

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1200 Session of 2015

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

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 23, 2015

AN ACT

1 ~~Repealing~~ AMENDING the act of March 26, 1903 (P.L.71, No.71), <--
2 entitled "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." THEREOF," REPEALING PROVISIONS RELATING TO <--
20 CONTRACTS WITH RAILROADS FOR MAINTENANCE OF VIADUCTS AND
21 BRIDGES.

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

24 Section 1. ~~The~~ SECTION 7 OF THE act of March 26, 1903 <--
25 (P.L.71, No.71), entitled "An act relating to the location,
26 construction and maintenance of viaducts and bridges in cities

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15 contributing to the cost of maintenance thereof," is repealed:

16 ~~[AN ACT~~

<--

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

1 ~~damages caused by their location and erection; and forbidding~~  
2 ~~any railroad company to pass under any such viaduct or~~  
3 ~~bridge, without contributing to the cost of maintenance~~  
4 ~~thereof.~~

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

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

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

1 ~~be, provided by law in the opening of public streets.~~

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

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

29 ~~Section 6. The contracts herein provided for may stipulate~~  
30 ~~that the respective city, county, railroad company, street~~

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

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

28       ~~Section 8. Whenever the city, county commissioners, and the <--  
29 said railroad, street railway and other companies, and others  
30 interested, or any of them, have entered into a contract or~~

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

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

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

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