

CHAPTER 82.

[S. B. 152.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways and streets; prescribing the powers and duties of certain officers with respect thereto; providing for the expenditure of state funds on county roads and city streets; defining offenses and prescribing penalties; amending sections 2, 6, 26, 34, 53, 54, 56, 58, 61, 63, 64, and 66, chapter 187, Laws of 1937 (sections 6450-2, 6, 26, 34, 53, 54, 56, 58, 61, 63, 64, and 66, Remington's Revised Statutes, Volume 7A), and amending section 60, chapter 187, Laws of 1937, as amended by section 8, chapter 181, Laws of 1939 (section 6450-60, Remington's Revised Statutes, Supplement, Volume 7A), and repealing sections 35, 55, 57, and 62, chapter 187, Laws of 1937 (sections 6450-35, 55, 57, and 62, Remington's Revised Statutes, Volume 7A), and declaring that this act shall be effective on and after April 1, 1943.

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

SECTION 1. Section 2, chapter 187, Laws of 1937 (section 6450-2, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

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

SEC. 2. Section 6, chapter 187, Laws of 1937 (section 6450-6, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

Section 6. There is hereby created in each county of the state a county fund to be known as the "county road fund." From and after the taking effect of this act, the secondary highway fund, general road and bridge fund, road district funds and any and all other funds existing in any county, in which funds for use upon roads herein classified as county roads are deposited, are hereby abolished. Any funds in the County road fund created.
Present funds abolished.

secondary highway fund, general road and bridge fund, road district fund or any other fund in which funds are deposited in any county for use upon roads herein classified as county roads, shall be and the same are hereby transferred to and deposited in the county road fund of such county. Any funds which may hereafter accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon roads herein classified as county roads, shall be credited to and deposited in the county road fund of such county. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected: *Provided*, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county. It shall be the duty of the County Auditor of each county to set up within the county road fund of such county, a separate fund for each road district and to keep a separate and detailed accounting of all funds arising from any levy for proper county road purposes in each such road district and all expenditures made therefrom.

Funds transferred.

Loan of equipment.

Road district funds.

Amendments.

SEC. 3. Section 26, chapter 187, Laws of 1937 (section 6450-26, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Grant of power.

Section 26. The power is granted the Board of County Commissioners of any county in the State of Washington to erect and construct or to acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure for the continuation or connection of any county road where such stream, body of water, gulch.

navigable water, swamp, or other topographical formation constitutes a boundary between the county and any city or town, other county, property of the State of Washington, or any other state or county, city or town of any other state. The power is further granted the Board of County Commissioners of such county to join with such city or town, other county, the State of Washington, or such other state, county, city or town of such other state, as the case may be, in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or any other structure for the continuation or connection of any such county road across any such stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure and forming such boundary, and the purchase or condemnation of right of way therefor.

Joint
purpose
grant.

Power is further granted the Board of County Commissioners of any county to construct, maintain and operate any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and to acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and to enter into joint contracts with authorities of adjoining counties for the construction, operation and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided in section 27 hereof for bridges, or it may be exercised by a single county in the manner authorized by law.

Boundary
roads.

SEC. 4. Section 34, chapter 187, Laws of 1937 (section 6450-34, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

May employ
day labor.

Limitation.

Proviso.

Work by
contract.

Publish
estimate
of cost.

Publish
statement
of cost.

Penalty for
failure.

Amendment.

Section 34. The Board of County Commissioners may, in its discretion, cause any county road to be constructed or improved by day labor in an amount not to exceed ten thousand dollars (\$10,000) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of ten thousand dollars (\$10,000) shall be performed by contract as in this act provided. In the event that the Board of County Commissioners should determine that any construction should be performed by day labor, as provided in this section, and the estimated cost of such work exceeds twenty-five hundred dollars (\$2500), it shall cause to be published in one issue of a paper of general circulation in the county a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the Board of County Commissioners shall cause to be published in one issue of a paper of general circulation in the county a similar brief description of such work together with an accurate statement of the true and complete cost of the performing of such construction by day labor.

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

SEC. 5. Section 53, chapter 187, Laws of 1937 (section 6450-53, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

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

Revenue from motor vehicle fund.

Application to road bonds.

SEC. 6. Section 54, chapter 187, Laws of 1937 (section 6450-54, Remington's Revised Statutes, Volume 7A), is amended to read as follows: Amendments.

Section 54. All funds accruing to the credit of any county in the motor vehicle fund shall be paid monthly to the treasurer of such county as such funds accrue and all funds so paid shall be deposited in and expended from the county road fund of such county and no other fund. The Board of County Commissioners are empowered to expend funds from the county road fund or register warrants against the county road fund in anticipation of funds to be paid to such county from the motor vehicle fund.

