

No. 384

## AN ACT

Providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways; and making an appropriation from the Motor License Fund.

Sidewalks.

Section 1. Be it enacted, &c., That whenever it shall appear that any part or portion of a State highway in any township is dangerous to the traveling public, and such danger could be materially reduced or lessened by the construction of a sidewalk, the Department of Highways shall have the right to aid the local authorities to lay out and construct a sidewalk along such dangerous portion of State highway. Such sidewalks shall be constructed in such manner, and of such materials as deemed advisable by the said department, but shall be raised at least five inches above the surface of the highway.

Section 2. All sidewalks constructed under the provisions of this act shall be thereafter considered as a part of the State highway system, and shall be reconstructed, maintained and repaired, and the cost, proportion of thereof agreed upon to be paid by the Department of Highways, shall be paid in the same manner as State highways.

Section 3. For the purpose of carrying out the provisions of this act, so much money as may be necessary is hereby appropriated to the Department of Highways out of the Motor License Fund.

When effective.

Section 4. This act shall become effective immediately upon final enactment.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE

No. 385

## AN ACT

To amend the act, approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; terminating the terms of the members thereof, and creating, as successor to such board, the Navigation Commission for the Delaware River and its navigable tributaries as a departmental administrative commission in

the Department of Forests and Waters; making provision for the designation and employment of a secretary, counsel, and other necessary employes of such commission; transferring to such commission the records, employes, property, and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules, and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River and its navigable tributaries; transferring and appropriating to the Navigation Commission for the Delaware River and its navigable tributaries any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees, and further conditions relative to licenses.

Section 1. Be it enacted, &c., That section one of the act, approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as supplemented by the act, approved the ninth day of May, one thousand nine hundred thirteen (Pamphlet Laws, one hundred eighty-five), and the act, approved the eighth day of July, one thousand nine hundred nineteen (Pamphlet Laws, seven hundred thirty-seven), as amended, is hereby amended to read as follows:

Section 1. Be it enacted, &c., That there [shall be established a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, to consist] *is hereby created a departmental administrative commission in the Department of Forests and Waters, to be known as the Navigation Commission for the Delaware River and its navigable tributaries, consisting of [five] seven members, three to be appointed by the Governor; two of whom shall be appointed from among the residents of Delaware County; and one of whom shall be appointed from among residents of Bucks County; two to be appointed by the Mayor of the City of Philadelphia; one to be the Secretary of Forests and Waters, who shall serve ex officio; and one of whom shall be the Director of Wharves, Docks, and Ferries of the city of Philadelphia, who shall serve ex officio.* [one of whom shall be the Director of the Department of Wharves, Docks, and Ferries, for the city of Philadelphia, who shall be the President thereof; two of whom shall be appointed by the mayor of said cities, from such commercial bodies as the councils of said cities may desig-

Section 1, act of June 8, 1907 (P. L. 496), as supplemented by the act of May 9, 1913 (P. L. 185), and the act of July 8, 1919 (P. L. 737), as amended.

Navigation Commission for the Delaware River.

Appointment of commissioners.

President. nate; one of whom shall be elected by the council of the city of Chester, and one of whom shall be elected by the burgess and council of the borough of Bristol. Their principal office shall be at the office of the President.] *The Governor shall designate one of the commissioners to be the president of the said commission. The principal office of the commission shall be in the city of Philadelphia.*

Terms. Section 2. That section two of the said act, as supplemented, is hereby amended to read as follows:

Section 2. The [Board of Commissioners of Navigation] *members of the Navigation Commission for the [river] Delaware River and its navigable tributaries, hereinafter referred to as the Commissioners, shall hold office for a term of four years, and until their successors are appointed and qualified, and may be [re-eligible] eligible for reappointment to office. They shall serve without compensation, but shall be reimbursed for necessary expenses. A majority of [said] the Commissioners, appointed by the Governor and the Mayor of the City of Philadelphia, shall constitute a quorum for the transaction of business.*

Quorum. Section 3. That section three of the said act, as supplemented, is hereby amended to read as follows:

Secretary. Section 3 The Commissioners shall [employ] *have a* Clerks. *secretary, and such clerks as may be necessary to keep [fair] accurate minutes and entries of all orders, regulations, and transactions of the said Commissioners, in a book or books to be kept for that purpose; and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same; and the said Commissioners shall give true copies of all such entries or minutes, made in the said book or books as may be required, to such person or persons as shall demand the same, he or they paying to the said Commissioners one cent per line for each copy thereof. The Commissioners [shall] may also have, [authority to employ one competent] if the Secretary of Forests and Waters approve, a civil engineer, and such other employes as are necessary to the proper transaction of the business of the [Commission of Navigation] Navigation Commission for the Delaware River and its navigable tributaries. The said Commissioners shall have authority to maintain adequate offices and a meeting room.*

Copies of entries. *The Secretary of Forests and Waters shall appoint the secretary and all employes of the commission, other than counsel, whose salaries shall be fixed as provided in The Administrative Code. The Attorney General shall furnish such advice or legal service as may be needed, or may designate counsel to represent the com-*

Civil engineer.  
Employes.  
Offices.  
Counsel.

