

**DELAWARE RIVER BRIDGE, ERECTION PROVIDED FOR**  
**Act of Jul. 9, 1919, P.L. 814, No. 338**  
AN ACT

Cl. 36

Providing for the erection and construction by the Commonwealth of Pennsylvania and the State of New Jersey of a bridge over the Delaware River, connecting the city of Philadelphia and the city of Camden, and the approaches thereto; providing for a joint commission for that purpose, and defining its powers and duties; providing for an independent commission in this Commonwealth in relation thereto, and defining its powers and duties; providing for the payment of a part of the cost thereof by the city of Philadelphia; and providing for the acquiring, approaches thereof; providing for the turning over of said bridge upon its completion; and making an appropriation for the purposes of this act.

Whereas, The State of New Jersey has expressed a willingness to join the Commonwealth of Pennsylvania in the construction of a bridge over the Delaware River between Philadelphia and Camden for the development of the trade and relations between the two States,

Section 1. Be it enacted, &c., That the Commonwealth of Pennsylvania agrees to join therein on condition that the city of Philadelphia will bear one-half of the cost of the land and approaches on the Pennsylvania side and share equally with the Commonwealth of Pennsylvania in the one-half cost of the superstructure of said bridge, it being the intention of this act that the Commonwealth of Pennsylvania and the city of Philadelphia shall contribute as their share of said bridge the cost of the land and approaches on the Pennsylvania side and one-half of the cost of the superstructure of the bridge.

Section 2. The word "bridge," whenever used in this act, shall include the actual bridge between the shore lines of the river and the approaches thereto, including the substructures and superstructures of both. The word "approaches," whenever used in this act, shall be construed to mean all that portion of the bridge extending from the beginning of the approach to the furthestmost abutment of the bridge on the same side of the river, but not to include such abutment. The word "superstructure," whenever used in this act, shall be construed to mean all that portion of the bridge between the approaches. The term "substructure," whenever used in this act, shall include all that portion of the bridge not included within the meaning of the definition of superstructure or the approaches, and shall include the piers and abutments. The term "cost of construction," as used in this act, shall include the cost of constructing the superstructure and substructure of the bridge and the approaches thereto, and the cost of acquisition of the ground for the site of said bridge and the approaches thereto, including any franchises, easement, rights, or damages incident thereto or consequent upon the taking thereof. The "Pennsylvania Commission," as used in this act, shall be construed to mean the

Governor, the Auditor General, and the State Treasurer of the Commonwealth of Pennsylvania, the Mayor of the city of Philadelphia, and four other citizens of the Commonwealth, to be appointed by the Governor. The term "inter-state bridge commission," as used in this act, shall be construed to mean the New Jersey Inter-state Bridge and Tunnel Commission. The "joint commission," as referred to in this act, shall mean the New Jersey Inter-state Bridge and Tunnel Commission and the Pennsylvania Commission, acting as a joint commission for and on behalf of the Commonwealth of Pennsylvania and the State of New Jersey. The term "owner," as used in this act, shall be construed to mean all individuals, incorporated companies, and religious, benevolent, literary, or other societies or associations, having any title or interest in lands, structures, rights of way, franchises, easements, or other interests in lands.

(2 amended May 6, 1925, P.L.538, No.288)

Section 3. That the Governor, the Auditor General, and the State Treasurer of the Commonwealth of Pennsylvania, the Mayor of the city of Philadelphia, and four other citizens of the Commonwealth, to be appointed by the Governor, are hereby constituted a commission to act in conjunction with a similar commission of the State of New Jersey as a joint commission for the purpose of constructing a bridge over the Delaware River connecting the city of Philadelphia, in the State of Pennsylvania, and the city of Camden, in the State of New Jersey. No action of the said joint commission shall be valid and binding unless a majority of the Pennsylvania Commission and a majority of the New Jersey Commission shall vote in favor thereof.

(3 amended May 6, 1925, P.L.538, No.288)

Section 4. That the said joint commission is hereby authorized and empowered, and it shall be its duty, to have prepared the necessary and proper plans and specifications for the construction of the bridge, to select the location for the same, determine the size, type, and method of construction thereof, to plan and fix its boundaries and approaches, to make all necessary estimates of the probable cost of its construction and the acquisition of the ground for its site and approaches, to proceed to acquire the ground for the sites of the abutments and the approaches to the bridge in the manner hereinafter provided, to enter into the necessary contracts to build and equip the entire bridge and the approaches thereto, to build the substructure and superstructure thereof, to obtain such consent as may be necessary of the Government of the United States and the approval of the Secretary of War, and to cause a survey and map to be made of all lands, structures, rights of way, franchises, easements, or other interests in lands lying within the Commonwealth, including lands under water and riparian rights, owned by any person, corporation or municipality, the acquisition of which may be deemed necessary for the construction of such bridge, and to cause such map and survey to be filed in its office. The members of said joint commission, or the members of the Pennsylvania commission acting independently, its or their agents and employes, may enter upon such lands,

