. 53. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

Failure to erect railroad crossing signs.

SEC. 54. Whenever any person, firm, corporation, municipal corporation or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any primary state highway fails, neglects or refuses to erect and maintain, or either, such sign or signs as required by law at highway-railroad grade crossings, it shall be the duty of the department of public service upon complaint of the director of highways or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with

respect to railroad-highway grade crossings and to make and enforce proper orders for the erection or maintenance of such signs, or both.

SEC. 55. Standard Federal road markers shall be placed on primary state highways in the manner requested by the Department of Agriculture of the United States. The director of highways of the State of Washington is authorized and empowered to cooperate with the several states and with the Federal government in promoting, formulating and adopting a standard and uniform system of numbering or designating primary state highways of an interstate character and in promoting, formulating and adopting uniform and standard specifications for the manufacture, display, erection and location of road markers and signs, for the information, direction and control of persons traveling upon public highways.

Uniform system of designating interstate highways.

SEC. 56. Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary state highways. The director of highways may place such directional signs as he deems necessary upon any city streets designated by him as forming a part of the route of any primary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary state highways in a manner provided by law. Stop signs shall be placed as follows: Upon all county roads at the point of intersection with any primary state highway which signs shall be erected and maintained by the county having jurisdiction; upon at least one primary highway at the intersection of primary state highways.

Directional signs.

Caution or warning signals.

County roads intersecting highways.

SEC. 57. Wherever it is considered necessary or convenient the director of highways may erect approach warning signs upon the approach of any primary state highway to a highway-railroad grade

Approach signs on highway, railroad and grade crossings.

crossing situated at a sufficient distance therefrom to make the warning effective. The director of highways may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

City limits designated.

SEC. 58. The director of highways shall erect wherever he deems necessary upon primary state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of such cities or towns.

Stop signs.

SEC. 59. Whenever the condition of any primary state highway shall require or whenever for the safety of persons working or traveling upon any primary state highway the director of highways shall deem it proper, he may require persons traveling upon any portion of any such primary state highway to stop before entering such portion thereof. For this purpose there may be erected on the center line of such primary state highway at each end of such portion of such primary state highway a sign of standard design with the word "STOP" plainly displayed. All persons traveling upon any such primary state highway shall come to a complete stop at any such sign and the appearance of any sign so located shall be sufficient warning to any person that he may be required to stop at such sign. Every person stopping at such sign shall proceed through such portion of primary state highway in a careful manner and at a reasonable rate of speed which shall in no event exceed twenty (20) miles per hour. It shall be unlawful for any person to fail, neglect or refuse to comply with the directions of any such stop sign.

Traffic devices as public gifts.

SEC. 60. Any person, firm, corporation, association or organization desiring to manufacture, display, erect or locate any signs, signals, signboards, guide posts or other traffic devices upon the primary

state highways of this state as a public gift shall be permitted to erect such traffic devices under the supervision, direction and control of the director of highways providing the same is done in strict conformity with the uniform state standard adopted and designated for the construction, erection and location thereof, and upon obtaining a permit therefor from the director of highways. The director of highways is further authorized to join with any such person, firm, corporation, association or organization financially or otherwise if he deems it to be for the best benefit of the State of Washington to do so for the erection of any traffic devices.

SEC. 61. It shall be unlawful for any person to erect or maintain an imitation or counterfeit of any sign, signal, signboard, guide post, or any other traffic devices for the direction, information, warning, control or restriction of traffic either for use upon any private roads or upon any primary state highway, or for the purpose of advertising or for any other purpose whatsoever. It shall be unlawful for any person to erect or maintain any sign which simulates in shape, color or design any uniform state standard signal, signboard, guide post or any other traffic device adopted, designated and used by the director of highways, which might by reason of its shape, color, design or location be mistaken for one such uniform state standard sign, signboard, guide post or other traffic device. It shall be unlawful for any person to erect any sign for the purpose of the information or the direction of traffic, giving the distance or direction to or from any point or place, unless such person shall have first applied for and obtained from the director of highways a permit to do so, and the same shall have been constructed, erected and located according to the specific requirements therefor contained in such permit. Any sign so erected or maintained shall be unlaw-

Display of  
imitation  
traffic signs  
for advertis-  
ing purposes.

ful and constitute a public nuisance and may be removed by the director of highways or his duly authorized agent and such removal, whether of an unlawful sign on private or public property, shall not be a breach of the peace.

