AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

CHAP. 368.—An Act Authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

February 28, 1929.
[S. 5879.]
[Public, No. 845.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Llewellyn Evans, J. F. Hickey, and B. A. Lewis, hereinafter called the grantees, and their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Puget Sound.
Llewellyn Evans and others may bridge, at the Narrows, Wash.

Construction.
Vol. 34, p. 84.

SEC. 2. After completion of such bridge, as determined by the Secretary of War, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, 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 interest in real property; (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

Acquisition authorized, after completion, by Washington, etc.

Condemnation proceedings.

Compensation if acquired by condemnation.

Limitations.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this Act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches 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 tolls 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.

Tolls under State, etc., operation.

Rates applied to operation, sinking fund, etc.

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. 4. The grantees and their assigns shall, within ninety days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Washington, 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. The Secretary of War may, and at the request of the Highway Department of the State of Washington 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 reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said grantees and their assigns shall make available all records in connection with the construction, financing, and promotion thereof. 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 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Examination by Secretary of War.

Findings of Secretary conclusive.

Right to sell, etc., conferred.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the grantees and their 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.

Construction contracts to be let to lowest bidder.

Advertising, etc.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this Act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

Contracts void for violations.

Amendment.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 28, 1929.

February 28, 1929.
[S. 5350.]
[Public, No. 846.]

CHAP. 369.—An Act To amend the Air Commerce Act of 1926 with reference to the examination and rating of schools giving instruction in flying.

Air Commerce Act, 1926.
Vol. 44, p. 569, amended.

Rating of civilian schools giving instruction in flying.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (d) of the Air Commerce Act of 1926 is amended by striking out the period at the end thereof and adding a semicolon and the following: "and provide for the examination and rating of civilian schools giving instruction in flying, as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors. The examinations and