structures, and lands under water, notwithstanding any interests in such lands or other interests, for the purpose of making such survey and map. There shall be annexed to the survey and map a certificate issued by the joint commission stating what lands, structures, lands under water, and other interests described in such survey and map are necessary for the construction of said bridge; and said joint commission is hereby authorized and empowered, and it shall be its duty, to do and perform all acts and things whatsoever necessary for the carrying out of the provisions of this act: Provided, however, That the said joint commission shall not proceed to exercise or carry out any authority or power herein or hereby given it to bind the Commonwealth of Pennsylvania beyond the extent to which the Commonwealth of Pennsylvania shall have appropriated or made available to said joint commission the moneys hereinbefore stipulated as the share of the Commonwealth of Pennsylvania. Said moneys, contributed or made available by the Commonwealth of Pennsylvania, shall be disbursed to said joint commission by the State Treasurer, on warrants to be drawn by the joint commission on the Auditor General of the Commonwealth and payable on vouchers submitted to him by the joint commission: Provided further, That the said joint commission shall not proceed to exercise or carry out any authority or power herein or hereby given until the State of New Jersey by appropriate legislation shall first have vested like powers herewith in said joint commission, and beyond the extent to which the State of New Jersey shall have appropriated or made available to the said joint commission the moneys hereinbefore stipulated as the share of that State for providing the cost of acquiring the land for the approaches to and for the erection and construction of the approaches and the superstructure of said bridge; said moneys, appropriated or made available by said State, to be payable to said joint commission upon warrants drawn by said joint commission when duly signed by the proper fiscal officer of the State of New Jersey: And provided further, That said joint commission shall not proceed to exercise or carry out any authority or power herein or hereby given it beyond the extent to which the city of Philadelphia shall have appropriated or made available to said joint commission the moneys hereinbefore stipulated as the share of the city of Philadelphia in providing the cost of acquiring land for the approaches to and the erection and construction of the approaches and the superstructure of said bridge; said moneys to be disbursed on warrants drawn by the said joint commission on the city treasury of the city of Philadelphia, countersigned by the city controller, and payable by the city treasurer to said joint commission on vouchers duly submitted to him by the joint commission; and it shall thereupon be the duty of the city treasurer of the city of Philadelphia to pay said warrants.

All moneys expended or appropriated to be expended for the purposes of this act shall be used and expended under the supervision of said joint commission, and no contracts or agreements with any contractor or contractors for the construction of such bridge exceeding in amount the sum of two thousand dollars (\$2,000.00) shall be made without advertisement

for bids for such time and in such manner as shall be determined by said joint commission.

Section 5. For the purpose of carrying into effect the provisions of this act, the joint commission is hereby authorized to purchase in the Commonwealth of Pennsylvania such lands, structures, rights of way, franchises, easements, or other interests in lands, including lands under water and riparian rights, of any person, railroad, or other public or private corporations or municipality, necessary for the building of said bridge and the approaches thereto, upon such terms, prices, or considerations as may be considered by it to be reasonable and can be agreed upon between it and the owner or owners. But if for any reason the said joint commission does not agree with the owner or owners of said lands or interests upon the price or consideration therefor and receive a proper conveyance or proper conveyances thereof, the said joint commission, having given to the owner or owners and the person or persons in possession thereof at least sixty days notice of its intention so to do, shall enter upon and take possession of said lands and interests in the name of the Commonwealth of Pennsylvania. Said joint commission is hereby authorized to accept on behalf of the Commonwealth of Pennsylvania any gifts of lands, rights or interests in lands, or other interests, contiguous or adjacent to said bridge in the Commonwealth of Pennsylvania or in the State of New Jersey, for the purpose of building the same. Such joint commission shall also have the power to alter or change the grade of any highway or public street when necessary for the purpose of carrying out the plans by it adopted. If it shall become necessary to change the location or gradient of any waterway, canal, railroad, or street railway, or the appurtenances thereof, the person or corporation owning and operating the same shall be required to so relocate and change the same so far as needful, and, if possible, to agree with said joint commission upon the details thereof; the costs thereof to be paid by said joint commission as part of the expense of said work.