Erection of misleading signs unlawful.

SEC. 62. It shall be unlawful for any person to erect or maintain at or near any primary state highway in this state any structure, sign or device: (a) Visible from any primary state highway and simulating or imitating any directional, warning or danger sign or likely to be mistaken for any such sign or bearing any such words as "Danger," "Stop," "Slow," "Turn," or any similar words, figures or directions likely to be construed as giving warning to traffic; (b) visible from any primary state highway and displaying any red, green or yellow light or intermittent or blinking light or any light otherwise likely to be mistaken for any warning, danger, directional or traffic control signal; (c) visible from any primary state highway and displaying any lights tending to blind persons operating vehicles upon any such primary state highway or any glaring light, or any light likely to be mistaken for any vehicle upon the public highway or otherwise to be so mistaken as to constitute a danger; (d) visible from any primary state highway and flooding or intended to flood or directed across the roadway of said primary state highway or any portion thereof with a directed beam or diffused light, whether or not such flood light may be shielded against directing its flood or beam toward approaching traffic on such primary state highway.

Colored lights.

Blinking lights.

Flood lights.

Any structures or devices erected or maintained contrary to the provisions of this section shall constitute a public nuisance, and the director of highways shall have the power and it shall be his duty to notify the owner of any such structure or device that the same constitutes a public nuisance and shall



be removed, and in the event of the failure of such owner to do so the director of highways may proceed as by law provided to accomplish the effective abatement of such structure or device constituting a public nuisance.

SEC. 63. It shall be unlawful for any person to erect any sign, device or structure in such a manner that it obscures or conceals any official sign, signal, signboard, guide post or other traffic device in such a manner as to interfere with the full and effective use thereof.

Obscuring  
of signs or  
traffic  
signals  
unlawful.

SEC. 64. Any person or persons who shall willfully deface, mutilate, damage, remove, alter or in any manner whatsoever injure or destroy any sign, signal, signboard, directional or informational sign or other traffic device erected or maintained by the director of highways upon any public highway, or under his supervision or direction, or by any person, firm, corporation, association or organization under permit as provided by law, or by any county, city or town, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), and by imprisonment in the county jail of not less than ten (10) days or more than thirty (30) days.

Penalty for  
defacing  
signs.

#### CHAPTER VIII. HIGHWAY MAINTENANCE.

SEC. 65. Whenever the condition of any primary state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such primary state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such primary

Closing  
of roads.

state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the director of highways if it be a primary state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such primary state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, Nothing in the law of this state shall prevent the director of highways, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section.

Notice of  
closing date.

SEC. 66. Before any primary state highway, county road or city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the primary state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the county or city or town in which such primary state highway, county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the primary state highway, county road or city street or portion thereof to be closed: *Provided*, That no such primary state highway, county road or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: *Provided, however*, In cases of emergency the proper officers may, without publication

Publication.

Posting.

or delay, close primary state highways, county roads and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting primary state highways if the closing be of a portion of a primary state highway, at all intersecting primary state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective.

SEC. 67. When any primary state highway, county road or city street or portion thereof shall have been closed, as by law provided, any person, firm or corporation disregarding such closing and using such primary state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said primary state highway, county road or city street or portion thereof is closed by any notice or emergency notice, shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the State of Washington or the county or city or town having jurisdiction for any damages occasioned to such primary state highway, county road, or city street, as the case may be, as the result of disregarding such closing and using such primary state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed.

Penalty for disregarding closing notice.

