

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1375 Session of
2011

INTRODUCED BY KRIEGER, CALTAGIRONE, GILLESPIE, EVANKOVICH, MURT,
RAPP, REESE, SACCONI AND METZGAR, APRIL 25, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 25, 2011

AN ACT

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

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. The act of June 13, 1836 (P.L.551, No.169),
6 referred to as the General Road Law, is repealed:

7 [AN ACT
8 Relating to roads, highways and bridges.

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4 Section 1. Appointment of viewers

5 The court of quarter sessions of every county of the
6 Commonwealth, on being petitioned to grant a view for a road
7 within the respective county, shall have power and are hereby
8 required, in open court, to appoint, as often as may be needful,
9 three persons, qualified as hereinafter is provided, to view the
10 ground proposed for such road, and make report of their
11 proceedings to the respective court at the next term thereof:
12 Provided, That the provisions of this act, relative to the
13 appointment of viewers to lay out roads and to assess damages,
14 shall not extend to the City and County of Philadelphia,
15 hereinafter specially provided for.

16 Section 2. Duties of viewers

17 The persons appointed as aforesaid, shall view such ground,
18 and if they shall agree that there is occasion for a road, they
19 shall proceed to lay out the same, having respect to the
20 shortest distance, and the best ground for a road, and in such
21 manner as shall do the least injury to private property, and
22 also be, as far as practicable, agreeable to the desire of the
23 petitioners.

24 Section 3. Report of viewers

25 The viewers as aforesaid, shall make report at the next term
26 of the said court, and in the said report shall state
27 particularly: first, who of them were present at the view;
28 second, whether they were severally sworn or affirmed; third
29 whether the road desired be necessary for a public or private
30 road; they shall also annex and return to the court a plot or

1 draft thereof, stating the courses and distances, and noting
2 briefly the improvements through which it may pass, and whenever
3 practicable, the viewers shall lay out the said roads at an
4 elevation not exceeding five degrees, except at the crossing of
5 ravines and streams, where by moderate filling and bridging, the
6 declination of the road may be preserved within that limit.

7 Section 4. Proceedings on report of viewers

8 If the court shall approve of the report of the viewers
9 allowing a road, they shall direct of what breadth the road so
10 approved shall be opened, and at the next court thereafter the
11 whole proceedings shall be entered on record, and thenceforth
12 such road shall be taken, deemed and allowed to be a lawful
13 public road or highway, or private road, as the case may be.

14 Section 5. Width of public and private roads; rights of
15 owners as to slopes; townships of second class; payment for
16 relocation of public service facilities

17 The breadth of a private road shall not in any case exceed
18 twenty-five feet, and the width of a public road shall not be
19 less than thirty-three feet and shall have such maximum width as
20 shall be determined necessary in the judgment of the Secretary
21 of Highways: Provided, That when the public road desired to be
22 opened is in a built up section of any township of the second
23 class of the type commonly known as an alley and is not an
24 integral part of a through route, the minimum width shall be
25 fifteen feet: And provided further, That where the breadth of a
26 public road shall hereafter be fixed at more than one hundred
27 and twenty feet and the right of way for such public highway has
28 been acquired solely by the Federal Government and it shall
29 become necessary to move or relocate any public service
30 facilities, the cost and expenses incident to such removal or

1 relocation shall be paid by the federal government.

2 Section 7. Appointment on petition

3 The owner of any land through which a public road shall be
4 opened as aforesaid, may, within one year from the opening of
5 the same, apply by petition, to the Court of Quarter Sessions of
6 the proper county, setting forth the injury which he or she may
7 have sustained thereby, and thereupon, the said court shall
8 appoint six disinterested persons to view the premises and
9 assess the damages, if any, which such petitioner may have
10 sustained.

11 Section 8. Approval of report; payment of damages

12 The viewers so appointed, shall make report in writing to the
13 next Court of Quarter Sessions, and if their report be approved
14 by the court, the amount of damages awarded shall be paid by the
15 County Treasurer out of the county stock, to the party entitled
16 thereto.

17 Section 9. Benefits to be considered in assessing damages

18 In assessing the damages as aforesaid, the viewers shall take
19 into consideration the advantages derived from such road passing
20 through the land of the complainant.

