

BRIDGE OVER THE DELAWARE JOINT MAINTENANCE
Act of Jul. 25, 1917, P.L. 1180, No. 405
AN ACT

Cl. 36

Providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New York of certain toll-bridges over the Delaware River, and making an appropriation therefor.

Section 1. Be it enacted, &c., That the word "bridge," wherever used in this act, shall mean any bridge over the Delaware River, between the Commonwealth of Pennsylvania and the State of New York, which is municipally owned or to cross which toll is charged, except such bridges as are used exclusively for railroad or railway purposes; and shall include the actual bridge, the approaches thereto, and all real and personal property, including the franchise belonging to the owner or owners of such bridge, used in the operation and maintenance of same.

(1 amended May 31, 1923, P.L.466, No.254)

Section 2. The Auditor General, State Treasurer, and Secretary of Highways of the Commonwealth of Pennsylvania are hereby constituted a commission, to act, in conjunction with a similar commission of the State of New York, or with any other governmental agency designated by the State of New York, as a joint commission, for the acquisition of the various bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York.

(2 amended Apr. 4, 1925, P.L.131, No.94)

Section 3. The acquisition of said bridges may be either by purchase or by condemnation proceedings, as said joint commission may deem most expedient. The one-half of the cost of acquiring said bridges shall be paid by the Commonwealth of Pennsylvania when the State of New York agrees to pay the other one-half of said cost.

Section 4. The said joint commission, as soon as conveniently may be after the passage of this act, shall ascertain or estimate the value of each of such bridges, and shall in writing give notice of such valuation to the respective owner or owners thereof. Such notice shall contain an offer to purchase such bridge at the respective valuation.

Section 5. In the event that the owner or owners of any such bridge refuse or neglect to accept such offer, it shall be the duty of said joint commission to determine in which State the said condemnation proceedings may be instituted.

Section 6. In the event that said joint commission determine to institute any such condemnation proceedings in the Commonwealth of Pennsylvania, application shall be made by the Attorney General, or by the owner or owners of any such bridge, to the court of common pleas of the county in which the head of such bridge is located, for the appointment of viewers. Whereupon said court, or any law judge thereof, shall appoint three discreet and disinterested freeholders to view such bridge

and estimate the value thereof. None of said freeholders shall be a resident of the county wherein such application shall be made. The said court shall fix a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet upon the property and view the same. The said viewers shall cause at least ten days' personal notice of the time and place of such first meeting to be given to the Attorney General, and to the owner or owners of such bridge, if resident within said county. If said owner is a corporation, such notice shall be given to the president, secretary, or treasurer thereof, if such officer resides within said county. If neither said owner nor any of said officers resides within said county, or cannot be found therein, notice of such first meeting shall be given as said court may direct.

Section 7. The said viewers, having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act, shall, at the time fixed for said first meeting, proceed to ascertain as accurately as may be the value of such bridge; and to that end may require the attendance of any person whose testimony may be pertinent thereto, and the production of any such books and papers as said viewers may deem necessary. If any person shall refuse to appear and testify before such viewers, or refuse to produce such books and papers when thereto required, the said court, or any judge thereof, shall, upon application of said viewers or a quorum thereof, make such order therein as may be necessary.

Section 8. Whenever said viewers shall have ascertained the value of said bridge, they shall prepare a full report of their labors. Said report shall include a plan showing the location of said bridge. Upon the completion of said report, the viewers shall fix a time when they shall meet and exhibit same. Ten days' written notice of the time and place of such meeting shall be given to said Board of Commissioners of Public Grounds and Buildings, to the Attorney General, and to the owner or owners of said bridge. At the time and place mentioned in such notice, the said viewers shall meet, and shall publicly exhibit said report and hear all exceptions thereto. After making any changes in such report as they may deem necessary, the same shall be filed in said court.

Section 9. Within thirty days after the filing of said report in said court, the Commonwealth of Pennsylvania or any person interested may file exceptions thereto; whereupon said court may confirm said report absolutely, or modify it, or refer it back to the same or to new viewers, with like powers and duties as the former viewers.

Section 10. (10 repealed June 3, 1971, P.L.118, No.6)

Section 11. The cost of said condemnation proceedings, including the court costs, compensation of viewers, and the advertising herein required, shall be paid by the Commonwealth of Pennsylvania. Each of said viewers shall receive a sum not exceeding five dollars (\$5.00) for each day actually and necessarily employed in the performance of the duties herein prescribed.

Section 12. The one-half part of the purchase of said

bridges or of the damages awarded under said condemnation proceedings shall be paid by the Treasurer of the Commonwealth of Pennsylvania, upon warrants drawn by the Auditor General, under such conditions as may be prescribed by said Auditor General.

Section 13. Upon and immediately after the purchase or final proceedings in condemnation, as the case may be, the said bridge or bridges shall become the sole property of the Commonwealth of Pennsylvania and the State of New York. Toll charges on such bridge shall thereupon cease, and such bridge shall thereafter be free to the traveling public, under such rules and regulations as may be prescribed by such joint commission or their lawful successors. Any railroad or railway now having the use of any such bridge by lease or agreement shall continue to pay to the Commonwealth of Pennsylvania and the State of New York, in equal proportions, the same rental charges, and in the same manner, as such charges are now paid to the owner or owners of such bridge: Provided, That any steam or electric railroad or railway corporation holding, in whole or in part in conjunction with a bridge corporation, company, partnership, or individual, any bridge over the said river upon which tolls are now collected or charged, shall be entitled to compensation, to be agreed upon or ascertained as damages in the manner aforesaid, in proportion as their interest may appear to and in the value of the bridge or bridges as a toll-bridge or bridges only, and exclusive of its value as a railroad or railway bridge, and said bridge or bridges shall remain the property of the railroad or railway corporations as theretofore, but toll charges thereon shall cease as heretofore provided in this section.

(13 amended July 18, 1919, P.L.1042, No.416 and repealed in part June 3, 1971, P.L.118, No.6)

Section 14. Upon the acquisition of any such bridge by the Commonwealth of Pennsylvania and the State of New York, the same shall remain in the charge and control of said joint commission or their successors. Such bridge shall thereafter be maintained jointly by the Commonwealth of Pennsylvania and the State of New York, shall be kept in constant repair, and shall be rebuilt when destroyed. The one-half of any and all expense connected with such maintenance, repair, or rebuilding of the bridge proper shall be paid by the Commonwealth of Pennsylvania; maintenance, repair or rebuilding of bridge approaches shall be paid entirely by the Commonwealth of Pennsylvania if the bridge approach is in Pennsylvania; if the bridge approach is in New York, the Commonwealth shall have no liability for payment of maintenance, repair or rebuilding costs thereof.

(14 amended Dec. 19, 1975, P.L.599, No.169)