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[CHAPTER 456]

AN ACT

June 12, 1948
[H. R. 6056]
[Public Law 632]

To amend an Act of Congress approved February 9, 1881, which granted a right-of-way for railroad purposes through certain lands of the United States in Richmond County, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February 9, 1881, entitled "An act to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, New York", being chapter 41 of the Public Acts of the Forty-sixth Congress of the United States passed at the third session thereof be, and it hereby is, altered or amended to read:

Richmond County, N. Y.
Railroad right-of-way.

21 Stat. 324.

"That a right-of-way by tunnel through the lands of the United States, now occupied by the Coast Guard in the Department of the Treasury and by the Post Office Department, in the vicinity of the municipal ferry terminal at Saint George, in the Borough and County of Richmond, in the City and State of New York, is hereby granted to The Staten Island Rapid Transit Railway Company, its successors and assigns, for the purpose of widening, to facilitate the reconstruction of said municipal ferry terminal, the existing tunnel constructed pursuant to the grant contained in the Act hereby amended, and for the purpose of continuing the operation of its railroad through the same, in, through, and beneath the surface of all that plot, piece, or parcel of land, bounded and described as follows: Beginning at a point where the prolongation southerly of the easterly side of Richmond Terrace intercepts the south line of South Street, said point having coordinates south five thousand eight hundred fifteen and six hundred forty-four one-thousandths, west eight thousand eight hundred eighty-six and eight hundred fifty one-thousandths in the City of New York coordinate system established by the United States Coast and Geodetic Survey for the Borough of Richmond, and running thence in an easterly direction along said south side of South Street by a curve to the right with a radius of three hundred five and sixty-five one-hundredths feet, a distance of twenty-one and three one-hundredths feet, to a point; thence continuing along said south line of South Street north eighty degrees twelve minutes twenty-six and five-tenths seconds east, thirty-six and forty-nine one-hundredths feet to a point; thence south fourteen degrees two minutes eighteen seconds west, twenty-seven and seventy-three one-hundredths feet to a point; thence south thirty-three degrees thirty-seven minutes forty-five seconds west, twenty-five and twenty-six one-hundredths feet to a point; thence south ten degrees fourteen minutes twenty-seven seconds west, four hundred forty-four and sixty-two one-hundredths feet to a point in the dividing line between the lands of the United States of America and lands of The Staten Island Rapid Transit Railway Company; thence along said dividing line north eighty degrees forty-five minutes twenty-two seconds west, forty-nine and one one-hundredths feet to a point; thence north ten degrees fourteen minutes twenty-seven seconds east, four hundred fifty-six and sixty-four one-hundredths feet to a point; thence north twenty-three degrees fifty-three minutes twenty-four seconds west, fourteen and fifty-three one-hundredths feet to a point in the aforesaid south line of South Street; thence in an easterly direction along said south line of South Street by a curve to the right with a radius of three hundred five and sixty-five one-hundredths feet, a distance of sixteen and ninety one-hundredths feet, to the point or place of beginning; together with the right to construct and maintain said tunnel for the purposes aforesaid in, upon, across, and beneath the surface of lands of the United States lying in the bed of South

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Street immediately adjacent to and abutting upon the lands above described.

Reconstruction of existing tunnel.

"SEC. 2. That the reconstruction of the existing tunnel shall be carried out in accordance with plans and specifications which shall have been, prior to the commencement of such reconstruction, submitted to and approved by the Secretary of the Treasury with respect to reconstruction through the lands now occupied by the Coast Guard and submitted to and approved by the Federal Works Administrator with respect to reconstruction through the lands now occupied by the Post Office Department.

Reversion to U. S.

"SEC. 3. That whenever said right-of-way shall cease to be used for the purpose of a tunnel through which to operate a railroad, it shall revert to the United States.

Rights reserved.

"SEC. 4. That the right to repeal, alter, or amend this Act is reserved to Congress."

Approved June 12, 1948.

[CHAPTER 457]

June 12, 1948
[H. R. 6078]
[Public Law 633]

AN ACT

To amend section 303 (e) of the Interstate Commerce Act, as amended.

Interstate Commerce Act, amendment.
54 Stat. 932.
49 U. S. C. § 903 (e).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 303 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(e) (1) Notwithstanding any provision of this part the Commission may, by order, from time to time, upon application, or upon its own initiative without application, exempt from the requirements of this part the transportation of passengers between points in the United States by way of a foreign port or ports, upon a finding that application of such requirements thereto is not necessary to carry out the national transportation policy declared in this Act.

Exclusion of certain noncompetitive transportation.

"(2) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control".

54 Stat. 929.
49 U. S. C. ch. 12.
24 Stat. 379; 49 Stat. 543.
49 U. S. C. chs. 1, 8.
Ante, pp. 163, 295; *post*, p. 602.

47 Stat. 1425.
46 U. S. C. §§ 843–848.

Approved June 12, 1948.