

CHAPTER 154.

[H. B. 379.]

AMENDING PERMANENT HIGHWAY LAW.

AN ACT relating to the improvement and maintenance of public highways, providing for the payment of the cost thereof, and amending sections 2, 7, 9, 10 and 14, of chapter 35 of the Laws of 1911.

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

SECTION 1. That section 2 of chapter 35 of the Laws of 1911 be amended to read as follows:

Section 2. The owners of two-thirds of the lineal feet of lands, other than lands of the state or the United States, fronting upon any public highway or section thereof in any county may present to the board of county commissioners a petition setting forth that the petitioners are such owners, and that they desire that such highway or section thereof be improved under the provisions of this act.

The board of supervisors of any township, in any county having township organization, or a majority of them, may, when authorized at a general election, or a special election called for the purpose, sign a petition for the improvement of any public highway within such township, in whole or in part.

SEC. 2. That section 7 of chapter 35 of the Laws of 1911 be amended to read as follows:

Sec. 7. Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof shall be transmitted to the state highway commissioner, who shall thereupon examine the same and return them to the board of county commissioners, making such changes therein or recommendations with reference thereto as he may deem advisable, and certifying his approval thereof.

Upon receipt of such profiles, maps, plans, specifications and estimate, the board of county commissioners may pass a resolution adopting the same, and that such highway or section thereof shall be improved under the provisions of

[Amends
§ 2, ch. 35,
L. '11;
Pierce's
Code, 1912,
441 § 209.]

Abutting
owners may
petition for
improvement.

Township
officers may
petition.

[Amends
§ 7, ch. 35,
L. '11;
Pierce's
Code, 1912,
441 § 219.]

Highway com-
missioner to
pass upon
plans.

Resolution
adopting
plans.

this act. No resolution thereafter adopted by said board shall have the effect of rescinding or annulling the resolution so adopting such profiles, maps, plans, specifications and estimate, unless the same shall be approved by the state highway commissioner. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in its office and become a permanent record of the board, and certified copies thereof shall be transmitted to the state highway commissioner and to the county engineer.

Vetoes must be approved by highway commissioner.

Plans to be filed.

SEC. 3. That section 9 of chapter 35 of the Laws of 1911 be amended to read as follows:

[Amends § 9, ch. 35, L. '11; Pierce's Code, 1912, 441 § 223.]

Sec. 9. When the board of county commissioners shall have finally adopted the profiles, maps, plans and specifications for the improvement of any permanent highway under the provisions of this act, said board shall advertise for bids for three successive weeks in a newspaper published at the county seat of such county, and if they deem advisable, in such other newspaper as it shall determine, for the construction and improvement of such permanent highway, or section thereof, according to such profiles, maps, plans and specifications, and shall award the contract to the lowest responsible bidder, save that the board shall have the right to reject any and all bids. All contracts shall be let on the lump sum basis. Before entering into any contract for such construction or improvement, it shall require a corporate surety bond in the full amount of the contract, conditioned that the party thereto will perform the work upon the terms, within the time, and in accordance with the contract, profiles, maps, plans and specifications, and that such party will indemnify the county against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction and improvement of such highway and until the same is accepted. Each bid shall be accompanied by a certified check in a sum equal to one-tenth of the amount of such bid, payable to the county, which shall be forfeited to the county upon the failure of the party,

Bids called for.

Bond of bidder.

Certified checks to accompany bids.

for a period of twenty days after any contract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. Monthly partial payments shall be provided for in the contract and paid in the manner therein provided, when certified by the county engineer or construction engineer employed, as the case may be, to an amount equal to eighty per centum of the value of the work done during the preceding month. Twenty per centum of the contract price shall be retained until the entire work has been accepted and no final payment shall be made until the state highway commissioner shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and the profiles, maps, plans and specifications governing such work. All payments to be made by the state upon contracts entered into in accordance with the provisions of this act shall be made by the state treasurer from the permanent highway fund hereinafter created, upon the warrant of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and the state highway commissioner, and, in case of final payment, to be accompanied by the certificate of the state highway commissioner as aforesaid. The state auditor shall issue no warrant for any purpose against the permanent highway fund hereinafter provided for unless there be sufficient money to pay such warrant in such fund to the credit of the county affected. No payment shall be made for any incidental changes during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution, and a copy of said resolution shall have been transmitted to the state highway commissioner. The board of county commissioners shall let no contract for the improvement of any permanent highway or section thereof less than one mile in length. Whenever any permanent highway shall be improved or constructed pursuant to a

Monthly payments.

Twenty per cent. of contract price to be retained until work is completed.

State payments.

Certificate of completion of work.

Warrants not issued without funds.

Incidental charges.

One mile minimum.

petition as provided for in section 2 of this act, the proportion of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section, and all moneys payable by any township, shall, when collected, be paid into said general road and bridge fund. All payments made from the general road and bridge fund upon contracts entered into in accordance with the provisions of this act, shall be made by the county treasurer upon warrants of the county auditor, issued upon the presentation of proper vouchers, approved by the board of county commissioners and the state highway commissioner.

County road and bridge fund to pay and receive funds.

Payments from county funds.

SEC. 4. That section 10 of chapter 35 of the Laws of 1911 be amended to read as follows:

[Amends § 10, ch. 35, L. '11; Pierce's Code, 1912, 441 § 225.]

Sec. 10. The county engineer of any county in which any highway or section thereof has been improved or constructed pursuant to a petition as provided in section two of this act, shall have the power and it shall be his duty upon receiving notice from the board of county commissioners of the county in which said highway is located, of the cost of construction or improvement of such highway or section thereof, to prepare, verify and file with the county auditor an assessment roll of the assessments and shall assess upon the lands benefited thereby, and situated within the boundaries of an improvement district, to be established, fifteen per cent. or such greater per cent. as may be stated in such petition, of said total cost. Such improvement district shall be constituted, and the boundaries thereof fixed, as follows: The highway co-terminous with the improvement shall be the central line through the district, and the bordering lands on each side and within a distance of not less than six hundred and sixty feet, and not more than three miles, such width to be fixed by the board of county commissioners, from the center line of said highway and co-terminous with the construction work or improvement shall be included in and constitute the

Engineer to make assessment roll.

Boundaries of assessment district.

Division of
assessment
district.

Proportional
assessment.

Excess costs.

Area
assessment.

body of the improvement district and shall be subject to assessment to the extent above provided. For the purpose of making an equitable apportionment of the assessment, such improvement district shall be divided longitudinally on each side of the center line of such highway, into three parts of equal width, which, beginning with the part abutting upon the highway, shall be known as the first, second and third subdivisions, respectively, of such improvement district. In case the petition shall call for the payment of fifteen per cent. each separate tract or parcel of land in said first subdivision shall be assessed and be subject to a charge for a proportional part of seven per cent. of the whole cost of the construction work or improvement of said highway, and it shall be subject to a lien therefor until it shall be paid; each separate tract or parcel of land within said second subdivision shall be assessed and subject to a charge for a proportional part of five per cent. of the whole cost of such construction work or improvement and be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said third subdivision shall be assessed and subject to a charge for a proportional part of three per cent. of the whole cost of such construction work or improvement and be subject to a lien therefor until it shall be paid. If the per cent. of cost to be paid by such owners shall be greater than fifteen per cent. the excess shall be assessed to the property in each subdivision upon the same ratio as such fifteen per cent. The charge upon the several separate tracts or parcels of lands in each subdivision shall be assessed ratably on the basis of the special benefits according to the actual area within such subdivision; that is to say, the area within the first subdivision shall be assessed seven fifteenths, the area within the second subdivision shall be assessed five-fifteenths, and the area within the third subdivision shall be assessed three-fifteenths of the proportionate part of the cost assessed to the property in the assessment district. Each tract or parcel of land shall be assessed according to the relation of the area thereof to the total area within the

