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under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of construction costs, etc., to be filed after completion.

SEC. 6. The Ashland Bridge Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of Kentucky and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs.

Investigation by Secretary of War.

The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonble costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Ashland Bridge Company, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof.

Findings of Secretary conclusive.

The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Right to sell, etc., conferred.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Ashland Bridge Company, its successors 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.

Amendment.

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

Approved, February 16, 1928.

February 16, 1928.
[H. J. Res. 104.]
[Pub. Res., No. 9.]

CHAP. 87.—Joint Resolution Granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission and to construct, maintain, and operate a highway bridge across Lake Champlain.

Lake Champlain.

Consent given New York and Vermont for creation of Lake Champlain Bridge Commission to construct bridges across.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States be, and it is hereby, given to the States of New York and Vermont to enter into the agreement or compact executed by the commissioners duly appointed on the part of the State of New York and commissioners duly appointed on the part of

the State of Vermont for the creation of the Lake Champlain Bridge Commission, pursuant to authority of chapter 321 of the Laws of 1927 of the State of New York, and the authority of act numbered 139 of the acts and resolutions passed by the General Assembly of the State of Vermont at the biennial session, 1927, and each and every part and article thereof be, and the same is hereby, ratified, approved, and confirmed: *Provided*, That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement; which agreement is in words and figures as follows:

Proviso.
Federal jurisdiction not impaired.

Now, therefore, the said States of New York and Vermont do hereby enter into the following agreement, to wit:

Agreement.

ARTICLE I

The two States do agree that there shall be created the Lake Champlain Bridge Commission, which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated, and such other and additional powers as shall be conferred upon it by the legislature of either State, concurred in by the legislature of the other State, or by Act or Acts of Congress, as hereinafter provided.

ARTICLE II

The Lake Champlain Bridge Commission shall consist of six commissioners, three of whom shall be resident voters from the State of New York and residents of a county of New York adjoining Lake Champlain, and three of whom shall be residents of the State of Vermont. The New York members shall be chosen by the State of New York and the Vermont members shall be chosen by the State of Vermont, in the manner and for the terms fixed and determined from time to time by the legislature of each State, respectively. Each commissioner may be removed or suspended from office as provided by the law of the State for which he shall be appointed.

ARTICLE III

The said commissioners shall, for the purpose of doing business, constitute a board and may adopt suitable by-laws for its management.

ARTICLE IV

The Lake Champlain Bridge Commission shall constitute a body, both corporate and politic, with full power and authority to purchase, construct, own, maintain, and operate a highway bridge, including approaches, across Lake Champlain between the State of New York and the State of Vermont, and to make charges for the use thereof, and for any of such purposes to purchase, take, own, hold, and operate real or personal property, to borrow money, and secure the same by bonds or by mortgages upon any property held or acquired by it.

The members of the commission shall each receive as compensation for their services the sum of $10 a day for each day's service performed and, in addition, all necessary expenses incurred in the performance of their duties, to be paid from the funds of the said Lake Champlain Bridge Commission.

Agreement—Contd.

ARTICLE V

The Lake Champlain Bridge Commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either State, concurred in by the legislature of the other. Unless and until otherwise provided, it shall make an annual report to the governor of each State, setting forth in detail the operations and transactions conducted by it pursuant to this agreement, and any legislation thereunder, and which said report shall be submitted by the governor to the respective legislatures.

The Lake Champlain Bridge Commission shall not pledge the credit of either State, except by and with the authority of the legislature thereof.

ARTICLE VI

Each member of the Lake Champlain Bridge Commission, before entering upon his duties, shall take and subscribe the constitutional oath of office, which oath shall be filed in the office of the secretary of state of the State from which said commissioner is appointed.

The Lake Champlain Bridge Commission shall elect from its number a chairman and a vice chairman, and may appoint a secretary and treasurer, who need not be members of the commission, and such employees as it may require in the performance of its duties, and shall fix and determine their qualifications, duties, and compensation.

