

CHAPTER 330.

[ H. B. 235. ]

HIGHWAYS—INTERSTATE SYSTEM.

AN ACT relating to public highways; providing for payment by the state of the cost of removing or relocating utility facilities on or in state highways which are a part of the national system of interstate and defense highways when necessitated by construction, reconstruction or relocation of such public highways and when the state may be reimbursed in an amount equal to at least ninety percent for such costs by the United States; amending section 84, chapter 53, Laws of 1937 and RCW 47.44.020; and amending section 85, chapter 53, Laws of 1937 and RCW 47.44.030.

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

RCW 47.44.020 amended.

SECTION 1. Section 84, chapter 53, Laws of 1937 and RCW 47.44.020 are each amended to read as follows:

Hearing—Grant of franchise—Conditions.

The hearing shall be conducted by the director or his assistant, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

After the hearing, if the director deems it to be for the public interest, he may grant the franchise in whole or in part, under such regulations and conditions as he may prescribe, with or without compensation, but not in excess of the reasonable cost to the director for investigating, handling and granting the franchise. The director may require that the utility and appurtenances be so placed on the highway that they will, in his opinion, least interfere with other uses of the highway.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the

state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in section 2 of this act. Renewal upon expiration of a franchise shall be by application and notice posted and published, and hearing conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted.

SEC. 2. Section 85, chapter 53, Laws of 1937 and RCW 47.44.030 are each amended to read as follows:

RCW 47.44.030  
amended.

If the director deems it necessary that such a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, he shall give notice to the franchise holder to remove the facility at his expense and as the director orders: *Provided*, That notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the state highway commission shall pay or reimburse the owner for relocation or removal of any publicly, privately or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation or improvement of a highway which is part of the national system of interstate and defense highways for each item of cost for which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123, Federal

Removal of  
facilities—  
Notice.

Aid Highway Act of 1958, and any other subsequent act of congress under which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on said national system of interstate and defense highways.

Construction of RCW 47.44.030.

SEC. 3. The provisions of RCW 47.44.030 authorizing the state highway commission to pay or reimburse the owner of a utility shall apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the state highway commission after June 30, 1959.

Passed the House March 12, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 331.

[ H. B. 97. ]

PROBATION COUNSELORS—STATE AID.

AN ACT relating to probation officers and services; and amending section 3, chapter 160, Laws of 1913, as last amended by section 1, chapter 270, Laws of 1951, and RCW 13.04.040, and making an appropriation.

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

Definitions.

SECTION 1. As used in sections 2 through 8 of this act:

"Director."

(1) "Director" means the director of the department of institutions;

"County."

(2) "County" means any county of the third class or lower classification;

"Probation counselor."

(3) "Probation counselor" includes probation officers and persons performing similar duties relative to probation services.