

CHAPTER 259.

[ H. B. 626. ]

WASHINGTON TOLL BRIDGE AUTHORITY—OPERATION OF PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM.

AN ACT relating to the Washington toll bridge authority; regulating the operation of the Puget Sound ferry and toll bridge system by such authority; providing for the settlement or disposal of certain claims arising during the course of such operations; establishing a permanent revolving fund for certain engineering investigations thereby; and making an appropriation from the motor vehicle fund therefor; and making a further appropriation from the motor vehicle fund for an investigation by said authority into projects for the solution of the cross-sound transportation problem; amending sections 47.60.140, 47.64.070, and 47.60.100, R.C.W.; adding sections to chapter 47.60, R.C.W.; and declaring an emergency.

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

Amendment. SECTION 1. Section 47.60.140, R.C.W., derived from section 5, chapter 179, Laws of 1949, is amended to read as follows:

Ferries and toll bridges; toll bridge authority authorized to operate.

Same; powers of director of highways.

Toll bridge authority; exclusive right to lease space on ferries, docks, etc.

Five year limitation.

The authority is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue producing and self-liquidating undertaking. The director of highways shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public

advertisement for bids as may be prescribed by the authority: *Provided further*, That the authority may accept and continue leases and contracts for a period of ten years without advertisement or bid, if such leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated.

Bids.

Prior leases and contracts.

[R.C.W. 47.60.140 was derived from Rem. Supp. 1949, § 6584-34, part (through the first proviso).]

SEC. 2. Section 47.64.070, R.C.W., derived from section 6, chapter 148, Laws of 1949, is amended to read as follows:

Amendment.

Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to be in extra-hazardous employment within the meaning of such laws.

Authority employees; application of industrial insurance laws.

[Am. Rem. Supp. 1949, § 6524-27.]

SEC. 3. Section 47.60.100, R.C.W., derived from section 8, chapter 179, Laws of 1949, is amended to read as follows:

Amendment.

Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state finance committee of any state monies in its hands, except permanent school funds and motor vehicle funds. This section shall not invalidate any investment outstanding on its effective date.

Authority bonds; legal investment for state funds.

[Am. Rem. Supp. 1949, § 6584-37.]

SEC. 4. Sections 5 to 13, inclusive, of this act are added to chapter 47.60, R.C.W., derived from chapter 179, Laws of 1949.

New sections.

[Chapter 47.60 R.C.W. is Rem. Supp. 1949, §§ 6584-30 to 6584-37 incl.]

SEC. 5. Any consent to liability given under the provisions of this act shall create liability of the authority only and shall not create any general liability of the state.

Consent to liability limited.

Consent to suits against authority by seamen.

SEC. 6. The state consents to suits against the authority by seamen for injuries occurring upon vessels of the authority in accordance with the provisions of section 688, title 46, of the United States Code. The venue of such actions may be in the superior court for Thurston County or the county where the injury occurred.

Venue.

Authority as common carrier.

SEC. 7. The authority shall have all the obligations, duties and rights of a common carrier of persons and property in its operation of ferries, terminals or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and shall be subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported.

Rights of action against the authority.

SEC. 8. In case of property loss or damage, personal injuries or death resulting from the operation of any ferry or terminal by the authority, any person or the personal representative of any person shall, subject to and to the extent hereinafter provided, have a right of action against the authority for such damage, loss, injury or death.

Damages recoverable limited to amount of insurance carried.

SEC. 9. The right of action extended by this act shall be applicable to loss or damage of property and/or personal injury or death, resulting from the operation of ferries or terminals by the authority to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the

insurance carried by the authority to insure it against loss for such liability.

SEC. 10. As a condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be presented to the authority and filed with its secretary within thirty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said thirty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

Recovery conditioned on filing claims within thirty days.

Claim.

Time limitations.

SEC. 11. The authority may upon such terms and conditions as it may impose and under such rules and regulations as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle such claims. No claim shall be paid by the authority or any settlement or compromise hereof be made except from its operating revenues derived from its operation of ferries or terminals or from the proceeds of insurance recoveries.

Authority may settle claims.

SEC. 12. Actions for the recovery of damages under all the foregoing provisions of this act except section 6 may be brought in Thurston County or in the county in which the aggrieved person resides. No execution upon a judgment or attachment shall be levied against the property of the authority, nor

Venue.

Property not subject to process.

does the state consent to any maritime lien against vessels of the authority, but the authority may be required by order of court to pay any judgment.

Washington state ferries revolving fund may be created.

SEC. 13. Nothing in section 47.60.150, R.C.W., shall forbid the establishment by the authority of a Washington state ferries revolving fund of not to exceed three hundred thousand dollars from the proceeds of any bonds sold under the provisions of this act. Such fund may be deposited by the authority in such banks or financial institutions as it may select throughout the state. The provisions of section 43.01.050, R.C.W., shall not be applicable to such fund or any deposits therein made by the authority under the provisions of this section. The authority may deposit thereafter therein all monies received under the provisions of this chapter. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from such fund if established by check or voucher in such manner as may be prescribed by the authority.