SEC. 68. Whenever the director of highways shall determine and order that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement or maintenance of) any primary state highway to have the full width of right of way of any such primary

Removal of obstructions on right of way.

state highway or of any portion of the right of way of any such primary state highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and shall cause due notice of such order to be given as provided by law, such obstructions, encroachments and means of occupancy, and any structure, building, improvement or other means of occupancy of any of the right of way of said primary state highway not removed within the time allowed by law shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the State of Washington according to procedure as hereinafter provided, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It shall be unlawful for any person to keep, maintain or occupy any such unlawful structure.

Posting of  
notice to  
vacate right  
of way.

SEC. 69. Whenever the director of highways shall determine that the right of way of any primary state highway or any portion of the right of way of any primary state highway be made free from any and all obstructions, encroachments and occupancy he shall forthwith cause to be posted, by a competent person over twenty-one years of age upon any and all structures, buildings, improvements and other means of occupancy of such primary state highway or portion thereof, other than property of public or quasi-public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with him of duplicate affidavits in proof of such postings,

showing upon what structures, buildings, improvements or other means of occupancy of such primary state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting.

SEC. 70. In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said primary state highway or portion thereof shall thereupon become unlawful and the director of highways shall commence proceedings in the name of the State of Washington for the removal thereof by court action. The director of highways shall thereupon prepare two original copies of such order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by said director of highways describing with reasonable certainty and with due reference to the center line stationing of said primary state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy, other than pole lines, pipe lines or other structures maintained for public and quasi-public utilities, on the primary state highway or portion thereof specified in such order and remaining upon such right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which such primary state highway or portion thereof containing such structures is situated, entitled and in the name of the State of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy, which structures, buildings, improvements, en-

Proceedings  
for removal  
of  
obstruction.

Action  
in rem.

croachments or other means of occupancy shall be briefly named as defendants.

Complaint.

SEC. 71. The complaint shall, in such action, describe such property unlawfully remaining upon the right of way of such primary state highway or portion thereof with reasonable certainty by reference to the certificate of the director of highways, which shall be attached to and filed with said complaint, and praying that an order be entered for the removal from the right of way of such primary state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

Service of  
complaint by  
publication.

SEC. 72. Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the primary state highway, describe such primary state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings.

SEC. 73. At the time and place appointed for hearing upon said complaint, which hearing shall be by summary proceedings, if the court or judge thereof shall find that due notice has been given by posting and publication and that the order of the director of highways was duly made, and shall be further satisfied and find that the primary state highway or portion thereof described is legally a primary state highway having the width of right of way specified in such order and that the structure, buildings, improvements or other means of occupancy of such primary state highway or portion thereof as stated in the certificate of the director of highways do in fact encroach, or that any portion thereof encroach, upon such primary state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and sold, and providing that six days after the entry of such order, a writ shall issue out of said court directed to the sheriff of such county, commanding such sheriff to seize and remove from the right of way of said primary state highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as provided for by law and if not then so redelivered to sell the same at public or private sale and to pay the proceeds thereof into the registry of the court within sixty (60) days after the issuance of such writ, and further in such action, including costs of posting original notices of the director of highways, the costs of posting and publish-

Hearing.

Order for removal.

Property confiscated.

Public sale.

ing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and by him credited to the motor vehicle fund. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and be final unless review thereof to the supreme court of the state be taken within five days after the filing thereof.

Court review.

Removal  
and sale  
by sheriff.

SEC. 74. Six days after filing of the order above provided for, if no review thereof be taken to the supreme court of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

Owner's  
claim of  
title.

SEC. 75. At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such primary state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to re-



ceive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the State of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the primary state highway in question.

Affidavit of ownership.

Bond.

SEC. 76. The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the State of Washington defendants: *Provided*, No costs shall, in such case, be assessed against the sheriff or the State of Washington in the event the plaintiff should prevail.

Sureties on bond to justify.

Judgment  
restoring  
property to  
claimant.

SEC. 77. If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the court, of the costs of service or posting of original notice issued by the director of highways with respect to such property, the cost of posting notice of hearing in such court and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling such property or making return thereon.

Permit re-  
quired to  
vend produce  
on highway.