Section 6. (6 repealed June 3, 1971, P.L.118, No.6)

Section 7. Whenever any liens exist upon any estate or interests conveyed or acquired under the provisions of this act, the same shall be paid and satisfied out of the purchase money or damages, and in case said purchase money or damages shall be insufficient to pay said liens or any dispute shall arise as to the validity of any such liens or the amount due thereon, the joint commission or the Pennsylvania commission, as the case may be, may present a petition to the court of common pleas of Philadelphia County, setting forth the facts, and, upon the proper order of said court, may pay the amount of such purchase money or damages into said court, to be distributed by said court among the parties entitled thereto in the same manner as moneys paid into court upon sheriff's sales are distributed, and upon such payment into court of such purchase money or damages, said liens shall be extinguished, and said court shall direct satisfaction of said liens to be entered of record.

Section 8. The said joint commission and the said Pennsylvania commission shall cause to be kept a full, fair and

accurate record of all its or their proceedings, properly indexed and open to the inspection of the public. Copies of all records, documents, and papers, when duly certified by said joint commission or said Pennsylvania commission, shall be received in evidence in the several courts of this Commonwealth in all cases where the original records, documents, and papers would be admitted in evidence: Provided, however, That in any judicial controversy before any court of this Commonwealth either party may have the original records, documents, or papers produced on the service of proper process for that purpose.

Section 9. The said joint commission is hereby authorized and empowered to appoint a treasurer, who may or may not be a member of said joint commission, a secretary, an accountant, and real estate, engineering, architectural, and construction experts and inspectors, and such other employes, as in the opinion of said joint commission may be necessary, all of whom shall do such work in the premises as the joint commission shall direct; and said joint commission shall fix the respective compensations of the persons so appointed, which compensations shall be paid by the joint commission. The Attorney General of the Commonwealth of Pennsylvania and the Attorney General of the State of New Jersey are empowered to assign such attorneys and counsellors to the said joint commission as in their judgment shall be requisite and necessary, who shall be paid such compensation out of the funds in the hands of the joint commission as said commission shall solely fix.

**Compiler's Note:** Section 502 of Act 164 of 1980 provided that the powers and duties of the Attorney General and/or the Department of Justice contained in section 9 were transferred to the Office of General Counsel.

Section 10. The Pennsylvania commission is hereby authorized to enter into any contract or contracts with the New Jersey Commission, which may be deemed requisite and necessary to carry out the terms and provisions and intent of this act. It shall have the power to enter into a contract with the New Jersey commission for charging tolls for the use of said bridge by vehicles, said tolls to be at such rates as shall be agreed upon between the Pennsylvania Commission and the New Jersey Commission.

Such agreement shall contain such provisions as to the Pennsylvania commission shall seem wise, but shall specifically provide:

(a) That tolls shall continue to be collected, for the use of the said bridge by vehicles, until such time as the State of New Jersey, the Commonwealth of Pennsylvania and the City of Philadelphia shall each have been fully reimbursed for all moneys expended to pay the cost of said bridge and the approaches thereto. For the purpose of determining the cost of said bridge, interest at the rate of four per cent per annum on the amount expended by the Commonwealth of Pennsylvania and not repaid to the said Commonwealth, and interest paid by the State of New Jersey and the City of Philadelphia, on bonds issued to borrow money to pay in whole or in part the respective shares of the said State and the said City of the cost of said bridge, shall be included.

(b) That until each of the said State of New Jersey, Commonwealth of Pennsylvania and City of Philadelphia shall have been reimbursed as hereinbefore provided, all expenses for the maintenance, repair and operation of said bridge shall be paid out of the proceeds of tolls collected under said contract.

(c) That from time to time the proceeds of the collection of tolls under said contract, in excess of the requirements for maintenance, repairs and operation, and also any other revenue derived from the operation of said bridge, including revenue received under leases or contracts with public service corporations, companies, firms or individuals for the operation of busses over said bridge, or the installation, maintenance, use and operations of railways, railroads or other transportation facilities, or telegraph, telephone, electric light or power, or other public service facilities over said bridge shall be distributed, one-half to the State of New Jersey, one-quarter to the Commonwealth of Pennsylvania and one-quarter to the City of Philadelphia, until such time as either the State of New Jersey, the Commonwealth of Pennsylvania or the City of Philadelphia shall have been reimbursed in full as hereinabove provided. Thereafter such tolls and other revenue shall be equally divided between the two remaining participants therein until one of them shall have been reimbursed in full, and thereafter the remaining participant shall receive all of such tolls and other revenue until it shall have been reimbursed in full.

(d) That as soon as the State of New Jersey, the Commonwealth of Pennsylvania and the City of Philadelphia shall have been reimbursed in full as hereinabove provided, the use of the said bridge shall become, and shall thereafter remain, free to private vehicles.