Expenses of operation paid from fund.

All monies received by the authority or any employee under the foregoing sections of this act, except an amount of petty cash for each day's needs as fixed by the regulation of the authority, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the authority under the terms of this section.

Monies received to be deposited each day.

Whenever the fund shall exceed three hundred thousand dollars, the authority shall forthwith transmit such excess to the state treasurer for deposit in the trust fund established by section 47.60.150.

Transmittal of excess monies.

[R.C.W. 47.60.150 is Rem. Supp. 1949, § 6584-34, sentence beginning line 20 through line 33 plus last sentence of section; 43.01.050 is R.R.S. § 5501, first sentence (to first proviso), and all of third proviso.]

"Authority revolving fund" created.

SEC. 14. There is hereby established a permanent fund in the state treasury to be known as the "authority revolving fund," which fund shall be avail-

able to the Washington toll bridge authority in lieu of any allocation from any other appropriation from the motor vehicle fund made to the department of highways for the proper engineering investigation, in its discretion, of any proposals for facilities, which appear to have merit, for the relief of traffic problems throughout the state. The projects to be investigated must propose facilities to be financed by revenue bonds of the authority to be repaid by tolls or charges.

Use of fund.

SEC. 15. Any sums expended under the provisions of section 14 as to each projected facility which shall be adopted and constructed by the authority shall be repaid from the revenues of such facility after it becomes operative to the authority revolving fund. The authority shall take into account any such expense in setting up any schedule of tolls or charges for such project. The authority shall make and order an orderly schedule of payments for the recovery of such expenses from any constructed facility within a reasonable time, which schedule shall be so made that it will not interfere with the other necessary expenses to be recovered by tolls or charges but shall operate with such other expense charges. Any sums so recovered shall be paid into the state treasury and by the treasurer deposited in the authority revolving fund.

Sums expended to be repaid from revenues to authority revolving fund.

Schedule of payments.

SEC. 16. The toll bridge authority is directed to embark upon an investigation of Puget Sound transportation problems with the view to the preparation of a long range, overall plan for the permanent relief and solution of the unsatisfactory conditions which have prevailed as to cross-sound transportation in the Puget Sound area. The results of such investigation and any plan or plans recommended by the authority shall be the subject of and embodied in a report which shall be prepared and transmitted to the governor and each member of the thirty-

Authority to investigate Puget Sound transportation problems.

Results to be reported to governor and legislators.

third session of the legislature one month prior to its convening.

Appropriation.

SEC. 17. There is hereby appropriated from the motor vehicle fund to the authority revolving fund the sum of one hundred twenty-five thousand dollars for the purpose of establishing the permanent authority revolving fund.

Appropriation.

SEC. 18. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority the sum of one hundred twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of section 14.

Appropriation.

SEC. 19. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority the sum of two hundred twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of section 16.

Partial invalidity.

SEC. 20. The provisions of this act are to be severable, and if any section, subdivision or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the act.

Vetoed.

SEC. 21. The Washington toll bridge authority is authorized and directed to complete the location surveys and plans and specifications for a toll tunnel through the Cascade Mountains, together with the necessary connections to existing highways, said toll tunnel to be located on an extension to primary state highway No. 5, beginning at a point on primary state highway No. 5 in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direction to a junction with primary state highway No. 5 in the vicinity north of Cliffdell. The authority is further authorized and directed to proceed with the construction and operation of said toll tunnel as soon as finances therefor become available to the authority.

SEC. 22. This act is necessary for the immediate Emergency.  
preservation of the public peace, health and safety,  
the support of the state government and its existing  
public institutions, and shall take effect immediately.

Passed the House March 8, 1951.

Passed the Senate March 8, 1951.

Approved by the Governor March 19, 1951, with  
the exception of section 21, which is vetoed.

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## CHAPTER 260.

[ S. B. 55. ]

### PUBLIC SERVICE COMMISSION.

AN ACT relating to state government; creating public service  
commission; providing for the appointment of public service  
commissioners; and amending section 43.53.010, R.C.W.

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

SECTION 1. Section 43.53.010, R.C.W., as derived  
from section 1, chapter 117, Laws of 1949, is hereby Amendment.  
amended to read as follows:

There is hereby created and established a state  
commission to be known and designated as the Wash- Washington  
public  
service  
commission.  
ington public service commission, and in this act  
referred to as the commission.

The commission shall be composed of three mem- Membership.  
bers appointed by the governor, with the consent of  
the senate. Not more than two members of said  
commission shall belong to the same political party.

The members of the first commission to be ap- Terms.  
pointed after taking effect of this act shall be ap-  
pointed for terms beginning April 1, 1951, and  
expiring as follows: One commissioner for the term  
expiring January 1, 1953; one commissioner for the  
term expiring January 1, 1955; one commissioner for  
the term expiring January 1, 1957. Each of the com-  
missioners shall hold office until his successor is