SEC. 78. It shall be unlawful for any person to build, erect, establish, operate, maintain or conduct along and upon the right of way of any primary state highway any platform, box, stand or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending or

delivering any milk, milk cans, vegetables, fruits, merchandise, produce or any other thing or commodity of any nature unless a permit therefor shall first have been obtained from the director of highways. The director of highways shall in each instance determine where any platform, box, stand or any other temporary or permanent device or structure shall be permitted and upon the existence of any such device or structure without a permit first obtained, the same shall be considered an obstruction unlawfully upon the right of way of such primary state highway and the director of highways may proceed to effect the removal of the same.

SEC. 79. It shall be unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining such structure or establishment unless such structure or establishment be so located at a distance from the right of way of any primary state highway that none of the right of way thereof is required for the use of the patrons or customers of any such establishment. Any such structure erected or business maintained which makes use of or tends to invite patrons to make use of the right of way or any portion thereof of any primary state highway by occupying the same while a patron, is a public nuisance and the director of highways may fence the right of way of such primary state highway to prevent such unauthorized use thereof.

Business which requires use of adjoining right of way by patrons unlawful.

SEC. 80. Whenever there shall exist upon the right of way of any primary state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such primary state highway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles

Removal of structures endangering travel upon highway.

or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the director of highways is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the director of highways to be immediately or eminently dangerous to travel upon a primary state highway may be forthwith removed and such removal shall in no event constitute a breach of the peace or trespass.

Unobstructed  
view at  
railroad  
crossings.

SEC. 81. Every railroad company in the State of Washington shall keep its right of way clear of all brush and timber in the vicinity of any railroad grade crossing with any primary state highway for a distance of one hundred (100) feet from such crossing in such manner as to permit any person operating upon such primary state highway to obtain an unobstructed view in both directions of any approaching train. The director of highways shall have the duty to keep brush and timber cleared from the right of way of every primary state highway in the proximity of every railroad grade crossing of such primary state highway for a distance of one hundred (100) feet from such crossing in such a manner as to permit any person operating upon such primary state highway to obtain an unobstructed view in both directions of any approaching train. It shall be unlawful for any person to erect or maintain any sign, signboard or billboard at or near any primary state highway or railroad and within a distance of five hundred (500) feet from the point of intersection at grade of such primary state highway and railroad and in such a way that the same may obstruct the view of persons operating any vehicle or train and approaching such highway-railroad grade crossing.

Whenever any person who has erected or who

maintains any such sign, signboard or billboard or whenever any railroad company permits such brush or timber in the vicinity of any railroad grade crossing with any primary state highway or permits the surface of any grade crossing to become inconvenient or dangerous for passage and who has the duty to repair and maintain the same, shall fail, neglect or refuse to remove or cause to be removed any such brush, timber, sign, signboard or billboard, or repair and maintain the surface of such crossing, as herein provided, it shall be the duty of the department of public service upon complaint of the director of highways or upon complaint of any party interested, or upon its own motion to enter upon a hearing in the manner now provided by law for hearings with respect to railroad-highway grade crossings and to make and enforce proper orders for the removal of such brush, timber, sign, signboard or billboard, or repair and maintenance of such highway-railroad grade crossing: *Provided*, Nothing in this section shall be construed to prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted by law to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when such highway or road signs are approved by the director of highways. It shall be the duty of the director of highways to cause to be inspected highway grade crossings and to make complaint of any violation of the provisions of this section.

Inspection  
of highway  
grade  
crossings.

#### CHAPTER IX. FRANCHISES.

SEC. 82. Any person, firm or corporation who shall construct or maintain on, over, across or along any primary state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facili-

Constructions  
on highways  
unlawful  
without  
franchise.

Penalty.

ties, without having first obtained and having at all times in full force and effect a franchise to do so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense.

Application  
for  
franchise.

SEC. 83. The director of highways shall have the power to grant franchises to persons or private or municipal corporations to use any primary state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the primary state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the primary state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or such counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three (3) successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five (5) days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the primary state highway or part thereof over which the franchise is applied for, and the time of such hearing, which shall be held in the Highway Building at the state capitol. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the director of highways.

