

*paid, then the department shall extend to such county or poor district, in the next periodical billing, a proper credit, whether or not in such billing there be any charge for the care and treatment, including clothing, of the particular patient. The amount of such credit shall be the difference between the amount so paid by the county or poor district and the amount for which the county or poor district would have been billed if the subsequent collections had been received or collected at the time such previous billing was rendered.*

Credits to be given county or poor districts.

Section 2. This act shall become effective on the first day of June, one thousand nine hundred and thirty-one.

Effective date.

APPROVED—The 1st day of June, A. D. 1931.

GIFFORD PINCHOT

No. 139

AN ACT

Providing for the acquisition, construction, improvement, operation, and maintenance of bridges over rivers and navigable waters within the Commonwealth; authorizing the issuance of bridge revenue bonds, free from taxation and payable solely from bridge earnings, to pay the cost of such bridges and improvements thereof; providing for the collection of bridge tolls for the payment of such bonds, and for the cost, of maintenance, operation, and repair of the bridges; constituting such bonds legal investments in certain instances; prescribing conditions upon which such bridges shall become free bridges; conferring powers and imposing duties on the State Bridge Commission; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation.

Section 1. Short Title.—Be it enacted, &c., That this act shall be known, and may be cited, as “The Intra-State Bridge Revenue Bond Act.”

The Intra-State Bridge Bond Act.

Section 2. Definitions.—As used in this act, the following words and terms shall have the following meanings:

(a) The word “bridge” shall be deemed to include all property, rights, easements, and franchises relating thereto, including approaches.

(b) The word “improvements” shall mean such repairs, replacements, additions, and betterments of and to a bridge acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions, and betterments are ordered prior to the sale of any bonds for the acquisition of such bridge.

(c) The term “cost of bridge,” as applied to a

bridge to be acquired by purchase or by condemnation, shall include the purchase price or the amount of the award, cost of improvements, financing charges, interest during any period of disuse before completion of improvements, cost of traffic estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and the acquisition of the bridge and the placing of the bridge in operation.

(d) The term "cost of bridge," as applied to a bridge to be constructed, shall embrace the cost of construction, the cost of all land, property, rights, easements, and franchises acquired, which are deemed necessary for such construction, financing charges, interest during construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the bridge and the placing of the bridge in operation.

(e) The word "commission" shall mean the State Bridge Commission of the Commonwealth.

(f) The word "owner" shall include all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, or franchises authorized to be acquired by this act.

Section 3. Purchase of Bridges.—The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any toll bridge or bridges over rivers and navigable waters which are within the Commonwealth, or any such toll bridge or bridges partly constructed, or any franchises, easements, permits, or contracts for the construction of any such bridge or bridges, upon such terms and at such prices as may be reasonable and can be agreed upon between the commission and the owner thereof—title thereto to be taken in the name of the Commonwealth. The commission shall issue bridge revenue bonds of the Commonwealth, as hereinafter provided, to pay the cost of such acquisition.

Section 4. Condemnation of Bridges and Property.—The commission, whenever a reasonable price cannot be agreed upon, is hereby authorized and empowered to acquire by condemnation any such bridge or bridges or interest or interests therein, and any land, rights, easements, franchises, and other property deemed neces-

sary or convenient for the improvement or the efficient operation of any property acquired or constructed under this act, or for the purpose of constructing any bridge or portion thereof hereunder, or for securing right of way leading to any such bridge or its approaches, in the manner hereinafter provided. In such event, application shall be made by the commission, acting through the Department of Justice, or by any owner or owners, to the court of common pleas of the county in which such bridge is or is to be located, or in the case of a bridge on the boundary line between two or more counties, then in any of such counties, for the appointment of viewers. Whereupon said court, or any law judge thereof, shall appoint three disinterested freeholders to view such bridge, land, rights, easements, or franchises, and estimate the value thereof. None of the freeholders shall be a resident of the county wherein such application shall be made. The court shall fix a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same. The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners, if resident within said county. If the 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 owner nor any of such officers reside within the county, or cannot be found therein, notice of such first meeting shall be given as the court may direct. The 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 the first meeting, proceed to ascertain as accurately as may be the value of such bridge, land, rights, easements, or franchises, and, to that end, may require the attendance of any person whose testimony may be pertinent thereto, and production of any such books or papers as the 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 they are required, then the court, or any judge thereof, shall, on application of the viewers or a quorum thereof, make such order therein as may be necessary. Whenever the viewers shall have ascertained the value of the bridge, lands, rights, easements, or franchises, they shall prepare a full report of their labors. The report shall include a plan showing the location of or the proposed location of the bridge. Upon the completion of the 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 the chairman of the commis-

