

(a) That an annual rental of such sum as the Secretary of the Interior may fix for the use of the lands, shall be paid to the United States.

Annual rental.

(b) That the lessee shall maintain the lands in such condition, and provide for the furnishing of such facilities, service, fuel, and other supplies, as are necessary to make the lands available for public use as an airport of a rating which may be prescribed by the Secretary of Commerce.

Maintenance, facilities, etc.

(c) That the lessee shall make reasonable regulations to govern the use of the airport, but such regulations shall take effect only upon approval by the Secretary of Commerce.

Regulations to govern use.

(d) That all departments and agencies of the United States operating aircraft (1) shall have free and unrestricted use of the airport, and (2) with the approval of the Secretary of the Interior, shall have the right to erect and install therein such structures and improvements as the heads of such departments and agencies deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft.

Unrestricted use, etc., by Federal aircraft agencies.

(e) That whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airport.

Full control for military purposes if necessary.

SEC. 3. With the consent of the lessee, the Secretary of the Interior is authorized to cancel any lease of public lands for use as public aviation fields or airports, made under law in force upon the date of the approval of this Act, and to lease such lands to the lessee upon the conditions prescribed by this Act.

Cancelling present leases, and issuing new ones under this Act, authorized.

SEC. 4. The Secretary of the Interior is hereby authorized, in his discretion and under such rules as he may prescribe, to grant permission for the establishment of beacon lights and other air-navigation facilities, except terminal airports, upon tracts of unreserved and unappropriated public lands of the United States of appropriate size, and may withdraw the lands for such purposes.

Discretionary permission for beacon lights, etc., on unreserved public lands.

Approved, May 24, 1928.

CHAP. 729.—An Act Authorizing The Kansas City Southern Railway Company, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River near Randolph, Missouri.

May 24, 1928.  
[H. R. 11338.]  
[Public, No. 500.]

*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, The Kansas City Southern Railway Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near a point approximately one mile southeast of Randolph, Missouri, 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.

Missouri River.  
Kansas City Southern Railway Company may bridge, at Randolph, Mo.

SEC. 2. The Kansas City Southern Railway Company, its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said The Kansas City Southern Railway Company, its successors and assigns, all such rights and powers to enter upon lands

Construction.

Vol. 34, p. 84.  
Post, p. 1431.

Character of bridge.

Right to acquire real estate, etc., for location, approaches, etc.

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| Condemnation proceedings.                                                     | and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Acquisition of highway bridge authorized, after completion, by Missouri, etc. | <p>SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge, only, either the State of Missouri, any 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 twenty 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 interests 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 interests in real property; and (4) actual expenditures for necessary improvements.</p>     |
| Compensation if acquired by condemnation.                                     | <p>SEC. 4. If such bridge shall at any time be taken over or acquired by the State of Missouri or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this Act, and if tolls are charged for the use thereof, the rates of toll 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 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.</p> |
| Limitations.                                                                  | <p>SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this Act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Tolls under State, etc., operation.                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Rates applied to operation, sinking fund, etc.                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Maintenance as a free bridge, etc., after amortizing costs.                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Record of expenditures and receipts.                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Purchase or condemnation of combined railroad and highway bridge.             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Compensation for right of way.                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this Act and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this Act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Kansas City Southern Railway 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 department of the State of Missouri 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 Missouri 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 The Kansas City Southern Railway Company, its successors and assigns, shall make available all of its 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 3 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Kansas City Southern Railway Company, its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the Act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this Act, the said The Kansas City Southern Railway Company, its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said Act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to The Kansas City Southern Railway 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.

SEC. 9. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 24, 1928.

Maintenance, etc., of highway bridge.

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

Examination by Secretary of War.

Findings of Secretary conclusive.

Tolls authorized.

Vol. 34, p. 85.

If a joint railroad and highway bridge, contract authorized for use for railway trains, and other public utilities.

Determination in absence of contract.

Vol. 34, p. 85.

Right to sell, etc., conferred.

Amendment.