subdivision wherein it is situated. The county engineer shall file such assessment roll, as aforesaid, with the auditor of the county at least thirty days prior to the date prescribed by law for the first annual meeting of the county board of equalization after such list shall have been completed, and at said meeting, or an adjourned meeting, said board shall hear all objections to the assessments and determine the same, and correct all errors which may be found in such list; and after the same shall have been examined, compared and corrected by the county board of equalization, the assessment roll shall be filed with the county treasurer, and the amount charged against the several lots, tracts or parcels of land within such improvement district shall be a lien upon such land, and shall be collected in the same manner as the general taxes of such county are collected, and shall become delinquent at the same time as general taxes, and after becoming delinquent shall be increased by the same percentage of penalty, and shall bear interest at the same rate as other delinquent state and county taxes: *Provided*, That the county commissioners may in their discretion by resolution duly certified to the county treasurer permit the payment of such taxes in ten equal annual installments, in which event each installment shall become delinquent as general taxes, and after becoming delinquent shall bear the same rate of interest as other delinquent state and county taxes: *Provided further*, That the owner may pay all or any number of such installments at any time, and all deferred payments shall bear interest at the rate of six per cent. per annum from the 31st day of May of the year following the filing of the assessment roll with the county treasurer: *And provided further*, That whenever the county commissioners shall have provided for the payment of said taxes in installments as aforesaid it may, if it shall deem necessary or proper, issue bonds of the county payable from the general road and bridge fund ten years after the date of the issuance thereof with such option to redeem as shall be considered advisable, in an amount not exceeding the proportion

Objections to assessments.

Assessments to be lien.

Ten-year payment plan.

Bonds may be issued.

of the cost of such highway which shall be a charge against the abutting property, and that such bonds shall bear interest at a rate not greater than six percent. per annum and shall be sold at not less than par by the board of county commissioners in such manner as they shall deem advisable. A notice directed to all owners of property affected by such assessment, whether known or unknown, to appear before said county board of equalization on a day to be therein specified to make their objections, if they have any, to such assessments, shall be published by the county auditor in a newspaper of general circulation in the county in at least three issues on different days of said newspaper, the first of which shall be at least twenty days prior to the specified date for appearances, and said notice shall contain a description of the highway, for the construction or improvement of which the assessment is made, and enumerate the several sections of land, according to the United States surveys, which shall be wholly or partially included within the special improvement district. If any such assessment shall be deemed invalid by the county board of equalization or adjudged to be invalid by any court of competent jurisdiction, a reassessment of the land within an improvement district with proper boundaries shall be made and collected in the manner herein prescribed. The county boards of equalization may hold adjourned or special sessions whenever it may be necessary to do so for the purpose of hearing objections to, and completing assessment lists required by this act.

Interest rate.

Notice of hearing on assessment roll.

Re-assessment.

All persons owning property abutting on such highway so improved, or residing thereon shall thereafter pay all highway taxes assessed against them in money, and in the manner now provided by law.

Taxes to be paid in money.

Where the petition for the improvement or construction of any permanent highway shall be signed by the board of supervisors of any township, or a majority of them, under the provisions of section 2 of this act, the proportion of the assessment of abutting property shall, as to property within such township, be a charge upon such township and

Township assessment.

shall be paid by such township from the moneys raised for the purpose of constructing and improving roads there-into the general road and bridge fund of the county on or before the date of the approval of such construction or improvement work by the state highway commissioner.

SEC. 5. That section 14 of chapter 35 of the Laws of 1911 be amended to read as follows:

[Amends § 14, ch. 35, L. '11; Pierce's Code, 1912, 441 § 233.]

Sec. 14. For the purpose of raising revenues for the improvement and maintenance of permanent highways under the provisions of this act, the proper state officers shall levy and collect a tax of one and one-half mills upon all property in the state subject to taxation for the year 1913, and for each year thereafter. All moneys derived from such tax shall be paid into the state treasury and credited to a fund to be known as the "Permanent Highway Fund." The amounts received from each county shall be credited to the county paying the same, until such time as the same shall be expended on contracts for permanent highways within such county or for the maintenance of the same under the provisions of this act. Five per cent. of all moneys credited to each county under this act and which shall be derived from taxes levied for the year 1912 and subsequent years shall be set aside and expended by the board of county commissioners, upon vouchers approved by such board, for maintaining and repairing roads constructed under the provisions of this act and other roads of like character, and no part of such five per cent. shall be expended for any other purpose.

State tax levy of one and one-half mills.

Credited to counties.

Five per cent. for maintenance.

SEC. 6. Where any assessment for the improvement of any permanent highway pursuant to petition has heretofore been made and extended upon the tax rolls of any county and said assessment has not been paid, the county commissioners may provide for the payment of the same in installments, and may issue bonds of the county to an amount not exceeding such unpaid assessment in the manner provided in section 4 of this act.

Bonds for improvements heretofore made.

Passed the House February 13, 1913.

Passed the Senate March 5, 1913.

Approved by the Governor March 21, 1913.