SEC. 84. Hearing upon the application for a franchise shall be conducted by the director of highways or his authorized assistant. At such hearing the applicant may be required to produce all facts concerning such franchise and evidence may be taken for and against the granting of same. All such hearings may be adjourned from time to time until completed. If after such hearing it is deemed to be for the public interest to grant such franchise in whole or in part, the director of highways may approve and grant the franchise applied for, or such part thereof as he shall deem to be for the public interest, under such rules, regulations and conditions, and with or without compensation as he may prescribe, provided such compensation shall not be more than the reasonable cost to the director of highways for the investigation, handling and granting of any such franchise, and may require any such utility and its appurtenances to be placed in such location on, over, across or along such primary state highway as he finds will cause the least interference with other uses of the primary state highway. Such franchise shall be made subject to removal when necessary for the construction, alteration, repair or improvement of such primary state highway and at the expense of the person, firm, corporation or municipal corporation holding such franchise. Renewal upon expiration of any franchise heretofore or hereafter granted shall be by application and notice posted, published and conducted in the same manner as an original application. Any person or corporation constructing or operating such utility on, over, across or along such primary state highway shall be liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of such primary state highway by such utility, and shall be liable to the state for all necessary expenses incurred in restoring such primary

Hearing  
upon  
application.

Franchise  
made subject  
to removal.

Liability for  
damages.

state highway to a permanent suitable condition for travel: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided, further*, That no exclusive franchise or privilege shall be granted.

Removal of  
water pipes,  
etc., from  
right of way.

SEC. 85. Whenever it shall be determined that it is necessary that any water pipes, flumes, gas pipes, telephone, telegraph, electric light or power lines and conduits, trams or railways, or any other such facilities, upon, over, across or along any primary state highway, be removed to provide safety to persons traveling upon such primary state highway, or for the construction, alteration, repair, improvement or maintenance thereof, notice thereof shall be made as the director of highways shall order and the removal thereof shall be at the expense of the person, firm, corporation or municipal corporation holding franchise subject to such removal or maintaining such encroachment or means of occupancy.

Jointly  
operated  
bridges.

SEC. 86. Whenever any bridge shall exist on the route of any primary state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town of this state, or with such other state, or with any county, city or town of such other state, the director of highways is empowered to join with the proper officials of such county, city or town of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, or any other such facilities. All such franchises shall be granted in the



same manner as provided for the granting of like franchises on primary state highways. Any revenue accruing to the State of Washington from such franchises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid.

SEC. 87. The director of highways is empowered to grant a permit to construct or maintain on, over, across or along any primary state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such primary state highway for a distance greater than three hundred (300) feet and the nature of such use is local and private. The director of highways may require such information as he deems necessary in the application for any such permit and may grant or withhold the permit within his discretion. Any permit granted may be cancelled at any time and any facilities remaining upon the right of way of such primary state highway after thirty (30) days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law.

Permit to  
construct  
facilities.

#### CHAPTER X. ROADSIDE DEVELOPMENT.

SEC. 88. The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any primary state highway is hereby declared to be a proper primary state highway purpose.

Roadside  
development.

SEC. 89. Whenever funds are available for the purpose of planting or cultivating any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points and the correction of unsightly condi-

Expenditure  
of funds.

tions upon the right of way of any primary state highway and for the roadside development and beautification thereof, the director of highways is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision or any person, firm, corporation, association or organization.

Permits to  
beautify  
highway.

SEC. 90. Any person, firm, corporation, association or organization owning lands abutting upon any primary state highway and desiring to plant, cultivate and grow any hedge, shade or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of such primary state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association or organization interested in public improvement and desiring to improve and beautify any primary state highway right of way or any portion thereof by planting, cultivating or growing any hedge, shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the director of highways, be granted a permit therefor as by law provided.

Application.

SEC. 91. Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any primary state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the primary state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such primary state highway or the name of the person, firm, corporation, association or organization apply-

ing for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made.

SEC. 92. Upon the filing of such application, the director of highways shall cause a survey of such primary state highway to be made with reference to such application and a report of the findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the director of highways that the use of a portion of the primary state highway for the purpose set out in the application will not interfere with the use of such primary state highway for public travel and will beautify and improve such primary state highway, permit may be granted and issued to the applicant to plant, cultivate and grow any hedge, shade or ornamental trees, shrubbery or crops, or make such improvement along or upon the right of way of such portion of such primary state highway as shall be definitely described in said permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the primary state highway described in the permit as shall be specified in such permit, and such permit shall specify the exact location of all hedges, shade or ornamental trees or shrubbery to be planted and grown or area to be cultivated under such permit, or area to be improved to which specified location the person, firm, corporation, association or organization receiving such permit shall specifically conform: *Provided*, That the director of highways may in his

Survey and investigation upon filing application.

Permit refused.

discretion refuse such permit and any such permit granted shall be revocable at the will of the director of highways and nothing in this act shall be construed as in any wise affecting the title of the state to the lands included in such primary state highway, or the right to use the same for primary state highway purposes or to remove or destroy any of such hedges, trees, shrubbery or crops for the purpose of construction, alteration, repair, improvement or maintenance of such primary state highway or for any other purpose and at any time.

Permit  
granted.

SEC. 93. In the event that any such permit is granted the director of highways shall enter into an agreement with any such person, firm, corporation, association or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the department of highways or by such person, firm, corporation, association or organization. In the event that any such person, firm, corporation, association or organization so agreeing shall fail or neglect to maintain such roadside development or beautification the director of highways is empowered so to do and the expense thereof shall be a charge against such person, firm, corporation, association or organization.

Failure to  
maintain  
roadside im-  
provement.

Destruction  
of  
improvement  
unlawful.

SEC. 94. It shall be unlawful for any person to injure, destroy or remove any hedge, shade or ornamental trees or shrubbery or crops, plants, cultivated and grown or improvement made upon or along any portion of any primary state highway under permit from the director of highways or otherwise, or to injure, destroy or remove any fence erected under any such permit or otherwise: *Provided*, That nothing in this section shall be construed to prevent any person with the director of highways to do so or the officers of the state charged with the duty of constructing and maintaining any such primary state

highway, from removing any hedges, trees, shrubbery or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of such primary state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement or maintenance of such primary state highway.

#### CHAPTER XI. OFFENSES AND PENALTIES.

SEC. 95. It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Violation  
of act.

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.

Penalty.

SEC. 96. 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.

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.

Distribution  
of fines.

## CHAPTER XII. SAVING CLAUSE.

Offenses  
committed  
under re-  
pealed acts.

SEC. 97. That any acts declared to be an offense under any provisions of the laws of this state which are repealed by this act, and the commission whereof have been completed before the effective date of this act shall be punishable as provided by the law in effect at the time of the completion of such acts without regard for the fact that such provisions of law have been repealed hereby.

Act not  
retroactive.

SEC. 98. 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 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. REPEAL.

Vetoed.

SEC. 99. That the following acts and parts of acts relating to the designation and establishment of primary state highways, secondary state highways and state roads be and the same are hereby repealed: Sections 1, 3, 4, of chapter 151, Session Laws of 1907; chapter 25, Session Laws of 1909; sections 1, 2, 3, of chapter 65, Session Laws of 1913; chapter 164, Session Laws of 1915; chapter 110, Session Laws of 1919; chapter 185, Session Laws of 1923; chapter 26, Session Laws of 1925; chapter 116, Session Laws of 1929; chapter 171, Session Laws of 1929; chapter 29, Session Laws of 1931; chapter 30, Session Laws of 1931; chapter 31, Session Laws of 1931; chapter 35, Session Laws of 1931; chapter 36, Session Laws of

1931; chapter 37, Session Laws of 1931; chapter 38, Session Laws of 1931; section 1 of chapter 41, Session Laws of 1933; chapter 56 of Session Laws of 1933; chapter 28 of Session Laws of Extraordinary Session 1933; sections 6790, 6791, 6792, 6793, 6794, 6795, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6807, 6808, 6809, 6810, 6811, 6812, 6813, 6814, 6815, and 6816, Remington's Compiled Statutes of Washington. } Vetoed.

