

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 1138 Session of 1919.

INTRODUCED BY MR. QUIGLEY, MARCH 30, 1919.

REFERRED TO COMMITTEE ON COUNTIES AND TOWNSHIPS,
APRIL 1, 1919.

AN ACT

Authorizing the Commonwealth to rebuild county bridges over eight hundred feet in length located on State Highways where such bridges have been heretofore destroyed by fire providing for the appointment of viewers and inspectors and for the payment of the costs of rebuilding such bridges and imposing certain charges upon counties

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *the Commonwealth of Pennsylvania shall rebuild all county*
5 *bridges over eight hundred feet in length lying wholly*
6 *within any one county and located on State Highway*
7 *routes which have been heretofore destroyed by fire*

8 Section 2 The county commissioner in any county in
9 which such county bridge was located may apply by peti-
10 tion to the court of common pleas of Dauphin County

1 setting forth fully in said petition the location of such
2 bridge the time when a bridge was first erected in the
3 same location the time when the bridge was destroyed by
4 fire the character of the bridge so destroyed and the pro-
5 bable cost of rebuilding the same

6 Section 3 Thereupon it shall be the duty of the
7 court to appoint three viewers one of whom shall be a
8 civil engineer and not more than two of whom shall be
9 residents of the county wherein such bridge is proposed
10 to be built

11 Section 4 The viewers so appointed after having been
12 duly qualified to faithfully perform their duties shall pro-
13 ceed to fix the location of the proposed bridge and make
14 report at such time as the court may direct which re-
15 port shall contain an accurate statement of the kind and
16 character of the bridge destroyed which it is proposed to
17 replace the length of time since the first bridge was
18 built on the proposed location the length of the bridge
19 together with the recommendation of the viewers as to
20 the kind of bridge needed and the probable cost thereof
21 It shall be the duty of the said viewers to inquire
22 whether the accommodations of the traveling public in the
23 locality demands the rebuilding of said bridge

24 Section 5 Due notice shall be given to the Attorney
25 General of the time of filing the petition and application
26 of viewers and it shall be his duty to appear for and
27 defend the interests of the Commonwealth in all such pro-
28 ceedings

1 Section 6 Upon the filing of such report the county
2 interested and the Commonwealth shall have the right to
3 file exceptions thereto at any time within thirty days

4 Section 7 It shall be the duty of the court after
5 full hearing by deposition or otherwise as the said court
6 may direct to determine all questions stated in a petition
7 or the exceptions thereto and to enter a final order
8 thereupon from which order such county or the Common-
9 wealth shall have the right of an appeal to the supreme
10 court within thirty days

11 Section 8 In case the report of the viewers or a
12 majority of them is in favor of the erection of the
13 bridge and the same is confirmed by the court the court
14 shall order and direct such rebuilding Thereupon it shall
15 be the duty of the Board of Commissioners of Public
16 Grounds and Buildings immediately to proceed and have
17 prepared in conformity with the report of the viewers
18 such plans and specifications of the proposed bridge as
19 may be necessary and shall appoint a superintendent of
20 construction and fix his salary which shall in no case
21 exceed five per centum of the amount of the contract

22 Section 9 After advertising for bids in not less than
23 three daily newspaper two of which shall be published in
24 the county in which such bridge is located and the other
25 in one newspaper published at the seat of the govern-
26 ment for a period of three weeks the Board of Com-
27 missioners of Public Grounds and Buildings shall proceed
28 to let the contract for the rebuilding of such bridge to
29 the lowest and best bidder In case all bids are re-

1 jected the Board of Commissioners of Public Grounds and
2 Buildings shall readvertise and let bids in the manner
3 hereinbefore provided

4 Section 10 Every bridge so erected by the Common-
5 wealth shall be inspected by three fit persons to be ap-
6 pointed by the court of common pleas of Dauphin County
7 none of whom shall be residents of or property holders
8 in the county wherein the bridge is located who shall
9 make report to the court of the result of their inspec-
10 tion

11 Section 11 When the report is made by the inspec-
12 tors that such bridge has been erected according to the
13 contract for the erection of the same the report shall
14 be approved by the court If the persons so appointed
15 shall not approve the same they shall report to the court
16 what sum in their judgment ought to be deducted from
17 the sum stipulated in such contract Thereupon the court
18 shall grant a rule upon the building or contractor to
19 show cause against the said report at the time and
20 place named in the rule

21 After the service and return of such rule it shall
22 be lawful for the contractor to file a statement in the
23 court of common pleas of Dauphin County upon the con-
24 tract made by him with the Commonwealth and thereupon
25 to proceed to trial in like manner as if in an action
26 had been commenced by him upon such contract against
27 the Commonwealth

28 Section 12 Partial payments on the contract shall be
29 made from time to time to the contractor as the work

1 progresses upon estimates made by the superintendent of
2 construction setting forth the relative value of work done
3 and by him approved at the time of estimate as com-
4 pared with the total contract price all such estimates how-
5 ever shall be approved by a majority of the Board of
6 Commissioners of Public Grounds and Buildings before pay-
7 ment is made At no time before the completion of the
8 work and final approval thereof by the court shall any
9 payments be made in excess of eighty per centum of the
10 estimated value of work done and approved by the super-
11 intendent of construction If by the report of the inspec-
12 tors it appears that said bridge has been built in con-
13 formity with the terms of the contract and specifications
14 and such report is approved by the court payment shall
15 be made of all the contract price not previously paid
16 Upon approval of any estimate by the Board of Com-
17 missioners of Public Grounds and Buildings or upon the
18 approval by the court of the report of the inspectors
19 stating that the bridge has been built in conformity with
20 the terms of the contract as the case may be it shall
21 be the duty of the Auditor General to draw his war-
22 rant upon the State Treasurer in accordance with the
23 foregoing The warrant shall be payable out of any ap-
24 propriation made to the Board of Commissioners of Public
25 Grounds and Buildings for the purpose of the rebuilding
26 of bridges by the Commonwealth

27 In the event that by the report of said inspectors it
28 is made to appear that deductions should be made from

1 the contract price and such report is acquiesced in by
2 the contractor or the amount of the contract price owing
3 is finally determined by the court in the manner herein-
4 before provided it shall be the duty of the Auditor
5 General in like manner to draw his warrant for such sum
6 as shall appear to be owing exclusive of any payments
7 that have been previously made which warrant shall be
8 payable likewise out of any appropriation made to the
9 Board of Commissioners of Public Grounds and Buildings
10 for the purpose of rebuilding bridges by the Commonwealth
11 Section 13 The fees and expenses to be allowed the
12 viewers or inspectors and the proper charges for the
13 preparation of the plans and specifications of such bridge
14 the superintending of construction of the same the costs
15 of all legal proceedings and all other costs and expenses
16 whatsoever shall be paid by the county in which the
17 bridge is located and the amount of such charges costs
18 and expenses herein provided for shall be fixed by the
19 court of common pleas of Dauphin county according to
20 the circumstances of the case upon notice of the county
21 commissioners

22 Section 14 Until otherwise by law provided all bridges
23 erected under the provisions of this act shall be main-
24 tained and kept in good repair by the county in which
25 the same may be located