

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 850 Session of  
2003

INTRODUCED BY STEIL, CAPPELLI, CORRIGAN, CREIGHTON, DAILEY,  
HERMAN, HORSEY, McILHATTAN, O'NEILL, PETRI, PISTELLA, SATHER,  
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MARCH 11, 2003

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 7, 2004

## AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," providing for insurance  
5 and other employee benefits; further providing for authority  
6 of county commissioners to make contracts; amending  
7 provisions relating to acquisition, use, leasing and  
8 disposing of property for county and to construction or  
9 alteration of county buildings; further prohibiting  
10 disorderly conduct in and about courthouses and jails;  
11 further providing for joining with municipality in improving  
12 certain streets and highways and for parks and comfort  
13 houses; amending provisions relating to monuments and  
14 memorials; further providing for acquiring of property for  
15 certain purposes and for authority to provide for morgues;  
16 amending provisions relating to bridges, viaducts, culverts,  
17 roads and recreation places; and making editorial changes.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. The act of July 28, 1953 (P.L.723, No.230), known  
21 as the Second Class County Code, is amended by adding a section  
22 to read:

23 Section 1820.1. Insurance and Other Employee Benefits.--In  
24 addition to any other authorized compensation, county

1 commissioners and other county officers and their dependents  
2 shall be eligible for inclusion in group life, health,  
3 hospitalization, medical service and accident insurance plans or  
4 employe benefits, or payments made in lieu of such benefits,  
5 paid in whole or in part by the county, provided such plans,  
6 benefits or payments are offered generally to employes of the  
7 county.

8 Section 2. Section 2001 of the act, amended or added July 1,  
9 1978 (P.L.696, No.121), November 26, 1978 (P.L.1268, No.302),  
10 December 10, 1980 (P.L.1165, No.213), December 10, 1982  
11 (P.L.1084, No.254), October 5, 1990 (P.L.519, No.125), January  
12 27, 1998 (P.L.1, No.1) and October 30, 2000 (P.L.616, No.85), is  
13 amended to read:

14 Section 2001. County Commissioners to Make Contracts.--The  
15 County Commissioners may make contracts for lawful purposes and  
16 for the purposes of carrying into execution the provisions of  
17 this section and the laws of the Commonwealth.

18 (a) Except as provided in subsection (a.1), all contracts or  
19 purchases in excess of ten thousand dollars (\$10,000) shall be  
20 in writing and, except those hereinafter mentioned, and except  
21 as provided by the act of October 27, 1979 (P.L.241, No.78),  
22 entitled "An act authorizing political subdivisions,  
23 municipality authorities and transportation authorities to enter  
24 into contracts for the purchase of goods and the sale of real  
25 and personal property where no bids are received," shall not be  
26 made except with and from the lowest responsible and responsive  
27 bidder meeting specifications, after due notice in at least one  
28 newspaper of general circulation, published or circulating in  
29 the county at least [three (3)] two (2) times, at intervals of  
30 not less than three (3) days where daily newspapers of general

1 circulation are employed for such publication, or in case weekly  
2 newspapers are employed, then the notice shall be published once  
3 a week for two (2) successive weeks. The first advertisement  
4 shall be published not less than ten (10) days prior to the date  
5 fixed for the opening of bids.

6 (a.1) The requirements of this subsection need not be  
7 followed in cases of emergency, but in such cases the actual  
8 emergency shall be declared and stated by resolution of the  
9 commissioners.

10 (b) The acceptance of all bids shall be by the controller.  
11 They shall be opened publicly at a time and place to be  
12 designated in the notice. All the figures shall be announced  
13 publicly by the chief clerk or his designee and referred to the  
14 appropriate departments for tabulation without the presence of  
15 the commissioners. Whenever, for any reason, the bid openings  
16 shall not be held, the same business may be transacted at a  
17 subsequent [time, if at least five (5) days notice thereof shall  
18 be published in the newspaper aforesaid.] meeting, the time and  
19 place of which shall have been announced at the previous meeting  
20 held for such openings. The contract shall be awarded or all  
21 bids shall be rejected within thirty (30) days of the opening of  
22 the bids, except for bids subject to 62 Pa.C.S. (relating to  
23 procurement). Thirty-day extensions of the date for the award  
24 may be made by the mutual written consent of the commissioners  
25 and any bidder who wishes to remain under consideration for  
26 award. The commissioners shall excuse from consideration any  
27 bidder not wishing to agree to a request for extension of the  
28 date for the award and shall release such bidder from any bid  
29 bond or similar bid security furnished under subsection (b.1).  
30 All contracts shall be filed with the controller or with the

1 chief clerk, as the case may be, immediately after their  
2 execution.

3 (b.1) All bids [may] shall if required by the commissioners  
4 be accompanied by cash [or by a certified good faith check], a  
5 certified check, cashier's check, bank good faith check or  
6 irrevocable letter of credit in a reasonable amount drawn upon a  
7 bank authorized to do business in the Commonwealth[, in an  
8 amount not exceeding five per centum (5%) of the bid] or by a  
9 bond with corporate surety [not exceeding five per centum (5%)  
10 of the amount bid] in a reasonable amount. In the event any  
11 bidder shall, upon award of the contract to him, fail to comply  
12 with the requirements hereinafter stated as to [a bond] security  
13 guaranteeing the performance of the contract, or fail or refuse  
14 to enter into a contract, or otherwise fail or refuse to render  
15 the required services, the [good faith deposit by cash,  
16 certified check or bond] security furnished under this  
17 subsection shall be forfeited to the county as liquidated  
18 damages, and the contract subsequently may be awarded to the  
19 next lowest bidder, who shall manifest his acceptance of such  
20 contract by giving a good faith deposit in the amount and manner  
21 set forth in this subsection on or before the third day after  
22 the award of the contract to such bidder and otherwise comply  
23 with the provisions of this section.

24 (b.2) The amount or price of the contract shall, in all  
25 cases whether of straight sale price, conditional sale, lease,  
26 lease purchase or otherwise, be the entire amount which the  
27 county pays to the successful bidder, or his assigns, plus the  
28 value of personal property transferred from the county to the  
29 bidder or his assigns at any time during the duration of the  
30 contract, in order to obtain the services or property, or both,

1 and shall not be construed to mean only the amount which is paid  
2 to acquire title or to receive any other particular benefit or  
3 benefits of the whole bargain. The value of personal property  
4 transferred to the bidder or his assigns upon execution of the  
5 contract shall be specified in the bid. The method of  
6 determining the value of personal property transferred to the  
7 bidder or his assigns at a time during the duration of the  
8 contract shall be specified in the bid and shall be determined  
9 using generally accepted valuation methods.

10 (c) The successful bidder, when [advertising] a formal bid  
11 is required herein, shall be required to furnish a bond [with  
12 suitable reasonable requirements] or irrevocable letter of  
13 credit or other security in an amount sufficient to the  
14 commissioners guaranteeing performance of the contract[, with  
15 sufficient surety in the amount of fifty per centum (50%) of the  
16 amount of the contract,] within thirty (30) days after the  
17 contract has been awarded, unless the commissioners shall  
18 prescribe a shorter period or unless the commissioners shall  
19 waive the bond requirement in the bid specification. The  
20 successful bidder for a contract which involves the  
21 construction, erection, installation, completion, alteration,  
22 repair of or addition to any public work or improvement of any  
23 kind shall furnish security as provided in section 2518.  
24 Performance security for services and contracts for labor and  
25 materials delivered on a periodic basis, including, but not  
26 limited to, food service contracts, home health services and  
27 janitorial services and supplies, may be computed on the  
28 expected average value for one or more months at the discretion  
29 of the commissioners. Upon failure to furnish any required bond  
30 within such time, the previous awards shall be void and the

1 commissioners may award the contract to the next lowest bidder.  
2 Deliveries, performances, accomplishment and guarantees may be  
3 required in all cases of expenditures, including the exceptions  
4 herein.

5 (d) The contracts or purchases made by the commissioners  
6 involving an expenditure of over ten thousand dollars (\$10,000)  
7 which shall not require advertising or bidding as hereinbefore  
8 provided are as follows:

9 (1) Those for maintenance, repairs or replacements for  
10 water, electric light, or other public works: Provided, That  
11 they do not constitute new additions, extensions or enlargements  
12 of existing facilities and equipment[, but a bond]. Security may  
13 be required by the county commissioners as in other cases of  
14 work done.

15 (2) Those made for improvements, repairs and maintenance of  
16 any kind made or provided by the county through its own  
17 employes[: Provided, That this]. This paragraph shall not apply  
18 to construction materials used in a street improvement.

19 (3) Those where particular types, models or pieces of new  
20 equipment, articles, apparatus, appliances, vehicles or parts  
21 thereof are desired by the county commissioners, which are  
22 patented and manufactured products or copyrighted products.

23 (4) Those involving any policies of insurance or surety  
24 company bonds, those made for public utility service and  
25 electricity, natural gas or telecommunication services:  
26 Provided, That, in the case of utilities not under tariffs on  
27 file with the Pennsylvania Public Utility Commission[.] and  
28 contracts made without advertising and bidding shall be made  
29 only after receiving written or telephonic price quotations from  
30 at least three (3) qualified and responsible contractors or, in

1 lieu of price quotations, a memorandum shall be kept on file  
2 showing that fewer than three (3) qualified contractors exist in  
3 the market area within which it is practicable to obtain  
4 quotations. A written record of telephonic price quotations  
5 shall be made and contain at least the date of the quotation,  
6 the name of the contractor and the contractor's representative.

7 (5) Those involving personal or professional services[.],  
8 including, but not limited to, services of members of the  
9 medical or legal profession, registered architects, engineers,  
10 certified public accountants or other personal services  
11 involving professional expertise.

12 (6) Those involving tangible client services provided by  
13 nonprofit agencies. For the purposes of this clause, the term  
14 "tangible client services" shall mean congregate meals, home-  
15 delivered meals, transportation and chore services provided  
16 through area agencies on aging.

17 (6.1) Those involving contracts entered into by nonprofit  
18 cooperative hospital service associations for hospitals and  
19 nursing homes which are part of the institutional district or  
20 which are owned by the county, operated by the county or  
21 affiliated with the county by the purchasing of or participating  
22 in contracts for materials, supplies and equipment.