It shall adopt a seal and keep in well-bound books a record of all its meetings and proceedings, certificates, contracts, surety bonds, and corporate accounts, and shall maintain a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such regulations as the commission shall determine.

ARTICLE VII

Unless and until the revenues from operations conducted by the Lake Champlain Bridge Commission are adequate to meet all expenditures, the legislatures of the two States shall appropriate for the administrative expenses such sum or sums as shall be necessary and shall be recommended by the Lake Champlain Bridge Commission and approved by the governors of the two States in the following ratio, to wit: The State of New York shall appropriate 60 per centum thereof and the State of Vermont shall appropriate 40 per centum thereof. And unless and until otherwise determined by the action of the legislatures of the two States, the Lake Champlain Bridge Commission shall not incur any obligations for salaries, office, and other administrative expenses within the provisions of this article prior to the making of the appropriations by both States adequate to meet the same.

ARTICLE VIII

Unless and until otherwise determined by the action of the legislatures of the two States, no action of the Lake Champlain Bridge Commission shall be binding, unless taken at a meeting at which at least two members of each State are present, and unless four votes are cast therefor, two from each State.

ARTICLE IX

The Lake Champlain Bridge Commission is hereby authorized to make suitable rules and regulations for the control of traffic across the bridge herein provided for, not inconsistent with the Constitution of the United States or of either State, and subject to the exercise of the power of Congress which, when concurred in or authorized by the legislatures of both States, shall be binding and effective upon all persons and corporations affected thereby.

ARTICLE X

The two States shall provide penalties for violation of any order, rule, or regulation of the Lake Champlain Bridge Commission and for the manner of enforcing the same.

ARTICLE XI

The commissioners of the two States shall have the power to apply to the Congress of the United States or any department of the United States for consent and approval of this agreement, and the bridge to be constructed thereunder by the Lake Champlain Bridge Commission pursuant to law or in the absence of such consent of Congress or of such department of the Federal Government, and until the same shall have been secured, this agreement shall be binding upon the State of New York, when ratified by it, and upon the State of Vermont, when ratified by it, provided, however, that such consent shall be obtained within three years from the date hereof.

ARTICLE XII

The two States hereby agree that there shall be constructed a highway bridge between the State of New York and the State of Vermont as speedily as possible between a point heretofore selected by the aforesaid joint legislative committee and commission at Crown Point, in the county of Essex, and in the State of New York, and a point so selected near Chimney Point, in the town of Addison, in the State of Vermont. Such bridge shall be built according to the plans and specifications of the Lake Champlain Bridge Commission, as approved by such duly constituted Federal authority as by law may be required. The State of New York agrees to pay the entire cost of all highway approaches to said bridge in the State of New York, and the State of Vermont agrees to pay the entire cost of all highway approaches to said bridge in the State of Vermont.

Ante, p. 62.

ARTICLE XIII

If, for the construction of said bridge, including approaches, it shall become necessary to acquire lands, rights, or property, and the Lake Champlain Bridge Commission shall be unable to purchase the same upon terms which they deem reasonable, then, and in such case, the Lake Champlain Bridge Commission may take, by right of eminent domain, lands, rights, and property necessary for the proper construction of said bridge and approaches thereto. In the State of Vermont, for the taking of such lands, rights, and property, the said commission shall have the same rights, powers, and duties as are vested in the selectmen of towns for the taking of land for highway purposes, and the provisions of chapter 191 of the General Laws of the State of Vermont, with amendments thereto, are hereby made applicable to all proceedings hereunder.

Agreement—Contd.

In the State of New York, if, for any of the purposes provided herein, the Lake Champlain Bridge Commission shall find it necessary or convenient to acquire any real property in this State, then such Lake Champlain Bridge Commission may find and determine that such real property is required for a public use, and upon such due determination the said property shall be and shall be deemed to be required for such public use. Such real property may be acquired by such commission by gift or purchase or, in the event that such real property can not be so acquired, it may be acquired under the provisions of the condemnation law.

