

CITIES AUTHORIZED TO BUILD VIADUCTS OR BRIDGES

Act of Mar. 26, 1903, P.L. 71, No. 71

Cl. 11

AN ACT

Relating to the location, construction and maintenance of viaducts and bridges in cities and adjacent territory; empowering the several cities of this Commonwealth to construct, or have constructed, bridges or viaducts over rivers, creeks, streams, railroads and private lands, or over and across any of them, for public highways, and to procure locations therefor by purchase or condemnation proceedings, whether the same be wholly within, or partly within and partly without, the city limits; authorizing said cities to unite and enter into a contract or contracts with the county commissioners of the proper county, and with railroad, street railway, and other companies and parties interested, or with any of them, for the erection, construction and maintenance of said viaducts and bridges, and for the payment of the damages caused by their location and erection; and forbidding any railroad company to pass under any such viaduct or bridge, without contributing to the cost of maintenance thereof.

Section 1. Be it enacted, &c., That the several cities of this Commonwealth are hereby authorized to locate and build viaducts or bridges, to be used as public highways, over rivers, creeks, streams, railroads and private property, or over and across any of them, whether the said viaducts or bridges be wholly within, or partly without and partly within, the city limits, for the purpose of uniting two or more different streets or highways, or separate parts of the same highway or extension thereof.

Section 2. The said cities shall have the right to enact ordinances, providing for the laying-out and opening of the routes or locations for said viaducts and bridges, which shall be public highways; and the proceedings for the said laying-out and fixing the locations, and for the opening thereof, shall be the same as is provided by law in the laying-out and opening of streets in said cities, except that no petition of property owners shall be required therefor.

Section 3. In case the said respective city has not agreed with the owner or owners for the damages done, or likely to be done, by the erection of said viaduct or bridge, it shall be lawful for the said city to take and appropriate the lands and property necessary, over and across which to erect said bridge or viaduct, and the damages and benefits caused by said taking and appropriation shall be assessed by three freeholders, as viewers, appointed by the court of common pleas, in the same manner and with like proceedings as is now, or shall hereafter be, provided by law in the opening of public streets.

Section 4. The said city shall also have the power to enter into and unite in a contract or in contracts with the county commissioners of the proper county, where said viaduct or bridge will cross a river, creek or stream, or other place, over which the county is authorized by law to build bridges; and also with railroad, street railway, and other companies and parties interested, or with any or all of them, for the building, constructing and maintenance of said viaduct or bridge, or for certain parts or portions thereof, and for the payment of any damages caused by the location and the said erection.

Section 5. The said county commissioners may contract, subject to the approval of the court of quarter sessions of the proper county, for that part or portion of the viaduct or bridge

which crosses any river, creek, stream, or other place, over which the county is by law authorized to build bridges, including the abutments and piers thereof, and such part shall thereafter be maintained as a county bridge; or they may contract for such part or portion of the whole structure as is equal to the part or portion of the viaduct or bridge over the respective river, creek, stream, or other place, as aforesaid: Provided, however, That the said county commissioners may contract to pay an amount of money greater than that which is hereinabove provided for, toward the construction of said work, but the amount of the said additional moneys, over and above the amount necessary to build the viaduct across the respective river, stream, creek, or other place, shall be first approved by the court aforesaid.

Section 6. The contracts herein provided for may stipulate that the respective city, county, railroad company, street railway or other company, or parties interested, or any of them, shall pay a certain part or portion of the whole contract price or cost of the work, including damages; or may stipulate that each shall construct, or pay for the construction of, a certain part or portion of the work, and may otherwise provide for the payment of the damages. When any railroad company, street railway or other company, or other parties interested, agree to pay a certain part or portion of the cost of the entire work, they shall pay such part or portion into the proper city treasury; and upon said payment, the city treasurer shall be liable therefor, and he shall pay the same over to the contractor, as may be provided by the said contract; but the amount to be paid by the respective county shall be paid directly to the contractor, as may be provided by the said contract. The said agreements may also provide for the maintenance of the said viaducts and bridges, after their erection. All contracts provided for by this act shall be binding upon the parties thereto, their lessees, successors, heirs and assigns.

Section 7. (7 repealed May 24, 2016, P.L.227, No.29)

Section 8. Whenever the city, county commissioners, and the said railroad, street railway and other companies, and others interested, or any of them, have entered into a contract or contracts for the construction of said bridge or viaduct, as is hereinbefore provided, it shall be lawful for the said city and the said county commissioners to have prepared plans or specifications of the entire work, and thereafter to advertise for bids, and to award the contract to the lowest responsible bidder. The contract for the said work shall provide that the county shall pay for its certain part of said bridge or viaduct, and the city shall contract for the other part of the said work; but the said contract, as to the city's part thereof, shall be based upon the appropriation made by the city for the part of the work for which it had agreed to pay, and the remaining part of the contract price shall be based upon the amounts the other parties have agreed to pay; and the contractor shall have a right of action against each party uniting in said contract, for the part thereof agreed to be paid by each party, respectively, as set forth in the contract or contracts in which all the parties unite, as aforesaid.

Section 9. In case the county commissioners do not unite in any such contract as is hereinbefore provided for, or in case said viaduct does not cross any river, creek, stream, or place, over which the county is authorized to build bridges, it shall be lawful for the said city to contract for the construction of the viaduct, as aforesaid, and to pay for the

entire work; or to contract with all, or any other, of the aforesaid parties, in manner aforesaid, in which case the plans and specifications for the said work shall be prepared by the city, and advertisement shall be made for bids, and the contract let, in the manner hereinbefore provided. The contract for the work shall be based upon the city's appropriation, and upon the amounts agreed to be paid by the other parties, as provided in the preceding section.

Section 10. Any of the contracts hereinabove provided for may be recorded in the recorder's office of the proper county, in which the respective city is situate, and such record shall be notice to all persons who might be affected thereby.