23 (7) Those involving the purchase of milk.

24 (8) Those made with any public body, including, but not  
25 limited to, the sale, lease or loan of any supplies or materials  
26 to the county by a public body, provided that the price thereof  
27 shall not be in excess of that fixed by the public body. The  
28 requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to  
29 intergovernmental cooperation) shall not apply when a county  
30 purchases cooperatively with another public body which has

1 entered into a contract for supplies or materials. As used in  
2 this paragraph, "public body" shall mean any of the following:

3 (i) the Federal Government;

4 (ii) the Commonwealth of Pennsylvania;

5 (iii) any other state;

6 (iv) a political subdivision, local or municipal authority  
7 or other similar local entity of the Commonwealth or any other  
8 state; or

9 (v) an agency of the Federal Government, the Commonwealth or  
10 any other state.

11 (9) Those exclusively involving construction management  
12 services.

13 (10) Those involving computer software.

14 (d.1) Notwithstanding the provisions of this article to the  
15 contrary, the county commissioners shall have authority to enter  
16 into contracts for equipment and services related to technology  
17 and information systems on the basis of best value procurement.  
18 Contracts under best value procurement shall be made only after  
19 the county has solicited proposals based on performance and  
20 outcome specifications developed by the county and describing at  
21 minimum the objectives to be met by the system, the tasks to be  
22 performed by the system, the users of the system, system  
23 security issues, the time frame for system implementation,  
24 potential operating technologies, compatibility with existing  
25 systems, training and maintenance and shall indicate the process  
26 by which the contract shall be awarded. Best value procurement  
27 shall not require a sealed bid process and shall permit the  
28 commissioners to negotiate the terms of the agreement with any  
29 responsive and responsible vendor.

30 (e) [Every contract for the construction, reconstruction,



alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."]

Every contract subject to this article shall comply, as applicable, with the provisions of:

(1) The act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(2) The act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967."

(3) The act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law."

(4) The act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act".

(5) The act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act."

(6) 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39 (relating to contracts for public works) and 45 (relating to antibid-rigging).

(f) No person, consultant, firm or corporation contracting with a county for purposes of rendering personal or professional services to the county shall share with any county officer or employe, and no county officer or employe shall accept, any portion of the compensation or fees paid by the county for the contracted services provided to the county except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of commissioners.

(2) The board of commissioners must approve the sharing of any fee or compensation for personal or professional services

1 prior to the performance of said services.

2 (3) No fee or compensation for personal or professional  
3 services may be shared except for work actually performed.

4 (4) No shared fee or compensation for personal or  
5 professional services may be paid at a rate in excess of that  
6 commensurate for similar personal or professional services.

7 (g) (1) The board of commissioners may, in its sole  
8 discretion, elect to use an alternative contracting procedure to  
9 achieve the adaptive reuse of former jail facilities. If the  
10 board of commissioners elects to utilize an alternative  
11 contracting procedure, the board shall adopt a resolution that  
12 the use of an alternative contracting procedure is the most  
13 efficient, economical and timely method to secure an adaptive  
14 reuse of former jail facilities. Upon adoption of a resolution,  
15 the board of commissioners shall request written proposals from  
16 proposers for the adaptive reuse of former jail facilities under  
17 an alternative contracting method. In its request for proposals,  
18 the board shall include such terms, conditions and requirements  
19 which it deems necessary to protect the interests of the county.

20 (2) In reviewing and evaluating the proposals for the  
21 adaptive reuse of former jail facilities, the board of  
22 commissioners shall, in addition to compliance with the terms,  
23 conditions and requirements set forth in the request for  
24 proposals, consider the following criteria:

25 (i) the cost of the proposer's adaptive reuse proposal;

26 (ii) experience of the proposer;

27 (iii) preservation of the distinct architectural design and  
28 integrity of the former jail facilities;

29 (iv) adherence to prevailing wage laws and other work force  
30 standards;

(v) commitment to enter into voluntary contract with disadvantaged business enterprises.

After due consideration of proposals under the criteria described above, the board of commissioners may, in its discretion, select a proposal and award a contract to a responsible proposer for the adaptive reuse of former jail facilities under an alternative contracting procedure. The award of a contract for the adaptive reuse of former jail facilities need not be awarded to the lowest bidder.

(3) Any contract for the adaptive reuse for former jail facilities awarded under this subsection shall be exempt from and not be subject to sections 2517 and 2520 of this act or the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."

(4) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Adaptive reuse." The alteration, renovation, remodeling, modification or reconstruction of former jail facilities for reuse as courtrooms, office space or such other facilities and uses as the board of commissioners shall from time to time deem necessary and appropriate.

"Alternative contracting procedure." A procedure under which a proposer would be responsible for all aspects or phases necessary to achieve the development of a parcel of property. Such aspects or phases of development shall include, but not necessarily be limited to, the planning, design, finance, construction and management of property. The term "alternative contracting procedure" shall be similar in all respects to the commonly understood term in the real estate development and

1 construction industry known as a "turnkey."

2 "Former jail facilities." A building or group of buildings  
3 with related facilities owned by a county of the second class  
4 which are more than one hundred years old and which were  
5 previously used as jail facilities.

6 "Proposer." A firm, organization or company or a combination  
7 of firms, organizations or companies acting as a partnership,  
8 joint venture, consortium or similar joint relationship with  
9 sufficient knowledge, expertise and experience in the areas of  
10 architectural design, construction, financing of real estate  
11 development or construction and real estate management.

12 Section 3. Section 2505(a) of the act is amended to read:

13 Section 2505. Acquiring and Using Real Property; [Court  
14 Approval;] Exceptions.--(a) The county commissioners may  
15 purchase for not more than fair market value, take by gift,  
16 devise or by the power of eminent domain, in accordance with the  
17 provisions of this act, such real property at the county seat or  
18 in such other places, as may be authorized by law, as they deem  
19 necessary for the purposes of a county courthouse, county jail,  
20 prison, workhouse, detention house or other county building,  
21 either in acquisition of a building suitable for such purposes  
22 or in the construction of a new building, or in the alteration,  
23 including enlargement, of an existing county building. [Any  
24 purchase herein authorized shall be subject to the approval of  
25 the court of common pleas of the county as to purchase price,  
26 and no such contract shall bind the county, nor shall any  
27 conveyance be valid until the court has so approved the purchase  
28 price.] The fair market value of real property in the case of a  
29 purchase valued in excess of ten thousand dollars (\$10,000)  
30 shall be determined by the county commissioners in consultation

1 with two (2) of the following: the county assessor, a licensed  
2 real estate broker or licensed real estate appraiser doing  
3 business within the county.

4 \* \* \*

5 Section 4. Section 2506.1 of the act, added September 1,  
6 1965 (P.L.431, No.217), is amended to read:

7 Section 2506.1. Sale and Lease of Real Property to  
8 Industrial Development Agencies.--(a) [Subject only to the  
9 provisions of section 2506 of this act with respect to approval  
10 of the court, the] The county may sell to any industrial  
11 development agency designated as such an industrial development  
12 agency, in the manner provided by [the act of May 31, 1956  
13 (P.L.1911), known as the "Industrial Development Assistance  
14 Law,"] Chapter 23 of the act of June 29, 1996 (P.L.434, No.67),  
15 known as the "Job Enhancement Act," with or without  
16 consideration, any lands, easements or rights in land, together  
17 with any improvements, buildings or structures therein or  
18 thereon now owned by the county or hereafter acquired by it for  
19 the purpose of establishing or enlarging any commercial,  
20 industrial or manufacturing enterprise or research and  
21 development center within the county, and make with such  
22 industrial development agency any and all agreements for the  
23 industrial development of such lands, easements or rights in  
24 lands, or may [with approval of the court as provided in section  
25 2506 of this act,] lease to any such industrial development  
26 agency for a term not exceeding ninety-nine years at a nominal  
27 or other rental, as may be determined, any or all lands,  
28 easements or rights in lands, together with any improvements,  
29 structures or buildings therein or thereon now owned by the  
30 county or hereafter acquired by it for the purpose of

1 establishing or enlarging any commercial, industrial or  
2 manufacturing enterprise, or research and development center  
3 within the county.

4 (b) Any instrument of sale, lease or other agreement made  
5 pursuant to this section may contain provisions regulating the  
6 uses of lands, buildings and structures for trade, industry,  
7 manufacture, research, residence, recreation, water supply,  
8 public activities or other purposes.

9 Section 5. The act is amended by adding a section to read:

10 Section 2506.2. Authority to Sell Certain Real Property and  
11 Personal Property as a Single Unit.--Notwithstanding any other  
12 provisions of law, whenever the board of commissioners  
13 determines that the continued ownership and operation of an  
14 institution for the care of dependents is economically  
15 unfeasible, the county commissioners may sell the real property  
16 belonging to the county and being used for such purposes,  
17 together with all of the contents of personal property used in  
18 connection with and incidental to the operation of the  
19 institution, as a single unit. Any such sale of real property  
20 and personal property as a single unit shall be deemed a sale of  
21 real property only and shall comply only with the provisions of  
22 this act relating to the sale of real property.

23 ~~Section 6. Sections 2511, 2515 and 2516 of the act are~~ <—  
24 ~~amended to read:~~

25 SECTION 6. SECTION 2511 OF THE ACT IS AMENDED TO READ: <—

26 Section 2511. Sale of Personal Property; Demolition and  
27 Removal of County Buildings.--(a) (1) The county commissioners  
28 may sell at private sale any county owned personal property  
29 valued by the controller at not more than [five hundred dollars  
30 (\$500)] one thousand dollars (\$1,000), or at public sale, under

1 conditions prescribed by the commissioners, any county owned  
2 personal property valued [by the controller] in excess of that  
3 amount.

4 (2) The provisions of this section shall be construed to  
5 allow:

6 (i) County property to be traded in or exchanged for new  
7 personal property.

8 (ii) The sale of personal property with real property as a  
9 single unit.

10 (b) Whenever any county owned building [valued by the  
11 controller at not more than one thousand dollars (\$1000)] is  
12 deemed by the county commissioners to be no longer suitable for  
13 use by the county, they may cause it to be demolished or removed  
14 from its location by such means or in such manner as they deem  
15 to be in the public interest. [Any such county owned building  
16 valued by the controller in excess of that amount may be so  
17 demolished or removed with the approval of the court of quarter  
18 sessions of the county.]