If it shall be necessary for the commission to set apart, out of any funds available therefor, any sum or sums to create a fund to be used for making compensation to owners of real property, or of any interest therein to be acquired for the purposes of this agreement, such fund shall be created within the State where such real property or interest therein is located, and shall not be used for any other purpose until such compensation has been duly made according to the law of the State wherein such real property or interest therein is located. The fund so created shall be deposited with the custodian authorized by law to receive and hold the same.

ARTICLE XIV

The State of New York agrees to provide and make available in the year 1927 the sum of $120,000 toward the cost of the construction of such bridge, and the State of Vermont agrees to provide and make available in the year 1927 the sum of $80,000 toward the cost of the construction of such bridge. Such funds shall be available for all costs incidental to the construction of the said bridge, but no part of such fund shall be used by the commission except for expenses of preparing specifications until this agreement also be ratified by the Congress of the United States.

No part of the said sum mentioned in this Article shall be payable by either State, unless the other State shall have made available to the Lake Champlain Bridge Commission the sum herein agreed to be made payable, the intent hereof being that each State shall cause to be paid over or made available to the Lake Champlain Bridge Commission, at such time as may be necessary, the sum herein set forth as an advance to the Lake Champlain Bridge Commission by the respective States for use in the construction of said bridge.

ARTICLE XV

Upon the completion of the bridge, pursuant to this agreement, the Lake Champlain Bridge Commission shall cause the boundary line between the two States on said bridge to be appropriately marked and indicated.

ARTICLE XVI

All accounts of the Lake Champlain Bridge Commission shall be audited jointly by the comptroller of the State of New York and the auditor of accounts of the State of Vermont and the report of such audit shall accompany the annual reports of said Lake Champlain Bridge Commission.

ARTICLE XVII

The balance of the money needed for the construction of the said bridge shall be raised by the Lake Champlain Bridge Commission on its own obligations secured by the pledge of the prop-

Agreement—Contd.

erty owned by said commission and the revenues and tolls arising out of the use of the said bridge. As security for obligations so issued, and the moneys so appropriated, such property and such revenues and tolls arising out of the use of the said bridge shall be pledged as hereinafter provided to the repayment of the entire issue of bonds and other securities for the construction thereof, together with the interest and the repayment of the moneys paid over by the States, it being the declared policy of the States that the bridge, so far as the payment of bonds or other securities issued for the construction thereof, together with the repayment of the moneys advanced by the States, shall in all respects be self-sustaining; and the Lake Champlain Bridge Commission shall charge and maintain revenues and tolls for the use of the said bridge until all bonds and other securities issued for the construction thereof shall have been paid, and until the moneys so as aforesaid advanced by the States of New York and Vermont shall have been repaid, with interest at the rate of 4 per centum per annum.

The obligation for moneys so raised by the Lake Champlain Bridge Commission on its own obligations for the construction of the said bridge and purposes incidental thereto shall constitute a lien upon the property owned by said commission, and the revenues and tolls therefrom, in accordance with the terms upon which such moneys are raised, and any right or claim of the States, including that arising out of this agreement, shall be subordinated to such lien. The Lake Champlain Bridge Commission shall, however, pay into the State treasury of each State annually out of the revenues and tolls from the bridge a sum equal to 4 per centum upon the unpaid balance of the amount actually advanced to the Lake Champlain Bridge Commission by each State hereunder as interest for that year, together with at least 2 per centum of the principal of such advance, until the whole sum so advanced is repaid to the States, with accrued interest, provided that the Lake Champlain Bridge Commission shall not make such payments until it shall have accumulated a reserve fund, and only so long as and for the years in which it maintains such reserve fund equal to 10 per centum of its own obligations issued in relation to or for the construction of such bridge, over and above the sums required by the terms of such obligations to be set aside for amortization or a sinking fund, and unless in said year the tolls or revenues from the said bridge after the payment of all expenses for operation and maintenance are sufficient to satisfy the interest and other contractual requirements of said obligations: *And provided further*, That such payments shall not be made into the State treasury of either State unless there shall be available under the same conditions sufficient money to make payment on similar terms to the other State, and that if there exists such surplus revenue, but insufficient to make complete payment on such terms or conditions both to the States of New York and Vermont, then such surplus revenue shall be prorated in accordance with the respective unpaid balances of the advances made under the acts of the two States and such prorated sum shall be paid into the State treasury of each State in place and stead of the amount above provided, to be applied, first, upon interest accrued and unpaid, if any; second, upon the interest for the current year and the balance, if any, in reduction of the principal.

