Public Law 811 CHAPTER 743

AN ACT

July 26, 1956
[H. R. 11010]

Creating the Muscatine Bridge Commission and authorizing said Commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois.

Mississippi River Bridge, Muscatine, Iowa and Drury, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Muscatine Bridge Commission (hereinafter created, and hereinafter referred to as the "commission"), and its successors and assigns be, and are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto, across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Rock Island County, Illinois, at a point or points suitable to the interest of navigation, subject to the conditions and limitations contained in this Act. For like purposes said commission, or its successors and assigns, are hereby authorized to acquire by purchase or condemnation, and to reconstruct, maintain, and operate any existing bridge for vehicular traffic and pedestrian traffic crossing the Mississippi River at or near the city of Muscatine, Iowa, and may acquire control of any such existing bridge by purchase of stock in any corporation owning any such bridge, or by a conveyance from such corporation, or by purchase or conveyance of any interest in such bridge from an individual, partnership, company, or other legal entity which might have ownership in such bridge, and in any case the existing right or rights, if any, of the city of Muscatine, Iowa, to acquire any such bridge shall be merged into and represented by acquisition thereof by the commission and said commission shall be authorized to maintain and operate said bridge subject to the conditions and limitations contained in this Act: *Provided*, That the power granted in this Act with respect to the acquisition and purchase of any bridge shall not be exercised by said commission until all terms of the proposed acquisition and purchase of any such bridge shall have been approved by the highway departments of the States of Iowa and Illinois.

Approval by States.

Condemnation proceedings. Jurisdiction.

SEC. 2. Jurisdiction of all condemnation proceedings under this Act for the acquisition of any existing bridge is hereby conferred upon the United States District Court for the Southern District of Iowa, and for such purpose the process of such court may be served outside of the State or district in which such court is located. Such proceedings shall follow as nearly as may be the law of the State of Iowa governing the proceedings for the condemnation of private property for public purposes by said State. Copies of any final judgment, decree, or order of such court in any such condemnation proceedings relating to land located outside said district shall be filed with the clerk of the court of the Federal district in which such land is located. In any such condemnation proceedings the commission shall be authorized to condemn all right, title, and interest in the bridge or bridges and approaches, and all right, title, and interest in real property necessary therefor.

Acquisition, etc., of property.

SEC. 3. There is hereby conferred upon the commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location and construction of any such bridge or bridges and for the operation and maintenance of any bridge and its approaches hereby authorized to be acquired or constructed, upon making just compensation therefor, to be ascertained

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and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purpose in said State, respectively. The commission and its successors and assigns are further authorized to enter into agreements with the States of Illinois and Iowa, and any political subdivision thereof, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The commission and its successors and assigns are further authorized to enter into agreement with the United States of America, or any of its agencies, for the acquisition, lease, or use of any lands or property owned by or under the jurisdiction of the United States or its agencies.

Agreement with U. S.

Bonds.

SEC. 4. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge or bridges as may be acquired, reconstructed, or constructed, as herein provided, and approaches (including the approach highways, which, in the judgment of the commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connection with existing improved highways) and the necessary land easements and appurtenances thereto, by an issue or issues of negotiable bonds of the commission, bearing interest, payable semiannually, at the rate of not more than 6 per centum per annum, the principal and interest of which bonds shall be payable solely from the funds provided in accordance with this Act, and such payments may be further secured by mortgage of the bridge or bridges. All such bonds may be registered as to principal alone or both principal and interest, shall be payable as to principal within not to exceed thirty years from the date thereof, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge or bridges acquired or constructed, and approaches and the land easements, and appurtenances used in connection therewith, when added to any other funds made available to the commission for said purposes. The commission may reserve the right to redeem any or all of said bonds before maturity in such manner and at such price or prices not exceeding 105 per centum of the face value and accrued interest as may be fixed by the commission prior to the issuance of the bonds. The commission when it deems it advisable may issue refunding bonds to refinance any outstanding bonds at maturity or before maturity when called for redemption: *Provided*, That such refunding bonds shall mature within not to exceed thirty years from the date thereof and shall not exceed in principal amount the principal amount of outstanding bonds replaced by such refunding bonds. The commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the commission, in respect to the acquisition, construction, maintenance, operation, repair, and insurance of the bridge or bridges, the conservation and application of all funds, the security for the payment of the bonds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law.

Trust agreement.

