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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1201 Session of  
2015

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INTRODUCED BY TAYLOR, DIAMOND, MILLARD, BROWNLEE, ACOSTA,  
THOMAS, COHEN, M. K. KELLER, W. KELLER, MARSICO, MILNE AND  
ZIMMERMAN, MAY 13, 2015

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REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 13, 2015

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AN ACT

1 Repealing the act of May 21, 1943 (P.L.279, No.131), entitled  
2 "An act authorizing the Department of Highways and counties,  
3 cities, boroughs, towns and townships to adopt and take over  
4 as public roads and highways, certain highways taken over,  
5 located, extended or constructed by the Federal Government or  
6 any agency thereof, in the exercise of the war power, and  
7 providing the procedure therefor."

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

10 Section 1. The act of May 21, 1943 (P.L.279, No.131),  
11 entitled "An act authorizing the Department of Highways and  
12 counties, cities, boroughs, towns and townships to adopt and  
13 take over as public roads and highways, certain highways taken  
14 over, located, extended or constructed by the Federal Government  
15 or any agency thereof, in the exercise of the war power, and  
16 providing the procedure therefor," is repealed:

17 [AN ACT

18 Authorizing the Department of Highways and counties, cities,  
19 boroughs, towns and townships to adopt and take over as  
20 public roads and highways, certain highways taken over,

1 located, extended or constructed by the Federal Government or  
2 any agency thereof, in the exercise of the war power, and  
3 providing the procedure therefor.

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

6 Section 1. Whenever the Federal Government or any agency  
7 thereof has, in the exercise of the war power, taken over any  
8 existing public highway, and has or has not relocated the same  
9 in whole or in part, and has or has not constructed an extension  
10 thereof to a point not theretofore reached by a public highway,  
11 or has constructed or caused to be constructed a highway where  
12 no highway theretofore existed, the Department of Highways may,  
13 with the consent in writing of the Federal Government or such  
14 agency, adopt and take over such highway as a State highway, and  
15 shall thereafter maintain and reconstruct such highway in the  
16 same manner, with like power and authority as provided by the  
17 laws of the Commonwealth applicable to State highways.

18 In any case where it shall appear that the Department of  
19 Highways does not desire to adopt and take over any such highway  
20 as a State highway, the same may be adopted and taken over in  
21 like manner as a public road or highway by ordinance of the  
22 corporate authorities of any city, borough, town or township of  
23 the first class, or by resolution of the corporate authorities  
24 of any county or any township of the second class in which the  
25 same is located, which road or highway shall thereafter be  
26 maintained and reconstructed by the unit of government making  
27 the adoption, in the same manner with like power and authority  
28 as provided by law with respect to highways under its  
29 jurisdiction. Before the unit of government shall adopt such  
30 ordinance or resolution, it shall ascertain the desire of the

1 Department of Highways, and the ordinance or resolution in order  
2 to be valid and effective shall state that the Department of  
3 Highways has expressed its desire in writing not to adopt and  
4 take over such highway as a State highway. Any such statement in  
5 the ordinance or resolution shall be conclusive.

6 Section 2. Where on any such highway so authorized to be  
7 adopted and taken over the facilities of any public utility were  
8 constructed across such highway, at grade or above or below  
9 grade, or at the same or different levels or the highway was  
10 constructed across the facilities of any public utility, in  
11 either event without prior order of the Pennsylvania Public  
12 Utility Commission, the adoption procedure shall not be deemed  
13 to have been completed until an order has been first obtained  
14 from said commission, under and in accordance with the Public  
15 Utility Law approving such crossing, or which shall determine  
16 and prescribe the points at which and the manner in which such  
17 crossing shall be constructed, altered, relocated or abolished,  
18 or the manner and conditions in or under which the crossing  
19 shall be maintained, operated and protected, to effectuate the  
20 prevention of accidents and the promotion of the safety of the  
21 public.

22 Section 3. Whenever a road or highway is adopted and taken  
23 over under the provisions of this act, the Department of  
24 Highways or unit of government adopting the same as a public  
25 road or highway, shall cause a description and plan thereof to  
26 be made, showing the center line of the road or highway and the  
27 established width thereof, as fixed at the time when the same  
28 was established as a highway in the exercise of the war power,  
29 and shall cause such description and plan to be acknowledged by  
30 the officer or agent of the department or unit of government

1 making such description and plan. Thereupon such description,  
2 plan and acknowledgment shall be recorded in the office of the  
3 recorder of deeds of the county in which the road or highway is  
4 located in the book in which descriptions of highways are  
5 recorded. The Department of Highways or unit of Government shall  
6 also enter such description and plan on any general plan of its  
7 highways, roads, streets and alleys which it is required by law  
8 to maintain.

9 Section 4. Any highway adopted and taken over under the  
10 provisions of this act shall thereafter be a public road or  
11 highway as fully to all intents and purposes as though the same  
12 had been laid out, opened and constructed under and in  
13 accordance with the laws of this Commonwealth.]

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