21 Section 11. Proceedings to open private roads

22 The several Courts of Quarter Sessions shall, in open court
23 as aforesaid, upon the petition of one or more persons,
24 associations, partnerships, stock companies, or corporations,
25 for a road from their respective lands or leaseholds to a
26 highway or place of necessary public resort, or to any private
27 way leading to a highway, or upon the petition of the chief
28 executive officer of any executive or administrative department
29 of the state government for a road from any public highway
30 across any lands of any person, association, or corporation to

1 the boundary line of any lands owned, controlled, or
2 administered by the commonwealth, direct a view to be had of the
3 place where such road is requested, and a report thereof to be
4 made, in the same manner as is directed by the said act of
5 thirteenth june, one thousand eight hundred and thirty-six.

6 Section 12. Proceedings on report of viewers

7 If it shall appear by the report of viewers to the court
8 directing the view, that such road is necessary, the said court
9 shall direct what breadth the road so reported shall be opened,
10 and the proceedings in such cases shall be entered on record, as
11 before directed, and thenceforth such road shall be deemed and
12 taken to be a lawful private road.

13 Section 13. Gates

14 In all cases of a private road, it shall be lawful for the
15 owners of the land over which the same may be laid out or
16 authorized, to apply to the court aforesaid for leave to hang
17 and maintain at their own expense, swinging gates across the
18 road, and thereupon the court shall direct the viewers appointed
19 to view such road, or in case the road has been already laid
20 out, may appoint other viewers in manner aforesaid, to inquire
21 and report whether the same may be done without much
22 inconvenience to the persons using such road.

23 Section 14. When gates shall be erected

24 If it shall appear to the court that a gate or gates may be
25 hung as aforesaid, according to the prayer of the party, without
26 much inconvenience to the person or persons using such road,
27 they shall decree accordingly, and in such decree they shall
28 order and direct that such gate or gates be made and kept in
29 repair, and made easy for passing, by the respective owners of
30 said land.

1 Section 15. Repair of private roads

2 All private roads shall be opened, fenced and kept in repair
3 by and at the expense of the person or persons respectively at
4 whose request the same were granted and laid out, and by their
5 heirs and assigns.

6 Section 16. Damages

7 The damages sustained by the owners of the land through which
8 any private road may pass shall be estimated in the manner
9 provided in the case of a public road, and shall be paid by the
10 persons, associations, partnership, stock companies,
11 corporations, or executive or administrative department of the
12 commonwealth, at whose request the road was granted or laid out:
13 Provided, that no such road shall be opened before the damages
14 shall be fully paid.

15 Section 17. Use by others than petitioners

16 Whenever any person shall be desirous to make use of a
17 private road laid out on the petition and at the expense of
18 others, such person may apply by petition to the Court of
19 Quarter Sessions of the respective county, to be admitted to
20 participate in the privilege of the said road, and thereupon
21 such court shall have power to determine what sum he shall
22 contribute to the persons at whose expense the said road was
23 laid out, and also what further sum he shall pay to the owners
24 of the soil over which the said road was made, and upon the
25 payment thereof, such person shall be entitled to equal rights
26 and privileges, and be subject to like duties and liabilities
27 with the original applicants for said road.

28 Section 18. Authority of courts

29 The courts aforesaid shall, within their respective counties,
30 have authority, upon application to them by petition, to inquire

1 of any to change or vacate the whole or any part of any private
2 or public road which may have been laid out by authority of law,
3 whenever the same shall become useless, inconvenient or
4 burthensome notwithstanding the fact that the vacation of a part
5 of a public road results in leaving the remaining part or parts
6 of the road with one of its termini at a point other than in a
7 public highway or place of public resort: Provided, that the
8 other terminus of each of the remaining parts of the road is in
9 a public road and that each remaining part of the road is
10 necessary for public travel or for the use of a property owner
11 or owners located on such remaining part. The said courts shall
12 proceed therein by views and reviews, in the manner provided for
13 the laying out of public roads and highways.

14 Section 19. Vacating of roads not opened

15 Roads laid out and confirmed as aforesaid, but not opened,
16 may be vacated and annulled upon the petition of a majority of
17 the original petitioners for the said road, resident within the
18 respective county, in the same manner as other roads may be
19 vacated: Provided, that no person residing or owning land along
20 the route of such road, shall in such case be a viewer or
21 reviewer.