Agreement—Contd.

ARTICLE XVIII

The States of New York and Vermont do hereby pledge themselves, and it is hereby agreed with those subscribing to the obligations issued by the Lake Champlain Bridge Commission for the construction of such bridge and incidental purposes, that the States will not authorize the construction or maintenance of any other highway crossing for vehicular traffic over Lake Champlain between the two States in competition with the said bridge, nor will it limit or alter the rights vested in the Lake Champlain Bridge Commission to establish and levy such charges and tolls it may deem convenient and necessary to produce sufficient revenue to meet the expenses of maintenance and operation and to fulfill the terms of the obligations assumed by it in relation to such bridge until the said obligations, together with interest thereon, are fully met and discharged: *Provided*, That such crossings shall be considered as competitive with such bridge only if they shall form a highway connection for vehicular traffic between the two States across Lake Champlain within a distance of twenty-five miles from such bridge. The provisions of this article, when approved by the two States, shall constitute an agreement between the two States for the benefit of those lending money to the Lake Champlain Bridge Commission for the construction of such bridge, and the Lake Champlain Bridge Commission may include in the bonds or other evidences of its obligations issued by it for the construction of the said bridge, or incidental purposes, such part of this agreement as shall seem proper as evidence of the foregoing agreement made by the two States with the holders of the said bonds or other obligations.

ARTICLE XIX

The States agree that the construction of the said bridge herein authorized be by contract to be executed as follows:

The Lake Champlain Bridge Commission shall advertise for proposals for the construction of such bridge according to the plans, specifications, and estimate approved by it therefor. The advertisement shall be limited to a brief description of the work proposed to be done, with an announcement stating where the maps, plans, specifications, and estimate may be seen, the terms and conditions under which proposals will be received, the time and place where the same shall be opened, and such other matters as the Lake Champlain Bridge Commission may deem advisable to include therein. Such advertisement shall be published at least once in each week for two successive weeks in such newspapers as the Lake Champlain Bridge Commission may designate.

Each proposal shall specify the gross sum for which the work will be performed, and shall also include the amount to be charged for each item specified in the estimate. The Lake Champlain Bridge Commission may prescribe and furnish forms for the submission of such proposals, which shall be sealed, and may prescribe the manner of submitting the same, which shall not be inconsistent herewith. Accompanying each proposal there shall be a draft or certified check for 3 per centum of the amount of the gross sum bid, which check, in case such proposal be accepted, shall be retained by the Lake Champlain Bridge Commission until the contract, and the bond hereinafter provided for, shall have been duly executed, whereupon such check shall be returned to the bidder. In case the bidder, to whom the contract shall be awarded, shall fail to execute such contract and bond, the money represented by such draft or certified check shall be regarded as liquidated

Agreement—Contd.

damages, and shall be forfeited to the Lake Champlain Bridge Commission. The proposals, when opened, shall be subject at all reasonable times to public inspection, and at the time of opening shall be publicly read, and conspicuously posted in such a manner as to indicate the several items of the proposal.

The contract for the construction of such bridge shall be awarded to the lowest responsible bidder, except that no contract shall be awarded at a greater sum than that required in the estimate made for such construction in accordance with the plans and specifications as approved. The lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work will be performed, including all the items specified in the estimate therefor.

If no proposal otherwise acceptable is made within the estimate accompanying the plans and specifications, the Lake Champlain Bridge Commission may cause the estimate to be amended.