Distribute monthly.

May anticipate funds.

Amendments. SEC. 7. That section 56, chapter 187, Laws of 1937 (section 6450-56, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Estimate of revenue. Section 56. On or before the eighth day of July of each year the Director of Highways shall prepare and file with the Board of County Commissioners of each county an estimate of the amount of money which will be paid to such county for the forthcoming calendar year in order that each Board of County Commissioners may prepare the necessary county road budget. In the preparation and adoption of the county road budget of each county the Board of County Commissioners shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance; (4) construction and (5) purchase of road equipment; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Board to budget fund.

Budget copy to Director of Highways. Upon the final adoption of the county road budgets of the several counties as provided by law, the Boards of County Commissioners shall file a copy thereof in the office of the Director of Highways.

In the event that any funds should be paid to any county from the motor vehicle fund in excess of the amount estimated by the Director of Highways and such excess funds have not been included by the Board of County Commissioners in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of such county road budget, then the Board of County Commissioners may on the unanimous consent of such board consider and adopt a preliminary supple-

Supplemental budget.

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

Publish
notice of
hearing.

Copies of
budget for
public.

Adoption by
resolution.

SEC. 8. That section 58, chapter 187, Laws of 1937 (section 6450-58, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

Section 58. The Board of County Commissioners of each county shall on or before February 1 of each year, beginning February 1, 1944, submit such

Reports to
Director of
Highways.

records and reports to the Director of Highways, on forms furnished by the highway department, as are necessary to enable the Director of Highways to compile an annual report on county highway operations.

Amendments. SEC. 9. That section 60, chapter 187, Laws of 1937 as amended by section 8, chapter 181, Laws of 1939 (section 6450-60, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows:

Distribution
to cities and
owns.

Disburse-
ment by local
legislative
authority.

Section 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "City Street Fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the State, for salaries and wages, material, supplies, equipment, purchase or condemnation of rights of way, engineering or any other proper highway purpose in connection with the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the Director of Highways as forming a part of the route of a primary or secondary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary or secondary state highway system, and for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, and engineering, or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any other city street or bridge, or viaduct or under passage along, upon or across such streets. Such expenditure may

be made either independently or in conjunction with any federal, state or any county funds.

The Director of Highways shall have power to construct, maintain and repair the roadway of all streets designated by the Director of Highways as forming a part of a primary or secondary state highway through any city or town having a population of fifteen hundred (1500) or less, according to the last preceding Federal Census, such construction, maintenance and repair to be done at the expense of the state, and without prejudice to the right of city or town to be paid allocations made to it in the motor vehicle fund. Whenever the surface of any street or highway is damaged or displaced by the city or town or by others under its authority for installation or repair of utilities or for any other purpose, the city or town shall repair or replace the surface as nearly as practicable to its original condition, or cause it to be done by others.

Maintain
highway
streets.

Without
prejudice.

The Director of Highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the Director of Highways as forming a part of the route of primary or secondary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary and secondary state highways and in the manner and to the extent provided in this section. The Director of Highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such

Movable
span bridges.

Determine
cost of
upkeep.

Certify to Auditor.

City as agent for State.

County may act instead.

movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the Director of Highways shall be conclusive. Upon determination by the Director of Highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the Director of Highways shall so certify to the State Auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The Director of Highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary or secondary state highways upon vouchers therefor approved by the Director of Highways but in no event in excess of the amount determined by the Director of Highways for any one year: *Provided*, That in the event any such movable span bridge located within the limits of incorporated cities and towns has heretofore and in the past been maintained by the county in which such incorporated city or town is located, then such county shall continue such maintenance and the provisions of this section shall apply to such county, and the Director of Highways may require that the governing authorities of such counties maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary or secondary state highways upon vouchers therefor

approved by the Director of Highways, but in no event in excess of the amount determined by the Director of Highways for any one year.

SEC. 10. Section 61, chapter 187, Laws of 1937 (section 6450-61, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows: Amendments.

Section 61. The Director of Highways shall determine what city streets, if any, in any such incorporated cities and towns shall form a part of the route of any primary or secondary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the State Auditor and one copy to the clerk of each incorporated city and town, which streets, if any, in such city or town are designated as forming a part of the route of a primary or secondary state highway through such city or town. Director to determine.
Certification.

SEC. 11. Section 63, chapter 187, Laws of 1937 (section 6450-63, Remington's Revised Statutes, Supplement, Volume 7A), is amended to read as follows: Amendments.