22 Section 20. Changes of State Roads

23 The said courts respectively, shall also have power in the
24 manner aforesaid, to change, or supply by a new road, the route
25 of any State road which may be laid out by direction of any act
26 of assembly, within their respective counties, and thereupon to
27 vacate so much of such State road as shall be supplied:
28 Provided, that no change shall be allowed in any such road,
29 which shall make the same of a greater ascent or descent than
30 five degrees from a horizontal line.

1 Section 22. Exceptions to power of courts to vacate

2 Nothing in this act shall be construed to give authority to
3 any of the courts of the Commonwealth to vacate any lane, street
4 or highway within any city, borough, town plot, or any town or
5 village laid out by the late Proprietaries or by any other
6 person, and dedicated to the public use; not to vacate any cart-
7 way laid out by the order of court, and not repairable at the
8 charge of the public, nor shall such authority extend to any
9 road, way or passage claimed by any person as a private right,
10 nor to rivers or streams of water.

11 Section 23. Application to vacate

12 Every application to vacate any road as aforesaid, shall be
13 in writing, and signed by the applicants; it shall set forth, in
14 a clear and distinct manner, the situation and other
15 circumstances of such road or highway, or of the part thereof
16 which the applicants may desire to have vacated as aforesaid.

17 Section 24. When old roads shall be closed

18 Whenever the whole or any part of a road shall be changed or
19 supplied, the same shall not be shut up or stopped until the
20 road laid out to supply the place thereof shall be actually
21 opened and made.

22 Section 25. Review.

23 In all cases of views for any purpose mentioned in this act,
24 the respective court shall, on petition of any person
25 interested, direct a second view or review for the same purpose:
26 Provided, that application therefor be made at or before the
27 next term of the said court, after the report upon the first
28 view.

29 Section 26. County line roads and inter-county roads

30 Roads upon and along a line which divides two adjoining

1 counties, and roads forming or intended to form a continuous
2 highway from one county to another, may be laid out, or altered,
3 or vacated in the manner provided in the case of other roads,
4 except that the Court of Quarter Sessions of each county shall
5 appoint three viewers, and that a report, as aforesaid, shall be
6 made to each court, respectively, and that each court shall
7 otherwise have and exercise concurrent jurisdiction therein.

8 Section 46. Manner of authorization

9 Bridges over any river, creek, or rivulet, being on the line
10 of adjoining counties, or located within one-fourth of a mile
11 therefrom, and necessary for the accommodation of the
12 inhabitants of both counties, shall be authorized in the manner
13 provided in the case of other county bridges, except that the
14 Court of Quarter Sessions of each county shall appoint three of
15 the viewers, and that a report as aforesaid be made to the said
16 courts, respectively, and that the said courts shall, together
17 with the grand juries and commissioners of the respective
18 counties, in all other respects have and exercise a concurrent
19 jurisdiction and discretion therein: Provided, however, that
20 nothing herein contained shall prevent any county in this
21 Commonwealth from erecting a bridge at any point wholly within
22 the limits of said county, without any view, or other
23 proceedings whatsoever, in any adjoining county.

24 Section 47. Construction and maintenance

25 Every such bridge shall be constructed by contract with the
26 commissioners of both the said counties; it shall be inspected,
27 in the manner aforesaid, by persons appointed by the Court of
28 Quarter Sessions of either of the said counties; it shall be
29 paid for, maintained, and kept in repair by said commissioners,
30 the cost and expense of which joint construction, maintenance,

1 and repair shall be paid by said counties, respectively, in the
2 proportion of the population thereof as ascertained at the last
3 decennial census, and if either county shall necessarily incur
4 more than its due proportion of such charge, it shall be lawful
5 for such county to recover from the other county the excess so
6 incurred, and in an action to be founded on this act: Provided,
7 this shall apply only to counties having a population of two
8 hundred thousand and under, and, in such counties, to bridges
9 three hundred feet (300) in length and over.

10 Section 48. Builders may take materials from adjoining lands

11 It shall be lawful for the undertaker of any public bridge,
12 to enter upon the lands and enclosures near to the place where
13 such bridge is to be built, for the purpose of searching for and
14 procuring the materials necessary for the building of such
15 bridge, in like manner, and with like authority, as is
16 hereinbefore provided in behalf of the supervisors of the public
17 roads in the like case.

18 Section 49. Damages

19 If the undertaker of such bridge and the owner of such
20 materials cannot agree upon the sum to be paid for the damages,
21 which may be done by the taking of such materials, such damages
22 shall be ascertained in the manner provided in the case of
23 materials taken by the supervisors of the public roads.