sion, to the Attorney General, and to the owner or owners of the bridge. At the time and place mentioned in such notice, the viewers shall meet and publicly exhibit the report and hear all exceptions thereto. After making any changes in such report as they may deem necessary, the same shall be filed in the court. Within thirty days after the filing of the report in the court, the commission, acting through the Department of Justice, or any person interested may file exceptions thereto. Whereupon the court may confirm the report absolutely, or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers. Within thirty days after final action on the report by the court, the commission, acting through the Department of Justice, or any person interested may demand a trial by jury. From the action of the court on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the Supreme or Superior Court. Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed. Title to any property condemned by the commission shall be taken in the name of the Commonwealth. The Commonwealth shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings, and shall, in no event, pay for the same except from the funds provided by this act; and in any condemnation proceedings, the court having jurisdiction of the suit, action, or proceeding may make such order as may be just to the Commonwealth and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage to be sustained by reason of the failure of the Commonwealth to accept and pay for the property, but such undertaking or security shall impose no liability upon the Commonwealth, except such as may be paid from the funds provided under the authority of this act.

Section 5. Improvement of Bridges Acquired.—It shall be the duty of the commission, at or before the time any such bridge shall be acquired by purchase or by condemnation, to determine what repairs, replacements, additions, or betterments will be necessary to place the bridge in safe and efficient condition for the use of the public, and to cause an estimate of the cost of such improvement to be made. The commission shall order such improvements before the sale of any bridge revenue bonds hereinafter authorized for the acquisition of such bridge, and the cost of such improvements shall be paid for out of the proceeds of such bonds.

Section 6. Construction of Bridges.—The commission

is hereby authorized and empowered to construct, whenever it shall deem such construction expedient, any toll bridge or bridges over any river or navigable waters within the Commonwealth. The cost of such construction shall be paid solely by means of or with the proceeds of bridge revenue bonds hereinafter authorized. The commission is hereby authorized to purchase within this Commonwealth, solely from funds provided under the authority of this act, such lands, structures, rights of way, franchises, easements, and other interests in lands, including lands under water and riparian rights of any person, copartnership, association, railroad or other corporation, or municipality or political subdivision, deemed necessary for the construction of any such bridge, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Commonwealth.

Section 7. Bridge Revenue Bonds.—The commission is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of Bridge Revenue Bonds of the Commission for the purpose of paying the cost as hereinabove defined of any one or more such bridges, which resolution shall recite an estimate of each issue of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall bear interest at not more than six per centum per annum, payable semi-annually, shall mature at such time or times, not more than forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The commission shall determine the form of the bonds, including the interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. Bonds issued by the commission shall be signed by the chairman of the commission, under the seal of the commission, and attested by the secretary of the commission, and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission. All bonds issued under this act shall contain a statement on their face that the Commonwealth shall not be obligated to pay the same or the interest thereon except from the revenues of such bridges. In case any of the officers whose signatures appear on the bonds or

coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. All such bonds shall be and shall have, and are hereby declared to have, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth. Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine to be appropriate for the accomplishment of the purposes of this act, taking into consideration the financial responsibility of the purchaser, the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds, when required, for payment of the cost of the bridges. Such bonds shall be sold for not less than a price which, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, will show a net return of six per centum per annum to the purchaser upon the amount paid therefor. Such bonds may be sold at private sale without advertisement. The proceeds of such bonds shall be used solely for the payment of the cost of the bridges, and shall be checked out by the chairman of the commission under such restrictions, if any, as such commission may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the bridge or bridges, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the trust indenture, hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same bridge or bridges. If the proceeds of bonds issued for any bridge or bridges shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of said bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative depart-

