

December 17, 1902.

[Public, No. 3.]

CHAP. 3.—An Act To authorize the construction of a bridge across the Missouri River, at a point to be selected, within five miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route.

Missouri River.
Kansas City Outer
Belt and Electric Rail-
road Company may
bridge, between Kan-
sas and Missouri.

Location.

Channel.

Railway, wagon,
and foot bridge.

Toll.

Construction.

Provisos.

High bridge.

Drawbridge.

Opening draw.

Lights, etc.

Permanent channel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City Outer Belt and Electric Railroad Company, a corporation organized under the laws of the State of Kansas, and authorized by the laws of the State of Missouri to locate and construct its railway into and through Clay County, in said State, is hereby authorized to construct and maintain a bridge across the Missouri River on such line as its railway may hereafter be located in the county of Wyandotte, in the State of Kansas, and in the county of Clay, in the State of Missouri, and also to construct accessory works to secure the best practicable channel way for navigation and confine the flow of water to a permanent channel at such point, and also to lay on and over such bridge a railway track or tracks and other appliances for the more perfect connection of its railway when constructed to said river; and said corporation, its successors and assigns, may construct and maintain ways for wagons, carriages, and electric or other cars for carrying passengers, or passageways for foot passengers, charging and receiving reasonable toll therefor, as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under the provisions of this Act may, at the option of the said railroad company, its successors or assigns, be built as a drawbridge or with unbroken and continuous spans: *Provided,* That if the same shall be made of unbroken and continuous spans it shall not be in any case of less elevation than fifty feet above high-water mark, as registered since the year eighteen hundred and seventy, as understood at the point of location, to the lowest point of the superstructure, with straight girders; nor shall the main channel span of said bridge be less than four hundred feet in the clear at low-water mark, and all other spans over the waterway shall be not less than three hundred feet in the clear; and the piers of the said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto as near as may be, and the main span shall be over the main channel of the river: *And provided also,* That if a bridge shall be built under this Act as a drawbridge the same shall be constructed as a pivot drawbridge with one or more draws, as the Secretary of War may prescribe, and with spans of such clear length on each side of the central or pivot piers of the draws as he may prescribe; and the next adjoining spans over the river to the draws shall also be of such clear length as he may prescribe; and said spans shall not be less than ten feet above extreme high-water mark, as registered since the year eighteen hundred and seventy, measuring to the lowest part of the superstructure of the bridge; and the piers of the said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto as near as may be: *And provided also,* That said drawbridge shall be opened promptly upon reasonable signal and without unnecessary delay: *Provided,* That said company, its successors and assigns, shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and shall build and maintain such sheer booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft through said channel spans and as shall receive the approval of the Secretary of War: *And provided further,* That the company, person, or corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation or flood discharge of said river, and shall be liable for

all injuries to or appropriation of private property; and all plans for such works or erections upon or within the banks of the river shall be submitted to the Secretary of War for his approval before any of such work shall have been commenced.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall substantially or materially obstruct the free navigation of said river, and no bridge shall be commenced or built under this Act until the location thereof and the plans and specifications for its construction, with such maps as shall be necessary for a full understanding of the regimen of the river for a distance of one mile above and one-half mile below the proposed site of the bridge, shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction, and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge or the persons operating or controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused thereby, the cause shall be commenced and tried in the circuit court of the United States of either judicial district of the States of Kansas or Missouri in which said bridge or any portion of such obstruction touches.

SEC. 4. That the said bridge and accessory works, when built and constructed under this Act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States or for passengers and freight passing over said bridge than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post routes in the United States.

SEC. 5. That the United States shall have the right of way for such postal-telegraph and telephone lines across said bridge as the Government may construct or control, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 6. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section four in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 7. That Congress may, at any time, alter, amend, or repeal this Act.

SEC. 8. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of the approval of this Act.

Approved, December 17, 1902.

Secretary of War to approve plans, etc.

Changes.

Litigation.

Lawful structure and post route.

Telegraph, etc., rights.

Use by other companies. Compensation.

Secretary of War to adjust disputes.

Proviso. Charges. *Supra*.

Amendment.

Time of construction.