Section 63. Monies in the City Street Fund may be expended as authorized in section 60 hereof, on other city streets than those designated as forming a part of the route of the primary or secondary state highways so long as the streets so designated are maintained as nearly as possible equal to the standard of original construction: *Provided*, That subject to the satisfactory construction and maintenance of those city streets designated as forming a part of the route of a primary or secondary state highway through such incorporated city or town, such routes shall be adequately marked and signed with traffic devices satisfactory to the Director of Highways and in case any incorporated city or town should fail Diversion allowed under certain conditions.
Streets to be marked.

to do so the Director of Highways may erect such traffic devices and the State Auditor shall pay the cost thereof from the funds credited to such incorporated city or town.

Failure to maintain.

Whenever the repair or maintenance of any city street designated as forming a part of the route of a primary or secondary state highway through an incorporated city or town is delayed or otherwise not satisfactorily accomplished in any manner or in a length of time satisfactory to the Director of Highways, he shall notify the proper authorities of such incorporated city or town to make the necessary repairs or provide the necessary maintenance within a specified time not to exceed thirty (30) days. In the event of noncompliance with this notice, the Director of Highways may make such repairs or provide for such maintenance to the extent of and not to exceed the amount of money credited to such incorporated city or town or reasonably anticipated to accrue to the credit of such incorporated city or town in the motor vehicle fund, and the State Auditor shall pay therefor on vouchers approved and submitted by the Director of Highways in the same manner as payment is made for work performed on primary state highways.

City may ask State to perform.

In the event that any incorporated city or town, whether or not its city streets or any thereof are designated as forming a part of the route of a primary state highway through such incorporated city or town, is unable to construct, repair or maintain its city streets by reason of lack of equipment or for other good cause, or if any such city or town is in need of engineering assistance to construct, repair or maintain any of its city streets, such incorporated city or town may authorize the Director of Highways to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the Director of Highways, to the ex-

tent of, but not to exceed, the funds credited or to be credited in the motor vehicle fund for payment to such incorporated city or town; and any sums due from any city or town for such construction, repair or maintenance or engineering assistance shall be paid on vouchers approved and submitted by the Director of Highways from monies credited to the city or town in the motor vehicle fund, and the amount of such payments shall be deducted from funds which would otherwise be paid to such city or town from the motor vehicle fund. Any such incorporated city or town may, by resolution, authorize the Board of County Commissioners of the county in which such incorporated city or town is located, to perform any such construction, repair or maintenance and the same shall be paid for by such incorporated city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by any county shall be deposited in the county road fund of such county to be expended therefrom under the same provisions as are by law imposed upon the funds used to perform such construction, repair or maintenance.

Not to exceed fund available.

County may perform on request.

SEC. 12. Section 64, chapter 187, Laws of 1937 (section 6450-64, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments

Section 64. The governing authorities of each incorporated city and town shall on or before February 1st of each year, beginning February 1, 1944, submit such records and reports to the Director of Highways, on forms furnished by the highway department, as are necessary to enable the Director of Highways to compile an annual report on street operations within such cities and towns.

City to make reports.

SEC. 13. Section 66, chapter 187, Laws of 1937 (section 6450-66, Remington's Revised Statutes, Volume 7A), is amended to read as follows:

Amendments.

Penalty for violation.

Section 66. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or gross misdemeanor; and it shall be unlawful and a misdemeanor, unless the same is by this act or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any monies in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by this act.

Director to investigate.

The Director of Highways is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if he determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund he is authorized to proceed as follows: If the county road fund is involved he shall notify in writing the Board of County Commissioners and the County Treasurer of his determination; and if the city street fund is involved he shall notify the City Council or Commission and the Mayor and City Treasurer of the city or town of his determination.

Notify in writing.

May direct restitution.

In his determination the Director of Highways is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and he may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to his satisfaction within a specified period fixed by him, he will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten (10) days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the Director of Highways.

Time limit to correct.

If no correction, remedy, adjustment or restitution is made within said ten (10) days to the satisfaction of the Director of Highways the Director shall have power to request in writing that the State Auditor and the State Treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the State Auditor and the State Treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the Director that payments may be resumed.

Withhold funds for failure.

The Director of Highways is also authorized to notify in writing the Prosecuting Attorney of the county in which such violation occurs of the facts, and it shall be the duty of the Prosecuting Attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

Prosecutor to file criminal charges.

SEC. 14. Sections 35, 55, 57 and 62, chapter 187, Laws of 1937 (sections 6450-35, 6450-55, 6450-57, and 6450-62, Remington's Revised Statutes, Volume 7A), are hereby repealed.

Repealing.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall be effective on and after April 1, 1943.

Effective April 1, 1943.

Passed the Senate February 8, 1943.

Passed the House March 3, 1943.

Approved by the Governor March 10, 1943.