
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 1050 **Session of**
1919.

INTRODUCED BY MR. CONNER, MARCH 24, 1919.

REFERRED TO COMMITTEE ON APPROPRIATIONS,
MARCH 25, 1919.

AN ACT

Providing for the erection and construction by the Commonwealth of Pennsylvania and the State of New Jersey of a bridge over the Delaware river connecting the city of Philadelphia and the city of Camden and the approaches thereto providing for a joint commission for that purpose and defining its powers and duties providing for an independent commission in this Commonwealth in relation thereto and defining its powers and duties providing for the payment of a part of the cost thereof by the city of Philadelphia and providing for the acquiring taking and condemnation of the real estate for the site and approaches thereof and making an appropriation for the purposes of this act

1 Whereas The State of New Jersey has expressed a
2 willingness to join the Commonwealth of Pennsylvania in
3 the construction of a bridge over the Delaware river be-

1 tween Philadelphia and Camden for the development of the
2 trade and relations between the two states

3 Section 1 *Be it enacted by the Senate and House of Repre-*
4 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
5 *met and it is hereby enacted by the authority of the same* That
6 the Commonwealth of Pennsylvania agrees to join therein on
7 condition that the City of Philadelphia will bear one-half
8 of the cost of the land and approaches on the Penn-
9 sylvania side and share equally with the Commonwealth of
10 Pennsylvania in the one-half cost of the superstructure of said
11 bridge it being the intention of this act that the Com-
12 monwealth of Pennsylvania and the city of Philadelphia
13 shall contribute as their share of said bridge the cost
14 of the land and approaches on the Pennsylvania side and
15 one-half of the cost of the superstructure of the bridge

16 Section 2 The word "bridge" whenever used in this
17 act shall include the actual bridge and approaches thereto
18 including any franchise or easements or rights incident to
19 such bridge property and the approaches thereto the word
20 "approaches" whenever used in this act shall be construed
21 to mean all that portion of the bridge extending from
22 the beginning of the approach to the furthestmost abutment
23 of the bridge on the same side of the river but not
24 to include such abutment The word "superstructure" when-
25 ever used in this act shall be construed to mean all
26 that portion of the bridge between the approaches The
27 term "cost of construction" as used in this act shall
28 include the cost of constructing the superstructure of the
29 bridge and the approaches thereto and the cost of acqui-

1 sition of the ground for the site of said bridge and
2 the approaches thereto including any franchise easement
3 rights or damages incident thereto or consequent upon the
4 taking thereof The "Pennsylvania Commission" as used in
5 this act shall be construed to mean the Board of Com-
6 missioners of Public Grounds and Buildings of the Com-
7 monwealth of Pennsylvania the Mayor of the city of Phil-
8 adelphia and two other citizens of the Commonwealth to
9 be appointed by the Governor The term "interstate bridge
10 commission" as used in this act shall be construed to
11 mean the New Jersey Interstate Bridge and Tunnel Com-
12 mission The "joint commission" as referred to in this act
13 shall mean the New Jersey Interstate Bridge and Tunnel
14 Commission and the Pennsylvania Commission acting as a joint
15 commission for and on behalf of the Commonwealth of
16 Pennsylvania and the State of New Jersey The term
17 "owner" as used in this act shall be construed to mean
18 all individuals incorporated companies and religious benevo-
19 lent literary or other societies or associations having any
20 title or interest in lands structures rights-of-way franchises
21 easements or other interests in lands

22 Section 3 That the Board of Commissioners of Public
23 Grounds and Buildings of the Commonwealth of Pennsyl-
24 vania the Mayor of the city of Philadelphia and two
25 other citizens of the Commonwealth to be appointed by
26 the Governor are hereby constituted a commission to act
27 in conjunction with a similar commission of the State of
28 New Jersey as a Joint Commission for the purpose of
29 constructing a bridge over the Delaware river connecting

1 the city of Philadelphia in the State of Pennsylvania and
2 the city of Camden in the State of New Jersey No
3 action of the said Joint Commission shall be valid and
4 binding unless a majority of the Pennsylvania Commission
5 and a majority of the New Jersey Commission shall vote
6 in favor thereof