The Lake Champlain Bridge Commission may reject any or all proposals, and may advertise for new proposals as above provided, if, in their opinion, the best interests of the States will thereby be promoted.

The Lake Champlain Bridge Commission shall prescribe the form of contracts and may include therein such matters as they may deem advantageous to the States.

The contractor, before entering into a contract for such construction, shall execute a bond in the form prescribed by the Lake Champlain Bridge Commission, with sufficient sureties, to be approved by the Lake Champlain Bridge Commission, conditioned that he will perform the work in accordance with the terms of the contract and with the plans and specifications, and that he will commence and complete the work within the time prescribed in the contract.

The bond shall also provide against any direct or indirect damages that shall be suffered or claimed on account of such construction during the time thereof and until such bridge is accepted.

The contract may provide for partial payment to an amount not exceeding 90 per centum of the value of the work done. Ten per centum of the contract price, where a bond approved by the Lake Champlain Bridge Commission is given, shall be retained until the entire work has been completed and accepted.

All contingencies arising during the prosecution of the work shall be provided for to the satisfaction of the Lake Champlain Bridge Commission, and as may be agreed upon in the original or by a supplemental contract executed by the commission; the amount to be expended shall not exceed the original estimate, unless such estimate shall have been duly amended by the commission. If a supplemental contract be executed by the Lake Champlain Bridge Commission for the performance of work or furnishing of material not provided for in the original contract, the amount to be charged thereunder for any such work or material shall not exceed the rate for which similar work or material was agreed to be performed or furnished under the original bid upon which the contract was awarded.

ARTICLE XX

The construction, maintenance, and operation of said bridge is in all respects for the benefit of the people of the two States, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and the Lake

Agreement—Contd.

Champlain Bridge Commission shall be regarded as performing a governmental function in undertaking the said construction, maintenance, and operation, and in carrying out the provisions of law relating to the said bridge, and shall be required to pay no taxes or assessments upon any of the property acquired by it for the construction, operation, and maintenance of such bridge, and the interest of either State in any tolls collected under this article shall be free from any State, county, municipal, or local taxation whatsoever in the other State.

The obligations which may be issued by the Lake Champlain Bridge Commission for the construction of the bridge mentioned herein, or incidental thereto, shall be exempt from taxation and are to be legal securities in which all public officers and bodies of each State and of its municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings loan associations, executors, administrators, guardians, trustees, and all other fiduciaries in each State may properly and legally invest the funds within their control.

ARTICLE XXI

It is the declared purpose of each of the contracting parties that this bridge will eventually be a free bridge, and to that end it is agreed that after the payment of all the obligations which may be issued against the bridge and the tolls and revenues thereof, and the State of New York and the State of Vermont shall have been fully repaid for any and all moneys that may have been advanced by them, together with all interest thereon, the Legislatures of the State of New York and the State of Vermont, subject to the approval of the governor of each State, by concurrent legislation, shall provide the method and procedure for the future operation, maintenance, and control of said bridge.

In witness whereof we have signed this compact or agreement by and under the authority of chapter 321 of the Laws of 1927 of the State of New York, and by and under the authority of act 139 of the acts and resolutions passed by the General Assembly of the State of Vermont at the twenty-ninth biennial session, 1927, this 11th day of May, 1927.

As commissioners upon the part of the State of New York:

MORTIMER Y. FERRIS.
HARRY E. OWEN.
ROY LOCKWOOD.
ALBERT OTTINGER,
Attorney General of the State of New York.

As commissioners upon the part of the State of Vermont:

GEORGE Z. THOMPSON.
WILLIAM R. WARNER.
CHAS. E. SCHOFF.
J. WARD CARVER,
Attorney General of the State of Vermont.

In the presence of:
ALFRED E. SMITH.

Amendment, etc.

SEC. 2. The right to alter, amend, or repeal this resolution is hereby expressly reserved.

Approved, February 16, 1928.