

# Calendar No. 831.

62D CONGRESS, }  
2d Session. }

SENATE.

} REPORT  
No. 947.

*U. S. Congress, Senate, Committee on Commerce.*

## BRIDGE ACROSS PENOBSCOT RIVER BETWEEN BANGOR AND BREWER, ME.

JULY 18, 1912.—Ordered to be printed.

Mr. MARTIN of Virginia, from the Committee on Commerce, submitted the following

### REPORT.

[To accompany S. 6763.]

The Committee on Commerce, to whom was referred the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw, having considered the same, report thereon with a recommendation that it pass with amendment.

The bill has been submitted to the War Department, as will appear by the attached communication from the Secretary, transmitting a letter from the Chief of Engineers, in which he gives the pertinent facts in the case without making any recommendations. Attention is also invited to the report of the local engineer, a copy of which is hereto attached and made a part of this report.

[First indorsement.]

WAR DEPARTMENT, June 18, 1912.

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, United States Army, dated 15th instant, and statement of Col. Craighill referred to.

ROBERT SHAW OLIVER,  
*Assistant Secretary of War.*

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
*Washington, June 15, 1912.*

The SECRETARY OF WAR.

SIR: I have the honor to return herewith Senate bill 6763, referred by the Senate Committee on Commerce with request for the views of the War Department thereon.

2. The object of the bill is to authorize the construction of a drawless bridge across Penobscot River between the cities of Bangor and Brewer, in the State of Maine, on

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the site of an existing bridge, and to declare that portion of the river above said site "to be not navigable waters of the United States within the meaning of the laws of Congress" enacted for the preservation and protection of such waters.

3. The subject matter has been under consideration by the district engineer officer, Col. W. E. Craighill, Corps of Engineers, and I beg to invite attention to the accompanying statement furnished by him showing existing conditions at the locality.

4. It appears that there are two bridges crossing the Penobscot River at Bangor, a highway bridge owned by the cities of Bangor and Brewer and a railroad bridge owned by the Maine Central Railroad Co., the latter being a short distance above the former. The highway bridge was built under authority of a law of the State which requires a draw to be maintained therein. The railroad bridge was built under a State act incorporating a railroad company, and is provided with a draw, although the act does not specifically require it. Above the railroad bridge and about  $1\frac{1}{2}$  miles distant is a dam maintained by the city of Bangor for municipal purposes. This dam is considered the head of navigation, but is provided with a sluiceway for logs. The commerce of the upper stretch of the river passing under the bridges is stated to be considerable, but is limited to logs, rafts, and scows. It is further stated that the existing draws in the bridges have been required to be opened so seldom that gas mains, electric wires, tracks, etc., have been laid thereon in such a way as to prevent their opening within a reasonable time, and it is judged, from the fact that no complaint has been lodged with the department, that very little use, if any, is desired to be made of the stretch of river above the bridges by masted vessels.

5. The necessity for the proposed legislation, from the standpoint of the local authorities, apparently arises from the fact that the State law under authority of which the highway bridge was built requires that the structure be provided with a draw. The enactment by Congress of the bill under consideration would permit the rebuilding and maintenance of both highway and railroad bridges without draws.

6. It is believed that any navigation interests in the  $1\frac{1}{2}$ -mile stretch of river above the said bridges is at present of a local character entirely, and that the interests of general commerce would not at present be seriously affected by the construction of drawless bridges at the locality in question and the elimination of this part of the stream from the status of a public navigable waterway. The matter is one that apparently concerns the local authorities and their Representatives in Congress more than anyone else. It is competent for Congress to enact the proposed legislation, and the propriety of doing so rests in the wisdom of that body. I therefore merely submit the pertinent facts in the case and express no opinion on the merits of the proposition embraced in the bill.

Very respectfully,

W. H. BIXBY,  
*Chief of Engineers, United States Army.*

STATEMENT OF COL. W. E. CRAIGHILL, CORPS OF ENGINEERS, REGARDING THE BRIDGES  
CROSSING PENOBSCOT RIVER BETWEEN BANGOR AND BREWER, ME.

