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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1200 Session of  
2015

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INTRODUCED BY TAYLOR, THOMAS, DRISCOLL, DIAMOND, PICKETT,  
KINSEY, BAKER, JAMES, WATSON, COHEN, BROWNLIE, HARHART AND  
MURT, MAY 13, 2015

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REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 13, 2015

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AN ACT

1 Repealing the act of March 26, 1903 (P.L.71, No.71), entitled  
2 "An Act relating to the location, construction and  
3 maintenance of viaducts and bridges in cities and adjacent  
4 territory; empowering the several cities of this Commonwealth  
5 to construct, or have constructed, bridges or viaducts over  
6 rivers, creeks, streams, railroads and private lands, or over  
7 and across any of them, for public highways, and to procure  
8 locations therefor by purchase or condemnation proceedings,  
9 whether the same be wholly within, or partly within and  
10 partly without, the city limits; authorizing said cities to  
11 unite and enter into a contract or contracts with the county  
12 commissioners of the proper county, and with railroad, street  
13 railway, and other companies and parties interested, or with  
14 any of them, for the erection, construction and maintenance  
15 of said viaducts and bridges, and for the payment of the  
16 damages caused by their location and erection; and forbidding  
17 any railroad company to pass under any such viaduct or  
18 bridge, without contributing to the cost of maintenance  
19 thereof."

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

22 Section 1. The act of March 26, 1903 (P.L.71, No.71),  
23 entitled "An act relating to the location, construction and  
24 maintenance of viaducts and bridges in cities and adjacent  
25 territory; empowering the several cities of this Commonwealth to  
26 construct, or have constructed, bridges or viaducts over rivers,

1 creeks, streams, railroads and private lands, or over and across  
2 any of them, for public highways, and to procure locations  
3 therefor by purchase or condemnation proceedings, whether the  
4 same be wholly within, or partly within and partly without, the  
5 city limits; authorizing said cities to unite and enter into a  
6 contract or contracts with the county commissioners of the  
7 proper county, and with railroad, street railway, and other  
8 companies and parties interested, or with any of them, for the  
9 erection, construction and maintenance of said viaducts and  
10 bridges, and for the payment of the damages caused by their  
11 location and erection; and forbidding any railroad company to  
12 pass under any such viaduct or bridge, without contributing to  
13 the cost of maintenance thereof," is repealed:

14 [AN ACT

15 Relating to the location, construction and maintenance of  
16 viaducts and bridges in cities and adjacent territory;  
17 empowering the several cities of this Commonwealth to  
18 construct, or have constructed, bridges or viaducts over  
19 rivers, creeks, streams, railroads and private lands, or over  
20 and across any of them, for public highways, and to procure  
21 locations therefor by purchase or condemnation proceedings,  
22 whether the same be wholly within, or partly within and  
23 partly without, the city limits; authorizing said cities to  
24 unite and enter into a contract or contracts with the county  
25 commissioners of the proper county, and with railroad, street  
26 railway, and other companies and parties interested, or with  
27 any of them, for the erection, construction and maintenance  
28 of said viaducts and bridges, and for the payment of the  
29 damages caused by their location and erection; and forbidding  
30 any railroad company to pass under any such viaduct or

1 bridge, without contributing to the cost of maintenance  
2 thereof.

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

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

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

30 Section 4. The said city shall also have the power to enter

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

10 Section 5. The said county commissioners may contract,  
11 subject to the approval of the court of quarter sessions of the  
12 proper county, for that part or portion of the viaduct or bridge  
13 which crosses any river, creek, stream, or other place, over  
14 which the county is by law authorized to build bridges,  
15 including the abutments and piers thereof, and such part shall  
16 thereafter be maintained as a county bridge; or they may  
17 contract for such part or portion of the whole structure as is  
18 equal to the part or portion of the viaduct or bridge over the  
19 respective river, creek, stream, or other place, as aforesaid:  
20 Provided, however, That the said county commissioners may  
21 contract to pay an amount of money greater than that which is  
22 hereinabove provided for, toward the construction of said work,  
23 but the amount of the said additional moneys, over and above the  
24 amount necessary to build the viaduct across the respective  
25 river, stream, creek, or other place, shall be first approved by  
26 the court aforesaid.

27 Section 6. The contracts herein provided for may stipulate  
28 that the respective city, county, railroad company, street  
29 railway or other company, or parties interested, or any of them,  
30 shall pay a certain part or portion of the whole contract price

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

18 Section 7. Before any railroad, which has not contributed to  
19 the payment of the cost of construction of said viaduct or  
20 bridge, shall be permitted to run its line or lines of tracks  
21 under said bridge or viaduct, it shall enter into a contract  
22 with the said city to thereafter pay a reasonable amount, part  
23 or portion toward the keeping-up and maintaining of the said  
24 structure, which amount shall be at the same rate, on the same  
25 basis, as is paid by the other railroad companies.

26 Section 8. Whenever the city, county commissioners, and the  
27 said railroad, street railway and other companies, and others  
28 interested, or any of them, have entered into a contract or  
29 contracts for the construction of said bridge or viaduct, as is  
30 hereinbefore provided, it shall be lawful for the said city and

1 the said county commissioners to have prepared plans or  
2 specifications of the entire work, and thereafter to advertise  
3 for bids, and to award the contract to the lowest responsible  
4 bidder. The contract for the said work shall provide that the  
5 county shall pay for its certain part of said bridge or viaduct,  
6 and the city shall contract for the other part of the said work;  
7 but the said contract, as to the city's part thereof, shall be  
8 based upon the appropriation made by the city for the part of  
9 the work for which it had agreed to pay, and the remaining part  
10 of the contract price shall be based upon the amounts the other  
11 parties have agreed to pay; and the contractor shall have a  
12 right of action against each party uniting in said contract, for  
13 the part thereof agreed to be paid by each party, respectively,  
14 as set forth in the contract or contracts in which all the  
15 parties unite, as aforesaid.

16 Section 9. In case the county commissioners do not unite in  
17 any such contract as is hereinbefore provided for, or in case  
18 said viaduct does not cross any river, creek, stream, or place,  
19 over which the county is authorized to build bridges, it shall  
20 be lawful for the said city to contract for the construction of  
21 the viaduct, as aforesaid, and to pay for the entire work; or to  
22 contract with all, or any other, of the aforesaid parties, in  
23 manner aforesaid, in which case the plans and specifications for  
24 the said work shall be prepared by the city, and advertisement  
25 shall be made for bids, and the contract let, in the manner  
26 hereinbefore provided. The contract for the work shall be based  
27 upon the city's appropriation, and upon the amounts agreed to be  
28 paid by the other parties, as provided in the preceding section.

29 Section 10. Any of the contracts hereinabove provided for  
30 may be recorded in the recorder's office of the proper county,

1 in which the respective city is situate, and such record shall  
2 be notice to all persons who might be affected thereby.]

3 Section 2. This act shall take effect in 60 days.