19 ~~Section 2515. Authority for Acquiring, Constructing or~~ <—  
20 ~~Altering County Buildings; Exception. [Whenever the board of~~  
21 ~~commissioners are authorized and required to erect a courthouse,~~  
22 ~~jail or other county building, they shall submit the plans and~~  
23 ~~specifications adopted by them to the court of common pleas for~~  
24 ~~its approval. Upon approval, the county commissioners shall let~~  
25 ~~the work by contract to the lowest responsible bidder, in~~  
26 ~~accordance with the provisions of this act.] (a) The county~~  
27 ~~commissioners may purchase or take by gift any building at the~~  
28 ~~county seat or elsewhere as authorized by law deemed suitable~~  
29 ~~and proper by them for use as a county building.~~

30 ~~(b) The county commissioners may provide, in accordance with~~

~~this section, for the construction or alteration, including enlargement of a county court house, county jail, prison, workhouse, detention house and such other county buildings, as may be required or authorized by law. Such construction or alteration shall be done at the county seat or elsewhere as authorized by law. Whenever the county commissioners undertake any such construction or alteration, they shall cause to be prepared plans and specifications therefor. The county commissioners may secure bids for the contract or contracts involved in the construction or alteration in accordance with this act. Any such contract or contracts shall be made as provided by this act.~~

~~(c) Except where another procedure is provided by law with regard to such construction or alteration of any particular county building, the county commissioners shall comply with the provisions of this section for all such purposes.~~

~~Section 2516. Right to Build on Public Squares. Whenever the courthouse, jail or other building of the county is located upon a public square or common in the city, borough or township, then being the county seat, and a new building is authorized and required to be erected in place of such courthouse, jail or other building, the board of county commissioners may erect such new building upon any other of the public squares or commons of said city, borough or township, or upon any part thereof[, if the council of the city, borough or township shall have first consented to such new location for said building].~~

~~Section 7. Sections 2518 and 2519 of the act are amended to read:~~

~~Section 2518. Additional Bond to Protect Labor and Materialmen on Contracts.--(a) It shall be the duty of the~~



1 county to require any person, copartnership, association or  
2 corporation entering into contract with such county for the  
3 construction, erection, installation, completion, alteration,  
4 repair of or addition to any public work or improvement, of any  
5 kind whatsoever, where the amount of such contract is in excess  
6 of five hundred dollars (\$500), before commencing work under  
7 such contract, to execute and deliver to such county, in  
8 addition to any other bond which may now or hereafter be  
9 required by law to be given in connection with such contract, an  
10 additional bond for the use of any and every person,  
11 copartnership, association or corporation interested, in a sum  
12 not less than fifty per centum and not more than one hundred per  
13 centum of the contract price, as such county may prescribe. Such  
14 bond shall have as surety thereon one or more surety companies  
15 legally authorized to do business in this Commonwealth, and  
16 shall be conditioned for the prompt payment for all material  
17 furnished and labor supplied or performed in the prosecution of  
18 the work, whether or not the said material or labor enter into  
19 and become component parts of the work or improvement  
20 contemplated.

21 (b) Such additional bond shall be deposited with and held by  
22 the county for the use of any party interested therein.

23 (c) Every such additional bond shall provide that every  
24 person, copartnership, association or corporation who, whether  
25 as subcontractor or otherwise, has furnished material or  
26 supplied or performed labor in the prosecution of the work, as  
27 above provided, and who has not been paid therefor, may sue in  
28 assumpsit on said additional bond, in the name of the county,  
29 for his, their or its use, and prosecute the same to final  
30 judgment for such sum or sums as may be justly due him, them or

1 it, and have execution thereon, but the county shall not be  
2 liable for the payment of any costs or expense of any suit.

3 (d) Any contract executed in violation of the provisions of  
4 this section shall be null and void.]

5 (e) Unless covered under the bonding requirements of the act  
6 of December 20, 1967 (P.L.869, No.385), known as the "Public  
7 Works Contractors' Bond Law of 1967," for construction contracts  
8 awarded for amounts between twenty-five thousand dollars  
9 (\$25,000) and one hundred thousand dollars (\$100,000), the  
10 successful bidder shall furnish a bond guaranteeing performance  
11 of the contract, in an amount as determined by the board of  
12 commissioners at the time of advertising for bids which shall be  
13 not less than ten per centum nor more than one hundred per  
14 centum of the amount of the contract, within thirty (30) days  
15 after the contract is awarded. When a construction contract is  
16 awarded in excess of one hundred thousand dollars (\$100,000),  
17 the following bonds shall be delivered to the county and shall  
18 be binding on the parties upon the execution of the contract:

19 (1) A performance bond, executed by a surety company  
20 authorized to do business in this Commonwealth and made payable  
21 to the county in an amount as determined by the county  
22 commissioners at the time of advertising for bids which shall be  
23 not less than fifty per centum nor more than one hundred per  
24 centum of the price specified in the contract and conditioned  
25 upon the faithful performance of the contract in accordance with  
26 the plans, specifications and conditions of the contract.

27 (2) A payment bond, executed by a surety company authorized  
28 to do business in this Commonwealth and made payable to the  
29 county in an amount equal to one hundred per centum of the price  
30 specified in the contract and conditioned upon the prompt

payment for all materials furnished or labor supplied or performed in the prosecution of the work. Labor or materials include public utility services and reasonable rentals of equipment for the periods when the equipment is actually used at the site.

(f) A performance bond shall be solely for the protection of the county. A payment bond shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded or to any of its subcontractors in the prosecution of the work provided for in the contract, whether or not the labor or materials constitutes a component part of the construction.

(g) Nothing in this section shall be construed to limit the authority of the commissioners to require a performance bond, payment bond or other security in addition to those bonds or in circumstances other than specified in subsection (e).

(h) Actions on payment bonds shall be pursuant to the following:

(1) Subject to paragraph (2), any claimant who has performed labor or furnished material in the prosecution of the work provided for in any contract for which a payment bond has been given under subsection (e) and who has not been paid in full before the expiration of ninety (90) days after the day on which the claimant performed the last of the labor or furnished the last of the materials for which it claims payments may bring an action on the payment bond in its own name, in assumpsit, to recover any amount due it for the labor or material and may prosecute the action to final judgment and have execution on the judgment.

(2) Any claimant who has a direct contractual relationship

1 with any subcontractor of the prime contractor who gave the  
2 payment bond but has no contractual relationship, express or  
3 implied, with the prime contractor may bring an action on the  
4 payment bond only if it has given written notice to the  
5 contractor within ninety (90) days from the date on which the  
6 claimant performed the last of the labor or furnished the last  
7 of the materials for which it claims payment, stating with  
8 substantial accuracy the amount and the name of the person for  
9 whom the work was performed or to whom the material was  
10 furnished.

11 (3) Notice shall be served by registered mail in an envelope  
12 addressed to the contractor at any place where its office is  
13 regularly maintained for the transaction of business or served  
14 in any manner in which legal process may be served in the manner  
15 provided by law for the service of a summons except that the  
16 service need not be made by a public officer.

17 (i) The dollar threshold set forth in subsection (e) shall  
18 be adjusted annually to reflect the annual percentage change in  
19 the Composite Construction Cost Index of the United States  
20 Department of Commerce occurring in the one-year period ending  
21 December 31 of each year.

22 Section 2519. Compliance with Workmen's Compensation Law.--

23 (a) All contracts executed by the board of commissioners which  
24 shall involve the construction or doing of any work involving  
25 the employment of labor shall contain a provision that the  
26 contractor shall accept, in so far as the work covered by any  
27 such contract is concerned, the provisions of the [Workmen's  
28 Compensation Act] act of June 2, 1915 (P.L.736, No.338), known  
29 as the "Workers' Compensation Act," and any reenactments,  
30 supplements or amendments thereto, and that the said contractor

1 will insure his liability thereunder or file with the board of  
2 commissioners a certificate of exemption from insurance from the  
3 Department of Labor and Industry of the Commonwealth.

4 (b) The board of commissioners, before signing on behalf of  
5 the county any contract, requiring in its performance the  
6 employment of labor, shall require proof that the said  
7 contractor with whom the contract is made shall have accepted  
8 the [Workmen's] Workers' Compensation Act and any reenactments,  
9 supplements or amendments thereto, and proof that the said  
10 contractor has insured his liability thereunder in accordance  
11 with the terms of said act or that the contractor has had issued  
12 to him a certificate of exemption from insurance from the  
13 Department of Labor and Industry.

14 (c) Any contract executed in violation of the provisions of  
15 this section shall be null and void.

16 Section 8. Section 2520 of the act is repealed.

17 Section 9. Sections 2529, 2545 and 2550 of the act are  
18 amended to read:

19 Section 2529. Disorderly Conduct In and About Courthouses  
20 and Jails Prohibited.--It is unlawful for any person to cause  
21 any outcry or disorder, or be guilty of any indecent or  
22 unbecoming conduct tending to disturb the peace and good order,  
23 in the county courthouse, jail or other county buildings, or to  
24 wilfully or carelessly defile, deface or injure the floors,  
25 walls or any other portion of said buildings, or fences or  
26 railings surrounding the same, or the carpets, furniture or  
27 other articles or things used in or about said buildings,  
28 belonging to the county. [Any person violating any of the  
29 provisions of this section shall make restitution for damages  
30 arising therefrom and shall, upon summary conviction thereof, be

1 sentenced to pay a fine not exceeding fifty dollars (\$50). In  
2 case such person shall neglect or refuse to pay the same, he or  
3 she shall suffer an imprisonment not exceeding thirty (30)  
4 days.] Any person violating any of the provisions of this  
5 section commits a summary offense and, upon conviction, shall  
6 make restitution for damages arising therefrom.

7 Section 2545. Joining With [City] Municipality in Improving  
8 Certain Streets and Highways.--(a) The board of commissioners  
9 of the county may erect public buildings in any [city, with the  
10 approval of the court of common pleas] municipality. The county  
11 may join with the proper authorities of such [city] municipality  
12 in the grading, regrading, paving, re-paving and improvement of  
13 so much of the streets and highways as are in, upon or alongside  
14 of the grounds upon which said public buildings stand.