24 Section 50. Payment or security of damages

25 The damages shall be ascertained and paid, or secured to be
26 paid, to the satisfaction of the owner of such materials, before
27 the same may be dug, quarried, or removed by such undertaker.

28 Section 51. Who may be viewers

29 Any discreet and reputable citizen qualified to vote for
30 members of the Legislature, may be appointed a viewer for any of

1 the purposes mentioned in this act, but except it be otherwise
2 especially provided, the court appointing viewers, shall select
3 them as far as practicable, from persons residing near the place
4 to be viewed.

5 Section 53. Viewers to be sworn

6 All viewers and reviewers appointed for any purpose mentioned
7 in this act, also all persons appointed to inspect any bridge as
8 aforesaid, shall, before they proceed to the duties of their
9 appointment respectively, make oath or affirmation to perform
10 the same impartially, and according to the best of their
11 judgment, which oath or affirmation may be administered to them
12 by any magistrate of the respective county, or by any one of
13 their number.

14 Section 54. Expense of views

15 The expense of views of private roads, and the expense of any
16 review, or of any view subsequent to a review of a private or
17 public road, shall be wholly paid by the persons applying for
18 the same.

19 Section 55. Expense of view to assess damages

20 The expense of a view to assess the damages sustained by the
21 owner of land taken as aforesaid, for a public road, shall be
22 paid by the respective county, and the expense of such view in
23 the case of a private road, shall be paid by the person or
24 persons at whose instance the same was allowed.

25 Section 56. Expense of view of county bridges

26 The expense of the inspection or view of a county bridge as
27 aforesaid, shall be paid by the respective county, but if such
28 bridge shall not be approved, the said expense shall be
29 recoverable by such county, as damages against the delinquent
30 commissioner or contractor.

1 Section 57. Expense of view for a gate

2 In case of a separate view directed upon an application for
3 leave to hang and maintain gates across a private road, as
4 aforesaid, the expense of such view shall be paid by the
5 applicants.

6 Section 58. Surveyor to be paid by applicant

7 In all cases of a view or review, or of any view subsequent
8 to a review of a road, a surveyor shall be found and paid by the
9 persons applying for such views.

10 Section 65. Extortion from travelers by road or highway
11 workmen

12 If any person working upon any road or highway, or if any one
13 in company with such person, shall ask money or reward, or by
14 any means whatever, shall extort, or endeavor to extort, any
15 money, drink, or other thing, of or from any person traveling
16 upon or near such road or highway, the person so offending
17 shall, for every such offence, forfeit and pay a sum not
18 exceeding five dollars.

19 Section 70. Crossing bridge with horse faster than a walk

20 If any person shall wilfully ride, walk or lead, or cause
21 another person to ride, drive or lead, any horse or other beast
22 of burden, faster than a walk, when crossing any wooden bridge
23 having an arch of the length or span of forty-five feet or
24 upwards, such persons shall, for every such offense, forfeit and
25 pay a sum not less than five dollars, nor more than thirty
26 dollars: Provided nevertheless, That notice of the provisions of
27 this section be set up in the manner hereinbefore required.

28 Section 71. Driving cattle faster than a walk

29 If any person shall wilfully drive, or cause to be driven,
30 any horned cattle, faster than a walk, when crossing any such

1 bridge, such person shall, for every such offence, forfeit and
2 pay a sum not less than five dollars, nor more than thirty
3 dollars: Provided nevertheless, that notice hereof be set up in
4 the manner hereinbefore.

5 Section 72. Carrying fire over a bridge

6 If any person shall carry fire over such bridge, except in a
7 lantern, or in some vessel in which it will be fully secured,
8 such person shall forfeit and pay the sum of five dollars:
9 Provided nevertheless, that notice of the provisions of this
10 section be set up in the manner hereinbefore required.

11 Section 75. Recovery of penalty

12 All fines and pecuniary penalties which may be incurred under
13 any of the provisions of this act shall, unless it be otherwise
14 especially provided, be recoverable in the name of the
15 Commonwealth, at the instance of any person who will sue
16 therefor, in the same manner as debts of like amount are
17 recoverable, with costs of suit, and one moiety thereof shall be
18 paid to the person suing for and recovering the same, and the
19 residue shall be paid into the treasury of the respective
20 townships, for the use of the supervisors of the public roads.]

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