

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1028 Session of
2007

INTRODUCED BY WOZNIAK AND ROBBINS, JULY 13, 2007

REFERRED TO LOCAL GOVERNMENT, JULY 13, 2007

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further providing for
5 public roads.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2307 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended November 9, 1995 (P.L.350, No.60), is amended to read:

11 Section 2307. Certain Roads Declared Public Roads.--(a)
12 Every road which has been used for public travel and maintained
13 and kept in repair by the township for a period of at least
14 twenty-one years is a public road having a right-of-way of
15 thirty-three feet even though there is no public record of the
16 laying out or dedication for public use of the road.

17 (b) In any proceeding pursuant to this section, any relevant
18 oral and documentary evidence of public travel or maintenance
19 and repairs by the township shall be considered, except the

1 following:

2 (i) Evidence comparing the road in question with other
3 public roads, either as to the condition or sufficiency of the
4 road surface for public travel or as to the amount of public
5 funds expended on the road.

6 (ii) Evidence of the number of people using the road, unless
7 it is presented when establishing the purposes for which the
8 road has been used.

9 (iii) Evidence that the road has been vacated prior to the
10 twenty-one-year period described under subsection (a).

11 (c) The following shall, if presented, be deemed relevant
12 and shall be considered in any proceeding pursuant to this
13 section:

14 (i) Maps or surveys which are either generated by any
15 governmental unit or are created pursuant to any judicial
16 proceeding of the courts of this Commonwealth.

17 (ii) Evidence concerning the distribution of government
18 funds to the township pursuant to the act of June 1, 1956 (1955
19 P.L.1944, No.655), referred to as the "Liquid Fuels Tax
20 Municipal Allocation Law."

21 (iii) Approved subdivision plans, deeds or other documents
22 containing a designation of the road as either a township road
23 or otherwise.

24 (iv) Evidence that the road is an extension from a public
25 road or public cul de sac, a throughway between other municipal
26 or State roads or provides the only access to a municipal
27 boundary line.

28 (d) In any proceeding in which this section is relied upon
29 to allege the existence of a public road, the proponent of the
30 public status of the road shall present evidence first, and the

- 1 burden shall then shift to the opponent to present evidence to
- 2 refute the public status of the road.
- 3 Section 2. This act shall take effect immediately.