15 (b) The commissioners may enter into contract with any such  
16 [city authorities] municipality for the payment of a just  
17 proportion of the expense of said grading, re-grading, paving,  
18 re-paving and improvement of said streets and highways, and may  
19 appropriate from the county treasury sufficient funds for this  
20 purpose. They may act with any committee or committees which may  
21 be appointed by such [city authorities] municipality to  
22 establish grades, determine the kind and quality of paving  
23 materials to be used, and ratify the contracts entered into by  
24 said [city authorities] municipality in the course of said  
25 improvements.

26 (c) No obligation shall rest upon the county for any  
27 proportion of the expenses of such improvements until the  
28 selection of grades and paving materials and the acceptance of  
29 bids by said [city authorities] municipality shall have been  
30 ratified by the board of commissioners [and approved by the

1 court of common pleas].

2 Section 2550. Parks and Comfort Houses.--(a) The  
3 commissioners may purchase land to be used for park purposes or  
4 for the erection thereon of public comfort houses. The land  
5 purchased for such purposes shall lie within the limits of [such  
6 county and shall be contiguous to or in the vicinity of a county  
7 road and shall be outside the corporate limits of any city or  
8 borough. The amount that may be expended for such purposes shall  
9 not exceed the sum of twenty-five thousand dollars (\$25,000) in  
10 any one year, nor the sum of five thousand dollars (\$5,000) for  
11 any single park or any single comfort house. The board of  
12 commissioners shall agree with the owner or owners of the land  
13 selected upon a reasonable price to be paid therefor.] the  
14 county. The county may erect and maintain on the land such  
15 buildings as are necessary to fulfill the purpose for which the  
16 land was acquired.

17 (b) The commissioners may adopt reasonable rules and  
18 regulations necessary for preservation, management and control  
19 of parks and public comfort houses so established and  
20 maintained, and provide penalties for the breach thereof. All  
21 rules adopted by the board of commissioners shall, before  
22 becoming operative, be published once a week for three  
23 consecutive weeks in [three newspapers] a newspaper of general  
24 circulation in the county[, and shall be recorded in the office  
25 of the recorder of deeds in the county].

26 (c) Any person violating any rules so adopted shall[, upon  
27 summary conviction, be sentenced to pay a fine of not less than  
28 five dollars (\$5) nor more than twenty-five dollars (\$25), which  
29 shall be payable to the county treasurer, who shall add the fine  
30 to the fund for the improvement of county roads] be guilty of a

1 summary offense.

2 Section 10. Section 2555 of the act, amended April 20, 1956  
3 (1955 P.L.1481, No.490), is amended to read:

4 Section 2555. Monuments and Memorials to War Veterans.--The  
5 commissioners may appropriate money for and provide for the  
6 erection of monuments or memorials commemorating the services of  
7 any person who has served in the armed forces of the United  
8 States or in any women's organization officially connected  
9 therewith during any part of any war or armed conflict in which  
10 the United States has been or may hereafter be engaged. [The  
11 style and character of such monuments or memorials shall be  
12 approved by the State Art Commission.]

13 Section 11. Section 2556 of the act is amended to read:

14 Section 2556. Assistance to Private or Municipal Agencies.--  
15 The commissioners may, in order to prevent duplication,  
16 appropriate money to assist any individual, private corporation,  
17 city, borough or township in the erection of any monument or  
18 memorial for said soldiers, sailors and marines. [Before any  
19 such appropriation is made, the style and character of such  
20 monument or memorial shall be approved by the State Art  
21 Commission.]

22 Section 12. Sections 2557 and 2558 of the act are repealed.

23 Section 13. Section 2577(b) of the act is amended to read:

24 Section 2577. Acquiring of Property.--\* \* \*

25 (b) Counties may appropriate money from the public funds or  
26 by issuance of bonds in accordance with [the Municipal Borrowing  
27 Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to indebtedness and  
28 borrowing) for the erection on said property taken, purchased or  
29 acquired through condemnation proceedings, public auditoriums,  
30 public libraries, public memorial buildings and monuments. They



1 may appropriate moneys for the operation and maintenance of such  
2 public auditoriums, public libraries, memorials, buildings and  
3 monuments.

4 Section 14. Section 2579 of the act is repealed.

5 Section 15. Section 2590 of the act is amended to read:

6 Section 2590. Authority to Provide; Approval.--The county  
7 commissioners of each county may[, upon presentment of two  
8 successive grand juries of the county,] buy or lease land and  
9 construct and maintain thereon, at the expense of the county, a  
10 morgue for the reception and care of the bodies of all unclaimed  
11 deceased persons upon whom it may be necessary to hold a  
12 coroner's inquest and such other bodies as the coroner of the  
13 county may, by written order, direct to be received therein. The  
14 location of such morgue shall be determined by the county  
15 commissioners, subject to the approval of [a judge of the court  
16 of common pleas and] the coroner of the county.

17 Section 16. Sections 2706, 2707, 2708, 2709, 2710 and 2711  
18 of the act are repealed.

19 Section 17. Sections 2712, 2713(a), 2714, 2715 and 2717 of  
20 the act are amended to read:

21 Section 2712. Building or Rebuilding in Emergencies.--When a  
22 county bridge wholly within the county or on the boundary line  
23 between any two counties has been or shall hereafter be  
24 destroyed or partially destroyed, or rendered impassable, or  
25 becomes insufficient or inadequate to accommodate public travel,  
26 or in any other case of emergency it becomes necessary to  
27 construct or reconstruct any such bridge, the county  
28 commissioners of the county or of any two counties, in case of a  
29 joint county bridge, may[, upon the approval of the court or  
30 courts of quarter sessions of such county or counties,] erect

1 and construct a new bridge, or reconstruct any partially  
2 destroyed, insufficient or inadequate bridge, to take the place  
3 of such wholly or partially destroyed or insufficient or  
4 inadequate bridge.

5 Section 2713. Bridges on Boundary Between Two Counties.--(a)  
6 Whenever any bridge contemplated by any of the provisions of  
7 this article is on the boundary line between two counties or  
8 within one-fourth of a mile therefrom and necessary for the  
9 accommodation of the inhabitants of both counties, the  
10 commissioners of such counties shall act jointly in the exercise  
11 of all powers conferred upon them and in the performance of all  
12 duties imposed upon them. [Whenever a petition of residents or  
13 taxpayers is required, such petition shall be made by the  
14 required number of petitioners in each county to the court of  
15 quarter sessions or the court of common pleas, as the case may  
16 be, of their county. Whenever any other petitions are required,  
17 such petitions shall be made to each of such courts. Each of the  
18 courts shall act on such petitions and shall communicate its  
19 approval or disapproval to the other court.]

20 \* \* \*

21 Section 2714. Payment of Cost[; Tolls; Rentals].--(a) All  
22 expenses in connection with any matters affecting any such  
23 bridge shall be borne by the two counties jointly in equal  
24 proportions or in any other proportions, as the commissioners of  
25 the several counties may agree upon.

26 [(b) Whenever it is necessary for any counties, in the  
27 construction of any joint county bridge or in joint acquisition  
28 of any toll bridge, to issue bonds in payment of such  
29 construction, erection or acquisition, including the approaches  
30 thereto, the damages sustained by the owner or owners of lands

1 taken in the construction thereof and including reasonable fees  
2 for necessary legal services required in such construction,  
3 erection and acquisition, the commissioners of said counties  
4 may, with the consent of the State Department of Highways, if  
5 the cost of such bridge was in excess of four hundred thousand  
6 dollars (\$400,000), assess, supervise and collect such tolls for  
7 the use of said bridge for all traffic as may be necessary, to  
8 pay the interest on said bonds and to create a sinking fund for  
9 the payment and redemption of the same within thirty years from  
10 the date of the issue thereof, and to pay also the costs and  
11 expenses of operating and maintaining such bridge between the  
12 time of construction thereof and the date of the redemption of  
13 the last of said bonds to be redeemed by such tolls.

14 (c) The tolls so collected shall be distributed between such  
15 counties in proportion to the amount paid in by each county in  
16 the original construction or acquisition, and in no case shall  
17 any tolls be collected after the redemption of the original  
18 bonds issued. All moneys received from rentals for special use  
19 shall be divided between them in the same proportion. Such  
20 bridge shall be a joint county bridge.]

21 Section 2715. Management, Maintenance and Policing of Joint  
22 County [Toll Bridges; Turning over to the Department of  
23 Highways] Bridges.--(a) Such joint county bridge shall be  
24 managed, controlled, maintained, repaired, operated and lighted  
25 by the commissioners of the said counties, acting as a joint  
26 county bridge commission, who are hereby authorized to act  
27 jointly in the employment of such [workmen, collectors of tolls  
28 and other] employes and fix their wages, salaries and  
29 compensation, and to incur such other expenses in the  
30 construction and operation of such bridge, including the

1 compensation of such attorneys as in their judgment shall be  
2 requisite and necessary. All decisions of such commission shall  
3 require a majority vote of all the members thereof.

4 (b) The commissioners of said counties, acting jointly,  
5 shall have power to adopt such rules and regulations as they  
6 deem expedient for the proper government and management of said  
7 bridge and for the preservation of good order, safe traffic and  
8 proper conduct thereon. [Said commissioners are further  
9 authorized and empowered to make arrests for evasion or attempts  
10 to evade the payment of tolls which may be fixed or may have  
11 been fixed for passage over said bridge.]

12 (c) For any violations thereof, the offender or offenders  
13 shall be [subject to a fine or penalty of not less than ten  
14 dollars (\$10) or more than twenty-five dollars (\$25), together  
15 with costs, to be adjudged by a justice of the peace or alderman  
16 of either of said counties, and on default of payment of such  
17 fine or penalty, then to imprisonment of not less than ten (10)  
18 days or more than thirty (30) days in the county prison of  
19 either of said counties] guilty of a summary offense.

20 [(d) Said powers and duties of said commissioners, acting as  
21 a joint commission, shall continue until the redemption of the  
22 last of said bonds to be redeemed by such tolls, whereupon said  
23 bridge shall be turned over as a free bridge to the  
24 Commonwealth, if such bridge crosses a river and is located on a  
25 State highway route or connects two State highway routes.  
26 Thereafter, such bridge shall be maintained by the Highway  
27 Department at the expense of the Commonwealth.]

