

GIVE DELAWARE RIVER BRIDGE COMMISSION RIGHT OF EMINENT DOMAIN

Act of Mar. 31, 1949, P.L. 388, No. 35

Cl. 36

AN ACT

Authorizing and empowering the Delaware River Joint Toll Bridge Commission, for the effectuation of its authorized purposes, to enter upon, use, overpass, occupy, enlarge, construct, improve, or close any easement, street, road or highway, located within the limits of any municipality in Pennsylvania, or to use, occupy or take property, now or hereafter vested in or held by any municipality in Pennsylvania, without requiring the consent of the municipality or the governing body thereof; prescribing conditions for the exercise of such powers by the Commission; and conferring jurisdiction on certain courts of common pleas.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. For the effectuation of its authorized purposes, the Delaware River Joint Toll Bridge Commission, a body corporate and politic (hereinafter referred to as the "Commission"), is hereby granted power and authority to enter upon, use, overpass, occupy, enlarge, construct, improve, or close any easement, street, road or highway, located within the limits of any municipality in Pennsylvania, or to use, occupy or take property, now or hereafter vested in or held by any municipality in Pennsylvania.

Section 2. Before entering upon, using, overpassing, occupying, enlarging, constructing, or improving any easement, street, road, highway, or property of any municipality, the Commission shall, in writing, notify the chief administrative officer or governing body of the municipality of its intention so to do, together with the approximate time of the commencement of the work of the Commission affecting such street, road or highway. It shall not be necessary for the Commission to obtain the consent of the municipality or the governing body thereof for the exercise of any of the powers conferred by this act, any law or compact to the contrary notwithstanding.

Section 3. If, under the Constitution and laws of the Commonwealth of Pennsylvania, any damages are payable to any municipality by reason of the exercise of the powers conferred by this act, such damages shall be paid by the Commission.

(3 repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 508(a) of Act 223 of 1970 provided that the jurisdiction of the courts named in section 3 is transferred to and vested in the Commonwealth Court and provided that section 3 is repealed insofar as it relates to the Court of Common Pleas of Dauphin County.

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vested in the Commonwealth Court and provided that section 3 is repealed insofar as it relates to the Court of Common Pleas of Dauphin County.

Section 4. Whenever necessary, because of the exercise of any of the powers herein conferred, to remove, alter, change or relocate any facilities owned by a municipality or any municipal agency of a municipality located above or below the surface of the street, road or highway, or property vested in, or held by, the municipality, the Commission shall pay the costs or expenses involved in connection with such removal, alteration, change or relocation. All streets, roads or highways, or parts thereof, designated and used by the Commission as a part of any approach, bridge plaza, or approach highway, shall be maintained and kept in repair by the Commission.

Section 5. The powers vested in the Commission by this act shall be construed as being in addition to and not in diminution of the powers heretofore or hereafter vested in the Commission by law.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 7. The provisions of this act shall become effective immediately upon final enactment.