Said bonds may be sold at not less than par after public advertisement for bids to be opened publicly at the time and place stated in such advertisement and at the price bid which will yield the greatest re-

Advertisement for bids.

turn to the commission for the bonds to be sold. Such advertisement for bids shall be published at least once each week for four consecutive weeks in a newspaper or financial journal having recognized circulation among bidders for bonds of the type and character offered. The price to be paid for the bridge or bridges acquired hereunder shall not exceed the reasonable value thereof as determined by the commission at the time of acquisition. The cost of the bridge to be constructed as provided herein, together with the approaches and approach highways, shall be deemed to include interest during construction of the bridge and for twelve months thereafter, and all engineering, legal, financing, architectural, traffic-surveying, condemnation, and other expenses incident to the bridge and the acquisition of the necessary property, including the cost of riparian rights relating to the bridge. If the proceeds of the bonds shall exceed the cost as finally determined the excess shall be placed in the fund hereafter provided to pay the principal and interest of such bonds. Prior to the preparation of definitive bonds the commission may, under like restrictions, issue temporary bonds or may, under like restrictions, issue temporary bonds or interim certificates without coupons, of any denomination whatsoever, exchangable for definitive bonds when such bonds that have been executed are available for delivery.

Tolls.

SEC. 5. The commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge or bridges in accordance with the provisions of this Act, and as provided by the Act of Congress approved March 23, 1906, as amended or supplemented. The rates and schedule of toll to be charged for the use of such bridge or bridges shall be adjusted from year to year and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge or bridges and approaches under efficient management, and to provide a fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge or bridges are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintenance, repair, and operation, and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than six months, the remainder of tolls collected shall be placed in a fund, at intervals to be determined by the commission prior to the issuance of the bonds, to pay the principal and interests of such bonds. An accurate record of the cost of the bridge or bridges and approaches; the 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. The commission shall classify in a reasonable way all traffic over the bridge or bridges so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within reasonable classes, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge or bridges for traffic except upon payment of tolls so fixed and adjusted. No toll shall be charged officials or employees of the commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties incident to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties.

34 Stat. 84.
33 USC 491-498.

Restriction.

Within a reasonable time after the construction of any bridge or bridges, or the acquisition of any bridge or bridges, the commission

Filing of construction cost statement.

shall file with the Commissioner of Public Roads, Department of Commerce, a sworn itemized statement showing the cost of constructing or reconstructing or purchasing the bridge or bridges and their approaches, the cost of acquiring any interest in real or other property necessary therefor, and the amount of bonds, debentures, or other evidence of indebtedness issued in connection with the construction or reconstruction or acquisition of said bridge or bridges.

Disposal of existing bridge.

SEC. 6. Nothing herein contained shall require the commission or its successors to maintain or operate any presently existing bridge acquired hereunder, if and when all bonds issued for account of such bridge shall have been retired or provision for the payment of interest on and the retirement of such bonds from the revenues from any other bridge shall have been made at the time of issuance of such bonds. Any such presently existing bridge so acquired and any appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned or dismantled whenever in the judgment of the commission or its successors, and subject to the approval of the Commissioner Public Roads, and the Secretary of the Army, it may be declared expedient so to do, and provisions with respect to and regulating any such sale, disposal, abandonment, or dismantlement may be included in proceedings for the issuance and sale of bonds for account of any such bridge. The commission and its successors may fix such rates of toll for the use of such bridge as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge to be constructed, provided tolls shall be fixed and revised from time to time for traffic over all bridges so as not to adversely reflect upon the earnings of any bridge or bridges for account of which bonds may be outstanding. An accurate record of the cost of acquiring or constructing each such bridge; the 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.

Record.

Conveyance to Iowa and Illinois interests.

SEC. 7. (a) After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the commission shall deliver deeds or other suitable instruments of conveyance of the interest of the commission in and to that part of said bridge or bridges within Iowa to the State of Iowa or any municipality or agency thereof authorized by or pursuant to law to accept the same (hereafter referred to as the "Iowa interests"), and that part of said bridge or bridges within Illinois to the State of Illinois or any municipality or agency thereof authorized by or pursuant to law to accept the same (hereafter referred to as the "Illinois interests"), under the condition that the bridge or bridges shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Iowa interests and the Illinois interests, as may be agreed upon; but if the Iowa or Illinois interests, as the case may be, fail to accept, or are not authorized to accept, their respective portions of said bridge or bridges, then the commission may deliver deeds, or other suitable instruments of conveyance of said portions, to any other interest which may accept and may be authorized to accept the same, under the condition that the bridge or bridges shall thereafter be free of toll and be properly maintained, operated, and repaired by the interests to whom said conveyances are delivered; but if either the Iowa interests, or the Illinois interests, or any other interest hereinabove mentioned shall not be authorized to accept or shall not accept the same under such conditions, then the bridge or bridges shall continue to be owned, maintained, operated, and repaired by the commission as a toll bridge, tolls to be charged being reduced so as to provide only such money as may

Conditions.

