

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1386

Session of
1981

INTRODUCED BY PITTS, E. Z. TAYLOR, REBER, E. H. SMITH, BOWSER,
ARMSTRONG, VROON AND PETERSON, MAY 5, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 1, 1981

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled
2 "An act relating to roads, streets, highways and bridges;
3 amending, revising, consolidating and changing the laws
4 administered by the Secretary of Highways and by the
5 Department of Highways relating thereto," PROVIDING FOR <—
6 NEGOTIATIONS DURING BETTERMENT PROJECTS FOR VOLUNTARY TURN
7 BACKS AND further providing for maintenance of State highways
8 by municipalities.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 401, act of June 1, 1945 (P.L.1242,~~ <—
12 ~~No.428), known as the "State Highway Law," is amended to read:~~

13 SECTION 1. THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428), KNOWN <—
14 AS THE "STATE HIGHWAY LAW," IS AMENDED BY ADDING A SECTION TO
15 READ:

16 SECTION 222. NEGOTIATIONS FOR VOLUNTARY TURN BACK ON CERTAIN
17 HIGHWAYS.--DURING THE DEVELOPMENT OF, BUT PRIOR TO THE ACTUAL
18 CONSTRUCTION WORK, OF ANY BETTERMENT PROJECT OR ROAD SURFACE
19 TREATMENT PROJECT FOR ANY CLASS VI STATE HIGHWAY, THE DEPARTMENT
20 OF TRANSPORTATION SHALL CONTACT THE GOVERNING OFFICIALS OF THE

1 MUNICIPALITY WHEREIN THE PROJECT IS LOCATED TO DETERMINE THE
2 POSSIBILITY OF ENTERING INTO NEGOTIATIONS FOR THE VOLUNTARY TURN
3 BACK OF SUCH HIGHWAY AND THE PROCEDURES RELATED THERETO TO THE
4 MUNICIPALITY.

5 SECTION 2. SECTION 401 OF THE ACT IS AMENDED TO READ:

6 Section 401. Duty on Department of [Highways]
7 Transportation.--(a) The department shall construct or improve,
8 and thereafter maintain and repair, at the cost and expense of
9 the Commonwealth, the highways forming the plan or system of the
10 State highways, in the several counties and townships. Such
11 improvement and maintenance shall be made according to
12 specifications to be prepared by the department, as regards the
13 character, construction, and material to be used. The work of
14 construction and maintenance of said State highways shall be
15 done under the direction and supervision of the secretary. The
16 secretary, in addition to the powers conferred [upon him in] by
17 this act, shall enjoy and possess, in the construction and
18 maintenance of State highways, all the rights and powers
19 conferred by existing laws on supervisors or commissioners in
20 townships in the construction or maintenance of township roads.

21 (b) Except as otherwise expressly provided by this act, or
22 except as otherwise expressly provided by contract or agreement
23 entered into pursuant to this act, the responsibility for <—
24 maintenance or repair of any State highway shall not be deemed
25 to be LIE with the municipality in which the highway or any <—
26 portion thereof is located. nor shall the municipality, or any <—
27 officer or employe thereof, be subject to liability for personal
28 injury or property damage resulting from failure of the
29 Commonwealth to properly maintain or repair said highway.

30 Section ~~2~~ 3. This act shall take effect immediately. <—