28 Section 2717. Dykes, Banks, Causeways and Sluiceways for  
29 Protection of Bridges and Highways.--The board of commissioners,  
30 for the purpose of protecting any county bridge or bridges, the

1 abutments thereof and approaches thereto and any public highway  
2 adjacent to the same from the incursions of floods or waters of  
3 any creek, rivulet or other stream, and so as to prolong the  
4 life of said structures, may erect and maintain dykes, banks,  
5 causeways and sluiceways over, on and across any creek, rivulet  
6 or other stream not navigable, and which creek, rivulet or other  
7 stream is affected by the rise and fall of the tide, floods or  
8 waters of any creek, rivulet or other stream, and secure a right  
9 of way for proper ingress and egress thereto, and in connection  
10 with such activities, to take, injure and destroy any necessary  
11 land or property, in accordance with Article XXVI. Any such  
12 change in an existing stream channel under the provisions of  
13 this or the preceding section shall first be approved by the  
14 [Department of Forests and Waters] Department of Environmental  
15 Protection.

16 Section 18. Sections 2718, 2721, 2722, 2723, 2724, 2725 and  
17 2726 of the act are repealed.

18 Section 19. Sections 2729, 2730, 2731 and 2734 of the act  
19 are amended to read:

20 Section 2729. Rebuilding Insufficient Bridge.--Whenever it  
21 shall appear to the commissioners that any county bridge is not  
22 sufficient for any cause to accommodate the public travel, they  
23 may[, upon the approval of the court of quarter sessions as  
24 hereinafter provided,] erect and construct a new and sufficient  
25 bridge to take the place of the insufficient, destroyed or  
26 partially destroyed bridge, or may widen and straighten county  
27 bridges where deemed necessary to accommodate the public travel.  
28 Such new bridge when constructed shall be a county bridge.

29 Section 2730. Rebuilding Bridges Wholly or Partly  
30 Destroyed.--(a) The county commissioners shall rebuild and

1 reconstruct all bridges heretofore built or that may hereafter  
2 be erected by the county commissioners, whether constructed  
3 under general, special or local laws, whenever any such bridge  
4 has been or shall hereafter be blown down, destroyed, partially  
5 destroyed or swept away by floods, freshets, ice, storm, fire or  
6 other casualty, at the expense of the county.

7 (b) For the purpose of carrying into effect the provisions  
8 of this section, the county commissioners are hereby authorized  
9 to borrow any sum of money, in accordance with [the Municipal  
10 Borrowing Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to  
11 indebtedness and borrowing).

12 Section 2731. Closing, Vacating, Abandoning and Removing.--  
13 Whenever it shall appear to the commissioners of the county that  
14 any county bridge has from any cause become burdensome and is no  
15 longer necessary for the accommodation of public travel, they  
16 may[, upon the approval of the court of quarter sessions,]  
17 close, vacate, abandon and remove said bridge.

18 Section 2734. Appropriations; Tax Levy and Incurring of  
19 Indebtedness.--For the purpose of carrying into effect the  
20 provisions of this subsection, the county commissioners are  
21 hereby authorized to make appropriations, levy taxes, borrow  
22 money and incur indebtedness, in accordance with [the Municipal  
23 Borrowing Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to  
24 indebtedness and borrowing).

25 Section 20. Sections 2751, 2752, 2753 and 2754 of the act  
26 are repealed.

27 Section 21. Sections 2755, 2756, 2757, 2771 and 2772(a) of  
28 the act are amended to read:

29 Section 2755. Assistance in Building Bridges not Entered as  
30 County Bridges.--When [it is found by the report of viewers and

1 by the court] the county commissioners find that a bridge is  
2 necessary and that the erection of such bridge will require more  
3 expense than it is reasonable that the one or more adjoining  
4 townships, boroughs or cities of the third class should bear,  
5 [or in lieu of such proceedings, with the approval of the  
6 Secretary of Highways, when the cost to the county will not  
7 exceed fifteen hundred dollars (\$1500)] and the county  
8 commissioners do not deem it advisable to enter such bridge on  
9 record as a county bridge but shall consider it proper to assist  
10 such township or townships or such city of the third class or  
11 such borough in building the same, they may either build such  
12 bridge or any portion or portions thereof or furnish such  
13 township or townships or city of the third class or borough the  
14 whole or part of the money necessary to build it, without  
15 entering such bridge on record as a county bridge.

16 Section 2756. Record to be Kept by County; Maintenance,  
17 Repair and Rebuilding by Township or Municipalities.--The county  
18 commissioners shall keep a record of all their proceedings in  
19 such cases, and such bridges shall be maintained, kept in repair  
20 and rebuilt, when necessary, by the respective townships,  
21 boroughs or cities of the third class, and the county shall not  
22 be liable for the costs of the maintenance, repair or rebuilding  
23 of the same or any part of such cost: Provided, however, That  
24 [in case the report of a board of viewers appointed by the court  
25 for the purpose, duly approved by the court, shall set forth  
26 that the cost of the repair or rebuilding of such bridge is  
27 greater than it is reasonable that the said township or  
28 townships, borough or city of the third class should bear, then]  
29 it shall be lawful for the county commissioners of the county in  
30 which such bridge is located to furnish such township or

1 townships, boroughs or city of the third class either the whole  
2 or part of the money necessary to repair or to rebuild such  
3 bridge or bridges, as the said board of county commissioners may  
4 deem just and proper.

5 Section 2757. Entering on Record as County Bridge.--Whenever  
6 the county commissioners [of the county] have heretofore  
7 assisted or shall hereafter assist any [township or borough]  
8 municipality in the building of the whole or any portion of a  
9 bridge and it shall afterwards appear to the commissioners [and  
10 to the court of quarter sessions] that the care, maintenance and  
11 responsibility of said bridge is greater than it is reasonable  
12 that the said [township or borough] municipality should bear,  
13 they may[, with the approval of said court,] enter such bridge  
14 upon record as a county bridge, and it shall thereafter be a  
15 county bridge the same as if it had originally been so entered  
16 on record.

17 Section 2771. Bridges and Approaches Authorized.--The county  
18 commissioners[, upon the approval of the court of quarter  
19 sessions,] may locate, lay out, open, construct and maintain  
20 public bridges across any river or stream, whether such bridge  
21 is wholly or partly within any city, borough or township  
22 therein, together with such bridge approaches, viaduct or other  
23 approaches as the county commissioners may deem necessary or  
24 convenient for the purpose of connecting any such bridge with  
25 the existing streets or public roads in such cities, boroughs or  
26 townships, and to that end may take, enter upon, appropriate  
27 property and rights of property of all kinds, whether devoted to  
28 a public or private use, for the purposes aforesaid, and for the  
29 necessary slopes, piers, walls, abutments, fills and  
30 embankments, in the manner and subject to the restrictions and



1 procedure provided in Article XXVI of this act, and may enter  
2 upon or over any street, public highway or public road in such  
3 cities, boroughs or townships.

4 Section 2772. Plans and Surveys[; Petition to Quarter  
5 Sessions].--(a) Whenever the county commissioners shall resolve  
6 to exercise any of the powers conferred by the preceding  
7 section, they shall cause to be prepared plans and surveys  
8 showing the location of the proposed bridge and its approaches  
9 and the property or rights of property affected thereby,  
10 together with any streets or public roads in any city, borough  
11 or township proposed to be used in connection therewith[, and  
12 they shall present the same, together with their petition, on  
13 behalf of said county, to the court of quarter sessions, praying  
14 for authority to locate, lay out, open and construct such  
15 bridge].

16 \* \* \*

17 Section 22. Section 2773 of the act is repealed.

18 Section 23. Section 2774 of the act is amended to read:

19 Section 2774. Approval of State or Federal Officers, Board  
20 or Body; Change in Location.--(a) Where the proposed bridge  
21 crosses any navigable stream or other public water or the  
22 property rights or property or rights of way of any railroad or  
23 other public service corporation, and by reason thereof the  
24 approval of any State or Federal officer, board or body is  
25 required as to the location and construction of such bridge or  
26 its approaches, the county shall be deemed to have full and  
27 complete authority to construct such bridge in such other  
28 location and in such other manner as may be necessary to comply  
29 with the conditions prescribed by such officer, board or body in  
30 granting such approval[: Provided, The] if county commissioners

1 be of the opinion, and by resolution duly adopted so decide,  
2 that the bridge as thus changed is necessary for the convenience  
3 of the traveling public and will accommodate substantially the  
4 same traveling public as the bridge would have done if it had  
5 been constructed at the location and in the manner originally  
6 provided.

7 [(b) Upon the adoption of any such resolution and prior to  
8 the construction of such bridge and the entry upon and taking of  
9 property for that purpose, such county, through its county  
10 commissioners, shall present its petition to the court of  
11 quarter sessions of said county, briefly setting forth the facts  
12 as to the obtaining of such approval and the change made in  
13 consequence thereof and the adoption of such resolution,  
14 together with plans and surveys showing the new location and  
15 manner of construction and an estimate showing the cost of the  
16 construction of such bridge as thus changed.

17 (c) If the proceedings shall appear to be regular, the court  
18 shall make an order fixing a time, not less than twenty days  
19 thereafter, for the filing of exceptions thereto.

20 (d) Notice of the time and place of hearing on said  
21 exceptions shall be given by advertisement published once a week  
22 for two successive weeks in at least two newspapers of general  
23 circulation in such county and by handbills posted in  
24 conspicuous places along or in the neighborhood of the proposed  
25 bridge and its approaches, or otherwise, as the court shall  
26 direct, having regard to the circumstances of the cases.

27 (e) Upon the hearing thereof, the court may, for proper  
28 cause shown, disapprove of said petition; otherwise, it shall  
29 thereupon make a decree authorizing and empowering the county to  
30 contract such bridge in accordance with such new plans and

1 surveys, and thereupon such bridge shall be deemed to have been  
2 laid out and opened in accordance with such plans and surveys.]