be necessary to pay maintenance, operators expense, and repairs, until such time as the Iowa interests, the Illinois interests, or any other interest hereinabove mentioned shall be authorized to accept and shall accept such conveyance under such conditions. The rate or rates of toll for crossing any bridge now existing or hereafter constructed or reconstructed which abuts upon or enters into the corporate limits of the city of Muscatine, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said commission for the account of any bridge or bridges shall be outstanding and unpaid. Before deeds or other suitable instruments of conveyance are offered to the Iowa interests and the Illinois interests for acceptance, the commission shall place the bridge or bridges in a state of repair which will meet the approval of the highway departments of the States of Iowa and Illinois, and if in the opinion of said highway departments said bridge or bridges will need repainting within two years after the date of conveyance of title, the commission shall turn over to the Iowa interests and the Illinois interests sufficient funds to pay the cost of repainting.

Repair and repainting.

(b) Notwithstanding any restrictions or limitation imposed by the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, the Commissioner of Public Roads, Department of Commerce, or any other Federal department or agency of the United States Government may extend Federal aid under such Act for the acquisition, reconstruction, or construction of said bridge or bridges out of any moneys allocated to the State of Iowa with the consent of the State highway commission of said State, and out of moneys allocated to the State of Illinois with the consent of the department of highways of said State.

39 Stat. 355. 16 USC 503; 23 USC 48.

SEC. 8. For the purpose of carrying into effect the objects stated in this Act, there is hereby created the Muscatine Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or property and apply same to the purposes of this Act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this Act.

Muscatine Bridge Commission.

The commission shall consist of L. R. McKee, E. W. Boynton, H. W. Ogilvie, G. J. Volger, and C. A. Rehwaldt, and a representative from the highway department of each of the States of Iowa and Illinois, such representative from Iowa to be designated by the State Highway Commission of Iowa and such representative from Illinois to be designated by its division of highways, department of public works and buildings; such commission shall be a public body corporate and politic, but is hereby declared not to be an agency of the Federal Government. Of the members of the commission hereinabove named, L. R. McKee and E. W. Boynton shall serve for a term of three years each, H. W. Ogilvie and C. A. Rehwaldt for a term of four years each, and G. J. Volger for a term of five years, from the date of approval of this Act, and thereafter each member appointed on the commission shall be for a term of five years, except when such appointment is to fill an unexpired term. Each member of the commission shall qualify within thirty days after the approval of this Act by filing with the secretary of the commission an oath that he will faithfully perform the duties imposed upon him by this Act, and each person appointed to fill a vacancy shall qualify in like manner within thirty days after

Members.

Oath.

Vacancy.

his appointment. Any vacancy in said commission, other than of members to be designated by the highway departments of Iowa and Illinois, occurring by reason of failure to qualify as above provided, or by reason of death, expiration of term, or resignation, shall be filled by two-thirds majority vote of the remaining members of the commission or by the Iowa State Highway Commission in the event the remaining members of the bridge commission are unable to agree upon such appointment within a period of ninety days from the date the vacancy occurred.

Bond.

Before the issuance of bonds as hereinabove provided, each member of the commission shall give bond in the sum of $10,000: *Provided*, That the chairman, and the secretary and the treasurer if they are members of the commission, shall give bond of $25,000 each conditioned upon the faithful performance of all duties required by this Act; the cost of such surety prior to and during the acquisition of the existing bridge or the reconstruction or the construction of a bridge shall be paid or reimbursed from the bond proceeds and thereafter such costs shall be deemed an operating expense. Bonds of the commission members shall be filed with the secretary of the commission. The commission shall annually elect from its members a chairman and a vice chairman, who shall each serve until his successor is elected, and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

Compensation, expenses, etc.

SEC. 9. The commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the commission shall be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and the maximum annual per diem compensation of each other member shall not exceed $2,000. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission.

Personnel.

The commission shall employ a secretary and may employ a treasurer, engineers, attorneys, and other such experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such reasonable compensation as the commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this Act.

Dissolution.

After all bonds and interest thereon shall have been paid and all other obligations of the commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge or bridges shall have been conveyed to the Iowa interests, and the Illinois interests, as herein provided, or otherwise disposed of as provided herein the commission shall be dissolved and shall cease to have further existence by an order of the United States District Court for the Southern District of Iowa made upon application of the commission or upon application of any other party in interest, but only after a public hearing in the city of Muscatine, Iowa, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof, in a newspaper published in the city of Muscatine, Iowa. At the time of dissolution all money in the hands of or to the credit of the commission shall be divided into equal parts, one of which shall be paid to said Iowa interests and the other to said Illinois interests, or to any other interest to which the bridge or bridges is conveyed.

Contracts.