*mission, and fix his compensation as provided by The Administrative Code.*

Section 4. That section seven of the said act, as supplemented and as amended by the act, approved the fourth day of April, one thousand nine hundred twenty-five (Pamphlet Laws, one hundred thirty-eight), is hereby further amended to read as follows:

Section 7. Whenever any person or persons, *association, other than a corporation, corporation or municipal corporation*, shall desire to construct, extend, or alter any wharf or pier, or to erect, extend, alter, or improve any bridge or other harbor structure wholly within the State into or on the aforesaid river and its navigable tributaries, such person, [or] persons, *association, other than a corporation, corporation or municipal corporation*, shall make application to the president of the commissioners, stating in writing the nature and extent of such intended wharf, pier, or other harbor structure, or building in the nature of a wharf or harbor structure, aforesaid; and file in the office of the president of the commissioners [the] plans and specifications showing fully the proposed erection, construction, extension, alteration, or improvement, and produce their deed or deeds, or other evidence of title, to the property to be so occupied, altered, or improved. [whereupon] *Every such application shall be accompanied by a filing fee of five dollars (\$5.00), to be paid into the State Treasury, through the Department of Revenue. Upon receipt of any such application*, the president of the commissioners shall give notice of the time and place of hearing such application, to all parties interested, by advertising twice a week for two successive weeks, in two newspapers of general circulation, published within the county in which such work is to be done, and by posting such notice upon the premises referred to in such application; and if the commissioners, upon said hearing, shall approve the plans and specifications offered in such application, they shall give their assent, and issue a license for the erection, construction, extension, alteration, or improvement for which application shall have been made, and cause the same to be recorded in the office of the president of the commissioners, in a book to be kept by the said president of the commissioners for that purpose, *and the record of the issuance of every license certified to the Secretary of Forests and Waters and to the Water and Power Resources Board; and such license shall not be unreasonably withheld: Provided, That, for the purposes of this section, the commissioners shall not have jurisdiction within any city of the first class. All such licenses hereafter granted shall contain a condition imposing upon the licensee the duty of keeping slips or docks free and clear of silt and other*

Construction, extension or alteration of wharves, piers, etc.

Application.

Plans and specifications.

Hearing.

Approval of plans.

License.

Excepting cities of the first class.

*deposits or refuse, so as to maintain a navigable depth therein to the extent fixed in the license. Said license shall also contain a condition requiring the licensee to apply for and obtain a permit from the Water and Power Resources Board, and to pay such encroachment charges as said board may fix, according to law. No license hereafter granted shall be valid until a permit is granted by the Water and Power Resources Board.*

Section 5. That section ten of the said act as supplemented is hereby amended to read as follows:

Wharfage,  
crantage,  
dockage.

Section 10. The [Board of Commissioners] *Navigation Commission*, after a hearing of the parties in interest, is authorized to regulate the services and to fix the maximum rates for wharfage, crantage, and dockage: Provided, That, for the purposes of this section, the commissioners shall not have jurisdiction within any city of the first class.

Proviso.

Board of  
Commissioners  
abolished.

Section 6. (a) The Board of Commissioners of Navigation for the river Delaware and its navigable tributaries is hereby abolished as of the effective date of this act, and the terms of the members of such board now holding office shall expire and terminate upon that date.

Property,  
records to be  
turned over to  
Navigation  
Commission.

(b) All the vessels, boats, launches, books, records, maps, and other property and equipment whatsoever, in the possession of the said Board of Commissioners of Navigation, or of any commissioner, officer, or employe of said commission, shall, upon the effective date of this act, be delivered or turned over to the Navigation Commission for the Delaware River and its navigable tributaries.

Employes of  
board to con-  
tinue employ-  
ment.

(c) All employes of said Board of Commissioners of Navigation, on the effective date of this act, shall become employes of the said Navigation Commission, and shall continue to perform their usual duties upon the same terms and conditions as theretofore, until removed or appointed to other positions by the Secretary of Forests and Waters. Persons who, upon the effective date of this act, are employes of said Board of Commissioners of Navigation shall retain all retirement rights that shall have accrued or would thereafter accrue to them, and their services shall be deemed to have been continuous as if the Board of Commissioners of Navigation had not been abolished.

Hearings to be  
completed and  
conducted by  
commission.

(d) All petitions, hearings, and other proceedings pending before the said Board of Commissioners of Navigation and all investigations begun by such commission, or any member or officer thereof, and not completed upon the effective date of this act, shall continue and remain in full force and effect as if the said commission had not been abolished, and may be completed before or by the said Navigation Commission.

(e) All licenses, orders, rules, and regulations made or issued by the said Board of Commissioners of Navigation prior to and in force upon the effective date of this act, shall remain in full force and effect until revoked or modified by the said Navigation Commission. Licenses.

(f) Whenever the term "Board of Commissioners of Navigation" occurs in any law supplementing the act amended by this act, or whenever contract or document reference is elsewhere made to such board, such term or reference shall be deemed to refer to and include the Navigation Commission for the Delaware River and its navigable tributaries created by this act, it being hereby declared to be the legislative intent that all the powers and duties which, under existing law, were vested in or directed to be performed by the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries or by the Board of Wardens for the Port of Philadelphia, prior to the abolition of said board, shall, after the effective date of this act be performed by the Navigation Commission for the Delaware River and its navigable tributaries. Previous acts construed.

(g) The unexpended balance existing, on the effective date of this act, in any appropriation whatsoever made to the said Board of Commissioners of Navigation, or existing in any funds in the hands of the Board of Commissioners of Navigation, is hereby transferred and appropriated to the said Navigation Commission for the Delaware River and its navigable tributaries for the same purposes as expressed in any act making such an appropriation, and any such unexpended balance also is hereby appropriated to the said Navigation Commission for the payment of any bills or encumbrances incurred by the said Board of Commissioners of Navigation prior to and remaining unpaid on the effective date of this act. Appropriations made to board.

Section 7. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE

No. 386

AN ACT

To amend section six hundred one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty