

PENNSYLVANIA TURNPIKE COMMISSION ACT
Act of May 21, 1937, P.L. 774, No. 211
AN ACT

Cl. 36

To facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Compiler's Note: Section 21(b) of Act 61 of 1985 provided that Act 211 is repealed insofar as it is inconsistent with Act 61.

Section 1. Be it enacted, &c., That, in order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth, the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct, operate and maintain a turnpike at such location as shall be approved by the Department of Highways, from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County, together with connecting tunnels and bridges, and to issue turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the costs of such construction.

Section 2. That turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable exclusively from the fund herein provided therefor from tolls. All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds. The issuance of turnpike revenue bonds under the provisions of this act shall not, directly or indirectly or contingently, obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor, or to make any appropriation

for their payment.

Section 3. That the following words and terms shall have the following meanings:

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created, or if said commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or upon whom the powers given by this act to said commission shall be given by law.

(b) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this act.

(c) The words "the turnpike" shall mean the turnpike to be constructed, as hereinafter provided, from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County, and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith, but also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof.

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges; the cost of all lands, properties rights, easements and franchises acquired which are deemed necessary for such construction; the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction; cost of traffic estimates and of engineering and legal expenses; plans, specifications, surveys, estimates of cost and of revenues; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expense; and such other expenses as may be necessary or incident to the financing herein authorized; the construction of the turnpike and connecting tunnels and bridges; the placing of the same in operation; and the condemnation of property necessary for such construction and operation. Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering services performed by the department and its agents and employees in connection with the construction of the turnpike or any of the connecting tunnels and bridges, shall be regarded as a part of the cost of the turnpike, and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized.

Section 4. That there is hereby created a commission to be known as the "Pennsylvania Turnpike Commission" and by that name the commission may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The commission is hereby constituted an instrumentality of the Commonwealth, and the exercise by the commission of the powers conferred by this act in the construction, operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth. The commission shall consist of five members, and the Secretary of

Transportation shall be a member ex officio. The Secretary of Transportation may authorize the Deputy Secretary for Highway Administration to act in his place, including the power to vote on any issue. The four remaining members shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate, and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification, and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment. The appointed members of the commission shall continue in office for terms of four, six, eight and ten years, respectively, from the dates of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment; but their successors shall each be appointed for a term of ten years, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the commission shall be eligible for reappointment. Immediately after such appointments, the members of the commission shall enter upon their duties. Each appointed member of the commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth. The commission shall elect one of the appointed members as chairman of the commission, and shall also elect a secretary and treasurer who may not be a member of the commission. Three members of the commission shall constitute a quorum who, for all purposes, must act unanimously. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission. Before the issuance of any turnpike revenue bonds under the provisions of this act, each appointed member of the commission shall execute a bond in the penalty of \$25,000, and the secretary and treasurer shall execute a bond in the penalty of \$50,000 each, such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth. The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property, and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, traffic, architectural and construction experts and inspectors and attorneys, and such other employes as may be necessary in its judgment, and fix their compensation: Provided, however, That all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Transportation, and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Transportation. Each appointed member of the commission shall receive an annual salary as shall be provided by law and each member of the commission shall be

reimbursed for necessary expenses incurred in the performance of his duties. All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act. All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable, or adequate compensation made therefor out of funds provided under the authority of this act.

(4 amended July 3, 1974, P.L.444, No.154)

Section 5. The commission, with the approval of the Department of Highways, is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, such tunnels, whether wholly or partly constructed, rights of way, franchises, easements and other interests in lands, as it may deem necessary for the construction and operation of the turnpike, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof, and to take title thereto in the name of the commission.

Section 5.1. The commission, at its option, may authorize the Department of Property and Supplies to prescribe standards and specifications and make contracts and purchases of various materials and services for the commission, pursuant to the provisions of sections 2403, 2403.1 and 2409 of the act of April 9, 1929 (P.L. 177), known as "The Administrative Code of 1929."

(5.1 added June 27, 1968, P.L.274, No.130)

Section 5.2. (a) The commission, in consultation with the Department of Health, shall establish a panel whose composition and size shall be determined by the commission.

(b) The panel shall review and monitor ambulance service available to travelers of the turnpike and advise the commission as to the following objectives:

(1) Achieving the capability of approximately ten-minute maximum response time by ambulance service to every location on the turnpike under ordinary driving conditions.

(2) Assuring that every ambulance responding to an emergency incident on the turnpike is staffed by at least one emergency medical technician.

(3) Assuring that every ambulance responding to an emergency incident on the turnpike complies with Federal Specification No. KKK-A-1822 as amended and updated.

(4) Assuring that every ambulance responding to an emergency incident on the turnpike carries the minimum essential equipment for ambulances recommended by the American College of Surgeons, Department of Transportation and Department of Health and light rescue extrication equipment recommended by the Department of Health.

(c) The panel may accomplish the objectives set forth in subsection (b) by reviewing the ambulance services provided by the commission, or that available from professional and volunteer service in areas adjacent to the turnpike.

(d) The panel may establish reasonable trial periods to evaluate and compare potential services in particular areas of the turnpike. The panel may implement off-pike services to completely replace existing commission services, as such off-pike services, in the panel's determination, meet the above objectives: Provided, however, That the panel shall not terminate existing commission services on any section of the turnpike unless it has entered an agreement pursuant to which ambulance services will be provided in that section by a professional or volunteer service or services in the area adjacent to the turnpike.

(e) The panel may remain convened to evaluate the changing availability and quality of service.