So far as the operations of the United States Government in the way of improvement at Bangor are concerned, they have been limited to that section of the harbor below the Bangor and Brewer highway bridge, which point, because of the existence of the bridges, has been regarded of late years as the head of usual and practical navigation for large vessels.

The Bangor and Brewer highway bridge and the Maine Central Railroad bridge cross the Penobscot River at Bangor and are about 300 feet apart at the Bangor side, but converge so that at the Brewer side the distance between them is about 80 feet. The highway bridge is the lower or downstream one.

It appears that the charter for the highway bridge was by an act approved February 16, 1828, entitled "An act to incorporate the proprietors of the Bangor Bridge." It permitted the construction of a toll bridge and required that "said proprietors shall build and keep a convenient and sufficient draw or passageway, at least thirty-four feet wide, at such place in said bridge as will be proper for the passage of vessels, by day and by night, through the same, and a suitable wharf or pier on each side of said bridge and adjoining said draw, sufficient for vessels to lie at; and said draw shall be lifted for all vessels without toll or pay, except for boats or vessels passing for pleasure, and all vessels intended to pass through said draw shall be free of charge at said wharf or pier until suitable time shall offer for passing the same."

The act of 1870 incorporating the Penobscot & Union River Railroad Co. granted authority to that company to cross the Penobscot River above the Bangor and Brewer toll bridge, but made no mention of a draw. A draw was, however, provided.



Between the upper of these bridges and the dam, which is at the head of navigation and in which there is no lock, the distance is about 6,900 feet. The dam was built in 1876, and is owned by the city of Bangor for its water supply. Power is developed for pumping and for public lighting. The dam has a sluiceway for logs.

The mean range in tide at Bangor is about 13 feet. The section of river between the dam and the bridges has steep rocky banks, particularly so on the Brewer side. The bottom is rocky, and for about one-half the distance the slope is such as to form rapids impracticable for navigation of any kind (logs excluded) except possibly at and near high water. The depth in the remaining portion is irregular. The bank on the Brewer side does not afford practicable wharf sites, and on the Bangor side it is shoal. The depth in the draw of the highway bridge is about 4 feet at mean low tide.

The highway bridge and the railroad bridge draws have been opened very seldom, so infrequently in fact that gas mains, electric wires, railroad tracks, etc., have been so laid that to open either draw requires considerable notice and involves quite an amount of trouble and labor. It is reported that within a recent period a vessel made demand for passage through the bridges, and that rather than open the draws the city of Bangor and the Maine Central Railroad paid the expense of carting the cargo from some point below.

I do not know that the city of Bangor or the Maine Central Railroad have secured from the property owners for the approximate  $1\frac{1}{4}$  miles shore front above the bridges a relinquishment of their right to bring masted vessels upstream, nor if such relinquishment had been granted that others not interested in this particular shore front should not be able to demand the right of ordinary navigation above the bridges. This portion of the river is now generally used only by small craft without masts, scows and for logging operations. The bridge piers are located in such way as to admit free passage for this class of traffic under the fixed spans, and this answers all the present and ordinary needs of commerce.

The owners of the shore properties above the bridges have been interviewed, with a few exceptions. The only objection to the closing of the draws came from the owner of a small lot next to the railroad bridge, on the Brewer side. All others were either indifferent or in favor of closing, with occasionally a qualification that the bridge owners might be allowed to close the draws for the present, but should be held liable to be required to replace them should navigation at any time in the future require it. Several went so far as to volunteer their approval in writing of the proposition to close.

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The highway bridge is owned by the cities of Bangor and Brewer, and the water front between the bridges and the dam lies wholly within the limits of those cities. The matter thus becomes almost entirely, if not quite so, one of local interest, and in my opinion the desire of the local authorities, particularly in view of the absence of opposition, should prevail so far as practicable.

