

69TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 747

BRIDGE ACROSS THE DELAWARE RIVER AT BURLINGTON, N. J.

MARCH 31, 1926.—Referred to the House Calendar and ordered to be printed

Mr. WYANT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H. R. 10001]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10001) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J., having considered the same, report thereon with an amendment, and as amended recommend that it pass.

The bill as amended has the approval of the War and Agriculture Departments, as will appear by the letters attached and which are made a part of this report.

Amend the bill as follows:

Strike out all after the enacting clause and insert the following:

That the consent of Congress is hereby granted to Joseph R. Cheesman, his legal representatives and assigns, to construct, maintain, and operate a highway or combined highway and railroad bridge and approaches thereto across the Delaware River at a point suitable to the interests of navigation between the city of Burlington, New Jersey, and the city of Bristol, Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge, or for alterations in the plans thereof, have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

SEC. 2. There is hereby conferred upon the said Joseph R. Cheesman, his legal representatives and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land or property is situated upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor may be had in any court of competent jurisdiction in such State.

SEC. 3. The said Joseph R. Cheesman, his legal representatives and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, the State of New Jersey or the State of Pennsylvania, or any political subdivision or subdivisions thereof within or adjoining which such bridge is located, may at any time jointly or severally acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real estate necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum of all other cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired as provided in section 4 of this act, and if tolls are charged for the use thereof, in fixing the rates of toll to be charged the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches, and any interest that shall accrue on money borrowed for that purpose, shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Joseph R. Cheesman, his legal representatives and assigns, shall immediately after the completion of such bridge file with the Secretary of Agriculture a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion cost. The Secretary of Agriculture may at any time within three years after the completion of such bridge investigate the cost of constructing the same, and for such purpose the said Joseph R. Cheesman, his legal representatives and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of Agriculture as to the cost of the bridge shall be conclusive, subject to review in a court of equity for fraud or mistake.

SEC. 7. The right to sell, assign, transfer and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Joseph R. Cheesman, his legal representatives and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read:

Granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, New Jersey.

DEPARTMENT OF AGRICULTURE,
Washington, March 24, 1926.

Hon. JAMES S. PARKER,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. PARKER: Careful consideration has been given to the bill (H. R. 10001) transmitted with your letter of March 8 with request for a report thereon and such views relative thereto as the department might desire to communicate.

This bill would authorize John Lyle Harrington and Joseph R. Cheesman, their heirs, assigns, or legal representatives, to construct, maintain, and operate a bridge and approaches thereto across the Delaware River at or near the city of Burlington, N. J. Section 2 would grant to the States of New Jersey and Pennsylvania, or either of them, or to any political subdivision or divisions thereof, at any time after 15 years from the completion of the bridge, the right to take over and acquire the complete ownership thereof at a price to be mutually agreed upon, or at a price to be determined by condemnation proceedings in accordance with the general laws of either of said States governing the acquisition of private property for public purposes. Provision is also made in section 2 that if such bridge shall be taken over by condemnation or other legal proceedings, in determining the measure of damages or compensation to be paid therefor, there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but the same shall be limited to an amount not exceeding the cost of constructing the bridge and its approaches, including interest and financing costs, legal and engineering services, contingent expenses, and actual betterments and improvements, less a reasonable deduction for actual depreciation.

Provision is also made that if the bridge shall be taken over by the States, or their subdivisions, it may be operated as a toll bridge for not to exceed five years thereafter. The location indicated for the proposed bridge is not on the system of Federal-aid highways approved for either New Jersey or Pennsylvania. However, a primary interstate route on the New Jersey system of Federal-aid highways running through Camden, Trenton, and points northerly, passes through Burlington in close proximity to the proposed location for this bridge; and on the Pennsylvania side of the river is a route from Philadelphia to Trenton, Newark, and other points in New Jersey. The proposed bridge, therefore, will serve as a cross connection between these two routes on the Federal-aid highway systems of the States of New Jersey and Pennsylvania. In this connection it should be mentioned that at Trenton the Delaware River is crossed by a free bridge, which, of course, is available to traffic on the route mentioned in the Pennsylvania system.

The department would suggest that if a toll bridge is to be authorized at this point the bill should be amended to incorporate therein provisions for insuring an adequate design of the structure. This can be covered by requiring that the design and plans and specifications shall be approved before work is commenced by the highway departments of the States concerned, or by the Chief of Engineers and the Secretary of War, as has been provided in a number of other bills recently referred to this department for report.

It is noted that the provision in section 2 respecting recapture by the States, or their subdivisions, permits the exercise of this right not only with respect to condemnation or other legal proceedings but also with respect to purchase by mutual agreement only after 15 years shall have elapsed from the date of completion of the bridge. It does not appear that there is any good reason why any period should be required to elapse before the States, or their subdivisions, might acquire such structure by mutual agreement with the owners. It is believed also that 15 years is longer than should be allowed before the right to acquire by condemnation shall accrue and that it would not be unfair to the owners if this period should be reduced to 10 years. It is noted that no provision is contained in this bill requiring that upon completion of the bridge a sworn itemized statement of the cost shall be so filed as to make it a matter of public record. It is suggested, therefore, that the bill be further amended to provide that immediately upon completion of the structure an itemized sworn statement of the cost thereof shall be filed either with the highway departments of the States concerned or the office of the Chief of Engineers of the War Department.

Sincerely,

R. W. DUNLAP, *Acting Secretary.*

WAR DEPARTMENT, March 12, 1926.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill (H. R. 10001, 69th Cong., 1st sess.) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.

As the navigable portions of the Delaware River do not lie within the limits of a single State, the consent of Congress is required under section 9 of the river and harbor act of March 3, 1899 (30 Stat. 1151), for the construction of a bridge thereover.

DWIGHT F. DAVIS, *Secretary of War.*