(5.2 added Dec. 16, 1981, P.L.427, No.133)

Section 5.3. Emergency vehicles while on an emergency call and while displaying audible and visual signals as required by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles), shall be granted immediate entrance to and exit from any turnpike or highway under the supervision and control of the commission, and no such emergency vehicle shall be required to stop at a toll booth or for any other reason except on order of a member of the Pennsylvania State Police for a legitimate law enforcement function. The commission shall notify all employes of the commission who are assigned duties of toll booths of the provisions of this section.

(5.3 added Dec. 16, 1981, P.L.427, No.133)

Section 6. Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, or is unable to convey valid title or is unknown, the commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels, whether wholly or partly constructed, or interest or interests therein, and any lands, rights, easements, franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike in the manner hereinafter provided. Title to any property condemned by the commission shall be taken in the name of the commission. The commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings, and shall, in no event, pay for the same except from the funds provided by this act; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property; but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act.

All counties, cities, boroughs, townships and other political subdivisions and municipalities, and all public agencies and commissions of the Commonwealth of Pennsylvania, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission, upon its request, upon such terms and conditions as the proper

authorities of such counties, cities, boroughs, townships, political subdivisions or other municipalities may deem reasonable and fair, and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including real property already devoted to public use.

(6 repealed in part June 3, 1971, P.L.118, No.6)

Section 7. Whenever the commission decides to acquire any such tunnel or tunnels, lands, right, easements and franchises or interests therein by condemnation as hereinbefore provided, and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages, and the same has been accepted, or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted, the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission. If the owner, lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 8. The commission is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike, which resolution shall recite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices, and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds: Provided, however, That the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption. The bonds may be issued in series with varying provisions as to rates of interest, maturity and other provisions not inconsistent with this act, but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor. The principal and interest of such bonds may be made payable in any lawful medium. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. The bonds shall bear the facsimile signatures of the Governor and of the chairman of the commission, and a

facsimile of the official seal of the commission shall be affixed thereto, attested by the secretary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest, and registered and coupon bonds shall be interchangeable. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the chairman of the commission under such restrictions, if any, as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the turnpike, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of the turnpike, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act.

Anything in this act to the contrary, notwithstanding the commission is hereby authorized to provide by resolution at one time, or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth not only for the purpose of paying the cost, as hereinbefore defined, of the turnpike, but for any other purpose, including during the existing war emergency, the payment of interest and sinking fund requirements on any bonds

issued under the provisions of this act: Provided, however, That if any bonds are at any time outstanding under any trust indenture, no additional bonds, as herein provided, shall be issued unless such additional bonds are issued in accordance with the provisions of such trust indenture, or of any amendment or supplement to such trust indenture, made in accordance with the terms thereof. The commission is further authorized to sell such bonds in such manner and for such price as is hereinbefore authorized, and the proceeds of such bonds shall be used solely for the purpose for which such bonds are authorized, and shall be disbursed upon requisition of the chairman of the commission under such restrictions, if any, as the resolution authorizing the issuance of the bonds or such trust indenture may provide. All bonds so issued and the rights of the holders thereof, shall otherwise in every respect be governed by the provisions of this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments, boards and Commissions of the commonwealth, all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executives, guardians, trustees and other fiduciaries, and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the commonwealth, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State, or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

(8 amended Feb. 26, 1947, P.L.17, No.3)

Section 9. All moneys received from any bonds issued pursuant to this act shall be applied solely to the purpose for which such bonds are issued, as provided in the resolution authorizing the issuance thereof, and there shall be, and hereby is created and granted, a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

(9 amended May 24, 1945, P.L.972, No.381)

Section 10. In the discretion of the commission, such bonds may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth. Such trust indenture may pledge or assign tolls and revenue to be received, but shall not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the

acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpike, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Section 11. The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act, and the bonds or other securities and obligations issued by the commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the Commonwealth.

Section 12. The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth, and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls. Such turnpike shall also be policed and operated by such force of police, toll-takers and other operating employes as the commission may in its discretion employ.

The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof, and to charge and collect the same, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants, and advertising signs, or for any other purpose, except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay--(a) the cost of maintaining, repairing and operating the turnpike; and (b) the bonds and the interest thereon, and all sinking fund requirements, and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due. Such tolls shall not be subject to supervision or regulation by any other State commission, board,

bureau or agency. The tolls and all other revenues derived from the turnpike, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture, in a sinking fund which is hereby pledged to, and charged with the payment of, (1) the interest upon such bonds as such interest shall fall due; (2) the principal of the bonds as the same shall fall due; (3) the necessary fiscal agency charges for paying principal and interest; and (4) any premium upon bonds retired by call or purchase as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Section 13. The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of such outstanding bonds, or to provide funds to redeem and retire such outstanding bonds with accrued interest, and any premium payable thereon at maturity, or at any call date. The issuance of such turnpike revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Commonwealth and of the commission in respect to the same, shall be governed by the foregoing provisions of this act in so far as the same may be applicable: Provided, however, That no turnpike revenue refunding bonds shall be issued and delivered under the provisions of this section, unless the bonds to be refunded thereby shall mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded.

(13 amended May 24, 1945, P.L.972, No.381)

Section 14. Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given, may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this

act or by such resolution or trust indenture to be performed by the commission, or any officer thereof, including the fixing, charging and collecting of tolls for the use of the turnpike.

Section 15. When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon, shall have been set aside in trust for the benefit of the bondholders, and shall continue to be held for that purpose, the turnpike and the connecting tunnels and bridges shall become a part of the system of State highways, and shall be maintained by the Department of Highways free of tolls, and thereupon the commission shall be dissolved, and all funds of the commission not required for the payment of the bonds and all machinery, equipment and other property belonging to the commission, shall be vested in the Department of Highways.

Section 16. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof.

Section 17. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.