7 Section 4 That the said Joint Commission is hereby
8 authorized and empowered and it shall be its duty to
9 have prepared the necessary and proper plans and speci-
10 fications for the construction of the bridge to select the
11 location for the same determine the size type and method
12 of construction thereof to plan and fix its boundaries and
13 approaches to make all necessary estimates of the prob-
14 able cost of its construction and the acquisition of the
15 ground for its site and approaches to proceed to acquire
16 the ground for the approaches to the bridge in the man-
17 ner hereinafter provided to enter into the necessary con-
18 tracts to build and equip said bridge and the approaches
19 thereto to build the superstructure thereof to obtain such
20 consent as may be necessary of the Government of the
21 United States and the approval of the Secretary of War
22 and to cause a survey and map to be made of all
23 lands structures rights of way franchises easements or
24 other interests in lands lying within the Commonwealth
25 including lands under water and riparian rights owned by
26 any person corporation or municipality the acquisition of
27 which may be deemed necessary for the construction of
28 such bridge and to cause such map and survey to be
29 filed in its office The members of said Joint Commission

1 or the members of the Pennsylvania Commission acting in-
2 dependently its or their agents and employes may enter
3 upon such lands structures and lands under water notwith-
4 standing any interests in such lands or other interests for
5 the purpose of making such survey and map There shall
6 be annexed to the survey and map a certificate issued
7 by the Commission stating what lands structures lands un-
8 der water and other interests described in such survey
9 and map are necessary for the construction of said bridge
10 and said Joint Commission is hereby authorized and em-
11 powered and it shall be its duty to do and perform
12 all acts and things whatsoever necessary for the carrying
13 out of the provisions of this act Provided however That
14 the said Joint Commission shall not proceed to exercise
15 or carry out any authority or power herein or hereby
16 given it to bind the Commonwealth of Pennsylvania be-
17 yond the extent to which it shall have appropriated or
18 made available to said Joint Commission the moneys here-
19 inbefore stipulated as the share of the Commonwealth of
20 Pennsylvania Said moneys contributed or made available by
21 the Commonwealth of Pennsylvania shall be disbursed to
22 said Joint Commission by the State Treasurer on warrants
23 to be drawn by the Joint Commission on the Auditor
24 General of the Commonwealth and payable on vouchers sub-
25 mitted to him by the Joint Commission Provided further
26 That the said Joint Commission shall not proceed to ex-
27 ercise or carry out any authority or power herein or
28 hereby given until the State of New Jersey by appropri-

1 ate legislation shall first have vested like powers herewith .
2 in said Joint Commission and beyond the extent to which
3 the State of New Jersey shall have appropriated or made
4 available to the said Joint Commission the moneys herein-
5 before stipulated as the share of that State for provid-
6 ing the cost of acquiring the land for the approaches
7 to and for the erection and construction of the ap-
8 proaches and the superstructure of said bridge said moneys
9 appropriated or made available by said State to be pay-
10 able to said Joint Commission upon warrants drawn by
11 said Joint Commission when duly signed by the proper
12 fiscal officer of the State of New Jersey And provided
13 further That said Joint Commission shall not proceed to
14 exercise or carry out any authority or power herein or
15 hereby given it beyond the extent to which the city of
16 Philadelphia shall have appropriated or made available to
17 said Joint Commission the moneys hereinbefore stipulated as
18 the share of the city of Philadelphia in providing the
19 cost of acquired land for the approaches to and the
20 erection and construction of the approaches and the super-
21 structure of said bridge said moneys to be disbursed on
22 warrants drawn by the said Joint Commission on the
23 City Treasury of the city of Philadelphia countersigned by
24 the city controller and payable by the City Treasurer to
25 said Joint Commission on vouchers duly submitted to him
26 by the Joint Commission and it shall thereupon be the
27 duty of the City Treasurer of the city of Philadelphia
28 to pay said warrants

29 All moneys expended or appropriated to be expended

1 for the purposes of this act shall be used and expended
2 under the supervision of said Joint Commission and no
3 contracts or agreements with any contractor or contractors
4 for the construction of such bridge exceeding in amount
5 the sum of two thousand dollars (\$2,000.00) shall be made
6 without advertisement for bids for such time and in such
7 manner as shall be determined by said Joint Commission

8 Section 5 For the purpose of carrying into effect the
9 provisions of this act the Joint Commission is hereby au-
10 thorized to purchase in the Commonwealth of Pennsylvania
11 such lands structures rights-of-way franchises easements or
12 other interests in lands including lands under water and
13 riparian rights of any person railroad or other public or
14 private corporation or municipality necessary for the build-
15 ing of said bridge and the approaches thereto upon such
16 terms prices or considerations as may be considered by
17 it to be reasonable and can be agreed upon between it
18 and the owner or owners But if for any reason the
19 said Joint Commission does not agree with the owner or
20 owners of said lands or interests upon the price or con-
21 sideration therefor and receive a proper conveyance or
22 proper conveyances thereof the said Joint Commission hav-
23 ing given to the owner or owners and the person or
24 persons in possession thereof at least sixty days' notice of
25 its intention so to do shall enter upon and take pos-
26 session of said lands and interests in the name of the
27 Commonwealth of Pennsylvania Said Joint Commission is
28 hereby authorized to accept on behalf of the Common-
29 wealth of Pennsylvania any gifts of lands rights or in-

1 terests in lands or other interests contiguous or adjacent
2 to said bridge in the Commonwealth of Pennsylvania or
3 in the State of New Jersey for the purpose of building
4 the same Such Joint Commission shall also have the
5 power to alter or change the grade of any highway or
6 public street when necessary for the purpose of carrying
7 out the plans by it adopted If it shall become neces-
8 sary to change the location or gradient of any water-
9 way canal railroad or street railway or the appurtenances
10 thereof the person or corporation owning and operating the
11 same shall be required to so relocate and change the
12 same so far as needful and if possible to agree with
13 said Joint Commission upon the details thereof the costs
14 thereof to be paid by said Joint Commission as part
15 of the expenses of said work

16 Section 6 In all cases where the price or damages
17 to the owner or owners part-owner or part-owners posses-
18 sor or possessors of interest or any one of them in said
19 real estate cannot be agreed upon and proceedings to as-
20 sess damages shall become necessary the said Pennsylvania
21 commission acting through the Attorney General shall peti-
22 tion the court of common pleas of the county of Phila-
23 delphia for the appointment of viewers whereupon the said
24 court shall appoint a jury of view and if the said
25 Pennsylvania commission shall delay petitioning as aforesaid
26 for the period of sixty days after notice is given of
27 the taking possession of said ground then said jury shall
28 be appointed upon the petition of any person whose prop-
29 erty shall be taken Provided however That in case of

1 said Pennsylvania commission after the appointment of said
2 jury of view may negotiate and agree with the owners
3 of any part of said ground as to the price thereof and
4 said price shall be reported to the said court and if ap-
5 proved and confirmed by said court shall be binding on
6 said State and the other parties thereto and provided
7 further That whenever it shall be necessary to have re-
8 course to a jury of view to assess the damages to any
9 property to be taken as aforesaid the jury shall consist
10 of such number and shall proceed in the same manner
11 as not provided by law for the taking of land for
12 streets in cities of the first class When said jury shall
13 have appraised and reported the damages which the owner
14 or owners shall be entitled to receive therefor said re-
15 port shall be presented for confirmation nisi at the term
16 of said court next succeeding said appraisement and con-
17 firmation nisi unless by order of said court the same
18 be continued to a later term and if no exceptions are
19 filed thereto said report shall at the expiration of thirty
20 days after confirming nisi be confirmed absolutely and an
21 appeal therefrom by the Commonwealth on the other par-
22 ties in interest shall lie to the court of common pleas
23 of said county within thirty days after confirmation abso-
24 lute and thereupon it shall be the duty of said court
25 to frame an issue to determine the amount of damages
26 for the taking of any land or interests therein which
27 action shall be entered upon the common pleas docket of
28 said county of Philadelphia with the name of the Com-
29 monwealth of Pennsylvania as the party defendant and the

1 appellant or appellants as party or parties plaintiff and
2 be tried and prosecuted to judgment in the same course
3 and manner as other suits in the same court subject to
4 an appeal to the Superior or Supreme Courts as the
5 case may be Provided however That an appeal taken by
6 one or more of several owners of a specified tract of
7 property shall not affect the award to such as are not
8 parties to such proceedings but the same shall proceed
9 only for the proportionate part of the property owned by
10 the claimant or claimants appealing

11 The cost of said condemnation proceedings including the
12 court costs and the advertising required shall be paid by
13 the joint commission

14 Section 7 Whenever any liens exist upon any estate
15 or interest conveyed or acquired under the provisions of
16 this act the same shall be paid and satisfied out of the
17 purchase money or damages and in case said purchase
18 money or damages shall be insufficient to pay said liens
19 or any dispute shall arise as to the validity of any
20 such liens or the amount due thereon the joint commis-
21 sion or the Pennsylvania commission as the case may be
22 may present a petition to the court of common pleas of
23 Philadelphia county setting forth the facts and upon the
24 proper order of said court may pay the amount of such
25 purchase money or damages into said court to be dis-
26 tributed by said court among the parties entitled thereto
27 in the same manner as moneys paid into court upon
28 sheriff's sales are distributed and upon such payment into
29 court of such purchase money or damages said liens shall

1 be extinguished and said court shall direct satisfaction of
2 said liens to be entered of record

3 Section 8 The said joint commission and the said
4 Pennsylvania Commission shall cause to be kept a full
5 fair and accurate record of all its or their proceedings
6 properly indexed and open to the inspection of the pub-
7 lic Copies of all records documents and papers when duly
8 certified by said joint commission or said Pennsylvania
9 Commission shall be received in evidence in the several
10 courts of this Commonwealth in all cases where the orig-
11 inal records documents and papers would be admitted in
12 evidence Provided however That in any judicial controversy
13 before any court of this Commonwealth either party may
14 have the original records documents or papers produced on
15 the service of proper process for that purpose

16 Section 9 The said joint commission is hereby author-
17 ized and empowered to appoint a treasurer who may or
18 may not be a member of said joint commission a secre-
19 tary an accountant and real estate engineering architectural
20 and construction experts and inspectors and such other
21 employes as in the opinion of said joint commission may
22 be necessary all of whom shall do work in the prem-
23 ises as the joint commission shall direct and said joint
24 commission shall direct and said joint commission shall
25 fix the respective compensations of the persons so ap-
26 pointed which compensations shall be paid by the joint
27 commission The Attorney General of the Commonwealth of
28 Pennsylvania and the Attorney General of the State of
29 New Jersey are empowered to assign such attorneys and

1 counsellors to the said joint commission as in their judg-
2 ment shall be requisite and necessary who shall be paid
3 such compensation out of the funds in the hand of the
4 joint commission as said commission shall solely fix

5 Section 10 The Pennsylvania commission is hereby au-
6 thorized to enter into any contract or contracts with the
7 New Jersey commission which may be deemed requisite and
8 necessary to carry out the terms and provisions and in-
9 tent of this act

10 Section 11 Said bridge upon its completion shall be
11 turned over by said joint commission to the city of
12 Philadelphia and such agency or agencies as shall be
13 designated by the State of New Jersey by whom the
14 same shall be maintained

15 Section 12 That the sum of three million seven hun-
16 dred and fifty thousand (\$3,750,000.00) dollars be and the
17 same is hereby appropriated to the said joint commission
18 of which sum seven hundred and fifty thousand (\$750,000)
19 dollars shall be available during the year beginning June
20 first one thousand nine hundred and nineteen and ending
21 May thirty-first one thousand nine hundred and twenty and
22 one million five hundred thousand (\$1,500,000) dollars shall
23 be available each year during the two succeeding years

24 Section 13 The act approved the twenty-fifth day of
25 July one thousand nine hundred and seventeen (Pamphlet
26 Laws one thousand one hundred and seventy-seven) entitled
27 "An act providing for the appointment of a commission
28 to act as a joint commission with similar commissions of
29 any other contiguous state or states or as an independent

1 commission for the purpose of planning and accomplishing
2 the erection or building of one or more bridges or tun-
3 nels as may suitable and necessary over or under any
4 navigable stream or river which is one of the boundaries
5 of this Commonwealth and providing for the acquisition
6 of ground for the site and approaches of said bridge
7 or tunnel and for the maintenance of the same by the
8 county or counties wherein it is located and making an
9 appropriation therefor" be and the same is hereby re-
10 pealed in so far as it authorizes the commission therein
11 constituted to construct a bridge over the Delaware river
12 connecting the city of Philadelphia and the city of Cam-
13 den