

AMENDMENTS TO HOUSE BILL NO. 1773 (As amended by A04785)

Sponsor: REPRESENTATIVE GABLER

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1 Amend Bill, page 1, lines 1 through 27; page 2, line 1
2 (A04785), by striking out all of said lines on said pages and
3 inserting

4 Amend Bill, page 1, lines 1 through 4, by striking out all of
5 said lines and inserting

6 Repealing in part the act of June 13, 1836 (P.L.551, No.169),
7 entitled "An act relating to roads, highways and bridges."

8 Amend Bill, page 1, lines 7 through 19, by striking out all
9 of said lines and inserting

10 Section 1. Sections 11, 12, 13, 14, 16 and 17 of the act of
11 June 13, 1836 (P.L.551, No.169), referred to as the General Road
12 Law, are repealed:

13 [Section 11. Proceedings to open private roads

14 The several Courts of Quarter Sessions shall, in open court
15 as aforesaid, upon the petition of one or more persons,
16 associations, partnerships, stock companies, or corporations,
17 for a road from their respective lands or leaseholds to a
18 highway or place of necessary public resort, or to any private
19 way leading to a highway, or upon the petition of the chief
20 executive officer of any executive or administrative department
21 of the state government for a road from any public highway
22 across any lands of any person, association, or corporation to
23 the boundary line of any lands owned, controlled, or
24 administered by the commonwealth, direct a view to be had of the
25 place where such road is requested, and a report thereof to be
26 made, in the same manner as is directed by the said act of
27 thirteenth june, one thousand eight hundred and thirty-six.

28 Section 12. Proceedings on report of viewers

29 If it shall appear by the report of viewers to the court
30 directing the view, that such road is necessary, the said court
31 shall direct what breadth the road so reported shall be opened,
32 and the proceedings in such cases shall be entered on record, as
33 before directed, and thenceforth such road shall be deemed and
34 taken to be a lawful private road.

35 Section 13. Gates

36 In all cases of a private road, it shall be lawful for the
37 owners of the land over which the same may be laid out or

1 authorized, to apply to the court aforesaid for leave to hang
2 and maintain at their own expense, swinging gates across the
3 road, and thereupon the court shall direct the viewers appointed
4 to view such road, or in case the road has been already laid
5 out, may appoint other viewers in manner aforesaid, to inquire
6 and report whether the same may be done without much
7 inconvenience to the persons using such road.

8 Section 14. When gates shall be erected

9 If it shall appear to the court that a gate or gates may be
10 hung as aforesaid, according to the prayer of the party, without
11 much inconvenience to the person or persons using such road,
12 they shall decree accordingly, and in such decree they shall
13 order and direct that such gate or gates be made and kept in
14 repair, and made easy for passing, by the respective owners of
15 said land.

16 Section 16. Damages

17 The damages sustained by the owners of the land through which
18 any private road may pass shall be estimated in the manner
19 provided in the case of a public road, and shall be paid by the
20 persons, associations, partnership, stock companies,
21 corporations, or executive or administrative department of the
22 commonwealth, at whose request the road was granted or laid out:
23 Provided, that no such road shall be opened before the damages
24 shall be fully paid.

25 Section 17. Use by others than petitioners

26 Whenever any person shall be desirous to make use of a private
27 road laid out on the petition and at the expense of others, such
28 person may apply by petition to the Court of Quarter Sessions of
29 the respective county, to be admitted to participate in the
30 privilege of the said road, and thereupon such court shall have
31 power to determine what sum he shall contribute to the persons
32 at whose expense the said road was laid out, and also what
33 further sum he shall pay to the owners of the soil over which
34 the said road was made, and upon the payment thereof, such
35 person shall be entitled to equal rights and privileges, and be
36 subject to like duties and liabilities with the original
37 applicants for said road.]

38 Section 2. This act shall take effect in 60 days.