3 Section 24. Section 2776 of the act is repealed.

4 Section 25. Section 2777 of the act is amended to read:

5 Section 2777. County Authorized to Contract With [City or  
6 Borough] Municipality.--When such bridge is proposed to be  
7 located or erected in any [city or borough] municipality, the  
8 county may agree that such [city or borough] municipality may  
9 bear a portion of the cost of the locating, laying out, opening  
10 and constructing of such bridge and its approaches and  
11 appurtenances, and that the [city or borough] municipality may  
12 provide the approach therefor and bear the cost of the  
13 maintenance of any approach within the respective [city or  
14 borough] municipality, as shall be agreed upon between any such  
15 county and such [city or borough]. All such agreements shall be  
16 entered into in writing and at least one executed copy shall be  
17 furnished to each county, city and borough becoming a party  
18 thereto.] municipality.

19 Section 26. Sections 2779, 2780 and 2781 of the act are  
20 repealed.

21 Section 27. Subarticle (d) of Article XXVII of the act is  
22 repealed.

23 Section 28. Sections 2801, 2802 and 2803 of the act are  
24 amended to read:

25 Section 2801. Building or Rebuilding.--Whenever it is  
26 necessary to erect a bridge on the boundary line between two  
27 counties, either to take the place of an intercounty bridge  
28 which has become insufficient for any cause to accommodate  
29 public travel or to provide a new bridge where none has  
30 previously been, such counties may jointly build or rebuild such

1 bridge[, after first having obtained the approval of the court  
2 of quarter sessions in each county].

3 Section 2802. Joining With [City] Municipality.--When such  
4 bridge is on the dividing line between two counties which is  
5 also the dividing line between one county and a [city]  
6 municipality in the other county, and such [city] municipality  
7 has authority to build or rebuild such bridge or to join with  
8 any county therein, said county may join with said [city]  
9 municipality in the other county in building or rebuilding such  
10 bridge. [In such case, the approval of the court of quarter  
11 sessions of the county so joining with a city only shall be  
12 required.]

13 Section 2803. Cost; Status.--The cost of such bridge shall  
14 be paid in such proportions as shall be agreed upon by the two  
15 counties or by the county and [city] municipality so joining.  
16 Such bridge when built shall be an intercounty bridge and be  
17 subject to all provisions of existing laws relating to  
18 intercounty bridges.

19 Section 29. Subarticle (f) of Article XXVIII of the act is  
20 repealed.

21 Section 30. Sections 2822, 2823, 2824, 2832, 2833 and 2834  
22 of the act are repealed.

23 Section 31. Subarticle (i) of Article XXVIII of the act is  
24 repealed.

25 Section 32. Sections 2851, 2852, 2853 and 2855 of the act  
26 are amended to read:

27 Section 2851. [City] Municipal Bridges Benefiting  
28 Neighboring [Townships] Municipalities.--Whenever different  
29 parts of any [city] municipality or any part of such [city]  
30 municipality and any [township] municipality bordering thereon

1 are separated therefrom by any intervening valley or ravine, and  
2 the county commissioners [of such county] shall decide it  
3 necessary that a public bridge for the purpose of connecting the  
4 territories thus separated be constructed and that such bridge  
5 will be of substantial advantage and benefit to the taxable  
6 inhabitants of the [township] municipality bordering thereon or  
7 [townships] municipalities adjacent thereto, such county may  
8 contract with such [city] municipality for the laying out and  
9 construction by such [city] municipality of such bridge and may  
10 pay to the [city] municipality such portion of the cost thereof  
11 as the county commissioners shall deem reasonable, and shall  
12 appropriate money, levy taxes and incur indebtedness therefor.

13 Section 2852. Municipal Bridges Where County Might Have  
14 Built Bridge.--Where, under the provisions of existing laws, a  
15 [city of the third class, a borough or a township of the first  
16 class] municipality is authorized to construct a bridge or  
17 viaduct over a river, creek or stream or other place over which  
18 the county is authorized to build bridges, and such municipality  
19 is authorized to contract with the county and with railroads,  
20 street railways and other companies or parties interested for  
21 the building and maintenance of such bridge or viaduct, and for  
22 the payment of any damages caused by the location or erection  
23 thereof, the county commissioners may[, with the approval of the  
24 court of quarter sessions,] contract with such [city, borough or  
25 township] municipality for that part or portion of the bridge or  
26 viaduct which crosses any of the places hereinbefore mentioned,  
27 including the abutments and piers thereof. Such part shall  
28 thereafter be maintained as a county bridge. In lieu thereof,  
29 the county commissioners may[, with the approval of the court,]  
30 contract for any part or portion of the whole structure equal to

1 or greater than the part or portion which the county might have  
2 built.

3 Section 2853. Contribution Where County Might Not Have Built  
4 Bridge.--When such bridge or viaduct is built by a [borough or  
5 township of the first class] municipality and does not cross any  
6 place over which the county is authorized to construct a bridge  
7 but crosses merely railroad or railroads and private property,  
8 the county commissioners may[, subject to the approval of the  
9 court of quarter sessions,] contract to pay an amount of money,  
10 not exceeding thirty per centum of the entire cost of the  
11 proposed bridge or viaduct. Such bridge or viaduct shall  
12 thereafter be maintained as a [borough or township] municipal  
13 structure, and the county shall not be liable for any part of  
14 the cost of maintenance or repair thereof.

15 Section 2855. Contracts for Work.--After any such contract  
16 has been entered into, the county commissioners, in conjunction  
17 with the [city, borough or township] municipality, shall have  
18 prepared plans and specifications of the entire work and shall  
19 advertise for bids and award the contract to the lowest  
20 responsible bidder. Such contract shall provide that the county  
21 shall pay its certain part of such bridge or viaduct directly to  
22 the contractor. The contractor shall have a right of action  
23 against the county for the part of the contract which the county  
24 agrees to pay.

25 Section 33. Section 2857 of the act is repealed.

26 Section 34. Sections 2901, 2902 and 2903 of the act are  
27 amended to read:

28 Section 2901. County Roads; Establishment and Maintenance.--  
29 (a) The words defined in section 2801 of this act shall be  
30 construed to have like meanings when used in this article.

1 (b) Establishing County Roads. For the purpose of providing  
2 public roads, specially constructed, improved and maintained,  
3 the county commissioners may[, upon approval by the court of  
4 quarter sessions,] originally lay out and open any road, and  
5 take possession of and exercise control over any existing  
6 [township] municipal road or part thereof, and build and  
7 maintain roads as county roads within their respective limits.  
8 They may, at any time, straighten, widen, extend and alter any  
9 such road or part thereof, and vacate so much thereof as may  
10 become unnecessary and useless. Any road so taken over or  
11 improved shall thereupon become a county road and be subject to  
12 the control and supervision of the county commissioners. It  
13 shall be the duty of the county to keep and maintain county  
14 roads established under this act and all other county roads in  
15 repair, the expense thereof to be paid by the county in the  
16 manner hereinafter provided.

17 [(b.1) When the county commissioners acquire real property  
18 for the county to be used for originally laying out or opening  
19 any road, sufficient property may be acquired to enable  
20 construction of roads two hundred (200) feet in width exclusive  
21 of division strips: Provided, That the limits of width shall not  
22 be construed to include the width required for necessary slopes  
23 in cuts or fills.]

24 (c) Acquisition of Rights of Way of Abandoned Railroads. The  
25 commissioners of the county may take over any abandoned rights  
26 of way or bridge of a railroad company or any part thereof for  
27 the purpose of relocating any existing or locating a new county  
28 road, and they may purchase such abandoned right of way or  
29 bridge or such part thereof, as may be necessary for the  
30 relocating or locating of said county road, from the owner

1   thereof, at a fair price[, to be approved by the court of  
2   quarter sessions of the county].

3       Whenever any such abandoned right of way or bridge of a  
4   railroad company or any part thereof is purchased under the  
5   provisions of this section, a county road shall be laid out and  
6   located thereon and shall thereafter be constructed, improved  
7   and maintained in accordance with law. Any such bridge so taken  
8   over shall become a county bridge and shall be maintained,  
9   rebuilt and repaired accordingly.

10       (d)   Joint Action by Counties. The provisions of this article  
11   may also be exercised jointly by adjoining counties as to roads  
12   extending along and adjacent to county lines and from one  
13   adjoining county into another.

14       The procedure and jurisdiction in each county in such cases  
15   shall be the same as to any portion of such road lying within  
16   its limits, except that the petition, plans and surveys of such  
17   road shall describe and exhibit every portion of such road  
18   within the limits of such county and every portion thereof  
19   extending along the line of or into an adjoining county. The  
20   several portions thereof lying within limits of each county  
21   shall be treated in all proceedings as one continuous road.

22       (e)   To Be County Road as Soon as so Decreed. All roads and  
23   parts thereof heretofore and hereafter decreed by the court  
24   under this or any former acts of Assembly to be a county road  
25   shall be subject to the control and supervision of the county  
26   commissioners. [Upon the decree or order making an existing  
27   township road or part thereof a county road, the same shall  
28   immediately be kept in repair, made, constructed and maintained  
29   by the county and the township relieved of any duty thereto as a  
30   township road.]



1       (f) Maintenance and Repair of County Roads. The  
2 commissioners shall have prepared plans and estimates, as often  
3 as required, for the repair and maintenance of all roads which  
4 the county is required by law to maintain and repair. They may  
5 invite proposals for maintaining and repairing such roads or  
6 parts thereof in accordance with such plans and estimates and  
7 award the contract therefor in like manner as contracts for new  
8 improvements, or they may make the necessary repairs themselves.  
9 For the purpose of making such repairs, the commissioners may  
10 employ or appoint the proper persons and buy the necessary  
11 materials and buy or rent the necessary machinery. The county  
12 may also lease any of its machinery to any political subdivision  
13 within the county, upon such terms and conditions as may be  
14 agreed upon.

15       (g) Annual Tax. The commissioners may levy, assess and  
16 collect an annual tax, of not more than two mills upon the  
17 dollar, upon all real and personal property within said county  
18 taxable for county purposes for the purpose of acquiring and  
19 securing a fund from which to pay all costs, damages and  
20 expenses required in the locating, opening, building, improving,  
21 widening, straightening, extending, maintaining, repairing or  
22 vacating of roads or parts thereof covered by the provisions of  
23 this section, and for the taking and use of such land as may be  
24 necessary in constructing and maintaining proper slopes,  
25 embankments, fills and culverts. The moneys so raised shall not  
26 be expended for any other purposes than those named in this  
27 section, except for the maintenance, repair, construction and  
28 reconstruction of any county bridge or bridges, whether or not  
29 located on a county road or roads. All warrants for the payment  
30 of any portion of the money raised for the purposes aforesaid

1 shall be issued, in the manner provided by this act, upon  
2 estimates which shall be made from time to time by the persons  
3 charged with such duty. The amount and time within which the  
4 same shall be paid shall be fixed and determined in the contract  
5 made for the public work.

6 (h) Borrowing Money; Bond Issue and Tax Levy. The county  
7 commissioners may borrow money and secure any indebtedness  
8 created by them for the purposes authorized under this section  
9 [by issuing bonds in accordance with the provisions of the  
10 Municipal Borrowing Law].

11 (i) Changing Part of Road Without View. Whenever the board  
12 of commissioners deem it advisable to construct or alter any  
13 part of any road under their supervision and can agree with the  
14 property owners affected by such change as to damages, they may,  
15 upon payment of the damages agreed upon, construct or alter such  
16 part of such public road as contemplated in such agreement  
17 without the formality of a view. [This authority shall not  
18 extend to any construction or alteration, the costs and expenses  
19 of which to such county, including damages, shall exceed one  
20 thousand dollars (\$1000). A petition setting forth the facts,  
21 accompanied by a map or draft of such proposed change, shall be  
22 presented to the court of quarter sessions for approval before  
23 such actual change is made, whereupon the new location thus  
24 approved by the court shall be the public road to all intents  
25 and purposes and the old location shall be vacated.]

26 (j) Assessment of Benefits. Whenever, in the county, any  
27 road or highway shall be originally located, laid out or  
28 constructed or relocated, opened, straightened, widened,  
29 extended or altered, or any part thereof vacated, the viewers  
30 appointed to assess damages for taking, injuring or destroying

1 property, after having determined the amount of damages  
2 sustained, shall assess the whole or such part of such damages  
3 as may be represented by benefits upon the properties abutting  
4 on and benefited by such improvements. The remaining part of  
5 such damages, if any, not so assessed against the abutting  
6 properties, shall be paid by the county. The total assessments  
7 for benefits shall in no case exceed the total damages awarded  
8 and agreed upon.

9 The viewers shall in such cases file their report showing the  
10 balance struck between the damages awarded and the benefits  
11 assessed.

12 (k) Interest on Benefits Assessed. All assessments for  
13 benefits shall bear interest at the expiration of thirty days  
14 after they have been finally determined and fixed and shall be  
15 payable to the treasurer of the county.

16 (l) Liens for Benefits Assessed. All liens for the  
17 assessment of benefits pursuant to the provisions of the two  
18 preceding subsections shall be filed, revived and collected in  
19 accordance with law.

20 No appeal taken shall prevent the filing of liens by the  
21 county for any assessment made by virtue of the viewers' report,  
22 but upon the final determination of the issue the court may make  
23 such order as to any lien filed that shall appear right and  
24 proper.

25 (m) Sidewalks Along County Roads. Whenever considered  
26 necessary for the safety and accommodation of the public, the  
27 county commissioners may locate, construct and maintain  
28 sidewalks along county roads. The cost of the construction and  
29 maintenance of said sidewalks shall be paid by the county.

30 (n) Lights Along County Roads. Whenever considered necessary

1 for the safety and convenience of the traveling public, the  
2 county commissioners may supply and equip any county road or  
3 parts thereof with lights of such kind as they shall deem  
4 necessary. The commissioners may for this purpose contract with  
5 any individual or with any municipal or private corporation. The  
6 cost of the construction may and the cost of maintenance of the  
7 said lights shall be paid by the county.

8 Section 2902. System of Main Thoroughfares in County.--(a)  
9 Adoption of System. The county commissioners may, in the manner  
10 provided by this section, cause to be laid out, surveyed and  
11 adopted a system of main thoroughfares which said board shall  
12 adjudge the proper roads to be established and specially  
13 constructed and improved. In adopting such system, the  
14 commissioners shall consider the population and needs of all  
15 parts of the county and make an equitable distribution of the  
16 roads to be specially constructed, located and improved by the  
17 said county. They shall cause a plan or plans to be made showing  
18 said system of proposed roads, the relation of the proposed  
19 roads to existing public roads which connect therewith or are to  
20 be supplied thereby, the names of abutting property owners, and  
21 also roads which already have been improved by the county. Upon  
22 approval of said plan or plans by the commissioners, they shall  
23 cause said approval to be engrossed upon said plans and  
24 certified by at least two commissioners. Said plans shall be  
25 filed for public inspection in the office of the commissioners  
26 and recorded in the office of the recorder of deeds in a book to  
27 be provided for the purpose.

28 No part of the proposed roads of said system shall be an  
29 easement upon private property or in any manner interfere with  
30 the use thereof until established as a public road by the action

1 of the court of quarter sessions.

2 (b) Improvement of [Borough and Township] Municipal Roads.

3 Whenever such system of main thoroughfares has been adopted or  
4 when the adoption thereof is contemplated within two years after  
5 the commencement of such improvement, the commissioners may[,  
6 upon approval by the court of quarter sessions as hereinafter  
7 provided,] take exclusive control of and improve any road or  
8 section thereof located either wholly or in part in any [borough  
9 or township] municipality, whether existing by their authority  
10 or laid out in whole or in part by virtue of this act or  
11 otherwise. For that purpose, they may originally locate, lay  
12 out, establish in whole or in part, relocate, straighten, widen,  
13 extend, alter and open roads, and construct and improve the  
14 same, and vacate so much of any roads as may be thereby rendered  
15 unnecessary and useless. Any road as established or altered,  
16 constructed and improved under the provisions of this subsection  
17 shall, by ordinance enacted by each [borough or by resolution  
18 adopted by the commission or supervisors of each township]  
19 municipality through which such road shall pass, become [borough  
20 or township] municipal roads, and the duty of maintaining and  
21 keeping the same in repair shall devolve upon each respective  
22 [township or borough] municipality through or into which the  
23 same extends.

24 (c) Plan of System to Be Followed; Variations. After such  
25 plans have been adopted and recorded pursuant to law, all  
26 applications under the preceding subsection [to the court of  
27 quarter sessions] shall be restricted and shall relate only to  
28 the establishing, opening, construction and improvement of the  
29 proposed roads of said system or parts thereof and the vacation  
30 of roads supplied by the portion opened and improved. The

1 commissioners[, upon approval by the court of quarter sessions  
2 as hereinafter provided,] may relocate, straighten, widen,  
3 extend, alter and open, construct and improve the proposed roads  
4 as laid out, surveyed, marked and shown upon the plans of said  
5 system, or to originally locate, lay out and establish,  
6 construct and improve roads which substantially supply said  
7 system or parts thereof which, although not parts of said  
8 system, are deemed by the said court to be main thoroughfares of  
9 sufficient importance to be improved by the county and to be  
10 added to said plan, and in such case to vacate so much of the  
11 roads of said system and of roads already established as may be  
12 rendered unnecessary by the changes or by an entirely new  
13 location.

14 (d) Improvement of Roads Not Part of System on Contribution  
15 From Parties Interested. The commissioners may also originally  
16 locate, lay out and establish in whole or in part, relocate,  
17 straighten, widen, extend, alter and open, construct and improve  
18 roads not parts of said system nor deemed main thoroughfares,  
19 upon parties interested therein paying or securing to be paid,  
20 [in a manner to be approved by the court of quarter sessions,]  
21 such proportion of the cost of the original construction and  
22 improvement as the commissioners may deem just, which shall not  
23 be less than one-fourth of such cost in any case.

24 (e) Annual Tax. The commissioners may levy, assess and  
25 collect an annual tax, of not more than two mills upon the  
26 dollar, upon all real and personal property within the county  
27 taxable for county purposes, for the purpose of acquiring and  
28 securing a fund from which to pay all costs, damages and  
29 expenses required in locating, opening, widening, straightening,  
30 extending, building, improving, maintaining, repairing or

1 vacating of the roads or parts thereof improved under the  
2 provisions of this section, and for the taking and using of such  
3 land as may be made necessary in constructing and maintaining  
4 proper slopes, embankments, fills and culverts. The moneys so  
5 raised shall not be expended for any other purposes than those  
6 named in this subsection. All warrants for the payment of any  
7 portion of the money raised for the purposes aforesaid shall be  
8 issued, in the manner provided by this act, upon estimates which  
9 shall be made from time to time by the person charged with such  
10 duty, and the amount and time within which the same shall be  
11 paid shall be fixed and determined in the contract made for the  
12 public work herein authorized.

13 (f) Borrowing Money and Bond Issue. Any county may borrow  
14 money and secure such indebtedness [by issuing bonds in  
15 accordance with the provisions of the Municipal Borrowing Law]  
16 for the purpose of building and improving the roads or any part  
17 thereof constructed under the provisions of this section.

18 Section 2903. Providing Roads, Tunnels, Subways and  
19 Underground Roads.--(a) Whenever the county commissioners shall  
20 deem it expedient so to do [and upon the approval thereof by the  
21 court of quarter sessions as hereinafter provided,] they may  
22 cause to be purchased, located, constructed, operated and  
23 maintained roads, tunnels, subways or underground roads anywhere  
24 within the county, either wholly or partly within the boundaries  
25 of any city, borough or township. Any road, tunnel, subway or  
26 underground road purchased or constructed under the provisions  
27 of this section shall forever thereafter be a county road,  
28 tunnel, subway or underground road, and the duty of maintaining  
29 and keeping the same in repair shall devolve upon the county.  
30 The expense thereof shall be paid by the county as hereinafter

1 provided.

2 (b) Contracts or Lease for Special Use of Improvements. The  
3 commissioners[, subject to the approval of the court of quarter  
4 sessions,] may make a contract or lease with any street railway  
5 or transportation company, its successors and assigns, for the  
6 concurrent use of such a portion of said road, tunnel or subway  
7 or underground road, as shall not substantially impair or  
8 restrict the public use and enjoyment thereof, upon such terms  
9 and conditions as shall be agreed upon. [No such contract or  
10 lease for the concurrent use of a portion of such improvement  
11 shall be for a longer term or period than twenty years. Any such  
12 contract or lease shall be made in accordance with applicable  
13 provisions of the Public Utility Law.]