SEC. 10. Notwithstanding any of the provisions of this Act, the commission shall have full power and authority to negotiate and enter into a contract or contracts with the State Highway Commission of

Iowa and the Department of Highways of Illinois, or any governmental entity in the State of Illinois or the State of Iowa, or any nongovernmental group in the State of Iowa or any nongovernmental group in the State of Illinois or the United States Government or any agency or department thereof, whereby the commission may receive financial aid, or any other aid, in the acquisition and maintenance of an existing bridge and approaches and appurtenances thereto; or the reconstruction or construction of a bridge and approaches and appurtenances thereto.

The said commission may avail itself of all the facilities of the State Highway Commission of the State of Iowa and the Department of Highways of the State of Illinois, or any subdivision of either State, or any department or agency of the United States Government, with regard to the acquisition of the existing bridge or the reconstruction or construction of a bridge. The commission may make and enter into any contract or contracts which it deems expedient and proper with the State Highway Commission of Iowa, or the Department of Highways of Illinois, or any governmental agency, department, or subdivision of either or both States, or the United States Government or any department or agency thereof, whereby they or any of them may, by contract, participate with the commission in the financing, acquisition, operation, and maintenance of an existing bridge and the approaches and appurtenances thereto, or may participate with the commission in the financing, reconstruction or construction, operation, and maintenance of a bridge and approaches and appurtenances thereto. It is hereby declared to be the ultimate desire and purpose of Congress to facilitate the construction of a bridge and proper approaches and appurtenances thereto across the Mississippi River at or near Muscatine, Iowa, and the town of Drury, Rock Island County, Illinois, and to empower the Muscatine Bridge Commission to promote said object and purpose. The powers given to the commission shall be broadly construed so that the ultimate desire and purpose of Congress may be fulfilled, which will facilitate interstate commerce, facilitate the postal service, and provide modern adequate bridge facilities for the military and promote national defense and security.

Purpose of Congress.

SEC. 11. Nothing herein contained shall be construed to authorize or permit the commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds contemplated to be provided by this Act. No obligation created or liability incurred pursuant to this Act shall be a personal obligation or liability of any member or members of the commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

Obligations.

SEC. 12. The design and construction of any bridge which may be built pursuant to this Act shall be in accordance with the standard specifications for highway bridges adopted by the American Association of State Highway Officials, and the location and design of any such bridge shall be subject to approval by the highway departments of the States of Iowa and Illinois.

Design and construction.

SEC. 13. Any bridge or bridges constructed, acquired, or reconstructed under authority of this Act shall be constructed, maintained, and operated in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, as amended or supplemented. By reason of the commission hereinbefore created being a public body the provisions of the Securities Act of 1933 and of the Trust Indenture Act of 1939,

Operation.

34 Stat. 84.
33 USC 491-498.

Nonapplicability.

48 Stat. 74; 53 Stat. 1149.
15 USC 77a, 77aaa.

and any amendments to either or both of said Acts, shall not apply to bonds authorized to be issued by this Act.

Federal instrumentality.

SEC. 14. The bridge or bridges purchased or constructed under the authority of this Act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall be exempt from all Federal, State, municipal, and local property and income taxation.

Tax exemption.

Jurisdiction.

SEC. 15. Upon complaint of the attorney general of the State of Iowa or the attorney general of the State of Illinois or upon complaint of any other party in interest the United States District Court for the Southern District of Iowa shall have jurisdiction over the commission with respect to the enforcement and prevention of violation of the provisions of this Act.

Reservation.

SEC. 16. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved July 26, 1956.

Public Law 812 — CHAPTER 744

July 26, 1956
[H. R. 8149]

AN ACT

To amend the Act of April 1, 1942, so as to permit the transfer of an action from the United States District Court for the District of Columbia to the municipal court for the District of Columbia at any time prior to trial thereof, if it appears that such action will not justify a judgment in excess of $3,000.

D. C. Municipal Court.
Transfer of actions from District Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 (a) of the Act entitled "An Act to consolidate the police court of the District of Columbia and the municipal court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942 (D. C. Code, sec. 11–756), is amended to read as follows: "If, in any action, other than an action for equitable relief, pending on the effective date of this Act or thereafter commenced in the United States District Court for the District of Columbia, it shall appear to the satisfaction of the court at any time prior to trial thereof that the action will not justify a judgment in excess of $3,000, the court may certify such action to the municipal court for the District of Columbia for trial."

56 Stat. 193.

Approved July 26, 1956.

Public Law 813 — CHAPTER 745

July 26, 1956
[H. R. 12237]

AN ACT

To encourage and assist the States in the establishment of State committees on education beyond the high school, and for other purposes.

Higher education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares that the impending great increases in enrollment in higher education institutions, the great national need for increased numbers of scientists, engineers, teachers, technicians, nurses, and other trained personnel, the rapid changes in conditions which necessitate additional education for many adults, the dependence of the national security on the research and advanced prepara-