SEC. 100. That the following acts and parts of acts relating to the acquisition of property for primary state highway, secondary state highway, state road or primary road purposes by gift, purchase and condemnation be and the same are hereby repealed: Chapter 58, Session Laws of 1909; chapter 32, Session Laws of 1921; chapter 34, Session Laws of 1921; chapter 108, Session Laws of 1923; chapter 139, Session Laws of 1923; chapter 160, Session Laws of Extraordinary Session of 1925; chapter 166, Session Laws of Extraordinary Session of 1925. } Statutes repealed.

SEC. 101. That the following acts and parts of acts relating to the administration and construction of primary state highways, secondary state highways, primary roads and state roads be and the same are hereby repealed: Chapter 174, Session Laws of 1905; chapter 149, Session Laws of 1907; sections 2 and 5 of chapter 151, Session Laws of 1907; chapter 186, Session Laws of 1909; chapter 47, Session Laws of 1911; chapter 26, Session Laws of 1913; sections 4, 7 and 8 of chapter 65, Session Laws of 1913; chapter 132, Session Laws of 1913; chapter 121, Session Laws of 1917; sections 17 and 18 of chapter 155, Session Laws of 1917; sections 24 and 28 of chapter 7, Session Laws of 1921; chapter 19, Session Laws of 1921; section 3 $\frac{1}{2}$  of chapter 21, Session Laws of 1921; chapter 35, Session Laws of 1921; sections 45 and 46 of chapter 96, Session Laws of 1921; section } Statutes repealed.

7 of chapter 7, Session Laws of 1921 as amended by section 4 of chapter 115, Session Laws of 1929; section 2 of chapter 41, Session Laws of 1933; chapter 157, Session Laws of 1933; chapter 164, Session Laws of 1933; section 21 of chapter 41, Session Laws of 1933, as amended by section 8 of chapter 111, Session Laws of 1935.

Statutes  
repealed.

SEC. 102. That the following acts and parts of acts relating to the protection, care and maintenance of primary state highways, secondary state highways, primary roads, and state roads, together with markings, franchises and ornamental vegetation be and the same are hereby repealed: Chapter 11, Laws of the Extraordinary Session 1909; chapter 226, Session Laws of 1909; chapter 114, Session Laws of 1911; chapter 164, Session Laws of 1913; chapter 78, Session Laws of 1917; chapter 146, Session Laws of 1919; sections 1, 2, 3 and 4 of chapter 21, Session Laws of 1921; chapter XXVIII, Session Laws of 1901; chapter 80, Session Laws of 1921; chapter 129, Session Laws of 1923; chapter 24, Session Laws of 1925; chapter 131, Session Laws of the Extraordinary Session of 1925; chapter 232, Session Laws of 1927; chapter 242, Session Laws of 1927; chapter 214, Session Laws of 1929; chapter 118, Session Laws of 1931; chapter 101, Session Laws of 1933.

Conflicting  
acts  
repealed.

SEC. 103. That 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.

Prior acts not  
revived.

SEC. 104. That 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 XIV. SHORT TITLE.

SEC. 105. This act shall be known and cited as the Title.  
 "Washington State Highway Act."

## CHAPTER XV. CONSTITUTIONALITY.

SEC. 106. That if any section, sentence, clause or Partial  
invalidity.  
 phrase of this act should be held to be invalid or un-  
 constitutional, the invalidity or unconstitutionality  
 thereof shall not affect the validity or constitution-  
 ality of any other section, sentence, clause or phrase  
 of this act.

## CHAPTER XVI. EMERGENCY.

SEC. 107. That an emergency exists and that this Effective  
April 1, 1937.  
 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.

Passed the Senate February 15, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 5, 1937, with  
 the exception of Section 99, which is vetoed.