ments, boards, and commissions of the Commonwealth, all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 8. Lien upon Bond Proceeds.—All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the bridges or to the appurtenant sinking fund, and there shall be, and hereby is created and granted, a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 9. Trust Indenture.—In the discretion of the commission, each or any issue of such bonds may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth, but no such trust indenture shall convey or mortgage any bridge or any part thereof. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the bridges, the custody, safe-guarding and application of all moneys. The trust indenture may also provide that the bridges shall be acquired, constructed, and paid for under the supervision and approval of consulting engineers employed or designated by the commission and satisfactory to the original purchasers of the bonds issued therefor, their successors, assigns, or nominees, who may be given the right to require that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the bridges or other moneys pertaining thereto be satisfactory to such purchasers, successors, assigns, or nominees. Such inden-

ture may set forth the rights and remedies of the bondholders and trustee, restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. Except as in this act otherwise provided, the commission may provide, by resolution or by such trust indenture, for the payment of the proceeds of the sale of the bonds and the revenues of the bridges to such officer, board, or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the bridge or bridges affected by such indenture.

Section 10. Bridge Tolls.—The commission shall fix, charge and collect tolls for transit over such bridges; and such tolls shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges for which a single issue of bonds is issued, as to provide a fund sufficient to pay such issue of bonds and the interest thereon and to provide an additional fund to pay the cost of maintaining, repairing, and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. The tolls from the bridge or bridges for which a single issue of bonds is issued, except such part thereof as may be necessary to pay such cost of maintaining, repairing, and operating during any period in which such cost is not otherwise provided for, during which period the tolls may be reduced accordingly, shall be set aside each month in a sinking fund, which is hereby pledged to, and charged with the payment of, (a) the interest upon such bonds as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the payment of such bonds. Such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. Prior to the issuance of the bonds, the commission may provide, by resolution or by such trust indenture, for the use of the sinking fund, or any part thereof, in the purchase of any of the outstanding bonds, payable therefrom, at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued. The moneys in the sinking fund, less a reserve for payment of not exceeding one year's interest on the bonds, if not used within a reasonable time for the purchase of bonds for cancellation



as above provided, shall be applied to the redemption of bonds by lot at the redemption price then applicable.

Section 11. Cessation of Tolls.—When the particular bonds issued for any bridge or bridges and the interest thereon shall have been paid, or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose, the commission shall cease to charge tolls for the use of such bridge or bridges, and thereafter such bridge or bridges shall be free, unless tolls are required for maintaining, repairing, and operating such bridge or bridges due to the lack of funds from other sources than tolls.

Section 12. Action by Trustee and Bondholders.—Any holder of any of such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act, or by such resolution or trust indenture, to be performed by the Commonwealth or by the commission, or any officer thereof, including the fixing, charging, and collecting of tolls for transit over such bridges.

Section 13. Contributions.—The commission, in addition to the revenues which may be received from the sale of bridge revenue bonds and from the collection of tolls and other bridge revenues derived under the provisions of this act, shall have authority to receive and accept contributions of either money or property or other things of value, to be held, used, and applied for the purposes in this act provided.

Section 14. Competing Bridges and Ferries.—No bridge for the use of the traveling public located as provided in section three of this act, shall hereafter be constructed and operated by any county, municipal corporation, or political subdivision of the Commonwealth, or by any person, copartnership, association, or corporation, or no franchise shall hereafter be granted for the operation of a ferry, within five miles of any toll bridge for the acquisition or construction of which bridge revenue bonds shall have been authorized under this act, except under a written permit granted by the commission. No such permit shall be granted by the commission until it shall ascertain by an investigation, including a hearing upon such notice and under such rules as the commission may prescribe, that there is an urgent public need for the operation of such bridge or such ferry, and that its operation will not affect the

revenues of any such toll bridge of the Commonwealth so as to impair the security of any bridge revenue bonds issued for the acquisition or construction of such bridge.

Section 15. General Powers of the Commission.—The above enumeration of powers and duties of the commission shall not be construed as a limitation upon the general powers or duties of said commission. It shall be the duty of the commission, in addition to the powers and duties enumerated in this act, to do and perform any and all things and acts necessary in the construction or acquisition, maintenance and operation of any bridge to be constructed or acquired under the provisions of this act, to the end that such bridge or bridges may become and be operated free of tolls as early as possible and practicable, subject only to the express limitations of this act and the limitations of other laws and constitutional provisions applicable thereto.

Section 16. Constitutional Construction.—The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Effective date.

Section 17. This act shall become effective on the first day of June, one thousand nine hundred thirty-one.

APPROVED—The 1st day of June, A. D. 1931.

GIFFORD PINCHOT