(e) That payments made under said contract to the Commonwealth of Pennsylvania shall be made into the general fund of the State Treasury of said Commonwealth, or into such other fund or funds as the General Assembly shall from time to time direct; and payments to the State of New Jersey and to the City of Philadelphia shall be made into such funds or to such persons as the Legislature of New Jersey and the Council of Philadelphia shall respectively require.

(10 amended Feb. 18, 1926 (Ex. Sess.), P.L.10, No.2)

Section 11. Said bridge, upon its completion, shall be maintained, repaired, and operated by the Pennsylvania commission, acting in conjunction with such agency as may be or may have been authorized by the State of New Jersey to cooperate with the Pennsylvania commission for these purposes, until such time as the State of New Jersey, the Commonwealth of Pennsylvania, and the city of Philadelphia shall have been reimbursed in full as provided in section ten of this act as amended. Thereafter said Pennsylvania commission and such agency of the State of New Jersey shall make such disposition of said bridge as shall hereafter be provided by the laws of the Commonwealth of Pennsylvania and the State of New Jersey. In connection with the operation of said bridge, said Pennsylvania Commission and such agency of the State of New Jersey may enter into leases or contracts upon such terms as they may deem

advisable, for the use by individuals, copartnerships or corporations of such parts of said bridge and the property appurtenant thereto as may not be required for the accommodation of traffic: Provided, That no such lease or contract shall be entered into unless it provides for the payment of reasonable compensation for the privileges thereby conferred. For the purpose of maintaining, repairing, and operating said bridge, said Pennsylvania commission, acting in conjunction with said agency authorized by the State of New Jersey, may employ such workmen, policemen, collectors of tolls, and other employes as they may deem necessary and advisable, and fix their compensation, and may incur such other expenses as they deem necessary for the proper maintenance, repair, and operation of said bridge. The said Pennsylvania commission, acting in conjunction with such agency as may be or may have been authorized by the State of New Jersey to cooperate with the Pennsylvania commission, shall have power, and authority is hereby conferred upon the Pennsylvania commission acting in conjunction as aforesaid with said agency of the State of New Jersey, to appoint such number of policemen as may be found necessary to keep in safety and preserve order upon said bridge; to administer to such policemen an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of such policemen from the tolls and other revenue derived from the said bridge. The policemen so appointed shall have power and authority to make arrests for crimes, misdemeanors, and offenses of any character committed upon said bridge, for disorder or breach of the peace, and for violations of any lawful regulation which may be or may heretofore have been adopted by the said Pennsylvania commission acting in conjunction with the said agency of the State of New Jersey. Such policemen shall be further authorized and empowered to make arrests for evasion or attempts to evade the payment of tolls which may be fixed or may have been fixed for passage over the said bridge. To pass over any part of said bridge in any vehicle for which tolls shall be collectible, without passing through the toll gates or paying such toll, shall constitute such evasion and shall subject the person so evading or attempting to evade such payment to arrest as aforesaid. Upon the apprehension or arrest of any person or persons for any of the foregoing reasons, the offender may be taken before any magistrate of the city and county of Philadelphia, or any proper judicial officer of the State of New Jersey, without respect to the portion of the bridge upon which such offense may have been committed or attempted or such offender arrested, and thereupon such magistrate of the city and county of Philadelphia or such judicial officer of the State of New Jersey shall have power and authority to punish such offender as hereinafter provided. The Pennsylvania commission, acting in conjunction with the aforesaid agency authorized by the State of New Jersey, shall have power to adopt such rules and regulations as they may deem expedient for the proper government of the said bridge and for the preservation of good order, safe traffic, and proper conduct thereon. For any violation of any of the foregoing provisions of this act, or of

any rule or regulation adopted by the Pennsylvania commission in conjunction with the said agency of the State of New Jersey, or for any evasion or attempt to evade payment of tolls, the offender or offenders shall be subject to a fine or penalty of not less than ten dollars (\$10) or more than twenty-five dollars (\$25) together with costs, to be adjudged by the magistrate of the city and county of Philadelphia or the judicial officer of the State of New Jersey before whom such offender or offenders may be brought, and, on default of payment of such fine or penalty, then to imprisonment of not less than ten days or more than thirty days in the county prison of the county of Philadelphia or in . . . . . of the State of New Jersey; and, upon conviction of any subsequent offense, shall be subject to a fine or penalty of not less than twenty-five dollars (\$25) or more than fifty dollars (\$50), together with costs, or to imprisonment of not less than thirty days or more than sixty days or both or either at the discretion of the magistrate of the city and county of Philadelphia or the judicial officer of the State of New Jersey as aforesaid: Provided, That this act shall not take effect until a similar, or substantially similar, statute shall become a law of the State of New Jersey.

(11 amended Apr. 7, 1927, P.L.145, No.115)