14 (c) Taking Street or Other Property of [City or Borough]  
15 Municipality. Should the commissioners of the county deem it  
16 necessary or advisable to enter upon or appropriate any road or  
17 property of any city or borough in the county, or take any other  
18 action affecting the property rights or authority of such [city  
19 or borough] municipality, for the purpose of constructing or  
20 maintaining a road, tunnel, subway or underground road, or in  
21 connection with the improvement of any of them, which has been  
22 or is about to be purchased by the county or otherwise, the  
23 consent thereto of such [city or borough] municipality by  
24 ordinance shall be obtained before the actual entering in or  
25 upon or the appropriation of such road or property. After such  
26 entry and appropriation, the county shall be liable and charged  
27 with the supervision, control and maintenance of said roads and  
28 properties, or so much thereof as is taken and used for the  
29 purpose of constructing and maintaining such road, tunnel,  
30 subway or underground road, or in connection with the



1 improvement of any of them, purchased or to be purchased as  
2 aforesaid.

3 (d) Annual Tax Levy. The commissioners may levy, assess and  
4 collect an annual tax, of not more than two mills on the dollar,  
5 on all real and personal property within the county taxable for  
6 county purposes for the purpose of acquiring and securing a fund  
7 from which to pay all costs, damages and expenses required in  
8 the purchasing, improving, locating, opening, constructing,  
9 maintaining and repairing roads, tunnels, subways and  
10 underground roads, purchased or constructed under the provisions  
11 of this section, and the taking and using of such land as may be  
12 made necessary in constructing the same and in maintaining  
13 proper slopes, embankments, approaches and termini for said  
14 roads, tunnels, subways and underground roads. The money so  
15 raised shall not be used or expended for any other purposes than  
16 those named in this subsection. All warrants for the payment of  
17 any portion of the money raised for the purposes aforesaid shall  
18 be issued, in the manner provided by this act, upon estimates  
19 which shall be made from time to time by the person charged with  
20 such duty. The amount and time within which the same shall be  
21 paid shall be fixed and determined in the contract made for the  
22 public work herein authorized.

23 (e) Borrowing Money and Bond Issue. The county may borrow  
24 money and incur indebtedness [in accordance with the provisions  
25 of the Municipal Borrowing Law,] to an amount not exceeding the  
26 constitutional limitations, for the purchase and improvement or  
27 construction of such roads, tunnels, subways and underground  
28 roads.

29 Section 35. Section 2904 of the act is repealed.

30 Section 36. Sections 2907, 2909, 2912 and 2931 heading and

1 (a) of the act are amended to read:

2 Section 2907. Penalties for Injuring Drains, Etc.--If any  
3 person shall stop, fill up or injure any such drain, channel or  
4 ditch, or the inlets or outlets thereto, or shall divert or  
5 change the course thereof, without any authority of the county,  
6 or shall be responsible for the same, and does not eliminate or  
7 remove such obstruction of or interference with said drains,  
8 channels, ditches, etc., upon ten (10) days notice in writing  
9 from the county so to do, then and in that case such person  
10 shall[, upon summary conviction in an action before any  
11 magistrate, alderman or justice of the peace, be sentenced to  
12 pay a fine or penalty of ten dollars (\$10) for every such  
13 offense together with the costs of prosecution, and such fines  
14 as shall be imposed shall be paid to the treasurer of the proper  
15 county] be convicted of a summary offense. Every day's  
16 violation, after written notice has been received by the proper  
17 person, shall constitute a separate offense: Provided, however,  
18 That nothing herein contained shall limit or deprive the said  
19 counties of any other remedy which they may now or in the future  
20 have, in law or equity.

21 Section 2909. Vacation as County Roads.--Upon petition of  
22 the county commissioners, the court of [quarter sessions] common  
23 pleas may vacate as a county road any portions of any abandoned  
24 or condemned [turnpike] road, or any portions of any [turnpike]  
25 road purchased by the county, or of any road, the permanent  
26 location or improvement whereof has been ordered or made under  
27 this or former acts relating to county roads. All portions of  
28 such roads so vacated shall become and be township roads, if  
29 located within a township, or shall become and be borough or  
30 city roads, if located within a borough or city. Written notice

1 of the contents of said petition and the time when the same will  
2 be presented to the court shall be given by the county  
3 commissioners to the supervisors or commissioners of the  
4 township or townships or to the council of the borough or city  
5 through which said road passes, at least ten days before the  
6 date of presenting the same. At the time said petition is  
7 presented, the court may fix a time for hearing in open court,  
8 or may refer the matter to an examiner to take testimony and  
9 report his findings to the court at such time as the court shall  
10 direct. At any hearing in open court or before an examiner  
11 appointed by the court, all parties in interest may appear and  
12 be heard. After such hearing, the court, if it shall find that  
13 the conditions prescribed by this act have been complied with,  
14 may grant the prayer of the petitioners and make a decree  
15 accordingly or make such order in the premises as it deems right  
16 and just. No order of vacation shall be made until the township,  
17 borough or city affected shall have consented thereto by an  
18 ordinance or resolution certified to the court.

19 Section 2912. Laying Out; Altering; Vacating.--Roads forming  
20 or intended to form a continuous highway from one county to  
21 another, which cross a river, creek or rivulet forming a  
22 boundary line between said counties, may be laid out or altered  
23 or vacated in the manner provided in the case of other roads[,  
24 except that the court of quarter sessions of each county shall  
25 appoint three viewers and that a report as aforesaid shall be  
26 made to each court respectively, and that each court shall  
27 otherwise have and exercise concurrent jurisdiction therein].

28 Section 2931. Improvement on Order of Court of [Quarter  
29 Sessions] Common Pleas.--(a) In all cases in which it shall be  
30 found impossible to enter into such contracts or agreements, or

1 where either the city or borough and the township or the county  
2 in which such township is situated shall refuse to enter into  
3 such contract or agreement, either the municipality or the  
4 county or township may present its petition to the court of  
5 [quarter sessions] common pleas of either county setting forth  
6 the facts and circumstances, including the condition of the road  
7 from which the necessity and desirability for the grading,  
8 curbing, macadamizing or paving of the roadway appears, and the  
9 estimated cost thereof, and that the terms of such contract  
10 cannot be agreed upon by the municipality and county or  
11 township, or either or any of them, or that either such  
12 municipality or the county or township or any of them refuses to  
13 enter into such contract.

14 \* \* \*

15 Section 37. Section 2932 of the act is repealed.

16 Section 38. Sections 2940(a) and 2942 of the act are amended  
17 to read:

18 Section 2940. Laying Out Detours When County Road is  
19 Closed.--(a) Except in the case of emergency wherein the safety  
20 of the public would be endangered, no county road shall be  
21 closed to vehicular traffic except upon order of the county  
22 commissioners, nor for a longer period than is necessary for the  
23 purpose for which such order is issued. Except for temporary  
24 emergency police measures wherein the safety of the public would  
25 be endangered if it were not temporarily closed, no county road  
26 shall be closed to vehicular traffic when the same has been  
27 designated as a detour by the Department of [Highways of the  
28 Commonwealth] Transportation unless the written consent of the  
29 Department of [Highways] Transportation has first been obtained,  
30 or unless the county commissioners having jurisdiction over said

1 road shall, by resolution, declare such closing necessary for  
2 the protection of the public safety.

3 \* \* \*

4 Section 2942. Fines and Damages.--(a) Any person who shall  
5 wilfully remove, deface, destroy or disregard any barricade,  
6 light, danger sign, detour sign or warning of any character  
7 whatsoever, erected or placed under authority of section 2940 of  
8 this act, or who shall drive on, over or across any road which  
9 has been closed by proper authority, shall[, upon conviction  
10 thereof in a summary proceeding before a magistrate, alderman or  
11 justice of the peace, be sentenced to pay a fine of not less  
12 than twenty-five dollars (\$25) nor more than one hundred dollars  
13 (\$100) and the cost of prosecution, and in default of the  
14 payment thereof, shall be imprisoned one day for each dollar of  
15 fine and costs unpaid] be convicted of a summary offense:

16 Provided, however, That persons who have no outlet due to the  
17 closing of a road may drive on, over or across such road, with  
18 the consent in writing of and subject to such conditions as may  
19 be prescribed by the county commissioners responsible for the  
20 closing, or their agents or contractors, without being subject  
21 to the fines imposed by this section.

22 (b) In addition to the fines herein provided, the county  
23 commissioners responsible for the maintenance of a road which  
24 has been closed to vehicular traffic, or their agents or  
25 contractors, may, in an action at law, recover damages from any  
26 person or persons who have damaged a road when it is closed to  
27 vehicular traffic.

28 (c) All fines collected under the provisions of this section  
29 shall be paid [by the officer receiving the same to the  
30 treasurer of the boroughs, towns or townships in which the

1 offenses shall have been committed] to the county treasurer for  
2 the general fund use of the county.

3 Section 39. Sections 2950, 2951, 2952 and 2953 of the act  
4 are repealed.

5 Section 40. Sections 2954(b) and 3053 of the act are amended  
6 to read:

7 Section 2954. Penalty for Destroying, Et Cetera, Index  
8 Boards.--\* \* \*

9 (b) Any person violating the provisions of this section  
10 shall[, upon summary conviction, be sentenced to pay a fine of  
11 not less than ten dollars (\$10) nor more than twenty-five  
12 dollars (\$25) with all costs of prosecution, together with the  
13 value of such sign so destroyed, removed or defaced. In default  
14 of payment of said fine, costs and expenses, such person shall  
15 undergo an imprisonment for a period of not less than five (5)  
16 nor more than sixty (60) days] be convicted of a summary  
17 offense, and in addition to other fines and penalties provided  
18 by law, may be required to provide reimbursement for the value  
19 of such sign so destroyed.

20 Section 3053. Sale of Unused Grounds.--If, for a period of  
21 five years, no public use of said real estate as contemplated by  
22 the grant to the county is made, the county commissioners shall  
23 have power to sell such real estate [on petition to the court of  
24 common pleas, as provided by law, for the sale of county  
25 property].

26 Section 41. This act shall take effect in 60 days.